

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1323

Press

~~Mis.~~

318.319

Dated

15 . 6 . 1865.

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
15th June 1865.*

No. 318. Read the following letter from Captain R. H. BEDDOME, Officiating Conservator of Forests, to W. HUDLESTON, Esq., Acting Secretary to Government, Revenue Department, Fort Saint George, dated Camp Ootacamund 7th June 1865, No. 1,307 :—

SIR, With reference to G.O. No. 956, dated 9th May 1865, paragraph 1, I have the honor to forward copy of a Calendar in case No. 33 of 1865, of the Session Court of Coimbatore.

No. 319. ORDER THEREON, 15th June 1865, No. 1,323.

Forests, No. 9.

The Government await the further papers called for in their Order of 9th May.
(True Extract.)

(Signed) W. HUDLESTON,
Acting Secretary to Government.

To the Officiating Conservator of Forests.

Exd. S. T. Augustin.

CALENDAR OF PERSONS TRIED BEFORE *J. S. Harris Esq.* AS SESSION JUDGE OF COIMBATORE

1	2	3	4	5	6	7	8	9	10	11	12	13	14
Summary of the case	Name and description of the accused.	Copy of the charge or substance of the complaint.	Name of complainant	Names of witnesses for the prosecution	Names of witnesses for the defence	Statement of the evidence and grounds of conviction	Finding and sentence.	Date of offence.	Date of complaint.	Date of apprehension or appearance.	Date of commencing trial.	Date of sentence.	Explanation of delay.
<i>33/1865</i>	<i>Boray Gounder, brother of Achilla Reddy</i>	<i>That he, Boray Gounder, on or about the 15th day of October 1864 at Solapur in the taluk and zilla of Coimbatore did commit theft by dishonestly selling 50 black wood trees the property of the Government and that he has thereby committed an offence punishable under Chapter 379 of the Indian Penal Code and within the cognizance of this Court</i>	<i>Queen</i>	<i>Prosd:</i> 1 <i>Wangar</i> 2 <i>Wangar</i> 3 <i>Wangar</i> 4 <i>Wangar</i> 5 <i>Wangar</i> 6 <i>Wangar</i> 7 <i>Wangar</i> 8 <i>Wangar</i> 9 <i>Wangar</i> 10 <i>Wangar</i> 11 <i>Wangar</i> 12 <i>Wangar</i> 13 <i>Wangar</i> 14 <i>Wangar</i> 15 <i>Wangar</i>	<i>Defence:</i> 1 <i>Wangar</i> 2 <i>Wangar</i> 3 <i>Wangar</i> 4 <i>Wangar</i> 5 <i>Wangar</i> 6 <i>Wangar</i> 7 <i>Wangar</i> 8 <i>Wangar</i> 9 <i>Wangar</i> 10 <i>Wangar</i> 11 <i>Wangar</i> 12 <i>Wangar</i> 13 <i>Wangar</i> 14 <i>Wangar</i> 15 <i>Wangar</i>	<i>The Prisoner</i> pleads not guilty to the charge. He states that on the 15 th of last month 1864 he purchased 50 bags of black wood at the Cholakara forest from the Prisoner and another and that the Karar was then executed. He states that he had stolen the 50 black wood trees in violation of the Karar.	<i>The Court</i> The Court finds the Prisoner guilty of the offence specified in the charge namely that he committed theft by dishonestly selling 50 black wood trees the property of Government and that he has thereby committed an offence punishable under Section 379 of the Indian Penal Code and the Court directs that he, Boray Gounder,	<i>15th October 1864</i>	<i>12th November 1864</i>	<i>23rd December 1864</i>	<i>27th March 1865</i>	<i>30th May 1865</i>	

and on the 3rd day after he
(Witnes/ paid 250 Rupees
more and then received the
sum of 8th Witnes/ on or
about C/. He witness paid the 50
brought down having left the other
felled. The Prisoner was present
when the trees were felled. He
spoken to the Prisoner about this

days before the date of A and then they settled the price. Witnes/
only from Gunde Mandi. 8th Witnes/ The forest belongs to
Prisoner and Rangia Gunden told witness that they had taken
from the Government for 3 years and as witness saw that
from them, he said. He Witnes/ was aware that the
Rangia Gunden traded together and the latter being the
one alone was taken to the Government.
2nd Witnes/ confirms the above as regards the purchase of
payment of the first instalment and execution of the
contracted it. Witnes/ saw the logs after they had been

brought down and was present when the Clerk Magistrate inspected them
and those on the top of the Hill, 50 in all. Witnes/ is the Revenue Manager
in Radicherry and was present when the papers D was found in the
Prisoners' and Rangia Gunden's timber shed.

