

pages. — 52.

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in the ref. lang.

Tamil Nadu Archives

Govt of Tamil Nadu

Judicial Dept

Go 1296

27-6-1876

Amf

1296

Proceedings of the Madras Government, Judicial Department,
27th June 1876. No. 1296.

Appeals.

No. 104. Read the following letter from ARTHUR HOWELL, Esq., Officiating Secretary to the Government of India, Home Department (Judicial), to the Secretary to Government, Fort St. George, dated Simla, 25th May 1876, No. 9-834:—

The Governor-General in Council is anxious to obtain full information of the working of the provisions of Sections 272 and 280 of the Criminal Procedure Code, which relate to appeals from acquittals and to the enhancement of sentences.

2. I am directed to request that, if any cases of hardship or of abuse of power on the part of the Magisterial authorities have come to the notice of the Government of Madras, or if any complaints have been made against these sections, a full report of such cases or complaints may be made to the Government of India with His Excellency's opinion as to the propriety of retaining these sections as they now stand or of modifying them as experience may have suggested.

3. The above information is very urgently required, and should be submitted with the least practicable delay. In this view the enclosed telegram has this day been addressed to you.

No. 105. ORDER THEREON, 27th June 1876, No. 1296.

Ordered that the Government of India be informed that no cases of hardship or abuse have come to the notice of this Government, nor have any complaints been made to them against Sections 272 and 280 of the Criminal Procedure Code, and that the exercise by Government of the power to direct an appeal against an acquittal has been most rare, while in only two cases has appeal been made to Government against enhancement by higher authority of sentences passed by Subordinate Courts, and in neither instance did the Government find cause to interfere. The particulars of these cases are given in the annexed memorandum.

2. The Honorable the Judges of the High Court will be requested to cause a statement to be prepared of cases relating to the working of Sections 272 and 280 of the Code of Criminal Procedure with any remarks they may be pleased to add as to the working of these sections.

(True Extract.)

Chief Secretary.

To the Registrar, High Court, Appellate Side.

Proceedings of the Madras Government, Judicial Department,
27th June 1876. No. 1296.

MEMORANDUM.

*Operation of Sections 272 and 230 of the Code of Criminal Procedure—Appeals
against Acquittals—Enhancement of Punishment.*

One case only has been traced on the records where the Government were disposed to avail themselves of the law, and even in that case the Government Pleader advised that an appeal should not be prosecuted. The Government took action on a representation from the Magistrate of North Arcot. The facts were that a Gumastah of the Revenue Survey Department had been charged by the Deputy Superintendent of Survey with having unlawfully altered the demarcation of certain fields, thereby committing an offence under Section 9 of Act XXVIII of 1840. This Act provides for the establishment of boundary marks and the settlement of disputes, and Section 9 enacts that for every mark unlawfully altered or defaced the offender shall be fined Rupees 50. The Gumastah was acquitted by the Taluq Magistrate who tried the case, but the Deputy Superintendent complained to the District Magistrate that there was a miscarriage of justice in consequence of the Taluq Magistrate not having examined certain important witnesses for the prosecution. The District Magistrate perused the record of the case, and, feeling satisfied that there was a serious failure of justice, represented that the case was an important one in the interests of Government and urged the Government to give the necessary orders for an appeal to the High Court. The Government instructed the Government Pleader accordingly, but this officer advised that the appeal should not be proceeded with. He was strongly of opinion that the case was not one in which an appeal would have any chance of success, and he added: "The High Court has on several occasions expressed its opinion that the right of appeal against judgments of acquittal was only intended for use in very extreme and exceptional cases, where there has been some obvious error of law or procedure by which justice has evidently been defeated, and not as a means of obtaining frequent new trials where persons had been acquitted who it might be considered should have been convicted. The Court has therefore shown itself by no means favorable to such appeals, and has allowed but few out of those which have as yet been filed." Upon this strong opinion the Government directed the appeal to be abandoned (G.O., 23rd January 1876, No. 151).

