

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

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Dated	3	2 - 1888

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Read the following letters.

No. 1. From J. J. COTTON, Esq., Commissioner, Masulipatam; to T. PYCROFT, Esq., Chief Secretary to Government, in the Judicial Department, Fort Saint George, dated 18th January 1858, No. 5.

Sir,

1. With reference to the Extract from the Minutes of Consultation, dated the 27th July 1857, para. 6, I have the honor to forward herewith the Record of a trial held before me, on the 11th Instant, for the information of Government.

2. As the above case was forwarded for trial, and the whole of the parties were in attendance at the Huzzoor Station, the case was disposed of here, to avoid delay and inconvenience.

(Signed) J. J. COTTON,
Commissioner.

No. 1 of 1858. Masulipatam. Before Commissioner.

Charge.—Gang robbery and murder.

Prisoner.—Ishmael Sahib.

Charge.—You are charged with having early in the morning of the 7th November 1857, in company with a gang of others, Rohillas, &c., attacked the Talook Cutcherry, and town of Juggiapettah, in the Zillah of Masulipatam, and with having killed by fire-arms two Naigues, one Havildar and one Sepoy, belonging to the VII Regiment M. N. I., one extra Sibbendy peon and one Comptee, by name Venkiah, and finally carried off treasure and property therefrom to the value of Rupees 100,000 or thereabouts.

You are further charged with having been found in possession of jewels, cloths and other property of the value of Rupees 100, being the portion of the plunder alluded to above.

What say you thereto, are you guilty or not guilty?

I did not kill or rob any one at Juggiapettah, I was employed as a servant to some Rohillas and the property found on me was put in my charge by some of the party alluded to.

1st witness, Gholam Hoossain, Acting Police Duffadar, examined on solemn affirmation.

Was ordered by the Head Police to trace the Rohillas who committed the above outrage, proceeded with other peons some little distance where they met one Madar Sahib, (2nd witness,) a Hungamee peon who had been carried off by the gang. He gave information of the direction of the party and they met a vitty man who had carried a bundle for one of the Rohillas, who told them the Rohilla was in the house of a pot-maker. After proceeding about 8 "gows," came on the prisoner who was cooking his victuals at a potter's house. The party went up to him, they having hidden their belts in their waistbands, and seized him. He had a matchlock, a sword by his side, and a bundle containing cloths, jewels, &c., which he acknowledged had been given to him by Rohillas concerned in the robbery, whose servant he said he had been. That being attacked with fever he had lain down to sleep, and the rest of the gang had left him behind. The bundle before the Court is the same found with the prisoner. Deponent states that prisoner was forwarded to several of the Police authorities in the Nizam's country in turn, who finally returned him (prisoner) and the property to him, who brought (prisoner) to Juggiapettah. Deponent accompanied prisoner &c., through all his various marches. Only a portion of the property found with prisoner is before the Court, the rest delivered in the Talook Cutcherry, the owners not having appeared to claim the same.

Given before me, January 11th, 1857.

(Signed) J. J. COTTON,
Commissioner.

Fort St. George, Judicial Consultation, 9th February 1858.

2nd witness, Madar Sahib, extra peon, Hungamee, examined on solemn affirmation, states.

Heard the sound of fire-arms at my village 3 coss from Juggiapettah, and came towards the Cusbah, met a party of some 700 Rohillas and Dekkanees coming from the direction of the town with "loot," they saw me and seizing me, carried me off a prisoner for some 3½ gows, where they at length released me. I met the last witness and 4 peons on my way back. They were on the look-out for traces of the robbers. I told them how I had been seized and carried off and whither, I took them with me to a certain village when the villagers told us that one of the gang had proceeded in one direction, and the Sirdars with the rest had gone in another. We followed the former by making enquiries from village to village, and at length came upon a vitty man, who said he had carried a bundle belonging to one of the gang, and left him in the house of a pot-maker, which he pointed out. The prisoner was alone cooking his meals. I seized the prisoner by the throat and pushed him down. The other peons &c. rushed on him also and overpowered the prisoner, (making prisoner,) near him was a bundle containing cloths, jewels, opium, &c., also a sword and the barrel of a gun. Next morning the Nizam's people came up and made objections to our having apprehended the prisoner, and took him off to certain officials, who at last after 12 days, allowed us to take him back to the Company's illaba, to Juggiapett. Identifies the articles before the Court as being part of the property found with the prisoner, the rest is in the Talook Cutcherry, as well as the sword and matchlock barrel.

I saw the prisoner among the gang which carried me off in the first instance, he was carrying a bundle, I do not know if it was his own or belonging to any one of the gang, I thought he was acting as a cooly. The bundle he carried then was I believe the same as that before the Court.

(Signed) J. J. COTTON,
Commissioner.

