

(1) Number of pages 10(2) Date of repair 14-9-46(3) Initials of the Referencer G**MADRAS RECORD OFFICE.****Government of Madras.***Judicial* **DEPARTMENT.**

G.O. No.	<u>1338</u>	Press Mis.
Dated	<u>2-6-</u>	<u>1894.</u>

Not to be folded or roughly handled

408 16/10/1893
15TH JULY 1893, No. 1443, JUDICIAL.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

READ—again the following papers :—

G.O., dated 17th May 1892, No. 929, Judicial.

ABSTRACT.—Requesting opinions on the Bill to amend the Code of Criminal Procedure, 1892, and certain other Acts and to extend certain sections of the code to the Police in the towns of Calcutta and Bombay.

G.O., dated 28th July 1892, Nos. 1346, 1347, Judicial.

ABSTRACT.—Passing orders on letter from the Commissioner of Police proposing certain amendments in sections 155 and 191 of the Code of Criminal Procedure, and directing that the Government of India be addressed on the Bill to amend the Code and certain other Acts.

READ—also the following letter from C. J. LYALL, Esq., C.S.I., C.I.E., Secretary to the Government of India, Home Department (Judicial), to the Chief Secretary to the Government of Madras, dated Simla, the 24th June 1893, No. 706 :—

With reference to the correspondence ending with your letter, No. 1347, dated the 28th July 1892, on the subject of the draft Bill to amend the Code of Criminal Procedure and certain other Acts and to extend certain sections of the code to the Police in the towns of Calcutta and Bombay, I am directed to state for the information of the Government of Madras that, in view of the divergence of opinion among the Local Governments consulted and the differences of system in Police administration in the three Presidency towns, the Governor-General in Council has come to the conclusion that it is not desirable to have a general Act regulating Police procedure in those towns.

2. His Excellency in Council has therefore decided not to proceed further with the draft Bill circulated with my letter, No. 584, dated the 4th May 1892.

ORDER—dated 15th July 1893, No. 1443, Judicial.

Mr. Lyall's letter will be communicated to the Honorable the Judges of the High Court, the Chief Presidency Magistrate, the Commissioner of Police, Madras, and the Advocate-General, with reference to their replies to G.O., dated 17th May 1892, No. 929, Judicial.

2. With advertence to the remarks contained in G.O. dated 28th July 1892, No. 1347, and in exercise of the power conferred by section 7 of the Madras City Police Act, 1838, the Governor in Council declares that the Commissioner of Police, Madras, shall not, in his capacity as Chief Presidency Magistrate, exercise the powers conferred upon Presidency Magistrates by sections 155 and 191 of the Code of Criminal Procedure.

(True Extract.)

To the Honorable the Chief Justice, with C.L.
Chief Presidency Magistrate,
Commissioner of Police, Madras,
Government Solicitor.

Ed. A. Rallap

Gobt. of {1893} Madras.
JUDICIAL.

Issued

Recd.

Encl.

G.O., 15th July 1893, No. 1443.

JULY.

Police Procedure in Presidency
Towns.

Communicating to the Honorable the Judges of the High Court and certain officers letter from the Government of India considering it undesirable to have a general Act regulating — and declaring that the Commissioner of Police, Madras, shall not in his capacity as a Presidency Magistrate, exercise any of the powers conferred upon Presidency Magistrates by sections 155 and 211 of the Code of Criminal Procedure.

C.N. 2746 of 24 June 93
G.O. of

(For order)

Please see the last para of para. 3 of letter of 25th 1893, No. 1347, subd., & of para. 2 of the G.O. No. 1347. Shall a Notice be now be issued under sec. 7 of the City Police Act, 1855, with reference from the Court? his power acting under sec. 155 of C. C. P. ?

by
1 July.
3/7/93

Yes — certainly.
Not with drawing the power, but declaring that he shall not exercise it as a Pres. Magt.

I think it would be well also to mention that he cannot act under sec. 191. as such Magt. & is alone that section under the Act.

I suppose the Act is in force, in connection of one already issued, if there is any, under sec. 7 of Act No. 88.

Madras
9/7/93

Commissioner of Police

11/4/1894

(For order)

107-1642-15-7

Received by the
City Police Office,
Madras, 11th May 1894.
From
Colonel A.W.H. Foster,
THE COMMISSIONER OF POLICE,
MADRAS.

