M.R.O. 1—89,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1514 Press ~~Mis.~~

36-37

Dated 2. 11. ~~19~~ 37

Not to be folded or roughly handled

No. 36. 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 31st October 1857.

SIR,

* No. 10 of 1857.
Prosecutor.
Natoova Soobana.
vers.
Raneepet Moonesawmy.

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

(Signed) G. A. HARRIS,
Commissioner.

Case No. 10, 1857.

Natoova Soobana.

vers.

Raneepet Moonesawmy.

The *prisoner* pleads "Not Guilty."

The prosecutor states—About 7 or 8 days ago, I went a part of the way to Arcot with a friend, the 1st witness was with me. My friend left us and we returned for Vellore. About 6½ P. M., we reached half mile on the east of Rungapoorum, near the bridge, when my leaf umbrella was struck with a stick, and on turning to look what it was, I was hit on my head and back and right leg. It was the prisoner, he had an umbrella in his hand, and struck me with the handle. The umbrella before the Court is the one in question. On being struck on the knee, I fell. The 1st witness had run off on the prisoner being about to pelt a stone at him, on his asking why he beat me, when he turned to see who it was. When I was down, the prisoner snatched a bag from my waist, in which was the property mentioned in the list given by me at the Police, and which belongs to my wife. As soon as he had snatched the bag he ran off to the west to the garden belonging to the native Choultry. I got up and went slowly to the tannah. Before my arrival there, the tannah Peon (2nd witness) and the 3rd witness also 1st witness had gone to look for the robber, and about ½ *guddy* (12 minutes) afterwards they returned with the prisoner and the property which I had lost, and the umbrella. I do not know the prisoner. I had never seen him before. There was twi-light then. I recognized the prisoner by that light. His face was not disguised. He was clothed in the usual manner as he is now. I have pain still on my knee from the blow, and which drew blood. I was not present when the prisoner was apprehended. I heard the prisoner voluntarily confess the crime to the 2nd witness and others. The handle of the umbrella was broken by the blow on my knee. The property marked Nos. 1 to 9 belongs to me and was robbed from me by the prisoner.

The prisoner has no questions to put.

Solemnly affirmed before me, this 31st October 1857.

(Signed) G. A. HARRIS,
Commissioner.

1*st Witness, Mahomed Saw.*—Last Sunday, I went with the prosecutor and his friend as far as Arupauk, when the latter left us, and on our return towards Vellore, at ¾ guddy distance from Rungapooram, near a bridge, about 6½ P. M. It was raining, when the prosecutor's umbrella was struck by some one from the rear. On the prosecutor turning to look, he was hit on the head and leg and fell. I saw this and ran off. It was the prisoner who struck the prosecutor. It was a little light then. I ran away through fear of being beaten, and as the prisoner is a strong man. On the prosecutor falling, the prisoner put his hand to prosecutor's waist and snatched his bag, and I ran off to the tannah, which was ¾ mile off. I found the 2nd witness and 3rd witness there. I told them what had happened, and told them that the robber had ran to the garden by the Choultry, ¼ mile from the tannah. I accompanied them to look for the robber. We went to the garden and saw the man running by the side of the hedge, the 2nd witness seized him, and he was brought to the tannah. The prosecutor had in the interim reached there; on searching the prisoner, a bag was found on him, and in it two rings and other property, all which the prosecutor recognized and claimed as his own. The prisoner also admitted the offence voluntarily at that time, the property

marked Nos. 1 to 9, is that which was found on the prisoner. The broken handle of the umbrella before the Court is the one with which the prisoner beat the prosecutor. I had never seen the prisoner before, his face was not disguised. He was dressed as he is now.

The prisoner has no questions to put.

Solemnly affirmed before me, this 31st October 1857.

(Signed) G. A. HARRIS,
Commissioner.

