

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 944	Press
155-156	~~Mis.~~
Dated	15-6-1962

9/9

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,

15th June 1863.

No. 155. Read the following letter from A. MACDONALD RITCHIE, Esq., Registrar, High Court, Madras; to A. J. ARBUTHNOT, Esq., Chief Secretary to Government, Fort Saint George, dated Madras, 8th June 1863.

With reference to the Proceedings of the Madras Government, Judicial Department, and the Order thereon, 21st of May 1863, No. 782, requesting information, as to whether or not the Statements submitted, with the letter of the 9th of May 1863, of the Acting Deputy Registrar of the High Court, Appellate side, in regard to questions which have arisen under the Indian Penal Code, and the Codes of Civil and Criminal Procedure, includes questions which may have arisen on the Original side of the Court, I have the honor, by direction of the Chief Justice and Judges of the High Court, to inform you, that the Statement referred to does not include the decisions of the Court on its Original side, and to furnish herewith the Supplemental Statement required.

*Proceedings of the Madras Government, Judicial Department,
15th June 1863.*

CODE OF CIVIL PROCEDURE.

Section.	Nature of the question.	Opinion of the Lower Court.	Ruling of the late Sudder Court or the High Court.
9	When a separate trial is ordered under Section 9, is a fresh plaint to be received as regards the cause of action ordered to be so tried? If so, is institution fee to be paid on such plaint?		Where two or more causes of action have been joined in the same plaint, and a separate trial of each is ordered under Section 9 of the Code, fresh plaints are to be taken to render the record of each case complete; but if the original stamp be sufficient to cover the whole claim, such additional plaints may be written on plain paper.
27	As regards the verification required by Section 27, must it be made before the Court, in which the plaint is filed? or may it be made before any Magistrate or District Moonsiff's Court? or may it be simply subscribed by the plaintiff at his village? In the latter case, it can easily be repudiated.		The verification of the plaint need not be made by the Plaintiff in Court.
28	What persons may be deemed competent for the purpose of subscribing and verifying plaints on behalf of plaintiffs, who are unable to do so themselves, and are such persons to perform those acts by permission of the Court previously obtained.		Persons competent to subscribe and verify plaints on behalf of plaintiffs, under Section 28 of the Code, are those who are able to depose to the facts of the case and have a knowledge of the circumstances forming the ground of action which the plaintiff does not possess; as, for instance, shopmen employed in the sale of the goods of their employers, and the like; not Mooktears, or other such agents. The plaint in such cases may be brought already subscribed and verified, but will be liable to rejection, if there should be no cause for allowing any person other than the plaintiff to perform those acts, or if the person by whom they may have been performed should not be considered competent for the purpose.
39	Whether copies of documents left in place of the originals under Section 39 must be made upon stamps.	The copies would have to be certified as true by the proper Officer, and certified copies must usually be on stamps.	The copies of documents referred to in Section 39 of the Code are not those authenticated copies to which the Stamp Act relates. Being lodged merely in the interval between the institution of the suit, and its hearing, when the originals by Section 128 are to be produced, if not already filed, they may be made on plain paper.

*Proceedings of the Madras Government, Judicial Department,
15th June 1863.*

CODE OF CIVIL PROCEDURE.—(Continued.)

