M.R.O. 1—38,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT**

G.O. No.	1614	Press Mis.
61-66		
Dated	26 - 11 - 19 1859	

4/4.

Not to be folded or roughly handled

No. 61. Read the following letter from H. AMES, Esq., Commissioner of North Canara; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated Sircee, 12th November 1859, No. 488.

1. In submitting for the consideration and Orders of Government copies of 2 sentences passed by me under Act XIV of 1857, on one Bund Prisoner Bhiccoo, together with the translations of the depositions taken before me, I have the honor to remark as follows.

2. There are, besides the 2 charges of murder, 2 charges of arson and one of cutting and wounding against the prisoner, which have not been gone into, inconsequence of his conviction on the graver charges.

3. Bhiccoo was apprehended on the 23rd [illegible] April 1859, and before it was suspected that he was a murderer, he was made over to the Superintendent of Police to act, if he would, as a spy against the Bund.

4. Lieutenant Drever's deposition, copy of which is herewith forwarded, will, I think, show that he is entitled to no consideration on this score.

No. 9 of 1859.

Prosecutor.	*Prisoner.*
Her Majesty's Government.	Bhiccoo,

Witnesses.

1. Gungaye.
2. Avoo Mullick.
3. Mang Madoo.
4. Jorgo.
5. Bhondu Merasy.
6. Bably Gowda.
7. Mahadeva.

1*st Charge—Rebellion.*—Charged with having been in arms against the Government from February 1858, to 23rd April 1859, as an active member of the gang of Sidi Bastian and others.

2*nd Charge—Murder.*—Charged with having on the night of the 8th April 1859, at 9 P. M., murdered with a sword a boy of 12 years old named Doomga at Punsoly village in Soopah Talook.

The prisoner pleads not guilty to both charges.

The 1st witness is a woman who was carried off by the Bund and kept by one of them as a concubine. She deposes that when the village of Punsoly was burnt on the 8th of April, she saw the boy Doomga run out towards the fields and that Bhiccoo pursued him and wantonly killed him with a sword, she says she saw this done by the light of the flames; that the boy was killed about 20 yards from where she stood and that Bhiccoo then returned and boasted among the gang of what he had done.

The 2nd and 3rd witnesses, who were also prisoners with the Bund, corroborate this story completely; they saw the murder committed by the light of the flames within 20 yards of where they stood, and saw Bhiccoo return with the bloody sword—they say also that the 1st witness was standing near; there is but one trifling discrepancy in the depositions of these two. The 3rd witness says he did not see Bhiccoo wipe the blood off the sword as he came towards them, the 2nd witness saw him do so, they gave depositions in the Talook Cutcherry when they first escaped from the Bund, and described this murder as having been committed by the prisoner.

The 4th witness was present at Punsoly, but was lying down suffering from fever and had fallen asleep at the time and therefore did not see the murder committed; he affirms that the three first witnesses were there, and that he afterwards heard the prisoner boast of having murdered the boy.

The 5th, 6th and 7th witnesses speak to the state of the corpse when it was found next morning, and corroborate each other in describing the wounds found on it. The body had a cut on the neck, one on each arm, one on the ribs and the left hand was cut off at the wrist.

The prisoner denies having committed the murder, says that Shanta was the man who killed Doomga and that he heard him say so; he acknowledges having been with the gang from the commencement of Hunmunth Sawunth's outbreak, but says he never committed any deed of violence; he says that the 2nd witness is inimical to him because he (2nd witness) was caught originally by him.

I cannot but consider the testimony of the three first witnesses conclusive—they all saw the murder committed—they corroborate each other in all important detail, and the 2nd and 3rd witnesses deposed when they first escaped from the Bund that the prisoner was the man who killed Doomga, the boy's body was found, and I can imagine no reason for the 2nd and 3rd witnesses fixing the murder on the wrong man.

The prisoner admits the first charge, but pleads compulsion, the whole tenor of the evidence however shows that he was an active Bundsman. I am of opinion that the evidence is sufficient to convict the prisoner of the 2nd charge also.

Sentence.—Under the powers of the Commission issued to me under Clause 7, Act XIV of 1857, I hereby sentence the prisoner Bhiccoo to be hanged by the neck until he be dead.

COMMISSIONER'S COURT, SIRCEE, *November 12th*, 1859.

(Signed) H. AMES,
Commissioner.

N. B.—The sentence on this prisoner will be submitted to Government before being carried into execution.

(Signed) H. AMES,
Commissioner.

