

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 1358

Dated 26 June 1895

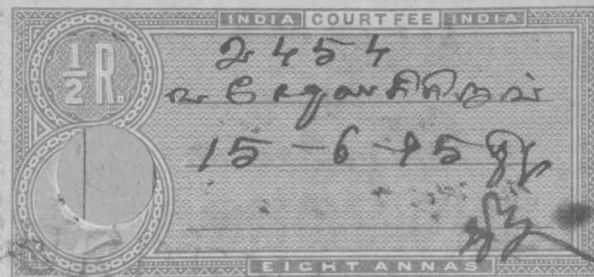
INDEXED.

[Despatch Abstract.]

APPEAL AGAINST SENTENCE OF ACQUITTAL.

Declining to order an appeal to the High Court against the sentence of acquittal in calendar case No. 58 of 1895 on the file of the Stationary Sub-Magistrate, Tinnevely.

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

[illegible]

To, The Chief Secretary to the Government
of Madras,
Pottacammund.

The Honorable Petition of Pambia Wodayan
residing at ^{major attached} Anmapet in the Trincomopoly
District.

Most respectfully shown to
on the night of the 6th of January
1895, my sheep fold was broken into
by 4 thieves one of whom was ap-
prehended by me while in the act of
carrying away 2 sheep. The other three
took to their heels.

2. The one that was seized during the commission of the offense, made a wholesale confession implicating himself and the three others and was convicted by the stationary J. C. Clap in the Michigan case No 4 of 1895.

3. Warrants arrest had been issued against the remaining three. Two of these, viz. Kalaiar, Anemuzam, voluntarily appeared subsequently and were put upon their trial in calendar case, NE 58 of 1895. I over the case in a most perfect

4. I move the case in a most proper way. The device set up was that the charge was the result of an ill-feeling. This, I submit, was not of a nature sufficient to make out a motive for lending serious charge of theft.

5. The R. H. Magistrate, instead of

convicting them, most unjustly acquitted them on the 28th February 1895 upon grounds which I should submit, were inadequate in the extreme. I wrote to enclose an un-authenticated copy of the judgment of the R. Clap Magistrate. The present Acting District Magistrate, Mr. Elwin, refused to return the certified copy I presented with my Petition to Mr. Andrew and I am too poor to pay for another similar copy.

6. On the 25th March 1895, I petitioned the then District Magistrate, Mr. Andrew, and begged him to move the Government to direct the Public Prosecutor to prefer an appeal to the High Court, under Section 417 Cr. P. Code, or to submit the records to that Court for the exercise of the powers vested in it by Sections 435 & 439 of the same Code.

7. Mr. Andrew saw the reasonableness of my request and called for the records and would have granted either of my prayers had he remained in the district. But unfortunately to me he left it before he could take any further action in the matter.

8. His successor, Mr. Rawson, without hearing me and giving me an opportunity of explaining the case, unjustly passed an ex-parte Proceedings, No 365, dated 23rd April 1895, dismissing the Petition.

9. I beg to submit that Mr. Rawson has acted with very great hardship to me and has taken wrong view of the whole case.

* Copy of the Petition is enclosed.

* An authenticated copy is enclosed.

10. The Petition presented by me to Mr. Andrew will speak for itself and I therefore submit that it is need left for me to re-iterate the facts of the case.

I accordingly beg to submit, solicit that the Government will be graciously pleased to peruse the enclosed papers and direct the Public Prosecutor to prefer an appeal to the High Court, under Section 417 Cr. P. Code, against the unjust sentence of acquittal passed by the R. Clap Magistrate and render me justice. I need hardly point out that the six months time within which the appeal should be presented to the High Court, will expire on the 25th August next.

14th June 1895.

W. M. K. of Pamban
Nodayan.

W. M. K. of Pamban

Judicial Dept.

CURRENT NO. 2929

10.2253. 15.9.94 us

210.1722. 13.7.94 us

From: Damba Wodagan
residing at matter
attached to Annamalai
in the Trichinopoly Taluk

Dated 14th } June 1895
Reid 18th }

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Submitt

Requesting to direct the
Public Prosecutor to prepare
appeal to the High Court
against the order of acquittal
in C.C. No. 58 of 1895 on the
file of the Stationary Sub
Magistrate, Trichinopoly.

R19/6.

msl

CD

under 826th June 1895, No 1358.

The Govt. is not prepared
to appeal in this case.

21.11.95

This is a case in which appeal would be ad-
visable.

21/11/95

To be put into effect when
Copied 28/6
20/11/95

When given for copying

When copied

When examined

When signed

189.

READ AGAIN G.O., No.

189

DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL.

N.B.-

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