M.R.O. 1—89,000—15-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. 1827 Press Mis.

1827-183

Dated 20 . 12 19 86

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Not to be folded or roughly handled

1857

Proceedings of the Madras Government, Judicial Department,
20th December 1865.

Read again letter from the Inspector General of Police, dated 6th, and recorded in the Proceedings, 22nd November 1865, No. 1677.

No. 182. Read also the following letter from the Session Judge of Chingleput to the Chief Secretary to Government, Fort Saint George; dated Chingleput, 4th December 1865, No. 455.

With reference to the Government Order,* dated 23rd November last No. 1677, I have the honor to submit herewith, a copy of the Calendar† therein referred to.

* Proceedings of the Madras Government, Judicial Department, 22nd November 1865.

† In case No. 44 of 1865.

Calendar of Persons tried before J. G. THOMPSON, Esq., Acting Session Judge of Chingleput.

1	2	3	4	5	6	7	8	9	10	11	12	13	14
No. of the Case.	Name and description 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.	Statement of the evidence and grounds of conviction.	Finding and Sentence.	Date of offence.	Date of complaint.	Date of apprehension or appearance.	Date of commencing trial.	Date of sentence.	Explanation of delay.
54 of 1865.	1. Lazar Peter and 2. Anthony. Pariahs, Servants.	Count 1. That the prisoner, Lazar Peter (P. 1) on or about the 14th day of October 1865, at the Adyar, Saidapett Taluq, committed house-breaking by night (in order to the committing of an offence punishable with imprisonment) in the house of Mr. Fowler, and that he has thereby committed an offence punishable under Section 457 of the Indian Penal Code, and within the cognizance of the Court of Session. Count 2. That the said prisoner, on the same day, and at the same place, committed theft in a building, and that he has thereby committed an offence punishable under Section 380 of the Indian Penal Code, and within the cognizance of the Court of Session. Count 3. That the said prisoner is an old offender, having been previously convicted of the same offences, punishable with imprisonment for a term of three years, under Chapter XVII of the Indian Penal Code, and that he has thereby rendered himself liable to the additional punishment provided by Section 75 of the Indian Penal Code. Count 4. That the prisoner Anthony (2), on or about the same day of October 1865, dishonestly received stolen property, having reason to believe the same to be stolen property; and that he has thereby committed an offence punishable under Section 411 of the Indian Penal Code, and within the cognizance of the Court of Session. Forwarded by H. Wigram, Esquire, Assistant Magistrate, Madras District.	Regina..	A. John Townshend Fowler, Esq. 1. Alli Dost Police Inspr. 2. Cundasami, Police Constable, 148 E. 3. Taliari Virasami. 4. Taliari Moonisami. and 5. MohunSing	.....	1. The Assistant Magistrate having failed to enter the party robbed as a witness, it will be more convenient to speak of him by name. He is no longer complainant. 2. So long ago as February 18th the Acting Session Judge requested the District Magistrate to direct each of his Subordinates to enter every complainant as the first witness, that every witness may have the same number before him as in the Session Court. The convenience of this course is manifest. 3. The evidence against the prisoners is this:— The stolen property consists of a Chubbs' box and its contents, viz., watches, chains, and other valuables. 4. Mr. Fowler deposes that the box is always kept in an upstair room, on his office table, at the corner furtherest from the window. On the evening of the robbery, he locked it himself, about 7½, on going down to dinner. When he went upstairs again, about 9, the box was gone. He sent his servants to give the alarm, and himself examined the neighbourhood of his house. The window of his office room opens upon a pandal. Leaning against this pandal he found a ladder, which had no business there; and which was not there at dusk that evening. It is generally kept on the other side of the house, under some trees. 