Petition No. 2871 of 1874 from the wives of a Dharmakurtah or Warden of a Temple and a Village Magistrate in Chingleput. These persons, with certain others, were tried by the Taluq Magistrate on a charge of riot in connection with the decorating and worshipping of the idol in the village temple on the occasion of a great Brahmin festival. The Taluq Magistrate fined the two Brahmin rioters 50 Rupees each, and sentenced the others to twenty days' rigorous imprisonment. On appeal the Division Magistrate enhanced the sentence on the two Brahmins from one of fine to three months'

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2
Proceedings of the Madras Government, Judicial Department,
27th June 1876. No. 1296.

imprisonment. The petitioners complained of this enhancement to Government, who, however, did not interfere as both the Original and Appellate Courts were satisfied that the charge was proved and because it appeared to Government that the Brahmins were the promoters of the riot.

Petition No. 92 of 1876 from certain Nadans in Madras concerned in a riot in connection with the dragging of a car. The second-class Magistrate sentenced these Nadans to heavy fines. On appeal the Head Assistant Magistrate remitted half the fines, but added rigorous imprisonment. The case was one entirely of evidence, and, on a consideration of the circumstances, Government saw no reason to interfere.

Endorsement dated 31st January 1876.

(Signed) W. HUDLESTON,
Chief Secretary.

1296
3

JUDICIAL DEPARTMENT.

Appeals.

No. 1297.

FROM

THE HON. W. HUDLESTON,
Chief Secretary to the Government of Fort St. George,

TO

THE SECRETARY TO THE GOVERNMENT OF INDIA,
HOME DEPARTMENT.

SIR,

In reply to your letter of 25th May 1876, calling urgently, with reference to Sections 272 and 280 of the Criminal Procedure Code relating to appeals from acquittals and to enhancement of sentences, for full information as to any cases of hardship or of abuse of power on the part of Magistrates which may have come to the notice of this Government and as to any complaints which may have been made against these sections, I am directed to state that no such cases of hardship or abuse have come to the notice of this Government, nor have any complaints been made to them against these sections.

2. The exercise by Government of the power to direct an appeal against an acquittal has been most rare, while in only two cases has appeal been made to Government against enhancement by higher authority of sentences passed by Subordinate Courts, and in neither instance did the Government find cause to interfere. The particulars of these cases are given in the enclosed memorandum.

3. The Government understand that the records of the High Court afford numerous illustrations of the working of the sections, and further information on the subject will be sought from the Court as soon as the recess is over, when a further communication will be addressed to you.

