M.R.O. 1—29,000—16-10-22.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1072 Press Mis-

11-12

Dated 2 8 1865 .

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Not to be folded or roughly handled

1865

No. 11. Read the following letter from H. G. SMITH, Esq., Magistrate of Cuddapah, to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George; dated Cuddapah, 12th July 1865, No. 28.

The Government as per Order in the Judicial Department, published, under date the 4th July 1865, in the *Fort Saint George Gazette*, have invested Mr. S. Marcar, Principal Sudder Ameen of Cuddapah, under Section 412 of the Code of Criminal Procedure, with power to hear and dispose of appeals from the convictions of the Subordinate Magistrates in those Taluqs in which he now exercises the full powers of a Magistrate.

2. As this appointment is, I think, calculated to create great confusion, I beg respectfully to solicit the Government to reconsider the case.

3. All the Magisterial powers that Mr. Marcar has, or ever has had, is trying cases committed to him under Section 356 of the Criminal Procedure Code from one Taluq of the Sub-Division, owing to its being much nearer Cuddapah than the Sub-Division Head Quarters, but in which all appeals were made to the Joint Magistrate, and from the three Taluqs of the Deputy Collector's charge (who now has the power of a Magistrate, and I have recommended he should have appeal powers, under Section 412 of the Criminal Procedure Code), but from which Taluqs all appeals were brought to myself, also cases committed to him (Principal Sudder Ameen) under the same Section from the Taluq under the Magistrate, to relieve the latter from rather onerous work, and from which all appeals were made to the Magistrate. It has also been the custom for all cases under the same Section to be committed to him from the Head Assistant's Taluqs when there has been no one appointed, as was the case last year; all appeals, however, in this instance, were made to myself.

4. If, therefore, Mr. Marcar is allowed the power of hearing all appeals against the decisions of the Subordinate Magistrates in those Taluqs from which cases were committed to him as before shewn, people who are discontented with the Sub-Magistrate's decisions will have two Appellate Courts exercising the same power to go to, and if not contented with the decision of the Appellate Court they may have chosen, they can then secretly go to the other (for I imagine it was never intended to take away the Appellate powers now exercised by the Magistrates), and perhaps obtain a different verdict, which must create great confusion and unnecessary litigation, and most likely, when unprincipled Vakeels are concerned, great expense to both parties. The present system has worked well, and I have heard no complaints whatever.

5. I am given to understand that the appointment was made on the representation of the Session Judge, without my being consulted, which, I beg respectfully to represent, in my opinion, ought not to have been done, and in fact in any other matters connected with the Magisterial work of the District.

6. Under these circumstances, therefore, I have the honor to request the appointment may be cancelled, although if the assistance which the Government

apparently contemplates giving to the District in expediting Magisterial work were necessary, there is no one I should like to be appointed more than Mr. Marcar.

No. 12. ORDER THEREON, 2nd August 1865, No. 1072.

Referred to the Session Judge for his remarks. It appears to the Governor in Council that there is some force in the arguments advanced by the Magistrate against the Order of the 4th ultimo.

(True Extract).

Chief Secretary.

To the Session Judge of Cuddapah.

Erd. J. H. Burns.

1865 No. of Aug.

Judicial Department

1072

From The Magistrate of Cuddapah

To The Chief Secretary to Government in the Judicial Department Fort Saint George.

Dated 12th July 1865

Rec'd 3 1865

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No 28

Requesting that the appointment of Mr. S. Marcar Principal Sadr Ameen of Cuddapah to hear and dispose of appeals from the convictions of the Subordinate Magistrates in those Talugs in which he now exercises the full powers of a Magistrate as per Government order of the 12th July 1865 published in the Fort Saint George Gazette may be cancelled for reasons specified

With Order.

Proc: 9th May 1865 No 95-96.
Fwds: 4th July — 20th July

order thereon. 2d August 1865 No 1072

Referred to the Session Judge for his remarks. It appears to the Governor in Council that there is some force in the arguments advanced by the Magistrate against the order of the 4th ultimo.

Session Judge of Cuddapah

Ch. 16 July R 21

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