

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	826	Press <u>Mis.</u>
51-52		
Dated	21-6-	N 1858.

Not to be folded or roughly handled

Fort St. George, Judicial Consultation, 22nd June 1858.

No. 51. Read the following letter from H. D. PHILLIPS, Esq., Magistrate of Tanjore; to the Acting Secretary to Government, Fort Saint George, dated Tritoorapoondy, 3rd June 1858, No. 234.

SIR,

Extract Minutes Consulta-
tion, 10th June 1856.
Do. do. 23rd July 1856.

Adverting to the Standing Orders of Government respecting torture by Revenue or Police Subordinates; I have the honor to forward a copy of a complaint by one Tavooden, alias Manikum, against the Curnum of

Cooroovady Vuttum, talook Combaconum, and of the sentence passed by the Joint Magistrate, Mr. Cadell, on the accused.

The sentence shows the circumstances of the case which are briefly that a person suspected of a highway robbery was taken to a dry nullah by the Curnum, who there struck him several blows with a bamboo stick. The result was the delivery up of the stolen jewels which had been buried by the person beaten.

The injuries sustained do not seem to have been serious in the estimation of the Joint Magistrate.

Plaintiff.

Tavooden, alias Manikum.

Defendant.

Arnachellapillay, Curnum of Cooroovady Vuttum.

Witnesses.

Mohamed Kerim, Para Peon,	1	Shaick Nuttud, Peon,	5
Veerapa Naick do. do.	2	Pavaday, Taliar,	6
Sevaramien Stalato Nat Cnrnum,	3	Canderpatcha Vesaripoo,	7
Sabapaty Pillay, Village Moonsiff,	4		

Torture.

The defendant is charged with having at the village of Teroopamundal, in the Combaconum talook, at about 7 A. M., of the 6th April 1858, assaulted and beaten one Tavooden, alias Manikum, with a view to make him confess where certain property obtained by highway robbery was concealed.

The complainant who was apprehended at the village of Teroopamundal at about day-break on the 6th April, on suspicion of being concerned in a highway robbery, deposes on oath, that he was taken that morning by the Village Moonsiff Sabapathy Pillay, his brother Virdachella Pillay, and the defendant, the Curnum of Covilput Cooroovady, to the bank of a channel called the Nara Voykal; that then, the defendant took him aside and into the bed of the channel and beat him severely about 10 times with a bamboo or stick which he (complainant) describes as about 3 fingers thick. The marks of 4 blows were discovered by the head of Police of Combaconum just as he was committing the complainant (then prisoner) to the Criminal Court and from the deposition then given by him, it appears, he then charged the defendant with having been the party who beat him and whom he now identifies before the Joint Magistrate.

The 1st and 2nd witnesses, Para peons of the Combaconum talook Cutcherry, depose that, they saw the marks of beating on the complainant's shoulder, and that from the appearance of one of the blows, the stroke must have been somewhat severe. They concur in stating that the complainant said all along he was beaten by the defendant.

The 3rd witness, the Sthalathoo Naut Curnum of Teroopamundal (and who in the absence of the deputy Tahsildar, conducted the preliminary investigation) denies that the complainant was beaten in his presence, he admits however, that, when sending him to the talook about 3 P. M., in charge of the 5th witness, the marks of the blows were shewn to him (witness) by the latter and that he (witness) contented himself with verbally directing the peon to communicate the circumstance to the head of Police.

The 4th witness, the Village Moonsiff denies all knowledge of the complainant having been beaten, or that he saw any marks on his (complainant's) person.

The 5th witness, peon, in whose custody the complainant and 2 other prisoners were given to take to the talook, deposes that, he saw the marks of violence on the complainant's person and informed the Stalathoo Naut Curnum of the same, who directed him to bring the matter to the notice of the head of Police.

Fort St. George, Judicial Consultation, 22nd June 1858.

The 6th witness, the Talliar (and whose son, it is to be noted, was the 2nd prisoner) deposes, that he saw the complainant beaten by the defendant, and that there were the marks of 3 blows on his (complainant's) back.

