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Government of Madras.

Judicial DEPARTMENT.

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No. 18. Read the following case of Gang Robbery.

Commissioner No. 18 of 1857—Tripatore Talook.

Gang Robbery.

Prosecutors.

1 Cooppun, prove that the articles Nos. 1 to 7 belong to him.
2 Coolly, saw 1st Prisoner in the Robbery.
3 Cooppun, saw 4th Prisoner in the Robbery.
4 Paucha, saw 2nd and 4th do.

Prisoners.

1 Ramon.
2 Chinnandy.
3 Chinnan.
4 Peryan.

Witnesses.

1 Nunjuppon, Peon.
2 Ramasawmy Counden, Moonsiff. } depose that they were present when the search was made in the Prisoners' houses.

1st Prisoner's witness Colundy. 1, Taudon. 2 } to prove that Nos. 2 and 5 belong to him.

2nd Prisoner's witness Cootty. 3, Sadyandy. 4 } Nos. 3, 4, 6, to 12 do.

3rd Prisoner's witness Velly. 5, Andy 6 } Nos. 1, do.

4th Prisoner's witness Velly. 7, Ramon. 8 }

1st Prosecutor's	1 Firelock,	found on 3rd prisoner.	
	2 Tobacoo,	found in the house of the 1st and 2nd prisoners.	
	3 Doll, 4 Sawmy grain,	do.	2nd prisoner
	5 Cloth,	do.	1st prisoner
3rd Prosecutor's	6 Jagherry, 7 White roomal, 8 Cloth,	do.	2nd prisoner
4th Prosecutor's	9 Roomal, 10 Cloth, 11 Purse, 12 Rice,		

Commissioner's case—No. 18 of 1857.
Charge, Gang Robbery.
Property stolen, 206-12-0
Do. found, 10-11-1

1*st prosecutor, Coopun.*—Deposes to robbers having attacked him, his wife, and 3rd and 4th prosecutors, while asleep in his shed, some 3 months ago; he ran away, and on his return the next morning, found that his wife had been severely burnt on her thighs, &c., does not recognize the robbers, and did not know the prisoners before, is unable to identify the property said to be his 1 to 7, articles, such like was taken that night.

Before the Police he identified 1 to 7 as his, 8 as belonging to 3rd prosecutor, 9 to 12 to 4th prosecutor.

2nd prosecutor, Coolee.—Concubine of 1st prosecutor, describes the robbery and says she is only just able to walk, in consequence of the wounds from burning. Cannot here identify any of the robbers, cannot speak to the property. Before the Police she identified 1st prisoner.

3rd prosecutor, Coopen.—1st prosecutor's servant, deposes to the robbery that he lost a firelock, does not know the robbers, cannot speak to the property. Before the Police identified 4th prisoner.

4th prosecutor, Patcha Saib.—Went to 1st prosecutor's village to buy ghee, slept in his house which was attacked by robbers, who took all his money, 45 Rupees, and his handker-

chief, did not identify the robbers, articles 9, 10, 11 look like his, but is unable to speak confidently. Before Police he identified 4th prisoner.

1st witness, Police peon.—Was sent by Tahsildar with warrant to apprehend 1st, 2nd and 4th prisoners and some others, did so, and one Chittandy, searched their houses, articles 2 and 5 found in 1st prisoner's house, 3, 4, 6 to 12 in 2nd prisoner's. Chittandy who was afterwards released by Tahsildar, said that these things belonged to the prosecutor, also that 3rd prisoner had firelock, upon whom the firelock now produced was found. Prosecutor was not present then.

2nd witness, Village Moonsiff.—3 or 4 days after the robbery, the prosecutor reported it to me, alleging for the delay the illness of his wife from the burns. 1st prosecutor did not name any, but the 2nd prosecutrix said she suspected one Chechalee (since released), Peryan, the 4th prisoner and Raman, 1st prisoner, reported accordingly so to Tahsildar, and apprehended 4th prisoner, and Chechalee; supports the 1st witness' statement as to the discovery of the property.

1st, 2nd and 3rd prisoners deny, and cited witnesses to prove their ownership to the property found upon them. 4th prisoner pleaded alibi. Case dismissed.

(Signed) J. W. CHERRY,
Commissioner.

Salem, December 18, 1857.

Sentence.—The delay in this case was owing to the second prosecutrix having been laid up from the injuries she received by burning, &c., at the hands of the robbers.

With the exception of the 4th prosecutor, a Musselman, all the parties are Malyalees. They retracted all that they said before the Police, as to the identification of the prisoners and property, consequently there is no evidence before this Court against them, and they are accordingly released unconditionally.

(Signed) J. W. CHERRY,
Commissioner.

Salem, December 18, 1857.

Salem Talook.

Gang Robbery.

Commissioner No. 23 of 1857.

Prosecutor.

Aundy Counden, depose that Nos. 1 and 2 belong to him.

Prisoners.

1 Maury.
2 Poolyen.
3 Cootty alias Tillypundarum.
4 Palany pundarum.
5 Chottyen.
6 Tandaroyen.
7 Vythee.
8 Maury, son of Coopen.
9 Moottaun.

1st, 3rd and 9th Prisoners confessed the crime, others deny.

Witnesses.

1 Chinna Counden.
2 Carooma Counden. } Nos. 1 and 2 belong to the Prosecutor.

3 Vencatachellum.
4 Annamalay. } Nos. 1 and 2 found from the well on the information of the prisoners except 2nd and 6th prisoners.

5 Chennarayen, toty, sick. } Deposes that 1st prisoner told him that he went to robbery.

6 Causim Kawn, Peon.
7 Chaupoomeah, do. } Attesting witnesses in the Prisoners' confession.

7th prisoners' witness.

1 Chinnan.
2 Chinnan. } for alibi.

No. 1 Cumbly.
„ 2 Bill-hook. } found from a well upon the information of the 1st, 3rd, 4th, 5th, 7th, 8th and 9th Prisoners.

Commissioner case No. 23.
Charge, Gang Robbery.
Property stolen, 2-10.
Do. found, 0-14.

Prosecutor, Aundy Gounden.—Lives at Keelor on Jaruga Mally Hills, deposed to having been attacked in his shed in the field by a gang of robbers, who took away his cumbly, bill-hook, ear-ring, &c., they afterwards took me to the village, tied me up and looted the houses. I can't identify the prisoners, but swear to my cumbly and bill-hook.

1st and 2nd witnesses unhesitatingly swore to the cumbly and bill-hook being the prosecutor's property.

3rd witness upon being sent for by the Cushoon, the 1st prisoner in his presence brought up from a well the articles before the Court. Signed the Mozur which is correct.

4th witness owned to having attested the Mozur, but merely from hear-say and not from a knowledge of what is there represented, knows the prisoners, they live in his village and bear good characters.

5th witness absent, ill.

6th and 7th witness swear to the confessions of the 1st, 2nd, 3rd and 9th prisoners before the Salem Tahsildar, and signed the same.

The prisoners deny the charge. 7th prisoner only cited 2 witnesses for alibi, who failed to support the plea.

The Mozur is put in and shews that all the prisoners except 2nd and 6th confessed to the Carcoon that there was stolen property in this and other cases, in the well of Velalacounden village, and that 1st prisoner produced it.

