

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	3149	Press Mis.—
Dated	28. 11.	1883.

Not to be folded or roughly handled

28TH NOVEMBER 1883, No. 3149, JUDICIAL.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

READ—the following paper:—

From J. B. PENNINGTON, Esq., Acting District Magistrate, Tanjore, to the Chief Secretary to Government, dated Tanjore, 15th November 1883, No. 6048.

Referring to the opinion of the Advocate-General embodied in G.O., 30th October 1883, No. 2899, Judicial, I have the honor to request that I may be informed whether the Government order authorizes District Magistrates to appoint a pleader to appear before the Appellate Court in the cases referred to therein.

2. I beg to suggest that District Magistrates, and, subject to their control, sub-divisional magistrates may be authorized to appoint a pleader in such cases.

3. I take this opportunity of suggesting also that the District Magistrate may be formally appointed under section 422 to receive notice of appeals, and that Sessions Judges may be instructed to give sufficient notice in such cases to admit of the District Magistrate instructing a pleader if necessary. In a case now before me an appeal was disposed of on the very day on which I received notice of the date of hearing; and the appellant was, in my opinion, improperly acquitted.

ORDER—dated 28th November 1883, No. 3149, Judicial.

The District Magistrate is empowered, where he may think such a course necessary, to direct the appearance of a pleader before the Sessions Court in cases of appeals. He will, as suggested by the Advocate-General, employ the pleader who generally acts as public prosecutor. Similar authority is not necessary in the case of divisional officers, as it is only in the case of appeals from *first-class* magistrates that the appeals lie to the Sessions Court.

2. Under section 422, Code of Criminal Procedure, His Excellency the Governor in Council is pleased to appoint District Magistrates as the officers to whom notice under that section shall be given.

(True Extract.)

Chief Secretary.

To all District Magistrates.
„ the Session Judge, with Judicial G.O., No. 2899 of 1883.
„ the Registrar, High Court, Appellate side.

Exd. J. Wright.

Gobt. of (1883) Madras.

JUDICIAL.

Issued

Recd.

Encl.

G.O., 28th November 1883, No. 3149.

NOVEMBER.

Appeals.

Empowering District Magistrates, when they consider such a course necessary, to direct the appearance of a pleader before the Sessions Court in cases of —, and appointing District Magistrates as the officers to whom notice shall be given under section 422, Code of Criminal Procedure.

Supreme District Magistrate
Office
November 1883.
To
From J. B. Pennington Esq.
aj. District Magistrate
Madras.
To The Honble C. G. Master
Chief Secretary to Govt
Judicial Department
Madras.
Sir
Referring to the opinion
of the Advocate General em-
-bodied in Government Order, 30th
October 1883, No. 2899 Judicial,
I have the honour to request
that I may be informed whether
the G. O. authorizes District Ma-
-gistrates to appoint a Pleader
to appear before the Appellate
Court in the cases referred
therein.
2. I beg to suggest that Dis-
-trict Magistrates may be authorized
to then control, but the
Magistrates may be authorized
to

to appoint a pleader in such cases.

3. I take this opportunity of suggesting also that the Dist. Magistrate may be formally appointed under section 222 to receive notice of appeals, and that Sessions Judges may be instructed to give sufficient notice in such cases to advise of the District Magistrate in structing a pleader if necessary.

In a case now before me an appeal was disposed of on the very day on which I received notice of the date of hearing, and the appellant was, in my opinion, improperly acquitted.

I have the honor to be
Sir,
Your most Obedt Servt

John P. [unclear]
of District Magistrate

30-10-83:2899.

[5]

Papers to be read in Proceedings:—

Again G.O., dated

188 , No.

Current No.

of 188 , dated

from

Current No. 4403 of 1883, dated 15 Nov: from D^r Mag^r. Tanjore

Judicial Department
From The D^r Magistrate
Tanjore

To The Chief Secretary
Government
Madras
4403

Dated 2 Nov 1883
Recd 17 2 Nov 1883

No

Requesting to be informed whether
G.O. no 2899 of 30th Oct 83 authorizing
D^r Mag^rs to appoint pleaders to
appear before appellate Courts
& suggesting that D^r Magistrates
may be formally appointed by issuing
notices of appeals

RECEIVED
7 NOV 83
GOVERNMENT OF MADRAS

Order.

The intention of Govt. is
the Govt. ordered is that
D^r Magistrates should
engage themselves to
the rule suggested by
the Adv. Genl. at the
end
last sentence of his
opinion and that
should be done by
any other pleaders
he considered necessary
day either in person
or with a substitute

The pleader who acts
as public prosecutor,
the sanction of Govt.
should first be ob-
tained -

20
Judicial Department.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following

From Secy. to Govt. No. 6648. d. 15/10/03.

Order 28th Nov/03, No. 3149.

The District Magistrate is
empowered, where he may think
such a course necessary, to
direct the appearance of a
pleader before the Sessions Court
in cases of appeals. He will as
suggested by the Advocate Genl
employ the pleader who generally
acts as public prosecutor.

Similar authority is not necessary
in the case of divisional officers
as it is only in the case of appeals
from first class Magistrates that
the appeals lie to the Sessions Ct.

2. Under Section 422 C.C.P. Code

Excellency to Government

There are no first class magts
in divisions of districts except the
divisional magt himself.

This seems advisable to
secure that the District
Magistrate shall have
opportunity of employing
counsel when
necessary.

is pleased to appoint District
Magistrates as the officers to whom
notice under that section shall
be given. Such notice should
of course be given in sufficient
time to allow the District Magistrate
to take any action he may
think proper thereon.

To all District Magistrates.

Salmon River.

Sept 6 1888

113
Sept 17/88

Wm. C. ...

11/11/83

11/11/83

P.V.

11/11/83

11/11/83

3149 of 28/11/83.

~~The Collectors of~~
The District Magistrates of
~~The Presidents, Municipal~~
~~Commissions,~~
~~The Presidents, Local Fund~~
~~Boards,~~

Anantapur.
North Arcot, Chittoor.
South Arcot, Cuddalore.
Bellary.
South Canara, Mangalore.
Chingleput, Saidápet.
Coimbatore.
Cuddapah.
Ganjam, Chatrapur.
Godávári, Cocanada.
Kistna, Masulipatam.
Kurnool.
Madura.
Malabar, Calicut.
Nílگیرis, Ootacamund.
Nellore.
Salem.
Tanjore.
Tinnevelly.
Trichinopoly.
Vizagapatam.

Publ. No. 3149 of 1893
** Publ. No. 2899 of 1893*

District and Session
Judge of

- North Arcot, Chittoor.
- South Arcot, Cuddalore.
- Bellary.
- South Canara, Mangalore.
- Chingleput.
- Coimbatore.
- Cuddapah.
- Ganjam, Berhampore.
- Godáviri, 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.

FURTHER PAPER, No.

1779-96

OF 188

12962

171

CURRENT No

11118

Order 1077

25/11

Order 330
Letter
Collection

24-4-06.

11-1-96.

22/1/01

14-5-01

5-2-10

22-10-11

7/11/11

30.3.12

[1]

PRESS.

Just. DEPARTMENT.
G.O. DATED 28th Nov /13
No. 3119

First copy sent to Press. 28/11/13

Returned for signature. 3-7-14

Despatched in print. 30/1/12

[Despatch Abstract.]

Appeals. Empowering St. Mag. to, when they consider such a course necessary, to direct the appearance of a pleader before the Sessions in cases of —, & app. St. Mag. as the Offs to whom notice shall be given under Section 422, C.C.P.