M.R.O. 1—39,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. 917 **Press**
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9-11.

Dated 7-7- ~~19~~1878

Not to be folded or roughly handled

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22-11-29

Fort St. George, Judicial Consultation, 13th July 1858.

Read the following papers.

No. 9. From W. HUDLESTON, Esq., Civil Service; to T. PYCROFT, Esq., Chief Secretary to Government, dated 10th June 1858.

SIR,

I have the honor to submit my reports on the subjects forwarded to me for investigation and consideration, with Extracts from the Minutes of Consultation, dated 11th, 18th and 25th Ultimo and 4th Instant.

2. I forward separate reports on the specific charges against the Deputy Commissioner of Police, Ramachendra Row, and the Magistrate's Interpreter, Mahomed Esoof, and shall in this letter address myself to the general question which I was directed to consider in the two latter Extracts from the Minutes of Consultation.

3. I beg leave, however, first to explain how so much time has been occupied in the enquiry.

4. The final orders to proceed with it did not reach me till the evening of 18th May, and it was not till the 21st that I was able to commence the personal examination of witnesses, but from that day it was prosecuted as rapidly as circumstances would allow. I considered it however highly desirable that both Colonel Boulderson and Colonel Colbeck should be present as much as possible during the enquiry, and though this did certainly not tend to facilitate rapid progress in any way, I believe that it aided me materially to discover the truth. It involved however the necessity of suiting my hours of examination to the convenience of those two gentlemen to allow of their carrying on the duties of their respective offices, which could not be allowed to fall into arrears. For the same reason on two days I adjourned the enquiry, and on one day since its close, I was obliged to attend at the Customs House as the Collector was unwell.

5. With these exceptions, I have been daily employed on the enquiry, and to obviate delay as much as possible, I took down all the Depositions myself in English. The copying, and arranging of the papers has taken up considerable time, but I trust the Government will acquit me of any avoidable dilatoriness.

6. I have given my opinion in full in my separate report on the charges against the Deputy Commissioner and other officers of Police, and against the Interpreter of the Royapettah Magistrate's Court, but there is one point in the case on which I wish to offer some remarks here.

7. The Government will observe that in the written statement put in by Ramachendra Row, he imputes personal enmity to Colonel Colbeck, as the motive for the charges and assigns certain alleged reasons for this feeling. On the other hand, Colonel Colbeck it will be seen in the examination of Colonel Boulderson and Mr. Deputy Commissioner Clarke, puts questions to elicit reasons for his bad opinion of Ramachendra Row.

8. I would gladly have rejected all this extraneous and objectionable matter, but I did not see how to do so, and perhaps it is better that the Government should thus be distinctly informed of the fact of this ill-feeling between the Deputy Commissioner of Police, and the Senior Magistrate, which disguise it from himself as the latter may attempt to do, most unmistakebly exists, and is in my opinion fraught with serious inconvenience if not injury to the public interests.

9. The working of the Police may not be in all respects satisfactory, but Colonel Colbeck's openly manifested distrust of all the Police officers, and hostility to the Deputy Commissioner himself can be productive of little good and may be abused, or rather taken advantage of, and lead to very serious mischief. I cannot but think that in the Triplicane murder case it was turned to the advantage of the prisoners.

10. I may point to Colonel Colbeck's letter to Government of 1st Instant, forwarded to me with Extract from the Minutes of Consultation of 4th Instant, as affording incidental proof of the strength of this feeling.

11. In the first paragraph of it, he guards against a fancied danger, for before me he had merely stated that he had nothing further to state against Ramachendra Row *in connection with his conduct of the murder case*, and in furtherance of the purpose of that letter as stated in the Abstract, viz., to "bring to notice suspected malpractices on the part of Ramachendra Row, Deputy Commissioner of Police." He submits copy of a letter addressed to Colonel Boulderson, containing no doubt well grounded complaints of carelessness against some of the Police, but why against Ramachendra Row, rather than any others, I do not perceive. I should have thought that the Inspector and Mr. Lafond were rather to blame, unless the cases were sent up by Ramachendra Row, which does not appear from the letter.

12. In the case of Punjachellum to which especially attention is drawn, it appears to me that the whole of the difficulty was the result of carelessness on the part of the Clerk in the Magistrate's office who drew out the warrant of commitment from the "Daily Case Report" furnished by the Police, instead of from the "conviction" of the Magistrate.

13. It must frequently happen that in committing cases for trial, or in summary convictions by the Magistrate, it is necessary to modify to some extent the wording of the charge as entered in the Police sheet, and so far from concurring with Colonel Colbeck in his doubt of the propriety of his doing so, I consider it to be an essential part of the Magistrate's duty to search out, and record the whole truth of any matter that may be brought before him, and to instruct and direct the Police officers how to seek for it, and to call for all such evidence as may appear to him necessary for arriving at the truth. For this reason, I altogether disagree with Colonel Colbeck in his opinion that because the case of "non-registration of Arms" to which he refers was brought before him in an unsatisfactory manner, and incomplete form, he would therefore "perhaps have done right to dismiss it."

14. I think Colonel Celbeck is predisposed to view in the most unfavorable light, any act or omission on the part of the Police of a not altogether satisfactory nature, but I admit that he has some grounds for dissatisfaction, and it undoubtedly is the duty of the Magistrate to bring to the notice of the Commissioner of Police the short-comings, or misconduct of the Police subordinates as they come to light before him in Court, and by which his proceedings are no doubt much obstructed.

15. I have made the enquiries directed by Government, regarding the system adopted in the Police for preparing their cases for the Magistrates, which is as follows: In all cases of an ordinary nature, the charge is brought by the Jemadar of Peons, or Darogah of Talliars to the Inspector of the Division at the Jemadar's Tannah early on the morning after the charge was preferred to the Police, the party charged having meanwhile been released on bail, unless in cases of Felony, when he is confined in the Jail.

16. These ordinary charges are then entered by the Inspector in the Daily Charge sheet and the sheet so filled up is forwarded to the Police Magistrate's Court.

17. Similar sheets are of course received daily from each Inspector of a Division, included in the Magistrate's charge. At his Court they are subjected to a preliminary examination of a more or less frequent and searching character, either by the Deputy Commissioners of Police or by Mr. Lafond, which results in the occasional rejection, or temporary withdrawal of a charge from the sheet, but these are comparatively rare instances and as a general rule it may be assumed that the sheet as filled up by the Inspector is laid before the Magistrate.

18. In cases of a more serious character the necessary preliminary enquiry is made by one of the Deputy Commissioners of Police, and when it is considered that a sufficient amount of satisfactory evidence has been collected, the Inspector is ordered to enter the case in his charge sheet and it is forwarded to the Magistrate.

19. I am led to understand that the present results of this system are not satisfactory to the Magistrates, and do not bear comparison with the former working of the Police, but I have no returns to show its working. I believe however these have been recently submitted to Government with the Magistrate's reports on the working of Act XIII of 1856.

20. Colonel Boulderson has furnished me with a brief abstract statement of convictions and acquittals which would seem to show that during the four years from 1854 to 1857, the ratio of the number of persons acquitted to those convicted was as 9 to 11, which is very high. I am not however sure that the so called acquittals do not include the numerous cases of "dismissed with a caution," which form a large proportion of the Magistrate's decisions. If so, however, it still serves to show the ground of the Magistrate's dissatisfaction. They complain that cases of a trivial and non-criminal or essentially civil nature are sent up to them by the Inspectors, and not withdrawn from the charge sheet by those who examined them before they are laid before the Magistrate, and the working of the detective portion of the Police force is not satisfactory.

21. Colonel Boulderson admits this to some extent, but states that the rates of pay at his disposal, do not offer sufficient inducement to enable him to secure the services of men of superior qualifications for Inspector, and that the working of the system which is comparatively new, is improving, and it is reasonable to expect, will continue to do so.

22. The new Police Act however has now, I believe, been in force for nearly two years, and in that time any man not naturally disqualified for the duties of an Inspector, ought to acquire sufficient experience to do his work well, *provided his mistakes are pointed out to him as they occur*, but it is this constant supervision that appears to be to some extent wanting, and consequently charges are sent up to the Magistrates worded in an absurd and ridiculous manner and sometimes no doubt when a real offence is charged, failing to express what constitutes the gravamen of the charge. Major Wilson, in his letter to me points out that the Deputy Commissioners are not Magistrates, as the former Superintendents of Police were, and suggests that they may feel some hesitation in releasing individuals on their own judgment, but I think it cannot be questioned that when the Commissioner and his Deputies were authorized by Section VI, Act XIII of 1856, to exercise their powers as Justices of the Peace so far as may be necessary for among other purposes "the detection of offenders" they are certainly qualified to release persons who have been arrested by their subordinates but of whose innocence of all legal offence they are convinced and whom in fact they have "detected to be not offenders."

23. This is very different from the exercise of Magisterial or Judicial functions which do not belong to their province, and I think the case of Narrain Pillay's charge of forgery is a fair specimen of an instance where this discretion might with advantage have been used, his own Police information showing that the disputes was of six years' standing, and that the grounds for the immediate charge had come to his knowledge nearly two years before, while some of those connected with the Police Office must have known that former charges, and counter charges of a similar character had been frequently rejected by the Police in the case. If he were dissatisfied it would still have been competent to him to apply to the Magistrate for a summons or warrant, so that justice need not have been defeated.

24. As to the working of the Detective department, I do not know that I am called on to express any opinion. I believe that the Magistrates are all dissatisfied with it, and the records of the Triplicane murder case, and of the Larceny case submitted by Colonel Colbeck, and forwarded to me with Extract from the Minutes of Consultation of 25th Ultimo, have left a decidedly unsatisfactory impression on my mind, and I know that Colonel Boulderson, has made known his intention of reducing the Inspector Sheik Hussein, who was concerned in this last case, and whose conduct was evidently most irregular. I impute it however to ignorance and unfitness for his position, not to ill-intention as Colonel Colbeck from his marginal notes seems inclined to do, and I see no grounds from the record to charge Ramachendra Row with any improper conduct as Colonel Colbeck appears disposed to do.

25. Before concluding this letter, I will notice two points in Colonel Colbeck's letter of 20th May, referred to me in Extract from the Minutes of Consultation of 25th Idem.

26. In para: 19 he expresses a wish that in all cases of felony the Police enquiry be not permitted to pass through the hands of more than one Justice of the Peace, and that when the case is sent to the Magistrate's Court, it may be sent *direct* to him, and not through the officer of Police who attends at his Court, to take the "Reports" as they are called, that is, the officer

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who as I have explained above, is supposed to revise the Inspector's charge sheet before it is submitted to the Magistrate, and in para: 20, he further requests that at his Court, at least "this taking of Reports" may be discontinued, he having found it fraught with many objections, and giving rise to confusion and mischief.

27. Colonel Boulderson assures me that as a rule cases do not pass from the hands of one Justice of the Peace to another, and it is evidently objectionable to prohibit what may on some occasions be unavoidable. The transmission direct of cases of felony from the Justice of Peace to the Magistrate can be arranged between the two offices.

28. I confess I am at a loss to understand the reason for Colonel Colbeck's last request that the "taking of the Reports" by a superior Police officer from the Inspector may be discontinued at his Court, unless it is that he has found the work to be hitherto performed in an unsatisfactory manner, for it appears to me that the careful and close revision of the charge sheets by an efficient Police officer, would tend more than anything else to remove the grounds of Colonel Colbeck's complaints generally against the Police, and I think it would be manifestly not only most unfair to that department but also very objectionable, to insist that the charge sheets of the Inspectors should invariably be submitted without any revision whatever to the Magistrate, no matter how crudely or informally soever the entries in them may happen to have been made, nor how perhaps improperly a charge may have been admitted. If it is merely that Colonel Colbeck objects to its taking place *in his Court*, it may be made elsewhere, before the sheets are taken there.

