

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1609	Press
		Mis.
28-28		
Dated	10 - 12 - 1948	

Not to be folded or roughly handled

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

No. 28. Read the following paper from the Commissioner in the Salem District under Act XIV of 1857.

COMMISSIONER CASE, No. 21. *Parramutty Talook.*

Charge.—Gang robbery.

Property stolen 25-4.

Do. found 2.

Prosecutor Chellapa Gounden.—I was asleep in my shéd, when about 20 robbers came and attacked me; 1st, 2nd, 3rd and 4th prisoners beat me, they took away 15 sheep; 5th prisoner took one on his shoulder, it was a moon-light night. I knew the prisoners before, they are my neighbours, I did not see the prisoners' faces, they made me stoop, I recognised them by their voices. I reported the robbery the same night to 1st, 2nd, 3rd and 6th witnesses, and named the prisoners at the time. I can swear to this rope, because it is my work. There was rain that night. I went with Village Moonsiff and other ryots to trace the robbers to 2 or 3 villages.

By 1st prisoner.—I did not quarrel with you because you came on my field.

By 4th prisoner.—I did apprehend you in another case of theft on suspicion, in which you were released.

1st witness, Poochanaicken.—I am a ryot, I live in the next field to prosecutor; on hearing the row, I went there and saw distinctly the prisoners beating the prosecutor, they and others took 15 sheep, they did not beat me, I was hidden in a hedge 10 fathoms off. After they left, I went to the prosecutor, who told me 10 or 15 names, which I can't now recollect. I was with the Moonsiff and prosecutor in tracing the robbers, but I did not mention the prisoners' names to the Moonsiff. I knew the prisoners before, they live near me, I swear to having seen them, it was moon-light.

By 3rd prisoner.—I never quarrelled with you once.

2nd witness Rungapanaicken, deposed to the same effect.

By 3rd prisoner.—I was punished in a cattle-stealing case, but not from information given by you.

3rd and 4th dispensed with, 5th absent.

6th witness, Chinnah Gounden, Village Moonsiff, states that prosecutor and 1st and 2nd witnesses told him the 1st prisoner's and another's name, but not the other prisoners', when the 1st prisoner was first shown to the prosecutor, he did not point him out.

Prisoners denied the charge, plead alibi, and 2nd prisoner claimed the rope, no witnesses.

Prisoners released on security for 2 years, in 50 Rupees each, under Clause VI, Section II, Regulation XV of 1803.

(Signed) J. W. CHERRY,
Commissioner.

November 19th, 1857.

Sentence.—The whole of this case rested upon the evidence of the prisoners being identified, a number of men attacked the prosecutor while asleep in his hut, and robbed him of 15 sheep. The first report of the village officer, to which I always attach importance, makes no mention of the prisoners' names. Prosecutor himself admitted he did not see their faces, but only knew them by their voices that night, the witnesses pretend to swear to the prisoners, but cannot recollect the names they heard the prosecutor tell them. Lastly, the Village Moonsiff himself said that prosecutor did not point out the 1st prisoner when first shewn to him. The rope identified is a common one, and is as likely to be the prisoner's as the prosecutor's.

Under these circumstances, I release the prisoners, but as suspicion attaches to them, hold them to security for 2 years, each in 2 securities of 50 Rupees a piece, under Clause VI, Section II, Act XV of 1803.

(Signed) J. W. CHERRY,
Commissioner.

November 19th, 1857.

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

No. 29.

ORDER THEREON, No. 1609; dated 10th December 1857.

(Signed) T. PYCROFT,
Chief Secretary.

Endeavour St
No 1609
Ph. Consultation
5/10 December/37

Read the following letters
from the Com^r in the Salem district
under Act XIV of 1857

here under
810 26 56
5/19th Nov/57.

In this case five Prisoners were charged with 'gang robbing' -

The Commission, it is observed, entirely discredits from first to last the testimony given by the Pros^s & his witnesses, but at the same time has held the accused to security for 3 years each in two sureties at 50 Ws. each, under Clause sixth, Sect II, Chap^r IV of 1803, on the ground that 'suspicion attaches to them'

2. The Court considers his sentence
unwarrantable under the circum-
stances, and are pleased to
direct that he same be annulled.
~~He is~~ and the parties
unconditionally released
forthwith. D.C. 2/2/53
Disposed of. J.P.

A
Ag
Sp
W M

nothing to justify
the demand for
return to the Com. Let
me, I have first to
last discontinue
practice of the testimony
in house. I see
strong suspicion to
justify the demand
of the Com. I will

R27-
 c2 Dec
 R8-

Exd. F. Cartledge.

Q. J. & Son - 757 Decar.
Industrial 1857 & 1860

John

Robert Williams of London.

27/10 December/57-

Just in time Doug's returned
Nov 2 of 1855. Para 9

The Original letter and
Starkes returned it to
Cousin by express - 24/4/58.

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