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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

JUDICIAL

DEPARTMENT

G.O. No.	583	Press.
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Copy

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N. S. S.

Proceedings of the Madras Government, Judicial Department,

3rd April 1868.

No. 64. Read the following letter from the Acting Registrar of the High Court of Judicature at Madras, Appellate Side, to the Chief Secretary to Government, Fort Saint George; dated Madras, 21st March 1868, No. 499.

Adverting to your letters to the address of the Honorable the Chief Justice, dated 15th January 1868, giving cover to Proceedings of Government in the Judicial Department of the same date, No. 51, and to your two subsequent communications, dated 22nd idem, No. 100, and the Proceedings of that date, No. 107, I am directed

to forward, for the information of Government, four copies of the Rules framed by the High Court.

Dated 13th March 1868, No. 433.

No. 433.

Rules of the High Court of Judicature at Madras relating to Warrants or Orders of Commitment by the Subordinate Courts and Magistrates, and to the reversal, mitigation, and suspension of Sentences passed by such Courts and Magistrates.

I. In every case in which two or more persons are jointly charged and convicted of an offence before a Court of Session or Magistrate, it shall be necessary to issue a separate Warrant or Order for the commitment to prison of each person under the sentence passed upon him.

II. Warrants of commitment in execution of sentences of transportation or imprisonment or fine or imprisonment and fine passed by a Court of Session or Magistrate shall be in the following forms or to the like effect, and should be drawn up without interlineation or erasure, and an alteration in a Warrant after it has been signed by the Judge or Magistrate shall on no account be permitted:—

Form of Warrant on a sentence of Imprisonment or Fine or both if passed by a Sessions Court.

To

(The Superintendent or Keeper) of the Jail at
Whereas at the Sessions held before me on the day of 18 (Name of
prisoner) the (1st, 2nd, or 3rd as the case may be) prisoner in Case No. of the
Calendar at the said Sessions was duly convicted of the offence (or offences) of (mention the
offence or offences concisely, ex. gr., "the offence of Dacoity" or of "voluntarily causing
hurt") under Section (or Sections) of the Penal Code (or of Act), and was
sentenced to (state the punishment fully and distinctly).

This is to authorize and require you the said (Superintendent or Keeper) to receive the said
(Prisoner's name) into your custody in the said Jail together with this Warrant, and there carry
the aforesaid sentence into execution according to law.
Given under my hand and the seal of the Court this day of 18

Seal.

(Signature).

The same if passed by a Magistrate.

Whereas on the day of 18 (Name of Prisoner) the (1st, 2nd, or 3rd as the case may be), prisoner in case
No. of the Calendar for 18 was convicted before me (name and official designation) of
the offence of (mention the offence or offences concisely) under Section (or Sections) of the
Penal Code (or of Act), and was sentenced to (state the punishment fully and distinctly).

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This is to authorize and require you the said (Superintendent or Keeper) to receive the said (Prisoner's name) into your custody in the said Jail together with this Warrant, and there carry the aforesaid sentence into execution according to law.

Given under my hand and the seal of the Court this day of 18 .
(Seal.) (Signature).

Form of Warrant on a Sentence of Transportation.

To

(The Superintendent or Keeper) of the Jail at

Whereas at the Sessions held before me on the day of 18 . (Name of Prisoner) the (1st, 2nd, 3rd, &c., as the case may be) prisoner in case No. of the Calendar at the said Sessions was duly convicted of the offence (or offences) of (mention the offence or offences concisely, ex. gr. "the offence of Dacoity" or "the offence of voluntarily causing hurt") under Section (or Sections) of the Penal Code (or of Act), and was sentenced to transportation for the term of years.

This is to require and authorize you the said (Superintendent or Keeper) to receive the said (Prisoner's name) into your custody in the said Jail together with this Warrant, and him there keep as by law is required until he shall be delivered over by you to the proper authority and custody for the purpose of his undergoing the punishment of transportation under the aforesaid sentence.

Given under my hand and the seal of the Court this day of 18 .
(Seal.) (Signature).

III. Whenever the sentence in a criminal case is reversed or reduced or suspended pending an appeal, the order of the Appellate Court shall be sent to the Superintendent or Keeper of the Jail to which the person or persons under sentence was or were committed.

