M.R.O. 1—38,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 373 Press Mis.

40-41

Dated 11— 3- 1863

13/14

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, 11th March 1863.

No. 40. Read the following letter from C. F. CHAMIER, Esq., Registrar of the High Court of Judicature at Madras; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George, dated Madras, 14th January 1863, No. 10.

With reference to paragraph 8 of the Order of Government, dated 23rd December 1862, I am directed to state that the Courts of Session have been furnished with a form of Warrant for the execution of their sentences with reference to Section 384 of the Code of Criminal Procedure. Forms of Sentences are prescribed by Section 382 of the same Code. With the late Sudder Court was vested with the superintendence of the Jails, a Descriptive Roll of every prisoner received into Jail was required to be kept by the Officer in charge. The Chief Justice and Judges of the High Court are not aware what arrangements have been made in this respect by the Inspector of Prisons. They have lately held that the functions of the Criminal Courts cease upon sentence being passed and a Warrant being issued for its execution, the carrying out of the sentence being left to the Department of the Inspector of Prisons.

No. 41. ORDER THEREON, 11th March 1863, No. 373.

Warrant under Section 384.

The keeper of the Jail at ——————————
Herewith you will receive a copy of the sentence passed by the Court of Session this day, in the case of ——— prisoner in case No. ——— of ———, and you are hereby required to carry the said sentence into execution according to law.
Dated this —— day of —— 18 .

(Signature and Seal.)

With the above letter, the High Court submit the form of Warrant under Section 384 of the Criminal Procedure Code, as already furnished to the Courts of Session, and point out that forms of Sentences are given in Section 382. With respect to the Descriptive Register, the Judges explain that they are not aware what arrangements have been made by the Inspector General of Jails.

2. The form of Descriptive Register, now in use, and which was originally prescribed by the Foujdaree Udalut, contains the information shown in the margin. The Inspector General of Jails is requested to state whether he has any change to suggest. Nos. 1, 2, and 10 will appear in the Warrant, and No. 9 in the Sentence. It will be superfluous, therefore, to repeat those items in the Descriptive Register, as all three documents, Sentence, Warrant, and Descriptive Register will be on the same sheet of paper.

1. Court.
2. No. of case on Calendar.
3. Name of prisoner and that of his father.
4. Village and Taluq.
5. Color and Caste.
6. Age in years.
7. Height in feet and inches.
8. Personal marks.
9. Crime.
10. Date of Sentence
11. Remarks as to previous condition character and conduct.

3. On Mr. Rohde's reply being received, His Excellency the Governor in Council will issue instructions in regard to the document to be forwarded with Convicts sentenced to transportation.

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

Exd. T. McMootry.

Proceedings of the High Court of Judicature at Madras,

15 October 1862.

Read letter dated 13th ultimo from the Magistrate of South Arcot, requesting a reconsideration of the opinion expressed by the late Sudder Court, dated 17th July last, that the Police would be justified in refusing to execute irregular processes issued by the Magistracy; and describing the evils which must arise if the Police are to have a discretionary power in such cases.

1. It was not the intention of the late Sudder Court to sanction the refusal by the Police to execute Magisterial process in any cases but those specifically mentioned in the letter of the Inspector General of Police; but as the opinion then expressed seems liable to misapprehension, the Chief Justice and Judges resolve to refrain from defining by an order the limits of a Police Officer's duty with respect to his obedience to Magisterial processes and orders.

2. With a view, however, to check the use of irregular processes, the Chief Justice and Judges direct that the accompanying Forms of process be translated into the Vernacular, and circulated to the Magistracy; and that no material deviation therefrom be allowed.

3. It will be the duty of the Magistrate of the District to take serious notice of the conduct of any Subordinate Magistrate, who, after receipt of these forms, may issue an irregular process in any case.

(True Extract).

C. F. CHAMIER,
Registrar.

To

The

I hereby declare myself Surety for the above said ———, that he shall attend the preliminary enquiry into the above mentioned charge, and, if required, shall attend at the Court of Session to answer the said charge, and in case of his making default therein, I hereby bind myself to forfeit to Her Majesty the sum of Rupees ———.

(Signature).

Dated this ——— day of ——— 18 .

SEARCH-WARRANT UNDER SECTION 114.

To

THE POLICE OFFICER,

In charge of the Police Station at ———

Whereas it is essential to the conduct of an enquiry pending before me into an offence of ——— that ——— be produced, you are hereby directed to search for the said thing in the house of ——— (*or in such a place*) in the village (*or* town) of ——— in the District of ———, and, if possible, to produce the said thing before me, certifying within ——— days from this date what you may have done in execution of this Warrant

(Signature and Seal).

