

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 49

DATED 11th Jan. 1895.

INDEXED.

[Despatch Abstract.]

RECORDS

Requesting the Honourable the Judges of the High Court to obtain and forward the -- in sessions case No.19 of 1894 on the file of the Sessions Court, Godavari.

A.

BACK PAPERS.

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

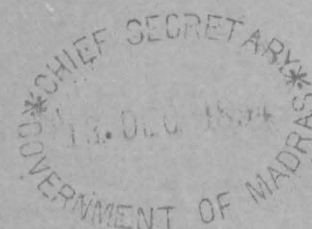
FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	577		95				

From

THE GOVERNMENT PLEADER,

Madras.



Dated 13th Dec^r 1894
 Recd. 13th Dec^r 1894
 14th Dec^r 1894

No. 1197

ENCLOSURE 2.

Recommending to Government
 an appeal against the judgment of
 acquittal in Godavari Sessions
 Case no. 9 of 1894.

For orders

The accused in this case
 was charged with having murdered
 a boy 15 years old on the 7th Dec^r 94,
 before the Sessions Judge Godavari.
 The assessors found him
 guilty, but the Judge differing
 from them acquitted him -

The H. Court considers this
 a case in which ^{might wish} ~~should~~
 to order an Appeal, & the Govt.
 Pleader concurs with the
 H.C.

The accused still stands
 charged with robbery, but
 the Sessions Judge considers
 even the testimony on this
 head ~~unreliable~~ ^{also} ~~untrustworthy~~
 and has stayed inquiry into
 this charge under High Court
 Circular: of 11. 2. 89 No 336.
 Would it not be well to have
 the records up before ordering an
 appeal? ^{18/12}

Govt. might look for the records and send
 to the Govt. Pleader with instructions
 to appeal if he considers that there
 is sufficient - a learned Judge told
 me the other day that the Govt.
 had the him that Govt. was not confident
 to call for the records of a Sessions Court

Government Pleader's Office,

High Court,

MADRAS, 13th December 1894.

No. 1197

From

E. B. POWELL, Esq.,

GOVERNMENT PLEADER,

Madras.

To

THE Chief Secretary to Government,

Fort St. George.

SIR,

I have the honor to submit, for the orders of Government, the Judgment in Sessions Case No. 19 of 1894, on the file of the Sessions Court of Godavari, which has been sent to me by the Registrar of the High Court with the enclosed letter.

2 The accused was charged with the murder of a boy 13 years of age. The Sessions Judge found that the boy had been murdered for the sake of his jewels.

3 At the inquest the father and uncle of the deceased boy stated that their suspicion rested on the accused, because he had been seen last with the deceased. The accused was apparently arrested that evening and the next day in the presence of the village officers and others he dug up out of a field the

The

Papers to be read in Proceedings:—

Again G.O., dated 18 , No.
Again G.O., dated 18 , No.
Current No. of 18 , dated from

Current No. 6652 of 1894, dated 13 Dec^r from the Govt. Pleader,
Madras.

Order
mis 11 Jan'y/95 no 49

The Honble the Judges of the
High Court will be requested to obtain
+ forward the records of Sses. Case n.
19 of 1894 on the file of the ~~district~~
Sessions Court, Goudavari.

(from order)
8
7/1

To
The Honble the C.J. High Court
22/12 Govt. Pleader. G.O. with C. & P.O.
22/12 (with encls. ref.) IN M.S.
Apt 15/1 22/16/1

The missing jewelry and on the following day his house
was searched and a cloth with blood stains found in it.

4. The Sessions Judge considers it unsafe to act in
a capital case on the finding of the jewels as no Magistrate
higher than a Village Magistrate was present.

5. The Sessions Judge also doubts the physical
capability of the accused to inflict the injury viz, dislocation
of the neck.

6. It may be there were others concerned but that
is no reason for acquitting the accused if the evidence shows
he was a party to the murder.

7. There seems to be no valid reason for refusing to
accept the evidence of the Village Magistrate as to the giving
up of the jewels and the evidence that the accused was last
seen with the deceased was forthcoming at the inquest. Under
these circumstances there seems to be good grounds for
appealing against the acquittal.

I have the honor to be,

Sir,

Your most obedient servant,

M. V. Ram

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 MEANT FOR DESPATCH
 IN ORIGINAL.

N.B.—

A = Copy in full.
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