

- (1) பக்கங்களின் எண்ணிக்கை 22
(2) புதுக்கித் திருப்பிய நாள் 9.9.1988
(3) ஆதாரங்குறிப்பவர் சுருக்கொப்பம் 100

தமிழ்நாடு ஆவணக் காப்பகம்.

தமிழ்நாடு அரசு

15.8.88 துறை

அரசாணை எண். மு. கோப்புத் தாள் எண்.	1912	அச்சகம் பலவகை
நாள் :	21-11-1882	1988

மடிக்கவோ கண்டபடி கையாளவோ கூடாது

வண. கா-1-18,006-15-8-87.

அ.சு.ஆத.பு.ப.க.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

READ—the following paper:—

From T. WEIR, Esq., Registrar of the High Court of Judicature at Madras, Appellate Side, to the Chief Secretary to Government, dated Madras, 8th November 1882, No. 2664.

ABSTRACT.—Forwarding ten copies of the High Court Administration Report, Criminal Justice, for 1881, and stating that the thirty copies will follow on the 10th instant.

ORDER—dated 21st November 1882, No. 1912, Judicial.

This Report on "Criminal Justice" for 1881 has been much delayed; the forms are new, and some difficulty experienced by District Officers in apprehending them has contributed to their tardy submission.

2. HIGH COURT—*Original Jurisdiction*.—The Sessions occupied thirty days as against thirteen days in 1880; there being 69 committals against 28. Four cases (European British subjects) were sent up by Mofussil Courts; the rest by the Presidency Magistrates and the Coroner of Madras. Of these, 8 cases were withdrawn with the permission of the Court, and in one case the accused was discharged without trial by the Court itself. In the cases tried, 16 persons were acquitted, 61 convicted. Of the 29 persons charged with theft, as many as 23 were old offenders, all but one having been convicted at least twice; in the case of 4 persons indeed there were 7 previous convictions. It is observed that under Section 343 of the new Code of Criminal Procedure any person, previously convicted of an offence against property, the coinage or the stamp law, who is again accused of a second offence "shall ordinarily, if the Magistrate considers him an habitual offender, be committed to the Court of Session, or the High Court, as the case may be." At present the Magistracy too often content themselves with passing a slight punishment themselves on a second or third conviction of theft.

HIGH COURT—*Appellate Jurisdiction*.—Appeals lie to the High Court from 25 Courts of Session and, as to some cases, from 4 Presidency Magistrates. The average number of appeals preferred from each district outside Madras during 1881 was 23, or about 2 a-month. The total number filed was 481 (including 6 appeals preferred by the Government from judgments of acquittal); showing decrease of 282 and 71 respectively as compared with the two preceding years. The file would have been considerably less heavy, but that 81 appeals were received in connection with the convictions arising out of the late disturbances in the Godavari and Vizagapatam Districts. The appeals summarily rejected bear a percentage of 21.33 to the total; convictions affirmed, 47.75; modified, 22.50; reversed 5.9. Turning to the High Court's functions as a Court of Superintendence, Reference and Revision, it appears that the cases of the 104 persons sentenced to death subject to the High Court's confirmation were dealt with as follows: viz., confirmed 73, commuted to transportation for life 13, to imprisonment 1; new trial ordered 1; reversed 11. Of the reversals, 3 were Bellary cases, 5 Godavari. Secondly, 323 cases were referred to the High Court from District Magistrates and Session Courts, and 314 disposed of; the proceedings being quashed in 163 cases, modified in 75, and not interfered with in 76. Thirdly, the Court dealt in Revision

with numerous cases coming before it in other ways. *Fourthly*, the Judges perused 5,621 judgments in trials and appeals heard before Session Courts and First-class Magistrates; in 159 cases the records were called for, but in 62 cases only was the sentence interfered with. Comparing five years' Criminal work, that presented in 1881 was larger than that for any year, except 1880.

3. PRESIDENCY MAGISTRATES' COURTS.—The statistics of these Courts are now dealt with for the first time by the High Court. The file numbered 27,160 cases, but as many as 95·94 were disposed of on Summary Trial; and 91·27 of the accused were convicted. The latter high percentage, it is remarked, "is probably due to the large number of prosecutions for Municipal offences." In 96·41 of the convictions, the sentence was fine only. The percentage flogged was 1·04, and 174 out of 318 prisoners subjected to this punishment were juvenile offenders.

4. COURTS IN THE INTERIOR.—*Heads of Villages*.—Here the returns, which are admitted to be incomplete, show 13,698 cases, affecting 20,406 persons, as disposed of in 1881. The High Court advocate an extension of the powers of the Village Magistrate to various petty offences not now embraced in his jurisdiction. The subject will be considered in connection with the project now before Government for increasing the jurisdiction of the Village Munsif.

