

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 484-485.

DATED 6th Mar: 1895.

INDEXED.

[Despatch Abstract.]

PETITION FROM CONVICT.

Forwarding to the Government of India, with remarks, petition for remission of sentence addressed to the Secretary of State by Convict Vellayan Karayalan confined in the Madras Penitentiary.

File

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	834.		27-5-94.				
	1318.		31-5-94				

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
C	1752		1895				

[G. 74.]

NOTE FOR THE CHIEF SECRETARY.

Under Memorial Rule A-IV this is a petition which should be forwarded by the local Govt direct to the Secretary of State, not through the Govt of India. - It seems therefore that it can hardly "go on to India" as C.S. proposed.

8
28-7

See Rule 111 at all?

20/11/95

30/11/95

To provide for cases in which petitions can be forwarded through the local Govt. Please see for the purpose of Rule IV Memorial Rule A and the enclosed note.

[G. 75.]

NOTE FOR THE UNDER SECRETARY.

As the memorial is addressed to the Secretary of State should not it please be returned for compliance with the N^o VII of Memorial Rules?

6/2

8/2

See petition + enclosures

Camp Tanjore.

OFFICE OF INSPECTOR-GENERAL OF JAILS, Prisons

Dated 13th December 1894

No. 9/2254

From

A. G. CARDEW, Esq., M.A., I.C.S.

INSPECTOR-GENERAL OF JAILS, Prisons.

To

THE CHIEF SECRETARY TO GOVERNMENT.

SIR,

I have the honour to submit, for the order of Government, a petition addressed to the Secretary of State for India in Council by convict No. 3708, Vellayyan Karayalan confined in Kar Mayy's Penitentiary, Madras.

1. Petition to Secretary of State for India
- 1 Copy of G.O. 777 of 29.3.94
- 1 Judgment in Case No 1 of 1893 Tirunelveli Sessions.
- 1 Order in Tirunelveli Session Case No 44 of 1893
- 1 Copy of the High Court's Judgment.
- 1 Nominal Roll of convict 3708

2. His petition to Government for pardon was rejected in G.O. dated 29th March 1894 No. 777.

3. Copies of Judgment and Order in Tirunelveli Sessions Cases Nos 1 and 44 of 1893, copy of Judgment of the High Court and the Convict's nominal Roll are herewith submitted.

I have the honor to be,

Sir,

Your most obedient Servant,

A. G. Cardew
Inspector-General of Jails

CURRENT NO 6718

JUDICIAL.

JAIL (1894) DEPARTMENT.

From

THE INSPECTOR-GENERAL OF JAILS,

Prisons.

To

THE CHIEF SECRETARY TO GOVERNMENT.

Dated 13
Despatched 13
Received 16
Reg 17

No. C/2254

ENCLOSURES. 6. of which 2
are sent of 6 to 628

Subject.

Submitting, for the orders of Government, a Petition addressed to the Secretary of State for India in Council by Convict No 3708, Vallayankarayalan confined in Her Majesty's Prison at ... together with the connected papers.

10777:29-3-94
R 830:27 8.90
1318:31.5 94
1914:1-12 90
427 27-96 Pk.

My dear Mr. Secretary

I shall feel much obliged if you will kindly have the accompanying 50 & 100 despatched to the Dy. Officer to the Superintendent of Prisons keeping an office copy of the latter, the object of my asking you this is because I require the printed column to reach me by the 16th instant for transmission to the Dy. Officer to the S.D. with the 2 spare copies of the Despatch.

Yours truly
WMS
WMS

Please return the Despatch to me as copy has to go to Secy of India. WMS

Instructions contained herein are attended & copy of memo submitted here with 11/5

Judicial
DEPARTMENT.

No.

6718 of 94:

RDERS.

Enroachment
dy 13. 2. 95
No 281

Returned to the J. G. of Prisons to be will, the memorial to Govt. duly authenticated as required by rule VIII of the memorial rules.

The J. G. Prisons
(G. & Co.)
with copy of rule VIII
Desd 14/2/95

11/2/95

CURRENT NO.
No. 9/193.

