

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1575	Press
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Dated	25.9.	191866

294-285

Not to be folded or roughly handled

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*Proceedings of the Madras Government, Judicial Department,
25th September 1866.*

No. 284. Read the following letter from the Commissioner of Police, to the Secretary to Government, Fort Saint George; dated Madras, 14th September 1866, No. 93.

I have the honor to forward a Petition preferred by one P. Kanagasabaputhy Pillay, a Prisoner in the Penitentiary, who was convicted of perjury at the last Sessions of the High Court and sentenced to eighteen months' rigorous imprisonment.

To

HIS EXCELLENCY THE RIGHT HONORABLE FRANCIS LORD NAPIER, K. T.,

Governor in Council, Fort Saint George.
The humble Petition of P. Kanagasabaputhy Pillay,
formerly an Auditor in the Accountant General's Office at Madras, but at present a Prisoner
confined in the Criminal Jail at Madras.

HUMBLY SHEWETH,

That your Petitioner was prosecuted in the last Court of Sessions by one C. Shunmoogum Pillay on a charge of having wilfully given false evidence in a judicial proceeding, and that he is now suffering confinement in the Criminal Jail according to the decision of the Court.

2. That the Prosecutor, C. Shunmoogum Pillay, brought an action against your Petitioner, first, demanding the delivery of a house in which your Petitioner was located for rent, eighteen months before the date of demand. Your Petitioner on the occasion declared that the house was not in his possession, that it was let to him by one T. Vythelinga Pillay who held possession of the house. This case was thereupon dismissed. The said Shunmoogum Pillay then brought a suit against Vythelinga Pillay, and recovered the house from the latter according to the decision passed by the Small Cause Court. It was after the decree was passed in Shunmoogum Pillay's favor, that Shunmoogum Pillay summoned your Petitioner for the payment of house-rent. Your Petitioner was then unfairly decreed to pay an amount of 60 Rupees to Shunmoogum Pillay, although he had paid rent for the same house to the said Vythelinga Pillay.

3. That immediately after the above trial, Shunmoogum Pillay obtained a Summons from the Town Police Court of Madras, charging your Petitioner with having intentionally given false evidence in a judicial proceeding, and that your Petitioner was thereupon committed to stand his trial at the last Criminal Sessions of the High Court of Madras.

4. That the High Court thereupon investigated only some of the witnesses brought by your Petitioner, and did not call in the evidence of five witnesses which might have thrown much new light on the matter, and that your Petitioner, being a young man of 21 years of age, and, therefore, quite inexperienced in the complexities of legal procedure, failed to bring to the notice of the Court the significant facts that one of the Prosecutor's witnesses, P. Punjanada Pillay, was brought up from his early years, was married, and established in life by Shunmoogum Pillay's father, that he is the maternal uncle and guardian of the Prosecutor, living as a free tenant in a house of the Prosecutor, and bound to him by obligation for many favors received. That the said Punjanada Pillay was prime instigator towards this illegal prosecution, and that his evidence therefore was labouring under serious objections. That the other witness, Annamalay Moodelly, was a servant of the Prosecutor, employed in watching his Bungalow at Pursewaulkum, and, further, that the said Punjanada Pillay in open assembly vowed revenge, and threatening your Petitioner with legal prosecution, unless the sum of Rupees 500 were given him for conciliating his good will. That the Prosecutor Shunmoogum Pillay was actuated by motives of personal ill-will and spitefulness in bringing a criminal accusation against your innocent Petitioner, whose only crime seems to have been his having lived in a house paying rent to the party by whom it was let; and that these feelings of hatred and maliciousness were created by the rejection of a matrimonial alliance proposed by the said Shunmoogum Pillay, who has cruelly wreaked his vengeance on your innocent Petitioner.

5. That His Lordship Sir Adam Bittleston in summing up the evidence in the said case, pointed out to the Jury that "there were grave and serious doubts in the case, and that it was

*Proceedings of the Madras Government, Judicial Department,
25th September 1866.*

"their duty, if they were satisfied that those doubts *did* exist, to give the benefit of these doubts
"to the Prisoner."