3rd Witnes/ is the writer of the deed A and fully confirms the
above statements. He (Witnes/) wrote it at the instance of the Prisoner
and Rangia Gunden.

4th Witnes/ signed his name to A and confirms the above state-
ments; saw about 39 logs after they had been brought down.
5th Witnes/ lives in the Chola Karna forest, was present when
the Prisoner and Rangia Gunden sold 50 trees to the 1st Witnes/ and 1st
Witnes/ paid money on that account and a deed was executed. Witnes/ was
told by the Prisoner and Rangia Gunden to see that the 1st Witnes/ felled
and brought down that number only, and Witnes/ did so, keeping an account
i.e. the string tally in Court and which he (Witnes/) produced at the signing.
He (Witnes/) is the manager of the Chola Karna forest, which belongs to the
Sircar.

6th Witnes/ lives in the Chola Karna forest, confirms the 5th
witness' testimony. Witnes/ is a Chikain man and watches the forest. The
Prisoner and Rangia Gunden said that they had rented the forest. The
1st Witnes/ felled the trees on his own account and not on behalf of the Government.

deed A was given to
in Prisoner of 19/ Rupee
months.
Bona fide
Sic fact
2nd March 1863
Signed G. Harris
Jenny Edge

...deposes that he lost the 1st witness Rs 250 in
rewards on the 1st October last and that evening that person
the deed A. afterwards on the 3rd he delivered Rs 250. He more
account to Abdul Khader a servant of the Prisoner and
under on his bringing the receipt B. 1st Witness being then
Prison C. Prisoner delivered the letter C to witness as from the
3 deeds have since been in his (Witness) possession. Witness
after they had been forced.

Witness was a gomashtah under the Prisoner and Pungiah.
Letters D and E are in his (Witness) hands writing excepting
of the former. The signature on both is that of the Prisoner.
their service from illings.

1st Witness. The Prisoner told witness that he had sent the
Rs 2000 banded loads of wood to him and to many others a Co.
1st Witness felt the trees. Prisoner told witness that he had
in.

Witness is Manager of Wallian, his evidence is inconclusive.

12th Witness Assistant Conservator of forests. says he granted
the license F and the order G to the Prisoner to cut timber and depose to the
rules to be observed ~~for~~ Respected timber should not be removed without the
knowledge of the Overseer. Deposes that he gave the Prisoner verbal
permission to cut down any ripe trees for Government; there was no limit
to their number or quality. Witness first received information in the
month of August last that the 1st Witness was felling trees but told
not then for a charge, not having been able to inspect the timber then.
12th In August the Government reported 91 banded loads but these were
mentioned by him in the letter J to the Collector as reported in October he
saw he sent the Overseer to examine in September and October but
on these months some were reported.

13th Witness preferred a charge against the Prisoner of his having
told him to the 1st Witness. Prisoner told Witness that he had a license.
Witness saw the trees which the Prisoner sold to the 1st Witness. He
in his hands afterwards that Prisoner had no license and therefore complained
of the 1st Witness did not specify that Prisoner had sold to the 1st Witness but
witness was aware that Prisoner had done so.
The Prisoner's taking statement was read in evidence for the prosecution.

ular of the measurements of the logs referred to in there were 38 logs at the foot of the hill near the road and 12 at the top some of which had been brought half hill and some still lay as they were felled. When he inspected them in November they only bore the first and Wierp marked them all; subsequently when he and the Circars called on them in December he found the tent mark on them.

Butler states that in August he went to the Cholakara forest to inspect the Prisoner had felled under the order G; he (Wierp) banded loads on which the Prisoner paid denigance. Wierp banded loads and told the Duffadan to affix the Forest Department is not aware whether the Duffadan did so or not. 44 of the 136 were brought to Combaratore.

defence the Prisoner examined.

1st Wierp Oversee Butler states that the receipt No. 1 was executed in his presence by the Prisoner on the 14th October about 4 P.M. that of the sum 2000/- therein mentioned, 1500 were given in Rupees and the rest in 5 bank notes of 100 Rupees each. That he (Wierp) took the same to the Chief Magistrate but he objected to receive as his Spring, the Assistant Magistrate to act in the matter. Wierp brought back the money and notes to Mr. Spring and they were delivered to the Prisoner. afterwards Prisoner brought back the notes and asked for the amount in cash saying that discount was asked for cashing them. Mr. Spring paid the money next day to the Prisoner. The order marked No. 2 was paid on the occasion and is in Mr. Spring's hands writing. The 500/- were paid about 2 or 3 P.M. on the 15th October. That day about 9 A.M. Wierp saw the Prisoner when he came and asked Mr. Spring for this money. The 2000/- discount was made on the 14th October is entered in the Office Cash book / Rupees on the 1st November as having been paid on 14th October. There is an account current showing the payment of the 2000/- on the 14th October. On payment of the 500 Rupees the order No. 2 was returned to Mr. Spring. does not know how it came into the Prisoner's possession.