29. I think I have now noticed all the subjects referred to me by Government for enquiry, and I will conclude this report which has grown to a great length.

30. I trust the Government will not see reason to think that in any of the remarks I have submitted, I have exceeded the proper limits of the duty they assigned to me.

No. 10. From Lieutenant Colonel H. COLBECK, Senior Magistrate of Police; to T. PYCROFT, Esq., Chief Secretary to Government, dated 14th June 1858, No. 14.

SIR,

1. As I imagine that the inquiry conducted by Mr. Hudleston, under instructions from the Right Honorable the Governor in Council, must be now closed, I have the honor to ask permission to say a few words with reference to it.

2. It would be presumption in me to make any lengthened remarks upon the extraordinary line of conduct pursued by the Commissioner of Police in the matter of the Triplicane murder case and its attendant circumstances, but I would respectfully beg leave to draw the more particular attention of the Government to one part of the proceedings of Colonel Boulderson most seriously and intimately affecting myself.

3. Extract Minutes of Consultation by Government, under date the 11th May 1858, conveyed the determination arrived at by His Lordship in Council that Mr. Hudleston should conduct an enquiry into certain charges against Ramachunder Row and the Police officers on the one hand and against Mahomed Esoof and other servants of the Royapet Police Court on the other.

4. The Minute of Consultation, as I before stated, bears date the 11th May, yet on the 18th of the same month Colonel Boulderson presumes to take an information from one Seetharam, calculated to brand my name with infamy.

5. This information is translated by Major Taylor, and has doubtless formed the subject of conversation among the society of Madras.

6. I will not trust myself to dilate upon this most unprecedented and cruel proceeding, but as I am aware that it is not the first instance in which Colonel Boulderson has thought proper to receive and record in writing information injurious to my character. I will strenuously urge upon the consideration of the Government, the propriety of an effectual barrier being placed in future to prevent the recurrence of so dangerous and unmagisterial a proceeding.

Report on the subject of the Petition addressed by Narrain Pillay on 23rd April 1858, *to Colonel Boulderson, Commissioner of Police, and submitted by him to Government.*

REPORT.

The gravamen of the charge contained in this petition is that Mahomed Esoof, the Interpreter of the Royapettah Magistrate's Court induced the petitioner by alarming him with a prospect of punishment should he fail to prove his case, to withdraw a charge of forgery that he had brought before the Police against one Soobroy Chetty and which was then before the Magistrate, and to agree to a compromise whereby he was to receive Rupees 500, but that though that sum had been produced by Soobroy Chetty it had not been paid to petitioner, who had moreover been compelled by Mahomed Esoof and one Mooniapillay to consent to receive a smaller sum of Rupees 250 instead of Rupees 500 and to sign a paper binding himself to obtain from the Collector a certificate for his house in favour of the defendant Soobroy Chetty, but that even this reduced sum had not been paid to him. I will at once state that the enquiry I have held has satisfied me that there is no reason whatever to impute any blame to Mahomed Esoof for his conduct in the petitioner's case, and that the petitioner has no ground for complaint, so little ground or pretence in fact, that looking at the time and place of preferring it, and the subsequent circumstances connected with it, I am induced to think that the charge has been if not originally instigated, at least subsequently fomented by others from interested motives to compromise Mahomed Esoof as deeply as possible at a time when other charges were also being laid against him.

A slight examination of the facts of petitioner's original complaint will serve to show how far it was from being one which he could have maintained before the Magistrate, and the withdrawal of which he has any real cause to deplore, or such as any one in Mahomed Esoof's position is likely from ill motives or at risk of personal loss or inconvenience to have improperly attempted to induce petitioner to compromise.

In the petitioner's own statements before the Police (dated 11th March last) and before the Magistrate (dated 18th Idem) he distinctly admits that the immediate ground of his charge against Soobroy Chetty arose *in August* 1856, when the latter produced before the Collector the bill of sale purporting to be executed by petitioner, and when the Collector on petitioner's asserting that it was a forgery, declined to issue the required certificate for certain house property in Soobroy Chetty's name. He gave no explanation of the extraordinary circumstance of his delaying from August 1856 till March 1858 to lodge his charge of forgery with the Police, and moreover in his Police information it appears from his own showing that the dispute between himself and Soobroy Chetty regarding this property had been going on since 1852. After this, the wonder appears to me not that the petitioner should have been only too glad of leave to withdraw his charge from the Magistrate's hands without incurring any penalty, but that such a case should ever have been sent up by the Police to the Magistrate's Court.

The perusal of the papers connected with this Police charge has left little or no doubt on my mind that petitioner did really execute the Bill of Sale which he charged Soobroy Chetty with forging and that from disinclination to tolerate the consequences he denied it when produced. From the papers connected with the case he appears on several previous occasions to have pursued a similar line of conduct, and more than one appeal has been made to the Police, both by himself and by Soobroy Chetty, but until the present instance they have always been dismissed there. I think it is to be regretted that the same course was not pursued in regard to this charge of forgery.

His petition to Colonel Boulderson against Mahomed Esoof appears to me to have been presented by him with a precisely similar object, namely, to evade performance of the conditions of an Agreement executed by him after the dismissal of his case by the Magistrate.

He makes no mention in it of the witnesses whom he subsequently (after the matter had been referred to me for enquiry) produced before Colonel Boulderson nor of the details and additional facts given by them in their depositions before the Police and in his own statement before me. These were subsequent improvements suggested, I am inclined to think, by those interested in aggravating any complaint against Mahomed Esoof.

The entire complaint of the petitioner Narrain Pillay, as deduced from his own and his witnesses' statements is, that on one occasion when the parties in his case were present in the Magistrate's Court, he was taken by the Cash-keeper to the room of Mahomed Esoof and there pressed by both of them to withdraw his charge on a promise to obtain for him Rupees 500 from the defendant if he did so, that his case was unduly delayed in the Magistrate's Court, from which it is to be inferred that there was an intention to weary him out, and that finally on the day before the withdrawal of his charge he was sent for to the house of Mahomed Esoof and there cajoled and bullied into a compromise, the terms even of which have been evaded since the dismissal of his case, while he himself has subsequently by the same parties been fraudulently induced to sign a paper withdrawing his opposition to the issue by the Collector of a certificate for his house in the name of the defendant Soobroy Chetty.

I am of opinion that the whole of this charge is false and fabricated.

I beg in the first instance to draw attention to its inherent improbabilities. The case of alleged forgery was, as I have shown, one that ought never to have been forwarded by the Police to the Magistrate, bearing as it does on the very face of it such palpable marks of falsehood. The only doubt as to its being immediately dismissed was from the chance of the Magistrate insisting on the prosecutor proceeding with it, with the intention of eventually punishing him for taking up the time of the Court with such a lying story.

What possible motive, unless indeed pity for Narrain pillay, could have induced Mahomed Esoof to have interfered in such a case, or even supposing he had interfered as stated, what real grounds of complaint would the petitioner have against him ? I think however that it is evident he did not so interfere, and I proceed to show how I am led to think so.

I consider the evidence of all the witnesses whom the petitioner has produced to be utterly unworthy of credit, as bearing manifest marks of being suborned. I was convinced from the manner in which they gave their evidence before me that they were repeating a lie that they had been taught. The manner in which they were produced is suspicious. They were sent one day to my private residence by Colonel Boulderson with a note requesting me to hear what they had to say, to prevent the opportunity for further tutoring. I quote his own words to the best of my recollection. I refused to hear any thing from them in the absence of Mahomed Esoof, but said that if he would produce them that same day at the Sudder Court, I would take their statements though I was at the time still engaged on the enquiry connected with the murder case. I was not aware that they were *witnesses* and under this impression, I suggested to Colonel Boulderson in my reply, that as the petition had been presented to him, and submitted by him to Government, there appeared no objection to his receiving any statement which the parties to that petition might voluntarily come to make to him, and handing them over to me. I heard no more of the matter till Colonel Boulderson made over to me the copies of depositions that had been taken in the Police from these witnesses as they are styled.

These depositions themselves bear to my mind palpable marks of fraud. The witnesses know too much, and know too little, they both recollect and forget too conveniently, their statements correspond too exactly and disagree too fatally to admit of their being true in my opinion. I may mention here what I believe I have hitherto omitted to do, that Mahomed Esoof utterly denies the entire of the charge.

One statement of the petitioner supported by his witness Moortee Naick, I have been able to test more closely.

The case reached the Magistrate's Court on Saturday 13th March, and on the application of the defendant's Solicitor the enquiry was deferred till Wednesday 17th Idem. For the reasons given in the Magistrate's statement* herewith submitted, it was again deferred till the following day Thursday 18th, on which day and on Friday 19th, the enquiry proceeded. On Saturday 20th, press of other business prevented the Magistrate from taking it up, and on Monday 22nd, the petitioner withdrew his charge.

* Marked C. 1. a.

These were the only days on which the parties to the case attended the Court and it was on one of these days that according to the petitioner he was taken by the Cash-keeper of the Court to Mahomed Esoof's room and pressed to withdraw his charge, and his witness, Moortee Naick states positively that on that day no proceedings were held in the case. They both agree in stating that it occurred between 12 and 2 P. M. and that Colonel Colbeck was not on the bench at the time.

Now as shown above, Wednesday 17th and Saturday 20th, were the only days except Saturday 13th on which the parties were present at the Magistrate's Court but no proceedings in the case were held.

The attendance Book of the Magistrate's Court shows that on Saturday 13th the Cash-keeper was absent on leave, and that on Saturday 20th Mahomed Esoof was absent on duty the whole day at the Office of Messrs. Boyson and Miller.

Wednesday 17th, is thus the only day left on which the occurrence could have taken place, but on that day it appears from the case book that the Magistrate held his Court, and Colonel Colbeck states that from it he is able to affirm positively that during the whole time mentioned by the petitioner and his witness he must certainly have been on the bench, and the Interpreter employed in open Court.

I have satisfied myself also from personal inspection of the locality that the Interpreter's room is about the last place he would be likely to choose for such an interview, were he disposed to interfere clandestinely or irregularly in any case before the Magistrate, and wish to avoid detection.

I therefore reject this statement as wholly false.

Finally the character of the witnesses as admitted by themselves appears to be indifferent, to say the least of it, so that the supposition of their evidence having been suborned is not unwarrantable.

Mahomed Esoof's answer to the whole appears to me satisfactory, credible, and well supported by the evidence that he has produced.

It is that *after* the charge had been withdrawn from before the Magistrate, one Mooneapillay a respectable dealer in hides ; who it appears brought him up, and who is also some connection of the petitioner, was applied to by Narrain Pillay, and Soobroy Chetty to arbitrate between them in the matter in dispute, that he had taken some steps in the matter, when on the circumstance coming to his (Mahomed Esoof's) knowledge, he begged Mooneapillay not to interfere further in the matter, which had been through the Police, and that thereupon he desired one Pudmanabha Moodelly who had been engaged with him in arbitrating in the case, to bring it to a conclusion by himself. He states and Colonel Colbeck confirms his statement that he reported this circumstance to the Magistrate at the time.

The statements of Pudmanabha Moodelly and Mooneapillay entirely confirm this account, and bear, I think, every appearance of truth and probability.

Pudmanabha Moodelly's account explains I think what gave rise to the present petition. He has produced before me the original agreement between Narrainpillay and Soobroy Chetty, or rather deed of acquittance executed by the former to the latter, and the petition to the Collector in Narrain Pillay's name which was to have been presented to the Collector. Copies and translations of these papers accompany this report. Pudmanabha Moodelly also explains how it was that these papers have remained in his possession and the fact appears to me to be that Narrain Pillay repenting him of having thus arranged his long cherished grievance, and failing to re-obtain possession of these papers as he wished, had resort to the expedient of bringing to the Police his complaint that the compromise had been improperly obtained.

