

(1) Number of Pages 12
(2) Date of repair 10-11-69
(3) Initials of the Referencer bm

MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Judicial DEPARTMENT

G.O. No.	1646	Press
~~B.P. No.~~		~~Mis.~~
Dated 4-8-1888-196.		

Not to be folded or roughly handled

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

READ—the following paper :—

From E. J. SEWELL, Esq., Acting District Magistrate of Cuddapah, to the Chief Secretary to Government, dated Cuddapah, 18th July 1888, No. 567.

With reference to Government Proceeding, No. 914, dated the 17th April last, and official memorandum, dated the 4th instant, I have the honor to submit herewith (in original) the explanation of the Public Prosecutor, who appeared for the appellant in Criminal Appeal No. 1 of 1888, on the file of the Sessions Court, Cuddapah. It will be observed that the Public Prosecutor defended the accused before the Magistrate, who tried the case.

2. This would, I think, have made it undesirable that he should appear in support of the conviction on appeal.

3. He alleges, however, that he had the sanction of Mr. Stokes for appearing on behalf of appellants, when he had not been retained for the prosecution before the Magistrate.

4. It appears to me that the Public Prosecutor ought not to accept the defence of any person in a criminal trial without first ascertaining if he was needed to prosecute in the case.

5. But if he has defended the accused in the Lower Court, it is preferable to employ some other advocate to support the conviction on appeal.

ENCLOSURE

From M. ELLIOT, Esq., Public Prosecutor, Cuddapah, to the Acting District Magistrate, Cuddapah, dated Cuddapah, 13th July 1888, No. 75.

In reply to your letters No. 384, dated 2nd May 1888, and No. 528, dated 10th July 1888, I have the honor to state that, as I filed the appeal in the case referred to by you, the District Magistrate engaged a pleader of the District Court to appear in support of the conviction and sentence of the Magistrate. This has always been the practice. Mr. Stokes, who was the District Magistrate when I was appointed Public Prosecutor under the Act, told me that he did not object to my appearing for appellants in criminal cases, when my services were not required for the prosecution before the Magistrate.

2. In the case referred to, my services were not required for the prosecution, but I appeared for the defence.

ORDER—dated 4th August 1888, No. 1646, Judicial.

The views expressed in paragraphs 4 and 5 of the District Magistrate's letter are correct. He will instruct the Public Prosecutor accordingly.

(True Extract.)

Ag. Chief Secretary.

To the District Magistrate, Cuddapah.
„ Copy to all District Magistrates.

Exd. W. H. French.

Gobt. of 1888 Madras.
JUDICIAL.

Issued

Recd.

Encl.

G.O., 4th August 1888, No. 1646.

AUGUST.

Public Prosecutor.

Passing orders on letter from the District Magistrate, Cuddapah, submitting the Public Prosecutor's explanation for having appeared for the appellant in Criminal Appeal No. 1 of 1888 on the file of the Sessions Court, Cuddapah.

9
G.O. No. 1646
of 4th August 1888.

~~The Collectors of~~
The District Magistrates of

Anantapur.
North Arcot, Chittoor.
South Arcot, Cuddalore.
Bellary.
South Canara, Mangalore.
Chingleput, Saidapet.
Coimbatore.
Cuddapah.
Ganjam, Chatrapur.
Godavari Cocanada.
Kistna, Masulipatam.
Kurnool.
Madras (when necessary).
Madura.
Malabar, Calicut.
Nilgiris, Ootacamund.
Nellore.
Salem.
Tanjore. 9.
Tinnevely.
Trichinopoly.
Vizagapatam.

each 8 Cpi in Sep 2
22/8/88

RECORDED
14 JUL 88
10:40 AM

Wm. J. ...
13th July 1888.
16th ...
147th ...

From,
The Public Prosecutor
Bundaberg

To,
E. J. Sewell Esquire
Magistrate
Bundaberg

Sir,
In reply to your letter Nos.
 $\frac{384}{2.5.88}$ and $\frac{528}{10.7.88}$ I have the honor
to state that - as I filed the appeal
in the case referred to by you the District
Magistrate - engaged a Pleader of
the District Court to appear in support
of the conviction and sentence of the
Magistrate. This has always been
the practice. Mr. Stokes who was
the District Magistrate when I was
appointed Public Prosecutor under
the act told me that - he did not
object to my appearing for appellants
in criminal cases when my services
were not required for the prosecution
before the Magistrate.

In the case referred to my services
were not required for the prosecution
but I appeared for the defence.

3
Your most obedient

John W. Hill
Public Prosecutor.

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18
DISTRICT MAGISTRATE'S OFFICE,

Cuddapah

No 567

18 July 1882

ENCLOSURES one

From

E. J. Simell Esq
District Magistrate of
Cuddapah

To

The Chief Secretary to Government
Judicial Department
Fort Saint George.

Sir,

With reference to Government
Proceedings, No 914, dated the 17th
April last, and official
Memorandum, dated the 1st
Instant, I have the honor to
submit herewith (in original),
the explanation of the Public
Prosecutor who appeared for
the appellant in Criminal
Appeal, No 10 of 1888 on the file
of the Sessions Court.

Gooddapat. It will be
observed that the Public
Prosecutor defended the
accused before the Magistrate
who tried the case.

2. This would, I think,
have made it undesirable
that he should appear in
support of the conviction on
appeal.

3. He alleges, however, that
he had the sanction of Mrs.
Stokes for appearing on behalf
of appellants when he had
not been retained for the prosecu-
tion before the Magistrate.

4. It appears to me that the
Public Prosecutor ought
not to accept the defence
of any person in a criminal
trial without first ascer-
taining if he was needed

5. to prosecute in the case?
But if he has defended
the accused in the Lower Court
it is preferable to employ some
other advocate to support the
conviction on appeal.

I have the honor to be
Sir,

Your most obedient servant
E. Sewell
Jy District Magistrate

177

22
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Dec
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40 17. 4. 88 No. 914

6

Judicial Department.

From

THE DISTRICT
MAGISTRATE OF
CUDDAPAH.

To

THE *Chief Secretary*
to Govt. of India

Dated

Despatched

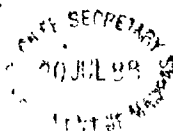
Received

18th

20th

July

1888.



No. 567

SUBJECT

Referring to Govt. No. 914,
dated 17th April 1888, for
the information of the Public
Prosecutor, with remarks, for
having appeared for the appeal
of the appellants in Criminal
Appeal Case No. 1 of 1888 in
the file of the Sessions Court
Cuddapah.

Mem.
For orders.

26 July. 27/1/1888

40 17. 4. 88 No. 914
S. A. 4P

4 Aug. 1888. 1646.
The *Magistrate* views expressed
in paras 4 &
5 of the letter are correct. He will
instruct the Public Prosecutor
accordingly. *attest*
(Signature)
26 Aug. 1888.

To
The D. Magistrate Cuddapah dated 21/8/88
Copy to all concerned 161. Dated 22/8/88.

4-5-15

25-9-18
25-6-39
25-11-40
12-3-47

3/4/53

ORDINARY, UNITED.

July
4 August 1888
No. 1645

10/8
10/8
10/8

1888

Public Prosecutors -
orders on letter from the
Public Prosecutors
the Public Prosecutors
for have appeared in the
appellant in Criminal appeal
No. 1 of 88 on the 1st of the
Session Court, Gaddapah.

10.11.69 153

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