

MADRAS RECORD OFFICE.

Government of Madras.

Indivul DEPARTMENT.

G.O. No.

586

Press

~~Mis.~~

42-43

Dated

20. 4 — 1918.8

Not to be folded or roughly handled

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

No. 42. Read the following letter from C. PELLY, Esq., Magistrate of Bellary; to T. PYCROFT, Esq., Chief Secretary to Government, Judicial Department, Fort St. George, dated Ramandroog, 30th March 1858, No. 23.

SIR,

Major Dobbs, Superintendent of Chittledroog, in the Mysore country, has forwarded to me * No. 34, dated 15th February 1858. copy of a letter he has addressed to the Commissioner of Mysore (copy* enclosed) and requested me "to suggest to the Madras Government, the expediency of removing all obstructions to the speedy capture and conviction of professional robbers, viz., Lumbanies, Corachers, Beders and Wudders."

By Act 1 of 1849, and by the orders of the Government of India as contained in a letter from the Secretary to the Government of India, under date the 5th January 1855, addressed to the Secretary to the Government of Fort Saint George, it is necessary for the Magistrate to obtain permission from the Session Judge before a British subject charged with crime in the Mysore territory and apprehended within the Bellary district, can be made over to the Mysore authorities for trial. This involves very great and unnecessary and injurious delay: for a warrant is issued by a Police officer of the Mysore country, the criminal is seized in the Bellary district, within a few miles it may be of the Mysore Police Cutcherry. His capture is reported to the Superintendent of the Division, who applies to the Magistrate of Bellary to send him for trial; or if the Superintendent is aware of the issue of the warrant by his Police, he may previously address the Magistrate for assistance in apprehending and forwarding the accused. On receipt of the Superintendent's letter, the Magistrate addresses the Session Judge for permission to send the prisoner for trial before the Mysore Courts. This is invariably granted, and there never has been a single instance in which the Magistrate's request has been refused, so it is evident that in practice very long and unnecessary delay must generally occur, for the distances are very great, and frequently the Magistrate is on Circuit, and the delay is rendered still greater.

The power of the Mysore Commission Courts is very great, and criminals are speedily tried and convicted, and the success of the Superintendent of Chittledroog, Major Dobbs, has been very great in suppressing robberies and capturing the robbers; and it is very desirable that every thing that throws obstacles in the way of speedily suppressing gang robbery, should be checked; and every facility for the purpose should be afforded.

I would not make any difference, as suggested by Major Dobbs, with respect to the class of persons for the speedy capture and conviction of whom he advocates that all obstructions should be removed.

But I would respectfully submit for consideration of the Right Honorable the Governor in Council, the propriety of giving power to, and making it imperative on, the heads of Police of the talook, to forward at once to the Mysore Police authorities all persons apprehended on warrant within their respective talooks; unless there were special reasons, which, in the opinion of the head of Police, would seem to authorize him to make a previous reference to the Magistrate. The same course should be imperative also on the Mysore authorities.

I would also suggest the expediency of extending this power with respect to the Assigned Districts of H. H. the Nizam on the northern frontier of the Bellary district under the management of British officers.

From Major R. S. DOBBS, Superintendent; to the Secretary to the Commissioner for the Government of the Territories of Mysore, Bangalore, dated Toomkoor, 15th February 1858, No. 34.

SIR,

To the Secretary to the Commissioner, dated 27th October 1854, No. 304.
From do. do. Circular letter, No. 16, dated 18th July 1854.

Referring to the correspondence noted in the margin, I take the liberty of suggesting for Commissioner's consideration, whether the time has not come for moving the Supreme Government to make the Magisterial and Police powers of the British Officers of Mysore and the Magistrates of the Company's Districts reciprocal; the Regulation of the 6th July 1854, which was made for the first time applicable to Mysore in 1854, has most certainly given encouragement to the marauding classes, and would have been most disastrous as respects this Division, if the letter

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

of the Regulation had been strictly adhered to, which has not been the case, a result which is partly owing to the slowness of natives in adopting any theory which they cannot comprehend, and partly from the liberal and generous spirit of the Bellary Magistrates, which has influenced the heads of Police to render aid to the Police of this Division as far as possible, consistently with the Regulations.

Though the disastrous effects of the new system have been in a measure thus neutralized, the robber classes have been emboldened by the greater chances of impunity to infest the border talooks. The experience of the Magistrate of Bellary corresponds with my own regarding the protection afforded by Shambogues, Gowdahs and other influential persons to bands of robbers, which encourages those from Bellary to make night raids into this Division and those residing in this Division to rob on the Bellary side, and the delay occasioned by the present system opens the door for suspected persons concealing stolen property and escaping when a warrant has been issued for their apprehension. I consider the question as respects the non-professional thieves as unimportant, but it is highly desirable to strengthen my hands towards bringing professional robbers to justice by depriving such of the benefit of Regulation of the 6th July 1854, a translation of the last Urzee received from one of my Amildars, a specimen of many similar representations is submitted for the further information of the Commissioner.

(True Copy.)

(Signed) C. PELLY,
Magistrate.

No. 43.

ORDER THEREON, No. 506; dated 20th April 1858.

1. With the above letter, the Magistrate of Bellary submits copy of a communication addressed by the Superintendent of Chittledroog to the Commissioner of Mysore, respecting the operation of Act I of 1849; and, with a view to the speedy capture and trial of British subjects charged with offences committed in the Mysore territory, suggests the propriety of empowering Heads of Police to forward at once, to the Mysore authorities, all persons apprehended on their Warrants, unless, for special reasons, they deem it proper first to consult the Magistrate, the same course being pursued by the Mysore Police when subjects of that country are concerned. He also recommends the adoption of a similar practice in respect of the assigned Districts of His Highness the Nizam.

2. The Government observe that the practice at present, in cases of this description, is to apply to the Session Judge for permission, under Act I of 1849, to deliver up the accused to the authorities at Mysore; but they fail to perceive how this has the injurious effect ascribed to it viz., the prevention of the immediate arrest of the parties entered in the Warrant issued by the Mysore Police. It may retard the final trial of the accused, but it is no hindrance to his instant apprehension or to the search of his premises. The Warrant can be executed at once, and any delay that may occur is subsequent to the arrest. To remedy this latter, a new law would have to be passed; but Government do not see the necessity for it, and decline to move in the matter,

(Signed) H. FORBES,
Acting Secretary to Govt.

Exd. F. Cartledge,

Judicial Department.

No. 506

Extract from the Minutes of Consultation

Dated 20 April 1858.

*Read the following Letter from
the Magistrate of Bellary.*

(Here enter 506 March 1858)

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Magistrate of Bellary submits
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to the Mysore authorities, all persons apprehended on their warrants, unless, for special reasons, they deem it proper first to consult the Magistrate, the same course being pursued by the Mysore Police when subjects of that country are concerned. He also recommends the adoption of a similar practice in respect of the assigned District of His Highness the Puzam.

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To remedy this, ^{rather} a new law ~~one~~ would have to be passed, but Government do not see the necessity for it, and ~~cannot~~ ^{decline to} move in the matter.

L.C. 15/4/58

Copy to Magistrate of Bellary. Dispd. 22^d

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11/1/1858
27/6/58
15/1/1858
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Vol. 1. Cons. 203 miles.
Kendall 1858 Department

No. 506

Extract Mins. Cons.

Dated 20 April 1858