

- (1) பக்கங்களின் எண்ணிக்கை 12
 (2) புதுக்கித் திருப்பிய நாள் 19-9-88
 (3) ஆதாரங்குறிப்பவர் சுருக்கொப்பம் 6/8

தமிழ்நாடு ஆவணக் காப்பகம்.

தமிழ்நாடு அரசு

Judicial.
~~17/9~~ துறை

அரசாணை எண். மு. கோப்புத் தாள் எண்.	<u>372.</u>	அச்சகம் பலவகை
நாள் :	<u>21.2.1880</u>	<u>188.</u>

மடிக்கவோ கண்டபடி கையாளவோ கூடாது

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

21st February 1880, No. 372.

Trial by Jury.

Read the following paper:—

No. 84. *From O. B. IRVINE, Esq., Acting Agent to the Governor, Vizagapatam, to the Acting Chief Secretary to Government, dated 15th January 1880, No. 23.*

I find that the system of trial by jury is observed in this Agency for offences falling under the sections (marginally noted) of the Indian Penal Code.
* 378, 380, 382, 392, 393, 394, 395, 397, 398, 399, 400, 401, 402, 411, 412, 414, 451, 452, 453, 454, 455, 456, 457, 458, 459, and 461 of the Penal Code.

2. I am informed that this is often found to be inconvenient, especially when the Agent is on circuit in the Jeypore and Hill country, owing to the difficulty to secure competent jurors, and I would venture to suggest that the trial of such cases as in other cases triable under the Code should be by the Court with assessors and not by a jury.

No. 85. ORDER THEREON, 21st February 1880, No. 372.

The difficulty was not brought to notice by any of the present Agent's predecessors and Government are averse from changes without good grounds shown.

(True Extract.)

Chief Secretary.

To the Agent to the Governor, Vizagapatam.

Exd. J. Wright.

From the Ag. Agent to the Governor, Viraga-
patam, dated 15th January 1880, N^o 23,
suggesting that the ~~trial~~ ^{trial}
sessions cases may be ordered to be
held by the Court with assessors and
not by jury.

FOR ORDERS.

Under S. 322 of the
old Code the local Govern-
ment notified that the
trial of the offences men-
tioned by the Agent in
the foregoing letter be
held in the Viragapa-
tam Agency by the
with the aid of jury.
S. 322 is re-enacted as S. 322
of the present Code of
Criminal Procedure. The
notifications above alluded

4. O. 25th July '62, N^o 1188
24th Decr '62, N^o 2117.

- 378 (9?) - Theft.
380 - do in a building
382 - do. after preparation
to cause hurt, death
in committing the
same.
392 - robbery.
393 - do. attempt at.
394. in do. voluntarily causing
hurt.
395 - dacoity
397. do. with attempt to cause
death, &c.
398 - attempt at robbery or
dacoity with deadly weapons
399. preparation for dacoity
400. Belonging to a gang of
dacoits

Court of 118801
JUDICIAL.

THE AGENT TO THE GOVERNOR

1880

1880

1880

G. O. 214 D. 1880, N^o 272

FEBRUARY.
N^o 8185.

To the Agent to the Governor, Viraga-
patam, dated 15th January 1880, N^o 23,
suggesting that the trial sessions cases
may be ordered to be held by the Court
with assessors and not by jury.

to be saved by S. 2 of the present Code. The Agent suggests the revocation of the notifications directing trial by jury, owing to the difficulties alleged to have been experienced by his Predecessors in securing the services of competent jurors, when on their Hill tours. Under S. 233 the local Government have power to cancel the notifications in question, but as trial by jury was extended to Viragapatam on the suggestion of the Judges of the High Court, the opinion of the Judges might

- 401. - Belonging to a wandering gang of thieves
- 402. - Assembling for dacoity
- 411. - receiving stolen property
- 412. - do - property stolen in dacoity.
- 414. - assisting in concealing stolen property
- 451. - House trespass & committing offence punishable with imprisonment
- 452. - do. preparation & causing hurt.
- 453. - lurking house trespass or house breaking
- 454. - lurking, house trespass or house breaking & committing offence punishable with imprisonment.
- 455. - do. preparations & hurt.
- 456. - do by night.
- 457. - do - do & committing offence punishable with imprisonment.
- 458. - do - do - after preparations & causing hurt.
- 459. - in do causing grievous hurt.
- 461. - breaking open a closed receptacle containing property

might be taken before orders are passed.

Ag 21/80

Supp Mr. Lunnichars opinion. There is no appointment made for action. & Mr. Lunnichars has no personal experience of the alleged inconvincence.

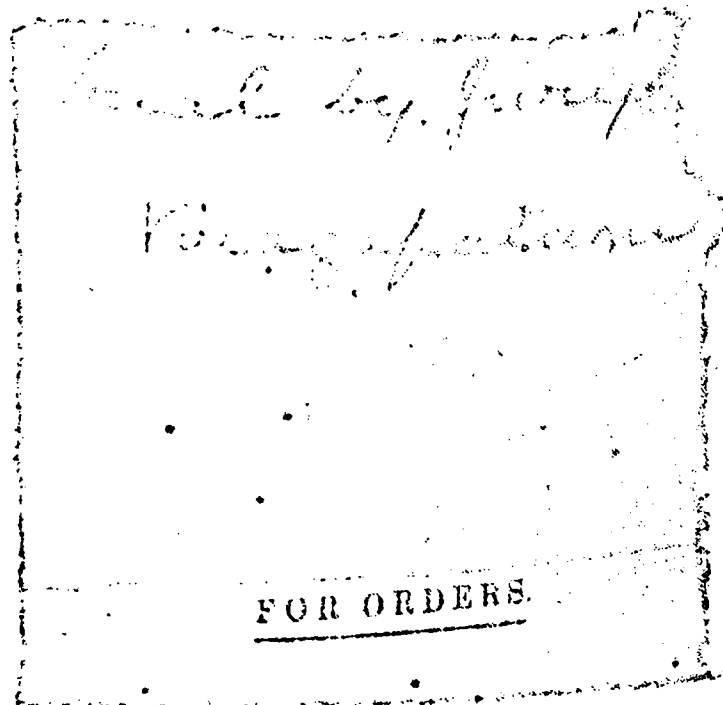
Ag 24/11

Sang, he differed from was not brought. When by any of his predecessors, that an action from charges - which proceedings should

No. 23

Vizajapatnam Government Office - Vizajapatnam
15th January 1884.

37/18



From

O. B. Irvine Esq.
Agent to the Governor,
Fort St. George.
Vizajapatnam.

To

C. S. Master Esq.
Chief Secretary to Government
Fort St. George.

For

I find that the system of trial by jury is obnoxious in this Agency for offences falling under ^{the} Section (marginally noted) of the Indian Penal Code.

* Not
7. 380, 382, 392, 393
394, 395, 397, 398, 399
400, 401, 402, 411,
412, 414, 451, 452
453, 454, 455, 456
457, 458, 459 and 461
of the Penal Code.

2. I am informed that this is often found to be inconvenient, especially when the Agent is on circuit in the Mysore and Hill Country, owing to the difficulty to secure competent jurors, and I would venture to suggest that the trial of such cases as in other cases should be conducted by the

should be by the Court with assessors
and not by a jury.

I have the honor to be
Sir

Your most obedient

J. M. M.

Agent to the Govt.

372
5

