

Public (1899) Department.

ORDINARY MS.

G.O., No. 344

Dated 17-3-99

INDEXED.

17/3/99
52
17-3-99

[Despatch Abstract.]

Coming to the S.G. for the necessary action, letter from the High Court requesting that arrangements may be made for insuring the attendance of bail Aps the car Mr D.C. D'Roza on plaque du tr at mangalore before the Sessions Court of Salem on the 5th April next to give evidence in Sessions Case No 5 of 1899 on the file of that Court.

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17-3-99

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	• Date.

FURTHER PAPERS.

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Judicial (1899) Department.

CURRENT No. 72



From

The Registrar,
High Court of Judicature,
Madras.

No.

Dated 15th March 1899.

Received } 16-3-99.
Registered }

Enclosures

Spare copies

SUBJECT.

Requesting that arrangements may be made for insuring the attendance of Mr.D.C.D'Rozario, Civil Apothecary, before the Sessions Court of Salem on 5th April 1899.

Order

Enclosure

Transferred to the Public Dept.

Md. H.

A. Enderbury

14/3/99 Public Dept.

order no 344 of 17-3-99

Communicated to the S.R.

for necessary action

action

17/3/99

The Public Dept. A. of C. & Surgeon General

N^o 245.

Sessions Court, Salem,
6th March 1899.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department	Date.

From

W. J. Tate, Esquire,
Sessions Judge, Salem.

To

A. L. Hannay, Esquire,
Registrar, High Court of Judicature, Madras.

Sir,

Sessions case No.5 of 1899 on the file of this Court was originally posted for the February Sessions, and had to be reposted to March, because the Magistrate had not bound over the Apothecary—a most important witness, the case being a somewhat intricate one of culpable homicide not amounting to murder and the Public Prosecutor declaring himself unable to dispense with the medical evidence.

2. The case happened long ago(1891), and the Apothecary has long since left the District. The Magistrate, erroneously, considered that his deposition, taken at the trial of another accused person—the present man is said to have absconded—was sufficient and could be put in evidence. But section 509, Criminal Procedure Code, does not allow of this. I therefore was obliged to give plenty of time for the Apothecary, now in South Canara, to be summoned, and summoned him for this Sessions(6th March) accordingly through the District Medical Officer of that District. In return, I received, on the 3rd instant, a letter from the District Medical Officer to the effect that the man was employed on plague duty at the Port of Mangalore, and that he had no means of relieving him. I have again, therefore, been obliged to postpone the case, and, if the Apothecary does not appear at the next Sessions, the accused cannot be tried till after the recess—i.e. will have

CURRENT No. 17

High Court of Judicature,

Madras, 15 March 1899.

No. 17

been kept 6 months and more on remand untried—the offence being non-bailable.

3. To avoid this, I request that the High Court will kindly move Government to cause the Apothecary to be relieved of his work or to direct the District Medical Officer to serve the enclosed summons on him—so that he may appear here on the 5th April, the date to which the case has now again been reposted.

I have, etc.,

(Signed) W.J. Tate,

Sessions Judge.

(True Copy.)

High Court of Judicature,
Madras, 15th March 1899. }

A. L. Hannay
15/3 99
Registrar.

FROM

A. L. Hannay, Esquire,

REGISTRAR OF THE HIGH COURT OF JUDICATURE,

Madras,

TO

THE HONOURABLE MR. G. Stokes,

Chief Secretary to the Government of Madras.

HONOURABLE SIR,

In forwarding herewith a copy of letter No. 245, dated the 6th instant, from the Sessions Judge of Salem, together with its enclosures, requesting that Mr. D. C. D' Rozario, Civil Apothecary on plague duty at Mangalore, may be relieved of his work in order that he may appear in the Sessions Court at Salem on 5th April 1899, to give his evidence on behalf of the prosecution in Sessions case No. 5 of 1899, I am directed to request that His Excellency the Governor in Council may be pleased to make such arrangements as will insure the attendance of the witness before the Sessions Court as desired by the Sessions Judge.

I have the honour to be,

Honourable Sir,

Your most obedient servant,

A. L. Hannay
15/3 99
Registrar.

228/-