

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	2	Press
		~~Mis.~~
28-29		
Dated	4-1-	1958

Not to be folded or roughly handled

No. 28. Read the following letter from A. W. PHILLIPS, Esq., Commissioner of Madura; to T. PYCROFT, Esq., Chief Secretary to Government, Fort St. George, dated 25th November 1857, No. 470.

Sir,

I have the honor to forward herewith, the records of two cases, disposed of by me as Commissioner under Act XIV of 1837, and hope they will meet with the approval of the Government.

(Signed) A. W. PHILLIPS, Commissioner.

Calendar of persons committed by the Acting Joint Magistrate of Madura, to take their trial before C. R. Baynes, Esq., Commissioner for the trial of heinous offences, under Act XIV of 1857.

No.	Names of the parties.	Charges and dates on which they were originally preferred.	Dates of		Names of the prosecutor's witnesses.	Abstract of the examination and dates of commitment for trial.	Names of the witnesses on the part of the defence.
			Apprehension	Leaving the Talook.			
VII.	Chellappa Chetty, prosecutor.	Gang robbery, accompanied with murder, and possessing stolen property, well known; it was acquired by the robbery.	Prisoners 1st 2nd and 3rd on 15th; 4th, 5th, 6th, 7th, 8th, 9th, on the 18th; 10th on 18th; 11th, 12th and 13th the 20th; 11th in having with others, not yet apprehended, at about 12 of the 21st September 1857, armed prisoner on the 18th September 1857, armed with swords and sticks and 3rd October with torches in their hands, feloniously taken and carried away from the house of the prosecutor, situated at Balasamoodrum, within the jurisdiction of the head of Police of the Iyempully Talook, jewels, etc., his property valued at Rupees 4,784-13-4, and in prosecution of the robbery.	7th October 1857	1 Sandracooma-ran Chetty. 2 Cundasaamy. 3 Carooppan. 4 Itamamoodaly. 5 Cooppan Chetty 6 Cali Chetty. 7 Viravaperoomal pillay. 8 Maroodaunculy. 9 Soobramanian. 10 Aroonchalam. 11 Sellan Chetty. 12 Timmarayan Chetty. 13 Veerasaamy Naicken. 14 Syedabulayman and 15 Tiroomoortty Chetty.	Prosecutor and witnesses 1 to 6, detail the circumstances of the robbery and identify the prisoners as follows:— The prosecutor identifies prisoners 1st, 2nd, 3rd, 6th, 8th and 10th. The 1st witness identifies prisoners 3rd, 6th, 8th, 11th and 12th. The 2nd witness identifies prisoners 1st and 3rd. The 3rd witness identifies prisoners 1st, 2nd, 3rd and 8th. The 4th witness identifies prisoners 2nd and 13th. The 5th witness identifies prisoners 1st, 2nd, 8th and 13th. The 6th witness identifies all the prisoners described in the charge as present at the robbery, and recognises the property before the Cutcherry as belonging to the prosecutor. He	1 Valoo. 2 Mullayen. 3 Palanyayce. 4 Nachyasary. 5 Unganasary. 6 Vellachy. 7 Annamalay. 8 Carooppanan. 9 Palany 10 Madopooly Pundaram. 11 Cally. 12 Shaikismal. 13 Appavasary. 14 Mambalathasary. 15 Parichicavandan. 16 Itanasawmy Naicken. 17 Perianacavandan 18 Sadaya Naicken. 19 Semban. 20 Veeratanen. 21 Mamanarawten. 22 Carooppanan.
	1 Asan. 2 Poodoran alias Na-goorowten. 3 Tiroomalay. 4 Poosury. 5 Nachimoottoo. 6 Aran. 7 Ummapputtayan. 8 Sinnanarowten. 9 Carooppy. 10 Cooppan of Paraputy. 11 Cooppan of Mun-janaickenputty. 12 Carooppanen alias Coolian. 13 Nagoorowten, and prisoners.			12th do.			

then and there, assaulted with the said swords and sticks, one Chellamoottoo Chetty, aizes the property before the Cutcherry as belonging to the prosecutor. He

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further describes himself as having been present when the property found in the houses of prisoners 7th and 10th was discovered. The witnesses describe the discovery of the stolen property in the houses of the prisoners as follows:—
Witness 7th in the houses of prisoners 2nd, 4th and 5th.
Witnesses 8th and 9th in the houses of prisoners 2nd to 5th.
Witnesses 10th and 12th in the house of prisoner 7th, and on the person of prisoner 9th.
Witness 11th on person of prisoner 9th.
Witness 13th in the houses of prisoners 7th and 8th, and on the person of prisoner 9th.
Witness 14th on the house of prisoner 10th.
Witness 15th recognizes the property found in the houses of the prisoners, as belonging to prosecutor, and the 1st witness speaks to the same point.

The prisoners deny the charge, and prisoners 4th, 5th, 6th, 7th, 8th 9th, 10th, 12th and 13th call witnesses in their defence, who have been called upon to appear.
Three persons prepared to detail the robbery have not been examined, but have been directed to be in attendance on the Court of the Commissioner for that purpose, if necessary.

(Signed) J. R. COCKERELL,
Acting Joint Magistrate.

Under the above circumstances, the prisoners are committed to take their trial before C. R. Baynes, Esq., the Commissioner under Act XIV of 1857, for the trial of heinous offences, on this 27th day of October 1857, by the undersigned.

Charge preferred on the 16th September 1857.

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Commissioner's Court, No. 15, Joint Magistrate, No. 7.

Gang robbery, accompanied with murder and possessing stolen property, well knowing it was acquired by robbery.