The Tahsildar of Salem swore to the confessions of the 1st, 2nd, 3rd and 9th prisoners, that they gave them without compulsion, that excepting the 6th, the prisoners confessed in the other cases also, that it was upon the information of the 9th prisoner who was apprehended near the shed of the prosecutor in Commissioner's 31, that these and other parties not caught yet, were criminated, and thereupon the confessions were made by them as now shewn to, and sworn to by him, the head of Police.

3—12—57.

(Signed) J. W. C.

Salem Talook—Gang Robbery.
Commissioner case No. 24 of 1857.

Prosecutor.

Chinna Counden, No. 1 to 6 belong to him.

Prisoners.

1 Maury.
2 Poolyen.
3 Cootty *alias* Tilly Pundarum.
4 Palany Pundarum.
5 Chottyen.
6 Tandaroyen.
7 Vythee.
8 Moottaun.

Witnesses.

1 Tumby Counden.
2 Aundy Counden. } Depose that No. 1 to 6 belong to prosecutor.

3 Vencatachellum.
4 Annamalay. } State that Nos. 3 to 6 found in a well upon the information given by the prisoners except 2nd & 6th.

5 Vellya Counden. States that Nos. 1 and 2 found with other things near his field.

6 Causim Khawn, Peon.
7 Chaupoomeah do. } Attesting witnesses in the 1st, 2nd, 3rd and 9th prisoners' Police confession.

No. 1 three pair of earrings,
„ 2 one do. } Found near the 5th witness' field.

„ 3 cumbly,
„ 4 firing stone.
„ 5 bill-hook.
„ 6 taking thorn. } Found in a well upon the information given by the prisoners except 2nd and 6th.

Act XI of Regn VII of 1827 having been enacted

Commissioner case No. 24
Charge,—Gang Robbery.
Property taken, 80-5-7
do. found, 5-8-7

Prosecutor, Chinna Counden.—Deposed to having been attacked by 3 men, not known, who took away my ear-rings, cloths, cumblies, &c., swears to the property found 1 to 6.

1st and 2nd witnesses prove that the articles belong to prosecutor.

3rd witness proves that the articles 3 to 6 were taken out of the well by the 1st prisoner, but cannot depose particularly, the ear-rings were not found in the bundle.

4th do.— do. do. do.

5th do.—Proves that he found a bundle in his field, containing articles 1 and 2, and other things, cloths, &c., produced the same before the Carcoon.

6th and 7th do. prove the confessions of the 1st, 2nd, 3rd and 9th prisoners.

Prisoners deny the charge, and repudiate their confessions.

7th prisoner refused to examine his witnesses.

5th prisoner's 2 witnesses speak to his good character and 3rd knows nothing.

3rd December 1857. (Signed) J. W. CHERRY,
Commissioner.

Salem Talook—Gang Robbery.

Commissioner No. 25 of 1857.

Prosecutor.

Tumby Counden, No. 1 belongs to him.

Prisoners.

1 Maury.
2 Poolyen.
3 Cootty *alias* Tilly Pundarum.
4 Palany Pundarum.
5 Chottyen.
6 Tandaroyen.
7 Vythee.
8 Maury, son of Coopen.
9 Moottaun.

Witnesses

1 Carooma Counden. } No. 1 belongs to the prosecutor.
2 Chinna Counden. }
3 Vellya Counden. No. 1 found near my field.
4 Causim Kawn, peon. } As witness in the 1st, 2nd, 3rd and 9th prisoners'
5 Caupoomeah, do. } Police confession.

No. 1 sheet cloth.

Commissioner case, No. 25.
Charge, Gang Robbery.
Property taken, 1-6-10
Found, 1-1-0

Prosecutor, Tumby Counden.—Deposes to having been robbed, and identifies No. 1 as his property that was taken.

1st witness, proves the article to be the prosecutor's.

2nd witness, not required, proves do.

3rd witness dispensed with as his evidence merely goes to the finding of a bundle with which the prisoners are not connected, 4th and 5th witnesses prove the Police confessions of 1st, 2nd, 3rd and 9th prisoners.

Prisoners deny the charge, and can produce no witnesses.

3rd December 1857. (Signed) J. W. CHERRY,
Commissioner.

Salem Talook—Gang Robbery.

Commissioner, No. 26 of 1857.

Prosecutor.

Carooma Counden, states that No. 1 to 24 belong to him.

Prisoners.

1 Maury.
2 Poolyen.
3 Cootty *alias* Telly Pundarum.
4 Palany Pundarum.
5 Chottyen.
6 Tandaroyen.
7 Vythee.
8 Maury, son of Coopen.
9 Moottaun.

Witnesses.

1 Aundy Counden. } Properties belong to prosecutors.
2 Chinna Counden. }
3 Vencatachellum. } No. 1 found under a tamarind tree.
4 Annamalay. } No. 2 produced by the 4th prisoner.
} Nos. 4 to 24 found from a well upon the information given by the prisoners except 2 and 6.
5 Vellya Counden. No. 3 found near his field.
6 Causim Kawn, peon. } A witness in the 1st, 2nd, 3rd, 4th and 9th prisoners'
7 Chaupoomeah, do. } Police confession.

No. 1 brazen plate, found under a tree.
„ 2 tauly, produced by the 4th prisoner.
„ 3 brass beads, 5th witness produced.
„ 4 to 24 found in the well upon the information given by the prisoners except 2 and 6.

Commissioner case, No. 26.
Charge—Gang Robbery.
Property stolen, 22-4-0
do. found, 7-1-4

Prosecutor, Kurma Counden, deposed that in his absence, his house was robbed, and that the property before the Court is all his. 3 days after he reported it to the Moonsiff, his things were shewn to him.

1st witness proves the prosecutor's ownership of the articles.

2nd witness to the same effect.

3rd witness proves the finding of articles 4 to 24 in the well. No. 1 found under a tamarind tree, does not know where 2 and 3 were found.

4th witness do. do. proves No. 2, produced by 4th prisoner before the Carkoon.

5th witness proved No. 3 being found near his field.

6th and 7th witnesses proved, 1st, 2nd, 3rd, 4th, and 9th Police confessions.

Prisoners deny the charge and their confessions.

(Signed) J. W. CHERRY,
Commissioner.

3—12—57.

Sent vide Sir H. Ref. Dr. VI of 1827 laying the enact-ment quoted.

Salem Talook—Gang Robbery.
Commissioner, No. 27 of 1857.

Prosecutors.

1 Rama Counden, properties belong to him.
2 Ramasawmy, do.

Prisoners.

1 Maury.
2 Poolyen.
3 Cootty *alias* Telly Pundarum.
4 Palany Pundarum.
5 Chottyen.
6 Tandaroyen.
7 Vythee.
8 Maury, son of Coopen.
9 Moottaun.

Witnesses.

1 Rackya Counden, 2 Vynyatta Counden. } Property belong to the prosecutors.

3 Vencatachellum, 4 Annamalay. } No. 1 found under a tree and No. 10 produced by the 4th prisoner.

5 Vellya Counden states that Nos. 2 to 9 found near his field.

6 Causim Cawn, peon, 7 Chaupoomeah, do. } A Witness in the 2nd, 4th and 9th prisoners' Police confession.

No. 1 Sheet cloth found under a tamarind tree.
„ 2 purse.
„ 3 chunam box.
„ 4 firing stone.
„ 5 palmira shell.
„ 6 needle.
„ 7 do
„ 8
„ 9 cloth.
} found by the 5th witness and produced by him.
„ 10 ear-ring, 4th prisoner produced.

