

MADRAS RECORD OFFICE.

Government of Madras.

Juridical DEPARTMENT.

G.O. No. 727

Press
Mis.

Dated

26-5-1905

Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
from 18th to 27th May 1859.*

Dated 26th May 1859, No. 727.

No. 68.

The Honorable the Governor in Council proceeds to pass orders on a letter in this Department from the Home Government, dated 7th April, No. 4 of 1859.

Para. 11. Approve of the orders censuring Mr. Cherry for his proceedings in the cases of certain prisoners.

2. Copy of this para. will be furnished to Mr. J. W. Cherry, in continuation of Extract Minutes Consultation, 9th June 1858, No. 759.

Para. 15. Concur in the remarks, and approve the orders issued in connection with the case of Bhekaree Saib, who was detained in custody "without any sentence, warrant, or legal authority whatever" for nearly 11 months, and eventually found not to be an object of suspicion at all—and trust that the enquiry that had been directed to be made, whether any individuals are detained in any of the Jails without cause, will prevent the recurrence of such an injustice.

3. The attention of the Inspector General of Jails, to whom these remarks will be conveyed, is called to para. 5 of Extract Minutes Consultation, 6th September last, No. 1223, and para. 4 of his letter 17th Idem, No. 357. Mr. Rohde has yet to report to Government whether any other individuals, beside Begarree Shah, are in confinement, under similar circumstances.

4. The Honorable the Governor in Council desires to be informed whether Begarree Shah has been compensated for his unjust detention. The Magistrate of Tinnevely will ascertain this point, and if Begarree Shah has received no compensation, will state what he would recommend being given him.

Paras. 16 and 17. Adverting to the disbursement from the 1st September last, of a moiety of his pension to John Rankin, late of the 1st Madras Fusiliers, under sentence of two years' imprisonment, for the support of his daughter, whose husband had fallen in action during the late revolt, the observe that, in consideration of this latter circumstance, the payment of the moiety of the pension may have retrospective effect from the date of the prisoner's conviction, 16th April 1858, should the means of his daughter prove to be very straightened.

Para. 19. In respect to the payment of a fee of Rupees 105 to the Government Pleader for the preparation of the Bill "to make provision for the administration of Civil and Criminal Justice in the Fort of Tanjore," concur that the payment of fees to the Government Pleader for such duties, should not be sanctioned as a general measure, or the present instance construed into a precedent.

Paras. 21 and 22. Approve of the adoption of the proposition of the Judges of the Foujdaree Udalt that, in lieu of appointing a public Prosecutor in each Zillah, the Session Judge might be authorized, in cases where Counsel was retained by the accused, to appoint any Vakeel of his Court to attend a trial on behalf of the prosecution.

Paras. 23 to 28. Review the circumstances connected with the riot at Royapettah, and approve the orders passed on the occasion.

Paras. 29 and 30. In reference to the investigation by Mr. Hadleston into certain charges preferred against Ramachandra Row, the Deputy Commissioner of Police, and Mahomed Esoof, Interpreter of the Royapettah Police Court, observe that the state of antagonism between the Police authorities and the Magistrate of Royapettah, which has been brought to light by the investigation, is deserving of strong condemnation, &c.

Paras. 1 to 10, 12 to 14, 18, 20 and 31.

5. Copy of these paras. will be forwarded to the Sheriff of Madras and the Military Department. The Sheriff will inquire into the circumstances of the prisoner's daughter and her family, in view to effect being given to the orders of the Secretary of State.

6. To be communicated to the Government Pleader for his information, in reference to Extract Minutes Consultation, 14th July 1858, No. 961.

7. Copy of these paras. will be furnished to the Court of Foujdaree Udalt, in reference to Extract Minutes Consultation 9th July 1858, No. 928.

8. Communicated to the Commissioner of Police.

9. Copies of these paras. will be furnished to the Commissioner of Police and the Senior Magistrate.

10. These paras. need no remark.

(Signed) T. PYCROFT,
Chief Secretary.

Judicial.

Proceedings of the Madras Govt.

At a meeting of the Madras Govt. held on the 21st May 1859. The Honble the Govt. in Council proceeds to pass orders on a letter from this department from the Home Govt. dated

7th April No. 4 of 1859.

