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1602

Fort St. George, Judicial Consultation, 15th December 1857.

No. 13. Read the following letter from G. A. HARRIS, Esq., Commissioner of Chittoor; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 19th November 1857.

SIR,

1. In accordance with Act No. XIV of 1857, I have the honor to forward the record and sentence passed by me as Commissioner in case No. 9 of 1857.

2. Under the provisions of Section XXXIX, Act VII, 1843, I have the honor to forward a report regarding the conduct of the Police Ameen of Vencatagherry Cottah, by whom the case was sent up for trial; copies of the Extracts of my proceedings referred to therein are likewise forwarded.

3. In accordance with Clause second, of the said Section, a copy of this report and of the other papers has been sent to the Magistrate of North Arcot.

(Signed) G. A. HARRIS,
Commissioner.

No. 9—1857.

Gang robbery.—Rupees 512-8, on the 13th September 1857.

Prosecutors.

1st, Camatum Ramanah.
2nd, Coraba Boodoogadoo.

Versus.

1st, Chaidaypullay Ramoodoo.
2nd, Talary Gooroovadoo.
3rd, Gunta Ramoodoo.
4th, Coraba Papadoo.
5th, Sauthadoo.
6th, Arava Ramoodoo.

1st prosecutor states, during my absence at Palamanair, my house was robbed. I was returning on Monday about six weeks ago, and heard of its having taken place the night before. I found on reaching home that the doors had been broke, and property stolen according to the list I gave to the Police. The 1st and 3rd witnesses, my wife and children were in my house that night. I was shewn at the Police Cutcherry a ring with $\frac{1}{2}$ Rupee attached to it, also 2 plain silver rings, these rings are mine, and were stolen on this occasion. The Curnum wrote the list for me and he omitted to enter the latter rings in it. I charge the prisoners at the bar with the robbery from what the 1st, 2nd and 3rd witnesses told me. (2nd witness is 2nd prosecutor.) The property before the Court Nos. 1 and 2 are mine. I claim also the money No. 3, having lost Rupees 170 in cash. I did not lose any weights.

The prisoners have no questions.

Solemnly affirmed before me, this 20th October 1857.

(Signed) G. A. HARRIS,
Commissioner.

2nd prosecutor states, about six weeks ago, on a Sunday night, I was sleeping with my family in our house, situated opposite to the 1st prosecutor, about 6 or 7 fathoms, when robbers broke open my door and the 4th and 5th prisoners entered the house, the 5th prisoner had a torch and both had sticks, with which the 5th prisoner beat me, and the 4th prisoner struck my wife and sister. Only these two entered. The 4th prisoner's hair was all loose. I have known them both many years, and their names. My property consisting of gold and silver ornaments was taken out of some pots and some cloths also were taken, about Rupees 100 worth of property as per list. I received blows on my fingers and back, my left thumb nail has come off from the injury received. The females were not severely injured. The 1st prosecutor's house was being robbed at the same time. I saw the 1st prisoner handing over the 1st prosecutor's things to others. I have

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know the 1st prisoner for a long time and by name. I saw him come out of the 1st prosecutor's house. He was not disguised. From my cow-stall, I saw the 1st prisoner.

How is it you did not name the 1st prisoner I did. I don't know why it was not written in your first examination at the Talook?

I did not see any of the other prisoners.

1st Prisoner's Question.

Before the robbery when did you see me?

Some of my relations live at Chaidaypullay and Bodigoontlapullay, and the 1st prisoner lived for some time at the former village, those places are near each other; and when I used to go there I saw the 1st prisoner.

How many days before the robbery did you see me?

One year before.

4th Prisoner's Question.

If you saw me during the night, you might have seized and taken me to the Police next day?

The 1st prosecutor was absent and we have no other person to assist us.

5th prisoner says this witness lived in my village 4 years ago, and I kept his sister, therefore, he has enmity against me.

The witness on being asked, declares this to be utterly false.

The prisoners have no more questions to put.

Solemnly affirmed before me, this 20th October 1857.

(Signed) G. A. HARRIS,

Commissioner.

2nd prosecutor re-examined.

Do you know any property of 1st prosecutor's?

I know some rings which the 1st prosecutor's wife used to wear, they are Nos. 1 and 2. I also lost some plain rings, but they were larger than No. 2.

Solemnly affirmed before me, this 20th October 1857.

(Signed) G. A. HARRIS,

Commissioner.

1st witness, Appanah.—On the night of the robbery, I was sleeping in the 1st prosecutor's house, i. e., about six weeks ago, on a Sunday night, I was awoken by prosecutor's wife Chengamah calling out to me that robbers had come, I got up and came to the Court yard, when the 2nd prisoner gave me a blow with a stick on my left arm, being an old man, I fell down. I got up again and went to Vencatagherry Cottah to give information. There were others outside, there were torches; the 2nd prisoner had one. The others had sticks and bill-hooks. I did not recognize any one, but the 2nd prisoner. I have known the 2nd prisoner since 20 or 30 years and by name. He had a cloth tied round his face, but was not otherwise disguised. He had a Munjalgherry cloth on his head. I saw the 1st prosecutor's wife and son beaten, but I don't know by whom. My arm was swollen. The 2nd prosecutor's house was also broken into the same night. I did not see the property being taken by the robbers, as I went off.

