(1) பக்கங்களின் எண்ணிக்கை 14

(2) புதுக்கித் திருப்பிய நாள் 9th June 93

(3) ஆதாரங்குறிப்பவர் சுருக்கொப்பம்

# தமிழ்நாடு ஆவணக் காப்பகம்.

## தமிழ்நாடு அரசு

Judicial துறை

| | |
|---|---|
| அரசாணை எண். 2161-62 (18-20) | அச்சகம் பலவகை |
| மு. கோப்புத் தாள் எண். | |
| நாள் : 6-9-1880 | 198 . |

மடிக்கவோ கண்டபடி கையாளவோ கூடாது

ஆவண. கா-1—18,000—15-6-87.

# JUDICIAL DEPARTMENT.

## Coroner of Madras.

No. 2162.

FROM

THE HON. R. DAVIDSON, C.S.I.,
*Chief Secretary to the Government of Fort St. George,*

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,
HOME DEPARTMENT.

SIR,

Referring to your letter marginally noted, stating that the Governor-General in Council will be prepared to propose legislation, for the purpose of reducing the territorial jurisdiction of the Coroner of Madras, on being informed that the Governor in Council has consented to undertake legislation in the local Council in view to giving the Police in certain parts of the town the power to inquire into, and report on, unnatural and sudden deaths, which by the Code of Criminal Procedure is entrusted to the Police in the Mofussil, I am directed by His Grace to state that the legislation indicated will be undertaken in this Council, accordingly.

No. 871, Home Department, Judicial, dated 19th August 1880.

2. Though a matter not directly connected with the correspondence that has passed regarding the Coroner of Madras, it is suggested in paragraph 3 of your letter under acknowledgment, that "the opportunity might perhaps be taken to repeal the proviso to Section 9 of (Madras) Act VIII of 1867, which appears to be without meaning; inasmuch as Section 123 of the Criminal Procedure Code is not extended to the Town Police by the former part of the section."

(1.) I am to observe that this is not the first time that the proviso quoted has been described as "meaningless;" it is condemned as such in a Note appended to the Section in the Hon. Mr. Stokes's Edition of the Madras Code; but, in the absence of further explanation, the condemnation has never been accepted here.

(2.) The Section stands thus: "The Town Police shall be governed by all the provisions of the Criminal Procedure Code, contained in Chapters IV to IX inclusive, so far as they are applicable, with the exception of Sections 125, 147, 148, 149, 150, 154, 158, 160, and 161. Provided always, that the officer in charge of a Police station shall not be required to bind over the prosecutor and witnesses as directed in Section 151 of the said Code, if their immediate attendance can be procured without recognizances."

(3.) At the time the Madras Act was passed, the Code of Criminal Procedure was contained in Act XXV of 1861. This Act, after sundry previous amendments, not touching the present question, was superseded by Act X of 1872; which, in Section 2, paragraph 5, enacts that "the references made in the enactments specified in Column 1 of the 5th Schedule hereto, to the sections of the former Code specified in

Column 2 of the said schedule, shall be deemed to be made to the sections of this Code directed in the 3rd column of the said schedule to be substituted for the said sections in Column 2."

(4.) Now in this said 5th Schedule, Section 123 of the new Code is expressly entered as one of the sections to be substituted for those sections of Chapter IX of the old Code which were declared by Madras Act VIII of 1867 to be applicable to the Town Police. It answers, in fact, to Section 151 of the old Code, which was a part of Chapter IX and was not one of the sections of that chapter excepted by the Madras Act. The chapter embraced Sections 133 to 162 inclusive, and the sections excepted are Nos. 147, 148, 149, 150, 154, 158, 160, and 161.

I have the honor to be,
Sir,
Your most obedient servant,

OOTACAMUND,
*6th September* 1880.

*Chief Secretary.*

Ed. A. F. Goodall.

2

Regr. No.

HOME 1880 DEPT.

[ ]

From The Government of Fort St. George.

Recd. 30 Sept. 1880 | No.
Ans'd. | Previous
Replied | Separate

D. N. Progs.
L. No. 2102. No.

Act of Parliament authorizing the Governor of Fort St. George in Council to exercise Legislative Powers for the purpose of withdrawing the Town of Madras from the Criminal jurisdiction of the Court of Madras.

R. D. 23 AUG 80

No 871 . 18

From

The Honble C. Grant,
Offg Secy to the Govt of India,

To

The Secretary to the Government,
of Madras.

Simla, the 19th August 1880.

Home R. V. A. Lgsltt
Judicial

Sir,

I am directed to acknowledge the receipt of your letter No 1869 dated the 11th ultimo, suggesting that a provision should be inserted in the proposed Law for reducing the Coroner's jurisdiction to empower the Police to enquire into sudden and unnatural deaths within the area which it is proposed to withdraw from the jurisdiction of the Coroner.

