



REPORT
ON THE
JUDICIAL ADMINISTRATION
(CRIMINAL)
IN THE
CENTRAL PROVINCES AND BERAR
FOR THE
CALENDAR YEAR 1935

NAGPUR
GOVERNMENT PRINTING, C. P.
1936

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REPORT ON THE JUDICIAL ADMINISTRATION (CRIMINAL) FOR THE CALENDAR YEAR 1935

A.—TRIBUNALS

The strength of the Judicial Commissioner's Court and the number of Sessions Judges remained unchanged. The number of Additional Sessions Judges fell to 15 (16) owing to the temporary closure of the Court of the Additional Sessions Judge, Narsinghpur, with effect from the 26th November 1935. The total number of Magistrates decreased to 805 (809) of whom 194 (195), 352 (358) and 259 (256) exercised first, second and third class powers, respectively, while 50 (52) exercised powers under section 30 of the Code of Criminal Procedure. The number of Subordinate Judges, Tahsildars and Naib-Tahsildars exercising magisterial powers was 50 (58), 85 (85) and 107 (109), respectively. Out of 436 (433) Honorary Magistrates, 87 (94) were empowered to sit singly, 29 (29) having 1st class and 47 (54) having 2nd class powers. 8 (6) ladies were working as Honorary Magistrates, 7 (4) in Central Provinces and 1 (2) in Berar. The number of special magistrates was 12 (11).

Statement
No. 25.

B.—OFFENCES REPORTED

2. The total number of offences reported rose to 52,138 (47,591). This represents the highest figure recorded since 1903 when statistics for Central Provinces and Berar were first available. The record has been set up by a further considerable increase in the number of cases under Special and Local Laws to 27,423 (24,497). The number of offences under the Indian Penal Code rose to 24,715 (23,094) but this figure is only slightly higher than the average for the period 1930—1934 and is considerably lower than the average for the previous quinquennium (27,520).

Statement
No. 35.

Penal Code offences.—The rise in offences under the Indian Penal Code was spread over almost all heads. The principal rise was in cases of hurt 7,759 (7,452), theft 4,057 (3,586) and criminal trespass 3,255 (2,750). The low percentage of convictions must be an encouragement

NOTE.—The figures in brackets denote corresponding numbers in the previous year.

to that sort of crime, and the complexity of modern criminal procedure is in part responsible for the low percentage of convictions. The increase is also noticeable in cases relating to contempts of the lawful authority of public servants 319 (232). One member of the second class Bench at Amraoti was prosecuted and convicted under section 161, Indian Penal Code, during the year.

3. **Offences against Special and Local Laws.**—The subjoined table shows variations under the more important of the special and local laws :—

	1934	1935
Offences under Excise Act ..	4,652	5,073
Offences under Opium Smoking Act ..	376	404
Offences under Municipalities Act ..	5,707	6,572
Offences under Police Act ..	1,966	2,530
Offences under Motor Vehicles Act ..	3,080	3,282
Offences under Hackney Carriage Act ..	1,258	1,058
Offences under Railways Act ..	718	1,494
Offences under Primary Education Act..	2,096	1,739

The number of offences under the Excise and Opium Smoking Acts reported during the year is the highest number reported since the application of these Acts to this province and their disposal is a growing strain on the Magistracy. It is to be hoped that future conditions will be less favourable for the growth of this class of crime. The increase is shared by nine districts. Amraoti is mainly responsible for the considerable increase in the number of cases under the Municipalities Act. Nagpur district with increases of 616 and 255 cases under the Police and Motor Vehicles Act is responsible for the increase in the provincial total under these Acts. Apart from Nagpur district the variations for the province as a whole have been very slight. Deterrent action taken in past years appears to have led to the fall in offences under the Hackney Carriage and the Primary Education Acts. The abnormal rise in offences under the Railways Act is mainly confined to Nagpur, Bhandara, Jubbulpore, Mandla and Raipur districts and is ascribed to the regular raids organized by the Railway staff in these districts against persons travelling without ticket. Other variations are minor and need no special mention.

4. **Complaints dismissed and complainants fined.**—The total number of complaint cases and the number of complaints dismissed under section 203, Criminal Procedure Code, have increased to 21,180 (19,681) and 2,303 (2,278), respectively, while the number of cases in which action was taken under section 250, *ibid.*, decreased to

117 (151). Despite repeated admonitions in the annual report there has been a steady decrease in the use made of section 250, Criminal Procedure Code, since 1927 when the figure stood at 474. The slight increase in the number of dismissals under section 203, Criminal Procedure Code, is more than offset by the increase in the number of complaint cases and the percentage of complaints dismissed actually showed a fall to 9.8 (10.4) per cent. This is the lowest figure for a decade and compares most unfavourably with a percentage of 20.2 per cent in 1924. Many of the District Magistrates repeat last year's remark that the Courts of Honorary Magistrates are the main defaulters in this respect. The failure to obtain improvements indicates that inspection of Courts is not as effective as it should be and District Magistrates both themselves and through their Sub-Divisional Magistrates should impress on Magistrates the need for a more general application of their powers under sections 203 and 250, Criminal Procedure Code. Miscellaneous proceedings under the Criminal Procedure Code rose to 3,582 (3,167), the rise being most noticeable in cases under Chapter VIII, Criminal Procedure Code.

C.—ORIGINAL JURISDICTION

5. Distribution of work.—There were 684 (641) persons under trial in Sessions Courts and 75 (86) in District Magistrates' Courts. The percentage of cases disposed of by Magistrates of various classes varied as shown below :—

	1934	1935
District Magistrates ..	0.1	Nil
Stipendiary Magistrates ..	67.2	64.2
Honorary Magistrates ..	32.6	35.7
Special Magistrates ..	0.1	0.1

6. Summary trials.—13,112 (10,871) or 27.1 (24.8) per cent of the total number of cases disposed of were tried summarily. In Nagpur where the number of cases under Special and Local Laws is high the percentage was 71.6 per cent, while in Balaghat it fell to 2.3 per cent due to the absence on leave of a magistrate empowered to try cases summarily. The low percentage at Hoshangabad 6.2 per cent is unexplained and that at Chanda 6.8 per cent is explained only by the aversion of the Magistrates to make full use of the powers. These figures indicate that there is considerable room for improvement and that the matter requires the continued attention of District Magistrates.

Statement
No. 33.

7. **Percentage of convictions.**—The percentage of accused persons convicted rose slightly to 56.0 (55.0). The detailed figures are given below :—

Name of offence	1934		1935	
	Total convictions	Percentage	Total convictions	Percentage
Hurt and criminal force and assault . .	3,939	23.4	3,890	23.0
Other offences under the Indian Penal Code.	10,711	49.6	11,640	50.1
Offences under Special and Local Laws	22,960	76.6	25,660	76.8
All offences	37,610	55.0	41,190	56.0

The percentage was the highest in Nagpur 75.8 (73.7) and the lowest in Nimar 40.4 (40.3). It was below 50 in Wardha, Balaghat, Saugor, Hoshangabad, Drug and Yeotmal. No special reason is given for the particularly low percentage in the Nimar district. The high percentage of acquittals and discharge contributed by the Courts of Bench Magistrates (which for Raipur, Hoshangabad and Saugor amounted to 88.5, 87.6 and 86.9 per cent, respectively), indicate that the failure to apply the provisions of section 203, Criminal Procedure Code, referred to in paragraph 4 above is a most serious and disquieting feature of the administration of criminal justice.

8. **Durations.**—The average duration for cases of all kinds disposed of during the year, which numbered 48,396 (43,813), increased by nearly three days to 38.2 (35.6). Nagpur still continues to show the lowest average duration, 13.4, in Crown cases. Durations are particularly high in these cases in Jubbulpore 50.2, Wardha 49.3, Yeotmal 47.0, Nimar 44.6, Hoshangabad 43.5, Betul 43.5, Saugor 41.5, Drug 41.5, Raipur 40.5, Chanda 40.0 and Bilaspur 39.4. In Jubbulpore this is attributed to the contested nature of several cases, lack of communication in the interior necessitating long adjournments and the numerous changes in the magistracy leading to retrials, and in Wardha to the absence of magistrates on tour and the changes in the magistracy leading to *de novo* trials. These factors, however, exist in other districts where durations are normal. In other districts the high durations are ascribed to the delay in securing attendance of witnesses from adjoining native states or other districts. The duration in complaint cases was abnormally high in Wardha 109.2 and Hoshangabad 83.1. It was above normal in Yeotmal 67.0, Nagpur 53.4, Bilaspur 50.2, Jubbulpore 49.1 and Balaghat 48.7. This is reported to

be due to the irregular attendance of Honorary Magistrates and the consequent transfer of cases to other courts coupled with delay in securing attendance of witnesses. Efforts should be made to secure a quicker disposal of this class of cases.

9. **Witnesses.**—The number of persons attending Magistrates' Courts as witnesses was 158,120 (148,115). The subjoined table shows that there has been no improvement in the length of detentions :—

Year	Discharged without examination	Discharged			
		On 1st day	On 2nd day	On 3rd day	After 3rd day
1934	11.9	68.9	19.5	6.7	4.9
1935	12.5	69.6	18.9	6.4	5.1

The slight improvement in the percentage of witnesses discharged without examination which followed the introduction of rule 3 of Criminal Circular I-11 in 1933 has not been maintained and most District Magistrates report that the rule is not properly applied. This is a matter which deserves their attention at inspections.

10. **Witnesses' expenses.**—The average amount of diet-money and travelling expenses paid to witnesses in 1934 and 1935, is compared below :—

Year	Central Provinces			Berar			Central Provinces and Berar			
	Rs.	a.	p.	Rs.	a.	p.	Rs.	a.	p.	
1934	..	1	6	7	1	7	7	1	6	11
1935	..	1	7	9	1	5	0	1	7	1

There was a marked rise in the average amount paid in Chanda Rs. 2-5-0 (Rs. 1-10-9) and Bhandara Rs. 1-10-7 (Rs. 1-7-2). An increase is also noticeable in Jubbulpore, Mandla, Hoshangabad, Betul, Chhindwara, Bilaspur and Yeotmal.

11. **Sessions Courts.**—The number of cases disposed of in Sessions Courts during the year was 293 (280). The percentage of convictions for the province as a whole slightly increased to 63.7 (63.4), and it was noticeably high in Wardha 88.2, West Berar 82.7 and Nimar 78.6. The average duration of Sessions cases decreased to 49.8 (52.3). Improvement is noticeable in Nagpur 48.7 (64.6) and Nimar 37.6 (49.0). Additional Sessions Judges disposed of 166 (147) cases.

12. Unnecessary commitments.—During the year two cases, one each from Nagpur and Yeotmal, which could have been disposed of by a Magistrate empowered under section 30, Criminal Procedure Code, were unnecessarily committed to the Court of Session.

13. Trial by Jury.—The number of cases tried by jury was 22 (24) in the Central Provinces and 34 (32) in Berar. The verdict of the jury was not accepted by the Court of Session in five cases and these were submitted to this Court under the provisions of section 307, Criminal Procedure Code. Two such cases were pending at the beginning of the year 1935. This Court accepted the verdict of acquittal in one case, but disagreed in five. One case was pending at the close of the year. The system is reported to be working satisfactorily in all the districts where it is in force.

