

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 1502

Dated 17th July 1895

INDEXED.

[Despatch Abstract.]

KARUR MUNICIPALITY

Communicating to the Chairman, Municipal Council, Karur, the opinion of the Advocate-General on the question of the credit to Municipal funds of the whole fine imposed on a councillor contractor, and stating that the Chairman's contention is untenable.

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
Q. 1147897							

Judicial Sept. 2782
CURRENT No. 1078
Current in Res 985

COLLECTOR'S OFFICE
9 MAY 12
Local & Impl. Dept.
CURRENT No. 1845
From
The Chairman,
Municipal Council
Karru.

2157/94
Apaken
To The Chief Secretary to Govt.
Local & Impl. Dept.
Fort Saint George
Madras.
Through The Collector of
Cinnabara Fort George

dated 7th
Recd 7th May 1895
Received 13 MAY. 95
Recd in Jud 7th June 95
Recd in 8th No 5.

Encl. (1) Enc.

Subject;

Requesting orders of Government
As to the payment of the whole
fine imposed on a Councillor
Contractor under Section 260. to
the Municipal funds.

4.0. 119 on 1895
1899 on 1896
1728 on 1896
1431 on 1896
1178 on 1896

Forwarded

2. The claim appears within
the. The conviction was under
Section 168 of the Penal Code
John B. Randle
Collector.

10-5-95
Sept 11/5
N. 774 of 5 June 1895.
Transferred to the Judicial Department
Godhumbur
By Assistant Secretary
31.10.95

This is a new print. I w.
ask the ass. judge for
opinion
Order 18/6/95
The Govt. agrees with the
and St. Magistrate.
12.6.95 18/6/95

To The Judicial Department.

17/6
Referred to the
Municipal Council for
of opinion
The St. Magistrate 19.8.95
Copy to the Collector's Office

[G]
9
2,000-2-4-95.

Current No. 2782
Judicial DEPARTMENT.

From The Chairman,
Municipal Council,
Karur

No. 5

Dated 7th May } 1895
Received 7th June }
Enclosures /

SUBJECT.

Requesting orders of Government
as to the payment of the whole
fine imposed on a councillor
contractor under Sec: 260. to the
municipal funds.

Forwarded.

2. The claim appears
untenable. The conviction
was under Section 168 of the
Penal code.

(Signed) Herbert Bradburn
Collector,
Coimbatore.
10-5-95

No. 774 dated 5th June 1895.
Transferred to the Judicial
Department.

(Signed) C. G. Jodhwan
as Asst. Secretary
31-V-95.

Cum gratia joint Magistrate's Office.

Dated 28th April 1895

From,

J. M. Swaminatha Aiyar Esqr.

Ag. joint Magistrate.

Encl. (1).

To,

The Chairman

Municipal Council Karur.

Sir,

In reply to your letter No. 30 dated 20th April 1895, I have the honor to observe, that no doubt, the offence with which Pattabhi Chetti stood charged fell under Section 260 of the District Municipality Act, still as he was convicted under Section 168 I.P.C. under which provision of law also his action was liable to punishment and as Mr. Hardwig has allowed a moiety of the fine which was all the reason that the Municipal Council was a loser by, by the grant of remission, I regret I am unable to comply with your request.

Under Sec. 545 of the Criminal Procedure Code.

I have the honor to be,

Sir,

Your most obedient Servant

Signed J. M. Swaminatha Aiyar

Ag. joint Magistrate.

[True copy]

Subbhan

Chairman

Ducts Cur: en 1078
Res 485

under the Municipalities' Act and that my request
cannot be complied with. A copy of his letter
is enclosed.

3. I beg to submit that the expression
"By virtue of the Act" is sufficiently wide to include
the case and that in as much as no charge or
conviction could have taken place, but for the pro-
vision in Section 260, the whole amount of 1000 Rs.
should properly belong to the Council.

4. As the matter is important and as
in the present state of the finances of this Municipality,
a decision in its favour will materially help the
Council, I have ventured to solicit that the
Government may be pleased to order that the
whole fine may be credited to Municipal funds.

I have the honor to be,

Sir,

Yours most obedient servant

V. Subbaram

Chairman

CURRENT NO. 3210

CURRENT NO. 3210

Judicial (1895) Department

From

Ernest Barclay
Government Solicitor
Madras

To

The Chief Secretary
to Government
Ootacamund

Ref No 1480/94

Cur. 2782 + 3210/95

For orders

Submitted & H. for perusal with
reference to orders on Cur. 2782/95.

Order of 17th July 1895
No 1502 1577/95

The Advocate-General's opinion
will be communicated to the Chairman
of the Municipal Council, Karur, with
the intimation that the Govt. considers
his contention to be untenable.

The Chairman, Mr. C. Karur, through the
Collector, Coimbatore. 24 JUL 95
M.S.

No 353

Dated 3 July 1895

CHIEF SECRETARY
GOVERNMENT OF MADRAS
15 JUL 1895

Encls & en 2782 with
encl: 2782

Forwarded with enclosures
reference to the Order
Government dated 27
1895 No 1480. Judicial

Ernest Barclay

Government Solicitor

19/7
X 20/7

Opinion.

1. I think that the contention of the Chairman of the Karur Municipality is not well founded.
2. Section 260 of the District Municipalities Act, 1884, declares that the offence therein mentioned shall be deemed to be "an offence under Section 168 of the Indian Penal Code", consequently the punishment is imposed under that Code and not "by virtue of this Act". Under the Penal Code the sentence might have been a term of imprisonment only.
3. Section 283 of the District Municipalities Act, 1884, affords an instance of a "fine imposed by virtue of this Act". The difference between such a case and that under consideration is obvious.

Madras .
3rd July 1895. }

J. H. Spring Branson,
Advocate General.

(True Copy)

Ernest Barclay

Government Solicitor.

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. B as above
 Copy abstract only
 Copy heading only