The 2nd prisoner states that this witness's sister was married to his (2nd prisoner's) uncle, and after his death, a dispute arose about property, and hence through enmity this witness deposes against him. The witness denies that the person alluded to was the 2nd prisoner's uncle, and pleads he has no enmity whatever against the 2nd prisoner.

The prisoners have no questions to put.

Solemnly affirmed before me, this 20th October 1857.

(Signed) G. A. HARRIS.

Commissioner.

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2nd witness, Hanaruntoo.—About six weeks ago, on a Sunday night, I was sleeping in the 1st prosecutor's house, (near his herdsman) in the same room with the 1st prosecutor's wife and children. The door was broken with stones, but being a heavy one, it was lifted off the hinges and removed. The 1st prosecutor's arms were taken by the robbers, I was pinioned with a cloth and the females were made to sit down and was stripped of their ornaments. The 1st prosecutor's wife threw herself at the 2nd prisoner's feet and begged him not to take the children's ornaments. The 2nd prisoner kicked her on the chest. I got a cut behind the left shoulder with the back-edge of a sword from the 1st prisoner. He took the ornaments from the 1st prosecutor's wife and children and handed over to the other robbers, but to whom I don't know. The 1st and 2nd prisoners only entered that room. It was the prosecutor's sword which the 1st prisoner used.

How did you state at Police that the 1st prisoner I did not state so.

gave the things to the 2nd prisoner's sons?

The 2nd prosecutor's house was also robbed that night. After the 1st and 2nd prisoners had left, the 3rd prisoner came and took two brass plates from inside near the cooking place. There were torches burning at the door, and by this light I saw him. I have known the 1st and 2nd prisoners many years. I never saw the 3rd prisoner before that night. None of them had their faces smeared, nor their hair loose. The 1st and 2nd prisoners had red cloths on their heads and the 3rd prisoner white one. Besides these three prisoners I did not recognize any others.

By what light did you recognize the 1st and The 2nd prisoner had a torch.

2nd prisoners?

I know the rings which the 1st prosecutor lost. His wife used to wear them. One with $\frac{1}{4}$ Rupee on it and the other plain rings. Nos. 1 and 2 are them.

The prisoners have no questions.

Solemnly affirmed before me, this 20th October 1857.

(Signed) G. A. HARRIS,

Commissioner.

3rd witness, Monigar Dassay Gowdoo.—The Daloyet Balakrishnama Naidoo and Peons came to me about 20 days ago with the 1st prisoner, in order to have his house searched. I heard the 1st prisoner admit that he had committed this robbery and had some of the property which he would deliver up. He did not say what the property was. We went to his house, when the 1st prisoner's mother-in-law Balaka came out and had something at her waist, so she was stopped and searched. She had a bag with Rupees 63 in it, one of which was of lead. There were also three rings, one set with a $\frac{1}{4}$ Rupee and two plain rings in another small bag. The 3rd prisoner lives in the same house. Balaka is the 3rd prisoner's concubine. Balaka said the rings belonged to her. She did not say any thing about the money.

The prisoners have no questions to put.

Solemnly affirmed before me, this 20th October 1857.

(Signed) G. A. HARRIS,

Commissioner.

6th witness, Sheik Ahmud.—On the 4th October the 1st prisoner was apprehended by the Daloyet Balakrishnama Naidoo, I, and others, on a warrant for the robbery in this case. On his apprehension he confessed having committed the robbery at Chowdaypullay, that he had given his mother-in-law Rupees 53 and a ring with $\frac{1}{4}$ Rupee to it and two plain rings. On the 5th October we went to his house. The 3rd witness and others were present, also the 1st prisoner. When we came to the door his mother-in-law came out, and was searched and on her were found Rupees 63 and three rings, there was a quarter Rupee, one $\frac{1}{2}$ Anna, and three Pice, also seven quarter Annas besides. All in one bag. One of the rings had quarter Rupee to it, and two were plain. Balaka said the rings were her property, and the money also. The 1st prisoner acknowledged that

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this money and the rings were robbed from the 1st prosecutor, that he had only given Rupees 53. When the 1st prisoner was apprehended and confessed, Balakrishnama Naidoo, 5th witness and I were present.

The rings Nos. 1 and 2 were found on the 1st prisoner's mother-in-law.

The prisoners have no questions to put.

Solemnly affirmed before me, this 20th October 1857.

(Signed) G. A. HARRIS,
Commissioner.

7th witness, Daloyet, Balakrishnama Naidoo.—On the 29th September, I received a warrant to apprehend the 1st prisoner on account of the robbery committed on the 12th September at Peddarampully, in which the prisoners, in No. 6, 1857, were concerned.

The 2nd prisoner in this case (the 1st prisoner's brother) had told the Police that he would get the 1st prisoner and others apprehended and produce the property through them.