D.—PUNISHMENTS

Statement No. 36. 14. Distribution of punishments.—The following table compares the figures for the several kinds of punishments awarded during the years 1934 and 1935:—

	1934	1935
Death ..	43	47
Transportation ..	101	103
Imprisonment (including imprisonment awarded in default of security for good behaviour).	6,706	7,200
Fine ..	28,218	30,471
Whipping ..	547	724
Security taken ..	1,328	1,580
Persons dealt with under the Borstal Act	93	140

15. Confirmation of death sentences.—The number of persons sentenced to death whose cases came before this Court was 62 (76). The cases of 13 persons were pending from the previous year. 47 (43) sentences of death were confirmed, 12 (12) set aside and 12 (18) were reduced to transportation for life or imprisonment. The cases of 4 persons remained pending at the close of the year. 39 (39) persons were executed during the year.

16. Previous conviction and solitary confinement.—The number of persons convicted of offences under Chapter XII or Chapter XVII and liable to enhanced

punishment under section 75, Indian Penal Code, was 646 (577). Of these 51 (18) were ordered to suffer solitary confinement, 21 (61) to notify their residence to the police after release from jail and 8 (4) both to suffer solitary confinement and to notify their residence in addition to the primary sentence.

17. Short term imprisonments for 15 days and under numbered 123 (108). The increase is mainly contributed by Chanda 7 (2), Yeotmal 6 (1) and Akola 8 (3) districts. The district reports show that the sentences in most of the cases were proper and there was no infringement of the standing orders on the subject. The number of persons sentenced to simple imprisonment rose to 135 (96).

18. Fines.—The total amount of fines imposed during the year further decreased to Rs. 4,87,623 (Rs. 4,94,566) in spite of the increase in the number of persons fined from 28,218 to 30,471 and resulted in a decrease in the average amount of fine imposed from 17.5 to 16.0 per person. The percentage of realization increased to 79.3 (75.0) and Rs. 97,671 remained to be realized at the close of the year. Rs. 53,761 (Rs. 69,638) was written off as unrealizable during the year. The Sessions Judge, Wardha, and the District Magistrate, Jubbulpore, remark that some courts still impose fines improperly without paying attention to the instructions contained in Criminal Circular I-28. This tendency on the part of Magistrates should be checked.

19. Security proceedings.—The number of persons ordered to give security under section 118, Criminal Procedure Code, was 1,580 (1,328), of whom 606 (516) failed to comply with the order.

20. Adolescents and youthful offenders.—Thirty-six (25) boys were sent to the Reformatory school. The number of adolescents sent to the Borstal Institute at Narsinghpur was 145 (115). 57 (4) juveniles were sentenced to whipping. The Borstal Act was applied in the case of 140 (93) persons.

21. First offenders.—The number of persons released on probation of good conduct under section 562, Criminal Procedure Code, was 2,465 (2,036). The powers given by section 562 are reported to have been used generally with discretion.

E.—APPELLATE AND REVISIONAL
JURISDICTION

Statement
No. 34

22. **Judicial Commissioner's Court.**—The number of convicted persons who appealed to the Judicial Commissioner's Court rose to 373 (331). In 76.5 (71.8) per cent of the cases decided the finding of the lower Court was maintained. The cases of 1,055 (1,327) were dealt with by this Court in revision. In the cases of 11 (16) persons the sentences were enhanced and in the cases of 327 (422) they were either reduced, modified or set aside. The average duration of appeals and of revisions was further reduced to 35.8 (42.7) and 51.2 (52.9), respectively.

23. **Appeals by Local Government.**—There were before this Court 12 (9) cases involving 21 (15) persons in which the Local Government appealed against orders of acquittal. The orders of the lower Court were confirmed in 3 (2) cases and set aside or modified in 8 (5). One (2) case involving one person remained pending at the end of the year.

24. **Sessions Courts.**—The number of persons whose appeals were before the Sessions Courts during the year under report was 3,492 (3,438). The percentage of cases in which sentences remained unaltered was stationary at 67.1. The average duration of appeals in the Sessions Courts increased slightly to 32.4 (32.0). The most notable variations were in Chhindwara where the duration fell to 25.5 (37.1) and in Raipur where it increased to 36.1 (23.1). The average duration of revisions in Sessions Courts rose to 50.1 (47.6) the highest being 109.8 (73.5) in Hoshangabad.

25. **Magistrates' Courts.**—The appeals of 6,776 (6,519) persons were before the Magistrates' Courts and in 54.2 (59.6) per cent of the appeals disposed of the sentences remained unaltered.

F.—MISCELLANEOUS

26. **Village Panchayat Benches.**—During the year under report the number of Village Panchayat Benches in the province was 865 (891). The total number of cases for disposal before these Courts was 6,648 (6,389) involving 11,308 (10,975) persons. 6,069 (5,810) cases were disposed of and 579 (579) including 287 (188) pending over two months remained pending at the close of the year. 7,270 (7,299) persons were either acquitted or

discharged, 2,810 (2,531) were convicted, 176 (94) were the subject of reference, 43 (17) died or escaped and 1,009 (1,034) remained under trial at the close of the year. The work of many of the Benches was inspected by the District Magistrates and Sub-Divisional Magistrates. The District Magistrates, Hoshangabad and Betul, consider that the Benches have failed generally to achieve their object for which they were established. The former reports that their procedure is dilatory and they are disliked by the public. The latter reports that some of them were responsible for party factions and for showing favouritism in dealing with cases.

27. *Inspections.*—With the exception of a few Courts in the Nagpur and Hoshangabad districts almost all subordinate Courts in every district were inspected by the District Magistrates or the Sub-Divisional Magistrates. The Sessions Judges, Hoshangabad and Amraoti, inspected some Courts of Bench Magistrates in their division.

28. All the criminal record-rooms at district headquarters were inspected by the Sessions Judges except the record-room at Amraoti, which was inspected by the Judicial Commissioner during the year. The record-rooms at Bhandara, Hoshangabad, Narsinghpur, Betul, Mandla and Raipur were also inspected by the Commissioner of the Division. The elimination of records is reported to be up to date and accommodation everywhere is sufficient.

29. *Copying Department.*—Copying work is reported to be up to date in all the districts and copies are delivered promptly. In five districts the proportion of copies delivered on the first day after application is above 90, while in others it ranges from 43 to 84. Typewriters are generally used in preparing copies in English.

G. BURGESS,

Registrar,

High Court of Judicature at Nagpur.

NAGPUR:

The 28th May 1936.

PRESCRIBED STATEMENTS

FOR THE CALENDAR YEAR

1935

== **STATEMENT No. 25 [Criminal].**—Showing the number of Judicial Divisions, and the number of officers exercising Appellate or Original Jurisdiction in the Central Provinces and Berar on the 31st December 1935 (Paragraph 1).

Name of province	Judges of Chief Court of province	Number of Sessions Divisions	Number of districts	Sessions Judges	Other Judges	District Magistrates	Other Magistrates		Remarks		
							Stipendiary	Honorary			
1	2	3	4	5	6	7	8	9	10		
Central Provinces (including Berar).	5	9	19	(a) 24	(b) 50	19	(c) 300	(d) 194 (e) 865	Grades of Judicial officers	Euro-peans	Indians
									Judicial Commissioner ..	1	...
									Additional Judicial Commissioners.	2	2
									Sessions Judges ...	3	6
									Additional Sessions Judges...	1	14
									Magistrates, 1st Class ...	13	(f) 181
									Do. 2nd Class ...	1	(g) 351
									Do. 3rd Class ...	1	(h) 258
Total ...	22	812									

(a) Includes 15 Additional Sessions Judges. All the 24 do both Civil and Criminal work.

(b) Invested with powers under section 30, Criminal Procedure Code.

(c) 177 do both Civil and Criminal work.

(d) 87 Honorary Magistrates sitting singly and 107 Benches.

(e) Represents the number of Village Panchayat Benches.

(f) Includes 29 Honorary Magistrates sitting singly and 6 members of Benches.

(g) Do. 47 do. do. 123 do.

(h) Do. 11 do. do. 220 do.

STATEMENT No. 26 [Criminal].—Showing the number of Criminal cases decided in the Courts in the Central Provinces and Berar for the year 1935.

Name of province 1	Total number of Criminal cases decided				Remarks 6
	Original		Appellate		
	Regular 2	Miscellaneous. 3	Regular 4	Miscellaneous 5	
Central Provinces (including Berar) ...	48,752	1,790	7,920	2,145	

27 STATEMENT No. 33.—Showing the General Results of Trials of Criminal cases in the tribunals of various classes in the Central Provinces and Berar for the year 1935. (Paragraphs 5 to 13.)

Class of Tribunal	*Number of offences reported	Number of persons under trial	Persons whose cases were disposed of				Persons remaining under trial at the end of the year	Remarks
			Dis-charged or acquitted	Convicted	Com-mitted or referred	Died, escaped or transferred to another province		
1	2	3	4	5	6	7	8	9
Subordinate Magistrates { Special Magistrates under section 14, Criminal Procedure Code.		78	21	51	...	...	6	
{ Honorary Magistrates sitting singly ...		13,570	4,446	7,335	82	20	1,687	
{ Stipendiary Magistrates sitting singly ...		52,419	16,094	28,400	1,455	112	6,358	
{ Benches of Magistrates ...	58,246	19,151	11,457	4,112	7	20	3,555	
District and Sub-Divisional Magistrates' cases referred under sections 347 and 349, Criminal Procedure Code.		985	81	883	...	1	20	
Chief Magistrates of districts ...		75	37	28	...	...	10	
Courts of Session ...		684	217	315	68	1	83	
Superior Courts ...		85	13	66	...	...	6	
Total ...	58,246	87,047	32,366	41,190	1,612	(a) 154	11,725	

*Includes offences brought forward from 1931. 27 cases were wrongly shown as pending at the end of the year 1934.
(a) 109 persons died, 39 escaped and 6 dealt with under section 466, Criminal Procedure Code.

STATEMENT No. 34.—Showing the General Results of Appeals and Revisions in Criminal cases in the Central Provinces and Berar for the year 1935. (Paragraphs 22 to 25.)

Class of Tribunal	Number of persons								
	Number of appellants and applicants for revision before the Courts	Appeals or applications rejected	Sentence or order confirmed	Sentence altered	Sentence reversed	Other-wise disposed of	Died, escaped or transferred to another province	Pending trial	Remarks
1	2	3	4	5	6	7	8	9	10
<i>Appeals to—</i>									
Chief Magistrates of districts	6,776	2,332	1,084	1,185	1,415	159	122	479	
Courts of Session	3,492	1,516	509	526	468	46	1	326	
Superior Courts	418	136	133	34	38	1	...	76	
	21	...	8	3	9	...	...	1	
Total	10,707	3,984	1,834	1,748	1,930	206	123	882	
<i>Revisions by—</i>									
Chief Magistrates of districts	(a) 2,050	1,444	...	...	52	421	1	132	
Courts of Session	(b) 1,870	1,335	...	...	5	281	3	246	
Superior Courts	(c) 1,237	709	...	103	204	39	...	182	
Total	5,157	3,488	...	103	261	741	4	560	
GRAND TOTAL	15,864	7,472	1,834	1,851	2,191	947	127	1,412	

(a) Includes 1,911 accused persons whose cases were called for in revision on 752 applications of complainants.