Dated this ——— day of ——— 18 .

SEARCH-WARRANT UNDER SECTION 127.

To

THE POLICE OFFICER, in charge of the Police Station at ———

Whereas upon information furnished to me, and after all necessary enquiry, I have reason to believe that the house of ——— in ——— in the village (*or* town) of ——— is used as a place for the deposit *(or sale)* of stolen property *(or for any of the purposes specified in Section* 127): you are hereby authorized to enter, with such assistance as may be required, and by force if necessary, the said house, and to search the said house, and to seize and take possession of any property (documents, stamps, seals, or coins) therein found which you may reasonably suspect to be stolen (forged, false, or counterfeit), and such instruments and materials as may be used for counterfeiting coin (*or* for forging), and to bring the same before me, certifying within ——— days from this date what you may have done in execution of this Warrant.

(Signature and Seal).

Dated this ——— day of ——— 18 .

PROCLAMATION UNDER SECTION 131.

PROCLAMATION.

Proclamation is hereby made that ——— has been seized under the provisions of Section 127 of the Code of Criminal Procedure, at the house of ——— in the street called ———, in the village (*or* town) of ———, and is now lying at ——— in charge of ———: Any person having a claim to the aforesaid property is hereby required to appear before me, and establish the same within six months from this date, failing which, the said property will be held at the disposal of Government.

(Signature and Seal).

Dated this ——— day of ——— 18 .

RECOGNIZANCE TO PROSECUTE OR GIVE EVIDENCE UNDER SECTIONS 158 and 239.

I ———— of ———— do hereby bind myself to appear at ———— in the Court of ———— at ten o'clock in the forenoon on the ———— day of ———— next, and then and there to prosecute (or give evidence) in the matter of a charge of ———— against one ————, and in case of my making default herein, I bind myself to forfeit to her Majesty the sum of Rs. ————

(*Signature*).

Dated this ———— day of ————

WARRANT OF COMMITMENT UNDER SECTIONS 163, 192, AND 365.

To

THE KEEPER of the Civil Jail at ————

Whereas ————, of ————, has committed the offence of ———— punishable under Section ———— of the Indian Penal Code (*or Section 163 of the Code of Criminal Procedure*), and has been sentenced to ————: You are hereby required to receive the said ———— into the Civil Jail under your charge, and to carry the aforesaid sentence into execution according to Law.

(*Signature and Seal*).

Dated this ———— day of ———— 18

PROCLAMATION UNDER SECTION 183.

PROCLAMATION.

Whereas ————, of ————, is accused of the offence of ———— punishable under Section ———— of the Indian Penal Code: Proclamation is hereby made that the said ———— of ———— is required to appear before ———— to answer the said complaint within ———— days from this date.

(*Signature and Seal*).

Dated this ———— day of ———— 18

ORDER OF ATTACHMENT UNDER SECTION 184.

To

THE POLICE OFFICER in charge of the Police Station at ————

Whereas ———— , of ————, is charged with the offence of ———— punishable under Section ———— of the Indian Penal Code; and whereas the said ———— has absconded (*or* conceals himself) for the purpose of avoiding the execution of a Warrant issued against him; and whereas a written Proclamation has been issued requiring the said ———— to appear to answer the said charge within ———— days but he has not appeared; and whereas the said ———— is possessed of the following property other than land paying revenue to Government in the village (or town) of ———— in the District of ———— viz. ————: You are hereby required to attach the said property, and to hold the same under attachment pending further orders from this Court; and you are required to certify within ———— days from this date what you may have done in execution of this order.

(*Signature and Seal*).

Dated this ———— day of ———— 18

FORMS OF PROCESS UNDER THE CODE OF CRIMINAL PROCEDURE.

WARRANT FOR LEVY OF FINE, UNDER SECTION 61.

To

————

————

Whereas —— of ————, was on the ———— day of ———— 18—— convicted before me of the offence of ———— and sentenced to pay a fine of Rupees ———— you are hereby required to levy the amount of the said fine by Distress and Sale of any moveable property belonging to the said —— which may be found within the District of ————, and to certify within ———— days from this date what you may have done in execution of this warrant.

(*Signature and Seal*).

Dated this ———— day of ———— 18

WRITTEN ORDER UNDER SECTION 62.