The 5th prisoner was also sent as he had also said the same. He did not say that he knew where the property was. On the 4th October we apprehended the 1st prisoner, the 5th and 6th witnesses accompanied me. The 2nd and 5th prisoners were not then present. The 1st prisoner admitted to us that he had joined with others in the commission of this and the robbery at Peddarampully; that Rupees 53, a ring with quarter Rupee attached and two plain-rings, got at this 1st prosecutor's house had been deposited with him by one Capadum Vencatramadoo (now in Jail on a requisition of security from the Magistrate,) which were in possession of his mother-in-law Balee. On the following day we went to the 1st prisoner's house and in the presence of the 3rd witness, the Monigar of the 1st prisoner's village, (4th witness,) Curnum, 6th witness and others, the said Balee was searched and on her person were found Rupees 63, one quarter Rupee, seven quarter Annas, one half Anna, three Pice, a ring set with quarter Rupee, and two plain rings, in a bag. Balee first said that the rings and money were her own, and in being told to tell the truth, she said, she did not know, that her husband and son-in-law, (also brother) *i. e.*, the 1st, and 3rd prisoners had given to her, and they would know about it. The 1st prisoner said it was as he had before stated, but that he did not know about the extra 10 Rupees. The 3rd prisoner was not present, I apprehended him at Patticondah on the 6th October, because the 2nd prisoner told me that he, (3rd prisoner) being the 1st prisoner's father-in-law would also have been concerned in the robberies. On my asking him if he had gone to the robberies and what he knew, he said he had not been, but knew about them, that he had refused to go on being asked, that 1st prisoner and others had committed them, that he had threatened to reveal to the Sircar if not paid a share, so Capadum Vencatramadoo and others had given him Rupees 10, which he had given to his concubine Balee, I produced the 3rd prisoner before the Police Ameen and the above property. I have the warrant in my possession. I did not return it because there are others to apprehend who are named in it. The 3rd prisoner's name is not in the warrant.

The prisoners have no questions to put.

Solemnly affirmed before me, this 21st October 1857.

(Signed) G. A. HARRIS,
Commissioner.

8th witness, Balee.—When the 7th witness and others came to the 1st prisoner's house to search it, they took from my purse Rupees 63 and some odd coins and three rings, all belongs to me, none was given to me by the 1st and 3rd prisoners. I got the money by keeping a shop and by cooly hire. I and my daughter acquired it since 7 or 8 years. I am the 3rd prisoner's concubine, and the 1st prisoner is my son-in-law.

The prisoners have no questions.

Solemnly affirmed before me, this 21st October 1857.

(Signed) G. A. HARRIS,
Commissioner.

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9th witness, Adanah.—I was present when the 1st prisoner stated before the Police Ameen, that he had joined in the commission of this and the robbery at Peddarampully. He said that he had got Rupees 53 and three rings at this robbery, which he had given to his mother-in-law, and on whom they had been found. I signed the confession. The 10th witness did also. We were present the whole of the time. The 1st prisoner confessed voluntarily. I was also present when the 3rd prisoner deposed. He stated that he had been asked to go to this robbery but had refused, that he had afterwards been given Rs. 10 got at this robbery, which he had given to his concubine. The 10th witness was also present. The 3rd prisoner confessed voluntarily. I was present the whole of the time. I signed the deposition. I have heard both the depositions read. They are the same as the 1st and 3rd prisoners delivered and bears my attestation.

N. B.—The witness points out his signature.

The prisoners have no questions to put.

Solemnly affirmed before me, this 21st October 1857.

(Signed) G. A. HARRIS,
Commissioner.

10th witness, Veerasawmy.—I was present when the 1st prisoner confessed before the Police Ameen. He admitted having committed this and another robbery and had got Rs. 53 and three rings, which he had given to Balee his mother-in-law, and that they had been found upon her. The 1st prisoner deposed voluntarily. I and the 9th witness were present the whole of the time, and we signed the deposition. I was also present when the 3rd prisoner admitted that he had been asked to go to commit this robbery, but had refused and had afterwards been given Rs. 10 out of the proceeds of this robbery, which he had given to concubine Balee, I and the 9th also signed this deposition. The 3rd prisoner confessed voluntarily. I have heard the depositions read. They are same as the 1st and 3rd prisoners delivered. They bear my signature.

N. B.—The witness points out his signature.

The prisoners have no questions to put.

Solemnly affirmed before me, this 21st October 1857.

(Signed) G. A. HARRIS,
Commissioner.

11th witness, Police Ameen of Vencatagherry Cottah.—I went to the village the day after the robbery, after receipt of the Curnum's report, and enquired of the 1st and 2nd witnesses (2nd prosecutor) whether they had recognized the robbers. The 1st witness said that he would tell after the prosecutor's arrival, because he would have to come to Cutcherry and Court, he feared to say any thing then. He said he had recognized some, so soon as he spoke this, the females of the house interrupted him by saying, "if you say any thing now, we must go to Cutcherry, the prosecutor is absent and no persons will be in the house," and they stopped him from telling.

The 2nd witness the same. The village is about one mile from Vencatagherry Cottah.

The prisoners have no questions to put.

Solemnly affirmed before me, this 29th October 1857.

(Signed) G. A. HARRIS,
Commissioner.

12th witness, Curnum Sectaramiah.—I went next morning to the house and asked 2nd prosecutor, if he suspected any one of having committed the robbery, he said he had recognized some, and in saying this, the females interrupted him, telling him not to tell, but to wait till the 1st prosecutor's return, it was to the latter's house that I went. I did not find 1st witness at that time, nor the 2nd witness Hanamuntoo.

The prisoners have no questions to put.

Solemnly affirmed before me, this 29th October 1857.

(Signed) G. A. HARRIS,
Commissioner.

N. B.—For defence, see separate paper in the vernacular.

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1st witness for the 3rd prisoner, Papanaidoo.—I know the prisoner. He never worked for me. Every 2, 3, 4 or 5 days I used to see him in the morning and during the day time, I don't know what month the current one is, nor when the month of Avany (August 15th to September 14th) fell, I heard of this robbery having taken place 7 or 8 days after its occurrence. I cannot say where the prisoner was on the night of its occurrence, nor if I saw him another day after it.

