

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

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Not to be folded or roughly handled

Fort St. George, Judicial Consultation, 20th October 1857.

No. 11. Read the following letter from G. A. HARRIS, Esq., Commissioner of Chittoor; to E. MALTBY, Esq., Acting Chief Secretary to Government, Fort Saint George, dated 8th October 1857.

SIR,

I have the honor to forward the record of a case of robbery by open violence, disposed of by me, as Commissioner, for the information of Government.

(Signed) G. A. HARRIS,
Commissioner.

No. 5—1857.

Wuddar Papadoo.

Versus

1. Coracha Yillagadoo.
2. Vencatigadoo.

Prisoners plead not guilty.

Prosecutor states—I had been to the westward and was going to Vellore, with natcheny and other grains, and arrived at Byripagapillay, three Sundays back, about 8 A. M. With me there were two others, my relations, and we had three bamboo huts. About midnight, while asleep, I was awoken by the noise of stones on the hut, and the pots being broken, I got up, took one of the bamboos of the hut and came out, when I was struck near the left eye with a stick, which drew blood and on my body. I don't know who struck the blows. I went to the other huts to get away. My hut was unroofed, and things taken as entered in my statement before the Police. Some natcheny and other grain was left behind and the robbers went away. There were about 7 or 8 of them. They did not rob the other huts, because the inmates made a noise and stood prepared with bamboos. In the morning, a toty came and took me to the Village Moonsiff, T. Vencatapa Naidoo, and on his asking, I mentioned what had occurred. The fact had become known by the noise which the villagers heard us make during the night, and he sent me to Palamanair, where I gave deposition. I went with Deloyet (the 2nd witness,) and others to trace out the robbery. I was not present when the prisoners were apprehended. I don't know what led to their apprehension. After their apprehension, they said that some others had robbed me, that they were near my hut at the time, and that they would point out where the property was in the Buffalo channel. The 1st prisoner said so first, we all went with them, and they dug up the property with their hands which had been found from the sand in the channel. The property was buried in three places. The empty bag was first taken up, then the bag containing pollavaloo, and last, the other things. They were close together, 1 cubit apart. They said these things had been robbed from my hut, that the other persons had buried and had said they would return in 10 days. The rest of the property they said they had not seen. When the property was found, the 2nd, 3rd, 4th, 5th, and 6th witnesses, village Moonsiff and others were present. The prisoners were not beaten, only threatened. The channel was 1 guddy from Mooshillimuddigoo, and 4 or 5 guddies from where I was robbed. I did not recognize any of the robbers. I never saw the prisoners before. The property which has been found has no distinguishing marks. I know it to be mine from its having been in my possession. My wife knows it to be mine. The prisoners' houses were searched after the property had been delivered, but nothing was found in them. Two or three days after I saw the 1st prisoner I saw the 2nd prisoner. The 1st prisoner confessed after the 2nd prisoner had been apprehended. It was mid-day when the property was found.

The prisoners have no questions.

Solemnly affirmed before me, this 1st October 1857.

(Signed) G. A. HARRIS,
Commissioner.

Fort St. George, Judicial Consultation, 20th October 1857.

1st Witness.—About 8 days ago, on a Sunday, I was bringing firewood from the jungle to Palamanair, it was 1 fathom before sun-set, I met the two prisoners going by themselves from north to south. I had seen the 1st prisoner before, but did not know his residence, not the 2nd prisoner. I did not know them by name. I asked where they were going so late. They said that there were some Wudders' huts which they were going to rob, and asked me to come. I refused. I did not tell any one. I went to my village, which was 3 guddies off that evening, and went morning to Palamanair. Five days after, the Village Moonsiff and the 2nd witness sent for me and asked if I knew any thing of this robbery. When I told what I had heard as above, i. e., that I had met 2 Coorchars who had conversed with me as above, one of whom I knew by sight. They sent for me to Bypagaripilly. I had not heard of this robbery before. The sun was about to set when I met the prisoners. I did not go and tell the Village Moonsiff, as I had to live by daily work. I was not present when the prisoners were apprehended.

The prisoners have no questions.

Solemnly affirmed before me, this 1st October 1857.

(Signed) G. A. HARRIS,
Commissioner.

