



REPORT
ON THE
JUDICIAL ADMINISTRATION
(CRIMINAL)
IN THE
CENTRAL PROVINCES & BERAR
FOR THE
CALENDAR YEAR 1938

NAGPUR
GOVERNMENT PRINTING, C. P. & BERAR
1939

**Agents for the sale of Publications issued by the Government of the
Central Provinces and Berar**

[NOTE.—Appointments of all official Agents in the United Kingdom and on the Continent for the Sale of Government Publications have been terminated with effect from the 1st April 1925. All publications in future are obtainable either direct from the High Commissioner for India, India House, Aldwych, London, W.C. 2, or through any bookseller.]

INDIA

AKOLA

The Proprietor, Shri Ramdas Stores,
Tajnapeth.

ALLAHABAD

Mr. Ram Narain Lal, Publisher, etc.,
1, Bank Road.
The Superintendent, Nazair Kanun Hind
Press.

AMRAOTI

Thakur & Co., Ltd., Booksellers.

BARODA

Mr. M. C. Kothari, Bookseller & Publisher,
Raopura Road.

BHANDARA

S. S. Dharashivkar, Esq., Opposite Municipal
Water Reservoir.

BILASPUR

Mr. M. A. Subhan, Bookseller & Publisher

BOMBAY

D. B. Taraporevala, Sons & Co., Treasure
House of Books, Taj Building, 210,
Hornby Road, Fort.
Radhabai Atmaram Sagoon.
Sunder Pandurang, 25, Kalbadevi Road.
Thacker & Co., Ltd.
The Proprietors, New Book Co.

CALCUTTA

The Book Company, 4/4-A, College Street.
Butterworth & Co. (India), Ltd., Avenue
House, Post Box No. 251.
The Indian School Supply Depot.
M. C. Sircar & Sons, 75, Harrison Road.
Newman & Co.
R. Cambray & Co.
S. K. Lahiri & Co.
Thacker, Spink & Co.

CAWNPORE

The Manager, Sampson William & Co.,
127-B, The Mall.

CHHINDWARA

The Proprietor, Verma Book Depot.

COOCH BEHAR :

Babu S. C. Taluqdar, Proprietor, Students
& Co.

DELHI

The Oxford Book & Stationery Co.
R. S. Tomara & Sons, Opposite Fort Gate.

JODHPUR

Messrs B. S. Mathur & Co., Chaturvilas,
Paota, Civil Lines, Jodhpur (Rajputana).

JUBEULPORE

The Manager, Educational Book Depot.
The Proprietor, Nerbudda Book Depot,
The Manager, Bhargava Book Co., Pub-
lisher, Booksellers & Stationers.
Radhamohan, Esq., Proprietor, Shyam
Stationery Mart, Andherdeo.

KARACHI

The Standard Bookstall.

KHAMGAON :

Sakalkale Typewriting Institute.

LAHORE

The Punjab Sanskrit Book Depot.
Rai Sahib M. Gulab Singh & Sons.
Messrs. Careers & Co., Moheni Road.

LUCKNOW

The Proprietor, Newal Kishore Press.
The Upper India Publishing House, Ltd.
41, Aminabad Park.

MADRAS

Higginbotham & Co.
S. Murthy & Co., Post Box No. 152.
The Proprietor, The City Book Co., Post
Box No. 283.

NAGPUR

Aidan Binzani, Proprietors, Karmavi
Book Depot, Mahal.
Chiney & Sons, Dhantoli.
G. G. Khot & Sons, Sitabuldi.
Messrs. Shastry & Sons, Walker Road.
The Manager, Educational Book Depot.
The Manager, "The Hitwada".
The Proprietors, Bhisey Brothers, Book-
sellers & Publishers.
Mr. D. M. Dhimal, Proprietor, Provincial
Book Binding Works.
The Manager, Nagpur Law Journal,
Central Law House, Tulsi Bag Road,
Mahal.
Neston Jacques & Co., Kamptee Road.

PATNA

The Patna Law Press Co.
Laxmi Trading Co., Padri-ki-Haveli,
Patna City.

PESHAWAR CANTONMENT

Faqirchand Marwah, Bookseller.

POONA

The Manager, International Book Service,
Deccan Gymkhana Colony.

RAIPUR

The Proprietor, Chaube Printing Works.

RANGOON

The Superintendent, American Baptist
Mission Press.

VELLORE

A. Venkatasubban, Law Bookseller.

YEOTMAL

V. N. Saraswat.
Mr. M. G. Bakshi, Law Books Agent.

TABLE OF CONTENTS

	PARA.	PAGE
A.—TRIBUNALS		
Strength of magistracy ..	1	1
B.—OFFENCES REPORTED		
Offences reported ..	2	1
Offences under the Indian Penal Code ..	3	1
Offences against Special and Local Laws ..	4	2
Complaints dismissed and complainants fined	5	2 and 3
C.—ORIGINAL JURISDICTION		
Distribution of work ..	6	3
Summary trials ..	7	3
Percentage of convictions ..	8	3 and 4
Durations ..	9	4
Witnesses ..	10	4
Witnesses' expenses ..	11	4
Sessions Courts ..	12	5
Trial by Jury ..	13	5
D.—PUNISHMENTS		
Distribution of punishments ..	14	5
Confirmation of death sentences ..	15	5 and 6
Previous conviction and solitary confinement	16	6
Short term of imprisonment and sentences of simple imprisonment.	17	6
Fines imposed and realized by Courts ..	18	6
Security proceedings ..	19	6
Adolescents and youthful offenders ..	20	6 and 7
First offenders ..	21	7
E.—APPELLATE AND REVISIONAL JURISDICTION		
Appeals and Revisions before High Court ..	22	7
Appeals by Provincial Government before High Court.	23	7
Appeals and Revisions before Sessions Courts	24	8
Appeals and Revisions before Magistrates' Courts.	25	8

	PARA.	PAGE
F.—MISCELLANEOUS		
Village Panchayat Benches ..	26	8
Inspections ..	27	8
Record-rooms ..	28	8 and 9
Copying Department ..	29	9

APPENDICES

PRESCRIBED STATEMENTS

No. 25.—Tribunals ..	..	ii
No. 26.—Criminal cases decided ..	..	iii
No. 33.—Trials ..	..	iv
No. 34.—Appeals and Revisions ..	..	v
No. 35.—Offences and persons ..	..	vi & vii
No. 36.—Punishments ..	..	viii & ix

REPORT ON THE JUDICIAL ADMINISTRATION (CRIMINAL) FOR THE CALENDAR YEAR 1938

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

A.—TRIBUNALS

There was no change in the strength of the High Court of Judicature and in the number of Sessions Judges. The number of additional Sessions Judges increased to 21 [18] as the Additional District Judges at Chanda, Damoh and Seoni were invested with sessions powers during the year. A radical change was the abolition of all courts of honorary magistrates in the province which caused a decline in the strength of the magistracy to 391 [843], resulting in considerable congestion. 171 [207], 181 [342] and 42 [294] magistrates exercised first, second and third class powers respectively. Of the first class magistrates 49 [43] exercised special powers under section 30 of the Code of Criminal Procedure. The number of Subordinate Judges exercising magisterial powers fell to 65 [73]. Eighty-four [84] Tahsildars and 108 [104] Naib-Tahsildars exercised magisterial powers. Only 6 [463] honorary magistrates authorised to sit singly were working at the end of the year, five exercising second class and one third class powers respectively. To remove the congestion caused by the closure of the courts of honorary magistrates, all Subordinate Judges were detained on duty during the civil court vacation.

B.—OFFENCES REPORTED

2. The total number of offences reported during the year rose to 50,315 [47,194]. Offences under the Indian Penal Code fell to 21,767 [23,221] while those under the special and local laws increased to 28,548 [23,973].

3. Offences under the Indian Penal Code.—The fall in offences was noticeable under several heads, the principal decrease being in cases affecting public health, safety, convenience, decency and morals to 536 [814], hurt 5,644 [6,384], criminal force or assault 1,169 [1,578], and criminal intimidation, insult and annoyance 292 [452]. There is, however, a rise under contempt of lawful authority of public servants 325 [201], theft 4,635 [4,420] and criminal trespass 3,333 [3,293]. The small variations under other heads need no mention.

