

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.

35.

Press
Mis.

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Dated

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1865

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Not to be folded or roughly handled

Read the following papers:—

No. 48. From C. W. READE, Esq., Magistrate of South Arcot, to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George; dated Cuddalore, 24th November 1864, No. 78.

In a case of dacoity tried before the Sessions of Cuddalore this month, Mr. W. Hickey was engaged for the prosecution.

2. The committing officer, Mr. Grose, recommends a higher remuneration than the customary fee of 10 Rupees. He says "the trial lasted three days, and" required a great deal of care and attention on the part of the Vakeel.

3. From my knowledge of the importance of the case, and the care taken by the Vakeel in its conduct before the Court, I am of opinion that Mr. Hickey should receive not less than 50 Rupees fee; and, accordingly, I solicit orders for the disbursement of that amount.

No. 49. From W. ROBINSON, Esq., Inspector General of Madras Police, to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George; dated Kotagherry, 2nd December 1864, No. 2483.

I have the honor to submit the report of Lieutenant Young, Assistant Superintendent of Police of South Arcot, on a recent gang robbery which was ably handled by Mr. Inspector Smith, of the South Arcot Police, and Constables at his disposal; and also a covering letter* by the Superintendent, in which he recommends certain rewards.

Dated 19th November 1864.

2. A gang of desperate characters, chiefly inhabitants of the French territory, have from time to time committed crimes in the neighbouring Taluqs of the South Arcot District, but have hitherto evaded justice. Some of the gang, however, lately incurred the anger of one Vencatachella Gounden. They robbed him and otherwise ill-treated him. To avenge himself he allied himself to the gang, discovered their designs on a certain house in the village Umburriki, and betrayed their intention to Mr. Inspector Smith.

3. Mr. Smith detached one of his own Constables, Vencatachella Moodelly, to verify the intelligence; and the informer introduced the disguised Constable to the gang as a Conjeveram dacoit. So well did Vencatachella Moodelly play his part with the gang, that he became acquainted with all their plans and habits of plunder; he continued with the gang for some days, and learnt to know their haunts and accomplices. Still, he contrived to convey accurate intelligence of their movements to his Inspector, and enabled Mr. Smith to have a strong body of Police in concealment on the spot, when the gang at length broke into the house, during the night of the 23rd October.

4. Vencatachella Moodelly's conduct, while with the gang, stamps him as a man of great pluck and intelligence, and of ability as a detective officer. The acquaintance he has picked up of the criminal classes, both of the French territory and of the neighbouring Taluqs of South Arcot, and their accomplices and habits, must prove invaluable to the authorities in suppressing crime.

5. Vencatachella Moodelly accompanied the gang to the scene of the dacoity on the night of the 23rd October. There, Mr. Inspector Smith was lying in wait with 11 men. The gang burst into the house, and, lighting their torches, were commencing the loot, when the Police rushed on them, and a violent and sanguinary struggle took place. Vencatachella, of course, passed over to the Police. The

N. B.—A most remarkable fact in this case is that the dacoity was planned for the previous night, the night of the 22nd October, and Mr. Smith had his men on the spot, and Vencatachella Moodelly was at his post with the gang that night, in anticipation of the affair coming off. The gang assembled, but some of the robbers got too drunk for work at the rendezvous, and the design had to be postponed till next night. But Vencatachella Moodelly and the informer contrived to apprise the Inspector of the change so judiciously, that he was enabled to withdraw his men unnoticed, and re-assembled them the next night, without the gang becoming aware that there was treachery in their camp.

leader of the gang realized the treachery, and instantly fired a heavy charge of slugs into Vencatachella Moodelly. His arm was broken, and he is otherwise so seriously wounded that the Session Court had to be adjourned to the Hospital, when the case was tried at the November Sessions. Shots were exchanged; Constable Mahomed Moorad was shot down, and Constable Laula Meeah was heavily hit, but succeeded in capturing one of the dacoits. Two dacoits were shot by the Police, one by Mr. Inspector Smith; and there is reason to believe that both are dead. Only one ruffian was taken alone at the time. The resistance was desperate; the night was dark; and facilities for escape great.

6. Nine men were subsequently arrested. Four have been convicted, and sentenced to transportation. Of the others who have absconded, several of the most active are known and will be brought to justice. This formidable gang has been thoroughly and effectually broken up.

