

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

229-233	G.O. No. 1009	Press
		~~Mis.~~
	Dated 24-6-1907	

Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
24th June 1867.*

Read the following papers :—

No. 229. From the Magistrate of Tanjore, to the Chief Secretary to Government, Fort Saint George; dated Negapatam, 3rd June 1867, No. 370.

I have the honor to acknowledge the receipt of G. O., No. 858, dated 25th May 1867, Judicial Department, in which I am requested to state what is the practice in regard to giving to the Magistrates facilities for obtaining the perusal of papers in criminal cases tried by the Session Courts.

2. It is usual in this District for the Magistrate of the District to write direct to the Session Judge when any Session Court records are required for perusal either by himself or his subordinates, and to obtain them from him.

3. In the month of June last year, Mr. Banbury, then Officiating District Magistrate, wished to peruse the papers connected with the trial and acquittal of one of his Sub-Magistrates by the Session Court of Tanjore, and on application was furnished with the original records of the case by the Session Judge.

4. Again in November last, I applied to the Session Judge of Tranquebar for the records of a certain case which I was anxious to peruse, and in reply received copies of the papers which I asked for, Mr. Clarke declining to furnish me with the originals in accordance with certain Proceedings of the High Court, which lay down that "Notes of evidence, which form the original and only record of trial, are in no case to be removed from the custody of the Record-keeper or other responsible Officer of the Court in which the trial has been held."

No. 230. From the Magistrate of South Arcot, to the Chief Secretary to Government, Fort Saint George; dated Cuddalore, 4th June 1867, No. 31.

In reference to the Proceedings of Government, No. 858, dated 25th ultimo I have the honor to state that in this District, when papers in criminal cases tried by the Session Courts are required for perusal by Magistrates, the requisition is made simply by letter addressed to the Session Judge, who, as a rule, complies at once with the request, without the intervention of the Government Pleader, by sending the records or documents in original to the Magistrate.

2. Cases might, of course, occur in which the Session Judge might see proper to decline a request of the kind, but there have been none such within my experience.

No. 231. From the Acting Magistrate of the Madras District, to the Chief Secretary to Government, Fort Saint George; dated Saidapet, 17th June 1867, No. 109.

With reference to the Order of Government, dated the 25th May last, No. 858, calling upon me to report as to the practice prevailing in this District in regard to giving to the Magistrates facilities for obtaining the perusal of papers in criminal cases, I have the honor to state that, prior to the Indian Penal and Criminal Procedure Codes coming into force, the Session Court sent a copy of their finding and sentence in each case for the information of the Magistrates. This practice was kept up till the end of 1863, since which time it has been the custom simply to publish the results of the trial in each case in the *District Gazette*.

2. If in any case the Session Court passes remarks on the preliminary inquiries and proceedings held by Magistrate, a copy of the proceedings containing

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those remarks is invariably sent to the Magistrate; so also if the whole record of a trial before the Session Court be required in any case by the Magistrate, the Session Judge is addressed by letter and the papers obtained.

3. It would, in my opinion, greatly aid the Magistracy if the old practice of furnishing copies of the Calendar containing the grounds of acquittal or conviction by the Session Court were resorted to.

No. 232. From the Acting Magistrate of Nellore, to the Chief Secretary to Government, Fort Saint George; dated Nellore, 5th June 1867, No. 23.

I have the honor to acknowledge receipt of the Proceedings of Government, Judicial Department, dated 25th May 1867, No. 853; and to state in reply that in this District it is the practice for the Magistrate to address the Session Judge direct by letter if desirous of obtaining the perusal of papers in criminal cases, and when no longer required the papers are returned in the same manner with a covering letter.

No. 233. To the Secretary to the Government of Bombay, dated Fort Saint George, 24th June 1867, No. 1009.

Adverting to Mr. Under Secretary W. Wedderburn's Memorandum of the 26th April last, No. 1305, I am directed to state, for the information of the Government of Bombay, that the course generally followed by Magistrates in this Presidency is to apply by letter direct to the Session Judge for permission to peruse the records in criminal cases tried by the Session Courts.

2. With the exception of the Notes of Evidence, of which, as forming the original and only record, copies are furnished, all papers belonging to the records of trial are sent in original to the Magistrates, and are returned by them after perusal.

(Signed) A. J. ARBUTHNOT,
Chief Secretary.

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Judicial Department.
No. 1009.
The Secretary to the Government
of Bombay.

Sir,

Adverting to Mr.
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Fort St. George
24 June 1867