

Judicial (1895) Department. (an)

ORDINARY MS.

G.O., No. 2265.

Dated 6th Nov 1895.

INDEXED.

[Despatch Abstract.]

EXTRADITION FROM TRAVANCORE.

According sanction to the District Magistrate of Malabar making an application to the Resident in Travancore and Cochin for the surrender of the two persons referred to in Register case No.4 of 1895 on the file of the Sub-Magistrate of Alattur.

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BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	1109		96				
	5091		96				

Judicial Dept

CURRENT NO 467

The District Magistrate
Malabar

To

The Chief Secretary to
Government
Judicial Dept

Ootacamund

Ref no. 3342
mag

Police 25th September 1895
Depd 1 - 10 - 95

Recd 4.10.95
Encl: 6.



Subject

Requesting sanction to make
an application to the British Resident
of the two persons referred to
in P. R. case No. 4 of 1895
on the file of the District Magistrate
of Malabar -

129/10
10/10/95

80 1265: 23.7.89 mi
387: 17.6.78 Sc
1305: 15.9.82 judz mis (similar)
258: 3.5.75 Poll Sc
219: 12.4.75 Poll Sc

agony file
D
H

Order
mis

Sanctioned accordingly.

To

The D. M. Malabar. G. O.

Note.

As next precedent is said to be tractable.

9/10/95

Imprisoned
2nd S
11/10/95

Recd

14/10

12/10/95
11/10/95

Cover

In the Court of the Sole Magistrate of Alathur

Petition of Konga Kosavan Verran's Son Raman of —
Kotumthira palli amsam and desam, Palghat Taluk
complaining against Konga Kosavans residing in
Kosathera of Kakkur amsam and desam: — 1. Kasi
hingan's Son Annosi. 2. His wife Veerayi. 3. Chinna-
dan's Son Mangam. 4. Vellacki, daughter of the 1st —
accused and 5. Sivalingan's Son Lingam — on the
following grounds.

I married the 4th accused, daughter of accused 1st & 2nd
at a cost of Rs 85. eight years ago. She lived in my
house under my protection till 30th Edavom last.
At the beginning of Moithinam last, the 1st accused
came to my house and took her with him saying
that her mother was sick, that she desired to see
her daughter and that the girl would be sent back
within four days. Seeing that she did not return I
went there when I was told that the girl had been
given in marriage to the 3rd accused and that
she would not be sent to me. I was thus sent
back.

According to the custom of our Caste, one
cannot marry a girl during the life time of her
husband. The accused have done this with a

view to put me to disgrace, and loss. I therefore
Complain against the said accused.

I therefore pray that your honour may
be pleased to order my wife, the 4th accused,
to be sent to me and to award condign punish-
ment to the accused.

Dated 16th July 1895

(sd) Raman

Sworn Statement made on the 27th July 1895

I have married the 4th accused. Her father
took her with him from my house at the end
of Edavom last and gave her in marriage to
Mangan, the 3rd accused. The remaining accused
aided it. It was in Mithinam last that she was
so given in marriage. According to the custom
of our Caste when a girl is married the tie
cannot be dissolved. List of witnesses will
be put in.

Read over and admitted to be correct.

sd - Raman

sd P. A. Sankummi Memon

Magistrate.

(True Translation)

V. R. Sankummi

For District Magistrate.

Deposition of 1st Prosecution witness Raman

Father's name _____ Vennan

Caste _____ (Pottar)

Age _____ 25

Occupation _____ Cooly

Residence _____ Kozhumbhara Palli

Stated on Solemn affirmation on 16th August 1895

I married the 1st accused's daughter eight
years ago. Her name is Vellacli. It was the 1st,
2nd, and 5th accused who gave her in marriage
at Kakkayur. 2nd accused is the wife of the 1st
accused. The 5th accused is the son of 1st -
accused's elder brother. It is the 3rd accused who
married the 4th accused. The 3rd accused is
aware of my having married the 4th accused.
The 4th accused was under my protection
till 30th Edavom. Accused 1 and 5 having
effected a partition live in separate houses.
Subsequently the 1st accused took with him
4th accused from my house and did not
bring her back. I then went in search of
her and learnt that the 4th accused had
been

been given in marriage to Mangau. 3rd accused
 Mangau is also in the 1st accused's house.
 According to our Caste Custom the marriage ^{tie} is
 indissoluble. A girl cannot remarry during the
 life time of her husband. After the death of
 the husband remarriage is permissible. The 1st
 accused came to my house and took with him my
 wife (4th accused) saying that the 2^d accused
 was ill. When the husband is alive a girl
 cannot marry another. A man may marry
 two or three females.

Read over and admitted to be correct

sd/ Raman

sd/ D. A. Santhumani Menon
 Sub. Magistrate

(True Translation)

For District Magistrate

Adv.

Deposition of 2nd Prosecution witness

Name Mannan
 Father's name Alagiri
 Caste (Pottar)
 age 25
 Occupation Cooly
 Residence Kakkayam amson

on Solemn affirmation on 16th August 1895

I know the complainant. I know the accused
 also Mangau and Vellachi who are absent. Vellachi
 was given in marriage to Complainant 8 years
 ago. It was the 1st 2nd and 5th accused who
 gave her in marriage. The 3rd accused had
 attended the marriage of the Complainant
 with the 4th accused. That Vellachi was given
 in marriage to the 3rd accused Mangau by
 1st, 2nd and 5th accused on the 5th Mithun
 Among our Caste men the marriage tie is quite
 indissoluble. On the death of the husband
 widow can be remarried. I saw from
 house the marriage of the 3rd accused with
 4th. I saw Mangau tying the tali on the
 of Vellachi.

