

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 2144

Dated 16th Oct: 1895

INDEXED.

[Despatch Abstract.]

APPEAL AGAINST ACQUITTAL.

Requesting the Government Pleader to prefer an appeal to the High Court against the judgment of acquittal in calendar case No. 62 of 1895 on the file of the Second-class Magistrate of Cuddapah town.

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	5153		1895				

CURRENT No. 4/59



Proceedings of the Board of Revenue

(Separate Revenue),

Dated 1st October 1895.

No. 4175. mis.

Read the following letter from F. H. Merri-
man, Esq., Deputy Commissioner of salt and
Alukari Revenue, Central Division, dated September
4, 1895. No 3940.

One Subhadra a Peon of the Fuddapah
Circle, applied for leave on the plea that his
sister was ill. The leave was refused, on
which the Peon tendered his resignation and
left his duty without permission from 16th February
last and without the two months notice required
by section 62 of the Alukari Act I of 1886.
He was then prosecuted under that section and
the Magistrate has acquitted him on the
grounds that the sister's sickness was a "lawful
excuse".

* Copy of Judgment
enclosed for
perusal and
return.

Excuse". If this is good law section 62 might as well have never been framed.

2- The manner in which Peons absent themselves without leave and in face of refusal of leave in the Ceded Districts has been occupying my attention for a long time past, and I concurred with the late Assistant Commissioner Mr. Ditmas that the only hope of checking the evil was by recourse to section 62 of the Act in a few glaring cases. The present is a clear enough case and the judgment will have a very prejudicial effect if left unchallenged.

* * *

Resolution.

Submitted to Government with the request that the Public Prosecutor may be instructed under section 417 of the Code of Criminal Procedure to present an appeal to the High Court against the order of acquittal passed in the case in question by the 2nd Class Magistrate of

of Cuddalore town. Resignations by Departmental Peons without permission and without giving the required notice are reported to be of frequent occurrence in the Ceded Districts and it is therefore considered advisable that an authoritative ruling should be obtained as to whether a "sisters illness" is a sufficient legal defence in a prosecution under section 62 of the Madras Abkari Act I of 1886.

(True Extract.)

Abhinavaram Mung
Ag. Assistant Secretary.

To The Secretary to Government.
Revenue Department.
(with the copy of Judgment to be returned when no longer required.)

2/10
W. G.

Revenue 1895. Dept

Board of Revenue.
(Separate Revenue)

Madras

~~Current Number 4759~~

To
The Secretary to Government.
Revenue Department.

Dated 1st October 1895.
Recd 3

No 4759
CHIEF SECRETARY
-8 OCT 1895

Requesting Government

To instruct the Public Prosecutor
to present an appeal to the
High Court, against the order of
acquittal passed by the 2nd
class Magistrate of Suddapah
town in the case of the prosecution
of an Alkari Peon under section
62 of the Madras Alkari
Act.

Judicial Dept
CURRENT NO. 4759

Endorsement No 4018.

Transferred to the judicial
department.

L. Gibson.

Secretary to Govt. R.D.

Order command
5 October 1895

Recd 8/10/95

Recd 9/10/95

Enc. 1

Int.

To
The Judicial Dept.

[G]
25
600-25-7-95

DEPARTMENT.

C. No. 4759.

FOR ORDERS

FOR ORDERS.

Yes
MS

as to whether an appeal
should be preferred in this case

8
9-10-95

When the B. L. says is true enough
and there can be no doubt that
of a certain ill-temperament is
to be held a lawless because it
will always be made a means
of violating the law. I do not
know what drew the H. C.
is likely to take up the question
but it might be as well
to try. If the ruling is adverse,
the effects of it will be subversive
of all discipline except such
as may be maintained by
the prompt dismissal of
every offender.

10/10/95

We can then amend the law
so that what is to be considered
a lawless case

MS
11/10/95

MS
9/10/95

Appeal against
acquittal

FOR ORDERS.

H. M.

C.A.

16th October 1895 No 2144
H.M.

The Em^t Pleader will
be requested to prefer an
appeal to the High Court
under Sec 417. C.C.P. against
the judgment of acquittal
in C.C. No 62 of 95 in the
file of the E.C. Magistrate of
Cuddalore Town.

(7.0)

he
14/10/95.

To the Hon^{ble} Secy (G.P.)
The Hon^{ble} Secy (G.P.)
Em^t Pleader (Asst.)
19/10
18/10
17/10

When given for copying _____
When copied _____
When examined _____
When signed _____

189.

READ AGAIN G.O., No.
189

DATED

CURRENT No.

ENCLOSURES TO G. No

ORDER OF GOVERNMENT

A A A A A A A

LETTERS OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING WANT FOR DESPATCH
IN ORIGINAL.

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