Section.	Nature of the question.	Opinion of the Lower Court.	Ruling of the late Sudder Court or the High Court.
39	When a document is unstamped and a copy of it is put in under Section 39, is penalty to be levied on the original?		Where an exhibit is one required to be stamped, but bears no stamp or an insufficient stamp, no copy of it can be received under Section 39 of the Code until the penalty due on the original has been paid.
52	Should not a Government Pleader be appointed in each of the District Moonsiff's Courts; and if so, what allowance from Government would he be entitled to?		Where a suit is instituted in a District Moonsiff's Court against the Government, the summons should be served under Section 52 of the Code, on the Government Pleader of the Civil Court.
54	Is the serving Officer to be required to serve such process in the presence of any witness?		As a general rule no attestation should be required, but it will be in the discretion of the Court in any particular case to require it, as, for example, where a second summons has to be issued, under Section 112, in consequence of there being no satisfactory proof of the first having been duly served.
54	By what means is a Court to satisfy itself that a defendant has refused to acknowledge the service of a summons, or that a summons has actually been served on him?		The evidence of the serving Officer, if clear and positive, will generally be sufficient proof of service to justify the Court in proceeding to hear the suit <i>ex parte</i> , under Section 111 of the Code; but where it may leave a doubt on the mind of the Court whether the service was really effected, the Court may direct a second summons to be issued under the following Section.
59	May a District Moonsiff forward processes to the Civil Judge of another Zillah for service without the intervention of the Civil Judge to whom he is subordinate?		District Moonsiffs may transmit processes direct to any District Court, and also to any other Court, without the intervention of any Civil Court. Where, however, a District Moonsiff has to procure service of a process on an Officer or Soldier, or on a person residing within the limits of the ordinary original jurisdiction of the High Court, he is to forward the process through the Civil Judge.

Proceedings of the Madras Government, Judicial Department,
15th June 1863.

CODE OF CIVIL PROCEDURE.—(Continued.)

Section.	Nature of the question.	Opinion of the Lower Court.	Ruling of the late Sudder Court or the High Court.
73	When a party is directed to be made plaintiff or defendant by the Appellate Court, in the supplemental plaint to be filed in the Appellate or the Lower Court? and if the former, is it to be drawn up on plain paper where the original suit has been instituted in a District Moonsiff's Court, or upon stamp paper?		The Code does not admit of any supplemental plaint. It will be sufficient for the Court, where there is a defect of parties, to state in its order the name and description of the person to be made a party, and to direct that a notice be issued to him accordingly. The Courts should not call upon a plaintiff to include as defendants other claimants to the property sued for; the bringing in of fresh parties being entirely an act of the Court.
73	Is the Court to confine its investigation and judgment entirely to the plaintiff's claim brought forward, or is it required to go into and determine (in case the plaintiff's claim should not be allowed) the various and adverse claims of the several defendants? or having determined the plaintiff's claim, with reference to those of the defendants, not good, it should leave the defendants to bring separate actions to establish any claim they may have to the estate?	The Civil Judge was of opinion that as this Section was enacted to shorten litigation, it was intended that the right and title of the whole of the parties to the suit, whether plaintiff or defendant, should be once, and for all, adjudicated on and determined.	Section 73 requires no more than that those persons whose claims are necessary to be taken into consideration before deciding on the plaintiff's title. It is the latter only which will form the subject of the decree.
92	At what rate is a Receiver to be remunerated, and what course is to be pursued as to the demand of security?		Receivers appointed under Section 92 should be remunerated by a percentage on the income of the property placed under their charge. No provision is made in the Code for security being taken from a Receiver.
138	Can a District Moonsiff under Section 149 require without application to the Collector, the production of any public document by a Talook servant, summoned by him as a witness?	Section 138 of Act VIII of 1859, in allowing Courts to send for public documents does not lay down the course or channel whether direct or otherwise through which the documents should be procured.	Subordinates in public offices cannot be summoned to produce official papers; application should be made under Section 138 of the Code, to the head of the Department to which such papers appertain, requesting him to send them for the Court's inspection. Application for Revenue papers must in all cases be made to the Collector of the District.
213	Is it obligatory on the Revenue authorities to furnish extracts from the Register of lands to parties applying for them without reference to the ownership of the Estate, or is it discretionary with them to refuse the same where their issue may be found objectionable or doubtful?	An authenticated extract of the kind cannot under the enactment quoted, be refused where the party sought to be attached is a land paying Revenue to Government; and no inquiry need be made by the Revenue Officers.	It is an authenticated extract of the Register, as it exists, which is alone required under Section 213 of the Code, and it is not competent to the Revenue authorities to refuse to grant the same notwithstanding that such Register may not indicate the present owner of the land.