To ————

Living at ————

In the town (*or* village) of ————

Whereas you are about to ———— (*or, whereas you are in possession, or have the management of* ——, and whereas the performance of such act (*or your doing so and so with such property*) is likely to cause to the public (*or to —— and —— of ————*) obstruction (*or annoyance or injury, or risk of obstruction, annoyance or injury, or to cause danger to human life or health or safety, or to cause a riot or an affray*), you are hereby directed to abstain from doing the said act (*or to ————*).

(*Signature and Seal*).

Dated this ———— day of ———— 18

PROHIBITORY ORDER UNDER SECTION 63.

To

————

Living at ————

In the town (*or village*) of ————

Whereas you on the ———— day of ———— did ———— and thereby committed a Public Nuisance; you are hereby enjoined not to repeat (*or continue*) the said Public Nuisance.

(*Signature and Seal*).

Dated this ———— day of ———— 18

SUMMONS UNDER SECTION 69.

To _____.

of _____

Whereas your attendance is necessary to answer to a charge of _____, you are hereby required to appear in person (or by authorized Agent, as the case may be), before the Magistrate of _____ on the _____ day of _____ at ten o'clock in the forenoon.

Herein fail not.

Dated this _____ day of _____ *(Signature and Seal).*

WARRANT UNDER SECTION 76.

To

THE POLICE OFFICER in charge of the Police Station at _____

Whereas _____ of _____ stands charged with the offence of _____, you are hereby directed to apprehend the said _____ and to produce him before me. Herein fail not.

(Signature and Seal).

This Warrant may be endorsed as follows:—

If the said _____ shall give bail, himself in the sum of Rs. _____ with one surety in the sum of Rs. _____ (or two sureties each in the sum of Rs. _____) to appear before me on the _____ day of _____, he may be released.

Dated this _____ day of _____

(Signature).

BAIL BOND UNDER SECTION 84.

Whereas I, _____ of _____, have been arrested under a Warrant issued by the Magistrate of _____ on a charge of _____, and have been called upon to give bail for my appearance: I hereby bind myself to attend before the said Magistrate on the _____ day of _____ next, and in case of making default therein, I bind myself to forfeit to Her Majesty the sum of Rupees _____.

Dated this _____ day of _____ 18 *(Signature).*

I hereby declare myself Surety for the abovesaid _____ of _____, that he shall attend before the Magistrate of _____ on the _____ day of _____ next, and in case of his default therein, I hereby bind myself to forfeit to Her Majesty the sum of Rupees _____

(Signature).

Dated this _____ day of _____ 18

BAIL BOND UNDER SECTIONS 156, 157, 213, AND 214.

Whereas I _____ of _____, am charged with the offence of _____, I hereby bind myself to attend during the preliminary enquiry into the said charge, and, if required, to appear when called upon at the Court of Session to answer the said charge, and in case of my making default therein, I bind myself to forfeit to Her Majesty the sum of Rupees _____

(Signature).

Dated this _____ day of _____ 18

ORDER OF ATTACHMENT UNDER SECTION 184.

To

THE COLLECTOR of the District of _____

Whereas _____, of _____, is charged with the offence of _____ punishable under Section _____ of the Indian Penal Code; and whereas the said _____ has absconded (*or* conceals himself) for the purpose of avoiding the execution of a Warrant issued against him; and whereas a written Proclamation has been issued requiring the said _____ to appear to answer the said charge within _____ days but he has not appeared; and whereas the said _____ is possessed of certain land paying revenue to Government in the village (*or* town of _____ in the district of _____: You are hereby requested to attach the said land, and to hold the same under attachment pending further orders from this Court, certifying within _____ days from this date what you may have done in pursuance of this order of attachment.

(Signature and Seal).

Dated this _____ day of _____ 18

SUMMONS UNDER SECTION 186.

To _____

of _____

You are hereby summoned to appear in person before this Court on the _____ day of _____ next, at ten o'clock in the forenoon, to testify what you know concerning the complaint of _____ made against _____ of _____; and not to depart thence without leave of the Court; and you are hereby warned that if you shall without just excuse, neglect or refuse to appear on the said date, a warrant will be issued to bring you before this Court, to be dealt with according to law.

(Signature and Seal).

Dated this _____ day of _____ 18

WARRANT OF ARREST UNDER SECTION 188.

To

_____

Whereas the evidence of _____, is necessary in the case of _____, charged with the offence of _____, and this Court sees reason to be believe that the said _____ will not attend to give evidence without being compelled to do so, you are hereby required to bring the said _____ before this Court to testify as aforesaid.

