M.R.O. 1—39,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1676 Press ~~Mis.~~

89-90

Dated 13.10.1862 ~~19~~.

3/3

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, 13th October 1862.

No. 89. Read the following letter from JOHN MILLER, Esq., Acting Government Solicitor, Madras; to the Honorable T. PYCROFT, Chief Secretary to Government, Fort Saint George, dated 4th October 1862, No. 436.

Dated 21st August 1862, No. 1,368, Judicial Department.

1. I have the honor to acknowledge the Proceedings of Government noted in the margin.

2. I obtained from the Senior Magistrate of Police a copy of the depositions taken in the case to which the proceedings above noted refer, and finding the evidence contained in the depositions insufficient in my opinion to warrant a conviction, I communicated and conferred with Captain Priestly and his Assistant on the subject, but owing to the lapse of nearly 3 years since the robbery took place it is impossible to get any further evidence sufficient to warrant a conviction.

3. I likewise submitted the matter for the consideration of the Advocate General, with whom I also conferred on the case, and I now forward a copy of his opinion, from which it will be observed that the Advocate General does not consider this a case to be prosecuted by Government.

4. As however, the case has been sent up by the Magistrate to the High Court, I will watch it, and report the result of it after the trial is over.

COPY—OPINION.

I don't think there is a case on these depositions on which Government ought to appear.

In *December* 1859 a Prismatic Compass was lost in *Wynaad*, the prisoner *and several others* having access to it.

In *August* 1862, at Madras, prisoner on being requested to bring a similar Compass for inspection, does so—leaves it with the party who asked for it. Rupees 18 are offered for it: Prisoner says the owner wants Rupees 20 and takes it away.

When taken up he does not produce the alleged owner.

This is the whole case, and though one of *some suspicion* it is nothing more.

In Anon, 2 C. and P. 459 Bayley J. ruled that where 16 *months* had elapsed since the larceny, the prisoner *could not even be called on to account for how the property came into his possession.*

This seems to me decisive.

(Signed) T. SYDNEY SMYTH,
Advocate General.

2nd October 1862.

(True Copy.)

(Signed) JOHN MILLER,
Acting Government Solicitor.

No. 90. ORDER THEREON, 13th October 1862, No. 1,676.

To be recorded.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

Pro. 21st Augt. 1862 Nos. 229 & 230

Judl. 1862. Septr.

From
The Actg. Gov. Solicitor —
Madras.

To
The Chief Secretary to Govt.
Madras

Dated 4th
Recd. 6th October.

No. 436.
1 Enclosure
No. 2623

The Queen.
vs.
Jagaroya Moodelly.

Reports the steps he has taken consequent on Proceedings of Government dated 21st August 1862 No. 1368 Judicial Department and forwards Copy of Advocate General's Opinion on the Case.

No. 1676 — 13 Octr. 1862 —

To be recorded.

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