M.R.O. 1—27,500—16-12-52.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1293 Press Mis.

119.

Dated 11. 9. 1865 19 .

4/5

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,

11th September 1865.

Read again letter from the Magistrate of Bellary dated 10th July 1865, No. 44, recorded in Proceedings, dated 25th August 1865, No. 1179.

No. 129. ORDER THEREON, 11th September 1865, No. 1293.

On further consideration of the letter from the Magistrate of Bellary, recorded in the Proceedings of Government, under date the 25th ultimo, No. 1179, the Governor in Council is disposed to doubt whether the omission by the British subjects in question to attend as witnesses at "Seerah" in the Mysore territory, in obedience to a summons issued by the Magistrate of that place, can be regarded by the Magistrate of Bellary as a Criminal Act, which should be treated by him as one for which, under the Indian Penal Code, he can award punishment.

2. The Governor in Council is led to the adoption of this view, by reference to the definition of the term "British India" given in Section II, Code Criminal Procedure, which, it seems obvious, cannot, under the operation of Section 445 of the same Code, be rendered applicable to foreign territory such as that of Mysore.

3. Adverting, however, to the practical importance of the point, and to the probability of applications of the kind under notice being frequently made by the Magistrate in Mysore to the Magistracy of the border Districts in the Madras Presidency, His Excellency in Council resolves to refer the question to the Advocate General for his opinion, and meanwhile directs the Magistrate of Bellary to abstain from acting on the intimation conveyed to him in the Proceedings of Government, dated the 25th ultimo.

(True Extract).

Chief Secretary.

To the Government Solicitor, with Proceedings, Nos. 922 and 1179.
„ Magistrate of Bellary.

Exd. J. H. Burns.

Judicial Department.

'EEDINGS of the MADRAS GOVERNMENT.

Read a Letter from the Magistrate of Bellary Dy 10th July 1865 No 414, recorded in Proceedings dated 25th August 1865 No 1179.

Order thereon 11th September 1865. No 1293

On further consideration of the Letter from the Magistrate of Bellary, recorded in the Proceedings of Government under date the 25th Ultimo No 1179 the Governor in Council is disposed to doubt whether the evidence by the British Subjects requested to attend as witnesses at "Sirah" in the Mysore Territory, in obedience to a Summons issued by the Magistrate of that place, can be regarded by the Magistrate of Bellary as a criminal act which

should

should be treated by him as one for which under the Indian Penal Code, he can award punishment.

2 The Governor in Council is led to the adoption of this view by reference to the definition of the term "British India" given in Section II Code Criminal Procedure, which, it seems obvious, cannot, under the operation of Section 445 of the same Code be rendered applicable to foreign territory such as that of Mysore.

3 Adverting, however, to the practical importance of the point and to the probability of applications of the kind under notice, being frequently made by the Magistrate in Mysore to the Magistracy of the border Districts in the Madras Presidency, His Excellency in Council

resolves

resolves to refer the question to the Advocate General for his opinion and meanwhile directs the Magistrate of Bellary to abstain from acting on the intimation conveyed to him in the proceedings of Govt dated the 25th Ultimo.

To the Govt Solicitor
with Pros Nos 922 and 1179 } dcasp 18/5
Magistrate of Bellary

Pro: 25th August 1865 Nos 205-206.

Judicial 1865. Department

No. 1293

PROCEEDINGS OF GOVERNMENT.

Ffs 2116. 2114/116.

Dated 11th September/65

129.