6. That the Jury not being able to agree upon their verdict in open Court, were locked up, and after an hour's confinement, and at $\frac{1}{2}$ past 9 o'clock in the night, returned a verdict of *guilty* against your Petitioner, whereupon he was sentenced to eighteen months' rigorous imprisonment.

7. That your Petitioner attaches for your Lordship's better and fuller information a copy of the depositions taken in the case, and that the enclosed three Mazurnamihis, signed by many of the most respectable inhabitants of Madras, will bear ample testimony to the general character and honesty, &c., of your humble Petitioner.

8. That, in conclusion, your Petitioner submits his painful case to your Lordship's generous consideration, inspired with the hope that your Lordship will take into serious consideration the various circumstances connected with the case, and *the advice given by the Judge to the Jury in summing up the evidence*. That your Petitioner has a large family depending on him entirely for support, and that his confinement has now left his aged parents and wife in a state of helpless destitution. That your Petitioner was employed in the Accountant General's Office on a salary of Rupees 90, and that the sole object of the Prosecutor was to deprive his family of means of subsistence in this season of famine and high prices. That under such circumstances your Petitioner's only hope rests in the generosity of your Lordship, and that should your wonted justice and generosity fail to help him in the critical exigency, a large family will be made to undergo serious hardships of privation and misery; and that your Petitioner most humbly prays your Lordship to pass an order for the reduction of the whole or some portion of the said term of imprisonment, if not for the acquittal of the Petitioner.

For which act of kindness your Petitioner will, as in duty bound, ever pray.

MADRAS,
13th September 1866.

(Signed) P. KANAGASABAPUTHY PILLAY.

No. 285. ORDER THEREON, 25th September 1866, No. 1515.

The Governor in Council declines to interfere with the sentence passed by the High Court on Petitioner.

(True Extract).

Secretary to Government.

To the Commissioner of Police, with six enclosures, returned.

Exl. T. Cartledge.

TO

HIS EXCELLENCY THE RIGHT HONORABLE FRANCIS
LORD NAPIER K. T., GOVERNOR IN COUNCIL

Fort Saint George.

*The humble Petition of P. Canagasabapathy
Pillay formerly an Auditor in the Accountant General's
Office at Madras, but at present a prisoner
confined in the Criminal Gaol at Madras.*

HUMBLY SHEWETH,

1. That your Petitioner was prosecuted in the last Court of Sessions by one C. Shunmoogum Pillay on a charge of having wilfully given false evidence in a judicial proceeding and that he is now suffering confinement in the Criminal gaol according to the decision of the Court.

2. That the Prosecutor C. Shunmoogum Pillay brought an action against your Petitioner first, demanding the delivery of a house in which your Petitioner was located for rent 18 months before the date of demand; your Petitioner on the occasion declared that the house was not in his possession, that it was let to him by one T. Vythelinga Pillay who held possession of the house. This case was thereupon dismissed. The said Shunmoogum Pillay then brought a suit against Vythelinga Pillay and recovered the house from the latter according to the decision passed by the Small Cause Court. It was after the decree was passed in Shunmoogum Pillay's favor, that Shunmoogum Pillay summoned your Petitioner for the payment of House rent. Your Petitioner was then unfairly decreed to pay an amount of 60 Rupees to Shunmoogum Pillay although he had paid rent for the same house to the said Vythelinga Pillay.

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6. That the Jury not being able to agree upon their verdict in open court, were locked up and after an hour's confinement and at $\frac{1}{2}$ past 9 o'clock in the night returned a verdict of *guilty* against your Petitioner whereupon he was sentenced to 18 months rigorous Imprisonment.

