

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.

373

Press

~~Mis.~~

Dated

15-2-

1894.

Not to be folded or roughly handled

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

READ—the following paper :—

From the District Magistrate, Kistna, dated 25th December 1893, No. 1607.

ORDER—dated 15th February 1894, No. 373, Judicial.

The Government considers that a fee of Rs. 250 will be sufficient in the present case.

2. The expenditure in the form of special fees to Public Prosecutors amounts to a considerable sum annually and seems to be rapidly increasing. It is necessary that District Magistrates should consider closely all the circumstances of the case before they submit to Government proposals for the payment of an enhanced fee, and the following general rules must be observed :—

(1) Not more than Rs. 25 for each appearance in Court will be sanctioned save in exceptional cases.

(2) No fee is payable as a general rule for days spent in examining the records.

(3) If a Public Prosecutor is required to leave head-quarters he is allowed actual conveyance expenses but not halting allowances: he is also allowed a fee for days of which so much has been spent in travelling as to render it impossible for him to attend in Court.

(4) Public Prosecutors are expected to travel second class by railway.

(True Extract.)

Chief Secretary.

To the District Magistrate, Kistna.
all other District Magistrates.
the Accountant-General.

Ed. A. Ball

Gobi. of {1894} Madras.
JUDICIAL.

1629/54

2007/55

Issued

Recd.

Encl.

G.O., 15th February 1894, No. 373.

FEBRUARY.

Fees to Public Prosecutors.

Considering a fee of Rs. 250 for the Public Prosecutor, Sessions Court, Madras, in a case of cheating, and laying down certain general rules for the payment of enhanced fees.

A Statement of Special fees paid in Criminal Cases to Public Prosecutors or others who appeared in behalf of Govt. during 1892 and 1893.

Date and No. of G.O.	District.	Amount of fee claimed by P.P.	Amount of fee received by P.P.	Amount of fee paid by Govt.	No. of days for which fee was paid	Remarks.
For the year 1892						
6-1-92:12	Nilgiris	245	245	245	7	
16-1-92:105	Gangam	100	100	100	7	
19-1-92:124	Cuddapah	175	175	175	4	
19-1-92:128	Do	200	150	150	4	
1-3-92:386	Chingleput	350	350	350	14	
2-3-92:402	Trichinopoly	400	250	300	10	
8-3-92:449	Tanjore	150	100	100	6	
12-3-92:442	Salem	250	200	200	8	
19-3-92:526	Tinnevely			175	-	for 2 cases 75 & 100 each the govt. is available.
21-3-92:666	Vikarabad		150	100	6	
22-3-92:587	South Arcot	100	100	100	12	during which the P.P. appeared.
22-3-92:588	Salem	250	150	150	9	
5-4-92:673	Do	400	300	300	13	for two cases 150 each which lasted 6 & 7 days respectively.
25-5-92:977	Tinnevely	100	100	100	4	
25-5-92:971	Hammor	400	400	400	17	for 2 cases 100, 150 & 150 each which lasted 5, 6 & 7 days respectively.
31-5-92:1027	Salem	500	500	500	21	for 2 cases 200 & 300 each which lasted 7 & 14 days respectively.
4-7-92:1230	North Arcot	100 & 127	127	127	4	
12-7-92:1289	Cuddapah	250	200	200	5	
20-7-92:1309	Do	200	150	150	4	the fee includes travelling allowance.
3-8-92:1411	Madurai	31-4-1	34-4-1	31-4-1	4	the fee is T.A. beyond 2 days of the case.
4-8-92:1425	Hammor		150	100	4 1/2	
5-8-92:1421	Do		100	100	4 1/2	
9-8-92:1452	Chingleput	700		700	4	plus double the fee.
17-8-92:1454	Chingleput		120	120	5 1/2	
2-9-92:1612	Madurai					
Total						