Commissioner case, No. 27.
Gang Robbery.
Property stolen, 2-13
do. found, 2-13

1*st prosecutor, Rama Counden,* deposed to the attack of the robbers, identifies 1st, 3rd and 8th prisoners, did not do so before Police for fear he should be again attacked, did not know the prisoners before, it was moon-light, swears to the property.

2nd prosecutor proves the articles as belonging to the 1st prosecutor, he is his son, does not identify the robbers. No. 10 ear-ring was taken from his ear.

1st witness proves the articles and to No. 10 having been worn by 2nd prosecutor.

2nd do. do. do. do.

3rd do. proves to No. 1 being found under a tamarind tree in his village, 4th prisoner gave to Carcoon No. 10.

4th witness to the same effect.

5th do. found 2 to 9 near his field.

6th and 7th witnesses attested 2nd, 4th, 9th prisoners' Police confessions. Prisoners deny the charge and Police confessions.

4th prisoner says 2nd prisoner gave him the ear-ring for a debt of one Rupee.

(Signed) J. W. CHERRY,
Commissioner.

3—12—57.

Salem Talook.—Gang Robbery.
Commissioner case, No. 28 of 1857.

Prosecutors.

1 Venyathan, Nos. 1, 2, 3 belong to him, No. 9 his servant's own.
2 Maury Counden, No. 4, do.
3 Tavasy *alias* Moossoo, No. 5 to 8, do.

Prisoners.

1 Maury.
2 Poolyen.
3 Cootty *alias* Tilly Pundarum.
4 Palany Pundarum.
5 Chottyen.
6 Tandaroyen.
7 Vythee.
8 Maury.
9 Moottaun.

Witnesses.

1 Rama Counden, 2 Ramasawmy. } Property belong to the prosecutors.

3 Vencatachellum, 4 Annamalay. } Depose that Nos. 1, 4, 5 produced by the 4th prisoner, and No. 2 produced by the 1st prisoner.

5 Coondy Malyen. Deposes that Nos. 3 and 9 found upon the 9th prisoner, when he was apprehended.

6 Vellya Counden. States that Nos. 6, 7, 8 found near his field.

7 Causim Peon, 8 Chaupoomeah do. } A witness in the 1st, 2d, 4th and 9th prisoners' Police confessions.

No. 1 ear-ring, produced by the 4th prisoner.
2 do. do. 1st prisoner.
3 cloth, do. 9th prisoner.
4 earring, 5 do. } do. 4th prisoner.
6 firing stone, 7 long purse, 8 palmira box, } do. 6th witness.
9 cloth, do. 9th prisoner.

Commissioner case, No. 28.
Charge—Gang Robbery.
Property stolen, 8-11-3
Do. found, 5-11-3

1*st Prosecutor, Venayatan.*—Deposed to himself and 2nd and 3rd prosecutors having been attacked and robbed of his earrings, cloths &c., did not identify any of the robbers, owns 1, 2, 3, and proves 4 to belong to 2nd prosecutor, 5 to 8 to 3rd prosecutor, 9 to his servant Mootoo.

2nd Prosecutor, Maury Counden.—Identifies No. 4 as his own and supports the previous statement.

3rd Prosecutor, Taveshey.—Identifies No. 5, proves 1, 2, 3, as 1st prosecutor's, can't speak to the other things.

1*st witness, Rama Counden.*—Proves 1, 2, 3 belong to 1st prosecutor, 4 to 2d prosecutor, 5 to 8 to 3rd prosecutor. No. 9, to one Moottoo, swears to having seen the parties wearing these articles.

2nd witness absent.

3rd do. deposes to having seen the 4th prisoner's wife bring three pair of ear-rings to the 4th prisoner who again produced the same to the Carcoon.

4th witness. do. do. do.

went under Sec. 5 of Regn. VI of 1827 being the case
-ment recorded.

5th witness proves that one Allayan apprehended the 9th prisoner and that cloths 3 and 9 were found near Allayan's shed, but did not state as represented in Police deposition they were found upon 9th prisoner.

6th witness pursued after the robbers, caught 9th prisoner, found 3 cloths upon him; can't say that these were the cloths, they were like those picked up Nos. 6, 7 8, the next morning on the road.

7th and 8th witnesses confirm the confessions of the 1st, 2nd, 4th, 9th prisoners.

The prisoners deny the charge and are unable to prove that the property produced by them is their own.

9th December 1857. (Signed) J. W. C.

Note.—No. 2 prisoner ill. Session work prevented the continuation of the enquiry into these cases.

Salem Talook—Gang Robbery.

Commissioner No. 29 of 1857.

Prosecutors.

1 Cauly Counden, Property Nos. 1 & 2 belong to him.

2 Cauly Counden, do. No. 3 do.

Prisoners.

1 Maury.	6 Tandaroyen.
2 Poolyen.	7 Vythee.
3 Cootty *alias* Telly Pundarum.	8 Maury, son of Coopen.
4 Palany Pundarum.	9 Moottaun.
5 Chottyen.	

Witnesses.

1 Ruckya Counden. 2 Venyatha Counden.	} Nos. 1, 2 belong to the prosecutors.
3 Annamalay.	No. 3 found upon the 9th prisoner, No. 1 on the road.
4 Coondymalyen. 5 Vellya Counden.	} Apprehended 9th prisoner and No. 3 found upon him.
6 Vencatachellum. 7 Annamalay.	} No. 2 found in the well upon the information given by the prosecutor except 2 and 6.
8 Causim Kawn, Peon. 9 Chaupoomeah, do.	} A witness in the 9th prisoner's deposition.

No. 1 Iron plough-share found upon the tracks.

2 bill-hook found in the well.

3 Cloth found upon the 9th prisoner.

Commissioner case, No. 29.

Charge—Gang Robbery.

Property stolen, 3-1-8

Do. found, 1-6-0

Prosecutor, Caly Counden, deposes to the robbery; did not see the men, proves his ownership to 1, 2, 3.

2nd prosecutor, Caly Counden, Son-in-law of the 1st prosecutor, deposes to the same effect; 1 and 2 belong to 1st prosecutor and that No. 3 is his.

1st and 2nd witnesses, prove that 1, 2, 3, belong to the two prosecutors; have seen them often; live near them.

3rd witness deposes to having found No. 1 on the road and at a village saw prisoner 9th caught and tied to a tree; No. 3 cloth was near him. No. 3 belongs to my son-in-law 2nd prosecutor.

4th witness helped 5th witness to apprehend 9th prisoner; cannot speak to the cloth No. 3 being found upon him.

5th witness apprehended 9th prisoner upon whom were 2 or 3 cloths like this one.

6th witness proved that No. 2 was found in the bundle discovered in the well.

7th witness do. do.

8th and 9th witnesses, confirm the 9th prisoner's confession; the prisoners deny the charge.

9th December 1857. (Signed) J. W. C.

Commissioner.

Salem Talook—Attempt at Gang Robbery.

Commissioner, No. 30 of 1857.

Prosecutor.

Coondy Malyen, I apprehended the 9th prisoner when robbery took place near the shed of the prosecutor No. 31.

Prisoners.