No. 10 of 1859.

Prosecutor.	*Prisoner.*
Her Majesty's Government.	Bhiccoo.

Witnesses.

1. Avoo Mullick.
2. Mang Madoo.
3. Jorgo.
4. Dhonduba.
5. Naroo.

Charge—Murder.—Charged with having, while in arms against the State on the night of the 16th April 1859, near the village of Cogilbun in the Dandelly jungles, murdered one Pandrung Naik, a Sirkar Peon, by cutting off his head with three blows of a sword.

The prisoner pleads not guilty.

Remarks.—The 1st and 2nd witnesses had been prisoners with the Bund for about a week before the date of the charge. They depose that as the gang were moving towards Cogilbun they saw the Peon Pandrung Naik and another man named Tookmulliah coming alone the road, that the Peon was recognised and both were pursued by some of the gang, but that Tookmulliah escaped and the Peon was captured; the Peon was then taken to Cogilbun, kept there under guard while the village was being looted and then taken away towards the river. On the road thither, the prisoner Bhiccoo with Chintoba, Shanta, Rowbah and others remained behind and the three Brahmins surrounded the Peon. Bhiccoo then drew his sword and with three blows cut off the Peon's head.

The third witness who was also a prisoner with the Bund, saw the Peon caught and heard his murder talked of afterwards. He states himself, in answer to a question by the prisoner, to have been then a month with the Bund, but the reports of his disappearance and re-appearance show him to have been but a week with them at the date of the charge, as also does his deposition in the previous case on the file. The 4th and 5th witnesses were inhabitants of Cogilbun

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when it was plundered, they saw the Peon a prisoner in the gang and heard afterwards that he had been murdered, the three first witnesses deposed in the Talook Cutcherry on their escape from the Bund to the same effect as they now do, and the 4th and 5th witnesses told their story the day after their village was plundered. The body which was left where it fell according to the two eye witnesses of the murder has not been found, but the peon has never been since seen.

The prisoner tells the same story as that of the first two witnesses, but says that Chintobah (the man killed by Lieutenant Drever subsequently) struck the blows. He almost acknowledges himself to have been a principal in the 2nd degree, by saying that he, an acknowledged Bundsman of both last year's gang and this one, was standing only 10 yards off when Chintobah committed the murder. He however stated in the Talook that he did not see the murder committed and did not know who committed it.

I think that the fact of the two first witnesses having, directly they escaped, detailed the whole story as they now tell it, tells strongly against the prisoner and his defence, the only link wanting is, that the body of the murdered man has not been found; but he has never re-appeared since his capture, and the prisoner does not now himself attempt to deny that the peon was murdered by the Bund.

The charge is in my opinion proved.

Sentence—Is merged in the sentence passed on the prisoner in No. 9, the preceding case on the file.

COMMISSIONER'S COURT, SIRCEE, *November 12th*, 1859.

(Signed) H. AMES,
Commissioner.

No. 62. MINUTE by the HONORABLE the PRESIDENT, dated 21st November 1859.

I approve of this sentence.

(Signed) C. E. TREVELYAN.

No. 63. MINUTE by HIS EXCELLENCY the COMMANDER-IN-CHIEF.

I also approve of the sentence passed upon the prisoner.

(Signed) PAT. GRANT.

No. 64. MINUTE by the HONORABLE W. ELLIOT, dated 21st November 1859.

I concur.

(Signed) WALTER ELLIOT.

No. 65. MINUTE by the HONORABLE W. MOREHEAD.

I concur also.

(Signed) W. MOREHEAD.

No. 66. ORDER THEREON, 26th November 1859, No. 1614.

The Honorable the Governor in Council approves the sentence of death passed against the prisoner, Bhiccoo, in case No. 9 of 1859, by the special Commissioner in North Canara. It will accordingly be carried into execution.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

Proceedings of the Madras Govt

Read the following letter from the Commissr of N. Kanara
dated 12th Novr/59 - No 638

" Minute by the Hon. the President " 21st " 0-2-0

" do — H.E. the Commander-in-chief

" do — Hon. W. Elliot

" do — Hon. W. Morehead.

Order thereon - No 1614 - 26 Novr/59.

The Hble the Governor in Council approves the sentence of death passed against the prisoner, Bhiccoo, in case No. 9 of 1859, by the Special Commissioner in North Canara. It will accordingly be carried into execution.

8 Cobs - 0-2-0

The Special Commissioner - North Canara. (with depositions returned) } Dispd. 30th