Date of off.	District	Amount of fee			Remarks
		Chin.	Revenue	Security	
		by Govt.	by Govt.	by Govt.	
		(Carried forward) - 5099-5-0			
for 1892 cont.	3-9-92: 1628	Imuvilly	375	375	18 This is for 5 cases, 2 of which are for 2, 3, 4, 5 days and 1 for 1 day.
	6-9-92: 1644	Vikarapatam	150	150	6
	28-9-92: 1825	Imuvilly	175	175	9
	7-10-92: 1828	Not Frost		1000	This is not available.
	26-10-92: 2015	Imuvilly		175	9 This is for 2 cases, 1 of 100 each and 1 of 50 each.
	2-11-92: 2058	Cuddapah	250	150	150 4
	11-11-92: 2115	Laupre	1000	475	475 19
	11-11-92: 2118	Cuddapah	250	100	100 8
	15-11-92: 2129	Cumbalur	100	100	100 4 This is for 2 cases, 1 of 100 each and 1 of 50 each.
	19-11-92: 2146	Melbar		100	100 2
	19-11-92: 2147	Cuddapah	100		75 1
	26-11-92: 2189	Govt. Pleas, Madras 1925		1925	11
	30-11-92: 2208	Laupre?		250	This is not available.
	12-12-92: 2301	Imuvilly	150	150	11
for 1893.	9-1-93: 20	Cumbalur	75	75	3 Total for 1892 = 10299-5-0
	10-1-93: 29	Shidua	200	100	150 20 This is for 2 cases.
	30-1-93: 31	Chimpapat	100	100	50
	13-1-93: 64	Cuddapah	950	950	950 12
	14-1-93: 78	Govt. Pleas, Madras		2275	10
	19-1-93: 126	Not Frost	326	326	30 12
	19-1-93: 139	Shidua		500	This is not available.
	30-1-93: 24	Govt. Pleas, Madras 2100		2100	12
	10-2-93: 309	Imuvilly	100	100	60
	11-2-93: 314	Laupre	250	250	10
	13-2-93: 332	Imuvilly		100	13 This is for two cases, 1 of 100 each and 1 of 50 each.
	15-2-93: 357	Shidua	2000	1000	1000 38
	18-2-93: 583	Salem	200	200	8
		Total	8100- (Carried forward)		

1893 Contd.

Date & No. of Case	District	Amount of Fee			Remarks
		Received by the Court	Received by the District	Received by the State	
		Carried forward 91.00			
29-2-93: 439	North Bristol	1.00	1.00	6	
2-3-93: 453	Salem	3.00	3.00	8?	
4-3-93: 470	Malabar	1.50	1.50		
6-3-93: 458	(Mara?)		4.00		In the formation of the case in the
9-3-93: 577	Lincoln	75	75	3	
9-8-92: 578	Salem	1.20	1.20	6	
14-3-92: 557	Lincoln	250	313.12	18	Including J. H.
10-4-93: 741	Malden	150	150	6	
18-4-93: 706	South. Co.	150	150	8	
18-4-93: 707	do	200	200		In the formation of the case in the
18-4-93: 788	Lincoln	75	75	14	
22-4-93: 821	Chimney	325	325	9	In the formation of the case in the
22-4-93: 822	Vincent	275	275	9	
25-4-93: 833	Lynn	370	370		This is a case during service.
10-5-93: 962	South. Co.	100	100	16	
15-5-93: 1010	Whitman	400	400	19	Three cases.
5-6-93: 1136	North Bristol	200	200	11	
5-6-93: 1137	Salem	100	100	6	
27-6-93: 1304	Annapolis	130	787	707	Two cases
30-6-93: 1331	Concord	75	75	3	
21-7-93: 1477	Concord (1st of Dec)		50		
4-8-93: 1553	Lynn	35	35	2	
12-8-93: 1616	Lynn	100	100	5	
29-8-93: 1854	North Bristol	237 1/2	237 1/2	237 1/2	9 1/2
31-8-93: 1769	Annapolis	150	150	150	6
4-9-93: 1765	Worcester	150	150	6	
11-9-93: 1813	North Bristol		240		In 6 appeal cases.
20-9-93: 1919	South. Co.			31-12	
			13760.60		(Carried forward)

Int No. & No.	District	Account of fee			Remarks
		claimed by the Govt.	permitted by Govt.	paid by Govt.	
		Carried forward 13760-000			
26-9-93: 1960	North Arcot		100		Info. is not available
26-9-93: 1982	Cuddalore	15	15		
28-9-93: 2005	Tanjore		240		Info. is not available.
12-10-93: 2126	(Govt. Madras, Madras)		2027	17-	17 days including J.A.
18-10-93: 2162	Tinnevely	100	100	6	
01-12-93: 2163	Do	75	75	39 pps	
20-11-93: 2193	Madurai	500	500	(Rs 25 per day for 7 days)	
21-10-93: 2198	Tanjore		160		Info. is not available
6-11-93: 2284	(H.S. Govt.)		30	1	
15-11-93: 2352	Madurai	232-11-0	232-11-0	232-12-0	Including railway fare.
15-11-93: 2361	Crinibetore	125	125	5	
8-12-93: 2577	S. Arcot	300	300	12	Three cases.
13-12-93: 2608	Salem	600	340	340	849 Two Cases.
22-12-93: 2664	Crinibetore	130	130	13	
22-12-93: 2667	Do	90	90	3 1/2	
30-12-93: 2702	Tanjore		112	112	Info. is not available
		Total for 1893-1900 19001-12-0			

Note
 Total for the year 1892 — Rs 10299-6-0
 Do 1893 — Rs 19501-12-0

A Statement of Special fees
in Criminal Cases & Solicited by
during the years 1872 & 73.