The prisoners have no questions to put.

Solemnly affirmed before me, this 3rd November 1857.

(Signed) G. A. HARRIS,
Commissioner.

2nd witness for 3rd prisoner, Timmanaidoo.—I know the prisoner. He never worked for me. I used to see him every 3 or 4 days at different times, I don't know what the current month is, nor when the month of Avany fell. I heard of the robbery after the Daloyet came to make enquiry. I cannot say where the prisoner was on the night of the robbery, nor if I saw him on the next day.

The prisoner has no questions to put.

Solemnly affirmed before me, this 3rd November 1857.

(Signed) G. A. HARRIS,
Commissioner.

2nd witness for the 2nd prisoner, Kamala Vencatramadoo.—The robbery took place on a Sunday night about one month and 20 days ago, I was in my village that night, I slept in my own house. The prisoner came to Vencatishadoo's house on Sunday evening to buy paddy. I did not see him after 10 p. m. Chellapullay is one paravoo (48 minutes) from Chowdaypullay where the robbery took place. I did not see the prisoner next morning.

The prisoner has no questions to put.

Solemnly affirmed before me, this 6th November 1857.

(Signed) G. A. HARRIS,
Commissioner.

3rd witness for the 2nd prisoner, Toty Kadrigadoo.—I heard of the robbery the next day. I slept in the street of my village (Chellapullay) the night of the robbery. I saw the prisoner that night at Vencatishadoo's house, I was there till 12 o'clock, after that hour I did not see the prisoner till next morning when the sun was 2 or 3 fathoms high (7 to 7½ A.M.) Chellapullay is about two paravoes (1 hour 36 minutes) from Chowdaypullay.

The prisoner has no questions to put.

Solemnly affirmed before me, this 6th November 1857.

(Signed) G. A. HARRIS,
Commissioner.

N. B.—On the 2nd prisoner's saying the 3rd witness had slept in the pyal of Vencatishadoo's house, the witness assented.

The 1st witness for the 4th prisoner, Ramoodoo.—The robbery took place on a Sunday night, about one month and 25 days ago. On that night I was at Mr. Turner's Bungalow at Vencatagherry Cotah. I was a watcher. It is ½ guddy (12 minutes) from Chowdaypullay where the robbery occurred. The 4th prisoner was with me and a Bearer Chimoogadoo. The 4th prisoner and I went to sleep at 10 p. m. I awoke at 12 o'clock, the prisoner was asleep. In 1 or 2 guddies (24 or 48 minutes,) I slept again, I awoke at cock crow. The 4th prisoner also awoke at 12 o'clock and

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spoke to me, and then went to sleep again. I awoke by myself at 12 o'clock and then the 2nd witness came on his rounds as usual. I did not see if any one came with him. He spoke to us both.

The prisoner has no questions to put.

Solemnly affirmed before me, this 6th November 1857.

(Signed) G. A. HARRIS,
Commissioner.

2nd witness for the 4th prisoner, Talliary Gungadoo.—The robbery took place on a Sunday night, about one month and 20 days ago. That night I saw the prisoner at Mr. Turner's Bungalow, situated about 1 guddy (24 minutes) from Chowdaypullay about 11 o'clock p. m. I did not see him again that night.

The prisoner has no questions to put.

Solemnly affirmed before me, this 6th November 1857.

(Signed) G. A. HARRIS,
Commissioner.

The 3rd witness for the 4th prisoner is reported absent.—He was cited to prove that the 4th prisoner and the 2nd prosecutor had a quarrel about some property.

Witness for the 5th prisoner Hanamuntoo.—I knew of the robbery having been committed next day. On the night of the robbery, I slept in my house, so did the 5th prisoner. He did so in order to water my field. I had sent for him. He is in the habit of always sleeping there, but I called him that night to make sure. I laid down to sleep about 12 o'clock. My village is about 2 guddies (48 minutes) from Chowdaypullay where robbery occurred. I awoke at cock crow. The prisoner was there at 12 and when I awoke.

The prisoner has no questions to put.

Solemnly affirmed before me, this 6th November 1857.

(Signed) G. A. HARRIS,
Commissioner.

1st witness for the 2nd prisoner, Kamaty Vencatishadoo.—I don't know on what date the robbery took place. It was a Sunday about one month and 20 days ago. On that Sunday the prisoner was at my house till 10 and 12 guddies (11 p. m.) at that time he lay down on the pyal. I saw him there at midnight and again next morning at 7 A. M., when he left Chowdaypullay is ½ paravoo (24 minutes) from my village.

The prisoner has no questions to put.

Solemnly affirmed before me, this 12th November 1857.

(Signed) G. A. HARRIS,
Commissioner.

3rd witness for the 4th prisoner, Mooneappah.—The 2nd prosecutor and the 4th prisoner jointly cultivated a field of mine, the 4th prisoner rented it from me. I do not know of their having had any dispute about it, nor of their being on bad terms with each other about any thing.

The prisoner has no questions to put.

Solemnly affirmed before me, this 12th November 1857.

(Signed) G. A. HARRIS,
Commissioner.

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Sentence.

The prisoners pleaded "Not Guilty."

