M.R. O. 1—50,000—16-10-39.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1270 Press —Mis.—

267—268

Dated 23—11— 19 88.

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Not to be folded or roughly handled

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Proceedings of the Madras Government, Judicial Department,
29th November 1860.

Read again Proceedings of Government, in the Judicial Department, dated 12th November 1860, No. 1,468.

No. 267. Read also the following Proceedings of Government, in the Military Department, dated 23rd November 1860, No. 4,258.

Ordered that petitioner be informed, that enquiry having been made on the subject of his petition, Government decline to interfere.

(Signed) R. HAMILTON, Lieut-Col.,
Dy. Secy. to Government.

FORT SAINT GEORGE,
23rd November 1860.

To the Judicial Department, with 2 enclosures.

No. 268. ORDER THEREON, 29th November 1860, No. 1,570.

Communicated to Colonel Colbeck, Magistrate of Police.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. T. O'Connor.

OCEEDINGS OF THE MADRAS GOVERNMENT.

letter from Lieutenant Colonel H. COLBECK, Senior Magistrate of Police, CROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 2nd r 1860, No. 11.

ance with the Order of Government in the Judicial Department, dated 30th 1,406, I have the honor to offer the following observations.

5th June last, a case was tried by me at this Court in which the man alluded an's petition, Dustagheer Khan, was prosecutor. During the investigation of mstances were adduced as fully to satisfy me that Dustagheer Khan had been by his step-mother, and that he had suffered a loss of at least 500 Rupees, which he had remitted to his step-mother from Burmah, while on service with

however, was purely of a civil nature and I was obliged to dismiss it, refer- Khan to the Court for the recovery of his property by Action at Law.

er Khan pleaded several reasons why he could not adopt this course. In the d that he had not sufficient leave from his Regiment, and in the next that he nt of these matters and could not afford to employ an Attorney.

nced was I of the hardship of the man's case, and being a Sepoy perhaps I had a kindly feeling towards him, I wrote therefore asking as a personal favor of nd Miller that they would without charge look into the case and if they agreed ew I had taken of it that they would be kind enough to conduct his suit gratis.

ssrs. Boyson and Miller very liberally consented to do.

on was brought and Dustagheer Khan obtained a Decree for 500 Rupees.

onths after the first case before me, Dustagheer Khan appeared at this Court a certain Bond or Promissory Note for 50 Rupees had been fraudulently n by his Cousin (the petitioner Hoossain Khan.)

Dustagheer Khan's information upon oath and should have been justified in ssain Khan by *Warrant*. This, however, I did not do, as it struck me the case turn out to be one of a civil nature. I issued therefore a *Summons*, making it usual in cases where there is a doubt whether the matter is a criminal or civil

in Khan alleges that the case was not subject to my jurisdiction, but to that of e Court.

sertion I am prepared to prove is as false as the whole of the allegations con- tion.

heer Khan at the time of laying his information lived in Triplicane within my his was the proper Court for him to apply to.

I upon enquiry that the matter of complaint by Dustagheer Khan against tood thus: Dustagheer Khan stated that Hoossain Khan had agreed to advance o enable him to join his Regiment at Bangalore, that a Note of Hand for this drawn out by Hoossain Khan and signed by him (Dustagheer Khan), but that in Khan possessed the Note of Hand, he had put off the payment from time to (Dustagheer Khan) had not received one Anna upon it.

Note of Hand was produced before me, but as Dustagheer Khan acknowledged ntarily given it to Hoossain Khan, I thought it was better to refer the case to a

15. I returned therefore to Hoossain Khan the Note of Hand for 50 Rupees, advising him he knew the debt to be a just one to sue Dustagheer Khan for the amount; on the other hand told Dustagheer Khan if he felt that he had been tricked in the matter he could refuse payment except compelled by a Judicial Decree to make it.

