

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 965

Press
Mis.

158-159

Dated 23.6.1862

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Not to be folded or roughly handled

23rd June 1862.

No. 158. Read the following letter from G. LEE MORRIS, Esq., Acting Magistrate of Tanjore; to A. J. ARBUTHNOT, Esq., Acting Chief Secretary to Government, Fort Saint George, dated Negapatam, 14th June 1862, No. 214.

With reference to the accompanying Extract from a Calendar in case No. 22 on the file of the Session Court of Negapatam; I have the honor, with reference to paragraph 7 thereof and at the request of the Session Judge, to propose that a sum of Rupees 25 may be paid to the Prosecutor Muttusami for his spirited conduct on the occasion in question.

MOOTOOSAMY VERSUS GOPALEN.

CHARGE.

1st head.—That he, Gopalen, on or about the 24th March 1862, at Pallateru in the Taluq of Negapatam, committed house breaking by night in order to commit theft, and that he thereby committed an offence punishable under Section 457 of the Indian Penal Code, and within the cognizance of the Court of Sessions.

2nd head.—That he, Gopalen, at the time and place aforesaid, when committing the offence mentioned in the first head of this charge, was jointly concerned in committing the said offence with a person who voluntarily caused grievous hurt and attempted to cause death or grievous hurt to the 1st witness, and that he thereby committed an offence punishable under Section 460 of the Indian Penal Code, and within the cognizance of the Court of Sessions.

3rd head.—That he, Gopalen, at the time and place above mentioned, committed robbery, and in so committing robbery, voluntarily caused hurt to the 1st witness, and was concerned in the said robbery with another person who voluntarily caused hurt, and that he thereby committed an offence punishable under Section 394 of the Indian Penal Code, and within the cognizance of the Court of Sessions.

4th head.—That he, Gopalen, at the time and place mentioned in the 1st head of this charge, received and retained certain stolen property well knowing it to be stolen property; and that he thereby committed an offence punishable under Section 411 of the Indian Penal Code, and within the cognizance of the Court of Sessions.

SENTENCE.

It appears that when the 1st witness had captured the prisoner in the darkness and was struggling with him on the ground within his (1st witness') house one of the prisoner's accomplices who had effected his escape from the premises before the prisoner was seized, returned, and after having in vain endeavoured by kicks and blows to force the 1st witness to release his comrade, proceeded at last to use a knife or sharp cutting instrument with which he dealt the struggling parties three blows. In the darkness, however, the blows fell upon the prisoner's left foot and ankle, where they produced three rather severe incised wounds, described as $\frac{1}{2}$ inches long and $\frac{1}{4}$ of an inch deep and which at the trial, more than a month after the offence was committed, had not healed but still caused the prisoner to be in considerable pain. The evidence of the 9th witness, the Civil Surgeon, goes to show that the instrument with which these wounds were inflicted, must have been "some heavy weapon, most probably a heavy knife such as a meat or "wood chopper."

The Court entertains no doubt of the truth of the 1st witness' statement that the stabs were in reality meant for himself, but that in the darkness and confusion the prisoner's comrade inflicted the wounds in question on the latter instead of on the 1st witness himself.

The Court is of opinion that the spirited conduct of the 1st witness in capturing and detaining the prisoner under the circumstances described, was highly commendable, and that he is deserving of reward for his courage in having at the risk of his own life effected the capture of the prisoner while in the very act of a daring midnight robbery. It is probable that there were

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three men engaged in the crime with him and it is clear from the conduct of one of the number, that a deadly weapon was in their possession at the time, and that they intended, if resistance were made, to use it in the manner proved at the trial to have been the case.

(Signed) E. W. BIRD,

Acting Session Judge.

TRANQUEBAR, 2nd May 1862.

No. 159.

ORDER THEREON, 23rd June 1862, No. 965.

His Excellency the Governor in Council is pleased to sanction a sum of Rupees twenty-five (25) being presented to Muttusami as a reward for his spirited conduct in capturing the Prisoner in the case referred to.

(Signed) A. J. ARBUTHNOT,

Acting Chief Secretary.

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H. E. the Governor in Council is pleased to sanction a sum of Rs. Twenty Five 25 being presented to Muttusami as recommended a reward for his spirited conduct in capturing the prisoner in the case referred to

The Magistrate of
" Bangalore
" Civil Commissioner.
" Acct. Genl.

Recd 24th