The robbery occurred about 2 o'clock at night of the 13th September last. The Police Ameen of Vencatagherry Cottah was at the spot on the 14th, but the earliest record against any of the prisoners is dated 19th (although as shown in the Court's proceedings 21st October, there is no doubt that this date has been tampered with) when the 1st witness and the 2nd prosecutor (2nd witness at the Talook) deposed that they saw the 2nd, 4th and 5th prisoners committing the robbery. It was not till the 12th October that the 2nd witness, (3rd at Talook,) deposed that he had seen the 1st, 2nd and 3rd prisoners at the robbery. (The 1st and 3rd prisoners were not named by the 1st prosecutor in his deposition of the 19th September.) This 2nd witness' testimony I cannot accept, as it was brought forward after so long an interval. He was no doubt in the 1st prosecutor's house when it was robbed, and if the Police Ameen had performed his duty, he ought to have been examined on the 14th September, for he was in the 1st prosecutor's house when the Police Ameen arrived there. Both he and the 1st witness were in the house when it was robbed, and the 2nd prosecutor's (2nd witness at Talook) house was robbed on the same night. The first duty of the Police Ameen should have been to ascertain who were present in the two houses on the night of the robbery, and to have immediately recorded their statements. The delay in the prisoners' names being publicly mentioned, and the suspicion thrown upon the record from the alteration of the dates, precludes me from placing implicit reliance on the 1st witness, and 2nd prosecutor's (2nd witness at Talook,) statements, they may be truthful, but the Police Ameen's culpable conduct has invested the case with too much doubt for me to convict the 2nd, 4th and 5th prisoners on their evidence*.

* There exists no other proof of any kind.

Though these prisoners, and the 6th prisoner did not admit the charge before the Police Ameen, their statements have been attested by witnesses!

A warrant was issued for the 1st prisoner's apprehension because the 5th prisoner mentioned in his deposition of the 19th September, that he had seen that prisoner in company with the 2nd and 6th prisoners entering the 1st prosecutor's village on the 12th September. When the 1st prisoner was apprehended, he admitted the crime, and his statements led to the recovery of some money and rings which he admitted were the 1st prosecutor's property obtained at this robbery. The latter are proved to belong to 1st prosecutor and to have been taken on this occasion. The 1st prisoner appears from the record to have been a leader among the robbers, on this evidence, I convict the 1st prisoner.

I reject, as before stated, the 2nd witness' (3rd at Talook) statement regarding the 3rd prisoner and that prisoner's admission at the talook of having received Rs. 10 out of the plunder, though he denied having been present at the robbery, if not satisfactorily supported by the testimony adduced regarding that sum having been found in his (3rd prisoner's) concubine's possession, that admission was not recorded till the 9th October, after the money had been found. The 2nd, 4th and 5th prisoners made no guilty admission at the Talook.

The 1st prisoner called no witnesses in his defence, which consisted of a general denial of the charge. The witnesses examined for the other prisoners had failed to prove the alibis which they set up in their defence. The 4th prisoner has also failed to prove that he and the 2nd prosecutor are at variance.

The 1st prisoner is sentenced to 14 years' imprisonment with hard labor in irons under the provisions of Clause third, Section IV, Regulation XV, 1803.

The 2nd, 4th and 5th prisoners are ordered to produce two securities in the sum of Rs. 35 each for their future good behaviour, and appearance when required for the space of 3 years, in default to be imprisoned for a like period, under the provisions of Clause sixth, Section II, Regulation XV, 1803.

The 3rd and 6th prisoners are acquitted and ordered to be released, the 6th prisoner was released on the 21st October after the chief evidence for the prosecution had been taken, for reasons, vide separate sentence of that date.

17th November 1857.

(Signed) G. A. HARRIS,

Commissioner.

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Decision regarding the 6th prisoner.

There is no evidence whatever against the 6th prisoner, neither of the prosecutors nor any of the witnesses swear to his presence at the robbery, none of the stolen property has been found in his possession. He denied the charge before the Police Ameen, and pleads not guilty before me, he is therefore ordered to be released. This prisoner ought not to have been committed for trial by the Police Ameen, on this point and other irregularities, a communication will be addressed to the Magistrate.

21st October 1857.

No. 14. From G. A. HARRIS, Esq., Commissioner of Chittoor; to T. PYCROFT, Esq., Chief Secretary to Government, Fort St. George, dated 19th November 1857.

SIR,

1. In accordance with the provisions of Section XXXIX, Act VII, 1843, and with reference to the sentence passed by me as Commissioner under Act XIV, 1857, in case No. 9 of 1857, committed for trial by Goolam Moortajah, Police Ameen of Vencatagherry Cottah, I have the honor to submit the following report.

2. My sentence, and the proceedings which I recorded on the 21st October, relative to the present case and in other cases noted in the margin (herewith submitted) also sent up by this Police Officer, will I believe satisfy the Right Honorable the Governor in Council that that Officer is unfitted to hold his present office.

3. The conduct and trial of case No. 9 not only evinces culpable neglect and ignorance of duty on the Police Ameen's part, but he also appears to me to be guilty of having altered the dates of the depositions taken in the case with a fraudulent design.

