

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1 6 84	Press ~~Mis.~~
²¹⁰⁻²¹¹ Dated	23-11-19 1864	

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*Proceedings of the Madras Government, Judicial Department,
23rd November 1864.*

No. 210. Read the following letter from F. S. CHILD, Esq., Sessions Judge, Cuddapah; to A. J. ARBUTHNOT, Esq., Chief Secretary to Government, Madras, dated Cuddapah, 1st November 1864, No. 540.

I have the honor to forward, for the favorable consideration of His Excellency the Governor in Council, the enclosed recommendation of the Magistrate and Joint Magistrate of the District, that prisoner G. Aumoortannah, under sentence for 14 years, should receive a mitigation of one-half of his original sentence, in consequence of the assistance he has subsequently given, in obtaining the conviction of 11 other gang robbers.

2. I also enclose copy of the Calendar No. 33 of 1863, under which he was convicted, with a copy of the Proceedings of the High Court in his case on appeal.

3. Gang robbery is an offence regarding which almost the only procurable evidence is that of approvers. A gang from a distance attacks a house in the night, and separates, and unless any of the robbers are wounded, or caught immediately with property on them, contingencies which but seldom occur, they are pretty certain to escape conviction, although well known.

4. I should not recommend a greater mitigation than one-half of the original sentence, as this prisoner, G. Aumoortannah, was one of the heads of the organized gangs, and he might have given more, and more trustworthy evidence than he has done; but he has, under a promise from the Magistrate of a recommendation for mitigation, given evidence which has, as before stated, led to the conviction of 11 robbers, and so far has done good service, and perhaps as much as could be expected from him.

5. The Magistrates are of opinion that he is not likely to be dangerous in future, and I perfectly agree with them, and therefore the object of punishment, as far as he is concerned at all events, will have been accomplished.

From H. G. SMITH, Esq., Acting Magistrate of Cuddapah; to F. S. CHILD, Esq., Session Judge of Cuddapah, dated Cuddapah, 31st October 1864, No. 636.

In enclosing copy of a letter from the Joint Magistrate of Cuddapah, I have the honor to request you will submit his recommendation to the High Court for the mitigation of the sentence passed against the prisoner Aumoortannah, for reasons therein specified.

(True Copy.)

(Signed) F. S. CHILD,
Session Judge.

From F. B. MOLONY, Esq., Joint Magistrate of Cuddapah; to H. G. SMITH, Esq., Acting Magistrate of Cuddapah, dated Madnapully, 21st October 1864, No. 178.

You are aware that, in some Criminal cases which I recently committed for trial before the Session Court, the chief witness for the prosecution was a prisoner, who, having been convicted of highway robbery, has been sentenced to 14 years' imprisonment. This man, formerly at the head of a gang of dacoits, has given as much valuable information, and his evidence has led to the conviction of one notorious dacoit in the July, and twelve in the October Sessions. Under these circumstances, and as the man cannot be any longer dangerous, I would suggest that Government be requested to grant him some remission of punishment. The man's name is Goo-riginjacoonta Aumoortannah, inhabitant of Chintalrazpolem, in the Sidhout Taluq. About 1½ year of his sentence has expired. I would beg to recommend that half the original sentence be remitted.

(True Copy.)

(Signed) H. G. SMITH,
Acting Magistrate.

(True Copy.)

(Signed) F. S. CHILD,
Session Judge.

Proceedings of the Madras Government, Judicial Department,
23rd November 1864.

Calendar of Persons tried before the Sessions Court of Cuddapah.

1	2	3	4	5	6	7	8	9	10	11	12	13	14
Number of the case.	Name of the accused.	Copy of the charge or substance of the complaint.	Name of the complainant.	Names of witnesses for the prosecution.	Names of witnesses for the defence.	Summary of the facts proved or confessed.	Finding and sentence.	Date of offence.	Date of complaint.	Date of apprehension or appearance.	Date of commencing trial.	Date of sentence.	Explanation of delay.
33 of 1863.	G. Aumootannah, son of Boche Naidoo, a ryot Yakara caste, aged 34 years.	That the prisoner, in company with others, at 10 A. M., on the 19th November 1861, at Palconda Hills, in the Royachoty Taluq, robbed the prosecutor of cloths, &c., valued at Rupees 1-8-0, and that he has thereby committed an offence punishable under Section 4, Regulation XV of 1803, and within the cognizance of the Court of Sessions.	C. Pottygadoo, 1st witness.	2. W. Gungooloo, ... 3. C. Timmoogadoo. 4. Ganapathy Pillay, Inspector. 5. Nagireddy, Village Moonsiff. 6. Pramesing, Inspector. 7. Soobbiah, Head Constable.	...	The Court having summed up the evidence, pointed out to the Jury the difficulties and dangers attending on evidence of identification, and the support it required to make it trustworthy. The Court also pointed out that the prisoner could not object to evidence as weak, in consequence of the length of time that had elapsed, as he was the cause of the delay by having escaped from custody and been in hiding ever since. The questions left to the Jury were—1. Was a robbery, such as described, committed? 2. Were they five, or more than five? 3. Were they armed with deadly weapons? 4. Was the prisoner one of them? 5. Was he the head of the gang? all which the Jury answered in the affirmative. There have been very many warrants for different gang robberies out against this prisoner, who is proved to be a most notorious character, answering the description given in column 3 of the Section quoted.	The Jury are unanimous in finding the prisoner guilty of the offence specified in both Counts, viz., that he committed robbery, and that he has thereby committed an offence punishable under Section 4, Regulation XV of 1803; and that he being one of the party of five or more by open violence, some of whom were armed with deadly weapons, robbed the prosecutor; and that he has thereby committed an offence punishable under Section above quoted, the Court sentences the prisoner to transportation for life.	19th November 1861.	21st do.	18th January 1863.	3rd March 1863.	Do.	

