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MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 41
15-16

Press ~~Mis.~~

Dated 9-1-1918

Not to be folded or roughly handled

No. 15. Read the following letter from J. H. GOLDIE, Esq., Commissioner of Chittoor; to T. PYCROFT, Esq., Chief Secretary to Government, Fort St. George, dated 23rd December 1857.

SIR,

I have the honor to forward the record of a case of gang robbery by open violence, disposed of by me and Mr. Harris, as Commissioners, for the information of Government.

(Signed) J. H. GOLDIE,
Commissioner.

Case No. 8—1857.

No 8 of 1857.

Prosecutors.
1 Veerasawmy,
2 Sheshadoo,

Vers.
1 Maikala Vencatramoodoo,
and 19 others.

1st Prosecutor Veerasawmy.
2nd do. Sheshadoo.

Vers.

1 Maikala Vencatramdoo.
2 Awoolla Soobadoo.
3 ,, Gungadoo.
4 ,, Moottigadoo.
5 Poloogadoo.
6 Hanamuntoogadoo.
7 Chinna Ramoodoo.
8 ,, Rungadoo.
9 Maikala Peddacondadoo.
10 Chinna Condadoo.
11 Maikala Gooravadoo.
12 ,, Seetaramoodoo.
13 ,, Rungadoo.
14 ,, Bukka Kondodoo.
15 Awoolla Papoodoo.
16 Maikala Yerra Kondadoo.
17 Awoolla Animigadoo.
18 Durgadoo.
19 Maikala Pattigadoo.
20 ,, Gopalgadoo.

The prisoners plead "Not Guilty."

The 1st prosecutor being absent through sickness, and not having furnished any one with a regular power of attorney, the party who has attended on his behalf having no Vakalutnamah or stampt paper. The Government Vakeel conducts the prosecution on the 1st prosecutor's behalf, by charging the prisoners with the offence as set forth in the charge.

1st prosecutor afterwards appeared, vide further.

The 2nd prosecutor states, about a month ago, about 9 P. M., I was asleep in my house, situated at 10 fathoms distance from the 1st prosecutor's house, and was awoke by a great noise there. I came out and saw from the hedge of my back-yard where I concealed myself, that a robbery was going on there, and after this was over, the robbers came and broke open the door of my house, and robbed me of about Rupees 30 worth of property, as per list given at the Talook. There were a great many robbers, but I can't say how many. So I knew from the noise. I did not see them. I did not then know who the robbers were. Neither I nor my family were ill-used. I took them all out with me. About 10 days after the robbery, I was sent for to Venkatagherry, in the Nellore district, by the head of Police, and shown some property which was stated to have been found in the possession of the prisoners, and which I recognized as belonging to me and the 1st prosecutor. I lost the former on this occasion, I therefore, charge the prisoners

I, in default [illegible] Lieutenant [illegible]
[illegible], under the provisions of Clause [illegible] Act XV. 1803. [illegible]

with the robbery. I was not present when the property was found. The property shewn to me at the Talook has no particular marks, I lost three skeins of cotton thread like No. 1, each of 24 cubits. I forgot to mention these and the brass scales, the silk thread, (of which I lost 1 seer,) and the pieces of upper garment. I was sick at the time, and forgot to mention them in the first list, and the brass scales I had not missed. Since the time of my father I have had the scales. The pieces of cloth (No. 7) are the borders of an old upper garment, which I also lost at this robbery, which also I forgot to put in the 1st list. Nos. 1, 2, 3, 5 and 6, are exactly *similar* to the things which I lost. No. 4 I can swear is mine, as also No. 7. I used the scales in weighing camphor, sulphur, &c. The prisoners have no questions to put.

Solemnly affirmed before me, this 15th October 1857.

(Signed) G. A. HARRIS,
Commissioner.

