

MADRAS RECORD OFFICE.

Government of Madras.

Provincial DEPARTMENT.

G.O. No.	296	Press
		~~Mis.~~
18-19		
Dated	3 . 3 -	19 <i>1879</i>

Not to be folded or roughly handled

Fort St. George, Judicial Consultation, 8th March 1859.

No. 18. Read the following letter from J. D. ROBINSON, Esq., Joint Magistrate of Canara; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated Tergaum, 12th February 1859, No. 72.

SIR,

1. In Extract Minutes Consultation No. 64, dated 18th January 1859, it is ruled that the 4 prisoners referred to in para. 6 of Mr. Ballard's letter therein commented on, are entitled under the terms of the Royal Proclamation to cancelment of their sentences and a free pardon.

2. With every desire that Her Majesty's Gracious message of pardon should have the most lenient and liberal interpretation it can bear, I must yet beg respectfully, but earnestly to solicit the re-consideration of Government in respect of 2 at least out of these 4 particular cases.

3. Mr. Ballard leaving probably the proceedings which accompanied his letter to explain the nature of the charges against these men, writes in general terms as follows:

"The Convicts in cases 38, 39 and 41, were directly or indirectly concerned in acts of private wrong. The Convict in No. 40 was currently said to have been guilty of murder though no evidence was procurable on this point, and the record only shows that he was sometime with the Bund."

"I cannot say that it appears to me desirable, that any one of these sentences should be interfered with."

4. Mr. Ballard's remarks I am humbly of opinion, place these cases in a more favorable light than they either deserve, or he intended they should be viewed in. The Convict No. 39 is perhaps as turbulent a ruffian as any who have figured in the recent disturbances.

5. From first to last his name has rung through the country, and although not legally convicted of direct murder, he is proved by the records of both Courts to have been one of the select gang who dragged forth the unfortunate Narayna Shenvey to the place of his assassination and to have taken prominent part in the barbarities then ruthlessly perpetrated.

6. On this count only does he appear to have been tried and sentenced, but out of numerous outrages ascribed to him by report there are I beg to say 2 other separate and distinct charges of highway robbery and burglary against him, upon either of which the evidence already obtained would suffice for conviction.

7. On neither of these did Mr. Ballard it appears try him, under the idea probably that the sentence recorded against him on the 1st count satisfied, under the then altered aspect of matters, the ends of justice.

8. After long and earnest efforts this man's apprehension was finally effected on the 4th October and a reward of Rupees 20 paid to those who had been instrumental in bringing him to justice.

9. Prisoner No. 38 is another of the most notable villains we have had to deal with during this crisis.

10. Although not implicated as far as has transpired in any overt act of bloodshed, he is yet proved to have taken part in a most flagrant case of burglary and extortion; to have acted as Baba Sawunt's amanuensis and confidant; to have kept the lists of levies, cash contributions, and ransoms and thus been materially instrumental in maintaining a good intelligence between the main body and collateral branches of the Bund.

11. Previously even to the out-break of these disturbances he was known to and watched by the Police as a turbulent and unscrupulous rascal, ever ready to promote discord and litigation among his neighbours.

12. He too was only finally secured on the 1st October when a reward of Rupees 50 was paid to his captors.

13. The desperate character of both these men is so much a matter of notoriety here that the mere rumour of their release has created the liveliest consternation in the minds of those in any degree concerned in the proceedings against them.

14. Captured in the early part of October, Mr. Ballard could no doubt satisfactorily explain why they were not tried and sentenced until the following month, but in every case the fact of their capture in October coupled with the sketch above given of their characters and

*unconditionally set at liberty -
JP D.H. - 21/2/59.*

Fort St. George, Judicial Consultation, 8th March 1859.

antecedents excludes them both in my humble judgment from any benefits of the act of amnesty and justifies my present recommendation that in their cases the original sentences be upheld in all their integrity.

15. Of Nos. 40 and 41, I speak less confidently, for although in the former there is a charge of murder, it rests only on hear-say evidence and may not therefore be worth much in legal point of view.

16. I would however beg to recommend that in this case likewise some portion at least of the original sentence be enforced.

17. Case No. 41 may I think be admitted to unconditional pardon as it is not one which either from the nature of the crimes imputed on character of the offender could have any influence on the popular estimate of the justice and principles which have guided previous convictions.

18. Under the impression that very much depends on the decision which Government may arrive at on these particular cases, I have written to the Officer in whose custody the prisoners now are, begging he will abstain from giving effect to the order until the wishes of Government are further ascertained.

No. 19.

ORDER THEREON, No. 296; dated 3rd March 1859.

In Extract Minutes Consultation, No. 64, dated 18th January last, the Government directed the release of four prisoners sentenced subsequently to 1st of November last, by the Special Commissioner for North Canara; three to different terms of imprisonment, and one to furnish security. The ground of their orders was, that these parties did not belong to the classes excepted from the terms of the Royal pardon.

2. It appears now however that of these four prisoners, Nos. 38 and 39 must certainly be considered as coming under these excepted classes. Their sentences therefore will stand. No case however has been made out to the same effect against the third, No. 40. He will accordingly be released; but on bail, in case the charge of murder, of which the Joint Magistrate has heard something, should assume a more definite shape. As for No. 41, he will, as proposed, be unconditionally set at liberty.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Carledge.

Judicial Sept

No. 296

Enc. 8/3 March 1859.

Read the following letter } Here enter No 72
from the Joint Magistrate of Canara } 8/12 Feb 59.

In Enc. No 64 d/10 Jan 59

last, he got directed the release of four prisoners sentenced by the Special Commr for North Canara; three to diff. -rent terms of imprisonment, & one to furnish security. The ground of their orders was, that these parties did not belong to the classes excepted from the terms of the Royal Pardon -

2. It appears now however that of these four prisoners, Nos 38 & 39 must certainly be considered as coming under these excepted classes. Their sentences therefore will stand. No case however has been made out to the same effect against the third No 40. He will accordingly be released; but on bail, in case the charge of murder, of which the Joint Magt has heard something, shd assume a more definite shape. As for No 41, he will, as proposed, be unconditionally set at liberty.

J.P. D.H. - 21/2/59.

subsequently to
12th Nov last,

Handwritten signature/initials.

Handwritten initials.

To the Joint Magistrate in Canara

By to Com: 8 March.

Practical 1859 & 1860

C. No. 290.

Exhibit. Minut. of Com.

2930 March 1859

Sept 23.

Directing with reference
to the letter from the Com:
May 10. of June 1859
stating that the duties
of the 2 prisoners (No. 38139)
out of the four referred
to do stand - the other two
to be released on certain
conditions.

1859