Read over and admitted to be correct.
 sd/ Mannan

sd/ D. A. Santhumani Menon
 (True Translation) Sub Magistrate

Deposition of 3rd Prosecution witness

Name _____ Torumala
Father's name _____ Alagiri
Caste _____ (Potter)
Age _____ 35
Occupation _____ Cooly
Residence _____ Vilayamun amson

Stated on Solemn affirmation on the 16th August 1895

I know the complainant, these accused and also Mangam and Vellachi who are absent. That Vellachi was married by the Complainant seven or eight years ago. I attended that marriage. Mangam is aware of the marriage of the Complainant with Vellachi. He knows that Vellachi has been given in marriage to Complainant. Vellachi was given in marriage a second time to Mangam. On the 6th Mithunam when the Complainant went to the 1st accused's house to take his (Complainant's) wife, the 4th accused the Complainant was told that Vellachi had been given in marriage to the 3rd accused and was asked to go away. It was the 1st accused who gave the 4th accused in marriage to the Complainant.

Among

Among our Castemen marriage tie is indissoluble.
nor can a woman remarry during the life time of
her husband.

Read over and admitted to be correct
of P. N. Sankumani menon

sub magistrate

(True Translation)

For District Magistrate

Deposition of the 4th Prosecution witness

Name _____ Palani Audi

Father's name _____ Kamban.

Caste _____ Ezharan

Age _____ 30

Occupation _____ Cultivator

Residence _____ Kakkayur amson

Stated on Solemn affirmation on 16th August 1895

I know the Complainant and the accused as
also Vellachi and Mangam who are not present.
Vellachi was first given in marriage to Complainant.
His marriage took place 5 or 8 years ago. I live in
a neighbouring house. I am aware of that marriage.
Mangam, who is now absent, attended that marriage.

Read over and admitted to be correct

of Audi

of P. A. Sankumani menon
sub magistrate

(True Translation)

For District Magistrate.

Deposition of the 5th Prosecution witness

Name _____ Krishna Pillay
Father's name _____ Kunhuni Pillay
Caste _____ Pillay
Age _____ 30
Occupation _____ Cultivator
Residence _____ Kakkayur, amson

Stated on Solemn affirmation on 17th August 1892

I know Complainant and the accused. Complainant married Vellachi 7 or 8 years ago. I attended that marriage. Mangam is aware of the marriage of the Complainant with Vellachi. That Vellachi was given in marriage to Mangam on the 5th Abithanam. I attended that marriage. I saw Mangam tying tali on the neck of Vellachi.

Read over and admitted to be correct

sd/ Krishna Pillay

sd/ D. A. Santhumani Menon
Sub Magistrate.

(True Translation)

V. Rajagopal
For District Magistrate.

466
District Magistrate's office
Malabar
Calicut 25th September 1895

Ref on Case 3342
Magt.
From.

J. Hewetson, Esquire,
District Magistrate
Malabar

To,
The Chief Secretary to Government
Judicial Department
Ootacamund

Sir,
In Register Case n^o 4 of 1895

1. Annosi
2. Veerayi (female)
3. Mangam
4. Vellachi (female)
5. Lingam

* Marrying again
during lifetime of husband
or wife.

on the file of the Sub Magistrate of Malabar,
the Complainant, one Raman, charged five-
persons named in the margin with having
committed an offence punishable under Section
494 I.P.C. It would appear that the 4th accused,
daughter of accused nos 1 and 2, was married
to the Complainant and, ^{while} living in his house
under his protection was taken away by the
1st accused on the representation that her mother,
the 2nd accused, was ill and wished to see her.
As the Complainant's wife was not sent
back as promised, he went to fetch her, but
was informed that she had been married to the
3rd accused.

C. No. 4667/95.

FOR ORDERS.

As to whether sanction may be
accorded to the D.M. to move the
Resident in Travancore & Cochin?

The procedure to be followed in such
cases will be found detailed in G.O. 219 P.M.
+ 258 P.M. of 12 April + 3rd May 1875.

Though the ^{prosec-}witnesses were not ^{cross-}examined, the records
submitted show that there ~~was~~ is a prima
facie ~~case~~ case.

The offence is not altogether a
light one, though not extraditable.

Submitted that sanction may be
accorded ⁱⁿ vide para 3 of the
G.O. quoted above.

5/11/95
5/11/95

3rd accused. Accused nos 1, 2 and 5 are charged
with having taken part in removing the
4th accused to the 3rd.

2. The Sub Magistrate examined the Complainant
and also five witnesses for the prosecution. -
From their evidence it will be found that a
prima facie case has been made out against
all the accused. Three of the five accused
are British Subjects who have already appeared
before the Court and have been bound over to
appear when required. The remaining two -
accused Nos 2 and 3 are native Cochin Subjects
and it is therefore necessary to apply to the British
Resident for their surrenders. But as the offence
charged against the accused is not extraditable
and as in such cases the sanction of Government
should be obtained previously to making the
application for surrenders, I request sanction to
make an application in the present case for the
surrender of the two persons referred to.

3. Translations of the Complaint and of the
depositions of the witnesses examined by the
Sub Magistrate are enclosed.

I have the honour to be
Your most ^{ob}obedient servant

J. Hewitt

Off. District Magistrate

Ch. No. 209

Exhibit 113

Transition for
Travancore

FOR ORDERS.

N
✓ Order 6 Nov 1895 No 2265
Secret accordingly
M. B. ngs (from order)

B. D. M. Malabar dated 8/11/95

Respectfully
7/11

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

189

AD AGAIN G.O., No.
189

DATED

CURRENT No.

ENCLOSURES TO G. No.

ADRE OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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

N.B. -

A = Copy in full.
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