1st witness.—About one month ago, on a Tuesday, I was asleep in 1st prosecutor's house. I am his brother-in-law, and was awoke by robbers. Four of them surrounded and beat me with sticks on my shoulders and arms, and made me sit down, and threatened to cut me if I got up. One of them had a torch, and one of the four stood before me with a sword. While I was seated, I recognized five of the robbers, the fifth one went to the females to rob them. I saw them six in all stripped of their ornaments by the robbers. The *1st prosecutor's mother's ears were torn* when her earrings were pulled off, she was the only one injured. The 1st prosecutor ran away at the beginning, so was not hurt. I had never seen any of the robbers before, nor did I know their place of abode. They were not disguised. I heard some guns fired off by the robbers, but did not see them. The robbers got on the wall on the east side, and entered and broke open the gate. I recognized five persons, one black man (8th prisoner) without mustachoes or whiskers, tall. One fair young man (14th prisoner), one black short man (5th prisoner) with short mustachoes, another black man (6th prisoner) average height, with mustachoes, and whiskers. The fifth, brown color, with mustachoes (9th prisoner.)

In your statement of the 17th September, you stated that excepting one person, you were unable to describe the others, here you enter into particulars of others. How do you explain this difference?	I did not then describe them, as I was suffering from the blows. N. B.—The witness first stated that he did not depose so at the talook.

N. B.—The witness is fined 1 Rupee for prevarication and contempt of Court, in default three days' imprisonment under Section 7, Regulation XIII, 1832.

Who is that person whom you described at the talook as living at Bungaranpett?	The man is here. Before the robbery, I saw at Bungaranpett a man like the one I had described, but when I went there after the robbery, I found he was not the man that had come to the robbery.
Point out the man you described at the talook as at Bungaranpett.	The 6th prisoner.
At the talook did you describe any other person but the one you thought lived at Bungaranpett?	No.

At the talook on the 3rd October you stated that it was the 1st prisoner whom you had described before, here you say it was the 6th prisoner, what do you say to this difference?	I stated it was the 6th prisoner at the talook.
Point out the 5 persons whom you have described here?	6th, 9th, 5th, 8th and 14th prisoners.
In the talook you also pointed out the 1st prisoner?	I did not.
Had you ever seen these prisoners before the robbery?	No.

I was not present when the property was found. The 2nd prosecutor's house was robbed that night after 1st prosecutor's house had been. The 1st prosecutor's cloth has a line on the edge, it was worn in 1st prosecutor's house by the 2nd witness. Of the 2nd prosecutor's property, I knew some blue silk, it was bought by him from 1st prosecutor. I don't know any other of his property.

Point out which property you knew?	No. 1 of 1st prosecutor, No. 5 of 2nd prosecutor.

I did not state at the talook I knew the other things.

The prisoners have no questions to put.

Solemnly affirmed before me, this 15th October 1857.

(Signed) G. A. HARRIS,
Commissioner.

2nd witness.—About a month ago, I was asleep at the 1st prosecutor's house, and was awoke by the noise of robbers. I got a blow from a stick from one of them on my back, and was made to sit down, and five or six of them stood near without letting me get up, one of them had a sword, and others had sticks, and one a bill hook. I saw the females robbed. The 1st prosecutor's mother had her ears torn, when the ornaments were pulled off by the robbers. I had not seen the robbers before. I can point out ten of them, one of them had much mustachoes, and another a little. One was tall and young and brown in color. One was an old man, grey mustachoes. One had no mustachoes, average height. One fair and short. One black color, without mustachoes. One had whiskers and was fair colour, I cannot describe more. One of the robbers dragged me to the street door. He was a black man, and short in stature, without mustachoes or whiskers. I was not present when the property was found. I know the 1st prosecutor's cloth, I wore it. It has a lace edge. I know the 2nd prosecutor's scales. I saw them on two occasions when 2nd prosecutor brought to the 1st prosecutor to buy silk and weigh it. I know his blue silk thread, I cannot positively swear to it as being his, nor to the rest of the property.