16. Here the matter of complaint as far as I was concerned ended, but Dustagheer Khan urged that Hoossain Khan had two papers of his in his possession which after the conduct of Hoossain Khan in the matter of the 50 Rupees he was determined to take from him. He demanded the papers from Hoossain Khan and they were produced. The one marked A, herewith forwarded, was the only one in the most remote degree of an official nature. It bears the signature of C. Runganada Sastry, one of the Judges of the Small Cause Court, the other was an authority granted by Dustagheer Khan to Hoossain Khan to receive on his account any sum decreed to him by the Small Cause Court.

17. After reading the papers I returned them to Hoossain Khan, telling Dustagheer Khan that I had no authority in the matter. I may here state that the authority granted by Dustagheer Khan to Hoossain Khan to receive in the Small Cause Court any amount decreed to him made no mention of services rendered as alleged in Hoossain Khan's petition, but Hoossain Khan evidently ignorant of my knowledge in the matter of the suit conducted by Messrs. Boyson and Miller stated before me that he was to have half of any sum recovered by Dustagheer Khan in consideration of the great trouble he had taken in the matter, by procuring him a Pauper Attorney in prosecuting the suit and many other things which I of my own knowledge knew to be false.

18. This I told Hoossain Khan, at the same time informing him that I myself had procured for Dustagheer Khan, the assistance of Messrs. Boyson and Miller.

19. Upon this, *voluntarily*, Hoossain Khan returned to Dustagheer Khan, the paper marked A and the authority to receive money from the Small Cause Court.

20. The paper marked A, I yesterday obtained from Dustagheer Khan who is still in Madras, and from whom any information, can if necessary, be obtained. The other paper Dustagheer Khan says he has destroyed.

21. I can positively assert, however, that the paper destroyed bore no official signature.

22. I beg to refer His Excellency the Honorable the Governor in Council to the letter from Messrs. Boyson and Miller which accompanies this.

23. The letter is of itself sufficient to shew the gross falsity of Hoossain Khan's petition upon the main subject.

24. With regard to my having used threats and abusive language to Hoossain Khan, I beg to say the fear of legal consequences alone would be sufficient to deter me from the first.

25. With regard to the second, I trust my known character will effectually protect me from it, but to both accusations, I give a most emphatic and distinct denial, capable, if necessary, of the fullest proof.

26. I yesterday sent for Dustagheer Khan and obtained from him the paper marked A. He stated that Hoossain Khan is well aware of his presence in Madras, notwithstanding which he has never sued him for the 50 Rupees. This circumstance would of itself to my mind go far to prove the truth of Dustagheer Khan's accusation, namely, that it was fraudulently obtained from him. Hoossain Khan was evidently anxious to participate in the advantage gained by Dustagheer Khan, but finding himself foiled and mainly by me, he has had recourse to the fabrication of the infamous petition under explanation. The letter of Messrs. Boyson and Miller, however, will, I trust, clearly disclose to the Government the shameless and truthless character of Hoossain Khan.

27. May I request the return of the paper marked A and the letter from Messrs. Boyson and Miller.

ORDER THEREON, 12th November 1860, No. 1,463.

Communicated to the Military Department, in reference to Proceedings, 19th ultimo, No. 3,742, in that Department.

(True Extract.)

(Signed) J. Pycroft

Chief Secretary.

To the Military Department, with 2 Enclosures to be returned.

Exd. F. Cartledge

Military Department

No. 4258.-

Ordered that Petitioner be informed, that enquiry having been made on the subject of his petition, Government decline to interfere.

Fort St. George
23rd November 1860

Actg Secy to Govt

Pros: 29th Nov.r
Govt 1860 Dep.t

Pros: of Govt in the Milty Dt. 4258.

Rj. 23rd 27th Nov.r 60.

No. 1974.

Forwarding for information the order passed on Pros: of Govt No. 1468. of 12th Nov.r 60 Communicating the explanation submitted by Col. Colbeck on the Petition of one Hoosain Khan Complaining of the conduct of the former in forcing Petr. to give up an agreement which his brother had voluntarily executed to him.-

No. 1570- 29 November 1860-

Commissioner of Police.

Col.r Colbeck.-

Acknowledged.

Pros 12th November 1860 No. 98 & 99.
" 30th Dec.r " 203 & 204.