

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT

G.O. No.	604	Press Mis.
28-29	28-29	
Dated	14-5-	19.1860

4/4

Not to be folded or roughly handled

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

No. 28. Read the following letter from THOMAS SYDNEY SMYTH, Esq., Advocate General, to the Chief Secretary to Government, Fort Saint George, dated 4th May 1860.

I have the honor to forward the following Report of cases tried at the second Criminal Sessions of this year, for the information of His Excellency the Governor in Council.

2. Case No. 6, was for obtaining money by false pretences from the Paymaster of Carnatic Stipends. I prosecuted, and obtained a conviction against two prisoners, Haji Sidi Ahmud, and Shaik Imam; the third Syud Omur, was acquitted, having apparently acted merely as a Vakeel, and made no representation as proceeding from his own personal knowledge.

3. The six cases of child-stealing were not gone into, owing to a defect in the Indictments prepared by the Clerk of the Crown, and to the discharge of the Grand Jury before the defect was discovered, but I have advised the Magistrate that it is his duty to recommit the cases, and they will be tried at the next Sessions.

4. In Case No. 16, D'Silva, formerly employed in the Mint was convicted of stealing Rupees 481, but I must say, that if I had been on the Jury, and one of the principal Native witnesses been in the dock, I should have been much more disposed to convict him than the prisoner D'Silva. The interests of Government were in no way involved in this case.

5. P. Veeraperumall Pillay was tried and acquitted for perjury; and the same defendant and his uncle P. Rungasawmy Pillay were about to be tried for conspiracy, when the presiding Judge Sir A. Bittleston informed me, in the presence of the Jury about to try the case, that if I proceeded with it, and obtained a conviction, he should feel great difficulty in passing any sentence at all upon the defendants, the charge being for a conspiracy to defraud by means of perjury, and one of the defendants having been acquitted of perjury. I therefore at once informed his Lordship, that under these circumstances, I considered it useless to proceed with the case, and should offer no evidence; whereupon the Jury were directed to acquit the defendants.

6. In the perjury case the trial lasted three days. The perjury was distinctly sworn to by Gholam Moortaza Khan; and many corroborating facts were proved by Mr. Arathoon, Girder Doss, and other oral and documentary evidence. Gholam Moortaza Khan, however, upon cross examination, admitted having had a paralytic stroke and that his memory had been impaired in consequence, that he had been convicted of concealing a watch, at the time of his insolvency, which he ought to have surrendered to the Official Assignee, and that he had written an anti-dated letter, not exactly false, but calculated and intended to mislead the Insolvent Court in 1848, as to the real nature of Mr. Maclean's connection with the Nabob's pecuniary transactions.

7. The Jury, a most able and intelligent one, were for nearly two hours deliberating before they agreed upon their verdict, and I have been informed that they acquitted P. Veeraperumall Pillay not because they had any moral doubt that his evidence in respect of which the Grand Jury had found a true Bill against him was untrue, but because they considered that, without further corroboration, the evidence of Gholam Moortaza Khan, could not be said to be free from doubt, and that of that doubt P. Veeraperumall Pillay was entitled to the benefit.

8. Sir A Bittleston expressly said that the case was a very proper one for a prosecution and it was quite right that P. Veeraperumall Pillay should be tried for the evidence he had given.

No. 29.

ORDER THEREON, 14th May 1860, No. 604.

To be recorded.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. S. T. Augustin.

From,
The Advocate General

To,
The Chief Secretary to Government
Fort Saint George.

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5. P. Alwarasammall Pillay was tried and acquitted for perjury, and the same Joff and his Nephew P. Rungasawmy Pillay were about to be tried for Conspiracy, when the presiding Judge Sir A. Pitt Rivers informed me, in the presence of the Jury about to try the case, that if I proceeded with it, and obtained a conviction, he should feel great difficulty in passing any sentence at all upon the Defendants, the charge being for a conspiracy to defraud by means of Perjury, and one of the Defendants having been acquitted of perjury. I therefore at once informed his Lordship, that, under these circumstances, I considered it useless to proceed with the case, and should offer no evidence; whereupon the Jury were directed to acquit the Defendants.

6. In the Perjury case the trial lasted three days. The perjury was distinctly sworn to by Gholam Moortaya Khan; and many corroborating facts were proved by Mr. Brathorn, Gerard Joff, and other oral and documentary evidence. Gholam Moortaya Khan, however, upon cross examination, admitted having had a paralytic stroke and that his memory had been impaired in consequence. That

Political Letter to England d/18th Aug^r
N^o 30 of 1860.

Ref. to the Sec^y
of State for India
N^o 21 of 1860

Ind^e 1860. Sept^r
20 May 1860
From
The Advocate General

Of 4th & 5th May 1860.

N^o 743.

Forwards Report
of Cases tried at the second
Criminal Session of
the Year 1860. with cer-
tain Observations -

1860

Is recorded
14 May 1860. JF

C 5 May 28 & 29
1860

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~~R.H.~~