

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1336	Press Mis.
38-39		
38-39 Dated	8-9-	10 18.64

Not to be folded or roughly handled

3/4

*Proceedings of the Madras Government, Judicial Department,
3th September 1864.*

No. 38. Read the following letter from W. ROBINSON, Esq., Inspector General of Madras Police; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George, dated Kotagerry, 25th August 1864, No. 1757.

General Department.

I have the honor to submit the accompanying letter* and enclosure from Superintendent of Police of Coimbatore, and solicit the orders of Government.

*Dated 29th July 1864.

2. The question at issue is, who is to execute the sentence of whipping when it forms only part of the punishment awarded by a Magistrate, that part which awards rigorous imprisonment being executed by the keeper of the Jail?

3. I think that when Magistrates' convicts are sent to Jail, the whole sentence should be carried out under the officer in charge of the Jail. He imprisons and works the convict and should have him flogged at the specified time.

4. It is incongruous that the officer in charge of the Jail should carry out the major part of sentence under the warrant of committal to Jail; and that a different and distinct procedure should be observed with reference to another part of the same sentence and a warrant be issued to a Police officer to inflict the whipping. I doubt the legality, and am satisfied as to the inconvenience of such a procedure.

5. The sentences of whipping by Judicial officers are all executed by the Jailer; and under the old law now revived, the Jailers executed the entire sentence on all persons committed to Jail.

From Captain T. WELDON, Superintendent of Police, Coimbatore; to W. ROBINSON, Esq., Inspector General of Police, through Deputy Inspector General of Police, Western Range, dated 29th July 1864, No. 315.

A prisoner was sentenced by a 1st Class Sub-Magistrate of this District to 75 lashes and six months' rigorous imprisonment in the Zillah Jail.

2. The prisoner was duly committed to Jail, leaving the sentence of whipping to be inflicted after the expiry of the term ordered in Section 9 of Act VI of 1864.

3. The Jailer at this station requested one of my Inspectors to carry out the whipping portion of the sentence, as he said he was precluded by orders received from the Sessions Judge from executing sentences of whipping ordered by Magistrates.

4. I informed my Inspector that we had nothing to do with convicts in Jail, and the sentence must be carried out by the officer to whom the committal warrant was addressed, viz., "the keeper of the Jail."

5. I request you will kindly instruct me as to the correctness or otherwise of the course I adopted.

From H. E. SULLIVAN, Esq., Joint Magistrate; to the Superintendent of Police, Coimbatore, dated 18th August 1864, No. 10.

Whereas "Ramen," prisoner in Calendar Case No. 55 of 1864, on the file of the Joint Magistrate, has this day been convicted of theft and sentenced to 18 months' rigorous imprisonment, and to receive 60 lashes with a cat-o-nine tails. You are hereby required to receive the said Ramen at the hands of the keeper of the Jail at Coimbatore on the 16 day from the date hereof, and to carry out the said sentence of whipping in the manner prescribed by law (afterwards returning the said Ramen to the custody of the keeper of the Jail), or show good sufficient cause why you have not complied with the foregoing.

(True Copy.)

(Signed) T. WELDON,
Superintendent of Police.

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

With reference to my letter, No. 315 (again forwarded), I submit the accompanying copy of a warrant issued to me by Joint Magistrate.

2. I conceive the intention of Government was to provide for the summary execution of sentences of whipping on other than convicts in Jail. When a prisoner is lodged in the Zillah Jail, I submit that the Jailer is the proper person to carry out the whole sentence and return the warrant endorsed accordingly.

3. Further, I do not consider that Government intended Superintendents of Police to be the persons to whom warrants of this nature should be addressed. Grave inconvenience might arise in case of absence of the Superintendent in a distant part of the District, as none but the officer to whom the warrant is addressed can endorse it over to another for execution.

22nd August 1864.

(Signed) T. WELDON,
Superintendent of Police.

No. 39.

ORDER THEREON, 8th September 1864, No. 1336.

The Governor in Council considers that there can be no doubt that, in cases falling under Section 9, Act VI of 1864, the warrant should issue to the Jailer, who will in terms of the sentence have the stripes inflicted by a Policeman in the presence of a Magistrate or of an officer authorized to exercise any of the powers of Magistrate, or of a Justice of the Peace.

(True Extract.)

Secretary to Government.

To the Inspector General of Police.
" " Jails.
" Sessions Judge of
" Magistrate of

End, J. T. Lock.

Judicial Department.

Copy 47-52
5.4.64

PROCEEDINGS of the MADRAS GOVERNMENT.

*Read letter from the Inspector
Genl. of Police — Enter 25 Augt. '64 N^o 1757.
Order — 8 September 1864. No. 1336.*

*The Governor in Council
considers that there can
be no doubt that in
cases falling under § IX
- Act VI '64, the warrant
should issue to the
Jailer, who will in terms
of the sentence have the
stripes inflicted by a
Policeman in the pre-
sence of a magistrate
or an officer authorized
to exercise any of the powers
of a Magistrate or a Justice of the Peace.*

*exercise any of the powers
of a Magistrate*

*The Inspector Genl. of Police
Jails.*

" Sessions Judge of 66

" Magistrate of 66

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...when the
sentence awarded lib-
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No. 1330.

PROCEEDINGS OF GOVERNMENT.

Dated 1864. Department.
Feb. 10/65

Forward when the
sentence awarded lib-
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ment.