

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1296	Press ~~Mis.~~
6-8	
Dated	22-9-1958

Not to be folded or roughly handled

Read the following letters.

No. 6. From C. WHITTINGHAM, Esq., Magistrate of North Arcot; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated Chendragherry, 27th August 1858, No. 51.

SIR,

I have the honor to submit the report on the alleged conduct of the Police authorities of Wallajahpett, referred to by the Magistrate of Chingleput, which the Government have called for in Extract Minutes* Consultation, under date 18th August 1858, No. 1133.

2. The object of Mr. Shubrick's application to me, made after the occurrence of the events in question, was that I should "visit with some substantial punishment the Head of Police for failure of duty" in not having given over certain parties to his Duffadar, agreeably to the Warrant issued to him against them, and not having had their houses searched. As the communication requesting support to the Warrant had been made direct to the Acting Head Assistant Magistrate by the Magistrate of Chingleput, and as the matter had occurred within his jurisdiction, I requested the Acting Head Assistant Magistrate to institute an enquiry into the alleged misconduct of the Police, and to report the result.

3. It appeared that Mr. Shubrick's Duffadar having, after repeated visits to Wallajahpett, failed to apprehend certain parties named in a Warrant, returned for the last time to that place with the same Warrant on the 25th November last. There is no allegation that the failure in the previous instances to apprehend the principal parties named in the Warrant was attributable to want of support on the part of the Police of Wallajahpett. On the last occasion of his returning to Wallajahpett, the Duffadar refused for 3 days, at the instigation of the informer, to shew the Warrant to the Head of Police, who wished to ascertain whether it was the same Warrant that had been served before.

4. Mr. Shubrick relying on the statement of his Duffadar, has accused the Head of Police of withholding his support to the execution of the Warrant when the Warrant was at last shewn him on the evening of the 27th, Mr. Elliott however ascertained from a personal investigation that ample means were placed at the Duffadar's disposal to enable him to apprehend and search the houses of the parties in question, and that the Duffadar made no use whatever of those means, and neither attempted to search the houses, nor to apprehend the persons named in the Warrant.

5. No sufficient reason is assigned why the Head of Police should have withheld on the last occasion that assistance which he had given to Mr. Shubrick's Duffadar on his former visit to Wallajahpett. Mr. Shubrick indeed states that the persons apprehended on the former occasion were poor, and that the parties now in question were rich, but they were *all* included in the *same* Warrant, and when the Head of Police on those former occasions gave the required assistance, Mr. Shubrick's Duffadar had the means of apprehending and searching the houses of the rich as well as the poor.

6. The Duffadar's statement that he was unable to serve the Warrant is not correct. He had during the long period he was employed in executing the Warrant, 2 of the peons of the Head of Police in constant attendance on him; and it was proved that he had on the last occasion ample means to serve the Warrant, but that he made no attempt to use the means at his disposal. The subordinate Police officers were in obedience to the order of the Head of Police ready to assist the Duffadar, but he made no use of their services, delaying to appear under the pretence of bringing the complainant to be present at the search. The Warrant was not served, because the Chingleput Duffadar who was charged with its execution himself prevented its being done. It was not the duty of the Head of Police to attend himself to its execution, unless the Duffadar who was charged with its execution was opposed in his duty, which was not the case.

7. The observation that, had assistance been refused him, the Duffadar would have applied to Mr. Elliott, who was residing within 3 miles of Wallajahpett, was advanced not to exculpate the officers of Police, but shew that credit could not be attached to the assertion of the Duffadar

Fort St. George, Judicial Consultation, 28th September 1858.

that support had not been given him, when he thus neglected such an obvious method of obtaining it, if it had been really denied him.

8. Mr. Shubrick has repeatedly referred to the fact of 5 days having been lost, and that in consequence of the loss of time further proceedings were useless, but his Duffadar admits that for 3 days he refused to shew the Warrant, and it has been proved that during the remainder of the time that he remained in Wallajahpett, he had the means of executing the Warrant, but did not even attempt to employ them.

