M.R.O. 1—89,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1526 Press ~~Mis.~~

17-18

Dated 15-11-~~19~~ 18.

Not to be folded or roughly handled

No. 17. Read the following letter from J. W. CHERRY, Esq., Commissioner of Salem; to E. MALTBY, Esq., Acting Chief Secretary to Government, Fort St. George, dated 28th October 1857, No. 4.

SIR,

* 21st October.

1. In obedience to the orders* of Government, received on the 23rd Instant, I have the honor to send all the Police proceedings connected with Commissioner's case No. 4, and the record of the case No. 68 of 1857, in which the prosecutor Ramasawmy Chetty had been charged with theft, or fraudulent embezzlement.

2. I have also to report that the prisoners have been kept in confinement without irons or labour.

3. As it was chiefly upon the depositions of the 1st and 2nd witnesses, given before the Police, and which they altogether ignored before me, that I founded the decision I came to in that case. I beg to transmit a translation of the same.

4. Confession made before Police officers are required to be received with suspicion, but I am not aware that there is the same objection to the statements of witnesses, there was nothing in this case to shew that these witnesses were forced by ill-treatment to make the revelations they did, and though it is not the opinion I entertain of every Tahsildar in the district, yet from my previous official acquaintance with the head of Police of Darampoory, before whom these depositions were taken, I have no hesitation in expressing my conviction of the improbability of that officer having compelled these witnesses to depose in the way they have.

5. In many of the Criminal cases published by the Foujdaree Udalut, I observe that great importance is attached by the Judges to the first evidence that is given before the talook authorities, it is doubtless there, if any where, the real truth of the story comes out, and it is mostly after the delay of the case being committed, and upon the tutoring of the well skilled parties that hang about every Court, that the main facts in a case are either exaggerated, or altogether suppressed.

6. In the examination of this case, there was internal evidence to shew that the witnesses who came before me, had been tampered with, to keep back every thing that would tell against the prisoners, there was besides the direct testimony of the 3rd and 4th witnesses, both Circar peons, the latter, an old and respectable hand in the Collector's establishment as Jemadar.

7. They distinctly swore both before the Police and to me, that the 4th prisoner had made every effort to intimidate the 1st witness, who was then in their custody, upon a suspicion of being concerned in some other case. Why should the 4th prisoner shew such anxiety about the 1st witness, and why should he have urged upon the 3rd witness, the necessity of silence in the matter of the 1st witness' communication about the gold coin robbery? I think the point is satisfactorily proved, and if so, it goes far to remove all idea of at least the 4th prisoner's innocence of the charge; and also accounts for the withdrawal before me of this very first witness' Police statement, affecting as it clearly does, all the prisoners.

8. I believe that the 1st and 2nd witnesses spoke with all truth as to what they actually saw and heard, and that they faithfully described to the Police, every thing of their own free will, the influence and bad character that the prisoners bear in that neighbourhood, doubtless, had much to do with both these witnesses, and the prosecutor keeping from sheer fear, silence in the first instance.

9. Since disposing of this case, I have learnt from most trustworthy sources, that the prisoners belonged to a gang that were the terror of the people of Darampoory, and who were suspected of organising most of the numerous robberies that have taken place in that and the neighbouring talooks, the actual expression made to me was, "the Darampoory ryots now sleep without fear since this conviction."

10. In Commissioner's cases 10, 11 and 12, which will be shortly submitted to Government, there are other parties who are convicted, and who are supposed to be connected with the prisoners in this case, 2 Mahazars duly attested and each signed by 50 or 60 respectable people, speak to the alarm caused by this gang, and the fears entertained, should they be released.

11. I do not wish to interfere with any impartial review of the prisoners' case, yet I have ventured to submit these additional remarks, considering them called for when transmitting the Police record.

12. It escaped me in passing sentence in this case, to award the "forfeit of all the property and effects," as provided in the last part of para. 1, Act XVI of 1857. Should the Government not disturb my decision, they may perhaps consider this should be added to the punishment.

(Signed) J. W. CHERRY,
Commissioner.

Translation of a Deposition given before Bremarow, Police Tahsildar of Darampoory, by Chinnagooroovun, 1st witness, son of Soobbaucharry, of Darampoory, by caste a Cummalah, by profession a goldsmith, of the sect of Sevah, and aged about 24 years, dated 10th July 1857.