2nd Witness.—I received a takeed from the Magistrate, and an order from the head of Police to apprehend the robbers who had committed this robbery, and I went to Samoodrapully to the Village Moonsiff. He and I and others went to the place between Cottapully and Narakaud-pullay, to enquire of the Coorchars there, then the 1st witness was there, and he mentioned that he had met the 1st and 2nd prisoners in the jungle on a Sunday evening, (he gave their names) with whom he had spoken 5 or 6 days before his telling us, that he had asked them where they were going, and they said they were going to rob Wudders' huts, and asked him to come, but he refused. The mentioned 1st prisoner as living in Tharagoundapully, and the 2nd prisoner he described as toothless, on my saying there were 2 or 3 of the same name. I did not send to apprehend the 2nd prisoner till the 26th, after the 1st prisoner's apprehension, because I wanted to ascertain from the latter whether he confessed that he and the 2nd prisoner had committed the robbery. The 1st prisoner was apprehended by me on the 25th, at 3 P. M. (he could not be found before) by his house. I was alone. I took him to Samoodrapully that day, he then denied on my questioning him. The next day about 3 P. M. I asked him who had robbed the prosecutor (the village Moonsiff, the 3rd and 4th witnesses were present) and that if he told the truth, he would be released, when he admitted that he and 2nd prisoner and three others, names unknown, had committed it, and that if 2nd prisoner sent for, he, (1st prisoner,) would tell where the property was. I then sent the 3rd witness for the 2nd prisoner, and he was brought on the 27th, at 8 A. M. The 2nd prisoner at first denied every thing, we told him what 1st prisoner had said, and then the village Moonsiff asked the 2nd prisoner, and he admitted having joined in the robbery, that three others had committed it and brought the property which they had buried in the channel, the 1st prisoner said to the 2nd prisoner, come let us point out the place where the property is buried. The 1st prisoner first mentioned that the property was in the channel after the 2nd prisoner had been brought, I and village Moonsiff and 3rd, 4th, 5th, 6th witnesses and others went with the prisoners to the channel, 1 guddy off, the 1st prisoner pointed out the spot first, the property was buried in 2 places, 1 cubit apart in the channel, the nets, ropes and old bag were first found, and then the anamelore in a bag. The rest of the property they said the other persons had taken. The prisoners' huts were searched on the 27th. The 1st prisoner lived 2 miles off, the prosecutor was present when the things were found, and claimed them as his own, the prisoners mentioned this property to be that which was robbed from the prosecutor.

The prisoners have no questions to put.

Solemnly affirmed before me, this 1st October 1857.

(Signed) G. A. HARRIS,
Commissioner.

Fort St. George, Judicial Consultation, 20th October 1857.

Prosecutor re-examined.

On the morning of the 14th, when I went to the village Moonsiff, Gooravadoo and Poottadoo, the other two persons who were with me, accompanied me. They had witnessed the robbery, they left with my wife for Vellore, 5 or 6 days after the robbery. They are not well acquainted with my property, they newly joined me. I am sure that the spot where the property was found, was not known to the deloyet and others before the prisoners told, for after the prisoners had been apprehended, they only ascertained it. I was present when the 1st witness gave information; he mentioned the prisoners by name.

The prisoners have no questions.

Solemnly affirmed before me, this 3rd October 1857.

(Signed) G. A. HARRIS,
Commissioner.