The witness points out No. 1 belonging to the 1st prosecutor, and the scales No. 4 of the 2nd prosecutor's.

Point out the one who dragged you to the street door?	2nd prisoner.
Did you see any of the other persons at the bar at the robbery?	11th, 12th, 13th, 8th, 5th, 18th, 16th, 10th, and 9th prisoners.
You did not point out the 10th prisoner at the talook, what do you say?	I did.
You pointed out the 14th prisoner at the talook, not here, what do you say?	I did not point him out at the talook.

None of the above had their faces smeared with any thing.

The prisoners have no question to put. 13th prisoner states that he has previous acquaintance with this witness, which the witness denies.

Solemnly affirmed before me, this 15th October 1857.

(Signed) G. A. HARRIS,
Commissioner.

cases, in default [illegible] Section 7, Regulation XIII, 1832.
Levied, under the provisions of Clause 2nd Sect XV, 1803.

3rd witness.—About one month since, I was asleep in my house, 2 fathoms off from the 1st prosecutor's and 10 fathoms from the 2nd prosecutor's house, about 10 P. M., I got a blow on the head from a stone, and got up, and by torch light in the street, I saw four persons in front of my house. Some one pushed me and told me to go in. Those four were standing quiet. I cannot say if all had sticks. I did not see them throwing stones. I had never seen those persons before the robbery. - I heard the same night that both prosecutors' houses had been robbed, but I did not see it. Beside those four persons, there were many people there then. I went inside my house and shut my door, and I don't know what took place.

One man was tall (8th prisoner) without mustachoes and black colour. Two others were tall and one (3rd prisoner) short, the latter was a fair man without mustachoes or whiskers. The two tall men (9th and 10th prisoners) were brown color. They were all middle aged.

In your deposition at the talook of the 17th September you said three persons were near you; here you say four?

I was suffering from the blow, and therefore only said three persons at the talook.

Of the prisoners at the bar, do you recognize any of them as having seen them that night?

8th, 3rd, 9th and 10th prisoners.

At talook you did not point out 3rd prisoner, what do you say?

I did.

Was the 16th prisoner there?

I don't remember.

At the talook you said 16th prisoner was one of them, what do you say?

I did not point him out there.

Were any of the 4 disguised?

No.

Here you have stated that two had no moustachoes, at talook that three of them had.

I was very sick, therefore then stated incorrectly.

You stated at the talook that the 4 persons whom you pointed out were throwing stones at the prosecutor's door, here the contrary, what do you say?

The witness will not give a direct answer.

Fined 1 Rupee, in default three days' imprisonment for contempt of Court, under Regulation XIII, 1832.

The prisoners have no questions to put.

Solemnly affirmed before me, this 15th October 1857.

(Signed) G. A. HARRIS,
Commissioner.

1st prosecutor Veerasawmy.—About one month ago my house was robbed. I ran off when the outer door was broken by opening the house door and running off towards the north, when I came out of the house, about 20 robbers had got in. I did not notice if they were armed, they had torches. After they had left the place, I returned and found all my property valued at Rupees 467-12 had been taken according to the list I delivered at the talook. I was not injured by the robbers, my mother's ears were torn by one of the robbers, but by whom is not known, pulling off the ear ornaments, no one else was injured. I recognized only one of the robbers who had a torch, he was coming towards the house as I was going off, he was a man whom I had seen once before in my village, he was begging, this was 4 or 5 months before the robbery I think, at the time of the robbery, he was not disguised. I don't know where he resided. He was black complexion and tall, he has mustachoes. I did not know his name.

At the Police you said the man whom you recognized lived at Vencatgherry?

I mentioned so before the Police on suspicion, but on search I did not find such a person, I thought he might live at Vencatgherry, but did not know. After the robbery, I was shown some property which I lost at this robbery, viz., a piece of gauze cloth. I lost many such cloths. I only entered 20 in the list. The cloth which I was shown was made in my house by the 2d witness. It does not bear any private marks.