1 Maury.	6 Tandaroyen.
2 Poolyen.	7 Vythee.
3 Cootty *alias* Telly Pundarum.	8 Maury, son of Coopen.
4 Palany Pundarum.	9 Moottaun.
5 Chettyon.	

Witnesses.

1 Causim Cawn. 2 Chaupoomeah.	} Attesting witnesses in the 1st, 2nd and 9th prisoners' Police confessions.

Commissioner case, No. 30.

Charge—Attempt at Gang Robbery.

Prosecutor Condy Malyan, states that robbers came to his shed, examined his ears &c., found nothing, upon hearing a noise in Vellyagounden's (1st prosecutor No. 31) shed, he saw the 9th prisoner captured by him and Annamalay.

1st and 2nd witnesses prove the Police confessions of 1st, 2nd and 9th prisoners who admitted having gone to the prosecutor's shed.

Prisoners deny the charge.

9—12—57. J. W. C.

Salem Talook—Gang Robbery.

Commissioner, No. 31 of 1857.

Prosecutor.

Vellya Counden *alias* Alagun. } apprehended the 9th prisoner and the cloths found near his shed.

Prisoners.

1 Maury.	6 Tandaroyen.
2 Poolyen.	7 Vythee.
3 Cootty *alias* Tilly Pundarum.	8 Maury, son of Coopen.
4 Palany Pundarum.	9 Moottaun.
5 Chottyen.	

Witnesses.

1 Coondy Malyen. } Apprehended 9th prisoner with 3 cloths.
2 Annamaly Counden. }
3 Causim Kawn, Peon. } Attesting witnesses in the 2nd, 4th and 9th prisoners'
4 Chaupoomeah, do. } Police confessions.

Commissioner case No. 31.

Gang Robbery.

Property taken, 14 as.

Do. found, 14 as.

Prosecutor Vellyagounden, deposed to his having been beaten and robbed of 2 cloths, pursued them and apprehended 9th prisoner, cloths picked up close to his shed, own his cloths which he has got on, as he had nothing else to put on, the Tahsildar gave them back to him to wear, only identifies the 9th prisoner.

1st witness helped prosecutor to pursue the robbers and to catch the 9th prisoner.

2nd do. found the 9th prisoner captured by the prosecutor, and 3 cloths near him.

4th and 5th witnesses prove the Police confessions of 2nd, 4th and 9th prisoners.

Prisoners deny the charge.

9th December 1857. (Signed) J. W. C.

Salem Talook—Gang Robbery.

Commissioner, No. 32 of 1857.

Prosecutor.

Anomalay, deposes that Nos. 1, 2, 3, belong to him.

Prisoners

1 Moottaun, 9th prisoner in other cases.
2 Rungun.
3 Chinna Nunny, died with cholera.

Witnesses.

1 Maury, No. 2 belong to the prosecutor.
2 Vencatachellum. } No. 1 produced by the 1st prisoner, and No. 2 by
3 Narraina padiachy. } the 2nd prisoner.
4 Talaverichaun, No. 3, found in the road.
5 Causim Kawn, Peon. } Attesting witnesses in the 1st & 2nd prisoners' Police
6 Chaupoomeah do. } confessions.

No. 1 brazen. 1st prisoner produced.
2 brazen. 2nd prisoner do.
3 Chain. 4th witness produced.

Commissioner case 32.

Charge—Gang Robbery with wounding.

Property taken, 7-10-8.

Do. found, 2-2-0.

Prosecutrix Anomaly describes the robbery, 10 or 12 attacked her severely, took all her property, identifies the prisoners, did not do so before Police, swears to the articles before the Court.

1st witness proves that article No. 2 belongs to the prosecutrix as he, a chuckler, put the leather on for her. *By Vakeel.*—Did not put similar leather to a similar bell for any body else.

2nd witness proves that the article 1 produced by 1st prisoner, 2 by 2nd prisoner before Carputty Moonsiff.

3rd do. said that the Carkoon and others went to the prisoner's house, and the articles were proudced as above, does not know what took place.

5th and 6th witnesses confirm the confessions of the prisoners 1st and 2nd.

Prisoners deny the charge and claim the property, have no witnesses to prove the same.

9th December 1857. (Signed) J. W. C.

Salem Talook—House-breaking.

Commissioner, No. 33 of 1857.

Prosecutor.

Koolla Counden, depose that 15 Rs. oil-seed robbed from his house.

Prisoners

1 Moottaun, 9th prisoner.
2 Palany pundarum, 4th prisoner in other cases.

Witnesses.

1 Causim Kawn, peon. } Attesting witnesses in the 1st prisoner's
2 Chaupoomeah, do. } Police confession.

Commissioner case No. 33.

Charge—House-breaking.

Property taken 15 Rupees.

The Government Vakeel in the absence of the prosecutor from illness, puts in his complaint, viz., that 15 Rupees worth of oil-seed was robbed from a mud box in his field.

1st and 2nd witnesses confirm the 1st prisoner's Police statement as to the robbery, by one Tadaraman, who gave 4 Rupees worth of this oil-seed to the 2nd prisoner.

Prisoners deny the charge.

9th December 1857. (Signed) J. W. C.

Salem Talook—Sheep-stealing.

Commissioner, No. 34 of 1857.

Prosecutor.

Cawvun *alias* Allaly Counden, deposes that 3 sheep were stolen from his field.

Prisoner.

1 Moottaun, 9th prisoner.

Witnesses

1 Causim Khawn. } Attesting witnesses in the pri-
2 Chaupoomeah. } soner's Police confession.

Commissioner case No. 34.

Charge—Sheep-stealing.

Property taken, 1-8.

The prosecutor was absent from illness, the Government Vakeel in his behalf states that the prosecutor lost 3 sheep.

1st and 2nd witnesses confirm the prisoner's statement before the Police, criminating one Tadaraman, who told him he robbed the prosecutor and gave him some of the flesh, (this is the 9th prisoner in the other cases.)

Prisoner denies the charge.

9th December 1857. (Signed) J. W. C.

Sentence in Nos. 23 to 31.

1. As all the prisoners are the same in each of these numbers, and the same evidence appears in each case, I consider it will be better to dispose of these in one sentence.

2. It appears that a large gang of robbers went on the night of the 4th October, to a village called Keelor on the Jaruga Maly hills, about 15 miles from Salem, there they not only attacked some of the Malyalee residents in the village, but on their road back, robbed every shed they came across, in the field.

3. On that night, just as they had finished the last job, the prosecutor in No. 31 who was more bold than the other sufferers, gave chase, and fortunately captured prisoner No. 9.

4. It was upon the information given by this prisoner that much of the stolen property was discovered, and these prisoners were apprehended.

5. The 1st, 2nd, 3rd, 4th and 9th prisoners confessed before the Police, they of course retracted before me, but I sent for the Tahsildar and he swore to their having made the statements put in, that they were in no way coerced, and that they made no attempt to set up the plea of alibi they made before me, and which they were unable to support.

6. From the Salem Tahsildar's well known character, I have no reason to doubt for one moment that these confessions are not genuine.

7. In these confessions they admit having been engaged in these robberies, and they criminate the other prisoners, 5th, 6th, 7th and 8th, and another Tadaraman, and others not apprehended.

8. The property has all been identified by the prosecutors and their witnesses; some of it was produced by the 1st prisoner from a well in a village at the foot of the hills, and the 4th prisoner gave up the earrings in Nos. 27 and 28, stating they had been mortgaged to him by 2nd prisoner. The evidence also shews that the 9th prisoner was captured there and then.