I beg to repeat my opinion that Mahomed Esoof is perfectly innocent of any improper conduct in this matter, and that the petitioner Narrain Pillay's complaint is altogether groundless.

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I have stated in the early part of this report that I was inclined to think the petitioner's complaint had been fomented by others. My reasons for so thinking were partly the manner in which it came to the knowledge of Government, but principally the circumstance of its so rapidly, and extensively increasing while another charge against Mahomed Esoof was under enquiry, and that what I consider palpably false evidence should have been suborned to support it and first brought to my notice through the Police long after the case had been submitted to Government and referred to me for enquiry.

Colonel Colbeck however it will be seen distinctly states that he has been informed that Ramachendra Row drafted the petition. I believed him to mean the Deputy Commissioner of Police; but I am not certain on this point, as it now occurs to me that there is another man of the same name in the Commissioner's office, who is I believe the Interpreter, and who generally goes by the name of "Sawmy" in that office to distinguish him from the Deputy Commissioner. This man Colonel Colbeck in para. 10 of his letter to Government dated 20th Ultimo, states to have taken an active part in the matter of Narrain Pillay's original charge of forgery and it may be to him that he refers as the drafter of the petition. In connection however with this assertion I beg to bring the following circumstance to the knowledge of Government.

While I was prosecuting the investigation into the charges connected with the Triplicane murder case, one day Colonel Colbeck and Mahomed Esoof produced to me a sealed envelope on which was written in Colonel Colbeck's hand-writing and signed by him, that it was not to be opened without his consent.

I received this envelope and retained it in my possession in the same state till the close of that enquiry.

I now on reflection see that I should have exercised a much wiser discretion had I declined to receive it.

However at the close of that enquiry, I asked Colonel Colbeck whether he had anything further to allege against Ramachendra Row the Deputy Commissioner in connection with the murder case, and he said that he had not. I then asked him what he wished done with the sealed envelope, and he said that he wished to withdraw it, and I accordingly returned it to him unopened.

When however taking his statement regarding Narrain Pillay's petition, I perceived the assertion in it that I have above referred to, I asked him whether he had any evidence to adduce in support of it, and he then told me that the sealed envelope in question had contained the statement of his informant who however was most unwilling to come forward in the matter, and there the subject dropped.

It has only now occurred to me as very probable that he did not intend to refer to the Deputy Commissioner of Police as having drafted the petition, and even if he did so, the matter is perhaps of but little importance in face of the notorious ill-will of the Deputy Commissioner and Mahomed Esoof.

I have stated the facts as they occurred, and it is for the Government to decide whether the matter calls for further enquiry or notice.

I here conclude this portion of my report.

Madras,
9th June 1858.

(Signed) W. HUDLESTON,
Civil Service.

Report on the charges of misconduct in the supposed murder case of Sooboo Lal a Bill-collector of Triplicane, brought against the Police by the Magistrate and on the counter-charge of receiving bribes in the same case laid against the Interpreter of the Magistrate's Court and submitted to Government by the Commissioner of Police.

REPORT.

In both of these cases the charges are rather to be inferred from what has been written or submitted to Government, than to be assumed as distinctly laid by any one, and though that against the Magistrate's Interpreter is sufficiently tangible. I considered it necessary to ascertain distinctly from Colonel Colbeck whether he had any thing to allege against the Police of misconduct in this particular case beyond what might be deduced from the record of the proceedings held before him, and he twice after reflection stated that he had not.

2. Having premised so much I will state what the charges resolve themselves into, what opinion I have formed regarding them, and how I have arrived at that opinion.

3. The charges against the Police amount to the following :—

That the Deputy Commissioner Ramachendra Row actuated by motives of personal ill-will against the prisoner Vencatasawmy Butten, tried to induce two witnesses, Seetaram a beggar, and Gooroovadoo a barber, to give evidence against the prisoners when they were really not in possession of any such evidence, and that certain Police subordinates equally and at the same time and place attempted similarly to influence the barber.

That the Taliar Naigue Roodruppen and Taliar Narrain Row in a similar manner attempted to suborn one Vencata Butten, a brass-smith, to give false evidence for the prosecution by offering him a bribe.

And that the said Taliar Naigue who had had charge of the case in the Police from the commencement, failed to bring to the Magistrate's knowledge certain evidence showing that the deceased had been in company with the female prisoner and one Chedumbara Chetty, shopping on the day preceding that of his murder, (as supposed to have taken place) that on the day of the murder the female prisoner in company with the same Chedumbara Chetty returned to the shops, exchanged some of the previous day's purchases, and bought some six Sovereigns and also the facts, that the said Chedumbara Chetty was at large on bail and that he (Roodruppen) had in his possession two papers connected with the deceased and the female prisoner, one of vague import, the other an account of a loan transaction on certain jewels.

The counter-charge against the Magistrate's Interpreter Mahomed Esuf otherwise called Baboo Sahib as deduced from the statements submitted by the Commissioner of Police is that on Friday 9th April, while the case was proceeding in the Magistrate's Court, he received from the friends of the prisoner Vencatasawmy Butten, a bribe of Rupees 150, and that on the day but one following that on which the Magistrate dismissed the case, (being Friday 16th April, the case having been dismissed on Wednesday 14th,) he received from Vencatasawmy Butten himself a second sum of Rupees 100 ; the said payments being to obtain and reward his good services on behalf of the prisoners.

The opinion which after careful enquiry and consideration I have formed on these several charges is

That there are not any good grounds for imputing misconduct to the Deputy Commissioner or any other of the Police in the Triplicane murder case as charged, except that the Taliar Naigue did withhold from the Magistrate's knowledge the circumstances mentioned above; the importance of which omission must in great measure depend on the value assigned to the evidence so withheld, and that so estimated it was in my opinion a piece of very serious misconduct.

That the counter-charge against the Interpreter is supported by no evidence worthy of credence, that the evidence circumstantial and otherwise on the other side, warrants the belief that it is altogether unfounded and probably fabricated to strengthen the defence or aid the exculpation of the Police officers from the charge against them.

I proceed to explain how I have arrived at the above conclusions, and first as regards the Police.

I find no evidence of such misconduct as imputed, and no motive for resorting to such means to get up the case against the prisoners.

The personal enmity imputed by Vencatasawmy Butten to the Deputy Commissioner Ramachendra Row is denied by the latter and it rests solely on the assertion of the former.

I find nothing in the facts of the case to induce belief in the assertion.

The case was at first, and for some days in the hands of Mr. Deputy Commissioner Clarke, who was of opinion that Roodruppen and the other Police officers engaged in seeking evidence as to how Sooboo Lal met his death were acting *in favor of the prisoners* Vencatasawmy Butten and Amoorthum, who were placed in custody on the evening of the finding of the body, and it was in consequence of his expressing this opinion that Colonel Boulderson directed Ramachendra Row to take charge of the case and conduct the enquiry.

The circumstantial evidence is sufficient to justify very strong suspicion against the prisoners, but nothing beyond circumstantial evidence had appeared up to the time of the case being put into Ramachendra Row's hands, soon after which, one Chengoo Ram, a writer in the Revenue Board Office, who lives in the near neighbourhood of the prisoners, and according to his own account, had from the first been collecting information for the Police, produced Vencatachella Naick and Parthasarathy Pillay who deposed to having seen a body carried away from the prisoner's house.

Their evidence constitutes the sole direct evidence against the prisoners produced before the Magistrate, and I have no hesitation in saying that it is so palpably and unmistakeably false from beginning to end, that I at once acquit Ramachendra Row of the stupidity of suborning such evidence against the prisoners, under the impression that it could have any possible effect other than in their favour. I have no doubt whatever that he fully appreciated its worthlessness, but that having been produced before him, and feeling that the circumstantial evidence though strong was not sufficient, he let it go such as it was for the Magistrate to estimate. I will further say that I am far from convinced that with the best intentions in the world he would have been justified in withholding from the Magistrate such evidence as the above, after it had been produced to him, were it only that the accused might have the benefit of the doubt it was calculated to induce, and it is finally to be remembered that when the Police had collected what they considered sufficient evidence to bring the case before the Magistrate, Colonel Boulderson took it up and the responsibility of sending up the evidence to the Magistrate rests on him.

Some importance appears to have been attached by the Police to the fact of a razor having been found in the prisoner's house. I confess I am at a loss to understand why. It is not attempted to be shown that it was the instrument used in the murder, and a moment's inspection will satisfy any one that such supposition is most improbable. It bears no marks of recent cleaning or of recent use, and I think the prisoner's account of it probably true. It was certainly found in his house and whether it was his own and had been a long time in his possession, as he states, or had been recently borrowed for the purpose stated by the baber Cooppoodoo. I do not see that either way it tends at all to strengthen the case against him.

I now come to the evidence of the witnesses Seetaram, Gooroovadoo, and Vencata Butten examined by the Magistrate on behalf of the prisoners on the last day of the examination before him.

I see nothing whatever in the statement of Seetaram before the Magistrate to show that Ramachendra Row was guilty of any improper conduct in examining him, or in his mode of doing so. A second statement taken from him on 18th May by Colonel Boulderson, and by which it was apparently intended to show that Colonel Colbeck and Mahomed Esuf attempted to induce him to make false statements against Ramachendra Row, was produced before me, and the latter in the statement put in by him in his defence distinctly asserts this both regarding Seetaram and Gooroovadoo. I need perhaps scarcely say that I attach no weight whatever to this assertion, which I consider incredible and only excusable in consideration of the circumstances under which it was made. There was every reason to think that Seetaram who resides in a room on the pial of the prisoner's house, might be able to give some information, and I see nothing in his statement before the Magistrate to warrant the belief that any attempt was made to induce

him to give false evidence or to bring any improper influence to bear on him. I may add that he is the last kind of person likely to be chosen for such a purpose. He is infirm mentally and bodily and would certainly not be able to maintain made-up evidence under cross-examination. I think he would find it almost equally difficult to maintain the truth.

The next witness the barber Gooroovadoo in one place in his statement before the Magistrate deliberately asserts his *belief* that a reward was offered him by Ramachendra Row with the intention of inducing him to make a false statement, but it will be observed that his account in that statement of what actually occurred is perfectly consistent with the belief that a reward may have been offered to him to induce him to tell the truth and in his statement before me he rejects altogether the idea that Ramachendra Row attempted to extort a false statement from him.

Note.—I should have noted that the examination of this witness was not carried on through the Interpreter Mahomed Esuf.

I do not for a moment believe that Colonel Colbeck could have allowed himself to induce any witness to make a more unfavorable statement than he was disposed to do, and I can perfectly understand from his description of the examination that it was necessary to put to this witness the distinct question whether Ramachendra Row had so worded his question to him as to make it an enquiry to elicit the truth or an instruction to tell what was false, and I doubt not that his evidence was correctly recorded, but the impression left on my mind by Colonel Colbeck's description of the manner in which he gave his evidence, is the very opposite to that which it appears to have made on Colonel Colbeck himself and I feel convinced that the man had been somehow induced to give such an account of what passed between himself and the Police as to leave in the Magistrate's mind an idea favorable to the prisoners, that undue means had been resorted to, to get up evidence against them and that he was clever enough to compromise himself as little as possible in creating this temporary impression, for it was sufficient for his purpose and that of those interested that it should have immediate, though but slight effect.

I give no credence to his statement so far as it imputes misconduct to the Police.

