

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	893	Press
		~~Mis.~~
1-3		
Dated	3-7-1918	

Not to be folded or roughly handled

ms

Read the following letters.

No. 1. From G. A. HARRIS, Esq., Commissioner of Chittoor; to T. PYCROFT, Esq.,
Chief Secretary to Government, Fort St. George, dated 17th June 1858.

SIR,

* Nos. 1, 2 and 3 of 1858.

Prosecutor.

Government.

Versus.

1 Chinnakakally Sahib.

2 Abdool Kadur.

I have the honor to forward the record of three cases* of sedition and abuse, disposed of by me as Commissioner, for the information of Government.

No. 2. From G. A. HARRIS, Esq., Commissioner of Chittoor; to T. PYCROFT, Esq.,
Chief Secretary to Government, Fort St. George, dated 18th June 1858.

SIR,

With reference to my sentence in Commissioner Cases Nos. 1, 2 and 3, forwarded to the Government on the 17th Instant, I have the honor to recommend, if the sentence is approved of, that the 1st prisoner be sent to the Coimbatore Jail and the 2nd prisoner to the Jail at Cuddalore, to work out their sentences.

No. 3. ORDER THEREON, No. 893; dated 3rd July 1858.

1. With the first of these letters, Mr. Harris submits the record of three cases disposed of by him as Commissioner. These are the cases which, doubting his power to deal with them, he suggested should be disposed of by Government under Regulation III of 1819; a course which

* Judicial Department, Extract Minutes Consultation, No. 706, dated 31st May 1858. the Government* declined to adopt for the reasons stated in their order marginally noted.

† Ally Sahib and Abdool Khadar. 2. There are two prisoners.† The indictment in each case is for "seditious words" alleged to have been uttered by the prisoners on three several occasions. The prisoners are jointly indicted in each case. But this is an error. "Perjury, seditious words and blasphemous words, are offences in their very nature several."

3. It appears that the two prisoners had been charged before the Head of Police with assaulting a certain Monegar. A summons was issued for their attendance at the Cutcherry. They treated this with contempt; indulging at the same time, as was alleged, in the scandalous language attributed to them by the witnesses, the Summons Peon and the Village Toty. This charge is the first in date, being laid on the 15th and 16th February last, but it is numbered "case 2nd." The prisoners were acquitted, the Commissioner not considering the charge substantiated.

4. The next case in point of date is No. 3. The prisoners not answering to the summons, a Warrant was issued. A quarrel took place between the prisoners and the Peons on the road, owing to the latter refusing the former some indulgence. The prisoners began abusing the Peons in the filthy strains common to low Musselmans and ending by throwing contempt on the Government. There were no auditors but the Peons and a Toty.

5. The last case is No. 1. The scene is laid in the road to the district Choultry whither the prisoners were being conveyed in default of paying the fine imposed on them for the original assault. Here, as in case No. 3, there was a quarrel between peons and prisoners, the former insisting upon continuing the journey, in spite of the rain. The prisoners abused them and the Sirkar as before.

6. The defence was that the charge was trumped up by the Peons, on the prisoners refusing to bribe them to do their best for them with the Moonshee of the Acting Head Assistant Magistrate; but it altogether broke down.

Fort St. George, Judicial Consultation, 6th July 1858.

7. Considering the last case (and No. 3) proved, the Commissioner sentences both prisoners to 5 years' imprisonment with hard labor in irons; and in his second letter above recorded recommends that the 1st prisoner be banished to *Coimbatore*, the 2nd to *Cuddalore*.

8. The Governor in Council considers the sentence to bear harder on the prisoners than the circumstances of the case warrant. He resolves therefore, under the powers vested in him by Act No. XVIII of 1855, to remit in each case four years of the sentence of the Court, and to direct that the remainder be worked out in the Zillah Jail of *Chittoor*.

(Signed) T. PYCROFT,
Chief Secretary.

Memo.

Judicial Sept 25

Letters from *Chittoor* Commr. } Here enter
under Act XIV of 1858 J. 8/17 and 18th June

With the first of these letters Mr Harris submits the record of three cases disposed of by him as Commr. There are the cases which, doubting his power to deal with them, he suggested should be disposed of by Govt under Regⁿ III of 1843, a course which the Govt declined to adopt for the reasons stated in their order marginally noted.