The 7th witness denies all knowledge of the matter.

The defendant denied having beaten the complainant, and states that, the charge has been got up against him on account of his having exerted himself to discover the perpetrators of the highway robbery.

On a consideration of the evidence adduced, the Joint Magistrate is of opinion that the defendant is guilty of the charge; it is admitted, that the complainant (prisoner) was apprehended early in the morning, but that the property was not given up till later in the day and then by the complainant himself. That there were marks of violence on his person on that very day and before he was sent to the talook is also fully proved, and the Joint Magistrate sees no reason to doubt the truth of the complainant's statement, that the blows were inflicted by the hands of the defendant, who it appears both from the evidence and from his own admission, took a prominent part in the enquiry.

The Joint Magistrate is therefore of opinion, that although the amount of injury inflicted on the complainant was slight, the defendant has been guilty of an illegal use of authority in forcing the complainant to point out where the stolen property was concealed, and sentences him to pay a fine of Rupees 10, or in default to be imprisoned in the Zillah Jail for the period of 15 days, under Regulation III of 1819, Section III, and further to be suspended from his employment for the term of 3 months. 22nd May 1858. By the Joint Magistrate.

(True Copy.)

Myavaram, }
26th May 1858. }

(Signed) W. M. CADELL,
Joint Magistrate.

No. 52.

ORDER THEREON, No. 826; dated 21st June 1858.

With the above letter the Magistrate of Tanjore forwards the complaint (in Tamil) and the sentence in a case of abuse of authority tried before the Joint Magistrate of that District. Mr. Phillips' attention will be called to the Circular Order of 19th November 1856, No. 1260, and he will be instructed, in future to transmit, as therein required, the complaint as well as the sentence, in English and not in the Vernacular as on the present occasion.

(Signed) T. PYCROFT,
Chief Secretary.

1858 20 June 20

Handwritten Tamil text, likely a copy of the court proceedings or a related document. The text is written in a cursive script and covers the majority of the right page.

[Faint, mostly illegible handwritten text in a cursive script, likely a legal document or affidavit. The text is written on aged, slightly stained paper.]

[Faint handwritten text at the top of the right page, possibly a header or introductory paragraph.]

[Faint handwritten text, possibly a date or reference.]

[Faint handwritten signature or name.]

[Faint handwritten text, possibly a title or position.]

[Faint handwritten text, possibly a phrase like "True Copy".]

[Faint handwritten signature, possibly "W. Phillips".]

[Faint handwritten text, possibly a title or position.]

[Faint, illegible handwritten text in the lower half of the right page.]

No 826.

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With the above letter the Magistrate of
Tanjore forwards the complaint (in Tamil)
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therein required, the complaint as
well as the sentence, in English as
not in the vernacular as on the
present occasion.

For to S. G. G. J.
21 June, 1858

J.P.

Cop & Magistrate of Tanjore - Despatch 24

Admission, C
the enquiry.

In

a letter from the
Magistrate of Tanjore
to the Acting Secy.

to the Government
of Madras

Dated 3 June 1858

Enclosure.

2850/8.

in No 1009.

his presence, he admits however that
that the Complainant was beaten in
front of the preliminary investigation/ depositions
the absence of the Deputy Jailor, Com:
plaint of the Complainant and who in
the 3rd witness the Jailor the
said all along he was beaten by the Defendant

deposes, that he saw the Complainant beaten
by the Defendant, and that there were the
marks of 3 blows on his (Complainant's) back.

The 7th witness denies all his
knowledge of the matter.

The Defendant denied having
beaten the Complainant, and states that
the charge has been got up against him
on account of his having exerted himself
to discover the perpetrators of the Highway
robbery.

On a consideration of the evidence
adduced, the Joint Magistrate is of opinion
that the Defendant is guilty of the charge;

28/5/8.
Ld No 1009.

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King's Bench:
Government
Chf. Secy
me 1838
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De Rio 1009.

