M.R.O. 1—30,000—16-10-23.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1497 Press ~~Mis.~~

26-29

Dated 5-12-1861 19 .

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Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, *5th December* 1861.

Read the following papers :—

No. 26. Abstract of Petition from IYAPIEN, RAGOORAM and others, Inhabitants of the village Teroonarcadoo in Sydapet Taluq, Madras District, dated 27th September 1861.

Complain that a robbery having been committed in the nieghbourhood of Petitioners' village, they were all arrested and confined for some time ; that their houses were searched and a quantity of property carried away. That several of Petitioners have been released for want of proof, but that others are still in custody. State that while confined they were all tortured in the most painful and disgraceful manner. Their women stripped naked, &c., and offer to substantiate their complaints. Assert their innocence in the matter of the robbery. Ask for a special Committee to enquire into their case.

No. 2,751 of 1861.

Referred to the Magistrate for report.

(By Order,)

(Signed) W. S. WHITESIDE,
Acting Dy. Secy. to Govt.

FORT SAINT GEORGE,
4th October 1861.

No. 27. From B. CUNLIFFE, Esq., Magistrate of Madras ; to J. D. SIM, Esq., Secretary to Government, Fort Saint George, dated Sydapet, 31st October 1861, No. 47.

* Herewith returned.
Received 14th } Octr. 1861.
Returned 31st }

I have the honor to report upon Government Petition* No. 2,751 of 1861, as directed in the endorsement dated 4th instant.

2. Copy of a letter from the Superintendent of Police on the subject is enclosed.

3. Twenty-five persons were apprehended on the 11th of September and lodged in the Station house on the warrant of the Sydapet Taluq Magistrate. Seven were seized without a warrant, and the case with 19 persons was put up before him on the 19th idem. Nine men were forwarded for release by the Magistrate, and four were discharged by the Police Inspector.

4. Of the 19 committed, 14 were released, as there was no criminatory evidence whatever against them, and 5 were forwarded for trial to the Sessions Court.

5. As no allegation of ill-treatment was made before the Taluq Magistrate, the natural inference is that no ill-usage occurred.

6. There is no reason to suppose that the Village Munsiff obtained the apprehension of the prisoners from feelings of animosity ; on the contrary, he took objection to their being seized without a warrant. He was confined in the Debtor's Jail at Chingleput, from inability to discharge an amount decreed against him.

7. The petition is the production of a writer of such documents, and is probably an exaggeration of his Client's statements.

From Lieutenant H. D. COLETE, Superintendent of Police, Chinglepet District ; to B. CUNLIFFE, Esq., Magistrate Madras District, Saidapet, dated 30th October 1861, No. 260.

I have the honor to acknowledge the receipt of your letter No. 86, dated 22nd instant, (with its enclosure herewith returned) and in reply to inform you that I was present myself when the prisoners in this case were arrested and their houses searched ; there was no ill-treatment took place then, nor was any woman stripped and searched ; the Inspector remained on the spot after I left and until the prisoners were removed to Saidapet ; he states that none of the prisoners were ill-used by him or his Constables, which I have no hesitation in believing ; for had they been, some of them would have borne marks of ill-treatment, and would moreover have complained to the Taluk Magistrate at the time of trial.

8. The parties were kept in the station house on a warrant of remand granted by the Taluk Magistrate. The charge sheet being silent on that point, is the fault of the Taluk Magistrate not filling up the column set apart, for the purpose of entering the number and date of remands granted by him. The robbery occurred on the night of the 10th, and the case was put up on the 19th, the prosecutor who was badly wounded being unable to attend before that date.

The Government, after consideration of the report of Magistrate and of the letter of the Superintendent of Police which accompanied it, are of opinion that the accusations of torture and ill-treatment brought forward in the foregoing Petition are exaggerations of what really took place, but they consider that the Officers of Police, upon whom the duty of tracing out the gang devolved, exhibited great want of judgment in the steps they adopted.

2. It appears that no less than 32 individuals were arrested—seven without a warrant, on suspicion of complicity in the robbery that had occurred.