2nd Witness, Mahomed Buddan, Tannah Peon.—On the 25th October, I was at the tannah of Rungapooram, and about 6½, while it was raining, the 1st witness came and told me that he and a man with him had been attacked and robbed near the bridge, and the latter had been beaten and had fallen there, and that the robber had run towards the garden of the Choultry. The bridge is about ¾ mile from the tannah. Then I went with the 1st and 3rd witnesses to the garden within ¼ mile off, and looking about, saw a man running by the hedge. I ran and seized him. It was this prisoner. We brought him to the tannah. In the interim the prosecutor had arrived. At the garden, on his apprehension, the prisoner confessed the crime. The prosecutor said he was the man who had robbed him. The prisoner was searched at the tannah and a bag was found at his waist, and in it, a nose ring, an ear ring, an ear ornament, a tooth pick, 2 silver rings, two silver hooks, 12 Annas in cash. The prosecutor recognized and claimed this property as his own, and the prisoner, also said it belonged to the prosecutor. The prisoner's confession was quite voluntary. I had no previous acquaintance with the prisoner. Next day, I sent the prisoner, the property and the parties to the Police Ameen of Vellore. The prisoner was seized on the east of the Choultry. He had with him an umbrella under his arm, the handle was broken. The prosecutor said that the prisoner had beaten him with it. The prosecutor's right leg was bleeding from the effects of a blow which he said the prisoner had given him. The side of his head was swollen, and fingers of his right hand were bleeding, also from the blows received, he said. Neither the prosecutor nor the 1st witness exhibited symptoms of having been drinking. The property marked Nos. 1 to 9 and the umbrella before the Court with broken handle, are the same as I have mentioned above.

The prisoner has no questions to put.

Solemnly affirmed befor me, this 31st October 1857.

N. B.—The evidence of the 3rd witness is not taken.

(Signed) G. A. HARRIS,
Commissioner.

4th Witness, Tattan Moottialoo.—I work as a gold and silver smith for Tattan Vencatapah at Vellore. I know certain property of the prosecutor, viz., 2 silver rings, a silver ear pick with tooth pick, 2 silver hooks, a gold nose ring, an ear ring with green stone, the nose ring has a false ruby in it. I know them to be prosecutor's property, because I was employed to make them one month ago. Both the prosecutor and his wife came and got them made. The above have no particular marks. The property marked 1, 2, 4 to 6, belong to the prosecutor and are what I have described above. I do not know the rest of the things.

The prosecutor and the prisoner have no questions to put.

Solemnly affirmed before me, this 31st October 1857.

(Signed) G. A. HARRIS,
Commissioner.

5th Witness, Peon Narrainsawmy.—I and the 6th witness were present when the prisoner admitted to the Police Ameen of Vellore, having assaulted and robbed the prosecutor. We were present during the whole time while he was deposing. He confessed voluntarily. He also stated he had been apprehended with the prosecutor's property in his possession, also that he

had stolen two cloths from near the Choultry after he had robbed this prosecutor. The deposition read out is the same as the prisoner delivered, as before mentioned by me. It bears my signature. The witness points out his signature.

The prisoner has no questions to put.

Solemnly affirmed before me, this 31st October 1857.

(Signed) G. A. HARRIS,
Commissioner.

6th Witness, Peon Vencatramdoo.—I and the 5th witness were present when the prisoner confessed to the Police Ameen of Vellore, that he had assaulted and beaten the prosecutor, and had been apprehended with the prosecutor's property in his possession. No ill-usage was had recourse to or any inducement held out to him to confess. He confessed voluntarily. He was told that if he told the truth, he would be pardoned. I was present during the whole of his examination. He also stated, he had robbed two cloths after he had robbed this prosecutor. The deposition read out is the same as before mentioned by me, and which the prisoner delivered. It bears my signature. The witness points out his signature.

The prisoner has no questions to put.

Solemnly affirmed before me, this 31st October 1857.

(Signed) G. A. HARRIS,
Commissioner.

For the prisoner's defence, vide separate paper in the vernacular.

Sentence.

The charge is clearly proved against the prisoner. Both the prosecutor and 1st witness recognize him as the person who attacked them and robbed the former. The 1st witness gave immediate information, and the prisoner was thereupon apprehended near the place with the property in his possession, of which he had robbed the prosecutor. The prosecutor got some blows from the prisoner, and the one inside the right knee which drew blood is still an open sore. There is a second charge against the prisoner of a petty theft committed on the same evening, shortly after having robbed this prosecutor, and he confessed both these crimes when taken before the Police Ameen. As he is found guilty on the present charge, it is unnecessary to put him on his trial for the minor offence.

On the above grounds the prisoner is sentenced to 14 years' imprisonment with hard labor in irons, under the provisions of Clause third, Section IV, Regulation XV, 1803.

(Signed) G. A. HARRIS,
Commissioner.

31st October 1857.

No. 37. ORDER THEREON, No. 1514; dated 20th November 1857.