Proceedings of the Madras Government, Judicial Department,
15th June 1863.

CODE OF CIVIL PROCEDURE.—(Continued.)

Section.	Nature of the question.	Opinion of the Lower Court.	Ruling of the late Sudder Court or the High Court.
225	Is this Section applicable to Malabar where no rules are in force for the partition of an Estate paying revenue to Government?		Section 225 is not applicable to Malabar, or any other District under a Ryotwary settlement.
229 230	Must the claim and application, which are required by Sections 229 and 230, to be numbered and registered as suits, be written on the stamp prescribed for plaints?		If delivery of immoveable property be ordered, and the decree holder contest the right of a person, other than the defendant, claiming to be in independent possession of such property, his petition under Section 229 of the Code need not be written on the stamp required for a plaint. Also, if a person dispossessed of immoveable property dispute the right of the decree holder to be put in possession of such property, his application under Section 230 of the Code may be on a stamp of the value required for petitions.
233	Is the Officer deputed to attach property consisting of goods, chattels, or other moveable property, precluded by Section 233 from placing such property after attachment in the possession of a surety offered by either party, according to the practice hitherto observed? and if it is intended by the provision of the said Section that such property should after attachment be invariably brought to Court for the purpose of being kept in the custody of the Nazir or other Officer, what is to be done in cases where the property attached is situated at a great distance from the Court and consists of cattle or other articles of such a description as renders their conveyance to Court difficult and expensive?		Moveable property found in the defendant's possession, and attached by actual seizure under Section 233 of the Code, cannot be left in the charge of a surety. But where such property may be at a distance from the Court and of a description difficult to remove, the Ameen deputed to attach it may keep the same in his custody upon the spot, and on the receipt of his report the Court may at once proceed under Section 242 to order the sale of the property so attached.
237	Is it lawful to take security or attach property, or to use other means beforehand to ensure due payments by the defendants in cases of decrees for maintenance?		Where a separate maintenance is decreed, and the defendant habitually neglects to pay it, it is competent to the Court to demand security from the defendant, or attach his property, to ensure the future payments being duly made.

Proceedings of the Madras Government, Judicial Department,
15th June 1863.

CODE OF CIVIL PROCEDURE.—(Continued.)

Section.	Nature of the question.	Opinion of the Lower Court.	Ruling of the late Sudder Court or the High Court.
246	When a claim to property under attachment is disallowed after investigation under Section 246, is the Court to keep the property in abeyance for the period of one year, in expectation of a regular suit being brought by the claimant? and if a suit be brought by him within that period, is the property to be continued under attachment till the final disposal of that suit in original appeal, and special appeal? or may the Court sell the property immediately upon the claim being disallowed, if it see no other objection so to do?		The object of the concluding clause of Section 246 is not to keep the attachment open for the claimant, but to limit the period within which he may bring a suit to establish his right to the property attached. The order disallowing the claim not being subject to appeal, the Court may in its discretion proceed to sell the property.
259	Are certificates granted to purchasers under this Section required to be written on stamped paper?	As this certificate must be signed and sealed by the Court from which it issues, no stamp is requisite, and it should be classed under the head of papers described in the exemption Clause to Section 24, Schedule A.	Certificates granted to purchasers at a Court sale, under Section 259 should be on stamped paper.
280	Is the application made by a person for his discharge from confinement, under Section 280 to be made to the Zillah Court, or to the Court which has cognizance of the Jail, or to that which passed the decree? and, if to the latter, is such application to pass through the Court which has cognizance of the Jail, or to be made direct to the Court which passed the decree? and in the latter case how is it to be conveyed?		The application of a party for his discharge, under Section 280 of the Code, should be prepared to the address of the Court under whose orders the person may be in confinement in execution of the decree, and should be received and forwarded if necessary to such Court, post free, by the Judge in charge of the Jail.
284	Whether since the transfer to the Crown of the territories of the East India Company, a decree of the Colombo Court cannot be executed within the limits of the District Courts on application in the usual form?		The decrees of the Courts in Ceylon cannot be executed under the provisions of Section 284 <i>et seq.</i> of the Code, but must be treated as foreign judgments.
288	Is the "application" referred to in Section 288 intended to mean the letter of the Court which transmits the decree to that Court in whose jurisdiction execution is intended to be made, or does it signify an application for execution on the part of the judgment creditor in the usual way in person or by Vakcel?		The application under Section 288 of the Code must be made by the decree holder, either in person or by a Pleader, to the Court to which the copy of the decree and certificate may have been transmitted for execution.

