

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 385	<u>Press</u> <u>Mis.</u>
Dated 8-3-1918	67

Not to be folded or roughly handled

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

No. 109. Read the following letter from the Registrar of the High Court of Judicature at Madras, Appellate Side, to the Chief Secretary to Government, Fort Saint George; dated Madras, 26th February 1867, No. 16.

In their Proceedings, 2nd February 1863, No. 157, the Government directed, upon the suggestion of the High Court, that upon a case being committed for trial before a Court of Session the order to prosecute, required by Section 231 of the Code of Criminal Procedure, should be issued by the Magistrate of the District.

2. This course seems to have been found inconvenient in consequence of the "District Magistrate's" frequent absences from head quarters. Further, it appears to the High Court that by "the Magistrate" in Section 231 the Committing Magistrate is meant, and although the restriction made by Government is not on that account necessarily illegal, it will be better, in the opinion of the Acting Chief Justice and Judges, if the order to prosecute be in each case issued by the Committing Magistrate. If it be still thought that the selection of a prosecutor cannot be safely left to the Subordinate Magistrates of the 2nd class, and the Judges are certainly of that opinion, the Magistrate of each District or Division might be required to furnish all the Magistrates subordinate to him with the name of the person to whom the order should be issued, altering the name from time to time as he may deem necessary.

No. 110. ORDER THEREON, 8th March 1867, No. 385.

Under the circumstances represented in the foregoing letter, the Governor in Council resolves, in modification of paragraph 4 of Order, dated the 2nd February 1863, No. 157, to direct that, in future, the order to prosecute shall be given by the Committing Magistrate; the Magistrate of each District furnishing to all the Magistrates within his Division the name of the person to whom the order shall be issued, and notifying to them such alteration of name as, in conformity with the suggestion of the High Court, may from time to time be deemed necessary.

(True Extract).

A. J. ARBUTHNOT,
Chief Secretary.

To the Honorable the Judges of the High Court.
,, Magistrate of

Exd. J. Tulloch.

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Recd the following letter
from the Registrar of the High
Court.

(Here enter 26th February/57 No. 15)

Order thereon 8th March 1857 No. 385.

Under the circumstances
represented in the foregoing letter
the Governor in Council re-
solved, in modification of
paragraph 4 of Order dated
the 2nd February 1853 No. 157,
to direct that in future
the order to prosecute shall
be given by the Committing
Magistrate; the Magistrate
of each District furnishing
to all the Magistrates
within his division the
name

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name of the person to whom
the order shall be given,

and notifying to them such alteration of name
as in conformity with
the supervision of the High
Court, may from time to
time be deemed
the change which may
be found necessary.

by

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To the Hon. the Judge of the High Court
" President of }
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Indian 1865. Department.

No. 385.

PROCEEDINGS OF GOVERNMENT.

Dated, 8th March 1875.

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