

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

225-237	G.O. No. 1200-128.1300 Press
	~~Mis.~~
Dated	128 22.8.1968

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Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,
22nd August 1866.

No. 225. Read the following letter from the Magistrate of Cuddapah, to the Chief Secretary to Government, Fort Saint George; dated Cuddapah, 31st July 1866, No. 29.

In submitting letters* from the Acting Joint Magistrate of this District, regarding the apprehension of certain parties in his Division, on Warrants issued by the 2nd Class Subordinate Magistrate of Strinivasapuram Taluq and the Deputy Superintendent of the Colar District in the Mysore Territory, I have the honor to request that you will be pleased to obtain the orders of Government for the conveyance of the parties alluded to (who are now in custody) for delivery to the proper authorities in the Mysore Territory, according to Section 5 of Act No. I of 1849.

2. I have further the honor to request that I may be favored with the orders of Government, for my guidance and the subordinate officers, whether the individuals who may hereafter be apprehended in this District, on similar Warrants from the authorities in the Mysore Territory, may be allowed to be conveyed to that Territory immediately after their apprehension, or should special orders of Government be obtained in each case.

From P. L. ROBERTS, Esq., Acting Joint Magistrate of Cuddapah, to the Magistrate of Cuddapah; dated Madanapalli, 7th July 1866, No. 35.

I have the honor to inform you that two Police Constables, Daud Khan No. 9, and Fakir Alla No. 56, of the Strinivasapuram Taluq, Mysore District, have brought to me, from the 2nd Class Sub-Magistrate of that Taluq, seven Warrants of apprehension, under Section 76, and seven Search Warrants, under Section 114, of the Criminal Procedure Code, all dated 4th July 1866, and issued against as many men living, or supposed to live, in and about the Village of Galtu in Madanapalli Taluq within my Division.

2. These seven men are each charged, under Section 393 of the Penal Code, with attempt to commit robbery, and, under Section 395, with having committed Dacoity in the Strinivasapuram Taluq. In the Search Warrants, the stolen property, which consists of cloths, jewels, &c., belonging to Peramma and Narsappa, is said to amount in value to Rupees 235-4-4.

3. As the defendants are inhabitants of this Taluq, they may be proceeded against under Section 2 of Act I of 1849, which allows of their trial in British Territory for offences committed in a Foreign State. I have, therefore, issued Warrants for the apprehension of these parties, and for the search of their houses, and request that you would be good enough, in compliance with Section 3 of the said Act, to inform the Government of the circumstance, and obtain permission for me, under Section 5, to send the parties when arrested to the Sub-Magistrate of Strinivasapuram, from whom Warrants were in the first instance received.

4. No one acquainted with the facts of the case has appeared before me to give evidence, and it may even turn out that the defendants are not inhabitants of this District. But as the offence charged is a heinous one, and comes under the provisions of Section 21 of Act VII of 1854, which allows of foreigners being apprehended, I have felt the less scruple in at once ordering the apprehension of the parties, as permitted in Section 19 of that Act. After they are apprehended and brought before me, I shall proceed under whichever of the two Acts already mentioned suits the case, until the receipt of the orders of Government respecting its final disposal.

5. Two other Warrants, dated 5th July, and connected with the above case, have been brought by a Revenue Peon, No. 10, called Narayana. One Warrant is against Idigi Ramudu, of this Taluq, charging him, under Section 411 of the Penal Code, with receiving stolen property. I have issued

*Proceedings of the Madras Government, Judicial Department,
22nd August 1866.*

a Warrant against this man ; but the second Warrant is against a chuckler, Valagavadu, an inhabitant of the Mysore Territory, who is supposed to have taken refuge in this District. He is charged with Dacoity and attempt at robbery, but as no one has appeared to give information on oath against him, and the Warrant comes from Foreign and not British Territory, and as no order has come from Government for his apprehension, I could not proceed against him under Act VII of 1854 ; but, under the authority vested in me by Sections 68 and 74 of the Code of Criminal Procedure, I have sent out a Warrant for his apprehension. These two Sections will also cover any defect in procedure in the eight other Warrants, mentioned above, that I have issued without having first taken depositions from parties cognizant of the facts, owing to their non-appearance. I have, therefore, the honor to apply for the orders of Government as to how these men are to be dealt with when taken into custody.

From P. L. ROBERTS, Esq., Acting Joint Magistrate of Cuddapah, to the Magistrate of Cuddapah ; dated Madanapalli, 19th July 1866, No. 42.

