

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	821	Press
		<u>Mis.</u>
Dated	18-8-1918	1867

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,
18th May 1867.

No. 206. Read the following letter from the Acting Advocate General, to the Chief Secretary to Government, Fort Saint George; dated Madras, 8th May 1867.

I have the honor to report the result of three cases in which I prosecuted, on behalf of Government, at the Sessions of the High Court which have just terminated.

2. The first case was a murder of a most singular and interesting character. Lalleta Persad and Baladeen, the latter a youth of about 16 or 17, were brothers who came from Cawnpore to Madras on their way to Ramaiswarum. During their stay at Madras they resided close to a Choultry at the back of the Ice-house. On Sunday the 24th March Baladeen left his house a little before 8 p. m. At that time he wore upon his wrists two massive bangles of solid gold, and great value. He never returned alive. His brother searched for him repeatedly during the night, and made inquiries the next day from certain persons named Paundy, Narasing Bhan, Gunga Doss, and Ramabhoye, wife of Gunga Doss. These were persons who lived close by in the Choultry, and in whose company Baladeen was often seen. No information could be obtained from any of them. Narasing Bhan encouraged Lalleta Persad by saying that "no doubt his brother was with some woman," and the brother seems to have accepted his suggestion as a probable one, for no information was given to the Police. The shroffs, however, were told to look out for the bangles.

3. On Thursday the 28th March Narasing Bhan was found trying to dispose of a part of a bangle. He was taken into custody, and the prosecutor being sent for identified it as a piece of one of the bangles his brother had worn. Narasing Bhan said that Baladeen had mortgaged it to him for Rupees 8 on the previous Sunday. Nothing was found in Narasing Bhan's house, but his mother-in-law, Munna Bhoye, gave a most important piece of information. She said that a few hours after day-break on Monday Narasing Bhan had come home in great agitation, and had at last told her that he and Govindoo had killed Baladeen, taken his bangles, and buried him in the Choultry. Search was made, and in a small room in a deserted part of the Choultry the body was found buried. The head was tightly wrapped round with a cloth, the right leg was bound back to the thigh, and medical examination showed that the left side of the face and left temple had been battered in with heavy blows. Both bangles were gone.

4. Detection now proceeded rapidly. Narasing Bhan accused Gunga Doss, Ramabhoye, and Paundy of having committed the murder, stating that he had been put at the gate of the Choultry to watch in case Baladeen's brother came by. Of course, he professed utter ignorance of what they were going to do till after it was done. Paundy accused Narasing Bhan, Gunga Doss, Ramabhoye, and Govindoo Lall. He said that he saw them leading Baladeen in the direction of the Choultry; that he followed them inside, and was an eye-witness of the murder and the burial of the body. Gunga Doss made no statement, but Narasing Bhan's wife, Gholab Bhoye, stated that on Sunday evening Gunga Doss and Baladeen came together to Narasing Bhan's house, and called him out; that he went out to them, and did not return that night. Govindoo Lall said that he had seen Baladeen at 5½ p. m. on Sunday sitting with Paundy, Narasing Bhan, and Gunga Doss, when he was on his way to the Fort, where he was employed on the Gas works; that the three last ran after him, and pressed him to come to the house of Gunga Doss at 8 p. m., to

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take part in some profitable business, whose nature they refused to disclose; that he left the Fort 9½ P. M., and got back to his house at a little after 10. His house was in the Choultry, between the place where the body was found and the rooms occupied by Paundy and Gunga Doss. Shortly afterwards Paundy, Gunga Doss, and Narasing Bhan came from the direction of the murder, palpitating and agitated, and went to wash themselves in a tank close to his house. The next morning they confessed to him that they had murdered Baladeen. The last piece of evidence against Narasing Bhan was afforded by himself on the 7th of April. The dish which had contained his food, while being removed by his friends, was found to contain a note written by him, describing where "both the things" would be found, and directing the sale of one. On searching in the place indicated, one entire bangle and the remains of the second were discovered.

5. The Magistrate committed Narasing Bhan, Paundy, Gunga Doss, Ramabhoye, and Govindoo Lall. But as the statements of the prisoners, so long as they remained mere confessions, could only be received against themselves, it was necessary to admit one of them to give evidence. I selected Govindoo Lall. There was the independent evidence of a man named Chinna Cunnoo, that he had been in the Fort that evening at 9, and had left at 9½. It was, therefore, just possible that he had no actual share in the murder, though I have no doubt that he was thoroughly cognizant of it. Further, as the evidence of Golab Bhoys could not be received against her husband Narasing Bhan, nor even against Gunga Doss if indicted with him, I directed a separate charge to be framed against Narasing Bhan for murder.