9. Beyond these confessions, there is no evidence to bring home the charge against the 2nd and 3rd prisoners, as the Mazur stating that they and others told where the property was hidden, has not been proved.

10. Against 5th, 6th, 7th and 8th there are only the criminations of the other prisoners.

11. There can be no moral doubt however that all were present at these robberies, but excepting the 1st and 4th prisoners who produced the property which has been identified, and the 9th prisoner who was captured, the evidence is insufficient to convict the rest.

12. I think however the circumstances of these cases quite justify me in requiring the 3rd 5th, 6th, 7th and 8th prisoners to furnish heavy security for more than the usual period, and according to the provisions of Clause VI, Section 2, Regulation XV of 1803, and the extended powers given, Clause 2, Section X, Regulation VI of 1827, direct each of them to furnish two Securities in 100 Rupees each for the period of 5 years.

13. The 2nd prisoner died pending the investigation.

14. The 1st, 4th and 9th prisoners are sentenced to 14 years' imprisonment with hard labour in irons, under Clause 3, Section IV, Regulation XV of 1803.

Salem, 10th December 1857. (Signed) J. W. CHERRY,
Commissioner.

Sentence, Commissioner No. 32.

1. The 1st prisoner is the 9th prisoner convicted in Nos. 23 to 31.

He however criminated 2nd and 3rd, the last is since dead.

2. The property produced respectively by the 1st and 2nd prisoners has been identified satisfactorily.

3. Before the Police they said that one Tadaraman gave the 1st prisoner article No. 1, and that the second prisoner found on the road article No. 2.

4. Before me they stated that the property was their own, but were unable to prove their ownership to it.

5. The 1st prisoner having been previously sentenced in Nos. 23 to 31, I award the same punishment to the second prisoner, of 14 years' imprisonment with hard labor in irons, under Clause III, Section IV, Regulation XV of 1803.

(Signed) J. W. CHERRY,
Salem, 10th December 1857. *Commissioner.*

Sentence, Commissioner, No. 33.

The prisoners 1st and 2nd are the prisoners 9th and 4th and who are punished in Nos. 23 to 31.

2. There is no evidence against them in this case, and they are accordingly acquitted on this charge; which though only of house-breaking, was sent up because they were connected with the more serious charge of gang robbery.

(Signed) J. W. CHERRY,
Salem, 10th December 1857. *Commissioner.*

Sentence, Commissioner No. 34.

The prisoner in this case is the 9th prisoner in Nos. 23 to 31 already punished.

The former confessed before the Police that one Tadaraman gave him part of the flesh of the sheep that was stolen from the prosecutor's shed.

I have no doubt he did, but as there is no evidence beyond his confession before the Police which has been proved by the 1st and 2nd witnesses, though withdrawn before me, I must acquit him on this charge.

(Signed) J. W. CHERRY,
Salem, 10th December 1857. *Commissioner.*

Salem Talook—Gang Robbery.
Commissioner, No. 37 of 1857.

Prosecutor. *Prisoner.*

Maury Mooppen, apprehended the prisoner with the sheep. Mauron *alias* Caroombyer.

Witnesses.

1 Kistnama Naicken.
2 Moony Naicken.
3 Moonya Mooppen.
} Depose that they saw the prosecutor apprehend a robber.

Prisoner's witness, Pedhanachary, to prove enmity with the prosecutor.

Commissioner case No. 37.
Charge—Gang Robbery.
Property stolen, 2-8.
Do. found, 2-8.

Prosecutor, Maury Mooppen.—While asleep near his cattle-shed, 4 robbers came, of whom one took a sheep. I attacked him with a stick, he fell down, I captured him with the sheep in his possession, the prisoner is the party, I cried out and the three witnesses came to my assistance from their fields. 3 of them had sticks. *By prisoner.*—No enmity between you and me.

1st witness, Kistnama Naicken.—Deposed to having been aroused, and finding the prosecutor had captured a robber in one hand and a sheep in the other, I saw the prisoner in the custody of the Moonsiff, and learnt he was the party caught the night before, the sheep is the prosecutor's

By prisoner.—Knows of no enmity between you and prosecutor.

2nd witness, Moony Naicken.—Deposes to the same effect.

3rd Witness, Moonya Moopen—Do. do. do.

The prisoner denied the charge, and states that he had been threatened in Puttana Achary's shop with a beating, in consequence of some quarrel about a bill-hook, that on the night of the alleged robbery he was so beaten and the sheep placed near him as if he had robbed it.

His witness Puttana Achary denies all knowledge of the prisoner.

Sentenced to 2 years with 50 lashes.

(Signed) J. W. CHERRY,
Commissioner.

Salem, 18th December 1857.

Sentence, Commissioner Case, No. 37.

This case is not one of gang robbery in my opinion, but simply one of sheep-stealing, the prosecutor caught the prisoner in the very act, and the witnesses depose to having been aroused and to proceeding at once to the spot, where they found the robber and the sheep.

The defence set up by the prisoner as to the false charge, is in no way supported.

I convict the prisoner only of sheep-stealing, and sentence him to 2 years' imprisonment with hard labor in irons, and 50 lashes, under Clause IV, Section 3, Regulation VI of 1822.

(Signed) J. W. CHERRY,
Commissioner.

Salem, December 18, 1857.

Commissioner, No. 38 of 1857.

Senkergherry Tahsildar.

Gang Robbery.

Prosecutors.

1 Lutchooma Counden, deposes that he had heard the voice of the 1st prisoner.
2 Comara Mooppen, saw prisoners in the robbery.
3 Nauchy Mooppen do.
4 Palanyammal, robbers robbed her cloth.

Prisoners.

1 Cora Maury.
2 Carooppen, 1st prisoner's brother-in-law.

Prisoners deny the crime and plead alibi.

Witness.

1 Vythelingumpilly, saw prisoners in the robbery.

Commissioner case No. 38.

Charge—Gang Robbery.

Property stolen, 6 12

1st prosecutor, Lutchma Gounden.—I and my wife slept in my house, 2nd, 3rd and 4th prosecutors slept in the outer hall, robbers came, attacked the house. I recognize the 2 prisoners, knew them before, 1st witness was also sleeping in my house, none of my property was taken. I did not state before Police that I only heard the 1st prisoner's voice, and said that the second was like the man I saw, the 1st prisoner beat in the door, and 2nd prisoner held the torch.

2nd prosecutor, Comara Moopen.—Deposes to the robbery, and identifies the 1st and 2nd prisoners, the 1st beat him, and he took my ear-rings and cloth, 2nd prisoner held the torch. I knew them before, 1st prisoner lived in the prosecutor's village 2 or 3 months ago, his brother-in-law 2nd prisoner used to come to his house often.

3rd prosecutor, Nauchy Moopen.—Confirms the above, was beaten and robbed of ready cash 4 annas, did not recognize the others, but can swear to these prisoners, knew them before. 1st prisoner beat the door with stones, and 2nd prisoner had the torch. I named these prisoners next morning to the Moonsiff.

By 1st prisoner.—No quarrel between you and me.

4th prosecutrix deposed to the robbery, and that she was relieved of a cloth, but does not know who they were.

