

MADRAS RECORD OFFICE.

Government of Madras.

Indicial DEPARTMENT.

G.O. No.	1766	Press
		~~Mis.~~
Dated	8 — 11 —	19 1866

Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
8th November 1866.*

No. 92. Read the following letter from Lieutenant Colonel W. J. WILSON, Inspector General of Jails, to the Chief Secretary to Government, Fort Saint George; dated Ootacamund, 26th October 1866, No. 91.

I have the honor to forward an original petition, in Malayalam, preferred by two Convicts now in Jail at Cannanore, to the effect that the record in their case may be examined, and the remaining periods of their respective sentences remitted.

2. It appears from the petition that these men were convicted of culpable homicide in 1863, and that the sentence was duly confirmed in the Appellate Court. The prisoners have not performed any act of service to entitle them to remission, under the provisions of paragraph 276 of the Jail Rules.

3. A translation of the petition is annexed thereto.

To

HIS EXCELLENCY THE GOVERNOR IN COUNCIL,
Madras.

The petition of (1) CHADA CHARRY THADATHIL ODANEN NAMBIAR, of Malapat Amshom, Cherak Taluq, and (2) ODAYAMADATHIL KRISHNEN, an Adigherry of the above Amshom and Taluq, 1st and 6th prisoners in Calendar No. 1 of 1863, on the file of the Session Court at Tellicherry, now convicted prisoners in the Jail of Cannanore,

SHREWETH,

1.—That one Mavilavan Payapoor Koran had been assaulted, and three days after the assault he died. The Taluq Magistrate inquired into the case, and committed for trial before the Session Court on a charge of Culpable Homicide. The Court sentenced 1st and 6th Prisoners to four and seven years' rigorous imprisonment, respectively. The sentence has been duly confirmed by the Appellate Court.

2.—The punishment on petitioners is contrary to justice and true evidence. No assault had been committed or heard of, and it is a matter of surprise to petitioners, and, therefore, take the liberty of laying a brief statement of their grievances before the Council, praying that petitioners may be protected and grievances redressed.

3.—That on the trial of petitioners before the Session Court, out of 14 witnesses whom the Taluq Magistrate examined and committed to give evidence, 12 witnesses contradicted their former statement before the Session Court, and denied all knowledge of the imputed charge. The conviction of petitioners was, therefore, grounded by the testimony of two witnesses, who also contradicted each other—"Mavilas", a tribe of low men inhabiting the mountains, no intellect, and of mischievous disposition. It is ruled by a Circular that the testimony of such persons is not to be credited, and it will be proved that the sentence passed against petitioners for such frivolous charge was not justifiable.

4. That the assessors were of opinion that there is not the least cause even of suspecting that the imputed offence and death have been committed, and it is lawful to the Court to decide according to that which is pleaded and proved before it. In this case the Judge took no notice, but was guided by the opinion previously obtained, which will be testified.

5. That the Doctor examined the body of the deceased, and forwarded Certificates, by which it would appear that the deceased died not from any violence or hurt. The Certificate of a Medical Officer is always taken in evidence without further proof, but in this case the Session Judge paid no regard to the Certificates, and sentenced petitioners without direct evidence or proof. Is this right?

6. That, when the body of the deceased reached the Taluq Magistrate's Cutcherry, the 2nd petitioner was present there. Why did not the Session Judge call upon the Taluq Magistrate to explain the cause of his not showing the body to the 6th prisoner, to be identified as that of the deceased Koran? The Taluq Magistrate and the Inspector of Police consulted and tortured peti-

(True Extract).

Secretary to Government.

[illegible]

The President or Council
cannot interfere with the
sentence passed upon
the Petitioner, who is stated
to have been confirmed
by the Appellate Court.