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(3) Initials of the Referencer P

MADRAS RECORD OFFICE.

Government of Madras.

JUDICIAL DEPARTMENT.

G.O. No. 1022 + 1023	Press Mis. —
Dated 20-4-1885.	

Not to be folded or roughly handled

20TH APRIL 1885, No. 1022, JUDICIAL.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

READ—the following paper:—

From W. LOGAN, Esq., District Magistrate of Malabar, to the Chief Secretary to Government, dated Calicut, 9th March 1885, No. 898.

The Session Judge of South Malabar informs me that the want of a Public Prosecutor is felt in his court, and suggests that V. Ramen Menon, first-grade Pleader, may be appointed as such. I have, therefore, the honor to request that, under section 492 of the Code of Criminal Procedure, Government may be pleased to appoint V. Ramen Menon as the Public Prosecutor of the Sessions Court, South Malabar. He already attends to all Government cases, criminal and civil, coming before the Calicut Courts, and is in every way a most suitable person for the post.

2. A copy of the Session Judge's letter is forwarded herewith.

ENCLOSURE.

From H. J. STOKES, Esq., Acting Sessions Judge, South Malabar, to the District Magistrate of Malabar, dated Calicut, 27th February 1885, No. 176.

I have the honor to request that, under section 492 of the Code of Criminal Procedure, you will be good enough to recommend to the Government the appointment of V. Ramen Menon, first-grade pleader, as Public Prosecutor of this court.

2. At present there is no officer in the court who can exercise the power of withdrawal under section 494 of the Code of Criminal Procedure. At the last sessions in two cases this power might have been usefully applied, as it was plain from the first that no conviction could be arrived at on the evidence. But for want of a Public Prosecutor, the cases had to be heard throughout, which involved considerable waste of time.

ORDER—dated 20th April 1885, No. 1022, Judicial.

The Government observe that Pleaders, who were also Public Prosecutors, were formerly appointed under section 37 of Madras Regulation XIV of 1816, which was repealed by Act II of 1867, and since that time no appointments of Government Pleaders or Public Prosecutors have been made.

2. In 1875, Government declined to appoint a Public Prosecutor for the Cuddapah district, preferring the disbursement of the usual fee "to be raised on good cause being shown in each case."—G.O., dated 21st May 1875, No. 1198. In 1877, a request was made for a Government Pleader for the same district, but this also Government declined to accede to, and resolved to adhere to the existing practice of allowing the Collector to appoint a Pleader *pro re nata*.—G.O., dated 11th July 1877, No. 1634. An apparent objection to the present system, brought to notice by the District Magistrate of Chingleput, was disposed of by Government in G.O., dated 30th October 1883, No. 2899, Judicial.

3. It is observed that the practice in Bengal is to appoint a Government Pleader under the Procedure Code for each District Court, and every Government Pleader is *ex-officio* Public Prosecutor.

4. With these remarks the Right Honorable the Governor in Council resolves to forward the papers to the Honorable the Judges of the High Court and the officers noted in the margin, with a request that they will favor Government with their opinion as to the desirability of appointing Public Prosecutors and the probable relative cost of the proposed and existing practices.

(True Extract.)

Chief Secretary.

To J. F. Price, Esq., District Magistrate of Chingleput.
„ C. S. Crole, Esq., District Magistrate of Madura.
„ G. McWatters, Esq., District Magistrate of Salem.
Copy to the District Magistrate, Malabar.

Exd. J. Wright.

Gobt. of {1885} Madras.

JUDICIAL.

Issued

Recd.

Encl.

G.O., 20th April 1885, No. 1022.

APRIL.

Public Prosecutors.

Communicating to the Honorable the Judges of the High Court and to Messrs. Price, Crole and McWatters certain papers for report as to the desirability of appointing — in District Courts, and as to the probable relative cost of the proposed and existing arrangements.

20TH APRIL 1885, No. 1023, JUDICIAL.

JUDICIAL DEPARTMENT.

LETTER—to

THE REGISTRAR OF THE HIGH COURT,

Appellate Side.

SIR,

I am directed to forward the enclosed copy of the Proceedings of Government, and to request that you will lay the papers before the Honorable the Judges for favor of compliance with the request contained therein.

I have the honor to be,

Sir,

Your most obedient servant,

OOTACAMUND,
20th April 1885.

