

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	501	Press
		~~Mis.~~
- 39 -		
Dated	19- 4	10/8/58

Not to be folded or roughly handled

Fort St. George, Judicial Consultation, 20th April 1858.

Read the following Despatch from the Honorable the Court of Directors.

Review briefly the papers connected with the case of Bhowannee Lala against Mr. E. B. Thomas, the Magistrate of Coimbatore. Observe that, that Officer was accused 1st of having acted rashly and illegally towards the Lala on the occasion of the joint celebration of the Dushera and Mohurram festivals in the year 1854, and 2ndly of giving a false copy of a certain document to him or of having tampered with the one delivered in by his own Solicitor in the action referred to. Concur in the view taken by the Sudder Court, that the proceedings afforded no ground for charging Mr. Thomas with falsifying or tampering with the papers, but they observe, in regard to the first point, *i. e.* the charge of acting harshly and illegally towards the Lala that the proceedings would have come before them in a form much more complete, had the Sudder Court been called upon to report upon the entire case with reference to the facts as supported by the evidence and to the laws which regulate the procedure of the Mofussil Court. Desire that this may now be done and that the report be transmitted to them with copies of the Judgments and orders of the Supreme Court in the action referred to. Express their surprise and displeasure at the fact that some of the Judicial Officers have been in the habit of issuing irregular and illegal summonses as well as Mr. Thomas, and they approve the Circular of the Foujdaree Udalt, prohibiting such practice.

(Here enter 16th February 1858, No. 3.)

No. 39.

ORDER THEREON, No. 501; dated 19th April 1858.

1. In this Despatch, the Honorable Court review briefly the papers connected with the case of *Bhowannee Lala* against *Mr. E. B. Thomas*, the Magistrate of *Coimbatore*. They observe, that, that Officer was accused 1st of having acted rashly and illegally towards the *Lala* on the occasion of the joint celebration of the *Dushera* and *Mohurram* festivals in the year 1854, and 2ndly of giving a false copy of a certain document to him or of having tampered with the one delivered in by his own Solicitor in the action referred to. They concur in the view taken by the Sudder Court, that the proceedings afforded no ground for charging *Mr. Thomas* with falsifying or tampering with the papers, but they observe, in regard to the first point, *i. e.* the charge of acting harshly and illegally towards the *Lala* that the proceedings would have come before them in a form much more complete, had the *Sudder Court* been called upon to report upon the entire case with reference to the facts as supported by the evidence and to the laws which regulate the procedure of the Mofussil Court. They desire that this may now be done, and that the report be transmitted to them with copies of the Judgments and orders of the Supreme Court in the action referred to. The Court express their surprise and displeasure at the fact that some of the Judicial Officers have been in the habit of issuing irregular and illegal summonses as well as *Mr. Thomas*, and they approve the Circular of the Foujdaree Udalt, prohibiting such practice.

2. The Government resolve accordingly to request the Court of *Sudder Udalt*, to revise the proceedings referred to above and to submit their opinion thereon. The Honorable Company's Solicitor will also be instructed to procure copies of the Judgments and orders of the Supreme Court passed on this case for transmission to the Honorable Court.

3. Resolved also that, as desired by the Honorable Court, *Bhowannee Lala* be informed, in reply to his Memorial dated 15th April 1857, that the case of *Mr. Thomas* is under the consideration of the Court.

(Signed) T. PYCROFT,
Chief Secretary.

N^{o.} 501

Extract from the Minutes of Consultation

Dated 19th April 1858.

Read the following Despatch from
the Honble the Court of Directors
(Here enters 16th February 1858-No 3)

1. In this Despatch the Honble
Court review briefly the papers con-
-nected with the case of Bawanne
Sala against M. S. B. Thomas, the
Magistrate of Coimbatore.

Will
Thy scheme, best, that officer was accused, 1st of
having acted rashly and illegally
towards the Sala on the occasion
of the joint celebration of the Deep
and Mahurram festivals in the
year 1854; and 2nd of giving a false
copy of a certain document which
having
or, tampered with the one delivered
in by his own solicitor in the

i.e. be charge of acting
rashly & illegally towards
the Lala

action referred to. They concur ^{in the}
view taken by the Sudder Court, that
the proceedings afforded no ground
for charging Mr Thomas with falsify-
ing or tampering with the papers,
but they also, in regard to the find-
ing, that the proceedings would
have come before them in a form
much more complete, had the
^{Court}
Sudder been called upon to report
upon the entire case with reference
to the facts as supported by the evi-
dence and to the laws which
regulate the procedure of the Mus-
saul Court. They desire that
this may now be done, and that the
report be transmitted to them with
copies of the judgments and orders
of the Supreme Court in the action
referred to. The Court ^{express} their sur-
prise and displeasure at the fact
that some of the judicial officers
have been in the habit of issuing
irregular and illegal summonses
as well as Mr Thomas.

and by a ^{provision} be
Circular of the F. U.
prohibiting such practice.

2. The Government resolve
accordingly to request the Court
of Sudder Munsif, to revise the

I wd let be original
draft stand. We
dont know of precisely
of the Lala's death.

Let us transmit the
Court's message to him
tho' he act. May. If
he is dead, he act. May
will let us know.

proceedings referred to above and
submit their opinion thereon.
The Honble Company's Solicitor
will also be instructed to proc-
ure copies of the judgments and orders
of the Supreme Court passed on
this case for transmission to
the Honble Court.

3. Resolved also that,
as desired by the Honble Court,
Bhowanner Lala be informed,
in reply to his memorial dated
15th April 1859, that the case of
Mr Thomas is under the con-
sideration of the Court.

D.L. 13-4/58.

- Copy to Sudder Munsif with copy of
the Despatch
- do to Magistrate of Coimbatore
with do
- do Honble Company's Solicitor
- do of para 3 to Bhowanner Lala.

Sept 24th

tho' he act. May
Comm. Labore

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39

6 copies 20th volume
Judicial 1853 Department

No. 501

Extract Mins. Cons.

Dated 17th April 1853

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