

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No.	1772	Press ~~Mis.~~
Dated	6-11-1867	

Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
6th November 1867.*

No. 63. Read the following:—

LUCKNOW,
September —, 1867.

MY DEAR SIR,

Will you kindly lay this letter, and its enclosures, before His Excellency Lord Napier, and ask him if he will take any copies of my Codes for the Courts in the Madras Presidency. The price of each Code will be 8 Rupees per copy, and I hope to have both Codes through the Press ready for distribution by 1st January 1868. These Codes have had three months' trial under Mr. Quinton, C. S., and Lieutenant Colonel Steel, Deputy Commissioners of Lucknow and Fyzabad, the two most important charges in Oudh. On reports furnished by the above-named Officers, the Judicial Commissioner recommended them to Mr. Strachey, Chief Commissioner of Oudh, who has ordered 64 copies of each Code for the province of Oudh.

Trusting you will kindly let me have an answer at your earliest convenience.

I remain, &c.,

(Signed) F. CURRIE,

Offg. Junior Secy. to Chief Comr. of Oudh.

Referred to the Chief Secretary to Government.

(By Order).

PERIAKOLAM, 3rd October 1867.

(Signed) J. H. GARSTIN,

Private Secretary.

No. 64. To F. CURRIE, Esq., Officiating Junior Secretary to Chief Commissioner of Oudh; dated Fort Saint George, 6th November 1867, No. 1772.

In acknowledging the receipt of your letter, dated — September last, and its enclosures, I am directed by His Excellency the Governor in Council to request that you will be good enough to send this Government (10) ten copies of your Code of Criminal Procedure, with Notes.

(Signed) R. S. ELLIS,

Chief Secretary.

Ed. J. Tulloch.

ACT XLV. OF 1860.

ACT XVII OF 1862 AND ACT IV OF 1867.

With Rulings of High Court Calcutta, High Court Madras, Agra High Court, Judicial Commissioners of Punjab, Oudh and Central Provinces, interpreting the several sections under which they are noted.

BY

FENDALL CURRIE,

Assistant Commissioner, Oudh, Officiating Junior Sec. stary

TO CHIEF COMMISSIONER OF OUDH.

PREFACE.

The Penal Code having now been in force some 6 years, many of its Sections have received a construction from those who have authority to expound the Code, and as it is only by having the interpretations and explanations of the several Sections, as given in the decisions of the above mentioned authorities, collected and arranged in a compendious form for ready reference, that accuracy and uniformity can be arrived at, this commentary has been compiled in the following manner.

(1.) It is noted opposite the several sections, whether the offence therein contained is cognizable by the Police or not.

(2.) Whether offences contained in the several sections are bailable or not.

(3.) By what Courts the offences in the several sections are triable. The Table herein contained has been altered from the original Schedule agreeably to Act VIII. of 1866.

(4.) The headings of the several Chapters, General Explanations, and the technical terms for the several offences are given in vernacular as contained in Sir G. Edmonstone's translation of the Penal Code.

(5.) I have collected and paraphrased and in some instances made illustrations from the published Rulings of the High Court Calcutta, and

not a procedure with

late Nizamut Adawlut N. W. P. and Judicial Commissioners, Punjab
Oudh and Central Provinces.

6. References have been made in the several sections of the Code to the definitions contained in Chapter II of the Penal Code thereby intending to remind the reader of the meaning to be put on those particular terms: careful attention to general explanations being requisite to avoid misinterpreting the Law.

Feeling sure that any number of Commentaries will be welcomed as long as they in any way help to solve the numerous doubts in which the meaning of the Penal Code is shrouded, is my only plea for offering this Volume to the Public.

F. C.

The Code had a three months trial under Colonel Steel, Deputy Commissioner, Fyzabad.

Colonel Steel's reply to Judicial Commissioner, dated 7th September, 1867.

