

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 836	Press ~~Mis~~
~~27-28~~	
Dated 26-7-1918	

Not to be folded or roughly handled

Fort St. George, Judicial Consultation, 21st July 1857.

No. 27. Read the following letter from GEORGE ELLIS, Esq., Register to the Court of Foujdaree Udalut; to E. MALTBY, Esq., Acting Chief Secretary to Government, dated 1st July 1857, No. 33.

SIR,

1. With reference to the order of Government, dated the 23rd Ultimo, No. 1343, I am directed by the Judges of the Court of Foujdaree Udalut, to forward the accompanying translations of the record in case No. 18 of 1857, on the Calendar of the Session Court of Tinnevely, together with an Extract from this Court's proceedings thereon, dated the 9th April 1857.

2. The original petition with its enclosures, which accompanied the above order of Government, are herewith returned.

(Signed) GEORGE ELLIS,
Register.

Extract from the proceedings of the Foujdaree Udalut, under date the 9th April 1857.

Read letter, under date the 28th March 1857, from the Session Judge of Tinnevely, forwarding English translation of the record of case No. 18 of 1857, on the Calendar of the Session Court, for the final Judgment of the Court of Foujdaree Udalut.

Read also letter, dated the 6th Instant, from the Session Judge of Tinnevely, reporting the death of the 6th prisoner, in Session case No. 18 of 1857, now under reference to the Court of Foujdaree Udalut.

1. The prisoners, in this case were charged with murder and severe wounding, and being accessories to the same.

2. The Assessors acquitted the prisoners of both counts, and the Session Judge concurred with them on the first count, but being unable to concur with them on the 2nd count, as he considered the evidence sufficient to convict the prisoners of the same, has referred the case to the Court of Foujdaree Udalut, and recommended that the 1st, 2nd and 3rd prisoners be sentenced to transportation for life, and the remaining prisoners to 14 years' imprisonment with hard labor in irons.

3. The Court of Foujdaree Udalut, on a consideration of the record, are unable to concur with the Session Judge in the conviction of the prisoners in this case.

4. The Session Judge states that the evidence for the prosecution is very contradictory and full of improbabilities, and that he has committed the 3rd and 5th witnesses for perjury, and fined the 8th, 9th and 11th witnesses for gross prevarication.

5. The Court of Foujdaree Udalut admit that the defence is weak and suspicious, but it contains a most explicit denial of all concern in the affray, and the Court cannot allow that the weakness of the prisoners' defence, the injuries on the persons of the 4th, 5th and 6th prisoners, and clear proof of a fight, are sufficient to warrant the conviction of the prisoners in the absence of any credible evidence that they were present, aiding and abetting in the murder.

6. The Court failed to understand the Session Judge's acquittal on the 1st count, viz., that the eight prisoners and 56 others murdered the deceased, and yet their conviction on the 2nd count of being present at the murder, beating and wounding the deceased's relations, &c., who were with the deceased.

7. Under these circumstances and as they do not consider the evidence sufficient for conviction, the Court of Foujdary Udalut have directed the release of the prisoners.

8. The defective nature of the arraignment has been already noticed by this Court in the proceedings of the 20th Ultimo, they observe that the charge should have been affray murder and wounding.

Ordered that Extract from these proceedings be sent to the Session Judge of Tinnevely, for his information.

† (True Extract.)

(Signed) GEORGE ELLIS,
Register.

*But it becomes necessary to inquire
whether he kept books proper steps*

Fort St. George, Judicial Consultation, 21st July 1857.

No. 28. ORDER THEREON, No. 836; dated 16th July 1857.

* No. 1343 of 1857.

2. At the same time a perusal of the trial has left on their minds an unfavorable impression of the activity of the Magistracy and Police authorities, which they would be glad to have removed. The numbers present in the affray were very large; 56 persons being accused of actively engaging in it. One life was lost and several persons were severely wounded. The Foujdaree Court in their Judgment have limited their observations to the question of the complicity in the transaction of those before the lower tribunal. But it becomes necessary to enquire whether the Magistrate took proper steps to investigate the outrage. The Tahsildar's *Catcherry* is in the village, and the affray took place close to it. The Government resolve to call on the Magistrate to report on the cause of the outrage; what steps were taken to investigate the acts committed, and whether any of the parties have been punished for the riot.

(Signed) E. MALTBY,
Acting Chief Secretary.

Ed. F. Carlodge.

