

(1) Number of pages _____

(2) Date of repair _____

(3) Initials of the Referencer _____

MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Judicial

DEPARTMENT

G.O. No.	2053	Press
B.P. No.		Mis.
Dated	4. 10. 1893	196

Not to be folded or roughly handled

Minute of the Honorable Mr. Justice
In re Petition to Government of Ceylon
Rauzau alias Abdul Kader au
G. & therein dated 10th September 1893, No 182

The charge against Petitioner was
that he had stolen a box containing
cloths valued in all at Rs 2 1/2 from
the house of one Iyannu and
thereby committed an offence punish-
able under Section 380 of the Indian
Penal Code.

1st Witness Iyannu merely identi-
fied the box and cloths as his own and
was not at home when the theft
is alleged to have been committed.

2nd Witness is Iyannu's wife she
spoke to the thief and identified the
petitioner as the thief.

3rd & 4th Witnesses were both co-accused
(the 2nd witness husband) living in
the same place.

adjacent godowns. They deposed to
seeing the 2nd & 3rd witnesses of "Thief"
and there after meeting two Policemen
with the Prisoner in custody.

5th & 6th Witnesses are the two Policemen.
They say they arrested the Prisoner as
he was running with the box and
its contents.

Prisoner's case was that as he was
going along the Street, he met three
constables who questioned him as
to what he was doing walking about
at that time (4 A.M.) and took him
to the station, whither the box and
2nd witness were subsequently brought.

Of course he had no witnesses.
I pointed out to the jury the apparent
discrepancy between the evidence of
2nd witness, in stating that she also
saw after the Prisoner when compared
with that of 3rd & 4th witnesses
from which ^{would} appear that she did
not

not do so - and also to the further
discrepancy between the evidence of
5th witness when compared with that
of 3rd & 4th witnesses, in that the
former stated that the latter came
to the spot on which the Prisoner
was arrested, whereas according to
4th & 5th witnesses they did not do
so but met the Police as they were
bringing the Prisoner towards 2nd
Witness house.

Nevertheless, the jury found the
Prisoner guilty by a majority of 7
to 2 and, accepting the verdict of
this majority, I sentenced Prisoner
to transportation for life, as he
admitted five previous convictions,
the last two of which were by this
Court when he was sentenced to 6
and 7 years rigorous imprisonment,
the last of which sentence was only
served

expired a short time before the date
of the present offence.

Since thus accepting the verdict of
the majority of the jury, I have felt
serious doubts as to whether I was
right in so doing.

18 September 1893

J. W. Beck

No 73

Groceries Office, High Court
Madras. 15th September 1893.

From

John G. Keenan Esquire
Clerk of the Crown

To

The Chief Secretary to
Government
Secretariat Hill, Calcutta

Honorable Sir,

In reply to your
letter of the 6th September 1893 forwarding
Proceedings of the Madras
Government of the same date
No 1820, I am directed to inform
you that as requested therein,
the Honorable Mr. Justice Bech
has recorded his opinion in the
minutes which I herewith enclose.

I

I have further to return you the
enclosures which I transmitted to you
with my letter of the 23rd August
1893, No. 84 and the Prisoners Petition.

I have the honor to be,
Dear Sir,
Yours most obedient servant

John G. Kernan.

Clerk of the Court

266.

Judicial Department

981820-6-9-93ms

From

John G. Kernan Esquire

Clerk of the Court

Madras.

No. 93

Dated 15th Sept. 93

Received 16th Sept. 93

Ref. 18th Sept. 93

Enclosure No. 1 of C. No. 3548 of 1893
with this one returned.

Subject

Forwarding into ref. to Pro. of the
Madras Govt. No. 1320 the Minutes
of the Hon. Mr. Justice Bell.

C No. 3967

From the Clerk of the Court, *Indro*

Dated 15th September 1893, 2093.

FOR ORDERS.

Submitting the opinion of the Hon. Mr. Justice Baggallay with reference to the remarks under Cover of No. 182 dated 6 September 1893.

20 Sept.
21/9/93

The discrepancies referred to by
the Justice that seem to me to be of
a very trivial character and such
as to discredit the evidence. They
may be in part due to bad transla-
tion. But they give more than reason
for his doubts.
I cannot not interfere

23/9/93
20/9/93

Hon. J. Mr. Justice
But advances no reason
for thinking that the case was
not proved. It seems to be
quite clear on the evidence.

23 Sept.

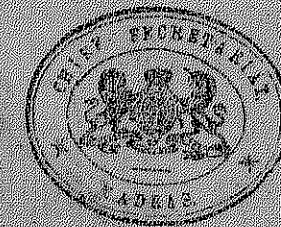
Petition from a Convict

Amsterc.

In order.

[23 (6)]

Judicial Department.



PROCEEDINGS OF THE MADRAS GOVERNMENT

from the Inspector-General of Jails, dated

Read the following letter

from the Inspector-General of Jails, dated 26-7-93

and No 3767 of 93 from the Clerk of the Court.

ORDER 14th Oct 1893, No 2053

The Inspector-General of Jails will cause convict no. 427 *Ramanna alias Abdul Qader* confined in the *Amsterc.* Jail at *alladras* to be informed that the Government declines to interfere with the sentence passed upon him.

L. J. G. P. has considered the Am. M. Justice M. S. M. on the subject but cannot doubt that the sentence was rightly awarded.

2 Oct 1893

Chief Secretary.

To the Inspector-General of Jails (Para 1)

Am. M. S. M. (Am. M. S. M. 1893)

Copy

Philadelphia a Curia d.

11

C.S.

(Amador).

[5
H]

ORDINARY, MS.

Journal DEPARTMENT
G.O., DATE 4 - 10 - 53
No. 2053

INDEXED.

When given for copying.

[Description Abstract.]

*Following with remarks
to interfere with the den-
ial passed on against
Ransom who, later on
found in the business
of industry.*

Dated

196

Not to be folded or roughly handled