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# MADRAS RECORD OFFICE.

Government of Madras.

*Judicial* DEPARTMENT.

G.O. No. 3273

Press  
Mis.

*Original*

Dated 17-12

1884.

Not to be folded or roughly handled

Ms 3205, Home. 9 68.49  
Ms 3205, Home 8 10.4.57

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

READ—the following paper:—

From J. A. DAVIES, Esq., Acting Registrar of the High Court of Judicature at Madras, Appellate Side, to the Chief Secretary to Government, dated Madras, 5th December 1884, No. 3588.

ABSTRACT.—Forwarding the opinion of the Court upon the advisability of authorizing the High Court and the Sessions Court Judges to retain, at the public cost, pleaders on behalf of undefended prisoners in murder cases.

ORDER—dated 17th December 1884, No. 3273, Judicial.

His Excellency the Governor in Council having recently had under his consideration the expediency of retaining a pleader at the public expense, in trials for murder, where the circumstances of the accused preclude his engaging legal assistance, he is pleased to direct, so far as original trials before the High Court and Sessions Courts are concerned, that when any Magistrate commits an accused person to take his trial on a charge of murder, he shall inquire whether the accused has sufficient means to engage professional assistance at his trial and, if he finds he has not, he shall inform the High Court or the Sessions Judge (as the case may be), who shall thereupon appoint an Advocate or Vakil to undertake the defence and cause such Advocate or Vakil to be furnished with a copy of the depositions and of the examination of the accused and of any other document it is intended to use against him. Reasonable time should be allowed to the gentlemen so appointed to prepare for the defence.

2. As regards cases referred to the High Court for the confirmation of capital sentences, the Court will instruct the Government Pleader to appear in all cases, on behalf of the prosecution, where it may desire it, and when in any such case, it may also consider that an appointment of an Advocate or Vakil on behalf of the accused is desirable, it is further empowered to engage the requisite professional assistance.

3. The fee for the present will be left to the discretion of the courts concerned, to be regulated according to the circumstances of each case; but a report should be made to Government at the close of each session in a tabular form of the amount so expended.

(True Extract.)

E. F. WEBSTER,  
Chief Secretary.

To the Honorable the Judges of the High Court, with C.L.  
„ all Sessions Judges.  
„ all District Magistrates.  
„ the Accountant-General.  
„ the Editors' Table.

Govt. of 1884 Madras  
JUDICIAL.

Issued

Recd.

G.O., 17th December 1884, No. 327

DECEMBER.

Prosecutions—Murder Cases.

Directing that in all such cases where  
prisoner is not in a position to employ counsel  
Court shall appoint an officer.

No. 3588  
High Court of Judicature,  
Madras, 5<sup>th</sup> December 1884.

From

J. A. Davies Esquire,  
Sitting Registrar of the High  
Court of Judicature at Madras

To

The Honorable E. F. Webster,  
Chief Secretary to  
Government.

Sir,

I am directed to acknowledge the  
receipt of G. O., dated 19<sup>th</sup> November 1884,  
No. 3013, Miscellaneous, requesting the  
Honorable the Judges of the High Court  
to favour Government with their  
opinion upon the advisability of  
passing an order authorising District  
Judges <sup>and High Court Judges,</sup> when trying a case of murder  
in which the prisoners may be  
undefended

undefended, to retain on their behalf  
a pleader for the defence whose remuneration shall be paid from Public funds, and in reply to state that the Honorable the Chief Justice and Judges cordially approve of the proposal. I am to suggest that an order might be drawn up in the following terms so far as original trials before the High Court and Sessions Courts are concerned.

X "When any Magistrate commits an accused person to take his trial on a charge of murder, he shall enquire whether the accused has sufficient means to engage professional assistance at his trial and, if he finds he has not, he shall inform

the

5  
"the High Court or the Sessions Judge  
"(as the case may be) who shall there-  
upon appoint an Advocate or vakil  
"to undertake the defence and <sup>such</sup> cause,  
"Advocate or Vakil to be furnished  
"with a copy of the depositions and  
"of the examination of the accused and  
"of any other document it is intended  
"to use against him." X 1

The High Court would then on its own case see, and in the case of Sessions Courts inform the Judges, that reasonable time should be allowed to the gentlemen so appointed to prepare for the defence.]

As regards cases referred to the High Court for <sup>the</sup> confirmation of capital sentences, it seems advisable that the Government Pleader should be instructed to

to appear in every case in which the  
Court desires it as he does now in some,  
not necessarily to procure a conviction  
but to secure justice. And it is sug-  
gested that when in any such case  
the Court considers that the appoint-  
ment of an Advocate or Vakil on  
behalf of the convict is desirable, it  
should be empowered to appoint one  
and to fix a reasonable fee which  
should be paid by the Registrar and  
discharged from the Contingent Bill.

I have the honor to be,

Sir,

Your most obedient servant,

G. S. S. S.

Acting Registrar,

Appellate Side

19-11-14: 3012 m.

CORRESPONDENCE No. 4810

Judicial { 1884. } Department

No.

FROM

THE REGISTRAR OF THE HIGH COURT  
OF JUDICATURE AT MADRAS,  
Appellate Side.

Dated 5<sup>th</sup> December } 1884  
Received

No. 3588.

Forwarding the opinion  
of the Court upon the  
advisability of authorizing  
the High Court & the District  
Court Judges to retain, at  
the public cost, pleaders  
on behalf of undefended  
prisoners in murder cases.

9  
PROCEEDINGS OF THE

from the Regis.  
December.

Order

Best Secy. will  
int. Government  
to the Chief  
Explosives on  
basis of such  
allations as are  
in Secretariat. Cir.

and  
Courts are concerned, the  
Magistrate commits an  
accused person to take his  
a charge of murder, he

orders

Md

1/2/12

The subject is one of general  
importance. It has attracted  
attention in this part of India  
and I submit that rules on  
the lines proposed by the High  
Court should be drawn up &  
issued with as little delay  
as may be. B.W. 10/12

He is Minister  
I think the present  
B.W.

10/12

As regards cases referred  
High Court for the consideration  
of sentences, the Court

17-5-93 ✓  
30-3-94 ✓  
16-7-96 ✓  
4-8-05 ✓  
5-5-10 ✓  
22-3-11 ✓  
13-2-12 ✓

23 663 : 2073 of 9  
23-5-9

PRESS.

*pro* DEPARTMENT.  
F.O. DATED 17 Dec 84  
No. 3273

by sent to Press. 17/12

ned for signature.

atched in print.

[Despatch Abstract.]

resolutions

Directing that in all such  
cases where the prisoner  
is not in a position to  
employ counsel to defend  
him, the court shall  
appoint one or more

17-1-40 V

14 X 40 V

11-8-41 V

22-1-42 V

193/42 V

28-12-42 V

27-5-49 E

30-5-49 SS-N

20 4 58 05

12/X/57 05

2.5.62/5