(b) Includes 893 accused persons whose cases were called for in revision on 334 applications of complainants.

(c) Includes 172 accused persons whose cases were called for in revision on 61 applications of complainants and 224 accused persons against whom Government took action.

2. STATEMENT No. 35.—Showing the Nature of Offences reported and the number of persons tried, convicted and acquitted of each class of offence in the Central Provinces and Berar for the year 1935. (Paragraphs 2 to 4.)

Description of Offences 1	Number of cases			Number of persons					Remarks 10
	*Offences reported 2	*Returned as true 3	Brought to trial 4	Under trial including pending from previous year 5	Acquitted or discharged 6	Convicted 7	Died, escaped or transferred to another province 8	Remaining under trial 9	
Abetting commission of offence by the public or by more than ten persons, Chapter V, Indian Penal Code, section 117.	...	...	...	...	...	...	...	...
Criminal Conspiracy, Chapter V (A) of the Indian Penal Code, section 120-B.	7	4	3	62	14	30	6	12	
Offences against the State, Chapter VI of the Indian Penal Code.	1	...	1	1	...	...	...	1	
Offences relating to the Army and Navy Chapter VII	...	...	...	...	...	...	...	...
Offences against the public tranquillity ... Do. VIII	573	358	377	3,767	1,355	1,206	11	1,195	
Offences by or relating to public servants Do. IX	65	52	59	89	15	51	...	23	
Contempts of the lawful authority of public servants. Do. X	348	307	306	452	136	269	...	47	
False evidence and offences against public justice. Do. XI	440	324	328	501	135	255	1	110	
Offences relating to { Coin ... Do. XII	31	21	26	43	7	20	...	16	
{ Government Stamps Do. XII	1	1	1	1	1	...	...	...
Offences relating to weights and measures Do. XIII	147	137	132	161	44	108	1	8	
Offences affecting the public health, safety, convenience, decency and morals. Do. XIV	553	518	516	578	77	466	...	35	
Offences relating to religion ... Do. XV	27	19	20	57	26	21	...	10	

	Offences affecting life ...	721	640	663	1,042	340	505	10	187
	Causing miscarriage, injuries to unborn children, exposure of infants and the concealment of births.	64	58	57	97	27	64	...	6
Offences affecting the human body, Chapter XVI.	Hurt ...	8,839	6,702	6,501	16,568	10,536	3,080	20	2,932
	Wrongful restraint and wrongful confinement.	182	143	150	402	232	106	..	64
	Criminal force and assault ...	2,264	1,732	1,671	3,986	2,515	810	6	655
	Kidnapping, forcible abduction, slavery and forced labour.	144	109	112	303	159	76	3	65
	Rape ...	123	93	98	146	46	77	...	23
	Unnatural offences ...	45	41	41	53	15	34	...	4
Offences against property, Chapter XVII.	Theft ...	4,446	3,833	3,861	6,011	1,336	3,899	16	760
	Extortion ...	71	54	50	131	77	37	...	17
	Robbery and dacoity ...	182	120	115	408	157	173	1	77
	Criminal misappropriation of property.	112	86	86	165	60	52	...	53
	Criminal breach of trust ...	754	582	572	790	209	417	11	153
	Receiving of stolen property ...	139	119	123	203	32	149	...	22
	Cheating ...	787	564	588	935	332	376	3	224
	Fraudulent deeds and dispositions of property.	9	6	5	11	8	3	...	..
	Mischief ...	596	424	414	1,149	748	187	1	213
	Criminal trespass ...	3,639	2,924	2,985	6,518	2,777	2,626	10	1,105
Offences relating to documents and to trade or property marks. Chapter XVIII	61	39	34	110	56	20	4	30	
Criminal breach of contracts of service... Do. XIX	1	1	1	1	...	1	...	...
Offences relating to marriage ... Do. XX	1,282	913	894	1,882	1,283	174	6	419	
Defamation ... Do. XXI	1,006	730	713	1,712	1,284	139	5	284	
Criminal intimidation, insult and annoyance. Do. XXII	479	309	302	867	598	99	1	169	
Offences under special and local laws ...	30,107	27,029	26,576	36,233	7,729	25,660	38	2,806	
Total ...	58,246	48,992	48,381	85,435	32,366	41,190	(a) 154	11,725	

*This includes 6,108 pending cases brought forward from 1934. 27 cases were wrongly shown as pending during the last year.
(a) 109 persons died, 39 escaped and 6 persons dealt with under section 466, Criminal Procedure Code.

**STATEMENT No. 36.—Showing the punishments inflicted by the
for the year 1935.**

Class of Tribunal	Number of persons executed	Death	Transportation or penal servitude	Number of persons sentenced			
				Imprisonment	Fine or forfeiture	Whipping	Give security
1	2	3	4	5	6	7	8
Subordinate Magistrates	Special Magistrates under section 14, Criminal Procedure Code.	...	...	...	51	...	...
	Honorary Magistrates sitting singly.	...	...	291	6,849	8	17
	Stipendiary Magistrates sitting singly.	...	...	6,496	19,410	524	1,533
	Benches of Magistrates	...	...	30	4,013	...	...
District and Sub-Divisional Magistrates' cases referred under section 349, Criminal Procedure Code.	...	...	...	175	103	191	3
Chief Magistrates of district	...	...	...	...	24	...	...
Courts of Session	...	...	92	200	21	1	27
Superior Courts	39	47	11	8	...	...	...
Total	39	47	103	7,200	30,471	724	1,580

NOTES.—(1) Fifty-five persons were ordered under section 106, Criminal Procedure Code, to
(2) Two persons were sentenced to no penalty.

various Criminal Tribunals in the Central Provinces and Berar
(Paragraphs 14 to 21.)

to		Total amount of fines			Number of persons sentenced to imprisonment of				Remarks
Fine of		Im- posed	Re- alized	Paid as compen- sation	Fifteen days and under	Above 15 days to six months	Above six months to two years	Above two years	
Rs. 10 and under	Over Rs. 10								
9	10	11	12	13	14	15	16	17		18
40	11	Rs. 393	Rs. 344	Rs. ...	...	...	...	...
6,024	825	37,800	29,813	1,837	11	255	25	...	
11,177	8,233	4,04,068	3,23,742	30,681	95	4,653	1,486	262	
3,248	765	35,719	27,754	2,377	9	21	...	...
18	85	4,101	3,348	160	7	128	38	2	
4	20	752	712	10	...	...	...	...
5	16	4,790	1,212	100	1	34	44	121	
...	...	...	...	...	...	...	2	6	
20,516	9,955	4,87,623	3,86,925	35,165	123	5,091	1,595	391	

give security to keep the peace on conviction of offences involving a breach of the peace.



REPORT
ON THE
JUDICIAL ADMINISTRATION
(CRIMINAL)
IN THE
CENTRAL PROVINCES AND BERAR
FOR THE
CALENDAR YEAR 1936

NAGPUR
GOVERNMENT PRINTING, C. P. & BERAR
1937

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REPORT ON THE JUDICIAL ADMINISTRATION
(CRIMINAL) FOR THE CALENDAR
YEAR 1936

[NOTE.—The figures in brackets denote corresponding numbers in the previous year.]

A.—TRIBUNALS

[Statement No. 25]

The Court of the Judicial Commissioner which was the highest Court of the Province since 1861 and which had consisted since 1926 of 1 Judicial Commissioner and 4 Additional Judicial Commissioners was replaced on the 9th January 1936 by a Chartered High Court consisting of 1 Chief Justice and 5 Puisne Judges thus increasing the strength of the highest Court of the Province to 6 [5]. The number of Sessions Judges and Additional Sessions Judges was unchanged at 9 and 15. The magistracy increased in strength to 866 [805] of whom 218 [194], 333 [352] and 315 [259] exercised first, second and third class powers respectively. Magistrates empowered under section 30 of the Code of Criminal Procedure numbered 51 [50]. The number of Subordinate Judges, Tahsildars and Naib-Tahsildars exercising magisterial powers was 78 [50], 84 [85] and 109 [107], respectively. Out of 471 [436] Honorary Magistrates 90 [87] were empowered to sit singly, 37 [29] exercising first class and 45 [47] second class powers. 12 [8] ladies were working as Honorary Magistrates 7 [7] in Central Provinces and 5 [1] in Berar. The number of special magistrates was 11 [12].

B.—OFFENCES REPORTED

[Statement No. 35]

2. During the year under report the total number of offences reported fell to 49,599 [52,138], this number approximating very closely to the average for the quinquennium 1931—1935 (49,532). The fall is shared by offences under the Indian Penal Code 23,949 [24,715] and by those under Special and Local Laws 25,650 [27,423].

Penal Code offences.—The fall in offences under the Indian Penal Code was notable under several heads, the principal decrease being in cases of hurt 6,597 [7,759] and criminal force and assault 1,577 [1,974]. A contributory factor to the decrease is said to be the lack of desire of the public to rush to the Courts for trifling offences, a tendency presumably due to economic stringency. The fall is also noticeable in offences relating to marriage 976 [1,097]. There was however a considerable rise in cases of theft to 4,427 [4,057], cheating to 759 [662] and criminal trespass to 3,431 [3,255], which is ascribed to the continued economic depression. There was also a marked increase in the cases affecting public health, safety, convenience, decency and morals 1,090 [523]. No special reasons for the rise are suggested by District Magistrates but it appears that there is an awakening of the public conscience in bringing such cases to the Courts.

3. Offences against special and local laws.—The subjoined table shows variations under the more important of the special and local laws :—

Offences under	1935	1936
Excise Act ..	5,073	3,103
Opium Smoking Act ..	404	378
Municipalities Act ..	6,572	6,401
Police Act ..	2,530	3,379
Motor Vehicles Act ..	3,282	3,744
Hackney Carriage Act ..	1,058	608
Railways Act ..	1,494	1,253
Primary Education Act ..	1,739	1,418

By far the most striking variation is in the figures under the Excise Act. Apart from a small decrease in 1933 these figures have been rising steadily since 1927. This year's figures show a remarkable reversal of the trend. The decrease is shared by all districts and is most noteworthy in Balaghat with 84 [273] cases, Mandla with 107 [296], Betul with 186 [430] and Chhindwara with 388 [775]. The District Magistrates of these four districts agree in ascribing the reduction to the introduction or extension of the outstill system and the reduction in

the price of liquor. The figures under the Police Act reached a fresh high record. Of the provincial increase of 849, no less than 75 per cent is contributed by Nagpur alone. The District Magistrate, Nagpur, ascribes the increase to the additional attention which the police were able to devote to the matter owing to freedom from the harassment of political agitation during the year. The increase under the Motor Vehicles Act may be regarded as a natural consequence of the increasing number of vehicles on the road. The fall in offences under the Hackney Carriage Act is mainly noticeable in Nagpur, Jubbulpore and Bilaspur districts and is reported to be due to the compounding of cases out of Court by Municipal Committees and also to the adequate action taken under the Act last year. Jubbulpore is mainly responsible for the considerable fall in offences under the Railways Act, the District Magistrate ascribing it to last year's vigorous action against ticketless travellers.