To
The Chief Secretary to Government,
Fort St. George,
Madras.

Sir,

I have the honor to request
that Government will be pleased
to empower me to exercise the
power of a Presidency Magistrate
under Section 155-Criminal
Procedure Code, in respect of
such non-cognisable offences as
may be referred to me for
investigation by Government,
officially or semi-officially.

I have the honor to be,
Sir,
Your most obedient servant,
Colonel
A.W.H. Foster

UNDER SECRETARY
13 MAY 94
PUBLICS DEPT.

10.1443: 15.7.92 aiglose
13467: 28.7.92: do
929: 17.5.92 do
2251: 25.12.82. do this
H. H. V. G. 1.

For Orders
as to Pol. C. No. 176, 8 Ind.
C. No. 2465.
The Commissioner's powers to direct
investigation in a non-cognizable
case under sec. 155 C.C.P. were
expressly withdrawn under G.O.
15.7.93, No. 1443, Ind. The D.O.
directing Col. Cox to investigate
this matter cannot therefore be
given effect to ~~as far as~~ as regards
the exemption of accomplices from
prosecution please see Sir H.
Stokes' remarks under cover of
G.O. of 2.3.93, No. 456, Ind.
in May.

From
The Commissioner of Police,
Madras,
To the Chief Secretary to Govt.,
Fort St. George

80.58.
Dated 11 May 1894.
Recd: 13 May 1894.
Regd 14.

Non-Cognizable Offences.
Requesting that he
may be empowered to
exercise the powers of a
Presidency Magistrate
under Sec. 155 C.P. Code,
in respect of
referred to him for
investigation by
Government.

1. I don't see why the Com. of Police should
not have powers under S. 155 in some cases.
2. I don't see why the Com. of Police should
not have powers under S. 155 in some cases.
3. I don't see why the Com. of Police should
not have powers under S. 155 in some cases.

I agree
to have

25779

[5]
48-21-12-93.

Ind. DEPARTMENT

Papers to be read in Proceedings:—

abstract only 15 July
Again G.O., dated 1853, No. 1443, Ind.
Again G.O., dated 18, No.
in full. Current No. 2465 of 1854, dated 11 May from Com. of Police,
Madras
176 Political: not to be read in Proceedings
Current No. of 18, dated Order from 22 June 1894, No. 1338
D.S.

In modification
of G.O. of 15 July 1893,
No. 1443, Ind.,

In exercise of the power conferred
upon him by sec. 7 of the
Madras City Police Act, 1888,
the G. in C. is pleased to
authorize the Commissioner
of Police, Madras, to
exercise the powers conferred
upon a Presidency Mag. by
sec. 155 C.C.P. in respect
of such non-cognizable
cases as may be referred
to him for investigation
by Govt.

(From order)
31 May
to the Com. of Police, Madras.
D.O.

Note for Office
C. No. 176 should be
returned to the Pol. Dept.

(To issue in Pol.?)
by Dear Com,
Your D.O. of the 11th inst.
ult. about the ~~provision~~ in
the office of the P. of C.S.
G.O. Orders are now
issuing empowering you
to order investigations into
non-cognizable cases referred
to you.

to persons concerned with
a view to obtaining evidence,
the Govt. does not think
that any promises of
this kind should be given.

$\frac{1}{2}$
31 May

Powers of
Police & Administration

CS (7/11/1911)
P.L.

READ AGAIN, ORDER OF GOVERNMENT, DATED
18th Nov. 1914

1/11/14
FURTHER, No.

FURTHER PAPER, No. 1318/95.

ENCLOSURE

CURRENT No.

STATEMENT WITH PICTURES

ORDER, 20th of NOVEMBER 1914

PAYMENT MADE OUT OF THE ...

30

Print in full.
Not to be printed.
Print abstract only.
Print full text only.
Print, but with ...

ORDINARY, PRINTED.

5-9-11
16-1-15-✓

Tud! DEPARTMENT.
G.O., DATED 2nd June 1894
No. 1338

INDEXED.

First copy sent to Press.

13/6

Returned for signature.

18/6

Despatched in print.

19-6



[Despatch Abstract.]

Non-cognizable cases

Authorizing the Com^r
of Police, Madras, to exercise
the power conferred upon
Presiding Mag^r by
Sec 155 of the Code of
criminal Procedure in
respect of such cases as may
be referred to him for
investigation by Court.

15/6