That night the 1st and 2nd witnesses and females and children were in the house.

You said at the talook that excepting two persons, neither yourself nor any of them residing in your house, recognized any other robbers, on what authority did you make this statement?

I did not state so on any information received from the persons who were in my house, but it was my own idea.

The property marked No. 1 belongs to me, and was robbed on this occasion. The silk thread No. 5, was coloured by me and given by me to the 2nd prosecutor in exchange for other goods. The scales No. 4 belong to the 2nd prosecutor also, I have often seen it used by him. The remaining property I cannot identify.

Is the person whom you say you recognized in the bar?

The 1st prosecutor points out the 13th prisoner. He is the man I had seen before.

The prisoners have no questions to put.

Solmenly affirmed before me, this 24th October 1857.

(Signed) G. A. HARRIS,
Commissioner.

4th witness, Chennoor Luxmiah.—About 20 days ago, while engaged in tracing out the persons who had committed a robbery in the Nellore district, we apprehended some parties in the Cuddapah district, I don't know the name of the place. Their huts were searched, and in one hut a pair of scales was found, I can't remember what else was found in it. The peon Kistnamul found it. I was outside on guard over the persons apprehended. In the hollow of a tamarind tree, 2 fathoms distant from the huts, was found a gauze cloth, a Yanady, I don't know his name, after being searched himself, was told to climb the tree and found the cloth. It was not visible from outside, the persons apprehended disclaimed all knowledge about it. Some cotton and silk thread and tobacco were found about 40 or 50 fathoms from the huts, concealed in a bush, tied in a bundle.

Were these prisoners at the bar among the parties then under arrest?

Yes.

In which of these prisoners' huts was the pair of scales found?

I cannot say.

Were their huts occupied by these prisoners?

Yes.

How many persons were under arrest there?

20 persons.

What other persons was present at the search?

Six peons of the Vencatagherry Poligar, of whom I am one, four Police peons of whom Kistnamah, is one, also the 5th witness, and the Monigar and Curnum. I did not sign the list. The witness points out No. 1 cloth as having been found in the tree. No. 4 in the hut. The other properties before the Court were found in the bush. The scales No. 4 were claimed as his

years, in default [illegible] Civil Jail, [illegible] Act XV, 1803.

own property by the owner of the hut, the property found in the bush was disclaimed by them all, they said they know nothing about it.

The prisoners have no questions to put.

Solemnly affirmed before me, this 21th October 1857.

(Signed) G. A. HARRIS,
Commissioner.

5th witness, Chinna Vencata.—These prisoners had been apprehended, and their huts were searched. I was on guard outside, peon Kistnamah told me a pair of scales had been found in one of the huts. I don't know in whose hut. I saw the scales after it was found. In a tamarind tree, near a hut, about 4 fathoms off, was found a gauze cloth, a Yanady, name I don't know, was first searched, and sent up the tree, and found a cloth in a hollow of the tree. The prisoners disclaimed it, and said they did not know how it came to them. Some cotton and silk thread, and tobacco, 40 or 50 fathoms from the huts were found in a bush. The Monigar, Curnum, 4th witness and others were present.

Look at the property before the Court? No. 1 cloth was found in the tree, No. 4 in a hut, the other things in a bush.

The prisoners said that the things found in the bush were not their property, and that they knew nothing about it. I did not hear what was said about the scales.

The prisoners have no questions to put.

Solemnly affirmed before me, this 24th October 1857.

(Signed) G. A. HARRIS,
Commissioner.

Witness for 13th prisoner, Palaitee.—The prisoner is son-in-law of my sister, we live in separate houses. Whenever the prisoner went about begging alms, I used to accompany him. He never left home for any other purpose. Our houses are close together, he never left the Chitwail talook of the Cuddapah Zillah.

The prisoners have no questions to put.

