

Judicial (1895) Department.

ORDINARY PRINTED.

G.O., No 1210

Dated 8th June 1895

INDEXED.

[Despatch Abstract.]

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CONCURRENT SENTENCES.

Instructing the Government Pleader to move the High Court to revise the direction of the Sessions Judge, Salem, that the two separate sentences of transportation for life passed on convict Sengan in case No. 9 of 1895 shall run concurrently, and communicating to officers concerned the Advocate-General's opinion that sentences of transportation cannot be concurrent.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	677		2-4-95				

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	3402		95				
	3985		95				
	4443		95				

8TH JUNE 1895, No. 1210, JUDICIAL.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

READ—the following paper:—

From A. G. CARDEW, Esq., M.A., C.S., Inspector-General of Prisons, to the Chief Secretary to Government, dated Ootacamund, the 23rd April 1895, No. 2010.

Under section 18, Act V of 1871, I have the honour to submit, for the orders of Government, copy of a warrant issued by the Sessions Court, Salem, in Sessions case, No. 9 of 1895, by which convict Sengan has been sentenced to two separate sentences of transportation for life which are directed to run concurrently.

2. In paragraph 2 of Home Department letter, No. 9-617, dated 31st August 1889, recorded in G.O., dated 27th September 1889, No. 1667, the Government of India remarked that "two life sentences passed on one convict must, as a matter of course, run concurrently," but this opinion was expressed before the Madras High Court had given the authoritative ruling which is recorded in G.O., dated 7th April 1892, No. 686, and on which the Advocate-General's opinion in G.O., dated 18th May 1892, No. 938, was based. Moreover, it is presumed from G.O., dated 2nd April 1895, No. 677, that the Advocate-General has since held that sentences of transportation, like those of imprisonment, cannot be concurrent.

ORDER—dated 8th June 1895, No. 1210, Judicial.

The Government Pleader will be instructed to move the High Court to revise the Sessions Judge's direction referred to.

2. The Inspector-General's presumption is correct and the Advocate-General's opinion will now be communicated to the officers concerned.

(True Extract.)

J. F. PRICE,
Chief Secretary.

To the Government Pleader.
" the Inspector-General of Prisons.
" the Inspector-General of Police.
" all District Magistrates.
" all Sessions Judges.

[Appendix.

Exd. A. Raitt.

APPENDIX.

[*Re* warrant of commitment issued in the case of Gandla Vengamma in Kurnool Sessions case, No. 4 of 1895.]

OPINION.

1. The warrant of commitment declares that the prisoner "was duly convicted of the offence of murder" and that "she is also convicted of the offence of robbery." As only one case, No. 4 of 1895, is referred to, I assume that the prisoner was convicted at one trial of the two distinct offences mentioned.

2. The sentences are transportation for life and for seven years, respectively, and the direction is that they are to be concurrent.

3. The Courts have held that such a direction cannot be given. In the circumstances provided for in section 35 of the Code of Criminal Procedure, the punishments of "imprisonment or transportation shall commence the one after the expiration of the other." The power of the Court with regard to such sentences is confined to directing the order in which they are to take effect.

4. The rule applies to sentences of transportation by the very terms of the section; therefore, the direction given in the order of commitment under consideration is not warranted by law.

MADRAS,
14th March 1895.

(Signed) J. H. SPRING BRANSON,
Advocate-General.

Gobt. of {1895} Madras.
JUDICIAL.

Issued

Recd.

Encl.

G.O., 8th June 1895, No. 1210.

JUNE.

Concurrent Sentences.

Instructing the Government Pleader to move the High Court to revise the direction of the Sessions Judge, Salem, that the two separate sentences of transportation for life passed on convict Sengan in Case, No. 9 of 1895, shall run concurrently; and communicating to officers concerned the Advocate-General's opinion that sentences of transportation cannot be concurrent.

CURRENT No. 2147
JUDICIAL. Sept
JAIL (1895) DEPARTMENT.

From

THE INSPECTOR-GENERAL OF PRISONS,
Madras,

To

THE CHIEF SECRETARY TO GOVERNMENT,

Dated

23rd

Despatched

30th

Received

30th

Regd

18/6/95

No. 2010

CHIEF SECRETARY
GOVERNMENT OF MADRAS
30 APR. 1895
April 1895

ENCLOSURES.

one

Subject.