4. In the first place the Police Ameen charged the prisoners in one count with having committed a robbery of Camatum Ramoodoo's and Vencataram Chetty's houses. The Police Ameen had received no charge against the prisoners for this latter offence, he did not even investigate the truth of the 1st prisoner's* admission of having committed it, but entered it in the charge and directed the Duffadar, in whose custody he sent the 1st prisoner to me for trial, to ascertain the correctness of that admission on his way to Court, and if established, to take the parties who could substantiate it, to me. The Duffadar accordingly brought certain persons up to prove that a jacket which 1st prisoner had stated to belong to the said Vencataram Chetty, had been found in 1st prisoner's house; but no claimant came. Having returned the property with instructions that the Police Ameen must first ascertain whether Vencataram Chetty laid claim to it and could prove it to be his property, and then send up a fresh charge against the 1st prisoner. I was subsequently informed that Vencataram Chetty, disclaimed all ownership of it. Besides, the robbery at Vencataram Chetty's house occurred on a different date and at a different village from Ramoodoo's and under any circumstances ought not to have been mixed up with the charge in the latter case. Further a party was sent up as 2nd witness in the case under consideration, whose house was robbed at the same time and place as Ramoodoo's, but not only was he not sent up as prosecutor, but, the prisoners were not even indicted for the robbery at his house.

* i.e. before the Commissioner's Court.

5. The Police Ameen reached the village of Chowdaypullay where the two* prosecutors reside, on the 14th September, but failed to make any record or even to ascertain who had been in their houses when the robbery occurred on the previous night (vide my comments regarding the 2nd witness (3rd at Talook) in proceedings of 21st October and 7th para. of Police Ameen's explanation;) thus giving time and opportunity for trumping up a false charge and evidence to support it.

6. The 2nd and 5th prisoners were made over in a highly irregular manner to the Duffadar to assist him in tracing out the robbery, whereas they and the 4th prisoner ought to have been committed for trial on the 19th September, and that proceeding delayed their committal until the 14th October, in violation of Circular Order Foujdaree Udalut, 21st May 1829 A.

Fort St. George, Judicial Consultation, 15th December 1857.

7. The 6th prisoner ought never to have been committed (vide my sentence in his case dated 21st October.)

8. The statements of some of the prisoners were attested by witnesses as if they had confessed the crime, whereas they denied it.

9. Upon the alteration of dates and other matters I will not enlarge, as I have noticed the subject in my proceedings of 21st October. The Police Ameen's explanation, herewith submitted, appears to me to be most unsatisfactory, and of itself evinces I think this Officer's incapacity for the important post which he holds, and from which I am of opinion he should be removed.

10. The proceedings recorded in the other cases referred to, also show this Officer to be very inefficient and lax in the performance of his duties.

(Signed) G. A. HARRIS,
Commissioner.

No. 15. ORDER THEREON, No. 1602; dated 10th December 1857.

The Commissioner forwards the record and sentence in case No. 9, with reference to para. 6 of Extract Minutes Consultation No. 882, dated 27th July.

2. The charge in this case is 'gang robbery' and the knowingly receiving the property, so stolen.

The prisoners are six in number. The Commissioner has convicted the 1st prisoner and sentenced him to 14 years' imprisonment with hard labor in irons under Clause third, Section IV, Regulation XV of 1803. The 3rd and 6th prisoners have been acquitted and unconditionally released, while the remaining three have been called upon to produce two securities each for their good behaviour and appearance when required, in default of which they are to be imprisoned for the like period, with reference to Clause sixth, Section II of the same enactment.

3. The conviction of the 1st prisoner is approved. The demand for security, however, against the 2nd, 4th and 5th prisoners is not justifiable, and the Government therefore resolve to direct that those parties be set at liberty forthwith. The evidence offered on the part of the prosecution against these three men was that they had been observed at the time of the robbery and subsequently identified. The Commissioner has discarded such testimony as worthless, and there are no other grounds for suspicion. The Commissioner's attention is called to Foujdary Udalt Circular Order No. 204.

4. In the second of the letters above recorded, the Commissioner comments on the conduct of the Committing Officer, the Police Ameen of *Vencatagherry Cottah*. This report, it appears from para. 2 of the Commissioner's other letter, is made to Government "under the provisions of Section XXXIX, Act VII of 1843." Mr. Harris, therefore, should bring the subject to the notice of the Foujdary Udalt, and if the Magistrate wishes to put in any answer to the recommendation of the Commissioner that the Ameen should be dismissed, it will be for him to address that Court and not the Government.

(Signed) T. PYCROFT,
Chief Secretary.

16x
In the report to the
Minist of the case
& the judgment
thereon - will await
Mr. Pycroft's opinion.

The conduct of the
Police Ameen appears
to have been very
satisfactory to say the
least the Commissioner
should be referred to

In the man's general
character - & he who
he heard of Dr. P. in
his conduct in this
case -

At

The Green was
ill & the lady
Colt is a very unhealthy
man. I do not see any
reason for his arrest
resp. We can hear the
other opinion of

7
The demand for the
evidence is not sufficient
The Judge refused
to credit the evidence
of 2, 4 & 5. Besides
this evidence no other
grounds of suspicion
exist - the evidence was
rejected - as to the way
of the Prisoner's trial
either denying of credit
or ~~was~~ ~~the~~ ~~case~~ ~~the~~
having pronounced it the
later - no grounds for a

demanded of humanity
these principles founded on
such evidence - it
should be considered
in respect to the
the sentence passed
is a legal one for the
charge. Had it been
found -
not the conduct of
the Vice President. The
Comm. is asking the Govt
to disapprove
and will have under

8-
last + x + 1 + set VII of 43 -
while ~~from~~ in no
way applies to Govt - it
vests the F. C. with
powers in similar
matters -