(b) REGULAR COURTS.—Excluding Village Courts, the total file of cases for 1881 was 144,706, affecting 278,439 persons. The percentage of cases disposed of by the Session Courts was 1·00; by District Magistrates 0·19; by Divisional and Taluk Magistrates, generally officers of the Marine Department, 10·32. The "disposal" of Magistrates, 10·32. The "disposal" hand at the end of the year. The Bench, established by Government in all the more important towns in 1872. It will be considered whether the system can be further extended. No less than 22·48 per cent of the cases were disposed of on "Summary Trial," a procedure first introduced by the Code of Criminal Procedure, 1872. The convictions, 114,469, are considerably more numerous than the average, 109,336. As to the sentences, fines represent 82·36 per cent; rigorous imprisonment, 13·11; simple imprisonment, 2·36; transportation for life, 0·09; ditto for a term, 0·04; whipping, 1·94, as many as 787 of those so punished being juveniles; there were besides 338 cases in which whipping was awarded as an additional punishment, on a second or later conviction. Of the 17,575 sentenced to imprisonment, 15,955 were imprisoned for varying terms not exceeding 6 months; 23 only for terms beyond 7 years; the average fine imposed was about 4½ rupees. The District Magistrates exercised their powers to a very limited extent, though showing an improvement against last year. The special attention of the High Court is called to the returns on this subject appended to the Police Report for 1881; it is impossible to understand how certain officers doing very little criminal work claim to have sat as Magistrates for the numerous days mentioned in the returns. Some directions laying down when a day can be fairly computed as devoted to magisterial work appear to be desirable. Turning to the Courts of Session, it appears they received for trial 1,414 cases affecting 2,791 persons; the corresponding figures for 1880 being 1,628 and 3,437. Fourteen Courts tried more than 100 persons each; nearly every other Court more than 50. Cases tried by jury numbered 170, by assessors 1,119; the rest were disposed of on the prisoner's confession, or withdrawn by the Public Prosecutor with the assent of the Court. The jury system prevails in eight Courts only, and has been limited by order of Government to offences against property. The Judge differed from the jury in 6 cases only; but in 224 cases from one or more of the assessors, who, where the jury system does not prevail, sit with the Judge in all cases proceeding to trial. The convictions obtained show 47·40 per cent. only against 53·78 last year; the lowest rate is in South Arcot, where, as lately discovered and immediately pointed out to the High Court, the Session Judge has covertly assumed a power he does not possess of discharging accused persons *ex mero m*

5. APPELLATE JURISDICTION.—The Courts under the High Court, exercising this authority, are 120 in number, viz., one Session Judge, each District Magistrate

each Divisional Magistrate. There were instituted 3,054 appeals, affecting 6,998 persons. The great bulk were made to the Divisional Officers, District Magistrates getting 798 and Session Courts 427. The foregoing total is considerably under the average of the last ten years. In upwards of half the cases the appeals were unsuccessful: their average duration for all the Courts was five days. The original Criminal work of the country is mainly carried on by the Taluk Magistracy; and from every sentence passed by them an appeal is possible. That so few should be made is justly regarded by the High Court as an indication that these officials have, as a rule, secured the confidence of the people.

(True Extract.)

C. G. MASTER, —
Chief Secretary.

To the Honorable the Judges of the High Court, with C.L.
 „ all District Magistrates.
 „ all Sessions Judges.
 „ the Inspector-General of Police.
 „ the Inspector-General of Jails.
 „ the Revenue Department.

Ed. J. W. Fischer.

Govt. of 1882 Madras.
JUDICIAL.

Issued

Recd.

Encl.

G.O., 21st November 1882, No. 1912.

NOVEMBER.

Administration Report.

Reviewing the Report on "Criminal Justice"
for 1881.

Judgo
12/19/12

3/19/12

District and Session
Judge of

North Arcot, Chittoor.
South Arcot, Cuddalore.
Bellary.
South Canara, Mangalore.
Chingleput.
Coimbatore.
Cuddapah.
Ganjam, Berhampore.
Godavari, Rajahmundry.
Kistna, Masulipatam.
Kurnool.
Madura.
North Malabar, Tellicherry.
South Malabar, Calicut.
Nellore.
Nilgiris, Ootacamund.
Salem.
North Tanjore, Tranquebar.
South Tanjore, Tanjore.
Tinnevely, Palamcottah.
Trichinopoly.
Vizagapatam.

Sept. 11, 1902

Ind. 1912

4/1902

Collector of
District Magistrate of
President Municipal Com-
missioner of
Do. L. E. Board of

Anantapur.
North Arcot, Chittoor.
South Arcot, Cuddalore.
Bellary.
South Canara, Mangalore.
Chingleput, Suddapet.
Coimbatore.
Cuddapah.
Ganjam, Chatrapur.
Godavari, Cocanada.
Kistna, Masulipatam.
Kurnool.
Madura.
Malabar, Calicut.
Nilgiris, Ootacamund.
Nellore.
Salem.
Tanjore.
Tinnevely.
Trichinopoly.
Vizagapatam.

