

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1196	Press
		~~Mis.~~
Dated	25. 7 - 19	1867

Not to be folded or roughly handled

22/10/30

Read the following papers:—

No. 287. Petition from B. SOOBRAMANEYA PILLAY, of Tinnevely, now residing in Mylapore, Madras; dated 24th June 1867 [No. 1575].

ABSTRACT.—Represents that his brother-in-law, Soobramaneya Pillay, was falsely charged, under Section 201 of the Indian Penal Code, for wilfully and knowingly giving false information regarding an offence punishable with death, with the intention of screening the offender from legal punishment; that the Session Judge who tried the case sentenced the prisoner to 7 years' transportation on contradictory and unsatisfactory evidence; and that the Honorable the Judges of the High Court, to whom he appealed, dismissed the case, owing to the non-appearance of his Vakeel on the day of hearing.

States circumstances showing the innocence of the prisoner; and, referring to the Government Order, No. 851, dated 22nd May 1867, suspending the transportation of the prisoner, as solicited in his former petition of 10th May last, prays that, on consideration of the circumstances set forth, the sentence of the Session Judge may be cancelled, or that the Honorable the Judges of the High Court may be instructed to re-investigate his appeal and render him justice.

No. 288. Petition from SOOBRAMANEYA PILLAY, brother-in-law of SOOBRAMANEYA PILLAY, a prisoner in Calendar Case No. 60 of 1866, on the file of the Session Court of Tinnevely; dated 16th July 1867 [No. 1738].

ABSTRACT.—Referring to his former petition of 24th June last, states that the evidence against the said prisoner is very unsatisfactory, because the witnesses were his enemies and instigated to give false evidence.

Submits copies of the decision of the High Court, and of the depositions of witnesses.

Prays that, in connection with his former petition, this may be taken into consideration, and that the sentence passed upon the prisoner be reversed.

No. 289. From the Deputy Registrar of the High Court of Judicature at Madras, Appellate Side, to the Acting Chief Secretary to Government, Fort Saint George; dated Madras, 12th July 1867, No. 37.

As requested in Mr. Acting Under Secretary Brandt's letter, dated 11th instant, Petition Department, I am directed to forward, for the information of Government, the Proceedings of the Session Court of Tinnevely, in Case No. 60 of 1866, in original, and copy of the Proceedings of the High Court passed, on appeal, on Criminal Petition No. 152 of 1866. The two letters from the Session Judge of Tinnevely and the Proceedings of the Session Court being original documents, I have the honor to request that they may be returned when no longer required.

No. 290. From the Acting Registrar of the High Court of Judicature at Madras, Appellate Side, to the Acting Chief Secretary to Government, Fort Saint George; dated Madras, 19th July 1867, No. 41.

Referring to Mr. Under Secretary Brandt's letter, dated 13th instant, Petition Department, I am directed to forward, for the information of Government, the records connected with Case No. 104 of 1865, on the file of the Session Court of

*Proceedings of the Madras Government, Judicial Department,
25th July 1867.*

Tinnevely, together with the Judgment and Order of the High Court, all in original, and to request that they may be returned when no longer required.

No. 291. ORDER THEREON, 25th July 1867, No. 1196.

The petitioner will be informed that the Government have carefully considered the records of the case in connection with which Soobramaneya Pillay was convicted and sentenced to seven years' transportation by the Session Judge of Tinnevely, and that they see no reason to interfere with that sentence, which was confirmed, on appeal, by the High Court.

(True Extract).

Acting Chief Secretary.

Copy of the Order to the petitioner, with 10 enclosures, returned.
To the Commissioner of Police.

„ Registrar of the High Court, Appellate Side, with the records.

Exd. J. H. Barnes.

Petn 1575 of 1867.

The record of Senevelly Session Trial
No. 104 of 1865. does not show that
there was any intimacy between
the Petr and Shanmooampillay,
the third of the three men who were
hanged for the murder of Lyaboo
Nath, as I thought it might do.

But, observe that this murder
was a cool, deliberately planned,
and boldly executed crime, in which
many persons took a part and w^h
none but the very worst of a very
bad set of men would have perpe-
trated. - The Petitioner is shown
to have been in Shanmooampillay's
company a few days after the
murder and the letter written on
information which he & Shanmooampillay

freely gave in regard to the where-
abouts of the murdered man, is
shown ^{to be false} by evidence specially taken on
an issue raised by the High Court, to
be false in order to the determination
of that point. It was alleged in
that letter that Syaloo back the
murdered man had been seen at
approx. at a long distance from his
home, with the intention of emigrating
to Egypt. But, the testimony
recorded before the Supreme Judge
was to establish the fact that Syaloo
back had not left home. Second
we hope to have been seen by
Lebr and his companion, Shannoo-
promptly, where they stated they
had seen him. Now, as the murder
had taken place some days prior
to their statements, and the corpse,
after being deprived of its head &
one arm, had been carefully concealed
and was not found till a fortnight

3
Subsequent to the murder, there was
ground for the belief that the statement
had been made of Lebr and Shannoo-
promptly with a view to put people
on the wrong scent - to benefit the
murderers and obstruct justice, and
regardless of whether the Supreme Judge
has found that Lebr was the subject
of the statement and he has accordingly
punished Lebr under the law & every
year from that time.

No doubt, this sentence is a severe
one, but it is strictly legal and
affirming the correctness of the S. Justice
Court which was not doubted by
the High Court when the case was
finally before them, it is a just one.

The Government, unless under ex-
traordinary special circumstances, should
not interfere with the measure of
punishment awarded by the Court.
I have very carefully perused &
considered all the papers which

relate to the Rev. case & on the whole I see no reason to think that he has not been treated as he deserved. I would therefore reject his Petition with the endorsement that the Government find no ground for their interference.

Further, unless I am much mistaken, the Rev. had for many months evaded justice by hiding at St. Thomas. Noting from the name, he must be the person in respect of whom information was given to Major Mearns for which only the other day ^{he} applied for authority, & was granted, to pay an informer Rs. 100.

23rd July 67

W.D.

Judicial Department

RECORDS of the MADRAS GOVERNMENT.

Read the following papers:

Abstract of Petition from Subramaniam Pillay of Tinnevely	} Here entered 24 th June 1875
D. C. —————	D. C. ————— 16 th July ————— 1738.
From the Dy. Registrar High Court —————	12 th ————— 37
" Dy. Registrar High Court —————	19 th ————— 11

Order thereon 25 July 1867 N. 1196.

W.D.

The Petitioner ^{will be} informed that the Government have carefully considered the records of the case in connection with which ^{the Suba} ~~the~~ Pillay was convicted and sentenced to seven years transportation by the Session Judge of Tinnevely, and that they

they see no reason to inter-
-fere with that sentence,
which was confirmed,
on appeal, by the High
Court.

Thos 7/3

Copy of the Order to the Petitioner
with the Indorsement of the
To the Commissioners of the

" Registrar of the High Court
with the Indorsement of the
with the records

Sept 25/7

Sept 30/7

2072 2011

City of Providence
R.I. & Newport

General 1867. Department.

No. 1196.

PROCEEDINGS OF GOVERNMENT.

Dated 25 July 1867.