M.R.O. 1—33,000—16-10-21.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT

G.O. No. 1401-02 Press Mis.

256-260

Dated 28.8.1863

6/6

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,
28th August 1863.

No. 258. Read the following letter from Lieutenant Colonel W. J. WILSON, Commissioner of Police; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George, dated Madras, 20th August 1863, No. 111.

I have the honor to forward copies of a correspondence between the Sessions Judge of Salem and myself, and also of certain Proceedings of the High Court, and to request that Government will be pleased to issue orders on the subject.

From, dated 22nd July 1863.
To, " 27th " "
From, " 18th August 1863

2. Out of the seven prisoners originally sent to Madras under sentence of transportation two died in the Penitentiary in the month of March last, and the remaining five were sent to Port Blair in the Steamer "Moulmein" on the 24th June.

3. On the 25th July I received a letter from the Sessions Judge of Salem forwarding copy of a revised sentence in the case of the prisoners in question, and requesting me to send them back for the purpose of undergoing their sentence in compliance with the instructions of the High Court which appear to have been dated on the 11th May 1863.

4. The five Warrants from Salem according to the mitigated sentences are herewith forwarded.

From J. W. CHERRY, Esq., Session Judge of Salem; to the Commissioner of Police, Madras, dated Salem, 22nd July 1863.

I have the honor to forward herewith copy of a revised sentence passed by me in accordance with the orders sent to me from the High Court, on the prisoners, (1) Sellandy, (2) Sengodan, (3) Panvukka Sengodan, (4) Nasoova Cunden, (5) Chinnapien, (6) Vyapoory and (7) Calundun, in Calendar, Case No. 203, of 1862, together with copies of Warrants issued to the keeper of the Jail attached to this station, and request you will be good enough to give effect to the above sentence by sending the prisoners back to undergo their sentence in Salem.

Revised Sentence in Calendar, Case No. 203, 1862.

The Court not concurring with the Assessors finds the prisoners (1) Sellandy, (2) Sengodan, (3) Panvukka Sengodan, (4) Nasoova Cunden, (5) Chinnapien, (6) Vyapoory and (7) Calundun, guilty of the offence specified in the 2nd commitment of the charge, viz., that the prisoners 1 to 7 have committed the offence of culpable homicide not amounting to murder and have thereby committed an offence punishable under Section 304 of the Indian Penal Code, and directs that they be sentenced to seven years' rigorous imprisonment.

SALEM, SESSION COURT,
22nd July 1863.

(Signed) J. W. CHERRY,
Sessions Judge.

(True Copy.)

(Signed) J. W. CHERRY,
Sessions Judge.

From Lieutenant Colonel W. J. WILSON, Commissioner of Police; to J. W. CHERRY, Esq., Session Judge, Salem, dated Madras, 27th July 1863, No. 254 of 1863-64.

I have the honor to acknowledge the receipt of your letter of the 22nd instant, with its enclosures,* and to inform you that the Convicts Panvukka Sengodan and Chinnapien died in the Penitentiary of Cholera, the former on the 1st and the latter on the 13th day of March last.

* Herewith returned.

2. The remaining five, namely, Sellandy, Sengodan, Nasoova Cunden, Vyapoory and Calundun were embarked for Port Blair in the Steamer "Moulmein" on the 24th ultimo in conformity with the terms of their original sentence.

From J. W. CHERRY, Esq., Session Judge, Salem; to Lieutenant Colonel W. J. WILSON, Commissioner of Police, Madras, dated Salem, 18th August 1863.

I have the honor to forward herewith copies of the High Court's Proceedings, under dates the 17th July and 14th August 1863, and to request that you will be good enough to carry out the instructions of the High Court contained therein.

2. I have further the honor to re-transmit to you the copy of this Court's revised sentence and copies of Warrants returned with your letter of the 27th July, No. 254 of 1863-64.

Proceedings of the High Court of Judicature at Madras, 17th July 1863.

