

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 1831

Dated 3rd Sept 1895

INDEXED.

[Despatch Abstract.]

EXTRADITION ACT.

Communicating to the Resident in Travancore and Cochin
opinion of the Advocate-General regarding power to issue proclamation
and attachment warrants under section 12 of the---

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

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
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Requesting the orders of Government
regarding the issuing of a proclamation
and attachment warrants by the District
Magistrate of Sinnerelly in case of persons
who are not found ~~when~~ though the
extradition warrants have been considered
by the said District Magistrate.

Power to issue Proclamation &
attachment warrants under sec 12
of the exhortation act.

For orders.

I cannot find any ruling upon the point raised by the Resident
§ 12 of Act. ~~xxx~~ of 1849 provides that the Resd^t's warrant "shall be executed in the manner provided by the law for the time being in force with reference to the execution of warrants."

" of warrants.
Sections 87 to 89 of the Cr.P.C. hardly relate to
the execution of warrants; they deal with pro-
-clamation & attachment, an additional remedy
provided for use when it is found impossible
to execute warrants.

orders are solicited as to whether a report
may be made to the Advocate-General.

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Yes And not hostile
to the other stage

Refce No 1872

Referred to the Advocate
General for favour of opinion
on the question raised by the
Read. D

(Forward the Gov. Tol. ^(a) 9-855 with letter from the People's ₁₄ ¹⁴ ₁₅ ¹⁵ ₁₆ ¹⁶ ₁₇ ¹⁷ ₁₈ ¹⁸ ₁₉ ¹⁹ ₂₀ ²⁰ ₂₁ ²¹ ₂₂ ²² ₂₃ ²³ ₂₄ ²⁴ ₂₅ ²⁵ ₂₆ ²⁶ ₂₇ ²⁷ ₂₈ ²⁸ ₂₉ ²⁹ ₃₀ ³⁰ ₃₁ ³¹ ₃₂ ³² ₃₃ ³³ ₃₄ ³⁴ ₃₅ ³⁵ ₃₆ ³⁶ ₃₇ ³⁷ ₃₈ ³⁸ ₃₉ ³⁹ ₄₀ ⁴⁰ ₄₁ ⁴¹ ₄₂ ⁴² ₄₃ ⁴³ ₄₄ ⁴⁴ ₄₅ ⁴⁵ ₄₆ ⁴⁶ ₄₇ ⁴⁷ ₄₈ ⁴⁸ ₄₉ ⁴⁹ ₅₀ ⁵⁰ ₅₁ ⁵¹ ₅₂ ⁵² ₅₃ ⁵³ ₅₄ ⁵⁴ ₅₅ ⁵⁵ ₅₆ ⁵⁶ ₅₇ ⁵⁷ ₅₈ ⁵⁸ ₅₉ ⁵⁹ ₆₀ ⁶⁰ ₆₁ ⁶¹ ₆₂ ⁶² ₆₃ ⁶³ ₆₄ ⁶⁴ ₆₅ ⁶⁵ ₆₆ ⁶⁶ ₆₇ ⁶⁷ ₆₈ ⁶⁸ ₆₉ ⁶⁹ ₇₀ ⁷⁰ ₇₁ ⁷¹ ₇₂ ⁷² ₇₃ ⁷³ ₇₄ ⁷⁴ ₇₅ ⁷⁵ ₇₆ ⁷⁶ ₇₇ ⁷⁷ ₇₈ ⁷⁸ ₇₉ ⁷⁹ ₈₀ ⁸⁰ ₈₁ ⁸¹ ₈₂ ⁸² ₈₃ ⁸³ ₈₄ ⁸⁴ ₈₅ ⁸⁵ ₈₆ ⁸⁶ ₈₇ ⁸⁷ ₈₈ ⁸⁸ ₈₉ ⁸⁹ ₉₀ ⁹⁰ ₉₁ ⁹¹ ₉₂ ⁹² ₉₃ ⁹³ ₉₄ ⁹⁴ ₉₅ ⁹⁵ ₉₆ ⁹⁶ ₉₇ ⁹⁷ ₉₈ ⁹⁸ ₉₉ ⁹⁹ ₁₀₀ ¹⁰⁰ ₁₀₁ ¹⁰¹ ₁₀₂ ¹⁰² ₁₀₃ ¹⁰³ ₁₀₄ ¹⁰⁴ ₁₀₅ ¹⁰⁵ ₁₀₆ ¹⁰⁶ ₁₀₇ ¹⁰⁷ ₁₀₈ ¹⁰⁸ ₁₀₉ ¹⁰⁹ ₁₁₀ ¹¹⁰ ₁₁₁ ¹¹¹ ₁₁₂ ¹¹² ₁₁₃ ¹¹³ ₁₁₄ ¹¹⁴ ₁₁₅ ¹¹⁵ ₁₁₆ ¹¹⁶ ₁₁₇ ¹¹⁷ ₁₁₈ ¹¹⁸ ₁₁₉ ¹¹⁹ ₁₂₀ ¹²⁰ ₁₂₁ ¹²¹ ₁₂₂ ¹²² ₁₂₃ ¹²³ ₁₂₄ ¹²⁴ ₁₂₅ ¹²⁵ ₁₂₆ ¹²⁶ ₁₂₇ ¹²⁷ ₁₂₈ ¹²⁸ ₁₂₉ ¹²⁹ ₁₃₀ ¹³⁰ ₁₃₁ ¹³¹ ₁₃₂ ¹³² ₁₃₃ ¹³³ ₁₃₄ ¹³⁴ ₁₃₅ ¹³⁵ ₁₃₆ ¹³⁶ ₁₃₇ ¹³⁷ ₁₃₈ ¹³⁸ ₁₃₉ ¹³⁹ ₁₄₀ ¹⁴⁰ ₁₄₁ ¹⁴¹ ₁₄₂ ¹⁴² ₁₄₃ ¹⁴³ ₁₄₄ ¹⁴⁴ ₁₄₅ ¹⁴⁵ ₁₄₆ ¹⁴⁶ ₁₄₇ ¹⁴⁷ ₁₄₈ ¹⁴⁸ ₁₄₉ ¹⁴⁹ ₁₅₀ ¹⁵⁰ ₁₅₁ ¹⁵¹ ₁₅₂ ¹⁵² ₁₅₃ ¹⁵³ ₁₅₄ ¹⁵⁴ ₁₅₅ ¹⁵⁵ ₁₅₆ ¹⁵⁶ ₁₅₇ ¹⁵⁷ ₁₅₈ ¹⁵⁸ ₁₅₉ ¹⁵⁹ ₁₆₀ ¹⁶⁰ ₁₆₁ ¹⁶¹ ₁₆₂ ¹⁶² ₁₆₃ ¹⁶³ ₁₆₄ ¹⁶⁴ ₁₆₅ ¹⁶⁵ ₁₆₆ ¹⁶⁶ ₁₆₇ ¹⁶⁷ ₁₆₈ ¹⁶⁸ ₁₆₉ ¹⁶⁹ ₁₇₀ ¹⁷⁰ ₁₇₁ ¹⁷¹ ₁₇₂ ¹⁷² ₁₇₃ ¹⁷³ ₁₇₄ ¹⁷⁴ ₁₇₅ ¹⁷⁵ ₁₇₆ ¹⁷⁶ ₁₇₇ ¹⁷⁷ ₁₇₈ ¹⁷⁸ ₁₇₉ ¹⁷⁹ ₁₈₀ ¹⁸⁰ ₁₈₁ ¹⁸¹ ₁₈₂ ¹⁸² ₁₈₃ ¹⁸³ ₁₈₄ ¹⁸⁴ ₁₈₅ ¹⁸⁵ ₁₈₆ ¹⁸⁶ ₁₈₇ ¹⁸⁷ ₁₈₈ ¹⁸⁸ ₁₈₉ ¹⁸⁹ ₁₉₀ ¹⁹⁰ ₁₉₁ ¹⁹¹ ₁₉₂ ¹⁹² ₁₉₃ ¹⁹³ ₁₉₄ ¹⁹⁴ ₁₉₅ ¹⁹⁵ ₁₉₆ ¹⁹⁶ ₁₉₇ ¹⁹⁷ ₁₉₈ ¹⁹⁸ ₁₉₉ ¹⁹⁹ ₂₀₀ ²⁰⁰ ₂₀₁ ²⁰¹ ₂₀₂ ²⁰² ₂₀₃ ²⁰³ ₂₀₄ ²⁰⁴ ₂₀₅ ²⁰⁵ ₂₀₆ ²⁰⁶ ₂₀₇ ²⁰⁷ ₂₀₈ ²⁰⁸ ₂₀₉ ²⁰⁹ ₂₁₀ ²¹⁰ ₂₁₁ ²¹¹ ₂₁₂ ²¹² ₂₁₃ ²¹³ ₂₁₄ ²¹⁴ ₂₁₅ ²¹⁵ ₂₁₆ ²¹⁶ ₂₁₇ ²¹⁷ ₂₁₈ ²¹⁸ ₂₁₉ ²¹⁹ ₂₂₀ ²²⁰ ₂₂₁ ²²¹ ₂₂₂ ²²² ₂₂₃ ²²³ ₂₂₄ ²²⁴ ₂₂₅ ²²⁵ ₂₂₆ ²²⁶ ₂₂₇ ²²⁷ ₂₂₈ ²²⁸ ₂₂₉ ²²⁹ ₂₃₀ ²³⁰ ₂₃₁ ²³¹ ₂₃₂ ²³² ₂₃₃ ²³³ ₂₃₄ ²³⁴ ₂₃₅ ²³⁵ ₂₃₆ ²³⁶ ₂₃₇ ²³⁷ ₂₃₈ ²³⁸ ₂₃₉ ²³⁹ ₂₄₀ ²⁴⁰ ₂₄₁ ²⁴¹ ₂₄₂ ²⁴² ₂₄₃ ²⁴³ ₂₄₄ ²⁴⁴ ₂₄₅ ²⁴⁵ ₂₄₆ ²⁴⁶ ₂₄₇ ²⁴⁷ ₂₄₈ ²⁴⁸ ₂₄₉