7. The Deputy Inspector General recommends that 100 Rupees reward be granted to Vencatachella Gounden, the informer. This recommendation must come through the Magistrate, who I have no doubt will lay his services most favorably before the Government. I beg earnestly to second any recommendation of the Magistrate for a handsome reward. Information of this kind must be encouraged.

8. I beg that the Government will sanction a reward of 100 Rupees to Constable Vencatachella Moodelly, to whose tact and ability is mainly due the successful breaking up of this gang. The man is probably maimed for life, and has done right well. The example is required.

9. Constables Mahomed Moorad (gun shot wound), and Laula Meeah (captured after a severe struggle one of the dacoits) behaved very well. I recommend them for a reward of 35 Rupees each. I will deal with the other recommendations departmentally, and under the order* of Government noted marginally.

* No. 1380, dated 23rd August 1864, Judicial Department.

From Captain W. O. SWANSTON, Superintendent of Police, South Arcot, to Major H. HEARN, Deputy Inspector General of Police, Southern Range, Trichinopoly; dated Cuddalore, 19th November 1864, No. 229.

I have the honor to forward a special report from my Assistant, upon the case of dacoity that occurred on 23rd October at Umburriki, and of which you have heard from me demi-officially from time to time.

2. Lieutenant Young has gone fully into particulars; therefore, I will not recapitulate; but I beg to bring to the favorable consideration of the Inspector General, the conduct of those of the Police concerned, specially of Constable No. 967, Vencatachella Moodelliar. The very great pluck and tact shown by him, all through the affair, proves him to be a staunch and good man, and

entitles him to very handsome reward. For eight days was this man living among the dacoits, and hearing their secrets. He actually, also, obtained admission into the Jail at Pondicherry, and saw the prime mover in all these dacoities, who is now undergoing imprisonment, for the same offence, in the French territories; and when meeting, as he did, during the time he was with the dacoits, with men of his own force, he not only managed to remain incognito, but to draw his brother peeler into saying or doing something so marked that he should be able to remember it when called upon, and so corroborate his (Vencatachella's) statement. The plucky way in which, even when struck down badly wounded by the musket shot, he continued to the front, and, above all, the clear, straight forward, unhesitating way in which he gave his evidence, both before the Magistrate and Sessions Court, when he was so weak from his wound, that the Court had to adjourn to the Hospital to take his evidence, never varying one word, not trying to enhance his own deed by exaggeration, but telling a simple tale of what he saw and did, show him to be a good Police Officer. Constables Mahomed Moorad, No. 911, and Laula Meeah No. 914, deserve great credit for the way in which they seconded the Inspector Mr. Smith during the Melce. Mahomed Moorad, immediately he saw Constable Vencatachella fall, jumped to the front, and was himself at once placed *hors de combat* by another shot. Laula Meeah, though hit very hard in the head by one of the dacoits, and thrown very heavily in the struggle, still clung to his man and secured him. Taliary Govinden, the only Village Police man that Mr. Smith could induce to come with him, did good execution with his stick, and, as Mr. Smith says, laid about him like a man. Mr. Smith, himself, had a struggle with one of the dacoits, and shot him through the chest. This man made his escape, but is since dead. This piece of news we obtained out of the French Jail. Another man, who was shot by one of the Constables, is reported also dead. The trial is now over, and four of the men arrested have been convicted, and sentenced to transportation. The rest of the men committed to Sessions seem not to have been among the gang who joined the party on the night of the robbery; there was consequently not enough evidence against them. We have the names of the others who composed the first gang of 15, and have no doubt shall give a good account of them in time.

3. I beg to be allowed to make the following Departmental promotions, viz., 4th Class Inspector Smith to be 3rd Class; Constable, No. 967, Vencatachella to be Head Constable; No. 914, Laula Meeah, and No. 911 Mahomed Moorad to be Deputies: and also I beg to recommend that the undermentioned pecuniary rewards be given.

	RS.	A.	P.
To the informer Vencatachella Gounden.....	100	0	0
No. 967, Vencatachella Moodelliar.....	100	0	0
Constables No. 914, Laula Meeah, and 911 Mahomed Moorad, each 50 Rupees.....	100	0	0
Taliary Govinden.....	25	0	0
And to each of the other Police Constables who were engaged, viz., Deputy, No. 530, Mahomed Cassim; Acting Deputy, No. 989, Abdool Khader; Constables, No. 707, Seenevassen, 985 Shaik Ahamed, 852 Ramasawmy, 1211 Soondrum, 975 Syed Cassim, 125 Shaik Ebram, 944 Sutter Beg, and 510 Abdool Ruzza, one month's pay, or an aggregate of.....	85	0	0
Total.....	410	0	0

(True Extract).

