

MADRAS RECORD OFFICE.

Government of Madras.

Indrial DEPARTMENT.

G.O. No.	1625	Press
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Dated	18 - 10 - 19	866

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Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
15th October 1866.*

No. 175. Read the following letter from the Inspector General of Police, to the Secretary to Government, Fort Saint George; dated Madras, 28th September 1866, No. 159.

General Department.

With reference to Government Order noted marginally, I have the honor to submit a copy of a letter addressed to the Magistrate of Trichinopoly with its enclosure, viz., an extract from the diary

No. 1521, dated 25th September 1866.

of the Deputy Inspector General of Police, of the 17th June, on first becoming aware of the case, and his (the Magistrate's) reply, dated 21st instant.

2. The case came to the knowledge of the Deputy Inspector General of the Range, in the absence of the Superintendent. He had the offenders prosecuted, and the case has been prosecuted to final conviction of the Station-house Officer. He has been sentenced to one year's rigorous imprisonment. I have since suspended the Inspector, and will deal with all connected with this matter, so soon as I receive final report.

3. The moment I learnt that the Court had disposed of the case, I called for full inquiry and report by Deputy Inspector General and Superintendent. The latter writes that the necessity of a reference to an Inspector, now absent in Tinnevely, has prevented him from submitting his full report up to this time. Two orders have been sent to Deputy Inspector General, to institute thorough inquiry; and I hope to lay a full report before Government shortly.

4. I also addressed the Magistrate on the conduct of the Sub-Magistrate. On the ground of general good character, he has been merely reprimanded in a case where he has deliberately acted most illegally, and in a way which led directly to the event which has occurred.

5. I venture to differ with the Magistrate in respect to his lenient disposal of this very serious case. Sub-Magistrates have been frequently urged not to grant to Police Officers futile remands of prisoners against whom no evidence has been obtained—still less to remand persons arrested without warrant by the Police to further custody, without having the prisoner actually produced before them by the Police, and without sifting the evidence on which the arrest has taken place. They all know that remands should not be granted, unless they (the Magistrates) see prospect of obtaining further evidence for which the remand is solicited.

6. In this case, the person was arrested without warrant, and, there is reason to believe, without any sufficient evidence. He was not even produced before the Sub-Magistrate as required by Law; but that official, notwithstanding, granted, on a mere report, a remand to retain the prisoner in custody of the Police, and deliberately renewed this remand eight times, without ever once seeing the prisoner, or ever ascertaining that he was in Trichinopoly. When the Sub-Magistrate last renewed the remand, the prisoner was at Copoo, out of his jurisdiction, and 8 miles distant;—he had been there for nearly a week. The Sub-Magistrate remanded the prisoner to custody in the Police-station lock-up at Dark's bridge, when he must have known that the prisoner should have been confined in the lock-up attached to his own Court, where he would have been quite safe, and from which he could not be removed without the express sanction of the Magistrate.

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7. The irregularities here brought to notice are by no means uncommon amongst Sub-Magistrates. They will not take the trouble of proceeding legally, fail to check the Police, and set an example of loose practice which is only too readily followed.

8. I, therefore, earnestly trust that the Government will insist on such notice being taken of this case as shall, when published to all Magistrates, check this illegal procedure on the part of Subordinate Magistrates. It is scarcely too much to say that, if the Magistrates will only strictly follow the law, misconduct on the part of the Police can rarely occur after the case has been placed in the hands of the Magistrates.

• Within 24 hours.

In the case under consideration, the conduct of the Sub-Magistrate, as the Magistrate himself admits, afforded every facility, if not encouragement, for the misconduct of the Police.

9. I need scarcely add that I do not seek to screen the misconduct of the Police by throwing blame on the Magistracy; I merely claim that aid at their hands, in controlling the Police, which the Law provides.

From the Inspector General of Police, to the Magistrate of Trichinopoly; dated Madras, 19th September 1866, No. 1571.

I have the honor to draw your attention to the recent trial for torture at Copoo.

2. It appears that the Sub-Magistrate granted, at the requisition of the Police, a remand warrant for the prisoner to be kept at the Dark's Bridge Police-station, instead of the lock-up of the Magistrate's office—in itself an irregular proceeding. He then renewed the remand eight times, without ever seeing the prisoner. (At the time of the last renewal, the prisoner was at Copoo, a Police-station 8 miles distant, whither he had been removed for convenience of torture, and locked up some eight or ten days). As the case was, there was no evidence sufficient to justify the arrest of the prisoner even.

3. I earnestly hope that you will take serious notice of these things. A most cruel case of torture has been committed, and it is not too much to say that the Sub-Magistrate's conduct gave every facility, if not encouragement, for the misconduct of the Police.

4. I have suspended the Inspector, and called on the Superintendent for a full report of how all this occurred, without his checking the irregularities leading directly to this issue.