4. This reply to your letter is forwarded at once with reference to the urgency of the call.

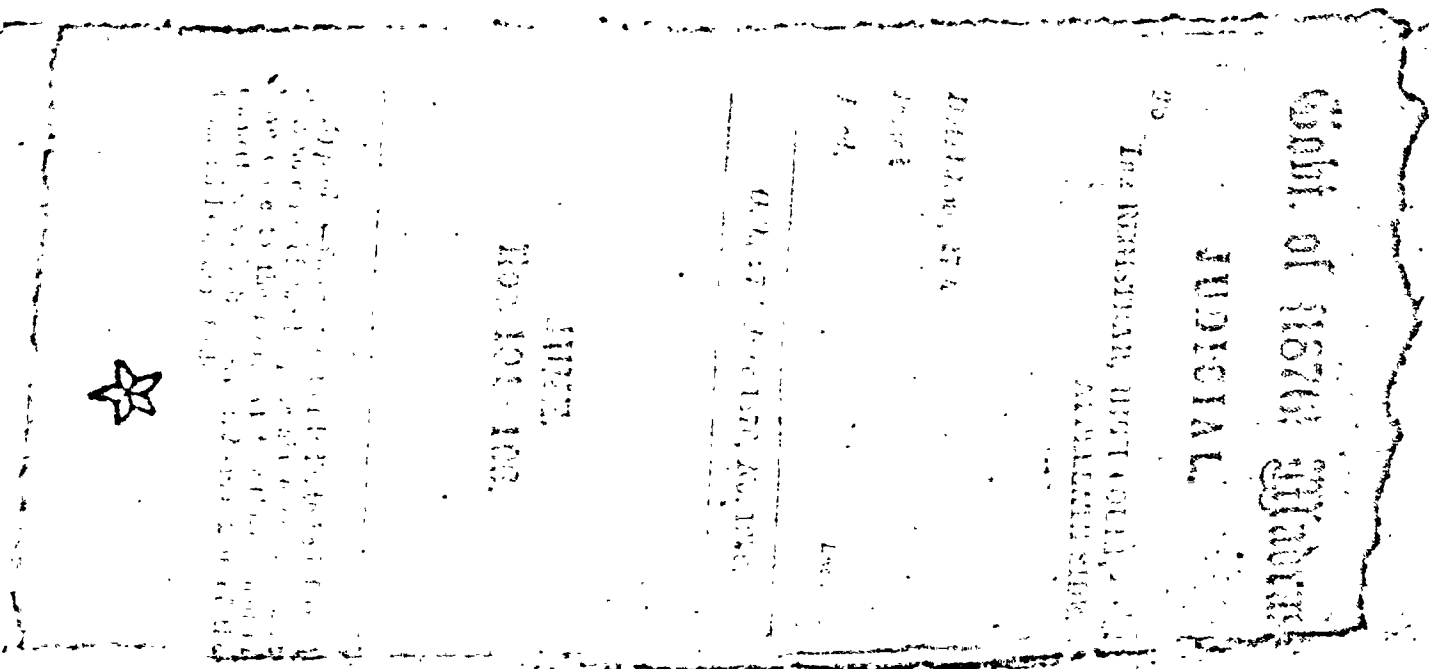
I have the honor to be,

Sir,

Your most obedient servant,

OOTACAMUND,
27th June 1876.

Chief Secretary.



MEMORANDUM.

Operation of Sections 272 and 280 of the Code of Criminal Procedure—Appeals against Acquittals—Enhancement of Punishment.

One case only has been traced on the records where the Government were disposed to avail themselves of the law, and even in that case the Government Pleader advised that an appeal should not be prosecuted. The Government took action on a representation from the Magistrate of North Arcot. The facts were that a Gumastah of the Revenue Survey Department had been charged by the Deputy Superintendent of Survey with having unlawfully altered the demarcation of certain fields, thereby committing an offence under Section 9 of Act XXVIII of 1860. This Act provides for the establishment of boundary marks and the settlement of disputes, and Section 9 enacts that for every mark unlawfully altered or defaced the offender shall be fined Rupees 50. The Gumastah was acquitted by the Taluq Magistrate who tried the case, but the Deputy Superintendent complained to the District Magistrate that there was a miscarriage of justice in consequence of the Taluq Magistrate not having examined certain important witnesses for the prosecution. The District Magistrate perused the record of the case, and, feeling satisfied that there was a serious failure of justice, represented that the case was an important one in the interests of Government and urged the Government to give the necessary orders for an appeal to the High Court. The Government instructed the Government Pleader accordingly, but this officer advised that the appeal should not be proceeded with. He was strongly of opinion that the case was not one in which an appeal would have any chance of success, and he added: "The High Court has on several occasions expressed its opinion that the right of appeal against judgments of acquittal was only intended for use in very extreme and exceptional cases, where there has been some obvious error of law or procedure by which justice has evidently been defeated, and not as a means of obtaining frequent new trials where persons had been acquitted who it might be considered should have been convicted. The Court has therefore shown itself by no means favorable to such appeals, and has allowed but few out of those which have as yet been filed." Upon this strong opinion the Government directed the appeal to be abandoned (*G.O., 28th January 1876, No. 154*).

Section 272, empowering Government to direct an appeal from an acquittal.
From Magistrate, North Arcot, 25th November 1875, No. 97.

G.O., 20th December 1875, No. 2604.

Petition No. 2871 of 1874 from the wives of a Dhurmakurtah or Warden of a Temple and a Village Magistrate in Chingleput. These persons, with certain others, were tried by the Taluq Magistrate on a charge of riot in connection with the decorating and worshipping of the idol in the village temple on the occasion of a great Brahmin festival. The Taluq Magistrate fined the two Brahmin rioters 50 Rupees each, and sentenced the others to twenty days' rigorous imprisonment. On appeal the Division Magistrate enhanced the sentence on the two Brahmins from one of fine to three months' imprisonment. The petitioners complained of this enhancement to Government, who, however, did not interfere as both the Original and Appellate Courts were satisfied that the charge was proved and because it appeared to Government that the Brahmins were the promoters of the riot.

Section 280, empowering Appellate Court to enhance sentence of Sub-Court.

Endorsement dated 30th November 1874.

1296
Petition No. 92 of 1876 from certain Nadans in Madura concerned in a riot in connection with the dragging of a car. The second-class Magistrate sentenced these Nadans to heavy fines. On appeal the Head Assistant Magistrate remitted half the fines, but added rigorous imprisonment. The case was one entirely of evidence, and, on a consideration of the circumstances, Government saw no reason to interfere.

