

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	51	Press
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Dated	9-1-1867	

88-87

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Not to be folded or roughly handled

No. 88. Read the following letter from G. BANBURY, Esq., Magistrate of Trichinopoly, to the Chief Secretary to Government, Fort Saint George; dated Trichinopoly, 8th December 1866, No. 63.

In compliance with Proceedings of Government, dated 2nd ultimo, I have the honor to forward copies of the Court's Calendar of the Judge's depositions taken in his own hand, and copies of the papers connected with the Head Assistant's investigation into the Sub-Magistrate's conduct. As regards Mr. Comyn's investigation, it was made personally, and the Sub-Magistrate submitted written explanation; upon this Mr. Comyn issued an order, a translation of which I send, and which details his opinion and decision upon the case. Two Memoranda by Mr. Comyn, one prepared for my information before the receipt of the Government Order, and one prepared subsequently, are also submitted. Should Government wish to see the *original* papers and remands, they can be called for from Mr. Robinson's office, as they were sent there by Major Hearn. The Sub-Magistrate has asked to be allowed to draw up a concise answer to what has been urged against him. This was not asked for, but as Major Bates has had his say *in extenso*, and as Government may wish for the Sub-Magistrate to have an opportunity of reply, I will submit this paper also, should Government permit.

2. Although Government have not asked for any expression of my opinion regarding Mr. Robinson's animadversions upon the Town Sub-Magistrate, and although I was not here when the matter occurred, I trust that these few brief remarks may not be deemed amiss, and that Government may be pleased to take them into consideration when disposing of the present charge against this Officer, who, I can truly say, is one of the most efficient and upright public servants that I have yet met with.

1st.—The station Copoo is not in the Town Sub-Magistrate's jurisdiction, so that, even supposing he had ever granted a remand to that Lockup, which most certainly he never did, the Police should have declined to take the prisoner there.

2nd.—Mr. Robinson says, granting the remands without seeing the individual remanded was "irregular" and contrary to "law." I am not aware wherein the illegality exists, neither does Mr. Robinson point it out. I can only say I have done it frequently myself, and feel sure that almost every other Magistrate in the Service has done the same.

3rd.—Mr. Robinson avers that the delay of one month, owing to granting remands, admits of no "justification." This is hardly fair. The Sub-Magistrate erred, it is true, in this respect, but not inexcusably. Even an English Magistrate does not like to refuse remands, when solicited to grant them. He wishes to oblige and aid the Force, and is most unwilling to hamper or thwart their prospective efforts in any way; thus, he frequently errs on the side of leniency. How much stronger then is the case with regard to a Native Sub-Magistrate, with whom other considerations, such as fear of incurring displeasure, and of unfavorable report to the District Magistrate, are likewise inducements to yield to the request. Thus, *practically*, it is not easy for a Native Sub-Magistrate to refuse a remand, when those in Police authority base their request on the ground of being able to obtain further evidence; to say "no" requires in fact more firmness and more moral courage than is usually bestowed upon the Native Sub-Magistracy, or, indeed, upon Natives of any class.

4th.—Finally, what object could the Sub-Magistrate have had in imperilling his position, by conniving at the torture in the manner alleged by the Superintendent. If the case against Maruday broke down, the Sub-Magistrate was no loser; if conviction ensued he was no gainer—he had in fact no reason whatever for jeopardizing his prospects.

List of papers forwarded to Government with letter, No. 63, dated 8th December 1866.

- 1.—Translation of the Urzee addressed by the Sub-Magistrate of Trichinopoly, to Mr. Comyn, the Acting Head Assistant Magistrate.
- 2.—Do. do. the Order sent by Mr. Comyn to the Sub-Magistrate.
- 3.—Copy of Mr. Comyn's Memorandum, dated 28th October 1866.
- 4.—Do. do. dated 27th November 1866.
- 5.—Copy of Court's Calendar.
- 6.—Do. Depositions taken by the Judge in his own hand.

(Signed) G. BANBURY,
Magistrate.

Translation of an Urzee from the Sub-Magistrate of the Town of Trichinopoly, to the Acting Head Assistant Magistrate of Trichinopoly.

A petition was presented to you by one Rasilingam, of Wariore, stating that his brother Marudanaigum was arrested, confined in custody, and prevented from being allowed for his meals by the Head Constable Vythilingam, on the score of the said Marudanaigum having been suspected to have been implicated in the theft that was committed in the house of Rutnum Chetty. The said petition was endorsed to me for inquiry and report. Whereupon, an order was issued by me to the petitioner, for his appearance before me, and on the 26th instant, he appeared before me. On his being questioned on the subject, he deposed to the effect that he presented the petition, simply because that his brother Maruday was prevented from going out for his meals from the station-house; and that there were no witnesses to prove the same.

The undermentioned individuals, who were suspected to have been concerned in the theft that was committed in the said Rutnum Chetty's house, and arrested as such by the Head Constable Vythilingam, and confined in custody, have been examined together with the said Head Constable Vythilingam.

- 1 Seenevassien, Conicopilly of the said Rutnum Chetty.
- 1 Maruday.
- 1 Rettamalay.
- 1 Narumben.
- 1 Kalla Muttu Karuppen.

The Head Constable, Vythilingam Pillay, deposed to the following effect:—That the Seenevassien in question was acquainted with Vyapoory Kadran and others of the Kolla Caste, residing in Nanalputti; that on the day previous to the date on which the theft was committed in the said Rutnum Chetty's house, the said Seenevassien was in company with, and speaking to, the said Vyapoory and Maruday; that while he (the said Head Constable) was suspecting them on the above grounds, Kalamalay Veeruppen, who was formerly implicated in a robbery and sentenced to seven years' imprisonment, and another by name Pichakutti Asary, a goldsmith of the Palakarai Yada-theruvoo, for whose apprehension a warrant was formerly issued, on the ground that he was in the habit of receiving and melting stolen property, and of taking part in robberies, were talking to one another in the garden belonging to the said Maruday; that these individuals were suspected by the complainant also; that, on these grounds, he, the said Head Constable first arrested the said Seenevassien, Maruday, and Rettamalay; and subsequently the rest, viz., Narumben, Muttu Karuppen, and others who were identified by the former three individuals. From the depositions of the said Seenevassien and Maruday, there appear to be sufficient grounds for their being arrested by the said Head Constable Vythilingam, in reference to the theft above alluded to.