3rd Witness.—I accompanied the 2nd witness to apprehend the robbers in this case. We enquired of the 1st witness, and he told me he had, met the prisoners whose names he gave, eight days before, in the jungle, and that in conversation, they had said they were going to rob the Wudders' huts. We went with the 1st witness to Byapagaripilly, to look for the 1st prisoner, but could not find him. On the 2nd, I and 2nd witness came to Samoodrapully and the 2nd witness went and brought the 1st prisoner at 4 P. M. of the 25th (I was not present when the 1st prisoner was apprehended) and delivered him to my charge. The 1st prisoner said first, he knew nothing about the robbery, but if the 2nd prisoner was asked he might know. I and the Taliary of Pengaragonta were sent on the 26th to Palamanair, to apprehend the 2nd prisoner, we could not find him at first. On the morning of the 27th, we apprehended him, and took him to Samoodrapully, and delivered to the Moonsiff. The 1st prisoner was asked about the robbery, and he said that three others had come to settle a caste dispute to the Moonsiff, but he was absent, therefore they had come and called him and the 2nd prisoner to commit this robbery, that they had not gone to the hut, but stood under a tree, while the others committed it, that the plundered property was buried in the Buffalo channel. The 2nd prisoner afterwards said the same. The prisoners, were not ill-used. The prisoner showed the spot, and the property now before the Court, was found buried in the sand of the channel, in two places, one cubit apart. The nets and girths and old bag, were first taken up, and then the Anamalo (Dholl) in the other bag. The prosecutor was present, and said they were his property. The Moonsiff, Curnum, the 2nd, 4th, 5th and 6th witnesses and others were present, we went at 12 o'clock, and by 1 P. M., it was found. The channel is 2 guddies from Samoodrapully, and about 3 guddies from where the prosecutor was robbed. I went to the spot where prosecutor had been robbed. The prosecutor's wife and party had left before. The reason that led us to enquire of the 1st witness was, because prosecutor had mentioned that he had been robbed by Coorchars and bearers, so we went to the Coorchars huts to enquire, 4 or 5 guddies from the place of the robbery, there were none nearer.

The prisoners have no questions.

Solemnly affirmed before me, this 3rd October 1857.

(Signed) G. A. HARRIS,
Commissioner.

7th Witness.—I was present when the 1st and 2nd prisoners deposed before the head of Police, from the beginning to the end. The 1st prisoner stated that he had joined the assembly to settle a caste dispute in the village of Pengaragoontah, that three Coorchars who had come from the westward took him and the 2nd prisoner to Samoodrapilly to drink, and afterwards called them to commit this robbery, that he and 2nd prisoner had stopped at 10 fathoms distance, while the others committed it, that the property had been buried in the Buffalo channel, where it had been found on their pointing it out. The 1st prisoner was not ill-used, he admitted voluntarily. The 2nd prisoner stated also to the same effect, voluntarily. He also was not ill-treated to confess. The 8th witness was present, and we attested the declarations.

Fort St. George, Judicial Consultation, 20th October 1857.

I have heard the confessions read. They are the same as the prisoners gave. The witness points out his signature.

The prisoners have no questions.

Solemnly affirmed before me, this 3rd October 1857.

(Signed) G. A. HARRIS,
Commissioner.

8th Witness.—I was present when these prisoners confessed to the head of Police, from beginning to end. The 1st prisoner said that he and the 2nd prisoner had accompanied three other Coorchars who had committed the robbery, while they (1st and 2nd prisoners) stood at a distance, and that the property had been buried in the Buffalo channel, and that they had pointed out the place, where it was found. The 2nd prisoner spoke also to the same effect, neither of them were ill-used. They deposed voluntarily. I put my mark to the depositions; the 7th witness affirmed his signature.

I have heard the depositions read. They are the same as the prisoners gave. The witness points out his mark.

The prisoners have no questions.

Solemnly affirmed before me, this 3rd October 1857.

(Signed) G. A. HARRIS,
Commissioner.

9th Witness, Village Moonsiff of Samoodrapilly and Byapogarapilly.

I was informed of the robbery having occurred on the following morning, and went to the spot, and ascertained the correctness of the prosecutor's statement, and made a report to the head of Police, after receiving orders to trace out the offenders, I enquired of 1st witness, being a Coorchar, and as he and others had halted in the neighbored, and he mentioned that he had met these prisoners whom he named, on the evening of the Sunday on which the robbery occurred, and that they had asked him to come and rob some Wudders. The 1st witness will not tell the prisoners names in Court, on account of an understanding between the Coorchars, whereby expulsion from the caste would follow, on his doing so. I knew that the 1st witness is acquainted with both of these prisoners. The 2nd witness brought the 1st prisoner, and the same evening he was questioned, but he said he had not robbed. Next day, 26th September, he admitted he and 2nd prisoner had robbed, and that the property had been buried in the Buffalo channel. The 2nd prisoner was then sent for, and the 3rd witness brought him on the 27th September, he also admitted as above. Then I, Curnum Soobiah, 2nd witness, and the others, went to the channel, and there under the sand, the prisoners took up the things now before the Court, the prisoners pointed out the place. It was then past mid-day. The spot was about 3 guddies from where the robbery had occurred. On the morning of the 14th September, when I saw the prosecutor, he had a wound on his forehead, and slight marks on his arm, which was swollen. The things were buried in two places, a cubit apart.