IV. When the sentence is reversed, reduced or suspended by the High Court, the order of the Court shall be issued in duplicate, and it shall be the duty of the Court of Session or Magistrate receiving the same to transmit one to the said Superintendent or Keeper forthwith, and retain the other duplicate, and place it in the record of the case.

V. If after the sentence has been suspended, the appeal is dismissed, the order of the Court dismissing the appeal and annulling the order of suspension shall in like manner be transmitted to the said Superintendent or Keeper.

VI. The following shall be the forms of such orders:—

Form of an Order reversing a Sentence.

In the Court of Session of (or the Court of the Magistrate of).
The day of 18 .
Petition of Appeal No. of against the Appellant (or Appellants).
conviction and sentence by the Magistrate of }
under Section of the Penal Code (or of Act)
in Case No. of the Calendar for 18 . (Name and number in the case).

This appeal coming on for hearing before me: Upon perusing the petition of appeal and the record of the evidence and proceedings, and upon duly considering the same after hearing the Appellant (or the Counsel, Vakil or Agent of the Appellant as the case may be) I do adjudge and order that the conviction and sentence passed on the said (name of Prisoner) be reversed

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and annulled, and that the said prisoner be released from the Jail in which he is now imprisoned under the said sentence.

(Seal.)

(Signature of Judge or Magistrate).

Form of an Order reducing a Sentence.

In the Court of Session of (or the Court of the Magistrate of).
The day of 18 .
Petition of Appeal No. of against the Appellant (or Appellants).
conviction and sentence by the Magistrate of }
under Section of the Penal Code (or of Act)
in Case No. of the Calendar for 18 . (Name and number in the case).

This appeal coming on for hearing before me: Upon perusing the petition of Appeal and the record of the evidence and proceedings, and upon duly considering the same after hearing the Appellant (or the Counsel, Vakil or Agent of the Appellant as the case may be) I do adjudge and order that the sentence passed on the said (name of Prisoner) be reduced, and that instead of the punishment thereby imposed, the said (name of Prisoner) be (state the reduced punishment).

(Seal.)

(Signature of Judge or Magistrate).

Form of an Order suspending a Sentence.

In the Court of Session of (or the Court of the Magistrate of).
The day of 18 .
Petition of Appeal No. of against the Appellant (or Appellants).
conviction and sentence by the Magistrate of }
under Section of the Penal Code (or of Act)
in Case No. of the Calendar for 18 . (Name and number in the case).

This appeal coming on for hearing before me (or in the case of suspension before the hearing, "Application having been made to this Court by the Appellant for the suspension of the sentence passed upon him"): Upon perusing the petition of appeal and the copy of the said conviction and sentence, and upon hearing the Appellant (or the Counsel, Vakil or Agent of the Appellant as the case may be) I do order that as respects the said (name of Prisoner) the said sentence be suspended until the further order of this Court in the appeal.

(Seal.)

(Signature of Judge or Magistrate).

Form of an Order dismissing an Appeal and annulling a suspension of the Sentence.

In the Court of Session of (or the Court of the Magistrate of).
The day of 18 .
Petition of Appeal No. of against the Appellant (or Appellants).
conviction and sentence by the Magistrate of }
under Section of the Penal Code (or of Act)
in Case No. of the Calendar for 18 . (Name and number in the case).

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This appeal coming on for hearing before me : Upon perusing the petition of appeal and the record of the evidence and proceedings, and upon duly considering the same after hearing the Appellant (or the Counsel, Vakil or Agent of the Appellant *as the case may be*) I do adjudge and order that the said appeal be dismissed and that the order of this Court suspending the sentence be annulled, and that the said (*Prisoner's name*) do undergo the punishment imposed by the said sentence excluding from the computation of the term of imprisonment the time during which the order of suspension has been in force.

Seal.

(Signature of Judge or Magistrate).

HIGH COURT OF JUDICATURE,
MADRAS, 13th March 1868.

Published by order of the Court.

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

No. 65.

ORDER THEREON, 3rd April 1868, No. 583.

To be recorded.
(True Extract).

R. S. ELLIS,
Chief Secretary.

Ed. F. R. Bantleman.