

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 1008

Dated 13 May 1895

INDEXED.

[Despatch Abstract.]

APPEAL AGAINST JUDGMENT OF ACQUITTAL.

Directing the Government Pleader, Madras, to prefer an-----
in Calendar Case No. 56 of 1894 on the file of the Deputy Magistrate
Madura Division.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	3320		95				

Order No. 691 of 95
Mgl
Madura District Magistrate's Office
4th May 1895

From

J. Twigg Esquire,
Acting District Magistrate
Madura

To

The Chief Secretary to Government
Judicial Department
With the Governor, Stone House Hill

Sir,

I have the honor to request that Govern-
ment will be pleased to instruct the Public Pro-
secutor to prefer an appeal before the High
Court against the judgment of acquittal
pronounced by the Deputy Magistrate Madura
Division in Calendar No 56 of 1894 on his file.
The date of the acquittal is 18th March 1895.

2 The facts appear fully in the judgment
in this and the connected case Calendar No 55 of
1894. Some Nadars of Minakshipuram desired
to celebrate a marriage with a palanquin pro-
cession. The use of a palanquin by Nadars
is strongly objected to by the other castes and the
question has produced much trouble before
this. The Police had orders to permit the pro-
cession if there was no danger of a breach of
the peace, but to stop it if there was such
danger as a sufficient force of police
to carry it through in face of opposition
could not be spared. Accordingly the
Police Inspector went to the spot and
finding that the attempt to celebrate

procession would inevitably occasion a serious breach of the peace, forbade the Nadars to have the procession. He stayed on the 8th, 9th and 10th July and then on the representation of the Nadars that the marriage was near, left the place with his men. The next morning, the Nadars collected armed with clubs with a decorated palanquin prepared to conduct the procession. A riot took place, in the course of which clubs and stones were freely used and the palanquin smashed. Fire was at this moment observed in one of the Nadar's houses and in the end some eighty houses were burnt with the loss it is said of one life.

3 According to the village officers and other witnesses whose account the Magistrate seems to have accepted in the main, the actual riot began by a Nadar striking one of the Chief men on the other side who was urging them not to persist in their intention, followed by a shower of stones from a Nadar roof. The opposite party then attacked the Nadars and destroyed the palanquin, and the riot was only stayed by the alarm of fire which drew everyone to see to the safety of his own house.

4 The Deputy Magistrate convicted the opposite party and the decision was

Nadars for the reason given in para 8 of his Judgment in Calendar No 56 of 1894. He said he could not positively find that the Nadars struck the first blow, that supposing the opposition made the first attack on the palanquin, the Nadars would have a right of private defence; and so he gave them the benefit of the doubt and acquitted them.

5 The decision appears to me to be wrong on the facts found. The Nadars assembled armed with clubs to enforce their right to go in procession and they undoubtedly formed an unlawful assembly. Under these circumstances, it would seem to be immaterial whether the first blow was struck by them or by the other side.

6. It appears to me to be dangerous to let this decision go unchallenged and allow the Nadars who deliberately disobeyed the Police orders and provoked the riot, to escape scatheless.

7 I have therefore the honor to forward the records and to request that Government may be pleased to direct the Public Prosecutor to present an appeal under Section 417 Criminal Procedure Code, to the High Court.

I have the honor to be
Your most Obedient Servant
D. S. M.

Judicial Dept

CURRENT NO

From

The District Magistrate
Madura

For order

as to whether an appeal
may be preferred in this case.

Submitted that the reason given in
para. 5 of the Dist. Magistrate's letter is
sufficient, the action of the Madras
clearly falling under clause 4 of s
141 of the J.P.C.

Dated 4th May 1895

R.O.C. No. 691 of 1895.

Recd 6
Regd 7 } May 1895

Enclosure: 1 bundle (no in number)
Sent separately by
parcel post-registered.

CHIEF CLERK

6 MAY 1895

Subject

Requesting to instruct
the Public Prosecutor
to prefer an appeal
before High Court
against the judgment
of acquittal in C. C. 567
1894 on the file of the
Deputy Magistrate
Madura Division

Order of 13th May 1895, no 1008

The Public Prosecutor will
accordingly be instructed to
prefer an appeal against the
judgment of acquittal in C.C. 567
on the file of the Deputy Magistrate,
Madura Division.

(for file)

11.5.55

5.11.95

Ed. Ramesh (atg) with enclosure 3

Despatched 9/5/55

When given for copying _____
When copied _____
When examined _____
When signed _____ } 189

READ AGAIN G.O., No.
189

DATED

CURRENT No.

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT

STATEMENT WITH DITTO

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