

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	147	Press ~~Mis.~~
Dated	23-1-1918	9/10

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,
23rd January 1867.

No. 266. Read the following letter from the Session Judge of Tinnevely, to the Chief Secretary to Government, Fort Saint George; dated Tinnevely, 3rd December 1866, No. 682.

I have the honor to forward to Government certain Proceedings* passed by me, with the Magistrate's replies, as I think

- * 1. Proceedings, dated 23rd March 1866.
- 2. Acting Head Assistant Magistrate's letter, 3rd May 1866.
- 3. Proceedings, dated 11th August 1866.
- 4. Magistrate's letter, 22nd September 1866.
- 5. Proceedings, dated 19th November 1866.
- 6. Finding in Sessions Case, No. 96, of 1866.

that they contain matter with which Government should be acquainted. I also forward a copy of the finding of the Court on the trial. I do not send a copy

of the Judgment, as it is necessarily very lengthy, covering more than 40 sides of foolscap, but of course, if required, it will be forwarded.

Proceedings of the Sessions Court of Tinnevely, under date the 23rd March 1866.

Read Release Calendar No. 2 of 1866, on the file of Sub-Magistrate of Tenkarai.

Read also petition presented by Alwar Tevan, March 16th.

1. On the receipt of this Calendar, as there appeared to have been a great delay of three months, the record was called for.

Meanwhile, the Petition was presented.

2. The record shows that there have been very extraordinary proceedings in the conduct of the case, and the Magistrate is requested to have a full inquiry made by one of his European subordinates, and to furnish the Court with the result.

3. Crime Memorandum, dated 7th June, shows that Ramasawmy and others were apprehended and a remand given, but when finally released, there is nothing to show. In fact it would appear they are still on bail, while Sub-Magistrate says there is no case outstanding.

4. In the Urzee of Sub-Magistrate to Deputy Magistrate on the 11th October, he states that these prisoners were never placed before him, but they must have been before him, for no Magistrate can legally give a remand warrant without the prisoners being brought before him, and, as said before, they were afterwards admitted to bail. It appears, however, that besides these, other prisoners were in custody till the end of September and then released on bail, a sort of proceeding I do not understand in any way. I have up to this date received no release Calendar regarding these prisoners, and from the records it appears that the case against these prisoners, though they were four months in custody, has never been entered as any Calendar number at all, but has been entirely ignored. Of course a Calendar number must now be made out and forwarded to this Court with full explanation, and orders should be sent to Sub-Magistrates that, whenever prisoners are charged before them, it must appear in a regular Calendar number. In the present instance, except for the second batch of accused, I should have heard nothing whatever of the former batch. In his Urzee to the Deputy Magistrate Ramiah, the Sub-Magistrate allows that the case against these prisoners was never brought on his file, and Deputy Magistrate Ramiah seems to think this is quite correct, for he makes no remark on it in his order, which shows great ignorance on the part of both.

5. Afterwards on the 20th November certain others were apprehended, viz., Alwar Tevan and others, on the information of Singamoodian Tevan, who produced certain property, said to have been the stolen property, and obtained from Alwar Tevan and others. The Head Constable was not examined till the 31st January, more than two months after the apprehension of the prisoner Alwar Tevan, though he was a witness who ought to have been examined at once, immediately after he had shown the property found to the party who had been robbed, but not one man was examined till the 30th of January, a delay that was simply abominable, and it is no excuse for the Sub-Magistrate to say the Police was constantly asking for remands; if there were evidence, he should have heard it; if there were none, he should have refused further remand altogether.

6. The depositions of the Head Constable and Sheristadar who had been robbed, besides being taken after so long a delay, are most singular, and the letter written by Head Constable Moot-toosawmy Moodelly is the most impudent production I have ever read. His conduct in writing such a letter has been brought to the notice of the Superintendent of Police.

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7. The petition presented by Alwar Tevan is forwarded with the records, as it bears on the subject. This should be returned, as well as the release Calendar 2 of 1866.

(True Extract.)

(Signed) F. S. CHILD,
Session Judge.

From the Acting Head Assistant Magistrate of Tinnevely, to the Magistrate of Tinnevely; dated Palamcottah, 3rd May 1866, No. 26.

With reference to the Proceedings of the Sessions Court, requesting an inquiry to be held into the conduct of the Tenkarai Sub-Magistrate, regarding his proceedings in Case No. 2 of 1866, I have the honor to state that I called upon him for an explanation of the various points commented on by the Court, and herewith forward the same.

2. The first point on which explanation was called for by the Court was, how it happened that no release Calendar was sent by the Sub-Magistrate for certain prisoners apprehended on the 7th, 8th, 9th, and 28th June by the Police, and who were subsequently released on bail, but apparently never brought to trial.

3. From the explanation given by the Sub-Magistrate, and by the release Calendar now sent by him, it appears that these prisoners, nine in number, were apprehended on the date mentioned, and that the Sub-Magistrate, at the request of the Police, kept them in custody until the 28th September 1865, when they were released on bail. The only reason given by the Sub-Magistrate for their long detention is that the Police requested him to remand them in expectation of evidence being forthcoming against them, and that he complied with their request. On the 8th January 1866 a Supplemental Memorandum was received from the Police, requesting their full release, as no evidence was forthcoming against them. The Sub-Magistrate accordingly cancelled their bail bonds and released them.

4. From the depositions given by the complainant and witnesses on the 7th June, it appears there was no evidence whatever against the prisoners, except that they were supposed to be persons of bad character.

