M.R.O. 1—36,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1417 Press ~~Mis.~~

12-13

Dated 3 — 9 — ~~19~~ 1863.

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Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, 3rd September 1863.

No. 12. Read the following letter from P. GRANT, Esq., Magistrate of Coimbatore; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George, dated Ootacamund, 24th April 1863, No. 36.

With reference to the Proceedings of the Madras Government and their Order thereon, dated 2nd February 1863, No. 157, Judicial Department, I request to be informed whether a Joint Magistrate or other Officer possessing the full powers of a Magistrate of the District cannot, in cases sent up by him for trial before the Session Court, himself issue the necessary order to the Government Vakeel or other person at his discretion to prosecute.

2. On first reading the Government Order quoted above, it appeared to me that the order to prosecute should issue from the Magistrate of the District alone, in all cases sent up to the Session Court, whether by Officers exercising the full powers of a Magistrate, or by the Subordinate Magistrates of the 1st and 2nd Classes, and I accordingly requested the Joint Magistrates to send to this office an extract from the Register of their preliminary inquiries, to enable me to issue the necessary orders for the prosecution. On re-perusal of the Government order it strikes me that the rule that the order to prosecute should issue from the Magistrate of the District, affects those cases only sent up by the Subordinate Magistrates, and I request to be favored with the orders of the Government as to whether I am correct in this view.

3. If it is determined that Officers exercising the full powers of a Magistrate can themselves issue the orders to prosecute in cases which are sent up by them for trial before the Session Court, I would submit for the consideration of Government, whether it would not be well, as tending to save time and trouble, that they should do the same in cases which are forwarded by the Subordinate Magistrates of the 2nd Class in their ranges and under their immediate supervision.

No. 13. ORDER THEREON, 3rd September 1863, No. 1,417.

It was not the intention of the Government when passing the Order of the 2nd February last, No. 157, that in cases committed to the Sessions Court by Joint Magistrates or Head Assistant Magistrates the order to prosecute should be issued by the Magistrate of the District. In such cases the order may be issued by the Committing Officer. In all others though the Committing Officers may be located in a range not under the Magistrate's immediate charge, the order to prosecute should be issued by the Magistrate of the District as directed in paragraph 4 of the order above referred.

(Signed) A. J. ARBUTHNOT,
Chief Secretary.

Ed. T. McMootry.

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Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter from the Magistrate of Coimbatore -

(Here enter 24th April 1863 No 36)

Order thereon 3rd September 1863 No 1417

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In all others though the Committing Officers may be located in a range not under the Magistrates immediate charge the order to prosecute should be issued by the Magistrate of the District as directed in para 4 of the order above referred.

Lieut-Magistrate of Coimbatore
"Magistrates of the other districts
} dated 4/9/16.

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Pro. Sept.

Judicial 1863. Department.

No. 1417.

PROCEEDINGS OF GOVERNMENT,

Dated 3rd September 1863.

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