On being questioned as to the cause of the detention of the said Seenevassien, Maruday and Rettamalay in the station-house from the 22nd May, the said Vythilingam deposed to the following effect:—That, while the prisoners were confined in Dark's Bridge station-house, in pursuance of the remand warrant which he, the said Head Constable, obtained to that effect, he had to proceed to the Kulutalay Taluq on account of the Terukambiliore robbery which he had detected; that he had returned from a tour to some villages within the limits of Poodocottah, where he had accompanied, under the orders of the Superintendent of Police, the Head Quarter Inspector, for the apprehension of the parties implicated in the Vannaraipetta robbery; that, during these intervals, Seenevassien and Maruday were giving some clue as to the discovery of the stolen property; that, recently, when the said prisoners were at Copoo station, Maruday stated that some of the stolen property was buried under ground in the dunghill of his house; that this was reported by him (i. e., the Head Constable); that, before he was able to take out the said property, he had to go, all on a sudden, to the Kulutalay Taluq, on account of the Terukambiliore robbery case. In the reports that were submitted by the Head Constable relative to the prisoners in question, it was stated that there was a clue as to the discovery of the property; that, if the prisoners were released, the matter would be revealed out, and the property in consequence would not be found; and that, therefore, remand warrants should be granted. Moreover, on my personally questioning the first prisoner, he spoke to me in such a manner as betrayed a likelihood of the property being discovered, and I, in consequence, now and then issued orders for the speedy discovery of the same, and gave remand warrants, piecemeal, for the detention of the prisoners at the Dark's Bridge station-house in the following order:—One remand warrant from the 23rd May to the 25th, another from the 26th May to the 29th, a third from the 30th May to the 4th instant, a fourth from the 5th June to the 8th, and subsequently two more remand warrants extending up to the 20th. The last remand warrant given up to the 20th for the two periods therein specified, has not as yet been returned by the Police. I have forwarded, for your inspection, only the first remand warrant. Although remand warrants were thus granted, as no charge substantiating the crime was forthcoming, I released the prisoners.

On my questioning the said Vythilingam Pillay as to the removal of the prisoners Seenevassien and Maruday from Dark's Bridge station-house to that of Copoo without permission, he deposed to the following effect:—That he had to go out of the town frequently on account of the Terukambiliore and Vannaraipetta robbery cases above referred to; that Mr. Kay, the Town Police Inspector, and the Town Constables were offended with him (i. e., the said Head Constable) for his having, under the orders of the Superintendent of Police, and in company with the Head Quarter Inspector Narrainsamy Moodelliar, interfered with a case that had occurred within the limits of the said Mr. Kay and his Constables; that he was afraid that the matter would, therefore, come out, and property would not be brought to light by the prisoners Seenevassien and Maruday who were apprehended by him; that, for these reasons, he removed the said two prisoners to the Copoo station-house; and that he did not report the same to the Magistrate. The reasons assigned for the removal of the prisoners from Dark's Bridge station-house to that of Copoo, without either obtaining the permission of the Magistrate or informing him of the removal, are not satisfactory.

The period of the remand warrant expired on the 20th, on which date the prisoner Maruday was not brought before me. The Police neither obtained another remand warrant for a further period, nor communicated any proper grounds for not having done so. On informing the Superintendent of Police of this, the prisoner was brought before me on the 23rd. The prisoner in question agreed in his deposition, and in the Reports and depositions of the Head Constable Vythilingam, which the former admitted to be true, to take out and give over the property, and before his house was searched, to ascertain whether or not the property was in it, he was removed from the Copoo station by Mr. Simpson, the Police Inspector, to the house of the latter, who allowed the said prisoner Maruday to go to his own house for his meals on the 19th, and kept him in his (Mr. Simpson's) own house for four days from the 19th to the 23rd. Besides, Mr. Simpson

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commenced the searching of the house after 5 in the evening, returned on the same day, and continued the search on the next day. These are acts quite contrary to rules, and it will appear to you that they are penal under the Police Act also.

Under these circumstances, I have written this, in order that you may issue such orders as you deem proper, relative to the fact of the Head Constable having removed the prisoners from one station-house to another, as well as to that of the Inspector of Police having violated the Rules and Acts. Vythilingam Pillay's reports and depositions, forming 21 documents, as shewn in the list, are herewith enclosed.

(True Translation.)

(Signed) V. LINGAM AIYANGAR,

Translator.

Translation of a Takeed from W. H. Comyn, Esq., Acting Head Assistant Magistrate of Trichinopoly, to Kristnier, Sub-Magistrate of the Town of Trichinopoly; dated 16th July 1866, No. 60.

Read Urzee received from you, bearing No. 79, relative to the petition presented by one Rasilingam of Viroopachipuram, stating that Head Constable Vythilingam confined in custody his viz., Rasilingam's brother Marudanaigum, and troubled him, suspecting him to be connected with the theft that was committed in the house of one Rutnum Chetty at Wariore.

It is stated in your Urzee that, on the representation of the Police, remand warrants were issued on several occasions for the detention of Seenevassien and others arrested by the said Head Constable, on the score of suspicion of having been implicated in the theft that was committed in the said Rutnum Chetty's house, and that the Police, not only removed the prisoners in question from one station-house to another, but also acted contrary to the rules in regard to the searching of houses.

1st.—You have issued remand warrants on the mere representation of the Head Constable, that the prisoners were arrested on suspicion of being implicated in the theft above alluded to, and that remand warrants should be issued for their detention. In cases in which remand warrants may be applied for, without the production of a charge sheet, inquiries should be instituted into the matter, and then remand warrants issued, if there were proper grounds for so doing. It does not appear you have made any inquiries as to the existence of any such grounds.

