

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	64	Press
		<u>Mis.</u>
99-100		
Dated	16. 1.	~~19~~ 1864

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Not to be folded or roughly handled

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*Proceedings of the Madras Government, Judicial Department,
16th January 1864.*

No. 99. Read the following letter from J. W. B. DYKES, Esq., Magistrate of Nellore; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Judicial Department, Fort Saint George, dated Podalakura, 4th January 1864, No. 1.

As some shepherds were watching their flock on the night of the 14th October last, in Sagaturu of the Venkatagiri Division, a couple of Yanadis made an attempt to steal one of their sheep, and the attempt was resisted. It was a father and son who made the attempt, and according to the evidence of the son his father was armed with a knife. On being resisted the father pelted the shepherds; a struggle ensued; and the result was that the robbers were driven off, and the father subsequently died from the effects of the blows received.

2. The Sub-Magistrate most improperly committed the shepherds, named Bayanabayana Chenchugadu, and Puchchakatla Chinna Ramudu to take their trial under Section 304 of the Penal Code, and the statement of the son of the deceased is the abstract of the evidence he gave before the Court as entered in the Calendar* of which I enclose a copy.

* No. 105 of 1863.

3. That the deceased had met his death in an attempt to commit robbery there is no doubt; that the committal of the men who had courageously resisted the attempt was not only improper, but also most impolitic is equally clear from the Court's remarks, and the falsehoods noticed by the Court as to the deceased having met his death from fever, &c. And with reference to the courage shown, and the necessity also for doing away with the ill-effects of the Sub-Magistrate's conduct, I have the honor to request that the Government will be pleased to sanction the bestowal on Bayanabayana Chenchugadu, who took the most prominent part, and Puchchakatla Chinna Ramudu of Rupees 50, and Rupees 30, as rewards for the good example they have respectively set in resisting attacks only too common.

4. Instead of committing the men now recommended for reward, the Sub-Magistrate should have proceeded criminally against the first witness, the son of the deceased, and orders will be issued to that effect.

No. 100. ORDER THEREON, 16th January 1864, No. 64.

It appears from the foregoing letter that a Yanadi having died from the effects of blows received in a struggle with some shepherds, which resulted from an attempt made by the deceased to steal a sheep from their flocks—a state of things which was admitted by the Yanadi's son, who was present on the occasion and aided in the attempt to steal—two shepherds who are named in the Magistrate's letter, were committed by the Sub-Magistrate of the Venkatagiri Division to take their trial on a charge of culpable homicide. The prisoners were acquitted, the Session Judge remarking that the Sub-Magistrate showed a lamentable want of judgment in sending up the case to Court.

2. Mr. Dykes recommends that rewards should be bestowed on the two shepherds in recognition of the good example set by them in resisting the attacks of robbers, and also with the view of removing the impression caused by the improper action of the Sub-Magistrate in the case.

3. The Honorable the Governor in Council is pleased accordingly to sanction the grant of rewards of Rupees 50 and 30, fifty and thirty Rupees respectively, to Chenchugadu and Ramudu. If the Magistrate should be of opinion that it will enhance the value of the rewards to give them in the shape of silver bangles, he is at liberty to do so.

4. A notice of the circumstances of this affair should be published in the District Gazette of Nellore.

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

Exd. J. Tulloch.

urgently did; that defendant did not see 2nd Prisoner do any thing to his father, and that 2nd Prisoner did not

The 2nd Witness (a Constable) went with others to the deceased's hut where was also 3rd Witness, that 3rd Witness said, deceased had died from a pain in his belly and cold his back, on his left leg and two Contusions on his arms & legs and that deceased's wife said deceased and his son had gone to the jungle --

The 3rd Witness states that thieves came to the flock and were carrying off a sheep, when he cried out, on which they dropped them.

The 4th Witness was too young to be examined by the Court. The 5th Witness states that he does not know what caused the deceased's death and that he did not see any

The evidence of the remaining Witnesses is unnecessary. The Prisoners plead not guilty.

The 1st Prisoner throughout states that thieves came to their flock and were carrying off a sheep, when he also pelted defendant; that defendant and deceased struggled when defendant struck the latter, two or three on his back being provoked at being pelted with stones. From the statement of the 1st Witness, it is clear that the 1st Prisoner's version of the affair is a correct

and there is every reason to conclude that Prisoner wounded deceased in self defence and that there is no evidence whatever against the 2nd Prisoner. In sending up this case to Court, the Subordinate Magistrate has shown a lamentable want of judgment.

Sir Isaac Gons
Hall
1063.
To, The Magistrate of Sillore.

(Signed) E. Stanger
Sir Isaac Gons.

(True copy) J. H. de Ruy
Magistrate

CALENDAR OF PERSONS TRIED BEFORE

(E. Story Esquire) Sessions Judge of Malacca.

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.
105 1063	1. Baganaboyana Chimbugadu 2. Puchaculla Ramanudu.	<u>Charge.</u> That the Prisoners committed culpable homicide not amounting to murder by causing the death of one Hosta Gaveri Palugadu through ill treatment on the 14 th October 1863 in the fields of Sagatoo in the Division of Putratagiri, from the effects of which, he died on the 15 th October 1863, and that they have thereby committed an offence punishable under Section 304 of the Indian Penal Code and within the cognizance of the Court of Sessions.	Hosta Gaveri Palugadu 1st Witness.	2. Maha- and Thuan 3. Paribage- na Subba- da. 5. Kalafu- rumkata- du.	Mulla Khalafunda Lakshnapati Jungalapatti Veerarajawaddy	1. The Accused admit. 2. The 1 st Witness who is a Janadi and the son of the deceased, states that he and his father met a flock of sheep; that his father told him to go on one side of the flock; that defendant did so; that defendant's father then laid round to see if any one was guarding the flock; that defendant's father then went down with the intention of stealing one of the sheep; that in the meantime, 3 rd witness caught sight of defendant and cried out 'thieves'; that defendant was made off and was followed by his father; that defendant's father was armed with a large knife and pelted 1 st Prisoner with stones; that 1 st Prisoner with an axe struck defendant's father on the back.	The Court concurring with the Mulla's finding that the Prisoners are not guilty of the offence specified in the charge viz culpable homicide and that they have thereby committed an offence punishable under Section 304 of the Indian Penal Code and the Court directs that the Prisoners be discharged.	14 th October 1863.	16 th October 1863.	15 th October 1863. Prisoners on the 15 th October 1863.	15 th October 1863.	15 th October 1863.	

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Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read letter from the Magistrate
of Nellore — Inter 4th January 64 N^o 1.

Order — 16th January 1864 N^o 11.

It appears from the
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from the effects of blows
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— a state of things which
was admitted by the
Yanadi's son, who was
present on the occasion
& aided in the attempt
to steal — two shepherds
who are named in the
Magistrate's

Sirriam
N^o 11

Magistrate's letter, were
committed by the Sub-
Magistrate of the Van-
katasiri Division to take
their trial on a charge
of culpable homicide. The
prisoners were acquitted,
the Sessions Judge remark-
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in the case.

3. The Honble the Governor
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Rs. 50 & 30, Fifty and
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Ramudu. If the Ma-
gistrate should be of
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the rewards to give them
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to do so.

4. A notice of the circum-
stances of this affair
should be published
in the District Gazette
of Nellore.

The Magistrate of Nellore.
" Civil Paymaster.
" Deputy Auditor General.
" Editor's Table.

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Journal 1864. Department.

No. 04.

PROCEEDINGS of GOVERNMENT.

Dated 10th January 1864.