

Public Works (1898) Department.

Railway Branch.

G.O., No. 821 Ry.

DATED 17th June 1898.

[Despatch Abstract.]

Railway Offences.

Pro: Judicial Dept, passing orders on
the proposals regarding the redistribution
of jurisdiction over — committed along
the East Coast Railway, Comd to
the Managers, for information & guidance

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

Spare copies

G.O., No. 844, 28th May 1898.

MAY.

Railway Offences.

Passing orders on the proposals regarding the redistribution of jurisdiction over — committed along the East Coast Railway.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

READ—again the following paper:—

G.O., No. 1101, Judicial, dated 4th August 1897.

ABSTRACT.—Suggesting certain arrangements for the prompt and convenient disposal of cases of criminal offences committed on the East Coast Railway.

READ—also the following papers:—

From H. D. TAYLOR, Esq., Acting District Magistrate, Ganjám, to the Chief Secretary to Government, dated Chatrapur, 5th November 1897, Dis. No. 948-Magl.

With reference to G.O., No. 1101, Judicial, dated 4th August 1897, I have the honour to inform you that I have consulted the Sub-divisional officer, Vizianagram, in regard to the re-distribution of his magisterial charges in regard to railway offences along the East Coast Railway in the district and he agrees with me that any change in existing arrangement so far as second-class cases are concerned would be productive of more inconvenience to railway officials than at present exists.

The only taluk magistrate stations not on the line of rail are Tekkali, Narsannapeta and Chicacole being 5, 4 and 8 miles, respectively. The Stationary Magistrate, Chicacole, has jurisdiction between the Langulya and Vamsadhara rivers, and this corresponds with the northern portion of range of Mr. Bonerjee, Traffic Inspector, the rest of whose range is in Vizagapatam. It is impossible for statistical and other reasons to transfer jurisdiction in railway cases to another district.

It is not necessary that first-class magistrates should be specially ordered to try railway offences. Taluk magistrates can always forward records under section 349, Criminal Procedure Code, to the divisional magistrate or commit the cases to the Sessions Court, if desirable.

As, however, the Principal Assistant Agent has to conduct long hill tours, it might be desirable to place the first-class jurisdiction of offences committed in the sub-division, but this is not absolutely necessary.

What railway officers seem to object to is apparently delays and adjournments in disposal of cases. This defect can or should be met by adequate supervision on the part of district and divisional magistrates.

No special arrangements have, I believe, been found necessary in connection with the Madras and South Indian Railways, and I do not consider that they are, so far as this district is concerned, called for by the alignment of the East Coast Railway.

From V. A. BRODIE, Esq., District Magistrate of Gódvári, to the Chief Secretary to Government, dated 26th January 1898, Dis. No. 41.

With reference to G.O., No. 1101, Judicial, dated 4th August 1897, I have the honour to submit herewith a statement showing the present and proposed jurisdiction of magistrates along the East Coast Railway in the Gódvári district.

2. The proposals of the Divisional officers as well as those of the Manager, East Coast Railway, and myself are noted in the statement. The Manager seems to desire that all first class and appellate jurisdiction on the southern side of the Gódvári may be entrusted to either the Deputy Magistrate, Ellore, or the Joint Magistrate, and that on the northern side of the Gódvári to the Deputy Magistrate, Cocanada. I propose, however, to make no changes in the respective jurisdictions of the Joint Magistrate and the two Deputy Magistrates (since all three of them are on the line of the railway) except to transfer Medâpad from the Joint Magistrate to the Head-quarter Deputy Magistrate as that village is very much nearer Cocanada than Rajahmundry.

3. The delay in the submission of this report is due to the receipt of the East Coast Railway Manager's proposals only on the 20th instant.

ENCLOSURE.

STATEMENT showing the present and proposed jurisdiction of Magistrates along the East Coast Railway in the Gódvári district.

