

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 92	Press ~~Mis~~
Dated 20 - 1 - 1868	

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,
20th January 1868.

No. 146. Read the following letter from the Acting Magistrate of Vizagapatam, to the Chief Secretary to Government, Fort Saint George; dated Vizagapatam, 17th December 1867, No. 553.

On the 1st ultimo, I addressed the High Court, requesting that the trial of a man named Mari Muthoo, who was accused of stealing a watch from his master, Captain Lidderdale, on his embarkation for England in 1864, might be allowed to take place at Cuddapah, the prosecutor being there, and being unable to obtain leave to come up here. I beg to append copy of my letter thereon.

2. In reply, the High Court state that, if the offence was committed beyond the territories subject to the jurisdiction of the Government of India, it will be for the Government to say in what Court the accused should be tried.

3. All the evidence goes to show that the theft took place at Bombay; but, as the High Court have made the ruling as enclosed, I have the honor to request that the Government will be pleased to issue an order that the case should be tried at Cuddapah.

From the Acting Magistrate, Vizagapatam, to the Acting Registrar of the High Court of Judicature, Appellate Side, Madras; dated Vizagapatam, 1st November 1867, No. 467.

Captain Lidderdale, of the 38th Regiment N. I., now at Cuddapah, some time ago addressed the Superintendent of Police of this District, concerning a watch which had been stolen from him somewhere between Secunderabad and Bombay, or at the latter place, when en-route to England in 1864. He did not discover his loss till he reached England.

2. The suspected person Mari Muthoo has been apprehended at this place, and the watch too has been recovered.

3. The Magistrate of Cuddapah, to whom Captain Lidderdale complained, stated that he had no jurisdiction. Captain Lidderdale states that he cannot get leave to come up here and prosecute the man. I have the honor, therefore, under the circumstances, to request that the High Court may be pleased to issue an order, under Section 35 of the Criminal Procedure Code, that the case be tried by the Magistrate at Cuddapah.

4. The prisoner in that case would be sent down from here.

Proceedings of the High Court of Judicature at Madras, 9th December 1867.

The High Court are of opinion that, if the offence was committed beyond the territories subject to the jurisdiction of the Government of India, the procedure should be under Sections 3 and 4 of Act I of 1849, and it will be for the Government to say in what Court the accused should be tried.

(True Extract).

(Signed) T. WILKINS,

Deputy Registrar, Appellate Side.

(True Copy.)

(Signed) J. H. MASTER,

Acting Magistrate.

No. 147.

ORDER THEREON, 20th January 1868, No. 92.

As it is not established that the offence referred to in the foregoing letter from the Acting Magistrate of Vizagapatam was committed within the limits of

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British Territory, and there is reason to consider that it was committed beyond those limits, the Governor in Council directs that, under the provisions of Section 4 of Act I of 1849, the trial of the accused be had before the Magistrate at Cuddapah.

(True Extract).

Chief Secretary.

To the Magistrate of Cuddapah.
" Do. of Vizagapatam.
" Honorable the Judges of the High Court.

No. 92 of 20th Jan 1868
As it is well established that
the offence referred to
in the foregoing letter from
the Magistrate of Vizagapatam
was committed
within the British Territory
the Governor in
Council directs that, under
the provisions of Section
IV of Act I of 1849, the
trial of the accused be
had before the Magistrate
at Cuddapah.

and there is
reason to
consider that
it was committed
beyond those
limits,

W.D.M.

h/

To the Magistrate of Cuddapah.
" Do. of Vizagapatam.
" Honorable the Judges of the High Court.