The brass-smith Vencata Butten repeats before me his statement to the Magistrate that Roodruppen and Talliar Narrain Row offered him a bribe to induce him falsely to say that he had seen the body of the deceased Sooboo Lal while being carried away, when he had at the time been absent from Madras. This assertion is to be weighed against the denial of the two Police officers, and, I believe it to be completely false, my reasons for this belief are first, the man's manner and conduct in evading appearance before me till the close of the enquiry and secondly, because I am impressed with the truth of the assertion, that this man and the barber Gooroovadoo were bribed by the friends of the accused to bear witness before the Magistrate to misconduct on the part of the Police, as was distinctly asserted in the statements of Amaravaty Aucharry and Narrain Sawmy Naick submitted to Government by Colonel Boulderson, and in the petition* of Dheer Chund Lalah and others, inhabitants of Triplicane, addressed to Government, copy of which was also addressed to me. Amaravaty Acharry adheres to his statement before me. Narrain Sawmy Naick denies his "in toto" and substitutes for it a story of how Ramachendra Row instructed him and others to make false statements before Colonel Boulderson. Out of such a tissue of lies as this man's statements consist of, it is not easy to extract the slight thread of truth that they may include, and I will merely say regarding them, that the fact of his denying before me the statement made before Colonel Boulderson is no proof whatever that that statement was false.

As to the probability of these two witnesses Gooroovadoo and Vencata Butten having been bribed to give evidence against the Police, I think I may assert without risk of contradiction even from Colonel Colbeck, that his distrust of the Police generally and of Ramachendra Row in particular, is well known to every one who frequents his Court.

On the 9th April, Colonel Colbeck's suspicions were excited against Roodruppen the Talliar Naigue by something that Mr. Grant told him of information having been kept back from him. From that day according to Roodruppen the case began to assume an unfavorable aspect. On or about that day say the witnesses examined by Colonel Boulderson on behalf of the Police, the Magistrate's Interpreter received his first bribe. From that day it appears to me, the prisoners and their friends strove to increase in every way the suspicions against the Police which they saw that Colonel Colbeck already entertained, for he evinced them by taking frequent depositions from Roodruppah and doubtless in other ways, and he states that he cannot remember that before

* In enclosure D.

incidents

that day the prisoner Vencatasawmy Butten ever named Ramachendra Row in his vociferations against the Police.

The female prisoner Amoorthum is a common strumpet and appears to have a body of male acquaintances of the most disreputable description. It would have been an easy matter for them to raise the small sum required to bribe Vencata Butten and Gooroovadoo, and I have not the shadow of doubt in my mind that that course was adopted.

For the foregoing reasons and considerations I exculpate the Police from blame in this matter.

Roodruppen himself admitted before Colonel Colbeck that he failed to bring to his notice certain information which went to show that the deceased and the female prisoner were on friendly terms apparently up to the evening of the day before that on which the murder is supposed to have taken place, and that her conduct on the day of the murder itself was not such as one would be inclined to expect from a person who had been recently concerned in such a deed. He has offered no explanation before me of his having so failed to do his duty, beyond saying that the Commissioner and Coroner were aware of the circumstances and did not consider them of importance or direct him to bring them to the knowledge of the Magistrate. There is nothing on the proceedings of the Police or Coroner to show this to be the case except one slight incidental remark in the statement taken by the Coroner from the son of the male prisoner, and which does not appear to have attracted any attention.

Note.—I have since ascertained from Colonel Boulderson that Mr. Deputy Commissioner Clarke *was* duly informed of the circumstance in question.

I think that unless the Commissioner of Police can satisfy himself that Roodruppen had no ill-intention in so concealing these circumstances, he should take very serious notice of his conduct. His suspicions against him were excited by Mr. Clarke at an early stage of the enquiry, but beyond suspending him from his post of Talliar Naigue, and sending him to do duty as Talliar at a distant station, no enquiry has been held by him and no punishment awarded.

I proceed to notice the charges of corruption against Mahomed Esuf the Magistrate's Interpreter, regarding which I have already expressed my opinion that they are unfounded and probably fabricated to effect a purpose.

I would first draw attention to the time at which they first appear, viz., when Colonel Boulderson calls on his Deputy for explanation of the Magistrate's charges against the Police! They rest upon the evidence of Syed Sahib, a bandy driver, Narrayana Naiken, a Poojaree of a temple in Triplicane and Soobba or Soobroya Naick who appears to be employed in the dirty work of a gold-smith's trade. There is also the hearsay report of a Police peon attached to the Magistrate's Court of what another person told him. I will take their evidence in the order in which I have named them.

In regard to the evidence of Syed Sahib, which is of no great importance, I would merely draw attention to the manner in which his deposition before Colonel Boulderson of 19th April is amplified in that of the 23rd, and to the contradictions (and suspicious additions) between his statements in the Police and those given before me, as also to the precision with which he has fixed the date. I may also mention that he failed satisfactorily to identify the only one of the three persons who went in his bandy but whom he said he did not know, though he could recognize them, with whom I had an opportunity of confronting him.

The Poojaree Narayana Naick reiterated before me the statement he made in the Police, with the important exception that he saw no mussulman on the occasion in question.

He also fixes the day as being Friday 9th April and that the time occupied in the house in Black Town was about an hour, and that they arrived then about 6 o'clock A. M. I would only further remark that according to the witnesses' own showing there was no reason whatever for inviting him, a begging priest, to accompany those who are said to have gone to Mahomed Esuf's house, and draw attention to the exceedingly suspicious addition made on the 28th April to his Police statement of 22nd and to the absurdly improbable explanation of it that he offered before me, which was that his second Police statement was taken to ascertain merely the colour of the cloth in which the money he mentioned on the first day was wrapped, the fact being that he had not on the first day made any mention of a bundle containing money, and the addition appears to have been an after thought.

According to these witnesses then the first occasion of Mahomed Esuf's being bribed would appear to have been on Friday 9th April, between the hours of 6 and 7 A. M. by Arsuppa Acharry, and Appasawmy Chetty with a son-in-law of the prisoner Vencatasawmy Butten, in the sum of Rupees 150, that afterwards they all returned together to Triplicane, and that Appasawmy Chetty had been selected for the office on account of his known influence over Mahomed Esuf.

I have already pointed out suspicious circumstances in the depositions of these witnesses. I proceed to test their facts.

Arsuppa Acharry and Appasawmy Chetty deny altogether any knowledge of or concern in any such transaction. The former is a cooly gold-smith earning Annas 4 daily. The latter a cooly carpenter employed on the Railway and earning the same wages. The way in which this man gave his evidence impressed me strongly with its truth, I was able to ascertain from the Railway authorities that from the 6th to 17th April both days inclusive he was daily (except Sunday 11th) at work *full time*, viz. from 6 A. M. till 11 A. M. and from 1 P. M. till 5-30 P. M. thus precluding the possibility of his having been on 9th April at Mahomed Esuf's house from 6 to 7 A. M. and then returned thence to Triplicane as stated. Again Friday 9th April last was the day of the "ziarut" or funeral ceremonies of the late Moollah or Cazee of Black town and very respectable evidence has been produced before me to show that from about 6 A. M., till nearly 8 A. M., or thereabout Mahomed Esuf was present in the mosque where they were taking place. Since the close of my examination Ramachendra Row has addressed a letter to me stating that the son of the late Moollah is prepared to state that the "ziarut" did not commence till 7 A. M., on the day in question and that Mahomed Esuf did not arrive there till after that hour. I do not however think it necessary to make any further enquiry in the matter.

So much for the occasion of the alleged first bribe.

The second bribe is alleged to have been paid by Vencatasawmy Butten in person after his release on Friday 16th April in the evening, in the presence of Appasawmy Chetty and one Soobbah Naick, on whose (Soobba Naick's) evidence alone the charge relies.

Soobbah Naick repeats before me the account he gave in the Police and adheres to it as correct. He shows no reason for his being present on the occasion and like Narayana Naick the Poojaree, would (if he is to be believed) according to his own account appear to have taken there purposely to give evidence on some future occasion, for no other reason appears. He also states that Appasawmy Chetty joined them from the Railway at half past four o'clock, where, as I have shown above that he was at work on this day till half-past five. Appasawmy Chetty denies all knowledge of any such transaction, but what confirms me in my rejection of Soobbah Naick's evidence as utterly untrustworthy is the character of the man as shown by some information he lately gave to the Police regarding a bloody cloth said by him to be buried in the back-yard of the house of the former prisoner Vencatasawmy Butten. Copies of these papers I obtained from the Police and herewith submit (marked C.) and any thing more palpably false and fabricated it is difficult to imagine. It stamps the character of the informer.

This completes the case of Mahomed Esuf as connected with the Triplicane murder case, and I may repeat here that for the reasons I have stated I reject the charges against him. I have said that I see reason to think them fabricated to effect a purpose. I will now proceed to explain those reasons. I have already drawn attention to the *time* at which the charges first appear and from Colonel Boulderson's statement it appears that the witnesses who made those statements before him were produced as evidence for the defence of Ramachendra Row and the Police from the Magistrate's charges against them. I would here point out the singular circumstance that the witnesses who deposed to the bribing of the barber Gooroovadoo and the brass-smith Vencata Butten, state nothing regarding the bribing of the Interpreter Mahomed Esuf while those who depose to the latter circumstance, know nothing apparently of the former.

Among the statements submitted to Government by Colonel Boulderson is one by a Police Peon, Moonee Lal, who was stationed at the Magistrate's Court while the enquiry there was going on. The date of this man's first deposition before Colonel Boulderson is 24th April or ten days after the dismissal of the case from the Magistrate's Court. It contains a statement of facts which he said came to his knowledge during the progress of the enquiry, and before me he has asserted that at intervals he brought them to the knowledge of the Police Inspector Sheik Hussain, and that before the close of the Magistrate's enquiry, a deposition was taken from him by the Commissoner. This however is false, as appears from Colonel Boulderson's statement that his first information to him was given after the dismissal of the case by the Magistrate, and he believes on the day the deposition was recorded, which as above stated was 24th April. In that statement he does not mention any report of Mahomed Esuf having been bribed, but on the 27th April (he being still attached to the Magistrate's Court) he comes forward with further information of what had occurred the preceding day and this time he brings the information that Mahomed Esuf is said to have been bribed by the friends of Amoorthum the female prisoner, together with several of the witnesses, and that the bribe had been given to the former through a man attached to the Railway.

Singularly enough the person who is so communicative to a Police officer is one Moonien or Mooniappah, a Railway Lascar himself, known in Triplicane as "Bandykara Moonien," and stigmatised in the petition received thence, who is one of the numerous sharers in the favours of the prisoner Amoorthum, and had himself (he tells Moonee Lal) carried out for her benefit this system of bribery which he details.

To this story, with some slight amplifications and additional particularities, the Police peon Moonee Lal adheres before me, and admits that he never brought any of these circumstances to the knowledge of the Magistrate, as it also appears he concealed them from the Commissioner of Police. Moonien denies altogether the truth of his (Moonee Lal's) statement, but I attach little weight to this denial and my belief is that the peon Moonee Lal had in the course of the trial got hold of some hint that some of the witnesses had been bribed, and that when after its dismissal the Police officers were blamed by the Magistrate, and it was sought to exculpate them, he informed those interested of what he knew, which being probably but little possibly what is contained in his deposition of 24th, he was set to work to improve upon it and finally produced before Colonel Boulderson the elaborate composition contained in his deposition of the 27th which he has repeated before me.

I would beg not to be understood as wishing for one moment to insinuate that Colonel Boulderson lent himself even passively to any such proceeding. I am sure that he would not tolerate even the suggestion of the possibility of adopting such a course, and although I think that he is not unnaturally somewhat biassed in favour of his own officers and has allowed himself in this matter to be induced to follow an objectionable course in one or two instances (such as taking in the Police depositions connected with this case and that regarding the petition Narrain Pillay after the whole matter had been made over to me by Government for enquiry) I am convinced that he has throughout been actuated by the most sincere desire to bring the truth to light whatever it might prove to be.