Names of railway stations.	Present jurisdiction of second and third class cases.	Present jurisdiction of first-class cases.	Proposals of the Divisional officers.	Proposals of the East Coast Railway Manager.	Proposals of the District Magistrate.	Remarks.
1. Kalaparnu .. 2. Elore .. 3. Bhinadole .. 4. Pulla .. 5. Ungutur ..	{ Elore Stationary Sub-Magistrate. Pentapadu Sub-Magistrate. Do.	{ Elore Deputy Magistrate. Do.	{ Second and third class cases under the Elore Stationary Sub-Magistrate. First-class cases under Elore Deputy Magistrate. No changes ..	{ Second and third class cases to be tried by the Sub-Magistrate, Elore. First-class cases by the Elore Deputy Magistrate or Joint Magistrate. Second and third class cases to be tried by the Stationary Sub-Magistrate, Kovvur. First-class cases to be tried by the Deputy Magistrate, Elore, or Joint Magistrate. Second and third class cases to be tried by the Sub-Magistrate, Rajahmundry. First-class cases by the Cocanada Deputy Magistrate.	{ Second and third class cases to be tried by the Stationary Sub-Magistrate, Elore. First-class cases to be tried by the Deputy Magistrate, Elore. Second and third class cases to be tried by the Stationary Sub-Magistrate, Kovvur. First-class cases to be tried by the Elore Deputy Magistrate. Second and third class cases to be tried by the Stationary Sub-Magistrate, Rajahmundry. First-class cases to be tried by the Joint Magistrate. All second and third class cases of Medapadu and Samalkot to be tried by the Cocanada Division Sub-Magistrate and those of the Town and Port stations by the Cocanada Town Sub-Magistrate and the first-class cases by the Head-quarters Deputy Magistrate.	{ Kalaparnu to Ungutur (both included). Ungutur to Gódvári, South (both stations included). Gódvári, North, to Biceavole (both included). Biceavole to Cocanada Port (Biceavole excluded).
1. Tadepalligudem .. 2. Nidadavolu .. 3. Kovvur .. 4. Gódvári, South .. 1. Gódvári river .. 2. Gódvári, North .. 3. Rajahmundry .. 4. Kadian .. 5. Dwarapudi .. 6. Anaparte .. 7. Biceavole ..	{ Pentapadu Sub-Magistrate. Pentapadu Sub-Magistrate. Stationary Sub-Magistrate, Kovvur. Rajahmundry Sub-Magistrate. Rajahmundry Sub-Magistrate. Rajahmundry Sub-Magistrate. Rajahmundry Sub-Magistrate. Rajahmundry Sub-Magistrate. Rajahmundry Sub-Magistrate. Rajahmundry Sub-Magistrate. Rajahmundry Sub-Magistrate.	{ Elore Deputy Magistrate. Do. Joint Magistrate. Joint Magistrate.	{ No changes .. All second and third class cases to be tried by the Sub-Magistrate, Rajahmundry. First-class cases by the Joint Magistrate. Joint Magistrate proposes that his and Rajahmundry Magistrate's jurisdiction may extend up to Samalkot.	{ Second and third class cases to be tried by the Sub-Magistrate, Rajahmundry. First-class cases by the Cocanada Deputy Magistrate. All second and third class cases to be tried by the Town Sub-Magistrate, Cocanada, and the first-class cases by the Head-quarters Deputy Magistrate.	{ Second and third class cases to be tried by the Stationary Sub-Magistrate, Rajahmundry. First-class cases to be tried by the Joint Magistrate. All second and third class cases of Medapadu and Samalkot to be tried by the Cocanada Division Sub-Magistrate and those of the Town and Port stations by the Cocanada Town Sub-Magistrate and the first-class cases by the Head-quarters Deputy Magistrate.	{ Gódvári, North, to Biceavole (both included). Biceavole to Cocanada Port (Biceavole excluded).
1. Medapadu .. 2. Samalkot ..	{ Sub-Magistrate, Cocanada. Town Sub-Magistrate ..	{ Head-quarters Deputy Magistrate. Do.	{ Head-quarters Deputy Magistrate proposes no changes in the present jurisdiction. No changes are proposed ..	{ No changes are proposed .. Do.	{ No changes are proposed .. Do.	{ Samalkot to Durgada (Samalkot excluded). Durgada to Tuni (Durgada excluded).
8. Cocanada Town .. 4. Cocanada Port ..	{ Sub-Magistrate, Cocanada. Town Sub-Magistrate ..	{ Head-quarters Deputy Magistrate. Do.	{ Head-quarters Deputy Magistrate proposes no changes in the present jurisdiction. No changes are proposed ..	{ No changes are proposed .. Do.	{ No changes are proposed .. Do.	{ Samalkot to Durgada (Samalkot excluded). Durgada to Tuni (Durgada excluded).
1. Pithapuram .. 2. Gollaprolu .. 3. Durgada .. 4. Kotapalli .. 1. Tuni .. 2. Tuni ..	{ Pithapuram Sub-Magistrate. Tuni Sub-Magistrate ..	{ Head-quarters Deputy Magistrate. Do.	{ Head-quarters Deputy Magistrate proposes no changes in the present jurisdiction. No changes are proposed ..	{ No changes are proposed .. Do.	{ No changes are proposed .. Do.	{ Samalkot to Durgada (Samalkot excluded). Durgada to Tuni (Durgada excluded).

