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MADRAS RECORD OFFICE

Government of Madras

Judicial DEPARTMENT

G.O. No.	1217	Press
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Dated	1-6-1888	195

(3 part copy)

Not to be folded or roughly handled

No. 1217.

CIRCULAR.

To

SIR,

It is in the contemplation of Government, if a sufficient number of trustworthy and public-spirited gentlemen are willing to accept office as Honorary Presidency Magistrates, to organise Benches for the trial of certain cases both at Egmore and Black Town.

2. The enclosed copy of draft rules, framed for the guidance of such Benches, will show the nature of the work to be entrusted to them. You will see from Rule 3 that the rotation will be determined by the senior Stipendiary Magistrates, but the Government propose to instruct them to leave it to be decided by the votes of the Honorary Magistrates themselves, from time to time, whether the same Bench shall sit consecutively for one week or two, or for a month. It is probable that each member will have to sit three days a week for a month in each half-year, but it is immaterial whether he takes the whole month at a time or in two or more instalments.

3. I am directed to inquire whether, in the event of Honorary Magistrates being appointed and your name approved by the Right Honorable the Governor in Council for the district, you would accept nomination on the terms indicated. The appointments will be made for two years in the first instance, as the measure must be regarded as an experiment. Gentlemen who accept the office will be expected to attend punctually and really perform its functions, and it will, of course, be open to His Excellency in Council to withdraw their powers for any good and sufficient cause.

I have the honor to be,
Sir,

Your most obedient servant,

H. E. STOKES,
Chief Secretary.

OOTACAMUND,
1st June 1888.

Exd. A. Raitt.

[Rules.

RULES.

The following rules, which have been framed for the guidance of Benches of Magistrates established in Madras under sections 18 and 21 of the Code of Criminal Procedure, 1882, and sanctioned by the Government, are published for general information:—

1. The Bench shall try such cases as may be referred to it by the senior Stipendiary Magistrate sitting at Egmore or Black Town subject to the provisions of Rule 8, provided further that no case triable by the High Court only shall be so referred.

2. Benches shall ordinarily sit for the first hearing of cases on the dates and at the time mentioned below. A special Bench may, however, be convened at any other time by either of the senior Stipendiary Magistrates.

A Bench of three Honorary Magistrates from the list of those attached to the Black Town Division will sit from 11 A.M. till 5 P.M., or till the work referred to it is over, at the Black Town Court on Mondays, Wednesdays and Fridays; and a Bench of three from the Egmore list will sit at Egmore for the same hours on Tuesdays, Thursdays and Saturdays.

3. The rotation in which Honorary Magistrates shall be summoned to sit shall be arranged by the senior Stipendiary Magistrate of each court. But if for any sufficient cause a Magistrate named for any particular day is unable to attend on that day, he may arrange with any other Magistrate to take his place, reporting the arrangement and the reason therefor to the senior Stipendiary Magistrate. If unable to effect such an arrangement, he should give timely notice to the senior Stipendiary Magistrate, who will summon another in his place.

4. A Bench shall ordinarily be composed of not less than three Magistrates when they are all Honorary Magistrates, but the senior Stipendiary Magistrate may, at his discretion, direct that the Bench may proceed without any absent member, provided that no case set down for hearing before the Bench shall proceed unless a Stipendiary Magistrate or two Honorary Magistrates be present.

5. The senior Stipendiary Magistrate present, if any, shall officiate as Chairman. If no Stipendiary Magistrate is present, the Bench may elect its own Chairman, or, if they are unable to agree, the Chairman shall be selected by the senior Stipendiary Magistrate of the court.

6. The Chairman shall conduct the proceedings of the court and exercise all the functions in that behalf usually exercised by a Stipendiary Magistrate when sitting alone. He shall decide upon the admissibility of evidence and maintain order in the court, but it shall be open to any member of the Bench to put any question to the witnesses, either direct or through the Chairman, as the latter may deem advisable, and to suggest any matter for the Chairman's consideration.

7. Each member of the Bench shall have a voice in the finding and sentence. In a Bench of three or other uneven number, the opinion of the majority shall prevail; when the numbers are even, the Chairman shall have a casting vote.

8. The Chairman shall generally record the evidence and judgment in cases in which a record of evidence and a judgment are necessary; but such duty may, with his consent, be performed by any one of his colleagues. The evidence may also, instead of being recorded by the Chairman or one of his colleagues, be recorded by the Clerk of the Court at the dictation of the Chairman and in the manner provided by section 362, Act X of 1882.

9. The Bench may hold one or more adjourned sittings, if this be found necessary for the disposal of business or of part-heard cases; but it shall be open to the Bench at the close of its regular sittings either to refer unheard cases back to the Magistrate under whose order of reference they received them, or to postpone them to some other day, as may seem most convenient. Any part-heard case postponed to a further sitting of the Bench may be proceeded with if any member of the Bench has been present at the previous hearing of the case, but subject to the provisions of section 350 of the Code of Criminal Procedure.

Any part-heard case may, however, be sent back to the Magistrate under whose order of reference it was received, should it appear unsuited for trial by a Bench. In such case, the Magistrate shall re-commence the trial.

10. Every Honorary Magistrate will sign the daily calendar of the day's proceedings at which he is present.

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Gobt. of (1888) Madras.

JUDICIAL.

Issued

Recd.

Encl.

G.O., 1st June 1888, No. 1217.

JUNE.

Honorary Presidency Magistrates.

Intimating that it is in the contemplation of Government, if a sufficient number of trustworthy and public-spirited gentlemen are willing to accept office as —, to organise Benches for the trial of certain cases at Egmore and Black Town.