

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	162	Press
		~~Mis.~~
<i>293-294</i>	Dated	28.1.1867 ~~19~~ .

Not to be folded or roughly handled

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*Proceedings of the Madras Government, Judicial Department,
28th January 1867.*

No. 293. Read the following letter from the Inspector General of Police, to the Secretary to Government, Fort Saint George; dated Madras, 15th November 1866, No. 1897.

I have the honor to submit the report of the Superintendent of Police on the recent misconduct of the Police at Tuticorin, referred to in G. O., No. 1599, dated 11th October 1866, with reference to the remarks of the Session Judge, in Calendar of Case No. 86 of 1866.

2. The charge of kidnapping, &c., was made to the Head Constable of Police at Tuticorin, on the 16th July. The wealthy Taragan Mootoosawmy was included in the charge; but the Police failed to arrest him, and their reports show an obvious design of screening him and ignoring the charge against him.

3. Head Constable Copcott's conduct shows that he failed in his duty in every respect, and behaved badly throughout. The circumstances of the case and individuals concerned leave no doubt that he wilfully failed under the influence of corruption. I have ordered that his connection with the service cease forthwith. He is unfit and untrustworthy.

4. The conduct of Mr. Inspector Drake, of Tuticorin, is open to grave remark. His neglect of duty is obvious. I have ordered his reduction one step for four months, and requested the Deputy Inspector General, now about to visit the District, to look into his general conduct very closely.

5. The Constables who prevaricated in the case have been dismissed. They had undoubtedly been bribed.

MEMORANDUM

On the conduct of Head Constable Copcott, of Tuticorin Station, and Inspector Drake, of the Otapuddarum Division, in a case of "Kidnapping, &c.," tried before Session Court.

- Examined—
1. Diaries of Inspector Drake.
 2. Tuticorin Station-house Reports.
 3. Crime Memoranda sent in the case by Head Constable Copcott.
 4. Deposition of Head Constable Copcott and others, before Session Court.

1. On the evening of the 16th July 1866, a charge of "kidnapping a minor, and robbery" was made against one Athee, a Puller of Tencaushee, and a charge of "receiving stolen property" and "abetting." The above offences (of kidnapping and robbery) was made against one Taragan Mootoosawmy Pillay of Tuticorin, by two young lads, to Head Constable Copcott of Tuticorin Station-house.

2. Head Constable Copcott, having this information on the 16th evening, and having arrested the person Athee, and confined him in the Tuticorin Station, neglected to forward any Crime Memorandum to the Sub-Magistrate that evening.

Section 135, Civil Procedure Code.

3. Next day, the first Crime Memorandum is sent, and Head Constable makes it appear in that as if he had only then received the information of the offences, and was going to inquire, although he then had one prisoner in custody. In the first Crime Memorandum, all mention of Taragan Mootoosawmy Pillay is omitted. A second Crime Memorandum (not dated) is sent, in which it is made to appear, as it were, that Police had obtained further information, and it is so worded as to leave it doubtful which Mootoosawmy Pillay is meant—whether it is one Mootoosawmy Pillay of Mailapollum, who is a witness in the case, or the accused Taragan Mootoosawmy

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Pillay. But the information in this second Crime Memorandum the Police had on the previous evening (16th), as stated on oath by Head Constable Copcott himself in Court; and although three witnesses, Mailapollum Mootoosawmy Pillay and the two elder brothers of the boys were present at the Station-house on evening of 16th, no Charge Sheet was made *then* or *AFTERWARDS* against the prisoner.

4. No attempt was made by Head Constable to arrest Taragan Mootoosawmy Pillay, although he was included in the charge. On the morning of the 17th July, Head Constable Copcott states that he "ordered" Head Constable Wiggins to inquire into the case, although he (Copcott) was on duty. He has no authority over another Head Constable to "order" him to inquire into any case, but should have done what was clearly *his own duty*. To screen himself, he *tries* to throw the blame off his own shoulders on to those of a Head Constable (Wiggins) who is on leave.

5. Although Taragan Mootoosawmy Pillay was sent for by Wiggins, and came to Station-house, Copcott says he does not "*think*" he was in Station-house but "*supposes* Wiggins must have released him," although he (Copcott) had charge of the case.

6. Head Constable Copcott, who knows Tamil perfectly well, states in Court that he gave the case over to Wiggins, because he knew Tamil better; if such be the case, and he cannot inquire into a complaint made to him, he is *utterly unfit* for his post.

