M.R.O. 1—39,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT**

G.O. No. 186 Press ~~Mis.~~

54-55

Dated 12.2.1861 ~~19~~ .

576

Not to be folded or roughly handled

No. 54. Read the following letter from MADAR BEE, inhabitant of Bypullee, Bangalore, to the Chief Secretary to Government, Fort Saint George, dated 8th February 1861.

With due respect I beg you will have the goodness to forward the accompanying Petition to the Principal Secretary of Her Majesty's State for India. By so doing I shall ever esteem your honor as my kind benefactor and protector.

To the Principal Secretary of Her Majesty's State for India,

London.

The humble Petition of MADAR BEE, Inhabitant of Bypullee of the Talook of Mysore of the Zillah of Bangalore.

Most Humbly Sheweth,

That your petitioner's five sons, named Hoossain Sawe, Budden Sawe, Sheik Emam, Sheik Meerah and Emam Sawe, now prisoners in the Jail at Chittoor, are inhabitants of the said Bypullee, and traffics in cattles, carrying bullocks, cows and calves to Madras and Pondicherry with regular passes and sell to the butchers, and besides this they have lands and carry on cultivation, sugar-cane plantation, and pay tax to Circar.

One Venketpuddee Naidoo, in caste a Badar, inhabitant of Rungumpet, and a rich man, went and made a complaint to one Paupoo Naidoo, stating that he came to the gaut of Byibgurpullee Sagganeegoontah village in the jungle, and there he climbed upon a tamarind-tree leaving his gun and scythe under the said tree, and during the time he was throwing the tamarind-fruit down from the tree, his wife was gathering them; two men came there, one took hold of the said woman and the other took of the silver bangle (valued nearly one Rupee) from her hand, and that the said Venketpuddee Naidoo came down from the said tamarind-tree and took the scythe and did cut a man on the right hand by the back part of the scythe.

If two of your petitioner's said sons had committed the crime, and by the time the said Venket-puddee Naidoo came down from the tamarind-tree and took his scythe, they must have ran off very far; and if the said Venkutpuddee did cut one of them with his scythe he could have very well catched him.

Upon that complaint been made by the said Paupoo Naidoo, he and the Police servants went to Rungumpet, and there they had seized a Badar man, and he said, that he was not the person that committed the robbery, but he will point out the person that stole the said bangle, and brought the Police servants to the said Bypullee, and pointed out one of your petitioner's said son named Hoossain Sawe, and when the Police servants bounded up the said Hoossain Sawe with rope, and when his two brothers came and told the said Police servants thus, "first inquire properly and then bind our brother up with rope," (the head Police ordered the said servants to inquire and find out the person that committed the crime); but they did not do so, and bounded the two brothers also, another person and more four persons all who came before them, and afterwards did let the latter four persons off, and did shut up the door of the house of your petitioner's said three sons, Emam Sawe, Budden Sawe and Hoossain Sawe, also did shut the door of her said son Sheik Meerah, and not her said son Sheik Emam's, because his house was a cottage and no door to it, the Police servants and Badars were placed as sentries over your petitioner's sons, enemies who were not in the Government employ, but villagers were put over your petitioner's sons' houses as a guard for 6 days.

It is impossible that unless the said Venketpuddee Naidoo upon proposal to endeavor to deceive your petitioner's said sons he would not gone with Police servants and seize a Badar of his caste, and he the said Badar to come and point out your petitioner's said son Hoossain Sawe, and bound him up with rope together with all those who came there. If it was a real case and the said Venketpuddee Naidoo know the person that robbed the bangle, he did show the Badar, and when the Police servants seized him, he said, not him, and pointed out your petitioner's said son Hoossain Sawe; the first person, the Badar, that was pointed out by the said Venketpuddee Naidoo the prosecutor, was passed over, and your petitioner's said son Hoossain Sawe was pointed

out by the said Badar, and he was taken up as the person who stole the said bangle together with those who came near him.