Ms. 836 Indians Sept

Est. M. C. sub. 16 July 1857

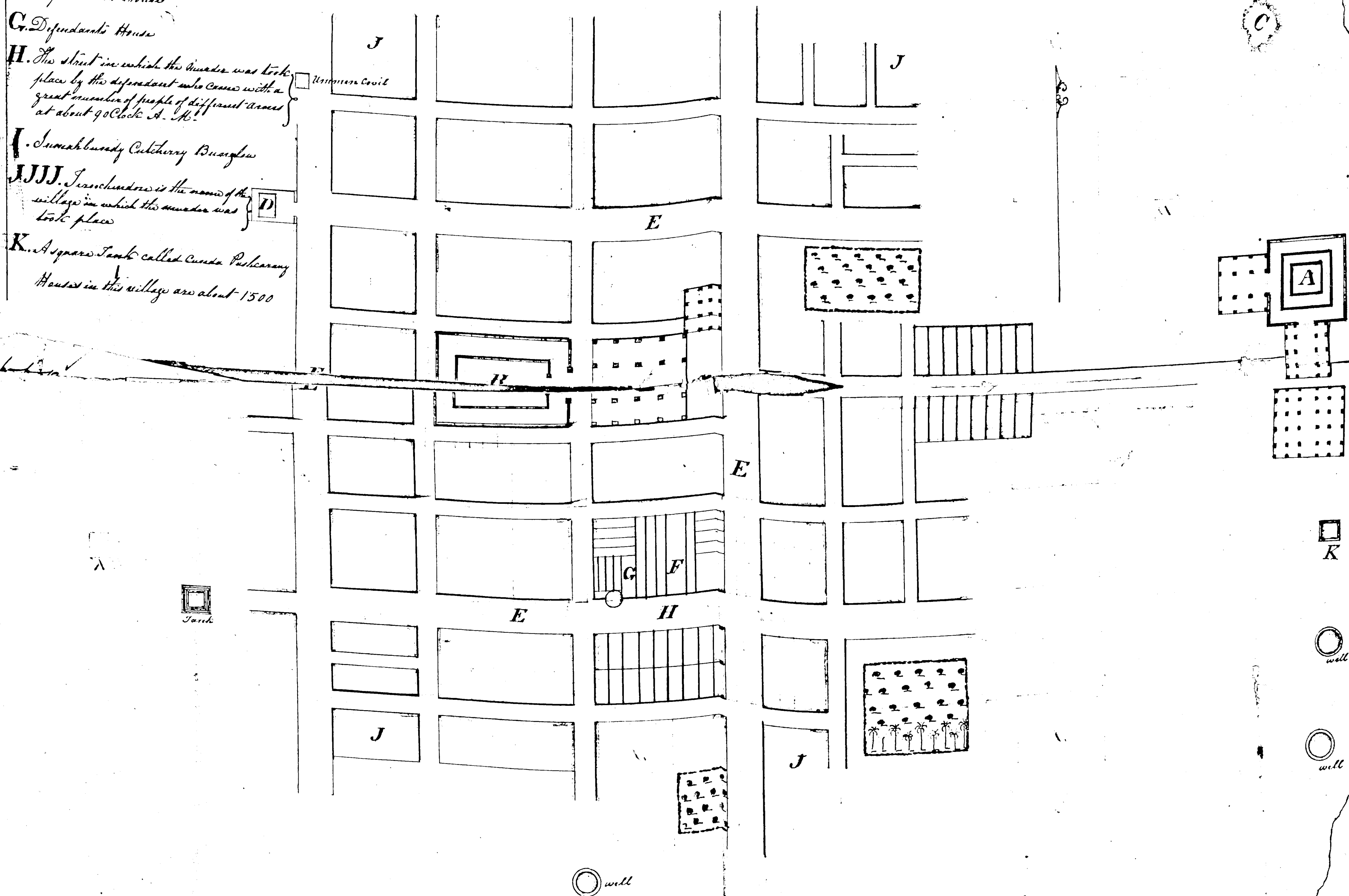
The Court having lately had before them
the report of Case No. 18 of 1857 on the
Calendar of the Supreme Ct, Tenn.

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71257
to dispose of a Petition from certain
parties who complained of the release
of the Prisoners, who were on their trial
for "Murder - and felonies against"
informed the Petitioners that he
saw no reason to interfere with the
Proceedings in any way.

2. At the same time a paucity of the
tribe has left on their minds an un-
favourable impression of the activity of
the Magistrate & Police authorities,
which has not to be gladd to have removed.
The numbers present in the affray
were very large; 56 permit^{ting} being
accused of actively engaging in it.
One life was lost & several persons
were severely wounded. The For-
ward C.E. in their judgment have
limited their observations to the ques-
tion of the complicity in the transac-
tion of those before the coroner's tribunal.
But it becomes necessary to enquire
whether the Mag. took proper steps

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K. A square Tank called Cunda Pushkarany
House in this village are about 1500



6-12

on 4th Anniversary
Federal 1857 Report

1856

Abstract of Minutes

11th July 1857

27428

2. 1857

11 July
1857