E. F. WEBSTER,
Chief Secretary.

Exd. J. Wright.

Govt. of (1885) Madras.

JUDICIAL.

Issued

Recd.

Encl.

Letter, 20th April 1885, No. 1023.

APRIL.

Public Prosecutors.

Communicating certain papers for report as to the desirability of appointing — in District Courts, and as to the probable relative cost of the proposed and existing arrangements.

7
C. 1885

Malabar Dt. Magistrate Court
Calicut 9 March 1885.

From

W. Logan Esquire,
District Magistrate of
Malabar.

To

The Hon'ble E. J. Webster,
Chief Secretary to Govt.
Madras.

Sir,

The Sessions Judge of South
Malabar informs me that the want
of a Public Prosecutor is felt in his
Court and suggests that E. Ramen
Munor, 1st Grade Pleader, may be
appointed as such. I have therefore
the honor to request that, under
Section 492 of the Code of Criminal
Procedure, Government may be
pleased to appoint E. Ramen Munor
as the Public Prosecutor of the Sessions
Court, South Malabar. He already
attends to all Government cases,
Criminal & Civil, coming before the
Calicut Courts, and is in every way
a most suitable person for the post!

2. A copy of the Sessions Judge's letter
is forwarded herewith.

I have the honor to be,
Sir,
Yours most obedt. servant,

W. Logan

Enclined letter of 9 March 85
to the Chief Secy to Govt.

28/1
Sessions Court of South Malabar
Calicut 27 February 1885

N^o 176.

To 9
The District Magistrate of 9
Malabar

Sir,

I have the honor to request that under Section 492 of the Code of Criminal Procedure you will be good enough to recommend to the Government the appointment of S. Ramen menon, 1st Grade Pleader, as Public Prosecutor of this Court. -

2. At present there is no officer in the Court who can exercise the power of withdrawal under Section 494 of the Code of Criminal Procedure. At the last Sessions in two cases this power might have been usefully applied, as it was plain from the first that no conviction could be arrived at on the evidence. But for want of a Public Prosecutor, the cases had to be heard throughout, which involved considerable waste of time. -

I have to
sd/ H. J. Stokes,
Sesssions Judge

True copy /

W. J. Stokes
District Magistrate.

Ind. Co. 11-6-49 No 1375

Judicial Department

CURRENT No. 933

From

From
The District Magistrate
of Malabar

To
The Chief Secretary
to Government
Madras

Dated 9 March 1885
Recd: 11

Encl.

Recommend that B.
Ramen surun, 1st Grade
Pleader, may be appointed
Public Prosecutor of the
Sessions Court, South
Malabar.

DEPARTMENT.

No. 933

The Dt. Magt. Malabar
8/ 9th Mar. 1885, N° 878.

FOR ORDERS.

The history of appointing
Public Prosecutors seems to
be this:-

2. Govt. Pleaders (who were also
Public Prosecutors) were for-
merly appointed under sec. 37
of Reg. XIV of 1816.
3. This section was repealed in
1867 (Act II of 1867) and
since then Govt. have not
appointed either Govt. Pleaders
or Public Prosecutors for the
Mofussil Courts.

For the High Court, the

Clerk of the Crown is also
Public Prosecutor. vide G.O.
dated 31st Mar. 1874, N° 576.

4. When in 1875, the D^r.
Mag^r. of Cuddapah request-
ed Govt. to appoint a
Public Prosecutor, the Govt.
declined to do so, saying
that they preferred "dis-
"bursing the usual fee (which
"can always be raised on good
"cause shown") in each case.

G.O. of 21st May 1875 N° 1198

5. In 1877, the Ag. Coll^r of Cudda-
pah (M^r Price) requested Govt.
to appoint a Govt. Pleader,
but the Govt. declined to do
so, stating that would ad-
here to the existing practice
of permitting the Coll^r to
appoint a pleader "pro re
nata".

G.O. of 11th July, 1877, N° 1634

6. In 1879, the Coll^r D. M. of

S. Arcot asked Govt. to
appoint a Public Prosecutor
but he was referred to the
orders quoted above.

G.O. of 12th May 1879, N° 1099

15

7. An apparent objection to
the present system, brought
to notice by M^r Price was
disposed of by Govt. in
G.O. of 30th Oct. 1883, N° 2899 Jd.

