

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 470

DATED 4th March 1895

INDEXED.

[Despatch Abstract.]

APPLICATIONS FOR WARRANTS IN APPEALS AGAINST ACQUITTAL.

Communicating to the District Judge, Godavari, letter from the Government Pleader, Madras, submitting his remarks in the matter of--.

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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.

Judicial (1895) Department 54

From

The District & Sessions Judge
Cochin

No. 2285 20 Sep 94

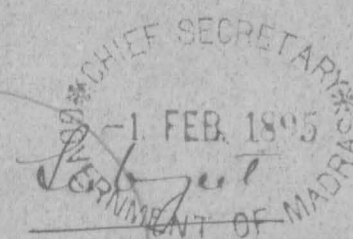
Dated 29th } January 1895
Recd do

Per 1/2

Per 2/2

Enclosures nil

No 145



Bringing to notice the circumstances
under which a warrant was
issued for the ^{re-}arrest of the
prisoner in S.C. 7 who has
^{previously} been acquitted & discharged
and suggesting that the
Government Pleader be instructed
to send telegraphic information
to local authorities when
ever an appeal against
acquittal is successful.

No. 2285/94
Ct No. 6829/94.
No. 2405: 4.10.94

Endorsement of 20-2-95
No. 348

Referred to the Govt.
Pleader for remarks.

Done at Madras
18-2-95

Under Secy to Govt

14/1/95



TO BE RETURNED
WITH REPLY.

Sessions Court, Godavari

Rajahmundry 29th January 1896

From

G. I. Mackenzie, Esquire,
 Sq. Sessions Judge,
 Godavari

To

The Honourable Mr. E. Gibson I.C.S.
 Sq. Chief Secretary to the Government
 Fort St. George, Madras.

Sir,

In sessions Case No. 7 of 1894 my predecessor, Mr. Ross, acquitted and discharged a prisoner charged with murder. Government directed the Public Prosecutor to present an appeal under section 417 of the Code against this acquittal. This appeal was heard in December and the High Court ordered a new trial.

2. No intimation of the result of this appeal was sent to this District but the Superintendent of

of Police, seeing the result announced in the Madras Mail, wrote an official letter to me asking me to issue a warrant for the arrest of the accused. I had grave doubts regarding my power to do this, but as the man was technically an accused person before this Court and as he undoubtedly would escape unless speedy action was taken, I issued the required warrant to the Superintendent of Police. The man was arrested and was detained in jail upon my re-mand.

3. I then reported the matter to the High Court and I suggested that in such cases it would be well for the Government Pleader to communicate by telegraph the result of a successful appeal under section 417. The High Court has sent the

the following reply.

4. "The High Court cannot approve the Session Judge's action in issuing a warrant on the faith of a mere newspaper report. Moreover, this Court has nothing to do with the steps taken by the Government Pleader to communicate its decisions to local authorities. It was open to that Officer to have moved the Court to make an order under section 427 of the Criminal Procedure Code at the admission of the appeal if he considered such an order necessary for the ends of justice."

5. In the mean time I had received in due course under Section 425 the official notification of the High Court's decision on the appeal, so that the detention of the prisoner in jail is no longer irregular and his trial will come on

on at the approaching Sessions.

6. But I have the honour to bring the matter to the notice of Government with the suggestion that instructions may be issued to the Government Pleader. Appeals under section 417 are a mockery if the accused read the result in the newspapers and have a fortnight in which to escape before action can be taken to arrest them.

I have the honour to be,
Sir,

Your most obedient servant,

J. MacKewie
Ag. Sessions Judge.

he.

CURRENT NO. 929.

From

THE GOVERNMENT PLEADER,

Madras.

Dated 25. 2. 95
Recd. 25. 2. 95
Regd. 26. 2. 95

No. 170.

ENCLOSURE. L. C. 10.454

Submitting his remarks in the matter of application for warrants in appeals against acquittals.

CHIEF SECRETARY
25 FEB. 1895
GOVERNMENT OF MADRAS

Recd. Cn. 454 of 95
Cn. 929 of 95

C.A.
Order: 4 March 1895 No. 470

Communicated to the
Sr. Judge Godavari:-
(For record)

To The Sr. Judge Godavari (a ro)
4/3/95
1.3.95
28.2.95
5/3/95
Copied + x2
5/3

Government Pleader's Office,

High Court,

MADRAS, 25th February 1895.

No. 140

From

E. B. POWELL, Esq.,

GOVERNMENT PLEADER,

Madras.

To

THE Chief Secretary to Govt.,
Fort St. George.

SIR,

Returned for file.

Adverting to your Endorsement No. 348 of the 20th instant, I have the honor to state that, in all cases of appeals against acquittals the practice has been to communicate the result to Government and to Government alone.

2. The suggestion of the Sessions Judge that, I should communicate the result by telegraph to the District Magistrate, would not remedy the evil pointed out by him, inasmuch as the Sessions Judge would not be justified in issuing a warrant on receipt of a telegram.

3. The course, I have been adopting since the commencement of the current year, is to apply to the High Court at the admission of the appeal for a warrant under S 424.

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I have directed my clerk in every case of appeal & against acquittal in murder cases to file an application for the issue of a warrant under S. 424 along with the Memorandum of Appeal.

This course meets all the requirements of the cases.

I have the honor to be,

Sir,

Your most Obedt. Servt.,

W. J. P. M.

Government Pleader.

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 WANT FOR DESPATCH
 IN ORIGINAL.

N.B.—

A = Copy in full.
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 Q = Copy heading only