Ref. on 2222

Resident's Office

Erivandrum, 27th July 1895-

From

James Thomson Esquire

Resident in Sravancore and Cochin

To

The Chief Secretary to Government

Dolacammund

Sir,

In March last, while 3 persons were carrying Rs 1449-11-6, a bundle of clothes and a gun from Nagerevil to be delivered to a Planter on the Ashambu Hills, they were attacked and robbed on the way by a gang of 13 of whom one was arrested by the Sravancore Police. The Dewan applied for the extradition of the remaining 12; 5 were arrested by the Sinnavelly Police and kept under remand. Warrants were issued for the surrender of the men under remand and for the arrest and surrender of the remaining 7.

2. Subsequently the one arrested in Sravancore escaped from Custody and at the instance of the Dewan in May last, Mr. Rees issued another warrant for his extradition.

3. The District Magistrate, Sinnavelly now informs me that 6 of the men wanted could not be found and that the Police have therefore applied to him for a proclamation and attachment warrants under sections 87 and 88 of the Criminal Procedure Code. He has referred the application to me as he considers that he is not authorized by Section 12

of the extradition Act to take the further action required of him, and has requested me to refer to Government in case I do not agree with him.

4. It seems to me that a warrant countersigned by the District Magistrate of Simeonelly means and entails all subsequent processes for arrest of the persons it refers to. I have the honor to refer the question and beg for the orders of Government.

I have the honor to be

Sir

Your most obedient servant

Wm. J. J.

Resident

7.7.

9.6.

CURRENT NO. 4088.

Re. the Extradition Act, 1879, Section 12, and the Code of Criminal Procedure, Sections 87 and 88

Opinion

1. Section 12 of the Extradition Act, 1879, declares that the warrants therein referred to "shall be executed in the manner provided by the law for the time being in force with reference to the execution of warrants" that law is contained in the Code of Criminal Procedure, 1882, Chapter VI, (B)

2. I do not think that Section 12 warrants proceedings under Chapter VI (C) of the Code of Criminal Procedure. Those proceedings are included among the "Processes to compel appearance" and provide for the punishment of those who abscond to evade execution of warrants, but they do not refer to the "execution of warrants".

J. H. Spring Brauson
Advocate General

Madras
26th August
1895

(True Copy)

Emmett Barclay

Government Solicitor

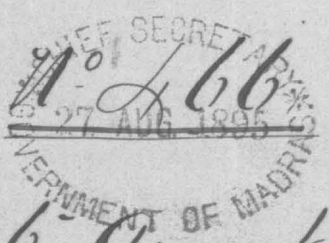
CURRENT NO. 4088.

Ref No 18728, 10.8.95

Judicial (1895) Department

From Ernest Barclay
Government Solicitor
Madras

To
The Chief Secretary
to Government
Ootacamund



Dated 26 August 1895
Recd 27th do
Expd 28th do

Enclosure X 3659

Forwarded with enclosure
with reference to the
Order of Government No 1872
dated 10 August 1895
Judicial

Ernest Barclay
Government Solicitor

MM 328/8

HUM

Order
No 3659 + 4088/95.
3rd September 1895, No 1831.
The Advocate General's opinion
will be communicated to the Resident in
Travancore & Cochin.

28.8.95
30/8/95

To
The Resident in Tr. 3659 A
2088 A 1999
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CS/D

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 When copied _____
 When signed _____

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READ AGAIN G.O., No. _____ DATED _____
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CURRENT No. _____

ENCLOSURES TO C. No _____

ORDER OF GOVERNMENT A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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