From R. MORRIS, Esq., Acting District Magistrate, Kistna, to the Chief Secretary to Government, dated Masulipatam, 21st January 1898, Dis. No. 80-Magl.

Referring to paragraph 8 of G.O., No. 1101, Judicial, dated 4th August 1897,

- (1) Kistna Canal Junction.
(2) Sitanagaram.
(3) Bezwada.

- (4) Mustabada.
(5) Gannavaram.
(6) Viravalli.

I have the honour to report that the marginally-noted stations on the East Coast Railway are within this district, and that, after consulting the Manager of the railway, I consider that the Head

Assistant Magistrate and the Stationary Sub-Magistrate at Bezwada should be given jurisdiction over all of them, in regard to offences, which their respective powers permit them to try, and that appeals from decisions of the latter should be heard by the former, even though the offences have been committed outside the Head Assistant Magistrate's ordinary jurisdiction.

2. I am not aware of the existence of any notification under section 12 of the Criminal Procedure Code restricting the jurisdiction of either of these magistrates, and, if that is the case, they have legally jurisdiction throughout the district; but the first two stations are outside the present customary jurisdiction of the Head Assistant Magistrate, and all but Bezwada outside that of the Stationary Sub-Magistrate.

From W. O. HORNE, Esq., Acting District Magistrate, Vizagapatam district, to the Chief Secretary to Government, dated 14th February 1898, No. 304.

Referring to paragraph 8 of G.O., No. 1101, Judicial, dated 4th August 1897, I have the honour to forward herewith a statement showing the present jurisdiction of the first and second class magistrates and those proposed for the prompt disposal of criminal offences committed in the railway stations of this district.

2. No change of jurisdiction is necessary for the trial of second-class cases except in the case of Kotavalsa and Alamanda stations, which are 10 miles off the head-quarters of the Taluk Magistrate, Srungavarapukota, in whose jurisdiction they are. I have therefore proposed to place them under the Taluk Magistrate, Vizagapatam, whose head-quarters are on the railway line.

3. I also propose to give jurisdiction to the first-class magistrate in charge of the Huzur division, Vizagapatam, over all first-class cases occurring within the Head Assistant Magistrate's division, as the head-quarters of the Head Assistant Magistrate are 19 miles away from the railway line.

4. In submitting the above proposals, I have consulted the Manager, East Coast Railway, Waltair.

ENCLOSURE.