4. Complaints dismissed and complainants fined.—The number of complaint cases filed showed a slight decrease to 20,004 [21,180]. The number of complaint cases dismissed under section 203, Criminal Procedure Code, fell to 1,827 [2,303], the percentage of cases so dismissed to complaints filed being 8.4 [9.8]. It is regrettable that despite the strictures in last year's report the use made of section 203, Criminal Procedure Code, has further decreased. A number of District Magistrates report that they have impressed on Magistrates the necessity of applying section 203, Criminal Procedure Code, in all suitable cases and that the chief offenders are the Courts of Honorary Magistrates. The High Court would impress on all Magistrates that though it is their duty to see that no one is refused proper redress it is equally their duty to see that no one is harassed by false, trivial or needless complaints and that for this purpose a proper use of section 203, Criminal Procedure Code, is essential. The necessity for continued and active pressure by District and Sub-Divisional Magistrates in this respect cannot be over emphasised. The number of cases in which action was taken under section 250, Criminal Procedure Code, was, despite the remarks in last year's report, practically unchanged at 116 [117]. The number of miscellaneous proceedings under the Criminal Procedure Code disposed of during the year under report further increased to 3,910 [3,582], the rise being most noticeable in Chanda, Wardha, Jubbulpore and Chhindwara districts.

C.—ORIGINAL JURISDICTION

[Statement No. 33]

5. Distribution of work.—The number of persons under trial in Sessions Courts and District Magistrates' Courts increased to 694 [684] and 92 [75], respectively. The percentage of cases disposed of by Magistrates of various classes varied as shown below :—

	1935	1936
District Magistrates ..	Nil	0.1
Stipendiary Magistrates ..	64.2	65.8
Honorary Magistrates ..	35.7	34.0
Special Magistrates ..	0.1	0.1

6. Summary trials.—12,634 [13,112] or 26.8 [27.1] per cent of the total number of cases disposed of were tried summarily, the percentage ranging from 70.8 [71.6] per cent in Nagpur to 0.7 [2.3] per cent in Balaghat. The low percentage in Balaghat last year was explained by the absence on leave of a Magistrate having summary powers. During the year under review there were 2 such Magistrates in the district and the low percentage is due to failure to enforce the proper use of these powers. The District Magistrate explains that he has recently issued orders which will ensure that a substantial number of summarily triable cases will in future be tried by Magistrates with summary powers. Chanda records another decrease in the percentage of cases tried by summary procedure to 5.5 [6.8] and repeats the unsatisfactory explanation given last year of an aversion of the Magistrates to make full use of their powers. The low percentage in Bhandara 5.3 [5.4] is unexplained. It is regrettable that two districts in which the percentage of cases tried summarily was, in last year's report, criticized as unduly low have registered fresh decreases.

7. Percentage of convictions.—The percentage of accused persons convicted during the year increased slightly to 56.2 [56.0]. The variations in the percentages of convictions of various classes of crimes are given below :—

Name of offence	1935		1936	
	Total convictions	Percentage	Total convictions	Percentage
Hurt and criminal force and assault.	3,890	23.0	3,995	25.4
Other offences under the Indian Penal Code.	11,640	50.1	13,346	53.7
Offences under special and local laws.	25,660	76.8	23,100	73.8
All offences.	41,190	56.0	40,441	56.2

The percentage in Nagpur despite a fall to 70.7 [75.8] continued to be highest in the province. The lowest percentage was registered in Balaghat district with 43.0 [42.6]. The percentage was below 50.0 in Wardha, Saugor, Hoshangabad, Nimar, Bilaspur and Yeotmal. The Courts of Bench Magistrates in all the districts continued to contribute a high percentage of acquittals and discharge. It was highest in Chhindwara 85.7 and lowest in Amraoti 54.8. As observed in last year's report the high percentage of acquittals and discharge which is mainly due to failure on the part of Magistrates to make proper use of the provisions of section 203, Criminal Procedure Code, is a most serious and disquieting feature of the administration of criminal justice. It is regrettable to note that there has been no material improvement in the situation.

8. Durations.—The number of magisterial cases of all kinds disposed of during the year fell to 47,037 [48,396], while the average duration increased to 40.2 [38.2]. The duration was highest in Wardha 76.3 [65.4] and lowest in Amraoti 26.7 [26.9]. It was particularly high in Crown cases in Wardha 61.9, Drug 55.4 and Saugor 49.0. The increase in Wardha is attributed to the contested nature of cases and frequent changes in the magistracy. The duration in complaint cases was abnormally high in Wardha 109.2, Hoshangabad 90.3 and Yeotmal 82.5. It was also high in Balaghat 51.9, Jubbulpore 58.7, Saugor 51.0 and Betul 62.9. Irregular attendance of Magistrates, and consequent transfer of cases to other Courts, were the main causes of increase in the durations of complaint cases.

9. Witnesses.—The number of persons attending Magistrates' Courts as witnesses increased to 160,202 [158,120]. The figures given below indicate that there has been a further deterioration in the length of detentions :—

Year	Dis- charged without examina- tion	Discharged			
		On 1st day	On 2nd day	On 3rd day	After 3rd day
1935	.. 12.5	69.6	18.9	6.4	5.1
1936	.. 11.1	68.4	19.5	6.7	5.4

It is however gratifying to note that the set-back in the percentage of witnesses discharged without examination noted last year has been reversed and the percentage

under this head is the lowest for many years. The percentage of witnesses detained more than 3 days is the highest since 1930. This deterioration which not only causes grave inconvenience to witnesses but which increases the cost of the administration of Criminal Justice is another point to which the attention of District Magistrates might profitably be directed.

10. **Witnesses' expenses.**—The average amount of diet-money and travelling expenses paid to witnesses in 1935 and 1936 varied as shown below :—

Year	Central Provinces	Berar	Central Provinces and Berar
	Rs. a. p.	Rs. a. p.	Rs. a. p.
1935	.. 1 7 9	1 5 0	1 7 1
1936	.. 1 6 11	1 3 6	1 6 1

11. **Sessions Courts.**—The number of cases disposed of in Sessions Courts during the year increased to 324 [293]. The percentage of convictions for the province as a whole fell to 58.4 [63.7]. The fall was shared by all sessions divisions except Hoshangabad, Chhindwara and East Berar, where the percentage rose to 60.3 [51.3], 68.9 [61.5] and 69.0 [61.4], respectively. The average duration of Sessions cases increased to 54.8 [49.8]. The rise was shared by all the sessions divisions except Wardha, Chhindwara and Nimar and is most notable in Nagpur 59.9 [48.7] and Jubbulpore 53.9 [41.2] where the durations increased by nearly 11 and 12 days, respectively. The number of cases disposed of by Additional Sessions Judges further increased to 181 [166], but the percentage of the whole is lower at 55.8 [56.6]. One case from the Nimar District was unnecessarily committed to the Sessions Court.

12. **Trial by Jury.**—The number of cases tried by jury in the Central Provinces and in Berar fell to 19 [22] and 28 [34], respectively. The figure for the Central Provinces represents the lowest number reported since the year 1925 and for Berar since the year 1931. The verdict of the jury was not accepted by the Court of Session in seven cases, and the cases were submitted to the High Court under the provisions of section 307, Criminal Procedure Code. One such case was pending at the beginning of the year. This Court accepted the verdict of acquittal in one case, but disagreed in seven. No case remained pending at the close of the year.

D.—PUNISHMENTS

[Statement No. 36]

13. Distribution of punishments.—The figures for the several kinds of punishments awarded during the years 1935 and 1936 are compared below :—

	1935	1936
Death ..	47	50
Transportation ..	103	91
Imprisonment (including imprisonment awarded in default of security for good behaviour).	7,200	7,139
Fine ..	30,471	29,215
Whipping ..	724	854
Security taken ..	1,580	1,590
Persons dealt with under the Borstal Act.	140	129

14. Confirmation of death sentences.—The number of persons sentenced to death whose cases came before this Court increased to 76 [62]. The cases of 4 persons were pending from the previous year. 50 [47] sentences of death were confirmed, 7 [12] set aside and 13 [12] were reduced to transportation for life or imprisonment. One person died during the pendency of the reference and the cases of 9 persons were pending at the close of the year. The number of persons executed during the year rose to 47 [39].

15. Previous conviction and solitary confinement.—The number of persons convicted of offences under Chapter XII or Chapter XVII and liable to enhanced punishment under section 75, Indian Penal Code, further increased to 687 [646]. Nagpur 118 [93], Jubbulpore 68 [5] and Amraoti 70 [28] being mainly responsible for the rise. Of these 68 [51] were ordered to suffer solitary confinement, 19 [21] to notify their residence to the police after release from jail and 19 [8] both to suffer solitary confinement and to notify their residence in addition to the primary sentence.

16. The number of sentences of imprisonments for 15 days and under decreased to 119 [123]. The majority of District Magistrates report, presumably after examination of the records, that these sentences were proper and that there was no infringement of the standing orders on the subject, but one such sentence involving 3 people in Hoshangabad was criticised and set aside on

appeal. A large proportion of such sentences appear to be technical ones of imprisonment till the rising of the Court. The number of persons sentenced to simple imprisonment further increased to 158 [135], the highest figure reported since 1931.

17. **Fines.**—The total amount of fines imposed fell to Rs. 4,29,862 [Rs. 4,87,623] resulting in a further decrease in the average amount of fine imposed to Rs. 14.7 [Rs. 16.0] per person. The percentage of realization also declined to 72.9 [79.3]. Rs. 39,278 [Rs. 53,761] was written off as unrealizable during the year and Rs. 1,05,686 remained to be realized at the close of the year. The Sessions Judge, Wardha, repeats his comment of last year that the instructions contained in Criminal Circular I-28 are not strictly followed by Magistrates. It is to be regretted that the failure of the District Magistrates to effect improvement of an evil referred to in last year's report has resulted in a repetition of the criticism. A similar criticism is made by the Sessions Judge, Hoshangabad.

18. **Security proceedings.**—The number of persons ordered to give security under section 118, Criminal Procedure Code, slightly increased to 1,590 [1,580]. 726 [606] failed to comply with the order.

19. **Adolescents and youthful offenders.**—The number of boys sent to the Reformatory School increased to 55 [36]. The number of adolescents sent to the Borstal Institute at Narsinghpur fell to 134 [145] while that of juveniles sentenced to whipping rose to 143 [57]. The rise was shared by ten districts. The Borstal Act was applied in the case of 129 [140] persons.

20. **First offenders.**—The number of persons released on probation of good conduct under section 562, Criminal Procedure Code, further increased to 3,047 [2,465]. The rise was shared by all the districts except Jubbulpore 130 [140], Drug 82 [101] and Yeotmal 77 [92].

E.—APPELLATE AND REVISIONAL JURISDICTION

[Statement No. 34]

21. **High Court of Judicature at Nagpur.**—The number of convicted persons who appealed to the High Court fell to 339 [373]. The percentage of cases decided in

which the finding of the lower Court was maintained fell to 74.5 [76.5]. The cases of 989 [1,055] persons were dealt with by this Court in revision. In the cases of 16 [11] persons the sentences were enhanced and in cases of 204 [327] they were either reduced, modified or set aside. The average duration of appeals slightly increased to 36.2 [35.8] while that of revisions further decreased to 48.4 [51.2].

