

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 421

Press

~~Mis.~~

262-264

Dated

30 - 3 - 1884

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Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
30th March 1864.*

Read the following papers :—

No. 262. From W. ROBINSON, Esq., Inspector General of Madras Police; to A. J. ARBUTHNOT, Esq., Chief Secretary to Government, Fort Saint George, dated Madura, 9th March 1864, No. 528.

Cases are of frequent occurrence in the Districts of Southern Range, in which cattle are stolen from detached out-houses near, but not adjoining the owner's dwelling. A small mat door, secured by a cross bamboo, is removed, and the cattle driven away. There is a theft.

2. I find that such offences are classed as house-breaking under Section 445 of the Indian Penal Code in this District. The cow-shed or out-house is a "place for the custody of property;" though not such as is described in the explanation appended to that Section, and I doubt whether the offence is rightly included under house-breaking.

3. Might I request that the opinion of the Law Officers of Government may be taken on this point?

Referred to the Advocate General for his opinion.

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

FORT SAINT GEORGE,
14th March 1864.

No. 263. From J. R. BOYSON, Esq., Government Solicitor, Madras; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Madras, dated 18th March 1864, No. 126.

I have the honor to acknowledge the Order of Government noted in the margin, requesting

Dated 14th March 1864, and made on letter from Inspector General of Madras Police to Government, dated 9th idem, No. 528.

the Advocate General's opinion as to whether stealing cattle from detached out-houses near, but not adjoining the owner's dwelling, amounts

to the offence of "house-breaking" within the meaning of Section 445 of the Indian Penal Code.

2. I submitted the matter for the consideration of the Advocate General, with whom I have also conferred; and,

3. I now forward a copy of his opinion, and return the order above acknowledged.

COPY—OPINION.

The case put is that of "stealing cattle from a detached out-house, near, but not adjoining the owner's dwelling."

2. The entering is in my opinion clearly a case of "house-trespass" under Section 442; and probably, in many cases would amount to "lurking-house trespass," under Section 443; but I think it does not constitute the offence of "house-breaking," under Section 445.

3. Section 380 is in my opinion the one which meets the case—it is "theft in a building used for the custody of property."

(Signed) T. S. SMYTH,
Advocate General.

16th March 1864.

(True Copy.)

(Signed) J. R. BOYSON,
Government Solicitor.

No. 264.

ORDER THEREON, 30th March 1864, No. 421.
Communicated to the Inspector General of Police.
(True Extract.)

Chief Secretary.

To the Inspector General of Police.

Exd. T. O'Connor.

From Insp. Genl. of Police. 9 March '64. N^o 528
" Gov. Solicitor — 18^m — 126

Order 30th March 1864. N^o 421

Communicated to the
Inspector General of Police

[Signature]

To the Inspector General of Police. 3d Sept. 2/9/64

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