Endorsement dated 31st January 1876.

(Signed) W. HUDLESTON,
Chief Secretary.

Ed. J. W. Fischer.

Secy. Ho.
HOME 1876 DEPT.

Secy. Government of
Madras.

Date: 23 June 1876 No.
Serial Enclosures
1. 1. 1.

B. No. 1876
L. No. 1876 No.

Appeals - Government of India informed that
no cases of hardship or abuse or complaint have
come to the notice of this Government in connection
with Sections 272 and 280 of the Criminal Pro-
cedure Code.



From

No. 9
874 1296 1P

To

Arthur Howell, Esquire,
Offg. Secy. to the Govt. of India,

The Secretary to the Government
of Madras.

Dated Simla, the 23 May 1876.

Home Departt. Sir,
Judicial.

The Governor General in Council
is anxious to obtain full information
of the working of the provisions of sections
272 and 280 of the Criminal Procedure
Code which relate to appeals from
acquittals and to the enhancement of
sentences.

2. I am directed to request that
if any cases of hardship or of abuse
of power on the part of the Magisterial
authorities have come to the notice of
the Government of Madras, or if any
complaints have been made against these
sections, a full report of such cases or
complaints may be made to the Gov-
ernment of India with His Excellency's
opinion as to the propriety of retaining
these

these sections as they now stand or of
modifying them as experience may have
suggested.

3. The above information is very
urgently required and should be submitted
with the least practicable delay. In
this view the enclosed telegram has this
day been addressed to you.

I have the honor to be,

Sir,

Yours Most Obedt. Servt.

Arthur H. M. K.

Offg. Secy. to the Govt. of India.

1296/2
Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter from

the Govt. of India,
Home Dept., Judicial,
8/25 May 1876 No 2/824.

Order thereon - Dtd 27th June 1876.
No 1296

Ordered that the
Govt. of India be in-
formed that no cases
of hardship or abuse
have come to the notice
of this Govt., nor have
any complaints been
made to them against
Sections 272 and 280
of the Criminal Pro-
cedure Code, and that
the exercise by Govt.
of the power to direct

an appeal against
an acquittal has
been most rare, while
in only two cases has
appeal been made to
Govt against enhance-
ment by higher autho-
rity of sentences passed
by subordinate courts,
and in neither instance
did the Govt find
cause to interfere.
The particulars of
these cases are given
in the annexed Memo.
Random.

2. The Honble the
Judge of the High Court
will be requested to
cause a statement to
be prepared of cases
relating to the working
of

1296/7
of Sections 272 and 280
of the Code of Criminal
Procedure with any
remarks they may
be pleased to add
as to the working of
these sections

EA
(By order)

To the Registrar, High Court.

Sept 17/78

40

12916
09-8

Operation of Sections 272 and
280 of the Code of Criminal Procedure
- Appeals against Acquittals - In-
crease of punishment.

empowering go-
vernment to di-

rest an appeal
from an arguit.
-tal.

Government Reader advised that any
appeal should not be prosecuted.

From Magte The fort took action on a repre.
N. Ariz. 25th - Sentations from the Magistrate of
Nov 15, No 97. North Ariz. The facts were that

a farmstead of the Revenue Survey Department had been charged by the Deputy Superintendent of Survey with having unlawfully altered the demarcation of certain fields, thereby

Colt. of 1874

Pratt's

Dated 27th May 1904
Read

1876. No 1296

1297

Nos. ~~122-38~~ 104-6

Respectfully - Government
of this ^{Union} is formed. This
is one of the most
or estate or complaint
have, to the effect of
that Government
concerns with other
172 and 200 of the
General Records
Order.

thereby committing an offence under Section 9 of Act XXXIII of 1860. This Act provides for the establishment of boundary marks and the settlement of disputes; and Section 9 enacts that for every mark unlawfully altered or defaced the offender shall be fined 50 Rupees. The Jurnastah was acquitted by the Taluk Magistrate who tried the case, but the Deputy Superintendent complained to the District Magistrate that there was a miscarriage of justice in consequence of the Taluk Magistrate not having examined certain important witnesses for the prosecution. The District Magistrate perused the record of the case and feeling satisfied that there was a serious failure

G.O. 20th Dec.
1875, No. 2604.

