

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	3	Press
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3-4		
Dated	4. 1. 1864.	19

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Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
4th January 1864.*

No. 3. Read the following letter from P. GRANT, Esq., Magistrate of Coimbatore; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George, dated Coimbatore, 21st December 1863, No. 89.

I have the honor to forward copy of a letter from my Joint Magistrate, dated 16th instant, No. 42, and to request the sanction of Government to defend the suit therein alluded to at the public cost.

2. The particulars of the case are fully explained in Mr. Sullivan's letter, and I need hardly add anything beyond stating that, under the provisions of Act XVIII of 1850, the District Moonsiff has no jurisdiction, so far as the Sub and Joint Magistrates are concerned, and that his proceeding in admitting a suit, for the recovery of a fine imposed and confirmed on appeal by the above Officers under the Indian Penal Code, is irregular.

3. Translated copies of the Tamil papers, alluded to in Mr. Sullivan's communication, as well as a copy of Mr. Roberts' order confirming the Sub-Magistrate's decision, are herewith forwarded for the information of Government.

4. The date appointed for answering the plaint is 22nd January 1864, and I request that the sanction solicited may be granted at an early date.

5. As the Board of Revenue have no jurisdiction in Magisterial matters, I have thought it proper to submit this application direct to Government.

From H. E. SULLIVAN, Esq., Joint Magistrate of Coimbatore; to P. GRANT, Esq., Magistrate of Coimbatore, dated Coimbatore, 16th December 1863, No. 42.

I have the honor to inform you that the Sub-Magistrate of Oodoomulpettah and myself have been included as defendants in O. S. No. 398 of 1863, on the file of the District Moonsiff of Oodoomulpettah, and have been served with notices to appear before his Court on the 22nd proximo.

2. The plaintiff in the suit is one Chinna Ramien, the 1st defendant one Eggy Iyen, the Sub-Magistrate of Oodoomulpettah and myself being included as 2nd and 3rd defendants.

3. The facts of the case are these:—On the complaint of Eggy Iyen, Chinna Ramien was indicted before the Sub-Magistrate for mischief, and sentenced by that Officer in Calendar No. 89 of 1863 to pay a fine of 10 Rupees, or in default to undergo seven day's rigorous imprisonment under the provisions of Section 426 of the Indian Penal Code. On appeal Mr. Roberts, who was then Joint Magistrate, confirmed the decision of the lower Court, recording his reasons for so doing.

4. Chinna Ramien sues Eggy Iyen, the 1st defendant, for damages, and the Sub-Magistrate and myself to recover the 10 Rupees fine. The Moonsiff has clearly no jurisdiction, so far as we are concerned, but as the suit has been taken on the file of his Court, I have the honor to request that you will obtain sanction for me to defend it, on behalf of the Sub-Magistrate and myself, at the public expense.

5. An extract from the Calendar of the Sub-Magistrate, and copies of the notice, and Mr. Roberts' order confirming the Sub-Magistrate's decision, are herewith forwarded.

(True Copy.)

(Signed) P. GRANT,
Magistrate.

No. 4. ORDER THEREON, 4th January 1864, No. 3.

The defence of the suit in question is authorized to be carried on at the public expense in the first instance; but it will be determined hereafter, when a copy of the decree is furnished, whether the costs, if any, are to be borne by the Government or not.

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

N^o 5.

The proofs brought forward by appellant, refer to another portion of the channel. He is convicted on the evidence of 4 witnesses, & of the Revenue Inspector, and of a koonjar, of having filled up a certain portion of the waste-water channel, lying between his and his opponents lands, and also of having thrown up earth excavated from his own land, on to his opponents.

This is moreover corroborated by his own witnesses. The decision of the Sub Magistrate is therefore confirmed.

21st April 1863.

