

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	804	Press
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Dated	14-2-49	(857)

Not to be folded or roughly handled

Fort St. George, Judicial Consultation, 14th July 1857.

No. 37. Read the following letter from E. B. THOMAS, Esq., Magistrate of Coimbatore; to E. MALTBY, Esq., Acting Chief Secretary to Government, Fort St. George, dated 30th June 1857, No. 33.

SIR,

Adverting to the Extract from the Minutes of Consultation, dated 10th June 1856, I have the honor to forward herewith, for the information of Government, copies of charges and sentences in two * cases of alleged torture, disposed of by my Assistant, Mr. Boswell.

(Signed) E. B. THOMAS,
Magistrate.

Case No. 24.—ABUSE OF AUTHORITY WITH EXTORTION.

Prosecutors. { 1. Loksmi.
2. Pamaly.
3. Beemaney.
4. Toolachy Naick.

Prisoners. { 1. Timma Gounden, Monigar.
2. Oochooveera Gounden, Moonsiff Monigar.

Witnesses. { 1. Ramen.
2. Setteyah.
3. Kathery.
4. Vella Naick.
5. Totty Palaney.
6. Coollathuttan.
7. Coonnien.
8. Mautha Gounden.

The prisoners are charged with having, about 3 months ago, date unknown, in the village of Elatoor, in Suttimungalum Talook, unlawfully entered and searched the prosecutors' houses after dark, and having carried them to the choultry, tied their hands, and beat the 2nd prosecutor, and kept them in confinement for 5 days.

1st prosecutrix, a child of 12 years old, states that the prisoners seized her and the other prosecutors, about 3 months ago, on a charge of stealing some corn: After searching their houses at night, tied their hands behind their backs, and kept them in confinement for 5 days, demanded Rupees 20 or 30. At last 1st witness gave Rupees 10, and they each gave Rupees 2 into 1st prisoner's hands.

2nd prosecutrix states, nearly 3 months ago, prisoners came to search their houses on suspicion of theft, and took some grain (avari) which they had obtained for labouring in the fields. They took her and the other prosecutors and tying their hands confined them for six days, and then demanded money. The witnesses raised 10 Rupees, which they paid through 1st witness into 1st prisoner's hands. 1st prisoner also beat her.

3rd prosecutrix states the same.

4th prosecutor states the same.

1st witness states he was present when 1st prisoner searched all the prosecutors' houses at night, took some grain, obtained by prisoners for working in the fields, saw him take prisoners to choultry, and tie them up and keep them some days. 2nd prisoner feigned to write a report to the Tahesildar. After keeping them in confinement for some days, the 2nd prisoner demanded

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Rupees 20 or 30, and afterwards prosecutors paid Rupees 2 each into his hand, and he gave it to 1st prisoner, and they were released. 1st prisoner beat 2nd prosecutor with a stick.

2nd witness states he saw prosecutors' houses searched at night by 1st prisoner, and also saw 2nd prisoner beat 2nd prosecutrix, and also saw all the prosecutors with their hands tied, and knows that they were kept in confinement for 5 days, and that then the prisoners demanded Rupees 20 or 30, and at last took Rupees 2 from each of the prosecutors, and released them.

3rd witness saw the prosecutors in confinement with their hands tied for 5 days, saw them afterwards pay 1st and 2nd witnesses Rupees 10 which they gave to 1st prisoner.

4th witness states, by prisoner's orders he tied prosecutor's hands, who he said had stolen grain, and he was about to send to the Talook Cutcherry.

5th witness, a Toty, went one day to the choultry, and saw prosecutors confined with their hands tied, and some corn near, knows nothing more.

6th witness saw prosecutors in the choultry, with some grain. 1st Monigar was there, and he was informed they were taken up and confined for theft.

7th witness states that one Mody Gounden complained to Monigar that prosecutors had stolen some grain of his. Accordingly prisoner went at evening when it was dark, to search their houses, and found some grain, and took it and prosecutors to the choultry.

8th witness states, one day he complained to prisoners that prosecutors had stolen some grain from his field. They went and searched their houses in the evening, and found the grain, saw them all taken to the choultry and tied up.

1st prisoner states that 8th witness came and complained that he had some grain stolen, that suspecting the prosecutors, he went to their houses and searched just before sun-set, and found the grain, and took them to the choultry. Next day reported the case to the Moonsiff Monigar, who enquired, but dismissed the case as a trivial one. The prosecutors had been confined one day. He tied them up with their own cloths.

2nd prisoner states, one day he came to the choultry, and 1st prisoner told him he had taken up prosecutors for theft, as some grain had been found in their houses, enquired and ordered them to be kept in confinement for one day, and for security had their hands tied with their own cloths.

The 1st prisoner is convicted of having caused prosecutors' houses to be unlawfully searched after dark, and with taking them to the choultry and causing them to be confined, and having their hands tied, and further with extorting from them Rupees 10.

