

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. <i>1938</i>	Press ~~Ms.~~
<i>206-207</i>	
Dated <i>28.11.1962</i>	~~17~~ .

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Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
28th November 1862.*

No. 206. Read the following letter from D. F. CARMICHAEL, Esq., Acting Magistrate, Vizagapatam; to A. J. ARBUTHNOT, Esq., Chief Secretary to Government, Fort Saint George, dated Vizagapatam, 13th November 1862, No. 611.

As remarked by the Sessions Judge of Chicacole in the accompanying Calendar, the robbery of bandymen travelling on the roads of this District is, unhappily, "not uncommon." Sometimes it is a bandyman returning with the proceeds of his husbandry from the market town; sometimes the bandyman proceeding with money in his pocket to purchase salt at the Government stores on the coast.

2. The Penal Code (Section 392) provides that the imprisonment for simple robbery may extend to ten years; and, if the robbery be committed on the highway between sunset and sunrise (precisely the present case) "to fourteen years." And I ask if it is not disheartening to Police and Magistracy, when we at last succeed in prosecuting such a case to conviction, that the prisoners should get off with one year each? In this case there was, besides the 'highway' and the time 'between sunset and sunrise' every feature of aggravation. The robbers were four in number; in committing the robbery they "voluntarily caused hurt" by beating the bandyman (which by the way, Section 394, renders them liable to transportation for life); and finally, when one of the gang was arrested by a Constable, the rest rushed up angrily demanding his release; stopping short of a rescue only when a second Constable ran up.

3. I am aware that the sentence cannot be enhanced, but if its extreme leniency be passed over unnoticed, the Sessions Judge will have continued fresh opportunities of remarking "that the robbery of bandymen is not an uncommon thing" in his portion of our District.

Calendar of persons tried before T. J. KNOX, Esq., Session Judge of Chicacole.

1	2	3	4	5	6	7	8	9	10	11	12	13	14
No. of the Case.													
Name of the accused.	Copy of the charge or substance of the complaint.	Name of Complainant.	Names of witnesses for the prosecution.	Names of witnesses for the defence.	Summary of the facts proved or confessed.	Finding and Sentence.	Date of Office.	Date of Complaint.	Date of apprehension or appearance.	Date of commencing trial.	Date of Sentence.	Explanation of delay.	
1. Mujji Poliah. 2. do. Lutchenna. 3. Palla Appadoo.	That they and one Baulum Suttigadu (not apprehended) on or about the 4th October 1862, between sunset and sunrise on the highway from Vizagapatam to Simhachellum robbed one Tadana Iyana of Rs. 15-12 in cash and one knife, &c. and that they have thereby committed an offence punishable under Section 392 of the Indian Penal Code and within the cognizance of the Court of Session.	Tadana Iyana.	2. Shaik Hossain, Constable. 3. Cavary Appadu, Constable. 4. Lunca Bungary.	1. Seerapa Tummiiah Naidu. 2. do. Poliah. 3. Rollah Soomiah. 4. Pitta Soomiah.	Remarks.—The complainant a cartman was returning from Vizagapatam, having on his person the price of the rice he had sold, Rs. 15-12. He swore that he was attacked by four men one of whom carried off complainant's knife, an offence punishable under Section 392 of the Indian Penal Code, and ahead of him an assault made on the complainant by four men and having also money about him he was afraid and at once turned back and ran till he met a Constable to whom he told that he had seen robbers beating a bandyman. This Constable (2nd witness) advanced with 4th witness and saw 2nd and 3rd prisoners bolted and could not then be captured. The 2nd prisoner is sworn to be the exact sum complainant said he had lost. The evidence is clear that the complainant was assaulted and robbed, and the only difficulty in the case is as to whether the parties who ran away are 2nd and 3rd prisoners, that is whether their identification is beyond suspicion. The complainant and 2nd witness swore they clearly recognized them, and that 1st prisoner himself also named them. The 3rd witness was very confident as to his having recognized the prisoners especially 2nd prisoner who has been in Gaol ere now.	The Court concurs with all the Assessors finds all prisoners guilty of the offence specified in the charge, namely, that have committed highway robbery, an offence punishable under Section 392 of the Indian Penal Code, and directs that they each suffer rigorous imprisonment for a period of one year.	4th October 1862.	6th October 1862.	6th October 1862.	6th November 1862.	6th November 1862.	27 of 1862.	
Committed by Condula Cunniah, Sub-Magistrate of Vizagapatam.													

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23th November 1862.

bandymen is not an uncommon thing on this road. The evidence is clear that the complainant was assaulted and robbed, and the only difficulty in the case is as to whether the parties who ran away are 2nd and 3rd prisoners, that is whether their identification is beyond suspicion. The complainant and 2nd witness swore they clearly recognized them, and that 1st prisoner himself also named them. The 3rd witness was very confident as to his having recognized the prisoners especially 2nd prisoner who has been in Gaol ere now.

CHICACOLE, SESSION COURT,
10th November 1862.

To the Acting Magistrate of Vizagapatam.

(Signed) T. J. KNOX,
Session Judge.

(True Copy.)

(Signed) T. J. KNOX,
Session Judge.

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28th November 1862.

No. 207.

ORDER THEREON, 28th November 1862, No. 1,938.

Referred to the Honorable the Judges of the High Court for such notice as they may deem called for.

(Signed) A. J. ARBUTHNOT,
Chief Secretary.

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No. 1938. 29th Nov 1862

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the Judges of the High
Court for such notice
as they may deem cal-
led for.

The Honble the
Chief Justice &
Judges of the
High Court. } Despd 29th