

3. 9. 14.

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 1388

Dated 2^d July 1895

INDEXED.

[Despatch Abstract.]

PUBLIC PROSECUTOR FOR THE ASSISTANT SESSIONS
JUDGES COURT, TANJORE.

Declining, with remarks, to sanction the proposed appointment of a -----.

BACK PAPERS.

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

FURTHER PAPERS.

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

Judicial Dept

CURRENT NO. 2807

From

The Magistrate
Tanjore

To The Chief Secretary
to Govt. G.O.
Madras

Dated June 1895

Despd 7:30
Recd 10:30

No. 230
JUN 10 1895
GOVERNMENT OF MADRAS

Encl. one

Subject

Recommending Mr. K. S. Srinivasa Pillai
Adv. for the place of
Public Prosecutor in
the Court of the Assistant
Sessions Judge Tanjore

G.O. 816. 207. 95 Mir.

10.1459: 156.94

1183: 155.94

149: 219.94

10.1259/94 Mir. (a4, 1

101309/86

1487/92

102/90

Copy of a Communication from
the Sessions Judge Tanjore to the
District Magistrate Tanjore
No 336 dated 31. May 1895.

With reference to your letter
Ref: on C. No 485 of 1895
dated 17th ^{may} Instant I beg to
state that I should have
preferred Mr Muthusani Pillai
for the place; and he is I know
willing to take it. At the
same time I cannot say that
I consider Mr Srinivasa
Pillai inefficient or unsuitable
and if you prefer him I
cannot, I apprehend, as
District Judge, fetter your
discretion in a matter
which is more peculiarly

in your province. I prefer
therefore with these remarks
leave the matter in your
hands.

Yours truly
A. District Magistrate
7. 6. 55

For ^{use}

Enc. No. 1

In a letter

From

The Act Dist Magistrate
Tanjore

To

The Chief Secretary
to Govt. J. D.
Madras

D/O. June 1895 No. 230
Four

1895
Jun
Encl. No. 1
To
O. No. 2807.

Copy of a letter from
the Acting Sessions Judge
Tanjore to the District
Magistrate No 336 dated
31. May 1895.

CURRENT NO. 280

Tanjore District Magistrate's Office

Tanjore, 6 June 1895.

No. 230
Four

From

Robert B. Clegg Esqre

Acting District Magistrate,
Tanjore.

To

The Honourable Mr. J. F. Price,
Chief Secretary to Govt
Judicial Dept
Madras.

Sir

With reference to Government
notification No 170 Judicial Depart-
ment, dated 20th April 1895,
published at pages 461 and 462
of the Fort St George Gazette dated
23rd April 1895, appointing Mr. R.
Rao Bahadur C. Venkoba Chariar
Awargal, Subordinate Judge of
Tanjore, as Assistant Sessions Judge

in the Court of Session Tanjore,
I have the honour to recommend
that Mr. K. S. Srinivasa
Pillai Avargal First Grade
Pleader Tanjore may be
appointed Public Prosecutor
under Sec. 492 C.P.C. to
conduct the prosecution in
such cases as may be
transferred to the file of the
Assistant Sessions Judge for
disposal by the Sessions Judge,
from 3rd July next.

2. The Sessions Judge whom
I consulted regarding the
selection, has stated in his
letter No 336 dated 31st May
1895 (Copy enclosed) that he

should have preferred Mr.
A. Muthusami Pillai Avargal
another First Grade Pleader
but that he cannot say that
he considers Mr. Srinivasa
Pillai Avargal inefficient or
unsuitable if I prefer him.

3. Mr. Srinivasa Pillai
Avargal is unconnected with
this District and has no
local connections, for which
reason his selection is
preferable. He is one of the
best Vakils I have come ^{across} in
the District and was specially
selected as Public Prosecutor
in the preliminary inquiry
and to assist before the
Sessions Court, in the Tanjore
Judgment forgery case. Mr.