- 1 Assan.
- 2 Poodooran alias Nagoorowten.
- 3 Tiroomalay.
- 4 Poosary.
- 5 Nackimoottoo.
- 6 Aran.
- 7 Ummaputtyan.
- 8 Sinnanarowten.
- 9 Caroopy.
- 10 Cooppan of Paraputty.
- 11 Cooppan of Munjanaickenputty.
- 12 Carooppnen alias Coolian.
- 13 Nagoorowten.

Plead not Guilty.

Vakeel for Prosecutor

Vakeel for Prisoners.

Vencata Soobiah for Prisoners 6 to 13.

Prosecutor Shellapa Chetty, affirmed.—On Tuesday night, 1st Pertasi, I was sleeping in my house, 3rd witness also in my house as watcher, he had 2 guns with him, about midnight, I awoke and told 3rd witness to put grass to my bullocks, he did so, and laid down in the verandah. I came out and sat in another verandah, and kept awake smoking, I heard a noise, and directly after, saw 4 persons getting over the roof with 2 torches, 2 held torches and 2 sticks. I recognized 3 of the 4 to be 1st, 2nd and 3rd prisoners. I knew them before, being my villagers. I called out to 3rd witness, and told him to beat but he ran to me frightened, instantly the 4 persons came down, and one went and opened the outer door. I don't know who, I rushed to shut it, but about 20 or 30 persons rushing in, some of them beat me and knocked me down, all then joined together, began ransacking my house and ill-treating the females, and I heard the noise, but I saw nothing clearly after I was beaten, as I was partly insensible. I came to my senses after day-break, and found my house had been robbed, property of the value of about 4,700 Rupees gone. My brother was lying down beaten, and another brother's son (Shellana Chetty) beaten and stabbed in the head, but in his senses, his younger brother had a stab and one near the eye, and had been robbed of his ear-rings, my wife and my brother's wife had their ears torn. I also was wounded, the 3 robbers I identified had disguised their faces with ashes, but I knew them for all that, as they were natives of my own village, the rest of those who rushed in also were disguised in the same manner, early in the day the Police Ameen. I then and there gave the names of the 1st, 2nd and 3rd prisoners; before the Police Ameen came however, the natumgar had come and I told him also the names of the 3, the natumgar immediately went to their respective houses, and seized them.

By the Court.—I heard that some of my villagers and others had proposed to rob my house and therefore we were on the alert with the guns, and I had given notice of what I had heard to the Police Duffadar, my brother's son Sellana Chetty, died 3rd day after the robbery, from the wounds, and before he died he said he had wounded one of the robbers in the ear, and that mark will be found on the 1st prisoner. (Court examined, and found this to be the case.)

By prosecutor's Vakeel.—The 6th and 8th prisoners were those who wounded me, these were not disguised. I meant only the people of my own village were disguised. I did not know their names, so could not give them, but I pointed them out directly I saw them before the Police. The property before the Court is mine, but I can't identify the money. 6th and 15th witnesses will speak to their being mine.

1st witness, Shundra Cunam Chetty, affirmed.—I am prosecutor's brother. On 1st Pertasi night, I was sleeping in the same house with prosecutor. I was awoke by some noise, some people came and broke open the door of my room with axes, six entered, I identified 3, they were the 1st and 6th prisoners, and one Arnachellum, not present, the 1st and Arnachellum had torches, they had ashes over their faces, all the six had, 1st and 6th prisoners beat me and took me out of the room, the other two beat my wife and tore her ears, and the 3rd prisoner outside seized me by the testicles, 6th prisoner held me by my neck, and 2 or 3 others entered the

room of Shellana Chetty, by forcing the door, I was during this time held. I heard also a cry from one of the robbers inside that he was stabbed by the above Chetty, the Chetty was then brought out, and 8th prisoner and one Allakan (not present) stabbed him. I saw this, the 3rd, 11th, 13th and another not present, struck Shellamootoo Chetty, (deceased) with sticks, and broke his left leg, 30 or 40 others also were in the house robbing it, the robbers remained 2 or 3 Indian hours and then went. I then found my brother and others wounded, prosecutor was then in a swoon, we sent to Natumgar, he came directly. I was so distressed that I did not tell the names of the prisoners, but some one else did, the 1st, 2nd and 3rd prisoners were arrested directly, and brought to our house and then taken to Choultry, directly I saw them I recognized them as 3 I had seen robbing the house. I cannot speak positively to any of the prisoners, except those I have named. The property before the Court with the exception of the money, I recognize as mine, and prosecutor's. Shellam Chetty died the 3rd day after the robbery.

Re-called by the Court.—I cannot say positively whether the robber was stabbed by deceased inside the room or out, but I think the sound came from the inside.

By prisoners' Vakeel.—I was held down for some time. I cannot tell how long.

2nd witness Cundaswamy, affirmed.—I am son of prosecutor, and am 14 years old. I and one Carruppa Gounden were sleeping in our house, about mid-night, I rose up and heard the said Carruppa Gounden call out Iyoh Iyoh!! and saw a great crowd of people with torches and sticks, the 1st prisoner came up and stabbed me with a knife near the eye, (the wound very apparent) while the 3rd exclaimed "beat him, beat him." I got frightened and hid in a room, when Allakan, not present, gave me a blow on the back, and stripped off my ear-rings, I was in such pain, I saw nothing more at the time, after robbers had gone, I found Shellana Chetty (my brother) lying wounded, and the rest of the household had been wounded. I don't know about the Natumgar coming to the house that night.

By Court.—The 1st prisoner had kerchief on his head and ashes on his face to disguise him. Allakan had no ashes, but the 3rd prisoner had ashes. Being a boy, I cannot speak to the jewels, but the handkerchiefs are the property of my deceased brother, I cannot say how soon after my brother died. My brother was never sick before.

