

Revenue (1897) Department.

MISCELLANEOUS SERIES.

G.O., No. 2666

DATED 25th May

[Despatch Abstract.]

Recommending P. M. S. judicial department
Memorandum of the High Court - see the trial of
Calendar case N. 25796 by the 1st Class Dy. Magistrate
M. P. Thiruvithayala Warden.

BACK PAPERS.

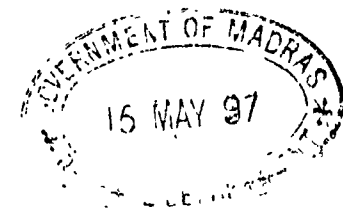
G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

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

Judicial (1897) Department.

CURRENT No.



The Honble Mr. Grose C.J. - E.

From the Judicial Dept

Order Inice no. 2666/25th May 97
25/5/97

Recorded.

11/5/97

R No. 720.

Dated 8-5-97

Received

Registered

Enclosures

Spare copies

Copy to the Board of Rev (L.R.)
28-5-97

SUBJECT.

Note.

Amte. L.R. made against his name

Commenced the High Court's remarks
re the trial of calendar case
no. 25/96 by the 1st class Dy
Magistrate. M.R. by P. Thirua
thayalan Naidu.

CR
19/5/97

11/5/97

22/5/97
12/5/97

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

In the High Court of Judicature at Madras.
Wednesday, the seventeenth day of March.

One thousand eight hundred and ninety-seven.

Present. -

The Honourable Sir Arthur J.H. Collins, Kt., Chief Justice

and

The Honourable Mr. Justice Shephard.

Criminal Appeal No. 32 of 1897.

The Public Prosecutor - Appellant

Subba Iyysiramma - (1st accused)

Appeal under section 417 of the Code of Criminal Procedure against the judgment of acquittal passed on the 1st accused in calendar case No. 25 of 1896 by the 1st class Magistrate of Guddayah.

This appeal coming on for hearing, upon perusing the petition of appeal and the record of the evidence and proceedings before the court of the said 1st Class Magistrate and upon hearing the appellant, and the arguments of Mr. N. Subrahmaniam, Counsel for the 1st accused, the Court delivered the following.

Judgment :- The trial has been conducted with a want of care which is discreditable in a first class magistrate. The evidence of the Peon Constable Iyayunadan was obviously of the greatest importance. A deposition was taken from him before the trial commenced and it is not clear that any opportunity of cross-examining him was ever given. The Village Magistrate was called but he was never asked to speak to the facts mentioned in the panchayatsama.

The principal question is not who was the owner of the jewels but who was in possession of them at the time of their removal from the safe. We must set aside the acquittal and direct

direct the District Magistrate to appoint some competent
Magistrate to retry the accused.

Ordered accordingly.

(Sd) J.T. Gillespie

As Dy: Registrar

Appellate Side.

[G
65]
2007 8-3-07.

Full Name: [illegible]



PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following papers—

From the District Magistrate, Chingleput, No. 571/12 of 97
dated 30th April 1897 reporting the name of the said District
Magistrate of Chingleput who tried case No. 25/97.

From the Government Pleaser, No. 511, dated 10th
March 1897 reporting the result in Criminal appeal No. 52 of
1897 on the file of the High Court.

From the same Pleaser, No. 512, dated 21st April 1897
reporting a copy of the judgment in Criminal appeal No. 52 of 1897
on the file of the High Court.

ORDER: The High Court, 10th April 1897.

Considered by the District Magistrate of Chingleput on
examination of C.O. No. 52 of 1897, dated 21st April 1897.

By the High Court's order regarding the trial of the case
by the District Magistrate, Chingleput, No. 52 of 1897
which will be communicated to the Revenue Department.

(This District)

Ad. M. S. P.

For Chief Secretary.

To
The District Magistrate, Chingleput
(10th April 1897)

For the District Magistrate (10th April 1897)

Cs
13-5-97

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 When examined _____
 When signed _____

189

READ AGAIN G.O., No _____ DATED _____
 189 ,

CURRENT P.

ENCLOSURE TO C. No.

ORDER OF GOVERNMENT A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
 IN ORIGINAL.

N.B.—

- A = Copy in full.
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