

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	177	Press Mis.—
^{294-295.} Dated	31-1-	19.18.65

4/5

Not to be folded or roughly handled

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*Proceedings of the Madras Government, Judicial Department,
31st January 1865.*

No. 294. Read the following letter from P. P. HUTCHINS, Esq., Acting Registrar of the High Court of Judicature at Madras, to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George; dated 25th January 1865, No. 13.

I am directed by the High Court to acknowledge the receipt of your letter of the 5th ultimo, No. 1732, requesting their opinion on the case of two convicts, Anumula Seshagadu and Errigana Lachigadu, whom the Session Judge of Cuddapah has recommended for a pardon.

2. The recommendation of the Session Judge rested solely on the evidence of two approvers, given at the trial of another man, supposed to have been concerned in the same gang robbery of which Seshagadu and Lachigadu had previously been convicted. A perusal of the statements of these approvers, which accompanied your letter, and are now returned, by no means convinced the Court that the evidence in the former case had been satisfactorily rebutted. On the contrary, it appeared to the Court that those statements bore signs of having been suggested by the Police. Observing, however, that the Session Judge had expressed an opinion that in a district in which gang robbery is rife, something short of perfectly satisfactory evidence must suffice, a doctrine which it is hardly necessary to repudiate, the High Court felt bound to scrutinize the grounds of the first conviction, before committing themselves to a decided opinion. They, therefore, called upon the Session Judge to submit the dying declaration of the deceased Rami Reddy, on which, as the Session Judge remarks, the first conviction was entirely based.

3. Such evidence, even assuming that it is perfectly truthful in itself, and is conveyed to the tribunal through a medium perfectly trustworthy, is always subject to the objection that all scrutiny of the means of knowledge, and of the surrounding circumstances by which the adequacy of those means can be tested, is rendered impossible. The deceased says that he was in personal conflict with the robbers, some of whom he wounded; and that he was himself wounded by the 1st and 2nd prisoners. At first sight, it seems probable that the deceased would have been wounded by some of those whom he himself wounded. If not, the fact indicates an amount of confusion during a dark night, owing to the number of persons engaged, which would render complete recognition at least difficult. Then it must be observed that the recorder of this statement might, from natural inaccuracy, quite independently of other views, have converted a purely conjectural statement into a categorical one. The man himself was engaged in a life and death struggle, he was doubtless wounded during its continuance, and, quite independently of all other considerations, there would be great risk in attaching complete credit to statements of specific recognitions. Moreover, the 3rd witness deposes that the night was dark, and that, at the distance of not many yards, he himself could recognize no one.

4. The statement, therefore, of the dying man seems to be partially rebutted by the other evidence in the case, and by the circumstances embodied in itself. The Session Judge has doubtless dealt with it upon his own avowed principle, and, as he is now dissatisfied with the conviction, it ought not to be permitted to stand.

Proceedings of the Madras Government, Judicial Department,
31st January 1865.

6. On these grounds, I am directed to state, the High Court support the recommendation of the Session Judge that a pardon should be granted to the 1st and 2nd prisoners in Case No. 66, Anumala Seshagadu and Errigana Lachigadu.

No. 295. ORDER THEREON, 31st January 1865, No. 177.

Under the opinion expressed by the Honorable the Judges of the High Court in the foregoing letter, the Governor in Council resolves to remit the sentence passed upon Anumala Seshagadu and Errigana Lachigadu, 1st and 2nd prisoners, in Case No. 66 of 1864, on the Calendar of the Session Court of Cuddapah.

2. The Governor in Council deems it proper to call the attention of the Session Judge to the remarks made by the Honorable the Judges of the High Court, on the unsoundness of the doctrine upon which he appears to have acted in this case, that in a District in which gang robbery is rife, something short of perfectly satisfactory evidence must suffice.

(True Extract).

Chief Secretary.

To the Session Judge of Cuddapah (with original papers, returned),
,, Honorable the Judges of the High Court.

Exd. J. H. Burns.

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter from the
A. Registrar of the High Court of Judicature
(Recd. enter 25th January 1865. No. 13)
Order Thereon 31st January 1865. No. 177.

Under the opinion expressed
by the Honorable the Judges
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1st & 2^d prisoners in Case No. 66
of 1864 on the Calendar of
the Session Court of Cuddapah.

Mr. S. in Council
by a proper & with
an attention of the
Superior Judge. R. D.

The Session Judge of Cuddapah
The Honorable the Judges of the High
Court.

Remarks made by the
Honble the Judges of the
Lower High Court
in the surroundings
of the doctrine upon
which he appears to
have acted in this case.
but in a district in
which every body
is up to the
point of property
interference with
the law.

and

which

To the Sessions Judge of Ludlow with original papers etc.
" Honble the Judges of the High Court

James

James
1844

Read 1865. Department.

No. *177*.

PROCEEDINGS of GOVERNMENT.

Dated *31st* January 1865

295-295

26.12.1865