3rd witness Carooppen, affirmed.—Prosecutor employed me to keep guard, I had a gun, Carruppa Gounden kept guard with me, on the night in question, we were sleeping accordingly in prosecutor's house, about midnight, at the order of prosecutor, I got up and fed the bullocks, and then laid down, where I had been before. Prosecutor was then in the verandah smoking, half an Indian hour after, prosecutor awoke me by my name, and said robbers are coming "podoo" "podoo," I got up and ran to prosecutor, and saw 4 persons coming over the roof with 2 torches and 2 sticks, the 1st and 2nd prisoners had torches and the 3rd and 8th had sticks, all had ashes over their faces, but being my own villagers, I recognized them. They jumped down, the 1st ran and opened the outer door, 20 or 30 rushed in, 2 or 3 beat prosecutor and stabbed him, and beat me also. I ran away immediately, and hid myself, and got away to Monegar's house, but before the Monegar and others came to the scene of the robbery, the robbers had gone. Natumgar soon after came. I did not know what took place there, I did not go inside. Natumgar, I and some others then went tracing the footsteps of the robbers by torchlight, but we lost the trace very soon, and then we went to Police Ameen. Police Ameen went to the Curravars' house, thinking they were likely people, in one Curravah's house, we found a slipper. We then all proceeded to prosecutor's house, I then went home. I know nothing more.

By Court.—Before we went on the footsteps, prisoners 1st, 2nd and 3rd were produced before the prosecutor by the 8th witness. I recognized no other person, but the 1st, 2nd 3rd and 8th.

By 8th prisoner.—Yes I was apprehended by the Police Ameen, in the first instance as one of the thieves, and put in stocks, but I don't know why. I was 2 days in the stocks. I was not forced to be a witness.

4th witness Rama Moodely, affirmed.—One night I was sleeping on the pial of a house next to that of prosecutor's, about 10 or 11 o'clock, I rose up to relieve calls of nature, and heard noise in bullock stall of prosecutor's. I was returning frightened to pial, when I saw 5 people on the roof of prosecutor's house, they had 3 torches, I cried out, when 2 of robbers came behind me and seized me and beat me, when the 13th prisoner who had torch came and said if I was not quiet he would kill me. I ran to the pial I had left, and laid down, the robbers were going to and fro.

By Court.—When the robbers were going away I saw 1st prisoner with a torch, I did not observe that he had ashes on his face, but he had a handkerchief. I did not go to prosecutor's house, or see that any one was hurt.

By prisoners' Vakeel.—I came to the village 2 months ago to earn my livelihood. 13th prisoner is a paddy merchant, and in the habit of frequenting prosecutor's house to buy things.

5th witness Cooppan Chetty, affirmed.—One Tuesday night, in Pertasi, I am related to prosecutor, I and the deceased were sleeping in prosecutor's house in same room about midnight, heard noise, we both got up, when 2 or 3 persons forced open the door, they were the 2nd, 8th, and one Allaken not present, these had no torches. Deceased stabbed one of them when they brought him out where there was light, and 8th prisoner and Allaken stabbed him in the head. I saw this distinctly by the light of the torches. I remained at the door of the room. 2 or 3 others also beat deceased. 1st, 2nd and 13th prisoners beat him, also others but I can't say who, for the crowd was great, the 2nd and 13th prisoners also beat me. I hid myself behind a door, and don't know what passed till after the robbers had left. I then found prosecutor and others hurt. 1st, 2nd and 3rd prisoners were brought to prosecutor's house about sun rise.

By Court.—I did not observe any ashes on the 5 persons faces I named, but some of the gang had. I was in the house at night and neither the Natumgar or any one else came till early morning. I did not recognize any others but the 5 named above. I gave the names of the 5 to the prosecutor, early next morning.

6th witness Cali Chetty, affirmed.—One Tuesday night in Pertasi, I slept in prosecutor's house, I am his relative, 3rd witness and Carruppa Gounden were sleeping there as guards, about midnight prosecutor called out to 3rd witness, and said "podoo podoo." I got up and saw 5 people descending from the roof, they had 2 torches and 3 sticks, I identified 3 as my villagers, they were the 2nd, 3rd and 8th prisoners, 2nd and 3rd had torches, the 8th a stick, 2 who I don't know went to open the outer door, when 20 or 30 rushed in with sticks, and some beat prosecutor, some broke open the door of 1st witness' room, of these I identified only Allaken not present, at this time I remained in the same place I slept in, no one beat me then, two (don't know who) went into 1st witness' room and dragged him out, 1st witness cried out, deceased then came out of his room to assist, and stabbed 2 or 3 of them robbers, who being provoked, turned and stabbed him. Allaken and 8th prisoner stabbed him, 4th who I don't know, held him down.

By Court.—Shehan Chetty (the deceased) had come about 10 feet out of his room when he was stabbed, some of the robbers then beat him with sticks, while they were beating I went up and abused the robbers for so doing, then the 3rd prisoner struck me. I then hid myself. Robbers then entered the room of prosecutor and 1st witness, and stole property. I heard cries of the females. Robbers left and Pulnyandy late Monegar and others came. The Natumgar himself then came with 5 or 6 villagers. I did not mention any names to him, but some one must have done so, for soon after the 1st, 2nd and 3rd prisoners were produced by the Natumgar and some others, I did not see 3rd witness beaten. 1st, 2nd, 3rd and 8th prisoners who are my villagers, had ashes over their faces.

After the 3rd prisoner was secured in Choultry, Natumgar and others went tracing the footsteps by torchlight. I did not accompany them. Next morning, Natumgar returned, having found a pair of slippers in one Vellichee's house, (not present among prisoners.) Police Ameen brought also 6th and 7th prisoners, and 2 or 3 others who were released afterwards. I was present when the houses of the 7th and 10th prisoners were searched. Axe No. 12 and purse No. 13 were found in 7th prisoner's house, and jewels No. 3, Nos. 6, 7 and 9 were found in the house of the 10th prisoner. Police Duffadar and others were there at the time, 10th prisoner attempted to run away, but he was caught, 7th prisoner was present when his house was searched, he had been apprehended previously, the property belongs to prosecutor, and I have seen his family wearing them, I have also on various occasions had them lent to me.