8. In Bengal, a Govt. Pleader
is appointed under the Civil
Procedure Code for every
District Court, and every Govt.
Pleader is ex officio Govt.
Public Prosecutor.

9. The practice in force in
other provinces is not known.

10. If a Govt. Pleader & Public
Prosecutor is appointed under
the Civil Procedure Codes,
he will probably require
a salary. If not there wd.
appear to be no objection.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following letter

from the Dt. Magt. Malabar
11 9th March, 1885, No. 878

(with enclosure)

Order. 20 April / 85 N^o. 1022

The Govt. resolve to refer the
question raised in the letters
read above to certain officers
for report, but they consider
that it would be of advantage
before doing so to briefly re-
vitalize the orders issued from
to time on the subject.

2nd Govt. Pleaders, who were also
Public Prosecutors, were formerly
appointed under ~~the~~ sec. 37 of
Madras Regⁿ. XIV of 1816, but
that section was repealed by
II of 1867, and since that
Govt. have not appoint

Recd 2/4/85

For: Prosecutors.

FOR ORDERS.

appointing such, except
that difficulties might arise
when it is thought ne-
cessary to dispense with
the services of any pleader
and appoint a new man.
In such a case however
Govt. wd. probably have
the same liberty of action
as private parties.

11. It is suggested that the
question of how far such
appts. are necessary
might be referred to the
High Ct. and a few se-
lected Magistrates.

HAS
18.3) *Hunt* so. The
correspondence
orders already passed
on the subject sh^d
be noted in the
order of reference
2/6/85

H. M.

To be read with the Govt.
Go No 1022-23 of 20
April / 85.

ed either Govt. Pleaders
or Public Prosecutors for the
mofussil courts.

23. In 1875 Govt ^{declined} were asked
to appoint a Public Prosecutor
for the Cuddapah district,
but they declined to do so,
^{informing his decision} saying that they preferred
"disbursing the usual fee
(which can always be paid
on good cause shown) in
each case."

G.O. of 21st May 1875 no. 1198.

In 1877 a request was made
for a Govt. Pleader for the
same district, but this Govt.
declined to accede,
stating that they would adhere
to the existing practice of
allowing the Coll^r to appoint
a pleader pro re nata. G.O. of 11th July, 1877 no 1634.

An apparent objection to the
present system, brought to
notice by the W. Magistrate

4
Chunglepoot, was disposed
of by Govt. in G.O. of 30th
Oct. 1883, no 2899, Just.

19 3. 4. It is observed that the
practice prevailing in Bengal
is to appoint a Govt. Pleader
under the Procedure Code for
each ^{every} District Court, and
every Govt. Pleader is ex
officio Public Prosecutor.
The practice existing in
the Provinces is not known.

6 5. With these remarks the
At. Hon. the G. in C. forwards
the papers to the Hon.ble the
Jes of the High Court and

1. J. F. Price, Esq^r, D. Magt^r in officers noted in the
of Chunglepoot margin* with a request that

2. C. S. Cole Esq^r D. Magt^r of will favour Govt. with
Salem Madura their opinion as to the ne-

3. G. Mc Watters Esq^r D. Magt^r for appointing Public
of Salem. secutors and the relative

st
of the proposed and

existing practice.

HAS

31/3/88

No 1023

20 April 1888

197 Price Exp 3

Discharge (unpaid)

C. S. Carle Exp

S. M. Madras

C. S. Carle Exp 3

S. M. Salem

C. S. Carle Exp 3

S. M. Madras

The Regt of the High Court
Appellate Side.

Sir,

I am directed to forward
the enclosed copy of the
Proceedings of Court and
request that you will
the papers before the Honble
the Judges for favour of con-
pliance with the request
contained therein.

HAS

31/3/.

(from 10804)

14-2-55 ✓
28-9-55 ✓
25-2-2413 ✓

[1]

PRESS.

7. 25-67/05-
1924/05-
1022/05-
1717/05-

Indl DEPA
G.O. DATED *20 Apr*
No. *1022 & 1023*

First copy sent to Press.

Returned for signature.

Despatched in print.

27/5

[Despatch Abstract.]

*Pub Prosecutors - Coming to the
Hon. the Judge of the High Court &
Dr. Price, Cole & W. Walters,
Certain papers for report as to the dea-
-rability of appointing - in D.
Court as to the probable relative
cost of the proposed & existing
arrangements.*

✓