M.R.O. 1—33,000—16-10-29.

# MADRAS RECORD OFFICE.

## Government of Madras.

Judicial DEPARTMENT.

G.O. No. 189 Press ~~Mis.~~

33-34

Dated 8-9-~~11~~ 1933.

**Not to be folded or roughly handled**

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

No. 33. Read the following letter from C. WHITTINGHAM, Esq., Collector of North Arcot; to T. PYCROFT, Esq., Chief Secretary to Government, Fort St. George, dated Rallacooppum, 23rd January 1858, No. 6.

SIR,

I have the honor to submit for the information of Government, copy of two letters from the Joint Magistrate, together with copies of decisions passed by him in two charges. One of abuse of authority and the other of misdemeanor against Poova Gounden, Village Moonsiff, and Mottay, Taliar of Arivoor in the Vellore talook.

(Signed) C. WHITTINGHAM,
*Collector.*

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From A. W. SULLIVAN, Esq., Joint Magistrate of North Arcot; to C. WHITTINGHAM, Esq., Magistrate of North Arcot, dated Vellore, 18th January 1858.

SIR,

I have the honor with reference to the orders of Government noted in the margin,* to forward true copy of a decision of mine in a charge of abuse of authority preferred against Poova Gounden, Toty of Arivoor in the talook of Vellore.

* 10th June 1856.
23rd July 1856.
19th November 1856.

(Signed) A. W. SULLIVAN,
*Joint Magistrate.*

(True Copy.)
(Signed) C. WHITTINGHAM,
*Magistrate.*

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Sentence passed by the Joint Magistrate of North Arcot, for the fourth quarter of 1857.

| Number of cases. | Name of prosecutor. | Charge. | Names of defendants. | Names of witnesses. | Date of Sentence. | Remarks. |
|---|---|---|---|---|---|---|
| 97 | Mottay, Taliar of Arivoor in the Talook of Vellore. | *Abuse of authority and Torture.* The 1st defendant is charged, he being a Village Moonsiff, with having at Arivoor in the Talook of Vellore on or about the 20th June 1857, caused the prosecutor's feet to be bound with a rope by the 2nd defendant (a village officer) and with having tortured the prosecutor by beating him with tamarind branches under the pretence that he, prosecutor, had received a bribe of 2 Annas in the name of the 1st defendant from one Permal Naik, father of Kisten who was then confined in the village choultry on a charge of petty theft, for the purpose of effecting the said Kisten's release from custody. | 1 Poova Gounden, Monigar and Village Moonsiff of Arivoor in the Talook of Vellore. do.<br>2 Parasen, Toty of do. do. | 1 Kistna Gounden, Monigar.<br>2 Vembathapillay, Notegar.<br>3 Appaswmy, Village Curnum. | 15th December 1857. | Before the Joint Magistrate the 1st defendant pleads *not guilty;* he pleaded *guilty* before the Head of Police of the Vellore Talook. He states that he reported to the Head of Police of the Vellore Talook the conduct of the prosecutor, who first denied having received any sum of money from Permaal Naick; but afterwards admitted that he received 2 Annas from him in his (1st defendant's) name, he (prosecutor) having promised that he would endeavour to get his son Kisten released.<br>The 2nd defendant pleads *guilty,* stating that acting under the order of the 1st defendant, he bound the prosecutor's feet with a rope, moreover stating that the 1st defendant gave the prosecutor 5 blows with a tamarind switch, and that the occurrence took place in consequence of the prosecutor's conduct in having received 2 Annas from Permal Naik.<br>The 1st, 2nd and 3rd witnesses for the prosecution state that Permal Naik gave information to the 1st defendant that the prosecutor received from him in the name of the 1st defendant a couple of Annas, under the pretence of effecting his son Kisten's release, which incensed the 1st defendant against the prosecutor, who denied having received the money, who then and there |

ordered the 2nd defendant to bind the prosecutor's feet and himself struck the prosecutor a blow with a Tamarind switch. This closes the evidence for the prosecution, and the charge appears proved against the defendants. The 1st defendant in the first place acted properly in reporting the conduct of the prosecutor to the head of Police (which case formed separate matter of investigation, vide case No. 101) but his subsequent conduct is very objectionable in having taken the law into his own hands, and as for the 2nd defendant, his defence of having merely obeyed the order of the 1st defendant, cannot be admitted, as the order was illegal.

The 1st defendant is therefore sentenced to pay a fine of 5 Rupees, in default of payment to be imprisoned for 15 days, and the 2nd defendant is sentenced to pay a fine of one Rupee, in default of payment to be imprisoned in the Vellore Cutwal's choultry for 7 days, under Regulation III, of 1819, Section III Clause 2.

(Signed) A. W. SULLIVAN,
*Joint Magistrate.*

(True Copy.)
(Signed) A. W. SULLIVAN.
*Joint Magistrate.*

(True Copy.)
(Signed) C. WHITTINGHAM,
*Magistrate.*

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From A. W. SULLIVAN, Esq., Joint Magistrate of North Arcot ; to C. WHITTINGHAM, Esq., Magistrate of North Arcot, dated Vellore, 18th January 1858, No. 20.

