

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 280	Press ~~Mis.~~
40-41	
Dated 1-3-	19-1857

Not to be folded or roughly handled

25/1/20

2. It appears from the evidence of the 2nd witness, a Jail peon, who was in immediate charge of the prisoner when he effected his escape, and the 1st and 3rd witnesses who formed part of the guard of peons on guard over the gang of Convicts which were laboring with the prisoner, that the prisoner was first missed about 3 o'clock in the afternoon, when the Convicts composing the gang were counted in order to ascertain that they were all present, and that until half past 5 o'clock, although search was made for the prisoner in every direction, no trace of the prisoner could be discovered. It also appears that the said prisoner was discovered by the 3rd witness concealed under a thick bush amongst some toddy trees with parts of his chains removed, and that the chains which he wore, and 50 yards from the place where he was laboring. The intentions of the prisoner were thus very clear, and as the evidence taken by the Court clearly establishes the charge preferred against him, he is sentenced (under Section I, Act No. 5 of 1858,) to transportation for life, but in consideration of the conduct of the prisoner and the other circumstances of the case and also in the belief that the above cited Act was passed by the Legislature to meet a state of affairs which did not exist in this District, the Acting Session Judge begs to recommend that the prisoner may be sentenced to two years' imprisonment with hard labor in irons.

Sessions Court, Bellary, }
9th February 1859.

(Signed) J. H. GOLDIE,
Acting Sessions Judge.

No. 41.

ORDER THEREON, No. 280; dated 1st March 1859.

In accordance with the recommendation of the Session Judge and Foudaree Udalt, the Governor in Council is pleased under Act XVIII of 1855, to reduce to two (2) years' imprisonment the sentence of transportation passed against the prisoner alluded to.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

Fort St. George, Judicial Consultation, 1st March 1859.

Subordinate Criminal Court.

Number of the Calendar.	Names of the parties.	Abstract of the charges, and date on which they were preferred.	Date of apprehension of the offenders.	Names of the prosecutor's witnesses.	Abstract of the examination, grounds, and date of commitment for trial.	Names of the prisoners held to bail.	Names of the witnesses on the part of the prisoners.	Trial when commenced.	Trial when closed.	Futah.	Sentence.	Remarks of Sessions Court.
104 232 of 1858	Regina, versus Govragah.	The prisoner, who has been sentenced to (7) seven years' imprisonment with hard labor in irons for highway robbery in case No. 78 on the Sessions file for 1858, is charged with having, at 3 p. m., on the 19th October 1858, in the Contonment and in the Talook of Bellary, whilst undergoing the said sentence of imprisonment, effected his escape from the lawful custody of a Jail Peon named Doorga under whom he was sent out to work. Charge preferred before the Subordinate Criminal Court on the 19th October 1858.	19th forwarded on the 19th and arrived on the 19th October 1858.	1. Jail Naik Pampa. 2. Peon Durga. 3. Peon Ramoo-fainting and found afterwards that his chain was called for by the Sessions Court, mitted, on the 16th J. Rathbourne, December 1858, to take to the Jail of Bellary. 4. J. Rathbourne, December 1858, to take to the Jail of Bellary.	The prisoner pleads "not guilty"; but admits that he fell down doo. Peon Ramoo-fainting and found afterwards that his chain was called for by the Sessions Court, mitted, on the 16th J. Rathbourne, December 1858, to take to the Jail of Bellary.			4th February 1859.	5th February 1859.	This case was tried without the Mahomedan Law Officer.	The case was committed to the Sessions Court for trial according to the orders of the Court of Foujdaree Udalt, conveyed in an Extract from their proceedings dated the 11th December 1858, and was discussed by the Acting Judge under the authority granted in Section VII of Act No. V of 1858.	7th February 1859.
The Government Vakeel prosecutes the prisoner as per tenor of the charge: The 1st witness states that on the day mentioned in the charge, it was discovered that up to 4th February, on which date the trial of Cases 100 and 103, some date trees with a part of his irons missing, and the chain broken. The 2nd and 3rd witnesses corroborate the above statement. on the testimony of the Government Vakeel and witnesses under Clause 3rd, Section IX, Regulation X of 1816. The Acting Session Judge took charge of the Court on the 29th January 1859, and was engaged in the trial of Cases 100 and 103, the case was commenced. Note.—The case was committed on the 16th December 1858, but in consequence of those previously committed being under trial, it was not taken up for trial before the Sessions Judge, which took place on the 27th Idem. The Acting Session Judge took charge of the Court on the 29th January 1859, and was engaged in the trial of Cases 100 and 103, the case was commenced. the time he was captured, having been broken.												

No. 40. Read the following Extract from the Proceedings of the Foujdaree Udalt, under date the 19th February 1859, No. 1.

Read Calendar of Case No. 104 of 1858 of the Session Court of Bellary.

As the sentence prescribed by Act V of 1858, is laid down peremptorily, the Court of Foujdaree Udalt are unable to accede to the recommendation of the Acting Session Judge for mitigating the sentence in this case.

The case, however, being one in which the Government might very properly exercise the power, recognized in them by Act XVIII of 1855, of remitting a portion of the sentence passed upon the prisoner, the Court resolve to forward the Calendar to be laid before the Right Honorable the Governor in Council, and to recommend that the sentence be reduced to 2 years' imprisonment, as proposed by the Session Judge.

To the Chief Secretary to Government.

(True Extract)

(Signed) C. F. CHAMBER, Acting Registrar.

No. 280.

In accordance with the recommendation of the Sessions Judge & Foujdaree Udalt, the Governor in Council is pleased under Act XVIII of 1855 to reduce to two 2 years imprisonment the sentence of transportation passed against the prisoner alluded to.

Fort St. George.
1st March 1859.

The Ct. of Foujdaree Udalt with my Calendar