Solemnly affirmed before me, this 18th November 1857.

(Signed) G. A. HARRIS,
Commissioner.

16th October 1857.

The testimony of the witnesses who have been sent for and who can only depose to the fact of certain of the property in this case having been found in the neighbourhood of the prisoners' huts and some in the hut of the 8th prisoner, will not strengthen the case as against the 1st, 2nd, 3rd, 4th, 6th, 7th, 10th, 11th, 12th, 14th, 15th, 16th, 17th and 18th prisoners, and I have therefore released them, as the proof adduced is altogether insufficient for their conviction.

The 1st prisoner was only recognized before the Police by the 1st witness, and who now denies the fact of his having ever pointed out that prisoner. Before me the 2nd and 3rd witnesses do not speak of the 1st prisoner.

The 2nd witness alone speaks of the 2nd prisoner, the 3rd ditto alone of the 3rd prisoner before me, and to whom he did not allude when examined at the talook.

None of the witnesses are able to recognize the 4th, 7th, 15th and 17th prisoners.

The 6th prisoner is recognized by the 1st witness only; but his statements are very contradictory as regards this and the 1st prisoner.

The 10th prisoner is recognized before me by the 2nd and 3rd witnesses, but the former did not point him out at the talook.

The 2nd witness alone recognized the 11th and 12th prisoners.

The 14th prisoner is only recognized before me by the 1st witness. The 2nd witness only pointed out this prisoner at the talook.

The 16th prisoner is only recognized before me by the 2nd witness. The 3rd witness only pointed out this prisoner at the talook.

The 2nd witness only recognized the 18th prisoner.

(Signed) G. A. H.

24th October 1857.

The 19th and 20th prisoners in case No. 8, 1857, sent up by the head of Police of Calastry are ordered to be released, being acquitted of the charge, for the reasons recorded for the release of the 3rd, 4th, 7th, 15th and 17th prisoners in the same case in the Commissioner's proceedings, under date the 16th October 1857, to which the Magistrate's attention is requested.

The 5th and 9th prisoners have been ordered to produce security. The Sub Judge has been requested to forward the 19th and 20th prisoners to the Magistrate, with reference to his communication under date the 7th October 1857. Also the 5th and 9th prisoners on their furnishing the required security.

(Signed) G. A. H.

Warrant of release for 19th and 20th prisoners to Sub Judge, and letter to send the 19th and 20th prisoners to the Magistrate, and the 5th and 9th on their furnishing the required security.

Warrant to Sub Judge, the 5th and 9th to furnish two securities in the sum of Rupees 25 each, for 3 years, in default to be imprisoned for a like period.

Sentence on 5th and 9th prisoners.—The Commissioner considers that the statements of the witnesses who have deposed to the presence of the 5th and 9th prisoners at the robbery, to be open to some doubt. The 1st and 3rd witnesses, were first examined on the 17th September.

The 1st witness was then only able to describe one of the robbers, and respecting that person this witness has made contradictory statements. At the talook he said it was the 1st prisoner, here, the 6th prisoner. He stated at the talook, that he was unable to describe the other robbers. The 3rd witness does not recognize the 5th prisoner; and he has varied in his statements respecting these persons, whom he pointed out as having been concerned in the robbery. The 2nd witness though an inmate of the 1st prosecutor's house, on the night of the robbery, was not examined till the 2nd October, and therefore but little reliance can now to placed on his statements. The 1st and 2nd witnesses declared that they recognized the 5th prisoner, and the 1st, 2nd and 3rd witnesses, the 9th prisoner. Some property lost at this robbery was found concealed near these prisoners' huts.

The proof adduced is not sufficient for the conviction of the 5th and 9th prisoners, but affords strong grounds of suspicion against them, they are therefore each sentenced to produce two securities in the sum of Rupees 25 each, for their future good behaviour and appearance when required, for the space of 3 years, and in default, to be imprisoned for a like period, under the provisions of Clause sixth, Section II, Regulation XV, 1803.