4. Offences against special and local laws.—The sub-joined table shows variations under the more important of the special and local laws :—

	1937	1938
Offences under the Excise Act ..	2,680	3,115
Offences under the Municipalities Act ..	5,989	7,660
Offences under the Primary Education Act ..	1,339	1,123
Offences under the Forest Act ..	474	374
Offences under the Motor Vehicles Act ..	3,211	4,082
Offences under the Police Act ..	3,554	4,015
Offences under the Railways Act ..	883	1,179
Offences under the Hackney Carriage Act ..	683	982
Offences under the Vaccination Act ..	296	461

The marked increase in the cases under the Excise, Municipalities, Motor Vehicles, Police, Railways and Hackney Carriage Acts is due to the more vigorous action taken by the officers of the departments concerned. The rise under the Vaccination Act indicates general reluctance on the part of persons of the backward classes to get vaccinated. The drop in the cases under the Forest Act and the Primary Education Act is ascribed to deterrent action in the past and greater facilities given to villagers during the year. The number of cases under the Central Provinces and Berar Prohibition Act, 77, is noticeable.

5. Complaints dismissed and complainants fined.—During the year under report 2,208 [1,813] complaints were dismissed under section 203 of the Code of Criminal Procedure, the rise being marked in Saugor, 216 [128]; Hoshangabad, 122 [59]; Betul, 103 [43]; and Amraoti, 168 [58]. The percentage of such dismissals to the complaints filed rose to 10.5 [8.4]. As a result of continued emphasis there is an increasing recognition by magistrates of the usefulness of this important provision of law. There is still room for improvement. The Hon'ble the Chief Justice believes that stipendiaries are fully aware of this section and on the whole make use of it in suitable cases, but timidity and misplaced conscientiousness still hamper them too much. They have a duty to discourage frivolous complaints. Timely vigilance by District and Sub-Divisional Magistrates could improve matters considerably.

Ninety-one [105] complainants were ordered to pay Rs. 2,336 [Rs. 1,782] as compensation to 245 [224] accused persons under section 250 of the Code of Criminal

Procedure. Miscellaneous proceedings under the Code rose to 5,713 [3,630], the rise being most noticeable in other cases, 4,350 [2,112], under the Code.

C.—ORIGINAL JURISDICTION

6. Distribution of work.—There were 709 [684] persons under trial in the Sessions courts and 47 [101] in the District Magistrates' courts. The percentage of cases disposed of by the magistrates of various classes varied as shown below :—

[Statement
No. 33]

	1937	1938
District Magistrates ..	0·1	..
Stipendiary Magistrates ..	64·8	95·1*
Honorary Magistrates ..	35·1	4·9
Special Magistrates ..	..	..

*The heavy increase of work thrown on the stipendiaries owing to the abolition of honorary magistrates accounts for the rise of this percentage.

7. Summary trials.—15,869 [12,714] or 33·3 [28·2] per cent of the total number of cases disposed of were tried summarily. The increased percentage is the result of investing several magistrates with summary powers and trying more cases under the special and local laws by summary procedure. This was made necessary by the situation arising out of the closure of the courts of honorary magistrates. In some districts there is still room for the exercise of these powers in order to dispose of petty cases expeditiously.

8. Percentage of convictions.—The percentage of accused persons convicted during the year increased slightly to 57·7 [55·7]. The variations in the percentages of convictions of various classes of crimes are given below :—

Name of offences	1937		1938	
	Total convictions	Percentage	Total convictions	Percentage
Hurt ..	2,917	24·0	2,460	23·3
Criminal force or assault ..	643	25·3	603	27·3
Other offences under the Indian Penal Code.	12,345	51·2	12,172	54·1
Offences under Special and Local Laws.	22,759	74·3	25,463	72·2
All offences ..	38,664	55·7	40,698	57·7

The percentage was highest in Nagpur, 74.1, [73.7], and lowest in Hoshangabad, 46.2 [46.9]. In Saugor and Drug it was below 50 per cent. The percentage of acquittals and discharges, however, decreased to 42.3 [44.3].

9. Durations.—With the increase in the number of magisterial cases of all kinds to 47,600 [45,097], the average duration rose to 42.9 [41.1]. The duration was highest in Bilaspur, 70.4 [56.6], and lowest in Amraoti 25.8 [27.0]. In Crown cases the duration was particularly high in Hoshangabad, 56.0 [55.5], and in complaint cases it was abnormally high in Nagpur, 87.9 [51.7], and Bilaspur, 94.4 [66.8]. The increased duration is reported to be due to the additional strain imposed on magistrates by the abolition of the courts of honorary magistrates and the frequent transfer of cases and unavoidable touring of stipendiary magistrates. Efforts should be made to secure a quicker disposal of cases.

10. Witnesses.—The number of persons attending magisterial courts as witnesses further decreased to 142,756 [148,614], of whom 15,529 [17,202] were discharged without examination. The subjoined table shows that there is some improvement in the length of detentions :—

Year	Discharged with examination	Discharged			
		On 1st day	On 2nd day	On 3rd day	On 4th day
1937 ..	11.5	67.1	19.9	7.1	5.1
1938 ..	10.9	69.8	18.9	6.5	4.9

The highest percentage of witnesses discharged without examination was noticed in Drug, 17.7 [16.3], and that of witnesses discharged on the fourth and subsequent days was highest in Bilaspur, 8.8 [7.8]. It appears that rule 3 of Criminal Circular I-11 is not properly followed by some magistrates. The attention of District Magistrates is drawn to this.

11. Witnesses' expenses.—The average amount of diet-money and travelling expenses paid to witnesses in the years 1937 and 1938 is compared below :—

Year	Central Provinces		Berar		Central Provinces and Berar	
	Rs.	a. p.	Rs.	a. p.	Rs.	a. p.
1937 ..	1	6 10	1	5 7	1	6 7
1938	1	7 2	1	4 8	1	6 7

12. **Sessions Courts.**—During the year 286 [309] cases were disposed of by the Sessions courts, of which 182 [185] cases or 64 [60] per cent of the whole were disposed of by Additional Sessions Judges. The fall was shared by Wardha, 10 [17]; Jubbulpore, 56 [68]; Nimar, 10 [13]; Raipur, 33 [39]; and East Berar, 36 [46]. The percentage of convictions for the province as a whole slightly decreased to 62.7 [64.5], and the average duration fell to 50.5 [53.8]. Improvement in duration is marked in all the divisions except Nagpur, 59.0 [50.6]; Nimar, 48.6 [41.8]; and West Berar, 57.0 [54.0]. In Jubbulpore division, in spite of the trial of a second jury case (transferred from Hoshangabad) which lasted for 661 days, the average duration decreased to 59.0 [65.3]. No case was unwarrantedly committed to the Court of Sessions during the year.

13. **Trial by Jury.**—The number of cases tried by jury was 33 [29] in the Central Provinces and 36 [26] in Berar. The verdict of the jury was not accepted by the Sessions Courts in 11 [2] cases which were referred to this court under the provisions of section 307 of the Code of Criminal Procedure. Seven references were disposed of during the year and 4 [2] were pending at the close of the year.

D.—PUNISHMENTS

14. **Distribution of punishments.**—The figures for several kinds of punishments awarded during the years 1937 and 1938 are compared below:—

	1937	1938
Death ..	52	42
Transportation ..	96	94
Imprisonment (including imprisonment awarded in default of security for good behaviour).	6,206	6,027
Fines ..	28,378	30,214
Whipping ..	787	749
Security taken ..	1,287	1,178
Persons dealt with under the Borstal Act	108	115

15. **Confirmation of death sentence.**—The cases of 53 [77] persons sentenced to death were referred to this court for confirmation of sentence. The cases of 4 [9] persons were pending from previous year. Forty-two

[52] sentences of death were confirmed, 5 [17] set aside and 9 [13] were reduced to transportation for life or imprisonment. The case of 1 [4] person remained pending at the close of the year. Thirty-four [46] persons were executed during the year.

