

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 1826

Dated 2^d Sept 1895

INDEXED.

[Despatch Abstract.]

INDIAN ARMS ACT, XI OF 1878.

Passing orders on the letter from the District Magistrate of Ganjam referring a case in which the Police have applied for sanction to prosecute under section 5 of the----, two men in whose possession were found both fireworks and powder to be used in fireworks.

BACK PAPERS.

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

FURTHER PAPERS.

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

From

CURRENT NO. 3874

✓ to No 929 mag

C. J. Veir, Esquire,
Collector of Gangam

To

The Chief Secretary to Government
Judicial Department
Madras.

Dated Chhatapur 8th August 95.

Sir,

I have the honour to submit the following case for orders.

2. The Station House Officer, Chicaash, entered the house of two men while they were preparing fire works and found in their possession both fire works and powder to be used in fire works. The men held no license of any kind under the Arms Act. The Police have applied for sanction to prosecute the offenders under Section 5 of the Indian Arms Act. XI of 1878.

on page 15 of the Rules.

3. Note 4 to Rule 11 of the revised rules under the Act states that "the manufacture, possession and sale of fire works as such is permissible without a license under the Arms Act, but the making of powder to be used in the fire works or its possession requires a license". As powder of some sort is, I understand, an essential ingredient

ingredient of nearly all fire works, it is impossible to manufacture fire works without being at some stage of the process in possession of powder to be used in the "fire works." The Concession allowed by the 1st part of the sentence is thus apparently nullified by the last clause.

4. From the letter of the Government of India N^o 1812 dated the 1st December 1880, to the Government of the North Western Provinces, when read with the letter from the Government of the Punjab which form an enclosure to the same proceedings - referred to in the two orders on which the said rule is based, the manufacture, possession and sale of fire works of which gun powder is not an ingredient, does not appear to have been restricted to licensed dealers. The order of the Madras Government of 9th January 1883 N^o 19 Judicial, makes the possession of "powder" to be used in fire works require a license.

5. In the Case before me, no gun powder was found in the possession of the men; The powder found is described as follows:-

134. tolas -	shot powder
10. 80 -	red light powder
10 - 80 -	green do
10 - 80 -	Sulphur

240 tolas & 4 adhas of powder for making crackers & such.

I have the honor to be

Yours

Your most obedient servant

A. Thompson
For District Magistrate

Enc.

Judicial Dept.

CURRENT NO. 387

30 Sep 1919 Jan 1883

22 Nov 1887 No 2665

30101355 30101415

From

The Dist. Magistrate

Saujam

To

The Chief Secretary
to Govt. Jodhpur

Ootacamund

Dated 8th August 1895

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Recd 15th }

Enc: 4

C No. 929
map 95.



Referring for orders
a case under the
Amo Act XI of 1878

(Ch)

10.1014/574.5.95 Se

SP 2665: 22 Nov 1887 Se

SP 19: 9 Jan 1889

SP 1576-7. 17 Oct 82 Se

Handwritten notes and signatures, including '31/8/95' and '21-8-95'.

The Dist. Magistrate will be informed that the expression "powder" used in G.O. of 9-1-83 No. 19 just is equivalent in meaning to "gunpowder". In the present case it is reported that the accused were not in possession of any gunpowder, & though the constituents of the powder found in their shop are not specified, it appears that the total amount of sulphur possessed did not exceed 10 seers. If this is the case & they possessed no articles falling under the definition of "ammunition" they are not liable to prosecution under the Indian Arms Act.

21-8-95
29/8/95

D.M. Yajam (2+9) Deep
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21/9

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189

READ AGAIN G.O., No. 189 DATED

CURRENT No.

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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