

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

159-160	G.O. No.	1827	Press
			~~Miss~~
	Dated	13. 11.	1867

4/5

Not to be folded or roughly handled

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Proceedings of the Madras Government, Judicial Department.
13th November 1867.

No. 159. Read the following letter from the Acting Registrar of the High Court of Judicature at Madras, Appellate Side, to the Chief Secretary to Government, Fort Saint George; dated Madras, 30th October 1867, No. 52.

With reference to your letter, dated the 3rd ultimo, No. 1417, I am directed to forward the record in Case No. 103 of 1866, on the Calendar of the Session

Criminal Petition, No. 57 of 1867. Copies of the Order and Judgment of the High Court, dated 4th April, and 29th July 1867.

Court at Calicut, together with the papers noted in the margin, and at the same time to state, for the information of

Government, that the appeal, on the ground of the insufficiency of the evidence at the trial to support the conviction, was dismissed by the High Court because the petition had not been presented within the time allowed by Section 415 of the Code of Criminal Procedure, and that the observation of the Court, alluded to in the 4th paragraph of Mr. Ouchterlony's memorial, was called forth by the statement made on behalf of the petitioner Bomma, that Mr. Coates, a reliable witness not previously examined in the case, was prepared to depose that the raggy found in Bomma's house had been honestly obtained.

2. I am further directed to state that the circumstances referred to in paragraph 9 of Mr. Ouchterlony's memorial were considered by the Chief Justice and Mr. Justice Collett when the order was made, reducing the punishment inflicted by the sentence of the Session Court.

No. 160. ORDER THEREON, 13th November 1867, No. 1827.

After carefully considering the circumstances which attended the commission of the offence charged against the prisoners mentioned in the foregoing papers, the Governor in Council is of opinion that the ends of justice have been sufficiently met by the punishment they have already undergone, and accordingly, under Section 54 of the Code of Criminal Procedure, resolves to remit the unexpired portion of the sentences passed upon prisoners Nos. 1, 2, 3, 6, 7, 8, 9, and 10, in Case No. 103 of 1866 on the Calendar of the Session Court of Calicut.

2. The following telegram will be despatched to the Superintendent of the Calicut Jail :—

“The unexpired portion of the sentences passed upon the following prisoners in Case No. 103 of 1866, Calicut Sessions Court, having been remitted by the Governor in Council, under Section 54 of the Criminal Procedure Code, you will at once release the said prisoners unconditionally :—

Sidda Maistry.

Gerean.

Bomma Maistry.

Chaklien Venkitasami.

Thoddu.

Katha.

Venkita.

Boga.”

(True Extract).

Chief Secretary.

To the Registrar of the High Court, with the record.

To Messrs. Brockman and Pritchard.

„ J. Ouchterlony, Esq., Ootacamund.

Exd. J. Tulloch.

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter from
the Registrar of the High Court. dated

New date 30th Oct 1867. N^o 52.
Serial No 1417. Ind. Dec. 5 of 3 Sept. 67.
Order thereon 13 Nov. 1867 N^o 1827.

After carefully considering
the facts which attended
the commission of the offence
charged against the Prisoners
mentioned in the
foregoing papers, the G. J.
is of opinion that the facts
of justice have been sufficiently
met by the punishment they have
already undergone &
accordingly under Section 54 of
the Criminal Procedure Code, resolving
to remit the unserved

The Governor in Council,
after perusal of the record
submitted with the foregoing
letter, resolves to remit, under
Section 54 of the Criminal
Procedure Code, the remain-
ing portion of the sentences
passed upon Prisoners N^{os}
1. 2. 3. 6. 7. 8. 9 and 10 in
case N^o 103 of 1866 on the
Calendar of the Session
Court of Calicut.

WDR
by

I doubt whether any reasons
should be given for an
act of grace such as this.
It may be better to omit
2. N^o 1417. very well -
lay as above
in margin WDR

2. The evidence adduced
against the prisoners on
their trial before the Session
Court was considered by
the

the judge, and, on appeal, by the High Court, to have been conclusive, but advert-
 ing to the unusual circumstances under which evidence has been subsequently produced tending to account for the possession by the prisoners Bomma of the large quantity of grain found in his house, and on consideration of the whole of the facts connected with the offence, the Governor in Council is of opinion that the ends of justice will have been fully met by the infliction of so much of the sentence of imprisonment as the prisoners mentioned in the 1st paragraph have already undergone. The 4th & 5th Prisoners have already been discharged on the expiration of their sentences.

3. The following telegram

telegram will be despatched to the Superintendent of the Calcut Jail.

From Governor in Council.
 To Supt of Jail Calcut.

The unexpired portion of the sentences passed upon the following prisoners in case No 103 of 1866. Calcut Sessions Court, having been remitted by the Governor in Council, under Section 54 of the Criminal Procedure Code, you will at once release the said prisoners unconditionally.

- Lidda Maistry.
- Herean.
- Bomma Maistry.
- Chakken Venkatasami.
- Thoodu.
- Katha.
- Venkita.
- Boga.

To the Secy of the High Court
 in the record.
 Messrs. Brockman & Pritchard
 J. Buchterling Esq. Calcutta
 Telegram despatched 6/11

Am. B.
1867. Department.

No. 1827

PROCEEDINGS OF GOVERNMENT.

Dated 13th November 1867

Proc. No. 22-23.
31/1/67