The prisoners have no questions.

Solemnly affirmed before me, this 5th October 1857.

(Signed) G. A. HARRIS,
Commissioner.

1st Prisoner's witnesses.

2nd witness, Vencatigadoo.—I saw the prisoner the day after his apprehension, but not subsequently. I saw him in the village of Samoodrapilly. Nothing took place before me. The prisoner said he had been beaten. He bore no marks of it. The Village Moonsiff, 2nd witness and others were with him. I did not hear them say any thing particular to the prisoner. I did not hear them say any thing to the prisoner about getting him released.

Fort St. George, Judicial Consultation, 20th October 1857.

The prisoners have no questions.

Solemnly affirmed before me, this 5th October 1857.

(Signed) G. A. HARRIS,
Commissioner.

3rd witness, Pottigadoo.—I heard no one tell the prisoners that they would get him released, nor to confess. I heard nothing said about money being paid and getting prisoner released. The prisoners have no questions.

Solemnly affirmed before me, this 5th October 1857.

(Signed) G. A. HARRIS,
Commissioner.

1st witness, Coolladoo.—I did not hear any thing said to the prisoner about payment of money in order to get him released, provided he confessed.

The prisoner has no questions.

Solemnly affirmed before me, this 6th October 1857.

(Signed) G. A. HARRIS,
Commissioner.

10th witness for the prosecution.

I am the prosecutor's wife. I know his property. I was present when the robbery took place. I did not recognize the robbers. They broke the pots with stones. I was asleep inside, my husband outside. He was beaten with sticks, 2 nets, 14 girths, a bag of dhol, an empty bag, a gunny cloth, 2 ropes, were stolen. The Taliary came next morning, and took us to the Village Moonsiff, I know the property from having used it many years. The property Nos. 1 to 6, before the Court, belong to my husband, the prosecutor, and were stolen on that night.

The prisoners have no questions.

Solemnly affirmed before me, this 8th October 1857.

(Signed) G. A. HARRIS,
Commissioner.

The prisoners plead not guilty.

The witnesses examined for the prosecution prove that after their apprehension, the prisoners admitted having been present at the robbery, and delivered up from places of concealment, a part of the property of which the prosecutor was robbed on this occasion. It is further proved that the prisoners when subsequently taken before the head of Police, again acknowledged their guilt and admitted having produced some of the plundered property. The 1st prisoner in his defence avowed that he had been asked to confess on promise of being released, but the witnesses whom he called to prove this statement, deny all knowledge of the circumstances. The 2nd prisoner cited his wife to prove that he was ill-treated by the authorities, but as her whereabouts is not known, it has been impossible to secure her attendance.

I convict the prisoners of the crime of which they stand charged, and as robberies are frequent in the district, and I fear are on the increase, and the prosecutor was assaulted on the occasion, I sentence each of the prisoners to 14 years' imprisonment, with hard labor in irons, under the provisions of Clause third, Section IV, Regulation XV, 1803.

8th October 1857.

(Signed) G. A. HARRIS,
Commissioner.

No. 12.

ORDER THEREON, No. 1349; dated 15th October 1857.

Government approve of the sentence of the Commissioner in this case.

(Signed) E. MALTBY,
Acting Chief Secretary.

Exd. F. Cartledge.

4

Memo on the case tried by Mr Harris
as Commissioner & reported with his
letter of 8 Oct.

- In this case two prisoners have been
convicted of robbery by open violence
& sentenced to 14 years imprisonment.

- They & a few others made a deliberate
attack on the huts where the prisoners
& his party were sleeping, during the
night, & were armed with bamboo
whips they used with some violence.

- The prisoners are Corawes, a wandering
tribe noted for its daring propensity
to robbery. - Under these circumstances

Stacey & as the Commissioner makes
no recommendation for mitigating the
sentence it is proposed to let it stand.

10 Oct 1857

JH

15

No. 1349
 Govt. approve of the sentence
 of the Commissioner in this
 case -
 The
 Fort St George,
 15th October, 1857.

7 D. A. Davis Esq.
 Govt under Act XIV of 1857.
 with 25 Subscribers.
 } Disp'd. 19th

MADRAS RECORD
 Government of
 India