It remains only to comment on the statement before me of the Revenue Board writer Chengoo Ram, who Ramachendra Row states (in his written reply to the charges) produced before him, first in the original enquiry the two witnesses Vencatachella Naick and Parthasarathy Pillay who deposed to seeing the deceased enter the house of the prisoner, hearing his suffocating cries, and seeing the body carried away, and in fact by the most extraordinarily concatenation of events, personally witnesses at intervals during some 24 hours, acts of the prisoners calculated to fix their guilt incontestably, and yet without themselves in the slightest degree incurring suspicion of complicity, and without being aware the one that the other knew the same. Ramachendra Row says that he requested Chengoo Ram to make enquiries in the murder case, but Chengoo Ram states that he had at an earlier period been requested by some of the Police officers to collect information. The point is not of much consequence, but it shows that Chengoo Ram had throughout been working with and in the interests of the Police, and he states himself that he is an old friend of the Deputy Commissioner Ramachendra Row. Be this how it may, it is certain that having previously to the sending of the case to the Magistrate produced before the Police the witnesses named above, no sooner is the case dismissed by the Magistrate and the conduct of the Police in it impugned than Chengoo Ram again affords valuable assistance and produces one after the other, Narrain Naick the Poojaree, Amaravaty Acharry, Narrain Sawmy Naick, and lastly to crown the whole, Soobbah or Soobboya Naick.

I am morally convinced that with the exception perhaps of Amaravaty Acharry every one of the witnesses whom this man Chengoo Ram brought forward, gave false evidence either in the

Police or before the Magistrate or before me, and I consider that the conduct of both this man and of the Peon Moonee Lal should not pass unnoticed.

Whatever may have been their motive I hold it to be impossible that they could innocently or ignorantly have performed the parts which they have done.

The whole of the papers however on which I have formed my opinion are before Government and it is for them to judge in this matter, as also how far it is probable that Ramachendra Row could himself have been ignorant that the charges against the Interpreter Mahomed Esuf were false, as I believe them to be. I hold the inference to be inevitable, that if they were false, he knowingly brought them forward and the only excuse I find is the irritation and exasperation caused by finding himself the object of, as I consider, unwarranted aspersions on his own conduct in this case, cast by one whom whether rightly or wrongly he considers his personal enemy and ill-wisher, and the close patron of Mahomed Esuf between whom also and himself rivalry if not ill-will have long existed.

With these remarks I beg to conclude this portion of my report.

Madras, }
8th June 1858. }

(Signed) W. HUDLESTON,
Civil Service.

No. 11. ORDER THEREON, No. 917; dated 7th July 1858.

With his letter above recorded, Mr. W. Hudleston forwards his reports on the subjects referred to him for investigation in the Extracts, from the Minutes of Consultation of the dates noted in the margin.

11th, 18th and 25th May, and 4th June 1858.

2. He has forwarded separate reports upon the specific charges against the Deputy Commissioner of Police Ramachendra Row, and the Magistrate's Interpreter Mahomed Esoof, and in his covering letter addresses himself to the general questions referred to him on the 25th May and 4th Ultimo. Mr. Hudleston accounts satisfactorily for the time which has been occupied in the enquiry.

3. The Government will first notice the report on the charges against the Police and against the Interpreter in the Royapettah Office Mahomed Esoof, the investigation of which was the primary object of Mr. Hudleston's employment.

4. The charges against the Police, as they are to be deduced from the depositions of the witnesses examined in the Triplicane murder case, are, that Ramachendra Row, Deputy Commissioner of Police, had endeavoured to suborn evidence against the accused Vencataswamy Butten, and that similar attempts had been made by certain of the Police Subordinates. A Taliar Naigue named Roodruppen was further charged with having withheld from Colonel Colbeck certain evidence of importance in the enquiry.

5. The conclusion at which Mr. Hudleston has arrived, after careful investigation, in respect to these charges, is, that there exist no good grounds for imputing misconduct to the Deputy Commissioner or any other of the Police in the Triplicane murder case as charged, except that the Taliar Naigue did withhold from the Magistrate's knowledge certain circumstances, the importance of which omission must in a great measure depend on the value assigned to the evidence so withheld; and that so estimated it was, in his Mr. Hudleston's opinion, a piece of very serious misconduct. He thinks that unless the Commissioner of Police can satisfy himself that Roodruppen had no ill intention in concealing these circumstances, he should take very serious notice of his proceedings.

6. In these views the Right Honorable the Governor in Council fully concurs. He oberves that the enquiry into the Triplicane case was not originally commenced by Ramachendra Row, but was made over to him by Mr. T. G. Clarke. He had no credible motive for acting in the way that he is represented to have done, and the evidence against him and the other Police Officers is, as shewn by Mr. Hudleston, clearly undeserving of credence. It seems probable that the witnesses Seetaram Gooroovindoo and Vencata Butten were gained over by the friends of the prisoner, who practised upon the well known feeling of Colonel Colbeck towards the Police, and Ramachendra Row in particular, to submit to him evidence, which, as falling in with his own preconceived impressions, he too readily admitted to the prejudice of the Police, and too hastily acted on in the dismissal of the grave case then under his enquiry.

7. The countercharge against the Interpreter Mahomed Esoof is that on two occasions, once whilst the charge of murder against Vencataswamy Butten was under examination at the Royapettah Police Court, and once immediately after the prisoner's release, he received bribes from the accused for his exertions in his behalf. Mr. Hudleston's judgment of this charge is, that it is supported by no evidence worthy of credit, that the evidence circumstantial and otherwise on the other side warrants the belief that it is altogether unfounded, and probably fabricated to strengthen the defence, or aid the exculpation of the Police Officers from the charge against them. Mr. Hudleston has entered minutely into the circumstances of each of the two alleged instances of bribery, and his review of them fully convinces the Government that the charges are utterly false, and got up by some of the Police Officers to meet the charges against themselves. It is with regret too that the Government are compelled to come to the conclusion that the Deputy Commissioner Ramachendra Row has lent himself to the bringing forward these charges in the full knowledge of their falsehood. That he suspected or believed the malignant aspersions on his own character to have had their origin in the Interpreter Mahomed Esoof cannot be accepted as an excuse for such conduct.

8. The Government agree with Mr. Hudleston in his view of Taliar Naigue Roodruppen's conduct, but they will leave it to the Commissioner of Police to deal as he deems fit with this man as also with the Peon Moonee Lall who figures so discreditably in connection with the charges against the Interpreter.

9. Mr. Hudleston's next report is on the petition addressed by Narrainah Pillay on the 23rd April last, to Colonel Boulderson, and by him submitted to Government. In this petition Narrainah Pillay charges the Interpreter Mahomed Esoof, with having intimidated him from proceeding with a charge of forgery which he was then prosecuting before the Police, and having induced him to agree to a compromise, the terms of which had not been fulfilled. Mr. Hudleston has examined this matter very carefully and has clearly proved that the charge against the Interpreter is utterly false, and that it has been if not originally instigated at least subsequently fomented by other parties from interested motives to compromise Mahomed Esoof as deeply as possible at a time when other charges were also being laid against him. The Government think it unnecessary to follow Mr. Hudleston in his reasonings, but they entirely agree in his conclusions. They think too with him that the original charge of forgery preferred by Narrainah Pillay against Soobroy Chitty should not have been committed to the Magistrate's Court. They further cannot approve of Colonel Boulderson having taken depositions from the parties who were to be witnesses in support of Narrainah Pillay's charge against Mahomed Esoof after the petition which contained that charge had been referred by Government to Mr. Hudleston. They regret moreover to observe that this is not the only instance of the kind which has occurred. In his letter of the 14th June, prefixed to this Extract, Colonel Colbeck has complained with great justice of the Commissioner having taken from the witness Seetaram an information deeply to the prejudice of his character after the matter to which it relates had been referred by Government to Mr. Hudleston in their orders of the 11th May.

10. That Narrainah Pillay was incited or encouraged by others to prefer his petition has been above noticed as most probable. Colonel Colbeck has however distinctly stated that he believes the petition to have been *drafted* by Ramachendra Row, he does not state this from suspicion only, but was told it on a promise of secrecy by one not under his control and whom he promised not to bring forward. The Government cannot but express their disapprobation of accusations deeply affecting the character of public servants occupying a high position, being put forward in this manner.

11. The Government now turn to the remarks made by Mr. Hudleston in his letter transmitting the reports.

12. The Government quite agree with Mr. Hudleston in his comments upon the unhappy state of feeling between the Deputy Commissioner of Police, and the Magistrate of the Royapettah Office and the prejudicial effect that it must have upon the public service. It is clear, however, Colonel Colbeck may disguise it from himself, that such a feeling does exist, that it has no slight influence upon him that his participation in it is fully known to all the Subordinate Officers in the Police Department and to the servants in his own office, and that it cannot fail

to act injuriously on both. Colonel Colbeck's distrust of the Police, and bad opinion of the Deputy Commissioner, Ramachendra Row, are abundantly shown in the papers that Mr. Hudleston has submitted.

13. As a consequence of this feeling, it is, that Colonel Colbeck is prone to put the worst construction upon the proceedings of the Police, to accept too readily, and without due inquiry, statements to their prejudice, and to attribute to improper motives, acts which may have only proceeded from ignorance or imperfect training, and which might be corrected, if brought to the notice of the Commissioner in a proper spirit. The feeling, in its turn, must of course react upon the Commissioner and dispose him to view all irregularities on the part of his Subordinates that may be brought to his knowledge as so many direct charges against his Department.

14. Nor is the mode in which the Commissioner deals with such complaints as may be made against his Police servants by the Magistrate, by any means such as the Government can approve. In place of investigating them fully and impartially, the accused parties are allowed to recriminate, and to meet the charges against themselves by countercharges against those in the other office. This is very conspicuous in the instances which have led to this enquiry. The accusation against Ramachendra Row and the Taliars of having suborned evidence is replied to by allegations of bribery against Mahomed Esoof, and false evidence sought in support of them. It must be evident that the charge against the Interpreter is no answer to the charge against the Deputy Commissioner and that both charges might have been true, as they have both proved to be false. Had the Commissioner of Police investigated the latter of these charges in the same careful and dispassionate manner as Mr. Hudleston has done, and there was no reason why he should not, their falsehood would soon have been made apparent, and had Ramchendra Row confined himself to a simple denial and demand for thorough inquiry, he would have occupied a far better position than he does at present.

15. As matters, however, now stand, it seems hopeless to expect any confidence or cordiality between Colonel Colbeck and Ramachendra Row, and the Government therefore think that the Commissioner should, as far as possible, arrange for the cases which may be sent up to the Royapettah Office being transmitted thither through himself or his other Deputy, so that there may be as little intercourse as possible between Ramachendra Row and the Magistrate of the 3rd District.

16. Mr. Hudleston's observations on the complaints made by Colonel Colbeck in his letter to Government of the 1st June, are very sensible. It is clearly the duty of the Police Department to bring their cases before the Magistracy in as complete a form as possible, and it is proper that the Magistrate should report to the Commissioner when they may fail to do so, pointing out, at the same time, wherein the case is imperfect, that such defects may be guarded against in future. It cannot, however, but happen, even under a better Police establishment than that which exists at Madras, but that the Magistrate will occasionally have to modify the wording of the charge originally sent him, and will have to send for additional evidence and instruct the Police how to find it, all of which clearly falls within the range of his duty. Mr. Hudleston has correctly objected to Colonel Colbeck's idea that he would perhaps have done right in dismissing the non-registration of arms case, because laid before him in an unsatisfactory manner.

