

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1371	Press.
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	47-48	
Dated	29-10-1918	

Not to be folded or roughly handled

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

No. 47. Read the following letter from G. A. HARRIS, Esq., Commissioner of Chittoor; to E. MALTBY, Esq., Acting Chief Secretary to Government, Fort St. George, dated 13th October 1857.

SIR,

I have the honor to forward the record of a case* of highway robbery, disposed of by me

* No. 7 of 1857, Prosecutrix Patarapulay Kempaka.

versus
Coorapala Timmaraidoo.

as Commissioner, for the information of Government.

(Signed) G. A. HARRIS,
Commissioner.

No. 7.—1857.

Patarapulay Kempaka

versus

Coorapala Timmaraidoo.

Prosecutrix states.—I was going from my village to Keelapalta, to attend a marriage at Tippareddy's house, the rest of the party preceded me. I reached the village of Neriharaypett with my nephew, he sold his chillies there and returned. I went on alone to Seevady, and thence to Needigoonta, and there met this prisoner. I had never seen him before. I asked him whether he had seen any people going. He said they had gone on, and he would show me the road, and that his name was Chengana of that village (Needigoonta). He went on. I followed him. When we reached a sugar cane garden, I was suddenly seized and thrown down by some one, and my neck pressed with the man's foot, the prisoner was then 2 fathoms off. I called out. I was robbed of all my ornaments, as per list which I gave to the Police; the prisoner did not come to my assistance. When the robber left, he went with him. They both ran off. Neither of them were armed nor disguised. I did not meet any one on my way with the prisoner. I returned to Shenkaraypett, and informed the 3rd witness of what had occurred. I was robbed at this time of day (3 o'clock.) Next day I and 3rd witness and others went to the spot where I had been robbed, where we found lying on the ground, 2 gold beads, a bead belonging to neck ornament, eleven silver pieces of a neck ornament, some false stones and corals. There had been many persons when I was robbed. The prisoner had on a garment, and on his head a cloth, and a nose ring. I was not present when the prisoner's house was searched. I was shewn some property, which was said to have been found in the prisoner's house, it belongs to me, and I took it on this occasion. The property before the Court is mine and was those robbed from me. Those that have no numbers were found at the spot; Nos. 1 and 5 were shown to me at the Cutcherry.

You stated that the man who accompanied you had a nose ring, the prisoner has no hole for a ring in his nose, what do you say?

I did not say the prisoner had a nose ring.

The prosecutrix is fined 5 Rupees, in default one week's imprisonment, under Section VII, Regulation XIII, 1832, for this gross contradiction.

The prisoner has no questions.

Solemnly affirmed before me, this 10th October 1857.

(Signed) G. A. HARRIS,
Commissioner.

3rd witness, Deloyet Cassim Naik.—The day of the new moon, Tuesday, in the month of Mohurum, the prosecutrix came to Shenkaraypett, about 5 p. m., and told me she had been robbed, that a man had joined her at Needigoonta, she described him as of red color, long face and with a nose ring, with whom she had gone to the sugar cane garden, when another person had come and pushed her down and robbed her who was round faced and black and that both had gone off together. I and Paupanal and others went to Needigoontah with the prosecutrix in order to get her to point out the place where the robbery had taken place, but it having got dark, we went in the morning, and there the property not marked, now before the Court, were found, which the prosecutrix claimed and said that they had been lost at the robbery, laying in the channel. The

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Cuttoobady peons, 1st witness, and others were present. The following day the 1st and 2nd witnesses said that they suspected the prisoner and two others, because they had met the prisoner the day of the robbery; I reported this to the head of Police, and afterwards received a warrant. The prisoner had been already taken up on suspicion of a gang robbery, and was before the head of Police, so I am informed, and therefore I sent to the head of Police, and the prisoner was forwarded to me. I sent for the prosecutrix, but could not search the prisoner's house as I went to the Tannah to enquire about another matter. On the third day, the prisoner's house was searched. Two ryots of Conapapully (the prisoner's village) were examined and sent in. I was outside. They brought out a small cloth bundle which they said they had found in the thatch of the roof. They showed the place to us as we were outside. In the bundle were Nos. 1 and 5 now before the Court. The Curnum was present, the Toties and ryots, the 2nd witness, 4th witness and others also. The prisoner also and his family, the prisoner said that the red stone (No. 3) belonged to him, and that he knew nothing about the other things, nor who had put them there. I put my mark to the list of property found at the prisoner's house. I can't explain why this is not stated at the foot of the list. I did not see the bundle when in the prisoner's house. The prisoner was not among the persons who were paraded before the prosecutrix, that she might point out, if possible, who had robbed her.

How many days after you received information After repeatedly asking this question no direct from the 1st and 2nd witnesses, did you re- answer could be got, but first one thing and port the matter to the head of Police? then another was stated by the witness.

Fined Rs. 5, in default one week's imprisonment under Section VII, Regulation XIII of 1832.

The prisoner has no questions to put.

Solemnly affirmed before me, this 10th October 1857.

(Signed) G. A. HARRIS,
Commissioner.

