

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1091	Press
		~~Mis.~~
63-64		
Dated	10-8-	19-1818

Not to be folded or roughly handled

22/11

Fort St. George, Judicial Consultation, 10th August 1858.

No. 63. Read the following letter from Colonel J. C. BOULDERSON, Commissioner of Police; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 2nd August 1858, No. 107.

SIR,

With reference to Colonel Colbeck's letter to your address, bearing date 1st June 1858, No. 13, and recorded in Extract Minutes of Consultation, of date 4th of June, I have the honor to give the following history of the Arms-case therein alluded to, and to state that I have not the slightest reason whatever to believe, that my Deputy Ramachendra Row had any *knowledge whatever* that such a case had been put before Colonel Colbeck for trial, or that he was previously aware that such a case was likely to be brought before me.

2. On the morning of the 19th of March, a man named Ibrahim was arrested in Choolay, for wearing Arms in the public street, contrary to the provisions of Section XLVII of the Police No. XIII of 1856. Act. When brought before me, it was found that he had several Daggers and Swords of superior workmanship about his person. Enquiry was then made as to whether he had complied with the provisions of Act XXVIII of 1857, and the Registration of Arms Notification, published by Government, under date 26th January 1858. By the Office Register it appeared that he had not done so. As he stated however that he had registered them at the Police Jemadar's Tannah in Triplicane, he was sent to the Inspector of the district, and that officer was ordered to enter the case for trial the next day, if it was found that he had omitted to do so. This was the first case of the kind that had occurred, and through oversight of mine, I forgot to order the Registrar of Arms, to appear with his Register, as a witness, to prove the non-registration; consequently the evidence in the case was not complete, and as Mr. Lafond, by some cause or other, did not look over the Case Sheets that day, the absence of the witness was not reported to me. On the following Monday, finding by the Royapettah Police Court Sheets that the case was not disposed of, I made inquiry as to the cause, and as soon as I discovered what it was, the remedy was applied.

3. Colonel Colbeck may have called attention to the careless manner in which this case was put before him, but he certainly took no measures whatever to cause the oversight which had occurred to be reported to me.

4. Several trials for the non-registration of Arms have since been held, and all of them have been disposed of without any demur.

5. The following Extracts from my letter to Lieutenant Colonel Colbeck, in reply to his, of date 21st March 1858, will, I hope, be considered satisfactory with reference to the charge of carelessness brought against this department, framed on entries in the Police Case Sheets of one Division of his district. I will only observe that the errors in the Case Sheets alluded to, are *confined to those put in by a Native Inspector*, and that by giving extracts from this letter, instead of copying the whole of it, I avoid going into the private matter, which gave rise to the correspondence, of which Colonel Colbeck's letter under observation, forms a part, and originated in.

Extract from a letter from Colonel Boulderson, to Lieut. Col. Colbeck, dated 24th March 1858.

"I now proceed to reply to your's of the 22nd, which must be viewed as a continuation of your's of the 19th. In the former you bring general accusations against my department for negligence and bad performance of that portion of their duty which comes under your observation as a Magistrate, until receipt of which I was under the impression that Mr. Lafond, whom I send daily to your Court, had managed to arrange all our Police matters to your satisfaction. Never having heard anything to the contrary, either privately or publicly, I was much surprised to find that he had failed to do so; he is, as you know, one of our best and most pains-taking Police officers, and I am sure he will hereafter exert himself, to rectify effectually the imperfect entries on the Charge-sheets of which you complain."

"The Inspectors who take the Night-cases, will be pleased to enter them in plain good language on their respective Reports, and as near as possible in the words of the particular Section of the Act applicable to each case."

"In Police order published last year, vide margin, and repeated yesterday, you will see what I expect from my Inspectors in the preparation of their Charge-sheets; and taking

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their position in life and the early pursuits of most of them into consideration. I do not think more can be expected of them."

"With reference to the commitment, in the case of Punjachellum, which formed the subject of appeal to the Supreme Court a few days ago, and to which you advert in your last letter, permit me to say that blame, if blame is attributable to any one, must not be laid against any party of this department. The preparation of that document was no act of ours."

"With reference however to the case of the Arms Act, which you have so satisfactorily disposed of, care shall be taken that such cases be properly put up in future. With a view to save the loss of the services of the Registrar of Arms, it would be desirable to serve him with a Sub-pœna, when his attendance is actually required."

"So far from feeling vexed at your having in letters under reply, brought the short-comings of the Police to my knowledge, allow me to assure you that I owe you my best thanks, because you have, by having done so, afforded me an opportunity of applying a proper remedy, so as to prevent the recurrence of the same."