5. The second point noticed by the Court is that the Sub-Magistrate, in his letter to the Deputy Collector Ramiah, states that the prisoners in question were never brought before him. This statement the Sub-Magistrate denies having made at all.

6. From a perusal of the letter, it appears that what the Sub-Magistrate actually did say was that the prisoners were never brought before him *with a charge sheet*, and that, consequently, no release Calendar was sent. This has now been done.

7. There is no doubt the Sub-Magistrate was wrong in granting the remand warrants, for by the record there is nothing to show that there was any evidence or reasonable ground of suspicion against them. The Police* are equally blamable for asking for such remands. The Sessions Court has, however, commented on these points.

8. The next point demanding explanation is how, when the second batch of prisoners were apprehended on the 20th November, no proceedings were taken against them until the end of January.

9. The Sub-Magistrate states that the two defendants in question were brought before him on the 20th November, but that neither the stolen property, nor the person called Singamoodian, who was said to have given them the stolen property, were produced until the 2nd December; that the Head Constable then requested that Singamoodian might be allowed to go with him to find out the rest of the stolen property and the other defendants; that he allowed him to go, and deferred taking proceedings against them until the 8th January, when the six defendants subsequently released were brought before him with a Charge Sheet No. 1 of 1866.

10. That as the Sheristadar, the complainant in the case, was then doing duty at Coolasagarapatam he waited for his arrival.

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11. That the Sheristadar arrived on the 30th January, and a deposition was taken from him on the 1st February, in which he denied that the property found was his; and that on 13th February the second batch of prisoners were released, and the case closed.

Proceedings of the Session Court of Tinnevely, dated 11th August 1866.

The Session Judge, in reference to the letter from the Acting Head Assistant Magistrate to the Magistrate, dated 3rd May, and forwarded by the Magistrate in reply to the Proceedings of the Court, dated 23rd March, has to observe that the whole conduct of the Sub-Magistrate of Tenkarai in the case is most unsatisfactory, and shows both negligence and utter ignorance of his duty.

2. There has, however, been a misapprehension on the part of the Magistrate of the Session Judge's order. The order meant not only that the Sub-Magistrate's conduct should be reported on, but that the complaint of the Sheristadar, whose house was robbed of property of a large value, should be taken up and thoroughly gone into by a European Officer. This has not been yet done, and it must be done without further delay.

3. Moreover, no inquiry has been made into the complaint of improper imprisonment presented by Alwar Tevan. This was forwarded with the record, and was one of the questions also to be inquired into by a European Officer. This must now also be done, and the result in each case reported to the Court.

4. It is unfortunate that the adjournment of the Court has caused so much delay.

(True Extract.)

(Signed) F. S. CHILD,
Session Judge.

From R. K. PUCKLE, Esq., Magistrate, to the Session Judge of Tinnevely, dated Pudukudi, Tenkarai Taluq, 22nd September 1866, No. 272.

With reference to the Proceedings of the Session Court, dated 23rd March 1866, pointing out the irregularities that took place in the Tenkarai Tahsildar Sub-Magistrate's inquiry into a case of burglary in the Sheristadar's house at Streeviguntam on 28th May 1865, and to proceedings of the Session Court, dated 11th August 1866, remarking on the misapprehension of the Court's former instructions, and requiring that the case should be taken up *de novo*, and be thoroughly gone into by a European Officer, I have the honor to inform you that I have visited the spot, and have there instituted an inquiry which has brought to light many extraordinary facts connected with this burglary, and which sufficiently explain the reason why this burglary was so successfully hushed up at first.

2. The Tenkarai Sheristadar was about to celebrate his daughter's marriage at Combaconum, and had packed up his property in readiness to start. He was not on good terms with the Tahsildar, who induced the Deputy Collector in charge of the Taluq to refuse the leave applied for, and it was only on personal application to Mr. Banbury that the Sheristadar got his leave.

3. The Tahsildar Sub-Magistrate usually sent up cases in which Maravars had to be punished for the Sheristadar Sub-Magistrate's inquiry, in order, as stated by the Sheristadar, that he, the Sheristadar, might bear any evil consequences

resulting from the punishment of these professional thieves who abound in this part of the country, and are much dreaded by the other inhabitants. Indeed, the Sheristadar thinks that the Tahsildar Sub-Magistrate directly instigated the burglary; but of this there is no proof. It is very certain though that when the burglary did occur, the Tahsildar Sub-Magistrate took no trouble to investigate it, and by this apathy and culpable neglect of duty, greatly favored the designs of an unscrupulous Head Constable, who lost no time in turning the burglary to his own private advantage.

4. A temporary theatre had been erected in the street, not far from the Sheristadar's house, and a play had been acted nightly, up to and on the night of the burglary; the theatre was pulled down the day after the burglary, by order of the Village Moonsiff, to prevent the further assembly of bad characters. It is hinted that this theatre was purposely brought to the village by the Head Constable, to distract attention, and to mask a premeditated plot. Be this as it may, at this distance of time, it is hopeless to inquire into motives or causes, or to attempt to gain any clue to connivance before the burglary occurred; I have, therefore, confined my attention to what occurred after the burglary, and in endeavouring to trace out the actual thieves, have become acquainted with a series of facts connected with the original inquiry that completely accounts for the miscarriage of justice in this case.

5. I have mentioned the play in the street, as the last performance fixes an exact date in the evidence of the 4th and 5th witnesses, who met the thieves when carrying off their plunder.