16. Previous conviction and solitary confinement.—The number of persons convicted of offences under Chapter XII or XVII and liable to enhanced punishment under section 75 of the Indian Penal Code was 782 [765]. Of these 6 [31] were ordered to suffer solitary confinement and 109 [97] to notify their residence to the police after release from jail.

17. During the year short-term imprisonments for 15 days and under numbered 78 [86]. A large majority were technical imprisonments till the rising of the court in addition to substantial fines. No cases came to notice in which a short sentence was incorrectly imposed. The number of persons sentenced to simple imprisonment increased from 119 to 149.

18. Fines.—The total amount of fines imposed during the year further decreased to Rs. 3,52,665 [Rs. 3,62,363] but the number of persons fined rose to 30,214 [28,378]. The average amount of fines imposed further fell to 11.7 [12.8]. The percentage of realization decreased to 60.7 [78.7]. Rs. 86,657 [Rs. 98,271] remained to be realized. Rs. 37,519 [Rs. 30,158] or nearly one-ninth of the total amount imposed was written off as unrealizable. The outstandings were heavy in Nagpur, Rs. 21,408 [Rs. 22,504]; Chhindwara, Rs. 6,538 [Rs. 7,539]; and Amraoti, Rs. 5,933 [Rs. 11,471]. The same reason as in last year's report (prevailing adverse economic conditions) has been assigned by the District Magistrate, Nagpur, for the non-realization of heavy outstandings in his district. It is reported that efforts are being made to realize the balance.

19. Security Proceedings.—The number of persons ordered to give security under section 118 of the Code of Criminal Procedure fell to 1,178 [1,287], of whom 465 [559] failed to comply with the orders.

20. Adolescents and youthful offenders.—Fifty-one [38] boys were sent to the Reformatory School. The number of adolescents sent to the Borstal Institution, Narsinghpur, fell to 90 [92], while the number of juveniles sentenced to whipping rose to 172 [145]. The

Borstal Act was applied in the cases of 115 [108] persons during the year. Magistrates at Nagpur are reported to have exercised good discretion in the cases of children sent to the Reformatory School and adolescents sent to the Borstal Institution. At Amraoti the trials of juveniles and adolescents have been handed over to a single stipendiary so that better care may be paid to their interests.

The Central Provinces Probation of Offenders Act, 1936 (C. P. Act I of 1936), has, so far, been applied in Nagpur, Jubbulpore, Raipur, Amraoti, Yeotmal and Akola districts. Eighty-six minor offenders were released on probation. Fifteen part-time paid probation officers were appointed during the year and 50 minor offenders were handed over to their care. At Akola a probation officer secured employment for three offenders after their discharge from his care.

21. **First Offenders.**—3,323 [3,073] persons were released on probation of good conduct under section 562 of the Code of Criminal Procedure, of whom 727 [92] were dealt with under section 562 (I-A) *ibid.* The powers under these sections are reported to be judiciously exercised by magistrates.

E.—APPELLATE AND REVISIONAL JURISDICTION

22. **High Court of Judicature at Nagpur.**—The number of convicted persons who appealed to this court decreased to 330 [339]. In 79.2 [72.5] per cent of the cases decided the finding of the lower court was maintained. The cases of 1,163 [1,111] persons were dealt with by this court in revision. In the cases of 17 [11] persons the sentences were enhanced and in 352 [310] they were either reduced, modified or set aside. The average durations of appeals and revisions increased to 40.8 [38.3] and 43.5 [40.9], respectively. [Statement No. 34]

23. **Appeals by Provincial Government.**—There were before this court 21 [22] cases involving 38 [36] persons in which the Provincial Government appealed. The orders of the lower courts were confirmed in 7 [4] and set aside or modified in 11 [10] cases. Three [8] cases involving 3 [13] persons remained pending at the close of the year.

24. **Sessions Courts.**—The number of persons whose appeals were before the Sessions courts during the year under report was 3,351 [3,376]. In 2,226 [2,145] or 71.3 [70.9] per cent of the cases disposed of the sentences remained unaltered. The average duration of appeals fell to 35.6 [36.5]. It was highest in Nagpur, 61.8 [50.3], and lowest in Chhindwara, 16.2 [22.5]. The average duration of revisions in Sessions courts rose to 53.1 [52.3], the highest being in Nagpur, 73.5 [66.9], and the lowest in Nimar, 27.9 [18.5]. The Hon'ble the Chief Justice considers that a prompt disposal of jail appeals and revisions is possible: it is not always necessary to hear both sides.

25. **Magistrates' Courts.**—The appeals of 5,488 [6,027] persons came before magistrates' courts, and in 54.5 [55.6] per cent of the appeals disposed of the sentences remained unaltered.

F.—MISCELLANEOUS

26. **Village Panchayat Benches.**—The number of Village Panchayat Benches has further increased during the year to 976 [946]. There were 7,140 [7,704] cases involving 10,774 [11,702] persons for disposal before these courts. 6,308 [6,916] cases were disposed of, leaving a balance of 832 [788] cases including 310 [343] cases pending over two months at the close of the year. 6,781 [7,580] persons were either acquitted or discharged, 2,407 [2,659] convicted, 41 [206] were the subject of reference, 174 [32] died or escaped, and 1,371 [1,225] remained under trial at the close of the year.

27. **Inspections.**—District Magistrates inspected 103 courts of Sub-Divisional Magistrates and first class magistrates out of 152 courts. Inspections were particularly inadequate in Nagpur, Chanda, Jubbulpore, and Akola. The District Magistrate, Wardha, did not record inspection notes of 10 out of 12 courts inspected by him. His attention was drawn to rule 4 of Criminal Circular IV-21. Regular inspection of courts is necessary for good administration and District Magistrates should devote more time during the current year to this important duty.

28. All the criminal record rooms at district headquarters were inspected by Sessions Judges. The record rooms at Bhandara, Betul, Bilaspur and Drug

were also inspected by the Commissioners of the divisions. The elimination of records is reported to be up-to-date. Sufficient space is available everywhere except at Hoshangabad.

29. Copying work.—Copying work is reported to be up-to-date in all the districts and copies are promptly delivered. In Jubbulpore, Balaghat, Raipur, Bilaspur and Drug the proportion of copies delivered on the first day after application is above 90 while in others it ranges from 63 to 89. The District Magistrate, Saugor, reports that copying work was dislocated by the rush of applications for copies in Debt Conciliation Board cases.

E. A. A. SNELSON,

Registrar,

High Court of Judicature at Nagpur.

NAGPUR:

The 6th July 1939.

PRESCRIBED STATEMENTS

FOR THE CALENDAR YEAR

1938

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 1938 (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).	6	9	19	30 (a)	49 (b)	19	320 (c)	6 (d) 976 (e)	Grades of Judicial officers	Euro-peans	Indians
									Chief Justice	1	...
									Puisne Judges	3	2
									Sessions Judges	3	6
									Additional Sessions Judges	...	21
									Magistrates, 1st Class	6	165
									Magistrates, 2nd Class	3	(f) 178
									Magistrates, 3rd Class	3	(g) 39
									Total	19	411

- (a) Includes 21 Additional Sessions Judges. All the 30 do both Civil and Criminal work.
 (b) Invested with powers under section 30, Criminal Procedure Code.
 (c) 186 do both Civil and Criminal work.
 (d) 6 Honorary Magistrates sitting singly.
 (e) Represents the number of Village Panchayat Benches.
 (f) Includes 5 Honorary Magistrates sitting singly.
 (g) Includes 1 Honorary Magistrate sitting singly.