1st witness, Vythelingum Pillay.—Lives next door to 1st prosecutor, saw a gang attacking his house. I identified 1st and 2nd prisoners, the 2nd prisoner had the torch in his hand. I told the Moonsiff the next day, and named the prisoners whom I knew before, the prisoners are bad characters. 1st prisoner was once sentenced for 6 months, but I don't know the particulars.

The prisoners deny the charge and pleaded alibi, cited 3 witnesses who have not arrived, before the Tahsildar, they declined to name any witnesses, though as the Joint Magistrate says in his Attawany, the Tahsildar examined the case in the very village from which these witnesses are cited. As I consider the case for the prosecution is fully proved, and the evidence of these witnesses from the prisoners' own statement, could not account for where they were the whole of the night in question, I do not think that the disposal of the case should be postponed longer than the 21st, by which time the witnesses should arrive.

18th December 1857. J. W. C.

December 23, 1857.—1st prisoner's witness not to be found in his village.

2nd prisoner's 1st witness deposed to the 2nd prisoner usually patrolling his village and sleeping in his verandah, can't say that he was there the night of the robbery, as he does not know when it took place. Cora Veerun (2nd witness of 2nd prisoner) used generally to be with 2nd prisoner in his rounds.

2nd witness.—One Thursday slept with 2nd prisoner in the above witness' pyal, but don't know on what day the robbery took place.

3rd witness saw somebody like the 2nd prisoner sleeping on the pyall of his brother's house, (the 1st witness,) on one Thursday night, during which he heard his voice patrolling, can't state which Thursday nor when the robbery took place.

23rd December 1857. J. W. C.

Sentence.—Commissioner case No. 38.

The disposal of this case was delayed in consequence of the absence of the prisoners' witnesses.

The evidence for the prosecution I consider establishes satisfactorily the fact of the identification of the prisoners, they were moreover known before, and they were at once named to the village authorities, the prisoners failed to prove their alibi.

Both the prisoners are convicted and sentenced to 14 years' imprisonment each, with hard labor in irons, under Clause III, Section IV, Regulation XV of 1803.

This completes the number of 57 cases of robbery by open violence that have been disposed of this year, in this and the Sessions Court, and wherein 95 people have been punished.

Salem, December 24th, 1857. (Signed) J. W. CHERRY,
Commissioner.

Trichengode Tahsildar.

Commissioner case, No. 39 of 1857.

Joint Magistrate.

Gang Robbery with Murder.

Prosecutors.

1 Peryapyen, deceased's son, saw prisoner and Selly in the robbery.
2 Palanyandy, deceased's son, Robbers robbed my ear-rings.
3 Cundun, deceased's nephew. do

Prisoners.

Streenevassyen, Moottyen *alias* Chinnapien, deceased.
Selly, not apprehended

Witnesses.

1 Cauly pilly, deceased's wife.
2 Coonda Mooppen.
3 Atty deceased's son-in-law. } Robbery took place in the prosecutor's house.
4 Chinnapyen
5 Peryackaul.

6 Valapandarum, deposed that the deceased had convulsions when I saw him.

7 Caroongaly Mooppen, Moonsiff, deposes, that the people who were near the deceased said that the wounds were received by a fall.

8 Anundonarayanapilly, Curnum, deposes that the people who were near the deceased said that the robbers threw stones by which he received wounds.

9 Sengoda pilly, Joint do. deposes like the 7th witness.

Commissioner, Number 39.

Gang Robbery with Murder.

Property stolen, 16-2.

1st prosecutor, Perya Payen—Is the son of the deceased, states that on the night of the Deepavalee feast, robbers attacked his father's house, I distinctly saw the prisoner and one Chelly among them by the light of their torches. I have long known the prisoners, I was tied up by the robbers, the two witnesses undid me, the Village Moonsiff came there the same night, he came again the next morning, when I mentioned both the prisoners and Chelly's name, I did not see my father being beaten, he was seriously wounded in his head and died 15 days after from the effects of this ill-treatment. My father was not hurt in running after the robbers, they did not come to steal sheep, the prisoner used to buy chatties from my brother-in-law and return to his village 2 miles off. I will swear to the prisoner being at the robbery and I named him also in my deposition before the Tahsildar. No enmity between me and prisoner.

No questions by prisoner.

2nd Prosecutor, Palany Andee—Brother of 1st prosecutor, deposes to the robbery; 3 attacked me and others inside the house, I was beaten and my ear-rings taken. I cannot identify the prisoner, I don't recollect seeing the prisoner before, he may have come for chatties, 2nd witness and 7th witness the Moonsiff untied me and the others, the next morning the latter spoke to my father, what he said I dont know, (this witness is a mere lad and by no means intelligent.)

3rd Prosecutor Cunden—Nephew of deceased, describes the robbery, was asleep in the next house, was also beaten and robbed of his ear-rings, the Moonsiff and another ryot came there that night, I knew the prisoner before, deceased had had wounds on his head. I was absent when deceased died, I always heard that he died from the effects of the wounds the robbers inflicted upon him.

1st witness, Kaly Pully—Wife of the deceased. Robbers beat my husband and my sons, I escaped with my child into the field. I summoned the 2nd witness who undid the 1st, 2nd and 3rd prosecutors, afterwards Moonsiff came there (7th witness), my husband had two bad wounds on his forehead upon which he had convulsions from which he died 15 days after, he was subject to convulsions before this even, 1st prosecutor told me that night he had seen prisoner and one Chelly. I knew the prisoner before, he used to buy pots.

2nd witness Punda Moopen—Was summoned on the night of the robbery by 1st witness, went to her house and untied 1st, 2nd, and 3rd prosecutors, 1st prosecutor did not reply when I asked him about the robbers. I saw deceased with 2 wounds on his forehead, he said his eyes were tied and therefore he could not speak to any robbers. The village Moonsiff came that night and pursued the robbers. I dont know what 1st prosecutor said to the Moonsiff.

I knew the prisoner before but know nothing as to his conduct.

3rd witness, Athee—Son-in-law of deceased. I ran away as soon as the robbers came and concealed myself, saw deceased with 2 bad wounds and he said as his eyes were tied, he could not speak to the robbers, the 1st prosecutor would not answer me when I asked him about the robbers, the deceased died from the effects of the wounds.

4th Chinnapyen, brother to deceased—Lives in the next village, heard of the robbery, came to see the deceased who was badly wounded, he could tell me nothing of the robbers, but the 1st prosecutor* told the deceased in my presence that he saw one Sashungaragen's brother (the prisoner) and another Chelly among the robbers, this was the very morning after the robbery. I was absent when the Moonsiff enquired of the 1st prosecutor, I know the prisoner before, (this was an intelligent witness.)

* This witness did not state this before Police, as he says from fear.

5th Reyashaul—Niece to the deceased, merely deposed to the wounds her uncle had received, knew nothing else.

6th witness dispensed with.

7th witness Village Moonsiff—Said that he was aroused and went to the house of the deceased, who told me that robbers had attempted to take a sheep from the outside, he pursued and fell and cut his forehead on the stones, next morning upon my asking him again about it, he said there was no property robbed, so I did not report it to the Tahsildar.

8th and 9th witnesses, Curnums of that village.—Depose to their having gone the next morning to the deceased's house and to have seen him speechless, he did not say one word as to the story of the sheep, both begged the Moonsiff to write a report soon.