22. Appeals by Local Government.—There were before this Court 16 [12] cases involving 31 [21] persons in which the Local Government appealed against orders of acquittal. The orders of the lower Court were confirmed in 3 [3] cases, and set aside or modified in 9 [8]. In one case the accused died and 3 [1] cases involving 4 [1] persons remained pending at the close of the year.

23. Sessions Courts.—The number of persons whose appeals were before the Sessions Court during the year under report increased to 3,912 [3,492]. The percentage of cases in which sentences remained unaltered further increased to 68.6 [67.1]. The average duration of appeals in Sessions Courts increased to 37.4 [32.4]. The highest duration was in Wardha where a rise to 52.3 [30.5] is unexplained and the lowest was in Nimar 15.5 [17.4]. The average duration of revisions in Sessions Courts further rose to 52.7 [50.1], the rise being notable in Wardha 76.1 [45.9], Jubbulpore 55.0 [31.5] and Chhindwara 65.9 [38.3].

24. Magistrates' Courts.—The appeals of 6,457 [6,776] persons were before the Magistrates' Courts. In 57.6 [54.2] per cent of the appeals disposed of the sentences remained unaltered.

F.—MISCELLANEOUS

25. Village Panchayat Benches.—The number of Village Panchayat Benches in the Province increased to 878 [865]. The total number of cases for disposal before these Courts was 6,642 [6,648] involving 10,537 [11,308] persons. 5,955 [6,069] cases were disposed of and 687 [579] including 269 [287] pending over two months remained pending at the close of the year. 7,041 [7,270] persons were either acquitted or discharged, 2,289 [2,810] were convicted, 121 [176] were the subject of reference, 25 [43] died or escaped and 1,061 [1,009] remained under trial at the close of the year.

26. Inspections.—With the exception of a few Courts in the Nagpur, Saugor, Hoshangabad, Balaghat, Raipur and Amraoti districts almost all the subordinate Courts in every district were inspected by the District Magistrates or the Sub-Divisional Magistrates. The Sessions Judges, Wardha, Nimar, Hoshangabad and Amraoti, inspected some Courts of Bench Magistrates in their division.

27. All the criminal record-rooms at district headquarters were inspected by the Sessions Judges except the record-room at Buldana. The record-rooms at Hoshangabad and Mandla were also inspected by the Commissioner of the Division.

28. Copying Department.—Copying work is reported to be up to date in almost all the districts and copies are delivered promptly. In Nagpur, Mandla, Riapur, Bilaspur and Chhindwara districts the proportion of copies delivered on the first day after application is above 90, while in others it ranges from 41 to 90. Typewriters are generally used in preparing copies in English.

G. BURGESS,

Registrar,

High Court of Judicature at Nagpur.

NAGPUR :

The 10th July 1937.

PRESCRIBED STATEMENTS

FOR THE CALENDAR YEAR

1936

II: **STATEMENT No. 25 [Criminal].—Showing the number of Judicial Divisions, and the number of officers exercising Appellate or Original Jurisdiction in the Central Provinces and Berar on the 31st December 1936 (Paragraph 1)**

Name of province (1)	Judges of Chief Court of province (2)	Number of Sessions Divisions (3)	Number of districts (4)	Sessions Judges (5)	Other Judges (6)	District Magistrates (7)	Other Magistrates		Remarks (10)		
							Stipendiary (8)	Honorary (9)			
Central Provinces (including Berar).	6	9	19	(a) 24	(b) 51	19	(c) 325	(d) 204 (e) 878	Grades of Judicial officers	Euro-peans	Indians
									Chief Justice ..	1	..
									Puisne Judges ..	3	2
									Sessions Judges ..	3	6
									Additional Sessions Judges ..	..	15
									Magistrates, 1st Class ..	13	(f) 205
									Magistrates, 2nd Class ..	..	(g) 333
									Magistrates, 3rd Class ..	1	(h) 314
Total ..	21	875									

(a) Includes 15 Additional Sessions Judges. All the 24 do both Civil and Criminal work.

(b) Invested with powers under section 30, Criminal Procedure Code.

(c) 196 do both Civil and Criminal work.

(d) 90 Honorary Magistrates sitting singly and 114 Benches.

(e) Represents the number of Village Panchayat Benches.

(f) Includes 37 Honorary Magistrates sitting singly and 12 members of Benches.

(g) Includes 45 Honorary Magistrates sitting singly and 123 members of Benches.

(h) Includes 8 Honorary Magistrates sitting singly and 246 members of Benches.

STATEMENT No. 26 [Criminal].—Showing the number of Criminal cases decided in the Courts in the Central Provinces and Berar for the year 1936

Name of province (1)	Total number of Criminal cases decided				Remarks (6)
	Original		Appellate		
	Regular (2)	Miscel- laneous (3)	Regular (4)	Miscel- laneous (5)	
Central Provinces (including Berar)	47,442	2,075	7,766	2,049	

◀ **STATEMENT No. 33.**—Showing the General Results of Trials of Criminal cases in the tribunals of various classes in the Central Provinces and Berar for the year 1936. (Paragraphs 5 to 12)

Class of Tribunal (1)	*Number of offences reported (2)	Number of persons under trial (3)	Persons whose cases were disposed of				Persons remaining under trial at the end of the year (8)	Remarks (9)
			Dis-charged or acquitted (4)	Convicted (5)	Com-mitted or referred (6)	Died, escaped or transferred to another province (7)		
<i>Subordinate Magistrates—</i>								
Special Magistrates under section 14, Criminal Procedure Code.		55	1	52	..	..	2	
Honorary Magistrates sitting singly ..		14,078	5,282	6,660	91	56	1,989	
Stipendiary Magistrates sitting singly ..		52,393	15,821	28,589	1,539	114	6,330	
Benches of Magistrates ..	56,431	17,324	9,985	3,773	10	27	3,529	
District and Sub-Divisional Magistrates' cases referred under sections 347 and 349, Criminal Procedure Code.		1,049	59	971	..	2	17	
Chief Magistrates of districts ..		92	34	56	..	..	2	
Courts of Session ..		694	250	268	86	2	88	
Superior Courts ..		94	12	72	..	1	9	
Total ..	56,431	85,779	31,444	40,441	1,726	(a) 202	11,966	

*Includes offences brought forward from 1935. One case was wrongly shown as pending at the end of the year 1935.

(a) 159 persons died, 22 escaped, 18 dealt with under section 466, Criminal Procedure Code, one person was transferred to Chhuikhadan State and two were transferred to United Provinces.

STATEMENT No. 34.—Showing the General Results of Appeals and Revisions in Criminal cases in the Central Provinces and Berar for the year 1936. (Paragraphs 21 to 24)

Class of Tribunal (1)	Number of persons								Remarks (10)
	Number of appellants and applicants for revision before the Courts (2)	Appeals or applications rejected (3)	Sentence or order confirmed (4)	Sentence altered (5)	Sentence reversed (6)	Other-wise disposed of (7)	Died, escaped or transferred to another province (8)	Pending trial (9)	
<i>Appeals to—</i>									
Chief Magistrates of districts ..	6,457	2,311	1,104	1,101	1,189	190	30	532	
Courts of Session ..	3,912	1,802	532	462	539	55	10	512	
<i>Superior Courts—</i>									
By persons convicted ..	415	177	132	52	30	..	1	23	
By Government from Judgments of acquittal ..	31	..	3	15	..	8	1	4	
Total ..	10,815	4,290	1,771	1,630	1,758	253	42	1,071	
<i>Revisions by—</i>									
Chief Magistrates of districts ..	(a) 1,789	1,165	..	..	65	373	6	180	
Courts of Session ..	(b) 2,197	1,478	..	..	1	339	..	379	
Superior Courts ..	(c) 1,162	757	..	76	62	94	..	173	
Total ..	5,148	3,400	..	76	128	806	6	732	
Grand Total ..	15,963	7,690	1,771	1,706	1,886	1,059	48	1,803	

(a) Includes 1,611 accused persons whose cases were called for in revision on 632 applications of complainants.

(b) Includes 843 accused persons whose cases were called for in revision on 371 applications of complainants.

(c) Includes 191 accused persons whose cases were called for in revision on 63 applications of complainants and 300 accused persons against whom Government took action.

4. STATEMENT No. 35.—Showing the Nature of Offences reported and the number of persons tried, convicted and acquitted of each class of offence in the Central Provinces and Berar for the year 1936. (Paragraphs 2 to 4)

Description of Offences (1)	Number of cases			Number of persons					Remarks. (10)
	*Offences reported (2)	*Returned as true (3)	Brought to trial (4)	Under trial including pending from previous year (5)	Acquitted or discharged (6)	Convicted (7)	Died, escaped or transferred to another province (8)	Remaining under trial (9)	
Abetting commission of offence by the public or by more than ten persons, Chapter V, Indian Penal Code, section 117.	..	..	..	..	..	..	..	..
Criminal Conspiracy, Chapter V (A) of the Indian Penal Code, section 120-B.	8	7	4	45	10	21	..	14	
Offences against the State, Chapter VI of the Indian Penal Code.	1	1	1	1	..	1	..	..
Offences relating to the Army and Navy Chapter VII	..	..	..	..	..	..	..	..
Offences against the public tranquillity Chapter VIII	613	384	428	4,021	1,466	1,264	27	1,264	
Offences by or relating to public servants Chapter IX..	73	64	60	116	33	62	..	21	
Contempts of the lawful authority of public servants. Chapter X ..	296	245	258	404	93	225	..	86	
False evidence and offences against public justice. Chapter XI..	421	310	303	469	149	223	3	94	
Offences relating to—									
Coin .. Chapter XII	30	24	20	49	6	22	1	20	
Government Stamps .. Chapter XII	13	11	13	16	5	9	..	2	
Offences relating to weights and measures. Chapter XIII	134	119	123	165	56	85	..	24	
Offences affecting the public health, safety, convenience, decency and morals. Chapter XIV	1,120	1,067	1,081	1,180	90	1,037	1	52	
Offences relating to religion .. Chapter XV	7	4	3	19	4	5	..	10	

Offences affecting the human body, Chapter XVI—								
Offences affecting life ..	737	648	658	1,062	349	490	14	209
Causing miscarriage, injuries to unborn children, exposure of infants and the concealment of births.	35	26	29	57	13	33	..	11
Hurt ..	7,865	5,872	5,642	15,849	9,733	3,265	21	2,830
Wrongful restraint and wrongful confinement ..	213	155	170	488	266	117	..	105
Criminal force and assault ..	1,885	1,379	1,367	3,280	2,007	730	9	534
Kidnapping, forcible abduction, slavery and forced labour.	116	76	78	264	114	94	..	56
Rape ..	113	85	81	129	42	61	..	26
Unnatural offences ..	50	45	46	55	8	41	..	6
Offences against property, Chapter XVII—								
Theft ..	4,879	4,224	4,289	6,879	1,364	4,553	19	943
Extortion ..	45	26	30	75	37	20	1	17
Robbery and dacoity ..	170	123	117	399	163	163	2	71
Criminal misappropriation of property ..	120	102	92	166	67	82	1	16
Criminal breach of trust ..	719	540	554	783	220	386	7	170
Receiving of stolen property ..	140	113	119	178	40	105	1	32
Cheating ..	907	655	697	1,101	358	507	4	232
Fraudulent deeds and dispositions of property ..	11	7	8	18	15	2	..	1
Mischief ..	557	401	415	1,164	650	233	..	281
Criminal trespass ..	3,907	3,173	3,180	6,898	2,803	2,968	15	1,112
Offences relating to documents and Chapter XVIII to trade or property marks.	82	49	53	122	40	42	1	39
Criminal breach of contracts of service Chapter XIX ..	..	..	..	..	..	..	..	..
Offences relating to marriage .. Chapter XX ..	1,178	799	795	1,954	1,340	196	7	411
Defamation .. Chapter XXI ..	953	638	637	1,658	1,115	198	4	341
Criminal intimidation, insult and Chapter XXII annoyance.	450	309	278	865	601	101	2	161
Offences under special and local laws ..	28,583	24,346	23,603	34,124	8,187	23,100	62	2,775
Total ..	56,431	46,027	45,232	84,053	31,444	40,441	(a) 202	11,966

*This includes 6,832 pending cases brought forward from 1935. One case was wrongly shown as pending during the last year.
(a) 159 persons died, 22 escaped, 18 dealt with under section 466, Criminal Procedure Code, one person was transferred to Chhukhadan State and two were transferred to United Provinces.

