

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1235	Press
		~~Mis.~~
Dated	8-8-19	1896

115-116

5/b

Not to be folded or roughly handled

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*Proceedings of the Madras Government, Judicial Department,
8th August 1866.*

No. 115. Read the following letter from the Acting Magistrate of the Kistna District, to the Acting Chief Secretary to Government, Fort Saint George; dated Masulipatam, 6th July 1866, No. 217.

I have the honor to submit, herewith, copy of a letter, No. 51, of the 28th ultimo, from the Acting Joint Magistrate of this District, soliciting sanction for the adoption of the procedure of Section 195 of the Code of Criminal Procedure in the Joint Magistrate's Court, and to request that you will be good enough to obtain the sanction of Government for the Joint Magistrate to follow the course prescribed in Section 195 of the above Code, for the reasons set forth by Mr. Wilson.

From W. WILSON, Esq., Acting Joint Magistrate, to the Acting Magistrate, Kistna District; dated Guntoor, 28th June 1866, No. 51.

On July 31st, 1863, Government authorized the District, Joint, &c., Magistrates of the Kistna District to record the evidence of witnesses with their own hands in the English language, under Section 196 of the Code of Criminal Procedure.

The grant of this authority is optional with Government, but once granted its exercise by the Magistrate of the District or Division to which it has been extended is compulsory. After an experience of its advantages and disadvantages, extending from the publication of the order till now, I am not persuaded that the former are so great as completely to overshadow the latter. The increase of work in a Division Court, which has been the natural result of recent rulings of the High Court, imposes upon the presiding Magistrate an amount of clerical labor that is often oppressive, and sometimes perhaps injurious to the case. It may happen that points may be left untouched which were not intended to be, and would not, had the Magistrate been president and controller of the proceedings only, have been omitted. The physical labor of recording depositions in full in a long succession of cases is itself not little. With the work of two offices in my hands, I may be pardoned for sometimes wishing to throw aside the pen, and leave to a clerk the manual operation of recording what my examination of witnesses elicits. I am perfectly persuaded that the procedure of Section 195 is, for a District where English is not so well known as to be almost a Vernacular, better than that of Section 196. I would request, therefore, that the sanction of Government may be obtained to the adoption in this Court of the procedure of Section 195.

NOTE.—Mr. Hutchins invariably recorded the evidence in the manner proscribed in Section 196, C. C. P.

(Signed) W. WILSON,
Acting Joint Magistrate.

No. 116. ORDER THEREON, 8th August 1866, No. 1235.

The Governor in Council authorizes the Acting Joint Magistrate of the Kistna District to act on the provisions of Section 195 of the Code of Criminal Procedure in regard to taking the evidence of witnesses, so long as he may continue to be in charge of the settlement operations in his capacity of Acting Sub-Collector.

(True Extract).

Chief Secretary.

To the Magistrate of the Kistna District.

Exd. J. H. Burns.

N: 11495. Judicial.

From
The Acting Magistrate of Western Dist.
16 July 1866.

For Order.

I am not aware that similar ap-
plications to this have been made by
any other of the Officers affected
by the G.O. of 3 Feb 1863 and I do
not see why that order should be
disputed for in the case of the
Joint Mag. of the Western District
JP

well it would be well to ask 3 or 4 of our
Magistrates who really do some practical work whether
under a heavy pressure of business they would feel
it a relief to adopt the course in Section 195 provided
I could understand the other persons of a long

day's work when the pen shall continually
be going in recording depositions under Section
196. Wd
2 Aug.

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Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following
letter from the Acting Magistrate of the
Madras District.

Recd letter 8th July 1866 No. 217.

Order thereon 8th August 1866 No. 1235

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Wd
Wd

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h/

To the Magte of the Victoria District 11/8

*Appointed to the
 1952 CP in 1952
 to the CP in 1952*

Confidential 1865. Department.

No. 1235

PROCEEDINGS OF GOVERNMENT.

Dated 8th August 1865

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3/2/63
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1/6/63
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20/12/63
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