

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	742	Press Mis.
	3-4	
Dated	7-7-	1897.

Not to be folded or roughly handled

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Fort St. George, Judicial Consultation, 7th July 1857.

No. 3. Read the following letter from H. D. PHILLIPS, Esq., Acting Magistrate of Tanjore; to E. MALTBY, Esq., Acting Chief Secretary to Government, Fort St. George, dated 26th June 1857, No. 119.

SIR,

* 8th May 1857, herewith forwarded. The Session Court of Combaconum having, by its proceedings* of the marginal date, taken exception to the trial of Rungasawmy, Pundit, one of four prisoners, on the ground that the offence with which he stood charged, appeared on enquiry, to have been committed within the Fort of Tanjore, which is excluded from the jurisdiction of the East India Company's Courts, the said prisoner being a native subject of the British Government.

I have the honor to request the authority of the Government, for the commitment and trial of the prisoner, Rungasawmy, Pundit, by the Criminal Courts of the Combaconum Zillah, under the provisions of Section III, Act I of 1849.

(Signed) H. D. PHILLIPS,
Acting Magistrate.

Extract from the proceedings of the Session Court, in the Zillah of Combaconum, under date the 8th May 1857.

Read Calendar in case No. 20 of 1857, submitted by the Sub Judge, on the 6th May 1857.
Read also record in the said case.

1. The evidence for the prosecution goes to show that the prosecutrix, a resident within the Fort of Tanjore, entrusted certain jewels, valued at 3,700 Rupees, to her sister-in-law, Ambabayee Ammal, who resides at Combaconum, in order that 1,000 Rupees might be borrowed upon them; that as a loan could not be raised, the prosecutrix directed that the jewels should be sent back to her at Tanjore, by a trustworthy hand; that the 1st prisoner who is the prosecutrix' cousin german, heard of this, and by falsely representing to Ambabayee Ammal that he had been commissioned by the prosecutrix to take charge of them, induced her, in December 1856, to surrender them; that as the jewels did not reach her, the prosecutrix made a reference to Ambabayee Ammal on the subject, who, on the 14th January 1857, preferred a complaint against the 1st prisoner, to the Police Ameen of Combaconum, that this charge was on the 16th Idem, compromised, Ambabayee Ammal stating that she had been informed that the prosecutrix had received the jewels, that on the 6th March 1857, Ambabayee Ammal presented a fresh complaint to the Joint Magistrate, in which she alleged that she had been induced, by the false representations of the 2nd prisoner, who professed to be acting under the orders of the prosecutrix, to make the compromise, the truth being that the prisoners had between them made away with the jewels altogether, and that the head of Police, under the orders of the Joint Magistrate, took up the case afresh.

2. The Sub Judge has, I consider, correctly come to the conclusion, that the 1st prisoner was authorized by the prosecutrix, to receive the jewels from Ambabayee Ammal, and that the charge consequently as preferred by Ambabayee Ammal cannot be sustained.

3. The charge on which the prisoners have been committed, has reference to acts done subsequently to the return of the 1st prisoner with the jewels to the prosecutrix, within the Fort of Tanjore, which is excluded from the jurisdiction of the East India Company's Courts. The 1st prisoner it would seem, is a native subject of the British Government, though he has for some years past resided in the Fort. The 2nd, 3rd, and 4th prisoners would seem to have been born and to have always resided in the Fort, and consequently, the case of the 1st prisoner comes within the scope of Act I of 1849 whilst the 2nd, 3rd, and 4th prisoners are not amenable to the East India Company's Courts. The commitment of the prisoners is therefore quashed, and they must be made over to the Magistrate, to be dealt with according to law.

Fort St. George, Judicial Consultation, 7th July 1857.

Ordered that extract from these proceedings be forwarded to the Subordinate Judge, for his information and guidance.

(True Extract.)

(Signed) G. T. BEAUCHAMP,

Session Judge.

To the Subordinate Judge of Combaconum.

(True Copy.)

(Signed) L. C. INNES,

Sub Judge.

No. 4.

ORDER THEREON, No. 742; dated 1st July 1857.

Government authorize the commitment and trial of the Prisoner Rungaswamy, Pundit, before the Criminal Courts of the Combaconum Zillah, under Section III, Act I of 1849.

(Signed) E. MALTBY,

Acting Chief Secretary.

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To the Sub Judge of Tanjore Disptd 2nd

on 24. Sum: 7 July
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of May 1857

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