5. I send you a copy only of Major Hearn's notes on the case.

*Extract from the diary of the Deputy Inspector General of Police, Southern Range.
Tuesday, June 17th.*

"This morning Inspector Simpson came to my quarters with a man who, the Inspector reported, had been tortured by the Head Constable of "Copoo" Station. The man bore the marks of having been tied up and suspended by the arms. I took the man to the Head Assistant Magistrate, and then sent him to the Medical Officer.

From inquiry, I learnt the following:—About six weeks ago, a heavy house-breaking was committed in Warriore. Twenty-eight days ago the above mentioned was arrested on suspicion. Inspector Narayensamy employed Head Constable Vytelingam, of "Copoo" Station, to detect the case. On the requisition of the Inspector, the Sub-Magistrate gave a remand for the prisoner to be kept in Dark's Bridge Station. This remand has been renewed some eight times, although no inquiry has been made; the Sub-Magistrate has not even seen the prisoner. No charge has been laid; no charge sheet sent in; no evidence has been produced to warrant the Sub-Magistrate in granting a remand.

Warriore is part of Trichinopoly. } Both under Town Sub-
Dark's Bridge do. } Magistrate.
Copoo is 8 miles from Trichinopoly, under another Magistrate and Inspector.

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On the 10th instant, when the prisoner has been 19 days in confinement in Dark's Bridge Station, he is taken off to "Copoo" Station, and there it was, on the night of the 10th, that he was tortured to confess.

He states he was suspended by his arms to a beam (the marks now plainly visible, the skin being still broken, bears out his statement) and chillies burnt under his nose and eyes until he became insensible.

In my opinion, the Police should not have made the arrest until they had evidence to prove the case.

The Sub-Magistrate should not have given a remand without some evidence against the prisoner. The Sub-Magistrate should not have granted the remands without seeing the prisoner.

The prisoner should have been kept in the Taluq Cutcherry lock-up, and not have been remanded by the Sub-Magistrate (at the request of the Police) to the lock-up at Dark's Bridge.

No one, unless he had a Magistrate's order, could take a prisoner out of a station on any account.

The prisoner was not only taken out of the Station without the Magistrate's permission, but he was taken to a distant out-of-the-way Station, and kept there 10 days—kept there until the Division Inspector visited the Station, and by chance found him there.

The arrest was reported in Occurrence Sheet instead of Charge Sheet. Every time an extension of the remand was asked for, it was done by Occurrence Sheet being sent; no personal application was made, nor was the prisoner once before the Sub-Magistrate.

The remand warrant was at Dark's Bridge Station in Trichinopoly, and the prisoner at Copoo.

The last remand given was on the 16th. At this time the prisoner was 8 miles off, locked up in a Station out of the jurisdiction of the Magistrate.

The Prisoner was arrested without a warrant, and up to this time no warrant of arrest has been obtained."

(True Extract).

(Signed) W. ROBINSON,
Inspector General of Police.

From the Acting Magistrate of Trichinopoly, to the Inspector General of Police, Madras; dated Trichinopoly, 21st September 1866, No. 133.

Adverting to your letter, No. 1571, of the 19th instant, and its enclosure, I have the honor to inform you that, on my recent arrival in this District, my attention having been drawn to the case you refer to, I ascertained that my Head Assistant, Mr. Comyn, after full consideration of all the circumstances, had disposed of the matter, as it affected the Town Sub-Magistrate, by administering to him a very severe reprimand.

2. The measure of severity that should be meted out to a Sub-Magistrate, even though, as you justly remark, his conduct may have given "every facility, if not encouragement, for the misconduct of the Police," should, in my opinion, be regulated by such interpretation as can fairly be attached to his motives, and, in arriving at a conclusion on this head, due weight should be allowed to the man's past general character and conduct.

3. I find that this Sub-Magistrate bears an excellent character, and has hitherto given great satisfaction to the Magistrates under whom he has served; even in the short period I have been here, during which the state of this town has been such as to demand more than ordinary care and management, I have had ample personal opportunity of perceiving that he is peculiarly well fitted for the difficult post which he holds.

4. He has committed a grave fault, which has led to a deplorable result, and has thereby rendered himself liable to be severely punished. Had he previously shown himself to be an inefficient Sub-Magistrate, or of indifferent character, he would not have been spared.

5. As it is, believing that he was influenced by no bad motive, but was led into laxity of procedure from weakness, in according over-credence and compliance to the Police, I am of opinion that Mr. Comyn exercised a wise and just discretion in letting him off upon this occasion with a reprimand.

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6. I may add that the Sub-Magistrate's conduct has been straightforward throughout the affair; that he fully admits, and deeply regrets, his error; and that I believe he has learnt a lesson which he will not fail to profit by.

No. 176. ORDER THEREON, 15th October 1866, No. 1625.

The Government will await the full report promised by the Inspector General of Police, which should be submitted as soon as practicable.

(True Extract). a

Secretary to Government.

To the Inspector General of Police.

Pro. 25th Sept 1866 No. 2521

15th October 1866 No. 1625.

*The Govt. will await
the full report
promised by the
I.G. of P., which
I shall be not.*

*Wait that as soon
as practicable*

W. J. S.
 *W. J.*

The Insp. of Police dep. 27/10

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