Proceedings of the Madras Government, Judicial Department,
15th June 1863.

CODE OF CIVIL PROCEDURE.—(Continued.)

Section.	Nature of the question.	Opinion of the Lower Court.	Ruling of the late Sudder Court or the High Court.
348	Are the objections which a Respondent may, under Section 348, take to the decision of the Lower Court upon the hearing of an appeal, to be filed by him on stamp paper, or are such objections to be taken down in writing by the Appellate Court in the form of an examination?		Objections cannot be received in writing from Respondents under Section 348 of the Code; they must be urged orally at the hearing and should be noted down by the Judge, and set forth in the judgment among the points for determination in the appeal.
354	If it appear to the Appellate Court, on the hearing of an appeal, that a person or persons interested in the subject matter of the suit, have not been made parties to it by the Lower Court, and that the original decree has in consequence, become so defective that a satisfactory judgment cannot be pronounced in appeal without such person or persons being included in the suit either as plaintiffs or defendants, what course is the Appellate Court to adopt to remedy the defect, it being precluded by Section 352 from remanding the suit to the lower Court in such cases?		Where there is defect of parties it is competent to the Appellate Court, under Section 354 of the Code, to direct that any person having an interest in the subject matter of the suit, inseparable from that of either of the parties, be made a plaintiff or defendant; and to frame an issue accordingly and refer the same for trial by the lower Court.
CODE OF CRIMINAL PROCEDURE.			
22	In cases of theft and cattle killing by what rules, as to the value of the property stolen or injured, should Subordinate Magistrates of the 1st and 2nd Classes respectively be guided in disposing of cases themselves or in committing them to superior Courts?	As in cases of theft the amount or value of property stolen is no where defined. A specific rule would appear to be called for.	As a general rule, complaints of theft of property to any amount not exceeding 50 Rupees preferred to Subordinate Magistrates of the 1st Class, and those not exceeding 10 Rupees preferred to Subordinate Magistrates of the 2nd Class, may be tried and determined by those Officers; or if the terms of imprisonment which they are empowered to award may not appear to be a sufficient punishment for the offence proved, they may record a finding and submit their proceedings to a Magistrate with full powers, under Section 357. But where the property stolen may be valued at more than the sums abovementioned, the Subordinate Magistrate should at once refer the case for the orders of a Magistrate with full powers under Section 356, or commit the accused for trial before the Subordinate Judge or Principal Sudder Ameen, as the case may be.

Proceedings of the Madras Government, Judicial Department,
15th June 1863.

CODE OF CRIMINAL PROCEDURE.—(Continued)