Answer.—One day, about 4 months ago, at about breakfast hour, I was in the yard of one Soobbaroya Chetty's house. The aforesaid Soobbaroya Chetty's son, Auroomoogum, (1st prisoner,) was also present there. Meanwhile one Janapah (name unknown) of Tengricottah, came there and asked the above Auroomoogum, (1st prisoner,) if he can give Rupees in exchange of star pagodahs. Auroomoogum (1st prisoner,) said he would pay at 3-12 a star pagodah, when the above Janapen replied that he would only sell them at 4-4 each. Auroomoogum, (1st prisoner) consented, and told the Janapen to bring them if he had any more star pagodahs, all of which he Auroomoogum, (1st prisoner) promised to purchase. The above Janapen then said that he was in possession of a large amount of star pagodahs; that he was a resident of Comarasamyputtee, and that he would bring them directly, and when he (Janapen) had departed, the above Auroomoogum, (1st prisoner,) sent for Selaur Saib (2nd prisoner), the late Duffadar Mummoo (3rd prisoner), Syed (6th prisoner), the tannah peon Chendameah (4th prisoner), and Rettakyen (5th prisoner) ,of Darampoory, and told them thus: "The aforesaid Janapen possesses a large amount of star pagodahs, which I have desired him to bring, promising that I would give him Rupees in exchange, when he is come, I would take him to the site of the Fort. Let us then hold out threats to the said Janapen and rob him of the pagodahs." He further requested the said 5 parties to threaten him, Auroomoogum, (1st prisoner) also. They said they would go before-hand to the Fort, and accordingly went away. About 2 hours after sun-set, the above Janapen came back to Auroomoogum's (1st prisoner's) house. Auroomoogum (1st prisoner) having furnished himself with about 100 Rupees, took the Janapen to the Fort. I also accompanied them, when I observed the tannah peon Chendameah (4th prisoner) and others near Mummoo's house (3rd prisoner), to which the Janapen was taken and required to shew the star pagodahs, he did so, and when Auroomoogum (1st prisoner) attempted to pay him the Rupees, the aforesaid Seelaur Saib (2nd prisoner), Mummoo (3rd prisoner), Syed (6th prisoner), the tannah peon Chendameah (4th prisoner), and Rettaykyen (5th prisoner), all interfered, seized the Janapen and Auroomoogum (1st prisoner), and threatened them. They then pinioned the Janapen and ill-treated him and menacing him, said that they would take him to the Cutcherry, they wrested from him the 200 star pagodahs, as well as the 100 Rupees from Auroomoogum (1st prisoner.) The above 6 persons afterwards divided them between themselves in the said Mummo's (3rd prisoner's) house. Auroomoogum (1st prisoner), then took back his 100 Rupees, and all dispersed. In the 1st instance, when the Janapen shewed one of the star pagodahs to Auroomoogum (1st prisoner), the latter asked him how he came by it. The former replied that his father got his (Janapah's) elder brother married, and neglected to see him married, and that therefore without the knowledge of his father and others, he had carried off the pagodahs which his father had buried under ground in his house. The above Janapen was in the habit of frequenting his caste people's house at Comarasamyputtee. I will show the house where he usually stops. The peon Syed-aneef (3rd witness) brought me from Ahtoor and placed me in the choultry near the Cutcherry. Meanwhile Chendameah (4th prisoner) met me and abused me enjoining secrecy. The Huzzoor Jemadar was alone present. This morning the above Chendameah (4th prisoner) stood near the car, and making a sign with his hand abused me, enjoining secrecy. The peon Syed-aneef (3rd witness) and Ally-saib (4th witness) were then present. It was about 8 o'clock P. M., when the aforesaid persons committed the robbery. The Janapah said he would

prefer a complaint in the Cutcherry, but they intimidated and sent him away that night. They robbed the pagodahs with the "butwah purse" containing them.

(Signed) CHINNAGOOROOVUN,
Witnesses.
(Signed) RAMASAWMY.
(,,) GOOLAM MOOHDEEN, Peon.
(,,) BEEMAROW, *Police Tahsildar.*

Immediate Examination.

