M.R.O. 1—32,000—16-10-23.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. 1191 Press ~~Mis.~~

223-228

Dated 29 — 8 — ~~19~~ 1924

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Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,
29th August 1865.

No. 227. Read the following letter from G. L. MORRIS, Esq., Collector and Magistrate of Tanjore, to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George; dated Vallum, 12th August 1865, No. 171.

With reference to the Proceedings of Government, Judicial Department, dated 1st August 1865, and the Order thereon, No. 1067, I have the honor to forward, herewith, for such further orders as the Government may think proper to issue on the subject, copy of a letter from the Joint Magistrate of this District, to whom the Proceedings aforesaid were sent immediately on their receipt.

2. I beg respectfully to add that, as Tiagasamanda Moodelly did not appear within the time specified in the proclamation issued by the Joint Magistrate, I am of opinion that Mr. Plumer is correct in stating that it will be necessary for him to prove to the satisfaction of a competent Court that he did not abscond, or conceal himself, for the purpose of evading Justice, before his property can be restored to him.

Vide Sections 183, 184, and 185 of the Code of Criminal Procedure

From C. G. PLUMER, Esq, Acting Joint Magistrate, Tanjore, to G. L. MORRIS, Esq. Magistrate of Tanjore; dated Negapatam, 8th August 1865, No. 90.

No. 1067. I have the honor to acknowledge the receipt of the Government Proceedings, dated 1st August.

2. With reference to paragraph 5 of the above Proceedings, I have the honor to state that, since my only desire, in the proceedings which I have taken in Tiagasamanda Moodelliar's case, has been impartially to administer the Law, I can make no objection to withdraw my warrant, if the Government think it proper that I should do so. I would request, however, instructions for my guidance as to the procedure to be adopted, as I am not aware of any provision in the Code of Criminal Procedure which meets the case.

3. With reference to paragraph 6 of the Proceedings, I would beg to submit that, under Section 185 of the Code, it will be necessary for Tiagasamanda Moodelliar to prove, on regular trial before a competent Court, that he did not abscond or conceal himself, for the purpose of evading Justice, before his property, which has been attached under Section 184, can be restored to him. I beg once more to state that I shall feel it my duty at once to obey any orders which I may receive from Government on this subject.

(True Copy).

(Signed) G. L. MORRIS,
District Magistrate.

No. 228. ORDER THEREON, 29th August 1865, No. 1191.

The Governor in Council is not prepared to pass any orders on the matter referred to in the foregoing letters. As the Acting Joint Magistrate must have known, it is not the province of the Government to prescribe the course to be taken by him in the exercise of the powers vested in him by law. The Proceedings of Government of the 1st August 1865, No. 1067, merely contained a suggestion, which it was for the Acting Joint Magistrate to adopt, or not, according to his discretion. His application for instructions for his guidance was consequently uncalled for.

(True Extract).

Chief Secretary.

To the Magistrate of Tanjore.

Ed. J. H. Burns.

Judicial Department. 2

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter from the Collector and Magistrate of Cawnpore Revenue Letter 12th August 1865 No 171

Order thereon 29 August 1865 No 1191.

The Governor in Council is not prepared to pass any orders on the matter referred to in the foregoing letters, as the Acting Joint Magistrate must have known it is not the province of the Government to prescribe the course to be taken by him in the exercise of the powers vested in him by law. The Proceedings of

Government of the 1st Augt 1854 No 107
merely contained a sugges-
tion which it was for the
Acting Joint Magistrate
to adopt or not according
to his discretion. His
application for instructions
for his guidance was
consequently uncalled for.

To the Inspr. of Mangive. dest.
12-10-56

Pro. Bengal
Judicial 1865. Department.

No. 1191.

PROCEEDINGS OF GOVERNMENT.

Fe. 2363.

Dated 29 August 1865.

Sanction Rec. 14 October 1865 No 85

227-228.