Section.	Nature of the question.	Opinion of the Lower Court.	Ruling of the late Sudder Court or the High Court.
43	Are the Talook Subordinate Magistrates to examine complainants and witnesses upon oath?	.....	Subordinate Magistrates are required by Section 43 to examine complainants and witnesses on oath or affirmation.
43	Would a Subordinate Magistrate be authorized to take an oath from a European witness?	.....	When a Christian witness is to be examined before a Hindu Subordinate Magistrate, it will be sufficient for such witness to read the oath from a printed form, and it will not be necessary for him to repeat it after the Subordinate Magistrate.
43	Are the Native Subordinate Magistrates to be sworn, in the same manner as the European Magistrates and their Deputies?	.....	There is no provision of the Code of Criminal Procedure, or of any other law that requires Uncovenanted Subordinate Magistrates of the 2nd Class to be sworn.
61	Are damages awarded under Section XIV, Act III of 1857, to be collected by sale of property, or to be commuted to imprisonment?	The proper course to pursue when a fine or damages are ordered to be paid under Section XIV, Act III of 1857, is, on failure of the fine or damages being paid, to levy the amount by distress and sale of property, and when there is no property then imprisonment as laid down in Section 270 of the Criminal Procedure Code.	Damages may be recovered in the same manner as fines under Section 61 by distress and sale of defendant's goods.
195 199 205	Are Deponents required to sign their depositions?	It is highly desirable that every deponent should affix his signature or mark to his deposition in proof of his having given it.	The Court does not require that depositions shall be signed by the deponents, but it is expedient that their signatures should be taken, though not to any other record of the evidence than depositions taken down in their own language.
276	Whether a Magistrate vested with full powers, to whom a Subordinate Magistrate of the 2nd Class has sent the case not being referred up prisoners charged under Section 411 of the Indian Penal Code with an offence, can dismiss the case on perusal of the Subordinate Magistrate's proceedings without trying the case himself?	The Magistrate was not competent to do so but was bound to hear the evidence, the case not being referred to him under Section 357. Section 357 includes only cases in which the Subordinate Magistrate referring the case would have been competent to have passed a sentence, had he considered the amount of punishment to which he is limited, sufficient to meet the justice of the case.	A Magistrate exercising full powers is not competent to dispose of a case referred for his orders by a Subordinate Magistrate, upon a perusal of the proceedings of the Subordinate Magistrate, but if he considers that no legal proof has been adduced, he must personally try the case before he can acquit the accused.

Proceedings of the Madras Government, Judicial Department,
15th June 1863.

CODE OF CRIMINAL PROCEDURE.—(Continued.)

Section.	Nature of the question.	Opinion of the Lower Court.	Ruling of the late Sudder Court or the High Court.
277	Whether it is competent to the Magistrate of a District to refer to a Subordinate Magistrate of the 1st Class for adjudication or, eventual reference to himself (under Section 277) cases in which it may appear necessary to take security under Section 295 or 296?	Section 273 which speaks of Criminal cases and Section 277 of only offences, and punishments, are not applicable to cases, the procedure in which is laid down in Section 295 and 297; the demand of security under Sections 295 and 296 not being intended as a punishment for any offence, but as a measure of precaution.	Cases in which it may be necessary to require security for good behaviour under Sections 295 or 296, cannot be referred to a Subordinate Magistrate, but must be inquired into and disposed of by an Officer exercising the full powers of a Magistrate.
295	Can security for conduct and appearance be demanded from a prisoner, at the close of trial, in cases of strong suspicion not amounting to conviction, or, are prisoners in such cases to be released unconditionally?	.....	The Code contains no provision for the demand of security for good behaviour from a prisoner at the close of the trial, in cases where there is strong suspicion, but no legal proof, of his guilt.
318	Can disputes relating to the possession of land or the right of use of any land or water be disposed of by Magistrates of the 2nd Class, or with reference to Chapter XXII should they be decided by the Magistrate of the District or other Officer exercising the powers of a Magistrate?	Such disputes must now be decided by the Magistrate of the District or an Officer exercising the powers of a Magistrate, and cannot be disposed of by Subordinate Magistrates of the 2nd Class.	Disputes relating to the possession of land, or the right of use of any land or water, cannot be disposed of by any other authority than an Officer exercising the full powers of a Magistrate.
334	Are Vakeels of the Court (saving the Government Vakeel) disqualified, under Section 334 for serving as Assessors in trials before the Court of Session?	.....	Pleaders are not incapable of serving as Assessors or Jurors, but it is inexpedient that their names should be included in the Collector's list of persons qualified to serve in those capacities, if a sufficient number of other persons are available.
343	Are Jurors and Assessors required to take any oath or declaration, and in what form?	.....	No provision is made in the Code for Assessors or Jurors being sworn.
358	Is a Principal Sudder Ameen competent to commit a case without further examination to the Session Court, a case triable by him concurrently with the Session Court, where a perusal of the evidence recorded by the Subordinate Magistrate shows that the accused person has been guilty of an offence calling for a more severe punishment than he is authorized to adjudge?	It is desirable that such a practice should be adopted to prevent repeated examinations of the same case.	A Subordinate Judge or Principal Sudder Ameen may commit to the Session Court without further investigation any case triable by him concurrently with the Court of Session, where a perusal of the evidence shows that the accused has been guilty of an offence calling for a more severe punishment than he is authorized to adjudge.