1296 5th
failure of justice, ~~represented~~ that the case was an important one in the interests of government, and urged the government to give the necessary Orders for an appeal to the High Court. The government instructed the Joint Pleader accordingly, but this officer advised that the appeal should not be proceeded with. He was strongly of opinion that the case was not one in which an appeal would have any chance of success; and he added - "The High Court has on several occasions expressed its opinion that the right of appeal against judgements of acquittal was only intended for use in very extreme and exceptional cases, where there has been some obvious error of law or procedure, by which justice

justice has evidently been defeated,
and not as a means of obtaining
frequent new trials where persons
had been acquitted who, it might
be considered, should have been
convicted. The Court has there-
fore shown itself by no means
fairness to such appeals, and
have allowed but few out of
those which have as yet been
filed. Upon this strong opinion
the Government directed the ap-
peal to be abandoned 10. 28th

January 1876, N. 154.

Petition N. 2871 of 1876 from
the wives of a Dharmadharadeo or
Warden of a temple and a Village
Magistrate in Phaylephant. These
persons with certain others were
tried by the Taluk Magistrate on
10. 28th in connection
with

Section 220:
Empowering
Appellate Courts
to enhance sen-
tence of Sub-
Court.

1245-6P
with the decorating and worshipping
of the idol in the village temple on
the occasion of a great Brahmin
Festival. The Taluk Magistrate
fined the two Brahmin sisters 50
Rs each, and sentenced the others
to 20 days rigorous imprisonment.
On appeal the Division Magistrate
enhanced the sentence on the two
Brahmins from one of fine, to 3
months imprisonment. The petition-
ers complained of this enhancement
to Government who however did
not interfere as both the original
and appellate Courts were satis-
fied that the charge was proved,
and because it appeared to foot
that the Brahmins were the pro-
moters of the riot.

Petition N. 92 of 1876 from
certain Nadams in Madras concerned
in

1296
12

in a riot, in connection with the
digging of a car. The 2nd class
Magistrate sentenced these badans
to heavy fines. On appeal the
1st Assistant Magistrate remit-
ted half the fines but added ri-
gorous imprisonment. The case
was one entirely of evidence, and
on a consideration of the circum-
stances for. I saw no reason to in-
crease.

Endowment
of 31st Janu-
ary 1876.

LB

1296
\$15

ad. with Memo
into C. P. 276
4/7/76.

1296 7P
13
Judicial DEPARTMENT.
No. 1297 S

To:

THE SECRETARY TO THE GOVERNMENT
OF INDIA,
Home DEPARTMENT.

Sir,

In reply to your
letter of 25 May 1876,
calling urgently, with
reference to Sections
272 and 280 of the
Criminal Procedure
Code relating to appeals
from acquittals and
to enhancement of
sentences, for full in-
formation as to any
cases of hardship or
of abuse of power
on the part of Magis-
trates which may
have come to the notice
of

Adviser (1876/18 Jan.)
The Secy of Home
Dept. 25 May 1876.
No. 1297 S.
11/9/76 1296/7
No. 1543.

checking for full

information of the work.
ing of the provisions of
Secs. 272 & 280 of Cr. P.
Code, after a review of
any cases of hardship or
abuse of power have
come to the notice of
the Secy of Home
Dept. that there have
not been any such
cases.

W. S. S. S.
The Secy of Home
Dept. 25 May 1876.
No. 1297 S.
11/9/76 1296/7
No. 1543.

of this Court and acts
any complaints which
may have been made
against these sections,
I am directed to state
that no such cases
of hardship or abuse
have come to the notice
of this Court nor have
any complaints been
made to them against
these sections.

The Executive
Court of the power to
direct an appeal against
an acquittal has been
most rare, while in only
two cases has appeal
been made to Court
against its judgment
in higher authority of
sentences, backed by

1246
Subordinate Courts, and
in neither instance did
the Court find cause to
interfere. The particulars
of these cases are given
in the enclosed Memo-
randum.

3. The Court understands
that the records of
the High Court afford
numerous illustrations
of the working of the
sections, and further in-
formation on the subject
will be sought from the
Court as soon as the
receipt is over when a
further communication
will be addressed to you.