3rd witness, Sheik Macktoom, extra peon Hungamee, deposes as follows on solemn affirmation.

Accompanied 1st witness and 2 others in search of Rohillas. Met the 2nd who had been taken prisoner by them, who led them some distance along the line of their retreat, afterwards proceeded from village to village, making enquiries, and learnt at last that the principal part of the gang had taken the direction of Budrachellum, but that one had separated from them with a bundle, the same afternoon, and went in another direction taking the vetty man of the village with him. We met the vetty man in his hamlet, and questioned him, he told us he had quitted a Rohilla the previous evening with a bundle, in a certain village. We went there and heard the Rohilla was in the house of a pot-maker. We found the prisoner cooking in the place dedicated, and seized him with a bundle of cloths near him, also a sword and the barrel of a gun, &c., &c. Same as the previous witnesses as to the detention of prisoner, and his finally being brought to Juggiapett. Recognizes the property before the Court, as having been found on the prisoner.

(Signed) J. J. COTTON,
Commissioner.

Boonagutty Bulliah, 4th witness, deposes on solemn affirmation.

Was not present at the gang robbery, having bolted and concealed myself till it was all over, but was robbed of gold, silver, ornaments, &c., to the value of Rupees 800. Identifies articles Nos. 20, 21, 22, before the Court as his own.

(Signed) J. J. COTTON,
Commissioner.

M. Nanappa, 5th witness, deposes on solemn affirmation.

Was absent in a neighbouring village, when my house was robbed by a gang of Rohillas. They stole cloths to the value of Rupees 100. Identifies Nos. 11, 12, 13, 14, 15, 16, 17, 18, 19, as his own, also No. 9 belonging to 7th witness, Nos. 23, 24, 25, 26, 27, to 6th witness, who are my immediate neighbours.

(Signed) J. J. COTTON,
Commissioner.

Fort St. George, Judicial Consultation, 9th February 1858.

D. Shashiah, 6th witness, deposes on solemn affirmation.

Ran away from the town as soon as I heard the Rohillas had entered it, cannot recognize the prisoner, or any of the robbers, lost property to the extent of Rupees 1,125, consisting of cloths, jewels, &c., &c. Identifies Nos. 23, 24, 25, 26, 27, as his own property, No. 9 belongs to 7th witness, Nos. 11, 12, 13, 14, 15, 16, 17, 18, 19, belong to 5th witness, my neighbours.

(Signed) J. J. COTTON,
Commissioner.

V. Mootiah, 7th witness, deposes on solemn affirmation.

Ran away with the other inhabitants, when the robbery was committed. Was robbed of property to the value of Rupees 2,000. Identifies No. 9 as his own, and Nos. 23, 24, 25, 26, 27, belongs to 6th witness, from No. 11 to No. 19 belong to 5th witness, his neighbours.

(Signed) J. J. COTTON,
Commissioner.

C. Luchianindum, 8th witness, deposes on solemn affirmation.

Was present at the robbery in Juggiapetta. 500 Rohillas attacked the town, and then I ran away, I lost gold and silver jewels, &c., to the value of 600 Rupees, identifies No. 30 as his own, No. 1 belongs to Cummunpatee Nagalingum, (deponent his Vakeel,) Nos. 28, 29, G. Ramanah, (deponent his Vakeel,) opium No. 10 belongs to Marwadee Ramagopal, (deponent gives it a particular descriptive name, to distinguish it from other opium.) From 2 to 8 belong to G. Loorah, (deponent his Vakeel.)

(Signed) J. J. COTTON,
Commissioner.

Shaik Emam, 9th witness, deposes on solemn affirmation.

Is the servant of Marwadee Ramagopal, and identifies the opium No. 10, under a specific nomenclature as belonging to his master.

(Signed) J. J. COTTON,
Commissioner.

T. Nursiah, 10th witness, deposes on solemn affirmation.

Was seized by the Rohillas (numbering 700 strong) outside the town of Juggiapettah, and taken into the place, and made to sit down near the Talook Cutcherry, when they stripped him of his ear-rings. They attacked the Talook Cutcherry, and the Sepoys, peons, and other Rohillas fired on one another. One Naigue, one Havildar and 2 Sepoys were killed, one of the Rohillas was killed in the Cutcherry. They broke in and brought out some bundles of things, I did not see what. The rest of the town was looted also, but being detained in one place, I did not see at the time who had suffered. The Sirdar of the gang had a chair brought and was seated on one side of the Cutcherry, 25 Rohillas remained near the Sirdar, the rest went about plundering the town and bringing the property, threw it on the ground near the Sirdar's chair. All the Rupees, gold and silver jewels were heaped separately on a carpet, and finally packed up in boxes which they put on horses, and took away. The robbery occupied from 6 A. M. to 11 A. M. They took away valuable cloths and those with gold thread &c. but threw away all the rest. They released me outside of the village. I did not recognize the prisoner before the Court among them nor had I seen any of the gang, knowingly before. There were 3 more Sirdars, they came mounted on horses and were seated on the chairs afterwards. I know therefore they were Sirdars, the rest came on foot, one was apparently 50 years old and the 2 others younger. I could recognise them again if I saw them. Identifies No. 28 and 29 as belonging to one G. Ramana.

