

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1260	Press ~~Mis.~~
159-160	
Dated 18. 8. 1918	1885

Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
15th August 1866.*

No. 159. Read the following letter from the Acting Government Solicitor, Madras, to the Chief Secretary to Government, Fort Saint George; dated Madras, 7th August 1866, No. 461.

I have the honor to acknowledge the Proceedings of Government noted in the margin (with enclosure), relative to the competency of one of two prisoners, accused of the same offence, to give evidence as a witness against the other.

Dated 4th August 1866, Judicial Department, No. 1194.

2. I submitted them for the consideration of the Acting Advocate General; and,

3. I now forward a copy of his Opinion.

COPY—OPINION.

The Session Judge is clearly right. No person can, during the course of a trial, stand in the two-fold position of a prisoner and a witness. So long as his trial is proceeding, any thing he says is a mere voluntary admission, which can be used against himself, but not against any one else. The only mode in which his evidence can be obtained, previous to his conviction, or to the dismissal of the charge against him, is by tendering him a pardon, under the provisions of the Criminal Procedure Code, Sections 209, 210. As soon as he has been convicted, his evidence, *quantum valeat*, will be admissible against any one else who has been indicted separately from him.

(Signed) J. D. MAYNE,
Acting Advocate General.

7th August 1866.

(True Copy.)

(Signed) H. J. BROCKMAN,
Acting Government Solicitor.

No. 160. ORDER THEREON, 15th August 1866, No. 1260.

Communicated to the Magistrate of Nellore, and to all Magistrates.

(True Extract).

A. J. ARBUTHNOT,
Chief Secretary.

To the Magistrate of

Pro. 15. August 1866 No. 1260.

1901/10/16

15. August 1866 No. 1260.

Communicated to the Magistrate of
Hobart & all Magistrates

W. H.

N. by h.

To the Magistrate of all Districts

1901/10/16

1901/10/16