**STATEMENT No. 26 [Criminal].—SHOWING THE NUMBER OF CRIMINAL CASES DECIDED IN THE COURTS IN THE
CENTRAL PROVINCES AND BERAR FOR THE YEAR 1938**

Name of province	Total number of Criminal cases decided				Remarks
	Original		Appellate		
	Regular	Miscel- laneous	Regular	Miscel- laneous	
(1)	(2)	(3)	(4)	(5)	(6)
Central Provinces (including Berar)	47,949	4,350	6,276	2,288	

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 1938 (PARAGRAPHS 6 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
			Discharged or acquitted	Convicted	Committed or referred	Died, escaped or transferred to another province		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
<i>Subordinate Magistrates—</i>								
Special Magistrates under section 14, Criminal Procedure Code.	58,917	24	7	5	...	...	12	
Honorary Magistrates sitting singly ..		2,287	1,085	1,096	31	7	68	
Stipendiary Magistrates sitting singly ..		77,716	27,212	37,826	1,778	235	10,665	
Benches of Magistrates ..		1,466	1,113	349	3	1	...	
District and Sub-Divisional Magistrates' cases referred under sections 347 and 349, Criminal Procedure Code.		1,217	140	1,044	...	4	23	
Chief Magistrates of Districts ..		47	17	18	...	...	12	
Courts of Session ..		709	221	303	71	1	113	
Superior Courts ..		74	8	57	...	...	9	
Total ..	58,917	83,540	29,803	40,698	1,883	(a) 248	10,908	

*Includes offences brought forward from 1937. Thirty-one cases were wrongly shown as pending at the end of the year 1937.

**STATEMENT No. 34.—SHOWING THE GENERAL RESULTS OF APPEALS AND REVISIONS IN CRIMINAL CASES IN THE
CENTRAL PROVINCES AND BERAR FOR THE YEAR 1938 (PARAGRAPHS 22 TO 25)**

Class of Tribunal	Number of persons								Remarks
	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	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
<i>Appeals to—</i>									
Chief Magistrates of districts ..	5,488	2,022	774	1,012	1,150	107	60	363	
Courts of Session ..	3,351	1,592	634	445	386	46	20	228	
<i>Superior Courts—</i>									
By persons convicted ..	386	165	120	31	43	1		26	
By Government from Judgments of acquittal ..	38	3	18	2	11	1		3	
Total ..	9,263	3,782	1,546	1,490	1,590	155	80	620	
<i>Revisions by—</i>									
Chief Magistrates of districts ..	(a) 2,134	1,407	..	..	60	505	2	160	
Courts of Session ..	(b) 2,185	1,593	..	..	..	297	..	295	
Superior Courts ..	(c) 1,288	794	..	70	167	132	..	125	
Total ..	5,607	3,794	..	70	227	934	2	580	
Grand total ..	14,870	7,576	1,546	1,560	1,817	1,089	82	1,200	

(a) Includes 1,890 accused persons whose cases were called for in revision on 767 applications of complainants.

(b) Includes 909 accused persons whose cases were called for in revision on 423 applications of complainants.

(c) Includes 164 accused persons whose cases were called for in revision on 70 applications of complainants and 250 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 1938 (PARAGRAPHS 2 to 5)

Description of offences	Number of cases			Number of persons					Remarks
	*Offences reported	*Returned as true	Brought to trial	Under trial including pending from previous year	Acquitted or discharged	Convicted	Died, escaped or transferred to another province	Remaining under trial	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Abetting commission of offence by the public or by more than ten persons, Chapter V, Indian Penal Code, section 117.	5	5	4	57	..	57	..	..
Criminal Conspiracy, Chapter V (A) of the Indian Penal Code, section 120-B.	1	1	..	28	7	7	..	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 ..	584	373	329	3,471	1,359	1,082	13	1,017	
Offences by or relating to public servants, Chapter IX ..	53	38	46	59	12	33	..	14	
Contempts of the lawful authority of public servants, Chapter X.	350	306	308	434	118	263	1	52	
False evidence and offences against public justice, Chapter XI.	311	214	207	349	121	142	4	82	
Offences relating to—									
Coin, Chapter XII ..	42	39	36	55	10	38	..	7	
Government Stamps, Chapter XII ..	5	4	5	7	4	2	..	1	
Offences relating to weights and measures, Chapter XIII	170	141	150	201	61	111	..	29	
Offences affecting the public health, safety, convenience decency and morals, Chapter XIV.	583	537	523	649	106	496	1	46	
Offences relating to religion, Chapter XV ..	17	12	8	26	15	10	..	1	

Offences affecting the human body, Chapter XVI—								
Offences affecting life ..	699	614	616	982	285	468	12	217
Causing miscarriage, injuries to unborn children, exposure of infants and the concealment of births. ..	39	35	33	58	16	37	...	5
Hurt ..	6,862	5,010	4,640	12,726	8,075	2,460	22	2,169
Wrongful restraint and wrongful confinement ..	223	162	145	520	304	102	1	113
Criminal force and assault ..	1,496	1,073	998	2,560	1,608	603	5	344
Kidnapping, forcible abduction, slavery and forced labour. ..	131	94	94	287	126	96	2	63
Rape ..	124	93	95	159	49	74	1	35
Unnatural offences ..	41	35	35	42	10	27	..	5
Offences against property, Chapter XVII—								
Theft ..	5,208	4,495	4,409	7,162	1,599	4,551	19	993
Extortion ..	54	38	27	120	75	22	..	23
Robbery and dacoity ..	170	96	107	404	157	153	1	93
Criminal misappropriation of property ..	115	96	91	150	65	63	...	22
Criminal breach of trust ..	836	610	572	895	232	452	10	201
Receiving of stolen property ..	133	120	110	186	39	133	...	14
Cheating ..	854	638	595	1,047	470	381	4	192
Fraudulent deeds and dispositions of property ..	3	2	2	3	3	...	...	...
Mischief ..	508	365	324	932	601	192	4	135
Criminal trespass ..	3,883	3,048	3,009	6,459	2,545	2,770	18	1,126
Offences relating to documents and to trade or property marks, Chapter XVIII ..	76	51	40	124	51	36	...	37
Criminal breach of contracts of service, Chapter XIX ..	...	...	...	...	...	...	...	...
Offences relating to marriage, Chapter XX ..	1,075	764	738	1,696	1,272	136	7	281
Defamation, Chapter XXI ..	958	607	615	1,653	1,156	130	5	362
Criminal intimidation, insult and annoyance, Chapter XXII. ..	383	267	220	625	466	107	3	49
Offences under special and local laws ..	32,924	28,978	26,504	37,530	8,786	25,463	115	3,166
Total ...	58,917	48,962	45,636	81,657	29,803	40,698	(a) 248	10,908

*This includes 8,602 pending cases brought forward from 1937. Thirty-one cases were wrongly shown as pending during the last year.
(a) 187 persons died, 48 escaped, 13 dealt with under section 466, Criminal Procedure Code.

**STATEMENT No. 36.—SHOWING THE PUNISHMENTS INFLICTED BY THE
FOR THE YEAR 1938**

Class of Tribunal	Number of persons executed	Death	Number of persons					
			Transportation or penal servitude	Imprisonment	Fine or forfeiture	Whipping	Give security	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	
<i>Subordinate Magistrates—</i>								
Special Magistrates under section 14, Criminal Procedure Code.	5	...	..
Honorary Magistrates sitting singly.	85	979	1	3	
Stipendiary Magistrates sitting singly.	5,546	28,767	574	1,174	
Benches of Magistrates	3	340	...	...
District and Sub-Divisional Magistrates' cases referred under section 349, Criminal Procedure Code.	189	88	172	...	
Chief Magistrates of districts	5	13	...	...
Courts of Session	86	192	22	2	1	
Superior Courts	...	34	42	8	7	...	...
Total	...	34	42	94	6,027	30,214	749	1,178

NOTE.—38 persons were ordered under section 106, Criminal Procedure Code, to

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
Fine of		Im- posed	Re- alized	Paid as com- pen- sa- tion	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.					
3	2	72	22	...	...	...	...	...
861	118	6,529	7,054	315	2	66	17	...	
21,807	6,960	3,37,687	2,57,604	13,498	71	3,900	1,354	221	
299	41	1,685	2,703	142	2	1	...	...
26	62	2,807	2,222	35	3	137	45	4	
5	8	725	445	75	...	1	4	...	
4	18	3,160	3,490	...	...	47	49	96	
...	...	...	...	...	...	...	...	7	
23,005	7,209	3,52,665	2,73,540	14,065	78	4,152	1,469	328	

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 1939

NAGPUR
GOVERNMENT PRINTING, C. P. & BERAR
1940

**Agents for the Sale of Publications issued by the Government of the
Central Provinces and Berar**

[N^{te}.—Appointments of all official Agents in the United Kingdom and on the Continent for the Sale of Government Publications have been terminated with effect from the 1st April 1925. All publications in future are obtainable either direct from the High Commissioner for India, India House, Aldwych, London, W. C. 2, or through any bookseller]

INDIA

AKOLA

The Proprietor, Shri Ramdas Stores, Tajnapeth.