(Signed) G. A. H.

30th November 1857.

Sentence regarding the 13th prisoner.—The 1st prosecutor swears to having seen the 13th prisoner at the robbery, and from his manner of giving his evidence before me, I believe he spoke the truth, but as the only witness who also identified this prisoner is the 2nd witness, regarding whom I have commented in my previous proceedings, I do not consider the single testimony of the 1st prosecutor to be sufficient for the 13th prisoner's conviction, especially as the 1st prosecutor's Police statement shows that he was in the first instance mistaken as to the 13th prisoner's identity, the remaining evidence consists of the discovery of one of the plundered

property in the neighbourhood of the 13th and other prisoners' huts. The 13th prisoner pleaded that he had never quitted the Cuddapah district, but his witness' evidence fails to satisfy me on this point. With reference to the 1st prosecutor's testimony, and the discovery of property as above mentioned, I consider that there exist sufficient grounds for holding the 13th prisoner to security and accordingly sentence him to give two securities in the sum of Rupees 25 each for his future good behaviour and appearance when required, for the space of three years, in default to be imprisoned for a like period, under the provisions of Clause sixth, Section II, Regulation XV, 1803.

(Signed) G. A. H.

Case No. 8 of 1857, on the file of the Commissioner's Court.

Vencatakrishnama, 6th witness, a peon of the Vencatagerry division in the Nellore Zillah.—States that about three months since, a gang robbery was committed in the village of Narsanayadapillay, in the division of Vencatagerry in the Nellore Zillah, and that the robbers were traced and apprehended in the village of Cacurlavareepully attached to Boteemadepullay, in the district of Cuddapah, and the 8th prisoner before the Court was one of the prisoners suspected to be concerned in the said robbery, and apprehended in consequence, states also that the scales before the Court numbered 4, were found about 4 o'clock in the afternoon on the west side of the 8th prisoner's hut, about 2 yards from it, and that the said spot was searched because the 7th witness Ramoodoo had remarked that the earth was newly dug, that the said witness dug up the earth in the presence of the 8th prisoner, who said that he did not know how it came there, witness also states that No. 3 being skeins of thread were found with other property by a Yanadi, whose name he does not know, at the foot of a hill at a distance of 150 fathoms from the 8th prisoner's hut, and also that there were several huts around the 8th prisoner's hut, in which some tobacco and a metal cup and bill hook claimed by the prosecutor, were found whose house was attacked at Narasanayadapillay, and that some plundered property belonging to the said prosecutor was found in their huts, witness also states that the witness Ramoodoo, and the village Moonsiff Vencatanarapa Reddy, Curnum Vencatarama and some peons and some Yanadies were present when the articles No. 4, a pair of scales, were found, states also that the spot where the scales No. 4 were found, is not attached to the 8th prisoner's house, and is an open space of ground accessible to the owners of the surrounding huts.

According to a copy the search list forwarded to the Court and signed by the village Curnum Vencatarama and the Moonsiff Vencatanarayana Reddy, it appears that the scales No. 4 and thread No. 3, were found in the hut of the 8th prisoner, what have you to say to this fact?

Answer.—A bill hook belonging to the prosecutor in the gang robbery committed in the Nellore district was found in the 8th prisoner's hut, but no other plundered property was found in his hut, witness states that he and the Yanadi Ramoodoo, and others who went into prisoner's hut, were searched before they entered it.

Was the 8th prisoner before the Court under arrest at the time his house was searched? — Yes.

Did any other person besides the 8th prisoner occupy his hut? — No other person occupied it.

Witness states that he did not sign the search list.

On what information was the 8th prisoner apprehended, and how many huts are around his hut?