9. It would seem that the Duffadar having the third time failed to execute the Warrant, and fearing the consequences of this repeated neglect, at last endeavoured to throw the blame of his failure on the Tahsildar whom he had not on the two former occasions accused of withholding assistance.

I could not at any rate consider the Head of Police as having failed in his duty, and I therefore did not as requested by Mr. Shubrick, visit him with severe punishment.

No. 7. From C. WHITTINGHAM, Esq., Magistrate of North Arcot; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated Chendragherry, 2nd September 1858, No. 52.

SIR,

Para. 1. I have the honor with reference to para. 6 of my letter of the 27th Ultimo, on the subject of the complaint of the Magistrate of Chingleput, regarding the want of assistance afforded to his Duffadar when serving a Warrant, to submit that the fact of the Duffadar not having applied to Mr. Elliott, the Acting Head Assistant Magistrate, throws the greater discredit on his account from the circumstance that when the Warrant in question, dated 3rd October, was first produced before the Acting Head Assistant Magistrate, on the 14th October, by the Duffadar, it was accompanied by a letter from the Magistrate of Chingleput, requesting the Head Assistant to lend every aid in its execution, and that it was the Head Assistant who furnished the Chingleput Duffadar with peons, telling him at the same time that he was ready to give any further assistance he required. It seems incredible therefore that if any difficulty did arise, the Chingleput Duffadar should not have gone at once to Mr. Elliott.

2. No reason is given why, from the 14th October to the 25th November, the Duffadar's last appearance, no attempt was made by him to apprehend the parties he complains he could not secure on his last visit, though the Warrant was the same from first to last, and every assistance was given him for its execution, and he in fact apprehended or searched the houses of 10 persons from the 15th to the 22nd October. On some of these occasions, the Cutwall was absent; but that did not prevent the apprehension of the parties and the search of their houses, though in the last instance it is adduced as a cause of the failure of the execution of the Warrant.

No. 8. ORDER THEREON, No. 1296; dated 22nd September 1858.

In the letters recorded above, the Magistrate of North Arcot submits his Report on the conduct of the Police authorities at Wallajahpettah, through whose connivance and neglect of duty, as alleged by the Magistrate of Chingleput, the apprehension of certain parties accused of having perpetrated a gang robbery at Mamundoor in the latter District was frustrated.

2. The explanation afforded by Mr. Whittingham in regard to this matter in no way clears the Head of Police of the Cavaripauk Talook from blame in not affording the Duffadar sent from Chingleput the necessary assistance in executing the Warrant entrusted to him. It is not denied that this latter Officer shewed the former the Warrant on the evening of the 27th November last, and that he remained in the town the whole of the following day and a part of the next, and still the Head of Police contented himself with merely issuing orders to his Subordinates and leaving them to obey these orders or not as they thought fit. He knew that a daring robbery had been perpetrated in the Chingleput District; that the Duffadar was in pursuit of the supposed delinquents, that the men for whose apprehension he had come thither were men of wealth

Fort St. George, Judicial Consultation, 28th September 1858.

and influence, and still he remained passive. It was the duty of the Head of Police to see that the parties, if forthcoming, were arrested and that their houses were searched, and this even had the Chingleput Duffadar been apathetic, which however he does not appear to have been. Government must hold the Head of Police of Cavaripauk responsible for the neglect of his own duty as well as that of his Subordinates; and accordingly directs his removal from his appointment. If the Cutwall and Peons did not exert themselves, it was because he did not make them.