6. The Sheristadar had made all ready to start on the morning of the 29th May, and on the night previous went to sleep on the front pyal of his house. During the night thieves broke in from the back of the house, and carried off the brass pots and bundles, all ready packed for travelling, and broke open boxes and carried off jewels valued at upwards of 1600 Rupees.

7. A few days previously, one Vaigundam Pillai, 10th prisoner, a dismissed Peon of notoriously bad character, had been in the house, and had seen all the arrangements for moving. Appavu Tevan, 12th prisoner, a Maravan of great influence in the neighbourhood, had also been at the house a few days before, and had been requested by the Sheristadar to accompany him himself, or to furnish him with an escort on the journey. There is circumstantial proof to bring home the actual perpetration of the burglary to Vaigundam Pillai and others, and direct proof that Appavu Tevan was concerned in much that was afterwards done to screen the real offenders.

8. As soon as he discovered that he had been robbed, the Sheristadar informed the Police Inspector,* the Tahsildar Sub-Magistrate, and the Village Moonsiff. He also furnished a list of the stolen property, and said that he suspected several of the Kavalgars of the village. This took place before 9 A. M. on 29th May 1865, and the Head Constable, 11th prisoner, made his appearance some hours later.

9. On his way to the scene of the burglary the Village Moonsiff (8th witness,) looked in at the house of Head Kavalgar Ramasawmy Tevan, 1st prisoner, to call on him to assist, but was told by 1st prisoner's wife that her husband had gone out the evening previously, and had not yet returned. He returned about noon and said he had been to Alwar Tirunagari, the other side of the river, (across which the foot-steps of the thieves had been traced.)

10. The Moonsiff then sent for the other Head Kavalgars as usual on such occasions, and he and the Police urged them to discover the burglary. The Kavalgars set to work among their fraternity, and a few days afterwards reported to the Head Constable, 11th prisoner, that the 1st, 2nd, 3rd, 4th, and 5th prisoners had confessed to the burglary, and pleaded having been put up to it by 10th prisoner, Vaigundam Pillai, and that the 6th, 7th, 8th, and 9th prisoners were their accomplices. The first five prisoners were then arrested by the Police, and brought before the Tahsildar Sub-Magistrate, who, on the 7th June, or 11 days after the burglary occurred, took down the prosecutor's statement, and having heard the evidence of the witnesses, before whom the prisoners had confessed, remanded the latter without asking them any questions. Three of the other persons implicated, viz., the 6th, 8th, and 9th prisoners, were subsequently arrested and remanded for an indefinite period at first, and again on the 19th of June all were remanded for two weeks. Another person, 10th prisoner, was arrested on 28th of June, and remanded for an indefinite period. These prisoners were not again remanded or tried; but after being kept in confinement till the 28th September, all were released on bail.

11. These irregularities attracted the attention of the Superintendent of Police, who pointed out to the Deputy Magistrate the illegality of the Tahsildar Sub-Magistrate's proceedings. The latter wished to shift the blame to the Police; but, as then pointed out by the Superintendent, the proceedings were those of the Magistracy, and not those of the Police, when the prisoners had been once placed before the Sub-Magistrate.

12. The granting remands for an indefinite period, the examination of witnesses, and the ultimate discharge of the prisoners, though without concluding the case against them, are all acts of the Sub-Magistrate, and his subsequent statement before the Session Court that the case never came on his file is, therefore, a mere prevarication.

13. The Police can only detain parties without inquiry for twenty-four hours; whereas the prisoners in this case were detained for nearly four months in the Sub-Magistrate's own Cutcherry, on his own remands, (though these latter were not renewed as they should have been, supposing there were strong reasons and good grounds for remanding the prisoners at all,) and he wrote no less than six letters to the Police regarding them. A Magistrate can grant a remand for only fifteen days, whereas the last remands were dated on the 19th and 28th June, and the prisoners were not released till the 28th September.

14. The mere fact of the prisoners having been admitted to bail shows that they must have been brought before the Sub-Magistrate, and that he found the evidence was not sufficient to prove their guilt—(vide Section 212 of the Criminal Procedure Code).

15. The prosecutor in the meantime constantly urged the Tahsildar Sub-Magistrate to do something, to search the prisoners' houses, to look about for evidence, or to exert himself in some degree in the matter; but though the Tahsildar Sub-Magistrate promised to inquire, he never did anything, and after some months let the matter drop altogether. The prisoners were all the time confined in the same building in which the Tahsildar Sub-Magistrate held his Cutcherry, and he must have seen them daily. This was the end of the inquiry against the first batch of prisoners.

16. The Head Constable, 11th prisoner, now plays a prominent part in all that follows:—The Kavalgars, who gave evidence against the first batch of prisoners, had told the Head Constable quite enough for his purposes. He ordered them to go away and keep their own counsel. Ramasawmy Tevan, 1st prisoner, was sent for and consulted, and Appavu Tevan, 12th prisoner, and Constable Mahomed Hussein, 13th prisoner, formed a league with the Head Constable to turn his knowledge to the best advantage. They got possession of much of the stolen property, a portion of which has now been found in the Head Constable's house; they gratified the malice of Appavu Tevan by harassing all those against whom he bore a grudge; they searched houses on various pretexts and extorted large sums of money; they wrongfully imprisoned and tortured two individuals (Singamoodian and Permal, 17th and 25th witness,) till they consented to obey their instructions; they got certain jewels put forward as though part of the stolen property, in order that the prosecutor might disown them, and thus give colour to the statement subsequently made by the Head Constable; that the prosecutor had compromised the matter; they apprehended the second batch of prisoners whom they knew to be perfectly innocent; and they were in fact for some months the terror of the country round. The Head Constable was known as "the Head Moodelliar," and the Musselman Constable as "the Pattani Dore," while Appavu Tevan still exercises such an influence over his people that they dare not speak against him.