(Signed) M. W. CARR, Captain.

Assistant Inspector General of Police.

SOUTH ARCOT.

Special diary on the Umburriki Dacoity Case.

An old man, Vencatachella Gounden by name, living in Kunam, has known of a gang of robbers, who made the Kunam Hill their rendezvous for many years. About three months ago,

some of the gang robbed him on the Vanur road, and trifled with him when he went to their very houses in Mudrapollium to demand his property. Vencatachella Gounden determined, therefore, to be revenged, and pretended to join the party. He soon got to know that the gang intended to rob a house in Umburriki village, before the Depavali feast, in order to get money for the festival. He gave this intelligence to Mr. Smith, Inspector of Police, Tindevanum Divison, and offered to corroborate it by introducing a Constable to the gang, in disguise as a confederate. He (informer) was offered his pick of four Constables, and chose No. 967, Vencatachella Moodelly. He was as good as his word, and introduced the Constable to the gang at Mudrapollium as a Conjeveram robber. The informer and the Constable were present at various meetings of the gang, and were with them when they set out from Mudrapollium, about 13 in number, to go to Umburriki, on the 22nd October 1864. Umburriki is a place 3 or 4 miles from Puranguony, to the south-west of it; it is a small village, but is within $\frac{1}{4}$ of a mile to the south of a very large place called Erryur. On their way to Umburriki, the Mudrapollium men passed a toddy shop in Puttanur (near Mortard's Chavady) kept by one Ramasawmy Gramany, 9th prisoner before Sessions Court. Ramasawmy sold them toddy, and told them that he would follow, if they went on in front. He afterwards joined them in the night with a gun. Meanwhile, the Mudrapollium men had had another bout of drinking at Runganaseram, and when they got to Erryur they found themselves without weapons—which had been for the most part left behind, to avoid exciting suspicion on the road—in the hope that they would be supplied on the spot, and too drunk for work. The enterprise was, therefore, put a stop to for the night, and the men, after sleeping in a

Inspector S. Smith.
Acting Deputy Abdool Khader, No. 989.
Deputy Mahomed Cassim, No. 530.
Laula Meeah, No. 914.
Mahomed Moorad, No. 911.
Seenuvasan, No. 707.
Shaik Ahmed, No. 985.
Ramasawmy, No. 852.
Sondrum, No. 1211.
Syed Cassim, No. 975.
Shaik Ebram, No. 125.
Sutter Beg, No. 944.
Abdool Razza, No. 510.
* Vencatachella, No. 967.

Govinden, of Kunni, a Taliary, behaved very pluckily.

* He who accompanied the gang.

The Mudrapollium men, accompanied as before by the informer and Constable No. 967, Vencatachella Moodelly, assembled outside Erryur at night fall; they were joined by other men, with sticks and torches, a second gun being also brought by one Govindapet Ramasawmy, 11th prisoner before Sessions Court. The gang, now numbering 20 or 30 men, arrived at Umburriki. The Mudrapollium men, accompanied to the last by No. 967, entered the house, and had secured the two complainants, who were sleeping there, fired some straw from the roof, and lit their torches at it, and broke open the door of the house. Just then, those of the Police not armed with muskets, headed by the Inspector, followed the robbers into the yard. The yard is very small, and the house a mere cabin; the roof of the verandah, in front of it, comes down to within four feet of the ground. The hedge round the yard is very low. When No. 967 saw the Police, he tried to join them. The robbers who were in and about the house saw the movement and its meaning, and one of them fired on him. Soon after No. 967 was shot. No. 911, Mahomed Murad was also wounded by another gun, loaded with small shot. A general scrimmage then ensued; robbers from without came to help those within, and more Constables followed them. The Inspector had a struggle with one man in particular, and fired a revolver at him four times, apparently without effect. No. 914, Laula Meeah met with one of the robbers, and, after getting a heavy blow on the head, pursued him till he caught him, and with the help of others secured him, struggling violently. This man (1st prisoner before the Sessions Court) was the only one captured at the time. The rest, aided by the darkness of the night, and the openness of the surrounding country, escaped. In the morning the captured prisoners

Mundappum between Erryur and Nemilee, dispersed in the morning. In the meantime, the informer and Constable found means to communicate with the Police. They found the Inspector and Constables, noted in the margin, watching in a house opposite to that belonging to complainants. On hearing their report, the Inspector, with all his men, moved quietly off to Chendur, a place near Mylur, and spent the day there. At night he returned to Umburriki with 11 men. They again hid themselves in the house, opposite to the one which was to be attacked.

