M.R.O. 1—23,000—16-12-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1181 Press Mis.

26-27 Dated 5-8- 19 1864

5/6

Not to be folded or roughly handled

D

Proceedings of the Madras Government, Judicial Department, 5th August 1864.

No. 26. Read the following letter from G. A. BALLARD, Esq., Magistrate of Malabar; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George, dated Maliapurum, 19th July 1864, No. 93.

I have the honor to report that, in accordance with the warrant of the Secretary to Government received on the 16th instant, Kunha Mutti, the Mopla convicted of being privy to the murder of Notta Paniker by Atten Kutti, was despatched yesterday morning in charge of the Police to the Guntoor Jail.

2. I have also the honor to inform you that, in accordance with Government Order, dated 4th instant, No. 979, paragraph 3, fines to the amount of Rupees 2037 have been levied in full by me in person this day on the individuals mentioned in the list that accompanied my letter to you of the 27th May 1864, No. 28.

3. As I found the individuals noted* were boys aged respectively about 12 and 8, and I considered that the summary infliction of the remaining fines was sufficient for example, I took upon myself, after the fines leviable on these boys had been duly paid in, to give the amounts back to the payees with a warning to take a lesson by what they had seen. As the restitution would have lost much of its effect, in my opinion, had delay been allowed to supervene, I trust Government will excuse my not having waited for sanction before giving back this money.

	Rs.
*No. 14, Kutunien Aidros.....	200
„ 25, Kolakadavath Pari Kutti..	50

4. On somewhat similar grounds, I am disbursing a sum of Rupees 100 each to the three children of the murdered Notta Paniker, in accordance with the spirit of paragraph 4 of the Government Order above quoted. Notta Paniker was a poor man, and the sum is, in my opinion, quite as much as it is necessary or indeed desirable to give.

1	Girl	about 15	years of age.
1	Do.	do. 12	do. do.
1	Boy	do. 18	do. do.

5. In reply to paragraph 5 of the order, I beg to repeat that sentence was passed by the Sessions Judge of Calicut on Atten Kutti as in an ordinary case of murder, and that consequently the provisions of Section 5, Act XX of 1859, in regard to burning or burying the body of the murderer within the precincts of the Jail, were not carried out, nor was his property attached.

Although, however, the sentence passed by the Judge did not provide for attachment, I attached Atten Kutti's property on receipt of the Government Order under notice, and I now await the instructions of Government regarding it.

6. In reference to the concluding paragraph of the Government Order, I must observe that I was in Bombay when the murder was committed; that I did not take charge of my District till close on a month afterwards; that ere I did so the case had been committed on what I had no reason to suppose was insufficient inquiry to the Sessions Court as an ordinary murder; that the Sub-Magistrate's report really contained nothing to attract attention to the real facts of the case; and that it was not until Atten Kutti's deposition before the Sessions Court was brought to my notice, after he had been executed, that I had any intimation whatever of its contents.

7. When I learned them I sent the Ernad Taluq Sub-Magistrate, who has had more experience of Moplah cases than almost any man alive, and whose intelligence and trustworthiness is well known, to make full investigation. Upwards of two months had elapsed since the murder. The case had been treated and disposed of as I have described.

8. I thought, and think, he could at that stage make the then necessary inquiries with better effect than I or any of my European Assistants: and when he had brought his inquiries to a fitting stage I lost no time in going to the Amshom and reporting all the circumstances to Government.

9. I trust therefore that Government will, with this statement before them, consider that the imputation of remissness, contained in the last paragraph of their order, is not merited by me.

No. 27. ORDER THEREON, 5th August 1864, No. 1181.

The Governor in Council approves of the refund to Kurunien Aidros and to Kolakadavath Pari Kutti, on the ground of their being mere children, of the sums paid as their shares of the fine levied from the Moplah inhabitants of the Melmuri Amshom, in which the Moplah fanatic, Atten Kutti, murdered the Tien, Notta Paniker. The Governor in Council approves likewise of the amount of compensation proposed to be granted to the children of the deceased Tien, and sanctions payment of the sum of three hundred Rupees from the amount of the fine levied.

2. The Government Pleader will be requested to give his opinion whether, under the circumstances stated in paragraph 5 of the Magistrate's letter, the property of the murderer can be confiscated under Act XX of 1859, Section 3.

3. Mr. Ballard not having been in Malabar when the crime was committed, and not having returned to the District until the case had been sent up to the Sessions Court, the remarks in paragraph 6 of the Government Order of the 4th ultimo do not apply to him, and his explanation is accordingly accepted, but the case was certainly one which should have been from the first taken up by a European Magistrate.

(True Extract.)

Secretary to Government.

To the Magistrate of Malabar.
„ Government Pleader, with No. 979 of 1864.
„ Accountant General.
„ Inspector General of Police.

Exd. J. Tulloch.

Judicial Department

No 1506

From the Magistrate of Malabar

Dated 19 July 1864.

For Orders

The Govt. Pleader might be asked whether under the circumstances stated in para 5 of the Magr's letter the property of the murderer can be confiscated under Act XX. 1859 Sec III — it can, and it is necessary for any case to check this contrary, I would suggest it — giving perhaps a portion to his family if otherwise destitute.

As Mr Ballard was not with the crime was committed

and dismissed on the Malabar
until the case had been sent up to the
Sessions Court the learned Judge
go on to direct the application
his explanation may be kept on
admitted - but the costs of the
case has been in the first instance
taken up by an European Mag

J.P.

Judicial Department.

P. W. No. 3 27.29 / 4.7.64

PROCEEDINGS of the MADRAS GOVERNMENT.

Read letter from the Magistrate of Malabar —— Dated 19th July '64 No. 93.

Order — 5th August 18th No. 1181.

The Governor in Council approves of the refund to Kunnien Bidros & to Kolakadavath Pari Kutti on the grounds of their being mere children, of the sums paid as their shares of the fine levied from the Moplah inhabitants of the Melmuri Amshom; in which the Moplah fanatic, Atten Kutti, murdered the Jem, Notta Panikker.

The Governor in Council approves likewise of the amount of compensation

To the Magistrate of Malabar.
„ Government Pleader, with No. 979 of 1864.
„ Accountant General.
„ Inspector General of Police.

Exd. J. Tulloch.

compensation proposed to be granted to the children of the deceased Tiers & sanctions payment of the sum of Three Hundred Rupees from the amount of the fine levied.

2. The Govt. Pleader will be requested to give his opinion whether, under the circumstances stated in para: 5 of the Magistrate's letter, the property of the murderer can be confiscated under Act XX-'59 § III. As it is necessary by every means to check Moplah outrages, the Governor in Council is desirous that the property in question should be declared to be forfeited to the Govt., in addition to the capital punishment already inflicted.

inflicted.

3. Mr. Ballard not having been in Malabar when the crime was committed & not having returned to the district until the case had been sent up to the Sessions Court, the remarks in para: 6 of the Govt. Order of the 4th Ult. do not apply to him, & his explanation is accordingly admitted, but the case was certainly one which should have been in the first taken up by a European Magistrate.

The Magistrate of Malabar.
" Govt. Pleader — With No: 979 of '64
" Accts. Genl.
" Inspector Genl. of Police.

25
Despd 11/8

Judicial 1864. Department.

No. 1181.

PROCEEDINGS *of* GOVERNMENT.

Dated 5th August 1864.