With reference to your Memorandums, dated 10th July and 16th July, requesting the necessary orders to be issued for carrying into execution nine Warrants of apprehension and seven Search Warrants received from the Deputy Superintendent of the Colar District, I have the honor to inform you that six of the persons named in the Warrants have been apprehended on Warrants that I myself issued, as stated in my letter, No. 35, of the 7th instant. Two other men have absconded, and cannot be found. One man is said to have been apprehended in Mysore. I request the favor of your orders as to whether the abovementioned men, now in custody in the Madanapalli Taluq Jail, should be at once delivered over to the Mysore authorities, or whether their delivery should be delayed pending the reference of the case to Government.

No. 226.

ORDER THEREON, 22nd August 1866, No. 1299.

The authority vested in Government by Act I of 1849 having been delegated, among others, to the Session Judge of Cuddapah, he is legally competent to receive reports and give orders in cases within that Act arising in his jurisdiction. The Magistrate should therefore apply to the Session Judge for the necessary permission to deliver up the accused, should they be British subjects or belong to any of the other classes described in Section 2 of the Act.

Vide G. O., 17th February 1858, No. 134.

2. But if any of the accused should be subjects of the Mysore Government who have taken refuge in British Territory, and the offence charged should be heinous, it will be necessary to proceed under Act VII of 1854 ; and the previous permission of Government for delivering up the persons will be necessary in such cases. With reference to the remarks of the Acting Joint Magistrate regarding the apprehension of chuckler Valagavadu, Mr. Roberts' attention should be called to Section 19 of Act VII of 1854.

3. The Governor in Council observes that, under the opinion expressed by the Advocate General, and recorded in G. O., 7th November 1865, it was not competent to the Sub-Magistrate of Strinivasapuram and the Deputy Superintendent of the Colar District in Mysore to issue Warrants under the Criminal Procedure Code for the apprehension of British subjects resident in Cuddapah. The attention of the Commissioner of Mysore will be requested to this circumstance.

(Signed) J. D. SIM,

Secretary to Government.

*Proceedings of the Madras Government, Judicial Department,
22nd August 1866.*

No. 227. To the Commissioner for the Government of the Territories of His Highness the Maha Rajah of Mysore, Bangalore, dated Fort Saint George, 22nd August 1866, No. 1300.

I am directed by the Governor in Council to forward the annexed copy of a letter from the Magistrate of Cuddapah, from which you will observe that the Sub-Magistrate of Strinivasapuram and the Deputy Superintendent of the Colar District in Mysore have issued Warrants, under the Criminal Procedure Code, for the apprehension of British subjects resident in Cuddapah, in contravention of the opinion of the Advocate General, communicated to you in my letter, dated 7th November 1865, No. 1584.

(Signed) J. D. SIM,
Secretary to Government.

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter
from the Magistrate of Cudd-
dapat.

(Enclosure of July 1866 No. 29)

Order No. 299 of 22 Aug 1866

The authority vested in
Vide G.O. 17 February 65 No. 126. Government by Act 1 of 1859,
having been delegated, among
others, to the Session Judge
of Cuddapat, who is legally
competent to receive reports
and give orders in cases with-
in that Act arising in
his jurisdiction. The Magis-
trate should therefore apply
to the Session Judge for
the necessary permission to
deliver up the records should
they

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they be British subjects
or belong to any of the
other classes described in
Section 2 of the Act.

2 But if any of
the accused should be
subjects of the Mysore
Government who have
taken refuge in British
territory, and the offence charged
should be heinous, it will
be necessary to proceed
under Act VII of 1854, and
the previous permission of
Government for delivering
up the persons will be necessary
in such cases. With reference
to the remarks of the Asst
Sess Magistrate regarding
the apprehension of Chuchla
Thuganadu, Mr. Roberts'
attention should be called
to Section XIX of Act VII of
1854.

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3. The Governor in Council
observes that, under the opinion
expressed by the Advocate
General and recorded in
G.O. of 7th November 1865, it
was not competent to the
Sub Magistrate of Srini-
wasapuram and the Deputy
Superintendent of the Colar
District in Mysore to issue
warrants, under the Criminal
Procedure Code, for the ap-
prehension of British sub-
jects resident in Cuddapah.
The attention of the Com-
missioner of Mysore will
be requested to this circum-
stance.

To the Magistrate of Cuddapah } decr 27/6
Sessn Judge of — do — }

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Aug 27/5

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I am directed by the Governor in Council to forward the amended copy of ^{a letter from the Collector} ~~the Proceedings of the Magistrate of Cuddalore~~ from which you will observe that the Sub Magistrate of Sririvastapuram and the Deputy Superintendent of the Coles District in Mysore have issued warrants under the Criminal Procedure Code for the apprehension of British subjects resident in Cuddalore, in contravention of

will

No. 1299.

PROCEEDINGS OF GOVERNMENT.

272-2190.

Dated 27th August 1875.

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of the opinion of the Advocate
General communicated
to you in my letter dated
7th November 1865 No 1581

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Judicial 1866 & 1871.

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