6. On Narasing Bhan's trial, the evidence of Govindoo Lall was corroborated by that of Munna Bhoys, by his own admission and by the discovery of the property in his possession. He was convicted and sentenced to death. The next day the three others were tried. There was no admissible evidence against Ramabhoye, and I told the Jury they must acquit her, which they did. But against Gunga Doss the evidence of Govindoo Lall was corroborated by that of Golab Bhoys, and against Paundy by his own admission. They also were convicted and sentenced to death. Govindoo Lall goes free. But I think that justice is amply vindicated by the rapid retribution which has overtaken the others. I do not know what the nature of Govindoo Lall's employment in the Fort Gas works may be; but if he is in the service of Government I should recommend his immediate dismissal, if it has not already taken place.

7. The next case was that of Madar Khan, who was indicted for murdering a little boy named Chaboo, by throwing him down a well. It appeared that he lived next door to the prosecutrix, who had till lately been a tenant of his, but had left his house because he quarrelled with her and her children. The only direct evidence against him was that of her little daughter, a child of six years old. Her testimony was most distinct and unshaken; that she saw him take up the boy and drop him into the well, and the prisoner was undoubtedly on the spot immediately afterwards. On the other hand, it was proved that the event happened at dusk, and that there was a tree between the house in which the little girl was when she witnessed the occurrence, and the well. The little girl stated on her preliminary examination that she had never heard of God, truth, or a future state, though she seemed to

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have an indistinct notion of a devil. The Jury acquitted the prisoner, and I think rightly.

8. The last case was that of Doorgan, who was indicted for stealing the contents of some Government packages sent up from the School of Arts for exhibition at Agra and Jubbulpore. It appeared that these cases were consigned to Binny & Co., on the 17th December 1866, for transmission to Calcutta, but from some unexplained cause they were still lying on the Beach on the 15th April last. On that day two Policemen found the prisoner close to two of the cases, not far from the Pier. The cases had been broken open, and he was busily engaged removing their contents into the gunny bags. The prisoner, a watching peon, pleaded that he was doing this for the purpose of preserving the property. The Jury, however, took a harsher view and convicted him of the theft. He was sentenced to ten months' rigorous imprisonment.

9. I should suggest that inquiry be made as to the cause of the delay in shipping these cases. If it merely arose from the negligence of Messrs. Binny & Co., they should be called on to make good the loss which has occurred.

No. 207. ORDER THEREON, 18th May 1867, No. 821.

Paragraphs 2 to 6 of the foregoing letter will be communicated to the Public Works Department, and attention will be drawn to the recommendation of the Acting Advocate General in the concluding sentence of paragraph 6.

2. Paragraphs 8 and 9 will be communicated to the Superintendent of Marine, and to the Superintendent of the School of Arts and Industry, with a view to the inquiry suggested in paragraph 9 being instituted, and the result reported for the orders of Government.

(True Extract).

Chief Secretary.

To the Advocate General.

„ Public Works Department.

„ Superintendent of Marine.

„ Superintendent of School of Industrial Arts.

Exd. J. Tulloch.

Superintendent

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Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter
from the *Ag. Advocate General*
(Dated 18 May 1867)

Order - Dated 18 May 1867 No. 821.

Paragraphs 2 to 6 of
the foregoing letter will
be communicated to the
Public Works Department,
and attention will be
drawn to the recommenda-
tion of the *Ag. Advocate*
General in the concluding
sentence of paragraph 6.

2 Paragraphs 8 and 9
will be communicated
to the *Superintendent*
of *Marine*, and to the
Superintendent

N.
JP
Wm

Superintendent of the School
of Art and Industry,
with a view to the enquiry
suggested in paragraph
9 being instituted, and
the result reported for
the Order of Government.

C. A.

To the Secretary of the
"Public Works Department"
"Superintendent of the School"
"Capt. L. J. School" }
"Secretary"

Ludwick 1864. Department.

No. 221.

PROCEEDINGS OF GOVERNMENT.

Feb 1208.

Dated 18 May 1864.

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