17. With respect to this particular case, Colonel Colbeck's remarks will be referred to the Commissioner of Police for his explanation, as the matter is of a serious character.

18. The mode by which at present cases are brought by the Police before the Magistracy, is described by Mr. Hudleston in paras. 15 to 23 of his letter. The Government are not now prepared to consider the question whether committable cases should be sent to the Sessions by the Commissioner or their Deputies direct, or through the Magistracy. In other respects, they do not see reason to alter the present system. They are, however, decidedly of opinion that the daily charge sheets should undergo much more careful scrutiny than they now receive from the Deputy Commissioners, and be weeded of trivial cases, or cases not of a criminal nature, which now seem unprofitably to engage much of the time of the Magistrates. The Government look upon such examination as most necessary, and, indeed, a primary part of the Deputy Commissioner's duty, and they cannot at all accede to Colonel Colbeck's proposal, that "the taking of the reports" made to his Court, by a superior Police Officer be discontinued. It might indeed be better that the reports should not be taken by the Deputy Commissioners sitting in the Police

Courts, but in some separate office, and the Commissioner will arrange for this being done and the revised sheets sent on to the Police Courts. There is clearly nothing in the Act XIII of 1856, to prevent the rejection of trifling or absurd cases from the daily sheets.

19. Lastly, the Right Honorable the Governor in Council must express his hope that the antagonism between the Police and the Royapettah Magistrate, but not, as far as the Government are aware, between the Police and the other Magistrates, will give way to a better feeling on both sides and one more conducive to the public good. The Government must warn all parties that such a state of things cannot be permitted to continue, and that, if it be again brought to their notice, it will be put down effectually and by the most determined measures. Ramchendra Row will, also, be especially cautioned by the Commissioner of Police, and Mahomed Esoof by the Magistrate of the Royapettah office, that their future conduct will be narrowly watched and the most serious notice taken of any proceedings on their part calculated to cause divisions between the Police and Magistracy and to obstruct the public service.

20. In conclusion the Government have to thank Mr. Hudleston for the very satisfactory manner in which he has performed what was not an easy nor a pleasant duty.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

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himself as the latter may attempt to do- most unmistakebly exists- and is in my opinion fraught with serious inconvenience if not injury to the public interests.—

The working of the Police may not be in all respects satisfactory- but Colonel Colbeck's openly manifested distrust of all the Police Officers- and hostility to the Deputy Commissioner himself can be productive of little good and may be abused- or rather taken advantage of- and lead to very serious mischief. I cannot but think that in the Triplicane murder case it was turned to the advantage of the prisoners.—

Apparently a strong

10 I may point to Colonel Colbeck's letter to Government of 1st Instant. forwarded to me with Extract from the Minutes of Consultation of 4th Instant as affording

incidental proof of the strength of this feeling.–

In the first paragraph of it he guards against a fancied danger, for before me he had merely stated that he had nothing further to state against Ramachendra Row in connection with his conduct of the murder case – and in furtherance of the purpose of that letter as stated in the Abstract – viz. to "bring to notice suspected malpractises on the part of Ramachendra Row, Deputy Commissioner of Police" he submits copy of a letter addressed to Colonel Boulderson containing no doubt well grounded complaints of carelessness against some of the Police – but why against Ramachendra Row – rather than any others – I do not perceive. I should have thought that the Inspector and Mr. Laford were rather to blame unless the cases were

were sent up by Ramachendra Ro
which does not appear from the

2 In the case of Punjach-
-lum to which especially attention
drawn – it appears to me that the whole of the difficulty was the re-sult of carelessness on the part o
the Clerk in the Magistrate's Offi
who drew out the Warrant of
commitment from the "Daily C
Report" furnished by the Police – instead of from the "Conviction" of the Magistrate.–

13 It must frequently happen that in committing cases for trial – or in summary conviction
by the Magistrate it is necessary
to modify to some extent the wor
-ing of the charge as entered in the Police sheet, and so far from con-curring with Colonel Colbeck i
his doubt of the propriety of his d
-ing so – I consider it to be an essen

part of the Magistrate's duty to search out - and record the whole truth of any matter that may be brought before him - and to instruct and direct the Police Officers how to seek for it, and to call for all such evidence as may appear to him necessary for arriving at the truth. For this reason I altogether disagree with Colonel Colbeck in his opinion that because the case of "non-registration of Arms" to which he refers was brought before him in an unsatisfactory manner - and incomplete form - he would therefore "perhaps have done right to dismiss it".

14 I think Colonel Colbeck is predisposed to view in the most unfavorable light any act or omission on the part of the Police of a not altogether satisfactory nature - but I admit that he has some grounds for dissatisfaction - and it undoubtedly is

character the necessary preliminar enquiry is made by one of the Deputy Commissioners of Police - an when it is considered that a sufficient amount of satisfactory evidence has been collected - the Inspector is ordered to enter the cas in his charge sheet - and it is forwarded to the Magistrate. -

19 I am led to understand that the present results of this system are not satisfactory to the Magistrates - and do not bear comparison with the former working of the Police but I have no returns to show its working. I believe however these have been recently submitted to Governmen with the Magistrates' reports on the working of Act XIII of 1856. -

20 Colonel Boulderson has furnished me with a brief

abstract statement of convictions and Acquittals which would seem to show that during the four years from 1854 to 1857 the ratio of the number of persons acquitted to those convicted was as 9 to 11. which is very high. I am not however sure that the so called acquittals do not include the numerous cases of "dismissed with a caution" which form a large proportion of the Magistrates decisions. If so however it still serves to show the ground of the Magistrates' dissatisfaction. They complain that cases of a trivial and non-criminal or essentially civil nature are sent up to them by the Inspectors and not withdrawn from the charge sheet by those who examined them before they are laid before the Magistrate and the working of the detective portion of the Police force is not satisfactory.

27 Colonel Boulderson admits this

this to some extent but states that the rates of pay at his disposal do not offer sufficient inducement to enable him to secure the services of men of superior qualifications for Inspector and that the working of the system which is comparatively new, is improving, and it is reasonable to expect will continue to do so.

28 The new Police Act however has now I believe been in force for nearly two years and in that time any man not naturally disqualified for the duties of an Inspector ought to acquire sufficient experience to do his work well - provided his mistakes are pointed out to him as they occur - but it is this constant supervision that appears to be to some extent wanting - and consequently charges are sent up to the Magistrates worded in

Quite so
A

in an absurd and ridiculous manner - and sometimes no doubt when a real offence is charged - failing to express what constitutes the gravamen of the charge - Major Wilson in his letter to me points out that the Deputy Commissioners are not Magistrates as the former Superintendents of Police were - and suggests that they may feel some hesitation in releasing individuals on their own judgment - but I think it cannot be questioned that when the Commissioner and his Deputies were authorized by Section VI Act XIII of 1856 to exercise their powers as Justices of Peace so far as may be necessary for among other purposes "the detection of offenders" they are certainly qualified to release persons who have been arrested by their subordinates but of whose innocence

mind that Petitioner did really execute the Bill of sale which he charged Soobroy Chetty with forging - and that from disinclination to tolerate the consequences he denied it when produced - From the papers connected with the case he appears on several previous occasions to have pursued a similar line of conduct, and more than one appeal has been made to the Police, both by himself and by Soobroy Chetty - but until the present instance they have always been dismissed there - I think it is to be regretted that the same course was not pursued in regard to this charge of Forgery -

His petition to Colonel Boulderson against Mahomed Esoof appears to me to have been presented by him with a precisely similar object - namely to evade performance of the conditions of an agreement executed by him after the dismissal of his case by the Magistrate.

He makes no mention in it of the witnesses whom he subsequently (after the matter had been referred to me for enquiry) produced before Colonel Boulderson nor of the details and additional facts given by them in their depositions before the Police and in his own statement before me. These were subsequent improvements suggested I am inclined to think by those interested in aggravating any complaint against Mahomed Esoof.

The entire complaint of the Petitioner Narrain Pillay, as deduced from his own and his witnesses' statements is, that on one occasion when the parties in his case were present in the Magistrate's Court he was taken by the Cash Keeper

to

15

What was
this
of
[illegible]
Statement by
Mr Grant

Roodruppen the Talliar Naigue by something that Mr Grant told him of information having been kept back from him. From that day, according to Roodruppen the case began to assume an unfavorable aspect. On or about that day say the witnesses examined by Coll. Boulderson on behalf of the Police the Magistrate's Interpreter received his first bribe. From that day it appears to me, the Prisoners and their friends strove to increase in every way the suspicions against the Police which they saw that Coll. Colbeck already entertained, for he evinced them by taking frequent depositions from Roodruppah and doubtless in other ways, and he stated that he cannot remember that before that day the Prisoner Vencatasawmy Buttew ever named Ramachendra Row in his vociferations against the Police.

No evidence of
this nor that [illegible]
be made of them
[illegible]

The female Prisoner Amoorthum is a common Strumpet and appears to have a body of male acquaintances of the most disreputable description. It would have been an easy matter for them to raise the small sum required to bribe Vencata Butten & Gooroovadoo and I have not the shadow of doubt in my mind that that course was adopted.

For the foregoing reasons and considerations I exculpate the Police from blame in this matter.

Roodruppen himself admitted before Colonel Colbeck that he failed to bring to his notice certain information which went to show that the deceased and the female prisoner were on friendly terms apparently up to the evening of the day before that on which the murder is supposed to have taken place, and that her conduct on the day of the murder itself was not such as one would be inclined to expect from a person who had

had been recently concerned in such a deed. He has offered no explanation before me of his having so failed to do his duty, beyond saying that the Commissioner & Coroner were aware of the circumstances and did not consider them of importance or direct him to bring them to the knowledge of the Magistrate. There is nothing on the proceedings of the Police or Coroner to show this to be the case except one slight incidental remark in the statement taken by the Coroner from the son of the male Prisoner, and which does not appear to have attracted any attention.

Note.
I have since ascertained from Col.l Boulderson that Mr Deputy Commr Clarke was duly informed of the circumstance in question.

I think that unless the Commissioner of Police can satisfy himself that Roodruppen had no ill intention in so concealing these circumstances he should take very serious notice of his conduct. His suspicions against him were excited by Mr Clarke at an early stage of the enquiry but beyond suspending

Certainly

Suspending him from his post of Talliar Naique, and sending him to do duty as Talliar at a distant station, no enquiry has been held by him and no punishment awarded.

I proceed to notice the charges of Corruption against Mahomed Esuf the Magistrate's Interpreter, regarding which I have already expressed my opinion that they are unfounded and probably fabricated to effect a purpose.

I would first draw attention to the time at which they first appear. Vizt. when Col. Boulderson calls on his Deputy for explanation of the Magistrate's charges against the Police! They rest upon the evidence of Syed Sahib a bandy driver, Narrayana Naicken a Poojaree of a temple in Triplicane and Soobba or Soobroya Naick who appears to be employed in the dirty work of a goldsmiths trade. There is

also

[illegible] the matter [illegible] call for [illegible] Col. Com. [illegible] Report [illegible] among the papers [illegible]

doubtless formed the subject of conversation among the society of Madras.

6 I will not trust myself to dilate upon this most unprecedented and cruel proceeding but as I am aware that it is not the first instance in which Colonel Boulderson has thought proper to receive and record in writing information injurious to my character I will strenuously urge upon the consideration of the Government the propriety of an effectual barrier being placed in future to prevent the recurrence of so dangerous and unmagisterial a proceeding.

I have the honor &c

Sir

your most obedt Servant

N. J. Beck.

Senior Magistrate of Police

Ind. L. to Eng. 13 Dec. No. 2 of 1858. Para. 44

In Desp. to Court 13 July
Judicial 1858 Deptt

From Lt Col H. Colbeck
Senr. Magte of Police

To T. Pycroft Esqr
Chief Secretary to Govt

Dated 14th } June 1858.
Recd. 14 }

No. 1065.