After having been in custody for upwards of a week, 14 of these men "were released as "there was no criminatory evidence, whatever, against them," and eventually only 5 out of the 32 individuals taken into custody were committed for trial at the Sessions Court.

3. Arrests made in so hasty and wholesale a manner, and with so little, apparent, discrimination of the extent or value of the evidence that may have been obtained against the prisoners, shew clearly that the parties concerned have still much to learn of their duties.

4. The Government resolve to forward the Magistrate's letter, with its enclosure, to the Acting Inspector General of Police, who will furnish Government at an early date, with a detailed explanation of the facts of this case.

(Signed) T. PYCROFT,
Chief Secretary.

11th November 1861.

No. 28. From Captain C. S. HEARN, Acting Inspector General Madras Police; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 26th November 1861, No. 1,916.

General Department.

With reference to Order of Government, dated 11th instant, calling for explanation of the facts connected with the arrest of certain persons in a charge of gang robbery in the Madras District, I have the honor to state as follows :—

2. The gang robbery took place in the house of one Ragavacharry a Pygust in the Engineer Department. This man had discharged a number of Pariah coolies for misconduct, and the coolies had threatened revenge. On the evening of the robbery however Ragavacharry went to Poonamallee on business likely to detain him some days. He therefore took his family with him leaving a relative, Narrain Iyer, in the house.

3. Narrain Iyer was dangerously wounded by the robbers, having 2 deep cuts on his head and part of one finger cut off. The robbers were carrying him out of the house towards the river when suddenly they exclaimed, "This is not Ragavacharry" and threw him down. When striking him in the house they exclaimed, "We will teach you to take away our bread." Others called by name to Ragavacharry's wife (who was not in the house) to come out. The discharged coolies knew Ragavacharry's wife well, having frequently been to the house for pay and for other purposes.

4. The wounded man told Captain Cloete (who was promptly on the spot and investigated the case in person) that the robbers had their faces whitened and their bodies blackened with charcoal and oil.

5. Captain Cloete having come to the conclusion that the discharged coolies must have committed the robbery proceeded to the village where they resided. He found several with distinct marks of chunam on their eyelids and distinct traces of charcoal and oil on their bodies, though they had been endeavouring to scrape it off. On searching their houses some of the stolen property was found. These facts proved that the men of this village were the parties concerned. The men found with marks of chunam were discharged coolies, and Captain Cloete feeling convinced that the discharged men were the perpetrators of the deed determined to arrest the whole of them on suspicion, in the hope that evidence might be found to convict them.

6. Twenty-five men were arrested on the 11th September, and three on the 17th. These 28 men were all produced before the Taluq Magistrate on the 19th, by which date the prosecutor had sufficiently recovered from his wounds to appear. The statement that four men were released by the Police Inspector is erroneous, 28 persons were arrested not 32. The mistake arises from the distinguishing prefix to some of the names having been mentioned in the warrant, but omitted in the charge sheet, which led the Taluq Magistrate to believe that more than 28 had been arrested and that some had been released without his knowledge.

7. On the case being put before the Taluq Magistrate nine men were at once released, no evidence having been procurable in support of the suspicion, upon which they were arrested. The remaining 19 were under trial from the 19th September to the 21st October. The cause of the investigation being protracted to such unusual length does not appear. If there was no criminatory evidence whatever against 14 of the accused, the fact ought to have become apparent in less time than this. Eventually, the Taluq Magistrate committed the persons in whose houses property had been found, but released the rest.

8. The Pariah Villages and Parcherries in the neighbourhood of Madras are hotbeds of crime. The inhabitants far from being respectable are low, disreputable and dishonest. The marks of chunam and charcoal found on some of the suspected persons taken in connection with the previous statement of Narrain Iyer, may not have been considered by the Magistrate a satisfactory proof of guilt, but I think that they justified an arrest. There is strong reason to suppose that the other discharged coolies resident in the same village and belonging to the same party were abettors of the crime, even if they did not participate in it. No evidence however was procured, and these persons should have been watched without being arrested.

