M.R.O. 1—38,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 856 Press Mis.

99-100

Dated 10 - 6 - 1864.

11/12

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,
10*th June* 1864.

No. 99. Read the following abstracts of Petitions from SIVARAMAYEN, of Combaconum; to the Magistrate. (Petition No. 363.)

States that in 1860 in appeal Cases Nos. 328 and 329 in which he was plaintiff, Suit No. 328 was decided in his favor by Mr. Ballard, Acting Principal Sudder Ameen; but that twenty days afterwards on a petition being presented to him he unjustly reversed his decision; and that, though the Principal Sudder Ameen had directed him to institute his suit under the head of "Forgery," he did not try it under that head.

Upon petitioner's appealing to the High Court he was told that he must get an endorsement from the Magistrate if he wished to indict the Principal Sudder Ameen.

3. That on 29th October he presented a petition to the Sessions Court, who said they would not interfere, and that he must indict the Principal Sudder Ameen through the Magistrate.

4. The petitioner begs for an order from the Collector to the Magistrate at Combaconum to investigate his case and indict Mr. Ballard, who is now Moonsiff in Negapatam, according to Section 219 of the Penal Code.

5. The endorsement on this petition was

"That according to Section 167 of the Criminal Procedure Code, the Principal Sudder Ameen cannot be prosecuted without an order and authority from the higher powers."

From SIVARAMAYEN of Combaconum; to the Collector. (Petition No. 364.)

Requesting the Magistrate to punish Chakarapanien and others for giving false witness in a Case of contract tried first before the Joint Magistrate in 1859, and then before the 2nd Class District Moonsiff in 1861.

The endorsement on the above petition is

"That the consent of the Court before whom the perjury was committed must be obtained before the Magistrate can entertain the charge." It appears the Moonsiff did not give his consent.

From SIVARAMAYEN of Combaconum; to the Collector. (Petition No. 365.)

The petitioner encloses eight papers connected with his case. He states that he was Plaintiff in Suit No. 277 of 1862 in the Moonsiff's Court, and that the defendant's property was confiscated; but that defendant has fraudulently removed it.

2. That the Moonsiff did not investigate the case and acted contrary to Section 219 of the Penal Code, and was in league with the defendant.

3. That petitioner complained to the Civil Court, who rejected his petition saying, that according to Act VIII of 1859, Section 263, there was no appeal.

4. On 29th October he went to the Sessions Court with vouchers from the Moonsiff's Court; but they informed him that the Court cannot interfere and he must appeal through the Magistrate.

5. The petitioner accordingly begs the Collector to give an order to the Magistrate at Combaconum to interfere in the matter.

6. The Collector's endorsement on the above is

"That without the permission of the Court the Magistrate cannot entertain the complaint you make."

(Signed) E. S.

No. 100. ORDER THEREON, 10th June 1864, No. 856.

The Governor in Council resolves to direct the Magistrate of Tanjore to take a deposition from the petitioner Sivaramayen, in which he should be required to specify clearly the charges brought by him against the Principal Sudder Ameen and Moonsiff named in these papers; the circumstances connected with them; and evidence in support of them. The Magistrate will forward the same, with his opinion, for the information of Government.

2. The charge sought to be brought by petitioner in the petition marked 364 is, as pointed out in the Magistrate's endorsement of the 15th December, inadmissible.

(True Extract.)

A. J. ARBUTHNOT,
Chief Secretary.

To the Magistrate of Tanjore.

Exd. R. H. Lee,

Endorsed

Petit[illegible] is hereby informed that no magistrate has power to admit the charge brought by you without the consent of [illegible] before whom perjury committed.

[illegible] of Wales

15th Decr 1863

[illegible]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

The endorsement

That according to Sec [redacted] Code, the

Pet

Before the 2nd [redacted] 1869.

[redacted]

Under Sec [redacted] Magistrate

Case

T. 365.

[redacted]

[redacted] 862

[redacted]

in the D[redacted] court and that the defendant's property

specified [redacted] that defendant has fraudulently

[redacted] the Sessions Judge ministry at the case, and acted

[redacted] to Sec Penal Code was in league with

the defendant.

That evidence [redacted] the Civil Court who ejected

according to Act VIII of 1859 Sect.

In 29th October, ment of the Sessions Court with reading

from an order [redacted] informed him that

[redacted] interfere and he must appeal through

[redacted]

[redacted] the Collector to issue an order

to the Magistrate [redacted] to interfere in the matter.

the Collector's endorsement on the above

That warrant the presumption [redacted] court, the Magistrate

cannot entertain the complaint you make.

H.