The Mudrapollium men, accompanied as before

jewels belonging to complainants, and a roll of cadjan leaves were found on him. The cadjan purport to be letters from a convict in the Pondicherry jail. They allude to several past dacoities, and give express directions as to the way in which the one at Umburriki was to be performed. On the 5th November 10 prisoners were committed for trial by the Acting Head Assistant Magistrate of Tindevanum. The trial by Jury commenced on the 14th instant. On the 15th, another robber named Govindapett Ramasawmy was caught, and on being placed before the Acting Head Assistant Magistrate, was committed for trial with the rest. This man was, therefore, the 11th prisoner. The statements made by 1st and 2nd prisoners before Mr. Grose amounted to ample confessions; the 1st was taken in the very act. Constable No. 967 and the informer gave evidence against No. 2 prisoner. The 9th prisoner Ramasawmy Gramany was identified by Constables Nos. 967, 914, and 911, who swore that he was the man who fired the shot that broke the Constable's (No. 967) arm. The 11th prisoner Govindapett Ramasawmy was identified by Vencatachella and the informer. The remaining prisoners were only identified by the informer. The jury convicted Nos. 1, 2, 9, 11 on all counts, and acquitted the rest. The 1st, 2nd, 9th and 11th prisoners having been convicted under Sections 395, 399 and 402, and the 9th and 11th being also convicted under Sections 397 and 398, Indian Penal Code. The 1st and 2nd were sentenced to 10 years' transportation, and the 9th and 11th to 14 years' transportation.

(Signed) T. H. B. YOUNG.

No. 50. From C. W. READE, Esq., Magistrate of South Arcot, to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George; dated Cuddalore, 13th December 1864, No. 85.

In acknowledgment of the call by Government for particulars of the trial in the dacoity case, referred to in my letter of the 24th ultimo, No. 78, I have the honor, herewith, to submit copy of the Calendar of the case, as received from the Sessions Court.

2. The original of this document (Calendar) was sent to the High Court, and in it will be found all the particulars desired by Government in the most complete and well digested form, and I, therefore, purposely abstain from any further comment on the case.

3. It will be seen that four prisoners were convicted and punished by transportation and imprisonment, and seven were acquitted and released; also that nine witnesses were examined for the prosecution and twenty-three for the defence. The trial occupied three entire days, and several days prior thereto were devoted to mastering the details by the Vakeel Mr. Hickey, who was employed to conduct the prosecution before the Sessions.

Calendar of persons tried before G. Ellis, Esq., Session Judge of Cuddalore.											
Number of the case.	Name and description of the accused.	Copy of the charge, or substance of the complaint.	Name of the complainant.	Name of witness for prosecution.	Name of witness for 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.
111	1. Lutchmana Kownden alias Ariputri.	<i>Section 395 of the Indian Penal Code.</i> 1. Dacoity. That they, on or about the 23rd October 1864, at Umhurriki in the Veloo-pooram Taluq, in the District of South Arcot, committed Dacoity, and that they have, thereby, committed an offence, punishable under <i>Section 395 of the Indian Penal Code</i> , and within the cognizance of this Court of Sessions. <i>Section 399 of the Indian Penal Code.</i> 2. Making preparation to commit Dacoity. That they, on or about the 23rd October 1864, at Eryoor, and elsewhere, in the District of South Arcot, made preparation for committing dacoity, and that	1. Shenudoc, Kownden. 2. Dispensed with prosecution. 3. S. Smith, Police Inspector. 4. Vencatachella, Moodelly. 5. Lutchmiah. 6. Vencatachella, Kownden. 7. Mahomed Moorad. 8. Dispensed with prosecution. 9. T. Vencatasamy, Naidoo.	For 3rd Prisoner. 1. Soobbaroya, Kownden. For 4th Prisoner. 1. Talavircha, Kownden. 2. Chedumbara, Chetty. 3. Lutchmana, Kownden. For 5th Prisoner. 1. Seenevassa, Kownden. 2. Aroonachella, Kownden. For 6th Prisoner. 1. Kistna, Kownden. 2. Ramasawny, Kownden.	The evidence submitted to the Jury was as follows:— The 6th witness, an old man, well acquainted with most of the Prisoners, and more particularly the 1st, 2nd, 9th and 11th, who, with the exception of the 9th, are residents of Mudrapollium in the French territory, and connected with a gang of robbers, had been robbed by certain of the gang, and on the refusal of the 9th Prisoner to restore to him a cloth, which had been stolen, resolved, at the suggestion of the 2nd Prisoner, to revenge himself, by disclosing the pro-	The Jury are unanimous in finding that (1) Lutchmana, Kownden alias Ariaputri, (2) Seenevassa, Kownden, (9) Ramasawny Gramany and (11) Govindapet, Ramasamy Kownden are guilty of the offences specified in the 1st, 2nd and 3rd counts, and the 9th and 11th prisoners also of the 4th and 5th counts of the charge, namely that the 1st, 2nd, 9th and 11th prisoners committed "Dacoity," "made preparation to commit Dacoity," and "assumed to commit Dacoity," and "assumed to commit Dacoity," and the 9th and 11th prisoners also committed "grievous hurt," and "attempted to commit Dacoity," and when armed with deadly weapons," and have thereby committed offences, the 1st and 2nd prisoners, under Sections 395, 399, 402, and the 9th and	23rd October 1864.	23rd October 1864.	14th November "	16th November "	
1864.	1. Lutchmana Kownden alias Ariputri.										
	2. Seenevassa Kownden.										
	3. Ramasamy Kownden.										
	4. Soobbaroya Kownden.										
	5. Vembi Vencatachella Kownden.										
	6. Narayana Kownden.										
	7. Veeraragana Pillay.										
	8. Irsa Kownden.										
	9. Ramasamy Gramany.										
	10. Mutu Kownden.										
	11. Govindapet Ramasamy Kownden.										