9. Moreover when it became apparent that these people had been too hastily arrested and that evidence could not be obtained against them, a representation should at once have been made to the Magistrate with a view to procuring their immediate release. The Superintendent of Police will be instructed on these points.

10. I may remark that the charge brought against the Police appears to be a mere handle to the real object of the Petition, viz., a complaint against the Village Moonsiff.

11. In conclusion, should Government remain of opinion that Captain Cloete's zeal in this instance somewhat out-ran his discretion, I still venture to claim indulgence for this Officer; who by his activity and energy was most successful in repressing the atrocious crime of gang robbery in Trichinopoly District, and who is now applying his best efforts to the same end in Chingleput.

No. 29. ORDER THEREON, 5th December 1861, No. 1,497.

The Government are satisfied from this report that Captain Cloete was actuated solely by zeal and anxiety to bring to justice the perpetrators of the daring robbery that had occurred. But they continue of opinion that he shewed considerable want of judgment in making such wholesale and indiscriminate arrests. The Government trust that the instructions which the Acting Inspector General intends to address to him will prevent a recurrence of such errors.

2. The delay which Captain Hearn in paragraph 7 of his letter, shews to have occurred in the preliminary trial of the suspected men appears to be highly reprehensible. He states that, out of the 28 individuals arrested between the 11th and 17th of September, 19 were detained in custody, nominally "on trial," from the 19th September to the 20th October, on which date 14 were set at liberty, there being no evidence whatever against them.

Proceedings of the Madras Government, Judicial Department,
5th December 1861.

3. The Magistrate of the District, to whom a copy of Captain Hearn's letter will be forwarded, will ascertain the cause of this lengthened delay.

(Signed) T. PYCROFT,
Chief Secretary

Exd. F. Cartledge.

To

His Excellency The Governor
in Council
Fort St. George

17-4-61

The humble petition of the undersigned inhabitants of the village of Soorvarcadoo, Taluq Sydapet, District Madras

Respectfully Sheweth

That Petitioner respectfully beg to bring the following particulars of oppression & injustice to your notice with the humble but fervent hope you will be pleased to have particular enquiries made into them without delay and see justice done to them.

That on the night of the 10th instant it appears that a torch light robbery took place in the village of Ramavaram about 2 miles distant from our village. The authorities, at the pointing out of the Moonsiff of the village, seized the whole of us, 30 in number, as the perpetrators of the robbery. Others of other village, also were seized but subsequently set free. Our houses were searched during our abse and whilst we were kept in custody and

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which the Acting Inspector General intends to address to him will prevent a recurrence of such errors.

The

of our property carried away. We were some fettered and others bound, carried to the station at Mooroo-guppa Modelly Choultry. The extreme tortures & cruel treatment we experienced there is inexpressible. Every kind of torture imaginable was resorted to. A poor woman was taken into a room, stripped naked and otherwise most cruelly treated. We can substantiate the whole of the above particulars. From Mooroogoppy Modelly Choultry we were carried on the 7th day to Sydapett where also the same cruelties and tortures were repeated. A day or two after our arrival at Sydapett 11 of us were taken before the Tasildar who after a few questions dismissed them; the remainder 19 are still kept at Sydapatt undergoing the same sufferings.

The above proceedings Sir, are most unjust, tyrannical, cruel and uncalled for. Leaving aside our innocence the conduct of the subordinates in the above cases is most arbitrary and contrary to the repeated orders of Government.

In reference to the above particulars we beg to urge the following viz that we are innocent and that we have been thus treated by the instigation of the present Moonship of our village Sabahalee Modelly.

We are in the possession, culture and enjoy of our village for the past 20 or 30 years. That there are Meerasidars to our village we do not deny, but none of them resides in the village; they all reside in Madras. They are now and then in the habit of coming over & receiving from us as usual what we please to give. The said Moonship of the village Sabahalley Modelly, who is lately come out of the Chingleput jail after an imprisonment of 2 or 3 years, is one of the Meerasidars of the village and lately came to the village and demanded from us more than the customary allowances; we refused and also told him that because he is a bad character we refused to pay into his hands our kist & said that we would personally pay it and receive the receipt. In consequence of our independent behaviour he placed his enmity on us and by some means or other got the former Moonship removed and made himself Moonship. Even before the Moonship of the village he found he could not frighten us as we were correct in the payment of our assessments. Therefore to carry out his hatred against us, he was looking for an opportunity. The above said robbery was a good opportunity and by his influences with the Subordinate officers, under the plausible but false plea that we are Connected with the said Robbery, has had us thus cruelly treated.

