M.R.O. 1—39,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. 1637 Press ~~Mis.~~

3-4

Dated 16-12-~~19~~ 1929

Not to be folded or roughly handled

1637

No. 3. Read the following letter from J. BIRD, Esq., Magistrate of Trichinopoly; to H. FORBES, Esq., Acting Secretary to Government, Fort Saint George, dated 25th November 1857, No. 148.

SIR,

As directed by the orders of Government, No. 1260, of the 19th November 1856, Judicial Department, I do myself the honor to submit the sentences of Mr. Sim, the Acting Head Assistant Magistrate for this district, in two cases * of extortion, and attempt at rape, preferred against the Village Moonsiff of Davadanum, in the limits of Goondoosallay.

*Nos. 38 and 39.

2. The Government will perceive that, both the cases have been dismissed by the Acting Head Assistant Magistrate.

(Signed) J. BIRD,
Magistrate.

Extract from the Register of cases decided by the Head Assistant Magistrate of Trichinopoly, for the year 1857.

Number.	Prosecutrix.	Prisoner.	Charge.	Names of witnesses.	Date of charge.	Date of apprehension.	Date of sentence.	Sentence.
38	Ponnamaul. Kooppa Moottah Pillay, Village Moonsiff of Davadanum.		*Attempt at Rape.* Charged with having one morning, between the hours of 10 and 11, about two months ago, in the Gooroomoorty Chuttrum, in Keela Chintamany, seized the prosecutor's person with evil intent.	1. Lutchoomy. 2. Kamatchy Ammaul.	28th August 1857.	9th November 1857.	23rd November 1857.	The defendant pleads not guilty, and states that the complaint has been trumped up in consequence of two cases which were decided in his (defendant's) Court, one in last year, and one in this. Two witnesses are called in for the prosecution, and the evidence that they give is very meagre, they merely state that they heard a disturbance inside the Chuttrum in question, and on their going to see what the matter was, saw the defendant holding the prosecutrix. The Acting Head Assistant Magistrate does not consider the evidence brought forward, sufficiently clear and satisfactory to convict the defendant of an attempt at a heinous offence, especially as the prosecutrix in her petition mentions having been detained in the choultry, a circumstance which she does not now allude to. The case is therefore dismissed. 23rd November 1857. (Signed) W. C. SIM, *Ag. Head Asst. Mag.*

Remark.—Unavoidable delay in consequence of press of work.

(Signed) W. C. SIM.
Acting Head Assistant Magistrate.

(True Copy.)

(Signed) J. BIRD,
Magistrate.

information —

Extract from the Register of cases decided by the Head Assistant Magistrate of Trichinopoly, for the year 1857.

Number.	Prosecutor.	Prisoner.	Charge.	Names of witnesses.	Date of charge.	Date of apprehension.	Date of sentence.	Sentence.
39	Kistnien.	Kooppa Mootah Pillay, Village Moonsiff of Davadanum.	*Extortion.* Charged with having on or about the 24th of Avany month, corresponding to 6th September 1857, extorted a bribe of six Rupees from the prosecutor in Gopauldoss Chutrum in Keela Chintamany, in the Goondoosallay limits.	1. Naranien 2. Savinyada Pillay. 3. Soobaramien.	7th September 1857.	9th November 1857.	23rd November 1857.	From the evidence brought forward, it appears that some dispute was going on between the 1st witness and the prosecutor, regarding the former having received a bad Rupee in part payment of a debt which the latter owed. The 2nd defendant, the Mettah peon was called in, and took up the parties with the intention of delivering them over to the Police Ameen, but meeting the Moonsiff (the 1st defendant) on the road, he (the Mettah peon) delivered all the parties over to him, and went to his own Met. It was in the choultry whilst the case of assault was under investigation that, the complainant states that, the bribe was extorted by the Moonsiff. This statement is not corroborated by the evidence of any of the witnesses, and the Acting Head Assistant Magistrate dismisses the complaint. 23rd Novembr 1857. (Signed) W. C. SIM, *Ag. Head Asst. Mag.*

Remark.—Some slight delay has occurred in consequence of press of work in Head Assistant Magistrate's Cutcherry, and also in consequence of non-attendance of some witnesses.

(Signed) W. C. SIM,
Acting Head Assistant Magistrate.

(True Copy.)

(Signed) J. BIRD,
Magistrate.

No. 4. ORDER THEREON, No. 1637; dated 16th December 1857.

The Magistrate forwards the 'complaint and sentence' in two cases (Nos. 38 and 39,) on the file of the Acting Head Assistant, in conformity to the Circular Orders marginally noted, which require the transmission of reports in all cases of violence or cruelty charged against Revenue or Police Officers, whether apparently committed under color of official authority or not.

Judicial Department No. 524 2nd August 1856, and No. 1260, dated 19th November 1856.

2. In case No. 38, a village *Moonsiff* is charged with 'attempt at rape.' The case was dismissed, the accusation appearing to have no ground whatever. In the other case (No. 39) the same Moonsiff was charged with having extorted a bribe from a certain party under confinement on suspicion. This was likewise dismissed.

3. It appears to the Government that cases like the first, where the offence charged is not alleged to have been done in abuse of the official powers of the accused, need no longer be reported for their information.

4. The reports should for the future be confined to those cases in which the offence was committed or alleged to have been committed under color of official authority, or involved an abuse of his official powers on the part of the Officer charged.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

C 25th Nov 1857. No 1041

Dy to Cons 23d Dec Judicial 1857 Sept

From The Magistrate of Trichinopoly

To The Secretary to Government Fort St George

Dated 25th Novr 1857
Rec'd 28 -do-

No 1637
No 1969.
Do do Encs 2.

Will
Sends Copies of two decisions passed by the Asst Magte apptd Magte for the information of Govt

To be lodged
To

Judicial Dept

No 1637

E. W.C. D/ 16th December 1857.

Read the following extract from the Mayt of Trichinopoly } here enters No 148. D/ 25th Novr/57.

The Mayt forwards the 'complaint and sentence' in two cases (Nos 38 and 39) on the file of the Acts Read Apst, in conformity to the Circular orders marginally noted, which require the transmission of reports in all cases of violence or cruelty charged apst Revenue or Pol. Officers, whether apparently committed under colour of official authority or not.

2. In Case No 38, a Village Moonsiff is charged with 'Attempt at Rape'. The case was dismissed, the accusation appearing to have no ground whatever. In the other case (No 39) the same Moonsiff was charged with having extorted a bribe from certain parties under confinement & on suspicion. This was likewise dismissed.

3. It appears to the Govt in such cases like the first, where the offence charged is not alleged to have been done in abuse of the official powers of the accused, need no longer be reported for their information — D.F.C. 9/12/57

The Reports should

Jud Dept No 824. 2d August/58 and No 1260. D/ 19th Nov/58.

Circulars

for the future be confined
to those cases in which
the offence was com-
-mitted or alleged
to have been commit-
-ted under color of
official authority - or
in which an abuse
of his official power
or the part of the
Officer charged.

JP

To the Magistrates of Districts
" Board of Revenue
" Court of d. Udalah
" Agent at Tawnod

} Desp^d 21^st

cg Dept
214

Dy to Cons. 23d Decr.
Judicial 1857 Depart.

No. 1637

Extract Mins: of Cons.

2/16th December/57

Ent'd 449/58

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