By prosecutor's Vakeel.—I was present when Allaken (escaped since) was apprehended at Davapooram with the property Nos. 1 and 2, and a kerchief No. 11 on him, he had been apprehended on other information, and was in custody there at the time.

By 4th prisoner.—I am not at enmity with you about any thing.

By 8th prisoner.—I know the property is prosecutor's, as I have constantly seen it, and have moreover had it on loan.—Adjourned the Court at 5½ P. M.

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19th November, 7th witness *Terapermaul Pillay*.—I am resident of prosecutor's village. I have heard that a robbery was committed in prosecutor's house. I don't know by whom, I was present when the house of 2nd prisoner was searched by Sub-Police officers, Natumgar and others, and the gold ear-ornament (coopoo) was found hidden in some ashes in a hole where fowls lay their eggs. Thundalgar (9th witness) picked it up and produced before the Sub-Police officer. I don't know whose property, but prosecutor's son who was present said it was prosecutor's. I was also present when houses of the 4th and 5th prisoners were searched, kerchief No. 10 was found in 4th prisoner's house in a basket, don't know whose it is, and a piece of China (part of No. 16.)

By 4th prisoner.—Yes, the handkerchief was taken away directly by the Police officer and others.

8th witness *Malacally*, affirmed.—I am a villager of prosecutor's village, and have heard of the robbery at his house, don't know who committed it. I was present when the houses of prisoners 2 to 5 were searched, a coopoo (No. 8) was found in 2nd prisoner's house in the place where fowls lay their eggs. 9th witness picked it up, 3rd prisoner's house was then searched, and a ring (No. 4) was found in a basket by 9th witness, in 4th prisoner's house kerchief (No. 10) was found in a pot, and in 5th prisoner's house a piece of China and 2 brass weights (No. 16) were found in a cloth, don't know whose they are, prosecutor's son said they were his father's.

By 4th prisoner.—The handkerchief was not taken away the first day, prosecutor's son said he was not sure whether it was his father's or not, and so it was left till the next day, 3rd prisoner not present when his house was searched, but his wife was.

9th witness *Soobramanien*, affirmed.—Was present when the houses of prisoners 2 to 5 were searched. Coopoo (No. 8) was found in some ashes where hens lay, ring (No. 4) was found in 3rd prisoner's house, kerchief (No. 10) in 4th prisoner's house, 3 weights No. 16, were found in a cloth in 5th prisoner's house, I think Sub Police Officer took away all the things. Prosecutor's brother 1st witness was there, his son was not there, 1st witness identified the things.

10th witness *Arnuchellum*, affirmed.—Was present when the houses of 6th and 7th prisoners were searched; nothing found in 6th prisoner's house, but on the 9th prisoner (who is 6th prisoner's brother) were found some gold ear-rings (5), she produced them from her cloth, in the 7th prisoner's house an axe No. 12, purse No. 15 were found behind a grain basket. Sub Police Officer and others were there, 7th prisoner not there, 6th witness' relative, a relative of prosecutor identified the property as prosecutor's.

Re-called by the Court.—9th prisoner's mother was present, but she did not produce the rings, she said however they were 9th prisoner's husband's.

11th witness *Shellan Chetty*, affirmed.—Was present when 6th prisoner's house was searched, nothing found there, but Vellichee, prisoner's mother, produced (No. 5) ear-rings from 9th prisoner, and said they belonged to her son, the husband of 9th prisoner.

12th witness, *Timmaroyen Chetty*, affirmed.—Was present when 7th prisoner's house was searched, axe was found there, I don't know what else, 9th prisoner produced the ear-rings from her cloth, I can't say positively who were all there.

13th witness *Veerasawmy Naik*, affirmed.—I am a peon, was present when the houses of 6th and 7th prisoners were searched, axe (No. 12) and purse (No. 15) were found in the house of the 7th prisoner, nothing in 6th prisoner's house, 9th prisoner was in 6th prisoner's house and from her cloth were produced by herself saying they were hers, 8th witness was there and said they belonged to prosecutor's, 9th prisoner mother was there, and said the property was her daughter's, she produced these rings on a threat of being searched, a pair of slippers No. 14, were found in the entrance to 6th prisoner's house in a hole.

By prosecutor's *Vakeel*.—I was instrumental in the apprehension of Allakan at Davapooram after he was in custody of the Police there.

By prisoner's *Vakeel*.—I apprehended 8th prisoner, the day after the robbery.

14th witness *Syed Abdool Raymon*, affirmed.—I am a peon, I was present at the search of the house of the 10th prisoner, in his house 4 coopos (No. 3), a gold bracelet (No. 6), some broken up pieces of silver (No. 9), were found hidden in the door-way. Prosecutor's son present

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and said they were his, prisoner claimed them as his own. The articles were dug up on discovery of some newly disturbed earth. Police Duffadar and some peons were there, I was present at the apprehension of Allakan.

15th witness *Tiroomootloo Chetty*.—I am relative of the prosecutor, and know the property and Nos. 2, 3, 4, 5, 6, 7, 8, 10, 11, 12 and 14 are prosecutor's, the other property I can't speak to.

16th witness *Carooff Gounden*, affirmed.—(Not examined before the Police.) On the night of 1st Pertasi, I and 2nd and 3rd and 6th witnesses and Pulney Chetty and 2 others were sleeping in prosecutor's house; about midnight, prosecutor awoke me crying out robbers are coming over the roof. I got up and saw about 4 persons on the roof, they had 2 torches and 2 sticks, all came down, and some went to open the door, 20 or 30 people rushed in, 4 or 5 beat prosecutor and 2 beat me. I got frightened and ran out, raising alarm. I recognized only the 1st prisoner, he was one of those who beat me, I can't speak positively as to who had ashes, the 1st certainly had, I knew the 1st prisoner well before, I did not go back to the house that night, I was too much hurt.

