

(1) Number of pages 10

(2) Date of repair 10-5-37

(3) Initials of the Referencer _____

MADRAS RECORD OFFICE.

Government of Madras.

Public Works DEPARTMENT.

G.O. No. <u>611</u>	Press Mis.
<u>32-33</u>	
Dated <u>2-3-</u>	18 <u>7/</u>

Not to be folded or roughly handled

*Proceedings of the Madras Government, Public Works Department,
2nd March 1871.*

No. 32. Read the following letter from the Government Pleader, to the Secretary to Government, Public Works Department, dated Madras, 1st March 1871, No. 44.—

I HAVE the honour to acknowledge receipt of the Proceedings of Government, Public Works Department, of this date, referring for my opinion the question of the necessity for Colonel Wilkieson's complying with a summons from the Sessions Court of Tinnevely to appear as a witness in the case of Ragavacharry, the Contractor.

2. The law clearly leaves no course open to Colonel Wilkieson but to appear in obedience to the summons. Neglect or refusal so to do renders a witness liable to be compelled by warrant to appear. The Sessions Judge in this instance issued the summons, as I am informed, because the committing Magistrate had either refused or omitted so to do. Now the Criminal Procedure Code gives the Magistrate no option but to summon any witness whose attendance may be required by the accused, the only qualification to this being that if he thinks the witness is named for purposes of vexation or delay he may require a sum to be deposited to meet expenses, which has been done in the present case. The Sessions Judge therefore in issuing this summons was only doing that which the Magistrate was clearly bound to have done.

3. With regard to the second point on which my opinion is requested, there is no provision of the Criminal Law for examining witnesses by Commission. The law requires in criminal cases that the evidence should be given in the presence of the accused.

4. Apart from the legal view of the question, I think it would be inexpedient for Government to put any obstacles in the way of the attendance of any witnesses required by the accused persons in this case. Such interference would savour of hardship towards the accused, and would put a strong weapon of defence into their hands.

No. 33. ORDER THEREON, 2nd March 1871, No. 611.

ESTABLISHMENT, No. 1.

ORDERED that this letter from the Government Pleader be communicated to Colonel Wilkieson with reference to his letter of the 21st February 1871, No. 4,710.

2. Colonel Wilkieson will observe that his attendance at Palamcottah in obedience to the summons which he has received is indispensable.

(True Extract.)

(Signed) CHARLES A. ORR, Colonel, R. E.,
Secretary to Government.

To Colonel C. V. Wilkieson, R. E.

Etd. S. T. Augustin.

No 44

Madras
1st March 1871

Mr. J. W. Hurdley Esq
Government Pleader
Madras

To Colonel C. A. Orr. C. E.
Secretary to Government
Public Works Department

Sir

I have the honor to acknowledge receipt of the Proceedings of Government Public Works Department of this date referring for my opinion the question of the necessity for Colonel Wilkinson's complying with a summons from the Sessions Court of Tinnevely to appear as a witness in the case of Raghava Chetty the Contractor. 2. The law clearly leaves no course open to Colonel Wilkinson but to appear in obedience to the summons. Neglect or refusal to do renders

a witness liable to be compelled
by warrant to appear. The Sessions
Judge in this instance issued the
summons, as I am informed,
because the Committing Magistrate
had either refused or omitted
to do so. Now the Criminal Proce-
-dure Code gives the Magistrate
no option but to summon any
witness whose attendance may
be required by the accused, the
only qualification to this being
that if he thinks the witness
is named for purposes of vexation
or delay he may require a sum
to be deposited to meet expenses,
which has been done in the
present case. The Sessions Judge
therefore in issuing this summons
was only doing that which the
Magistrate was clearly bound
to have done.

3 With regard to the 2nd point

on which my opinion is requested,
there is no provision of the Criminal
Law for examining witnesses by
Commission. The law requires in
criminal cases that the evidence
should be given in the presence of
the accused.

4 Apart from the legal view of the
question I think it would be inex-
-pedient for Government to put any
obstacles in the way of the attendance
of any witnesses required by the accused
persons in this case. Such interference
would favour of hardship towards
the accused & would put a strong
weapon of defence into their hands.

I have the honor to be
Yours most obedient servant

M. P. H. H.
Government Pleader

№ 61. — *Г. В. Д.*

From the Govt Pleader. (H.R. No. 44 of 1st March 17)

Colonel Fitzkison
will observe that his
attendance at Palam-
cottah in obedience to
the summons which
he has received is
indispensable.

h.s. dep'd 2/2/71
C-C 7/3/71

A handwritten signature in black ink, appearing to be "W.H." or similar initials, written over the typed name "W. H. Loomis".

Prof. T. S. 1 Dec 1962
1000 York University
No. 962

92

The Journal

17-11-12

side of } Pinehill
Dec 20,

10

1871

divided into the

idea by Mr. C. C. C. C.

Wetland Conservation

width of the wire

at a/c and the

de l'union avec

11/27/90 11:25 AM

1. *Asperula officinarum*

[illegible]

Mr. J. A. Smith 1785 3 41