17. In the following November, the prosecutor was acting as Sub-Magistrate at Coolasagarapatam; and as this was thought to be a favorable opportunity for alleging that he had compromised the matter, the Head Constable wrote to say that Appavu Tevan had offered to discover the burglary on consideration of a relation being made Moonsiff of Arasar, in the Coolasagarapatam Division, and that he, the Head Constable, would bring Appavu Tevan with the property to Coolasagarapatam. The prosecutor did not answer this letter, but in the meantime a few common ornaments had been procured from a notorious receiver at Alwar Tirunagari, 14th prisoner, and the following plan was concocted:—One Singamoodian, 17th witness, was arrested, bound hand and foot at Vellur, and fed with just sufficient to support life, till he consented to appear before the Police Inspector to produce the fictitious jewels, and to state that he had received them from Alwar Tevan, 23rd witness, one of the second batch of prisoners, as part of the property stolen from the prosecutor's house. The Inspector was accordingly sent for, and when he arrived at Vellur, where Singamoodian had been confined, a great show was made in taking this important evidence. The principal villagers were assembled, and the Inspector, seated in the midst, received the jewels from Singamoodian, who came forward to tell his story. Singamoodian was subse-

quently marched off with the Head Constable, 11th prisoner, and Mahomed Hussein, 13th prisoner, to Coolasagarapatam, where he was left outside a house, while the Head Constable and Mahomed Hussein went in and spoke to the prosecutor alone. This conference produced no immediate results; but when the second batch of prisoners (which consisted of Singamoodian and only three out of the eight persons he implicated besides two others,) were being examined about a month afterwards, the prosecutor produced the Head Constable's letter before the Tahsildar Sub-Magistrate, on which the Head Constable wrote a Memorandum next day to the Tahsildar Sub-Magistrate to say that the prosecutor would not own to his property, and had no doubt compromised the matter. The prosecutor called on the Head Constable in open Court to prove this statement, which the latter owned he could not do. The prosecutor then wrote a Yadast (a translation of which is enclosed), utterly denying having compromised the matter, and again urging the Tahsildar Sub-Magistrate to do something to clear up the case. This Yadast was merely filed, and no further notice was taken of it. The second batch of prisoners were kept in confinement for three months, and were then released for want of evidence. Subsequently the Head Constable was transferred to Nanguneri, and the Constable to Palancottah, and nothing more would have transpired had it not been for the notice taken by the Session Court.

18. When I commenced my inquiry, I summoned the Head Constable, Appavu Tevan, and Mahomed Hussein as witnesses; but little by little sufficient came out against them to warrant their arrest as accomplices. The second batch of prisoners in the original case were then examined as witnesses, and charges of wrongful confinement, wrongful confinement and extortion, and fabricating false evidence were established against the Head Constable, Appavu Tevan and Mahomed Hussein.

19. In the meantime the first batch of prisoners, the actual perpetrators of the burglary, had been re-arrested, and the evidence against six of them was all that could be expected after such a lapse of time. Of course no one saw them commit the burglary; but on the night in question two pullers, 4th and 5th witnesses, were looking for lost sheep, they stayed to see the play, and did not leave the village to continue their search till early in the morning. They then met ten men going towards the river, some carrying metal pots and bundles, and the rest armed with sticks. They identified 1st, 2nd, 3rd, 4th, and 10th prisoners, people of their own village, but not the others, who were strangers. First prisoner warned them not to speak, nor would they have spoken had it not been for a reward of 100 Rupees lately offered. The Village Moonsiff, 8th witness, deposes to the suspicious absence of 1st prisoner from his house during that night and the following morning, and states that after the burglary, the 2nd prisoner's wife and sister-in-law wore jewels to an extent that they had never done before. Sixth witness deposes to 2nd and 12th prisoners, with others that he did not know, having brought him certain articles enumerated in the list of stolen property to melt, and on his refusing to melt them, that 12th prisoner, Appavu Tevan, went away, while 2nd prisoner accompanied by the other two took the articles to the house of 15th prisoner, a notorious smelter of stolen property, where 7th witness shows that the articles were melted down by 15th and 16th prisoners, and were taken away by 2nd and 7th prisoners, and by one Illupakolam Mutukarupa Tevan whose whereabouts has never yet been discovered. The 10th prisoner was seen captured a fortnight afterwards. It was the intimacy between this man's daughter and the Head Constable, 11th prisoner, that first drew my attention to the latter; and on hearing that he had lately some of the stolen property was found. Fortunately the ornaments found are peculiar and can be identified most satisfactorily by the owner. The Head Constable tries to establish proof that these who depose to making these jewels and many others for the Head Constable between a year and a half ago. The evidence of these witnesses, however, breaks down by the denial of a dancing girl, that any of these brothers ever made her a "Sorukupu" like that produced, as alleged by one of them, and I have since received an Urzee from the Nanguneri Tahsildar, forwarding a deposition taken from 11th prisoner's kept-woman, in which she admits the truth of a story current

in the village, namely, that she paid 21 Rupees to buy the goldsmith's evidence, though she mixes up with her admission sufficient falsehood to shield the person to whom she actually paid the money.