(True Copy.)
(Signed) F. S. CHILD,
Sessions Judge.
(Signed) F. S. CHILD,
Sessions Judge.

Proceedings of the Madras Government, Judicial Department,
23rd November 1864.

In the High Court of Judicature, in its Appellate Jurisdiction, 3rd November 1863.

PRESENT.

The Honorable Mr. Justice Phillips.
The Honorable Mr. Justice Holloway.
Criminal Petition No. 69 of 1863.

Petitioner.—Aumootannah, prisoner in Case No. 33 on the Calendar of the Session Court of Cuddapah for 1863.

1. The prisoner G. Aumootannah was indicted in the Session Court for having, on the 19th November 1861, robbed the prosecutor of cloths and other trifling articles, valued at Rupees 1½, and thereby committed an offence punishable under Section 4, Regulation XV of 1803. He was also indicted for having, on the above stated date, been one of a party of five persons or more, some of whom were armed with deadly weapons, who robbed the prosecutor, and thereby committed an offence cognizable by the Court of Session under the before quoted Section and Regulation.

2. The case having been tried by a Jury, who were unanimous in finding the prisoner guilty on both Counts, the Session Judge sentenced him to transportation for life. Against that sentence the petition from G. Aumootannah is an appeal.

3. Before proceeding to dispose of the prisoner's application to the High Court, it was necessary to determine whether the provisions of Act XVII of 1862 preserved to a prisoner, tried by a Jury, the right of appeal to which he would have been entitled had his case been disposed of in the ordinary course by the Session Judge, with the aid of Assessors; and as the point, though involved in considerable doubt, was eventually decided favorably to the petitioner, and the High Court, on reference to the circumstances which have attended the presentation of the prisoner's appeal, have not deemed it desirable to reject it on the mere ground of its not having been laid before them within the period limited by the Criminal Procedure Code, the entire record of the Magisterial and Session Court's proceedings have been under their consideration.

4. There was before the Session Judge no legal evidence that the prisoner was one of the persons who, under the substantive law in force at the period of commission of the crime, would have been liable to transportation for life; and, looking at the trivial nature of the actual crime, the Judges do not deem it expedient that such a sentence should be passed.

5. It is clear, however, that this robbery was committed in a very daring manner, and that the prisoner was a principal in its commission. They resolve, therefore, to sentence him to 14 years' rigorous imprisonment.

6. The Session Judge will amend his sentence and warrant accordingly.

(True Copy.)

(Signed) T. WILKINS,
Deputy Registrar.

(True Copy.)

(Signed) F. S. CHILD,
Session Judge.

No. 211.

ORDER THEREON, 23rd November 1864, No. 1684.

In consideration of the evidence given by the prisoner referred to in the foregoing letter, G. Aumootannah, which led to the conviction of eleven persons on a charge of gang robbery, the Governor in Council resolves to reduce the sentence of rigorous imprisonment which he is now undergoing from fourteen to ten years. The sentence originally passed by the Sessions Judge upon the prisoner was one of transportation for life, and was reduced by the High Court to fourteen years. Under

Proceedings of the Madras Government, Judicial Department,
23rd November 1864.

these circumstances, the Governor in Council does not deem it proper to remit more than four years of the sentence to which the prisoner stands adjudged.

(True Extract.)

Chief Secretary.

To the Sessions Judge of Cuddapah.
" Inspector General of Jails.
" Honorable the Judges of the High Court.

Ex^o. J. Tulloch.

Judicial Department

No 2249

From the Sessions Judge of Cuddapah

Dated 1st November 1864

For Orders

any robbery no doubt is a crime
and it is very difficult to prove
and it is especially
in the Cuddapah District.
Magistrates must be hard
but for any attributes they may
be able to get towards that end.
Mitigation of the prisoners
sentence may therefore be
as to the sentence - but help
down is too much particular

as the High Court has already
reduced his original sentence - I
would say let him off one fourth
or $3\frac{1}{2}$ years.

JPS

- I concur. Perhaps it would be clearest
to the prisoner if he was told that his
sentence was reduced from 14 to 10 years

Elu

Winton

Ex^r. J. Tulloch.

Source

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Judicial Department
Proceedings of the Madras Government
Read the following letter from the
Sessions Judge of Cuddapah

(Here enter 1st Novr 1864 No 540)

Order thereon 23rd November 1864 v.s.
No 1684 }

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22/6/64

To The Sessions Judge of Cuddalore
The Inspector General of Prisons
The Honble the Judges of
the High Court.

Dated 25/11/64

1684
Remission of Debt

No. 211

Richard C. Robinson

1684

Exchange of Debt

March 20 November 1884

Remission