M.R.O. 1—39,000—16-10-20.

# MADRAS RECORD OFFICE.

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## Government of Madras.

Judicial DEPARTMENT.

G.O. No. 565 Press ~~Mis.~~

67-68

Dated 7-4-1862.

4/4

***Not to be folded or roughly handled***

## *Proceedings of the Madras Government, Judicial Department, 7th April* 1862.

No. 67. Read the following letter from C. F. CHAMIER, Esq., Registrar of the Sudder Court; to the Honorable T. PYCROFT, Chief Secretary to Government, Fort Saint George, dated 29th March 1862, No. 47.

I am directed by the Judges to enclose copy of the Calendar, and of the Order passed by them, in a case referred by the Session Judge of Mangalore for confirmation of a sentence of death.

2. It will be observed that the case of another Prisoner whose sentence was not subject to confirmation, came under their notice; and that the Judges have formed an opinion from a perusal of the record that the evidence against him is untrustworthy.

3. The Judges do not consider that they have authority under the Code of Criminal Procedure to overrule the conviction, this power being limited to cases where an appeal has been preferred.

4. I am therefore directed to recommend that the punishment of five years' rigorous imprisonment, to which the first Prisoner, Sham Batta, has been sentenced by the Session Judge, be wholly remitted.

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*Proceedings of the Sudder Court, 24th March* 1862.

Read letter dated the 4th instant, from the Session Judge of Mangalore, forwarding an English translation of the Proceedings in Case No. 2 of 1862, on the Calendar of the Session Court, in which a sentence of death has been passed by the Session Judge upon the 2nd, 3rd, 4th and 5th prisoners, recommending however that the two latter be transported for life.

ORDER.—The Sudder Court, on consideration of the record laid before them, decline to confirm the sentence of the Session Judge, and order that the accused persons,

2nd, Kariana,
3rd, Karisapu,
4th, Bermu
and
5th, Chenamu,

be acquitted and discharged.

2. The first prisoner having been convicted and sentenced by the Session Judge upon evidence which the Judges consider undeserving of credit, they resolve, with reference to Section 54 of the Code of Criminal Procedure, to recommend to the Government that the punishment be remitted.

(True Extract.)

(Signed) C. F. CHAMIER,
*Registrar.*

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No. 68. ORDER THEREON, 7th April 1862, No. 565.

The Government remit the sentence of rigorous imprisonment for five years passed by the Sessions Judge of Mangalore on Sham Batta, and direct that the Prisoner be released from custody.

(Signed) T. PYCROFT,
*Chief Secretary.*

Exd. F. Cartledge.

[illegible] differing from the Assessors finds that the 6th Prisoner Gelesma, Pandakuka are not guilty of the offence specified in the second [illegible] said Prisoners have committed the offence of Causing dea[illegible] this offence, and have thereby committed an offence punishable [illegible] Penal Code; and the Court directs, that the said Prisoners be

/Signed/ R. Chatfield,
Sessions Judge.

/True Copy/

C. L. Adamis.
Registrar.

No. 565 – 7th April 1862.

The Govt. remit the sentence of rigorous imprisonment for five years passed by the Sessions Judge of Mangalore on Sham Batta, & direct that the prisoner be released from custody.

The Sudder Court.
" Sessions Judge of Mangalore.

} Despd. 7th "