(Signature and Seal).

Dated this _____ day of _____ 18

PROCLAMATION UNDER SECTION 189.

PROCLAMATION.

Whereas the evidence of _____ of _____, is necessary in the case of _____, charged with the offence of _____, punishable under Section _____ of the Indian Penal Code: Proclamation is hereby made that the said _____ of _____, is required to appear before this Court to give evidence in the said case within _____ days.

(Signature and Seal).

Dated this _____ day of _____ 18

ORDER OF ATTACHMENT UNDER SECTION 189.

To

The POLICE OFFICER, in charge of the Police Station at—— ——

Whereas on the ——— day of ——— , Proclamation was issued requiring the attendance of ——— to give evidence in the case of ——— , charged with the offence of———— , and whereas the said ——— has failed to appear ; You are hereby required, under Section 189 of the Code of Criminal Procedure, to attach any moveable property, to the value of Rupees ——— , belonging to the said ——— , which you may find within the District of ———, and to keep the said property in safe custody until further orders, certifying within ——— days from this date what you may have done in pursuance of this order.

(*Signature and Seal*)

Dated this ——— day of ——— 18 .

WARRANT OF ARREST UNDER SECTION 191.

To

———————

———————

Whereas a summons was issued requiring ——— of ——— to appear in this Court on the ——— day of ——— to give evidence in the case of ——— charged with the offence of ———, and the said ——— has not appeared in obedience to such summons, nor shown any just excuse for his neglect to appear, you are hereby required to bring the said——— before this Court to testify as aforesaid.

(*Signature and Seal*)

Dated this ——— day of ——— 18 .

WARRANT OF DISCHARGE UNDER SECTIONS 217, 291, AND 302.

To

THE KEEPER OF THE JAIL at ———

Whereas ———, of ———, was committed to your custody under a Warrant of this Court dated the———— day of ————: You are now hereby required to discharge the said —— .

Dated this——— day of ——— 18 .

(Signature and Seal).

WARRANT OF ATTACHMENT AND SALE UNDER SECTIONS 219 AND 220.

To

THE POLICE OFFICER, in charge of the POLICE Station at———

Whereas ——— of ———, has forfeited to Her Majesty the sum of Rupees——— : You are hereby required to attach any moveable property of the said———, that you may find within the District of———, and (unless the aforesaid amount be sooner paid) to sell after three days' notice the property so attached, or so much of it as may be required to realize the amount aforesaid, and to produce the same before me, within——— days from this date.

Dated this———— day of———18 .

(Signature and Seal).

NOTICE TO SURETY UNDER SECTION 220..

To ————

In the village (*or* town) of————

Whereas on the—— day of———, you became Surety for———, of ———, that he should appear before this Court on the——— day of———, and bound yourself in default thereof to forfeit the sum of Rupees———— to Her Majesty; and whereas the said ———, has failed to appear before this Court, and by reason of such default you have forfeited the aforesaid sum of Rupees———— : You are hereby required to pay the said penalty, or show cause within ——— days from this date why it should not be paid.

(*Signature and Seal*).

Dated this————day of ———18 .

ORDER OF COMMITMENT UNDER SECTION 220.

To

THE Keeper of the Jail at————

Whereas————of————, has forfeited to Her Majesty the sum of Rupees————, which penalty has not been paid and cannot be recovered by distress, and it has therefore been ordered, under Section 220 of the Code of Criminal Procedure that the said——be placed in confinement in the Civil Jail for the period of————months: You are hereby required to receive the said —— into your custody and carry the aforesaid order into execution according to law.

(*Signature and Seal*).

Dated this————day of —— 18 .

WARRANT OF COMMITMENT UNDER SECTION 222.

To

The Keeper of the Jail

at————

Whereas ——— of———— is charged with ————, you are hereby required to receive the said————into your custody in the said Jail of———, and him there safely to keep until he shall be thence delivered by due course of law.

(Signature and Seal).

Dated the ——— day of————

ORDER TO GOVERNMENT PLEADER UNDER SECTION 231.

The Magistrate of ———— hereby gives notice to the Government Pleader, that he has committed one ———— for trial at the next Sessions; and the Magistrate hereby instructs the Government Pleader to conduct the prosecution in the said case.

The charge against the accused is, that he, &c. *(stating the offence as in the Charge).*

(Signature).

Dated this ——— day of ——— 18 .

WARRANT OF DISTRESS UNDER SECTION 270.