2nd Witness.—The 1st witness said to me that he suspected the prisoner and two others of having robbed the prosecutrix. This was before the property had been found in the channel, the reason he gave for suspecting the prisoner was because he had been thrice before apprehended. He gave no other reason. I did not suspect the prisoner before the 1st witness said so to me. I had no previous acquaintance with the prisoner. I was present when property was found in the channel, the day after the robbery. False red stones, coral beads, amulets (how many I don't remember,) 1 or 2 gold beads and a piece of silver neck ornament. The property before the Court not marked, was found in the channel. Some 30 days after, the prisoner's house was searched; the 3rd witness and others present, two ryots of prisoner's village, names I don't remember, went in to search, their persons were first examined. I did not sign the list. The prisoner was present. He said that the red stones (No. 3) were his own, the other things he said were not; and that he did not know whose they were. His relations said the same. The property marked No. 3, 4, 5, were found in room on south side. That marked No. 1, 2, were found in north room. I only saw after all had been brought out.

At the talook you said that all the property was brought from the north side, what do you say to the contradiction?

I stated as I did here.

The prisoner has no questions to put.

Solemnly affirmed before me, this 10th October 1857.

(Signed) G. A. HARRIS,
Commissioner.

1st Witness.—Four days after the robbery, I told the 3rd witness that I had met the prisoner on the day of the robbery following the prosecutrix, that he had been twice before apprehended, and therefore I suspected the prisoner. The prosecutrix had also said that the person who had accompanied her was tall and of red color. She did not say that he wore a nose ring. I

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had seen the prisoner before occasionally. I was not present at the search of the prisoner's house. The prisoner has no questions to put.
Solemnly affirmed before me, this 10th October 1857.

(Signed) G. A. HARRIS,
Commissioner.

6th Witness.—I know the prosecutrix' property. She is wife of my cousin. I know she has a leg ornament and amulets, both were worn at her neck, how many amulets I don't know, the leg ornament was hollow and quite plain, the amulets were also plain and had rings. I know no other property of prosecutrix', I have seen the above with prosecutrix about ten years. The property marked Nos. 1 and 2 before the Court, belong to prosecutrix. You stated at the talook you knew other property of the prosecutrix? The prosecutrix also wore with her neck ornament black and red stones and coral. The red were small. I intended to tell after I was questioned about them.

These are like what the prosecutrix wore.

Nos. 3, 4, 5, ornaments what are they?

The prisoner has no questions to put.

Solemnly affirmed before me, this 10th October 1857.

(Signed) G. A. HARRIS,
Commissioner.

Prosecutrix re-examined.—It appears that you cited one Tummana at the talook to prove the property to be yours, do you wish him to be examined here? He was sent for at the talook and asked, and said he knew nothing. He does not know any of my property.

Solemnly affirmed before me, this 12th October 1857.

(Signed) G. A. HARRIS,
Commissioner.

Sentence.

The prosecutrix was robbed on the 18th August, and on the 22nd August she gave a description of the person who had accompanied her a part of the way, and who being present while another person came and attacked and robbed her, afterwards went off in company with the robber. The prisoner has been sent up as the person so indicated by the prosecutrix, but it is clear that he cannot be the man, for the prosecutrix then described him (and adhered to this description before me) as having had on a nose ring and the prisoner's nose has never been bored for such a purpose. The prosecutrix, in explanation of this contradiction, grossly prevaricated by saying that her description was intended to refer to the man who robbed her, and not to the one who accompanied her from Neddigoonty. That this is false, is clear from her having stated at the talook that she was unable to describe the robber. The appearance also of the prisoner does not tally with that mentioned by the prosecutrix as that of her companion.

On the day after the robbery, the spot where it took place was visited by the 3rd witness and others in prosecutrix' company, and some portions of her silver neck ornaments, consisting of a number of links and a ball, three black beads, five red beads, and 4 coral beads, were found. On the 21st September the prisoner's house was searched, and certain properties are alleged to have been found there, belonging to the prosecutrix, and which were robbed on this occasion. It is very remarkable that these properties consist of a few of exactly similar articles as were found, as above mentioned, at the spot where the robbery took place. The coincidence is so strange, that viewed in connexion with the evidence adduced, I have no doubt whatever that the charge has been trumped up against the prisoner, by the placing on his premises a part of the things which were found on the spot. The prisoner claimed No. 3 to be his own property, one of the witnesses

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called by the prosecutrix to prove the property before the Court to belong to her, is unable to attend from sickness. The other witness cannot swear to No. 3 being prosecutrix' property, nor is it capable of identification, as it consists of a few loose common red beads, without any mark upon them.

The prisoner is acquitted of the charge, and ordered to be released.

12th October 1857.

(Signed) G. A. HARRIS,
Commissioner.

No. 48.

ORDER THEREON, No. 1371; dated 19th October 1857.

To be recorded.

(Signed) E. MALTBY,
Acting Chief Secretary.

*List of Packet in No. 7 of 1857 on the file of the
Commissioner's Court.*

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*G. Harris
Commissioner*

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The prisoner is acquitted of the charge, and ordered to be released.
12th October 1857.

Jud. L. to Eng. D. March
No. 2 of 1858 - Para 9

Exd.

Jud. L. to Eng. D. March
No. 2 of 1858 - Para 9

Q. 4 to Cons. 20th Oct.
Judicial. 1857 - kept

From J. A. Harris Esq.
Commissioner of
Chittoor

To E. Malthey Esq.
Acting Chief Secretary to
Government

Dated 13 October 1857

Recd 15 " 38 - 1st recd

Enclosures 29

No. 1696. *W. H.*

Forwarding the record
of a Case of Highway
Robbery disposed of by
him as Commissioner
for the information of
Government.

No. 1371

19 October 57. *W. H.*

Thirty eight enclosures returned
to the Court. 19 Oct/57.

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C. 16 Oct.
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