The prisoner denies the charge, and names 2 witnesses, Vencataramien and Namagherry Iyen to prove that he was in his father-in-law's house the night and next day to the robbery, his house is 14 miles from the village where the robbery took place, states also that he has enemies, one Venkappen, Buna Sahib's son, and one Cooliar Pully, who urged the 1st prosecutor to trump this charge up against him.

Prisoner's 1st witness, Namgherry Iyen—Is no relation but only of the same caste as prisoner, I, prisoner and Vencataramien, were speaking to each other on that night till 11 or 12 o'clock and at 3 on the next morning we all awoke to bathe heads. Prisoners brother was apprehended in the large gang robbery that took place in Sunkerrydroog talook last year when the Sheristadar's house was robbed.

Prisoner's 2nd witness Vencataramien—Do. do. do. I did not see but heard the prisoner's voice at 3 next morning in his father-in-law's house.

(Signed) J. W. CHERRY,
Commissioner.

Salem, 21st December 1857.

Uttavany of a case committed for trial before the Commissioner, by the Joint Magistrate of Salem.

Name of the prisoner.	Charge.	Date of Apprehension.	Date of Appearance.	Names of the prosecutors.	Names of the witnesses.	Number of Documents.
Streenivasien, a Brahmin.	*Gang Robbery attended with murder.* With having, at 12 P. M. on the 15th Oct. 1857, in company with Selly and 7 others not yet apphended, being armed with offensive weapons and bearing lighted torches, entered the prosecutor's house, situated in the village of Coonnypolien, in the talook of Trichungode, and ill-treated the prosecutors and struck one Moottien *alias* Chinnapien, aged 50 years, the father of the 1st and 2nd prosecutors, and paternal uncle of the 3rd prosecutor with a crowbar on his forehead, from the effects of which he, the said Mottyen *alias* Chinnapien lingered, languished and died about the 30th October 1857 and further with having robbed from the person of the deceased Mottien *alias* Chinnapien, gold ear-rings valued at Rs. 2, from the person of the (1st and 2nd) prosecutors, and others, 3 pairs of gold ear-rings valued at Rs. 5-8 and from the house gunny and a pestle valued Ans. 10, and ready cash to the amount of Ans. 8, in all Rs. 16-2. Date of charge the 15th October 1857.	20th November 1857.	13th December 1857, Before the Joint Magistrate.	1 Peryapien. 2 Palanyandy. 3 Cunden.	1 Report of Tanah peon. 3 Depositions of prosecutors 1 do. of prisoner. 9 do. of witnesses. 2 do. of witnesses, (notforwarded tothe Commissioner.) 1 Mahazur. 1 Nuckshe. 12 Miscellaneous, as per Tamil list.

Prosecutor 1 most distinctly charges the prisoner with having been present and taking an active part in the robbery, with the exception of one Selly not apprehended, he is not able to identify the other robbers, the other witnesses 1, 2, 3 and 4, although they are unable to identify any of the robbers, give direct evidence as to the robbery, and the way in which it was committed, the Joint Magistrate although he does not apprehend that there will be sufficient evidence to bring the charge home to defendant, is so satisfied of his guilt, that he commits him more with a view to security being taken from him than with the hopes that he will be convicted. Prisoner's elder brother was the leader of a gang, said to have committed a gang robbery in 1856, in the house of the Talook Sheristadar of Senkerrydroog. A great amount of neglect has taken place in reference to this case, it was only on the Tahsildar's going to the part of the country in which the robbery was committed, that it was brought to his notice, although the Moonsiff, two Curnums and Mettoo peon were all aware that the robbery had been committed and that a man had died in consequence of wounds. This latter clause they deny, and attributed the man's death to fits to which he was habitually subject.

18th December 1857.

(Signed). P. GRANT,
Joint Magistrate.

Salem, Joint Magistrate's Office,
19th December 1857.

Sentence, Commissioner No. 39.

1. This was a serious case of gang robbery in which though the amount taken was small, yet there can be no doubt from the evidence that death resulted from the injuries one of the parties received on the occasion.

2. There is full proof of the robbery, and it is also evident from the Police proceedings, and from what was deposed to before me, that a most shameful attempt has been made by the village authorities, as well as the tannah peon, to hush up the whole affair. This is somewhat accounted for when there is the fact that the accused party, is a Brahmin, his position and the influence of his relatives, have no doubt been brought to bear strongly upon those whose duty it was to report the same at the time.

3. I have not the least doubt if the head of Police of Senkerrydroog, a sharp and intelligent officer, had been duly informed of the circumstance at once, that more evidence would have been forthcoming. The village actually belongs to Trichungode, but stands in the midst of Senkerrydroog talook.

4. Any how, what little evidence there is, would have been greatly strengthened, as the person who received the most serious injuries, lived for some 15 days, and would have been probably able to have deposed in a way that would point more conclusively than the present evidence does, that the prisoner was really engaged in this robbery.

5. The robbery took place on the *15th October*, at a place called Kooneepallium, close to MacDonald's Choultry, about 12 miles from Salem, where there is a public bungalow. It is a neighbourhood that has been rather famous for these kind of crimes, it was not, until the head of Police was accidentally there on the *18th November*, that he heard any thing about this event, and then only from the tannah peon, who, I suppose, feared that it would transpire through some one in the village. The Moonsiff as well as the two Curnums never made a report at all on the matter, the latter of course throws the blame upon the forner, and the Village Moonsiff who went there, I suppose, for appearances' sake on the very night, but of course after the robbers had decamped, excused himself with the following cock and bull story.

6. The deceased who was wounded, he said, told him that thieves had made an attempt to steal a sheep that was tied up in his verandah, that he gave chase and fell upon his head, which accounted for the wounds, not one word of this comes out in the evidence for the prosecution, and even the 2 Curnums whom I look upon as confederates with him in his neglect to report, if not actually conniving with him in the robbery, distinctly declare that the prosecutor was too ill to speak, and that not a word was ever said about the sheep and the chase, besides their contradictions, there is the great improbability of the deceased, an elderly man, by himself alone pursuing the number of 4 men, in the dark.

7. The 1st prosecutor, the eldest son of the deceased, both before the Police, the Joint Magistrate and myself, swore most consistently to having seen the prisoner and one Chelly on the night of the robbery, and the 4th witness, brother of the deceased, deposed before me to his nephew (the above 1st prosecutor) having told him *the same*, the very *next* morning after the robbery, he however omitted to state this in his examination before the Police, and which was confirmed by him generally before the Joint Magistrate, without being so closely examined by that officer as he was by me, he accounts for this omission by "fear," and looking to the part the heads of his village took to conceal the affair, I think such a motive might have deterred him.

8. The Joint Magistrate in the accompanying Attewany, seems "satisfied of the prisoner's guilt," but is apprehensive of the "insufficiency" of the evidence to convict him. I am as equally satisfied of his guilt, but look upon the single uncontradicted evidence of the prosecutor, coupled with the circumstances of his having told the 4th witness next morning of his having identified the prisoner (who was well known to him); the fact of the prisoner's brother having been the leader of a gang concerned in a large gang robbery not 12 miles from the very village last year, and last but not least, to the suspicious circumstance of the whole of the village authorities concealing the matter for 5 weeks; I look, I say, upon all these circumstances in addition to the identification by only one prosecutor, as making this one of the cases contemplated in Circular Order of Foujdaree Udalut 25th February 1829, and therefore consider a conviction fully justified

9. I accordingly sentence the prisoner to 14 years' imprisonment with hard labor in irons, under Clause III, Section IV, Regulation XV of 1803.