*Proceedings of the Madras Government, Judicial Department,
15th June 1863.*

CODE OF CRIMINAL PROCEDURE.—(Continued.)

Section.	Nature of the question.	Opinion of the Lower Court.	Ruling of the late Sudder Court or the High Court.
359	(1st.) Whether the Session Court is not bound to examine all cases committed by the Subordinate Magistracy though the record will not sustain the particular indictment laid? (2nd.) Whether it can remand a case once committed to it by the Subordinate Magistrate? (3rd.) If it has this power, whether the case should be committed to the Divisional or District Magistrate to dispose of, or to the Subordinate Court?	A Court of Session may try an offence, entered in column 7, as triable by a Magistrate, but it is left to the discretion of the Court to do so, or not, as it thinks fit according to the circumstance of each case. To lay down that the Court of Session is bound to investigate every case, which a Subordinate Magistrate of the 2nd Class through ignorance, or to shirk responsibility, chooses to commit, is just to reverse the order of things, and make the Session Court subservient to the Subordinate Magistrates. The Subordinate Magistrates are only authorized to commit to the Court of Session persons charged with offences triable exclusively by that Court.	A Session Judge cannot remand to the Magistrate or refer to the Subordinate Judge a case once committed to the Session Court; but where the evidence does not support the charge, the Session Judge should either direct the release of the prisoner or amend the charge, and at the same time under Section 244 <i>et seq.</i> point out to the Magistrate any error that may be committed by his subordinates.
360	Can a Subordinate Judge receive in evidence a confession of guilt made before a Subordinate Magistrate of the 1st or 2nd Class.	Except in the case specified in Section 360 which is a trial before a Session Court, no confession made by an accused person before a Court not competent to convict and punish him, should be received as evidence by superior Court to which his case may be committed for final disposal.	The examination of the accused person before the Subordinate Magistrate may be given in evidence before the Subordinate Judge, or Principal Sudder Ameen, in cases committed to those Officers.
386	Is the period of imprisonment to be calculated from the date of sentence or from the date of arrival of the accused person at the Jail.	The sentence can only commence to take effect from the date of the accused person's arrival at the Jail and not from the date on which the sentence is passed, unless the locality admits of the accused being lodged in the prison on the date the sentence itself is recorded.	The period of imprisonment, under the sentence of a Criminal Court, is to be calculated from the date on which such sentence was passed.
421	Is the period during which the prisoner remains out of the Jail (though still in custody) to be reckoned as partly of his sentence?	.....	The period during which a sentence may be suspended, pending appeal, is not to be reckoned in calculating the term of imprisonment, if the appeal be rejected.
438	Can a Magistrate order the payment by Government of the reasonable expenses of any complainant or witness attending for the purpose of any trial before him?	The Magistrate has no such authority vested in him by the Code, though of course it would be competent for the local Government on a representation from a Magistrate to grant him authority to pay such expenses.	A Magistrate has no authority to order the payment by Government of the reasonable expense of any complainant or witness attending for the purpose of any trial before him.

*Proceedings of the Madras Government, Judicial Department,
15th June 1863.*

INDIAN PENAL CODE.