3. Government must also express their marked displeasure at the dilatory conduct and lax notions of the duty of their Subordinates evinced by the Magistrate of North Arcot and his Acting Head Assistant. The whole enquiry of the charge preferred by the Magistrate of Chingleput against the Head of Police of the Cavaripauk Talook was from the very first entrusted to the Acting Head Assistant, and Mr. Whittingham implicitly accepted the explanation and excuses afforded by that Officer on behalf of his Subordinates, as also the arguments advanced by him however weak and frivolous. There has been moreover great delay on the part of Mr. Whittingham, in answering the references made to him by the Collector of Chingleput. Mr. Shubrick's letter of the 10th December was not replied to until the 3rd February; and that of the 8th Idem until the 19th of April.

(Signed) T. PYCROFT,
Chief Secretary.

Exd F. Cartledge.

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Circulated in
connection with Mr.
Whittingham's letter of the
27 Ult. N. 1563 which was
sent out this morning.

I am nothing better
my opinion / 16

Memo

— 1922 —

The explanation offered by the Kaiser:
to the committee who they are diffi-
culty, and indeed seem making
to find where they were before.
It is not denied that H. Chung-
put "Difficulties" about H. Thaisil-
than the war and on the evening
of the 27th ^{now last} that the latter remained
in Berlin till the 28th a part of
the 29th yet that nothing was done.
The duty of H. Thaisil was not
continued to merely issuing orders.

It will be for the Minister of Justice
to decide what notice shall be taken of
the Thais' claim, and...

One point to be noticed in this
affair is the great delay on the part of
the Magistrate of the Court in answering
the references made to him. In Shirkich
letter of 10 Dec is not replied to until the
3d Feb. In Shirkich letter again on the
8 Feb. and yet no answer until the
14 April. This correspondence has
been dragging on seven months -
from 10 Dec 1857 to 10 July 1858.

L-9-58

JP

It is no wonder the police is bad & robbers
capture under such proceedings.
I've order the Tah to be despatched & convey
to the Magistrate his report on the matter
of the displeasure of the people for the delay
in the execution of the duty of their subordinates. He will

investigation of the informer -
He was sent to the Head of Police,
wished to ascertain whether it was
same warrant that had been issued
or not.

Mr Shirkich relying on the
statement of his Duffadar, has accused
Head of Police of withholding his
report to the execution of the warrant.
The warrant was at last shown
- on the evening of the 27th. Mr Shirkich
never ascertained from a personal
investigation that simple measures were
used at the Duffadar's disposal to
take him to apprehend and search
houses of the parties in question, and
the Duffadar made no use whatever
of these means, and neither attempted
to search the houses, nor to apprehend
persons named in the warrant.

To sufficient reason is
given why the Head of Police should
be withheld on the last occasion
- a first time which he had given.
Shirkich's Duffadar on his former
visit

visit to Hallajahpelt. Mr. Shubert added
that the persons apprehended
on the former occasions were poor, and
that the parties now in question were
rich, but they were all included
in the same warrant, and when the
Head of Police on those former occasions
gave the required assistance, Mr. Shubert
Duffadar had the means of apprehending
and searching the houses of the rich
as well as the poor.

The Duffadar's statement
that he was unable to serve the warrant
is not correct. He had during the long
period he was employed in executing
the warrants of the persons of the Head
of Police in constant attendance on
him, and it was proved that he had
on the last occasion ample means
to serve the warrant, but that he made
no attempt to use them as at his
disposal. The Subordinate Police officers
were in obedience to the order of the
Head of Police ready to assist in the

the Duffadar, but he made no use of
their services, delaying to appear under
the pretence of bringing the complainant
to be present at the search. The warrant
was not served because the Chouglat
Duffadar who was charged with its
execution himself prevented it from
being done. It was not the duty of the
Head of Police to attend himself to
its execution unless the Duffadar
who was charged with its execution
was opposed in his duty, which was
not the case.

The observation that had
assistance been refused him the Duffadar
would have applied to Mr. Elliott who
was residing within 3 miles of
Hallajahpelt, was advanced not to
exculpate the officers of Police, but to
show that credit could not be attached
to the assertion of the Duffadar that
support had not been given him,
when he thus neglected such an obvious
method of obtaining it, if it had been
really

really denied him.

