M.S.O. 1—29,000—16-10-39.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1446 Press
Mis.

5940

Dated 10 10 1892

5/6

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,
10th October 1865.

No. 59. Read the following letter from A. HATHAWAY, Esq., Magistrate of Bellary, to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George; dated Bellary, 5th September 1865, No. 67.

With reference to Circular Memorandum, No. 324, of the Inspector General of Madras Police, at page 118 of the Police Weekly Circular, No. 18, dated 6th May last, I have the honor to request the instructions of Government as to whether it is advisable that Sub-Magistrates, at whose Head Quarters there are Subsidiary Jails, should issue Warrants of confinement for short sentenced prisoners addressed to themselves.

No. 60. ORDER THEREON, 10th October 1865, No. 1446.

The Governor in Council is of opinion that the Order of the Inspector General of Police, referred to in the foregoing letter, is perfectly correct. The charge of all Subsidiary Jails is a duty which devolves on the Subordinate Magistrate in charge of the Taluq in which the Jail is situated, and to whose Cutcherry it is usually attached.

2. It is not necessary, however, that any Warrant should be issued for the confinement of prisoners in the Subsidiary Jail. There is no provision to this effect in those Sections of the Code of Criminal Procedure which relate to the closing of trials before Subordinate Magistrates. The Governor in Council, however, directs that a book shall be kept in each Subsidiary Jail, showing the requisite particulars, in the annexed form, regarding each prisoner sentenced to be confined in it.

3. The Governor in Council is constrained to observe that the Magistrate of Bellary should have stated more fully the nature of the doubts which led to his making the present reference.

Form of Subsidiary Jail Book.

Name of prisoners.	Nature of offence.	Period and nature of sentence.	Date of admission into Jail.	Date of discharge.	Remarks.

(True Extract).

Acting Secretary to Government.

To the Magistrate of
„ Inspector General of Police.

Exd. J. H. Burns.

No 2. It does not appear that any other course is open. No JP

Is it fair to the Govt that matter of fact questions of this kind be submitted with a few naked words? I think not, & as most of the cases coming from the Mallery may be are rather of the class, it will be well to lett him go. of Course when the Magte resolved on submitting his matter to Govt, he had considered the subject, had worked it out, had all its points at his finger ends. Why then not favor Govt with a brief statement of them & show where & how his doubts had arisen.

It seems true that Mr Robertson's order is quite right and that Mr Galloways question is quite unnecessary. I also think it had be answered in the negative. The parts of the Code Crim Proc: which relate to the closing of trials before Sub magistrates are Clauses 12 - 13 - 14 & 15. Section 382. Chap XXVI. allowing in therein said of any "Warrant" being required & provided by Section — the otherwise as respects Sentences of the Regulation Lepers Courts &c.

appear further on in that Chapter -

I think therefore that as a Jail Warrant is not shown & the C. Crim P. to have been extended to form a slate in the summary style of trials in Sub Magistrates Courts &c. I would not be necessary to alter the form of warrant ordered in case - But as it is the Sub Magte who is in charge of the Subsidy Jail he ought to be a sys Item prescribed & he to have a Jail Book in wh he shd be entered the few words particulars relating to persons received to be kept in them -

A record of the kind is essential that the Magistrates are occasionally changed & in some districts frequently & in some districts frequently absent from the station of the Subsidy Jails

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Pres: Office
Judicial
186 5 DEPARTMENT.

From, Mayte
The ~~Collector~~ of
Bellary.

To, The Chief Secretary
to Govt
Madras

Dated 5th
Received 9th } September 1865.

No. 67.
Enclosure. Ltr No 1930 dt 2nd Sept 1865

Requesting instructions of Govt as to whether it is advisable that Sub Magistrates at those Head Quarters there are Subsidiary Jails, should issue warrants of Confinement for short sentences & addressed to themselves.

For Orders

Ltr No 1446

2884/65.
2nd Sept 1865 - 2447

No 67

Bellary Magistrates Office
5th September 1865

From,

A. Halloway Esquire
Magistrate of Bellary.

To

The Honorable A. J. Arbuthnot
Chief Secretary to Government
Madras.

Sir,

With reference to Circular Memorandum No 324, of the Inspector General of Madras Police, at Page 118 of the Police Weekly Circular No 18, dated 6th May last, I have the honor to request the instructions of Government as to whether it is advisable that Sub Magistrates, at whose Head Quarters, there are Subsidiary Jails, should issue Warrants of confinement for short sentenced prisoners, addressed to themselves.

I have the honor to be
Sir
Your Most Obedient Servant

A. Halloway
Magistrate

Judicial Department.

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PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter from the Magistrate of Bellary dt 5 Septr 1865 No 67.

Order thereon 10th October 1865 No 1446.

The Governor in Council is of opinion that the order of the Inspector General of Police referred to in the foregoing letter is perfectly correct. The charge of all subsidiary Jails is a duty which devolves on the subordinate magistrate in charge of the Taluk in which the jail is situated and to whose cutchery it is usually attached.

2. It is not necessary however that any warrant should be issued for

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for the confinement of prisoners in the subsidiary Jail - There is no provision to this effect in those sections of the Code of Criminal Procedure which relate to the closing of trials before subordinate Magistrates. The Governor in Council however directs that a Book should be kept in each subsidiary Jail showing the requisite particulars, in the annexed form, regarding each prisoner sentenced to be confined in it.

3. The Governor in Council is constrained to observe that the Magistrate of Billary should have stated more fully the nature of the doubts which led to

his making the present reference.

Form of Subsidiary Jail Book

Name of Prisoners	Nature of offence	Period and Nature of Sentence.	Date of admission into Jail	Date of discharge	Remarks

To the Magistrate of the several Districts
Asst. Inspt of Police ——— 3 dest 18/10

Revised & Circulated dest 6/11/65.

Pro: of Govt.

Judicial 1865. Department.

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No. 1446

PROCEEDINGS OF GOVERNMENT.

Ft. 2217 - 2447.

2884-

Dated 10 October 1865

54-60.

Home Govt 6/10