4. This reply to your
letter is forwarded
at once with reference
to the urgency of the call.

Noted and
27th Decr 1896.

(Byrd)

Despatch No. L-27/6

Judicial Department.
No. 1297. *12/6/15*

To

The Secretary to the Government
of India,
Home Department.

Sir,

In reply to your letter of 25th May 1876, calling urgently, with reference to Sec. 272 and 280 of the Criminal Procedure Code relating to appeals from acquittals and to enhancement of sentences, for full information as to any cases of hardship or abuse of power on this point

I have perused the same and find the same to be correct.

M. J. 12/6

Home (1876) DEPARTMENT.

No. 1297

To

The Secretary to the
Government of *India*
Home Department.

Dated 27 June 1876.

12/6/8

M. J. 12/6

of Magistrates which
may have come to the
notice of this Govt, and
as to any complaints
which may have been
made against these
Sections, I am directed
to state that no such
cases of hardship or
abuse have come to
the notice of this
Govt nor have any
complaints been made
to them against the
~~present provisions of~~
these Sections.

2. The exercise by
Govt of the power to
direct an appeal
against

{ This is a
very important
point
and should be
carefully
attended to }

1296/16.
against an ~~appellate~~
has been most rare,
and the Govt have been
informed by their
Law Officer that the
Judges of the High
Court have expressed
their opinion that
it should take place
only in very extreme
and exceptional cases.

2nd ~~What~~
In only two
cases has appeal been
made to Govt against
enhancement by higher
authority of sentences
passed by Subordinate
Courts, and in neither
instance

instance did the
Govt find cause to in-
terfere. The particu-
lars of these cases are
given in the enclosed
Memorandum and
papers.

4. The Govt has
ever understood that
the records of the
High Court afford
numerous illustrations
of the working of the
Sections ~~happ~~ ⁱⁿ favour.
~~As~~ ^{As} than the expe-
rience of the Govt,
and full information
on the subject will
be sought from the
Court which is now
in

Ptⁿ from the wives of Annapalli
Narasimha Chetty, and Venkata Chetty,
Village Magistrate, inhabitants of
Malluramthacum in Chingleput, dated
rec? 3 Nov^r/74.

Endorsement of Govt, 30 Nov/74, N^o 287,
Ptⁿ Sept.

Ptⁿ from Ramanatha Nadam, Maha-
linga Nadam, & from others, prisoners in
the jail at Madurai, dated 4 Jan^y/76.

Endorsement of Govt, 31 Jan^y/76, N^o 92,
Ptⁿ Sept, with note of Chief Secretary.

124 is over when
the reports, and sent.
2. ~~the~~ ^{the} ~~reports~~ ^{reports} ~~are~~ ^{are}
forwarded hereafter.

5. This reply to
your letter is forwarded
at once with refer-
ence to the urgency
of the call.

Ootacamund
27th June 1876.

[illegible]

(P. 1) - Govt. Tel. Press, - 500000 - 25-6-74

[Faint handwritten notes, possibly bleed-through from the reverse side of the page. The text is mostly illegible but appears to contain names and dates.]

30th May 1876

1296
20

My dear Mr. W. H. W. H. H.

I send herewith 2 Cases
in which appeals were made to me
against enhanced sentences - one
being "Mr. Crole's case", and the
other a case in which the H. D. A. J. H.
Magistrate of the Madras Dist. enhanced
a sentence -

Desikachari is continuing
his search for any further Cases
in the Revision Dept. - which, if found,
shall be sent up.

I shall read up the Reports
of the High Courts & see whether
they make any allusion to the
new provisions about appeals
against judgments of acquittals
and

and enhancement of
sentences.

Michael
C. Flanagan

1296
24

G. Mannett, Esq.

Traffic Code Form CL

Class <i>P</i>		INDIAN TELEGRAPH.		Local No.
To (Station) <i>Trichinopoly</i>		FROM (Station) <i>Trichinopoly</i>		<i>1296</i>
No.	Words.	Time tendered for transmission. (Madras time.)		OFFICIAL INSTRUCTIONS.
	<i>61</i>	Day.	H.	M.
		<i>35</i>	<i>14</i>	<i>30</i>
TO (Person) <i>Maharaj</i>		FROM (Person) <i>From</i>		