On the day previous to that on which the tannah peon and others robbed the star pagodahs, the above Janapen gave me a star pagodah, and requested me to cause 4 pairs of ear-rings to be made for him. I accordingly got them made for him. The 4th day after the robbery of the star pagodahs, the above Syed (6th prisoner) came to me and told me that he would give me 2 star pagodahs of which he begged me to make for him a nose ring. I said I don't know to make it. He asked me if Puchaymoottaucharry of Cadugattoor can make it. I said he can. He accordingly gave the pagodahs to him, and got a "Nuttoo" or nose ring made. The said Janapah is wearing on his ears the ear-rings that were made by me. No one else knows of our having made the ear-rings and "Nuttoo."

(Signed) CHINNAGOOROOVUN.
Witnesses.
(Signed) GOOLAM MOHEEDEEN,
(,,) RAMASAWMY, Peon.
(,,) BEMAROW, *Police Taksildar.*

Further examination, dated 27th Idem.

Q.—Look at the forthcoming ear-rings, whose are they?

A.—These are the identical ear-rings which I made for this prosecutor, Ramasawmy Chetty, when he had been to Darampoory, and this is the same man whom the above offenders robbed.

Marked CHINNAGOOROOVUN.
(Signed) BEEMAROW, *Police Tahsildar.*
(True translation.)
(Signed) J. W. CHERRY,
Commissioner.

Translation of a Deposition given before Beemarow, Police Tahsildar of Darampoory, by the 2nd witness, Hyderbeig, son of Oossain Beig, residing at Kottayputtee, in the Tengricottah talook, by caste a Moossulman, by profession a cooly, of the sect of Mahommud, and aged about 50 years, dated 8th August 1857.

Answer. One day, about 4 months ago, the prosecutor Ramasawmy Chetty, of Naripullee, halted at Darampoory, on his way to Salem. I am employed in the service of the Curnum of Kottayputtee, and according to his directions, I went to Darampoory, the day after that of the prosecutor's arrival, for the purpose of delivering a rice-beater to one Narainsawmy of Darampoory. The prosecutor had with him certain star pagodas, which he said he should sell and carry the Rupees to Salem, for the purpose of meeting the expense of a civil suit, and he was accordingly selling them. The said Ramasawmy Chetty (prosecutor) was seated in the shop belonging to the draper Kaudersaib at Darampoory, and when he left the shop after purchasing a roomaul, one Vanien or oilmonger (name unknown) met him (prosecutor,) and asked him to sell him 2 star pagodahs. The prosecutor then took out 2 star pagodahs from his "butwah" purse, and shewed them to the Vanien, who paid the prosecutor 8½ Rupees for the 2 star pagodahs, and went away. About 4 Indian hours after sun-set, I saw the prosecutor sitting on Kaudersaib's shop. I was then purchasing tobacco. I also saw the aforesaid Vanien and another Vanien standing at

the place. I asked the prosecutor when he intended to go to his village, he was then coming towards me saying, that he intends to go to his village after visiting Salem. The 2 Vaniers asked the prosecutor if he had any more star pagodahs, he replied he had, and was ready to sell them. They asked him how many he had with him. The prosecutor asked them whether they were in possession of so many Rupees as would admit of the purchase of the whole of the star pagodahs in his possession. They answered that they, as well as 4 other Moosulmans, would purchase all the star pagodahs in prosecutor's possession, whatever may be their number, after paying the requisite price, and accordingly the above two Vaniers took the prosecutor towards the Fort, conversing with him along the way. I also followed them for the purpose of going to a channel. As I approached the bridge over the channel, I saw the said two Vaniers taking the prosecutor by the way leading to the place where the Moosulman's mosque is situated, meanwhile the prosecutor asked me when I intended to return to my village. I told him on the morning. The prosecutor said that he will be in the house situated near the pond in the mosque and desired me to come and call him on my return from the channel. I promised to do so, and then went to ease myself. About an Indian hour afterwards, as I was returning to the place where I had halted, I called out to the prosecutor who was in the house near the said pond, meanwhile I saw there two persons walking to and fro, and they asked me thus, "Who is the man that is calling out to Ramasawmy Chetty (prosecutor). He, Ramasawmy, (prosecutor) is not here." On looking from the place where I was, I found that the prosecutor had been tied to a post in the verandah of the above Moossulman's house. I also saw two persons near him, whilst two Vaniers were engaged in counting the star pagodas, as the prosecutor held silence, I returned. The prosecutor had told me that he would give me a letter to be sent to his village, and he had not given it to me. The distance between the place where I was and that where the prosecutor had been tied to a post, is 5 or 6 fathoms, a light was placed in the latter place. I only identified the two Vaniers, I was not aware of the features and names of the 4 others. I recognized the Vaniers as I lately saw them in the evening. It was 4 P. M. when the prosecutor gave the two Vaniers two star pagodahs near the car. One of these Vaniers was short, whilst the other was tall.