No 295

raised / Petitioner

law in combination with

the Petitioner

3 endorsement

upon the

Magistrate

ment

in

to

1861 - Sect. 167

Also in his

the Magistrate

misprision may be

during the case pr trial before

indorsed

individual alleged to have

Capacity

as a Principal under aforesaid

cannot be inquired into by any Magis-

trate upon the presentation of the

Right Honorable according to Section

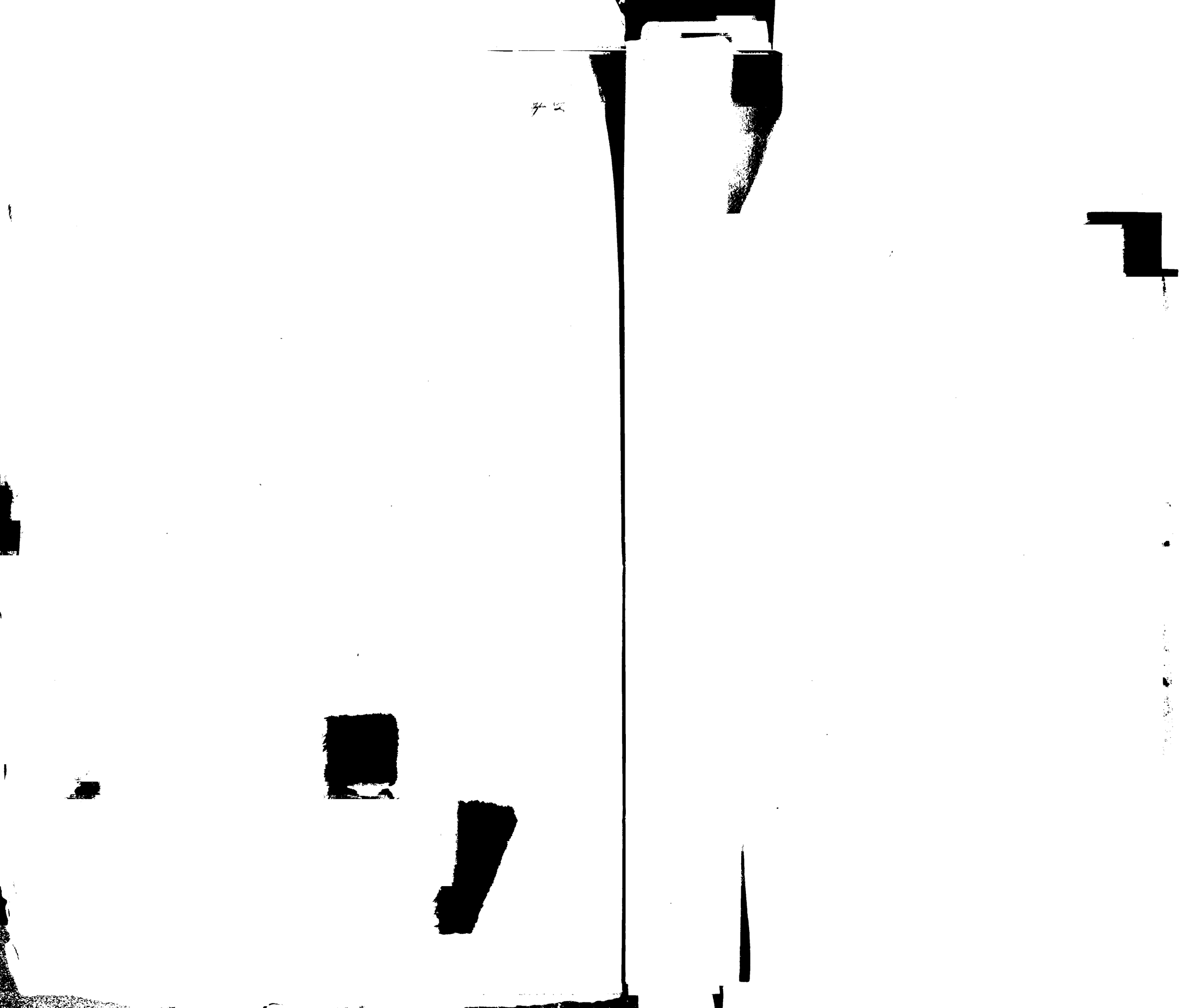
167 of the aforesaid Criminal Procedure

Petitioner has been in for of the

15th Dec

[redacted]

[redacted]

For orders.

There is no precedent for any trial under Sect 167
of Crim. Pro. Code –
I presume that if any trial were to take place
the mode of procedure would be that laid down
by Act XXXVII of 1850 & that the petitioners should
thereupon be called upon to give security as
directed in Sect II of that Act –
In that case the endorsement to that effect should
I suppose be sent to the Judge or [redacted] who
may be selected to try the case?
Section 169 is clear regarding the second complaint
made in the Petition – [redacted]