

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	<i>L 23</i>	Press
		<i>Mis.</i>
	<i>7-8</i>	
Dated	<i>11/4/1860</i>	<i>19</i>

Not to be folded or roughly handled

MLG

*Proceedings of the Madras Government, Judicial Department,
for the month of April 1860.*

Read the following petition:—

No. 7. To THE RIGHT HONORABLE SIR CHARLES TREVELYAN, K. C. B.,
Governor of Madras.

The fervent prayers of Vencatachellum Moodely, brother of Saubapathy Moodely, Cash-keeper of the Station of Vellore.

HUMBLY BESEECHETH,

From the deepest sense of humility Petitioner begs to offer his prayers, conscious of obtaining your Lordship's sympathy.

The souls under your control in India, the wealthy, the poor, and needy, are from your instrumentality and mercy upheld, as proclaimed in all this part of the world.
"Blessed are the merciful, for they shall obtain mercy."

1. On doubts that poor Saubapathy Moodely the defendant had smuggled cash in the above station in March 1859, from the Court's decision he is to receive 195 lashes, 14 years' imprisonment, hard labour, with a fine of 27,000 and odd Rupees, an inadvertent punishment too much for any innocent nature to bear.

2. Petitioner's ancestors from one to the present generation individually were respectably engaged as Doctors and other servants by the Nabob, &c., none stained their characters hitherto.

3. From the depositions given by prisoner Margasagayen at the Joint Magistrate on the 22nd March 1859, and from Calendar No. 8, Calendar No. 13, Calendar No. 18, Calendar No. 21, prisoner Margasagayen, gang Maistry Vencatachellum, cash-peon Soobroyen, and cash-peon Moottookristnen, had not only more than several times sworn and given their testimony that defendant was innocent, and void of offence, at the Sub Court and Sessions Court.

4. It was pretended that this imposed letter in question was sent by defendant Saubapathy Moodely regarding Audiuppen by cash peon Moottookristnen to (Gooroosamy naik, Mr. Sullivan's Duffadar) with later date to the depositions given by Moottookristnen cash-peon on the 30th April at the Sessions Court, and to the depositions given on the 18th July at the Sub Court, and as the said letter was given to him with an altered date which was forwarded by Moottookristnen cash-peon, who laid it before Collector Robinson and Commissioner Robinson, from this,* they called on Thungavaloo and the defendant, and asked the latter whose writing it was, whose answer was, not mine, while the former† said that it was defendant Saubapathy Moodely's writing.

* The imposed letter.

† Thungavaloo.

5. During this enquiry at the Magistrate's, the defendant had not one attorney to plead for him at the Magistrate, and from not taking his deposition to state at the Magistrate. On the strength of Thungavaloo's false statement, Collector Robinson approved the letter to be the defendant's, and thereby the Collector not only took his oath in Court contrary to law, when defendant's deposition was neglected for the Court's consideration. Moreover granted release certificates to gang Maistry Vencatachellum, and Audiuppen; and to postpone prisoner Margasagayen's lashes. And from altering the depositions of the former witnesses and prisoners, from invented falsehoods, and from the teaching of the Inspectors, peons, &c., in Calendar No. 35 contrary to conscience and law, unjustly committed the defendant to Court, where from their re-investigating from false accusation with their 2nd oaths at the Magistrate, the witnesses and prisoners entirely condemned him, which imposing false, and taught lessons were enough to condemn the defendant for a criminal.

6. From this imposition which inadvertently arose much against the Act and rules of Government, defendant was sentenced for five charges, and though he was not informed of the decree on the subject of the letter, defendant did not approve of the sentence, whose Lawyer Barrister Mr. Branson on appealing the Sudder Court, they called upon all the records, and on their close examination, they plainly discovered the exorbitant untruth of the witnesses and thereby totally rejected their depositions. But took in their view the letter‡ and concurred with the lower Court's decision for three charges.

‡ The invented letter.

This is not righteousness.

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7. Besides this, from doubt Mr. Sullivan's peons with the Police peons of Madras entered defendant's respectable, and his sister's houses at Madras, and the house in which defendant resided at Vellore also, and from their close searching even into the wells, &c., nothing were discovered.

8. Petitioner's brother the defendant is generally sickly from ruptures and pain, and hard breathing, and is very weakly constituted, on whose person the touch of lashes will cause the loss of his life which the doctors will confess on examining his feeble person.

9. Thus, from this unjust decree and sentence we poor are but compelled to behold your Lordship with our prayers as the Israelites, who from beholding the "brazen serpent" were saved, for, from the Governors who landed India hitherto, we prefer your pious Lordship craving "mercy", and will esteem it as a mark of that good Samaritan, who saved one's life, from calling for the records, looking into them to find the fact, and injustice of the case, and thereby to avoid the penalty inflicted on defendant to protect him, and his encumbered respectable family who were never for any trial brought to law for correction.

10. And from the assurance of obtaining your Lordship's final and favorable decrees that the punishment of lashes will be excused and the 14 years' imprisonment reduced or relieved, as defendant already paid a fine of 27,000 and odd Rupees.

For which act of philanthropy petitioner as in duty bound, shall ever pray.

POODOOPAKUM, PAROOMAH
MOODELY'S STREET, DOOR
No. 38, 2nd April 1860.

(Signed) VENCATACHELLUM.

P. S.—My Lord, Saubapathy Moodely being totally unable to bear lashes in the present state he is; petitioner is compelled to crave your Lordship to postpone the lashes until your pious consideration to confer "mercy."

No. 8.

ORDER THEREON, 11th April 1860, No. 423.

The Government regret that the heinous nature of the offence, of which Sabapathy Moodely has been convicted, will not allow them to permit any mitigation of his sentence.

2. With regard to the postscript, they observe that stripes are not inflicted without the concurrence of the Medical Officer.

(Signed) T. PYCROFT,
Chief Secretary.

dist.

Order thereon

No. 423- 11th April 1860-

The Govt. regret that the heinous nature of the offence, of which Sabapathy Moodely has been convicted, will not allow them to permit any mitigation of his sentence.

2. With regard to the postscript they observe that stripes are not inflicted without the concurrence of the Medical Officer.
Will. Vencatachellum, Moodely.