To

THE POLICE OFFICER in charge of the Police Station at ———

Whereas it has been awarded that——of ———, shall pay to——, of———, a sum of Rupees ———— as amends for having brought a frivolous and vexatious complaint against him; and whereas the said—— has failed to pay the said sum: You are hereby

required to attach the moveable property of the said —— in the ——— of ———, and (unless the aforesaid amount be sooner paid) to sell, after three days notice, the property so attached, or so much of it as may be required to realize the sum aforesaid, and to produce this sum before me in execution of this warrant within ——— days from this date.

(Signature and Seal).

Dated this ——— day of ——— 18

WARRANT OF IMPRISONMENT UNDER SECTION 270.

To

THE Keeper of the Civil Jail at ———

Whereas it has been awarded that —— of ——— shall pay to ——, of ——— a sum of Rupees ——— as amends for having brought a frivolous and vexatious complaint against him; and whereas the said sum has not been paid and cannot be recovered by distress, and the said —— has therefore been ordered to be imprisoned for the period of —— days, unless the aforesaid sum be sooner paid: You are hereby required to receive the said —— into your custody, and carry the aforesaid order into execution according to law.

(Signature and Seal).

Dated this ——— day of ——— 18

SUMMONS UNDER SECTION 283.

To ———

of ———

Whereas I have received credible information that you, ———, of ———, are likely, to commit a breach of the peace, you are hereby required, under Section 282 of the Code of Criminal Procedure, to attend at my office at —— on the ——— day of ——— 18—— at ten o'clock in the forenoon, to show cause why you should not be required to enter into a bond for Rupees ———, and also to give security in one or more sureties to be bound in the sum of Rupees ——— each, that you will keep the peace for the term of ———.

(Signature and Seal).

Dated this ——— day of ——— 18

BOND TO KEEP THE PEACE UNDER SECTION 284.

Whereas I ——— inhabitant of ——— have been called upon to enter into a bond to keep the peace for the term of ———, I hereby bind myself not to commit a breach of the peace or do any act that may probably occasion a breach of the peace during the said term; and in case of my making default therein, I bind myself to forfeit to Her Majesty the sum of Rs.——

(Signature).

Dated this ——— day of 1 .

I hereby declare myself surety for the above said ——— that he shall not commit a breach of the peace or do any act that may probably occasion a breach of the peace during the term of ———; and in case of his making default therein, I hereby bind myself to forfeit to Her Majesty the sum of Rupees ——— day of ———

Dated this ——— day of ——— 18

(Signature).

WARRANT OF COMMITMENT UNDER SECTION 288.

To

The Keeper of the Zillah Jail at ———

Whereas ———, of ———, was on the ——— day of ——— 18 called upon to enter into a bond for Rupees, ——— with one surety *(or two sureties each)* in Rupees ———, that he, the said ———, would keep the peace towards ——— for the period of ———; and whereas the said ——— has failed to comply with the said order: You are hereby required, in conformity with Section 288 of the Code of Criminal Procedure, to receive the said ——— into the Jail under your charge, and to keep him there safely for the said term of ——— or until he shall enter into the aforesaid bond.

(Signature and Seal).

Dated this ——— day of ——— 18

ORDER OF ATTACHMENT AND SALE UNDER SECTIONS 293 AND 294.

To

THE POLICE OFFICER, in charge of the Police Station at ———

Whereas ——, of ———, did, on the ——— day of ——— 18 , enter into a bond, wherein he bound himself to (*or, if Surety's bond is forfeited,* that —— would) appear before this Court, on the ——— day of ——— 18 , or in default forfeit to Her Majesty the sum of Rupees ———; and whereas the said ——— has failed to appear before this Court and has, by reason of such default, forfeited the sum of Rupees ——— to Her Majesty: You are hereby required to attach any moveable property of the said ——, that you may find within the District of ———, and (unless the aforesaid amount be sooner paid) to sell, after three days notice, the property so attached, or so much of it as may be required to realise the amount aforesaid, and to produce the same before me, within ——— days from this date.

(Signature and Seal).

Dated this ——— day of ——— 18

NOTICE UNDER SECTIONS 293 AND 294.

To ———

of ———

Whereas on the ——— day of ——— 18 you became surety for ——, of ——— that he should keep the peace for the term of, —— and bound yourself in default thereof to forfeit the sum of Rupees ——— to Her Majesty; and whereas the said —— has been this day convicted of ———, and your security bond has thereby become forfeited: You are hereby required to pay the said penalty of Rupees ———, or to show cause within ——— days why it should not be paid.