Sir,

I have the honor with reference to the orders of Government noted in the margin,* to forward true copies of a decision of mine in two charges, viz., misdemeanour and abuse of authority, preferred against Mottay, a Taliari of the village of Arivoor in the talook of Vellore.

* 10th June 1856.
23rd July 1856.
19th November 1856.

(Signed) A. W. SULLIVAN,
*Joint Magistrate.*

(True Copy.)
(Signed) C. WHITTINGHAM, *Magistrate.*

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Sentence passed by the Joint Magistrate of North Arcot, for the fourth quarter of 1857.

| Number of case. | Name of prosecutor. | Charge. | Name of defendant. | Names of witnesses. | Date of sentence. | Remarks. |
|---|---|---|---|---|---|---|
| | | *Misdemeanour.* | | | | |
| 98 | Poova Gounden, Village Moonsiff of Arivoor in the talook of Vellore. | The defendant is charged with having at Vellore in the Talook of Vellore, on or about the night of the 22nd June 1857, unlawfully entered into the prosecutor's garden, and with having maliciously felled 7 plaintain trees valued at Rupees 3-8, the property of the prosecutor, with the intention to causing injury to the prosecutor's property, in consequence of the prosecutor having reported the defendant's conduct to the superior authorities. (Vide case No. 101.) | Mottay, Taliar of Arivoor in the talook of Vellore. | 1 Mohomed Gunny.<br>2 Undaury Gounden. | 15th December 1857. | The defendant pleads not guilty.<br>The 1st and 2nd witnesses state that one night about six months ago, they were passing by the prosecutor's garden where they heard a noise of cutting down trees, which induced them to enter the garden where they saw the defendant felling plaintain trees and that on their asking the defendant why he did so, he replied that they had no business to ask him or words to that effect. They state that they gave information of the same to the prosecutor on the following morning.<br>The Joint Magistrate is of opinion that the defendant is guilty of the charge brought against him in this case ; sentence is passed on him in case No. 101 which vide.<br>(Signed) A. W. SULLIVAN,<br>*Joint Magistrate.* |





| Number of case. | Name of prosecutor. | Charge. | Name of defendant. | Name of witness. | Date of sentence. | Remarks. |
|---|---|---|---|---|---|---|
| | | *Abuse of authority & extortion.* | | | | |
| 101 | Permaul Naidoo, an inhabitant of Arivoor in the talook of Vellore. | The defendant is charged, he being a Village watcher, with having at Arivoor in the talook of Vellore on or about the night of the 19th June 1857, received from the prosecutor a bribe of (2) two annas in the name of Poova Gounden, Village Moonsiff of Arivoor, under the pretence of effecting the release of the prosecutor's son Kistnen who was then confined in the village choultry on a charge of petty theft. | Mottay, Taliar of Arivoor in the talook of Vellore. | Ulleamah. | 15th December 1857. | The prisoner pleads *guilty*. He admits that he received the sum of two (2) annas from the wife of the prosecutor. The 1st witness (wife of the prosecutor,) states that with the permission of her husband, the prosecutor, she paid 2 annas to the defendant who promised that he would get her son released from confinement in the village choultry. The only evidence is that of the wife of the prosecutor, but added to this are the facts of the free admission of the offence by the defendant both before the head of Police of the Vellore talook and the Joint Magistrate, of his having, when examined before the former officer, produced the two annas which are now in deposit. |

Under these circumstances, the Joint Magistrate considers the charge established against the defendant and another charge of misdemeanor having been established against him in case No. 98, which vide, he is sentenced to pay a fine of Rupees (6) six, in default of payment, to be imprisoned for 30 days in the Zillah Jail of Chittoor, under the provisions of Clause 2nd Section III, Regulation III of 1819.

(Signed) A. W. SULLIVAN,
*Joint Magistrate.*

(True Copy.)
(Signed) C. WHITTINGHAM,
*Magistrate.*

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No. 34. Order thereon, No. 189 ; dated 8th February 1858.

It was unnecessary for the Magistrate of North Arcot to have submitted the sentence in the case of misdemeanour against the Village Moonsiff of Arivoor. His attention is called to para. 4 of Extract Minutes Consultation 16th December last, No. 1637.

(Signed) T. PYCROFT,
*Chief Secretary.*

Exd. F. Cartledge.

No 189

It was necessary for the Magis-
trate of North Arcot to have submitted
the sentence in the case of Suicide-
-Murder against the Village Accomp
of Arnoor. His attention is called
to Para 4 of Gol. Mins. Ons 16 Dec
last in 1687.

Fort St George
8 February 1858

Copy to Magistrate of N. Arcot. Despd. 11th

of Mr. Anderson
Camden Village Missouri Ter, and
Indian Agency Sublette of Missouri in the
Yellow Stone.

I have the honor to be
Sir,
Your most Obt. Servant

Wm Clarke
Collector