(Signed) J. J. COTTON,
Commissioner.

Fort St. George, Judicial Consultation, 9th February 1858.

R. Juggiah, 11th witness, deposes on solemn affirmation.

Ran away on the attack and lost 10,000 Rupees of property, no part of which has been recovered. Recognises No. 1 as belonging C. Nagalingam.

(Signed) J. J. COTTON,
Commissioner.

L. Ramodoo, 12th witness, deposes on solemn affirmation.

Ran away with the rest. Juggiapett may contain 15,000 persons, but could not stand before 500 Rohillas because they had some matchlocks, so had the Juggiapett people, but——. Identifies cloth No. 1 as belonging to C. Nagalingam, who bought it at * * *

(Signed) J. J. COTTON,
Commissioner.

Fakeer Mahomud, 13th witness, solemnly deposes.

Was at Juggiapett when the place was attacked, but a spent-ball having fallen near me and having 4 females living with me, I decamped at once; of the Sepoys 1 Havildar, 2 Naigues, 1 Sepoy were killed, 1 was wounded; of the Rohillas 4 were killed, cannot recognise the Prisoners. The opium No. 10 belongs to Ramagopal. I brought it from Hyderabad, describes it by a specific name. Identifies also from No. 2 to 8, also No. 13.

(Signed) J. J. COTTON,
Commissioner.

C. Gooroomorty, 14th witness, deposes on solemn affirmation.

I ran away as soon as I saw the gang at a distance. I lost nothing. Identifies Nos. 20, 21, 22.

(Signed) J. J. COTTON,
Commissioner.

V. Nagalingam, 15th witness, solemnly deposes.

(Is such a gratuitous liar that his deposition was not taken.)

Curnum Vencatapah, 16th witness, solemnly affirms.

Recognises Nos. 2 to 8 and from 28 to 30.

(Signed) J. J. COTTON,
Commissioner.

January 11th 1858.

Case No. 1 of 1858, on the Commissioner's file.

Defence of prisoner Ismael Saheb, son of Mohuddeen Saheb, of the Mussulman caste, Soonnee sect, aged 30 years, subsisting by means of labor, and an inhabitant of Hyderabad.

As Chetty Khawn, Meeyan Saheb, Dooranees, and Goolaubshaw, four Rohillas employed me, I was in the habit of cooking their rice and baking their bread, about seven or eight hundred Rohillas were residing in a village called Narroynahkhaydah, beyond Hyderabad, those four persons took me to the village Narroynahkhaydah, and seven or eight hundred Rohillas joined together there and came to Juggiahpettah, I also went with them to Juggiahpettah, a horse belonging to Chuttaykhaun, having been entrusted to me, I stood with the horse outside of the gate of the town, after that at 9 o'clock Chuttaykhaun brought a bundle and gave it to my hands, and then caused it to be conveyed on my head, when all the Rohillahs left the place, I also went with them, but I never untied the bundle and looked into it, after those people had advanced to some distance, I being unable to proceed from a village, the name of which I do not know, I lagged behind, and a Duffadar and peons &c., came and seized me, they seized the bundle, sword, and the musket barrel now before the Court on me. As Rohillah Meeyah Saheb gave the sword and the musket barrel into my hands, they were found on me.

Fort St. George, Judicial Consultation, 9th February 1858.

I have heard my defence read over to me, it is written correctly.

The mark of ISMAEL SAHEB.

Taken before me in open Court, at Masulipatam, this 11th January 1858.

(Signed) J. J. COTTON,
Commissioner.

(True translation.)

(Signed) J. J. COTTON,
Commissioner.

Sentence. The prisoner confesses that he formed one of the gang who attacked Juggiahpettah, but adds that he was employed as a servant by the 4 Sirdars whom he named. He was taken by the 1st, 2nd and 3rd witnesses in possession of the property before the Court, which is identified by the other witnesses as belonging to people in Juggiahpettah. Prisoner also admits that it formed part of the plunder. He is not recognized by any of the witnesses, and the only one present during the robbery cannot identify him as conspicuous. He could not have shot any one with his gun barrel without a stock. I consider a sentence of (14) fourteen years' imprisonment, with hard labor in irons, in the Zillah Jail of Masulipatam, adequate punishment for prisoner. Sentenced accordingly, under Section I, Act No. XIV of 1857.

