

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 346

Press
Mis.

14-15

Dated 2 - 3 - 1918

Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
2nd March 1865.*

No. 14. Read the following letter from J. ROHDE, Esq., Inspector General of Jails, to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George; dated Madras, 14th February 1865, No. 517.

I have the honor to recommend to the consideration of Government the case of prisoner "Thopagan," who, having been sentenced on the 8th July 1863, for , to five rigorous imprisonment, was transferred for labor to Asylum Works, where, owing to culpable negligence of the Warder in charge, he became liable to accident, which resulted in the loss of a leg.

2. I declined immediately to recommend this prisoner for release, as he had been recently convicted, but remanded him to the Salem Jail. I have since requested the Session Judge and Magistrate to refer to his case, and as they both agree that no risk to the community is likely to result from the prisoner's release, I beg that the Government will be pleased to extend mercy to him, and sanction his unconditional release.

From H. E. SULLIVAN, Esq., Acting Session Judge of Salem, to J. ROHDE, Esq., Inspector General of Jails, Ootacamund; dated Salem, 17th January 1865.

Adverting to your letter, dated 4th instant, No. 454, I have the honor to state that a reference to the record of the trial of convict Thopagan shows that he did not take an active part in the crime of which he stands convicted.

2. The Joint Magistrate in charge of the Magistrate's office has been consulted. His opinion, which is contained in the enclosed copy of a communication received from him, is that Thopagan may be released, without any danger to the community.

3. Under these circumstances, I trust that you will not object to recommend to Government the remission of the remaining portion of his sentence, as requested in my letter, dated 29th ultimo.

From H. S. THOMAS, Esq., Joint Magistrate in charge, Salem, to H. E. SULLIVAN, Esq., Acting Session Judge of Salem; dated 11th January 1865.

With reference to your letter, dated the 7th instant, No. 7, I have the honor to state that Thopagan has lost a leg, and that it is not likely that he will change his profession from robbery into theft, or the like. He may, I am of opinion, be released without any danger to the community.

2. The papers received with your letter are herewith returned.

(True Copy).

(Signed) H. E. SULLIVAN,
Acting Session Judge.

No. 15. ORDER THEREON, 2nd March 1865, No. 346.

The information submitted in the foregoing letter is too incomplete to enable the Governor in Council to dispose of the recommendation made by the Inspector General of Jails, in favor of the convict Thopagan. It is not stated under what circumstances the convict in question lost his leg. His Excellency in Council requests that the Inspector General of Jails will be good enough to furnish a full statement of the circumstances of the accident, and also a copy of the Calender of the trial in which the prisoner was sentenced.

(True Extract).

Chief Secretary.

To the Inspector General of Jails.

Ed. J. H. Burns.

Judicial Reports

From the Inspector General of Jails - Madras
14th Feb 1865.

For Order

The case of a man having
lost a limb while in Jail
seems to be hardly a suffi-
-cient reason for remission
of the sentence
when he is undergoing the
Jails punishment &
to deter other from the com-
-mission of the same crime
& unless the man ap-
-pears can consider the
loss of a limb a part of the
punishment the effect
of the example is lost

I should not know
something more for
the circumstances

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No. 36