M.R.O. 1—77,006—8-6-37.

(1) Number of pages 10

(2) Date of repair 22.10.25

(3) Initials of the Referencer

MADRAS RECORD OFFICE.

Government of Madras.

Public Works DEPARTMENT.
Con. 31/12/57

G.O. No. 2963 Press Mis.
8-9
Dated 21-12-1857

Not to be folded or roughly handled

No. 8. Read the following letter from CLEMENT DALE, Esq., Government Pleader, Sádr Adálat; to J. D. BOURDILLON, Esq., Secretary to Government, dated Madras, 8th December 1859, No. 115.

Paragraph 1. In continuation of the letter I addressed to you under the date and number noted in the margin, I now do myself the honor of enclosing a copy of the order passed by the Foujdári Adálat as there mentioned and which was procured from the Court on the 6th instant.

7th November 1859, No. 138.

2. I also do myself the honor of enclosing a copy of a petition presented on behalf of Runga Charry on the 21st ultimo. No notice of this petition was served on me and it was not till late on Monday evening I was aware it had been presented. I immediately applied for a copy and yesterday morning I attended in Court, when the petition was brought on for hearing when the Court dismissed the petition on the grounds, 1st. That the provisions of regulation 3 of 1827, had not been complied with; 2ndly, that an application by a party interested was not warranted by the regulation; and 3rdly, that the petitioner had not surrendered himself and was not in custody.

No. 9. ORDER THEREON, 21st December 1859, No. 2963.

Ordered that the foregoing letter be recorded.

(Signed) J. D. BOURDILLON,
Secretary to Government.

Extract from the Proceedings of the Sessions Adalat under date the 7th November 1859.

Read Miscellaneous Petition presented on the 25th July 1859 by J. W. Brandon Esquire Pleader on behalf of Ranjanbarry requesting from the order of the Sessions Judge of Chittagong under date the 21st June 1859, directing the Magistrate to send up the Petitioner to take his trial before the Criminal Court together with certain witnesses named in the order.

(Here Enter P. M. C. No. 121 of 1859)

Read Return dated 27th October 1859 to the precept of the Sessions Adalat under date the 20th [illegible] 1859, requesting the Sessions Judge to state whether in framing the order for the Committal of J. Ranjanbarry he has had before him evidence other than that adduced on the record which was before the Assistant Court

on

Govt. Pleader. Sadr Dewt

on the 14th June last

(Vide Order Book No. 1898 of 1859)

The Court of Enquiry

to determine upon

the Petition of Ranjadhikary &c

No. 121 of 1859.

To The Honorable the Judges of the Sessions Court of Zillah

Hooghly

The Humble Petition of Ranjadhikary Banerjea

of Chunglepota presented by Petition

Counsel Mr. Branson Esquire Barrister

at Law

Sheweth

Your Petitioner was charged before the Magistrate of Chunglepota by the District Engineer of having surreptitiously removed certain stones said to be the property of Government.

The Magistrate acquitted your Petitioner and committed certain of the subordinates of the Engineer Department.

These were acquitted by the Principal Sudder Ameen who by his Report dated 13th April 1859 to the Sessions Court declared that he considered your Petitioner responsible for possession of the property in question.

Thereupon the Sessions Judge made his Order dated 30th April 1859 wherein, after recording the Reasons for Consideration that your Petitioner appeared Counsel relied upon, he ordered the Principal Sudder Ameen to call upon the Magistrate to transfer the Case

Petitioner

Govt. Vs. Ranjadhikary

Petn. 28 Aug 59

Petitioner and committed him to the Criminal Court to take his trial.

Against this order your Petitioner appealed to this Honorable Court on the 28th May.

On the 14th June this Honorable Court was pleased to make an order the 2nd Para of which is in the following words "The proceedings before the Sessions Adjutant do not indicate any evidence against Runga Chary other than that of his alleged accomplices and should his conviction depend on their unsupported statements the Sessions Adjutant think the Sessions Judge will exercise a wise discretion in dropping the idea of having him brought to trial."