Govt. of (1882) Madras

4/1912

To Station

Travancore

To name

Mrs. D. F. Carmichael

Dated 9th November 1882

"High Court Criminal
Administration Report has
come in x Do you
wish it sent?"

Adopted

1 abstract no 2864 5/12

High Court of Judicature,
Madras, 8th November 1882.

From,
S. Weir Esq.,
Registrar of the High Court
of Judicature at Madras.

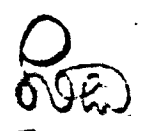
To,
The Honourable C. S. Master,
Chief Secretary to Government,
Secy.

I have the honor to forward
herewith 10 copies of the High Court
Administration Report of Criminal
Justice for the year 1881.

The remaining 30 copies required
to be sent to Government will
follow on Friday 10th Instant.

I have the honor to be,
Sir,

Your most obedient servant.



Registrar,
Appellate Side.

JUDICIAL { 1882. } DEPARTMENT.

Admin. Report / Criminal

FROM

THE ACTING REGISTRAR OF THE
HIGH COURT OF JUDICATURE AT MADRAS,
APPELLATE SIDE.

Dated

Received

8th November 1882.
9th

No.

2554

Enclosures

10 (red.)

Abstract. -
Forwarding 10 Copies
of the High Court Admini-
stration Report, Criminal
Justice, for 1881, & stating
that the 30 Copies will
follow on the 10th inst.

From

Registrar of the High Court d/s-11-82

This Report on "Criminal Justice" for 1881 has
been much delayed; the forms are new, & some
difficultly experienced by Dist. Officers in appre-
-hending them has contributed to their tardy submis-
-sion.

2. Slip L.C. Original Jurisdiction. The Sessions occupi-
-ed 30 days as against 13 days in 1880; there being
69 commitments as against 28. Four cases (European
Portuguese subjects) were sent up by Magistrate C.E.;
the rest by the Pres. Mag. & the Coroner of Madras.
Of these, 8 cases were withdrawn with the per-
-mission of the C.E., and in one case the accused
was discharged without trial. In the cases
tried, 16 persons were acquitted, 61 convicted. Of the 29 persons charged with
theft, as many as 23 were

FOR ORDERS.

old offenders, all but one having been convicted
at least twice; in the case of 4 persons indeed
there were 7 previous convictions. It is observed
that under S. 348 of the new Code of Criminal Pro.,
any person, previously convicted of an offence
against property, the carrying on the stamps law,
who is again accused of a second offence "shall
ordinarily, if the Mag. considers him an
habitual offender, be committed to the C.E. of
Sessions, or the High C., as the case may be." It
permits the Mag. to try too often content him-
-selves with passing a slip to the C.E., & themselves,
on a second or third conviction of theft.

High C. Appellate Jurisdiction. Appeals lie to
the H. C. from 25 C.E. of Sessions & as to some
cases, from the Pres. Magistrate. The average number
of appeals preferred from each District outside
Madras during '81 was 23, or about 2 a month.
The total number filed was 681 (including 6
appeals referred by the S.C. from findings of acquittal).
During December of 1882 and 71 respectively.

as compared with the two preceding years.

The file was here considerably less heavy, but that 81 appeals were sent in connection with the corrections arising out of the late disturbances in the prisoners to the Magistrate. The appeals were mostly rejected being a percentage of 21.33 to the total. convictions affirmed 47.75; modified 22.50; reversed 5.09. Turning to the H.C. functions as a C. of Superior Bench, Referring to Prisoners, it appears that the cases of the 104 persons sentenced to death subject to the H.C. confirmation, were dealt with as follows: viz, confirmed 73, committed to transport for life 18, to imp't 1; new trial ordered 1; reversed 11. Of the reversals, 3 were Bellamy cases, 3 Goddard's. 243, 323 cases were referred to the Magistrate from 52 Magistrate's Bench (12, 314 disposed of; the proceedings being granted in 163 cases, modified in 75, & not in improved in 76. 303 to the C. dealt in Prison with numerous cases coming before it in their ways. 443 The judges pronounced 5821 judgments in trials & appeals heard before Superior C. & 12 Magistrate's Bench; in 157 cases the records were called for, but in 62 cases only was the sentence in reference with. Comparing the present criminal work, that presented in 81 was less than that for any year, except 80.

3. Prisoners' Magistrate's C. - The statistics of this C. are more difficult to get for the first time of the H.C. The file numbered 27,160 cases, but as many as 95.94 were disposed of on Summary Trial; and 91.27 of the accused were convicted. The latter high percentage, which remained "is probably due to the large number of prosecutions for Municipal offences". In 96.41 of the convictions, the sentences were fines only. The percentage of fines was 1.04, and 174 out of 318 prisoners subjected to this punishment were juvenile offenders.

