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MADRAS RECORD OFFICE

Government of Madras

Judicial DEPARTMENT

G.O. No.	1093	Press
B.P. No.		Mis.

Dated 27- 4 - 1885-195

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Further papers

Ms. 249, Home 7 21.1.66

No. 455-40

Extract from the Proceedings of the Government of India in the Home Department (Judicial),—
under date, Simla, the 11th April 1885.

READ AGAIN—

The undermentioned correspondence with the Government of the Punjab regarding the preparation of certain of the revised form of "Judicial Statements" circulated with Home Department Resolution Nos. 18-11 1-1085, dated 9th August 1884.—

Letter from the Punjab Government, No. 111, dated 6th December 1884.

Letter to the Punjab Government, No. 16, dated 7th January 1885, with endorsement to other Local Governments and Administrations, Nos. 1-17-25.

READ ALSO—

Letter from the Registrar of the High Court, Calcutta, No. 773, dated 7th March 1885, on the same subject.

RESOLUTION.

With the letter, above cited, dated the 6th December 1884, the Punjab Government submitted a communication from the Chief Court of the Punjab, in which the Court remarked that it was not understood how the cases* referred to

* Charges of contempt of Court, under Chapter XXXV, and cases under Sections 107, 109, 110, 118, 120 and 123 of the Criminal Procedure Code.

in the second foot-note to Judicial Statement No. 3 (Criminal) were to be shown under the appropriate head of the schedule in Statement No. 2 (Criminal), inasmuch as the latter statement relates only to cases under the Indian Penal Code and under Local and Special Laws, whereas the former relates to cases under the Criminal Procedure Code.

The Court further expressed a doubt as to the correctness of the last foot-note† (General) to Judicial Statement No. 4 (Criminal) as compared with the first

† The foot-note is as follows: "The figures in this statement should not include those of Statement No. 3, but should agree with those of Statement No. 2."

‡ "Charges of contempt of Court and cases under sections 107, 109, 110, 118, 120, 123, Criminal Procedure Code, will also appear under the appropriate head of the schedule in Statement 2 and in Statement 1."

portion (cited in the margin)‡ of the second foot-note to Judicial Statement No. 3 (Criminal).

2. In Home Department letter dated 7th January 1885, it was explained, as regards the first of the above points, that the intention is that cases of the nature described should be shown in Judicial Statement No. 2 (Criminal) under the heading of the schedule "Offences under Special and Local Laws."

As regards the second point, the Government of India observed that the above explanation would probably remove the doubt entertained by the Chief Court as to the correctness of the last foot-note to Judicial Statement No. 4 (Criminal).

3. The Governor General in Council has now reconsidered the subject-matter of the correspondence above referred to in the light of certain suggestions made by the Honourable Judges of the High Court at Calcutta, which are as follows, viz.,—

(1) that cases of contempt of Court under Chapter XXXV of the Criminal

§ Sections 172 to 183, 193 to 196, 199 and 205 to 211, &c., (vide section 195, Criminal Procedure Code).

Procedure Code, being offences against various sections of the Indian Penal Code, should appear in Statement No. 2 under their appropriate heads in the schedule of offences under the Penal Code, and not in the schedule of offences under Special and Local Laws;

(2) that cases of the above nature, i.e., cases under Chapter XXXV of the Criminal Procedure Code, should, by the clision of cross-heading No. 8, be removed from Statement No. 3, where, independently of

their effect upon the preparation of other statements, the presence of such cases is anomalous with reference to the character of Statement No. 3 itself, which is designed to show only Miscellaneous proceedings under the Code of Criminal Procedure.

4. The above views meet with the concurrence of the Government of India, and the Governor General in Council is accordingly pleased, in supersession of the orders contained in Home Department letter No. 16, dated 7th January 1885, to direct that Statement No. 3 (Criminal), and the first portion of the second foot-note thereto, shall be amended in the manner suggested by the High Court. A copy of the form as amended is forwarded herewith for general adoption.

5. It is further observed that the last foot-note to Judicial Statement No. 4 (Criminal) will also need amendment, inasmuch as it lays down that the figures in that statement should not include those of Statement No. 3, whereas some of these latter (*viz.*, those of cases under Chapter VIII of the Criminal Procedure Code) will be included owing to their being shown in Statement No. 2. The Governor General in Council is accordingly pleased to direct that the foot-note in question shall be amended as follows:—

"The figures in this statement should agree with those of Statement No. 2, and should include nothing else."

ORDER.—Ordered that the above Resolution be communicated to Local Governments and Administrations noted in the margin for information and guidance, and to the Foreign Department for communication to the Chief Commissioner of Ajmere and Merwara.

Madras.
Bombay.
Bengal.
North-Western Provinces
and Oudh.
Punjab.
Central Provinces.
British Burma.
Assam.
Coorg.
Hyderabad.

(True extract.)

A. M. S. Singh.
Secy. to the Govt. of India.

*The Chief Secretary to the
Government of Madras*

Statement of Miscellaneous Proceedings under the Criminal Procedure Code in the Province of

NATURE OF PROCEEDINGS	Total number of cases before the Courts during the year.	Number of persons concerned.	Number of persons discharged.	Number of persons convicted.	Remarks.
1. Proceedings against witnesses under Chapter VI C and section 435.	2	3	4	5	6
2. Proceedings under Chapter VIII to prevent breach of the peace.					
3. Proceedings under Chapter VIII. Security for good behaviour.					
4. Proceedings against local nuisances, Chapter X.					
5. Recession, Chapter VII.					
6. Fictitious or vexatious complaints summarily dealt with under Chapter XX, section 250.					
7. Non-attendance of jurors or assessors, Chapter XXIII, section 332.					
8. Maintenance, Chapter XXXVI.					
9. Forfeiture of bail or recognizance under Chapter XLII.					
TOTAL...					

NOTE.—Column 1, Sub-head 6.—Complainants fined under section 250 are not to be entered as convicted in Statements 2, 4 or 5, but the fact of the fines having been imposed may be noted in the column of Remarks of Statement 2 against the complaints preferred by them.
Column 1, Sub-heads 2 and 3.—Cases under sections 107, 108, 110, 118, 120, 121, C. P. C., will also appear under the appropriate head of the Schedule in Statement 2. Persons convicted under these heads, and required to give security or recognizance under sections 120, 121, C. P. C., will also appear in Statement 5.
Column 1, Sub-heads 4, 5, and 8.—Cases under these sub-heads will not appear in Statements 2, 4 or 5. Jury cases under Chapter X will, however, appear in Statement 13.

CURRENT NO:

DISPOSED
No. 1093
JAN 27 1958
GOV. OFF.

From the fore of India (Horse Dec.)

$\frac{6}{465-76}$

Dated, 15th
16th April 1885

Exhib: *Handwritten*

Subject

Re case of John A. ...

Code of Local & Special Laws & Ordinances
= Local Procedure Code.

Key to Col. 2nd } D. 7545
Pg. of Volume 1st }

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