Even if the remand warrants were issued previous to the presentation of a charge sheet, you should have at least sent for the charge sheet, &c., subsequently, and instituted proper proceedings in the matter. Instead of doing anything of the kind, you have been giving remand warrants on several occasions successively, for four or five days on each occasion, making in all 29 days. This is not right.

Even in your having issued, thus, remand warrants on several occasions, it does not appear you have sent for the parties before you, and personally inspected them previous to the issuing of the remand warrants.

The very fact of your omission in this respect has given rise, not only to the removal of the prisoners by the Police, who have acted as they liked, from this station to the Copoo station, which was distantly situated, but also to the prisoners presenting a complaint that they were tortured by the Constable.

On a complaint received by me that the prisoner was prevented from being allowed for his meals and subjected to restraint, an order was issued to you by me, in the shape of an endorsement, on the 2nd June to inquire properly into the case and report thereon. If, after the receipt of my order, at least you had paid attention to it, and commenced inquiries into the matter, there would have been no room at all for the commission of the acts above alluded to; neither would there have been any cause for the preferring of any such complaints. You have not only failed to do so, but also procrastinated in vain for a long time. You have not explained the cause of such a long delay, neither does it appear that there was any ground for such a delay.

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You have written this Urzee so late as the 2nd instant, previous to which a second complaint was received, to the effect that the prisoner in question was tortured by the Head Constable, and proceedings were commenced relative to the said complaint by the Taluq Sub-Magistrate, to whom the same was referred for inquiry. Further, it gives room to suspect that, had it not been for the proceedings taken by the Taluq Sub-Magistrate, you would have still more delayed taking any notice of the matter.

It is therefore plain that the omission on your part to pay attention to the matter at the very commencement itself, and to institute proper proceedings therein, is chiefly the result of your having been afraid of the Police (which led to such irregular proceedings), while the fact of your having delayed to take any steps in the matter for a long time, even after the receipt of my order, is attributable to your negligence.

Under these circumstances, you are strictly warned to give no room whatever in future to such irregularities and delay. The 21 documents that accompanied your Urzee are herewith returned.

(True Translation.)

(Signed) V. LINGAM AIYANGAR,

Translator.

First Memorandum drawn up by Mr. Comyn for Magistrate's information, upon the latter's return to the District, and previous to receipt of Government Order.

On the 12th of May last, a house-breaking was committed at Rutnum Chetty's house, at Wariore, and property to a considerable amount was stolen therefrom.

On the 22nd of May, three persons named Rettamalay, Maruday and Seenevassien, who had been arrested by the Police on suspicion of being concerned in the above offence, were produced before the Town Sub-Magistrate Kristnier. This Officer gave a remand warrant for the detention of these three prisoners in Dark's Bridge station, up to the 25th of May. This warrant was renewed, upon the request of the Head Constable Vythilingam Pillay, on the 26th May, again on the 29th of that month, again on the 4th of June, on the 9th of June, and on the 16th of June; on the latest remand extending to the 20th of that month. All the remand warrants (which were on two separate pieces of paper) were addressed to the Head Constable of Dark's Bridge station. These remand warrants I have forwarded to Major Hearn (at his request), to be returned.

On the 5th of June, the prisoners Maruday and Seenevassien were removed to Copoo station (10 miles distant, and out of the Town Sub-Magistrate's jurisdiction, and in a different Police Range.) The third prisoner Rettamalay was kept at Dark's Bridge station. On the 10th of June, the prisoner Maruday was tortured by the Head Constable Vythilingam Pillay at Copoo station. On the 18th June, Inspector Simpson found him in the station (Copoo) with his arms bruised and sore; and upon Maruday's telling Simpson what had happened, he was brought into Trichinopoly by Simpson. A charge was subsequently framed against Vythilingam Pillay, under Section 33, Indian Penal Code. The case was referred by me (having other work on hand) for preliminary inquiry to Pattabhiram Pillay, Taluq Magistrate, and was thrown out by him, on the ground that, though the case was a true one, the evidence adduced to prove it was not reliable.

I thereupon sent for, and perused, the proceedings, and directed the complainant Maruday to petition the Session Court, to order the re-commitment of the case. He did so; the case was re-committed, and the Head Constable Vythilingam was convicted, and sentenced to one year's rigorous imprisonment.

How, and why the prisoners were taken to Copoo station.—In Head Constable Vythilingam's statement, made before the Town Sub-Magistrate on the 26th June, he admits that Maruday and the other prisoners were remanded to Dark's Bridge station up to the 20th June, but that, on the 5th June, he took the prisoners to Copoo station, because he did not trust the Constable at Dark's Bridge station, on account of some jealousy which had arisen between himself (backed up by Narrainasawmy Moodelly, Inspector) and Inspector Kay, on account of his (Vythilingam's) having arrested the prisoners, and taken up the case, in the Range of Inspector Kay.

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In Vythilingam's statement, made on the 3rd July, before the Taluk Magistrate, he admits that he mentioned this jealousy, and his apprehension that the Town Constables would assist Maruday to get off, to Inspector Narrainsawmy Moodelly, and that subsequently the prisoners Maruday and Seenevassien were brought to him to Copoo station, by two Constables, and by the said Inspector Narrainsawmy Moodelly's order, but no remand warrant was brought with the prisoners, and they were kept in Copoo station some 10 or 15 days without a remand warrant.

From this it would appear that Inspector Narrainsawmy Moodelly gave the order for the removal of the prisoners to Copoo station. By what authority?

Major Bates (the Superintendent) admits that he gave Narrainsawmy an order for the removal of the prisoners as above (an explanation should be given by Major Bates on the subject), but he states that he gave this order with the Town Sub-Magistrate's consent (expressed or implied); that in the course of a conversation between him and the Town Sub-Magistrate, it was agreed between them that it would be advisable to move the prisoners from the Dark's Bridge station, to a station where they would be out of the way of intrigue; that the Town Sub-Magistrate said they might be taken to Copoo, that being the least distant from Trichinopoly of the out-stations.

