M.R.O. 1—23,000—15-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1132	Press Mis.
286-287		
Dated	2[illegible]	19-

914

Not to be folded or roughly handled

No. 288. Read the following letter from J. G. THOMPSON, Esq., Acting Magistrate of South Canara; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George, dated Mangalore, 7th July 1864, No. 21.

With reference to the Order of Government noted in the margin, calling upon the Inspector General of Police and certain District Magistrates for a report on the jurisdiction over persons charged under Section 380 of the Indian Penal Code, I have the honor to submit, with all deference that the difficulty suggested by the Bombay Government does not exist, the said persons being now triable by "any Magistrate."

Judicial Department, 12th March 1864, No. 355.

2. Act XXXIII of 1861 altered the Schedule of the Criminal Procedure Code as regards Sections 379 and 457 alone, leaving it as before with regard to all other Sections. It should therefore be read as it is written in column B of the following table:—

A		B		C	
Schedule of the Criminal Procedure Code.		Schedule as altered by Act XXXIII of 1861.		Schedule as it must have been amended if the Legislature had meant what the Bombay Government suggest.	
1	7	1	7	1	7
379	Court of Session, or Magistrate of District.	379	Court of Session, or any Magistrate.	379	Court of Session, or any Magistrate.
380	Ditto.	380	Ditto.	380	Court of Session, or Magistrate of District.
381	Ditto.	381	Ditto.	381	Ditto.
382	Court of Session.	382	Court of Session.	382	Court of Session.
457	Court of Session, or Magistrate of District.	457	Court of Session, or Magistrate of District, or Sub-Magistrate of 1st Class.	457	Court of Session, or Magistrate of District, or Sub-Magistrate of 1st Class.
458	Ditto.	458	Ditto.	458	Court of Session, or Magistrate of District.
459	Court of Session.	459	Court of Session.	459	Court of Session.

No. 289. ORDER THEREON, 26th July 1864, No. 1133.

The Governor in Council observes that the words "*referring to Section* 379 *of the Indian Penal Code*" in Section 1, Act XXXIII of 1861, and the similar expression in Section 2, appear to have been overlooked by Mr. Thompson. These words clearly indicate and define the extent to which the jurisdiction given in the Schedule annexed to the Code of Criminal Procedure has been amended by the subsequent Act, viz., that the alteration has been limited to the offences specified in the two named Sections of the Criminal Procedure Code 379 and 457. The authority competent to try offences falling under Section 380 remains as it was before, and is the same as that by which offences under Section 379 were cognizable before the change in the Law, viz., the Court of Session or Magistrate of the District.

Procedures

Proceedings of the Madras Government, Judicial Department,
26th July 1864.

unishable under Section 458 of the Penal
Code are c[illegible]rly tria XXXI
of 1861, in respect to ti[illegible] s which come
being limited to thos[illegible]

[illegible] Schedul[illegible] the Penal Co[illegible] d the
circu[illegible] 457 of the Penal Code [illegible] na-
The wo[illegible] the second clau[illegible]
pond[illegible] y for Section 458 is " Cou[illegible]

(True Extract.)

Secretary to Government.

To the Magistrate of South Canara.

Exd. J. Tulloch.

[redacted]

Jud[illegible]

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter from the Magistrate of South Canara.

(Mercantor 7 July 8th No 821)

Order thereon. 26 July 1864 No 1133

The Governor in Council observes that the words "Referring to Section 379 of the Indian Penal Code" in Section I Act XXXIII of 1861 and the similar expression in Sect. II, appear to have been overlooked by Mr. Thompson. These words clearly indicate and define the extent to which the jurisdiction given in the Schedule annexed to the Code of Criminal Procedure

Procedure may be ... ted by the subsequent Act. viz that the alteration has been limited to the offences specified in the two named Sections of the Crim: Proc. Act i.e. 379 and 467. The authority competent to try offences falling under Sect. 380, remains as it was before and is the same as that by which offences under Sect. 379 are cognizable before the change in the Law - viz: the Court of Session or Magistrate of the District.

2. For the same reason offences punishable under Section 458 of the Penal Code are clearly triable only by a Court of Session, the change made by Act XXXI of 1861 in respect of the trial

trial of offences which come under the preceding Section being limited to them & not extending to crimes un- der 458.

3 In the Table appended to our letter No. Thompson has mis-quoted column 7 of the Schedule referring to Sec. 458 of the Penal Code having omitted the circumstance that, in the Schedule, Sec. 457 the Penal Code has been re- duced into two clauses, and "ditto" refers to the corresponding entry for Sec. 458 i.e. of Session"

In the Magistrate of S. Canara dtd 28/7

[redacted]

Judicial 1864. Department.

No. 1133.

PROCEEDINGS *of* GOVERNMENT.

Dated 26 July 1864

288—289.
~~290—291.~~

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