M.R.O. 1—39,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. 66 Press ~~Mis.~~

14-15

Dated 13—1— ~~11~~ 1915

Not to be folded or roughly handled

Fort St. George, Judicial Consultation, 19th January 1858.

No. 14. Read the following Extract from the Proceedings of the Foujdaree Udalut, under date the 11th December 1857, No. 63 A.

Read letter dated 2nd October 1857, from the Acting Agent at Ganjam, submitting general report of the sentences proposed may be passed on the prisoners in the various cases connected with the disturbance of Purlakemedy.

Read also letter dated 4th August 1857, from the same officer, reporting the conviction of the 1st and 2nd and the acquittal of the other prisoners in No. 6 of 1857.

Read also letter dated 29th September 1857, from the same officer, reporting the conviction of the 1st and 2nd prisoners, and the acquittal of the 3rd prisoner in case No. 10 of 1857.

Read also letter dated 8th September 1857, from the same officer, reporting the acquittal of the 2nd prisoner in case No. 35 of 1857, with the opinion of the Acting Agent as regards the 1st prisoner.

Read also letter dated 15th August 1857, from the same officer, forwarding English translations in case No. 37 of 1857, with the opinion of the Acting Agent.

Sentence of the Foujdaree Udalut.—Nos. 6, 10, 35 and 37 of 1857, on the Calendar of the Acting Agent at Ganjam.

No. 6.—Prosecutor.	Prisoners.
Government.	1 Govurdana Bissoye, late Bissoye of Wujjayegudda. 2 Sookoota Carjee. 3 Gopenaath Bodocomoro. 4 Poraboda Naiko. 5 Ramachendra Beradolo, *alias* Doorlabaheradolo.

No. 10.—Prosecutor.	Prisoners.
Government.	1 Raghoomad Meyjee. 2 Sookoota Carjee. 3 Govurdana Bissoyee of Wujjayegudda.

No. 35.—Prosecutor.	Prisoners.
Government.	1 Radhacroostna Dundaseenah. 2 Raghoonatha Majee.

No. 37.—Prosecutor.	Prisoners.
Government.	Radhacroostna, Dundaseenah.

Case No. 6. .....The Court of Foujdaree Udalut, on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the prisoners, 1st, Govurdana Bessoyee, and 2nd, Sookoota Carjee, is sufficient to convict them of the crime charged, do convict them thereof and sentence the prisoner, 1st Govurdana Bessoyee, to be transported to such place or places beyond sea as the Governor in Council shall appoint, there to be imprisoned and kept to hard labor on the public roads or other public works, for and during the period of his natural life. The prisoner, 2nd, Sookoota Carjee, having been sentenced in case No. 10 on the Agent's file for 1857, no further sentence is required to be passed upon him in this case.

And being of opinion that the prisoners, 3rd, Gopenauth Bodoo, 4th, Poraboda Naikoo and 5th, Ramachendra Boradalee, are not convicted on presumptive proof, or on the evidence of credible witnesses, or on their own confession of the above crime, the Court do accordingly acquit them, and direct that they be set at liberty.

Case No. 10. The Court of Foujdaree Udalut, on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the prisoners, 1st, Raghonada Mujjee and 2nd, Sookoota Carjee, is sufficient to convict them of the crime of

down two houses in the said village

rebellion, do convict them thereof, and under the provisions of Section II, Regulation I of 1834, sentence them to suffer death by being hanged, at the usual time and place of execution, and considering that the prisoner, 3rd, Govurdana Bissoyee is not convicted in this case on presumptive evidence, or on the evidence of credible witnesses, or on his own confession of the above crime, they accordingly acquit him thereof.

Case No. 35. The Court of Foujdaree Udalut, on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the prisoner, 1st, Radhacroostna Dundasena, is sufficient to convict him of the crime of rebellion, do convict him thereof; but having been sentenced in case No. 37, no further sentence is passed in this case, and considering that the prisoner, 2nd, Raghoonatha Mujjee, is not convicted in this case on presumptive evidence, or on the evidence of credible witnesses, or on his own confession of the above crime, they accordingly acquit him thereof.

