M.E.C. 1—30,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 278 Press ~~Mis.~~

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Dated 3 8 — #6858

Not to be folded or roughly handled

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278

Fort St. George, Judicial Consultation, 12th March 1858.

No. 1. Read the following letter from A. HATHAWAY, Esq., Acting Magistrate of Madura; to T. PYCROFT, Esq., Chief Secretary to Government, Fort St. George, dated 10th February 1858, No. 37.

SIR,

With reference to Clause 5, Section XVII, Regulation IX of 1816, I have the honor to submit for consideration and orders of Government, copy of a report from the Acting Joint Magistrate, on the sequestration of the property of one Soobben, a ryot of Palamputty in the Tandicombu talook, charged with house-breaking, culpable homicide and escape from custody.

From J. R. COCKERELL, Esq., Acting Joint Magistrate; to A. HATHAWAY, Esq., Acting Magistrate of Madura, dated Dindigul, 20th January 1858, No. 13.

SIR,

In reference to Clauses 1, 3 and 5 of Section XVII, Regulation IX of 1816, I do myself the honor to report for the orders of Government, the sequestration of the property of one Soobben, a ryot of Palamputty in the Tandicumboo talook.

2. The circumstances of the case are as follows: On the night of the 4th of April 1857, Soobben effected a burglarious entry into the house of one Teroomalay Cownden, situated in Alagapoory, a hamlet of the abovementioned village of Palamputty.

3. The latter detecting his presence, pursued him out of the house., calling for assistance as he ran along.

4. Attracted by his cries, one Vencatramien interposed with a view of capturing Soobben, who however stabbed him in the breast with a knife he carried and effected his escape. Of this wound Vencatramien died on the 14th April.

5. On the 6th Idem, Soobben presented himself before the head of Police with a complaint against Vencatramien, accusing him of having beaten him. The head of Police who had received information of the true facts of the case, sent him in charge of a peon to the Sub Police Officer for examination.

6. On the road Soobben managed to elude the peon and effect his escape.

7. As soon as these circumstances became known, a warrant was sent from this office for his re-apprehension, and the usual proclamation was made and affixed to his residence.

Clause 1.

3 Thatched huts and their site, value Rupees 4.
Poonjah lands in Palamputty containing 15 1/4 1/2 Goolies on which are two wells, estimated value Rs. 100.

Total..Rs. 104.

8. He did not appear within the period allowed for the purpose, and his property consisting as per margin, was accordingly attached on the 22nd July.

9. The land has been given for cultivation to another on the terms on which it was held by Soobben.

(True Copy.)

(Signed) A. HATHAWAY,
Acting Magistrate.

No. 2. ORDER THEREON, No. 278; dated 3rd March 1858.

The Government apprehend that the Acting Magistrate has no course but to release from attachment the property of the individual *Soobben*. They observe that the Section cited (Section XVII of Regulation IX of 1816,) has no applicability to *Soobben's* case, being an amplification only of the Section immediately preceding, which provides "how a Magistrate is to procced if the accused on whom a *Summons* may have been served shall not attend in person or by Vakeel and give bail if required." Sections XV, XVI, XVII, Regulation IX, 1816, apply only to bailable offences, whereas the crime for which Soobben was in custody was that of murder.

(Signed) T. PYCROFT,
Chief Secretary.

Rxd. F. Cartledge.

No 13 Dindigul 20th January 1858

From

J. R. Cockerell Esqre

Acting Joint Magistrate

To

A. Hathaway Esqre

Jt Magistrate of

Madura

Sir,

In reference to Clauses 1-2-3 of Section XVII Regulation IX of 1816, I do myself the honor to report for the orders of Government the Sequestration of the property of one Soobben a Ryot of Palamputty in the Sandicumboo Talook.

2. The circumstances of the case are as follows. On the night of the 4th of April 1857, Soobben effected a burglarious entry into the house of one Veroomela Cownden, situated in Alagapoory a hamlet of the abovementioned village of Palamputty.

3. The latter detecting his presence pursued him out of the house calling for assistance as he ran along.

4. Attracted by his cries one Venkatramien interposed with a view of capturing Soobben who however stabbed him in the breast with a Knife he carried and effected his escape. Of the wound Venkatramien died on the 14th April.

5. On the 15th Idem Soobben presented himself before the Head of Police with a Complaint against

against Venkatramien accusing him of having beaten him. The Head of Police who had received information of the true facts of the case, sent him in charge of a Peon to the Sub Police officer for examination.

5. On the road Soobben managed to elude the Peon and effect his escape.

7. As soon as these circumstances became known, a warrant was sent from this office for his reapprehension and the usual proclamation was made and affixed to his residence.

8. He did not appear within the period allowed for the purpose and his property consisting as per margin, was accordingly attached on the 22nd July.

9. The land has been given for cultivation to another on the terms on which it was held by Soobbens.

I have the honor to be
Sir,
Your most Obedt Servant
Signed J. R. Cockerell
AS Joint Magistrate

/True Copy/
A. Watkins
AS Magistrate

Compd B & E

Colombo

3 Thatched huts & their site Value Rx 4.-

Pomjeh lands in Palapumpitiya containing 15 1/2 Goolies on which are two wells Estimated value Rs 100.-

Total Rs 104.-

1858 Despt
No 1 of the Enclosures
In a letter dated
10th February 1858
From
The A.S. Magistrate
of Madura
To The Chief Secy
to Government
Fort St George

Copy of a Report
of the A.S. Joint Magte
on the sequestration of
the Property one Low
bew of Palumpatty
in Tandiamboor
Talook charged with
Housebreaking, Culpable Homicide &
escape from Custody

2/50/D.
Enc No 2/4.

Judicial Dept 5

No 378

Ellc D/3 March 1858

Read the following Letter from the Asst Magt 2 Madura } herewith No 37 D/ 10th Feby 58.

The Govt apprehend ~~that no relief to persons on bail can be had to counsel~~ has been consulted that the acting Magt to release from attachment the property of the individual Soothen ~~exempt~~ as profitable. They observe that the Section cited (Sect. XVII Regn IX of 1816) has no applicability to Soothen's case, being an amplification only of the Section immediately preceding, which provides "how a Magistrate is "to proceed if he accused on "whom a summons may have "been served shall not attend "in person or by vakeel & give "bail if required." Sect: XV. XVI

D.F.C. 19-2-58

XVII Regn IX. 1816 applies only to bailable offences. Whereas the crime of which Soobna was accused is a capital offence.

Copies to the Ag Magt of Madura | Despd 5-

185 *Department*

No.

Extract Mins. Cons.

Dated

Madras:—Printed at the Government Press.

In Dy to Circ. 12th March
Judicial 1858 Depart

No. 278

Abstract Mains of Corn

2/3d March 1858.

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Cancelled
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51-52
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2498 RH

Judicial Dept. 1860

Bro Book No. 55 56

Oct 2 1860

Bk 4 1/25 Tax Com Less Echoes

Wb. Pen

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