2. There are two Prisoners. The indictment in each case is for "Seditious Words" alleged to have been uttered by the Prisoners on three several occasions. The Prisoners are jointly indicted in each case. But this is an error "Perjury, seditious words, & blasphemous words, are offences in their very nature several."

3. It appears that the two Prisoners had been charged before the Head of Police with assaulting a certain *Moneyan*. A summons was issued for their attendance at the Court. They treated this with contempt, indulging at the same time, as was alleged, in the scandalous language attributed to them by the witnesses, the summons being a *Village Perty*. This charge is the first in date, being laid on the 15th & 16th February last, but it

Jud 2 Sept
+ E. M. No 706
D/31 = Aug/58.

of Ally Sahib
and
Abdool Khader.

35

7. Considering the last case (and

L. The G. in C. considers
to have

21/6-52

AL

I should be pleased

Judicial Department
No 893
Extract Minutes of Consultation
Dated 3rd July 1838

Read the following
letters from G. A. Harris
Esq^r Commissioner of
Chittoor.

Here enter 17th 18th June 58

W
L
Hall

1. With the first of
these letters Mr Harris
submits the record of three
cases disposed of by him
as Commissioner. These
are the cases which,
doubting his power to
deal with them, he
suggested should be
disposed of by Govern-
ment under Reg. III of 1819,
a course which the Gov^t
declined to adopt for
the reasons stated in their
order.

Dep^t Com^r (No 706 of 31st)
May 58

order marginally noted.

2. There are two Prisoners. The indictment in each case is for "Seditious words" alleged to have been uttered by the Prisoners on three several occasions. The Prisoners are jointly indicted in each case. But this is an error.

"Perjury, seditious words and blasphemous words, are offences in their very nature several"

3. It appears that the two prisoners had been charged before the Head of Police with assaulting a certain Monegar. A summons was issued for their attendance at the Cutchery. They treated this with contempt; indulging

indulging at the same time, as was alleged, in the scandalous language attributed to them by the Witnesses, the summons from and the Village Toby. This charge is the first in date, being laid on the 15th and 16th February last, but it is numbered "Case 2nd". The Prisoners were acquitted, the Commissioner not considering the charge substantiated.

4. The next case in point of date is No. 3. The Prisoners not answering to the summons, a warrant was issued. A quarrel took place between the Prisoners and the Peons on the road, owing to the latter refusing the former some indulgence

* Ally Sahib
&
Abdool Khader

indulgence. The Prisoners
began abusing the Peons
in the filthy strains com-
mon to low Muslmans
and ending by throwing
contempt on the Gov^t.
There were no Auditors but
the Peons and a Joty.

5. The last case
is No 1. The same is
laid in the road to the
District Choultry, where
the Prisoners were being
conveyed in default of
paying the fine imposed
on them for the original
assault. Here, as in
case No 3, there was a
quarrel between Peons
and Prisoners, the former
insisting upon continuing
the journey ^{in spite of the} rain or ~~no~~
~~pain~~ The Prisoners
abused them and the
Sirhan

65
Sirhan as before.

6. The defence was
that the charge was
trumped up by the Peons,
on the Prisoners refusing
to bribe them to do their
best for them with the
Monshero of the Acting
Head Assistant Magt^y;
but it altogether broke down

7. Considering the
last case and No 3/
proved the Commissioner
sentences both Prisoners
to 5 years imprisonment
with hard labor in prison,
and in his second letter
above recorded recom-
mends that the 1st
Prisoner be banished
to Coimbatore; the 2^d
to Covalore.

8. The Governor in
Council considers the
sentence

Sentence to bear harder
on the Prisoners than
the circumstances of
the case warrant. He
resolves therefore, under
the powers vested in
him by Act No. XVIII of
1835. to remit in each
case four years of the
sentence of the Court,
and to direct that the
remainder be worked out
in the Zillah Jail of
Chittoor.

To the Commissioner of Chittoor } Disp'd 8⁵
with 37 Enclosures

D.L.C. 2/7-58

JP

Notes only
2 copies
notes

Co. Commr

Just. L. & P. 13. 2nd May
1858

Page 33.

Draft

In A. to Com: D. July -
Judicial 1858 & Jan 96

No 893

Abstract. Nov. 1. of 1858.

of 13th July 1858 -