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MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

136-137
G.O. No. 250
Press
~~Miss~~
Dated 19-2-1867

3/2

Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
19th February 1867.*

No. 136. Read the following letter from the Acting Advocate General, to the Chief Secretary to Government, Fort Saint George; dated Madras, 12th February 1867.

I have the honor to lay before you the result of two prosecutions which I conducted at the late Sessions of the High Court.

2. The first was the case of Regina *versus* Kistnasawmy and Venkojee Row, the former of whom was charged with stealing two reams of paper from the Revenue Survey Office, and the latter with abetting him in the offence. Kistnasawmy was a Moochee in the office, and seems to have fallen under suspicion, in consequence of which, Venkata Row, a Duffadar, and Vijiaragavaloo, a Writer in the office, kept watch from an early hour of the morning of the 11th January, and, about 6 A. M., observed a jutka proceeding from the direction of the Survey Department. They stopped it, and found that it contained two reams of Government paper. At that time, Kistnasawmy was following the jutka at a short distance, and was pointed out by the driver as the person who had given the paper to him, for conveyance to the Cutwal Bazaar. On being taken into custody, Kistnasawmy admitted the fact, but said that he was taking the paper to be weighed. This, of course, was wholly unauthorized. Before the Magistrate, he made a long statement, charging Venkata Row and Vijiaragavaloo with having given him the paper to deliver to Mr. Starr of the Survey Office. This statement was again renewed before the High Court, in the way of suggestion, by his Counsel, Mr. Miller. No attempt was made to support it by evidence, and it was contradicted conclusively by the testimony of the Manager, that paper of that sort was never used by any of the office people, being intended only for printing purposes. Moreover, the evidence of the jutka driver, that the prisoner told him to take the paper to the Cutwal Bazaar, coupled with the fact that he did not get into the vehicle himself, was conclusive against any such theory. He was accordingly convicted, and sentenced to 18 months' rigorous imprisonment.

3. Against Venkojee Row there was no evidence whatever, beyond the fact that he and another peon were in charge of the premises that night. The Judge told the jury that he must be acquitted, and they returned a verdict accordingly. I, by no means, suggest, however, that Government should reinstate him. If he did not connive at the theft, his carelessness was quite sufficient to warrant his dismissal.

4. The second case was a charge of murder against one Moonichee, for throwing her child, an infant, aged about two months, into a well, where, of course, it was found drowned. On being taken up, she first denied having had any child, but, on being confronted with two women who knew her, she admitted the fact, and said she did it because the father was dead, and she could not support the child. This defence she renewed before the High Court. She was convicted of murder, with a recommendation to mercy, on the special circumstances of the case. She was sentenced to be transported for life, this being the only punishment, except death, which the Penal Code warrants. The prisoner seemed a stupid ignorant creature, of the lowest class, and, I dare say, acted under the conscientious belief that she was doing the best thing in her power for the child.

No. 137. ORDER THEREON, 19th February 1867, No. 250.

To be recorded.

(True Extract).

A. J. ARBUTHNOT,
Chief Secretary.

I have the honor to be

Sir

Your most Obedient Servant

Wm D Mayne

Acting Advocate General.

Madras

13th February 1867

136-137.

Letter of 15th March

Medical 100/1
N. 1. 250
From
Ag Advocate General.

1/127
1/133
Feb 1867

No 311.

Report the result of
the cases prosecuted by
him at the Lake Session
of the High Court
19th February 1867 No 250

With an order

136-137.