they have, thereby, committed an offence punishable under Section 399 of the Indian Penal Code, and within the cognizance of this Court of Sessions. Section 402 of the Indian Penal Code. 2. Assembling for purpose of committing dacoity. That they, on or about the 23rd October 1864, at Eryoor, in the Veloo-pooram Taluq, in the District of South Arcot, were severally one of 5 or more persons assembled for the purpose of committing dacoity, and that they have thereby committed an offence punishable under Section 402 of the Indian Penal Code, and within the cognizance of this Court of Sessions. Section 397 of the Indian Penal Code. 11 Govindapet Ramasamy Kownden. 4. Robbery or Dacoity, with attempt to cause death or grievous hurt. That they, on or about the 23rd October 1864, at Umhurriki, in the Veloo-pooram Taluq, in the District of South Arcot, committed dacoity, and at the time of committing dacoity, used deadly weapons, to wit muskets, and caused grievous hurt to one Vencatachella Moodelly, and one Mahomed Moorad, and that they have thereby committed an offence punishable under Section 397 of the Indian Penal Code, and within the cognizance of this Court of Sessions. Section 398 of the Indian Penal Code. 5. Attempt to commit robbery, or dacoity, when armed with deadly weapons. That they, on or about the 23rd October 1864, at Umhurriki, in the Veloo-pooram Taluq, in the District of South Arcot, committed dacoity, and at the time of committing such dacoity they were armed with deadly weapons, and that they have, thereby, committed an offence punishable under Section 398 of the Indian Penal Code, and within the cognizance of this Court of Sessions. The case was committed by the Acting Head Assistant Magistrate Mr. Grose.	For 7th Prisoner. 1. Audmeera, Reddy. 2. Vencatroya, Reddy. 3. Sinna Vencatrama, Reddy. 4. Vencatapathy, Reddy. For 8th prisoner. 1. Govinda, Pillay. 2. Seenevassa, Kownden. 3. Irsa, Kownden. 4. Narayanan, Paratumbi, Kownden. For 9th prisoner. 1. Seenevassa, Kownden. 2. Kanasa, Kownden. 3. Samootian. For 10th prisoner. 1. Soobbaroya, Kownden. 2. Vencatroya, Kownden.	The 4th witness was introduced to the parties assembled at Mudrapollium as one Cangasabay, a man who had been arrested while he had managed to take place at the village of Umhurriki, on Saturday the 22nd October. Due intimation of this was given to the 3rd witness, the Inspector of Police, and it was arranged that he should, with a certain number of Constables, proceed to Umhurriki, conceal himself in a house opposite to that (1st witness) marked out for robbery, and at the proper time pounce upon, and capture as many of the robbers as possible. The 5th, also a Constable, was sent to select the house, which he did in company with the 4th and 6th witnesses. This being arranged the 4th and 6th witnesses returned from Tindevanum to Mudrapollium, where, where, the gang divided themselves into small parties, the 4th and 6th witnesses, and 1st and 2nd prisoners, with some others, went to a toddy-shop kept by the 9th prisoner, when, after toddy had been drunk, the 9th prisoner was told (this is positively sworn to by the 4th and 6th witnesses) that they were all going to commit a robbery at Umhurriki, and he was invited to join them. He	ceedings of the gang to the English Police. He, accordingly, some 14 days before the date of the charge, went to Tindevanum, and gave the 3rd witness certain information, which the latter was of opinion would, if promptly acted on, lead to the detection of a gang of robbers. He, accordingly, sent back with the 6th witness a Constable (the 4th witness) in disguise. The 6th and 4th witnesses returned to Mudrapollium, where the 4th witness was introduced to several persons named in the depositions, but not with the exception of the 1st, 2nd and 11th prisoners, before the witness was introduced to the parties assembled at Mudrapollium as one Cangasabay, a man who had been arrested while he had managed to take place at the village of Umhurriki, on Saturday the 22nd October. Due intimation of this was given to the 3rd witness, the Inspector of Police, and it was arranged that he should, with a certain number of Constables, proceed to Umhurriki, conceal himself in a house opposite to that (1st witness) marked out for robbery, and at the proper time pounce upon, and capture as many of the robbers as possible. The 5th, also a Constable, was sent to select the house, which he did in company with the 4th and 6th witnesses. This being arranged the 4th and 6th witnesses returned from Tindevanum to Mudrapollium, where, where, the gang divided themselves into small parties, the 4th and 6th witnesses, and 1st and 2nd prisoners, with some others, went to a toddy-shop kept by the 9th prisoner, when, after toddy had been drunk, the 9th prisoner was told (this is positively sworn to by the 4th and 6th witnesses) that they were all going to commit a robbery at Umhurriki, and he was invited to join them. He	11th Prisoners under Sections 395, 399, 402, 397 and 348 of the Indian Penal Code; and the Court directs that the said Lutchmana Kownden alias Ariputri and Seenevassa Kownden be transported for 10 years and (9) Ramasamy Gramany and (11) Govindapet Ramasamy Kownden to 14 years. The Jury are unanimous in finding that (3) Ramasamy Kownden (4) Soobbaroya Kownden, (5) Vembi Vencatachella Kownden, (6) Narayana Kownden, (7) Veeraragana Pillay (8) Irsa Kownden, and (9) Mutu Kownden are not guilty of the offences specified in the charge, namely that they committed "dacoity," "made preparation to commit dacoity," "assembled for the purpose of committing dacoity," "while committing dacoity caused grievous hurt," and "attempted to commit robbery when armed with deadly weapons," and that they have thereby committed offences punishable under Sections 395, 399, 402, 397 and 398 of the Indian Penal Code, and the Court directs that the said (3) Ramasamy Kownden (4) Soobbaroya Kownden, (5) Vembi Vencatachella Kownden, (6) Narayana Kownden, (7) Veeraragana Pillay (8) Irsa Kownden and (9) Mutu Kownden be released. (Signed) J. ELLIS, Session Judge. (True copy) (Signed) G. ELLIS, Session Judge.
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Statement of the evidence and grounds of conviction.—(Continued.)

