M.R.O. 1—22,000—15-10-27.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1015 Press ~~Mis.~~

91-93

Dated 8-7- 19 86

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July 18[illegible].

No. 91. m J. W.

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Magistrat

Proceedings of the High Court of Judicature at Madras, 16th January 1864.

Read letter dated the 21st ultimo, from the Magistrate of Nellore, inquiring whether it was competent to him to take up a case in which the Subordinate Magistrate had discharged the accused under Section 225 of the Code of Criminal Procedure; *the Sessions* Judge having on appeal held that *he had no such power* and reversed his sentence accordingly.

This reference is virtually an appeal by the Magistrate from a Judicial decision of the Sessions Judge. The Judges decline answering the question.

(True Extract.)

(Signed) C. F. CHAMIER,
Registrar, Appellate Side.

To the Magistrate of Nellore.

(True Copies.)

(Signed) J. W. B. DYKES.
Magistrate.

Referred to the Government Pleader for his opinion as to the correctness or otherwise of the construction put by the Sessions Judge upon Section 225 of the Code of Criminal Procedure, as applicable to the case referred to by the Magistrate of Nellore.

FORT SAINT GEORGE,
[illegible] February 1864.

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

No. 92. From C. DALE, Esq., Government Pleader, Madras; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George, dated Madras, 30th June 1864, No. 134.

[illegible] February 1864, No. 232, Judicial Department.

I have the honor to acknowledge the receipt of the Proceedings of Government, under the date and number noted in the margin.

2. In the papers laid before me, it is not stated with precision what the real facts of the case are. The Sessions Judge in his proceedings, dated the 15th December 1863, says: "The District Magistrate in paragraph 12 of his sentence ADMITS "that the case against the petitioner was first TRIED by the 2nd Class Subordinate "Magistrate, and that that officer discharged the petitioner under Section 225 of the "Code of Criminal Procedure;" whereas Mr. Dykes in his letter, dated 18th of December 1863, repudiates that position, and says explicitly: "There had been no trial, no acquittal," and that the Subordinate Magistrate had disposed of the case on preliminary inquiry.

3. If the case had been *tried* by the Subordinate Magistrate, as is stated by the Sessions Judge, then I am of opinion that the construction put by the Sessions Judge upon Section 225 of the Code of Criminal Procedure would have been applicable to the case.

4. But if the case was disposed of, as stated by the District Magistrate, on mere preliminary inquiry, then I am of opinion that such construction is not applicable to the case.

Previously to the passing of the Penal Code, it was competent to a Magistrate to take up, more than once, a case for investigation, on sufficient grounds being laid before him; nor was another Magistrate precluded from taking up a case which

Proceedings of the Madras Go

nment.

I return

ORDER THE

Ordered that the Government Plc
of Nellore.

To the Magistrate of Nellore.

Exd. J. Tulloch.

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letters—

From the Magistrate of Nellore — Enter 3rd Feb. 34 No. 4.

" the Govt. Pleader — 30th June - " 134.

Order — 8th July p. Con. No. 1015.

Ordered that the Govt. Pleader's letter be communicated to the Magistrate of Nellore.

The Magistrate of Nellore. despd 14/7

Political 1836/7. ***Department.***

No. 1015

PROCEEDINGS *of* GOVERNMENT.

Feb. 1837

Dated 8

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துறை.

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அசல் / பல்வகை / வரவாயம் எண் 1216, தேதி ——— 19

எடுத்த தேதி.	எதன் பொருட்டு: துறை.	நடப்பு எண்	ஆண்டு	தாள் எடுக்கும் எழுதுதர் அல்லது பிறமொழித்தர் கருக்கொப்பம்	திருப்பிக் கொடுத்த தேதி.	பிறமொழித்தரின் கருக்கொப்பம்.
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MADRAS RECORD OFFICE.

Government of Madras.

DEPARTMENT.

Press

Dated

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Proceedings of the Madras Government, Judicial Department,
8th July 1864.

No. 94. Read the following letter from J. FRASER, Esq., Officiating Magistrate of the Godavery District; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government Fort Saint George, dated Cocanada, 27th June 1864, No. 226.

With reference to the Proceedings of the Madras Government, in the Judicial Department, and the Order thereon quoted in the margin, I have the honor to state that of the sum therein sanctioned to be laid out on the formation of roads in the Rampah country, about 1900 Rupees have already been expended in making a road from Gokavaram* nearly to Rampah.

26th May 1863, No. 800.

* Vide Trigonometrical Survey Map.

2. The object in making these roads is stated to be the opening out of the country, and making it accessible in case of future disturbances. But roads in the country itself are of little use to this end, unless it be made easily approachable from other parts of the District. Gokavaram, where the road now commences, is in the midst of the jungle; and there is no road to it by which troops and their followers, and stores, could proceed.

3. I would suggest, therefore, that a portion of the sanctioned outlay be expended in forming a road from Rajanagaram, on the high Northern trunk road, through Korukonda to Gokavaram. The soil in this line I believe to be red, and one in which a decent road can be made cheaply. The jungle, which exists, should be felled and cleared for a width of 40 yards, and a road of 16 feet wide formed up the centre of this opening, one gravelled to the width of 12 feet where the nature of the soil required it, so that the road should be passable for a bullock bandy at all seasons. The distance is not above 15 miles, and I should think Rupees 500 a mile would suffice for the kind of road I advocate.

No. 95. ORDER THEREON, 8th July 1864, No. 1016.

The Governor in Council sanctions the construction of a road from Rajanagaram on the high Northern trunk road, through Korukonda to Gokavaram, a distance of 15 miles, at a cost not exceeding Rupees 7500, out of the assignment of Rupees 15,400 placed at the disposal of the Magistrate of the Godavery District, under the Orders of the 26th May 1863, No. 800, for improving the communications in the Rampah country.

(True Extract.)

Secretary to Government.

To the Magistrate of the Godavery District.
„ Public Works Department.

Extd. J. Tulloch.

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Mrs: Sept. 7