The Government are of opinion that 5 years' imprisonment is a sufficient punishment for the offence, and resolve to remit the remainder of the sentence. It is observed that this case might have been disposed of by the ordinary Criminal Courts, and the Magistrate's attention will be called to the order of Government dated 25th August last, as it was only intended that dacoities or robberies by open violence, of a serious and alarming nature, should be forwarded for trial to the Commissioner.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

List of Packet in Nos. 10 and 11 of 1857 on the file of the Commissioners Court-

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Note No. 17, is the bundle of property produced in No. 10
" 18, stick with which the Prosecutor was beaten in the same No.
No. 11 is the bundle of property in No. 11-

G. Adams
Commissioner

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for reasons not assigned, he was committed

Published by Geo. D. Morris Dy. to Comm. 24 Feb. 1857
Fee of Office Dollars 6 :

Judl. Let. to Engr. Dt. March
No. 2 of 1858. Para 9

Case No 10 of 1857. on the file of the Commissioner. Chittoor.

Prosecutor. N. Sootanna. Prisoner R. Mooneswamy.

Charge. Highway Robbery. the Prisoner being unarmed except with an umbrella.

Prosecutor & 1st witness were attacked on the Highroad between Aret & Villore at twilight some days ago, by a man they swear to be the Prisoner.

Prisoner came up behind them & struck the Prosecutor several blows with a stick.* 1st Witness immediately ran off to the Tannah, some 3/4 mile off. On the arrival there, it appears, Prosecutor was robbed of certain ornaments (property of his wife) which, for reasons not assigned, he was carrying in a bag round his waist. The Prisoner, foolish fellow, instead of making off in the opposite direction, went towards the Tannah, & took refuge in a Choultry about 1/4 mile from it. He was seen making for this by 1st witness, who accordingly took the Peons there & captured him with the ornaments &c on his person. He confessed at once and also before the Police Ameen - voluntarily - which one of the Peons

* afterwards explained to be the stick of Prisoner's umbrella.

explains that "He was told that if he told the truth, he wd be pardoned!"

Prisoner's Examn before the Commissioner

Q. You have heard all the Prosecn & witnesses have said - Have you anything to say in yr defence? If so, say it.

Answer. I am not guilty. The Police people tortured & make me give the deposition I gave before them. I gave up no property at all. I don't know whose clothes these are, before the Court. The umbrella, however, is mine. They (the Police) broke it in two. I don't know how the Prosecn came by the wound on his knee. I had a quarrel with the Prosecn on Sunday by the village of Allimêlu Mungâpur. I don't know where I was apprehended. I was very drunk & had lost my head. I have no witnesses to disprove the charge against me. I have seen the Prosecutor & the Witness on some former occasion (Yôgaday) but am not acquainted with them. This is all I have to say.

D.S. 3/11-57.

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For orders

The main points of the case & the defence made by the Prisoner are given in the accompanying Memo of the Dy. Secretary.

The case has somewhat the appearance of a drunken brawl on behalf of the former, but under any circumstances 14 years imt seems a longer punishment than is called for. The case should be remanded for orders

The case should be remanded for orders
is one of highway robbery & the evidence should be recorded according to Regulation - And the case sent before the Sessions Court. It is probable that the sentence would not exceed 7 years imt & I should recommend that the evidence should be recorded & sent to the Sessions Court
There is ample evidence on record of P. conviction - The Commr. should

have called for the decision of the Govt. relative to the manner in which the cases stated had been attended to -

Magistrates of Districts have failed to attend to the orders of Govt. dated 25 August last which should be upon all occasions strictly attended to - Extenuating circumstances have frequently been offered against the State - clemency or Mercy when circumstances of a serious & alarming nature

7 Nov.

No 1511

Govt of C dated 20th Nov 1857

Read letter from the Commissioner (Superintendent) of Chittoor reporting the sentence in Case No 10 of 1857 -

The Govt are of opinion that 5 years imprisonment is a sufficient punishment for the offence & resolve to remit the remainder of the sentence - It is observed that the case might have been disposed of by the ordinary Criminal Court, and the Magistrate should be called to the reason of Govt dated 25 Sept last - as it was only intended that heavier cases or robberies by open violence, & serious & alarming nature should be preferred for trial to the Commissioner

To J A Harris Esqr
Commissioner
Chittoor
with Enclosures
Nos 1 @ 31.

Disp. 27th

" Magistrate of North Arcot

Disp. 27th

Dy to Encs - 24 Inclosures

Judicial 1857 Depart.

Judl. Ltr to Engr. Dr. March
No 2 of 1858 - Para 9

No. 1514

Extract Minutes of Proceedings

Dated 20 November 1857

36 x 37

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