

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	192	Press
40-41		~~Mis~~
Dated	8-2	11-8-8

Not to be folded or roughly handled

12/11

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

No. 40. Read the following letter from WILLIAM FISHER, Esq., Magistrate of Canara; to
T. PYCROFT, Esq., Chief Secretary to Government, Fort St. George, dated Cundapoor,
25th January 1858, No. 6.

SIR,

With reference to the Circular Order of Government, dated 19th November 1856, No. 1260,
I have the honor to forward copies of translation of a plaint and decision, passed by the Joint
Magistrate Mr. Robinson, in a case of extortion, by a Sibbendy Peon, Mahomed Kassim.

(Signed) WM. FISHER,
Magistrate.

Translation of a complaint laid by one Lingana Bussa, of Lingoet caste, resident of Kusapoor
village, Hooblee Talook, in the District of Dharwar, before the Joint Magistrate of Canara,
on the 5th December 1857.

Whilst I and several others were carting cotton belonging to one Wallajee Shet Sowkar, on
7 bandies from Hooblee to Coomptah, we halted on the 2nd Instant, at Kolicary village near
Kerwatty, whilst there the defendant Mahomed Kasim a Sibbendy Peon coming from the Yella-
poor direction challenged me and accused me of having cut one of the pegs of my bandy which
I had fitted on in my own village, in a forest of this Division. I replied that I had not, but
brought it from my own country. Notwithstanding this, the defendant who was then under
the influence of liquor, insulted me seriously, and seizing me, took me to an empty house at
Kabcary village, and there detained me fasting from 12 A. M., to 6 P. M., subsequently taking
me to a little distance from that house he offered to release me if I would pay him 1 Rupee.
I informed him that I had not a Rupee, and that I did not cut the peg in the jungles here, he
then told me that I should not be liberated until I paid him the sum demanded. On this I
paid him half a Rupee which I then had about me, and was permitted to leave the place. I
made this complaint to the authorities at Yellapoor. 2 persons named Ramapah and Ningapah
saw me taken on by the defendant from the place where I halted, they are travellers, and not
my comrades. Bassapah and Kadersaib who are my followers, and who accompanied me to the
place where I was detained by the defendant have witnessed my paying him the half Rupee,
this amount was extorted from me only for the service of setting me at liberty. The defendant
apprehended me on the pretext of my having cut a piece of wood from the jungles here which
I have never done. This is my complaint.

Mark of LINGANA BUSSA.

Solemnly affirmed before me, this 5th day of December 1857.

(Signed) J. D. ROBINSON,
Joint Magistrate.

(True translation.)

(Signed) J. D. ROBINSON,
Joint Magistrate.

(True Copy.)

(Signed) WM. FISHER,
Magistrate.

Prosecutor.

Lingana Bussah.

Versus

Mahomed Kasim, Police Sibbendy Peon, Defendant.

Witnesses.

1. Ramapah
2. Ningapah
3. Bussapah
4. Kadersaib

ABUSE OF AUTHORITY.

Charged with having at 12 A. M., of 12th December 1857, near Movala tank, in Kirwatty
village, Mogany Mudnoor, Talook Yellapoor, arrested prosecutor who with 6 other bandymen
was carting cotton on 7 bandies from Hullial to Coomptah on pretext that one of the pegs of

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

his bandy was green and had been cut in the Government forest without permission, and detained him in custody in the tannah of Kirwatty until 9 p. m., only releasing him finally after receiving a douceur of $\frac{1}{2}$ Rupee so to do.

Prosecutor cites 4 of his companions as witnesses to prove the charge. 1st and 2nd to the fact of his having been arrested by the defendant, and the 3rd and 4th witnesses, to his having been confined for 9 hours, as specified in the charge, and subsequently released on payment to defendant of a bribe of 8 Annas to set him at large.

There are several discrepancies in the evidence for the prosecution, such as indeed to invalidate it in a legal point of view.

But although the charge of extortion is not fully substantiated, there is yet enough on record to shew that defendant did, in an unwarrantable manner (which he most lamely endeavours to explain) detain prosecutor, perverting to his own purposes a provision of the forest conservancy rules. As this is a species of abuse, which from report and other sources the Joint Magistrate gathers to be latterly on the increase, and as it is not probable that an entire stranger at the risk of detention and pecuniary loss would prefer a complaint unless there had been substantial grounds for it, the Joint Magistrate is of opinion that the gravest suspicion attaches to defendant, and resolves to dismiss him from the public service as unfit and untrustworthy.

4th January 1858.

(Signed) J. D. ROBINSON,
Joint Magistrate.

(True Copy.)

(Signed) J. D. ROBINSON,
Joint Magistrate.

(True Copy.)

(Signed) WM. FISHER,
Magistrate.

No. 41. ORDER THEREON, No. 192; dated 8th February 1858.

Resolved that copy of the above letter and of its enclosures be forwarded to the Conservator of Forests for his information.

(Signed) T. PYCROFT,
Chief Secretary.

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Resolved that copy of the
above letter and of its
enclosures be forwarded
to the Conservator of Forests
for his information -
J. D. Robinson
8 February 1858
To the Conservator of Forests } *Dispt 12th*