

MADRAS RECORD OFFICE.

Government of Madras.

Indicil DEPARTMENT.

G.O. No.	29	Press
	71-72	Mis.
Dated	8-1-19	10-198

Not to be folded or roughly handled

Fort St. George, Judicial Consultation, 8th January 1858.

No. 71. Read the following Extract from the Proceedings of the Foujdaree Udalt, under date the 21st December 1857, No. 65.

Read Extract from the Minutes of Consultation in the Judicial Department, under date the 16th October 1857.

Read also letter, dated the 3rd December 1857, from the Session Judge of Chingleput.

1. The Government having, in the above Proceedings, called the attention of the Foujdaree Udalt, to a case of ill-usage, or "torture," reported by the Magistrate of Chingleput, in which one Moonichi was complainant, and Veerasawmy Naik, a Village Moonsiff, and Commen, a Taliar, were defendants, the Court sent for the whole record, which the Session Judge forwards with the foregoing letter.

2. It appears that, in order to enforce payment of a debt, the first defendant, aided by the second, assaulted the complainant and her husband and her father; the second defendant compelling them to stoop down, and placing stones on their backs, under the direction of the first defendant, who gave the complainant some slight stripes with a tamarind switch. The complainant's husband died the following day; but her evidence and that of her witnesses shows that he died of cholera, after having worked all day in beating rice at the house of one of the witnesses.

3. The case of assault was tried by the Head Assistant Magistrate, who sentenced the first defendant to six months, and the second to two months' imprisonment with hard labor; and further dismissed them from the offices they held, as village servants.

4. The Court of Foujdaree Udalt are of opinion that this punishment was amply sufficient to meet the ends of justice; being, indeed, more severe than the circumstances demanded; the Head Assistant Magistrate having probably been influenced, when passing sentence, by a consideration of the official position of the offenders, though their acts had no necessary connection with it.

5. The Court consider that the case was not properly one of "torture," if by that term is to be understood the employment, either by Revenue or Police officers, of violence or ill-treatment in the course of their official duties; and the Judges think it advisable that a careful distinction should be observed between cases of torture, falling within that description, and those which are in reality only assaults, more or less aggravated, committed by public officers in their personal and individual character, and for their private ends; and not in their official capacity and in supposed furtherance of their public duties.

Ordered, that copy of these proceedings be transmitted to the Government, for their information.

Ordered also, that a copy of them be likewise forwarded to the Session Judge, for communication to the Magistrate of Chingleput, and by him to the Head Assistant Magistrate.

(True Extract.)

(Signed) C. F. CHAMIER,
Acting Register.

To the Chief Secretary to Government.

No. 72.

ORDER THEREON, No. 29; dated 8th January 1858.

To be recorded.

(Signed) T. PYCROFT,
Chief Secretary.

In Cons. 8th July 1858.

Judicial 1857 Dep't

No.

Extract from the Proceed-
ings of the Douane
Udvalb.

Date 21st

Proc. 22nd December 1857.

No. 2124. No. 65. 11

11 Reporting the result

of the enquiry made in the

case of John referred

to us. Extract Minutes of

Con. dated 15th October last.

No. 1856. 11
To be recorded.
8/1/58.

11-8-65

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