Q. Look at these two Vaniers, who are they?

A. I have looked at them. The two Vaniers I have above named, resembled these Auroomoogum (1st prisoner) and Rettaykyen (5th prisoner) of whose names I was now informed, of the 4 others of whose features I above stated that I was not aware, one was tall. On the noon of the day in question, the prosecutor gave Aroomoogum (1st prisoner) two pagodahs from his "batwah" purse, and the said parties requested the prosecutor to give them some more pagodahs, and I also saw a number of star pagodahs in the prosecutor's "butwah" purse, I therefore supposed that what they had been counting must have been the star pagodahs. I will also point out the house in which the prosecutor had been tied to a post. On subsequent enquiry, I learn that the house where the prosecutor had been tied to the post, belong to the prisoner Mummoo (3rd prisoner.) I have now pointed out to you this house.

(Signed) HYDERBEIG.
(„) BEEMAROW,
Police Tahsildar.

(True translation.)
(Signed) J. W. CHERRY.
Commissioner,

No. 18. ORDER THEREON, No. 1506; dated 19th November 1857.

* Extract Minutes Consultation No. 1377, dated 20th October 1857.

Mr. Cherry, in accordance with the orders* of Government forwards the whole of the proceedings of the Police in case No. 4 on the Commissioner's file, also the record of case No. 68 of 1857 on the Calendar of the Subordinate Judge, where the prosecutor in the case first mentioned was tried and acquitted on a charge of fraudulent appropriation.

2. In the case on the Commissioner's file, the prosecutor charges six persons with robbery, in that, one night, some four months ago, they seduced him to a lonely house near the town of

Darampoory, there tied him up and forced him under threats of death to deliver up certain, to wit, 267, uncurrent coins termed *Star Pagodas* of the value of Rupees 1,100, which coins, he alleged, he had brought with him from his village to change into Company's Rupees, in view to procuring funds to carry on a certain law suit.

3. The Commissioner convicted the prisoners and sentenced them all to 14 years' imprisonment with hard labor in irons. The Governor in Council has carefully considered the record, and, being of opinion that the conviction cannot be sustained, he resolves to exercise the powers vested in him by Act XVIII of 1855, in pardoning the accused, who will accordingly be forthwith released.

4. The Government are of opinion that the conviction is *primâ facie* had from the prosecutor's witnesses having recalled the evidence they are alleged to have given before the Police, and they must add that, irrespectively of such contradictions, the whole case wears an appearance of falsehood.

5. In the first place no sufficient reason is assigned by the prosecutor for his silence for so long a period after his release by the alleged robbers. Again the story told by the 1st and 2nd witnesses is too improbable to be believed, even had those parties repeated their statements on oath. The conduct moreover ascribed to the prisoners in permitting the said witnesses to see all they depose to before the head of Police is past all credit. No men, not bereft of their senses, could have acted such a part.

6. The explanation of the prosecutor in regard to the possession of the Pagodas is that he was about to sell them in order to meet the expenses of litigation. This statement *i. e.* that the prosecutor had a suit in the Court at all the Commissioner has not been at the pains to test. The value of the Pagodas—Rupees 1,100—is a large sum to require for the purpose put forward.

7. The Commissioner in his present letter passes a high encomium on the character of the committing Officer, the Tahsildar of *Darampoory.* The Government consider he merits but little credit for the manner in which he investigated the charge under review.

8. In the case where the present prosecutor is the prisoner, he was indicted by his relatives for fraudulently appropriating portions of the family property, a part of which it is remarked, consisted of *Star Pagodas.* It is not impossible that this charge he now brings of robbery, has some connection with the fraud he there was accused of having effected. The charge advanced by his relatives against him was laid in *April,* and this would appear to be about the period he has selected as the time of the robbery committed on him by the present accused. In the first case, however, he makes no mention of having been robbed. It is possible, nevertheless, that the disputes with his relatives still continuing he endeavours to account to them for the non-appearance of at least a portion of the estate in litigation.