(Signed) J. J. COTTON,
Commissioner.

Masulipatam, 11th January 1858.

No. 2. From T. J. KNOX, Esq., Acting Magistrate of Masulipatam; to T. PYCROFT, Esq., Chief Secretary to Government, Fort St. George, dated Mauthavaram, 25th January 1858, No. 29.

SIR,

1. I have the honor to report that, I yesterday received from the Commissioner of Masulipatam, a statement shewing the disposal of the prisoner Ismail Khan, and I annex a copy thereof.

2. I presume the Commissioner ere publishing his sentence had obtained the sanction of Government, and therefore it would be improper for me to make any remark on it. As however, I trust, more similar cases will be tried, I venture to point out to Government, how inadequate the sentence is and my fear is that it may be taken as a precedent in future cases.

3. I submit that 14 years' imprisonment is an inadequate punishment for each and all of a gang of men, who deliberately combine in an expedition to plunder, which they knew they must commence with bloodshed, for they were prepared not as in ordinary cases of robbery for the murder of the owners of the property should they resist, but for the death of the soldiers of the State, whom they knew would resist, each man in that party risked his life on the venture, and should be made to pay the forfeit.

4. However, it only remains for me to solicit the orders of Government that this prisoner may be removed to another district, the Jail at Masulipatam is too close to the Nizam's country, and this proximity will keep alive in him a hope of escape, which, judging from past experiences, prisoners in that Gaol too often realize.

(Signed) T. J. KNOX,
Acting Magistrate.

Fort St. George, Judicial Consultation, 9th February 1858.

Report of cases disposed of by the Commissioner of Masulipatam.

Number of the case.	Names of the prisoner or prisoners.	Crime charged against the prisoner or prisoners.	Mode in which the prisoners were disposed of, and when discharged, the grounds thereof.
1 of 1858, Masulipatam Commissioner's file.	Ismail Saheb.	Gang robbery with murder.	Sentenced to (14) fourteen years' imprisonment with hard labor in irons, in the Zillah Jail of Masulipatam, under Section I, Act XIV of 1857.

Masulipatam, Commissioner's Court, }
20th January 1858.

(Signed) J. J. COTTON,
Commissioner.

(True Copy.)

(Signed) T. J. KNOX,
Acting Magistrate.

No. 3. ORDER THEREON, No. 167; dated 3rd February 1858.

The Right Honorable the Governor in Council directs that the prisoner Ismail Khan, referred to in the foregoing communications, be confined, in pursuance to his sentence, in one of the Southern Jails, to be named by the Inspector of Prisons. To this end, the Session Judge of Masulipatam will make arrangements for having Ismail Khan conveyed to Chingleput, where he will remain until the Inspector has fixed on the Jail in which he is to be imprisoned.

(Signed) T. PYCROFT.
Chief Secretary.

Handwritten text in Urdu script, likely a translation or commentary on the official document. The text is written in a cursive style and covers the right side of the page. It appears to be a detailed account of the case and the orders issued, written in the local language of the region.

No. 3

Masulipatan 13th January 1858.

Franz,

J. J. Cotton Esq
Furnishianer
Manhattan

To

T. Pycroft Esq:
Chief Secretary to Government
in the Judicial Department
Fort St George
Sir,

1. With reference to the Extract from the Minutes of Consultation dated the 27th July 1857, para 6, I have the honor to forward here, with the Record of a trial held before me, on the 11th instant, for the information of Government.

2 As the above case was forwarded for trial, and the whole of the parties were in attendance

Taken before me in open Court
 this 11th day of June 1881
 at New York City
 before me
 the undersigned

attendance at the Kuzoor Sta.
tion, the case was disposed
of here, to avoid delay and
inconvenience...

Masulipatam } I have the honor to be,
Commissioner's Court } Sir,
18th January 1858 } Your most Obedt Servt

Despatches 14th Instant.

H. Cotton
Commissioner

From

J. J. Cotton Esqre
Commissioner

To

Masulipatam

T. Pycraft Esqre

Chief Secretary to Government
in the Judicial Department
Fort St George.

Ed. P. 28/2 H. N.

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Judicial Department. 58

N^o. 16/1

Extract from the Minutes of Consultation

Dated 3rd February 1858.

Read the following Letter

From the Commissioners of the } Here enter ✓ 1st Jan'y 1858.

From the Act of Magistrate of } 1858

The Right Honble the
Governor in Council directs that
the prisoner, Samuel Khan,
referred to in the foregoing com-
munications be confined, in
pursuance to his sentence, in
one of the Southern Gaols & be
named by the Inspector of
Prisons. To this end, the Sesam
Judge of Masulipatam will
make arrangements for him



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[illegible]