20. The most difficult point to establish is the connection between Appalwar Kristniengar, 14th prisoner, and the fictitious jewels put forward through Singamoodian. The latter asserts that these jewels were placed in his cloth by Appavu Tevan himself, and it is very certain that they were given up immediately afterwards to the Police Inspector in the presence of Appavu Tevan. The question is, how did Appavu Tevan become possessed of these jewels. The whole community of goldsmiths are so dependent on the Maravars for cheap gold, that they will not tell the truth without mixing up just sufficient falsehood to allow a loope-hole of escape. Kristniengar, 14th prisoner, confessed before me, in my tent, that he had given the pair of Tattukapu, two of the fictitious jewels, to Appavu Tevan, though he withdrew this statement when questioned in open Court. A tailor, 35th witness, states that he constantly applied to Kristniengar to pay his bill, and that the latter at length, to satisfy him that he meant to pay, said that he would pay it when Appavu Tevan paid him for jewels made to substitute some stolen from the prosecutor's house, and two goldsmiths are proved to have stated that they made the fictitious jewels for Appavu Tevan, through 14th prisoner; but these men also withdrew their assertions when examined on oath before me. On cross-examination, however, they contradicted themselves so thoroughly, and prevaricated so much regarding the transaction generally, that coupling this evidence with the admission of 14th prisoner, I feel no doubt that Appavu Tevan procured the jewels from the 14th prisoner, and these were then put forward by him through Singamoodian for the double purpose of bringing a charge against Alwar Tevan, and of throwing doubt on the straight-forwardness of the prosecutor.

21. The Tahsildar Sub-Magistrate's interest in the result of the present inquiry has been unmistakeably manifested. He was at Tinnevely the day before I left, preparing the defence called for by the High Court; but he arrived here before me the following morning, and busied himself in the village for four days without making his appearance in my camp. Much of the opposition I have met with, is attributable to this visit; and as I found nothing was likely to come to light while the Tahsildar was in the place, I sent for him, and asked him what he was doing here. He replied that he had come to give me his defence. I told him to give it to me and to leave the village at once. He then said that his defence was not fair copied, but that he would send it by post. It has since been received some ten days after he alleged that he came to present it. The Tahsildar has no house in the village, and as he had already moved most of his property, I have reason to believe that his recent visit here was made for the express purpose of obstructing my inquiry. This belief is borne out by the fact that the Vellur Moonsiff, 18th witness, at first obstinately withheld all information, though after the Tahsildar left he gave some important evidence; that the 10th prisoner was concealed till I insisted on his being produced if it took a year to find him, and he was soon after arrested in front of the station-house at Tuticorin; that an important witness in the charge of wrongful confinement and extortion is not forthcoming, and is represented to have gone suddenly to Malabar with a bandy-load of grain, though said to know nothing of driving; that another important witness in the charge of wrongful confinement to compel the performance of an illegal act has also left for Malabar without apparent cause; and that other witnesses were tampered with and instructed to deny on oath what they had previously narrated before me. So completely was the system of conveying information organized, that though I signed a search warrant a quarter of an hour after it was written, and sent the prosecutor off at once in a bandy, two men, 17th and 18th prisoners, had already the start, and ran twenty miles that night to try and conceal the property. They failed to conceal it all, but they may have successfully concealed a portion, or may have destroyed papers that would have thrown light on the subject.

22. The facts of the robbery and the steps that were taken to screen the offenders have been patent to all in the neighbourhood for many months, and I fully believe that the Tahsildar Sub-Magistrate might have convicted the first batch of prisoners with the greatest ease, had he

been so inclined, and that by adopting the course he did, he was determined not only to screen the offenders, but to gratify a petty feeling of spite against the prosecutor.

23. The release of all the second batch of prisoners on the prosecutor disowning the property is again a remarkable fact, seeing that if Alwar Tevan, Valangapuli, and Neliappen, were innocent, Singamoodian must have been guilty of fabricating the evidence against them. Had Singamoodian been committed to the Court, the whole truth would have come out at once. His deposition as given before the Tahsildar Sub-Magistrate reveals facts that cannot be reconciled with those in the charge sheets, and altogether the Taluq records (herewith forwarded) show such a series of inconsistencies, anomalies, and contradictions, that any attempt to explain them would add many sheets to this already lengthy report. Independently of what is shown by the records, it is unreasonable to suppose that the Native Sub-Magistrate could have been ignorant of what was going on for many months in his own immediate neighbourhood, when the oppression of the Police and their illegal exactions were the talk of the country round.

24. Since the burglary in the Sheristadar's house, four or five important burglaries have taken place in this village, and all have escaped detection. The people assure me that if thoroughly sifted these too would come to light; but as I have given my whole time for the last three weeks to this inquiry, and other duties require my instant attention, it is quite impossible that I can make any further inquiries at present.

(True Copy.)

(Signed) R. K. PUCKLE,

Collector.

Proceedings of the Session Court of Tinnevely, dated 19th November 1866.
Read record in Session Case, No. 96 of 1866.

Regina, versus Ramasawmy Tevan and 13 others.

Committed by the Magistrate of Tinnevely.

Of course the Sub-Magistrate of Tenkarai must be dismissed after the result of this trial. He has already been suspended in consequence of the proceedings passed in Case No. 65 of 1866, and the present trial shows that the Magistrate of the District was perfectly right in his opinion regarding the Sub-Magistrate's conduct in the present case. Had the Sub-Magistrate been committed with the other prisoners for trial, nothing could have prevented his conviction under Section 217 of the Penal Code, but, perhaps, he will be sufficiently punished by dismissal, for there is a great excuse to be made for him in the extraordinarily illegal state of things which has prevailed for some years in this District.