The Tahsildar gives him a former bad character.

He is therefore ordered to pay a fine of Rupees 30, under Regulation III of 1819, Section III, Clause II, the sum extorted to be restored to prosecutors under Regulation XVI of 1850 and besides to be dismissed from his office as Village Monigar.

The 2nd prisoner is proved to have sanctioned the prosecutors' confinement, and ordered them to be tied. He is sentenced to be fined Rupees 20, and is seriously warned.

(Signed) J. A. C. BOSWELL,
Assistant Magistrate.

(True Copy.)

Metopolliem, 1st May 1857.

(Signed) E. B. THOMAS,
Magistrate.

Fort St. George, Judicial Consultation 14th July 1857.

Report of persons punished by the Assistant Magistrate, in the month of April 1857.

No.	Names of Prisoners, &c.	Charges.	Apprehension. Leaving Talook.	Arrival.	Witnesses.	Sentence.
22	Prosecutor. Roodra Boyen ... 1 Prisoners. Nunjuppa Goundon, Monigar. Caroon Goundon 2	ABUSE OF AUTHORITY, WITH TORTURE. The 1st prisoner is charged with having, in December last, date unknown, in the village of Coopaundumpolliem, in Coimbatore Talook, unlawfully caused the prosecutor's house to be searched at night during his absence, and with having caused him to be ridden on by people of low caste, and beaten and ill-treated and confined him to extort a confession of crime, in abuse of authority as a village officer. The 2nd prisoner is charged with aiding and abetting him in these illegal acts.	2nd April 1857. 27th do. " 30th do. "		Periyenon... 1 Nunjuppon... 2 C. Soobbon 3 Naugah ... 4 Witnesses for defence. Soobbon 5 Ramakristna 6 Ramana-gounden ... 7	The prisoners are convicted of the charge. The 1st prisoner is sentenced to pay a fine of Rupees 40, or in default, to be imprisoned for one month, and to be dismissed from his office of Village Monigar. The 2nd prisoner is sentenced to pay a fine of Rupees 30, or in default, to be imprisoned for 25 days under Regulation III of 1819, Section III, Clause II.

(Signed) J. A. C. BOSWELL,
Assistant Magistrate.

Metapolliem, 30th April 1857.

(True Copy.)

(Signed) E. B. THOMAS, Magistrate.

Case No. 22.—ABUSE OF AUTHORITY WITH TORTURE.

Prosecutor.	Roodra Boyen.
Prisoners.	{ 1. Aunjappa Goundon Sany Monigar. 2. Caroon Goundon.
Witnesses.	{ 1. Pariyanen. 2. Nunjappon. 3. Chinna Soobba Collun. 4. Naga Cosavun. 5. Soobbun. 6. Ramakristnun. 7. Ramana Goundan, Moonsiff Monigar.

The 1st prisoner. With having, in December last, date unknown, in the village Coopandampolliem, in Coimbatore Talook, unlawfully caused the prosecutor's house to be searched at night, during his absence, and with having caused him to be ridden on by men of low caste, and beaten and ill-treated and confined him to extort a confession of crime, in abuse of authority as village officer.

The 2nd prisoner is charged with aiding and abetting him in these illegal acts.

Prosecutor states, about 2 months ago, the two prisoners charged him with stealing some corn. They came at midnight, took him and tied him up in a temple, while they and two chucklers went to search his house. Ever since he has missed a gold necklace, valuing about Rupees 50. On concluding their search, they returned and wanted him to confess. They then mounted two chucklers on his back, alternately, and made him run about. For this defilement, he has been

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expelled from his caste (Wodah). After this, the 1st prisoner beat him with a thong of leather, till it was broken to pieces. The 2nd prisoner also beat him. They took him and confined him in one of the chuckler's houses till the evening of the 2nd day. They demanded Rupees 6 from him, but as he would not pay it, they at last released him.

1st witness states, about 4 months ago, one night he heard a noise near the choultry, and going there, found 1st prisoner and 2nd and also two chucklers. One of the chucklers was riding on the back of prosecutor, after that saw 1st prisoner beat him severely with a leather thong, while the others stood by. Then he went home after seeing him tied to a post.

2nd witness states, about two or three months ago, one night he heard a noise near the choultry, and going there, found the prisoner and two chucklers. One chuckler was riding on prosecutor's back. Afterwards by order of prisoners, the chucklers beat him. He then saw him tied up and went away. About 10 people were also present.

3rd witness states, about 4 months ago, late one night, he saw a crowd assembled round prosecutor's house, saw prisoners and two chucklers. On enquiry, he was told, prosecutor had stolen some ears of corn. They brought out two chatties from the house. One contained ears of corn, and the other grain, which they took to the choultry.

4th witness states, one night about 4 months ago, prisoners and two chucklers came to search prosecutor's house, a Wodah was sent in, and brought out two chatties containing grain, which was taken to the choultry. He was ordered to bring a light.