As to this, the Sub-Magistrate states that he did confide to Major Bates that he knew that the prisoners, (and all prisoners in heavy cases) [?] were likely to be tampered with, at the Fort or at Dark's Bridge station, and that it would be a good thing to move them thence to other (②) station, but that neither did he nor Major Bates make mention of any particular station, and that the Copoo station was not brought into the conversation at all. The Sub-Magistrate further says that he did not give his consent for the removal of these prisoners to Copoo, and did not know that they had been taken there, until the torture had taken place, and the men brought back again. These statements are exactly opposite.

Major Bates' inference therefrom is that it remains to be shown who is the greater liar, he or the Sub-Magistrate. I should rather be inclined to reconcile the difference, and at the same time to give both the Superintendent of Police and the Town Sub-Magistrate the full credit for truthfulness, which they have hitherto enjoyed in such a remarkable degree at the outset. It is not unlikely that the exact tenor and words of the conversation, may have been forgotten by either or both parties, or it is only fair to both to assume that they may not thoroughly have understood each other, seeing that Major Bates' knowledge of Tamil is *nil*, while the Sub-Magistrate's English is decidedly questionable—part of the conversation it is said took place in Hindoostanee—in which case memory may have been at fault. It is, therefore, at least doubtful whether the Sub-Magistrate consented to the prisoner's removal to Copoo station.

Even if he had done so, the Superintendent was not authorized to order their removal without a remand to that station.

Inspector Kay does not appear to have noticed the fact of the remand being to a station in his range, or the absence of the prisoners from that station to which they had been remanded.

Moreover, remands were continually asked by the Constables of the Dark's Bridge station, after the prisoners had been actually removed therefrom.

In Mr. Robinson's report to the Government on the subject, he states that the Town Sub-Magistrate "deliberately acted contrary to law." It appears to me that the Sub-Magistrate, on the other hand, acted without any deliberation at all, and I fail to see in which way his proceedings were illegal. I know of no law which makes it binding on a Magistrate, before granting a remand warrant, to see the prisoner, though in practice it is always desirable to do so. The Sub-Magistrate, however, did see the prisoner Seenevassien.

There is no doubt but that Sub-Magistrate was not justified in authorizing the detention of the prisoners in custody, upon a mere Police report; no evidence was forthcoming, and the prisoners should have been released on bail, or altogether. The Sub-Magistrate was weak in this particular; but believing that the case against the prisoners was true, and that it would be brought home to them, he yielded to the solicitations of the Police, and remanded them. He, however, committed a great error in remanding the prisoners so many times, when the grounds for doing so were just as insufficient as in the first instance.

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I do not consider that the Sub-Magistrate is in any way responsible for the torture committed on the prisoner at Copoo station, though by his laxity of procedure, and want of exercise of supervision over the action of the Police, he, though unwillingly, did make the way easy for the commission of irregularities by them. His conduct has been open and straightforward throughout in this case, and the absence of any evil design, or personal motives, in the case, coupled with a consideration of his uniform good conduct, and invaluable services in his present difficult post, was the cause of my passing on him no heavier punishment than a severe reprimand.

(Signed) W. H. COMYN.

28th October 1866.

Memorandum by Mr. Comyn, No. 2.

In my Memorandum, written on the 28th October 1866, I confined my remarks chiefly to the history of the case, the conduct of the Police and of the Sub-Magistrate in the matter, and wound up by a general statement that I had severely reprimanded the latter for his conduct in the same, giving, generally, my reasons for so doing. The Government I see, in their Order, dated 2nd November 1866, No. 1727, wish to have the "record connected with Mr. Comyn's investigation into the conduct of the Sub-Magistrate." I will now proceed to state what this record is, and how the matter came to my knowledge.

On June the first, the brother of the man Maruday, who was subsequently tortured, presented a petition, stating that Maruday was not properly cared for, and did not get his food regularly in the station (what station he did not say). This petition I referred to the Sub-Magistrate "for strict inquiry and report." This petition has been sent up to the Inspector General by Major G. Hearn. It is the document marked D in paragraph 26 of that Gentleman's letter. This petition was not reported on by the Sub-Magistrate until the 3rd of July. In the meantime, Maruday had been taken to Copoo station, and had been brought back again. The Sub-Magistrate's Urzee on this point has also gone up to Inspector General (marked J, in paragraph 26 of Major Hearn's letter.) It was not satisfactory, and what had occurred at Copoo in the interim having come to light, I reprimanded the Sub-Magistrate. This reprimand is with the Sub-Magistrate. (The Office copy has been sent up by Major Hearn to Inspector General, and is marked K in paragraph 26 of his letter.) The reprimand is a lengthy one, and contains a review of the Sub-Magistrate's conduct in the matter, with severe strictures on those points in which the Sub-Magistrate had erred.

I particularly requested Major Hearn *not* to send up the originals (D, J, and K), but if he wanted to communicate the information contained in them to the Inspector General, I asked him to take copies of them. It will now be necessary to obtain these documents from the Inspector General; at least document D should be obtained. The Sub-Magistrate has K and his office copy of J, from which copies could be made for the information of Government. I may mention that I have gone through and examined the occurrence sheets in the matter, sent by the Police to the Sub-Magistrate and the remand warrants given by him.

(Signed) W. H. COMYN.

27th November 1866.

Proceedings of the Madras Government, Judicial Department,
9th January 1867.

CALENDAR CASE No. 34 of 1866.

Marudanaigum Pillay, 1st witness.

Father's Name	...	Mootoo Caroopath Pillay.
Age	...	28 years.
Caste	...	Vellalah.
Calling	...	Gardener.
Religion	...	Siva.
Residence	...	Wariore, Trichinopoly Taluq.