That we are respectable inhabitants and that we have never been accused or suspected of any such deeds, as [illegible] to us will be proved by a reference to the inhabitants of the neighbouring villages. None of the stolen property has been found in our possession. We live more than 3 miles from the place where the Robbery is said to have taken place. Still we have been thus cruelly and unjustly treated and some of us are still suffering great torture.

Under such Circumstances we respectfully beg your Honor will be pleased to institute a strict and personal investigation and see justice done to us who have been thus unjustly used and see justice done to your Petitioners who as in duty bound

Shall Ever Pray

Iyapyan, Ragoonan, Marry,
Mocamee Pariyan, Veeran, Chellen, Moodeechen,
Ponnian, Arooly, Arumugum, Catheroyen,
Palyattal the wife of Moolickin, Tholasee the
wife of Coollen, Canagee the wife of Cunnmon,
Cunnee the mother of Veerasawmy, Seroovilal,
the mother of Marry, Errammal, the wife of
Coolen, Goondalin, the mother of Moonien,
Seroovilal, the mother of Veerasawmy,
Tharee, the mother of Marry, Cunniamal
the wife of Andee, Nallee Ammal, the mother
of Nalee and Moothoopanian, Ragoonan,
Iya coottee, & Chinna cunnee (this is the
woman that was ill treated in the manner
above stated).

No 29 of 1861

Referred to the Magistrate for report

Fort St George
4 October 1861

By order
[illegible]
[illegible] Secy

No 2451 of 1861

A 2

From Iyapen, [illegible] govern & others inhabitants of the village Terowacados in Sydapet Taluq Madras District.

Dated the 27 Sept 61

Complain that [illegible] village having been committed [illegible] of Petitioners [illegible] they were arrested and confined for [illegible] their houses were [illegible] and a great [illegible] of property [illegible] Petitioners have [illegible]

Sub. No. 3
1861

[illegible] that the [illegible] entirely [illegible] complaint they [illegible] and beyond [illegible] Petitioners [illegible] marked [illegible] complaint [illegible] the [illegible] of the village [illegible] to enquire into their case.

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read again Proceedings of this Govt. of 11 Novr 1861. in the Petition &c.

Read also the following letter from the Acting Inspector General of Mofussil Police.

(P.E. 26 Novr 1861. No 1916).

Order thereon, d/5 December 1861 No 1497.

The Government are satisfied from this Report that Captain Cloete was actuated solely by zeal and anxiety to bring to justice the perpetrators of the daring robbery that had occurred. But they continue of opinion that he shewed considerable want of judgment in making such wholesale and indiscriminate arrests. The Govt. trust that the instructions which the Acting Inspector General intends to address to him will prevent a recurrence of such errors.

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3. The Magistrate of the District, to whom a copy of Captain Hearn's letter will be forwarded, will ascertain the cause of this lengthened delay, and unless it can be satisfactorily explained by the Taluq Magistrate, will take due notice of his conduct.

Acting Inspector General, Mofussil Police 21
Magistrate, Madras District. 3

despd 7th 30 (Instn. in the 9th Para 2 [illegible]

Send the purport of the Taluq Magistrate's report & [illegible] & order thereon

Pros. of Mee

Judicial 1861 . Department.

No. 1497

PROCEEDINGS of GOVERNMENT.

F. No. 2019/61.

Dated 5th December 1861

With reference to the Gang robbery which lately took place in the Madras District the Magistrate will ascertain the cause of the lengthened delay in the preliminary trial of the suspected men as brought to notice by Captain Hearn

4360] Madras—Printed at the Government Press.

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C. 21 Novr
R 4 Decr