

Judicial (1895) : Department.

ORDINARY MS.

G.O., No. 2468.

Dated 28th Nov. 1895.

INDEXED.

[Despatch Abstract.]

APPEALS FROM PRISONERS SENTENCED TO DEATH.

Communicating to the Inspector-General of Prisons letter from the Registrar, High Court, stating that the delay referred to by the Inspector-General of Prisons in the disposal of--has been due to the unusually large number of death sentences passed by the Sessions Courts this year.

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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. 48/4

JUDICIAL. *24/1*

JAIL 1895) DEPARTMENT.

From

THE INSPECTOR-GENERAL OF JAILS, Prisons

To

THE CHIEF SECRETARY TO GOVERNMENT.

Int DEPARTMENT
ORDER.
ROUTINE SERIES
No. 1141
Date 25-10-1895

No 5427/95

Dated 10th

Despatched

Received

October 1895.

Recd 12-10-95

11. OCT. 1895

No. *1178*

CHIEF SECRETARY
GOVERNMENT OF MADRAS

ENCLOSURES. *nil*

Subject.

Bringing to the notice of Govern-
ment the large amount of delay which
occurs in the disposal of the appeals of
Prisoners under sentence of death and
suggesting that if the Honble the Judges
of the High Court are requested they can
arrange during the recess time for the
disposal of this class of emergent criminal
work by the constitution of appellate Bench
once a fortnight or in some other way

Am
25-10-95
Recd 12-10-95
23/10/95

*Repd to the Hon the Judges
of the High Court for favour
of remarks.*

18-10-95
22/10/95

18/10/95
To the Hon the C.J. with C.A.
copy sent 25/10
dispd 31/10

25/10

recd

23/10
24/10

No. C-1178.

Camp Madras.
OFFICE OF THE INSPECTOR-GENERAL OF JAILS,
Dated 10th October 1895.

CURRENT NO. 4814.

From

A. G. CARDEW, Esq., M.A.,

INSPECTOR-GENERAL OF JAILS, Prisons

To

THE Honble Mr. J. F. Price C.S.I.

CHIEF SECRETARY TO GOVERNMENT,

SIR,

Enclosure.

I have the honour to invite the attention of Government to the large amount of delay which occurs in the disposal ^{of the appeals} of Prisoners under sentence of Death. The average duration of the appeals of the 52 — Condemned Prisoners admitted to Jail during the first 8 months of the current year was 74.1 days or about 2½ months. In some cases, however, this period has ^{been} much exceeded. For instance, in the Tanjore District Jail three Condemned Prisoners were sentenced to death on the 22nd April, while the High Court's order disposing of their case was received on the 31st July, a period of 3¼ months. In the Salem Central Jail 2 Prisoners, who were condemned to death by the Sessions Court on 30th April, did not know their fate until the 1st September, a period of 4 months. In the Bellary District Jail 5 Prisoners were under sentence of death from the 23rd February until the 17th July a period of nearly 5 months, when their sentences were reversed, while in another case, in which 3 Prisoners were concerned ^{and} additional evidence had to be taken, the period between the conviction by the Sessions Court and the final order by the High Court was exactly 6 months. In the Mangalore District Jail the results of appeals of 2 Prisoners who were sentenced to death on the 14th March 1895 had not been received up to the 2nd September 1895.

2. It might be considered that it is a hardship to a prisoner convicted of a capital offence to be kept in suspense for a period ranging from an average of $2\frac{1}{2}$ up to a maximum of 6 months. This, however, is possibly not a question concerning the Jail Department, but as Section 30 (2) of the Prisons Act 1894 requires a guard to be provided from the date on which a prisoner is sentenced to death by the Sessions Court, the longer the time that is occupied in the decision of the appeal, the heavier the expenditure that is incurred on special guards employed under Rule 221 of the Jail Code. Moreover the number of Condemned Cells is limited and the accumulation of a number of prisoners under sentence of death renders it difficult to provide for their proper accommodation. This difficulty has been much felt at the Bellary District Jail during the current year. For both reasons it is desirable from a Jail point of view that the disposal of appeals and referred trials of condemned prisoners should be as expeditious as possible.

3. The delays referred to are largely due to the High Court being closed during 2 months of the year for the recess. As, however, the Honble the Judges are understood to make provision for the disposal of emergent Civil business during the recess, they might be prepared, if requested, to arrange similarly for this class of emergent criminal work by the constitution of Appellate Benches once a fortnight or in some other way.

I have the honour to be,
Sir,
Yours Most obedt. Servant

R. G. Cardew
Insp. Genl. of Prisons.

Judicial {1895} Department.

No.

FROM

ag.
The Registrar of the High Court
of Judicature, Appellate Side,
Madras.

Dated 15th November

Received

16
Recd 18th

1895.



Stating that the delay referred to by the Inspector General of Prisons in the disposal of appeals from prisoners sentenced to death has been due to the usually large number of death sentences passed by the Sessions Courts this year.

R 1141: 25.6.95

Read again 5.01 25-10-95. No 1141-

1 (20542).

205428-11-95

2468-27-11-95

The foregoing letter from the Hon. the Judges of the High Court will be sent to the Inspector General of Prisons.

Mr. Rangaswami 25/11/95
19/11/95.

recd 2/12
To The J. G. of Prisons (20542)
" Hon. the J. with Ck. (20542)
(840).

No. 3271

CURRENT No 5427

High Court of Judicature

Madras, 15th November 1893

From

D. W. G. Cowie Esquire,

Ag. Registrar of the High Court
of Judicature, Appellate Side,
Madras.

To

The Honorable Mr. J. F. Price, C.S.I.,
Chief Secretary to Government,
Fort Saint George.

Honorable Sir,

I am directed to acknowledge receipt of G. O. No. 1141, Judicial, dated the 25th ultimo, referring, for the remarks of the Hon. the Judges, a letter from the Inspector General of Prisons relating to the appeals of prisoners under sentence of death. I am to state, for the information of the Government, that in the cases from Bellary (3 prisoners) and Salem mentioned by the Inspector General of Prisons, further evidence was called for by the High Court. The cases from Bellary (5 prisoners) and Mangalore were ready for hearing in the vacation, but the vacation Court was unable to take them up as there were eight other Referred Trials ready, all of which were heard by it. Both these cases however, ^{were} heard immediately after the vacation and in the Mangalore case, the Judges diff

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Enclosures and statements also, whether sent with letters, or merely under cover, should be numbered, docketed and abstracted. The headings of statements should be written in full to prevent mistakes. (G. O. 8th April 1893, No. 239, Public.)

in opinion, necessitating a hearing by a
third Judge. The Sanjore case was not ready
before the end of the vacation.

I am to say that the delays
referred to by the Inspector General of Prisons
could not have been avoided and have
been due to the unusually large number
of death sentences passed by the Sessions
Courts this year. The Honorable the Chief
Justice does not consider that any special
arrangements, such as those proposed in the
letter under reference, are called for. Care
will in future, as hitherto, be taken that the
vacation Court shall hear all appeals
from prisoners under sentence of death
that are ready.

I have the honor to be,
Honorable Sir,
your most obedient servant,
D. W. C. Connel
Sg. Registrar.

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
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A = Copy in full.
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