Case No. 37. The Court of Foujdaree Udalut, on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the prisoner, Radhacroostna Dundasenah is sufficient to convict him of the crime of rebellion, do convict him thereof; and under the provisions of Section II, Regulation I of 1834, sentence him to suffer death by being hanged at the usual time and place of execution.

Case No. 6. The Court of Foujdaree Udalut concur with the Acting Agent at Ganjam, in considering the 1st prisoner as the leader of an armed and rebellious band by which robbery was attempted and arson committed, and the 2nd, as having also taken an active part in the same; the other prisoners were acquitted by the Acting Agent.

The 1st prisoner also stands convicted in No. 15 of the Agent's Calendar of inciting and stirring up rebellion. The Court agree with the Agent in sentencing him to "transportation for life," on the ground that no deed of actual bloodshed is proved against him.

The 2nd prisoner "Sookoota Carjee" has been convicted of 'rebellion' in case No. 10 of the Agent's Calendar, where a sentence has been passed, in which the punishment due on the present conviction, as well as on those in Nos. 7 and 8, for robbery and rebellion, have merged.

No. 10. The Court also concur with the Agent in convicting the 1st and 2nd prisoners of having taken a leading and active part in the overt act of rebellion with which they are charged, and in acquitting the 3rd, who however has been sentenced to transportation for life in No. 6.

The 1st prisoner Raghoonada Majee, is described by the Acting Agent "as the father-in-law of Dundasena, the principal rebel," and himself one of the most active "leaders in the rebellion." In the present case he stands convicted of a most audacious and persistent attack upon the forces and servants of the State at Goomah, and the Acting Agent proposes that sentence of death be passed upon him; in which the Court concur for the reasons, and on the principles stated in their remarks on the case of his son-in-law 'Dundasena,' recorded upon case No. 37. The 2nd prisoner is also convicted in No. 6, of rebellion, and in Nos. 7 and 8, of robbery and rebellion respectively. The Acting Agent proposes that he should be sentenced for these crimes, to suffer death, and the Court concur in that opinion, seeing no grounds on which any mitigation can be proposed.

No. 35. The Court of Foujdaree Udalut agree with the Acting Agent in convicting the 1st prisoner of the act of open violence and rebellion with which he stands charged, and in prosecution of which the servants of the Government were fired upon and wounded, and in one instance, killed, and they have accordingly sentenced him to death, upon his conviction in No. 37, taken in connection with this case.

The 2nd prisoner was acquitted by the Acting Agent, but is sentenced to death in No. 10.

No. 37. The Court concur with the Acting Agent in considering the prisoner fully convicted in this case, of having been the leader of an armed force in open rebellion against the Government, as also in No. 35 of 1857, of the particular act of rebellion therein charged against him, in the prosecution of which, one of the Government servants was murdered, and several wounded.

In case No. 39 of 1857, he was also indicted for another specific act of rebellion, during which he was said to have directed, and sanctioned by his presence, a most cruel and deliberate murder. He was indeed acquitted, but the Acting Agent has nevertheless laid before the Court a translation of the record, and has referred to the impression thereby made on his mind, while discussing in his general report, the punishment which he considers should be inflicted on this prisoner and

others. "He thinks that the prisoner was the instigator of the old Dora's death," but "that the evidence could not be relied on." After careful consideration, the Court of Foujdaree Udalut cannot concur in this acquittal upon which the Agent founds his recommendation for the extension of mercy to this notorious chief rebel. But setting this case out of view, still, for open and continued rebellion against the Government; for directing, if not personally making, murderous attacks upon its servants, of which he has been convicted in this case and in No. 36, he has justly incurred the penalty of death, and the Court do not see on what grounds they can say that mitigation is either "*just or neccssary,*" in which case *only* the law directs them to recommend it. The Court have therefore sentenced him to suffer death under Section II, Act I of 1834.