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8. That in conclusion, your Petitioner submits his painful case to your Lordship's generous consideration, inspired with the hope that your Lordship will take into serious consideration the various circumstances connected with the case and the advice given by the Judge to the Jury in summing up the evidence. That your Petitioner has a large family depending on him entirely for support and that his confinement has now left his aged Parents and Wife in a state of helpless destitution. That your Petitioner was employed in the Account General's Office on a salary of Rupees 90, and that the sole object of the Prosecutor was to deprive his family of means of subsistence in this season of famine and high prices. That under such circumstances your Petitioner's only hope rests in the generosity of your Lordship and that should your wondrous justice and generosity fail to help him in this critical exigency, a large family, will be made to undergo serious hardships of privation and misery and that your Petitioner most humbly prays your Lordship to pass an order for the reduction of the whole or some portion of the said term of Imprisonment if not for the acquittal of the Petitioner.

For which act of kindness your Petitioner will, as in duty bound.

Ever Pray.

P. Managasahebaputhy Pillay

SCHEDULE.

- Copy of depositions.
- Certificate of Character.
- Declaration vouching the demand of 500 Rs. by Punjanada Pillay uncle of the Prosecutor.
- Certificate stating that there were family funds for the last three years.
- Copies of official testimonials.

For Order. *Draft sent by B*

Pell was tried in the High Court by jury and convicted.

Lo.

I see no cause for interference in this case.

It may have been a doubtful one - but the Jury had to weigh and balance the doubts and in my opinion in this conclusion.

The case aptly seems a clear one enough. The pt. the tenantry of

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in Council

with the

to High

MADRAS,
13th September 1866.

Commissioner of Police
with 6 Encls. recd. - despatch

a house from A, a relation,
 paid him some rent & there,
 prisoners which do not appear,
 chose to deny his land lord's right.
 and say he claimed possession
 from B. A & B fought the
 matter out. B lost and tho' the
 present Petr. seems to have
 been advised, ^{by the late Mr. Steele} to compromise
 his claim for arrears of rent - &
 was then able to be tried before
 Mr. Steele - Petr. took no heed
 of Mr. Steele's warning that he
 (Petr.) might get into trouble -
 adhered to his denial of his
 land lord's right & was cast.
 A newspaper prosecuted.

Petr. for giving false evidence,
 and a jury sitting with Mr. Adams
 brought him in guilty.
 The jury may be wrong, but in a
 case where depends wholly on the
 value of the testimony of witnesses,
 an honest jury should generally
 be right. - any how, the Petr.
 present a specimen of a man
 unworthy of a seat in A's box
 of one of the deponents in the
 High Court could do no without
 prompt punishment by the
 Court.

21 Sept. 1866
 I agree with Mr. Phillips.

giving letters
 case of
 N: 93-1
 N: 1515
 in Council
 with the
 the High

tal of the Petitioner.

For which act of kindness your Petition
will, as in duty bound.

Ever Pray.

P. Managasahebaputhy

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- A. Copy of depositions.
- B. Certificate of Character.
- C. Declaration vouching the demand of 500 Rs. by Punjanada Pillay uncle of the Prosecutor.
- D. Certificate stating that there were family feuds for the last three years.
- E. Copies of official testimonials.

Commissioner of Police
 with 6 copies sent 2/10

but her

[Faint handwritten text, possibly a letter or report, mostly illegible.]

in my opinion imprisonment.

*Have the honor to be,
Dear Sir,
Your most Obedt. Servant.
[Signature]*

*For which act or omission your petition
will, as in duty bound.*

Ever Pray.

[Signature: K. Managasahebapathy]

MADRAS,
13th September 1866.

SCHEDULE.

- A. Copy of depositions.
- B. Certificate of Character.
- C. Declaration vouching the demand of 500 Rs. by Punjanada Pillay uncle of the Prosecutor.
- D. Certificate stating that there were family feuds for the last three years.
- E. Copies of official testimonials.

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

*Recd the following letter
from the Commissioner of
Police Madras. —*

(Here enter No. Sept. 1866 No. 93.)

Order thereon, 25 September 1866 No. 1515.

*The Governor in Council
declines to interfere with the
sentence passed by the High
Court on Petitioner. —*

[Signature]

*The Commissioner of Police
with 6 copies of [illegible] 2/10*

Del 9 Oct 1866

Indicial 1866. Department.

Nº. 1575.

PROCEEDINGS OF GOVERNMENT

Dated. 25 September 1866.