ALIGARH

The Manager, Rama Book Depôt, University Booksellers, etc., Sarai Hakim.

ALLAHABAD

Mr. Ram Narain Lal, Publisher, etc., 1, Bank Road.

The Superintendent, Nazair Kanun Hind Press.

AMRAOTI

Thakur & Co., Ltd., Booksellers.

BARODA

Mr. M. C. Kothari, Bookseller & Publisher, Raopura Road.

BHANDARA

S. S. Dharashivkar, Esq., Opposite Municipal Water Reservoir.

BILASPUR

Mr. M. A. Subhan, Bookseller & Publisher

BOMBAY

D. B. Taraporevala, Sons & Co., Treasure House of Books, Taj Building, 210, Hornby Road, Fort.

Radhabai Atmaram Sagoon.

Sunder Pandurang, 25, Kalbadevi Road.

Thacker & Co., Ltd.

The Proprietors, New Book Co.

CALCUTTA

The Book Company, 4/4-A, College Street. Butterworth & Co. (India), Ltd., Avenue House, Post Box No. 251.

The Indian School Supply Depôt.

M. C. Sircar & Sons, 75, Harrison Road.

Newman & Co.

R. Cambray & Co.

S. K. Lahiri & Co.

Thacker, Spink & Co.

CHHINDWARA

Mannilal Ganeshprasad Gupta, General Marchand and Book-seller.

The Proprietor, Verma Book Depôt.

COOCH BEHAR

Babu S. C. Taluqdar, Proprietor, Students & Co.

DELHI

The Oxford Book & Stationery Co.

HYDERABAD DECCAN

Hyderabad Book Depot.

JODHPUR

Messrs. B. S. Mathur & Co., Chaturvilas, Paota, Civil Lines, Jodhpur (Rajpurana).

JUBBULPORE

The Manager, Educational Book Depôt.

The Proprietor, Nerbudda Book Depôt.

The Manager, Bhargava Book Co., Publishers, Booksellers & Stationers.

Radhamohan, Esq., Proprietor, Shyam Stationery Mart, Andherdeo.

KARACHI

The Standard Bookstall.

KHAMGAON

Sakalkale Typewriting Institute.

LAHORE

The Punjab Sanskrit Book Depôt.

Rai Sahib M. Gulab Singh & Sons.

Messrs. Careers & Co., Moheni Road.

LUCKNOW

The Proprietor, Newal Kishore Press.

The Upper India Publishing House, Ltd., 41, Aminabad Park.

MADRAS

Higginbotham & Co.

S. Murthy & Co., Post Box No. 152.

The Proprietor, The City Book Co., Post Box No. 283.

NAGPUR

Aidan Binzani, Proprietors, Karmavir Book Depôt, Mahal.

G. G. Khot & Sons, Sitabuldi.

Messrs. Shastri & Sons, Walker Road.

The Manager, Educational Book Depôt.

Mr. D. M. Dhumal, Proprietor, Provincial Book Binding Works.

The Manager, Nagpur Law Journal, Central Law House, Tulsi Bag Road, Mahal.

PATNA

Laxmi Trading Co., Padri-ki-Haveli, Patna City.

The Patna Law Press Co.

PESHAWAR CANTONMENT

Faqirchand Marwah, Bookseller.

POONA

The Manager, International Book Service, Deccan Gymkhana Colony.

The Manager The "Harijan", Fergusson College Road, 4 Poona.

RAIPUR

The Proprietor, Chaube Printing Works.

RANGOON

The Superintendent, American Baptist Mission Press.

SIALKOT CITY

Manager, Buckingham & Co., Greenwood Street.

VELLORE

Mr. A. Venkatasubban, Law Bookseller.

YEOTMAL

Mr. V. N. Saraswat.

Mr. M. G. Bakshi, Law Book Agents.

TABLE OF CONTENTS

	PARA	PAGE
A—TRIBUNALS		
Strength of magistracy ..	1	1
B—OFFENCES REPORTED		
Offences reported ..	2	1
Offences under the Indian Penal Code ..	3	1 and 2
Offences against Special and Local Laws ..	4	2
Complaints dismissed and complainants fined ..	5	2 and 3
C—ORIGINAL JURISDICTION		
Disposal of cases by all Magistrates ..	6	3
Summary trials ..	7	3 and 4
Percentage of convictions ..	8	4
Durations ..	9	4
Witnesses ..	10	4
Witnesses' expenses ..	11	5
Sessions Courts ..	12	5
Trial by Jury ..	13	5
D—PUNISHMENTS		
Distribution of punishments ..	14	6
Confirmation of death sentence ..	15	6
Previous conviction and solitary confinement ..	16	6
Short term of imprisonment and sentences of simple imprisonment.	17	6
Fines imposed and realized by Courts ..	18	6 and 7
Adolescents and youthful offenders ..	19	7
First offenders ..	20	7
E—APPELLATE AND REVISIONAL JURISDICTION		
Appeals and Revisions before High Court ..	21	7
Appeals by Provincial Government before High Court.	22	8
Appeals and Revisions before Sessions Courts ..	23	8
Appeals and Revisions before Magistrates' Courts	24	8

TABLE OF CONTENTS

	PARA.	PAGE
F—MISCELLANEOUS		
Village Panchayat Benches	.. 25	8
Inspections	.. 26	8 & 9
Record-rooms	.. 27	9
Copying Department	.. 28	9
G—GENERAL		
General	.. 29	9
APPENDICES		
Prescribed Statements		
No. 25. Tribunals	..	ii
No. 26. Criminal cases decided	..	iii
No. 33. Trials	..	iv
No. 34. Appeals and Revisions	..	v
No. 35. Offences and persons	..	vi and vij
No. 36. Punishments	..	viii and ix

REPORT ON THE JUDICIAL ADMINISTRATION (CRIMINAL) FOR THE CALENDAR YEAR 1939

[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 was unchanged. Additional Sessions Judges numbered 23 (21). In the space of 10 years the number of such judges has almost doubled. The number of magistrates increased to 398 (394) of whom 176 (171), 182 (181) and 40 (42) exercised first, second and third class powers respectively. Magistrates empowered under section 30 of the Code of Criminal Procedure numbered 48 (49). The number of Subordinate Judges exercising magisterial powers fell to 57 (65) while that of Tahsildars and Naib-Tahsildars rose to 85 (84) and 119 (108) respectively. The number of Honorary Magistrates, all of whom were authorized to sit singly, was unaltered at 6.

B.—OFFENCES REPORTED

(Statement No. 35)

2. The number of offences reported increased to 52,930 (50,315), the whole increase being accounted for by offences under the Indian Penal Code which rose to 24,983 (21,767) while offences under Special and Local Laws decreased to 27,947 (28,548).

3. Offences under the Indian Penal Code.—The increase in these offences is shared by all districts except Mandla and Drug, and is noticed in almost all heads of offences. Offences against property under Chapter XVII of the Code were 12,277 (10,109) and in particular, reports of thefts were 6,092 (4,635). The bulk of the rise under this head was in the cotton-growing tracts and is ascribed to what is described by one District Magistrate as the semi-famine conditions existing there for part of the year. Offences in contempt of the authority of public servants rose to 423 (325). The figure under this head in Jubbulpore is 188 (29). No explanation has been given of this increase but it probably follows from the communal tension at that place. One District Magistrate expresses the

opinion that the general increase in offences cannot be ascribed to increased police activity but proceeds from a decreasing respect for law and order, due partially to the national unrest following the recent constitutional changes and partially to the sheer incapacity of overloaded courts to deal with crime promptly and satisfactorily.