Witness' answer. Foot steps were traced for some distance leading from the prosecutor's village, when two Yanadies informed me and other peons, that 20 persons had gone carrying

bundles of property and with guns, and had halted in a tamarind tope near the prisoner's hut, states also that there were 16 or 17 huts near the prisoner's hut all of which were temporary, the occupants being vagrants.

The prisoner puts no question to the witness.

Solemnly affirmed before me in open Court, this 19th day of December, 1857.

(Signed) J. H. GOLDIE,
Acting Commissioner.

Booka Ramadoo, 7th witness.—States that about two or three months since, a gang robbery was committed in the Nellore district, and the footsteps of the robbers were traced to the spot where the 8th prisoner's hut was pitched, and 10 or 12 other huts were pitched, when he and the witness Krishnama, and some Yanadies surrounded the huts, and shortly afterwards the Monegar and Curnum of the village of Boteemedapullay came to the spot, when the 8th prisoner, and about 19 others were arrested and their huts were searched by him (witness) and before he entered them his (witness) person was also searched, states also that a bill hook was found in searching the 8th prisoner's house, but he does not know to whom it belonged; no other property was found in the 8th prisoner's hut, but about three yards from the 8th prisoner's hut some fresh earth was found by him (witness) when he dug up the earth according to the order of the witness Vencatakrishnama, when the scales, article No. 4 before the Court, were found at the depth of a finger's span and on being asked how it came there, the 8th prisoner said that I (witness) and the peons had placed it there, states that the thread before the Court, article No. 8, was found in searching the house of one Doorgadoo, the 18th prisoner, about 10 yards from the 8th prisoner's house.

How far was the prisoner's hut from the scene of the robbery in the Nellore district? — 40 miles.

According to the search list the scales and thread were found in the 8th prisoner's hut, what do you say in regard to that fact? — They were not found in the 8th prisoner's hut but in the place I mentioned.

Did you sign the search list? — No.

Is the spot where the scales were found attached to the prisoner's hut, or is it an open space? — It is not attached to the 8th prisoner's hut, but is an open space, accessible to all the huts surrounding, the prisoner's hut as well as his hut, are all temporary huts.

Witness says that the 8th prisoner alone occupied his hut.

Who was present at the time the scales were found in the place you state? — The 6th witness Krishnama, three Yanadies and the Monegar and Curnum of the village were present.

The prisoner puts no question to the witness.

Solemnly affirmed before me, on the 19th day of December 1857.

(Signed) J. H. GOLDIE,
Acting Commissioner.

years, in default to be imprisoned for a like period, under the provisions of Clause sixth, Section II, Regulation XV, 1803.

8th prisoner in his defence, which is taken in a separate paper in his own language, denies the charge, and states that the scales and thread shewn to him are not his property, and he does not know where they were found. Says he has no witnesses to call.

Sentence passed upon the 8th prisoner Rungadoo in case No. 8, on the file of the Commission Court at Chittoor.

I am of opinion, from a perusal of the record in the above case, that the 8th prisoner was not clearly identified as one of the gang who attacked the prosecutor's house, because the evidence of the witnesses who were examined before the Police, varies from the evidence given by them before the Commissioner, the witnesses having pointed out certain persons before the Court as the robbers whom they omitted to identify before the Police. The remaining evidence against the 8th prisoner consists in his having, according to the search list, forwarded to the Court, been found in possession of a pair of scales, article No. 4, which it is alleged were discovered in searching his hut, but this statement is not confirmed by the evidence of the 6th and 7th witnesses, who were present at the discovery of the scales; from their evidence, it appears that the scales were dug up within a few yards of the 8th prisoner's hut, according to one witness (the 6th) within two yards of it, and according to the 7th witness' statement, about three yards from it. These scales, in the opinion of the Commissioner, are clearly proved to be the property of the prosecutor; they are of a small and peculiar size, and might be recognized without difficulty, but the evidence shews that there were several huts occupied by about 20 persons, surrounding the 8th prisoner's hut, and therefore it is impossible to say for certain that the scales were plundered by the 8th prisoner, but in the opinion of the Commissioner, under the above circumstances, strong suspicion attaches to him that he was concerned in the robbery of the prosecutor's house, and therefore he is sentenced under Clause sixth, Section II, Regulation XV of 1803, to produce two securities in the sum of Rupees 25 each, for his future good behaviour and appearance when required, for the period of three years, and in default to be imprisoned for a like period.