NOTE FOR THE CHIEF SECRETARY. 6

The Memo. called for
by C.S. is submitted.

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L. J. J. J. J. J.
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NOTE FOR THE UNDER SECRETARY.

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Kistna District Magistrate
Office, Masulipatam
Dated 25th December 1893.

From,

J. N. Atkinson Esq.
ag. District Magistrate
Kistna

To

The Chief Secretary to Government
Judicial Department
Madras.

Sir,

An individual named
H. D. M. Jones, a Eurasian was
in May 1893 charged by the Police
of Belgavade Town Station before the
Head Assistant Magistrate of this
District with cheating under Section
420 I. P. C. Under the guise of a
money lender Jones had succeeded
in swindling a number of persons
out of different sums of money.
His schemes were very extensive.

2. The Head Assistant Magistrate. Considering the importance and intricacy of the Case, requested me to depute a competent pleader to conduct the prosecution on behalf of Government. I instructed the Public Prosecutor Sessions Court Kistna to do so.

3. The Public Prosecutor left Masulipatam on 17th May and reached Belgavada on the morning of the 19th idem. He says that it took him 2 days to study the Case. He appeared before the Head Assistant Magistrate on 22nd and 23rd idem and on 26th idem the examination of the witnesses the prosecution to the Case was adjourned to 1st June for examination of the witnesses.

15th 16th returned

made 11 days

in Madras by Commission, he left Masulipatam again on 13th June and conducted the examination of 2 more witnesses on 15th and returned to Masulipatam on the 16th evening. Thus in all he spent 11 days over the Case. He has applied for an enhanced fee in consequence of the intricate and important nature of the Case.

4. The Head Assistant Magistrate committed the Case to the Sessions Court where the accused was sentenced to 1 year's rigorous imprisonment. For his appearance in the Sessions Court I have sanctioned a fee of Rs. 50 to the Public Prosecutor. I now sanctioned that he may be granted a fee of Rs. 500 for

conducting the case before the
 Head Assistant Magistrate. I may
 add that the Public Prosecutor's
 ordinary daily earnings by his
 profession amount to considerably
 over Rs 50. And that the present
 case was an encroachment
 on the leisure of the Officer.

I have the honor to be,
 Sir,
 Your most obedient Servant.

J. M. Attwood
 District Magistrate.

From
The District Magistrate
Kistna

To
The Chief Secretary
Government, Judicial
Dept.
Madras.

Dated 25-12-93

Respd
Recd.

SECRETARY
JUDICIAL DEPT.
MADRAS

Clk 1007
End Nil

Recommending a fee
of Rs 500, may be
granted to the Public
Prosecutor Session
Court, Kistna for
conducting a case
before the Head
Assistant Magistrate
Kistna.

The case is
very simple & so
the fee of Rs 500
is not justified.

For orders.

The fee Rs 500 recommended by the
Session Magistrate, Kistna, for the
Public Prosecutor, Kistna, for conducting a case
before the Head Assistant Magistrate, Kistna,
seems excessive, granting that full 11 days were
employed. The fee will only amount to Rs 275 at 25
paise a day. If 350 to cover all expenses well, it is
submitted, he suffices. Mr. Atkinson's statement
that the P.P.'s daily income is over Rs 500, may be true.
But the fact that he is a public prosecutor
it is customary to take into consid-
eration when fixing these fees only the
days of appearance in Court &
to allow Rs 25 for each of these.
At this rate the Pleader would be
entitled to Rs 75 only. Travelling
allowance is however given in addition.
In the present case it seems fair
to give a fee of Rs 25 for each of the
days spent on travelling but as the
journey between Kyzad & Kizambhat
can apparently be performed in one
day it seems sufficient to allow
for a total of 4 days travelling
only. Perhaps, as a special case,
his claim for 2 days spent in studying
the case may be added to. If so,
the total fee will come to Rs 25 x
(3+4+2) = Rs 225. His actual expenses
from Kyzad may also be refunded.
It is submitted that this is ample.
The D.M. says he granted Rs 500 for the
appearance in the Session Court. If
the case there lasted only one day,
he had no power to sanction so much.
This will be pointed out as well & it is
submitted that he would perhaps be as well to issue
a general order laying down clearly
(1) that not more than Rs 25 is payable
unless in very exceptional cases, for
each day on which the Pleader
appears in Court;
(2) that for days spent in examining
evidence, no fee is allowed except in
exceptional cases; and (3) that if a Pleader has to leave his
headquarters he is allowed actual
travelling expenses, but not halting
allowance. It is also allowed to be
a fee for days spent in travelling
has been open to the Pleader.
Under it impossible to fix
a fee for the days spent in Court.