1	<i>Sessions</i>	2	<i>272</i>	3	<i>and</i>
4	<i>280</i>	5	<i>Criminal</i>	6	<i>General</i>
7	<i>Code</i>	8	<i>Act</i>	9	<i>1872</i>
10	<i>of</i>	11	<i>1872</i>	12	<i>Section</i>
13	<i>report</i>	14	<i>Wholesale</i>	15	<i>Business</i>
16	<i>Chief</i>	17	<i>of</i>	18	<i>Business</i>
19	<i>of</i>	20	<i>of</i>	21	<i>Business</i>
22	<i>of</i>	23	<i>of</i>	24	<i>Business</i>
25	<i>of</i>	26	<i>of</i>	27	<i>Business</i>
28	<i>of</i>	29	<i>of</i>	30	<i>Business</i>
31	<i>of</i>	32	<i>of</i>	33	<i>Business</i>
34	<i>of</i>	35	<i>of</i>	36	<i>Business</i>

RECD. FROM _____ (L. L.)	SENT TO _____ (L. L.)
At _____ H. _____ M., on the _____	At _____ H. _____ M., on the _____
By _____	By _____

COCHIN 25-5-6
 (P. 1) - Govt. Tel. Press, - 600000, - 2-446.
 Master

CLASS

INDIAN TELEGRAPH.

1296
23

To (Station)

FROM (Station)

No.

Words.

Time tendered for transmission.
(Madras time.)

OFFICIAL INSTRUCTIONS.—

Day.

H.

M.

To (Person)

FROM (Person)

1	Under	2	above	3	Section
4	the	5	line	6	of
7	the	8	the	9	the
10	the	11	the	12	the
13	the	14	the	15	the
16	the	17	the	18	the
19	the	20	the	21	the
22	the	23	the	24	the
25	the	26	the	27	the
28	the	29	the	30	the
31	the	32	the	33	the
34	the	35	the	36	the

RECD. FROM (L. L.)

SENT TO (L. L.)

At H. M., on the

At H. M., on the

By

By

Date

00 JANUARY 25 1900

78

Telegraph

1329/27

Indict (1876) DEPARTMENT.
(H. H. H. H.)

From
his presence
of his
Anti Department.

No.

Dated 25 May 1876.
Received 25 May 1876.

No. 1411

Enquiring whether any
cases of hardship, abuse
or complaints have come
to notice in connection of
appeals from acquittals
or with enhancements
of sentence under Secs.
272 & 280 Crim. P. Code
A. D. 1872 &c.

Judicial Department.
1296
25

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter from

the Govt of India 27.
25th May 1876. No 2
824
Home Department, Govt.

Order thereon

See question
1/10/76

MD
25/5

[It does not
appear that cases of
hardship or abuse of
power have come to the
notice of Govt in con-
nection with the Sec.

tions of the Criminal
Procedure Codes to which
reference is made in the Govt of India
Memorandum of 1874. The
authorities of the Govt of India
draw attention to the
power to direct an
appeal from a judge
in the Criminal
Procedure Code.

judgment of acquittal
has scarcely been in-
voked by Govt., and it
is understood that the
Judges of the High Court
are of opinion that it
should be restricted
to very extreme and ex-
ceptional cases. Com-
plaints have been
received from prison-
ers of enhancement of
sentence, but the circum-
stances of the cases were
such that the Govt. saw
no reason to interfere
on behalf of the petition-
ers.

2. The records of the High
Court will, it is under-
stood, afford many in-
sights into the working

From Govt. Member,
25th Jan'y 1876, 34/4
by D. 28th Jan'y 1876,
N. 154.

of the provisions of the
law in question arising
to show whether they
should be retained or in-
defied, but as the call
of the Govt. of India is
urgent, the following
reply will be despatched
at once, and the Honble
the Judges of the High
Court will be requested
to cause a statement to
be prepared of cases rel-
ating to the working of
Sections 272 and 280 of
the Code of Criminal Pro-
cedure, and to state their
opinions on the propriety
of retaining or modifying
these sections, for the in-
formation of the Govt.
of India.

The opinion of the Govt.
C - is asked not to give
any remarks on the propriety
of retaining or modifying
these sections, for the in-
formation of the Govt.
of India.

Cont. of 1187 1. **STADTUS.**

To	
Dated	
Recd.	
	187, No.
20. 17. 1876	
Nos.	

Revised
by
the
Committee