The Govt. can I presume
disapprove of its
agents if it sees fit
to do so - but in this
case - I think the G.
should decline
- even to the point

Every case that comes
up. ~~under~~ Look for
any of the four mentioned
for future use. More
& more in my already
expressed opinions
as to the serious mis-
-take Govt. is com-
-mitting in thus
changing the ordi-
-nary course of the

law - in the total ab-
sence of any one of
the causes that led
to the enactment
of the act in question -
our late order directing
the Exec. Magistrate,
alone to send up cases
to the Court - ^{is} ~~was~~
necessary to under-
-stand the future act
of the

25

W. H. H.

$1\frac{1}{4} \times 36 \text{ min}^2$

R.B. On the 2^d Dec. saying that the 3^d witness had
deposited in the Trial of Kenebec had not shown,
the witness appeared —

The 1st W^m further to P^ris: — Ramadon
The robbery took place on a Sunday night, about
one month & 25 days ago. In that night some of
Mr. Furness's baggage at Vincent's place was stolen.
It is $\frac{1}{2}$ judged $\frac{1}{12}$ more from Monday till when

The 1st P. was with me &
 a Wener Chimney. - The 4th P. went to sleep
 at 10 P.M. - I awoke at 12 - The 1st P. was
 asleep. In 1 or 2 hours I slept again - I awoke
 at cock crow. The 4th P. also awoke then at 12
 & spoke to me & then went to sleep again. I
 & myself at 12⁰⁰ and then the 2^d
 P. came on his rounds as usual. I did not
 if any one came with him. He spoke to us

The Pir has no question to put
before me this 6th
Galt
Comment

2nd Whisk for the 4th Pir. Talcary Gungadon.

The robbery took place on a Sunday night
at 1 month & 20 days ago. That night

I saw the Pir at Mr Turner's bungalow,
situated about $\frac{1}{2}$ mile from Chowdry =
24 minutes

Friday - about 11 o'clock P.M. - I did
not see him again that night.

The Pir has no question to put
before me this

6th 57. Galt
Comment.

The 3rd for the 4th Pir is reported absent. He
was cited to prove that the 4th Pir had the
2nd Pir had had a quarrel about some
property. — He has no answer on.

Whisk for the 5th Pir - Gungadon.
Knowing the robbery having been committed nearly
day - on the night of the robbery I slept in my
house - so did the 5th Pir - He did not order to
enter my field. I had sent for him - He is
in the habit of always sleeping there, but I called him
that night to make sure. I hid down to sleep
about 12 o'clock - My village is about $\frac{2}{3}$ mile
from Chowdry where the robbery occurred.
I awoke at cockcrow - The Pir
was there at 12 o'clock when I awoke.

The Pir has no question to put
before me this 6th 57
Galt
Comment.

1st for the 2nd Pir } (for 2nd & 3rd see back)
Kamaty Kacateradon

I saw them on the 20th date the robbery took
place. It was a Sunday - about 1 month & 20 days
ago. On that Sunday, the Pir was at my house
at 10 or 12 o'clock - at that time he lay down
at 11 P.M. - I saw him there at midnight.
and

again next morning at 10 AM when he left
Chowdaypully in ^{24 mins} Paravoo from my village.

The Prio has no question to put
Solemnly affirmed before me this 12th Nov 57
G. B. Saccas
Comm.

S.W. for the 1st Prio - Inooneappah.

The 2nd Prio & the 4th Prio jointly indicated a full
affirmance, the 4th Prio stated it from me. I do
know their having had any dispute
not of their having had any dispute
about it, nor of their being a bad lot
with cash then about having there.

The Prio has no question to put
Solemnly affirmed before me this 12th Nov 57
G. B. Saccas
Comm.

Subscribed

The Prisoners pleaded not guilty.

The robbery occurred about 2 o'clock
at night of the 13 September last. The Police
Station of Karataghy Cottah was at the spot on the
14th - but the earliest record against any of the
Prisoners is dated 19th - (altho' as shown in the Prio's
Prio: 2, October there is no doubt that this date has been
tampered with)

when

the 1st witness and the 2nd Prosecutor (2nd witness at the Talook) deposed
that they saw the 2nd, 4th & 5th Prisoners committing the
robbery. I was not till the 12th October that the 2nd witness
deposed that he had seen the 1st, 2nd & 3rd Prisoners at the
robbery (The 1st and 3rd Prisoners were not named by the 1st Prisoner
in his deposition of the 19th September). This 2nd witness
testimony I cannot accept, as it was brought forward
after so long an interval. He was no doubt in the 1st
Prosecutor's house when it was robbed, and if the Police
Commissioner had performed his duty, he ought to have been
examined on the 16th September, for he was in the 1st Prosecutor's
house when the Police Commission arrived there. Both he & the
1st witness were in the house when it was robbed - and the 2nd witness
house was robbed on the same night. The first duty of
the Police Commission should have been to ascertain who were
present in the two houses on the night of the robbery and
to have immediately recorded their statements. The delay
in the Prisoners' names being publicly mentioned and
the suspicion thrown upon the record from the alteration
of the date, precludes me from placing implicit
reliance on the 1st witness' and 2nd Prosecutor's statements -
they may be truthful, but the Police Commission's culpable
conduct has invested the case with too much doubt
for me to convict the 2nd, 4th & 5th Prisoners on their evidence.
The 1st Prisoner did not admit the charge before the
Police Commission, their statements have been affected by
their witnesses!