(Signed) J. H. GOLDIE,
Acting Commissioner.

21st December, 1857.

No. 16. ORDER THEREON, No. 41; dated 9th January 1858.

Case No. 8 of 1857. This was a charge of "Gang robbery with open violence." The prisoners were (20) twenty in number. They were all acquitted with the exception of Nos. 5, 9, 13, and 8.

Of these the first three were held to security by *Mr. Harris* in the sum of Rs. 25 each for 'good behaviour and appearance' for a term of three years, in default to be imprisoned for that period; and a similar sentence was passed on No. 8 by *Mr. Goldie*, who brought the trial to a close.

2. The Government resolve to remit these sentences and to direct the unconditional release of the prisoners, under the powers vested in them by Act No. XVIII of 1855. The evidence against the accused, they observe, was mistrusted for conviction, and no other grounds of suspicion exist against them.

(Signed) T. PYCROFT,
Chief Secretary.

5

List of Packet in No. 8 of 1857 on the file of the Commissioners Court.

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Note No. 33 is the bundle of property

W. Goldie
Commissioner

years, in default 6 months imprisonment, under Section II, Clause sixth, Reg. XV. 1803. S. P. K.

30th Rod 57

Sentence regarding the 13th P.

The 1st Prot. seems to having run the 13th P at Kenyatta, & for his manner of giving his evidence before me, I believe he spoke the truth. But as the only witness who identified this Pris. is the 2nd Wit., regarding whom serious complaints were made, I do not consider the evidence sufficient to convict the 13 Pris. of murder. The Police state that before the 1st Pros. left the Police Station he identified the 13 Pris. as the men who had robbed him. The 13 Pris. denied that he had ever spoken the Prosecutor, but his witness Evidence failed to support this point. The appearance of the Prosecutor & his wounds were also mentioned. I consider that there was sufficient grounds for holding the 13 Pris. to answer the charge of having in the company of others unlawfully & maliciously assaulted Kenyatta & did him grievous bodily harm, & I sentence him to pay a fine of Rs 25 each for his good behaviour & appearance when required for the term of three years, in default to be imprisoned for the like period, under the provisions of Clause sixth, Section Regt XV. 1803. JPK

Judicial Dept.

No 111

C.M.C. 5th January 1858.

Read the following letter from the acting Comrs under act No XIV of 1857 in Dullah Cheltoor } Received 5th & 23rd Dec/57.

Case Nos 8 of 1857. This was a charge of "Gang Robbery with open violence". The Prisoners were (20) twenty in number. They were all acquitted with the exception of Nos 5, 9, 13, and 8.

Of these the first three were held to security in the sum of Rs 25 each for 'good behaviour and appearance' for a term of three years, in default to be imprisoned for that period; and a similar sentence was passed on No 8 by Mr Goldie, who brought the trial to a close.

2. The Govt resolve to remit these sentences & to direct the unconditional release of the Prisoners, under the powers vested in them by Act No XVIII of 1856. The evidence against the accused, they observe, was mistrusted for conviction & no other grounds of suspicion exist against them. D.S.C. 7/1-58.

Will.

by Mr Harris

To the Commissioner Judge of Cheltoor with foregoing returned

all the Prisoners
Case Case Records
Case Nos 5, 9-1858
Rec 15th & 18th ult
to Security for the Peace
Rs 8/ Rs 25 each

Rec 2nd Dec 1858

In D. & Com. 12th Jany/58

Judicial 1857 Depart.

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Extract. Mins. of Coms

29th January/58

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