On the morning of the 22nd of May, about 8 or 9 A. M., 1st prisoner with other Policemen (whose name I don't know) came to my garden in Wariore, and, saying he wanted mangoes and would give me advance, took me to the Wariore station. He delivered me over to the 2nd prisoner, saying, he would take me to Palacary, and give the money. He, the 2nd prisoner, took me to the Palacary station, and there told me that Wariore Ratnum Chetty had given information that I was one of those who robbed him, and that I had better tell the truth. I at once denied. They kept me in the Palacary station for thirteen days. On June the 3rd, in the evening of one Sunday, No. 51 Constable, Narrainsawmy, came and took me and 2nd witness, then also detained in Palacary station, to the Copoo station, and at one o'clock that night delivered us over to 1st and 2nd prisoners, who were there. Second prisoner was in the station-house, and 1st prisoner was in the house adjoining the station. He came out and saw us. From the 3rd night until the 10th of June they kept us in the Copoo station-house. The 2nd witness and I were always kept in one room. At about 10 o'clock at night on the 10th of June, 2nd witness having gone outside for food, I laid down and fell asleep in the room. 1st and 2nd prisoners came and awoke me. I got up, and found them in the station-house; besides 1st and 2nd prisoners, the 3rd, 4th, and 5th prisoners before the Court. They brought a cotton rope, and a coir rope, some sand, a cloth and chillies. 1st prisoner seized my right hand; 2nd prisoner caught my left hand; 3rd, 4th, and 5th prisoners spread sand on the cloth, and bound the right and left arms round tightly each with a cloth, and then bound rope over each cloth tightly; they then poured water on each cloth; they then pinioned my arms behind my back, and, fastening a rope over a beam in the station-house, pulled me up fastening the rope to the one tied behind me, and lifted me from the ground six feet. 2nd witness returned just as I was tied up, when 2nd prisoner pointed me out to him, and threatened to servo him in the same way. I cried out loudly. 5th prisoner stuffed a cloth in my mouth; 3rd and 4th prisoners held the rope. They pulled me up to the beam, until 3rd prisoner gave the rope to 5th prisoner, and taking the cloth from 5th prisoner again thrust it in my mouth, and seized my back hair. 1st prisoner then put chillies on the ground under me, and set fire to them. I then soon lost all sense. Next morning my arms were all swelled, and there was a wound under the shoulder of each arm. On the 18th of June, Inspector Simpson came to the Copoo station—I made my complaint to him, and showed the marks on my arm; and on the 19th, he sent me, with Constable Syed Mohideen, who brought me to the Deputy Inspector General of Police, Major Hearn. He sent me and the Inspector Simpson and the Constable to Mr. Comyn, the Head Assistant Magistrate, he sent me and Mr. Simpson to the Garrison Doctor's house, and the Doctor gave the certificate I herewith produce in Court, and there spent and remained five days in Inspector Simpson's house. On the 20th and 21st, the Police searched my house, but found nothing, and on the 23rd, they sent me to the Town Sub-Magistrate, to be tried for the robbery in Ratnum Chetty's house; there being no proof against me, he released me at once that same day. It was about 6 o'clock, next morning when I awoke, sensible. 2nd witness, Seenevassien, was also in the room; 3rd and 4th prisoners were then in the station on duty. I don't know who untied me or took off the cloths. About sunset on the 10th of June (Sunday), 3rd, 4th, and 5th witnesses came and brought me food to the station-house; I saw them at the station-door. When they tortured me in the manner I describe, both doors of the room were shut, but the window on the west side was open; there was an oil lamp lighted and burning in the room. I don't know if there was moon that night or not. Next morning when I awoke, I took an opportunity of asking Seenevassien, 2nd witness, where Head Constable Vythilingam was; he replied that, on their letting you down again last night, he went off. This is all we spoke together, as we were watched. The 3rd, 4th, and 5th witnesses brought me that evening a rice "Sathum" which I eat. There is no house within 200 feet of the station-house, except the Government building in which 1st prisoner lives.

1st Prisoner's Question.

Q. Were we in uniform or in plain clothes?

A. All in plain clothes.

(தப்பம்) மருதனாயகம் பிள்ளை.

The remaining prisoners put no questions.

(தப்பம்) மருதனாயகம் பிள்ளை.

This deposition was read over to the witness in Tamil language, which he understands, and he acknowledged it to be correct.

Solemnly affirmed before me in open Court, this 5th September 1866.

(Signed) A. R. McDONELL,
Session Judge.

Proceedings of the Madras Government, Judicial Department,
15th January 1867.

Calendar Case No. 34 of 1866.

Seenevassien, 2nd witness.

Father's Name	...	Shokoovien.
Age	...	30 years.
Caste	...	Brahmin.
Calling	...	Accountant.
Religion	...	Vishnoo.
Residence	...	Nungaveram.

