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MADRAS RECORD OFFICE

Government of Madras

Public Works DEPARTMENT

G.O. No.	597	(w) Press
B.P. No.		Mis.
Dated	6.3.	1876.

Not to be folded or roughly handled

*Proceedings of the Madras Government, Public Works Department,
6th March 1876.*

No. 68. Read the following letter from T. D. HARRIS, Esq., Officiating District Engineer, Malabar, to Major-General G. W. WALKER, R.E., Secretary to Government, Public Works Department, dated Calicut, 22nd February 1876, No. 190:—

IN continuation of my letter, No. 167, dated 22nd ultimo, I have the honor to forward copy of judgment of the Sessions Judge at Tellicherry in case of the robbery of the Cannanore Cantonment Overseer's Cash-chest, and to state that the Assistant Engineer in charge of the Cannanore Range brings to notice the meritorious conduct of the Police in tracing so daring a theft; in fact, Lieutenant Dobson states, "they worked very hard, and I think deserve much credit for the skill in which they traced the offenders. I think that with little they had to go on with at first starting, that the manner in which the case was detected and evidence got very creditable and satisfactory. I beg you will recommend to Government that some reward may be given to the Inspector and Head Constable who worked so hard at the case." Under these circumstances, I shall be obliged by your sanctioning a small reward in recognition of the services rendered by the Police in this daring robbery.

No. 69. ORDER THEREON, 6th March 1876, No. 597.

ESTABLISHMENT, No. 5.

RECORDED, and communicated to the
Judicial Department.

(True Extract.)

Major-General, R.E.,
Secretary to Government.

To the District Engineer, Malabar.
" Judicial Department.

Exd. E. C. Shunker.
Spare Copies

Court of Sessions for the Malabar

Calendar No. 1 of 1876

1. Name of Complainant Refina	2. Name & description of the accused. 1. Chalian alias Rajeth Ramany 2. Puliangodan Ambu 3. Panhi Rajeth Ramen Tiers and cultivators
----------------------------------	--

3. Charge and Sentence

That you [1] Chalian alias Rajeth Ramany [2] Puliangodan Ambu and [3] Panhi Rajeth Ramen on or about the 26th day of November 1875 at Cannanore, Taluk of Cheriath, District of Malabar, committed house-breaking by night in order to the committing of theft, and thereby committed an offence punishable under Section 457 of the Indian Penal Code, and within the cognizance of the Court of Sessions of the Sessions Division of South Malabar.

11. That you the said [2] Puliangodan Ambu before the committing of the said offence, were convicted on the 23rd day of July 1868 in

Date of					
5	6	7	8	9	10
Offence	Complaint	Apprehension or Appearance	Commencement of trial	Sentence	Explanation of Delay
26 th November 1875	27 th Nov 1875	8 th December 1875	10 th January 1876	14 th January 1876	

in Calendar No. 22 of 1863 on the file of the Joint Magistrate of Cannanore Cantonment of an offence punishable under Chapter XVII of the Penal Code with imprisonment for a term of three years to wit the offence of lurking house trespass or house breaking by night in order to commit theft which conviction is still in full force and effect, and that you are thereby liable to enhanced punishment under Section 45 of the Penal Code and within the Cognizance of the Court of Sessions of the Sessions Division of North Malabar.

III That you the said 131 Panhikayil Ramen before the committing of the said offence were convicted on the 5th day of April 1869 in Calendar No. 29 of 1869 on the file of the Cantonment Magistrate of Cannanore of an offence punishable under Chapter XVII of the Penal Code with imprisonment for a term of three years to wit the offence of theft in a building, which conviction is still in full force and effect, and that you are thereby liable to enhanced punishment under Section 45 of the Penal Code and within the Cognizance of the Court of Sessions of the Sessions Division of North Malabar.

IV

II That you 11 Chalian alias Kayeth Ramany 12 Pulianjodan Ambu and 131 Panhikayil Ramen on or about the 26th day of November 1875 at Cannanore Taluq of Cherikal, District of Malabar, committed theft in a building used as a human dwelling and thereby committed an offence punishable under Section 380 of the Indian Penal Code, and is within the Cognizance of the Court of Sessions of the Sessions Division of North Malabar.

Committed by Captain W. R. Sheffield
Jy. Cantonment Magistrate of Cannanore.

The Court concurring with the Assessors finds that 11 Chalian alias Kayeth Ramany is guilty and that 12 Pulianjodan Ambu and 131 Panhikayil Ramen are not guilty of house-breaking with intent to commit theft and theft in a building punishable under Sections 457 and 380 of the Penal Code, and the Court directs that the said 11 Chalian alias Kayeth Ramany undergo rigorous imprisonment for four and a half years and pay a fine of 1000 Rs, and in default undergo further rigorous imprisonment for 13/2 years, and 12 Pulianjodan Ambu and 131 Panhikayil Ramen be discharged.