promised to follow, and the 4th and 6th witnesses, with their companions, except the 1st Prisoner, left the 9th Prisoner's shop. The 4th and 6th witnesses, the 2nd Prisoner, and one or two others not before the Court, went on towards the village of Eryoor, close to where the robbery was committed. On their way more toddy was taken, till some of the gang got so drunk, that it was determined to put off the robbery until the following evening. In the meantime the 3rd witness, with his Constables, amongst whom were the 5th and 7th witnesses, had left Tindivanam, on the Saturday morning 22nd October. They, late at night, reached Umhurriki, and were concealed opposite to the 1st witness' house, when the 4th and 6th witnesses, who had managed to leave the gang at a small choultry or mundappam near Eryoor, informed them that the robbery was not to come off until the next evening. The 3rd witness, and his Constables, accordingly left Umhurriki at once for a village about 8 miles off, returning again on the Sunday evening to the same house at Umhurriki. After informing the 3rd witness that the robbery had been postponed, the 4th and 6th witnesses returned to their companions at the Mundappam near Eryoor, where they passed the night. In the morning (Sunday), they separated, agreeing to meet again at the Mundappam in the afternoon. Accordingly, towards the afternoon (so dopose the 4th and 6th witnesses) the members of the gang began to crop in. Among them the 1st, 5th and 11th Prisoners, and others not before the Court, the two last armed with muskets. At about 7 or 8 (according to the statement of the 6th witness) they were further re-inforced by the 4th, 5th, 6th, 7th, 8th, 10th Prisoners, so that (including those not before the Court) the party consisted of all the Prisoners now present, and the 4th and 6th witnesses. With the exception that the 4th witness is unable to say that he saw the 4th, 5th, 6th, 7th, 8th and 10th Prisoners, the evidence of these two witnesses coincides in every particular. Thus reinforced, they all started for Umhurriki, which they reached at about 10½ p. m. The 6th witness had just time to give notice to the 3rd witness that the gang were approaching the scene of action, and then to keep himself out of harm's way. The occurrences that subsequently took place are deposed to by the 1st, 3rd, 4th, 5th and 7th witnesses. The 4th witness states that when they left the Mundappam near Eryoor, the gang consisted of some 24 persons; they arrived at Umhurriki at about 10½, and he and the others, about ten in number, immediately proceeded to the 1st witness' house. This house is described as a very small one, with an open verandah the entrance to the house not opening into the street, and the house surrounded by a thorn hedge. Immediately on arrival, the 4th witness goes on to say, the thatch of the house was set on fire, and torches were lit, and some of the gang fell upon the 1st witness, and another man who were lying in the verandah. The 1st witness can only depose to his house having been attacked, and to having been seized by several persons he was unable to recognize, maltreated and robbed of the ear ornaments he was wearing, which were afterwards found on the 1st Prisoner. Directly the 3rd witness heard the approach of the robbers, and saw the attack on the house, he was met by the 4th witness. There was a blaze of light from the burning thatch, and from the lighted torches. Directly the gang of robbers saw the fourth witness go towards the 3rd witness, then a shot was fired from the verandah of the house which broke the 4th witness' arm, and he fell. The 7th witness, a Constable, who was close to the robbers, rushed forward to help the 4th witness, a second shot was fired, and he too fell. The 3rd witness tried to force his way into the house, when one of the robbers seized him by the face, and another struck him with a stick on the neck; he fired his Revolver and his assailant fell, but got up and ran away. The 3rd witness pursued and fired 3 more shots at the fugitive, but though the witness says the man fell at each discharge, and was mortally wounded, each time he fell, struck upon the head by a Constable, he managed to escape. Third witness returned to 1st witness' house, but, hearing a great row close to it, he went to the place, and found the 1st Prisoner in the custody of the 5th witness and a Talari. The Prisoner was secured, and on being searched at dawn the following morning, on him were found the two ear ornaments in Court, which the 1st witness has declared are his. The 4th witness, in continuation of his account of the transaction, which left him with others of the gang at the 1st witness' house, declares that, as soon as they began to break open the door of the house, he turned to leave the place, when he met the Constables; that directly the gang saw him leaving the place, some one called out "shoot him;" that he distinctly saw the 9th Prisoner in the verandah of the house with a musket in his hand, that a musket was discharged from that direction, and that directly after he was hit, he saw the 9th Prisoner in the same place; that he also saw the 11th Prisoner also with a musket at a small cattle shed, close to the corner of the verandah of the house; and he saw him fire a shot, whether from the cattle shed or the corner of the verandah he is not quite positive; and by this 2nd shot the 7th witness was wounded. On these points the witness declares he is positive. The 5th witness confirms the statement of the 3rd, in regard to the engagement of the house for the purpose of

