

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 1173

Dated 30th May 1895

INDEXED.

[Despatch Abstract.]

BILIPATAM MURDER CASE.

Forwarding papers connected with the---to the High Court
for the issue of the requisite orders with regard to the conduct of
the Sessions Judge in the delivery of a judgment thereof.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	1361		26-6-95				
	4285		95 92	2031			
	4593		95 80	1-10-95			
			28/10/95				

R. C. No. 1622
Disposal

Ob. Magistrate
VIZAGAPATAM COLLECTOR'S OFFICE.

Dated 24th April 1895

From

F. D'A. O. WOLFE-MURRAY Esq^r.

Magistrate
Ag. Collector,

Vizagapatam District.

To

The District Judge,

Vizagapatam

SIR,

I have the honor to inform you that the Police authorities are pressing me for a copy of the judgment in the Ponnipalam murder case Session case No 4/1895 with a view of applying for a retrial.

The judgment is no doubt a long one; it has already been in the Press here for some 3 weeks but considering that the judgment was delivered on 31st January last, and nearly 3 months have elapsed a manuscript copy might I would suggest have been furnished to the Police ere this.

I have &c
(signed) F. Wolfe-Murray
Ag Dist: Magistrate

(True copy)

Dy. for Ag Dist: Magistrate.

Enclosure in a letter from the
District Magistrate No 22
dated 5 May 1898



Current No. 3046

VIZAGAPATAM COLLECTOR'S OFFICE,

Dated 30th April 1898.

From

O. Wolfe Murray Esq

W. H. Willock Esq

Collector

Vizagapatam District.

To

The SECRETARY TO THE COMMISSIONERS OF

LAND REVENUE,

MADRAS.

SIR,

The work in the District Press is just now very heavy and I find the regular establishment is unable to cope with it. One of the chief items of work is the printing of a judgment of the Vizagapatam Sessions Judge which occupies 420 manuscript pages. To print $\frac{1}{3}$ of it has taken the Press 30 days the reason being that 4 or 5 proofs have to be sent to the Judge before the final proof is struck off and every time either new matter is added or the old matter altered, thus necessitating a readjustment of the whole of the matter already composed. A portion of the judgment was sent to the Press two months after it was orally pronounced, and applications for copies of it have been pending for some months. So it is necessary that it should be printed as early as possible.

The

2. The Press has also to print the Revenue Establish-
ment list (a new work initiated by me, for it has
never been done before in this District) of the District
occupying about 200 manuscript pages and also
several heavy Forest notifications besides several
thousands of forms indented for by Heads of other
Departments.

3. As the regular establishment is unable to do
this work without great delay, I have entertained
two additional compositors at Rs 15 each for a
period of 3 months and I beg the Board will
approve of my action.

I have &c

(Signed) O. Colpehurnay

Dy S. Collector

(True copy)

Dy. for Dy. District Magistrate.

Enclosure in a letter from the
District Magistrate of 1622
dated 5 May 1895

No 210

Sessions Court, Vizagapalam
26th April 1895

From

N. R. Farmer Esq

Sessions Judge

Vizagapalam

To

D. W. G. Bowie Esq.

Dy Registrar of the High Court of
Judicature, Appellate side

Madras

Sir,

The judgment in Session case No. 4 of 1895
mentioned in my letter to 115 dated 8th March 1895 will,
I hear from the Superintendent of the Press, take another
2 months to print. In the meantime the District Magis-
trate has asked for a manuscript copy; as he says the
Police authorities require it with a view to applying for a
retial.

2. It seems to me that until a printed copy is ready
for submission to the High Court, no copies should be
furnished to other Departments.

3. The prisoners were released on the 1st February 1895.
The judgment which is an unusually long one could
not be completed and fair copy prepared before the 28th
of March. It was then handed to the Superintendent of the
District Press. About half of it, has been printed, and it

will take about 2 months to print the other half. As it is not likely that, even if a manuscript copy were furnished, the case could be placed before the High Court before the recess, I am informing the District Magistrate that, in the absence of orders from the High Court, I do not propose to furnish a copy, until the printed copy is ready.

4. I may also mention that clerks of this Court have more copying work to do, than they can get through punctually, and I would therefore propose that in case the High Court think that the District Magistrate should have a copy of the judgments before the printed copy is ready, he may be asked to send a clerk to make a copy from the Office copy in the Court.

I have &c,

(Signed) N. R. Farmer

Sessions Judge

(True copy)

Forwarded to the District Magistrate Vizagapatam, with reference to his letter No 1622 dated 24th April

1895.

(Signed) N. R. Farmer
Sessions Judge

(True copy)

For Dist. Magistrate.

Re. C. No. 1622
Dis.

CURRENT NO. 2369
Dist. Magistrate
VIZAGAPATAM COLLECTOR'S OFFICE
Dated May 1895.

From

F. D.A. O. WOLFE-MURRAY Esq^r.

Dist. Magistrate
Ag. Collector,
Vizagapatam District.

To

THE HONORABLE J. F. Price
CHIEF SECRETARY TO GOVERNMENT,
Judicial DEPARTMENT,
MADRAS.

SIR,

I have the honor to forward for the information of Government copy of letter Rb. No 1622 of the 24th ultimo from myself to the Sessions Judge, and of his reply to the same contained in his letter to the High Court. I have also the honor to forward a copy of my letter to the Board of Revenue requesting sanction for 2 extra clerks in the Press. From my remarks therein it will be evident why the judgment takes so long to print.

