

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	379	Press ~~Mis.~~
Dated	8 - 3 - 19	1867

96-92

W/H

Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
8th March 1867.*

No. 96. Read the following letter from the Magistrate of Coimbatore, to the Chief Secretary to Government, Fort Saint George; dated Coimbatore, 15th February 1867, No. 13.

I have the honor to forward copy of a letter from the Joint Magistrate of Ootacamund, dated 4th instant, No. 19, giving cover to a bill of costs from Madras to Ootacamund, and *vice versa*, tendered by one Shemoogah Moodelliar, a witness, who was summoned from Madras to Ooty to give evidence in a case of theft by a Mail Guard of a fifty Rupee Note from a Registered letter, and under the circumstances represented, I beg to support Major Campbell's recommendation for the payment of the amount claimed as per enclosed bill, viz., Rupees 73-14-0.

2. In paragraph 3 of the Government Order of the 30th September 1864, No. 1440, authority is given to Magistrates to disburse batta to indigent complainants and witnesses in all cases, whether committable to the Sessions Court, or disposable by any other Criminal Court, but I doubt whether I should act on this order in the present instance, as the applicant seems to be a man of some substance and claims travelling charges in addition to batta.

From the Joint Magistrate of Ootacamund, to the Magistrate of Coimbatore; dated Ootacamund, 4th February 1867, No. 19.

I have the honor to forward for your consideration a bill of Costs* from Madras to Ooty, and *vice versa*, tendered for payment by one Shemoogah Moodelliar, a witness, who was summoned from Madras to Ooty by the Joint Magistrate of Ooty, in order to give evidence in a case of theft by a Mail Guard, Kodanram Chetty, of a fifty Rupee Note from a Registered letter.

*Rupees 73-14-0.

2. I have no authority to sanction payment of the cost of evidence in cases in my Court, yet it seems a hard case that individuals should be compelled by a summons to attend Courts at a great distance without being reimbursed the amount of their actual expenses, especially when it is entirely the interest of Government that a case, such as theft by a Mail Guard in charge of letters, should be satisfactorily prosecuted.

3. I beg to refer you to Section 438, Criminal Procedure Code, by which you will observe that the Court of Session has power to order payment of the reasonable expenses of any complainant or witness before such Court, and I cannot see why a Magistrate should not have an equal power.

4. The case of theft by Kodanram Chetty was disposed of by me as Joint Magistrate. I shall, therefore, feel obliged by your opinion and decision on the subject of Shemoogah Moodelliar's claim for costs, Rupees 73-14-0.

No. 97. ORDER THEREON, 8th March 1867, No. 379.

Under the circumstances brought to notice, the Governor in Council sanctions the payment of the charges, amounting to Rupees (73-14-0) seventy-three and Annas fourteen, incurred by the witness Shemoogah Moodelliar, who was summoned from Madras to give evidence in a case of theft committed by a Mail Guard and tried before the Joint Magistrate of Ootacamund.

(True Extract).

To the Magistrate of Coimbatore.
" Accountant General, with Bill.

Exd. J. Tulloch.

Chief Secretary.

11
Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read letter from the
Magistrate of Coimbatore

/Dated 15th Feb 67 No 13/

Order. 8th March 1867 No 349.

Under the circum-
stances brought to notice,
the Governor in Council
sanctions the payment
of the charges amounting
to Rupees 73-14-0 seventy
three & Annas fourteen
incurred by the witness
Shemoo-pah Modalliar
who was summoned
from Chadrar to give evi-
dence in a case of
theft committed by a
Maid Guard & tried be-
fore the Joint Magistrate
of Ootacamund.

15
Sd Magistrate of Coimbatore
with bill

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56-53
7/9/63

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London 1862. Department.

No. 2349.

PROCEEDINGS OF GOVERNMENT.

22523.

Dated. 8th March 1897.

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