Recd

28/5/95

Submitting for the orders of Government Copy of a warrant issued by the Sessions Court Salem in Sessions Case No 9 of 1895 by which Convict Sengan has been sentenced to two separate sentences of transportation for life which are to run concurrently

677/95
938: 18-592 Sc
686: 7-4 92 Sc
1667-27 Sep 89 Sc

H. M.

P.S. 8th June 1895 No 1210

The Govt Pleader will be instructed to move the High Court to revise the Sessions Judge's direction reff. to.

2 The J.S.'s presumption is correct & the Advocate-General's opinion will now be communicated to the officers concerned

20-5-95
24/5/95
[To the Govt Pleader (Adm. Secy) reff. to Sengan's case (No. 9 of 1895) in which he was sentenced to two separate sentences of transportation for life which are to run concurrently. The Govt Pleader is requested to move the High Court to revise the Sessions Judge's direction reff. to.]
... J.S. Police 6
... Dist. Secy 173
... Sessions Judge 114

No. 2010.

OFFICE OF THE INSPECTOR-GENERAL OF PRISONS, MADRAS,

Dated Ootacamund, the 23rd April 1895.

From

A. G. CARDEW, Esq., M.A., C.S.

INSPECTOR-GENERAL OF PRISONS,

MADRAS,

To

THE HONOURABLE MR. J. F. PRICE, C.S.I.

CHIEF SECRETARY TO GOVERNMENT,

SIR,

One Enclosure.

Under section 18, act V of 1871, I have the honour to submit for the orders of Government copy of a warrant issued by the Sessions Court, Salem in Sessions Case N^o 9 of 1895 by which Convict Sengan has been sentenced to two separate sentences of transportation for life which are directed to run concurrently.

2. In para 2 of Home Department letter N^o 9-617, dated 31st August 1889, - recorded in G.O. 27th September 1889, N^o 1667, the Government of India - remarked that "two life sentences,

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Moreover it is presumed from G.O. 2nd April 1895, No. 677 that the Advocate General has since held that sentences of transportation, like those of imprisonment, cannot be concurrent.

I have the honour to be,

Sir

Your most obedient servant

A. G. Cardew

Inspector General of Prisons.

4201

8TH JUNE 1895, No. 1210, JUDICIAL.

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(True Extract.)

Chief Secretary.

To the Government Pleader.
Inspector-General of Prisons.
Inspector-General of Police.
District Magistrates.
Sessions Judges.

Au/

[Appendix.

Exd. A. Raitt

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[G
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J G O 61210 d/8 June 1895

District and Session
Judge of

Desp 120/1/95

North Arcot, Chittoor.	6
South Arcot, Cuddalore.	6
Bellary.	8
South Canara, Mangalore.	10
Chingleput.	6
Coimbatore.	9
Cuddapah.	6
Ganjam, Berhampore	6
Godavari, Rajahmundry.	10
Kistna, Masulipatam.	6
Kurnool.	6
Madura.	11
North Malabar, Tellicherry.	8
South Malabar, Calicut.	8
Nellore.	6
Nilgiris, Ootacamund.	6
Salem.	6
Tanjore.	6
Tinnevely, Palamcottah.	8
Trichinopoly.	6
Vizagapatam.	7

STATEMENT WITH DIRECTIONS.

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Concurrent Sentences.

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J 46 to 1210 d/8th June 1895

~~The Collectors of~~

The District Magistrates of

Desp 20/6/95

Anantapur.	8
North Arcot, Chittoor.	8
South Arcot, Cuddalore.	8
Bellary.	8
South Canara, Mangalore.	8
Chingleput, Saidapet.	8
Coinbatore.	8
Cuddapah.	8
Ganjam, Chatrapur.	8
Godavari, Cocanada.	8
Kistna, Masulipatam.	8
Kurnool.	8
Madras (when necessary).	
Madura.	8
Malabar, Calicut.	11
Nilgiris, Ootacamund.	8
Nellore.	8
Salem.	8
Tanjore.	9
Tinnevely.	8
Trichinopoly.	8
Vizagapatam.	8

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