17th witness *Pulney Chetty*, affirmed.—On the night in question, I and 2nd, 3rd, 6th witnesses and 16th witness were sleeping in prosecutor's house; about midnight, heard prosecutor call out to 3rd witness that robbers were coming over the roof, I got up and saw 5 persons descending from roof, they had 2 torches, one went to open the door, and 20 or 30 rushed in, 8th prisoner first beat prosecutor, others followed his example. I got frightened and hid myself behind a grain basket, whence I saw Allakan (not present) break open the door of 1st witness's room. I came out after robbers left and saw deceased lying wounded. I also saw the house being plundered. After robbers left, I came out of my concealment and applied medicine to deceased, when 8th witness brought these prisoners 1, 2 and 3, he was assisted by others, can't say who. Natumgar however was among them, 1st prisoner had a wound in his ear, 2nd had marks of oil on his leg. The 3rd prisoner's cloth was stained with blood.

18th witness re-called and affirmed.—From information which had reached Natumgar, I with the Natumgars sent Police officers and many others, first apprehended 2nd prisoner in his house and then the 1st prisoner in a female's house named Chinna Maul, and then to 3rd prisoner's house, his wife said he had been absent a month, he found him afterwards hidden in a corner, first took them to prosecutor's house, and then to Choultry. Prosecutor's females and others pointed them out as some of those who had been robbing &c., it was still dark when we got to prosecutor's house, 2nd prisoner had oil on his clothes, 1st had wounds on his ears, the 3rd I did not particularly observe. Natumgar told me to produce 4th prisoner, who was cavalgar and not at his post, we sought for him directly, and his son who was sleeping at his father's post said his father was out watching sheep, we then went to his house and found him there. Natumgar next told me to produce 5th witness, and found him in his house, he was sleeping, and a large stick by his side. 4th prisoner also apparently sleeping in his inside pial.

1st witness re-called.—The deceased was brought out by 8th prisoner and Allakan, and stabbed by them; the 8th prisoner stabbed him first, and Allakan directly afterwards. I am sure of this, I saw it distinctly, deceased had fallen down when he was stabbed, but the crowd was so great, that I can't say how he fell or what caused him to fall, the 3rd, 11th, 12th prisoners among others then beat him with sticks, he was 8 or 10 feet from the door when stabbed.

5th witness re-called.—Deceased was brought out by 8th prisoner and Allakan (not present) 8th prisoner stabbed him, and Allakan afterwards, he was then beaten by some of the robbers. 1st, 2nd and 13th were among those who beat him, he was down when stabbed, can't say what caused him to fall, there were several torches, so I saw the faces distinctly.

6th witness re-called.—Deceased came out of his room, can't say positively whether he came out or was dragged out. The confusion was very great, I can only say I saw him just outside his door-way, and that I saw 8th prisoner stab him and then Allakan. I did not see the deceased stab any of the robbers, but I heard some one cry out that he had stabbed some body. Deceased was some 8 or 10 feet from the door when stabbed, deceased was down when stabbed, and I saw him beaten afterwards. I saw this distinctly.

Defence.

1st prisoner *Asan*.—I did not commit robbery. I was sleeping at a certain female's house when apprehended. I have no witnesses.

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2nd prisoner Poodooran.—I did not commit robbery. I have no witnesses to prove. I was not at the prosecutor's house that night, but I was sleeping in my bazaar, my bazaar is some 200 yards from prosecutor's house.

3rd prisoner Tiroomalay. (Confessed before Police).—I did not commit robbery. I slept all night in my house at prosecutor's village. I was taken prisoner there on the night of the robbery. I was forced to give confession before Police. I retracted it before Magistrate. I have no witnesses.

4th prisoner, Poosary.—I did not commit robbery. I am Cavalgar of the village, the kerchief found in my house is my own, and I purchased it of prosecutor in Tye last, I have 2 witnesses to prove this, wish them to be examined.

5th prisoner Nackinootoo.—I did not commit robbery. The weights found in my house are my brother-in-law's, who received them from a goldsmith, the 2 witnesses I have cited will prove this, I wish them examined.

6th prisoner Aran.—I did not commit robbery. The slippers found in my house are mine, I have 2 witnesses to prove this.

7th prisoner Unnaputtiyan.—I did not commit robbery. The axe and bag found in my house is mine, my 2 witnesses will prove this.

8th prisoner Sinnana Rowten.—I am innocent, I was sleeping on the night in question in the house of one Velliarowten at Pulney 2 miles off, one Kaly also slept with me, he will prove this. I have only this one witness.

N. B.—Another was cited by him, viz., the son of the owner of the house, who is produced, but he dispenses with his evidence.

9th prisoner Carrooppy (female).—The pair of ear-rings found in my house are my husband's, the 2 witnesses cited by my husband will prove this.

10th prisoner Cooppan of Paraputy.—I did not commit robbery. I have 2 witnesses who will prove I was at Choultry at night. Property found in my house is mine, I have 2 witnesses to prove this.

11th prisoner. Cooppan of Munjanaickenputty.—I did not commit robbery. I have no witnesses.

12th Carrooppan.—I did not commit robbery, I have no witnesses.

13th Nagoo Rowten.—I did not commit robbery. I have 2 witnesses who will prove, I slept in my bazaar at Pulney (2 miles off) with them.

Witnesses for the defence.

1st witness for 5th prisoner, Natchiasary.—I never gave any weights in charge of 5th prisoner's brother-in-law as stated by 5th prisoner.