On the 21st June the Sessions Judge made an order recording his opinion that the ends of justice required that your Petitioner should be put on his trial adding "the charge has already been made and has not been satisfactorily refuted."

The Sessions Judge framed the charge the way in which this Runga Chary was acquitted by the Magistrate and the inspection evidence adduced against this Prisoner the Criminal Code Rs 21/37/6 and committed

to

to ascertain whether Runga Chary be guilty or not. Taking this view of the case the Sessions Judge directs the Magistrate to forward Runga Chary without further delay to take his trial before the Criminal Court together with the witnesses mentioned below.

Your Petitioner appealed against such last mentioned order to this Honorable Court on the 25th July.

On the 29th October this Honorable Court was pleased to request the Sessions Judge to state whether in framing such order he had before him other evidence than that adduced in the Record which was before this Honorable Court at the date of this proceeding

On the 7th June this Honorable Court as the same time observing that the Witnesses mentioned in the Proceedings of the Sessions Judge under notice were stated to have been sent for said case 2,59 no. this Criminal Court.

The Sessions Judge in order his return thereto dated 27th October and forwarded therewith a communication from the Principal Sudder Ameen to him of the same date.

You

Your Petitioners applied to the Sudder Court & was thereupon and on the 7th November Instant dismissed.

Your Petitioner therefore prays that he may be directed to take his trial before the Judges who heard this matter and particularly to the Report of the Principal Sudder Ameen of the 13th April, the orders thereon of the Sessions Court of 30th April and 21st June, and the Return of the Sessions Judge and Letter to them from the Principal Sudder Ameen of the 27th October 1859 and submits that they disclose that an unfavorable impression has been taken up against your Petitioner at Chittlepet

Your Petitioner therefore prays that his trial may be directed to take place in such other Zillah as this Honorable Court may be pleased to appoint.

(Signed) J. W. Brandon
Barrister at Law

Madras
21st November
1859

Enclosure

To
The Hon'ble the Judges
&c &c &c

Dd 3238/59

X 9

No 145

From Clement Dale Esquire Government Pleader Sudr Udalut
To J. D Bourdillon Esquire Secretary to Government

Madras 8th December 1859

Sir

Para 1 In continuation of the Letter I addressed to you under the Date and Number noted in the Margin I now do myself the Honor of Enclosing a Copy of the Order passed by the Foujdaree Udalut as there mentioned and which was procured from the Court on the 6th Instant.—

7th November 1859 No 138.

2 I also do myself the honor of Enclosing a Copy of a Petition presented on behalf of Runga Chary on the 21st Ultimo. No Notice of this Petition was served on me and it was not till Late on Monday Evening I was aware it had been presented — I immediately applied for a Copy and yesterday morning I attended in Court when the Petition was brought on for hearing when the Court dismissed the Petition on the Grounds 1st That the provisions of Regulations 3 of 1827 had not been Complied with 2nd That an application by a Party interested was not warranted by the Regulation and 3rd That the Petitioner had not surrendered himself and was not in Custody

I have the honor to be
Sir
Your Most Obedient Servant

Govt Pleader Sudr Udalut

Rec.d from Govt. 26th Nov.r 59 & 1304
1314

Pol. 859 Department
Rec.d from Govt. 31st Dec.r
No. 3238.

From
Clement Dale Esq.r
Govt. & Under Sec.y to Govt.

To The Secretary to
Government

Dated 8th Dec.r 59
Rec.d 10th Dec.r 59
E-2-

Forwarding Copy of an order of the Supreme Court dismissing Ramgutty Chatterjee's appeal against the proceedings of the Sessions Court of Chinsurah directing his committal, together with a Copy of the Petition since presented by him.

Pol 849.

Rec.d 12th December 17th

R.e 2963.
To be recorded
from 1st Govt.
21st Dec.r 59