

MADRAS RECORD OFFICE.

Government of Madras.

Industrial DEPARTMENT.

G.O. No.	741	Press Mis
Dated	8-5	1867

6/7

Not to be folded or roughly handled

741

No Spec Copy available

Proceedings of the Madras Government, Judicial Department,

8th May 1867.

No. 88. Read the following letter from the Acting Magistrate of Malabar, to the Chief Secretary to Government, Fort Saint George; dated Calicut, 30th April 1867, No. 15.

I have the honor to forward a Warrant, issued by the Chef de Service of Mahé, for the apprehension of Maliemele Assin Cootty, Moplah, charged with house-breaking by night and theft, and supposed to be in Cochin, and to request sanction for its execution, under Section 5 of Act I of 1849.

TRANSLATION.

Warrant.

We, Pierre Alfred Darin, Procurator General, Examining Magistrate of the Court of Original Jurisdiction at Mahé, command and order all Constables or Agents of the Public Force, who may be applied to, to bring before us Maliemele Assin Cootty, of the Moplah caste, living at Mahé, who is accused of having, on the night of the 10th September 1866, committed a burglary, to the injury of one Maylacara Assin Cootty.

2. We require all officers of the Public Force in charge of stations to give their hearty assistance, in case of need, in the execution of this Warrant, for which purpose we have signed and sealed it.

Done at our office at Mahé this 17th day of April 1867.

(True translation).

(Signed) J. W. LYONS,
French Translator.

No. 89. ORDER THEREON, 8th May 1867, No. 741.

With the foregoing letter, the Acting Magistrate of Malabar has submitted a Warrant, issued by the Chef de Service at Mahé, for the apprehension of one Maliemele Assin Cootty, a Moplah living at Mahé, who is charged with house-breaking by night and theft, and who is supposed to be in Cochin. The Acting Magistrate requests permission to execute the Warrant, under Section 5, Act I of 1849.

2. The Act quoted applies only to subjects of the British Government, and the Section to which the Acting Magistrate refers is applicable only to the case of an offence charged to have been committed in the territory of a Foreign Prince or State administered by Officers acting under the authority of the East India Company, now Her Majesty's Government. It clearly does not apply to an offence charged to have been committed in French territory.

3. The case falls under the provisions of Act VII of 1854. According to Section I of that Act, the proper course for the Chef de Service to adopt is to send a requisition, either through the Governor of the French Settlements in India, or direct to the Magistrate, for the delivery of the offender, whereupon it will be for the Government to issue an order for inquiry into the truth of the charge. It will then be the duty of the Magistrate, if he deems the evidence sufficient, to issue a Warrant for the apprehension of the accused, and, subsequently, if on further inquiry he deems the evidence sufficient for the committal of the accused, he will commit the accused to prison, and forward a report on the case, accompanied by copies of the depositions, to Government, with a view to the issue of an Order of Government, directing the accused to be delivered up to the Authorities at Mahé.

This is
not correct
- vice
Advocate
Julia
Opinion
in fo. No.
359 82 143 72
(flag N.)

4. Or, if the case should be one in which the immediate apprehension of the accused shall, in the judgment of the Acting Magistrate, be necessary for the ends of justice, it is open to him to act on the provisions of Section 19 of the Act, by apprehending the accused, without the preliminary order provided for in Section 1. (True Extract).

Chief Secretary.

To the Acting Magistrate of Malabar, with Warrant returned:

Exd. J. H. Burns.

Memorandum
for order

Section I of Act No. 1. of 1849.
does not apply to the case
referred to by the Magistrate
of Malabar. But Act
No. VII of 1854, Section I. Seems
applicable. According
to that Section, a requisition
should be made by the Chief
of Police to deliver up the
person named, and upon
such requisition the Govt. are
to issue an order. Sections
II. III + IV show what shall
be done by the Magistrate &
justices of the Peace to whom
the order shall be directed.

In the present instance
the "requisition," is a "war-
rant," and is not in conformity
with the Act referred to.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read letter from the Acting
Magistrate of Malabar.

2/30 April 1867. No 115.

Order thereon. No 741 of 8 May 1867.

With the foregoing
letter the Acting Magis-
trate of Malabar has
submitted a Warrant
issued by the Chef de
Service at Make for the
apprehension of one
Maliemele Assin Cooty,
a Moplah living at
Make, who is charged
with housebreaking
by night and theft
and who is supposed
to be in Cochin. The
Acting Magistrate request
permission

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permission to execute
the warrant under Sec. 5
Act I of 1849.

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of the British Govt. and
the section to which the
Acting Magistrate refers
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rity of the East India
Company, now Her
Majesty's Government.
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quency of the offender,
whereupon it will be
for the Govt. to issue
an order for enquiry
into the truth of the
charge. It will then
be the duty of the
Magistrate, if he deems
the evidence sufficient,
to issue a warrant for
the apprehension of
the

the accused, and subsequently if on further Enquiry he deems the evidence sufficient for the committal of the accused, he will commit the accused to prison and forward a report on the case, accompanied by copies of the depositions, to Govt. with a view to the issue of an order of Govt. directing the accused to be delivered up to the authorities at Malacca.

4. Or if the case should be one in which the immediate apprehension of the accused shall

shall in the judgment of the Acting Magistrate be necessary for the ends of justice, it is open to him to act on the provisions of Section XIX of the Act by apprehending the accused without the preliminary order provided for in Section I.

by

Ag. Master of Malabar }
with Warrant returned } despatched

88-89

Regarding the apprehension of a male residing at Inuit

1812-24

Indian 1897. Department.
No. 2411.
PROCEEDINGS OF GOVERNMENT.
Feb 1258.
Dated 8 May 1897.