Complains of the irregular taking of the information from one Seetharam by Col Boulderson

70

C 29 June
R 6 July

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A,

(18)

In this report Colˡ Boulder-son points out very properly the serious results which must ensue to the prosecution or detection of crime, if the evident ill-feeling & distrust manifested by Colˡ Colbeck towards the police continues.

The numbers of the corps are not perfect, but the bulk they be formed so in any country. & it must

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Madras Police.

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Second B upon the charges against

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not see how case be done

R B has nothing to do with the Magistrate's interpreters

-parate reports upon the specific charges against the Deputy Commissioner of Police Ramachandra Rao, and the Magistrate's Interpreter Mahomed Yoosoof, and in his covering letter addre-

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take these cases to a superior a farce - but it is clearly impossible for any man to become of the magistrate before whom the cases are brought is biased against them.

Col. Colbeck shd either give his acquaintance or else keep quiet. but he does neither.

Mr H's remarks on this report are very sensible.

Unfortunately for the police & for anything like an impartial

19

report of their working - all these present magistrates were candidates for the office of Inspr. - & tho: I believe they did not intentionally be unfair: it is not altogether inconsistent with human nature for them not to look on the present working with very favorable eyes -

Mr H's remarks in paras 12 & 13. are very correct. but I think some alteration & improvement is required.

be inexpensive -

The Depty. Commissr. an Inspector should take & overlook the reports. not sit in the Magistrates Court. & sitting by his side as Assessor - into the case - but shd either have a separate room at the station - or an office central for the Inspectors - & near the Magistrates office -

It is clear - that the reports shd be looked over by him - or by some efficient person - & I am disposed to think - that increase shd be made previously of men specially

Educated for this purpose - so as to insure something in the charges - & something proper in arrangement of evidence -

This method would also indirectly afford instruction to the Inspectors -

In fact such work is the proper duty - & shd be accomplished under a proper system - of the subalterns of the public Prosecutor -

I think the "Lewis" case shd be referred to Col. Bird.

drawn for some explanation
as it is very unsatisfactory
to feel that an important
case of this nature shd be
~~the~~ utterly neglected -

Mr Huddleston's report is a
very good one. I quite agree
with him regarding the evil
effects of the enmity between
the Col. & Magte & the Depy Supt
of Police wh. must extending as it
does to the whole Police subordinates
apparently & aggravated as it has
been by that recent passage
Col. Boulderson & Holbeck - pervert
the course of justice & interfere
with the due protection & safety of the
public. It must be peremptorily
put down & if repeated an
effectual remedy must be provided.

I think there is a want of due
supervision apparent in the Dept of Police
wh. I fear proceeds from a
defective knowledge of his
duty on the part of the Chief
Supt. It is for him to instruct
his subordinates & to see that
the Repts are properly sent in
& that trivial & absurd cases
are not sent up to the Magte.
Surely such matters do not require
that he shd be instructed in
their treatment! W

I quite agree with the Lt Govr - much
that is faulty rests with the

Commissioner & his Depu-
ties - all cases should be
submitted through them -
The Inspector then makes
the enough report to be
checked by the Commissioner
before submission to the Ma-
gistrates - I really do not
see what the Commissioner
have to do if they want these
above duties -

Then they should also come
visit all the courts, the Com-
missioner all petitions
Trials would devolve much

delay & difficulty - the
act may be in some measure
opposed to this mode of pro-
ceeding, it however appears
to me to be one calling for consi-
deration -

Would it not be well
if Mahomed Ettuf was
promoted to some of the
other Police Offices - say
Major Wilson's - doubtless
he will not aid in removing
the violent prejudices

which are, it appears
have been made a
the Col. Chesters m
& which were mainly
connexion with his
late conduct in res-
pect to the charges
brought against him
himself - must have
been greatly & justly augmented
Yrs —

Memo -

Mr Huddleston has forwarded the resul
of the enquiries prosecuted by him
under orders of Govt -

There are three reports -

One, which I have marked A in red
pencil, containing general remarks,
and touching on the nature of the
system in respect to the preparation &
forwarding of cases now pursued
in the Madras Police -

The second ~~B~~ C upon the charges against the Deputy Commissioner of Police & other Police Officers on the one hand & against Mahomed Esoof Interpreter at the Royapettah Police Court on the other —

The third C on the petition presented by Narainah Pilly and complaining against the Interpreter Mahomed Esoof —

The previous papers are put up — Mr H's reports seem to me to speak for themselves & not to require comment

12/6/58.

I quite agree with Mr Huddleston's opinion in this case - & it was very injudicious of the police to send such a case before the magistrate - & I think for Col Boulderson to take the depositions subsequently.

24/6/58

Chief Commr. therefore should certainly be required to give some sort of proof for the very strong statements he makes to Ram-Chandra Rao's disadvantage. ~~he~~ Govt. cannot act on mere insinuation. Yet he insinuates enough to destroy the man's character.

He should also be informed for his information respecting the statement ~~respecting~~ to the effect that the petition of [illegible] was written by R. C. Rao.

I fully concur — another instance of the Chief Commrs. want of judgment & knowledge of his duty. W.G.

W. ch — acknowledging a mistake

of Col. C. I do not see this case
any cause for Mr Thomas'
hatred to Mahomed
Eusof — hell

27

My views respecting this
case - so far as I can form
any out of the mass of com-
prehension - which it brings
to light - agree very much
with those expressed by
Mr Huddleston -

Whether it was prudent
or not for the Commissioner
to transfer the conducting
of the case from Mr Clarke

24/6/58

to Ramchundra Row – There
not sufficient means of judging
but I can find nothing in the proceedings to
show any disposition on the
part of the latter to make
up a case against the
accused –

But my confidence in the
character in that respect is
much shaken – by the nature
charges got up against the –
Hamsel [illegible] [illegible] – Which

as after thought – & the evidence
in respect to which is produced
by the same person – Changes
them – &

These sinister charges cannot
be substantiated on the
evidence – & I think it is
false altogether – but Col.
Boulderson did under the
circumstances – have to
arrest them –

Ramchundra Row. whom

29/6/58

stand much better on a simp
denial of the charges made of him
him –

I cannot think that Col
Colbeck was justified in
examining the witnesses
particularly the leader of the
opposition – in the way – he did.
So evidently with the intention
of inducing him to incriminate
Rama Chandra Rao – & it
appears some very doubtful

indeed – whether he was j
fied in dismissing the
On this point I think
would be advisable wh
the opinion of the Advoc
Genl – he can, of course, on
as to evidence what
himself –

The admission did I thin
be dismissed – I return
list – [illegible] –

H

I think Mr Huddleston's Estimate of the cases brought before him is on the whole pretty correct, but I do not go the length of judging so severely of Ram Shunder Rao. In the investigation of an obscure case, great latitude must be allowed to the Police, & it was very natural that the Cht Commr. shd place the matter in the hands of his Native Subte. as the person better qualified to search for evidence. It was also quite justifiable for the Depy Supt. to look about for evdce & I can see nothing suspicious or improper in his conduct so far.

With regard to the charges agst the Interpreter it is clear that the friends of the Prisoner working on the Magtes known distrust of the Police had resorted to corrupt measures for invalidating the evidence & this was sufficient to afford grounds, I will not say reasonable grounds, but prima facie, grounds for suspecting that the Magtes servts. were cognisant of the matter. We all know how credulous natives are on such points & how prone to exaggerate. I wd not therefore recommend that Govt. shd mete out any specific penalties to the parties concerned but leave them to be dealt with by the Commr. of Police — at least Koodraheem — the Rev. Mr. Walter, I wd not meddle with. I think the evidence on the murder case ably tested by the Adv. Genl.

W.E.

Nothing appears to me to exist against Ram Shunder Rao in connection with the murder case — he seems to have done nothing more than his duty

30

29/6/58

I entertain no doubt but that Ramchandra Row got up the case against Mahomed – the charge alleged to be fixed upon him, is plainly false – The means used being "Chengoo Naik" – who produced before, or sent to, Naik the witnesses to the alleged bribery –

I must say that after such conduct I should place little confidence in Ramchandra Row –

It is of course possible that "Chengoo Naik" imposed upon him – but most improbable –

The conduct of Moodiapa & Moozumdar I presume must be left for Col. B. to deal with –

Here we have but little chance of natives being more trustworthy with the present – men in office –

Ramchandra Row & Mahomed Eusuf should be cautioned that the indication on the part of either of them, of unfair dealing in public matters towards each other, would lead to removal from office –

, Wale –

29/6/58

Memo.

I beg to circulate draft orders on the reports made by Mr W Huddleston —

I have sent it out as soon as it could be prepared that if there be any thing further to be noticed, it may be mentioned at next Friday's Council —

29/6/58

Judicial Department

No. 917

Extract from the Minutes of Consultation
dated 7 July 1858.

Read the following letters

From Mr. W. Hudleston (Here enter 10th June 1858)
From Lt. Col: Colbeck } (" 14th " ")
Cent. Mag of Police

With his letter above recorded Mr. W. Hudleston forwards his reports on the subjects referred to him for investigation in the Extracts from the Minutes of Consultation of the dates noted in the margin.

11th, 18th & 25th May, and 4th June 1858.

2. He has forwarded separate reports upon the specific charges against the Deputy Commissioner of Police Ramachendra Row, and the Magistrate's Interpreter Mahomed Eosof, and in his covering letter addres-

-es

H.

Well

WJ. [illegible] para 11

Shd like enquiry to be made of Col Boulderson whether he is satisfied with present system of Interpretation in the Magistrates Courts.

H.

I do not see how this case can be done. Col B. has nothing to say to the Magistrates [illegible]

WS

-es himself to the general questions referred to him on the 25th ~~ultimo~~ May and 4th ~~instant~~ Ultimo Mr. Hudleston accounts satisfactorily for the time which has been occupied in the enquiry.

3. The Government will first notice the report on the charges against the Police and against the Interpreter in the Royapettah Office Mahomed Esoof - the investigation of which was the primary object of Mr. Hudleston's employment.

4. The charges against the Police, as they are to be deduced from the depositions of the witnesses examined in the Triplicane Murder case, are, that Ramachandra Row, Deputy Commissioner of Police, had endeavoured to suborn evidence against the accused Vencataswamy Butten - and that similar attempts had been made

by

by certain of the Police Subordinates. A Taliar Naigue named Roodrappen was further charged with having withheld from Colonel Colbeck certain evidence of importance in the enquiry.

5. The conclusion at which Mr. Hudleston has arrived, after careful investigation, in respect to these charges, is, that there exist no good grounds for imputing misconduct to the Deputy Commissioner or any other of the Police in the Triplicane Murder case as charged, except that the Taliar Naigue did withhold from the magistrate's knowledge certain circumstances, the importance of which omission must in a great measure depend on the value assigned to the Evidence so withheld; and that so

estimated it was, in his Mr. Hudleston's opinion, a piece of very serious misconduct. He thinks that unless the Commissioner of Police can satisfy himself that Roodruppen had no ill intention in concealing these circumstances, he should take very serious notice of his proceedings.

