M.R.O. 1—59,000—16-10-[illegible]

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1351 Press ~~Mis.~~

313-341

Dated 28-8- ~~19~~ 1866

7/8

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, 28th August 1866.

No. 313. Read the following letter from the Acting Magistrate of Kurnool, to the Chief Secretary to Government, Fort Saint George; dated Peapully, 11th August 1866, No. 35.

An individual, named Mala Mushtee Venkatigadoo, was apprehended in the Nandikotkoor Taluq of this District, on a charge of having committed theft in a building, in the village of Gondimalla, in the territories of His Highness the Nizam. On being produced before the Deputy Magistrate, he admitted the offence, and the stolen property was recovered through his agency. I enclose copies of the depositions taken before the Deputy Magistrate, and request that Government will, under the provisions of Section 14, Act VII of 1854, issue such orders as may seem fit.

2. The arrest was made under Section 19. The case is not one that would come under Act I of 1849, the prisoner being a subject of the Nizam.

COMPLAINANT.

Case No. 247 *of* 1866.

Deposition given on Solemn Affirmation by Mala Munigadoo,

Son of ....Baddavadoo.
Aged......... ....35 years.
Residing at...... ....Gondimalla.
Taluq of......... ....Nizam's Dominions.
Caste........... ... ...Mala.
Religion......... ... .Mota.
Living by.................Weaving cloths, &c,

Dated 6th August 1866.

The prisoner whose name is Mala Mushtee Venkata is my priest. He lived with me in my house in Gondimalla, in the Taluq of Alumpoor, for about four months, so far back as 2[illegible] days. I used to give him food while he lived with me in one and the same house. On Monday, which passed about 20 days ago, the prisoner went away from my house, saying that he will go to Alumpoor and bring some tobacco. The prisoner never returned to my house, though I was expecting for him on Monday and Tuesday. In the meantime, as my brother's wife has attained her puberty, my wife opened the wooden case in my house, in which we preserve our ornaments, and found missing the following ornaments :—

1 Golden "Mukara" ornament	valued at Rupees... ...	9
2 Silver rings	do. ,, ...	1
	Total Rupees...	10

2. My wife informed me this circumstance as soon as the ornaments found missing; upon this I suspected the prisoner, and left my house to search the prisoner. On Tuesday, at about mid-day, I came to Voddamanu, one of the villages in Nundikotkoor Taluq, and found the prisoner in the village Chowdy. Immediately I complained to the Reddy of Voddamanu that the prisoner has stolen my ornaments. The Reddy inquired the prisoner, who has confessed his guilt at once publicly. The prisoner said, at the same time, that he sold the silver rings to one Mala Lingadoo in Damagutla, and the golden "Mukara" to Mala Dudamadoo in Voddamanu. The purchasers appeared at once, and delivered the ornaments to the Reddy and the Police. Then the Reddy sent the prisoner to the Police station house in Nundikotkoor. The prisoner sold the silver rings for 8 Annas, and the golden "Mukara" (nose ornament of the Hindoo females) for 4 Rupees. I saw the ornaments now before this Court. They are my property. These are the ornaments which the prisoner stole from my house. My witnesses are

1. Mala Dudamadoo, and
1. Mala Lingadoo.

Proceedings of the Madras Government, Judicial Department,

28th August 1866.

This was interpreted to the witness in Teloogoo language, which he understood, and he acknowledged the Deposition to have been correctly taken down.

(Signed) A. SUDARSHANA RAO,
Deputy Magistrate.

KURNOOL, *6th August* 1866.

(True Copy).

(Signed) H. E. SULLIVAN,
Acting Magistrate.

DEFENDANT.

Case No. 247 of 1866.

Deposition given by Mushtee Venkatigadoo,

Son of	Husenu.
Aged	35 years.
Residing at	No fixed residence.
Taluq of	Do. do.
Caste	Mala.
Religion	Mota.
Living by	Beggary.

Dated 6th August 1866.