4. **Offences against Special and Local Laws.**—The following table indicates variations in offences under the more important Special and Local Laws :—

	1937	1938	1939
Offences under the Excise Act	.. 2,680	3,115	3,012
Offences under the Municipalities Act	.. 5,989	7,660	7,935
Offences under the Opium Smoking Act	.. 374	426	818
Offences under the Primary Education Act	.. 1,339	1,123	1,315
Offences under the Hackney Carriage Act	.. 683	982	273
Offences under the Motor Vehicles Act	.. 3,211	4,082	3,778
Offences under the Police Act	.. 3,554	4,015	3,657
Offences under the Public Gambling Act	.. 617	700	892
Offences under the Vaccination Act	.. 296	461	25
Offences under the Railways Act	.. 883	1,179	1,340

Cases under the Central Provinces and Berar Prohibition Act were 301 (77), the increases being notable in Wardha, 58 (8), Jubbulpore 20 (6), Saugor 69 (31) and Akola 107 (7). The increase in Akola is probably due to the extension of prohibition from one taluq to the whole district. The District Magistrate of one of the affected districts considers that while the increase does not show any large scale defiance of the law it indicates that there is still a minority which does not accept it.

5. **Complaints dismissed and complainants fined.**—The number of complaint cases dismissed under section 203, Criminal Procedure Code, rose to 2,872 (2,208), the percentage of complaints filed so dismissed being 13.3 (10.5). Several District Magistrates considered the section still insufficiently used, one reason suggested being the lack of decisiveness of inexperienced second and third class magistrates who deal with the bulk of complaint cases.

Ninety-nine (91) complainants were ordered to pay Rs. 2,111 (Rs. 2,336) to 215 (245) accused persons under section 250, Criminal Procedure Code. The continued failure to make adequate use of this section despite repeated comments in Annual Reports suggests that while

the heavy pressure of work succeeded, where repeated strictures failed, in obtaining increased use of the provision of section 203, the same cause maintains the low use of the section 250 in despite of repeated strictures and the presumed efforts of District Magistrates and Sub-Divisional Magistrates to enforce the effective use of the section.

The abnormal rise in the number of miscellaneous proceedings, 14,739 (5,713) under the Code of Criminal Procedure is due to fine recovery cases being registered as miscellaneous cases. Cases under Chapter VIII of that Code were 1,288 (1,363).

C—ORIGINAL JURISDICTION

(Statement No. 33)

6. The total disposal of cases by all magistrates was 49,818 (47,600) and the number of cases pending at the end of the year was 6,219 (5,342). When it is remembered that the number of cases decided in 1937 was less by over 4,000 and that at that time 35 per cent of the work was done by Honorary Magistrates it will be seen that the burden on the stipendiary Magistrates, largely unchanged in number, has increased in two years by about 60 per cent. In view of this it is difficult to criticise the increase in the pending file regrettable as it may be. The following table gives the percentages of cases disposed of by the magistrates of various classes in 1938 and 1939 :—

	1938	1939
District Magistrates .. ..	..	0.1
Stipendiary Magistrates ..	95.1	99.1
Honorary Magistrates ..	4.9	0.8
Special Magistrates .. ..	..	..

7. **Summary trials.**—17,490 (15,869) or 35.1 (33.3) per cent of the total number of cases disposed of were tried summarily, the percentage ranging from 74.3 (70.6) per cent in Nagpur to 3.8 (6.2) per cent in Buldana, 4.7 (8.9) per cent in Betul and 5.1 (4.0) per cent in Drug. These low percentages cannot always be explained by lack of magistrates empowered to try cases summarily, as, in Betul, for example, all the first class magistrates are so empowered, nor can they be explained by lack of cases suitable for summary trials as one district has been able to raise the percentage of cases tried summarily from 9 per cent to 58 per cent in two years. It is amazing that at a time

when defect after defect is explained as due to the heavy pressure on Magistrates and Revenue Officers and in the face of repeated references in the Annual Reports it still seems impossible in some districts to make anything like adequate use of the procedure. It does not appear to be realised that the trial by regular procedure of cases which could suitably be tried by summary procedure leads to considerable loss to Government in the wasted time of its servants and the payment of detention allowances to witnesses and also is unfair to the public. The failure, in certain districts, to effect improvement in this as in other matter to which attention has at one time or another been drawn, is disquieting and symptomatic of the increasingly ineffective control by the District Magistrates.

8. Percentage of convictions.—The percentage of accused persons convicted rose to 60.9 (57.7) and ranges from 75.8 (74.1) in Nagpur to 49.3 (53.6) in Buldana. Detailed figures of percentages under various classes of crimes are as follows :—

	938		1939	
	Total conviction	Percentage	Total conviction	Percentage
Hurt ..	2,460	23.3	2,932	28.6
Criminal force and assault ..	603	27.3	595	33.5
Other offences under the Indian Penal Code.	12,172	54.1	14,614	56.4
Offences under Special and Local Laws.	25,463	72.2	27,151	74.4
All offences ..	40,698	57.7	45,292	60.9

9. Durations.—The duration of all kinds of cases fell to 40.1 (42.9). The duration of Crown Cases ranged from 67.1 (56) in Hoshangabad to 16.6 (36.0) in Nagpur. The duration in complaint cases ranged from 95.9 (94.4) in Bilaspur to 19.6 (45.9) in Bhandara. The figures quoted do not however give a full account of the delay in the disposal of criminal work as the duration is calculated from the first appearance of the accused and one District Magistrate reports that pressure of work compels magistrates to give a long adjournment even for this purpose.

10. Witnesses.—In magisterial courts 154,540 (142,756) persons attended as witnesses out of whom 16,474 (15,529) or 10.7 (10.9) per cent were discharged without examination. The table below shows the length of detentions :—

Year	Discharged without examination	Discharged			
		On 1st day	On 2nd day	On 3rd day	After 3rd day
1938 ..	10.9	69.8	18.9	6.5	4.9
1939 ..	10.7	70.9	19.0	6.0	4.1

11. Witnesses' expenses.—The average amount of diet-money and travelling expenses paid to witnesses in 1938 and 1939, is compared below :—

Year	Central Provinces		Berar		Central Provinces and Berar	
	Rs. a. p.		Rs. a. p.		Rs. a. p.	
1938	..	1 7 2	1 4 8		1 6 7	
1939	..	1 7 0	1 4 8		1 6 5	

A notable decrease to Re. 0-14-5 (Rs. 1-7-3) in Balaghat is said to be due to rigorous control. An equally notable increase to Rs. 2-12-9 (Rs. 1-14-9) in Bilaspur is ascribed to the payment of large amounts of travelling allowance due to the centralisation of work following the abolition of Courts of Honorary Magistrates. As similar conditions have been created in other large districts, it seems unlikely that this explanation is a complete one.

12. Sessions Courts.—343 (286) cases involving 885 (709) persons were disposed of by the Sessions Courts of which 236 (182) were disposed of by Additional Sessions Judges. The increase in the number of such judges renders it difficult to maintain the standard of experience formerly considered requisite and the increase in the proportion of sessions cases falling to them may be one reason for the poorer trial of sessions cases to which reference is made later. The percentage of conviction fell to 61.7 (62.7). The average duration for the province as a whole increased to 52.7 (50.5), the increase being notable in Hoshangabad 67.3 (40.9) and Raipur 60.5 (41.1). No case was unnecessarily committed to the Court of Sessions.

13. Trial by Jury.—Of the 154 (145) persons tried, the verdict of the Jury was accepted in the cases of 143 (131) persons. In the cases of 11 (14) persons, references were made to this Court under section 307, Criminal Procedure Code. References dealt with by this Court involved 17 persons of whom 6 were acquitted and 11 convicted. Two cases involving two persons were pending at the end of the year. The jury system is reported to be working satisfactorily on the whole.

D—PUNISHMENTS

(Statement No. 36)

14. Distribution of punishments.—The punishments awarded during the years 1938 and 1939 are given below :—

	1938	1939
Death ..	42	54
Transportation ..	94	99
Imprisonment (excluding imprisonment awarded in default of security for good behaviour).	5,562	7,169
Imprisonment awarded in default of security for good behaviour.	465	374
Fines ..	30,214	32,264
Whipping ..	749	1,058
Security taken ..	1,178	1,034
Persons dealt with under the Borstal Act.	115	182

15. Confirmation of death sentence.—The number of persons sentenced to death whose cases came before this court was 104 (53). The case of 1 (4) person was pending from the previous year. 15 (5) sentences of death were set aside, 51 (42) were confirmed, and 25 (9) were commuted to transportation for life or imprisonment. The case of one person was remanded for retrial. The cases of 13 (1) persons remained pending at the end of the year. 34 (34) persons were executed during the year under review.