2. The Superintendent of Police, instead of confining himself to the duties of his office, and instructing his subordinates in their duties, took upon himself to be a sort of non-regulation District Magistrate, and his subordinates followed his example, so that the whole District was ridden rough shod by the Police, and the authority of the Sub-Magistrates being interfered with and subverted, they virtually resigned all power into the hands of the Police and did nothing.

In which a Head Constable and others were convicted of torturing four men and two women resulting in the death of one man. This was first brought to my notice in the Sautoor torture case, in which it appeared that the Superintendent and his Assistant had issued the most monstrous orders to the Sub-Magistrate finding fault with him for entertaining the charge, and ordering him peremptorily to send reports to them on the subject. This of course I directed at once to cease, but to this hour the Sub-Magistrates do not understand what their duties are, nor the Police theirs.

3. That this Sub-Magistrate of Tenkarai was subjected to the same sort of unauthorized interference, it is only necessary to refer to an order by the Superintendent of Police, dated 25th March 1865, not a month before the robbery in the Sheristadar's house took place. The order of the Superintendent is simply this—"From my inquiry, and from what the Head Constable (the very man now convicted) says, it is clear that such a case is true, and it is absolutely necessary that you should commit it to Court, and if you do not, you are to forward me a report, giving no suitable reason for so doing."

4. It is only necessary to read the Proceedings of the Court for the last year to learn what the result has been. The Inspector acted as non-regulation Sub-Magistrate, and the others followed suit, and as for Chapter 9 of the Procedure Code hardly a single provision in it, or any order of the Inspector General, was paid the least attention to. To go into particulars would be to write a volume, but that such a state of things as has been unfolded during this trial should be the result is only what was to be expected.

5. As I pointed out in one of my proceedings, the object of the new law was to create a Police separate from the Magistracy, not to put the Magistracy under the authority of the Police, which is infinitely a worse state of affairs than that which the new law was intended to rectify.

6. It will, I fear, take a long time before the mischief done by the long course of illegality is overcome. It is not, however, the Superintendent of Police who is only to blame in the present instance; this trial throws great discredit on all the Magisterial Officers in the District at the time connected with this Taluq. Mr. Wedderburn certainly only joined in June, but had he paid that attention which every Officer ought to do to complaints made to him, such a state of things could not have gone on. Mr. Underwood, though he acted when the Superintendent brought the long detention of the first batch of prisoners to his notice, cannot be held blameless, inasmuch as the gambling case and false coin case were brought before him, and had he taken pains to understand what was going on in the matter, there would have been a stop at once put to the continuation of the iniquity.

7. Ramiah, the Deputy Magistrate, who had for a time charge of the Taluq, is extremely to blame; for the report of the Magistrate regarding the first batch was sent to him, and he took no notice of it, and Mr. Storr, who is generally a pains-taking and able man, is also to blame as he had charge of the Taluq part of the time, and he it was to whom my proceedings of March last were sent by the Magistrate of the District, directing that a thorough investigation *de novo* should be conducted by a European Officer, but he contented himself with asking the Sub-Magistrate to explain what had taken place. As it has happened this was very fortunate, for before my second order went, Mr. Puckle had arrived, and taking the inquiry up with his usual ability and industry ferreted out a history of iniquity such as is a disgrace to the English Government, and which, I doubt, but for him would have escaped without punishment.

8. I have said nothing regarding the late Inspector Mr. Graham; he is no longer in the service, having resigned in consequence of his conduct in a former case. The Inspector General has passed such order as will prevent his being employed again.

9. I doubt much the expediency of European Inspectors being employed except in sea coast stations and at head quarters. My proceedings during the past year show that they are fully as untrustworthy as the Native Inspectors, and unless strictly looked after they are apt to be insolent to the Sub-Magistrate, and a further and very great objection arises from their not being amenable to the ordinary Criminal Courts of the country.

(True Extract.)

(Signed) F. S. CHILD,

Session Judge.

Finding and Sentence in Session Case, No. 96 of 1866.

The Court concurring with the Assessors finds—

That Ramasawmy Tevan, 1st prisoner; Muttupeyan, 2nd prisoner; Vecrabudran, 3rd prisoner; Chinna Vellayan, 4th prisoner; and Vaigundum Pillai, 6th prisoner, are guilty; and Sungoo, 5th prisoner, not guilty of the 1st charge, viz., that they, on or about the 28th May 1865, committed house-breaking by night with intent to commit theft in the house of one Narayana Row at Street-vigoondum, and have thereby committed an offence punishable under Section 457 of the Indian Penal Code.

2. That Moottoosawmy Mooddly, 7th prisoner, Head Constable, is guilty of the 2nd charge, viz., that he, on or about 10th September 1866, dishonestly retained certain articles then being stolen property, knowing the same to be stolen property, and has thereby committed an offence punishable under Section 411 of the Indian Penal Code.

3. That Moottoosawmy Moodelly, 7th prisoner, Head Constable; Appavu Tevan, 8th prisoner, and Mahomed Hussein, 9th prisoner, Constable, are guilty; and Ramasawmy Tevan, 1st prisoner, and Vaigundum Pillai, 6th prisoner, not guilty of the 3rd and 4th charges, viz., that they, in the month of November 1865, wrongfully confined one Singamoodian for the purpose of constraining the said Singamoodian to accuse falsely one Alwar Tevan of house-breaking and theft, and have thereby committed an offence punishable under Section 347 of the Indian Penal Code, and that they, in the month of November or December 1865, voluntarily caused hurt to Singamoodian for the purpose of constraining him to give information respecting an offence, and have thereby committed an offence punishable under Section 330 of the Indian Penal Code.

