M.R.O. 1—39,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1673-74 Press ~~Mis.~~

70-71-72

Dated 19-10-~~1918~~

Not to be folded or roughly handled

No. 70. Read the following letter from G. A. BALLARD, Esq., Special Commissioner, North Canara; to T. PYCROFT, Esq., Chief Secretary to Government, Madras, dated Tinnei, 27th September 1858, No. 80.

SIR,

With reference to Extract Minutes Consultation, Judicial Department, under date 31st August 1858, No. 1202, referring petititions from parties named in the margin, sentenced as noted, I have the honor to report as follows:

Names.	Charge.	Sentence.
Anagoe	Aiding and abetting rebellion against British Government, &c.	Transportation for life.
Jewakur Tippana		do
Joque Malick		do
Naria		10 years' imprisonment.
Kaloo		10 years' do
Man Savat		8 years' do
Vittoba		8 years' do
Bombee		14 years' do
Bhyrjee Dahoo		8 years' do
Bhicoo		14 years' do
Oopasee		Transportation for life.
Siddy Bombee		do
Mahar Govida		do
Gunesh Meerasee		14 years' imprisonment.
Bhorkur Babee		14 years' do
Vittoo Gawlee		8 years' do

Petition No. 1.
* Anagoe-bin Musnea.
Kaloo-bin Poongauda.
Case No. 3 of 1858 of Special Commissioner Robinson's file.

2. Information was brought to Captain Schneider that the Bund was in a certain spot in Soopah Talook, Canara District; before he reached it, they had decamped, leaving evidence of having lately been there. Whilst the locals were searching about, these two persons* came up with a supply of rice. They were seized, and confessed before Captain Schneider that they were bringing it for Baba Sawanth from the Goa country. They repeated their confession during Mr. Robinson's examination; though they then qualified it by stating that they had acted on compulsion in bringing the rice. The 1st prisoner stated that he had been seized by the Bund at first, and had been with them some time; that he escaped; that he had been seized again; and that, after all this, he had been sent to a village in Goa to get supplies. The 2nd prisoner, that the 1st prisoner had forced *his* attendance. Of course the defence was ridiculous Mr. Robinson justly remarks, "The fact that prisoners, who are ryots of Canara, were engaged in transporting provisions from a foreign settlement to the rendezvous of the Bund in their own part of the country, is conclusive against them, and would indicate that they enjoyed the full confidence of the chief for whom they undertook the service."

Petition No. 1.
† Jeewakur Tippana-bin Ninga.
Naria-bin Ningana.
Case No. 6 of 1858.

3. These prisoners† were proved to have taken an active share in two robberies committed by Siddi Antoo and his gang; the first especially, to have been a leading associate of that notorious miscreant. He was said by one witness to have received a reward of Rupees 4 from Antoo, for his activity in the above said robberies. Both prisoners confessed to having been with Antoo's gang; but urged the usual plea of compulsion, unsupported by one tittle of evidence.

Petition No. 1.
‡ Joque Malick Wulud Koor Malick.
Case No. 8 of 1858.

4. This man‡ was proved to have taken part in illegal and forcible collections of sayer with other rebels; and to have taken a most prominent and active part in the excesses committed by the rebels in the Noojee neighbourhood in the Soopah Talook. The Potail of his village was hanged; but as this prisoner was considered as having acted to a certain extent under the orders and influence of the Potail, Mr. Robinson considered transportation for life a sufficient punishment.

Petition No. 2.
§ Man Savat-bin Ap Savat.
Case No. 13 of 1858.

5. This man§ was proved to have carried arms in the gang of rebels headed by Nana Sawanth; to have been with the gang on an occasion of house-breaking; and to have assisted in illegally and forcibly levying frontier dues. He denied in toto, but the charge was clearly established.

Petition No. 2.
‖ Vittoba-bin Lukshmana.
Bombee-bin Lukshmana.
Bhyrjee Dahoo-bin Bhicko.
Case No. 10 of 1858.

6. These prisoners‖ were stated to have been armed members in the notorious rebel Bustian's gang; to have been present at, and more or less assisted in, three distinct acts of house-breaking, and one of robbery and violence. They confess having been present; but urge compulsion; without, however, any shadow of support for their statement.

Petition No. 3.
¶ Noojeicar Bhicoo-bin Madhoo.
Gunesh Meerasee-bin Krisna Meerasee.
Bhorkur Babee-bin Thokoba.
Case No. 11 of 1858.

7. These prisoners¶ were clearly proved to have been present, armed, in a rebellious gang, on occasions of house-breaking, and highway robbery; and to have started with a party of rebels for incendiary purposes. The defence is, as in the last case, totally unsupported.

