

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 883.

Dated 29th Apr 1895.

INDEXED.

[Despatch Abstract.]

CRIMINAL APPEAL.

Wiring the District Magistrate of South Canara that the retention of the Advocate-General in support of the conviction in South Canara Session case No.38 of 1894 in the appeal before the High Court by the third and fourth prisoners is unnecessary, but that the Local Public Prosecutor may be deputed to assist the Government Pleader, Madras, if considered desirable.

met.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	861		26-4-95				

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	2712		95				

Judicial Dept.
CURRENT NO. 2993

From,
The District Magistrate of
South Canara.

To,
The Chief Secretary to Government,
Judicial Department,
Fort St. George.
Stone House Hill

Dated 25th April 1895

Received
CHIEF SECRETARY
29 APR. 1895
GOVERNMENT OF MADRAS
ENCLOSURE

Subject.

Requesting to instruct the Advocate
General also to appear in support
of the conviction in session case
No. 38 of 1894 in the appeal
by the 3rd and 4th prisoners

861-26-4-95 Mis (ab)
8672: 14.95-11-95
8658: 14.3-95-
291: 11.2-95

E 108

CS

The original of G.O. 861

26-4-95
is a letter. I have a distinct
recollection of its purport - viz.
that it would suffice to depute
the local public prosecutor to
assist the Govt pleader, in lieu
of employing the Advocate
General.

Perhaps the way be
recorded with reference to G.O. 861
26-4-95
- which must have reached
Madras by this time.
There seems no necessity to
telegraph to him.

* Telegram
29/4/95
* Since writing this I have learnt
that the order actually has not
issued & is now being fax copied
in Madras. It seems necessary
to telegraph to the Dist. Magistrate.
Order, 29th April 1895, No. 883.
236 "Retention of Advocate General
unnecessary, depute local
public prosecutor to assist
Govt Pleader."
Office telegraph to Madras
29/4/95 at once.

Mangeshwar, 25th April 1896

From

W. H. Welsh Esquire,

District Magistrate of

South Canara.

To

THE CHIEF SECRETARY TO GOVERNMENT,

Judicial Department,

~~Fort St. George.~~

Stone House Hill.

Sir,

The Government Reader, High Court, informs me that the 3rd and 4th prisoners Biranna and Madana in Session Case No. ¹⁸⁹⁴38 have appealed to the High Court against the sentences of transportation for life and 7 years' rigorous imprisonment imposed on them under Sections 302 and 365—Indian Penal Code respectively and that the appeal is posted for hearing on the 1st May. I have instructed him to oppose the appeal and furnished him with two copies of the Sessions Court judgment, one being for the possible reference of the Advocate General.

I beg—

2. I beg respectfully to invite your attention to my letter reference on Current Register No. 1132/95 ^{Myself} ^{in G.O. 861 of 26.4.95} dated 16th March in which I have recommended the retention of the Advocate General in addition to the Government Pleader should the prisoners appeal.

3. I extract below paragraph 5 of the above letter for easy reference. "The prosecution —
" Evidence is mainly that of 2
" approvers and of witnesses who
" Corroborate them. The conduct
" of the argument in appeal will
" therefore necessitate working
" up voluminous depositions and
" intricate arguments upon them
" which one practitioner could
" hardly manage alone and the
" case is said to be worthy of
" the best legal ^{phil.} legal procurable."

4. As the appeal

4. As the appeal is posted for the 1st proximo, I request that the Government will be pleased to pass early orders for instructing the Advocate General also to appear in support of the conviction.

I have the honour to be
Sir,

Your most obedient servant.

Dr. Walsh

District Magistrate

by
28/4

When given for copying _____
 When copied _____
 When examined _____
 When signed _____

189 .

READ AGAIN G.O., No.
 189

DATED

CURRENT No.

ENCLOSURES TO O. 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.