9. The Police proceedings are returned.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

No 4 Salem Commissioner's Court

28th October 1857

From,

J. W. Cherry Esqre

Commissioner of Salem

To

E. Maltby Esqre

Acting Chief Secretary to Government

Fort St George

Sir,

1. In obedience to the orders of Government received on the 23d instant I have the honor to send all the Police Proceedings connected with Commissioners Case No 4 and the Head of the Case No 68 of 1857 in which the Prosecutor Ramasawmy Chetty had been charged with theft or fraudulent embezzlement

2. I have also to report that the Prisoners have been kept in confinement without irons or labour.

3. As it was chiefly upon the deposition of the 1st and 2d Witness given

before

x 21st October

and which
before the Police they altogether ignored
before me, that I founded the decision I came
to in that case, I beg to transmit a trans-
lation of the same.

4. Confession made before Police
Officers are required to be received with
suspicion, but I am not aware that there
is the same objection to the statements
of witnesses - There was nothing in this
case to shew that these witnesses were
forced by ill treatment to make the revel-
lations they did, and though it is not
the opinion & contention of every Talookdar
in the district, yet from my previous official
acquaintance with the Head of Police of
Daramposoy, before whom these depositions
were taken, I have no hesitation in
expressing my conviction of the improbability
of that Officer having Compelled these
witnesses to depose in the way they have.

5.

5. In many of the Criminal
Cases published by the Foreign Office
I observe that great importance is attached
by the Judges to the first evidence that is
given before the Talookdar Authorities - It is
doubtless there, if any where, the real truth
of the story comes out and it is mostly
after the delay of the case being committed
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this Case there was internal evidence to
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7. They distinctly swore both before the Police and to me that the 4th Prisoner had made every effort to intimidate the 1st witness, who was then in their Custody upon a suspicion of being concerned in some other case - why should the 4th Prisoner shew such anxiety about the 1st witness and why should he have urged upon the 3d witness the necessity of silence in the matter of the 1st witnesses communications about the Gold Coin Robbery? I think the point is satisfactorily proved and if so it goes far to remove all idea of at least the 4th Prisoners innocence of the charge and also account for the withdrawal before me of this very first witness's Police statement affecting as it clearly does all the Prisoners.

8. I believe that the 1st and 2d witnesses spoke with all truth as to

6.

to what they actually saw and heard and that they faithfully described to the Police every thing of their own free will the influence and bad character that the Prisoners bear in that neighbourhood doubtless had much to do with the non witnesses and the Prosecution keeping from there fear silence in the first instance.

9. Since disposing of this Case I have learnt from most trustworthy sources that the Prisoners belonged to a gang that were the terror of the people of Daranpore and who were suspected of organising most of the numerous robberies that have taken place in that and the neighbouring districts. The actual expression made to me was "the Daranpoory Ryots now sleep without fear since this conviction".

10. In Connexion Cases 10. 11. and 12. which will be shortly submitted to Govt there are other parties who are

Convicted

convicted and who are disposed to be connected with the Prisoners in this Case. 2 Mahuzars duly attested and each signed by 50 or 60 respectable people speak to the alarm caused by this gang. & the fears entertained should they be released.

11. I do not wish to interfere with any impartial review of the Prisoners Case, yet I have ventured to submit these additional remarks considering them called for when transmitting the Police Record.

12. It excepted me in passing sentence in this Case to award the "forfeit of all the property and effects" as provided in the last part of para 1. Act XVI. of 1857. Should the Government not disturb my decision they may perhaps consider this should be added to the punishment.

I have the honor to be
Sir
Your most Obedient Servant
[signature]
Commissioner

2

Translation of a Deposition given before Bremanaven Police Tahsildar of Daramporry, by Chinna gotavaran 1st Witness son of Soobhanchetty of Daramporry, by caste a Cummalah, by profession a Gold Smith, of the Seet of Sewah, and aged about 24 years Dated 10th July 1857.