Ok.

The fine if collected to be paid
to the order of the District Engineer of North
Malabar on behalf of Government.

The money and cash chest and
padlock in the case to be given to Mr. Gorman.
The bags and ekils and other property in
the case to be kept by the talies till further
orders.

Signed / J. W. Reid
Session Judge.

[True copy]

Signed / J. W. Reid
Session Judge.

Judgment

The facts in the case are that in the house
of Mr. Gorman Overseer D.P.W. there was when
he went to sleep on the night of the 25th Novem-
ber last a cash chest. It was taken out by
thieves who apparently gained access to the
interior of the house by a bathroom window
which was open. The cash chest a heavy
one was when Mr. Gorman went to sleep
at his bed head touching the cot a lighted
lantern was hung to a door way leading
from the dressing room to the bedroom
which in the morning was found in the
dressing room, covered with some burnt
garments.

2. The cash chest contained about
1906 Rs Government money of which Rs
1900 had been put in the cash chest the
night of the 25th having that day been brought
from Tellicherry by 2 lascars and 3
coolies (one lascar being a witness)
who arrived at Mr. Gorman's house about
9 P.M. The money in the bags was not
then counted but they were placed as
they were in the cash chest which Mr.
Gorman locked securing the key.

Enc.

The next day the District Engineer being in the Station Mr. Gorman was late much engaged with him to get time to count the money.

3. The chest was found by the 12th witnesses in a dry well in an uninhabited Garamba 2 miles from Carmichael.

4. The case against the 1st prisoner rests on this evidence. The 2nd witness who was then the bullock cart driver of Captain Court whose house is next house but one to the Overseer's having been coming from the house of Mr. Sawyer Adjutant of H. M's 43rd Light Infantry saw come up from the lane which is on one side of the Overseer's house two men.

He by the light of a Municipal street lamp recognized one who was carrying a box on his head like the chest as the 1st prisoner. The other he said was a tall man like 2nd prisoner, but he did not recognize him properly. This witness made a statement to the above effect on the 27th to Mr. Gricerson 15th witness at about 7 or 8 P.M. the Inspector having written to Captain Court and sent him sent to him.

5. Then there was found in

the

the 1st prisoner's compound in a pit dug for planting a tree, a box, the 5th and 6th witnesses had on the 28th November gone to the 1st prisoner's house to search it. 1st prisoner was absent and the 6th witness found him at Baliapadam and brought him. His house was unsuccessfully searched but on searching the compound in the pit which was overgrown in it the box was found. The prisoner denied knowledge of it and it and the prisoner were brought to the house of the Inspector 15th witness and with a key on a bunch belonging to the Inspector it was opened. There were in it one bag containing Rs 503 another containing Rs 400, one containing Rs 2-13-0 and one containing some English Memoranda and a printed paper. The bags and Memoranda and printed paper are identified by Mr. Gorman as taken from his Cash Chest.

6. The box in which the money and Memoranda were found is identified by the 7th and 8th witnesses as belonging to 1st prisoner. They were they say and it is admitted by the 1st prisoner the one for some time married to 1st prisoner's daughter

daughter and during that time an inmate
of the prisoner's house, and the other a
cart driver in his service for 8 or 9 years.

7. As to the reason for 7th
witness connection with the 1st prisoner's
daughter ceasing, he and the 1st prisoner
differ, the former saying he married
without knowledge and consent of his
family, and they objecting to prisoner
as a connection as being a bad
character he left her - the prisoner saying
that the witness took a house and wanted
his wife to come with him, which
prisoner refused.

8. As to the time when the 8th
witness quitted prisoner's service, the
witness says it was 5 or 6 months
ago as the cart was sold - the prisoner
says he left 3 years ago having stolen
31 fannams from him.

9. Further evidence against the
1st prisoner is that of 13th and 14th witnesses
and their evidence touches the 2nd and
3rd prisoners also. They say they were
returning from fishing on the night
of the 20th November about 1 O'clock
and met the 1st, 2nd and 3rd prisoners
coming down to the beach which
they

they were quitting and that they recognized them
by the light of a lantern they were carrying
and 1st prisoner was carrying a box on his
head and the 18th witness spoke to the
1st prisoner and asked him where he came
from and he said from his Mayath house.

10. The next piece of evidence which
further implicates the 2nd prisoner is that
nothing else against 3rd prisoner is that
of the 3rd and 4th witnesses who identify
an area stick which the 16th witness
found in the mud wall of the compound
of Mrs. Gorman's house, as having been used
by the 2nd prisoner. The 3rd more particu-
larly said he knows it by the end being
burnt he having one day seen 2nd prisoner
roasting a crab and being asked by
2nd prisoner while he went for some today
to mind the crab, on which he continued
the roasting and burnt the end of the
stick. The other says he has seen prisoner
carrying the stick and knows it by a chip
on it which he says he saw when prisoner
was chewing betel in a shop.

