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1891

<i>Just.</i> DEPARTMENT	
G.O., DATED	<i>15. 4. 91</i>
No.	<i>741</i>
Series.	<i>Mis</i>

Confidential.

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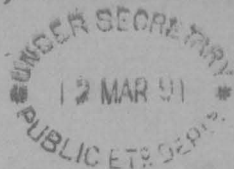
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Judl Dept

C.N. 1215



To
The Chief Secretary
to the Government of
Fort St George
Madras

From

W. C. Holmes

Madras Civil Service.

Recd 13th March 91

Forwarded

At Trivendrum.

At Col. & Dist Magr.

12.3.91.

Offering explanations
as to his work as Sessions
Judge Bellary & re-
questing that the

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forward this explanation
with judges of the High
with the request that
with consideration,
special reference to the
which has come before the
since the date of its
will kindly reconsider
expressed therein,
be the honor to be

Sir
Your obedient & humble servant

W. B. Holmes

Madras Civil Service

the causes I have stated
led to the large proportion
of cases on which such stress
Knowing the case I
on each case that came
up, I cannot but entertain
the view that when each case is
considered on its merits, it will be found
to be as thoroughly investigated, &
carefully weighed & as a rule,
valued. In no case in
the High Court dealt with
in appeal or review did
the Court, as far as my
recollection serves me, point out any
error or did any remark that
the lower judges made in
their judgments seem to indicate that
the Court thought that the
lower judges were even wrong,
unreasonable, or that the
Court was dissatisfied with the
way in which the case was
dealt with by the lower court. I hope
that a closer acquaintance
with my work, especially with
my appellate work, will lead the
judges to modify their
views.

representations made by the
Government may seriously prejudice
the interests by making Government
reluctant to again appoint
District & Sessions Judges
to Government service.

number of criminal cases
acquitted while I was acting
Judge Bellary naturally
my attention, but it
me at the time, that a
if not satisfactory, explain
this was to be found in
detective ability ^{the party} on the
tendency to supplement
in weak cases by the
tion of palpably false evidence
ted the whole case, the in-
ay in which preliminary
were conducted, & the re-
shown by the Sub Magistracy
responsibility of discharging
accused of grave offences
in then was no prima facie
when the evidence was such
could be no reasonab-
ty of a conviction.

date of the High Court's letter
did at two Sessions with
to the notice of the High Court
number of cases that I dis-
will have been brought
l when they will have
ne a more detailed exam-
than is possible from a
of the judgment & calendar
High Court will thus have
the opportunities of judge-
the work I did, & for

the writing of judgments, realize the necessity of setting forth a discussion of the evidence, for the decision arrived at, of the earlier cases I tried, in cases of acquittal when the decision did not seem to me to be at least doubtful, the judgments abtolutely meagre, and may be regarded as inconclusive. As a fact, however, I decided not to do so, I had fully considered the evidence, & made myself master of every detail, and the written order is mis- taken in so far as it gives rise to the impression that this was not the case.

At the close of my acting appointment as Bellary, the High Court pointed out the desirability of a fuller discussion of my judgments, and after some time and my practice, I trust to the satisfaction of the High Court, but at the same time to modify the opinion which my unaided judgments had in the Government was addressed to me.

The statistics quoted in the letter of the High Court, I have with due deference that no conclusion can be drawn from the proportions of convictions at the High Court as to the competence of the judges, whether he failed

Chingleput
11th March 1891

Secretary
Government of Fort St George
Madras

James C.S.

In honor to acknowledge the High Court's letter to Government dated 31st October last. It is with great regret & concern that the High Court considered it necessary to comment in such manner on my work as acting Judge Bellary. As there are circumstances in my favor which I have not had an opportunity of presenting them, may be overlooked, I beg leave to present them to the Government.

To The Chief
to the

From
W. C. H.

Sir,
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For Orders

13-14-15

I would send the letter to the
High Court, with request that
they will inform Govt. whether
Mr. H's Representative induces
them to modify their views.

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20/3/91

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14-11-11

and not go to H.S.
L.R. - 1/11/11
7-13
21/3