

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	440	Press
	37-39	<u>Mis.</u>
	37-39	
Dated	14 4 1860	7/7

Not to be folded or roughly handled

12

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

Read the following papers:—

No. 37. From V. H. LEVINGE, Esq., Commissioner of North Canara, to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated Honore, 26th March 1860, No. 15.

I have the honor to forward for disposal by His Excellency the Governor of Fort Saint George, copy of a Sentence passed under Act XIV of 1857 in No. 4 on the File of the Commissioner of North Canara for 1860.

No. 4 of 1860.

Prosecutor.

Government.

Prisoners.

1. Sidi Benove.
2. Sant Sali Gopala.
3. Gouli Vittu.

Witnesses.

- | | |
|--------------------|---------------------|
| 1. Malla Gouda. | 4. Vironoli Sunker. |
| 2. Poté Gaunkar. | 5. Cadavad Honna. |
| 3. Lalgulli Tumma. | |

Murder and Robbery.

1st Count.—The 1st, 2nd and 3rd prisoners charged with having, on the night of 8th July 1859, plundered the house of the 1st witness situated in the village of Degalum Supá Tálug of property valued at Rupees 78-7-0.

2nd Count.—The 1st prisoner charged with having dragged one Mathias out of the said house on to the road on the same night and with having killed him by cutting him with a sword.

The 2nd and 3rd prisoners, with having been present aiding in said murder.

Remarks.

The 1st prisoner denies having committed either murder or robbery, but admits that he was present with the gang who plundered the 1st witness' house and asserts that Mathias was then killed by one of the gang called Gonglo.

The 2nd prisoner admits having been with the gang, but asserts he was kept by them against his wish, and that he had no opportunity to escape from them; was present when 1st witness' house was plundered, but took no part in it, and saw 1st prisoner kill Mathias with a sword.

Third prisoner admits having been in the gang and armed with a gun given him by Sidi Bastian; was present at the plunder of 1st witness' house; saw 1st prisoner kill Mathias.

The 1st witness deposed that he knows the 1st prisoner for a long time, but does not know the 2nd and 3rd prisoners; that about 8 or 9 months ago one night the 1st prisoner and about 20 others armed with swords and guns came to his house; 1st prisoner and about 12 others entered and plundered it of about 78 Rupees worth of articles. That deceased Mathias, and 5th witness were sleeping in his house. Sidi Bastian caught hold of Mathias—5th witness ran off—Sidi Bastian dragged Mathias out of the house to about 30 yards distance; 1st prisoner caught hold of Mathias, tied his arms and ordered him to stoop, when in a stooping posture 1st prisoner killed him by 3 cuts of a sword, one on his neck and 2 across his shoulders. That he (1st witness) saw the above from the foot of a tree under which he stood close to his house; did not observe the 2nd and 3rd prisoners in the gang. After the murder the gang went off and next morning 1st witness reported the crimes to the Government servants. Mathias was killed by the gang under the supposition that he was a Government Peon.

The 5th witness, that he and deceased set out one evening from Sidasigur, and that they slept in 1st witness' house; that he, 5th witness, was going to Kondal Chanké to see his relation, a Peon, and that deceased was going to try and get into the Police.

When they were sleeping, the gang came to their house and plundered it. That Sidi Bastian seized them; he, witness, got away from him and got under some coffee bushes close to the house, deceased was dragged out, Benove asked him where his belt was, he denied having

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

one, then he was asked where the Sepoys were, he said he did not know: Benore killed him with a sword, witness was about 15 yards off.

The 2nd, 3rd and 4th witnesses deposed that they were in the Bund. The 1st prisoner and Sidi Bastian were leaders, were present at the plunder of 1st witness' house. Mathias was dragged out by Sidi Bastian, Benore tied him and asked where was his belt and where the Sepoys, he denied, then Benore killed him with 3 or 4 cuts of a sword, then the Bund went off. That the 2nd and 3rd prisoners were also with the Bund but did nothing.

The 2nd, 3rd and 4th witnesses were with the Bund till the month of December, they separated from it and gave themselves up to the Head of Police of Supá Taluq; on being interrogated by that Officer, they on the 17th December gave that Officer a deposition stating that Gonglo killed Mathias; on being interrogated as to their contrary statement now given before the Commissioner's Court, they assert that having been asked who killed Mathias, they said Gonglo, through fear of Sidi Benore an influential leader, but that now he has been caught, they have no fear about telling the truth.

The Head of Police saw the dead body of Mathias lying on the road close to 1st witness' house, on the 9th July, with 4 wounds made by a sword or knife, one wound across the back of the neck nearly severed the head from the body, 2 wounds across the collar bone, and 1 cut across the ear.

On the evidence I find the 1st, 2nd and 3rd prisoners guilty on the 1st count.
The 1st prisoner guilty on the 2nd count.
The 2nd and 3rd prisoners guilty on the 3rd count.

The 1st prisoner is brother of the notorious leader Sidi Bastian, for his (1st prisoner's) apprehension Government sanctioned the granting of a reward of 1,000 Rupees, in Order No. 1141 dated the 25th August 1859, with reference to a letter from Mr. Ames, No. 393, dated the 12th August 1859, the prisoner is No. 5 on the list forwarded with that letter.

I pass a sentence of death against him and recommend, if the same is confirmed, that he be hung in chains at Jegglepett along with Shanta and Rauba sentenced in No. 2 on the Commissioner's file for 1860.

The 2nd and 3rd prisoners are not in any way notorious, but as they refused to surrender and clung to the 1st prisoner and were apprehended in concealment in a jungle with him on the 2nd February 1860, which was reported to Government on the 7th February 1860, a sentence of transportation for life is passed against them.

