M.R.O. 1—38,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 379 Press Mis.

17-18

Dated 22.8 ~~1918~~

Not to be folded or roughly handled

No. 17. Read the following letter from W. ROBINSON, Esq., Acting Magistrate of Malabar; to T. PYCROFT, Esq., Chief Secretary to Government, Judicial Department, Fort St. George, dated Burragherry, 12th March 1858, No. 42.

SIR,

I have the honor to submit for the information of Government, the accompanying copy of a letter* on the subject of a conviction by Mr. Thomas in a case beyond his jurisdiction.

*Dated 10th March 1858, No. 8.

His judgment was right, but perhaps the law will require that the convicted party be pardoned or released unconditionally.

From E. C. G. THOMAS, Esq., Special Assistant Magistrate; to W. ROBINSON, Esq., Acting Magistrate, dated Calicut, 10th March 1858, No. 8.

SIR,

In forwarding to you a copy of an A, form statement sent by me to the Session Judge, I have the honor to submit my reasons for passing a decision in a case of house-breaking, which I am well aware under ordinary circumstances should have been committed to the Sub Court.

My reasons were two-fold.

The grievance to those who as complainant, witnesses and defendants would have had to come 200 miles across the sea, for no advantage to themselves, but to secure the punishment of a criminal, would have been such that in future such matters would probably have been hushed up or illegal practices would be resorted to. It is also to be observed, that I believe one of the defendants to be wholly innocent of the charge brought against him, and he would thus have undergone no small persecution.

Independently of these general considerations, it so happens that in the particular case in point, the convicted defendant is a weak and ignorant young man, who will probably never forget to his dying day the punishment now inflicted on him, and (as mentioned in my decision) I believe the effect of this first exhibition to the Islanders of justice under the Government Regulations, will be amply sufficient to exercise upon others the wholesome influence desired.

Considering therefore that the ends of justice were best answered by my deciding on the case personally on the spot, I took the liberty of doing so, and now forward these remarks, in case exception may be taken to my conduct.

(True Copy.)

(Signed) W. ROBINSON,
Acting Magistrate.

A.

Report of persons apprehended in the Zillah Calicut and delivered to the Special Assistant Magistrate of Malabar, in the month of January 1858.

No.	Names of the Prisoners.	Abstract of the charge or crime.	Date of Apprehension.	Date of Leaving the Talook.	Date of Arrival.	Reasons for punishment or release and date of commitment.	Explanation of delay and remarks, &c.
2	1 Candancolota Cherria Koyah. 2 Coonheeporail Ermoollan	*Theft and possession of stolen property.* The prisoners are charged with having, on the night of 12th Jany. 1858, opened the door and entered the house of the prosecutor in the Kavarthy Island of the Laccadive Islands, and stolen therefrom a box containing coins, silver ornaments, &c., of the aggregate value of Rs. 45, the property of the prosecutor. 2. The 2nd prisoner is further charged with having, on the 16th Jany. 1858, at Kavarthy Island been found in possession of a portion of the above property, valued at Rupees 5, knowing the same to have been feloniously stolen.	18th January 1858.	26th January 1858.	27th January 1858.	There is no evidence whatever as to the housebreaking against the 1st defendant in any way except the statement of the 2nd prisoner. The 2nd prisoner says he accompanied 1st defendant to the house of the complainant, received and carried for him the box, with contents of the value of about Rs. 45, which they took from inside the house, and that he received and kept in a place of concealment such of the stolen goods as the other chose to give him. Some of the property thus stolen is proved to have been dug up in the house where he lived and near the spot where he usually slept. The 1st defendant's name is coupled with this man's, I believe, merely for spite: there is no proof against him, and he is dismissed.	The delay in passing sentence arose from the case happening on an Island where the expected arrival of the Assistant Magistrate had to be awaited. The delay in forwarding this Report, is consequent on the want of constant communication between the Island and the Coast.

The 2nd prisoner would, in an ordinary case, deserve severe punishment from a superior Court, but considering his youth (22) and the circumstance that this is probably the 1st occasion on which a Magisterial sentence of imprisonment has been passed in these Islands, I believe a minor punishment from the hands of a Magistrate is all that the case calls for, and will answer the required end of improving the individual and deterring others.

I sentence him therefore to six months' imprisonment, under Section VII, Regulation X of 1816. 27th January 1858.

Calicut, 10th March 1858.

(Signed) E. C. G. THOMAS,
Special Assistant Magistrate.

(True Copy.)

(Signed) W. ROBINSON,
Acting Magistrate.

No. 18. ORDER THEREON, No. 379; dated 22nd March 1858.

The Right Honorable the Governor in Council sees no reason to disturb the sentence passed by the Assistant Magistrate in the case reported in the above letter, which was altogether of a peculiar character.

(Signed) T. PYCROFT,
Chief Secretary.

Ed. F. Cartledge.

No. 379

The Right Hon'ble Sir E. C. sees no reason to disturb the sentence passed by the Assistant Magistrate in the case reported in the above letter, which was altogether of a peculiar character.

Fort St. George
22nd March 1858

True Copy of Original Dispatch

March 1858 of a letter on the subject of a Conviction by
8.

Mr Thomas in a Case beyond his jurisdiction.

His judgment was right, but perhaps the law will require that the Convicted party be pardoned or released unconditionally -

Sherry, 12th March 1858.

I have the honor to be,
Sir,
Your most Obedient Servant,
B Abraham
Acting Magistrate

To
T. Pycroft Esqre
Chief Secretary to Government
Judicial Department
Fort St George.