M.R.O. 1—20,000—16-10-23.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. 457 Press ~~Mis.~~

142-143

Dated 18.3.1862 ~~19~~ .

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Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,
18th March 1862.

Read again letter from the Advocate General, dated 22nd and recorded in the Proceedings of 30th January 1862, No. 134.

No. 142. Read also the following letter from W. ROBINSON, Esq., Inspector General of Madras Police, to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated Russelcondah, 22nd February 1862, No. 454.

General Department.

Paragraph 1. With reference to Order of Government, noted in the margin, I have the honor to report that a strict investigation has been held into the conduct of Mr. Inspector Holman with reference to the imprisonment of the Cook of Mr. Sanderson, defendant on a charge of manslaughter recently tried before the Supreme Court at Madras.

No. 134, dated 30th January 1862.

A precis of the case drawn by the Superintendent, and Mr. Holman's defence (both in original) are enclosed for reference if required.

3. The Cook was sent to the station house by Mr. Inspector Holman and kept there at least one night before being brought before the Magistrate and he was handcuffed by the Officer in charge when being taken out, with the other prisoners, for purposes of nature and transmission to the Magistrate's Court. Mr. Holman denies having been a party to handcuffing this witness (the Cook); but he certainly ordered the Cook to be retained in the station house as stated, pending examination before the Magistrate. The Superintendent had taken serious notice of this irregularity so soon as he heard of it; which he did the next day. The Cook was not taken, as he alleged, to the Inspector's house and there tutored to confess.

4. The proceedings of the Police Subordinates at the station house in handcuffing this man are unjustifiable. It possibly arose from want of clear understanding whether he was a participator in the offence or not; as he had been irregularly sent to the station house by the Inspector.

5. The Superintendent of Police requested instruction as to the proper course of dealing with the case; as there was no doubt that the man had been illegally imprisoned and asked whether a criminal prosecution should be instituted against Mr. Inspector Holman. I telegraphed a reply in the following terms:

"5th February.—Consult the Magistrate and be guided by him. The Inspector is an "European, and a Justice of Peace would probably not have jurisdiction over the offence. A "trial in the Supreme Court on such a charge is out of the question. I would relieve the In- "spector of duty and, with the Magistrate's concurrence and recommendation, report department- "ally. Take the Inspector's defence and explanation."

6. The Magistrate and Superintendent both recommend that the matter be treated departmentally, as Mr. Holman was not actuated by any evil intention, but allowed an indiscreet zeal to blind his judgment and lead to an act (the sending of a witness to the station house), which has brought him into much merited difficulty. Mr. Holman has expressed his sincere regret for what has occurred.

7. Mr. Holman is a zealous, intelligent and active Officer; and has worked well and hard hitherto. He is an Officer of some standing in the public service, having been for some time employed in the Bombay Police. I have every hope that he will profit by the lesson he has had.

8. I have directed that Mr. Holman be reduced one step in the grade of Inspectors with a serious warning against illegal conduct in future. He of course still stands liable to prosecution at the instance of the injured party, for false imprisonment, and will be left, should such a charge or action be brought against him, to defend himself.

9. The Cook retracted the false statement, made before the Supreme Court, that he was taken handcuffed before the Magistrate, and that the Police had interfered with him after his deposition was given. Both assertions were grossly false.

No. 143. ORDER THEREON, 18th March 1862, No. 454.

Under the circumstances explained it will not be necessary to take further notice of the Inspector's conduct, than has been already taken as respects the Cook.

This

Proceedings of the Madras Government, Judicial Department,
18th March 1862.

2. It is however observed that nothing is said on the further matter noticed by the Advocate General, viz., that the two boys were kept together in Mr. Holman's house for eight days and not allowed to leave it until they had made statements before the Magistrate.

3. This should also have been enquired into and must still be investigated.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

Judicial Department.

PROCEEDINGS *of the* **MADRAS GOVERNMENT.**

Read again letter from the Advocate General dated 22d and recorded in the Proceedings of 30th January 1862 - No 134

Read also the following letter from the Inspector General of Police -

Here enter 22d Feby 1862. No 454

Order thereon 18th March 1862 - No 454

Under the circumstances explained it will not be necessary to take further notice of the Inspector's conduct, than has been already taken in respect of the Cook.

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3. This should also have
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16 Oct 40

To the Insp.t Gen.l of
M. Police - 3.
with 5 enclosures &c

Dep.d 19th

Thos Phillips

Proceedings March

Judl 1862. Department

No. 454.

PROCEEDINGS of the MADRAS GOVERNMENT.

Fe 828.

Dated 18th March 1862.

Consider it unnecessary to take further notice of Inspector Hollmans Conduct in respect to the imprisonment of Mr Sanders Cook, observe that nothing is said in the matter by the Inspector General of Police, Viz. that the two boys were kept together in Mr Holmans house for eight days and not allowed to leave

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