Camp Cuddalore
955 OFFICE OF INSPECTOR-GENERAL OF JAILS,
Dated 25 February 1895.

From

A. G. CARDEW, Esq., M.A.,

INSPECTOR-GENERAL OF JAILS, Prisons.

To

THE CHIEF SECRETARY TO GOVERNMENT.

SIR,

6. Enclosures.

With reference to Mr. Davidson's Memorandum dated 13 February 1895 No. 281, I have the honour to resubmit the petition with the connected papers from Vallarpu Karayalan duly authenticated as required by Rule VIII of the Memorial Rules.

I have the honor to be,

Sir,

Your most obedient Servant,

A. G. Cardew
Inspector-General of Jails.

955
JUDICIAL.

JAIL (1895) DEPARTMENT.

From

THE INSPECTOR-GENERAL OF JAILS,

To

THE CHIEF SECRETARY TO GOVERNMENT.

Dated 25

Despatched 25

Received 27

RECEIVED
GOVERNMENT OF MADRAS
27 FEB. 1895

No. C/193

ENCLOSURES: X C No 6718

etc.

Subject.

Resubmitting, duly authenticated, the petition with connected papers from Vallayan Karayalan, by which was returned with Mr. Davidson's Memorandum No 287 dated 13 February 1895.

[G]
25
200-6-8-94.

Judicial
DEPARTMENT.

C. No. 6718 of 94

FOR ORDERS.

Doesn't the case fall under XII (9) of the Rules? It seems true it does. If so, it can be withheld -

HS

8/1/95

Note for H.M.

Para XII (9) of the rules does not appear to apply. Please see G.O. of 30 Dec. 1890 No 857 Revenue which contains the interpretation placed by the Govt. of India on rule 3(12) of Section III of Memorial Rules, B. which is couched in the same language. In this case there is no "discretion" reserved to the Govt. by some law "or rule to dispense with some requirement or qualification" - the discretion which Govt. has refused to exercise is thus not "dispensatory" & Rule XII (9) (A Memorial Rule) does not apply to the case.

10 Jan. HS
23/1/95

I submit that this should go on to the Govt. India which can withhold under well-known A Rules as no petition has it so far been presented with Govt. 23/1/95

Petition addressed to the Secretary of State for India from Convict No 3708 Vellayan Karayalan, whose petition was rejected by the Govt. in G.O. of 29.3.94: No 777.

Please see C.N. 628 of 94 which gives the particulars of this case.

The petition may be withheld under Rule XL (6): Memorial Rules A. Hardly; it is not an appeal against a judicial decision it is a petition for the remission of sentence, & cannot be withheld.

D
7.1

Reference
to the Secy of

FOR ORDERS.

C.P. }
Ck^e 6718 of 94 }
Ck^e 955 of 95 }

Order 6 March 95 No 484

The petition will be forwarded
to the Govt of India

(from order)

to the Secy of State
7/3/95

Letter No 485 Secy Govt of India
Lr

I am directed to forward the enclosed
petition for remission of sentence addressed
to the Secretary of State.

2. It will be seen that the petitioner was
convicted by the Sessions Judge of Damerally
under S 387 of the I.P.C. sentenced to
seven years rigorous imprisonment.
He appealed to the High Court but his
appeal was dismissed. He then petitioned
his Govt but after a careful enquiry
into his case H.P. the P. in C. saw no
reason to interfere.

3. Under the strict construction of Rule IV
Memorial Rule. this is a petition
which should be forwarded direct to the
Secretary of State but it appears desirable
to submit it in the first instance to
the authority immediately superior to the
Govt which has power to interfere
in the matter

(from order)
5/2/95

Petⁿ to the Secy
of State - from
Convict.

Resubmitted with note answering
H.M.'s query, immediately beneath it

This might
perhaps go
thru: C.S.
8/2/95

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.

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

N.B. -

A = Copy in full.
B = Not to be copied
P = Copy abstract only.
Q = Copy heading only