2nd witness for 5th prisoner, Anganasary.—I know nothing about the weights.

1st witness for 6th prisoner, Vellachee.—6th prisoner is my son, the slippers before the Court are my sons, he bought them a month ago, 9th prisoner is my daughter-in-law, ear-rings are my son's.

2nd witness for 6th prisoner.—I know the slippers, I gave them to 6th prisoner.

1st witness for 7th prisoner, Carrooppan.—I don't know whose the purse and axe are.

2nd witness for 7th prisoner, Pulney.—I know the axe, it is 7th prisoner's, the axe was broken, I know it by that mark where it was joined, it was broken 3 years ago, (prisoner himself says 5 months) I don't know anything about the purse.

3rd witness for 7th prisoner, Pundarum.—I don't know any of the property, I gave prisoner an axe 5 years ago, it is not here.

1st witness for 8th prisoner, Kali.—I heard of a robbery having been committed in prosecutor's house, but I did not hear it for 3 days after, I live at Pulney, (2 miles away), I know the 8th prisoner. I know he sleeps in the house of Ismail Rowter always. I always sleep there too, Ismail Rowter slept in the house that night, he has no son. Others dispensed with by prisoner himself.

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

1st witness for 9th prisoner, Manbela Achary.—I never made any jewels for 9th prisoner's husband, or for 6th prisoner.

1st witness for 10th prisoner, Ramasamy Naick.—I know 10th prisoner, I can't identify any of the property before the Court as his, I never slept in the same place with 10th prisoner.

2nd witness for 10th prisoner, Perichy.—I know 10th prisoner, I never slept in the same place with him, he has been absent some 2 or 3 months.

1st witness for 12th prisoner, Shellunbun.—I know 12th prisoner my villager. I don't know to-day's date, but I know prisoner slept with me one night in a Choultry in my village. 2nd witness and many others also slept with us as village watchers.

2nd witness Veratanna.—I know 12th prisoner, I don't know to-day's date, but I know I slept with 11th prisoner in the Choultry on the 1st Pertasi night.

1st witness for 13th prisoner, Manela Rowten.—On the night of 1st Pertasi, 13th prisoner and I slept and one Carroopen Chetty were sleeping in our bazaar at Pulney, can't recollect at what hour we went to sleep, but about 5 or 6 Indian hours after lamp-light, prisoner and I went to our respective houses to eat, after eating, I went to his house, and called him, and we came into the shop together, after we returned, we sent Carroopen Chetty to take his meals, after Carroopen Chetty returned, he was reading some cadjan account, and we were listening to him till 11 o'clock, the preceding night, I and Carroopen Chetty went first and prisoner went after we returned, we did not read that night.

2nd witness for 13th prisoner, Carroopen Chetty.—Prisoner and I and 1st witness slept in a bazaar during the whole night, before I went to rice, 1st witness and prisoner went to take their meals, I went afterwards, when I came back they were speaking, they were also reading some cadjans. Night before, the 2 went to rice, and then I went, no one came on either of these nights, early on 1st Pertasi we rose up, I slept all night, nothing disturbed us.

Closed 5 P. M., November 20, 1857.

(Signed) A. W. PHILLIPS,

Commissioner.

Sentence.—No evidence that I feel can be relied on, has been adduced to shew by whom the blow or blows were struck which caused the death of deceased for though the 1st, 5th and 6th witnesses all depose to having seen the 8th prisoner in concert with one Allakan (not apprehended) stab him, there are discrepancies in their statements as to the way in which deceased got out of his room, and there is also a discrepancy between the evidence of the 5th witness before the Police and his statement before the Court, for in the former he only spoke of beating, while before the latter he talks of stabbing, again the deceased in his deposition before the Police names several of the robbers who beat him, but only says some others stabbed him.

I however feel no hesitation in convicting the 1st, 2nd, 3rd, 6th and 8th prisoners one and all of having been present at and aiding and abetting in the robbery, which resulted in the death of deceased, and I feel bound, under Regulation XV, Section IV, Clause 1, 1803, to sentence each and every one of them to suffer the extreme penalty of the law, but taking all the circumstances of the case into consideration, I think the ends of justice would be as well served if their lives were spared, and I therefore beg to recommend that the sentence be commuted to transportation for life, the infliction of 100 lashes upon each of the prisoners and a payment of a fine of 300 Rupees each under Act XVI, 1850. The 4th, 5th, 7th, 9th and 10th prisoners not having been identified by any of the witnesses at the time of the robbery, and the property found in their houses being of a nature that could not be satisfactorily identified, I acquit.

I also acquit the 11th and 12th, as only 1st witness speaks to having recognized them, and though 2 witnesses speak to the 13th, the evidence of one of them (the 4th) before the Court, does not tally with that before the Police, and he (13th prisoner) is so lame and of so extraordinary a figure altogether, that it is difficult to believe he would have escaped identification by more than 2 witnesses if he really had been present, he moreover citing 2 witnesses who pretty satisfactorily prove an alibi. I am inclined to think that the enmity he pleads is true, and I therefore acquit him also.

November 23rd, 1857.

(Signed) A. W. PHILLIPS,

Commissioner.

Calendar of persons committed by the Acting Magistrate of Madure, to take their trial before A. W. PHILLIPS, Esq., Commissioner for the trial of heinous offences, under Act XIV of 1857.