Ge of D Lawson to forward

Petition No. 3.
** Oopasee-bin Tilloo.
Case No. 9 of 1858.

8. This man** was proved to have been associated in rebellion with the aforesaid Bustian; to have carried a matchlock; and taken an active part in a highway robbery, and other crimes committed by that rebel's gang. Mr. Robinson remarks that "had the 4th count charging prisoner with incendiarism and murder been proved, a capital sentence must have been recorded; but, as it is, the Special Commissioner has no hesitation in pronouncing prisoner guilty of rebellion, attended with aggravating circumstances.

Petition No. 3.
† Mahar Govinda-bin Vittoo Siddy Bombee-bin Apnak. Vittoo Gawlee-bin Ram Gawlee.
Case No. 12 of 1858.

9. The two first named prisoners†† were also proved to have been armed members of the aforesaid Bustian's gang; to have taken part in two highway robberies, and one house-breaking; and to have been close by, guarding two men seized by their gang, whilst Bustian, and others of their associates, were committing a foul murder. The third was clearly proved to have been a member of the same gang; though the evidence did not show him to have been as active as others.

The 3 original petitions are herewith returned.

No. 71. ORDER THEREON, No. 1473; dated 19th October 1858.

The Government see no reason to interfere with the sentences passed in these cases by *Mr. Robinson*, under Act XIV of 1857. All these cases, it is observed, come before Government as they are disposed of by the several Officers holding Commissions under that enactment. A communication to this effect will be made to the Sessions Judge of *Dharwar* through the Bombay Government.

(Signed) T. PYCROFT,
Chief Secretary.

Ordered that the following letter be despatched.

No. 72. To the Secretary to the Government of Bombay, dated Fort St. George, 19th October 1858, No. 1474.

SIR,

On the 31st May last, the Acting Session Judge of *Dharwar* forwarded direct to this Government Petitions from sixteen Convicts in the *Dharwar* Jail, who had been sentenced to various terms of imprisonment by the Special Commissioner, *North Canara*. They appealed against their conviction and sentence.

2. It appears from the Commissioner's report, that these Convicts were indicted and found guilty of complicity in the recent insurrection on the Frontier. The Governor in Council sees no reason to interfere with their sentences, and I am to request that this may be communicated to them through the Officer in charge of the Jail.

3. I am also to add, that, as the records of all cases disposed of by Officers acting under Commissions under Act XIV, 1857, are transmitted to this Government direct, it will not be necessary for the Sessions Judge of *Dharwar* to forward Petitions merely denying the justice of the Petitioner's sentence, and praying Government "to call for all the papers connected with the case."

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

No. 1473

The Govt see no reason to interfere with the sentences passed in these cases by Mr Robinson under Act XIV of 1857. All these cases, it is observed, come before Govt as they are disposed of by the several Officers holding Commissions under that enactment. A communication to this effect will be made to the Sessions Judge of Dharwar through the Bombay Govt

Fort St George
19 October 1858.

ordered that the following letter be despatched

To be sent to Govt

Jud Dept

Bombay 2

To W. C. Bellairs Esq Actg Sessions Judge Dharwar
Comr N. Canara
3 Sept 58

C 31st August 1858 ~~1745~~ 1814.

In Cons: 19th October. Judicial. 1858. Sept 11.

Judicial Letter to Engd 13th Decr No 2 of 1858

Paras 3 & 7.

S/o Sept 11th

From G.A. Ballard Esq
Special Commissioner
North Canara.
80.

d/27 Sept.
R/7 Oct/58.

No 1814.

Reports on the petitions referred to him from certain parties convicted of aiding and abetting rebellion against the British Govt.

× vide subsequent order ×

C 12 Oct 12 Dec. 704/11

Dispt 24th

Judicial Dept.

No 1474 of 58.

From Chief Secy to Govt.
Fort St George
To the Secy to the Govt of Bombay
Judicial Dept.

Sir,

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Petitions merely denying the
Justices of the Petitioners sentence,
& praying Govt to call for all the
"papers connected with the case".

Fort St George
19th October 1858.

J S D L C 12/10/58.

Judicial Letter to Govt dd 13th
Rec'd 3rd Nov 1858.
Read 3rd
Pauls 3rd

No 172

In Council 15th Nov 1858

Read the Petition of the Petitioner
Read the Copy of the Sentence
Read the Report of the Judge
Ordered that the Petitioner be
informed that the Petition cannot be
entertained

C12 Nov
R 154