1st prisoner states, one day about 4 months ago, 2nd prisoner came to complain to him that prosecutor had stolen corn from his field. He ordered him to the choultry, and he brought the stolen ears of corn with him. He first referred 2nd prisoner to the Moonsiff Monigar, but he was absent from the village. He told a chuckler to guard him in the choultry all night, and the next day handed him over to the Moonsiff Monigar.

2nd prisoner states, that one night about 4 months ago, he saw prosecutor steal grain (ragi) from his field, and carry it away in a bag. He went to the Moonsiff Monigar, but he was absent. Then he went to the Sany Monigar, who ordered him into the choultry all night. The next day the Moonsiff Monigar hushed up the matter, and he gave the corn to the prosecutor.

5th witness states, about 4 months ago, one day he went to the choultry, and found the Monigar, the prisoners and two chucklers, besides a crowd. Prosecutor was charged with stealing some grain which was brought in a chatty. The Moonsiff Monigar pardoned him, and hushed up the matter.

6th witness states the same, except that the grain brought was in a bag.

7th witness, the Moonsiff Monigar, denies all knowledge of the facts whatsoever.

SENTENCE.

The prisoners are convicted of the charge. The 1st prisoner is sentenced to pay a fine of Rupees 40, or in default to be imprisoned for one month, and to be dismissed from his office of village Monigar. The 2nd prisoner is sentenced to pay a fine of Rupees 30 or in default, to be imprisoned for 25 days, under Regulation III, of 1819, Section III.

(Signed) J. A. C. BOSWELL,
Assistant Magistrate.

Metapolliem, 30th April 1857.

(True Copy.)

(Signed) E. B. THOMAS,
Magistrate.

Fort St. George, Judicial Consultation, 14th July 1857.

Report of persons punished by the Assistant Magistrate, in the month of May 1857.

No.	Names of Prisoners.	Charge.	Apprehension. Leaving Talook. Arrival.	Witnesses.	Sentence.
24	Prosecutors. Lutchmec.....1 Pamaly.....2 Beemany.....3 Tolasi Naik..4 Prisoners. Timina Goundon, Monigar.1 Ochooveera Goundon, Moonsiff Monigar.....2	ABUSE OF AUTHORITY WITH EXTORTION AND TORTURE. The prisoners are charged with having about 3 months ago, date unknown, in the village of Eluttoor, Sutteamungalum Talook, unlawfully entered and searched prosecutors houses after dark, and having carried them to the choultry, tied their hands, and beat the 2nd prosecutrix, and kept them in confinement for 5 successive days, and extorted from them a sum of 10 Rupees.	22nd April 1857. 24th do 29th do	Ramon.....1 Settya.....2 Cadary.....3 Vella Naik..4 Palany.....5 Coollatuthan6 Koonien.....7 Neada Goundon.....8	The 1st prisoner is convicted of having caused prosecutors' house to be unlawfully searched after dark, and with taking them to the choultry and causing them to be confined and having their hands tied, and further with extorting from them Rupees 10. The Tahsildar gives the 1st prisoner bad character. He is therefore ordered to pay a fine of Rupees 30 or in default to be imprisoned for 20 days under Regulation III of 1819, Section III, Clause II, and to be dismissed from his office of village Monigar. The sum extorted to be restored to the prosecutors, under Act XVI of 1850, to be recovered from the 1st prisoner. The 2nd prisoner is proved to have sanctioned the prosecutors' confinement, and ordered them to be tied. He is sentenced to be fined Rupees 20, or in default to be imprisoned for 15 days, and is seriously warned.

Metapolliem, 1st May 1857.

(Signed) J. A. C. BOSWELL,
Assistant Magistrate.

(True Copy.)

(Signed) E. B. THOMAS,
Magistrate.

No. 38. ORDER THEREON, No. 804; dated 11th July 1857.

The enclosures to this letter are the records of two cases of "abuse of authority," disposed of by the Assistant Magistrate, Mr. Boswell.

2. The 2nd prisoner in case No. 24 does not appear, on conviction, to have been removed from his post of Moonsiff Monegar. This should be done, the dismissal carrying with it a forfeiture of all *maniem* land and other perquisites of office.

(Signed) E. MALTBY,
Acting Chief Secretary.

Ed. F. Cartledge.

N^o 804 Judicial Sept 4
re. M. C. dated 11th July 1857

Read letter from the Mag^r of Comislabore of his sister 30th June/57.
N^o 33.

At

of

The enclosed to his letter are
the words of two cases of 'abuse of
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D. H.

6-7-57

W

To the Mag^r of Comislabore Sept 15th

Abuse of Authority.

Two cases reported from
Commutore.

Draft

37434

9/11/1857

Extraordinary

Report

See by term: 14 July
Judicial 1857 Report