6. With reference to the 18th para. of Extract from Minutes of Consultation of date 7th Ultimo, No. 917, Judicial Department, I beg to call your attention to the Police Comparative Statement for the years 1854, 1855, 1856 and 1857, to which I have added the proportion per cent. of persons acquitted and convicted in each year, and you will observe that the difference does not tell against the practice of the past year.

General Abstract Statement.

Years.	Number of Cases.	Number of prisoners.	Number convicted.	Number acquitted.	Average per Cent.	
					Convicted.	Acquitted.
1854	12,136	20,633	11,702	8,931	56.7	43.3
1855	10,895	18,520	10,275	8,245	55.5	44.5
1856	12,138	20,509	10,159	10,350	49.5	50.5
1857	16,168	21,352	11,966	9,386	56.1	43.9

7. The trivial cases not of a criminal nature to which Mr. Hudleston alludes, are I suppose, such, as lying drunk in the streets, fighting and quarrelling and using obscene and disgusting language in public thoroughfares, &c., &c., all offences for the punishment of which provision is made in the Police Code, and though trivial, and not of a criminal nature, they are offences, for the suppression of which, the respectable inhabitants of the place, urgently press the Police.

8. As it is the wish of Government, and certainly my desire, that the Police Case-sheets should be examined by one of my Deputies, before put before a Magistrate, I respectfully suggest that a separate room be set aside as formerly, in each of the Police Courts, for the Commissioner, in which the supervision may be made, without any interference with the Magistrate, or intrusion in his Court. It could also be used by the Commissioner for trial of cases against Police officers, in which officers of the Magistrates' Courts might be witnesses, thereby avoiding the inconvenience to the Magistrate, which the absence of an officer from his Court must necessarily occasion.

9. With reference to the charge brought against Talliar Naigue Roodruppen, with having withheld from Colonel Colbeck certain evidence of importance in the inquiry, I thought it necessary on the 20th Ultimo, to address the Company's Solicitor, Mr. Boyson, on the subject, in order to ascertain from him whether he is of opinion any thing "material to the issue" in the Triplie murder case was so withheld, and if so to what extent. He has had an intimate knowledge of the whole case, both by the perusal of the depositions, and by attendance at the Royapettah Police Office during the examination of the witnesses; and by his unbiassed opinion, I desire to be guided in the disposal of the charge against the Talliar Naigue.

10. I have not yet been favored by Mr. Boyson with a reply, and deeming it likely that I may not receive one until the expiration of the present "Term" in the Supreme Court, I have

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determined to leave Talliar Roodruppen's case for the subject of a separate letter, and to despatch this at once, with my request that the delay which has thus occurred in forwarding my 7th July 1858, No. 917, reply to Minutes of Consultation, noted in the margin, may be Judicial Department. excused.

No. 64. ORDER THEREON, No. 1091; dated 10th August 1858.

In the above letter, the Commissioner of Police offers explanations on the points referred to him in Extract Minutes Consultation, 4th June and 7th July last. The only one on which it is necessary to remark is the suggestion in para. 8, that with a view to the Police case sheets being examined by one of his Deputies prior to their being laid before the Magistrate, a separate room be appropriated in each Police Court for the use of the Commissioner, in which the necessary supervision of the sheets may take place, without any interference with the Magistrate or intrusion in his Court, and where also the Commissioner may try the cases against Police officers in which officers of the Magistrates' Courts may be witnesses.

2. The Governor in Council perceives no objection to this proposal, and accordingly directs the Police Magistrates of the three Districts to set apart a room in their respective Courts for the use of the Commissioner of Police for the purpose mentioned above.

(Signed) T. PYCROFT,
Chief Secretary.

Judicial Department

no 1091

Extract from the Minutes of Consultation
dated 10th August 1858

Read the following Letter
from the Commissioner of Police

(Also enter 2^d Augt/58 no 107)

In the above letter the Com-
missioner of Police offers explana-
tions on the points referred to him
in Int. Min. Cons. 4^o June and 7th
The only one on which it is decided -
July last. He suggests with a
view to remark is the suggestion
examined by one of his Deputies
prior to their being laid before the
Magistrate, that a separate room
be appropriated in each Police
Court for the use of the Com-
missioner, in which the neces-
sary supervision of the sheets

in para 5 that with a

may take place, without any inter-
-ference with the Magistrate or
introduction in his Court, and where
also the Commissioner may try the
cases against the Police Officers
in which officers of the Magistrates
Courts may be witnesses.

2. The Governor in Council
perceives no objection to this proposal
~~expression of this suggestion~~ and
accordingly directs the Police Mag-
istrates of the three Districts to
set apart a room in their respective
Courts for the use of the Com-
missioner of Police for the purpose
mentioned above

JP

Copy to Commissioner of Police

" Magistrate of 1st District
" do - 2^d do -
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