The Pasegar, Hoobledar and their servant of Mooragul of the Mysore territory came and had sent for some of the villagers and examined the said houses that were shut up, and found the said stolen silver bangle in the midst of the house of your petitioner's said three sons (three brothers), it was then suspected by the said Pasegar, Hoobledar and the villagers that assembled as punchoyet, that the said bangle must have been thrown into the house on the floor through the chimney by some of the Badars that were kept as a guard, if not the owners of the house, if they had stolen the said bangle, they would have hid it.

Your petitioner's said sons were taken as prisoners to Mooragul Cutcherry, and from there they were taken to Chittoor. Four men of your petitioner's relatives that accompanied your petitioner's said sons were confined at Palmary Cutcherry, and afterwards were ordered to go to their country, and not to go to Chittoor.

Why should your petitioner's relatives who accompanied your petitioner's said sons be confined and then be released, and also be told not to go to Chittoor, because the Police peons must have been encouraged to do so by the said Venketpuddee Naidoo, as he is a rich man.

Your petitioner's said sons were tried, her said son Hoossain Sawe stated in his defence, that he was a partner with one Venketrammah in sugar-cane plantation, and three times he brought sugar-cane from the sugar-cane garden, and on the fourth time bringing sugar-cane, the bullocks broke the rope and ran away, the bandy upseted and he fell down and got his arm bruised in three places, at which time a traveller named Venkettapah was coming from the next village, saw the arm bruised, and he applied chunam to it; the bandy-man named Sheik Hoossain, who went after the bullock that ran away, came back and saw the said Hoossain Sawe's arm was bruised, another man named Soobana who came from the sugar manufactory and saw the arm was bruised, and he advised her said son Hoossain Sawe to be careful in driving the bandy—these three witnesses gave in their evidence in the Court: the woman the said bangle belonged to her said husband the said Venketpuddee Naidoo; another man and two more women stated in the Court, that your petitioner's said son Budden Sawe took hold of the woman, the complainant, and your petitioner's said son Emam Sawe stole the bangle from her hand; the said Venkutpuddee Naidoo said that he came down from the tree and took the scythe and ran after your petitioner's said son Hoossain Sawe, and had cutted him by the back part of the scythe.

Your petitioner begs to state, that the statement made in the Court by the said woman, the owner of the bangle, another man and two more women, that your petitioner's said son Budden Sawe took hold of the hand of the said woman, and Emam Sawe stole the said silver bangle from her hand, and the husband of the said woman to whom the bangle belonged to also stated that he came down from the tree and took the scythe and ran after your petitioner's said son Hoossain Sawe and cutted him by the back part of the scythe, is but falsehood; because, the Badar who was first seized by the Police servants said that he was not the person and pointed out your petitioner's said son Hoossain Sawe that he stole the bangle, and the woman, the owner of the bangle, her husband the said Venketpuddee Naidoo, another man and two more women stated that your petitioner's said son Budden Sawe took hold of the woman, and her said son Emam Sawe stole the bangle; and therefore, could your petitioner's said son Hoossain Sawe be the person that stole the bangle, or your petitioner's said son Hoossain Sawe stole. If your petitioner's said sons Hoossain Sawe or Emam Sawe be the persons that stole the bangle, what did your pititioner's said sons Sheik Emam and Sheik Meerah do that they should be punished with the rest.

The Pasegar, Hoobledar, Mauniakar and Kurnen of the Cutcherry of Mooragul, Moonshif of Chettle and Ahgrum Mooneeapah Punchoyeters all respectable people came and stated in the Court that they suspected that the silver bangle must have been thrown into your petitioner's said son's house through the chimney of the house by the Badars who were placed over the house as a guard, because if your petitioner's said son had stole it, he would had hid it.