No.	Names of the parties.	Charges and dates on which they were originally preferred.	Date of			Names of the prosecutor's witnesses.	Abstract of the examination and dates of commitment for trial.	Names of the witnesses on the part of the defence.
			Apprehension.	Leaving the talook.	Arrival.			
IX	Caroottalagun, prosecutor. 1 Packayen. 2 Caruppen. 3 Moottopayel. 4 Shervagaren. 5 Vellapanien.	Gang robbery, accompanied with murder. In having with others, not yet apprehended, armed with sticks, at about 8 o'clock on the night of the 28th September 1857, feloniously taken and carried away from the fold situated in an open space in the village of Poodagoody, within the jurisdiction of the Head of Police of the Meyloor talook, 1,202 sheep, fowls, and other articles, valued at 1,706 Rupees, the property of the prosecutor and of others, and in the prosecution of the robbery, then and there, assaulted one Verupatchee and one Alaghen, and beat them with the said sticks, the latter so severely that five days afterwards, he deceased.	1st to 3rd prisoners on the 26th; and 4th and 5th on the 23rd October.	9th November 1857.	10th do. do.	1 Malayandy Cone. 2 Chinnacarothalagen. 3 Periacuroopen. 4 Audyken. 5 Ramasawmy. 6 Pullicoodathan. The 3rd and 5th witnesses state that subsequent to the robbery, they saw the prisoners killing sheep in their respective houses. The prisoners deny the charge. The 1st prisoner cites 3 witnesses. The 3rd prisoner cites 2 witnesses. The 4th prisoner cites 2 witnesses. These witnesses have been sent for and directed to make their appearance before the Court of the Commissioner. Under the above circumstances, the prisoners are committed to take their trial before A. W. Phillips, Esq., the Commissioner under Act XIV of 1857, for the trial of heinous offences, by the undersigned, this 18th day of November 1857. Although the enquiry of this case was completed on the 11th November 1857, by the Acting Joint Magistrate in charge, it was detained for committal until it was ascertained that the Acting Session Judge had been invested with Commissioner's authority under the Act in question.	The prosecutor and witnesses 1st, 2nd, 4th and 6th, detail the circumstances of the robbery. Prosecutor identifies all the prisoners. The 1st witness identifies the 1st prisoner. The 2nd and 6th witnesses identifies prisoners 1st and 2nd. The 4th witness identifies prisoners 1st, 2nd, 4th and 5th. The 3rd and 5th witnesses state that subsequent to the robbery, they saw the prisoners killing sheep in their respective houses. The prisoners deny the charge. The 1st prisoner cites 3 witnesses. The 3rd prisoner cites 2 witnesses. The 4th prisoner cites 2 witnesses. These witnesses have been sent for and directed to make their appearance before the Court of the Commissioner. Under the above circumstances, the prisoners are committed to take their trial before A. W. Phillips, Esq., the Commissioner under Act XIV of 1857, for the trial of heinous offences, by the undersigned, this 18th day of November 1857. Although the enquiry of this case was completed on the 11th November 1857, by the Acting Joint Magistrate in charge, it was detained for committal until it was ascertained that the Acting Session Judge had been invested with Commissioner's authority under the Act in question.	For 1st prisoner. 1 Keetharyallaghen. 2 Ramen. 3 Chettythayen. For 2nd prisoner. 1 Cauvelsoondarempalany. 2 Sinsurooandyken. 3 Paukeenadapillay. For 3rd prisoner. 1 Keetharyallaghen. 2 Ramen. For 4th prisoner. 1 Periacaroopen. 2 Sinsapanien.

(Signed) A. HATHAWAY,
Acting Magistrate.

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

Commissioner's Court, No. 17, Acting Magistrate. No. IX.
Gang robbery, attended with murder.

- 1 Packayen.
- 2 Caruppen.
- 3 Moottopayel.
- 4 Shervagaren.
- 5 Vellapanien.

Plead not Guilty.

Vakeels none.

Prosecutor Caroottalagun, affirmed—3 months ago, I don't know date, one Mouday night, I and 5 or 6 others had secured our sheep (in number 1325,) in separate pens. I was taking my turn watching as duffa ryot, and about 9 o'clock, a great mob of people came armed with sticks, and beat one Viroopatchee (the owner of some of the sheep and not present) and drove away the whole of the sheep, and some fowls, taking at the same time some other property. It was moonlight, but cloudy, Viroopatchee was one of us, who were keeping watch, there were 30 or 35 of us, at sight of the crowd, I and others before Veroopatchee was beaten, fled to a little distance, the robbers consisted of about 300 in number, they threw stones at us as we ran, and came on with shouts, we ran in various directions. I ran about a hundred yards and hid. I recognized from my hiding place the 5 prisoners, by their voices, I also recognized several others who were adjacent villagers, the present prisoners are near neighbours, the others who I recognized by their features were apprehended, but released for want of proof. I saw the robbers drive away the sheep, while I was in concealment, we were so few in number, we did not pursue, they drove the sheep all in one direction. They had no light; after robbers had gone, I found deceased severely wounded, his relations took him away to Veroopatchee's house, close by, next morning he was taken to his village, 3 Indian miles off, and I heard he died on 5th day, deceased had several wounds in various parts of his body, apparently inflicted by pointed sticks. I mentioned the names of these prisoners, and those who have been released, the next morning to 1st, 2nd and 6th witnesses as they were collected on the village maidam. I did not mention to Natumgar, I fancied he had heard it. Natumgar never asked me, I don't know who laid the fact of the robbery before the Natumgar, but he made a report of it next day, when I told the 3rd witness about my recognition of the prisoners, they said nothing to me of having identified any.

This witness before the Sub Police Officer said he did not know the names of the prisoners, or did he say any thing about recognition, the enquiry was held 14 days after the robbery, and yet before the head of Police 3 days afterwards, he pointed out 11 individuals, these 5 among them, as parties he had seen among the gang.

By Court—I don't know these people very well, they are inhabitants of a village 5 or 6 miles off, but I knew their voices.