10-1-1

Wm. J. M.
Scrib. Magistrate

2/50/8.
du no 1009

King Street:
Government
Chapman
me 1838
New.

Plaintiff
Jas. Allen alias Hawk
Defendant
Annabella Spelling, Plaintiff,
vs. Jas. Allen, Defendant.

Ritursen

Inshand Skrim para perov
Vierapa Nisk - br - 2
Svarasmin Stala to Kallmann &
Tobaksy Sittan Vittor & Sonnyff
a Nisk - Tikkus - 5
Para Day Sa Nis - 6
Laudia faldatunisi - 7

The defendant is charged with having at the village of Teroopannudab in the Com. = Bureau Talook at about 7 A. M. of the 5th April 1858, assaulted and beaten one In. = wooden alias Manikow, with a view to make him confess where certain property obtained by Highway robbery was concealed.

The Complainant who was apprehended at the village of Seroopamundab at about day break on the 5th April, on suspicion of being concerned in a highway robbery, deposes on oath, that he was taken that morning by the village Dunsiff Sabapathy Pillay, his brother Didackellapilly, and the Defendant, ~~the Durum of Comilpat Corroond, at the bank~~ of a channel called the Kara Vaykal; that then, the Defendant took him aside and into the bed of the Channel and beat him severely about 10 times with a bamboo or stick which the Complainant describes as about 3 fingers thick. The marks of 4 blows were discovered by the Head of Police of Combaroom.

2/5-8/2.
Du No 1009

King Street:
 Government
 L. H. Lloyd
 me 1838
 June.

just as he was committing the Complainant
(the Prisoner) to the Criminal Court &
from the deposition then given by him, it
appears, he then charged the Defendant
with having been the party who beat him
and whom he now identifies before the Joint
Magistrate.

The 1st and 2nd witnesses, persons
of the Combacoon Salook Catchery, depose
that, they saw the marks of beating on the
Complainant's shoulder, and that from the
appearance of one of the blows, the stroke
must have been somewhat severe. They
concur in stating that the Complainant
said all along he was beaten by the Defendant.

The 3rd witness, the Stationer
Kant Curram of Seropaminad, and who in
the absence of the Deputy Tahildar, con-
ducted the preliminary investigation, denies
that the Complainant was beaten in
his presence, he admits however, that
when sending him to the Salook about 3
P.M., in charge of the 5th witness, the marks
of the blows were shown to him (witness)
by the latter and that he (witness) con-
tented himself with verbally directing the
person to communicate the circumstances
to the Head of Police.

2859/8.
Cu No 1009.

King's Bench
Government
L. J. George
me 1838
me

The original enclosed do not seem to have been shown in the collection of the Joint Magistrate -

I have the honor to be

Sir

Your most Obedient Servant

W. A. D. D. D.
Magistrate

518324
11/19/11

Reporting a sentence
passed on a Police
Magistrate for Maliciously
a person accused of
highway robbery
with an order

No. 1009.

Enclosure. 2.

No. 234

Dated 3rd June 1888
Recd 8th June 1888

For Mr. George

to Government

To the Acting Secretary

of Tanjore

The Magistrate

From

1858 Department

Prin. Secy. to Govt. 21st June

Magistrate
Tanjore
1888

2859/8
Lu No 1009

Aligarh Magistrate's Office
No 234
Aligarh 3rd June 1858

From Mr. D. P. Singh
Magistrate of
Jaunpur
At the District Court
Jaunpur
to Government

For
J. D. and George

According to the standing orders of
Government respecting letters by revenue or police
Subordinates, I have the honor to forward a copy
of a complaint by one Jaganath alias Jaganath
against the Curum of Coorally Bhatia, Sa-
ke Combarum, and of the sentence passed
by the Joint Magistrate, Mr. Bhatia on the accused.
The sentence shows the circumstances
of the case which are briefly that a person was
fined of a high way robbery was taken to a
day mullah by the Curum, who there struck
him down with a bamboo stick. The mullah
which had been bought by the person beaten -

By M. C.
10 June 1856
80 80
23 July 1856