Sgt C.A. Roberts
Jt Magt

(True Copy)

A. Sullivan

Somit Magt

Suit No. 39³ of 1863 in the Court
of the District Munsiff of Godoomalpettah

Ramiah of Cadathoor in
Godoomalpettah Talug— Plaintiffs
Channa Ramiah of D^o
by Vakul Vadamanamony Pillay

Joint Magistrate's office
Baroor Division of the 3rd Defendant.
Zillah of Coimbatore

Sir

Whereas the above Plaintiffs
have instituted a Suit against you
and Yeggyan and the Sub Magistrate
of Godoomalpettah Talug the 1st and 2nd
Defendants - the particulars of which
are shown below - you are hereby
Summoned to appear in this Court
at 10 o'clock A.M. on the 22nd of
January 1864 corresponding with the
10th of Tye of the Tamil year Kood-
roghary, either in person or by a
Plenier of the Court duly instructed
and able to answer all material
questions relating to the Suit or

in a letter from the
Magistrate of Coimbatore
of 21st Dec 1863

Copy of the Decree
Order Confirming the
decision passed by
the Civil Magistrate
of Godoomalpettah

Sub. Magistrate
No. 2707

who shall be accompanied by
some other person able to answer
all such questions, to answer the
above Plaintiffs whereupon the Suit will
be heard and its nature determined
on the above date. And you are
hereby required to take notice that
in default of your appearance as
above stated the Suit will be
heard and determined in your
absence.

You will bring with you or
send by your Agent any documents
on which you intend to rely in
support of your defence.

25 November 1863.

Signed Ganesha Wiswanatha
Modelliar

Signed
Sobramony Sah.
Sonahta.

Dist. Court Siff

The.

The Plaintiffs sue for the Can-
-cement of a decision passed by
the 2nd Defendant under date the
31st March 1863 and Confirmed by
the 3rd Defendant under date the
21st April 1863, ordering the Plaintiff
to allow a branch channel valued
at 15 Rs and fining the 2nd Plaintiff
in the sum of 10 Rupees. And
for the recovery of the above fine
of 10 Rs, as well as for the recovery
of 775 Rs from the 1st Defendant
the Amount of damage sustained
by the Plaintiffs by the obstruc-
-tion thrown on the Cultivation
of their lands. Total Value Sued
for is Rupees 800.

(True Translation)

Revenue
Magistrate

By
[Signature]

de a lecture from the
Mag^{te} of Gibraltar of
21st Decem^r 1863 1869.

Summons in
No^o 398 of 1863
in the Court of the
District Court of
Cassaca et al.

to
Mr. James

Smith
No 398

CALENDAR OF PERSONS TRIED BEFORE the Sub Magistrate of Oodumallapatta

5

1	2	3	4	5	6	7	8	9	10	11	12	13	14
No of the case.	Name of the accused.	Copy of the charge, or substance of the complaint	Name of 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.
89.	Chinna Ra-miah.	Defendant is charged with having wrongfully thrown up earth on Complainant's land & with having filled up his surplus water channel, thereby committing an offence punishable under Sec: 426 of the Indian Penal Code.	Eggy Eyer	Chinnatambay Gauden-1 Anja Salakam-2 Ammaga Sathayya-3 Gandapthy Pillay-4	Paya Caruppan-1 Chinna Caruppan-2 Luppan-3	Defendant admits having thrown up some earth on Complainant's land, and denies the existence of any surplus water channel or its destruction by him. The witnesses for the prosecution prove that the above channel is filled up with earth & that earth has been thrown on Complainant's land. The witnesses for the defence move over depose to the existence of a breach for 5 or 6 years since, between the Complainant and Defendant's land, by which the surplus water was passing down, and to Prisoner having now filled it up with earth.	It having been proved by the evidence of the witnesses for the prosecution and defence that Defendant has thrown up earth on Complainant's land & filled up the breach (in the form of a channel) lying between the Complainant's & Defendant's lands, by which the surplus water was passing, & corroborated by the deposition of a Monegar and the report of the Revenue Inspector, the Court finds that the Prisoner has committed the offence of mischief punishable under Sec: 426 of the Indian Penal Code, and accordingly sentences him to (10) ten Rupees fine or 7 days rigorous imprisonment. Note fine collected.	February 28	7 19	7 31	March 1863.		
							Sigdy Bhowany Singaradass (True Translation) Magistrate						

N^o 3 - 4 January 1864.

The defence of the Suit, in question is authorised to be carried on at the public expense in the first instance — but it will be determined hereafter, when a copy of the decree is furnished, whether the costs, if any, are to be borne by the Suit. or not.

h/9

The Magistrate of Coimbatore. { des^d 28th 1864

See a letter from the
Mag^{te} of Coimbatore No. 29
21st Dec^r 1863 C 1289-

Balance of Revenue
paid before the dis-
charge of Coimbatore
Mettak.

W. B. Jones

Jan 23 28
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