(Signature and Seal).

Dated this ——— day of ——— 18

WARRANT OF IMPRISONMENT UNDER SECTION 293.

To

The Keeper of the Civil Jail at ————

Whereas ————, of ————, has forfeited to Her Majesty the sum of Rupees ———— , which penalty has not been paid and cannot be recovered by distress ; and the said ———— has therefore been ordered into confinement in the Civil Jail at ———— under Section 293 of the Code of Criminal Procedure, for the period of ————: You are hereby required to receive the said ———— into your custody, and carry the aforesaid order into execution according to Law.

(Signature and Seal).

Dated this ———— day of ———— 18 .

BOND FOR GOOD BEHAVIOUR UNDER SECTION 300.

Whereas I————, Inhabitant of————have been called on to enter into a bond to be of good behaviour to Her Majesty the Queen, and to all her subjects, for the term of————, I hereby bind myself to be of good behaviour to Her Majesty and to all her subjects during the said term, and in case of my making default therein, I bind myself to forfeit to Her Majesty the sum of Rs.————,

Dated this——day of——18 .

(Signature).

I hereby declare myself surety for the above said————that he shall be of good behaviour to Her Majesty and to all her subjects during the term of————; and in case of his making default therein, I hereby bind myself to forfeit to Her Majesty the sum of Rs.————

Dated this——day of——

(Signature).

ORDER OF COMMITMENT UNDER SECTION 301.

To

The Keeper of the Zillah Jail at ————

Whereas ————, of ————, has been called on to give security under the provisions of Section 295 *(or 296)* of the Code of Criminal Procedure, himself in the sum of Rupees, ————, and one Surety *(or two Sureties each)* in the sum of Rupees————, that he will be of good behaviour for a term of ————; and whereas the said ————has failed to furnish such security : You are hereby required to receive the said————into your custody in the Jail of ————, and to keep him there safely until he furnish the abovementioned security, or for the said term of ———

(Name and Designation).

Dated this ———— day of ———— 18 .

NOTICE UNDER SECTION 305.

To————

of————

Whereas, on the ———— day of ———— 18 , you became surety for ———— of ———— that he would keep the peace for the period of ———— and bound yourself in

default thereof to forfeit the sum of Rupees———— to Her Majesty ; and whereas the said ————has been this day convicted of ————, and your security bond has thereby become forfeited : You are hereby required to pay the said penalty of Rupees ———— , or to show cause, within ———— days, why it should not be paid.

(Signature and Seal).

Dated this———— day of ———— 18 .

ORDER OF ATTACHMENT AND SALE UNDER SECTION 305.

To

THE POLICE OFFICER in charge of the Police Station at————

Whereas————of————has forfeited to Her Majesty the sum of Rupees————, You are hereby required to attach any moveable property of the said———— which may be found in the District of ————, and (unless the aforesaid amount be sooner paid) to sell, after three days previous notice, the property so attached, or so much of it as may be required to realize the amount aforesaid, and to produce this amount before me, in execution of this order, within ———— days from this date.

(Signature and Seal).

Date this ———— day of ———— 18

ORDER OF IMPRISONMENT UNDER SECTION 305.

To

THE Keeper of the Civil Jail at

Whereas ———— of ————has forfeited to Her Majesty the sum of Rupees ———— , which penalty has not been paid, and cannot be be recovered by distress, and the said ————has therefore been ordered into confinement in the Civil Jail at———— for a period of ———— months, under Section 305 of the Code of Criminal Procedure : You are hereby required to receive the said ———— into your custody, and carry the aforesaid order into execution according to law.

(Signature and Seal).

Dated this ———— day of ———— 18 .

ORDER UNDER SECTION 308.

To

————

Whereas *(mention the nuisance in the words of Section 308, or as nearly as may be)* you are hereby required to remove the said nuisance (or to ————) within———— days, or to appear before me at ———— in the District of———— on the ———— day of ———— next, and show cause why this order should not be enforced.

(Signature and Seal).

Dated this———day of———— 18 .

ORDER UNDER SECTION 310.

NAMES of Five or more persons.

Whereas on the——day of——18 , an order was issued to—— of—— under the provisions of Section 308 of the Code of Criminal Procedure, requiring him to ——, and whereas the said —— has this day applied to me by petition for an order for a Jury to be appointed to try whether the said order is reasonable and proper: You, —— and —, are therefore hereby appointed a Jury to inquire into the reasonableness and propriety of the said order, and are required to report your decision within —— days from this date, at my office at—— in the District of——

(*Signature and Seal*)

Dated this—— day fo——18 .