4. That Moottoosawmy Moodelly, 7th prisoner, Head Constable; Appavu Tevan, 8th prisoner, and Mahomed Hussein, 9th prisoner, Constable, are guilty; and Appalwar Kristniengar, 10th prisoner, not guilty of the 5th charge, viz., that they fabricated false evidence by knowingly putting forward certain false articles, viz., jewels to represent a portion of the property stolen from Narayana Row, intending that such jewels should appear in evidence in a judicial proceeding as a portion of the stolen property, and have thereby committed an offence punishable under Section 191 of the Indian Penal Code.

5. That Moottoosawmy Moodelly, 7th prisoner, Head Constable; Appavu Tevan, 8th prisoner, and Mahomed Hussein, 9th prisoner, Constable, are guilty; and Ramasawmy Tevan, 1st prisoner, not guilty of the 6th and 7th charges, viz., that they, in the month of December 1865, wrongfully confined one Permal for the purpose of constraining the said Permal to perform an illegal act, and have thereby committed an offence punishable under Section 347 of the Indian Penal Code; and that they fabricated false evidence, by knowingly putting forward certain false articles, viz., brass pots, to represent a portion of the property stolen from Narayana Row, intending that such brass pots should appear in evidence in a judicial proceeding as a portion of the stolen property, and have thereby committed an offence punishable under Section 194 of the Indian Penal Code.

6. That Moottoosawmy Moodelly, 7th prisoner, Head Constable, is guilty of the offence as specified in the 1st Count of the 8th charge, viz., that he, in November 1865, did extort Rupees 40 from one Kalimoottoo having, in order to the committing of such extortion, put the said Kalimoottoo in confinement, and has thereby committed an offence punishable under Section 384 of the Indian Penal Code.

7. That Ramasawmy Tevan, 1st prisoner; Appavu Tevan, 8th prisoner, and Mahomed Hussein, 9th prisoner, Constable, are guilty of the 9th charge, viz., that they, in November 1865, abetted the said Moottoosawmy Moodelly, 7th prisoner, Head Constable, in the commission of extortion and have thereby committed an offence punishable under Sections 109 and 331 of the Indian Penal Code.

8. That Moottoosawmy Moodelly, 7th prisoner, Head Constable, is guilty; and Ramasawmy Tevan, 1st prisoner; Appavu Tevan, 8th prisoner, and Mahomed Hussein, 9th prisoner, are not guilty of the 10th charge, viz., that they, having reason to believe that an offence has been committed, gave information respecting that offence which they believed to be false, and have thereby committed an offence punishable under Section 203 of the Indian Penal Code.

9. That Moottoosawmy Moodelly, 7th prisoner, Head Constable, is guilty of the offence as specified in the 1st Counts of the 11th and 12th charges, viz., that he, being a public servant, attempted to obtain from the Sheristadar a gratification other than legal remuneration on consideration of his (the prisoner's) rendering a service to the Sheristadar, and has thereby committed an offence punishable under Section 161 of the Indian Penal Code, and that he attempted to obtain by corrupt and illegal means from a public servant, viz., the Acting Sub-Magistrate of Coolasagarapatam, a favor and gratification, and has thereby committed an offence punishable under Section 162 of the Indian Penal Code.

10. That Appavu Tevan, 8th prisoner, is guilty of the offence as specified in the 2nd Counts of the 11th and 12th charges, viz., that he abetted the commission of the offences as speci-

ed in the 1st Counts of the 11th and 12th charges, and has thereby committed an offence punishable under Section 164 of the Indian Penal Code.

11. That Chinna Fakir, 11th prisoner, and Mohideen, 12th prisoner, are not guilty of the 13th charge, viz., that they having reason to believe that an offence, i. e., house-breaking and theft had been committed, did melt certain jewels and certain silver pots, and have thereby caused evidence of the commission of that offence to disappear with the intention of screening the offenders from legal punishment, and have thereby committed an offence punishable under Section 201 of the Indian Penal Code.

12. That Ellamarajoo, 13th prisoner, and Venga, 14th prisoner, are guilty of 14th and 15th charges, viz., that they, on or about the 10th September 1866, did voluntarily assist in concealing property which they knew to be stolen property, and have thereby committed an offence punishable under Section 414 of the Indian Penal Code, and that they, knowing that an offence has been committed, caused evidence of the commission of that offence to disappear with the intention of screening the offender from legal punishment, and have thereby committed an offence punishable under Section 201 of the Indian Penal Code.

13. That Ramasawmy Tevan, 1st prisoner; Moottoosawmy Moodelly, 7th prisoner, and Mahomed Hussein, 9th prisoner, are not guilty of the 16th charge, viz., that they, on or about the 1st October 1865, falsely charged Madasawmy and others with having gambled, knowing that there is no just or lawful ground for such charge against those persons, and have thereby committed an offence punishable under Section 211 of the Indian Penal Code.

14. That Moottoosawmy Moodelly, 7th prisoner, Head Constable, is guilty; and Ramasawmy Tevan, 1st prisoner, not guilty of the 17th charge, viz., that they, on or about the 1st October 1865, falsely charged one Madasawmy with having been found in possession of counterfeit coin, knowing that there is no just or lawful ground for such charge against the said person, and have thereby committed an offence punishable under Section 211 of the Indian Penal Code.

