

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 1401

Dated 4th July 1895

INDEXED.

[Despatch Abstract.]

APPEAL AGAINST ACQUITTAL.

Informing the District Magistrate of Kurnool that the Government does not consider that the acquittal of the first accused in Calendar case No. 361 of 1894, on the file of the Taluk Magistrate of Cumbum, warrants an appeal to the High Court under section 417 of the Code of Criminal Procedure.

BACK PAPERS.

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

FURTHER PAPERS.

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

CURRENT NO. 2968
 Judicial 1895. Sept.
 Correspondence Department.

FROM

A. C. Late Esq
 as Collector of D. Magre of
 Kurnool.

TO

Chief
 THE SECRETARY TO Government
 CHIEF SECRETARY
 20 JUN. 1895
 GOVERNMENT OF MADRAS
 Judicial Dept.
 Madras

DATED

7 June 1895.

RECEIVED

Despatched 17.
 3d R. C. No. 481 mag aggs
 Recd 20th June 1895
 R40 21st June 1895
 ENCLOSURES. Bundle of Records.
 Subject.

Submitting recd in C. C. No.
 361
 1896 with a recommendation
 that the Government Pleader may
 be instructed to file an appeal
 against the acquittal of the accused

R21/6

For orders

as to whether an appeal
 should be preferred in this case
 submitted that it is rather a case for
 departmental punishment of the
 placed than for an appeal. He did
 catch hold of one of the prisoners &
 could not well detain the others two
 this curious that the submagistrate framed
 a charge against him but acquitted
 him although he called no defence
 witnesses. He should have been dis-
 charged or convicted.
 a number of unnecessary records have
 accompanied this ref.

I do not see that this is a case
 for appeal. I do not think
 that any negligence has
 been shown as regards the
 1st accused (the 2nd was
 duly convicted and punished)
 He ought to have been punished
 but this feature is this
 did not bring him within the
 law - he could not prevent
 the 2nd accused from firing
 off his smoke. The case
 against him appears to be
 one for departmental depart-
 mentally. It would be of
 no use worrying the H.S. Ch.
 with the R21/6/1895

2716195

3^d Refon. C. No. $\frac{481}{\text{Mag. of 95}}$ ENCLOSURES. 1 Bundle of record Kurnool, DATED 9th June 1895.Despatched 17th June 1895

From

A. C. Tate Esq,
District Magistrate,
Collector of Kurnool.

To

Chief
THE SECRETARY TO Government,

Judicial Dept.

Madras.

Sir,

I have the honor, at the instance of the
Superintendent of Police, to submit ^{herewith} the
records in C. C. No. $\frac{361}{1894}$ on the file of the Taluk
Magistrate of Cunnah and to recommend
that the Government Pleader may be instructed
to file an appeal before the High Court
against the acquittal of the 1st accused
Narappa.

2. It is proved by the evidence of 3^d and 4th,
and 6th Prosecution witnesses that the
1st and 2^d accused escaped the prison-
ers as far as a certain well near the
village Chavidy and that the Second
accused then stopped behind, telling the
1st accused that he was going away to

Smoke

Smoke and that he would join him soon. If
the 1st accused consented to the second
accused going away he must be held res-
ponsible for the consequences which resulted
from his fellow constable's absence. If he
did not consent to it, he should have objected
at once and if the 2nd accused persisted
he should have brought back the prisoners
to the Station which he failed to do. The
first accused was also therefore responsible
for the escape of the prisoners, and his acquittal
was improper. He no doubt did subsequently
what he could ^{but} that cannot absolve him
from criminal liability ~~from~~ for his original
neglect.

I have the honor to be,

Sir,

Your most obedient servant

H. D. L.

11.6.95
Ag. D. Magistrate.

cc. D. P.

[6]

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. 2968 of 1895, dated 9. June from The D. Magistrate

recd d/4th July 1895 No 1401

The Court does not consider
that the acquittal ^{of the 1st accused} in C.C. No
361 of 94 on the file of the Taluk
Magistrate of Cambium warrants
an appeal to the High Court
under section 417 of the C.C.P.
The case appears to be one
of disposal Departmentally.
The D. Magistrate's letter was
accompanied by a number
of utterly unnecessary enclosures.

The transmission of papers of this description
should be future be ^{prevented} ~~prevented~~ against
from others

20 D
2/3/95 2801-95

To the D. Magistrate, Kurnool
with rem. & return

6 of 8/11

3/17

mid

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

LETTER 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.
- F = Copy abstract only.
- Q = Copy heading only.