"I have no hesitation in saying that I am of opinion that a Commentary completed in the manner that Mr. Currie proposes, giving the Rulings of those Courts having authority to expound the law and making references in the several sections to the definitions, will be of great use to every Judicial Officer. Mr. Currie further assists us by showing at a glance whether the offence is cognizable or not by the Police, whether bailable or not, and by what Court triable. This species of reference will be of immense assistance to all Judicial Officers, but especially to Moonserims, and Deputy Commissioners in the distribution of cases to the several Courts." * * *

(Sd.) JAMES STEEL,
Deputy Commissioner.

Remarks by Judicial Commissioner.

"I think that it is quite worth while Judicial Department incurring the expenditure."

(Sd.) L. BARROW,
Judicial Commissioner.

LUCKNOW.—PRINTED AT THE OUDH GOVERNMENT PRESS.

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ACT XXV. OF 1861,
CODE OF CRIMINAL PROCEDURE,

AND ACT XV. OF 1862,

WITH NOTES,

Containing opinions delivered by High Court, Calcutta; Madras High Court, Agre High Court, Judicial Commissioner, Punjab; Judicial Commissioner, Oude; and Judicial Commissioner, Central Provinces.

BY

FENDALL CURRIE,

Assistant Commissioner, Oudh. Officiating Junior Secretary

TO CHIEF COMMISSIONER OF OUDH.

PREFACE.

In India, the non-existence of hand-books and manuals which, in England, are found of such service to, and are so easily procurable by the legal profession, is a want which is, I think, universally allowed; and the absence of any authorized or generally recognised precedents in a compact form easy for reference, by which, to interpret the Code of Criminal Procedure, gives rise to considerable confusion.

The idea of this compilation first suggested itself to me in consequence of the continual differences of opinion which arise amongst officers employed on magisterial duties, on points where all should undoubtedly coincide.

Constant reference to the High Court Rulings on the several sections of the Code of Criminal Procedure is absolutely essential to the discharge of a Magistrate's duties.

I have myself experienced the advantage of having these High Court Rulings, &c., at hand for ready reference, both when studying for examinations, and in discharge of my magisterial duties, and the belief that what

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has proved so useful to myself, may assist others in a similar position has induced me to publish what has been my note-book since 1862.

I feel I have to return my grateful thanks to Messrs. Wyman and Co., of Calcutta, for the assistance I have derived from their monthly serial, "The Revenue, Judicial, and Police Journal," and their bi-monthly publication, "The Revenue, Civil, and Criminal Reporter," from which source I have been able to obtain several High Court Rulings and Circulars explanatory of the Criminal Code of Procedure.

F. C.

Reply of J. W. Quinton, Esq., C.S., to whom this Code was sent, for a three months trial.

From J. W. Quinton, Esq., C.S.,

Deputy Commissioner, Lucknow.

To Judicial Commissioner of Oude,

No 2,755 of 26th August.

In reply to his docket No. 1153 of 21st instant, states that Mr. Currie's edition of the Code of Criminal Procedure is valuable as containing all the rulings of Judicial Commissioner and High Courts on the code up to date, and that if published will be of great use to Magistrates throughout the Province.

(Signed),

J. W. QUINTON, D.C.

Remarks by Judicial Commissioner:

• • • I think it quite worth while Judicial Department incurring the expenditure.

(Signed),

L. BARROW, J.C.

55TH REGIMENTAL PRINTING PRESS

Final Procedure

Referred to the
Chief Secretary
to Government
(Borden)
J. H. Gaultin.
H. Seal
Pinaloan }
3/6/67

dispd 6/11.

Judicial Department

No. 1472.

To J. P. Morris Esq.

986 J. Junior Secretary

to Chief Commissioner of Oudh

Sir,

In acknowledging the
receipt of your letter da-
-ted ~~the 1st~~ ^{September last} ~~the 1st~~ of the
enclosures, I am directed
by His Excellency the Go-
-vernour in Council to
request that you will be
good enough to send
(10)
this Government ten, as
- price of your Code of
Criminal Procedure with
Notes.

W. H.
L. H. Gaultin
6 Nov: 1867

John B. 1849, 1850, 1851

1772

Prof Francis Deane
137 St James
New York

Orville

Oct 10. Remm 1863

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