11. There still remains to be noted
as regards 1st prisoner the evidence of the
9th witness to whom the 1st prisoner paid
Rs 3-5-0 on the 28th November and
that

that of the 10th who defended to the payment
in 27th November in the morning an account
of the 1st prisoner's elder brother's list for
abkary license to 10th witness' sumaskah
of the abkary contractor of Rs 40 by
1st prisoner's nephew which list was
in arrears.

12. I heard the Counsel for 2nd
3rd prisoners and some of the considerations
he urged helped to reduce the credit
attachable to the evidence of the witnesses
mentioned above as to the identity of the
stick as prisoner's property. The way
in which the 3rd witness identified
the stick seemed a natural one.
but the shuffling way in which both
he and 4th witness answered questions
as to the way in which they were shown
the stick and as to how their knowledge
of it came to the ears of the police de-
prived their testimony of the credit
which may even in rare sometimes
of partial falsehood attach to witnesses
in criminal matters. The same applies
somewhat to the evidence of 13th and
14th witnesses. The way in which 14th
witness an old Mussalman ignorant
of English dates tried to defend his use

of the date 26th November and the way
in which the 13th tried to account for
his non-appearance earlier than he did
with information as to having seen the
prisoners on his return from fishing
are very unsatisfactory. Even the best
judges in our Courts in India are certain
to meet such moral anomalies and
to find witnesses of truth in the main,
influenced by subordinate police officers
and others too eager zeal to make a true
case more sure by recourse to questionable
support and addition. Therefore while mak-
ing these remarks on the fringes of their
story I think the main story of 13th and
14th credible at least as to the 1st prisoner.
Him they spoke to. As to the 2nd and
3rd who they say were not carrying the
box. there is good reason to give them
the benefit of a doubt whether they were
really recognized by the light of a dim
lantern without any particular mark
or action to identify them by.

13. I therefore acquit the 2nd & 3rd prisoners
14. As to 1st I think the identification
of the box as 1st prisoner's property by the
7th and 8th witnesses natural and
credible. They were in circumstances
likely

likely to obtain a good knowledge of it
and the chief features of those circum-
stances are admitted by 1st prisoner.
The identification of 1st prisoner by
2nd witness is also I think to be believed.
His evidence was put very soon after
the occurrence before 24 hours were over
or any time had elapsed for concoction
of a conspiracy. The possession of a con-
siderable sum of money immediately
after the robbery adds some corroborative
circumstantial weight to the evidence
against him.

(Signed) J. W. Reid

Superior Judge

(True Copy)

(Signed) J. W. Reid

Superior Judge

(True Copy)

W. H. Rice
offy. D. E. & Co. Montreal

Ch. 6th March 1837

W. H. B.

M. 1429/76

In a letter from the
District Engineer Malabar
No 190 dated 22nd
February 1876 to the
Secretary to Government
S. M. F. No 190.

Copy of judgment of the
Sudder Judge at Tellicherry
on the robbery case of
the Soverain's Cash Chest.

No 190

Malabar Dist. Engin^r Office
Dated 22nd February 1876.

From

The offg: District Engineer
Malabar

To

The Secretary to Government
P. W. Deptt.
Madras.

C. No 556.

No 20 273-31st
P.W.

In continuation of my letter
No 167 dated 22nd Ullins, I have the honor
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& Head Constable who worked so hard
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I shall be obliged by your sanctioning
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the services rendered by the Police in
this daring robbery.

I have the honor to be

- Sir,

Your most obt. servant

L. Han

Off. Dist. Insp. Malabar

883/105 Jan 1/76 No 273.

inwards copy of judgment
passed by the District Judge
at Kollam in the case
of the nobility of the Barons
more abundant - persons
Cash Collect.

Order 2008
Recd 2/21 February 1/76
Circlo 1

P. M. 1876 Oct 1-
from No 1429
in 883/105 of 10/1/76
Balakrishnan
in the case of Government
vs. Balakrishnan.

Extra
No 597
27th March 1/76.
Recorded and
Communicated to
the Judicial
Department

2/11/76

68-69

Cir 3-3-76. R 6-3-76

D. S. Malabar
Jud. Dept.

10/10/1873

1429 /
Govt. of 1876 Madras.

PUBLIC WORKS. —

To

The Dy. Engineer
Malabar

Dated

Issued

Recd

For

G. O. 6 March 1876, No. 597

Recd. by 67

Robbery of the Cannanore
Cantonment Perceps Cash
- Chest - Copy of Indemnity
passed by the Sessions Judge
at Calicut in the case of
the — recorded & com-
-municated to the Judicial
Dept.