

MADRAS RECORD OFFICE.

Government of Madras.

Official DEPARTMENT.

G.O. No. <i>1212</i>	Press ~~Mis.~~
21-22	
Dated	<i>11-9-1918</i>

Not to be folded or roughly handled

Fort St. George, Judicial Consultation, 14th September 1858.

No. 21. Read the following letter from Lieutenant Colonel H. COLBECK, Senior Magistrate of Police ; to T. PYCROFT, Esq., Chief Secretary to Government, dated 24th July 1858, No. 17.

SIR,

With reference to Extract from the Minutes of Consultation, No. 997, dated 23rd July 1858, requiring of me an explanation of the manner in which the depositions of Roodruppen, a Police Talliar Nague, were recorded and what precautions are used in my Court generally to ensure accuracy in taking down the evidence of witnesses in committable cases. I have the honor to offer the following explanation and remarks.

2. The depositions of Roodruppen were interpreted by the sworn Interpreter Mahomed Eusoof, and for the most part recorded in the hand-writing of Theroovengada Pillay, my Record-keeper.

3. Roodruppen's depositions were given by himself *vivâ voce* in the hearing of a number of persons who understood both what he was saying and the English interpretation. I took from Mahomed Eusoof sentence by sentence what he said and repeated it for record by Theroovengada Pillay, that is as I said before, the greater part was recorded by him and the rest by Mahomed Eusoof. This occurs throughout the rough proceedings in this case as in most others, as they are in the habit of relieving each other in the task of recording.

4. In the Triplicane murder-case more especially, I was watchful and particular in the extreme and I utterly repudiate the idea of any error having crept into the record. Roodruppen is not a timid or stupid man, but one of extreme sharpness and great effrontery.

5. When Roodruppen's rough depositions were fair-copied, they were slowly, carefully and publicly read and explained to him, and I can solemnly affirm he made no objection whatever to them, but affixed his signature with his own hand to each deposition separately.

6. The Government may perhaps be surprised at the number of depositions taken from Roodruppen, but the circumstances calling for the extra information contained in them, took place on different occasions and it is strictly forbidden in the Supreme Court to add information obtained on one date to that of a more recent period, but it has been ruled that a supplementary deposition shall in all cases be taken. A deviation from this practice I remember (on one occasion particularly) calling forth from the Bench remarks the most severe.

7. That Roodruppen, after all that had taken place from the date of his first examination, up to the re-reading before the Honorable Company's Solicitor on the 2nd Instant, should wish to recall many things that he had said and throw doubt upon the truthfulness of the record originally taken, does not in the least surprise me. Indeed, I was quite prepared for it in his case and anticipated it in others also, and with this conviction, I strenuously urged upon Mr. Boyson, the necessity of his attendance, and to this he consented.

8. From the hour it became known in the Commissioner's office, that evidence was on record in this Court tending to inculcate certain parties there, the proceedings of the parties concerned, precisely tallied with the conduct of Roodruppen, *i. e.*, they endeavoured to avert suspicion from themselves by an attempt to throw discredit upon the proceedings in this Court. But that attempt was utterly foiled by the enquiry under Mr. Hudleston, and I cannot suppose that the Government would now for a moment put the assertions of Roodruppen (more particularly situated as he is) in competition with the honor (or to say the least) with the vigilance and discernment of the Magistrate.

9. With regard to the precautions generally used in my Court to ensure accuracy in taking down the evidence of witnesses in committable cases, I would observe, that the same plan which I have described as pursued in Roodruppen's case is usually adopted with Native evidence ; with European the fair copy of the deposition is put into the witness' hand and he is required carefully to read it over and point out any inaccuracies. If correct, it is signed at once. If inaccuracies are discovered they are rectified, the interlineations or erasures being marked by my initial and the signature of the deponent is affixed ; and never until now have I had one word of evidence taken before me, questioned as to accuracy of record.

10. The method of taking and recording evidence as described above, is precisely that pursued by Mr. Edward Elliot, but lately, I have recorded the evidence in my own hand-writing, and this practice I purpose for the future to continue.