On the 22nd of May last, in the afternoon, about 4 o'clock, I was apprehended on suspicion of being connected with the robbery in Wariore, Ratnum Chetty's house. I was his Accountant; and after keeping me in Palacary, they took me and 1st witness (Marudanaigum Pillay) to Copoo station, where we arrived about 1 or 2 o'clock at night, and delivered us over to 2nd and 3rd prisoners. 1st prisoner was not there. I did not see him at all that night. This was on the night of the 3rd June. I was in custody at Copoo station until the 12th of June. From the 3rd of June till the 12 of June, 1st witness and myself were kept in one room. On the night of the 10th June, about 7 P. M. I went, I was let out to eat rice in charge of 4th prisoner, Gopaulsamy. At 9 o'clock at night, he brought me back to the station outside near the door; they did not take me inside. I then saw 1st and 2nd prisoners, they told me to state truly about the robbery. I denied all knowledge regarding the robbery. They then told me to remain outside, and 1st and 2nd prisoners went into the station-house. 4th prisoner, who had brought me from rice, had also previously gone. I don't know who else went inside the station-house, but I soon heard 1st witness cry out, don't tie me. I then, in a quarter of an hour, heard groans. I remained outside—no one came out of the door-way; so, in a quarter of an hour, being sleepy, I went to go inside—the door was shut. 2nd prisoner came outside, and taking me by the hand shewed me 1st witness, who had his arms pinioned behind him, and was suspended about two "Moshums" from the ground, by a rope to a beam in the room, and said he would serve me the same. There was a lamp light in the room at the time. I saw in the room the 1st, 3rd, 4th, and 5th prisoners, that is when 2nd prisoner took me in. They were all standing near where 1st witness was hanging; no one had hold of any rope—the rope 1st witness hung by was made fast to the beam. I then came outside the station to the "Mootam". I afterwards, in about $\frac{1}{2}$ of an hour, went back to the room, where 1st witness was lying down apparently senseless, but I did not speak to him. When I was outside I smelt something like burnt chillies, but I did not see any chillies when I was taken inside. Next morning he asked me, what did they do to me last night after shewing me to you; I answered, that I had left so did not know. He shewed me wounds in each arm. 1st witness' hands were pinioned behind with a cotton rope, but with what rope he was tied up I cannot tell. There is no house near the station but the Police houses.

1st Prisoner's Question.

Q.—Did you mention all this to any one?

A.—No.

Q.—How far are the villagers' houses from the station?

A.—About (25) twenty-five or (20) twenty yards off—the station is on the road.

2nd Prisoner.

Q.—Could any one outside hear the noise 1st witness made?

A.—Yes, if there was any one outside to hear.

The other prisoners put no questions.

By the Court.

Q.—Were any of the prisoners in uniform, or were some of them in plain clothes?

A.—Not one of the prisoners that night had on uniform, all were in plain clothes.

(தப்பம்) செனீவாசியன்.

Proceedings of the Madras Government, Judicial Department,
9th January 1867.

This deposition was read over to the witness in Tamil language, which he understands, and he acknowledged it to be correct.

Solemnly affirmed before me in open Court this 5th day of September 1866.

(Signed) *Æ. R. McDONELL,*
Session Judge.

Calendar Case No. 34 of 1866.

Marudaya Pillay, 3rd witness.
Father's Name..... Ramasamy Pillay.
Age..... 40 years.
Caste..... Vellalah.
Calling..... Gardener.
Religion..... Siva.
Residence..... Wariore in Trichinopoly Taluk.

When 1st witness was in custody at the Copoo station, I, 4th and 5th witnesses, on Sunday, the 10th of June last, went to Copoo, where we arrived about 6 p. m. We went there to take food for our relation 1st witness. We took a rice "Sathum" for him, enough for one meal. I carried the bundle of rice; 4th and 5th witnesses came only for company. We went to the station-house where we saw 1st prisoner and 3rd prisoner. He, that is, 1st prisoner, asked us who we were, and we told him we had brought 1st witness food. He told us to put it down and go, so we did so and returned to Copoo village. We there put up, as rain came on, in the Copoo "Amman Kovil." Two persons in the road were talking of some one making a noise in the station. We went back to the station, about 10½ p. m.; the door was shut. We went round and found, on the west side, the window open, and saw the light inside. We looked through the window, and saw 1st witness suspended to a beam with his hands behind his back, and smelt at the time a smell of chillies burning. If we remained there we should cough, so we ran off. I saw 1st prisoner inside with something in his hand as if he was going to write, saying to 1st witness, "tell, tell." I don't know what was in 1st prisoner's hand. 2nd prisoner had hold of the rope tied to 1st witness, and was swinging him about. 3rd prisoner was sitting down. They were none of them in uniform. I took rice three times to 1st witness when he was in custody at Copoo. I did not tell any one of this. I have heard my deposition given before Sub-Magistrate. I said the same as I now state before the Court. I saw 1st, 2nd, and 3rd prisoners at the time in the room with 1st witness tied up.

Prisoners put no questions. We looked through the window standing some 4 or 5 feet off. There was room only for two people to look in, at once. I looked in first, then 4th and 5th witnesses. 1st witness was not tied up opposite to the window, he was suspended two feet on the north side of the window.

(ஒப்பம்) மருதயாபிள்ளை.

This deposition was read over to the witness in Tamil language, which he understands, and he acknowledged it to be correct.

Solemnly affirmed before me in open Court this 5th September 1866.

(Signed) *Æ. R. McDONELL,*
Session Judge.

Calendar Case No. 34 of 1866.

Muthaya Pillay, 4th witness.
Father's Name... Ashaka Pillay.
Age..... 30 years.
Caste..... Vellalah.
Calling..... Paddy Storekeeper.
Religion..... Siva.
Residence..... Wariore, Trichinopoly.

Last Vyasy 29th, Marudaya Pillay, 3rd witness, I, and 5th witness, went to Copoo, about sun-set, to take "Sathum" for 1st witness; 3rd witness carried the rice. We went to the station, and saw

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9th January 1867.

1st and 3rd prisoners outside. He asked us who we were, and on our telling him, he, 1st prisoner, told us to put it down and go away, which we did. We did not see 1st witness then, we returned to Copoo "Marriamman Kovil." Two persons passing in the road about 10½ said there was a noise in the station, so we went back to see. The door was shut; the window behind was open; there was a light. We looked in, and I saw 1st witness suspended by a rope from a beam, with his hands tied behind him. Marudaya Pillay looked first, then I, then 5th witness. He was tied up at one side, that is, the north side of the window. There were four or five persons inside, I don't know who. I saw no chillies though I smelt them. I went to within two feet of the window.

Prisoners put no questions.

(ஒப்பம்) முத்தியாபிள்ளை.

This deposition was read over to the witness in Tamil language, which he understands, and he acknowledged it to be correct.

Solemnly affirmed before me in open Court, this 5th September 1866.

(Signed) *Æ. R. McDONELL,*
Session Judge.

Calendar Case No. 34 of 1866.