Answer One day about 4 months ago, at about breakfast hour, I was in the yard of one Soobhaya Chetty's house. The aforesaid Soobhaya Chetty's son 1st Pitchy Aurooroogum was also present there. Whereas while one Jonapah [name unknown] of Sangri Cottah came there and asked the above 1st Pitchy Aurooroogum if he can give 1st Pagoda in exchange of star Pagodahs. Aurooroogum said he would pay at 3-12 a star pagodah. When the above Jonapen replied that he would only sell them at 4-4-0 each. 2nd Pitchy Aurooroogum consented and told the Jonapen to bring them if he had any more star pagodahs all of which he 1st Pitchy Aurooroogum promised to purchase. The above Jonapen then said that he was in possession of a large amount of star Pagodahs that he was a resident of Conarasamy Pattanam and that he would bring them directly and [Jonapen] had departed, the above 2nd Pitchy sent for Selaur Lisle the late Dubash 6th Pitchy Syed the Tanah Peon Chundaram 5th Pitchy Pellakayen of Daramporry and told

Cont: 20 Oct 1857

Judl & Sessions Side

Abstract of Proceedings

Judicial Department

Report the Commissioner

of Police

Colombo

Sir

I have the honor to forward herewith for your information the Proceedings in the case of Aurooroogum charged with Cruelty to his Servant Jonapen, and to report that the Prisoner was discharged on the 24th Instant, there being no evidence to support the charge.

I have the honor to be

Sir

Your obedient Servant

Police Chief Constable

Colombo 24th July 1857

S.C. No 1506.

Prisoner

Aurooroogum

Charged with

Cruelty

Discharged

24th July 1857

Dept. 28"

Cash 85/-

Rec'd 24th July 1857

Cash Rs 85/-

Cash Rs 10-0

Rec'd 17/-

17

it Jonapen possesses a large Amount
godahs which I have desired him to bring
that I would give him Rupees six &
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Seelaur Saib Nummoo, Syed
4th Pir 5th Pir
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Ally Saib were there present. It was about

8 o'Clock

Translation of a Deposition given before Beemarow, Police Tahsildar of Daramsoory, by the 2nd witness Hyderbeig son of Cossaim beig residing at Kottay-puttee, in the Tengri cattah Taloob, by caste a Moossulman, by profession a coolly of the sect of Mahemmudan aged about 50 years - Dated 8th August 1857.

Answer. One day about 4 months ago, the Prosecutor Ramasawmy chetty of Nari-pallee halted at Daramsoory, on his way to Salem - I am employed in the service of the Curnum of Kottay-puttee and according to his directions I went to Daramsoory, the day after that of the Prosecutor's arrival, for the purpose of delivering a rice beater to one Naraincawmy of Daramsoory - The Prosecutor had with him certain Star pagodas which he said he should sell and carry the Rupees to Salem for the purpose of meeting the Expense of a Comb suit - and he was accordingly selling them - The Prosecutor Ramasawmy chetty was seated in the shop belonging to the draper Kandeasaib of Daramsoory and on when he left the shop after purchasing Roomaul one Vannien or Messenger name unknown with which Prosecutor, and asked him to sell him 2 Star pagodahs - The Prosecutor then took out 2 pagodahs from his "Batwah" purse and showed them to the Vannien also paid the Prosecutor 8½ Rupees for the two Star pagodahs and went away. About 4 Indian hours after sun set, I saw the Prosecutor sitting

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[Signed] Chinnagoorovenn

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Police Tahsildar

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w many he had with him. The Prosecutor asked
m whether they were in possession of so many
pees as would admit of the purchase of the whole
the Star pagodahs in his possession. They answered
t they as well as 4 other Moossulmans would ...
chase all the Star pagodahs in Prosecutors possession
atever may be their number after paying the ...
essite price and accordingly the above two ...
niers took the Prosecutor towards the Fort conversing
him along the way I also followed them for the
pose of going to a channel. As I approached the
dge over the channel, I saw the said two Vaniers ...
ing the Prosecutor by the way leading to the place ...
e the Moossulmans Mosque is situated. Meanwhile
Prosecutor asked me when I intended to return to
...

° I hear I must have cautiously
seized — Vide Cande Roy — Salem
I have not read the letter &c
sent up in the first instance
by the four. 2/4
I have however read the notes
made by the Mastly — & the
Coun. 4 second letter, with
the Hans Letters of the 1st & 2d Inst.
It appears to me that the charge
be it true or false, has not
been proved before the four. 4
His sentence cannot therefore
2/ be allowed to stand. It
2/ seems the only course for
the Govt to follow is to punish
the parties under Act XVIII of
55

my own opinion is that the charge is false-

No sufficient reason has been shown for the delay in making the complaint.