8. Mr. Shubick has repeatedly refused to the fact of 3 days having been lost, and that in consequence of the loss of time for the proceedings were useless, but his Duffadar admits that for 3 days he refused to show the warrant and it has been proved that during the remainder of the time that he remained in Wallajahpett, he had the means of executing the warrant but did not even attempt to employ them.

9. It would seem that the Duffadar having the third time failed to execute the warrant, and fearing the consequences of this repeated neglect, at last endeavoured to throw the blame of his failure on the Sahildars whom he had on the two former occasions accused of withholding a witness.

Could not at any rate consider the Heads of Police as having failed.

Judicial Department

no 1246

extract from the Minutes of Consultation

dated 22nd September 1858.

Read the following Letter from the Magistrate of North Arcot.

(Here enter 27 Aug & 2 Sept 58 nos 51 & 52.)

In the letter recorded above the Magistrate of North Arcot submits his report on the conduct of the Police authorities at Wallajahpett, through whose connivance and neglect of duty, as alleged by the Magistrate of Chingelput, the apprehension of certain parties accused of having perpetrated ~~the apprehension of~~ a gang robbery at Mannudoor in the latter District was frustrated.

2. The explanation afforded by Mr. Colclough in regard to this matter in no way clears the Head of Police of the Cavarepundi Talook from blame in

not affording the Duffadar any
from Chingleput the necessary
assistance in executing the
warrant entrusted to him. It is
not denied that this latter officer
showed the former the warrants
on the evening of the 27th Nov.
last, and that he remained in
the town the whole of the follo-
-wing day and a part of the next,
and still the Head of Police con-
-tented himself with merely
issuing orders to his subordinates
and leaving them to obey those
orders or not as they thought
fit. He knew that a daring
robbery had been perpetrated in
the Chingleput district; that
the Duffadar was in pursuit
of the supposed delinquents;
that the men for whose apprehen-
-sion he had come thither
were men of wealth and influence
and still he remained passive.
It was the duty of the Head of
Police to see that the parties,
if forthcoming, were arrested

and that their houses were
searched, and this ~~he~~ even had
the Chingleput Duffadar ~~been~~
~~apathetic~~ ^{been} - which however he
does not appear to have been.

Next must hold the Head of
Police of Cavariput respon-
-sible for the neglect of his
duty, ^{own duty as well as for}
that of his
subordinates; and accordingly
directs his ^{removal from}
his appointment ^{from}
the ~~public service~~. If the
Cuttack and Pons did not
exact themselves, it was because
he did not make them.

3. Government must also
express their marked displeasure
at the ^{delatory} conduct and lax notions
of the duty of their subordinates
evinced by the Magistrate of
North Arcot and ^{his acts} Head Assistant.
The whole enquiry of the charge
preferred by the Magistrate of
Chingleput against the Head of
Police of the Cavariput Taluk
was from the very first en-
-trusted to the Acting Head
Assistant, and Mr Collett-
ham implicitly accepted the
explanation offered ~~offered~~

and excuses afforded by that officer
in behalf of his subordinates,
as also the arguments advanced
by him however weak & frivolous
there has been moreover great
~~delay~~ delay on the part of Mr
Whitbyham in answering the
replies made to him by the
Collector of Chingleput. Mr
Shanbrick's letter of the 10th
December was not replied to
until the 3rd February, and that
of the 8th idem until the 19th
of April.

J.P.

Copy to Magistrate of A. Arcot
" do of Chingleput. } Dated 27th

Adm. 1858 by 206: 1858
of 10 of 1859.

Adm. 1858 by 206: 1858
of 10 of 1859.

Adm. 1858 by 206: 1858
of 10 of 1859.

Adm. 1858 by 206: 1858
of 10 of 1859.

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of 10 of 1859.

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