M.R.O. 1—38,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 311 Press ~~Mis.~~

227 - 228

Dated 25. 2. 1863 ~~19~~ .

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Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, 25th February 1863.

No. 227. Read the following letter from F. S. CHILD, Esq., Session Judge of Cuddapah; to A. J. ARBUTHNOT, Esq., Chief Secretary to Government, Fort Saint George, dated Cuddapah, 14th February 1863, No. 99.

I have the honor to recommend that under Section 54 of the Criminal Procedure Code, the sentence of 7 years' imprisonment passed on one Yellapu Gungadu, who pleaded guilty to a charge of Dacoity, may be remitted by Government. The circumstances of the case are as follows:—Four cases were committed for trial at the late Session, three of Dacoity without aggravating circumstances, and one of Criminal intimidation.

The prisoner now referred to had before the Sub-Magistrate confessed himself to have been concerned in all the cases, and of the other prisoners some were committed only on one charge, and some on more than one. On the trial of the 1st charge this prisoner pleaded guilty, and the other prisoner who had previously been three times convicted pleaded not guilty, and in default of evidence was acquitted; during however the course of that trial it was established that the prisoner now referred to was the man who gave information to the Police which led to the apprehension of the rest, and that that information was given voluntarily when he was neither suspected nor in custody.

It further was proved that the three Dacoities were committed by the same gang, most of them old offenders. It further appeared to me that the chances of a conviction were very small, unless the original informer were allowed to become an approver under Section 210 of the Procedure Code. That course was followed; but inasmuch as the approver had already pleaded guilty on the trial of one charge, the Magistrate was not, I conceive, competent to tender a pardon in reference to that; I however in instructing the Magistrate to tender a pardon in reference to the charges still untried, desired that he would inform the prisoner that on his fulfilling the conditions of the tender of pardon, an application would be made to Government for a remission on his behalf of the sentence due on the charge to which he had pleaded guilty.

It is obvious that any other course would simply have been both insincere and a snare.

The prisoner fulfilled the conditions of his pardon as tendered, and was mainly instrumental in obtaining a verdict of guilty from two distinct Juries against certain notorious old offenders, two of whom have been sentenced to transportation for life, and one to the like for a period of ten years.

It is necessary only to add that there is nothing to give reason to suppose that the prisoner is an old offender himself.

Under these circumstances, I respectfully submit his case for the favorable consideration of His Excellency the Governor in Council.

No. 228. ORDER THEREON, 25th February 1863, No. 311.

Under Section 54 of the Code of Criminal Procedure, His Excellency the Governor in Council remits the sentence of imprisonment for seven years passed against the prisoner, Yellapu Gungadu, by the Sessions Court of Cuddapah.

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

Exd. T. McMootry.

No. 311 - 25th February 1863.

Under Sec. 374 of the Code of Criminal Procedure, His Excellency the Governor in Council remits the sentence of imprisonment for seven years passed against the prisoner, Yellapu Gungadu; by the Sessions Court of Cuddapah

The Sessions Judge of Cuddapah.
" Inspector General of Gaols.