10. The prisoner cited 2 witnesses to speak to his having been some 10 or 12 miles away on the night in question, but I discredit their evidence.

11. The Moonsiff is an old man and says he has been some 30 years in office, he certainly deserves dismissal, and ought further to be committed to the Criminal Court for conniving in this matter.

12. It is doubtless from such cases as this that there is the general impression abroad that the numerous gang robberies in the district are in many instances, organized by the *heads of villages* and connived *at by the Police*, another remarkable fact that can be ascertained by a visit to some of the secluded villages, especially those at the foot of hills, may also give rise to this impression, and that is, the great disparity between the head of a village actual "holding," and his apparent condition in life, judging, as I have frequently done, from his fine house, quantity of cattle, &c., &c.

(Signed) J. W. CHERRY,
Commissioner.

Salem, December 22nd, 1857.

No. 19. ORDER THEREON, No. 68; dated 14th January 1858.

Case No. 18.—"Gang Robbery." This case was committed by the Tahsildar of *Tripatore* on the 4th of October, before the orders* of Government directing that charges investigated by the Magistrate or one of his Assistants only should be committed to the Court of the Commissioner. The prisoners, it is observed, were released.

*Dated 17th November 1857, No. 1492.

2. *Cases Nos.* 23 *to* 34. In these cases the prisoners are the same in each. They are charged with a series of robberies committed in one night. The 1st, 4th and 9th have been convicted and are sentenced† to 14 years' imprisonment with hard labor in irons. The 3rd, 5th, 6th, 7th and 8th have been called upon to furnish security, (two) in 100 Rupees each for a period of five years; Clause second, Section X of Regulation VI of 1827, being the enactment quoted.

†Clause third, Section IV of Regulation XV of 1803.

For the demand made for these securities, and that too under the law specified by *Mr. Cherry*, no grounds have been shewn. The Government therefore direct, that these men so held to security be released forthwith.

It would moreover appear that these cases were committed to the Commissioner's Court by the Tahsildar, and this subsequently to the receipt by the Magistracy of the orders of Government previously quoted. *Mr. Cherry* will afford explanation on this point.

3. *Cases* 37, 38 *and* 39. These cases also appear to have reached the Commissioner in infringement of the foregoing order. The Commissioner will report fully on them in this respect, stating particularly whether the Joint Magistrate held the enquiry upon the result of which the prisoners in each case were committed, or whether the depositions taken by the Tahsildar were merely examined by that Officer, and the prisoners so committed by him after such scrutiny.

In regard to Case 39, where the prisoner *Srinivdsa* has been convicted on a charge of "gang robbery with murder," the Government under Act No. XVIII of 1855, are pleased to remit the sentence‡ passed by the Commissioner, not being satisfied with the nature of the evidence.

‡14 years' imprisonment with hard labor in irons.

4. Resolved that copy of the above remarks be forwarded to all Commissioners and Magistrates. The former will understand that they are prohibited from taking up, as Commissioners, any case that has not been committed by the Magistrate or one of his Assistants after full personal investigation and examination of parties; while the latter are reminded that they are strictly debarred from committing to the Commissioners any case the examination of which they have not conducted entirely in person. If, notwithstanding these orders, any irregular committals take place, the Commissioner will transfer such cases to the file of the Sessions Court, to be disposed of in the ordinary course.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

I do not find any
document to show.
that these cases
were transmitted
by the magistrate.
The order to that
effect must have been
previously issued
The charge appears to be fully=
proved but I do not interfere
T.O.

& that under cl 2d. Act X
Reg 6 of 1827 – no grounds
have been shown – the
Prisoners have been acquit=
-ted & should be released.

The second three cases
the Court is of opinion
were disposed of by
Yang Wilcox – assuming
33 Rs. for the Rice &c cattle
Respectively, Prisoners Petn
Rejd – and the indictment
that these cases were locally
within the Jurisdiction.
Rejd – 23d –

Cases 23 – 31

Salem

Comm[r]s

Judicial Dep[t]

No 68

F[t] W[m] C. D[o] 11th January 1838.

Read the Records of certain Cases transmitted by the Acting Sess[s] under Act No. XIV of 1835 in Zillah Salem.

Rec[d] entr[d] 11th 18 23 to 24 & 37 to 39.

Case No 18. "Gang Robbery." This case was committed by the Tahsildar of Tripatore on the 4th of October, before the orders of Gov[t] directing that charges investigated by the Magistrate or one of his Assistants only shall be committed to the Court of the Commissioner. The Prisoners, it is observed, were released.

D[o] 17th November 1837 No 1492.

2. Cases Nos 23 to 31. In these cases the Prisoners are the same in each. They are charged with a series of 20 thefts committed in one night. The 1st, 4th & 19th have been convicted & are sentenced to 14 yrs Imp[t] with hard labor in Irons. The 3d, 5th, 6th, 7th & 8th have been called upon to furnish security (two) in 100 Rs each for a period of five years; Clause second, Section V of Reg[n] VII of 1827 being the enactment quoted.

Clause third Sect IV of Reg[n] XV of 1803.

for the demand made for these securities, & that two under the Law specified by Mr Cleny, no grounds have been shown - The Govt therefore direct, ~~notwithstanding~~ ~~of Act No XVIII of 1855~~, that the Prisoners so placed to security be set ~~sentences cancelled~~ forthwith.

It would moreover appear that these cases were committed to the Commissioner's Court by the Talukdars, & this subsequently to the receipt by the Magistracy of the orders of Govt previously quoted. If so, the whole of the Commissioner's proceedings seems vitiated - Mr Cleny will afford explanation on this point.

3. Cases 37-38-& 39 - These cases also appear to have resulted the Comr in infringement of the foregoing orders. The Comr will report fully on them in this respect, stating particularly whether the Joint Magistrate held the enquiry upon the result of which the Prisoners in each case were committed, or whether the depositions taken by the Talukdars were merely examined

& 16 Govt Despts with Land Cultivation Forms.

examination of Parties

by that officer, and the Prisoners so committed by him after-wards such depositions.

In regard to Case 39, where the Prisoner Srinivasa has been convicted on a charge of "Gang Robbery with murder", the Govt under Act No XVIII of 1855 are pleased to remit the sentence passed by the Commissioner, not being satisfied with the nature of the evidence.

4. Resolved that copy of the above remarks be forwarded to all Commissioners & Magistrates - The former will understand that they are prohibited from taking up, as Commissioners, any case that has not been committed by the Magistrate or one of his Assistants after full personal investigation of the parties; while the latter are reminded that they are strictly debarred from committing to the Commissioners any case the examination of which they have not conducted entirely in person - If, notwithstanding these orders, any irregular commitments take place, the Commissioner will transfer such cases to the file of

be Sessions Courts, to be dispo-
sed of in the ordinary course.

D.V. 9-1-58.

To the Magistrates of the ... Districts
" the Comrs under Act XIV of 1857.
at the 23 Stations

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Disp 2/11

Judl. Dept. to Engd. 30th June
No. 9 of 1858. Pena 8.

Judicial 1858 Depart.

No. 18

Extract Mins. of Coms

8th January 1858.

Ent. 206.

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