6. In these views the Right Honorable the Governor in Council fully concurs. He observes that the enquiry into the Triplicane case was not originally commenced by Ramachendra Row - but was made over to him by Mr. T. G. Clarke. He had no credible motive for acting in the way that he is represented to have done - and the evidence against him and the other Police officers is, as shewn

shewn by Mr. Hudleston, clearly undeserving of credence. ~~There~~ It seems ~~[illegible]~~ probable that the witnesses Seetara Goovoovindoo and Vencata-Butten were gained over by the friends of the Prisone who practised upon the well known feeling of Colonel Colbeck towards the Police, and Ramachendr Row in particular, to submi to him evidence, which, as falling in with his own preconceived impression he too readily admitted to the prejudice of the Polic and too hastily acted on in the dismissal of the grave case then under his enqui

7. The countercharge against the Interpreter Ma-homed Esoof is that on two occasions, - once whilst a charge of murder agains Vencataswamy Butte wa

was under examination at the Royapettah Police Court - and once immediately after the Prisoner's release, he received bribes from the accused for his exertions in his behalf - Mr. Hudleston's judgment of this charge is, that it is supported by no evidence worthy of credit - that the evidence circumstantial and otherwise on the other side warrants the belief that it is altogether unfounded, and probably fabricated to strengthen the defence, or aid the exculpation of the Police Officers from the charges against them. Mr. Hudleston has entered minutely into the circumstances of each of the two alleged instances of bribery, and his review of them fully

convinces

convinces the Government that the charges are utterly false - and got up by some of the Police Officers to meet the charges against themselves - It is with regret too that the Government are compelled to come to the conclusion that the Deputy Commissioner Ramachandra Row has lent himself to the bringing forward these charges in the full knowledge of their falsehood - That he suspected or believed the malignant aspersions on his own character to have had their origin in the Interpreter Mahomed Esoof cannot be accepted as as an excuse for such conduct.

8. The Government agree with Mr. Hudleston in his view of Taliar Naigue Roodruppen's conduct, but they

will

Para 9 must be omitted before the draft is returned from circulation the case has been committed to the Supreme Court & a true bill found

N.B. They have been sent already to Mr Hodgson & shown by him to the Advoc General. Both agree that the case sh^d go to the Sessions

This brings Col B's (or that) most seriously into question as to his

will leave it to the Commissioner of Police to deal as he deems fit with this man as also with the Peon Munnoo Lall who figures so discreditably in connection with the charges against the Interpreter.

~~9 What has transpired in the course of Mr. Hudleston's enquiry into these charges and countercharges has further led the Govt. to doubt, whether the circumstances connected with the supposed Murder of Soobro Lall have been sufficiently investigated & they resolve to forward the depositions taken in the case to their Law Officers for their consideration, and to ask their opinion whether any — and if so what further proceedings are called for in this matter.~~

Mr.

Returned for the Author

I hope the case may be sent up to the present Sessions & then we shall see the evidence & can better judge what to do

~~10~~ 9 – Mr. Hudleston's next report is on the Petition addressed by Narrainah Pillay on the 23^d April last to Colonel Boulderson and by him submitted to Government. In this petition Narrainah Pillay charges the Interpreter, Mahomed Eusoof, with having intimidated him from proceeding with a charge of forgery which he was then prosecuting before the Police and having induced him to agree to a compromise the terms of which had not been fulfilled. Mr. Hudleston has examined this matter very carefully and has clearly proved that the charge against the Interpreter is utterly false, and that it has been if not originally instigated at least subsequently fomented by other parties from interested

-ested motives to compromise Mahomed Esoof as deeply as possible at a time when other charges were also being laid against him. The Government think it unnecessary to follow Mr H. ~~them~~ in his reasonings but they entirely agree in his conclusions. They think too with him ~~that~~ the original charge of forgery preferred by Narrainah Pillay against Soobroy Chitty should not have been committed to the Magistrate's Court. They further cannot approve of Colonel Roulderson having taken depositions from the parties who were to be witnesses in support of Narrainah Pillay's charge against Mahomed Esoof after the petition which contained that charge had been referred referred by Government to Mr. Hudleston – They regret moreover to observe that this is not the only instance of the kind which has occurred. In his letter of the 14 June prefixed to this Extract Col Colbeck has complained with great justice of the Commissioners having taken from the witness Seetaram an information deeply to the prejudice of his character after the ~~charge~~ matter to which it ~~refers~~ relates had been referred by Govt to Mr Hudleston in their order of the 11 May –

10 That Narrainah Pillay was incited or encouraged by others to prefer his Petition has been above noticed as most probable. Colonel Colbeck has however distinctly stated that he believes the Petition to have been drafted by Ramachendra Row. he does not state this from suspicion only – but was told it on a promise of secrecy by one not under his control and whom he promises not to bring forward. The Government cannot ~~per-~~ but express their disapprobation of ~~-mit~~ accusations deeply affecting the character of public servants occupying a high position, being ~~to~~ put forward in this manner. ~~They resolve therefore to call upon Colonel~~

~~Colbeck~~

I don't see the use of all this. It is only taking up more time & entailing more useless inquiry - I think it'd be better simply to express disapprobation of such proceedgs.

~~Colbeck to state explicitly the information which has led him to impute to Ramachandra Row, complicity in the preparation of Narrainah Pillay's Petition as also to explain the occurrence reported by Mr. Hudleston at the conclusion of his~~ ~~[illegible]~~ ~~report. He will likewise state what are the many suspicious transactions in which as is alleged in his Statement he has known Chinna Pillay or Sawmy Pillay to have been associated with Ramachandra Row.~~

12. 11 The Govt. now turn to the remarks made by Mr. Hudleston in his letter transmitting the reports.

~~13~~. 12 The Govt. quite agree with Mr. Hudleston in his comments upon the unhappy state of feeling between the Deputy Commissioner of Police, and the Magistrate of the Roya-

-pettah

-pettah Office and the prejudicial effect that it must have upon the public service. It is clear, however Colonel Colbeck may disguise it from himself, that such a feeling does exist, that it has no slight influence upon him, that his participation in it is fully known to all the Subordinate Officers in the Police Departt. and to the Servants in his own Office, and that it cannot fail to act, injuriously on both. Colonel Colbeck's distrust of the Police, and bad opinion of the Depy. Commissioner, Ramachundra Row, are abundantly shown in the papers that Mr. Hudleston has submitted.-

~~14~~ 13 As a consequence of this feeling, it is, that Colonel Colbeck is prone to put the worst construction upon the proceedings of the Police, to accept too readily and without due inquiry statements

to

statements to their prejudice, and to attribute to improper motives, Acts which may have only proceeded from ignorance or imperfect training, and which might be corrected, if brought to the notice of the Commissioner in a proper spirit. The feeling, in its turn, must of course react [upon the Commissioner and dispose him to view all irregularities on the part of his Subordinates that may be brought to his knowledge as so many direct charges against his departt."

15 Nor is the mode in which the Commissioner deals with such complaints as may be made against his Police servants by the Magistrate, by any means such as the Govt. can approve. In place of investigating them fully and impartially, the accused parties are allowed to recriminate, and to meet the charges against themselves by

up to his [illegible] to do so

by counter charges against those in the other Office. This is very conspicuous in the instances which have led to this inquiry. The accusation against Ramchundra Row and the Taliars of having suborned evidence is replied to by allegations of bribery against Mahomed Esoof, and false evidence sought in support of them. It must be evident that the charge against the Interpreter is no answer to the charge against the Depy. Commissioner: and that both charges might have been true, as they have both proved to be false. Had the Commissioner of Police investigated the latter of these charges in the same careful and dispassionate manner as Mr Hudleston has done, and there was no reason why he should not, their falsehood would soon have been made apparent and had Ramchundra Row confined himself to a simple denial and demand for thorough inquiry, he would have occupied a far better position than he does at present.

16. 15 As matters, however, now stand, it seems hopeless to expect any confidence or cordiality between Col. Colbeck and Ramchundra Row, and the Govt. therefore think that the Commissioner should, as far as possible, arrange for the cases which may be sent up to the Royapettah Office being transmitted thither through himself or his other Deputy so that there may be as little intercourse as possible between Ramchundra Row and the Magistrate of the 3rd District.

17-16 Mr. Hudlestons' observations on the complaints made by Colonel Colbeck in his letter to Govt. of the 1st June are very sensible. It is clearly the duty of the Police Department to bring their cases before the Magistracy in as complete a form as possibl and it is proper that the Magistrate should report to the Commissioner when they may fail to do so, poin -ing out, at the same time, wherein the case is imperfect, that such defects may be guarded against in future It cannot, however, but hap -pen, even under a better polic establishment than that which exis at Madras - but that the Magistrate will occasionally ha to modify the wording of the charge originally sent him and will have to send for additional evidence and instruct the Police how to find it - all of which clearl falls within the range of hi duty - Mr. Hudleston has correctly objected to Colonel Colbecks' idea that he would perhaps have done right i dismissing the non registratio of Arms case, because laid before him in an unsatisfactory manner-

18 17 With respect to this particular case Colo. Colbeck's remarks will be referred to the Commissioner of Police for his explanation, as the matter is of a serious character-

19. 18 The mode by which at present cases are brought by the Police before the Magistracy is described by Mr. Huddleston in paras 15 to 23 of his letter- The Government are not now prepared to consider the question whether committable cases should be sent to the Sessions by the Commissioner or their Deputies direct, or through the Magistracy. In other respects, they do not see reason to alter the present system- They are, however, decidedly of opinion that the daily charge sheets should undergo much more careful scrutiny than they now receive from the Deputy Commissioners, and

and be weeded of trivial cases- or cases not of a Criminal nature, which now seem unprofitably to engage much of the time of the Magistrates- The Govt. look upon such examination as most necessary, and, indeed, a primary part of the Depy. Commissioners' duty, and they cannot at all accede to Colonel Colbeck's proposal that "the taking of the reports made to his Court, by a superior Police Officer be discontinued- It might, indeed, be better that the reports should not be taken by the Deputy Commissioners sitting in the Police Courts, but in some separate Office- and the Commissioner will arrange for this being done and the revised sheets sent on to the Police Courts- There is clearly nothing in the Act XIII of 1856 to prevent the rejection of trifling or absurd cases from the daily sheets.

To Colonel Greene
[illegible]
Mis [illegible]

Lastly

20 Lastly, the Right Honorable the Governor in Council must express his hope that the antagonism between the Police and the Royapettah Magistrate, but not, as far as the Govt. are aware, between the Police, and the other Magistrates, will give way to a better feeling on both sides and one more conducive to the public good. The Govt. must warn all parties that such a state of things cannot be permitted to continue, and that, if it be again brought to their notice, it will be put down effectually & by the most determined measures. Ramachandra Row will, also, be especially cautioned by the Commissioner of Police, and Mahomed Esoof by the Magistrate of the Royapettah Office, that their future conduct will be narrowly watched and the most serious notice taken of any proceedings on their part calculated to cause divisions between the Police and Magistracy, and to obstruct the public service.

21 In conclusion the Government have to thank Mr. Hudleston for the very satisfactory manner in which he has performed what was not an easy nor a pleasant duty.

JP

To

The Commissioner of Police } Disp^d. 9^t.
" Mag: of the Royapettah Police Court }
~~" Hon. Co: Solicitor with Copies of the depositions in the Triplicane Murder Case these have been already sent.~~
Mr. W. Hudleston — Disp^d. 9^t.

12 Copies [illegible]

Office — The letter and reports are to be printed, but not the depositions which may be lodged. and the Original Enclosures received from the Police and Magistrate should be returned to them.

JP

C. 11th May 1858 Nos 47 to 50.
C 13th — Do " — Nos 16 & 17 - 58 & 59.
C 25th — Do " — Nos 33 & 34.
C 1st June — " — Nos 21 & 22.
C 8th Do " — Nos 35 & 36.
C 27th July " — Nos 28.

Judl Lr to Engd 13th Decr No 2 of 1858. Para 44.

Fwd D/y to Cons: 13th July

Judicial 1858 Departt

No 917.

Extract Mins: of Cons.

D/ 7 July 1858.

Pd No 1311.
" — 1330.
" — 1339.

C 29 June
R 6 July

9 @ 11.