Thomson has also left a note
that he should be recommended
to Government

I have the honour to be,
Sir,
Your most obt. Servant

Respectfully,
A. District Magistrate
7.6.88

By ^{Wm}

[G.]
[25.]
600-7-1888

Just. DEPARTMENT.

C. No. 2807

FOR ORDERS.

as to whether it is necessary
that a separate Public Pro-
secutor should be appointed
to conduct the prosecution of
cases in the Courts of Ass.
Sessions judges. As Public
Prosecutors may perhaps
be able to attend to such
cases generally and if in
any particular case it is
found impossible to utilize
their services, District Magi-
strates can, under section
492 of the C.C.P., appoint
any other person to be
Public Prosecutor for the
purpose of such case.
At present there are only two
p. 50

urts of Asst. Sessions Judges
 This Prop., one at Tanjore
 the other at Tinnevely, and
 the appointment of a separate
 Public Prosecutor for each
 of these Courts will involve
 an extra expense of (presumably)
 Rs 100 p. m. on account of
 salary retainer fee (vide
 G.O. of 18. May 86, No 1309).

H. M.

This view appears incorrect; the
 retainer fee is assigned "to the
 joint office of Govt. Pleader and Public
 Prosecutor in each district." A public
 prosecutor appointed for the Court of
 the Asst. Sessions Judge would not be
 Govt. Pleader also, & the Govt. order quoted
 only contemplates the appointment of one
 officer for each district; if on the same analogy
 a retainer fee were deemed necessary, Rs
 20 p.m. would it be submitted be ample
 having regard to the limited duties of the
 officer.

But, it is submitted, that there is no
 necessity for the proposed appointment.
 If the Courts of the Sessions Judge & the
 Asst. Sessions Judge sit simultaneously
 the Dist. Magistrate can make arrangements
 under Cr. P.C. S 492; if they do not try
 Criminal cases simultaneously, the present
 Public Prosecutor can plead in both Courts.

2

14/6/95

I submit that there is no need for
 any further help in prosecuting

The Public Prosecutor would handle

13/6/95

G.
 25.
 000-5-3-95.

DEPARTMENT.

C. No.

FOR ORDERS.

had to prosecute if there had been
 no Asst. Sessions Judge. It should
 be easy to arrange for the trials
 before the Asst. S. Judge taking
 place as an addl. to the trials before
 the Sessions Court. As long
 as the place might be tried: if
 it does not succeed other arrangements
 can then be made. Considered

18/6/95

24/6/95

Public Prosecutor for Assam
Semi-Third Court

FOR ORDERS.

Am

C-216
12-576

Papers to be read in Proceedings:-

DEPARTMENT.

Again G.O., dated

18 , No.

Again G.O., dated

18 , No.

Current No.

of 18 , dated from

Current No. 2807

of 1895, dated 6th Jan from The N. Magistrate, Tanga

order of 2nd July 1895 No 1388

The Court considers that the
necessity for the proposed appoint-
ment of a separate Public
Prosecutor has not been
sufficiently demonstrated.
The N. Public Prosecutor
would have had to prosecute
all serious cases ^{arising} in Tanga
if no assistant serious judge
had been appointed & it would
probably be easy to arrange
for the trials before the Asst
Serious Judge taking place
so as not to clash with
those before the Sessions Court.

LD (from order)

11/7/95

To the N. Magistrate, Tanga (LD)

26/6/95

dupd

8/7/95

*Public Prosecutor for
Ass. Sessions Judge
Tangor*

*CS
/ms (From notes)*

When given for copying _____
When copied _____
When examined _____
When signed _____ } 189 .

READ AGAIN G.O., No.
189

DATED

CURRENT No.

ENCLOSURES TO C. No.

OF GOVERNMENT

.. A A A A A A A

OF GOVERNMENT.

TH DITTO.

NOT FILED UP, BEING MEANT FOR DESPATCH
ORIGINAL.

A = Copy in full.
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