Para 11. Approve of the orders of the Honble the Magistrate for his proceedings in the cases of certain prisoners. Copy of this para will be furnished to the Honble the Magistrate. Cherry in continuation of Ex. Muns. Court. 19th June 1858. No. 759.

Para 15. Concur in the remarks, & approve the orders issued in connection with the case of Bhakara Baid, who was detained in custody with out any sentence, warrant, or legal authority whatever for nearly eleven months, & eventually found not to be an object of suspicion at all. & trust that the enquiry that had been directed to be made, whether any individuals are detained in any of the jails without cause, will prevent the recurrence of such an injustice. The attention of the Inspector General of Jails, to whom these remarks will be conveyed, is called to para 5 of Ex. Muns. Court. 6th Sept. last No. 1223. & para 4 of this letter. 17th April No. 357. Mr. Baid has yet to report to Govt. whether any other individuals, besides Baid, are in confinement under similar circumstances. The Honble the Magistrate desires to be informed whether Begum Shah had been compensated for his unjust detention. The Magistrate of Timmelly will ascertain this point and if Begum Shah has received no

compensation will state what he would recommend being done in the matter.

Missed

Paras. 16 & 17. Adverting to the dis-
buds of the 1st Sept. lack of a majority of his
pension to John Humkin, late of
the Irish Madras Fusiliers, under
sentence of two years imprison-
ment, for the support of his daugh-
ter, whose husband had fallen in
action during the late revolt, observe
that, in consideration of this lat-
ter circumstance, the payment to the
orders of the Secretary of State,
of the moiety of the pension, may
have retrospective effect from the
date of the prisoner's conviction,
16 April 1858, should the means
of his daughter prove to be very
straightened.

Para. 19. In respect to the payment
of Rs 105 to the Govt. Pleader for
the preparation of the Bill
to make provision for the admin-
istration of Civil & Criminal
Justice in the Town of Tanjore, con-
sider that the payment of fees to
the Govt. Pleader for such duties,
should not be sanctioned as a
general measure, or the present
determination constructed into a pre-
cedent.

Paras 21 & 22. Approve of the
reception of the proposition of
the Judges of the Tanjore Adalat
that they have of appointing
a public prosecutor in each
District, the Deputy Judge might
be authorized, in cases where the
Council was retained by the ac-
cused, to appoint and take of
this Court to attend a trial, on
behalf of the prosecution, and
to appoint and take of this Court
to attend a trial, on behalf of the
prosecution.

5. Copy of these paras will
be forwarded to the Sheriff
of Madras & the Mdy. Sept.
The Sheriff will inquire into
the circumstances of the pri-
soner's daughter her family in-
come to effect being given
to the orders of the Secretary
of State.

6. To be communicated
to the Govt. Pleader for
his information in re-
ference to Ex. Minis. Cons.
14 July 1858, No 961.

7. Copy of these paras will
be furnished the Council of
Tanjore Adalat in reference
to Ex. Minis. Cons. 9 July
1858 No 928.

Paras 23 to 28. Review the
circumstances connected
with the Riot at Royapettah,
& approve the orders passed
on the occasion.

8. Communicated to
the Commissioner of Po-
lice.

Paras 29 & 30. In reference to
the investigation by Mr. And.
dleton into certain charges pre-
ferred against Ramachandra
Row, the Deputy Commis-
sioner of Police, & Allahomed Esf.
Interpreter of the Royapettah
Police Court, observe that the state
of antagonism between the Police
Authorities & the Magistrate of
Royapettah, which has been brought
to light by the investigation, is de-
serving of strong condemnation, &c.

9. Copies of these paras will
be furnished to the Com-
missioner of Police & the
Senior Magistrate.

Paras. 1 to 10, 12 to 14, 18, 20, & 31. 10. These paras need no re-
mark.

JP

Des. Order

- To J. H. Cheng Esq. ————— 11 — 2
- Inspector Gen of Sails ————— 15 — 344
- Magistrate of Tanjore ————— 1547 — 5
- Sheriff of Madras ————— 19 — 6
- Military Depart ————— 2422 — 7
- Government Pleader ————— 23628 — 8
- Tanjore Adalat ————— 2422 — 7
- Commissioner of Police ————— 23628 — 8
- Court of Police ————— 2422 — 7
- Senior Mag of Police ————— 30 — 9

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