concealment, and to his going with the 3rd witness to the 1st witness' house, when it was attacked. He swears he saw the 9th Prisoner in the verandah of the house, and saw him fire the shot by which the 4th witness was wounded; a second shot was fired which struck the 7th witness. The witness then had a hand to hand encounter with one of the robbers, of whom he says there were about 15 in and about the house; the man turned, and fled, witness pursued and finally overtook and knocked him down; and, with the assistance of the Talari, secured him. The man turned out to be the 1st Prisoner, who was, after all parties had a little recovered from the fight, searched, and on him was found, as before stated, the property of the 1st witness. The 7th witness gives similar testimony to that of the preceding witness, as regard to what occurred after they all entered the yard with the 3rd witness; he says that the shot, which wounded the 4th witness was fired by the 9th Prisoner; that he saw him fire the shot, and saw his face distinctly. The 9th witness is the Dresser who examined the 4th and 7th witnesses' injuries, on the night of the 24th October, the day after the robbery; he declares that the 4th witness' arm was broken, and there appeared the marks of some 80 small shots; and that the 7th witness was also wounded in the arm from which 5 shots were extracted. The prisoners 1 to 10 at the trial pleaded not guilty. The 11th Prisoner, though he pleaded guilty to 1st, 2nd and 3rd counts of the charge, retracted that plea, when called upon for his defence. All the Prisoners, with the exception of the 1st and 11th Prisoners, pleaded an alibi, and, in support of their plea, the 3rd, 4th, 5th, 6th, 7th, 8th, 9th and 10th Prisoners examined 24 witnesses.