*STATEMENT No. 36.—Showing the punishments inflicted by the
for the year 1936*

Class of Tribunal (1)	Number of persons executed (2)	Death (3)	Transportation or penal servitude (4)	Number of persons			
				Imprisonment (5)	Fine or forfeiture (6)	Whipping (7)	Give security (8)
<i>Subordinate Magistrates—</i>							
Special Magistrates under section 14, Criminal Procedure Code.	..	..	..	7	49	..	..
Honorary Magistrates sitting singly.	..	..	..	355	6,168	21	5
Stipendiary Magistrates sitting singly.	..	..	..	6,369	19,171	547	1,558
Benches of Magistrates ..	..	..	..	21	3,693	..	..
District and Sub-Divisional Magistrates' cases referred under section 349, Criminal Procedure Code.	..	..	..	206	54	281	..
Chief Magistrates of district ..	..	..	..	5	56	..	..
Courts of Session ..	..	..	81	166	24	3	27
Superior Courts ..	47	50	10	10	..	2	..
Total ..	47	50	91	7,139	29,215	854	1,590

NOTES.—(1) 46 persons were ordered under section 106, Criminal Procedure Code, to
(2) 7 persons were sentenced to no penalty.

various Criminal Tribunals in the Central Provinces and Berar
(Paragraphs 13 to 20)

sentenced to		Total amount of fines			Number of persons sentenced to imprisonment of				Remarks			
Fine of		Im- posed	Re- alized	Paid as Com- pen- sation	Fifteen days and under	Above 15 days to six months	Above six months to two years	Above two years				
Rs. 10 and under	Over Rs. 10									(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)
		Rs.	Rs.	Rs.								
44	5	2,172	177	..	..	..	4	3				
5,221	947	46,776	34,302	2,307	14	301	40	..				
12,102	7,069	3,42,296	2,52,939	12,930	98	4,474	1,535	262				
2,961	732	30,128	21,974	1,705	5	15	1	..				
16	38	1,624	1,802	..	1	138	65	2				
20	36	1,976	1,341	52	..	..	5	..				
3	21	4,890	895	100	1	26	48	91				
..	..	..	..	..	..	..	2	8				
20,367	8,848	4,29,862	3,13,430	17,094	119	4,954	1,700	366				

give security to keep the peace on conviction of offences involving a breach of the peace.



REPORT
ON THE
JUDICIAL ADMINISTRATION
(CRIMINAL)
IN THE
CENTRAL PROVINCES & BERAR
FOR THE
CALENDAR YEAR 1937

NAGPUR
GOVERNMENT PRINTING, C. P. & BERAR
1938

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Government of the Central Provinces and Berar**

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REPORT ON THE JUDICIAL ADMINISTRATION (CRIMINAL) FOR THE CALENDAR YEAR 1937

[The figures in brackets denote corresponding numbers in the previous year.]

A.—TRIBUNALS

[Statement No. 25]

The strength of the High Court of Judicature and the number of Sessions Judges remained unchanged. The posting of Additional Sessions Judges at Narsinghpur and Betul and the increase in the number of these Judges at Jubbulpore from one to two increased the total of these Judges to 18 [15]. The magistracy decreased in strength to 843 [866], of whom 207 [218], 342 [333] and 294 [315] exercised first, second and third class powers respectively. Forty-three [51] Magistrates exercised powers under section 30 of the Code of Criminal Procedure. The number of Subordinate Judges, Tahsildars and Naib-Tahsildars exercising magisterial powers was 73 [78], 84 [84] and 104 [109] respectively. Of the 463 [471] Honorary Magistrates 49 [49], 166 [168] and 248 [254] exercised first, second and third class powers respectively. The number of Honorary Magistrates authorized to sit singly fell to 82 [90] of whom 38 [37] exercised first class and 39 [45] exercised second class powers. There was no change in the number of ladies working as magistrates but special magistrates fell to 7 [11].

B.—OFFENCES REPORTED

[Statement No. 35]

2. There was a further fall in the number of offences reported under the Indian Penal Code and under Special and Local Laws to 23,221 [23,949] and 23,973 [25,650] respectively.

3. Offences under the Indian Penal Code.—Cases affecting public health, safety, convenience, decency and morals fell from last year's record high level to 814 [1,090]. Variations under other heads are minor and require no comment.

4. **Offences against special and local laws.**—Cases under the Excise Act fell to 2,680 [3,103], the lowest figure recorded since 1929, the largest decrease being in Raipur with 127 [211]. The reason given for the decrease is the same as that quoted in last year's report. Cases under the Municipalities Act fell to 5,989 [6,401] and under the Primary Education Act to 1,339 [1,418] but they increased under the Hackney Carriages Act to 683 [608]. Cases under the Railways Act fell to 883 [1,253]. Other variations are minor. The District Magistrate, Betul, considers an increase of offences under the Primary Education Act to 248 [97], an indication of the difficulty to be encountered in spreading the idea of compulsory education in a backward area.

5. **Complaints dismissed and complainants fined.**—The number of complaints dismissed under section 203 of the Code of Criminal Procedure was 1,813 [1,827], the percentage of such dismissals to the complaints filed being unchanged. The unsatisfactory use of the provision of section 203 has been commented on in every report since 1931 but, far from improving, the position has consistently deteriorated. A number of District Magistrates repeat the assertion of previous years that the main cause of the deterioration is the failure of Honorary Magistrates to make use of this section. There can be no doubt that Honorary Magistrates do fail in this respect but the Hon'ble the Chief Justice considers that the explanation is far from complete. If Honorary Magistrates were the main culprits they would be roughly an inverse proportion between the percentage of dismissals under section 203 and the percentage of the work performed by Honorary Magistrates, which is far from correct. Jubbulpore with 4.9 per cent [11.6 per cent] of its complaints dismissed has 29.6 per cent of its work done by Honorary Magistrates. Drug has 34.4 per cent [19.3 per cent] dismissals with 12.3 per cent of its work done by Honorary Magistrates. Wardha has less than 1 per cent dismissals with 16.3 per cent of its work done by Honorary Magistrates. The improvement in Drug indicates what can be done by efficient control. The figure for Wardha which repeats a percentage of dismissals of under 1 per cent in the previous year is deplorable. In the face of the assertion of the District Magistrate that the necessity of applying section 203 is impressed on the magistrates, it implies a complete absence

of control and of any effort by the District Magistrate to bring about any improvement in a situation which has been the subject of continuous adverse criticism.

Despite repeated observations in the Criminal Report the seriousness of the failure to make use of the provision of section 203 of the Code of Criminal Procedure does not seem to be realized. On the proper use of the section depends the protection of the general public from the harassment and expense of appearing in the Courts to answer false or trivial complaints. The percentage of acquittals indicates that the will and not the opportunity to use the section is lacking and the only corrective for this is the vigilance of the District Magistrates and Sub-Divisional Magistrates which the Hon'ble the Chief Justice is forced to consider sadly lacking. The Hon'ble the Chief Justice realizes that the multiplication of the duties of the executive authorities in recent years has made heavy demands on their time and that in the heavier districts the District Magistrate finds genuine difficulty in exercising constant control but he considers that in the lighter districts the District Magistrates could without detriment to their other duties exercise a far more effective control than they appear to do at present.

The number of cases in which action was taken under section 250 of the Code of Criminal Procedure fell to 105 [116]. The above remarks apply to the use made of this section also.

There was a decrease in the number of Miscellaneous Proceedings under the Criminal Procedure Code to 3,630 [3,910], the most noticeable fall being in cases under Chapter VIII, to 1,518 [1,835].

C.—ORIGINAL JURISDICTION

[Statement No. 33]

6. Distribution of work.—The number of persons under trial in Sessions Courts decreased to 684 [694] and in the District Magistrates' Courts rose to 101 [92]. The percentage of cases disposed of by Magistrates of the various classes is shown below :—

			1936	1937
District Magistrates	..	..	0.1	0.1
Stipendiary Magistrates	..	..	65.8	64.8
Honorary Magistrates	..	..	34.0	35.1
Special Magistrates	..	..	0.1	<i>Nil.</i>

7. **Summary trials.**—12,714 [12,634] or 28.2 [26.8] per cent of the total number of cases disposed of were tried summarily, increases being notable in Chhindwara, Balaghat and Buldana to 27.9 [11.2], 26.6 [0.7] and 10.7 [4.0] respectively. The low percentage at Hoshangabad 5.9 [10.7] is engaging the attention of the District Magistrate. No definite explanation is given of a disquieting fall in Bilaspur to 9 per cent [21.4 per cent]. In Wardha, the low percentage 3.7 [9.8] is said to be due to the trial by local magistrates by regular procedure of cases under Special and Local Laws in order to save diet-money and travelling allowances in bringing witnesses to headquarters.

8. **Percentage of convictions.**—The percentage of accused persons convicted fell to 55.7 [56.2]. The figures given below show variations in the percentages of convictions :—

Name of offences	1936		1937	
	Total convictions	Percentage	Total convictions	Percentage
Hurt and criminal force or assault ..	3,995	25.4	3,560	24.2
Other offences under the Indian Penal Code ..	13,346	53.7	12,345	51.2
Offences under Special and Local Laws ..	23,100	73.8	22,759	74.3
All offences ..	40,441	56.2	38,664	55.7

Nagpur again shows the highest percentage 73.7 [70.7] possibly due to the large percentage of cases under Special and Local Laws in that district. The lowest was in Yeotmal 38.6 [43.5] and in Bhandara, Saugor, Nimar, Hoshangabad, Balaghat and Bilaspur it was below 50 per cent. The percentage of acquittals and discharge contributed by the Courts of Bench Magistrates is 74.7 [72.6]. It could be lowered if they made better use of sections 95 of the Indian Penal Code and 203 of the Code of Criminal Procedure.