STATEMENT showing the present and proposed jurisdictions of the first and second class Magistrates for the trial of offences committed in the Railway stations of the Vizagapatam district.

Name of the railway station.	Present jurisdiction of second and third class Magistrates.	Present jurisdiction of first class Magistrates.	Proposed jurisdiction of second and third class Magistrates.	Proposed jurisdiction of first-class Magistrates.
1. Narasapatnam road	..	..	Stationary Magistrate, Sarvasiddhi.	First-class Magistrate in charge of Huzar division.
2. Ellamanchili	..	..	..	..
3. Khusinkota	..	..	Taluk Magistrate, Anakpalle	..
4. Anakpalle	..	..	..	..
5. Duvvada	..	..	..	..
6. Waltair	..	..	..	..
7. Vizagapatam	..	..	Taluk Magistrate, Vizagapatam	..
8. Simbachellem	..	..	..	..
9. Pandurti	..	..	Taluk Magistrate, Srungavarapukota.	..
10. Kollavasa	..	..	..	..
11. Alamanda	..	..	..	..
12. Vizianagram	..	..	Taluk Magistrate, Vizianagram	..
13. Nellimarri	..	..	..	..
14. Garividi	..	..	..	..
15. Chipurupalle	..	..	..	..
16. Sigadam	..	..	Taluk Magistrate, Chipurupalle	..
17. Pondur	..	..	..	..

ORDER—No. 844, Judicial, dated 28th May 1898.

The Government considers that no re-distribution of jurisdiction over railway offences is necessary. It will be sufficient if the District Magistrates of Ganjam, Gódvári, Vizagapatam and Kistna are empowered under section 528, Criminal Procedure Code, to withdraw cases of that description from magistrates subordinate to them, and a notification conferring that power will accordingly be issued. The District Magistrates will then issue orders withdrawing all railway offences from magistrates whose head-quarters are at a distance from the railway, and referring them for disposal to the magistrates whose courts are most conveniently situated. First-class cases will not be of frequent occurrence, and in view of the fact that magistrates of that class are usually officers whose other duties require them to travel, it may be more convenient that complaints in such cases should continue to be preferred in the court of the magistrate having jurisdiction, and that the magistrate, if he finds it inconvenient to hear any case in the neighbourhood of a railway station, should report the matter to the District Magistrate with a view to the issue of an order of transfer under section 528 to some other 1st-class Magistrate. It is to be observed that the presentation of written complaints, which has been held by the High Court to be admissible, will obviate any inconvenience which might arise to Railway officials from the fact that the court of the magistrate having local jurisdiction is at a distance from the railway. The issue of a general order with regard to first-class cases might at times result in delay, owing to the absence in camp of the magistrate to whom the jurisdiction has been transferred. This matter will, however, be left to the discretion of District Magistrates.

(True Extract.)

S. S. Roberts
for Chief Secretary.

To the District Magistrate, Ganjam.
" " " Vizagapatam.
" " " Gódvári.
" " " Kistna.
" Public Works Department.
Gazette.

NOTIFICATION.

Under section 528 of the Criminal Procedure Code, His Excellency the Governor in Council is pleased to authorize the District Magistrates of Ganjam, Vizagapatam, Gódvári and Kistna to withdraw from the magistrates subordinate to them all offences committed on the railways in their districts.

A. T. ARUNDEL,
Chief Secretary.

Ed. A. Raiff.

P.T. 6.

Bf. No 821 Rg of 17/6/98.

~~Cross these No~~ of June 98.

Communicated to the
Manager, East Coast
Railway for information
& guidance in continuation
of Consulting Engineer's Recommendations
No 2878 of 31st August 1897.

+ Serial 5

CMY
D. R.
14-6-98.

To
The Cui. Engr. for Rigs.
Manager, E. C. Ry.
20/6/98
2 Copies to be
sent

20/6/98