Fort St. George, Judicial Consultation, 14th September 1858.

11. I cannot suffer this opportunity to pass without most respectfully urging upon the consideration of the Government, the painful and invidious position in which I have been lately placed, and that by no fault of mine. I devoted many laborious hours to the investigation of the Triplicane murder-case and every act of mine in regard to it, was dictated by a conscientious wish to discharge my duties to the Government and to the public.

12. Again with regard to an arsenic poisoning case, dismissed by me in January last, I have much cause of pain and regret.

13. The case above alluded to was carefully gone into by me, and I considered the prosecution based upon testimony unworthy and to my mind incredible, still I more than once personally submitted the depositions for the perusal of Mr. Boyson, and he entirely coinciding with me in opinion, I was the more confident in dismissing the case, but after a lapse of 7 months, the Advocate General thinks fit to call for it and eventually frames an Indictment upon it.

14. The result of this Indictment is doubtless known to the Government. Mr. Smith withdrew it, thereby giving a tacit sanction to my original judgment. But more than this, (if I am correctly informed) the Chief Justice made with regard to it the following observation. "Men's lives are not thus to be trifled with." If such was made, it clearly exonerates me from any error in judgment in the matter. At any rate the observations which fell from the Judge during the trial, and in my own hearing, fully satisfied me that I had done right in the course I had pursued.

15. The Government may be led to suppose that the Grand Jury having found a Bill condemns the judgment of the Magistrate, but I would beg to inform the Government, that the Grand Jury had before them only a very small portion of the evidence, and I am firmly of opinion, that had they seen the depositions taken before me, "No Bill" would have been found.

16. While I would not for a moment presume to question the perfect right of the Government or the Advocate General to interpose between the Justice and his duties, still I would with the utmost deference submit, that extreme cases only should thus be dealt with, as the fear of such interposition must be calculated greatly to fetter that freedom and independence of judgment contemplated by the law and so highly desirable for the correct performance of his public duties.

17. I feel deeply and acutely what has lately taken place, and trust this may plead my excuse for thus venturing the observations above.

No. 22. ORDER THEREON, No. 1242; dated 11th September 1858.

The explanation submitted in the above letter, is considered by Government to be satisfactory.

(Signed) T. PYCROFT,
Chief Secretary.

Extract from the *Houli* Mr Elliott's *Houli*
dated 5th August 1858.

3. Col. Colbeck's explanation of the mode in which Rudrapen's evidence was recorded is so far satisfactory that it shows this was done in the usual manner. But the mode of procedure therein described is far from being adapted to secure an accurate record.

The witness appears to have deposed in Tamil this was explained to the Magistrate in English by the Interpreter, Mahomed Easoff and the Magistrate then dictated to his amanuensis the words to be recorded. These were again retranslated to the witness before he subscribed the deposition.

It is difficult to obtain a true record of a man's evidence by the ordinary mode of recording the words in his own tongue as they fall from his lips and generally the *Gomas*.

I put up - I do not know
if more need be said. If
mode of recording depositions
and be adopted at the Police
Station must be altered.
I imagine the native *Koonstee*
as well as the *British* but change.

Judicial Department
No. 1242.

Extract from the Minutes of Consultation
Dated 11 September 1858.

From Lieut Col, Colbeck
Magistrate of Police.
24 July 1858.

H.
Hall.

The explanation sub-
mitted in the above
letter is considered
to be satisfactory.
- Long -

Lieut Col Colbeck. Dispt. 10th
Senior Mag of Police

PSD - not letter -
b/c

See the extracts from the Minutes of the
Meeting of 1st July 1858. - I do not know
whether any thing more need be said of
any other mode of recording depositions
than it present be adopted with Police
Officers - It is thought must be altered
then must, I imagine, be native Kroonsheer
or Sawantbessers as it is not possible to change.

Book 27th Aug 27/3-2800
No 2 of 1858. Part 44.

In 27th Aug 27/3-2800
Judicial 1858 Sept 27/3

No 10/1858.

Extract from Minutes of 1858.

27/11 2800 to 2800 of 1858.

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