M.R.O. 1—36,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. 33-34	269	Press Mis.
Dated	3—3—	18 1860

Not to be folded or roughly handled

MS

No. 33. Read the following letter from V. H. LEVINGE, Esq., Commissioner of North Canara, to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated Honore, 13th February 1860, No. 13.

I have the honor to forward, for the orders of his Excellency the Governor of Fort Saint George, the particulars of case No. 11, 1859, on the file of the Commissioner of North Canara, appointed under the provisions of Act XIV of 1857.

No. 11 of 1859.

Prosecutor.	*Prisoner.*
Her Majesty's Government.	Bandári Gópála.

WITNESSES.

1. Mahál-kumi,
2. Gaumkar Rámá,
3. Pondguea,
4. Aumálik,
5. Ragnát Patil,
6. Puttu,
7. Kristna.

MURDER AND REBELLION.

Charge.—That the prisoner and others of Sidi Bastian's bund, did on the night of the 25th February 1859, in Viranóli Village, Supa Mogany, Talúq Supa, seize one Laskea and drag him away to a jungle called Mandúrli, and there murder him with a sword.

2nd Count. That the prisoner was with the bund in arms against the Government from the month of February 1858 to 5th July 1859.

REMARKS.

The prisoner denies having killed Laskea, admits having been in the bund, but pleads that he was carried away by them and kept with them by force and against his will.

The 1st witness deposed that she is the mother of Laskea and that she heard that he had been murdered by the gang, and that the bones before the Kachary are said to be those of her son, found in the jungle where he was said to have been murdered, that she has never seen her son since the night he was carried off by the bund when they attacked the Village in which he was residing.

2nd witness, that he was a member of the bund, and knows that prisoner was in it and armed with sword and gun, in 1859 there was a fight between the Government servants and the bund in Harnode jungle ; in that fight Chintoba was killed, after which witness ran away from the bund, saw prisoner kill Laskea with a sword, does not remember day or date ; about 10 months before the 1st December 1859, the gang consisting of 25 persons went to Laskea's house one night and surrounded it. Laskea was dragged out, bound and taken away, then Rawba asked where is Bandari Ramji, he said at Chowli Village ; the bund then divided, some went to Chowli, the rest remained in the jungle guarding Laskea ; about 4 in the morning they brought Ramji. The bund took Laskea and Ramji to a jungle called Mándúrli. In revenge for Laskea and Ramji having received a reward from Government for having seized Bicco, one of the bund, and given information which led to his being hung, they were killed.

The 3rd witness was present at the time, and others of the bund ; the bund then departed, leaving the dead bodies in the jungle, it was near day-light when the murder was committed, and witness saw the bloody sword.

The 3rd witness was a member of the gang, and deposed to the same effect as the 2nd witness ; but contradicted his statements made before the Head of Police.

4th witness deposed that he had been in the bund, having been taken prisoner by them, that he had escaped and run to the Head of Police of Súpá Talúq, and that he, witness, informed the Head of Police that when with the bund, he heard them talking among themselves, that they had killed Laskea and Ramji in Mándúrli jungle and left their bodies there, that he did

not see the murder—it was committed before he was taken prisoner, and the bund threatened him with the same fate if he gave any information or attempted to escape.

5th witness deposed that 4th witness came before the Head of Police and deposed as above, whereupon the Head of Police ordered him (5th witness) to go to the jungle and search for any bodies lying there, this was in the month of June last; when searching in Mandoli jungle, he found two skulls and some bones at a place called Dandé in the jungle. The bones before the Court are those he found.

6th witness knows the prisoner; about 10 months ago, the bund came to his Village at night. Witness was at a sugar-cane press, heard Laskea calling out as he was being dragged away by the bund, did not see who was in the bund, nor who dragged Laskea away.

7th witness deposed as above.

The above is the evidence.

The depositions of the 1st and 2nd witnesses were taken before the late Commissioner Mr. Pochin.

The bones produced before the Court were two human skulls, it is proved they were found in the jungle in which the 2nd and 3rd witnesses swear they saw the murders committed, and the place where they were discovered answers to the description of the spot given by the 2nd and 3rd witnesses, but the 2nd and 3rd witnesses were not made to shew the spot where the murders were committed. I did not call on the 3rd witness to point out the place, as from his demeanor I have no confidence in his testimony; at the time the bones were found, it was not known who had murdered the deceased nor was it known exactly where they had been murdered; when the bones were discovered, the 2nd and 3rd witnesses were in the bund, it was only after they had given themselves up and on their being interrogated as to the proceedings of the bund that they told the story of their having seen the murders committed, so that the evidence is very strong against the prisoner, but the 3rd witness is a very bad character and contradicted himself, and I am not induced to place much reliance on his evidence, he is now in Jail for two years under the sentence passed on him in No. 7 of 1859, dated the 2nd November.

Lieutenant Drever, the Superintendent of Police, gave the prisoner promise of his life if he gave him information. Prisoner was with Lieutenant Drever for some time as a guide, and gave much useful information about the bund and their haunts, and shewed Lieutenant Drever about the jungles, thus affording the Police Officer an opportunity of gaining a most useful knowledge of a very difficult country.

Under these circumstances and considering the slight doubt as to these remains being those of the missing men, by the witnesses not having been made to point out the spot where they say they saw the murders committed, and that one deposition is at variance with the statement made by the same witness before the Head of Police, I recommend that a sentence of transportation for life be passed against the prisoner.

North Canara,
Commissioner's Court,
Honore, *8th February* 1860.

(Signed) V. H. LEVINGE,
Commissioner.

No. 34. Order thereon, 3rd March 1860, No. 269.

The Government consider the prisoner, Bundari Gopala, to be guilty on the second count for which he was tried, and sentence him to transportation for life.

2. The Commissioner, it is to be remarked, should have stated clearly on what count he convicted the accused.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

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Judicial Department.

No 286.

From The Commissioner of North Canara
Dated 13th February 1860

For Orders.

I think the evidence sufficient to convict the Prisoner of the murder of Laskea – but, as a British Officer promised that his life should be spared if he gave information, which he has done, with respect to the Band, faith must be kept with the Prisoner and he should be transported for life.

23 Feb 1860 — The Commissioner of Kea

Prisoner that he was Indicted
on several occasions with
the Brands - when no Bill
whatever against the Court
is returned to Justify the
Sentence Inflicted - on the
Defendant Convict - Therefore, he
appeals to Texas Court =
Civil -

The Commissioners report
is perfectly clear - he does
not state in fact - of what
he convicted the Prisoner

Wk.

The Commissioner ought to have stated of what he convicted the prisoner - If his guilt on the 2nd Count there

is no doubt, & I think the safest course will be to convict him on it & sentence him to transportation for life as proposed

Wk

No. 269 — 31 March 1860.

The Govt. consider the Prisoner, Bundari Gopala, to be guilty on the second count for which he was tried — & sentence him to transportation for life.

2. The Commissioner, it is to be remarked, should have stated clearly on what count he convicted the accused.

The Commissioner of North Canara.

Dispatch

Cal Jail
1829.