NORTH CANARA, COMM'R'S COURT,
ON CIRCUIT KODKENTY,
23rd March 1860.

(Signed) V. H. LEVINGE,
Commissioner.

No. 37 A. MINUTE by the Honorable the PRESIDENT, dated 7th April 1860.
I see no reason to object.

No. 37 B. MINUTE by the Honorable E. MALTBY.
I concur in the proposed sentences.

No. 38. From V. H. LEVINGE, Esq., Commissioner of North Canara, to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated Honore, 26th March 1860, No. 16.
I have the honor to forward for the information of His Excellency the Governor of Fort Saint George, copy of a Sentence passed in No. 5 of 1860 on the File of the Commissioner of North Canara, under Act XIV of 1857.

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

No. 5 of 1860.

Prosecutor.
Government.

Prisoners.

1. Sidi Benove.
2. Sant Sali Gopala.
3. Gouli Vittu.

Witnesses.

1. Kiria.
2. Poté Gaunkar.

3. Lalulli Tumma.
4. Vironoli Sankar.

Arson.

Charge.—That the 1st prisoner on the night of 9th August 1859, set fire to the house of 1st witness in the village of Haronody Ellapur Taluq, by which property valued at 55½ Rupees was destroyed.

The 2nd and 3rd prisoners with having aided in the same.

Remarks.

The 1st and 2nd prisoners denied—have no witnesses.

The 3rd prisoner admitted having been present, and asserted the house was set on fire by the 1st prisoner.

The 1st witness deposed he was sleeping in his house; he was dragged out by Rauba; he got away and ran off; next morning found his and his neighbour's houses had been burnt and Laskea killed; knows Benove, 1st prisoner, but not the 2nd and 3rd prisoners.

The 2nd, 3rd and 4th witnesses who were members of the Bund deposed, the Bund came to the village; Benove set fire to 1st witness' house, the 2nd and 3rd prisoners did nothing.

The 1st witness' house is next to the house of Appia, the particulars of the burning of that house and of the murder of Laskea within it and also of the burning of the 1st witness' house is given in the decision in No. 2 on the Commissioner's file for 1860.

The prisoners are found guilty of both counts of the charge, and would be sentenced to transportation for life, but that they have been already sentenced in No. 4.

NORTH CANARA, COMM'R'S OFFICE,
ON CIRCUIT, KODKENTY,
23rd March 1860.

(Signed) V. H. LEVINGE,
Commissioner.

(True Copies.)

(Signed) V. H. LEVINGE,
Commissioner.

MINUTE by the Honorable E. MALTBY.

No. 38 A. The prisoners having been convicted and sentenced in case No. 4, no Orders will be necessary in this case as regards their punishment. I concur in their conviction.

(Signed) E. MALTBY.

ORDER THEREON, 14th April 1860, No. 440.

No. 39. The Government confirm the sentences passed by the Commissioner in Case No. 4 of 1860. The prisoner Sidi Benove will accordingly be hung in chains at Jegglebett. Sant Sali Gopala and Gouli Vittu will be forwarded to Madras to be transported for life.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

Commissioner

The 2^d & 3^d Prisoners guilty on the 3^d Count.
The 1st Prisoner is brother of the notorious
leader Sidi Bastian, for his (1st Prisoner's)
apprehension Government sanctioned the
granting of a reward of 1000 Rs. in order
No 1141 dated the 25th August 1859, with
reference to a letter from Mr. Ames
No 343 dated the 12th August 1859. The
Prisoner is No 5 on the list forwarded
with that letter.

I pass a Sentence of Death against
him & recommend, if the same is con-
firmed, that he be hung in chains
at Juggelpett along with Shant &
Randa sentenced in No 2 on the Com-
missioner's file for 1860.

The 2^d & 3^d Prisoners are not in
any way notorious but as they refused
to surrender & Clung to the 1st Prisoner
& were apprehended in concealment in a jungle
with him on the 2nd February 1860 which
was reported to Government on the 7th February
1860 a Sentence of Transportation for life
is passed against them.

North Canara,
Commissioner's Court,
On Coast. Hooking,
23rd March 1860-

Signed F. H. Loring
Commissioner
(True Copy)

F. H. Loring
Commissioner

Indian Department.

N:542

From

The Commissioner of North America.
Dated 26: March 1880.

For Orders.

The Indians having been convicted &
sentenced in Court, and their
property in the case as ordered
for payment - I have the
honour to inform you

WM

1880
24th

Enclosure I

In a letter from the
Comptroller of North America
to the Chief Secretary to
Government, sent 25
March 1880 - No 15.

Copy of letter as in
No 4 of 1880 in the file
of the Commissioner
of North America
No 10 of 1880
in 185733.

Judicial Department:

N^o 5143

From

The Commissioner of Prisons

Dated 26 March 1860.

In Order.

I see no reason to object

in
7 April to

U

I concur in the proposed sentence

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W. H.

Proceedings of the Madras Govt.
Read letters from the
Commr. of N. Canara - Enter 26 March
& also Minutes by the 1860 No. 15 & 16.
Members of Govt - Enter.

Order, thereon 14th April 60 No. 440.
The Govt. confirm the sentences
passed by the Commissioner in
Case No. 4 of 1860. The prisoner
Bidi Benore will accordingly
be hung in chains at Ingle-
bett. Sant Dahi Gopala & Gaudi
Vittu will be forwarded to
Madras to be transported for
life.

The Commr. of
North Canara

C. S. Phil
R. H. " " 1860