If however the Government see fit to commute it to transportation for life, as proposed by the Acting Agent, the prisoner and his adherents should be made to understand, that he owes his life to the mercy of the Government which he has offended, and not to any idea entertained by a *Court of Justice,* that he does not *merit* death.

The Court of Foujdaree Udalut direct that their sentences in trials Nos. 6, 10, 35 and 37 from the Acting Agent at Ganjam, together with the whole of the proceedings held in these cases, be transmitted to the Chief Secretary to Government, for the purpose of being laid before the Right Honorable the Governor in Council, to the intent that the Court may, in conformity with the provisions of Section V, Act V of 1841, receive the orders of Government before they direct their sentence to be carried into execution.

(True Extract.)

(Signed) C. F. CHAMIER,
Acting Register.

To the Chief Secretary to Government.

No. 15. ORDER THEREON, No. 66; dated 13th January 1858.

The Foujdaree Udalut under Section V, Act No. V of 1841, transmit for the orders of Government their sentences in cases Nos. 6, 10, 35 and 37 of 1857, on the Calendar of the *Ganjam* Agency, wherein the prisoners were charged with having committed divers heinous offences in prosecution of the late treasonable and rebellious insurrection in *Purla Kimedy.*

Case No. 6.

* 1 Goourdhun, the Bissoye of Wuggaycgadda. [N. B. This man is a father-in-law of the Dundasenah.]
2 Sookrit Karjee.
3 Goosnath Bodocomoro.
4 Porsabada Naick
5 Ramchund, (alias Doorlabah) Beradoley.

Here there are *five prisoners. The specific offences charged are "Arson and attempt at Gang Robbery." The indictment runs that these men, accompanied by several hundred others, (some of whom have been apprehended and sentenced in case No. 10 of 1857) and armed with firelocks and other lethal weapons, made an attack on the village of *Korrasundah* on the 6th May 1856, with a view to plunder it, and did actually burn down two houses in the said village.

Sentence of Foujdaree Udalut.

The 1st prisoner, who is shown to have been the leader of the gang; transportation for life (with hard labour on the public roads or other public works) to such place beyond seas as Government shall appoint. 2nd prisoner is not sentenced here, being sentenced in case No. 10. 3rd, 4th and 5th prisoners acquitted.

Case No. 10.

†1 Ragnath Mujgee.
2 Sookrit Karjee (being the 2nd prisoner in case, No. 6).
3 Goourdhun Bissoye (being the 1st prisoner in case No 6).

In this case there are three prisoners.† They are charged with Treason and Rebellion, in having on the 4th May 1856, openly attacked the Government Sibbundies and Peons with force of arms, and having attempted to capture and plunder the Fort of *Goomah* in the *Talook* of *Purla Kimedy* then held for the *Sirkar.*

Sentence of Foujdaree Udalut.

1st and 2nd prisoners convicted, and sentenced to suffer death by being hanged by the neck at the usual time and place of execution, under the provisions of Section II, Regulation I of 1834. The 3rd prisoner, acquitted.

down two houses in the said village

Case No. 35.

*1 Radhakishen, the Dundaseenah.
2 Raghontah Mujcee (a father-in-law of the 1st prisoner.)

Here the prisoners are two. They were arraigned on a charge "of Rebellion with Murder," the first in having fired upon the Head of Police and his attendants at *Gyhah Ghaut* on the 27th March 1856, at the head of "a gang armed with matchlocks, bows and arrows and other weapons;" the second, in that one of the Police Peons, *Ramchund* by name, being wounded in his throat by an arrow shot by one of the rebel force, did live until the evening of the same day, when he expired.

Sentence of Foujdaree Udalut.

Acquit the 2nd prisoner. Convict the 1st, but pass no sentence, he being sentenced in the case following.

Case No. 37.

The only prisoner in this case is the *Dundaseenah* himself. He is charged with Rebellion in having been at the head of a numerous armed band of *Orias* and *Sourahs* in open arms against the Government on the 28th September 1856 at *Wullada*, on which occasion he was called upon but refused to surrender himself to the Head of Police of *Purla Kimedy*.