NOTICE UNDER SECTION 312.

To——of——

Whereas the Jury appointed to consider the order issued to you on the—— day of ——18 ,requiring you to——, have decided that the said order is reasonable and proper: Notice is hereby given to you of this decision, and you are required to obey the aforesaid order within——days from this date, under the penalty prescribed in Section 188 of the Indian Penal Code.

(*Signature and Seal.*)

Dated this—— day of ——18 .

INJUNCTION UNDER SECTION 314.

To

——

of——

Whereas a Jury has been appointed to try whether the order issued to you on the—— day of 18 , requiring you to ——, is reasonable and proper: You are hereby, under the provisions of Section 314 of the Code of Criminal Procedure, enjoined and ordered, pending the result of the local enquiry by the Jury, to——

(*Signature and Seal*).

Dated this——day of—— 18 .

WARRANT UNDER SECTION 316.

To

THE POLICE OFFICER in Charge of the Police Station at——

Whereas——of—— was, on the—— day of—— 18 ordered to make a monthly allowance of Rupees —— for the maintenance of his wife [*or child, by —— as the case may be*] ; and whereas the said—— has wilfully neglected to comply with the said order, and has not paid the said allowance for the month of—— last: You are hereby required to levy the amount of Rupees —— by distress and sale of any moveable property belonging to the said —— which may be found in the District of ——, and to certify within —— days from this date what you may have done in execution of this warrant.

(*Signature and Seal*).

Dated this——day of —— 18 .

WARRANT OF IMPRISONMENT UNDER SECTION 316.

To

THE KEEPER of the Jail at——

Whereas —— of——, was, on the—— day of——18 , ordered by me to make a monthly allowance of Rupees —— to his wife (*or child* by —— ; and whereas the said —— has wilfully neglected to comply with the said order, and has therefore been ordered to be imprisoned with (*or without labor*) for——days: You are hereby required to receive the said—— into the Jail under your charge, and to carry the aforesaid order into execution according to law.

(*Signature and Seal*).

Dated this —— day of —— 18 .

ORDER OF ATTACHMENT UNDER SECTION 319.

To

THE POLICE OFFICER in Charge of the Police Station at——

Whereas a dispute likely to induce a breach of the peace exists between—— of—— and——of——relating to the possession of the following property, viz:——; and whereas it has been decided that neither of the parties is in possession (*or, the Magistrate or other Officer has been unable to satisfy himself as to which party is in possession*): You are hereby required to attach and seize the property, and to hold the same under attachment pending further orders from this Court, or until a competent Civil Court shall have determined the rights of the parties, or who ought to be in possession ; and to certify within —— days from this date what you may have done in execution of this order.

(*Signature and Seal.*)

Dated this——day of——18 .

PRECEPT TO MAGISTRATE UNDER SECTION 336.

To

THE MAGISTRATE of——

Whereas a Criminal Session will be held in the Court of Session at ——on the —— day of—— next ; and the names of—— &c. &c. have been drawn by lot from among those specified in the revised list of Jurors and Assessors furnished by you : You are hereby required to summon the aforesaid persons requiring them to attend at the Court of Session at 10 A.M. on the said date ; and within such date to certify your having done so in pursuance of this precept.

(*Signature and Seal*).

Dated this —— day of——18 .

SUMMONS TO A JUROR OR ASSESSOR UNDER SECTION 337.

To

—— of——

Whereas your attendance is necessary as an Assessor (*or Juror*) at the Session about

to be held by the Session Judge of ———: You are hereby required to attend at the Court of Session accordingly at 10 A.M. on the ——— day of ——— next.

(Signature and Seal).

Dated this ——— day of ——— 18 .

WARRANT UNDER SECTION 380.

To

THE Keeper of the Jail at ———.

Whereas, at a Court of Session held at ———, the Prisoner ——— (sole prisoner in Case No. ——— of ———) has been convicted and sentenced to death, subject to the confirmation of the High Court: You are hereby required to receive the said prisoner ——— into the said Jail, and to keep him in safe custody until further orders.

Dated this ——— day of ——— 18 .

(Signature and Seal).

WARRANT UNDER SECTION 383.

To

THE MAGISTRATE of ———.