Vencatachella Pillay, 5th witness.
Father's Name..... Narraina Pillay.
Age..... 45 years.
Caste..... Vellalah.
Calling..... Paddy Storekeeper.
Religion..... Vishnoo.
Residence..... Wariore, Trichinopoly.

On the 29th of Vyasy, I, 3rd, and 4th witnesses went to carry rice for 1st witness who was in custody at Copoo. We arrived at the station about 6 p. m., where we saw 1st and 3rd prisoners before the station. We told them we had brought 1st witness rice. 1st prisoner told us to put it down and go. We did not then see 1st witness; the station door was partly open. We went to Copoo, as it was raining, and put up in the "Amman Kovil." Two persons passing said there was a noise in the station-house, so we returned to the station. The door was shut, so we went round to the west, and finding a window open and light inside burning, we looked in. I saw 1st witness with his hands tied behind him suspended to the roof. I smelt chillies, but did not see any. We came away. 1st witness was tied up just north at one side of the window, the north side of the window, about a foot to one side. There were four or five people inside, but I don't know who they were. It was then about 10 o'clock, dark, and the persons had no particular dress on.

Prisoners put no questions.

(ஒப்பம்) வெங்கடாச்சலம் பிள்ளை.

This deposition was read over to the witness in Tamil language, which he understands, and he acknowledged it to be correct.

Solemnly affirmed before me in open Court, this 5th day of September 1866.

(Signed) *Æ. R. McDONELL,*
Session Judge.

Calendar Case No. 34 of 1866.

Cuddapah Kristnir, 6th witness.
Father's Name..... Adi Rathna Sastry.
Age..... 38 years.
Caste..... Brahmin.
Calling..... Government employ.
Religion..... Siva.
Residence..... Fort, Trichinopoly.

On or about the 23rd of June, the witness Marudanaigum Pillay now before the Court, came for inquiry before me, as being suspected of taking part in the robbery in Wariore Rutnum Chetty's

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9th January 1867.

house. As there was no proof against him, I at once released him. He did not make any complaint to me, neither did I take any notice of any marks of violence on his person, as I had no occasion to examine him closely.

(ஒப்பம்) இஷ்டமாயர்.
ச. இ. ச. மே.

This deposition was read over to the witness in Tamil language, which he understands, and he acknowledged it to be correct.

Solemnly affirmed before me in open Court, this 6th day of September 1866.

(Signed) A. R. McDONELL,
Session Judge.

Calendar Case No. 34 of 1866.

Pattabhiram Pillay, 7th witness.

Father's Name... Vencatachellam Pillay.
Age 33 years.
Caste..... Yathava.
Calling..... Tahsildar.
Religion Vishnoo.
Residence Tennur.

On the 6th of June, Marudanaigum Pillay now before the Court, appeared before me; and just below each of his shoulders, all round each arm, there were marks of rope having been tied tightly round, and the skin rubbed off. I examined him closely. The sores were healed, but there was clear traces of them.

(Signed) P. PATTABHIRAM,
2nd C. S. M.

This deposition was read over to the witness in Tamil language, which he understands, and he acknowledged it to be correct.

Solemnly affirmed before me in open Court, this 6th day of September 1866.

(Signed) A. R. McDONELL,
Session Judge.

Calendar Case No. 34 of 1866.

Vythilingam Pillay, Head Constable 241, 1st Prisoner.

Father's Name... Mootiamanikum.
Age..... 35 years.
Caste..... Oil Monger.
Calling..... Police Force.
Religion..... Siva.
Residence..... Copoo Station, Trichinopoly Taluq.

I am not guilty. On the night in question I was not even at Copoo station. I did not cause hurt to the 1st witness.

On Sunday, the 10th of June, I left Copoo about 6 o'clock p. m., and did not return there till the 16th instant. This Koolimany Ramasawmy knows, and Cavilgar Periyannan Ambalagaren.
(ஒப்பம்) வயித்திலிங்கம்.

Taken before me in open Court, this 5th day of September 1866.

(Signed) A. R. McDONELL,
Session Judge.

I have heard what the witnesses examined this day have said. I have nothing to say.
(ஒப்பம்; வயித்திலிங்கம்.)

Taken before me in open Court, this 6th September 1866.

(Signed) A. R. McDONELL,
Session Judge.

Calendar Case No. 34 of 1866.

Lutchumana Naik, Dy. Constable 127, 2nd Prisoner.

Father's Name... Tiroomal Naik.
Age..... 30 years.
Caste..... Kaverai.
Calling..... Police Force.
Religion..... Vishnoo.
Residence..... Samayavaram, Trichinopoly Taluq.

I am not guilty. I never caused hurt to the 1st witness.
(ஒப்பம்) லெச்சுமனாளுயர்க்கார்.

I have heard what the witnesses have stated. I have nothing further that I wish to say.
(ஒப்பம்) லெச்சுமனாளுயர்க்கார்.

Taken before me in open Court, this 5th September 1866.
(Signed) A. R. McDONELL,
Session Judge.

I have heard what the witnesses examined this day have said. I don't want to say anything.
(ஒப்பம்) லெச்சுமனாளுயர்க்கார்.

Taken before me in open Court, this 6th September 1866.
(Signed) A. R. McDONELL,
Session Judge.

Calendar Case No. 34 of 1866.

Mutusami, Constable 489, 3rd Prisoner.

Father's Name... Rungappa Naik.
Age..... 28 years.
Caste..... Vellalah.
Calling..... Police Force.
Religion..... Vishnoo.
Residence..... Copoo, Trichinopoly Taluq.

I am not guilty. I never caused hurt to the 1st witness.
(ஒப்பம்) முத்துசாமி.

I have heard what the witnesses have said. I have nothing to say more.
(ஒப்பம்) முத்துசாமி.

Taken before me in open Court, this 5th September 1866.
(Signed) A. R. McDONELL,
Session Judge.

I have heard what the witnesses to day have said. I have nothing to say.
(ஒப்பம்) முத்துசாமி.