Sentence of Foujdaree Udalut.

Death under Section II of Regulation I of 1834.

2. Having reported the foregoing sentences, the Foujdaree Udalut lay before the Government a translation of the record in another case No. 39 of 1857. In that case the *Dundaseenah* and the chief of *Wallada* were charged with having cruelly and openly tortured to death one *Bansoo Dora* and his son, because the latter had continued faithful in their allegiance to the State.

The Foujdaree Udalut are unable to concur in the verdict of acquittal pronounced by the Acting Agent; but setting that case out of view, they decline to support the recommendation submitted by *Mr. Knox* for mercy, there being no grounds on which a mitigation of the extreme penalty of the law incurred by this notorious rebel leader can be considered "just or necessary."

3. The Governor in Council has given his consideration to the records of these trials and entirely concurs in the propriety of the sentences* the Foujdaree Udalut have passed. He resolves therefore under Section V of Act No. V of 1841, to desire that the same be carried into effect, without delay.

* For capital punishment.
1 Radha Kishna the Dundaseenah.
2 Ragnath Mujcee.
3 Sookul Karjee.

4. The 1st prisoner in case No. 6, will be transported beyond seas. The Right Honorable the Governor in Council defer naming the place to which he is to be sent, as the Supreme Government, under date the 1st December 1857, have ordered that no prisoners sentenced to transportation for rebellion be sent beyond seas for the present. The prisoner will therefore be forwarded to Chingleput, there to remain until further orders.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

Judicial Sept
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Memo

Read Ex. Progs. Forg. Lt. } dated 11th Decr/57
No 63 A.

The F. G. under Sect V. Act No V of 1841, transmit for the orders of Govt their sentences in Cases Nos 6, 10, 35, and 37 of 1857 on the Calendar of the Ganjam Agency, wherein the Prisoners were charged with having committed divers heinous offences in prosecution of the late treasonable & rebellious insurrection in Purla Kimedy.

Case No 6 - Here there are five Prisoners - The specific offences charged are "Arson and Attempt at Gang "Robbery." The indictment sets that they men, accompanied by several hundred others, (some of whom have been apprehended & sentenced in Case No 10 of 1857) and armed with firelocks & other lethal weapons, made an attack on the village of Komarsundah on the 6th May/56 with a view to plunder it, and did actually succeed in burning down two houses in the said village -

1. Govindhun. the Bissoye of Wissayeguda (N.B. This man is of the Caste of the Dundaseenah)
2. Sookrit Karjee
3. Gopinath Bodocomoo
4. Porsatoda Naick
5. Ramchund (alias Doorlaba) Beradoloy.

Sentence of F.C. The 1st Prisoner, who is shown to have been the leader of the Gang; transportation for life (with hard labor on the public roads or other public works) to such place beyond seas as Govt shall appoint.

2d Prisoner is not sentenced here being sentenced in Case No 10.

3d, 4th & 5th Prisoners, acquitted

Case No 10. In this case three Prisoners are charged with Treason & Rebellion, in having on the 4th July 1856, openly attacked the Govt Tehsildar's & Peons with force of arms, & having attempted to capture & plunder the Fort of Goomah in the Talook of Purlakimedy, then held for the Govt

Sentence of F.C. 1st and 2nd Prisoners convicted, and sentenced to suffer death by being hanged by the neck at the usual time & place of execution, under the provisions of Sect II - Reg I of 1834.

The 3d Prisoner - acquitted.

Case No 35. Here the Prisoners are two. They were charged on the charge of Rebellion with Murder: the first, in having fired upon the Head of Police & his attendants at Gyhah Ghaut on the 27th March 56, at the head of "a gang armed with matchlocks, bows & arrows & other weapons"; the second, in that one of the Police peons, Ramchund by name, being wounded in his throat by an arrow shot by one of the rebel force, did live until the evening of the same day, when he died of [illegible]

Sentence of F.C. Acquit the 2d Prisoner. Convict the 1st but pass no sentence, he being sentenced in the case following.