The Badar caste people, some of them are very much against your petitioner's said sons in the cattle affairs, because the Badar caste men use to ask your petitioner's said sons to sell them bullocks worth 20 Rupees for 10 Rupees, when your petitioner's said sons would refuse to do so

Proceedings of the Madras Government, Judicial Department,
12th February 1861.

they are against them; this bargain takes place when your petitioner's said sons carry cattles to Madras and Pondicherry to sell to the butchers.

The Police peons and the said Venketpuddee Naidoo must have seized the said Badar that he was the thief or on suspicion, because he must have been well known before to have been up to some mischief that led the said peons and the said Venketpuddee Naidoo to seize him the said Badar—and the said Badar don't know upon what consideration, he said, that he was not the person that stole the said bangle, and pointed out your petitioner's said son Hoossain Sawe, and when the said peons went to bound him up with rope, his said two brothers told the said peons thus, "first inquire properly and then bind with rope" they also were bounded up with rope, and the said two more brothers with them who came near the peons—which your petitioner thinks very improper.

The Pasegar, Hoobledar, Mauniakar and Kurnen of the Cutcherry of Mooragul, Moonshif of Chettle and Ahgrum, Mooneeapah respectable people who have examined the houses of your petitioner's said sons, had stated in the Court at Chittoor they suspected some of the Badars must have thrown the said stolen bangle through the chimney of the house, as it was lying on the floor in the midst of the house at the time the Badars were placed as a guard over the house, although they have not been Government servants to be put over the house as a guard, if not the said bangle would have been hidden.

The peons did every thing according to the said Venketpuddee Naidoo's wish in hopes of getting something, he being a rich man.

If the Court wished, after deliberately considering the statement of the parties to do justice to your petitioner's said poor sons, such sentence as the heavy punishment of 14 years' imprisonment in the Jail at Chittoor, with 100 Lashes inflicted will not be passed, although your petitioner's said sons never committed the crime—the enemies, (the Badars) of your petitioner's said sons had taken such steps and have had brought them to their destruction.

Your petitioner's said sons never were brought to Police or any Cutcherry or Court on any account as guilty of a crime, should inquiry be made in the said Bypullee village, every inhabitant and the head man of the said village will give a good account of your petitioner's said sons. Consequently, your petitioner implore your Lordship will take her poor petition into consideration and she prays your Lordship will see her said sons be released or their punishment of 14 years' imprisonment in Jail be lessened, if not your petitioner's poor said sons wives and children will be ruined. And your petitioner as in duty bound shall ever pray,

The mark ⌣ of MADAR BEE.

MADRAS,
8th February 1861.

No. 55. ORDER THEREON, 12th February 1861, No. 186.

Resolved that the Foujdaree Udalut be requested to furnish a report on the cases referred to by the Memorialist.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. T. O'Connor.

3.

I think that we
cannot keep this
back - It may
hamper the Secretary
of Foreign Affairs
in what he is doing
sending it home -
In mind if the
Secretary of
State may be
asked what
it is thinking
that such
communication

should be
transmitted
home - the Govt
not to be
pardon if
they see proper
so to do.

JP

Judicial -

Proceedings of the Madras Govt.

Read letter from Madar
Bee of Byculla, Bau-
galore _____ Inter 8th Feb. 61 No. X.

Lid

Order - 13th February 1861 No 186.

Resolved that the
Foujdaree Udalut
be requested to fur-
nish a report on the
cases referred to by
the Memorialist.

JP

The Foujdaree Udalat -
With one copy of the Memorial (to be returned.) Despo 12-2-61.

Recd 22nd Feb

Judl Letter to Engr 26th
February No 4 of 1861.

2nd Circuit 1861 Default

No 186.

Proceedings of Court

12 February 1861.

No 24

Request the Foujdaree Udalut to furnish a report on the Cases referred to by Madura Baa. Vizt the Sentence of 14 years imprisonment in favor of her Sons now Prisoners in the Jail at Chittoor.