9. **Durations.**—The average duration of magisterial cases of all kinds disposed of during the year, which numbered 45,097 [47,037], increased slightly to 41.1 [40.2]. The highest duration is in Hoshangabad despite a fall for that district to 57.2 [66.6]. Amraoti continued to show the lowest average duration 27.0 [26.7]. In Crown cases, the durations were high in Saugor 51.3 [49.0], Hoshangabad 55.5 [47.1] and Betul 53.2 [45.5], and in complaint cases in Yeotmal 83.1 [82.5], Bhandara 61.5 [36.0], Wardha 72.9 [109.2], Hoshangabad

66.5 [90.3] and Bilaspur 66.8 [45.7]. The explanation given by the District Magistrate, Yeotmal, for the pre-eminence of his district is the irregular attendance of Honorary Magistrates. The Sessions Judge, Amraoti, however, points out that there was extreme delay in the disposal of complaint cases in the Courts of nine out of 13 stipendiary Magistrates so that the fault does not attach exclusively to Honorary Magistrates. The Hon'ble the Chief Justice deprecates an incomplete explanation of this sort which again must proceed from insufficient control by District Magistrates.

10. Witnesses.—Persons attending magisterial courts as witnesses decreased to 148,614 [160,202]. The sub-joined table shows that there has been no improvement in the length of detentions :—

Year	Dis- charged without examina- tion	On First day	On Se- cond day	On Third day	On Four- th day
1936 ..	11.1	68.4	19.5	6.7	5.4
1937 ..	11.5	67.1	19.9	7.1	5.1

The percentage of witnesses discharged without examination was highest in Buldana and Drug with 16.4 per cent while that of witnesses discharged on the fourth or subsequent days was highest at Bhandara with 9.4 per cent [6.6 per cent]. The failure to effect an improvement in this respect involves Government in a considerable and unnecessary expense.

11. Witnesses' Expenses.—The average amount of diet-money and travelling expenses paid to witnesses in 1936 and 1937 is given below :—

Year	Central Provinces	Berar	Central Provinces and Berar
	Rs. a. p.	Rs. a. p.	Rs. a. p.
1936 ..	1 6 11	1 3 6	1 6 1
1937 ..	1 6 10	1 5 7	1 6 7

12. Sessions Courts.—The number of cases disposed of by Sessions Courts decreased to 309 [324] the fall being shared by all divisions except West Berar. The percentage of convictions rose to 64.5 [58.4] and the average duration decreased to 53.8 [54.8]. Improvement in duration is noticeable in Nagpur 50.6 [59.9], East Berar 52.8 [58.3] and West Berar 54.0 [62.8]. The

higher duration in Jubbulpore 65.3 [53.9] is due to a single case which alone occupied 100 days. The Additional Sessions Judges disposed of 185 [181] cases being 60 per cent [56 per cent] of the whole. Two [1] cases, one from Drug and one from Damoh sub-division, were unnecessarily committed to the Court of Sessions.

13. **Trial by jury.**—The jury system was extended to the Nimar sessions division during the year. The number of cases tried by the aid of jurors increased in Central Provinces to 29 [19] but decreased in Berar to 26 [28]. The verdict of the jury was not accepted by the Courts of Sessions in two cases which were referred to the High Court under section 307, Criminal Procedure Code. Both these references were disposed of after the close of the year, the Jury's verdict of not guilty being set aside in both cases. The system is reported to be working satisfactorily.

D.—PUNISHMENTS

[Statement No. 36]

14. **Distribution of punishments.**—The following table compares the figures of various kinds of punishments awarded during the years 1936 and 1937:—

	1936	1937
Death	50	52
Transportation	91	96
Imprisonment (including imprisonment awarded in default of security for good behaviour.)	7,139	6,206
Fine	29,215	28,378
Whipping	854	787
Security taken	1,590	1,287
Persons dealt with under the Borstal Act	129	108

15. **Confirmation of death sentences.**—The cases of 77 [76] persons sentenced to death were referred to this Court for confirmation of the sentence and 9 [4] were pending from the previous year. Seventeen [7] sentences of death were set aside; 52 [50] were confirmed and 13 [13] were commuted to transportation or imprisonment. The cases of 4 [9] persons were pending at the close of the year. Forty-six [47] persons were executed during the year.

16. Previous conviction and solitary confinement.—

The number of persons liable to enhanced punishment under section 75, Indian Penal Code, further increased to 765 [687], the rise being notable in Hoshangabad 72 [53], Betul 22 [10], Drug 26 [11] and Buldana 48 [24]. Of these 31 [68] persons were ordered to suffer solitary confinement, 97 [19] to notify their residence to Police after release from jail and 8 [19] both to suffer solitary confinement and to notify their residence.

17. The number of cases in which sentences of imprisonment for 15 days and under was imposed, further decreased to 86 [119]. In the majority of such cases imprisonment was until the rising of the Court. No case is reported in which the short sentence was incorrectly imposed. Sentences of simple imprisonment decreased to 119 [158].

18. Fines.—The amount of fines imposed during the year decreased to Rs. 3,62,363 [Rs. 4,29,862] the number of persons fined to 28,378 [29,215] and the average amount of fine imposed to Rs. 12.8 [Rs. 14.7]. The average amount of fine imposed has been steadily decreasing and is less than half the figure for 1930. The percentage of realization increased to 78.7 [72.9] while Rs. 98,271 [Rs. 1,05,686] remained to be realized at the close of the year. Rs. 30,158 [Rs. 39,278] was written off as unrealizable during the year. The outstandings were heavy in Nagpur Rs. 22,504, Chhindwara Rs. 7,539, Amraoti Rs. 11,471 and Akola Rs. 7,021. The District Magistrate, Nagpur, ascribes the fall in realization to the prevailing adverse economic conditions. It appears from the figures that Magistrates have toned down the figures of fines generally instead of exercising discrimination in individual cases, as directed in Criminal Circular I-28.

19. Security proceedings.—1,287 [1,590] persons were ordered to give security under section 118, Criminal Procedure Code. 559 [726] failed to furnish the security required.

20. Adolescents and youthful offenders.—The number of boys sent to the Reformatory School decreased to 38 [55]. The number of adolescents sent to the Borstal Institution, Narsinghpur, fell to 92 [134] while the number of juveniles sentenced to whipping slightly rose to 145 [143]. The Borstal Act was applied in the cases of 108 [129] during the year.

Paid Probation Officers under the Central Provinces Probation of Offenders Act, 1936 (I of 1936), were appointed towards the end of the year at Akola and Nagpur. At the latter place six accused children were released and entrusted to the Probation Officers' care.

21. **First offenders.**—The number of persons released on probation of good conduct under section 562, Criminal Procedure Code, including 403 persons released after admonition under section 562 (I-A), *ibid*, slightly increased to 3,073 [3,047]. The powers are reported to have been used by the magistrates, generally, with discretion.

E.—APPELLATE AND REVISIONAL JURISDICTION

[Statement No. 34]

22. **High Court of Judicature at Nagpur.**—The number of convicted persons who appealed to the High Court was unchanged 339 [339]. The percentage of cases decided in which the findings of the lower Courts were maintained fell to 72.5 [74.5]. The cases of 1,111 [989] persons were dealt with in revision. In the cases of 11 [16] persons the sentences were enhanced and in the case of 310 [204] were reduced, modified or set aside. The average duration of appeals slightly increased to 38.3 [36.2] while that of revision further decreased to 40.9 [48.4].

23. **Appeals by Local Government.**—The Local Government appealed against the orders of acquittal in 22 [16] cases involving 36 [31] persons. The orders of the lower Courts were confirmed in 4 [3] cases and set aside or modified in 10 [9], 8 [3] cases involving 13 [4] persons were pending at the end of the year.

24. **Sessions Courts.**—The number of persons whose appeals were before the Courts of Sessions during the year decreased to 3,376 [3,912], the percentage of cases in which sentences remained unaltered further increasing to 70.9 [68.6]. The average duration of these appeals fell to 36.5 [37.4], being highest at Jubbulpore, 54.6 [36.8] and lowest at Nimar 17.4 [15.5]. The average duration of revisions in sessions Courts slightly decreased to 52.3 [52.7], the most notable variations being at Jubbulpore where it increased to 80.6 [55.0] and in Nimar where it decreased to 18.5 [27.8].

25. **Magistrates' Courts.**—The number of persons, whose appeals were before the Magistrates' Courts, decreased to 6,027 [6,457]. In 55.6 [57.6] per cent of the appeals disposed of the sentences remained unaltered.

F.—MISCELLANEOUS

26. **Village Panchayat Benches.**—During the year under report the number of Village Panchayat Benches increased to 946 [878]. The total number of cases for disposal before these Courts was 7,704 [6,642], involving 11,702 [10,537] persons. 6,916 [5,955], including 343 [269] cases pending over two months, were pending at the close of the year. 7,580 [7,041] persons were acquitted or discharged, 2,659 [2,289] were convicted, 206 [121] were the subject of reference, 32 [25] died or escaped and 1,225 [1,061] remained under trial at the close of the year.

27. **Inspections.**—Almost all subordinate Courts were inspected by the District Magistrates or Sub-Divisional Magistrates. A few Courts of Bench Magistrates were inspected by Sessions Judges.

28. The Sessions Judges inspected all the Criminal record-rooms and those at Balaghat, Bhandara, Damoh, Mandla, Drug, Amraoti and Yeotmal were also inspected by the Commissioners of the divisions. The District Magistrate, Hoshangabad, reports that there is insufficient accommodation in the Criminal record-room at Hoshangabad.

29. **Copying department.**—In almost all districts the Copying work is reported to be up-to-date and copies are delivered promptly. The proportion of copies, delivered on the first day after application, is above 90 in Balaghat, Jubbulpore, Bilaspur and Raipur districts, and elsewhere ranges from 48 to 90.

G. BURGESS,

Registrar,

High Court of Judicature at Nagpur.

NAGPUR :

The 13th July 1938.

PRESCRIBED STATEMENTS

FOR THE CALENDAR YEAR

1937

11:

STATEMENT No. 25 [Criminal].—SHOWING THE NUMBER OF JUDICIAL DIVISIONS, AND THE NUMBER OF OFFICERS EXERCISING APPELLATE OR ORIGINAL JURISDICTION IN THE CENTRAL PROVINCES AND BERAR ON THE 31ST DECEMBER 1937 (PARAGRAPH I)

Name of province (1)	Judges of Chief Court of province (2)	Number of Sessions Divisions (3)	Number of districts (4)	Sessions Judges (5)	Other Judges (6)	District Magistrates (7)	Other Magistrates		Remarks (10)		
							Stipendiary (8)	Honorary (9)			
Central Provinces (including Berar).	6	9	19	(a) 27	(b) 43	19	(c) 318	(d) 198 (e) 946	Grades of Judicial officers	Europeans	Indians
									Chief Justice ..	1	..
									Puisne Judges ..	3	.. 2
									Sessions Judges ..	3	6
									Additional Sessions Judges	1	17
									Magistrates, 1st Class ..	8	(f) 199
									Magistrates, 2nd Class ..	1	(g) 341
									Magistrates, 3rd Class ..	2	(h) 292
Total ..	19	857									

- (a) Includes 18 additional Sessions Judges. All the 27 do both Civil and Criminal work.
 (b) Invested with powers under section 30, Criminal Procedure Code.
 (c) 189 do both Civil and Criminal work.
 (d) 82 Honorary Magistrates sitting singly and 116 Benches.
 (e) Represents the number of Village Panchayat Benches.
 (f) Includes 38 Honorary Magistrates sitting singly and 11 members of Benches.
 (g) Includes 39 Honorary Magistrates sitting singly and 127 members of Benches.
 (h) Includes 5 Honorary Magistrates sitting singly and 243 members of Benches.