5. This led to the suspicion that the thief had entered through the window, and that he was a person who was familiar with the room, the box, and its contents, and who knew that the window is generally open from 4 to 10 P. M., at least. It was further observed that the thief had passed by some silver things which were lying on the table, and had made his way directly to the box. 6. The suspicions were confirmed the next morning by the Inspector, witness 1, who found foot-marks on the thatch of the pandal. His suspicions fell upon the first prisoner, who had been dismissed from the house two months before, and who had been convicted by the High Court of a robbery at Mr. Sim's. He set Constables to watch this prisoner, and at length arrested him, away from home, and searched his father's house, in which he lived, and had been ever since the robbery. The second and third witnesses helped him in the search. 7. In a little yard, belonging to the house, they found a hole full of ashes, covered with a pot. And in the hole they found all the property before the Court, except the box, which had been found elsewhere. Every article, except the Rupees, admits of positive identification, and is identified by Mr. Fowler as his own. The 2nd witness deposes that this place is for the use of the prisoner's people alone; and though it appears from the 3rd witness that there are other people living in other parts of the same house, he deposes that he has never seen anybody except the prisoner's people in the yard. 8. The 2nd prisoner was present at the search, and he admits that the account given of it is generally true. 9. The first prisoner, before the Assistant Magistrate, pleaded guilty to all three Counts. He now disavows his examination, and says that the Assistant Magistrate knows nothing of Tamil, and that the Inspector got him to write down what he liked. He pleads not guilty on the first and second Counts, but guilty on the third. This Count is further proved by the 5th witness, a Duffadar Major employed in the Penitentiary, who produces a copy of the warrant of conviction, and deposes that he saw this prisoner receive the 100 lashes to which he was sentenced by the High Court. 10. The Assessors convict him on the first three counts; and his father, the 2nd prisoner, upon the 4th. It seems impossible to come to any other conclusion.	Imprisonment & stripes Counts 1, 2, 3. The Court concurring with both Assessors, finds that Lazar Peter (P. 1) is guilty of the offences specified in the first two Counts of the charge, viz., that Lazar Peter (P. 1) has committed house-breaking by night and theft in a building, and that he has thereby commited offences punishable under Sections 457 and 380 of the Indian Penal Code, and further, that Lazar Peter (P. 1) has been previously convicted of the same offences, which are punishable under Chapter XVII of the Indian Penal Code, with imprisonment for a term of three years, and that he is therefore liable to the additional punishments provided by Section 75 of the Indian Penal Code; and the Court directs that the said Lazar Peter (P. 1) be kept in rigorous imprisonment for six years, and be further punished, under Section 3, Act VI of 1864, with fifty lashes, to be inflicted in the manner prescribed for Adults. N. B.—The whipping is not to be inflicted until 15 days from the date of the sentence, or, if an appeal be made within that time, until the sentence is confirmed by the High Court. 4th Count. The Court, again concurring with both Assessors, finds that Anthony (P. 2) is guilty of the offence specified in the fourth Count of the charge, viz., that Anthony (P. 2) dishonestly received stolen property, having reason to believe it to be stolen, and that he has thereby committed an offence punishable under Section 411 of the Indian Penal Code; and the Court directs that the said Anthony (P. 2) be kept in rigorous imprisonment for three years.	14th October 1865.	15th October 1865.	27th October 1865.	6th Novr. 1865.	7th Novr. 1865.	