Case No 37. The only Prisoner in this case is the Dundasseenah himself. He is charged with Rebellion in having been at the head of a numerous armed band of Oriah & Sowrahs in open arms against the Govt on the 20th Sept 56. at Willada, on which occasion he was called upon but refused to surrender himself to the Head of Police of Purlakimedy.

x
1. Ragnath Mussee
2. Sorkrit Karjee (being the 2d Pris[r] in Case No 6)
3. Govindhun Bissoye (being the 1st Pris[r] in Case No 6)

x
1. Radhakishen, the Dundasseenah
2. Raghonath Mussee (after-wards in Case of the 1st Pris[r])

Judicial Department

No. 66

Extract from the Minutes of Consultation
Dated 13th January 1858.

Read the following
Extract from the Proceedings
of the Sangdarree Udalut

(Received 11th Dec. 57
No. 63A)

The Sangdarree
Udalut under section V. Act
No. V. of 1841, transmit
for the orders of Government
their sentences in cases Nos.
6, 10, 35 and 37 of 1857 on the
Calendar of the Banjaun
Agency, wherein the Prison-
ers were charged with having
committed diverse heinous of-
fences in prosecution of the
late treasonable and rebellious
insurrection in Purlia Khirsdy

Here there are five Pri-
soners - The specific offences
charged are "Arson and Att-
empt at Gang Robbery".
The indictment runs that
these men, accompanied
by

Case No. 6.—

1. Gowdhun — the Bissoye of Wuzzeergudda [No. 3. this man is a father-in-law of the Dundasahak.]
2. Nackud Nagee
3. Gopinath Bodoomars
4. Poresadar Naick.
5. Ramchund alias Boorlahak Beradolay.

Sentence of F. C. death under Sect. II Reg. XI of 1834.

2. Having reported the foregoing Proceedings, the F. C. say before the Court a translation of the record in another case No 39 of 1857 - In that case the Defendant & the chief of Willada were charged with having cruelly & openly put to torture to death one Bandoo Dora and his son, because the latter had continued faithful in their allegiance to the State.

The F. C. are unable to concur in the verdict of acquittal pronounced by the Assessors; but refering that case out of view, they decline to support the recommendation entrusted by the Assessors for mercy, there being no grounds on which a mitigation of the extreme penalty of the law inflicted by this notorious rebel Leader can be considered justice necessary

I concur with the opinion given by the S. J. in this case.

I am of opinion that the sentence for causing the sudden death of Bandasahak & Kajilla should be widely different. In the latter case the Assessors took a merciful view of the case, but the effect would have been worse than useless, if not positively mischievous.

Jules Cazenove
Jo[illegible] allows the Assessors to take it cursorily. In a case of deliberate cruelties exercised by the man call for the extreme punishment of the law allows, and to the people among us, the terrible effects of death is a more striking & intelligible punishment than that of simple removal from society.

I would therefore put the sentence aside & pass sentence of death on the Prisoner.

D. F. C. 24/12/57.

I agree in the Deputy Judge's view of the case & would therefore set aside the verdict of the Assessors & pass sentence of death on the Prisoner.

C. 24 Dec
R 7 Jany
C 11 —

by several hundred others, (some of whom have been ap-prehended and sentenced in case No. 10 of 1857) and armed with firelocks and other lethal weapons, made an attack on the village of Horrasundah on the 6th May 1856, with a view to plunder it, and did actually ~~succeed in burning~~ down two houses in the said village.

Sentence of Fr. Ct.— The 1st Prisoner, who is shown to have been the leader of the Gang; transportation for life (with hard labour on the public roads or other public works) to such place beyond seas as Government shall appoint.— 2nd Prisoner is not sentenced here, being sentenced in case No. 10.— 3rd, 4th and 5th Prisoners acquitted.—

Case No. 10.

