

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	305	Press Mis.
²²³⁻²²⁴ Dated	24-2-	19-1865

Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
24th February 1865.*

No. 223. Read the following letter from C. DALE, Esq., Government Pleader, Madras; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George, dated Madras, 17th February 1865, No. 36. With reference to the letter which I had the honor of addressing to you under the date and number noted in the margin, I now do myself the honor of forwarding a manuscript copy of the Criminal

7th February 1865, No. 33.

nal Petition, No. 3 of 1865, filed in the High Court by Mr. Advocate General on behalf of the prisoner.

No. 224. ORDER THEREON, 24th February 1865, No. 305.

To be recorded.

(True Extract.)

A. J. ARBUTHNOT,
Chief Secretary.

Exd J. Tulloch.

Memorandum of
Criminal Petition

Case No 138 of the Calandar for 1864.

Prosecutor.

Prisoners.

The Queen.

Hamud Hussain Saib

and 2 others.

The Prisoner aforesaid begs to appear
to the High Court against the sentence of the session
Judge for the following reasons.

I. Because, although the uncorroborated
testimony of an approver is in law sufficient to
uphold a conviction, such testimony when
utterly contradicted in all material points
cannot sustain a conviction.

II. Because the approver in this case, more
of his story was contradicted in all the
points of his story.

III. Because his story was utterly improbable
and was in itself so contradictory as to be manifestly
a tissue of falsehoods.

IV. Because the supposed enmity between
the 1st and 2^d prisoners and the widow of the deceased
Dabaloodeen which was the only motive put forward
by the Prosecution for the Prisoners act, was
from being established, was entirely negatived by
the evidence on the part of the prosecution as well
as the defence.

V. Because upon the whole of the evidence

your,

your Petitioners were entitled to an acquittal.

14th January 1865.

(Signed) John Bruce Porter.

Wm. L.

Pro. 15th Feb 1865
No. 304131.

Just-1865 Dept
From Government Pleas
Madras.
D. Chief Secretary to
Government.

Dated 14 February 1865.
Received 1st M

No. 35
No. 392
Forwarding a copy of
the Criminal Petition
No 3 of 1865 on the file
of the High Court,
in continuation of his
letter No 33 dated 7 Feb
1865.
24 February 1865
To be recorded
Wm

C. 18 Feb
R. 23. 1

Criminal Petition
No 3 of 1865.

No. 392
No. 392