16. Previous conviction and solitary confinement.—The number of previously convicted persons liable to enhanced punishment under section 75 of the Indian Penal Code increased to 835 (782). Of these 6 (6) were ordered to suffer solitary confinement, and 94 (109) to notify their residence to the police after release from jail.

17. The number of sentences of imprisonment for 15 days and under, and sentences of simple imprisonment rose to 136 (78) and 295 (149) respectively. No case is reported in which a short sentence was incorrectly imposed.

18. Fines.—The number of persons sentenced to fine rose from 30,214 to 32,264 and the amount of fines imposed from Rs. 3,52,665 to Rs. 3,74,240. The average amount of fines was Rs. 11.6 (Rs. 11.7). An extraordinary increase in the average amount of fines to Rs. 19

(Rs. 11.1) in Mandla, one of the poorest districts of the province, is unexplained. Rs. 2,78,138 (Rs. 2,73,540) were realised during the year the percentage of realisation being 60.5 (60.7) while the amount struck off as unrealisable was Rs. 38,055 (Rs. 37,519). Adverse economic conditions are reported to have interfered with the realization of the fines in Nagpur district where the outstanding amount is Rs. 17,346 (Rs. 21,408). There are heavy outstandings in Bilaspur, Rs. 7,344 (Rs. 4,024), Amraoti, Rs. 8,280 (Rs. 5,933), and Akola, Rs. 10,216 (Rs. 3,856).

19. **Adolescents and youthful offenders.**—The number of boys sent to Reformatory Schools was 51 (51). The number of adolescents sent to the Borstal Institute and the number of juveniles sentenced to whipping increased to 154 (90) and 243 (172), respectively. The Borstal Act was applied in the case of 182 (115) persons.

The Central Provinces Probation of Offenders Act, 1936 (C. P. Act I of 1936), was, in September, extended to the whole of the province. In 76 (67) cases, the provisions of the Act were availed of. 63 (86) minor offenders were released on probation. The number of part-time paid probation officers and the number of minor offenders handed over to their care rose to 65 (15) and 65 (50) respectively. It appears probable that greater use could be made of the provisions of the Act.

20. **First Offenders.**—The number of persons released on probation of good conduct under section 562, Criminal Procedure Code, increased to 4,207 (3,323) including 1,209 (727) persons released after admonition under section 562 (I-A).

E.—APPELLATE AND REVISIONAL JURISDICTION

(Statement No. 34)

21. **High Court of Judicature at Nagpur.**—The number of persons who preferred appeals to this court increased to 466 (330). The percentage of cases decided in which the finding of the lower court was maintained rose to 83.4 (79.2). The number of persons whose cases were dealt with by this court in revision fell to 913 (1,163). In the cases of 27 (17) persons the sentences were enhanced and in 265 (352) they were either reduced, modified or set aside. The average duration of appeals decreased to 36.6 (40.8) but that of revisions increased to 46.4 (43.5).

22. **Appeals by the Provincial Government.**—During the year the Provincial Government appealed against an order of acquittal or for enhancement of sentence in 7 (13) cases involving 9 (25) persons. The orders of the Lower Courts were confirmed in 2 (7) and set aside or modified in 6 (11) cases. 2 (3) cases involving 4 (3) persons remained pending at the close of the year.

23. **Sessions Courts.**—The number of persons, who appealed in the Sessions Courts, rose to 3,489 (3,351). The percentage of cases in which the sentences remained unaltered and the average duration of appeals decreased to 69.1 (71.3) and 30.1 (35.6), respectively. The average duration ranged from 44.5 (61.8) days in Nagpur to 17.4 (26.2) days in Hoshangabad. The average duration of revisions increased to 56.2 (53.1), ranging from 83.3 (73.5) in Nagpur to 30 (27.9) in Nimar.

24. **Magistrates' Courts.**—The number of persons whose appeals were before the magistrates' courts, the percentage of appeals in which sentences remained unaltered and the average durations were 5,943 (5,488), 64.5 (54.5) and 26.1 (27.9), respectively.

F.—MISCELLANEOUS

25. **Village Panchayat Benches.**—The number of Village Panchayat Benches working during the year was 1,003 (976). The total number of cases disposed of by these courts was 6,850 (6,308), involving 11,865 (9,403) persons. 924 (832) cases, including 429 (310) pending over two months, remained pending at the end of the year. 7,584 (6,781) persons were either acquitted or discharged, 2,585 (2,407) convicted, 225 (41) were the subject of reference, 74 (174) died or escaped and 1,397 (1,371) remained under trial at the close of the year.

26. **Inspections.**—District Magistrates inspected 42 courts of Sub-Divisional Magistrates out of 54, 72 courts of 1st class Magistrates out of 95 and 147 other courts out of 207. Inspections were inadequate in Nagpur, Chanda, Saugor, Hoshangabad and Akola districts. A similar comment was made on the Nagpur, Chanda and Akola districts in last year's report. In the case of Nagpur, the heavy general responsibilities of the District Magistrate were increased by the arrangements in connection with the visit of His Excellency the Viceroy and the failure to inspect courts is understandable. In Akola heavy pressure of work is given as a reason. In Chanda which is not normally a heavy district no explanation was given. The failure to improve matters in Akola and Chanda is

another indication of the tendency to regard the supervising work of District Magistrates as a routine duty which is the first to be sacrificed under pressure of other work. This tendency is most regrettable at a time when the judicial administration is especially in need of effective control.

27. All district criminal record-rooms were inspected by Sessions Judges. Only five District Magistrates report that they have inspected their district record-rooms. Four record-rooms were inspected by the Commissioners of the divisions. Elimination work was up-to-date and there is sufficient rack space.

28. Copying work.—Copying work is reported to be up-to-date throughout the province and copies are delivered promptly. The percentage of copies delivered on the 1st day after application rose to 99 (91) in Bilaspur, while it is as low as 28 in Wardha.

G.—GENERAL

29. In the opinion of one of the Judges of this Court who dealt with criminal cases throughout the year under consideration there is a distinct deterioration in the standard of criminal work generally in the province resulting in an increasing number of cases where convictions had to be reversed for technical reasons. The deterioration is perceptible in the investigation of crime which tends to become less thorough than in the past. Even more serious deterioration is noticed in the preparation and presentation of cases before the courts, vital and available evidence being often omitted, inadmissible, irrelevant or useless evidence being often tendered and frequently acted upon. The work of the Magistrates and Judges is also not incapable of criticism. They do not always do their best to see that the case is not left incomplete or to comply with the salutary instructions in the Criminal Circulars. It is of course possible to suggest a number of reasons for the deterioration but the tendency is one which, if not checked, will have a serious effect on the public life of the province.

G. BURGESS,

Registrar,

High Court of Judicature at Nagpur.

NAGPUR:

The 9th July 1940.

PRESCRIBED STATEMENTS

FOR THE CALENDAR YEAR

1939

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 1939 (PARAGRAPH 1)**

Name of province .	Judges of Chief Court of province	Number of Sessions Divisions	Number of districts	Sessions Judges	Other Judges	District Magis- trates	Other Magis- trates		Remarks (10)			
							Stipen- diary	Hono- rary				
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)				
Central Provinces (including Berar).	6	9	19	(a) 32	(b) 48	19	(c) 325	(d) 6 (e) 1,003	Grades of Judicial officers		Euro- peans	Indians
									Chief Justice ..		1	..
									Puisne Judges ..		3	2
									Sessions Judges ..		4	5
									Additional Sessions Judges ..		..	23
									Magistrates, 1st Class ..		10	166
									Magistrates, 2nd Class ..		1	181 (f)
									Magistrates, 3rd Class ..		3	37
									Total ..		22	414

(a) Includes 23 Additional Sessions Judges. All the 32 do both Civil and Criminal work.

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

(c) 180 do both Civil and Criminal work.

(d) 6 Honorary Magistrates sitting singly.

(e) Represents the number of Village Panchayat Benches.

