

MADRAS RECORD OFFICE.

Government of Madras.

Public DEPARTMENT.

G.O. No.	1654	Press Mis
²²⁻²³ Dated	21-12-	N o 1857

Not to be folded or roughly handled

Fort St. George, Judicial Consultation, 23rd December 1857.

No. 22. Read the following letter from the Junior Secretary to the Government of Bengal; to the Secretary to the Government of Fort Saint George, dated Fort William, the 5th December 1857, No. 696.

General.

SIR,

The institution of a criminal prosecution for the theft of a registered letter and its contents having been ordered against the Officer who was recently Inspecting Post Master of the Chittagong Division, I am directed by the Lieutenant Governor of Bengal to transmit the accompanying extracts from an opinion given by the Advocate General, and from a letter from the Officiating Commissioner of Police, Calcutta, regarding the witnesses to be produced at the trial, and to request that, with the permission of the Right Honorable the Governor, measures may be taken to ascertain at what station in the Madras Presidency, Shaik Sahib the individual therein referred to is at present residing; and to inform him, when traced, that his attendance in Calcutta for the purpose of giving his evidence is considered essential to the success of the prosecution, and that if he is willing to come to Calcutta immediately of his own accord, any claim for his expenses will be duly considered. If on the other hand he declines to come spontaneously, the Government will be under the necessity of taking out process to enforce his attendance.

(Signed) C. T. BUCKLAND,

Junior Secy. to the Govt. of Bengal,

Extract from an opinion from the Advocate General, dated 11th July 1857.

"But at present there is no legal evidence that any one of the notes that was put into the letter in Calcutta was received by Mr. Campbell. It is true that one of the notes for Rupees 100, which is throughout the correspondence assumed to have been in the letter is traced to Mr. Campbell, as it appears to be admitted that he paid a note of that number and amount to Mr. Woodward. But unless the person* who enclosed the notes in the letter in Calcutta, or some one who was present when it was so enclosed and saw it, can be produced as a witness, the legal evidence will fail, and the fear is that, as the employer Noroddin Soudagur through some of his agents appears to have compromised matters with Mr. Campbell, and to have received from him payment of the amount stolen, neither Shaik Sahib nor any other servant of Noroddin Soudagur who witnessed the enclosing of the notes in the letter will be forthcoming to speak to the fact. In the absence of some direct evidence to the effect that the note received by Mr. Woodward from Mr. Campbell or that some one of the notes traced to Campbell's possession at Chittagong, was enclosed in the registered letter, any prosecution of Campbell for stealing the letter will be hopeless.

Endeavour should be made in Calcutta to obtain the evidence of Shaik Sahib or of some other servants of Norrodin who can speak to this fact, or of Norrodin himself. If it can be distinctly proved that the note or any of the notes traced to Campbell was actually enclosed in the letter, I think the Government should prosecute Campbell for the theft, but not otherwise.

If a prosecution be instituted, the following witnesses not examined at Chittagong should be produced."

SHAIK SAHIB.

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Extract from a letter from the Officiating Commissioner of Police, Calcutta; to the Secretary to the Government of Bengal, No. 613, dated 15th August 1857.

Para 1. "I have the honor to acknowledge the receipt of your letter No. 879 of the 24th Ultimo, relative to the theft of a registered letter containing certain Bank Notes sent by the public post from Calcutta to Chittagong, and to state for the information of the Honorable the Lieutenant Governor of Bengal, that, from enquiries instituted by me, it appears that Noorud-

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deen, who still has a place of business in Pollock street in Calcutta, at present resides in Penang, and that Sheik Sahib, who is supposed to have written and posted the letter in question on behalf of his master is no longer in his employ, and is said to be residing in Mahomed Bundur, Port Novo, Madras."

(True Extract.)

(Signed) C. T. BUCKLAND,
Junior Secretary to the Government of Bengal.

No. 23. ORDER THEREON, No. 1654; dated 21st December 1857.

Ordered that a copy of the letter recorded above be furnished to the Acting Magistrate of South Arcot, who will make the desired communication to Shaik Sahib, supposed to be residing at Port Novo in his District, and report the result.

(Signed) T. PYCROFT,
Chief Secretary.

No 1654

Ordered that a copy of the letter recorded above be furnished to the Actg. Magistrate of South Arcot, who will make the desired communication to Shaik Sahib supposed to be residing at Port Novo in his District, and report the result.

Well
Fort St. George - 7
21st December, 1857

J.P.

Copy to Actg. Magist. S. Arcot. Dec 21. 1857