CHINGLEPUT,
Session Court,
8th *November* 1865.

(Signed) J. G. THOMPSON,
Acting Session Judge.

(True Copy).

(Signed) A. W. PHILLIPS,
Session Judge.

Proceedings of the Madras Government, Judicial Department, 20th December 1865.

Proceedings of the Madras Government, Judicial Department,
20th December 1865.

No. 183. ORDER THEREON, 20th December 1865, No. 1827.

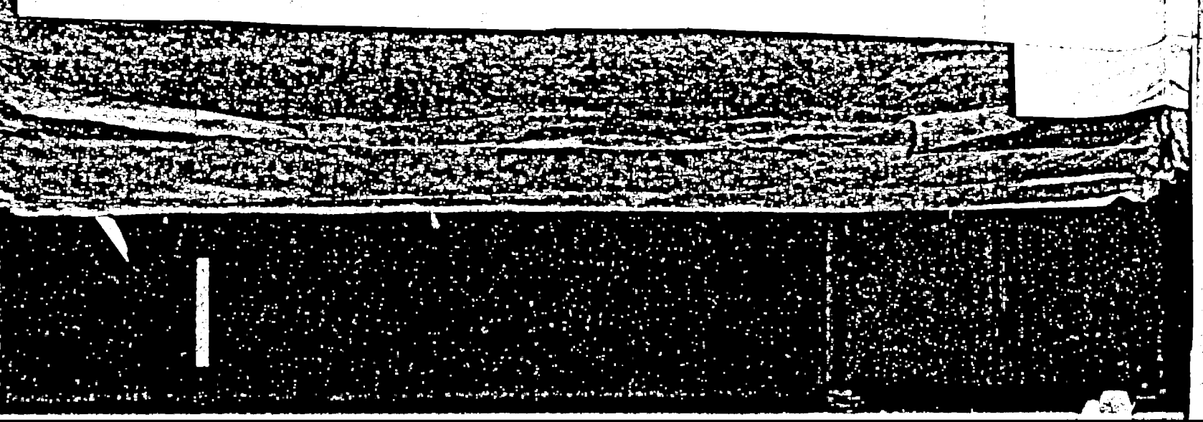
The Governor in Council is pleased to sanction the grant of a reward of Rupees (100) one hundred to Inspector Alli Dost, of the Madras District Constabulary, for his successful detection of the prepetrator of the crime referred to in the foregoing papers.

(True Extract).

Chief Secretary.

To the Inspector General of Police.
" Session Judge of Chingleput.
" Magistrate of the Madras District.
" Accountant General.

Exd. J. H. Burns



3.

generally kept on the other side of the house, under some trees.—

5. This led to the suspicion that the thief had entered through the window; and that he was a person ——— who was familiar with the room, the box, and its contents: and who knew that the window is generally open from 4 to 10 P.M. at least. It was further observed that the thief had passed by some silver things which were lying on the table: and had made his way directly to the box.

6. The suspicions were confirmed the next morning by the Inspector, Witness 1, who found foot-marks on the thatch of the pandal. His suspicions fell upon the first prisoner, who had been dismissed from the house two months before: and who had been convicted by the High Court of a robbery at Mr Sim's. He set Constable to watch this prisoner: and at length arrested him, away from home. He searched his father's house, in which he lived, and had been ever since the robbery. The second and third Witnesses helped him in the search.—

7. In a little yard, belonging to the house, they found a hole full of ashes, covered with a pot. And in the hole they found all the property before the Court except the box, which had been found elsewhere. Every article, except the rupees, admits of positive identification: and is identified by Mr Fowler as his own. The 2nd Witness deposes that this place is for the use of the prisoners' people alone: though it appears from the 3rd Witness that there are other people living in other parts of the same house, he deposes that he has never seen any body except the prisoners' people in the Yard.

8. The 2nd prisoner was present at the search: & he admits that the account given of it is generally true.

9. The first prisoner, before the Assistant Magistrate, pleaded Guilty to all 3 Counts. He now disavows his examination; and says that the Assistant Magistrate knows nothing of Tamil: and that the Inspector got him to write down what he likes. He pleads Not Guilty on the first and second Counts: but Guilty on the third. This Count is further proved by the 5th Witness, a Duffadar-Major employed in the Penitentiary, who produces a copy of the warrant of conviction: & deposes that he saw this prisoner receive the 100 lashes to which he was sentenced by the High Court.

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Exd

Judicial Department

4

PROCEEDINGS of the MADRAS GOVERNMENT.

Read again letter from the Inspector General of Police ——— dated 6th recorded in the Proc. 22nd Nov. 15th 1865

Read also letter from the Assistant Judge of Chingleput ——— dated entered 4th Dec 1865 – No 455

Order thereon – 20th December 1865 No 1827.

The Governor in Council is pleased to sanction the grant of a reward of (Rs 100) one hundred to Inspector Ellis Head of the Madras District Constabulary, for successful detection of the ~~[illegible]~~ and the ~~[illegible]~~ of the crime imputed to the persons mentioned in the foregoing letter.

The Inspl. of Police
Asstt Judge of Chingleput
Magistrate of the N. District
Asst Surgeon

— dispatch

Judicial 1865. Department.

No. 1827.

PROCEEDINGS OF GOVERNMENT.

Dated 21 December 1865

Press No. 2755, G. M.—14-11-65—500.

182-183.