STATEMENT No. 26 [Criminal].—SHOWING THE NUMBER OF CRIMINAL CASES DECIDED IN THE COURTS IN THE CENTRAL PROVINCES AND BERAR FOR THE YEAR 1937

Name of province	Total number of Criminal cases decided				Remarks
	Original		Appellate		
	Regular	Miscellaneous	Regular	Miscellaneous	
(1)	(2)	(3)	(4)	(5)	(6)
Central Provinces (including Berar)	45,488	2,112	6,566	1,987	

AI STATEMENT No. 33.—SHOWING THE GENERAL RESULTS OF TRIALS OF CRIMINAL CASES IN THE TRIBUNALS OF VARIOUS CLASSES IN THE CENTRAL PROVINCES AND BERAR FOR THE YEAR 1937. (PARAGRAPHS 6 TO 13)

Class of Tribunal (1)	*Number of offences reported (2)	Number of persons under trial (3)	Persons whose cases were disposed of				Persons remaining under trial at the end of the year (8)	Remarks (9)
			Dis-charged or acquitted (4)	Convicted (5)	Com-mitted or referred (6)	Died, escaped or transferred to another province (7)		
<i>Subordinate Magistrates—</i>								
Special Magistrates under section 14, Criminal Procedure Code.		21	2	17	..	..	2	
Honorary Magistrates sitting singly ..		13,445	5,062	6,515	63	30	1,775	
Stipendiary Magistrates sitting singly ..		50,848	15,049	27,245	1,584	133	6,837	
Benches of Magistrates ..		17,633	10,311	3,477	12	29	3,804	
District and Sub-Divisional Magistrates' cases referred under sections 347 and 349, Criminal Procedure Code.	55,319	1,099	79	999	..	1	20	
Chief Magistrates of Districts ..		101	40	45	..	..	16	
Courts of Session ..		684	209	301	80	1	93	
Superior Courts ..		89	17	65	..	..	7	
Total ..	55,319	83,920	30,769	38,664	1,739	(a) 194	12,554	

*Includes offences brought forward from 1936 . Nine cases were wrongly shown as pending at the end of the year 1936.
(a) 144 persons died, 45 escaped, 5 dealt with under section 466, Criminal Procedure Code.

STATEMENT No. 34.—SHOWING THE GENERAL RESULTS OF APPEALS AND REVISIONS IN CRIMINAL CASES IN THE CENTRAL PROVINCES AND BERAR FOR THE YEAR 1937 (PARAGRAPHS 22 TO 25)

Class of Tribunal (1)	Number of persons								Remarks (10)
	Number of appellants and applicants for revision before the Courts (2)	Appeals or applications rejected (3)	Sentence or order confirmed (4)	Sentence altered (5)	Sentence reversed (6)	Otherwise disposed of (7)	Died, escaped or transferred to another province (8)	Pending trial (9)	
<i>Appeals to—</i>									
Chief Magistrates of districts ..	6,027	1,955	1,100	1,072	1,222	144	30	504	
Courts of Session ..	3,376	1,674	471	397	418	64	1	351	
<i>Superior Courts—</i>									
By persons convicted ..	362	118	104	43	41	..	..	56	
By Government from Judgments of acquittal. ..	36	2	3	17	..	1	..	13	
Total ..	9,801	3,749	1,678	1,529	1,681	209	31	924	
<i>Revisions by—</i>									
Chief Magistrates of districts ..	(a) 1,635	1,114	..	..	37	379	..	105	
Courts of Session ..	(b) 2,131	1,492	..	..	1	350	11	277	
Superior Courts ..	(c) 1,243	789	..	55	131	135	1	132	
Total ..	5,009	3,395	..	55	169	864	12	514	
Grand Total ..	14,810	7,144	1,678	1,584	1,850	1,073	43	1,438	

(a) Includes 1,469 accused persons whose cases were called for in revision on 585 applications of complainants.

(b) Includes 693 accused persons whose cases were called for in revision on 301 applications of complainants.

(c) Includes 217 accused persons whose cases were called for in revision on 78 applications of complainants and 246 accused persons against whom Government took action.

STATEMENT No. 35.—SHOWING THE NATURE OF OFFENCES REPORTED AND THE NUMBER OF PERSONS TRIED CONVICTED AND ACQUITTED OF EACH CLASS OF OFFENCE IN THE CENTRAL PROVINCES AND BERAR FOR THE YEAR 1937. (PARAGRAPHS 2 TO 5)

Description of offences (1)	Number of cases			Number of persons					Remarks (10)
	*Offences reported (2)	*Returned as true (3)	Brought to trial (4)	Under trial including pending from previous year (5)	Acquitted or discharged (6)	Convicted (7)	Died, escaped or transferred to another province (8)	Remaining under trial (9)	
Abetting commission of offence by the public or by more than ten persons, Chapter V, Indian Penal Code, section 117.	2	2	2	35	133	30	1,77	321	35
Criminal Conspiracy, Chapter V (A) of the Indian Penal Code, section 120-B.	3	2	1	16	3	8	..	8	8
Offences against the State, Chapter VI of the Indian Penal Code.	4	4	4	4	4	..	..	..	..
Offences relating to the Army and Navy, Chapter VII.	..	..	..	..	..	..	..	..	..
Offences against the public tranquillity, Chapter VIII.	705	483	452	4,006	1,550	1,307	14	1,135	..
Offences by or relating to public servants, Chapter IX.	47	36	38	70	32	31	..	7	..
Contempts of the lawful authority of public servants, Chapter X.	251	219	204	508	261	198	1	48	..
False evidence and offences against public justice, Chapter XI.	390	277	270	433	138	180	3	112	..
Offences relating to—	..	..	..	..	..	..	..	..	..
Coin, Chapter XII	34	28	29	56	6	41	..	9	..
Government Stamps, Chapter XII	8	8	6	9	1	8	..	..	..
Offences relating to weights and measures, Chapter XIII	160	137	140	178	42	116	..	20	..
Offences affecting the public health, safety, convenience, decency and morals, Chapter XIV.	863	813	801	984	112	817	1	54	..
Offences relating to religion, Chapter XV	21	11	16	44	12	11	..	21	..

Offences affecting the human body, Chapter XVI—								
Offences affecting life	714	633	620	1,029	293	499	10	227
Causing miscarriage, injuries to unborn children, exposure of infants and the concealment of births.	28	22	19	51	23	21	1	6
Hurt	7,645	5,697	5,254	15,063	9,237	2,917	18	2,891
Wrongful restraint and wrongful confinement	214	156	142	483	241	113	3	126
Criminal force and assault	1,868	1,283	1,312	3,190	1,898	643	7	642
Kidnapping, forcible abduction, slavery and forced labour.	147	94	99	292	119	101	1	71
Rape	121	97	92	138	45	68	1	24
Unnatural offences	37	33	31	41	11	26	..	4
Offences against property, Chapter XVII—								
Theft	4,942	4,233	4,172	6,789	1,404	4,374	17	994
Extortion	56	34	38	118	35	28	..	55
Robbery and dacoity	145	99	96	337	137	103	..	97
Criminal misappropriation of property	132	103	104	156	62	60	..	34
Criminal breach of trust	812	618	612	949	270	484	5	190
Receiving of stolen property	157	135	125	208	48	136	1	23
Cheating	862	613	572	1,076	368	447	6	255
Fraudulent deeds and dispositions of property	8	7	6	14	14	..	..	..
Mischief	510	332	330	1,079	619	175	4	281
Criminal trespass	3,781	2,968	2,945	6,895	3,069	2,560	20	1,246
Offences relating to documents and to trade or property marks, Chapter XVIII.	83	35	38	108	37	17	..	54
Criminal breach of contracts of service, Chapter XIX	..	766	699	1,710	1,173	153	7	377
Offences relating to marriage, Chapter XX	1,114	582	502	1,520	962	140	3	415
Defamation, Chapter XXI	910	363	341	1,000	678	123	..	199
Criminal intimidation, insult and annoyance, Chapter XXII.	530	363	341	1,000	678	123	..	199
Offences under special and local laws	28,015	23,484	22,523	33,592	7,868	22,759	71	2,894
Total	55,319	44,405	42,635	82,181	30,769	38,664	(a) 194	12,554

*This includes 8,125 pending cases brought forward from 1936. Nine cases were wrongly shown as pending during the last year.
(a) 144 persons died, 45 escaped, 5 dealt with under section 466, Criminal Procedure Code.

**STATEMENT No. 36.—SHOWING THE PUNISHMENTS INFLICTED BY THE
FOR THE YEAR 1937**

Class of Tribunal (1)	Number of persons executed (2)	Death (3)	Number of persons				
			Transportation or penal servitude (4)	Imprisonment (5)	Fine or forfeiture (6)	Whipping (7)	Give security (8)
<i>Subordinate Magistrates—</i>							
Special Magistrates under section 14, Criminal Procedure Code.	..	..	..	..	17	..	..
Honorary Magistrates sitting singly.	..	..	..	365	5,872	33	2
Stipendiary Magistrates sitting singly.	..	..	..	5,433	18,865	514	1,267
Benches of Magistrates ..	..	..	..	26	3,417	..	..
District and Sub-Divisional Magistrates' cases referred under section 349, Criminal Procedure Code.	..	..	..	214	103	238	..
Chief Magistrates of district	..	..	..	2	43	..	..
Courts of Session ..	..	..	84	165	61	2	18
Superior Courts ..	46	52	12	1	..	..	..
Total ..	46	52	96	6,206	28,378	787	1,287

NOTES—(1) 64 persons were ordered under section 106, Criminal Procedure Code, to
(2) Six persons were sentenced to no penalty.

VARIOUS CRIMINAL TRIBUNALS IN THE CENTRAL PROVINCES AND BERAR
(PARAGRAPHS 14 to 21)

sentenced to		Total amount of fines			Number of persons sentenced to imprisonment of				Remarks (18)		
Fine of		Im- posed	Re- alized	Paid as Com- pen- sation	Fifteen days and under	Above 15 days to six months	Above six months to two years	Above two years			
Rs. 10 and under	Over Rs. 10									(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)
		Rs.	Rs.	Rs.							
12	5	114	124	..	..	..	..	..
5,121	751	35,979	27,500	1,269	13	295	57	..			
13,097	5,768	2,85,706	2,30,658	12,894	63	3,738	1,416	216			
2,843	574	26,254	20,803	1,526	4	21	1	..			
22	81	2,210	1,857	..	6	151	55	2			
25	18	627	1,032	12	..	..	..	2			
7	54	11,473	3,328	50	..	20	46	99			
..	..	..	..	..	..	..	..	1			
21,127	7,251	3,62,363	2,85,302	15,751	86	4,225	1,575	320			

give security to keep the peace on conviction of offences involving a breach of the peace.