M.R.O. 1—77,006—8-6-37.

(1) Number of pages_____

(2) Date of repair_____

(3) Initials of the Referencer_____

MADRAS RECORD OFFICE.

Government of Madras.

[illegible] DEPARTMENT.

G.O. No. 1621	Press / Mis.
Dated 19-8-	18 75.

5/6

Not to be folded or roughly handled

Proceedings of the Madras Government, Financial Department,
18th August 1875.

Postal.

No. 127. Read the following letter from J. HOPE, Esq., Acting Magistrate of Kurnool, to the Hon. D. F. CARMICHAEL, Officiating Chief Secretary to Government, Fort St. George, dated Kurnool, 4th August 1875, No. 271 :—

I have the honor to forward copy of the judgment of the Acting Deputy Magistrate in the case of the Mail robbery referred to in G.O., No. 1449-A, dated 9th July 1875.

2. After a careful perusal of the record, I concur in the conclusion arrived at by that Magistrate, and do not see sufficient grounds for directing a committal under Section 296, Code of Criminal Procedure.

3. The Police Superintendent in the letter recorded in the Government Proceedings refers to two points in evidences, *viz.*, the statement of one Mooneegadu (7th paragraph) and the identification of a handkerchief worn by the first prisoner (8th paragraph). As regards the identification of the handkerchief, it will be observed that Lingadu, when examined by the Magistrate, denied all knowledge of the matter. The Magistrate's statement, however, that the Police did not produce this witness before him for reasons best known to them, and that he had to summon him himself, must have been made under a misapprehension, as in the original charge sheet the Police ask for a summons for this witness, who is a tappal runner. Government will also observe that the woman (whose evidence on this point is referred to in the same paragraph of the Police Superintendent's letter) was examined by the Deputy Magistrate who shows sufficient ground for disbelieving her statement. She was only named by the first witness after her husband, who was first called, had failed to corroborate his account of the matter.

4. As regards the evidence of Mooneegadu, the Deputy Magistrate shows reason for discrediting it. Captain Wilton has brought to my notice that the Deputy Magistrate dismissed the case without hearing the evidence of witnesses whom the Police Inspector was anxious to produce in corroboration of Mooneegadu. There is nothing about this in the record; but I have had the Police Inspector before me, and have ascertained from him that the additional evidence referred to was not corroborative of any material point in Mooneegadu's evidence, but simply went to support his statement that he went to Gonagondla on the day the offence was committed, and that he was for about three weeks after sick in his daughter's house. All this might go towards lessening the improbability which attaches to his story generally, but it in no way affects the truth or falsehood of his material averment as to what he saw at Nellibanda.

———

No. 128. ORDER THEREON, 18th August 1875, No. 1681.

To be recorded.

(True Extract.)

D. F. CARMICHAEL,
Officiating Chief Secretary.

Exd. A. Grubert.

Govt. of [1875] Madras

FINANCIAL.

Dated August, 18th.
Issued
Read.

G.O., 18th August 1875, No. 1681.

AUGUST.
Nos. 127-128.

Postal.—Letter from the Magistrate of Kurnool forwarding the calendar and judgment in the case of the Mail robbery at Auspree, recorded.

No. 271. Kurnool Magistrate's Office
4th August 1875.

36

From

The Acting Magistrate
of Kurnool.

To.

The Chief Secretary
to Government
Cotacamund.

Sir,

I have the honour to forward copy of the judgment of the Acting Deputy Magistrate in the case of the Mail Robbery referred to in G. O. No. 1449 dated 9th July 1875.

2. After a careful perusal of the record, I concur in the conclusion arrived at by that Magistrate, and do not see sufficient grounds for directing a committal under Section 296 Code of Criminal Procedure.

3. The Police Superintendent in the letter recorded in the Government Proceedings refers to two points in evidence, viz, the Statement of one Mooneegadu (7th para) and the identification of a handkerchief worn by the 1st prisoner (8th para). As regards the identification of the handkerchief, it will be observed that Lingadu when examined by the Magistrate denied all knowledge of the matter. The Magistrate's Statement, however, that the Police did not produce this witness before him for reasons best known to

them and that he had to summon him himself must have been made under a misapprehension, as in the original charge sheet the Police ask for a summons for this witness, who is a tappal Runner. Government will also observe that the woman (whose evidence on this point is ~~he~~ referred to in the same paragraph of the Police Superintendents letter) was examined by the Deputy Magistrate, who shows sufficient graund for disbelieving her statement. She was only named by the 1st witness after her husband, who was first called, had failed to corroborate his account of the matter.

4. As regards the evidence of Munigadu, the Deputy Magistrate shows reason for discrediting it. Captain Wilton has brought to my notice that the Deputy Magistrate dismissed the case without hearing the evidence of witnesses whom the Police Inspector was anxious to produce in corraboration of Munigadu. There is nothing about this in the record, but I have had the Police Inspector before me and have ascertained from him that the additional evidence referred to was not corroborative of any material point in Munigadus evidence, but simply went to support his statement that he went to Gonagondla on the day the offence was committed, and that he was for about 3 weeks after sick in his daughter's house. All this might go towards lessening the improbability which attaches to his story generally, but it in no way affects the truth or falsehood of his material averment as to what he saw at Nellibanda.

I have the honor to be
Sir,
Your most Obedient Servant.

James Hope
Acting Magistrate.

Assam. 1875 Despatch.
From (Interl)

The Acting Collector
Kamrup

To,

The Chief Secretary
to Government
Ootacamund

Dated 4th } August 1875
Received 9th }

No. 271.
Enclosures 1.

1875

Forwarding the Calendar in the mail Robbery Case, as directed in G.O. No 1449 A dated 9th July 1875, and stating that he concurs with the Conclusion arrived at by the Deputy Chief Secretary

Bold 18 Aug. 1875 No 1681.

Recorded

1418

[illegible] of {1875} Madras.

Financial

G.O., 18 August 1875, No. 1181

Nos. 1177-8

[illegible]ntal. Letter from
[illegible] Magistrate of
[illegible]rnool forwarding
[illegible] Calendar and
[illegible]dgment in the
[illegible]se of the Inam
[illegible]ry at Anuppur,
[illegible]ded.