Taken before me in open Court, this 6th September 1866.
(Signed) A. R. McDONELL,
Session Judge.

Calendar Case No. 34 of 1866.

Gopalsami, Constable No. 639, 4th Prisoner.

Father's Name... Vencatachella Naik.
Age..... 30 years.
Caste..... Vaidagan.
Calling..... Police Force.
Religion..... Vishnoo.
Residence..... Copoo, Trichinopoly Taluq.

I am not guilty. I never caused hurt to 1st witness.
(ஒப்பம்) கோபாலசாமி.

I have heard what the witnesses have said, and have nothing I wish to say.
(ஒப்பம்) கோபாலசாமி.

Taken before me in open Court, this 5th September 1866.
(Signed) A. R. McDONELL,
Session Judge.

I have heard what the witnesses to day examined have said. I have nothing to say.
(ஒப்பம்) கோபாலசாமி.

Taken before in open Court, this 6th September 1866.
(Signed) A. R. McDONELL,
Session Judge.

*Proceedings of the Madras Government, Judicial Department,
9th January 1867.*

Calendar Case No. 34 of 1866.

Karoopannan, Constable No. 515, 5th Prisoner.

Father's Name..... Permaul Pillay.

Age..... 20 years.

Caste..... Vellalah.

Calling..... Police Force.

Religion..... Siva.

Residence..... Copoo, Trichinopoly Taluq.

I am not guilty. I never caused hurt to 1st witness.

(தப்பம்) கருப்பண்ணன்.

I have heard all the witnesses have said, and have nothing further to say; but on the night of the 10th of June I was sick and never went to the station—this is known to Constable Narrainsawmy No. 51, and Syed Mohideen, No. 350.

Taken before me in open Court, this 5th September 1866.

(Signed) A. R. McDONELL,

Session Judge.

I have heard what the two witnesses to day have said. I don't wish to say anything more.

(தப்பம்) கருப்பண்ணன்.

Taken before me in open Court this 6th September 1866.

(Signed) A. R. McDONELL,

Session Judge.

Calendar Case No. 34 of 1866.

Ramasawmy, 1st Prisoner's 1st witness.

Father's Name..... Rakkun.

Age..... 40 years.

Caste..... Ambalagaren.

Calling..... Cultivator.

Religion..... Siva.

Residence..... Koolimany, Trichinopoly Taluq.

I don't know the date, but it was about 5 o'clock on the evening of one Sunday in "Vyasy," Periyannan Ambalagaren came to buy Bengal gram, "Kadalai," to my house. We were talking; 1st Prisoner Vythilingam Pillay came up, and asked if Yegeri or Rayan's relatives were in the neighbourhood—I said "no." Vythilingam then took me and Periyannan to look for Rayan and Yegiri. We went to Moolagoody, Tacchagoody, &c., when two Constables came from the east (don't know their names) Periyannan and I went home, it was then ten "nashais." We left Vythilingam in Peroor limits; from there to Copoo is one "Nashivashai."

(தப்பம்) இரத்த-சீரல் குமரசாமி.

This deposition was read over to the witness in Tamil language, which he understands, and he acknowledged it to be correct.

Solemnly affirmed before me in open Court, this 6th September 1866.

(Signed) A. R. McDONELL,

Session Judge.

Calendar Case No. 34 of 1866.

Periyannan, 2nd witness for 1st Prisoner.

Father's Name..... Yegiri Ambalagaren.

Age..... 30 years.

Caste..... Ambalagaren.

Calling..... Cavilgar.

Religion..... Siva.

Residence..... Peroor.

On the 29th of Vyasy, I went to Ramasawmy's house in Koolimany to buy "Kadalai." It was dark so Ramasawmy asked me to stop ricko. Four or five nashais after, 1st Prisoner, Constable

Vythilingam, came up, when he asked me who I was; I said I was Peroor Cavilgar (he knew me before, but it was dark), he told me to remain in Koolimany to look for Yegeri and Rayan. I and the Constable Vythilingam and Ramasawmy and others searched for them in Koolimany, Tacchagoody, unoodrum, Moolagoody. We could not find them, so we came to Peroor. From the east, two Constables came and spoke to Vythilingam; they went off, and I went home. It was then about 10 o'clock. 10 "nashais." We left Koolimany about 7 "nashais," 9 o'clock.

(தப்பம்) பெரியண்ணன்.

This deposition was read over to the witness in Tamil language, which he understands, and he acknowledged it to be correct.

Solemnly affirmed before me in open Court, this 6th day of September 1866.

(Signed) A. R. McDONELL,

Session Judge.

No. 89. ORDER THEREON, 9th January 1867, No. 51.

As the Government desire to have the case fully before them, Mr. Banbury will call for and submit, without delay, the original remands given by the Sub-Magistrate and the occurrence sheets of the Police, as also the original petition presented by Rasilingam, brother of Maruday. The Sub-Magistrate's defence should likewise be submitted, also his original Diary, as far as the present case is concerned.

(True Extract).

A. J. ARBUTHNOT,
Chief Secretary.

To the Magistrate of Trichinopoly.

Exd. J. Tulloch.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter
from the Magistrate of Trichinopoly.

Recd letter 8th December 1866. No 63.

Order thereon of Lau. 3. 1867 No 51.

As the Government
desire to have the case fully
before them, Mr. Bambar
will call for and submit
without delay the original
remands given by the Sub
Magistrate and the Occurrence
Sheet of the Police; as also
the original Petition pre-
sented by Rasilingam,
brother of Maruday.
The

The Sub Magistrate's defence
should likewise be sub-
mitted, also his original
Diary as far as the
present case is concerned.

W. H.

SH

To the Magistrate of } de, 1896
Trichinopoly }

ditto of 5 Feb

Archival 1867. Department.

No. 57

PROCEEDINGS OF GOVERNMENT.

Dated 9 January 1867.

*With
form*

19-12 80/R.H

~~11/11/51~~