4. Courts in the Interior - Heads of Villages.

Here the returns, which are admitted to be incomplete, show 13,698 cases, affecting 20,406 persons, as disposed of in 81. The H.C. advocates an extension of the powers of the Village Magistrate to police officers & to some extent in his jurisdiction. The subject is being considered in connection with the

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10/17/12

prospect now before Govt., for increasing the number of the Village Magistrate.

(b) Regular Courts - Excluding Village Courts, the total file of cases for 81 was 1,44,706, affecting 2,78,439 persons; the percentage of cases disposed of by the Session C. was 1.00; by District Magistrate 0.19; by District & Taluk officers 87.38; by a few Special Magistrates, generally Officers of the Marine Dept. at sea ports, 1.11; and by Princes of Magistrate, 10.33. The 'disposal' returns show that but few cases remained on hand at the end of the year. The Princes, who are now doing so well, were established by Govt. in all the more important towns in 1872. It will be considered now whether the system can be further extended. The last time 22.48 per cent of the cases were disposed of on Summary Trial, a procedure first introduced by the Code of Criminal Pro. 1872. The convictions, 1,14,469, are considerably more numerous than the average, 1,09,336. As to the sentences, fines represent 82.66 per cent; rigorous imp't 13.11; life imp't, 2.36; transportation for life, 0.09; death for a term 0.04; whipping, 1.96, as many as 787 of those so punished being juveniles; there were besides 338 cases in which whipping was awarded as an add'l punishment, on a second or later conviction. Of the 17,575 sentenced to imp't, 15,955 were imp'd for varying terms not exceeding 6 months; 23 only for terms beyond 7 years; the average term of imp't was about 6 1/2 yrs. The District Magistrate exercised his powers to a very limited extent, though showing an improvement as of last year. The special attention of the High C. is called to the returns on this subject appended to the Prison Report for 81; it is impossible to understand how certain, doing very little criminal work, claim to have sat as Magistrates for the numerous days mentioned in many cases. Some directions lay down when a day can be fairly computed as devoted to Magistrate's work appear to be denigrable. Turning to the C. of Session, it appears they dealt with 1414 cases affecting 2,791 persons; the corresponding figures for 80 being 1628 and 3637. From the C. heard more than 100 persons each; nearly every other C. more than 50. Cases tried by jury numbered 170, by Juries 1119; the rest were disposed of on the Prisoner's confession, or with drawn by the Public Prosecutor on account of the facts. The jury system prevails in 8 C. only, & has been limited by Order of Govt. to 10 cases a year for the C. The judges differed from the jury in 6 cases only; but in 224 cases from one or more of the judges, who, when the jury system does not

Officers,

prevail, sit into the judge in all cases proceeding to trial - The contractions obtained show 47-48 per cent only against 53-78 last year; the lowest rate is in Santa Cruz, where, as ~~the~~ ^{the} ~~judge~~ ^{judge} ~~has~~ ^{has} ~~constantly~~ ^{constantly} ~~refused~~ ^{refused} to ~~prosecute~~ ^{prosecute} the ~~most~~ ^{most} ~~persons~~ ^{persons} ~~of~~ ^{of} ~~known~~ ^{known} ~~name~~ ^{name} ~~and~~ ^{and} ~~others~~ ^{others}.

late, discarded, diminished

5. Appellate Jurisdiction - The Ct. under the H. Ct. exercising this authority, are 120 in number, viz each Superior Judge, each D.E. Judge, each Dist. Judge. There were in total 3054 appeals affecting 6998 persons. The great bulk were made to the Divisional Officers, D.E. Judges getting 798, and Superior Ct. 427. The foregoing total is considerably under the average of the last 10 years. In upwards of half the cases, the appeals were unsuccessful; their average duration for all the Ct. was 5 days.

FOR ORDERS.

The original Criminal work of the country is mainly carried on by the Taluk Magistrate; and from every sentence passed by them an appeal is possible. That so few such be made is partly regarded by the H. Ct. that these appeals have, as a rule, secured the confidence of the people.

17/12/12

Inspector - P. S. P.

3760

To The Hon. the Judge of the High Court at Calcutta
 All D. E. Magistrates
 All D. E. Judges
 All D. E. Judges
 All D. E. Judges
 All D. E. Judges

29/11

35

PRESS.

Just. DEPARTMENT.
G.O. DATED *21st Mar/12*
No. *1912*

First copy sent to Press. *21/4/12*

Returned for signature.

Despatched in print. *25/11*

[Despatch Abstract.]

*Administration Report. Re-
vising the Report on "Cri-
minal Justice" for 1881.*