15. That Mahomed Hussein, 9th prisoner, is guilty of abetting the above offence, and has thereby committed an offence punishable under Sections 109 and 211 of the Indian Penal Code.

16. That Moottoosawmy Moodelly, 7th prisoner, is guilty; and Ramasawmy Tevan, 1st prisoner; Appavu Tevan, 8th prisoner, and Mahomed Hussein, 9th prisoner, are not guilty of the 18th charge, viz., that they instituted criminal proceedings against certain persons in regard to the aforesaid robbery, knowing that there was no just or lawful ground for such proceedings, and have thereby committed an offence punishable under Section 211 of the Indian Penal Code.

17. The Court, therefore, sentences the said Moottoosawmy Moodelly, 7th prisoner, to ten years' transportation; Ramasawmy Tevan, 1st prisoner, and Vaigundum Pillai, 6th prisoner (old men) to seven years' rigorous imprisonment; Muttupcyan, 2nd prisoner, Veerabudran, 3rd prisoner, and Chinna Vellyam, 4th prisoner, to five years' rigorous imprisonment; Appavu Tevan, 8th prisoner, to seven years' transportation; Mahomed Hussein, 9th prisoner, to five years' rigorous imprisonment; Ellama Rajoo, 13th prisoner, to three years' rigorous imprisonment; Venga, 14th prisoner, to six months' rigorous imprisonment; and releases the said Sungoo, 5th prisoner; Appalwar Kristniengar, 10th prisoner; Chinna Fakir, 11th prisoner, and Mohideen, 12th prisoner.

(Signed) F. S. CHILD,
Session Judge.

No. 267. ORDER THEREON, 23rd January 1867, No. 147.
Referred to the Inspector General of Police for any observations he may have to offer.

2. Adverting to the marginal note to paragraph 8 of Mr. Puckle's letter of the 22nd September last to the Session Judge, Mr. Robinson will explain why Police Inspector Graham was allowed to resign, if it was known at the time that he was liable to punishment for proved misconduct.

*Proceedings of the Madras Government, Judicial Department,
23rd January 1866.*

3. The Governor in Council presumes that the Sub-Magistrate of Tenkarai has been dismissed; the Magistrate will report on this point.

4. The Government also desire to draw the attention of the Magistrates of the several Districts, and of the Inspector General of Police, to the remarks contained in paragraphs 2 to 5 of the Session Court's Proceedings of the 14th November last above recorded, animadverting on the state of subserviency in which the subordinate Magistracy of the Tinnevely District have allowed themselves to be placed with reference to the Officers of the Police, owing to a misapprehension in regard to the proper relations of the two Departments. His Lordship in Council wishes to be informed of the state of things in this respect in other Districts, *i.e.*, whether the subordinate grades of the Magistracy generally entertain correct notions regarding their position relatively to the Police, and whether the latter are in any way permitted to overstep the bounds of their legitimate functions.

(True Extract).

Chief Secretary.

To the Session Judge of Tinnevely.

„ Inspector General of Police.

„ Magistrate of Tinnevely.

„ Magistrate of

Exd. J. Tulloch.

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

*Read the following letter
from the Session Judge of
Tinnevely.*

(Brought in 3rd December/65 No. 602)

Order thereon 23rd Jan'y 1866 No. 147.

*Referred to the Inspector
General of Police for any
observations he may have
to offer.*

*2 Adverting to the
marginal note to para 2
of Mr. Pichler's letter of the
22nd September last to the
Session Judge, Mr. Robinson
will explain why Police*

Inspector

Inspector Graham was allowed to resign, if it was known at the time that he was liable to punishment for proved misconduct.

3. The Governor in Council presumes that the Sub Magistrate of Tankarai has been dismissed; the Magistrate will report on this point.

I am disposed to believe that it is not generally only, that an enormous and illegal system of communication between the Sub Magistrate and Police, is in force. It may be well, now that the subject has turned up, to ascertain by a discreet inquiry of the character of the correspondence which takes place between the subordinate and the principal Police officers. It will be found, I think, that the former have never ceased to report

This information may be collected by

4. The Govt. also desire to draw the attention of the Magistrates of the several Districts and of the Magistrate General

To the Session Judge of Tanjore
Superior Judge of Police
Magistrate of Tanjore

The Superior Police officers as members of the Magistrate's court as an older times they were wont to be. I know that it may be said that there is the Code of Criminal Procedure to be observed. I know that they ought not to be. In fact will be found to be otherwise. I am much mistaken if this, too, in spite of our oft repeated exhortations and letters and the reminders of order at the Sub Magistrate's court would be so.

I found these remarks and a perusal of the enclosure to the draft, &c. shows that the Police in general have been very much in a state of insubordination in their hands. W.D.N.

General of Police to the remarks contained in paras 2 to 5 of the Session Court's Proceedings of the 14th Nov. last above recorded, animadverting on the state of subordination in which the subordinate Magistracy of the Tanjore District have allowed themselves to be placed with reference to the officers of the Police owing to a misapprehension in regard to the proper relations of the two Departments. His Lordship in Council wishes to be informed of the state of things in this respect in other districts, i.e. whether the subordinate grades of the Magistracy generally entertain correct notions regarding their position relatively to the Police & whether the latter are in any way permitted to overstep the bounds of their legitimate functions.

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Medical 1864. Department.

No. 142.

PROCEEDINGS OF GOVERNMENT.

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