I have the honor to be
Sir,

Your most obedient servant

For Dist. Magistrate

Judicial DEPARTMENT.

FROM

District Magistrate
THE COLLECTOR OF VIZAGAPATAM.

TO

THE CHIEF SECRETARY TO GOVERNMENT,
Judicial DEPARTMENT,
MADRAS.

CHIEF SECRETARY
10 MAY 1895
GOVERNMENT OF MADRAS

Dated 5

Received 10

Rep 11

May 1895.

Re.C. No. 1622
Dis.

ENCLOSURES. 3.

Subject.

R.
S.

order

Recorded with the re-
mark that it is not
apparent

* The matter need not
perhaps have been brought
before the notice of Court

It is not clear why this
communication was sent
to Court. The prisoners were

released on the 1. Feb. last & if
the Police authorities desire that
an appeal against the acquittal
shall be preferred to the
High Court, there seems to be
ample time to do this, the
appeal time expiring only 1
day. The D. Magistrate having taken
the necessary action to get the judg-
ment printed as quickly as possible.

Forwarding for the information
of Government copy of this office
letter No. 1622 of 24. 11. 94
to the Sessions Judge and of his reply
to the same regarding the judgment
in the Bimlipatnam murder case.

Ref. Do not
please see whether this is
a reply to any reference from
this office. 10/5/95

No.

From

Dated

189

FOR ORDERS.

I think the papers should be
forwarded to the H.C. & their attention
drawn to the apparent contravention
of the law by the Sess. Judge; & that
they should be requested to issue
such orders in the matter as
they may think requisite

Circi

22/5/95

Yes - the law has been
contravened

22/5

I think we should say "alleged"
as being more exact than "apparent".
I cannot conceive why Mr. Farmer
should require 420 pp. of M.S. to
write a judgment in.

C.

25 May
d/30th May 1895 No. 1173.
The papers will be forwarded to
the Hon. the Judges with the request that they
will issue such orders in the matter
as they may deem requisite with regard
to the alleged contravention by the
Sessions Judge of the provisions of
S.S. 367 & 369 of the Cr. P.C.
(from order) 28/5/95
Shall be the of the copy 27.5.95
A.C. Looked 116

The Dist. Mag. of Vizagapatam
submits for the information of Govt.
correspondence which has passed between
himself & the Sessions Judge, Mr. Farmer,
regarding the delay in granting copies
of the judgment in what is known as
the Bimlipatnam murder case. -
Judgment appears to have been delivered
on the 30th March January, and on
the 26th April the Judge wrote to the
High Court stating as follows

"The prisoners were released on the
1st February. The judgment which is an
unusually long one could not be com-
pleted and fair copy prepared before the
28th of March. It was then handed to the
Editor of the District Press. About half of
it has been printed and it will take about
two months to print the other half."

It thus appears that copies of the judgment
will not be available until the end
of June - 5 months after the release of the
prisoners. The Dist. Mag. desires to present
an appeal against the acquittal and this
inordinate delay will give them an excellent
opportunity of receding.

2. What is perhaps more serious however is
that Mr. Wolfe Murray, in applying to the
Board of Revenue for an addition to the Estab-
lishment of the District Press, writes
"one of the chief items of work is the

"printing of a judgment of the Sessions Judge which occupies 420 lines."
 "script page. The print $\frac{1}{3}$ of it has taken
 "the Press 30 days, the reason being that
 "4 or 5 proofs have to be sent to the
 "judge before the final proof is struck
 "off and every time either new matter
 "is added or the old matter altered
 "thus necessitating a re-adjustment of the
 "whole of the matter already composed"
 "If this statement is correct, the Sessions
 Judge is infringing the provisions of S. 367 & 369 of the Cr. P.C. which runs

S. 367. "Every judgment shall be
 "dated and signed by the presiding officer
 "in open Court at the time of pronouncing
 "it."

S. 369 "No Court other than a High
 "Court when it has signed its judgment,
 "shall alter or review the same,
 "except as provided in S. 395 or to correct
 "a clerical error."

3. Further from the judge's own remark
 that the "judgment could not be completed
 "and fair copy prepared until the 25th March"
 it would seem that the judgment was written
 after it was delivered; - if at least the
 Dist. Mag. was correct in stating that
 judgment was delivered on the 31st January.
 If this premise is correct Mr. Farmer
 has been guilty of a gross irregularity
 similar to that ^{on account of which} the
 Allahabad High Court passed the severe
 strictures on Mr. Nicholls (Sessions Judge
 of Benares), which will be found in
 22. R. M. XIV. pp. 271, 5273.

4. In these circumstances it is for consideration
 whether the matter should not at once be
 brought to the notice of the High Court.
 H.H. is aware that Mr. Farmer's conduct
 has on several recent occasions been in
 question.

Conduct of a
 Sessions Judge

H.H. C.
 7 Jan
 H.H. C.

* which relates to cases where for medical
 reasons effect cannot be given to a
 sentence of whipping.

When given for copying _____
 When copied _____
 When examined _____
 When signed _____

189.

READ AGAIN G.O., No. _____
 189 _____ DATED _____

CURRENT No. _____

ENCLOSURES TO "C. No. _____

ORDER OF GOVERNMENT A A A A A A A

LETTERS OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
 IN ORIGINAL.

N.B.-
 A = Copy in full.
 B = Not to be copied.
 P = Copy abstract only.
 Q = Copy heading only.

21. 5. 95
 21. 5. 95

21. 5. 95
 21. 5. 95