The story told by the 1st & 2nd Witness is too unreasonable & improbable to have gained credit even had they not been contradicted as they were.

The Prisoner must first have attempted to have violated the female - & then murdered her to prevent her disposing of -

Mr Cheesman does not appear

even to have ascertained whether or not the prisoner was engaged in labyrinthine in the civil concerns of Calcutta - 1100 Rs a year is a large income to be acquired for trade & speculation -

Notwithstanding such opinion expressed in his favourable letter & his knowledge of the character of the prisoner the Coroner delivered up the body to the Police -

The murder took place on 68 - in which the Prisoner in this case (104) was charged with theft - shows the existence of peculiarly agreeable & neat to the Prisoner head to account to his Jemmy for

12

Judicial Dept

No 1506

E.M.C. under date 19th November/57.

Read the following letter from J. W. Cleary Esq. Commissioner in Salem under Act XIV of 1857.

Here enter No 4 d/28th Oct/57.

+ E.M.C. No 1977 d/20th Oct/57.

Mr. Cleary, in accordance with the orders of Govt forwards the whole of the proceedings of the Police in Case No 4 on the Commissioner's file, also the Record of Case No 68 of 1857 on the Calendar of the Subordinate Judge, where the Prosecutor in the case first mentioned was tried and acquitted on a charge of Fraudulent Appropriation.

2. In the Case on the Commissioner's file, the Prosecutor charges six persons with Robbery, in that, one night, some four months ago, they seduced him to a lonely house near the town of Sarampoory, there tied him up and forced him under threats of death to deliver up certain, to wit, 267, uncurrent coins termed Star

Pagodas of the value of Rs 1100, which coins, he alleged, he had brought with him from his village to change into Company's rupees, in view to procuring funds to carry on a certain lawsuit.

3. The Commissioners connected the Prisoners & sentenced them all to 18 Mos Imprt with hard labour in Irons. The Govt in Cl has carefully considered the record, and, being of opinion that the conviction cannot be sustained, he resolves to exercise the powers vested in him by Act XVIII of 1855, in favour of any the accused, who will accordingly be forthwith released.

4. The Govt are of opinion that the conviction is prima facie [illegible] from the having disbelieved the Prosecutors witnesses, recalled the evidence they the Dre alleged to have given before the Police, and they must add that, irrespectively of such contradictions, the whole case wears an appearance of false hood.

4. In the first place no sufficient reason is assigned by the Prosecutor for his silence for so long a period after his release by the alleged robbers. Again the story told by the 1st & 2d witnesses is too improbable to be believed even had those parties repeated their statements on oath. The conduct moreover ascribed to the Prisoners in permitting the said Witnesses to see all they before to before the head of Police is past all credit. No men, not bereft of their senses, could have acted such a part.

5. The explanation of the Prosr in regard to the profession of the Pagodas is that he was about to sell them in order to meet the expences of litigation. This statement the Commissioner has not been at the pains to test. The value of the Pagodas — Rs 1100 — is a large sum to require for the purpose put forward.

i.e. that the Prosr is not a suit in the Court at all

6. The Commissr in his foresaid letter passes a high encomium on the clara-

of the committing officer, the Tahsildar of Saeumpoory. The Govt consider the merits but little credit for the manner in which the investigated the charge under review.

7. In the case where the present Prosct is the Prisoner he was indicted by his relatives for fraudulently appropriating portions of the family property, a part of which it is remarked, consisted of star pagodas. It is not impossible that his charge he now brings of robbery, has some connection with the fraud he there was accused of having effected. The charge advanced by his relatives against him was laid in April, and his wife appears to be about the period he has selected as the time of the robbery committed on him by the present accused. In the first case, however, he makes no mention of having been robbed. It is possible, nevertheless, that the disputes with his relatives still continuing, he endeavours to account to them for the non appearance of at least a portion of the estate in litigation.

8. The Police Proceedings are returned.

D. J. C. 10/11/57

To the Magistrate of Salem - Dept. 23d

No. 210 To J. M. Cherry Esq.
Dated 17th " Acting Court of Salem
Dispd. 23d

Jud. Ltrs to Engr. 2nd March
No 2 of 1858 - Para 9

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Dy to Cons - 24th Inst.
Judicial 185 / Separate

No. 1506.

Extract Mins of Cons

dd 19th November / 57 -

Recd 4th Dec.

17418