

MADRAS RECORD OFFICE.

Government of Madras.

General DEPARTMENT.

G.O. No. 276	Press
15-16	~~Mis.~~
Dated 1 — 3 —	10-11-22

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Not to be folded or roughly handled

276

*Proceedings of the Madras Government, Judicial Department,
1st March 1864.*

No. 15. Read the following letter from C. A. ROBERTS, Esq., Sessions Judge of Chittoor; to A. J. ARBUTHNOT, Esq., Chief Secretary to Government, Fort Saint George, Madras, dated Chittoor, 16th February 1864, No. 2.

I have the honor to submit copy of a letter to my address from the Deputy Inspector General of Police, Ceded District Range, and to support Captain Hearn's request that, in consideration of the grounds urged, Government will be pleased to sanction a mitigation of the sentence passed by me on the convict Koligadu to the extent recommended.

From Captain C. S. HEARN, Deputy Inspector General of Police, Ceded District Range; to C. A. ROBERTS, Esq., Sessions Judge, Chittoor, dated Chittoor, 15th February 1864, No. 75.

I have the honor to address you in behalf of the convict Moongah Koligadu, who was sentenced to 10 years' transportation in the December Sessions, for being concerned in the robbery of the Banghy Mail near Kircumbady on the 5th November last.

2. This man was apprehended on the gang being surprised by the Police a few hours after the crime occurred. His statement furnished the clue which led to the subsequent apprehension of eight more of the gang: and on the trial of these men at the last Sessions he gave indisputably full and candid evidence against his associates.

3. I have been personally engaged in the tracing out of this case from the commencement. All the information received tends to convince me that Moongah Koligadu was a mere hanger on of the gang, employed by them to cook their food and carry burdens. I think you must have observed the difference between his manner and bearing, and the insolent hardihood of the rest of the gang who are undoubtedly criminals of a daring type.

4. The evidence of Moongah Koligadu was most useful in convicting his comrades; three members of the gang remain at large. I am sanguine of catching them sooner or latter, in which case the evidence of Moongah Koligadu will again be required in corroboration of other proofs; and I think that, on general grounds, it is desirable to encourage convicts in giving information which, if true, cannot fail to be most valuable in the detection of crime and in breaking up organised gangs.

5. I would, therefore, submit for your consideration the advisability of recommending a commutation of Moongah Koligadu's sentence, say to seven years' rigorous imprisonment, or such other mitigation as you may deem suited to the circumstances.

(True Copy.)

(Signed) C. A. ROBERTS,
Sessions Judge.

No. 16. ORDER THEREON, 1st March 1864, No. 276.

Under the circumstances of the case, the Governor in Council is pleased to commute the sentence of transportation for ten years passed upon Moongah Koligadu into rigorous imprisonment for seven years.

(True Extract.)

Chief Secretary.

To the Sessions Judge of Chittoor.

Exd. J. Tulloch.

Judicial Department.

Memorandum - For orders -

Letter from the Sepines
Judge of Chittor

} Here dated 16th February 1864
A.D.

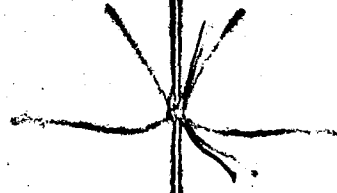
It may be a question whether the Government has the power of commuting a sentence of transportation for a limited period, into a sentence of imprisonment. Under Section 55 of the Penal Code, the Government has this power in regard to sentences of transportation for life. Under Section 54 of the Code of Criminal Procedure, it can remit the whole or any part of a punishment. It appears to me that the latter power includes the power of commuting transportation

I think so too

into imprisonment; for
the former punishment may
include the latter, and,
therefore, the commutation
is simply the remission of
a part of the sentence.

I have drafted accordingly

by R.



N^o 276 - 1st March 1864.

Under the circumstances
of the case, the Governor
in Council is pleased
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gar Kolgadu into re-
gular imprisonment
for seven years.

The Sessions Judge of Chittoor district
of Cuddapah