[G.H.]

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11 21

Judicial DEPARTMENT.

O. No. 5672

FOR ORDERS.

I think Rs 250 may be given -
It is evidently necessary to
have some on this class of person-
diture. The U.S.'s proposal at the
end of his note will be useful
to this end & may be adopted.

The Kistna D.M. should
be asked how it happens that
this very Jones (apparently the
Tah. of Dharmapuri) is now
stands committed to the
current sessions of the H.C. on
the apparently the same charge
on which he was committed
in Kistna.

8/2/94

Mr. Atkinson
attention might
be directed to
this point.

I consider that the U.S.'s proposals
as regards fee in this case are fair.
I have had prepared and submit
for His Honor's perusal an account
showing the fees paid in the
years 1892 & 1893 for values to
this is over and above what was
paid to Public Prosecutors in other
cases under the powers vested
in the Magistrates i.e. a fee in each
case up to a limit of Rs 25.
It will be seen how largely these
fees increased in 1893.

It would be interesting to ascertain
what income tax the D.P. of Kistna
pays on his professional income.

12/1/94

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15/2/94
despd 23/2/94

The Collectors of
The District Magistrates of

Anantapur.	8
North Arcot, Chittoor.	8
South Arcot, Cuddalore.	8
Bellary.	8
South Canara, Mangalore.	8
Chingleput, Saidapet.	8
Coimbatore.	8
Cuddapah.	8
Ganjam, Chatrapur.	8
Godavari, Cocanada.	8
Kistna, Masulipatam.	8
Kurnool.	8
~~Madras (when necessary).~~	
Madura.	8
Malabar, Calicut.	12
Nilgiris, Ootacamund.	8
Nellore.	8
Salem.	8
Tanjore.	9
Tinnevelly.	8
Trichinopoly.	8
Vizagapatam.	8

25

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Again G.O., dated

18, No

Again G.O., dated

18

Reading only

Current No. 5672 of 189- , minor c s

Current No.

of 18

not to
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of an enhanced
the following general rule
must be observed:—

(1) Not more than R.25
for each appearance
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(2) No fee is payable on
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is required to leave his
quarters he is allowed
actual conveyance
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P-S 12/2/94

is
? glad to
income-tax
pay on his profession
earnings.
The Govt also desires to know
why H.D.M. Jones (apparently
the & Substantive of Birmingham)
now stands committed to the
High Court on what seems
to be the same charge
that is which he was
in Kipling.

fresh
J.N. Atkinson, D.C.

Note for C.
It must be a separate
case but H.D.M. Jones the
shall be asked

BRITISH ORDER OF GOVERNMENT, DATED
1914, No.

ENCLOSURES

PRESENT NO.

STATEMENT WITH DATES

ORDER, NO. OF GOVERNMENT - A.

RECEIVED BY THE DEPARTMENT OF THE
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BACK PAPER, No. 2

OF 13

FURTHER PAPER, No.

OF 13

DO 146/94

1237/94

R303

16-3-94

ORDINARY, PRINTED.

Judicial DEPARTMENT.
G.O., DATED *15-2-94*
No. *373*.

INDEXED.

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Returned for signature.

Despatched in print.

[Despatch Abstract.]

Fees to Public Prosecutor

*Considering a fee of
Rs 250 sufficient for
the Public Prosecutor
Session Court, Kistna
in a case of cheating
by a lawyer down
certain general rule
for the payment of
certain fees—*

9/9/03

12-12-03

11-1-07

21-2-07

23-11-08

6-10-10

15-3-13

4-8-15

22-6-15

19-9-16

30-10-16

26-4-18

6-6-18

26-4-20

23-5-29

21-12

31-10-32