1 Ragnath Mujjee
2 Sookit Harjee (being the 2nd Prisoner in case No. 6)
3 Govardhun Bissoye (being the 1st Prisoner in case No. 6)

In this case there are three Prisoners.— They are charged with Treason and Rebellion, in having on the 4th May 1856, openly attacked the Government Sibbundies and Peons with force of arms, and having attempted to capture and plunder the Fort of Cowrah in the Talook of Purla Hi-medy then held for the Sir-kar.—

Sentence of Fr. Ct.— 1st and 2nd Prisoners convicted, and sentenced to suffer death by being hanged by the neck at the usual time and place of execution, under the provisions of Sec-tion II Regulation I of 1834.— 3rd Prisoner acquitted.

Case No. 35.

1 Radha Kishen, the Dundascenah
2 Raghoonath Mujjee (as-sister in case of the 1st Prisoner)

Here the Prisoners are two.— They were arraign-ed on a charge of Rebellion with Murder — the first, in having fired upon the Head of Police and his attendants at Gyhah Ghaut on the 27th March 1856, at the head of a Gang armed with match-locks, bows and arrows and other weapons; the second, in that one of the Police persons, Ramchund by name, being wounded in his throat by an arrow shot by one of the rebel force, did live until the evening of the same

same day, when he expired.—

Sentences of P. C.— Acquit the 2nd Prisoner. Convict the 1st, but pass no sentence, he being sentenced in the case following.—

Case No. 37.— The only Prisoner in this case is the Dundaseenah himself. He is charged with Rebellion in having been at the Head of a numerous armed band of Coiar and Lascarlas in open arms against the Government on the 28th September 56 at Wullada, on which occasion he was called upon but refused to surrender himself to the Head of Police of Purla Kiuady.—

Sentence of P. C.— Death under Section II of Regulation I of 1834.—

2.— Having reported the foregoing sentences, the Foujdaree Udalut lay before the Government a translation of the record in another case No. 39 of 57— in that case the Dundaseenah and the

the Chief of Wullada were charged with having cruelly and openly tortured to death one Bamoo Dora and his son, because the latter had continued faithful in their allegiance to the State.—

The Foujdaree Udalut are unable to concur in the verdict of acquittal pronounced by the Acting Agent, but setting Mcalcase out of view, they decline to support the recommendation submitted by Mr. Prince for mercy, there being no grounds on which a mitigation of the extreme penalty of the law incurred by this notorious rebel leader can be considered "just or necessary."—

3.— The Governor in Council has given his consideration to the records of these trials and entirely concurs in the propriety of the sentences the Foujdaree Udalut have passed.— He resolves therefore under Section V. of Act No. V of 1841 to

For capital punishment
1 Radha Krishna the Dundaseenah
2 Raghath Singjee
3 Sookul Kanjee.

to desire that the same be carried into effect, without delay.—

4th— The 1st Prisoner in case he will be transported beyond Seas ~~to the Straits Settlements~~

R. H. K. Vil D.J.G. 9-1-58

dispensing with the attendance of the Prisoner for the purpose of receiving sentence which has this day been passed upon him by the Supreme Court under date the 1st Dec. 1857, has ordered that no prisoners sentenced to transportation for Rebellion be sent beyond seas for the present— The Prisoner will therefore be confined in Chelmsford Gaol & there remain until further orders

JJ

To the J. Aldabut— with 28 Prisoners Dispd. 19th

H. C. Ball
Lieut.

Lieut. D. J. to Convey to Chelmsford Gaol 95 Prisoners per 9 o'clock Train

Chelmsford 9th Jan. 1858

Sir,

I have the honor to inform the Minister of Commutation that 78 Prisoners have been sent to Chelmsford Gaol from the Presidency since the 1st Jan. 1858.

I have the honor to be
Sir
Your most obedient
Humble Servant
H. C. Ball
Lieut. D. J.

To
The Secretary to Government
Military Department
Fort St. George

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Similar Ltr. No. 757 dated 9th Jan. 1858 to the Secretary to Government Military Department Fort St. George

C. H. Jany.