Read letter dated the 9th instant from the Sessions Judge of Salem, representing that he is unable to give effect to the instructions of the High Court (under date 11th May) mitigating the punishment of seven (7) years' transportation passed on prisoners in Case No. 203 of 1862, to one of rigorous imprisonment for (7) seven years, in consequence of their having already been sent to the Andamans.

The Sessions Judge must amend his sentence as directed by the High Court in their Proceedings of 11th May last, and report the fact of his having done so.

It will also be his duty to take the necessary steps to give effect to the amended sentence which the Judges presume can most properly be effected through the agency of the Commissioner of Police.

(True Extract.)

(Signed) G. R. SHARPE,
Acting Registrar.

(True Copy.)

(Signed) J. W. CHERRY,
Sessions Judge.

Proceedings of the High Court of Judicature at Madras, 14th August 1863.

Read letter dated the 3rd instant, from the Sessions Judge of Salem, forwarding copy of a letter from the Commissioner of Police in regard to the Convicts in Case No. 203 of 1862, intimating that two died in prison and the rest been embarked for Port Blair.

The Sessions Judge should lose no time in forwarding a copy of the order of the High Court to the Commissioner of Police with a view to the surviving prisoners being recalled from the place of transportation, and will report the date on which the prisoners reach the Jail at Salem.

* * * * * *

(True Extract.)

(Signed) C. F. CHAMIER,
Registrar.

(True Copy.)

(Signed) J. W. CHERRY,
Sessions Judge.

(True Copies.)

(Signed) W. J. WILSON,
Commissionar of Police.

No. 259. ORDER THEREON, 28th August 1863, No. 1,401.

The Superintendent of Port Blair will be requested to send the prisoners referred to in the foregoing letter, back to Madras.

2. The Honorable the Judges of the High Court will be requested in future to cause immediate notice to be given to the Commissioner of Police of any appeals that may be preferred to them against the sentences passed upon prisoners sentenced to transportation, in order that the sentence may not be carried into effect until the result of the appeal is known.

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

No. 260. To the Superintendent of Port Blair, dated Fort Saint George, 28th August 1863, No. 1,402.

With reference to the letter from this Department of the 23rd June last, No. 982, I have the honor to transmit, for your information, the enclosed copy of a letter* from the Commissioner of Police and its enclosures, and to request that you will cause the five prisoners noted in the margin, who were transported to Port Blair by the Steamer "Moulmein" on the 23rd idem, to be sent back to Madras.

Dated 20th August 1863.

Sellandy.
Sengodan.
Nascova Cunden.
Vyapoory.
Calaudan.

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

Ed. T. McMoolry.

Judicial Department

Proceedings of the Madras Government

Read the following letter from the Commissioner of Police

(Dated Madras 20th August 1863 No 111)

(Order thereon 28th August 1863 No 1401)

1. The Superintendent of Port Blair will be requested to send the prisoners referred to in the foregoing letter back to Madras.

2. The Honorable the Judges of the High Court will be requested in future to communicate Notice to the Superintendent & the Commissioner of Police of any Appeals that may be preferred to them against the Sentences passed upon prisoners sentenced to transportation, in order that the Sentence may not be carried into Effect until the result of the Appeal is known.

To

The Commissioner of Police

Copy to the Hon'ble the Judges of the High Court

dated 31/8/63

dated 31/8/63

233 2/10

Rec'd Copy
Judicial Dept
No 11401
Perusal for Govt
29 Oct 1863

Recd 31/8/63

No 1402 Judicial Department

To the Superintendent of Port Blair

Sir,

With reference to my letter from this Department of the 23d June last, No 982, I have the honor to transmit, for your information the enclosed copy of a letter from the Commissioner of Police and its enclosure, and to request that you will cause the five persons noted in the margin, who were transported to Port Blair by the Steamer "Mondovi" on the 23d idem, to be sent back to Madras.—

Dated 20th August 1863.

Fort St George
28th Aug 1863

Sellandy
Senjodan
Nagoora Tundeen
Ayaporay
Calundun.

29.4.09.

Pra. Leipzig.

Sachsen Kön. Sekret.

№ 1402

Ein Lupferstich Bild

№ 28 Conf. Ges.

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