Whereas ———, prisoner in case No. ——— on the Calendar of the Court of Session for 186 , and now confined in the Zillah Jail at ———, has been convicted of the offence of Murder, and sentenced by the said Court to death; and whereas the said sentence has been confirmed by the High Court of Judicature at Madras; you are hereby repuired to receive the said ——— at the hands of the Keeper of the said Jail, who is hereby authorized and required to deliver the said ——— into your custody; and you are hereby required to carry the said sentence into execution by causing the said ——— to be hanged by the neck until ——— be dead, at the usual time and place of execution, so soon as conveniently can be after the receipt of this warrant; and to return this warrant to me, with an endorsement attested by your Official Seal and Signature, certifying the manner in which the sentence has been executed.

(Signature and Seal).

Dated this ——— day of ——— 18 .

WARRANT UNDER SECTION 383.

To

THE Keeper of the Jail at ———

Whereas, at a Court of Session held on the —— day of —— 186 . ——— prisoner in Case No. ——— of ——— was convicted of the offence of —— punishable under Section —— of the Indian Penal Code, and sentenced to ———, and whereas such sentence has been mitigated by the High Court of Judicature at Madras to ———: You are hereby required to carry the said order of the High Court into execution according to law.

Dated this ——— day of ——— 18 .

(Signature and Seal).

WARRANT UNDER SECTION 384.

To

THE KEEPER of the Jail at ———

Herewith you will receive a copy of the sentence passed by the Court of Session this day, in the case of ——— prisoner in case No. —— of ———, and you are hereby required to carry the said sentence into execution according to law.

Dated this ——— day of ——— 18 .

(Signature and Seal).

WARRANT UNDER SECTION 386.

To

THE KEEPER of the Jail at ———

Whereas, at a *Criminal Court*, held before me, the Prisoner ——— has been convicted of the offence of ——— punishable under Section —— of the Indian Penal Code, and has been sentenced to ———; You are hereby required to receive the said ——— into your custody in the said Jail, and to carry the aforesaid sentence into execution according to law.

Dated this ——— day of ——— 18 .

(Signature and Seal).

———

By order of the Court,

HIGH COURT OF JUDICATURE
MADRAS, 15*th October* 1862

C. F. CHAMIER,
Registrar.

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read letter from the High Court ——— Enter 11th January 63 No. 10.

Order — 11th March 1863 No. 373.

With the above letter, the High Court submit the form of Warrant under § 384 of the Criminal Procedure Code, as already furnished to the Courts of Session, and point out that Sentences are given in ~~given~~ § 382. Also to respect to the Descriptive Register, the Judges explain that they are not aware what arrangements have been made by the Inspector Genl. of Jails.

2. The form of Descriptive Register

Warrant under § 384.

The Keeper of the Jail at ———.

Herewith you will receive a copy of the sentence passed by the Court of Session this day, in the case of ——— prisoner in case No. — of —, & you are hereby required, to carry the said sentence into execution according to law.

Dated this — day of — 18—

(Signature & Seal.)

Register, now in use, & which was originally prescribed by the Foujdaree Adalut. contains the information shewn in the margin. The Inspector Genl. of Jails is requested to state whether he has any change to suggest. Nos. 1, 2, & 10 will appear in the Warrant, & Nos. 9 in the Sentence. It will be superfluous, therefore, to repeat those items in the Descriptive Register, as all three documents, Sentence, Warrant, and Descriptive Register will be on the same sheet of paper.

1. Court
2. Nos. of Cases on Calendar
3. Name of prisoner & that of his father.
4. Village & Taluq.
5. Color & Caste.
6. Age in years.
7. Height in feet & inches.
8. Personal Marks
9. Crime.
10. Date of Sentence.
11. Remarks as to previous conditions, character, & conduct.

3. On Mr. Rohde's reply being received, H. E. the Governor in Council will issue instructions in regard to the document to be forwarded with Convicts sentenced to transportation.

Memo.
It will be necessary to issue only one Blank of Descriptive Register to the Court & Police Authorities. The Sentence will be written on the other side. The Warrant will then be completed on one form for each Convict.
The Descriptive Register will be written in duplicate, one copy to be sent to the Police Authorities & the other to be forwarded to the Court.
The Warrant will be addressed to the Superintendent of Police & the Jailor.

The Inspector Genl. of Jails.
" Honble the Judges of the High Court. } Sept. 13.
" Secretary to Govt. of Police.

Judicial 1863. Department.

No. 373.

PROCEEDINGS OF GOVERNMENT,

Dated 11 Feb 1863.
Feb 1870

Enquiry made of the Inspector General of Jails as to whether he has any Change to suggest with regard to the forms of Warrant issued in the Case of Convicts sentenced to transportation

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