7. Further, Head Constable Copcott states that *he* inquired for Taragan Mootoosawmy Pillay, but says he could not find him, because he was not at his house. It was not to be supposed that a man against whom a charge of "abetting, robbery, and kidnapping" was preferred would make himself very public. As there was a grave charge against this man, the Head Constable (Copcott) should have entered his house, searched and arrested the accused; but nothing of this sort was done.

Section 107, Civil Procedure Code.

8. When Head Constable Copcott is asked why he did not see that Taragan Mootoosawmy Pillay was sent with the Memorandum to Sub-Magistrate, he replies "Mr. Wiggins must answer to that"—again trying to throw blame from himself on to another. Further, Copcott makes another excuse that he is "more Town Constable" and "Wiggins is the Crime Constable." This distinction I have never heard of before—it is quite *self-constituted*. No such difference exists.

9. No Charge Sheet was sent at all. The date is omitted in the second Crime Memorandum.

10. Inspector, though he was present at Tuticorin on the 17th, 18th, and 19th July, did nothing at all in the case, and seems to have made no inquiry. The only mention made by Inspector of the case is in his Diary of the 19th July, in which he states (Case No. 208) "the accused in this case has been forwarded to the Sub-Magistrate of Palamcottah, as the offence was committed in Rettiaiputty L. Division." Properly, I believe, the preliminary investigation of case should have been made by the Tuticorin Sub-Magistrate, and the case committed by *him* to Court; it should not have been sent to Palamcottah Sub-Magistrate. Offence was committed just as much in E. Division, Tuticorin, as in L. Division. But, as case *was sent* to Palamcottah Sub-Magistrate, Inspector Drake should have sent word of the case to Inspector Bartsels, of Palamcottah Division. This he did not do.

11. In the Station-house Report of the 17th, the case, in the very first instance, is put down by Head Constable as a "*doubtful* case," although the case was as clear as *any case* could be, and one of the prisoners was in custody—*no report* is made of prisoner being in custody.

12. The conduct of Head Constable Copcott is utterly disgraceful; he has grossly neglected his duty, and he concealed information in his Station-house Report, which he should have given.

13. Before the Session Court, in order to screen himself, he prevaricated, and tried to throw blame from himself on to another Head Constable.

14. Lastly, in open Court, although not called on, he stated that all the Constables in Tuticorin Station were blackguards, and that they received small bribes of two and four Annas each. Of this, no mention was made to Superintendent of Police, when he visited Tuticorin, nor was any report made in Station-house Report (or otherwise) of such misconduct on the part of the Consta-

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bles of Tuticorin Station, over whom Head Constable is placed, to look after them, to *make them* do their duty, and report them for all misbehaviour. Such irregularities should have been reported to Superintendent at TUTICORIN.

15. From Head Constable Copcott's conduct, it is clear that *he is not to be depended on*, and he has shown himself unfit for his present post; but Superintendent will give him *another trial*. In the meantime, he is reduced from a Head Constable on Rupees 30, to Head Constable on Rupees 22 per mensem.

Any further misconduct on his part will render him liable to reduction or dismissal.

16. The conduct of Inspector Drake in this grave case cannot be overlooked. He did *nothing* at all in it, although he was at Tuticorin, and reported in his Diaries of the 16th, 17th, 18th and 19th, that he had visited his Station—

"Several times" on the 16th;

Twice on the 17th;

"Several times" on the 18th;

And "Several times" on the 19th.

It shows that he has in *this case* done his work at Station most superficially; that, if such is shown to be the case in one grave case that has come to light, it happens very much oftener than is known of in other cases.

If Superintendent has similar fault to find with Inspector Drake again, the consequences will be most serious to the latter.

OFFICE OF SUPERINTENDENT OF POLICE,
TINNEVELLY DISTRICT,
18th September 1866.

(Signed) C. A. PORTEOUS, Lieutenant,
Superintendent of Police,
Tinnevelly District.

NOTE.—The three Constables alluded to in paragraph 2 of Session Court Calendar have been already dismissed for "*lying*" in this case.

No. 294.

ORDER THEREON, 28th January 1867, No. 162.

To be recorded.

(True Extract).

A. J. ARBUTHNOT,
Chief Secretary.

Pro: 11th Oct 1866 to 12th 128-129. Judicial 1866 Department

From
The Inspector General
of Police
To the Secy to Government
Port of George.

Dated 15th }
Recd 19th } November

No 1897

Enclosure one ✓

No 2570

Submits with this mem-
orandum the report from the
Super of Police Pinnerally on
the present misconduct of Police
at Pinnerally and the
28 January 1867 No 1897
to C. O. No 1571 of 11th Oct 66
bel J. P. W. N. L.

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