2. It seems to the Governor General in Council that the preferable course to adopt, for the purpose of conferring the necessary powers upon the Police, would be to amend Section 9 of Madras Act VIII of 1867. Such a Provision might be included in the proposed law to be passed in the Council of the Governor General, but the result would

ould be to put it beyond the power of the Madras Legislature at any future time to alter that particular portion of the Madras Town Police law, a state of things which has been found in similar cases pro-

3. I am accordingly to suggest that the necessary provision should be made by the amendment of (Madras) Act VIII of 1867 in the manner above indicated; and the opportunity might perhaps be taken to repeal the proviso to Section 9 of that Act, which appears to be without meaning, inasmuch as Section 123 of the Criminal Procedure Code is not extended to the Town Police by the former part of the Section.

4. I am to add that, if the Governor in Council should consent to undertake the necessary legislation in the Local Council, the Governor General in Council will, on being informed accordingly, be prepared to propose legislation for the purpose of reducing the territorial jurisdiction of

of the Coroner of Madras. 4

I have the honor to be
Sir
Your most obed. Servant

Grant
Offg Secy to the Govt of Mad
X 12 Oct 16

4

4

4

Dcsd 6/9/80

5 38

Jud. Depts

to Pucked copy Pc 2162.
Corresp 1879.

Wtg. S. T. Home Depts

Sir.

Referring to your letter marginally noted, stating that G. G. in C. will be prepared to propose legislation, for the purpose of reducing the territorial jurisdiction of the Corporation of Madras, on being informed that the G. in C. has consented to undertake legislation in the Local Council in view to giving the Police in certain parts of the Town the power to inquire into, & report on, unnatural & sudden deaths, which by the Code of Cr. Pro is entrusted to the Police in the Mofussil — I am directed by H. E. to state that the legislation indicated will be undertaken in this Council, accordingly.

2. Though a matter not directly connected with the correspondence that has passed regarding the Corporation of Madras, it is suggested in para 3 of the letters under acknowledgt, that the opportunity might perhaps be taken to repeal the proviso to Sect 9 of (Madras) Act VIII of 1867, in

No 871
Home Depts. Jud.
dy 19th Aug/80

Enclosed 5/4/81 & 1912

Enclosed Sent re Following papers
& Documents

20 Sept

"appears to be without
"meaning; inasmuch as Sect
"123 of the Crim. Pro. Code is not
"extended to the Town Police by the
"former part of the Section".

(1) I am to state that this is the first time that the proviso quoted has been described as "meaningless"; it is condemned as such in a Note appended to the Section in the Hon'ble Mr Stokes' Edition of the Madras Code; but the condemnation has never been accepted here, & the Section stands as it is.

(2) The Sect stands thus — "The Town
'Police shall be governed by all the
'provisions of the Criminal Procedure
'Code, contained in Chaps IV to IX
'inclusive, so far as they are
'applicable, with the exception of Ss.
'125, 147, 148, 149, 150, 154,
'158, 160, and 161. Provided al-
'ways, that the officer in charge of a
'Police Station shall not be required
'to bind over to prosecute & wit-
'nesses as directed in S. 151 of the said
'Code, if their immediate attendance
'can be procured without recognizances."

(3) At the time the Act was passed, the Code of Crim. Pro. was contained in Act XXV of 1861. This Act was superseded by Act X of 1872; which, in Sect 2, para 5, enacts that "the references made in the enactments "specified in Col I of the Vth Schedule "hereto, to the sections of "specified in Col II of the said Sche- "dule, shall be deemed to be made "to the Sections of this Code directed "in the IIIrd Column of the said Schedule "to be substituted for the said sections "in Col II."

(4) Now in this said Vth Schedule, Sect 123 of the new Code is ex- -pressly entered as one of the Sections to be substituted for those in the IXth Chap of the old Code which were deleted by Madras Act VIII/67 to be applicable to the Town Police. It answers, in fact, to Sect 151 of the old Code, which was a part of Chap IX and was not one of the Sections of that Chapter excepted by the Madras Act. The Chapter embraced Sects 133 to 162 inclu- -sive, & the Sects excepted are Nos 147, 148, 149, 150, 154, 158, 160, and 161. JVL.

(5) If there is any flaw in the foregoing arguments, you will perhaps be good enough to point it out. H. 2/10/70

^ in the absence of further explanation,

^ after sundry previous amendments, not touching the present Question,

20 Oct 1870 Sent [illegible] to the Secretary [illegible]

Vol vacated 6 Sept 1870

Correct

To Hydra

Time de Jesse

Rechnung [illegible]

Govt. of {1880} Madras.

Judicial

G.O., 6 September 1880, No. 210-2

Nos. 1820

Former Circulars - the
Govt. of India informed
[illegible]
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