The Jury were directed to satisfy themselves, by a careful consideration of the evidence, first that a dacoity had been committed at the 1st witness' house; next, if they were so satisfied, whether any or all the prisoners had been concerned in the commission of such Dacoity; thirdly whether, as laid in the 2nd and 3rd counts of the indictment, the Prisoners had, on the date specified, been assembled, making preparations for the commission of dacoity, as also that they had severally been one of 5 or more persons for the commission of dacoity; and lastly whether the 9th and 11th Prisoners had been guilty of the offences laid in the 4th and 5th counts of indictment. The evidence, both for the prosecution and defence, was carefully gone over by me; and they were directed that the evidence of the 3rd, 4th, 5th, 6th and 7th witnesses was fully sufficient, if, after hearing that for the defence, they considered the 1st more worthy of credit than that on behalf of the Prisoners, for the conviction of the 1st, 9th and 11th Prisoners on the 1st count of the charge; that though as regarded the 2nd Prisoner's presence at the attack on the 1st witness' house, he was not shown actually to have been on the spot, yet as both the 4th and 6th witnesses concurred in his having left Eryoor in company with the others, if they were of opinion that he was near enough to give assistance, such constructive presence was sufficient to make him guilty of aiding and abetting the others in the commission of dacoity; that further the evidence of the 4th and 6th witnesses was sufficient certainly to bring home the charges laid against the 1st, 2nd, 9th and 11th Prisoners in the 2nd and 3rd counts; that though the proof of guilt of the 4th, 5th, 6th, 7th, 8th and 10th Prisoners rested solely on the evidence of the 6th witness, his single testimony was, if the Jury thought fit to believe it, sufficient in law for their conviction likewise on these two counts; that, as regarded the 4th and 5th counts of the charge, the nature of grievous hurt having been explained to the Jury, they were directed to consider whether the evidence of the 4th, 5th, 6th and 7th witnesses satisfied them of the Prisoners having been guilty in the manner charged, and that, if they did, they should convict them of the offences as charged. It was further pointed out to the Jury that the prosecution had tendered no evidence against the 3rd Prisoner.

No. 51. ORDER THEREON, 10th January 1865, No. 35.

The Governor in Council sanctions the payment of the rewards recommended by the Inspector General of Police, viz., Rupees 100 to Constable Vencatachella Moodelly, and Rupees 35, each, to Constables Mahomed Moorad and Laula Meeah.

2. He also sanctions the payment of a fee of Rupees 50 to Mr. Hickey, the Vakeel who conducted the prosecution in the case in question before the Session Court.

3. The Magistrate has not made any recommendation in regard to rewarding the informer.

(True Extract).

Chief Secretary.

To the Inspector General of Police.

„ Magistrate of South Arcot.
„ Civil Paymaster.
„ Accountant General.

Exd. J. H. Burns.

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letters

From the Magt. of South Arcot - Recd. inter 24 Nov & 13 Dec 1864.

From the Insp. General of Police - 2^d - 2^d Decr 1864 No. 33.

Order thereon 10th Decr 1864 No. 35.

The Governor in Council sanctions the payment of the rewards recommended by the Inspector General of Police, viz. Rs. 100 to Constable Vencatachella Moodelly and Rs. 35 each to Constables Mahomed Moorad and Laula Meeah.

2. He also sanctions the payment of a fee of Rs. 50 to Mr. Hickey, the Vakeel who conducted the prosecution in the case in question before the Session Court.

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To the Insp. Genl. of Police
The Magistrate of South Arcot } despd 12/1/65
The Civil Paymaster
The Accountant General. despd 12/1/65

Journal 1865 Sept.

No 35.

Proceedings of the
Warren Government

Vol 10 Jan 1865.

St. L. 320.

Containing the fragment
of certain records to the
notably recommended
by the Superior General
of Police with reference to
a case of disorder in
South Street.