Q. What say you about the complaint of house theft preferred against you by Mala Munigadoo, the prosecutor; have you any cause to show why you should not be convicted?

A. It is true that I lived with the prosecutor, in one and the same house, for 4 months, in the village of Gondimalla. I did steal the ornaments, which were in a wooden case in one of the holes in the house of the prosecutor. I sold the ornaments to Mala Lingadoo in Damagutla, and Mala Dudamadoo in Voddamanu. The prosecutor has apprehended me in Damagutla. I purchased the arrack, which is now in a bottle with me, from the sale proceeds of the ornaments.

This is taken in my presence and in my hearing, and contains accurately the whole of the statements made by the accused person.

(Signed) A. SUDARSHANA RAO,
Deputy Magistrate.

(True Copy).

(Signed) H. E. SULLIVAN,
Acting Magistrate

No. 314. ORDER THEREON, 28th August 1866, No. 1351.

In the absence of any requisition for the surrender of the accused, the Government resolve to forward the Acting Magistrate's letter to the Resident at Hyderabad, in order to enable him, if he thinks fit, to comply with the requirements in this respect of Act VII of 1854.

(True Extract).

Secretary to Government.

To the Resident at Hyderabad.
,, Acting Magistrate of Kurnool.

Exd. J. H. Burns.

The Prisoner's
offence is not
"robbery" according to
the understanding of the pre-
term which prevailed before the
the I. P. Code came into operation: the Learned
neither "dacoit-robbery" under that code. The man
definition given [illegible] order the man to the
[illegible] be sent over to the [illegible] but this
Nizam's officers [illegible]
direction is a pity. His
[illegible] Reverence [illegible] escape
punishment [illegible] Nizam

The Govt. C directs, under
Sections XIV & XIX of Act
VII of 1854, that the Prisoner
be made over to the
Magistrate having
jurisdiction in the
Nizam's territories.

The man must
be delivered up [illegible]
to the person
authorized to take
charge of him by
the Nizam's Govt.
But I agree is the offence is a
heinous one as defined
S XI/VII/52? It is not
robbery according to the
definition in the
I P Code JJO

Memo

The Prisoner dug up the property from its place of deposit and query, whether it ~~not~~ be burglary under the old Regulation? Burglary, it will be seen, is a heinous offence under Section 21 of Act VII of 54, as well as robbery of. Again theft in a building is a serious offence according to the Indian Penal Code; for it is triable only by a Court of Session and the Magistrate of the Dt. & punishable

Memo ..
difficulty I think
he took it from a case
in a hole in the wall
a burnt hole perhaps

it wd be -

True

with 7 years imprisonment & fine. In the present case, the theft is deliberately committed by a Guru in his disciple's house – after the Guru had got fed for four months at the disciple's expense & after he had learned from personal observation all the secrets of the family who had so unsuspectingly allowed him to stay with them. If these circumstances constitute the offence a serious one, it becomes 'serious' within

+ priest.

no doubt [illegible] the
who put the Priest
candour in a very
serious light
[illegible] own hands
in [illegible]

the meaning of ~~Section~~ the Act – q.v. Please see section 22.

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter from the Ag Magte of Kurnool

(Here enter 11th August /66 No 35)

Order thereon

As the offence charged against the Prisoner is not heinous within the meaning of Section 21 of Act VII of 1854, the Governor in Council directs, under Sections XIV and XIX of that Enactment, that the accused Mala Kishti Vencatigadu be discharged from custody.

To the Magte of Kurnool

28th August 1866 No. 1351 -

In the absence of any requisition for the surrender of the accused, the Govt. resolved to forward the Dy. Magistrate's letter to the Resident at Hyderabad, in order to enable him, if he thinks fit, to comply with the requirements in the respect of Act VII of 1854

W.D.N.

To the Resident at Hyderabad
Dy Magistrate of Kurnool } desp. 30/8

Judicial 1866. *Department.*

No. 1351.

PROCEEDINGS OF GOVERNMENT.

Dated. 28th August 1866.

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