

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.

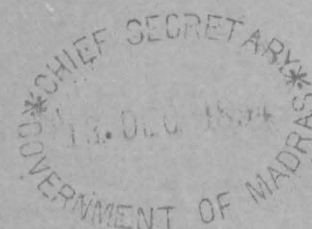
FURTHER PAPERS.

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

From

THE GOVERNMENT PLEADER,

Madras.



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

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 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 it 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
 the testimony on this
 head ~~unsatisfactory~~ - unsatisfactory
 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?

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

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

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

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. to
22/12 (with encls. ref.) IN M.S.
Apt 15/1 22/16/1

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.
B = Not to be copied
P = Copy abstract only.
Q = Copy heading only