A warrant was issued for the 1st Prisoner's
apprehension because the 5th Prisoner mentioned in his
deposition of the 19th September that he had seen that
Prisoner

in company with the 2^d and 6th Prisoners entering
the Rosemont village on the 12th September. When
the 1st Pris^r was apprehended, he admitted the crime
and his statements led to the recovery of some money
and rings which he admitted were the 1st Rosemont's
property obtained at this robbery. The latter are
found to belong to 1st Rosemont and to have been
taken on this occasion. The 1st Pris^r ~~was~~ appears
from the record
as a Thug and a leader among the robbers. On
this occasion I convicted the 1st Pris^r —

Right, as before stated, the 2^d witness statement
3^d at Tulook
regarding the 5th Pris^r, and that Pris^r admission at the
Tulook of having received Rs 10 out of the plunder
though he denied having been present at the robbery, is
not satisfactorily supported by the testimony adduced
regarding that man having been found in his (3^d P) company's
possession. That admission was not recorded till the 1st of October
after the money had been found. The 2^d, 4th & 5th Prisoners
made no guilty admission at the Tulook.

The 1st called as witnesses in his defence. It consisted
of a general denial of the charge. The witnesses examined
for the other Prisoners have failed to prove the alibis
of the 1st in his defence. The 4th P. has also failed
to prove that he and the 2^d Prisoner are at variance.

The 1st Pris^r is sentenced to 14 years imp^t with
hard labour in prison under the provisions of (Clause third),
Act IV, Reg^s XV, 1803.
The 2^d, 4th & 5th Pris^rs are ordered to produce
Two

securities in the sum of Rs 35 each for their
future good behaviour & appearance when required.
In the space of 3 years, in default to be imprisoned
for a like period, under the provisions
of Clause fifth, Section II, Reg^s XV, 1803.

The 3^d & 6th Pris^rs are acquitted and ordered to
be released. The 6th was released on the
21st October after the chief evidence
for the prosecution had been taken for
Mansoor, vide separate sentence of
1st date.

17 Nov 1807.
J. H. Harris
Clerk.

Dev. regarding the O.P.

There is no custom station w.r.t. the O.P.

Health of the O.P. is very of the O.P.

Even to his presence at the colony -

one of the O.P. property has been found

his property. He denied the charge

upon the O.P. O.P. - & pleaded with

fully before me. He is therefore added

to the record. This I might not have been

committed to trial of the O.P. O.P. -

point irregularities this I have ~~proposed~~ a communication

with the address to the O.P. 24 Oct/57

Judicial Dept

No 1602

E.M.G. 8/10 December/57

Read the following letters (two) }
from the Commissioners in D. arrest } here enters
under act XIV of 1857. } 8/19th Novr/57

The Commissioners forwards
the record & sentence in Case No 9,
with reference to Para 6. of E.M.G.
No 882, 8/27th July.

2. The charge in his case is 'Gang Rob-
bery' and he knowingly receiving the
property so stolen.

The Prisoners are six in number.
The Commissioners has convicted
the 1st Prisoner & sentenced him to
16 yrs Imprisonment with hard labor in
Irons under Clause 41d, Sect V,
Regn XV of 1803. The 3rd & 6th
Prisoners have been acquitted &
unconditionally released, while
the remaining ~~three~~ have been called
upon to produce two securities each
for their good behaviour & appearance
where required, in default of which
they are to be imprisoned for the
like period, with reference to Clause

No 53.

Read to the Court 3rd March
No 2 of 1858 - Para 9

8/31 D.
No 1923.

sixth, Sect II. ~~Part~~ of the
same enactment.

3. The conviction of the 1st Person
is supported by the evidence, & the
sentence in his case is approved.

The demand for security, however,
against the 2^d, 4th & 5th Persons
is not justifiable, and the Court
therefore under the provision of
Act VIII of 1855, resolve to direct
that those parties be set at liberty
forthwith. The evidence offered
on the part of the prosecution
against these three men was that
they had been observed at the
scene of the robbery & subsequently
identified. The Commissionere
has discarded such testimony
as worthless, and there are no
other grounds for suspicion.

The Commissionere's attention
is called to F. U. C. O. No 204.

4. In the second of the letters
above recorded, the Commissionere
comments on the conduct of
the committing officer, the
Police Officer of Varasatagheny
Cottah. This report, it appears
from Para 2 of the Commissionere's

Mr. Magpy has told
that a mild sentence
was proposed, because
the accused was "favorably
known to my predecessors
at Boudillon".

cannot find
that this man
has been dismissed
or suppressed
JP

To G. A. Harris Esq.
Comr of Chittor.
with Encls Nos 1 & 2.

Dispd 14th

then taken, is made to go to
"under the provisions of
" Section XXXIX, Act VII of
" 1843. Mr Harris, therefore,
shall be subject to the
notice of the Fourdang Subaltern
and if the Magistrate wishes
to put in any answer to the
recommendation of the Commis-
sioner that he Ameen shall be
dismissed, it will be for him
to address that Court and
not the Court.

D. K. 2/12/57.

Note - This man was
suspended a little while
for 6 months - I think
that was the case.

And to the Rev. Dr. H. H. Church
Feb 20 of 1858 Prang

Aug 16 June 1854 Dear
Katharine 1857 Sept 11th

No 1602

Robert & Maria S. of Boston

2/10 December 1857

130 15