

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	259		95				
	2147		95				
	3258		95				
	3529		95				

No. 6.

2

The Keeper of the jail at Bellary.

Whereas at the Sessions held before me, on the 31st day of January 1895, Gaudla Vengamma of Bijjinimula, 3rd Prisoner, in case no 4 of 1895 of the calendar at the said Sessions, was duly convicted of the offence of murder punishable under section 302 of the I. P. C., and sentenced to transportation for life. She is also convicted of the offence of robbery punishable under section 397 of the I. P. C., and sentenced to be transported for seven years. (N.B. No 2nd sentence must, of course, be concurrent with the first, unless the conviction and sentence on the charge of murder be reversed or altered on appeal).

This is to require and authorize you, the said Keeper, to receive the said Gaudla Vengamma of Bijjinimula into your custody in the said jail together with the warrant and her, then keep as by law is required, until she shall be delivered over by you to the proper ^{Authority and} custody for the purpose of her undergoing the punishment of transportation under the aforesaid sentence.

Given under my hand and the seal

of the Court this 31st day of January

1895-

(Signed) W. M. Thorburn
Sessions Judge
Kurnool

(True copy)

Bellary Dist Jail }
8th February 95 }

M. M. M.
Surgeon Major
Ag. Superintendent of Jail

No.

843
Dated 16 February 1895.

From

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

Inspector-General of Jails, Prisons.

To

THE CHIEF SECRETARY TO GOVERNMENT.

SIR,

One Enclosure.

Under Section 18 Act V of 1871, I have the honor to submit for the orders of Government copy of a warrant of commitment issued in the case of Female Convict Gauda Veengamma in Kurnool Sessions Case No 4 of 1895 and to state that, in the Advocate General's opinion communicated with G.O. dated 18 May 1892 No 938, it was held that sentences of imprisonment can never be concurrent. Apparently the same view would be taken of sentences of transportation, the words "such sentences not being concurrent" in Rule 383 of the Jail Code being presumably erroneous. If this is so, it seems desirable to move the High Court to amend the Sessions Judge's direction.

I have the honor to be,

Sir,

Your most obedient Servant,

A. G. Cardew
Inspector-General of Jails.

843

JUDICIAL.

JAIL (1895) DEPARTMENT.

From THE INSPECTOR-GENERAL OF JAILS,
To THE CHIEF SECRETARY TO GOVERNMENT.

938: 14.5.92 SC
R436: 19.4.93 2085: 6.12.89 M
462: 3.3.93 M 1259: 22.7.89
59: 13.1.93
2292: 12.1.92 1031: 1.6.89
1731: 16.9.92 1780: 10.8.89
1272: 9.7.92
686: 7.4.92 SC
1563: 9.9.89 SC

For order

14/3/95

Cd. End of 8.3.95

Referred to the Advocate General for opinion

(By order)

12/3/95 Daniel Davidson
Asst. Secy.

6.3.95

The Govt. Solicitor

Dated 16
Despatched
Received 20
February 1895.

No. 10/9

ENCLOSURE 1.

Subject.

Submitting, with remarks, a copy of a Warrant of Commitment issued in the case of Female convict Gauda Ven-
sanna in Kurnool Sessions

Case No 4 of 1895 and stating that it seems desirable to move the High Court to amend the Sessions Judge's direction.

TO BE RETURNED WITH REPLY.

CURRENT NO. 1309

(1895) Department

From Ernest Barclay
Government Solicitor
Madras

To The Chief Secretary
to Government
Madras

No 142

Dated 15th March 1895
Recd 15
16th March 1895

CHIEF SECRETARY
GOVERNMENT OF MADRAS
15. MAR. 1895

Enclos 2. N. 843rd.

Forwarded with enclosures with reference to the Order of Government dated 8th March 1895 N. 511.
Judicial.

Ernest Barclay
Government Solicitor

Ref 511 + paper
21-843-

HM.
For order
19/3/95

Order. Capital 185
The Govt. Pleader will accept

be instructed to move the High Court to revise the Sessions Judge's direction

24/3/95

The Govt. Pleader (a 20)
The V. Pleader (9 + 9)
It does not seem to be worth while to interfere merely to get a technical error corrected & Mrs. Thorne instructed

23/3/95

223/3
2753

Appendix No. 1309

Re Warrant of commitment issued in the case of Gandla Vengamma in Kurnool Sessions case No.4 of 1895.

Opinion.

1. The warrant of commitment declares that the Prisoner "was duly convicted of the offence of murder" and that "she is also convicted of the offence of robbery". As only one case, No.4 of 1895, is referred to, I assume that the prisoner was convicted at one trial of the two distinct offences mentioned.
2. The sentences are transportation for life and for seven years respectively, and the direction is that they are to be concurrent.
3. The Courts have held that such a direction cannot be given. In the circumstances provided for in Section 35 of the Code of Criminal Procedure, the punishments of "imprisonment or transportation" shall commence the one after the expiration of the other". The power of the Court with regard to such sentences is confined to directing the order in which they are to take effect.
4. The rule applies to sentences of transportation by the very terms of the Section—therefore the direction given in the order of commitment under consideration is not warranted by law.

(Signed) J H Spring Branson
Advocate General.

Madras
14th March 1895.

(True Copy)

Amel Davlat
Government Solicitor.

No.

From

Dated

189

FOR ORDERS.

Resubmitted to H.H. because it is
thought that Mr. Shoburn's error is
not merely a technical one. The reason
for this belief is that, in the case of two
sentences of imprisonment passed at
one trial, the High Court has ruled that
one must take effect after the other and
that the Court has no power to direct
that they shall run concurrently. Applying
the same reasoning to this case, Mr.
Shoburn's direction that the two sentences
imposed on this woman shall run con-
currently is illegal & consequently void;
this being so, she will be liable to undergo
both sentences; her life sentence & the
Madam's may be over in 20 years &
she will then have to undergo 7 years
imprisonment. This was not Mr. Shoburn's
intention; the sentence of 7 years imprison-
ment is not illegal & will stand, and I am
only the Director as to the way in which
it shall take effect that is null & void.

3
26.5.95
27.3.95

X.
G.O. 988 page 5
18.5.92

King will - make the
info. RS
29/3/95

Error in a warrant.

H.M.

Issued Refd
within 14 days
of Command
17.8.88

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.