1st witness Malyandycone, affirmed.—One Monday night, I and 20 or 30 villagers were keeping watch, about 9 P. M., we saw a mob of some 300 coming towards us, with shouts, pelting stones. We all fled in different directions. I went to my own sheepfold near Veroopatchee's, robbers first went into his fold and beating him, drove away his sheep. I heard Veroopatchee call out he was being beaten, the robbers then came towards me, I fled, it was cloudy and dark, and I could not see who they were. I ran towards the hills, when all was over I returned home and saw Veroopatchee and deceased wounded in the house of the former. Deceased had wounds on his leg and other parts, he was taken to his own village next day, and I heard he died there. Prosecutor was with me when the robbers came. Prosecutor never told us he had recognized any one.

2nd witness Chinnscarothalingum, affirmed.—One Monday night, I and 1st witness and others were watching our sheep, and were roused by Veroopatchee calling out that he was being beaten by the 1st and 2nd prisoners, and others not present. I frightened, ran away. I did not return till the robbers had gone, next morning I saw Veroopatchee and deceased in the former house, they were both wounded. I did not recognize any of the robbers.

3rd witness Periacaroopen affirmed.—Prosecutor took me and 5th witness the day after the robbery to the villages of the prisoners, saying they were skinning some of the sheep, and he wanted us to see, we went and searched their houses, and found nothing of the kind.

By Court—I did not say I saw them killing or skinning the sheep, in my former deposition before Police.

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

4th witness *Andyken*, affirmed—One Monday night, I was sleeping in my house, about 9 P. M., I heard a noise and coming out to see, perceived a crowd of people coming, it was cloudy, and I did not recognize any one; before they came near, I ran away.

By Court—I never said before the Police that I recognized the 1st, 2nd, 4th and 5th prisoners.

5th witness *Ramaswamy*, affirmed—The 3rd day after the robbery, prosecutor came to my village and informed me that sheep had been stolen from him and took me to search for them. The 3rd witness with us, we met 1st, 2nd and 3rd prisoners, when prosecutor said to me those are the robbers. I never searched the prisoners' houses or did the others, nor did we see any killing or skinning the sheep.

By Court—I never said we saw them doing so before Police.

6th witness, affirmed—One Monday night, I was asleep on my pial; about 9 o'clock, heard a noise, and saw a crowd of people coming, about 300, the villagers who were there ran away in different directions. I also hid myself in a house, and saw robbers carrying away the sheep, it was moon-light, but cloudy, and I did not recognize any of the robbers.

By Court—I never said before the Police that I identified the 1st and 2nd prisoners.

No evidence having been adduced that would warrant the conviction of any of the prisoners, the defence is dispensed with.

Sentence—The assertions made before the Police and affirmed before the Acting Joint Magistrate, having been retracted by the witnesses before the Court, and there being nothing in the foregoing evidence to justify the conviction of any of the prisoners, they are acquitted and released.

(Signed) A. W. PHILLIPS,
Commissioner.

November 23, 1857.

No. 29. ORDER THEREON, No. 2; dated 4th January 1858.

The Commissioner submits the records of cases XV and XVII on his file.

No. XV.—Charge, "Gang robbery, accompanied with murder, and the possessing stolen property, well knowing it was acquired by the robbery." There were thirteen (13) prisoners. Nos. 1, 2, 3, 6 and 8 have been convicted; the rest have been acquitted and released.

Sentence.—Death under Clause first, Section IV, Regulation XV of 1803. But the Commissioner recommends that the penalty in each case be commuted to transportation for life with corporal punishment to the extent of 100 lashes, and a fine of Rupees 300 under Act No. XVI of 1850.

2. Under Act No. XVIII of 1855, the Government remit the sentence of death recorded against the prisoners. Short of that, the Commissioner will pass any sentence warranted by law, and carry the same into effect.

3. Case No. XVII.—A similar charge. All the prisoners were acquitted and no remarks are called for.

(Signed) T. PYCROFT,
Chief Secretary.

No. 470
1857

Madura Commissioners Case
25 November 1857.

From

A. W. Phillips Esquire

Commissioner of

Madura.

To

T. Pycroft Esquire

Chief Secretary to Government.

Fort Saint George.

Sir,

I have the honor to forward here
with the Records of two cases disposed
of by me as Commissioner under Act XIV
of 1857 and hope they will meet with
the approval of the Government.

I have the honor to be

Sir,

Your most Obedient Servant.

A. W. Phillips
Commissioner

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Beard be following taken
from the Commission in
the District of Madras, under
Act XIV of 1857.

Here enter No 470

25/25th Nov/57.

The Commissioner submits the records of Cases XV and XVII on his file.

No. XV - Charge "Gang Robbery, ac-
-compained with Murder, & Re-
-possessing Stolen property, well
-knowing it was acquired by the
-robbery." There were thirteen (13) Pri-
-soners. Nos 1, 2, 3, 6 & 8 have been
convicted; the rest have been acquit-
ted & released.

Sentence - Death under Clause first,
Act II. Regⁿ XV of 1803. But the
Commsⁿ recommends that the pen-
alty in each case be commuted to
transportation for life with corporal
punishment to be extent of 100 lashes,
and a fine of £2300 under Act No
XVI of 1850.

2. Under Act No LXXII of 1855, he got
remit the sentence of death awarded
against the Prisoners. Short of that, he con-
-sider will pass any sentence woman.

3. Case No XVII. A similar charge - all the Rists were acquitted & no remarks are called for. D.T.C. 15/12-53, JP

7/2 Mr. Phillips Esq. - Com^r of Sup^r Court
Madras - Vol^o 4
Enclosures
Ref^d 5th July/58.

June 24th to Aug 25th 1858
 Aug 27th to Dec 8th 1858

L. C. M. D.
 The Colonial Secretary
 to Government
 St. George's

Oct 25. Warm for 1857
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Substantive Items
in Cases 16 and 17 of
1837. for the approval
of Government.



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