Section.	Nature of the question.	Opinion of the Lower Court.	Ruling of the late Sudder Court or the High Court.
71	Whether it is necessary with reference to the principle contained in Section 71 that a prisoner convicted of house-breaking and theft should receive two punishments, one under Section 457, and the other under Section 380 of the Code?	Section 71 is not applicable to the case, and it is not necessary that a person convicted at the same time of house-breaking and theft should receive two punishments, one under Section 457, and the other under Section 380, because the latter part of Section 457 provides a higher punishment in the case of the house-breaking being attended with the commission of theft.	Where the house-breaking and theft with which a prisoner is charged are parts of one continuous transaction, the offender cannot be punished for both separately, but should be sentenced under Section 454 or 457 as the case may be.
228	Whether persons who are guilty of gross prevarication in a Court of Justice can be punished under Section 228?	.....	Section 228 of the Indian Penal Code does not refer to prevarication in giving evidence.
426	.....	.....	A prisoner charged with the theft, and killing of 2 sheep under the value of 10 Rupees can only be dealt with under Section 426.

HIGH COURT OF JUDICATURE, MADRAS,
9th May 1863.

(Signed) THOMAS WILKINS,
Acting Deputy Registrar.

Supplemental Statement showing the decisions of the High Court at Madras, Original side, involving constructions of the Code of Civil Procedure from the 16th of August to the 31st of December 1862.

Section.	Nature of the question.	Ruling of the High Court.
196 & 197	Where a plaintiff sues for land of which he has been dispossessed and also claims mesne profits, is it necessary to insert a claim for them in the plaint?	Mesne profits arising subsequent to the filing of the plaint can be given by way of damages at the hearing. But if they had accrued before the plaint is filed then they should be claimed by the Plaintiff.
313	When a cause has been set down for final disposal partly heard and it has been agreed by the parties to refer all matters in dispute to arbitration, is it necessary to file a written authority to apply for an order of reference?	The cause being before the Court for final disposal no written authority need be filed.

(Signed) A. MACDONALD RITCHIE,
Registrar.

*Proceedings of the Madras Government, Judicial Department,
15th June 1863.*

No. 156. To the Secretary to the Government of India, Home Department, dated Fort Saint George, 15th June 1863, No. 944.

With reference to your letters, dated 22nd July and 27th September last, Nos. 3,694 and 5,324, I am directed by His Excellency the Governor in Council to forward to you, to be laid before the Honorable the President in Council, a Tabular Statement containing the questions which have arisen respecting the Indian Penal Code and the Codes of Civil and Criminal Procedure, the views of the Officers by whom the questions were submitted, and the constructions of the late Sudder Court and Appellate branch of the High Court. This Statement includes every question of any importance that has been raised from the dates on which the Codes respectively came into operation to the 31st December 1862. A Supplemental Statement showing the decisions of the High Court on the Original side, involving constructions of the Code of Civil Procedure for the same period is also forwarded.

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

Exd. T. McMestry.

No. 944 -

Plaintiffs' Plea
Home Department.

Sir,

*With reference to your
letters dated 22nd July & 27th
September last, Nos. 3,694 & 5,324,
I am directed by His Excellency
the Governor in Council to
forward to you, to be laid
before the Honorable the President
in Council, a Tabular Statement
containing the questions which
have arisen respecting the Indian
Penal Code and the Codes of
Civil & Criminal Procedure,
the views of the Officers by whom
the questions were submitted, and
the constructions of the late*

appellate bench of the
Sudder Court & High Court. The
Statement includes every question

of any importance that has

the Codes respectively came into
operation to the 31st December 1862 -
Also a Supplemental Statement
showing the decisions of the High
Court on the Original Side, invol-
ving constructions of the Code of
Civil Procedure for the same
period is also furnished

Procedure and the con-
struction of the High
Court. —

Government of India
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de and the Code of
Civil and Commercial
Procedure

St. 1139/86.

15th June 1863.

to
the Deputy Secy. Govt.
of India

General & Secy. Secy.
of India

Fort St. George
15th June 1863.

W.D. St.

15th June
1863