

(1) Number of pages 10
(2) Date of repair 22-9-87
(3) Initials of the Referencer lax ✓

TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Judicial DEPARTMENT

G.O. No.	396.	Press.
B.P. No.		Mis.
Dated	10.3.1868	197.

S.N.N.

Not to be folded or roughly handled

96

*Proceedings of the Madras Government, Judicial Department,
10th March 1868.*

No. 86. Read the following letter from the Magistrate of Malabar, to the Chief Secretary to Government, Fort Saint George; dated Calicut, 27th February 1868, No. 166.

I have the honor to submit copy of the Proceedings of the High Court, dated 21st February 1868, No. 319, by which it appears that the High Court is of opinion that Mr. Cole, my Treasury Deputy Collector, is not a Magistrate in Malabar.

2. Mr. Cole when in Coimbatore was invested with the full powers of a Magistrate, and I was under the impression that he was capable of exercising magisterial functions in any cases referred to him by me as District Magistrate in Malabar.

3. As it appears I was wrong in this, I have now the honor to request Mr. Cole may be gazetted as a full power Magistrate in Malabar. When I have an Assistant here very few, if any, cases will be referred to Mr. Cole; but for the reasons given at length in my letter of the 19th September last, No. 105, it is very desirable my Treasury Deputy Collector should have the powers of a Magistrate, so as to be able to take up such cases as circumstances may lead me to refer to him.

Proceedings of the High Court of Judicature at Madras, 21st February 1868, No. 319.
Read letter, dated the 12th February 1868, from the Sessions Judge of Calicut, referring for the orders of the High Court, under Section 434 of the Code of Criminal Procedure, the proceedings of Mr. P. A. Cole, in case No. 1 of 1868, as contrary to law.
(Here enter H. C. No. 1039 of 1868).

1. The prisoner in the above case was convicted of robbery.
2. The Session Judge considered that Mr. Cole acted without jurisdiction in exercising magisterial functions.

3. It appears that on 6th December 1864, Mr. Cole was appointed Deputy Collector and Magistrate of Coimbatore, and under the Government Notification of 8th November 1864, he exercised the powers of a Subordinate Magistrate of the 1st Class. On 10th January 1865, he was invested under Section 23 of the Criminal Procedure Code with the full powers of a Magistrate.

4. On 10th December 1867, Mr. Cole was transferred from Coimbatore to Malabar, and appointed a Deputy Collector of the latter district.

5. It does not appear that he was then or subsequently appointed Deputy Magistrate of that district. The High Court are therefore of opinion that Mr. Cole is not a Magistrate in Malabar, and had no jurisdiction. The proceedings therefore which formed the subject of this reference, must be set aside. Had Mr. Cole been duly appointed a Deputy Magistrate of Malabar, the powers conferred on him by Government on 10th January 1865 would doubtless remain in force.

(True Extract).

(Signed) H. WIGRAM,
Acting Registrar, Appellate Side.

(True Copy).

(Signed) G. R. SHARPE,
Session Judge.

(True Copy).

(Signed) G. A. BALLARD,
Magistrate.

No. 87. ORDER THEREON, 10th March 1868, No. 396.

The Governor in Council authorizes Mr. P. A. Cole to exercise the powers of a Magistrate in the Malabar District.

(True Extract).

Secretary to Government.

To the Magistrate of Malabar.
,, Revenue Department.

Ed. F. B. Bantleman

No 166

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Malabar Magistrate
Calicut 27 Feb

From

G. A. Ballard Esq.

Magistrate of Malabar

To

The Honble A. S. Ellis Esq.

Chief Secretary to Government

Sir,

I have the honor to submit copy
of the Proceedings of the High Court dated
21st February 1868 N^o 319 by which it appears
that the High Court is of opinion that
Mr. Cole, my Treasury Deputy Collector is not
a Magistrate in Malabar.

2. Mr. Cole when in Coimbatore was
invested with the full powers of a Magistrate
and I was under the impression that he
was capable of exercising Magisterial
functions in any cases referred to him
by me as District Magistrate in Malabar.

3. As it appears I was wrong in this
I have now the honor to request Mr. Cole

engaged as a full power Magistrate

as. When I have an Assistant

if any cases will be referred.

But for the reasons given at length in my letter of the 13th September last N^o 105 it is very desirable my Treasury Deputy Collector should have the powers of a Magistrate so as to be able to take up such cases as circumstances may lead me to refer to him.

I have the honor to be,

Sir

Your most Obedt Servant,

Carrallack

Magistrate.

10th March 1868 N^o 396

The Governor in Council authorized Mr P. A. Cole to exercise the powers of a Magistrate in the Malabar District.

(copy)

N^o 316

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Proceedings of the High Court of Judicature at Madras, 21st February 1868.

Read letter dated the 12th February 1868 from the Sessions Judge of Calicut, referring for the order of the High Court, under Section 134 of the Code of Criminal Procedure, the Proceedings of Mr. Cole in case N^o 1 of 1868 as contrary to Law.

(Here enter H. C. N^o 1039 of 1868).

1. The Prisoner in the above case was convicted of Robbery.

2. The Session Judge considered that Mr. Cole acted without jurisdiction in exercising Magisterial functions.

3. It appears that on 6th December 1864 Mr. Cole was appointed Deputy Collector and Magistrate of Coimbatore and under the Government Notification of 8th November 1864 he exercised the powers of a Subordinate Magistrate of the 1st Class. On 10th January 1865 he was invested under Section 23 of the Criminal Procedure Code with the full powers of a Magistrate.

4. On 16th December 1867 Mr. Cole was transferred from Coimbatore to Malabar and appointed a Deputy Collector of the latter District.

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5. It does not appear that he was then
subsequently appointed Deputy Magistrate
of that District. The High Court are
therefore of opinion that Mr. Cole is not a
Magistrate in Malabar and had no juris-
diction. The proceedings therefore which
formed the subject of this reference must
be set aside. Had Mr. Cole been duly ap-
pointed a Deputy Magistrate of Malabar,
the powers conferred on him by Government
on 10 January 1865 would doubtless remain
in force.

(True Extract)

Signed/ H. Migram
Acty. Registrar
Appellate Side

(True Copy)

Signed/ G. R. Sharpe
Sessions Judge

(True Copy)

Saravananth
Magistrate

396
S.

See letter from the

Manager of the

dated 27 February 1908

1908.

Copy of the Proceedings

of the High Court dated

21st February 1908 R. 0. 518.

Given at London 18th March 1908.

By J. B. 1908/08

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