

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	856	Press Mis.
<i>115-116</i> Dated	15-6-	19/8.65

5/6

Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
15th June 1865.*

No. 115. Read the following letter from W. ROBINSON, Esq., Inspector General of Madras Police, to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George; dated Madras, 5th June 1865, No. 1072.

General Department.

I have the honor to report the following circumstances for such notice as the Government may see fit to take of them.

I premise that party-feeling is running very high in Bellary with reference to the Abkari Contract. This Contract had long been peacefully held by a certain party. Recently competition arose, and the Contract passed into other hands. The new Contractor has had, I believe, great difficulties to contend with.

On the night of the 9th December 1864, an arrack shop under the Contractor was entered and searched by the Police, arrests were made and certain things removed.

4. In his diary of duty for the 9th (written on the 10th) the Inspector, Mr. Brew, reported that the search, &c., were made under a Warrant of the Cantonment Joint Magistrate, Captain G. N. Johnston, which was received by him on the 9th from that Officer. The Warrant is dated the 9th, and it bears endorsement to the Head Constable for execution of the same date, "4 p. m.". The Station house Report of the 9th, and the counterfoil of the Register of the Processes, have each a similar entry (duly verified by the Inspector) the rough note books of two Deputy Head Constables of the station notice the same fact under that date. In his precis of the case, the Inspector stated that the search and arrests of the 9th were conducted under the Joint Magistrate's Warrant, and he again affirmed the fact to the Superintendent when closely questioned by that Officer some days afterwards.

The preliminary Judicial inquiry arising out of the arrests, &c., was held before the Cantonment Joint Magistrate, Captain Johnston. The Inspector, Mr. Brew, and probably other Police Officers there deliberately stated on their oaths that the search, &c., were made under his (the sitting Joint Magistrate's) Warrant dated the 9th. The statement was recorded and passed quite unchallenged and uncorrected by Captain Johnston, by whom the depositions were submitted to the Sessions' Court. Again, in the Sessions' Court, the Inspector and Police Officers examined stated, that the Joint Magistrate had issued his Warrant on the 9th, and that they had acted under it.

6. The Sessions Judge, however, summoned the Joint Magistrate, Captain Johnston, and he deposed on oath before the Sessions' Court, that he did not issue the Warrant in question until the 10th of December, after he had become aware that the search and arrests, which it purported to direct, had actually been made, and a document, supposed to be fictitious, was in the hands of the Police; that when he issued the Warrant he antedated it so as to cover the action taken by the Police on the 9th, stating that he had verbally and in general terms instructed the Police to arrest these persons.

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7. I need scarcely add that the action of the Police in searching the house and making arrests without a Warrant was illegal and most irregular. And Captain Johnston must have been well aware that the Police had deliberately disobeyed strict orders from the Superintendent that they were, not to act in such matters without a written Warrant of the Joint Magistrate. It was therefore his bounden duty to bring their illegal conduct and departmental irregularity of the Police to notice—instead of screening them by antedating a Warrant, and enabling them to deceive their Superintendent by falsifying every Return and check.

8. After making the above statement in Court, Captain Johnston had a private interview with Inspector Brew. And the latter then returned to Court and altered the deposition he had already sworn to, stating that he received verbal instructions from Captain Johnston on the 9th December but that the Police had acted without Warrant when the search and arrests were actually made; that Captain Johnston gave him an antedated Warrant on the 10th to cover their conduct. The whole of the Police records and checks had been falsified accordingly.

9. Head Constable Durga Parsad, however, adhered to the statement that the Warrant was actually in existence on the 9th, and that he had acted under it when he made the search and arrests. He was tried and convicted of perjury. An appeal was preferred to the High Court against the sentence. I append hereto a copy of the notes of the judgment, as delivered in Court and recorded by Mr. Busted who conducted the appeal.

The consequences to the Police Force at Bellary of this act of the Court in giving an entirely false colouring to a transaction by deliberately antedating a Warrant are most disastrous. The men have been led into a slough of falsehood and deception. Inspector Brew, an Officer of good character and long service, has been induced to give two false depositions on oath, besides fabricating and teaching his subordinates to fabricate a tissue of deceit in order to mislead his Superintendent. He has lost his appointment. Head Constable Durga Parsad, also a man of long service, has been led on to commit perjury, for which he has been convicted and ruined for life, and all this arises from the acts of a Magistrate at whose disposal the Police are placed, and whose duty it is to control and direct them.

To the Honorable Sir C. H. SCOTLAND, Knight, Chief Justice of the High Court of Judicature at Madras; dated Fort Saint George 15th June 1865, No. 856.

I am directed to request, that any papers which may be on the records of the High Court relating to the case referred to in the enclosed letter from the Inspector General of Police, as well as a copy of any remarks which may have been made on it by the Honorable the Judges or which they may now deem it proper to make on it, may be furnished to the Governor in Council for his perusal.

A. J. ARBUTHNOT,
Chief Secretary.

11th May 1865

Present Frere J & Holloway J

Holloway J. No ground for our interference. It is obvious the Cantonment Joint Magistrate, far as he was ready to go, was not prepared to perjure himself, and therefore told truth on his oath. However great the guilt of the other actors in this disgraceful case, it does not exonerate Durga Parsad—perhaps the least guilty of the lot—from the consequences of his undoubted perjury. I shall address Government on behalf of Cantonment Joint Magistrate and hope he shall be dismissed.

(Signed) J M Busted

True copy

W. Robinson
Inspector General of Police

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Ind. Sept.

No 856.

To the Honble the Chief
Justice of
the High Court

Madam Sir

I am directed to
inform that my papers
which may be in the
hands of the High Court
relative to the case
referred to in the enclosing
letter from the Inspector
General of Mines
as well as a copy of
any remarks which
you have been made
on it by the Honble the
Judge or which the
Honble the Judge
has now done it proper
to make as it may
be presented to the
Honble the Court for

15th Jan

1865 Sept

Incluse in letter from
the Inspector General of
Mines to the Chief Justice
to send it to Lord Judge
dated 5 June 1865 No 1072

Regarding certain irregularities
in the land of the
Government land in
at the place

W.D.H.