(f) Includes 6 Honorary Magistrates sitting singly.

*STATEMENT No. 26 [Criminal].—SHOWING THE NUMBER OF CRIMINAL CASES DECIDED IN THE COURTS IN THE
CENTRAL PROVINCES AND BERAR FOR THE YEAR 1939*

Name of province	Total number of Criminal cases decided				Remarks
	Original		Appellate		
	Regular	Miscel- laneous	Regular	Miscel- laneous	
	(1)	(2)	(3)	(4)		(5)	(6)
Central Provinces (including Berar)	50,271	13,451	6,983	2,289	

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 1939 (PARAGRAPHS 6 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 trans-ferred to another province		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
<i>Subordinate Magistrates—</i>								
Special Magistrates under section 14, Criminal Procedure Code.		15	2	3	..	..	10	
Honorary Magistrates sitting singly ..		814	263	391	17	2	141	
Stipendiary Magistrates sitting singly ..		87,071	28,436	43,408	1,803	234	13,190	
Benches of Magistrates ..		..	..	..	..	..	..
District and Sub-Divisional Magistrates' cases referred under sections 347 and 349, Criminal Procedure Code.	60,167	1,127	82	1,022	..	2	21	
Chief Magistrates of Districts ..		158	46	33	38	1	40	
Courts of Session ..		885	279	345	115	6	140	
Superior Courts ..		127	22	90	..	..	15	
Total ..	60,167	90,197	29,130	45,292	1,973	(a) 245	13,557	

*Includes offences brought forward from 1938. Twenty cases were wrongly shown as pending at the end of the year 1938.

(a) 155 persons died, 79 escaped, 9 dealt with under section 466, Criminal Procedure Code, one was transferred to another province and one was transferred to Court Martial.

STATEMENT No. 34.—SHOWING THE GENERAL RESULTS OF APPEALS AND REVISIONS IN CRIMINAL CASES IN THE CENTRAL PROVINCES AND BERAR FOR THE YEAR 1939 (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 ..	5,943	2,864	675	967	823	124	34	456	
Courts of Session ..	3,489	1,680	496	487	467	16	4	339	
<i>Superior Courts—</i>									
By persons convicted ..	492	233	113	42	26	1	..	77	
By Government from Judgments of acquittal ..	12	..	2	..	6	..	..	4	
Total ..	9,936	4,777	1,286	1,496	1,322	141	38	876	
<i>Revisions by—</i>									
Chief Magistrates of districts ..	(a) 1,955	1,170	..	..	37	550	..	198	
Courts of Session ..	(b) 2,357	1,635	..	..	3	402	..	317	
Superior Courts ..	(c) 1,214	621	..	100	164	28	..	301	
Total ..	5,526	3,426	..	100	204	980	..	816	
Grand total ..	15,462	8,203	1,286	1,596	1,526	1,121	38	1,692	

(a) Includes 1,734 accused persons whose cases were called for in revision on 782 applications of complainants.

(b) Includes 929 accused persons whose cases were called for in revision on 397 applications of complainants.

(c) Includes 214 accused persons whose cases were called for in revision on 77 applications of complainants and 273 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 1939 (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	2	..	2	..	..
Criminal Conspiracy, Chapter V (A) of the Indian Penal Code, section 120-B.	2	2	2	22	6	16	..	..
Offences against the State, Chapter VI of the Indian Penal Code.	..	..	..	..	..	..	..	..
Offences relating to the Army and Navy, Chapter VII ..	1	..	..	..	..	..	..	..
Offences against the public tranquillity, Chapter VIII ..	730	434	496	4,753	1,656	1,203	9	1,885	
Offences by or relating to public servants, Chapter IX ..	77	51	59	83	14	45	1	23	
Contempts of the lawful authority of public servants, Chapter X.	463	419	415	800	190	543	4	63	
False evidence and offences against public justice, Chapter XI.	344	230	241	374	96	175	1	102	
Offences relating to—									
Coin, Chapter XII ..	27	23	23	48	9	32	1	6	
Government Stamps, Chapter XIII ..	13	12	11	16	6	9	..	1	
Offences relating to weights and measures, Chapter XIV ..	308	225	235	319	42	193	..	84	
Offences affecting the public health, safety, convenience, decency and morals, Chapter XV ..	577	544	521	655	80	525	1	49	
Offences relating to religion, Chapter XVI ..	16	13	13	20	8	10	..	2	

Offences affecting the human body, Chapter XVI—								
Offences affecting life ..	745	652	657	1,245	370	556	7	312
Causing miscarriage, injuries to unborn children, exposure of infants and the concealment of births. ..	42	36	36	67	21	41	..	5
Hurt ..	7,105	4,891	4,717	12,377	7,310	2,932	18	2,117
Wrongful restraint and wrongful confinement ..	221	154	152	539	257	207	1	74
Criminal force and assault ..	1,413	987	975	2,179	1,180	595	5	399
Kidnapping, forcible abduction, slavery and forced labour. ..	148	92	100	341	135	116	2	88
Rape ..	156	120	118	162	49	89	1	23
Unnatural offences ..	41	36	33	46	11	30	1	4
Offences against property, Chapter XVII—								
Theft ..	6,640	5,570	5,609	9,165	1,825	5,871	23	1,446
Extortion ..	47	31	33	73	41	23	..	9
Robbery and dacoity ..	196	118	113	428	120	179	2	127
Criminal misappropriation of property ..	112	88	91	141	54	73	..	14
Criminal breach of trust ..	894	674	645	950	256	515	8	171
Receiving of stolen property ..	167	140	144	249	46	168	..	35
Cheating ..	794	574	541	916	325	403	9	179
Fraudulent deeds and dispositions of property ..	13	6	10	14	7	..	1	6
Mischief ..	522	327	332	891	511	173	2	205
Criminal trespass ..	4,388	3,377	3,359	7,113	2,693	3,067	13	1,340
Offences relating to documents and to trade or property marks, Chapter XVIII.								
..	78	54	47	134	57	32	1	44
Criminal breach of contracts of service, Chapter XIX ..								
..	74	52	43	120	80	4	1	35
Offences relating to marriage, Chapter XX ..								
..	1,065	714	739	1,657	1,081	136	15	425
Defamation, Chapter XXI ..								
..	803	495	534	1,491	949	122	4	416
Criminal intimidation, insult and annoyance, Chapter XXII.								
..	280	180	179	423	315	56	3	49
Offences under special and local laws ..								
..	31,663	27,742	26,339	40,411	9,330	27,151	111	3,819
Total ..	60,167	49,065	47,564	88,224	29,130	45,292	†245	13,557

*This includes 7,237 pending cases brought forward from 1938. Twenty cases were wrongly shown as pending during the last year.

†155 persons died, 79 escaped, 9 dealt with under section 466, Criminal Procedure Code, one was transferred to another province, and one was transferred to Court Martial.

STATEMENT No. 36.—SHOWING THE PUNISHMENTS INFLICTED BY THE
FOR THE YEAR 1939

Class of Tribunal	Num-ber of persons executed	Death	Number of persons					
			Trans-portion or penal servitude	Impri-sonment	Fine or forfei-ture	Whip-ping	Give secu-rity	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	
<i>Subordinate Magistrates—</i>								
Special Magistrates under section 14, Criminal Procedure Code.	3	..	..
Honorary Magistrates sitting singly.	69	308	..	..
Stipendiary Magistrates sitting singly.	1	6,990	31,845	862	1,022	
Benches of Magistrates	
District and Sub-Divisional Magistrates' cases referred under section 349, Criminal Procedure Code.	211	41	194	..	
Chief Magistrates of districts	6	21	1	4	
Courts of Session	82	245	46	1	8	
Superior Courts	..	34	54	16	22	..	..
Total	..	34	54	99	7,543	32,264	1,058	1,034

NOTE.—72 persons were ordered under section 106, Criminal Procedure Code, to

VARIOUS CRIMINAL TRIBUNALS IN THE CENTRAL PROVINCES AND BERAR
(PARAGRAPHS 14 TO 20)

sentenced to		Total amount of fines			Number of persons sentenced to imprisonment of				Remarks
--------------	--	-----------------------	--	--	--	--	--	--	---

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