day would not be living tomorrow." The witness therefrom the document N^o. 2. The Prisoner came next day (15th October) for the money and witness told him it was too early and to Witness went to Pettybary on business and returned home it and found the Prisoner there and paid him the cash used the vouchers N^o. 2. The reports Nos 3 and 4 were given by the Prisoner and the orders Nos 5 and 6 were thereupon. No accounts are kept showing the amount received in cash says that no alterations was made at the time in the date document N^o. 1 and witness does not perceive any alteration not remember having passed such a voucher as N^o. 2 before to do so. Witness had already taken the notes in his hand upon to take and bring them tomorrow for the cash. Witness the time that the Prisoner was doubtful about the notes not and that Prisoner did not trust him! Kept N^o. 2 with

his office papers and gave to the Prisoner on his asking for it, while this enquiry was going on. There is no entry in the accounts regarding the document N^o. 2 on about that matter. That document is an office paper. Witness simply kept it for his own satisfaction and therefore could return it to the Prisoner. Witness did not mention in his letter J to the Collector about the report N^o. 4 and cannot account for the omission. nor did he mention about it nor his witness reports 5 and 6 in his taking deposition because he was not asked about it. Witness mentioned verbally to the Collector many times that the Prisoner had written to him and that Magistrate replies.

For the purpose of his witness replies. 3rd Witness Sub Magistrate says that one day about 4 months ago the Prisoner, his witness police and others brought him the purchase money of the Elephant but he Witness refused to accept the receipt because he Witness had not personally known that the Prisoner the Elephant. Witness took up this case in the first instance on the order of the Magistrate. afterwards he received a written order from the Sub Magistrate, late Police Magistrate, attested the receipt the purchase amount was paid in Rupees and notes; does not rec-

1st of the purchase amount was paid in Rupees and notes; does not rec- particulars of each; this took place one afternoon in October. thinks

It on those subsequent dates.

5th Witness Prager, Town Inspector of Police attested the 2nd witness called him there and then the Prisoner was counting witness signed the document after the Prisoner telling he had received the amount in full. Witness is unable to the date the document bears has been attested or not. cannot say in October it was executed. The amount was paid in were no notes. Witness did not see any given to the Prisoner/ nor the 2nd Witness that notes had been paid. not ask opening (Witness No. 2) in what he had paid to the Court question. Witness says that on his arrival the poured the money out of the bag, of which there certainly must say if there were more.

6th Witness says that he was despatched in the early train to Calcutta by the Prisoner with Rupees 1300 which he

sent to Charapa Chetty and received from him that day the receipt No. 7 which he (Witness) delivered to the Prisoner on the same day at Combaratore. Witness was with the Prisoner on the 14th October when the receipt No. 1 was written, he (Witness) wrote the same and affixed the date to it after having written the deed.

7th Witness went with 6th Witness and paid Rupees 1300 on the

15th October.

8th Witness says that Prisoner was at Combaratore on the 15th of October at the funeral ceremonies of his (Prisoner's) deceased brother.

9th Witness same effect.

In defence the Prisoner's Counsel contended that it was a got up case and that his client has proved that on the 15th October at the time when the document A is stated to have been executed and the sale of the timber to have taken place, he (Prisoner) was at Combaratore. Prisoner's Counsel also contended that the wood to the 1st Witness (prosecution) but Pungiah Gowden did not see the document D. F. G. I. J. and papers 8 and 9 (Copy of Chief Magistrate's report) in the record and the taking depositions of the 1st and 2nd Witnesses were quoted in evidence on the Prisoner's behalf.

17th 8th

under examination and was mixed up with their testimony. The 1st witness. Besides not a single point was elicited showing he had or might have a bias against the Prisoner. Then the alibi set up by the Prisoner and the evidence offered in open to grave doubt and suspicion. The whole circumstance transaction of the notes for 500 Rupees sent to the Prisoner's 2^d Witness was not given in a straight-forward manner. Cause is apparent and none has been explained why he should not have kept the notes himself till next day and then to that witness to be exchanged for coin or why did not he take them on the 14th to the Treasury to be cashed? Then the 2^d if it concerned that 2^d Witness only did not require to it was an office paper, as that Witness deposes, it should be given to the Prisoner. The Town Councillor's evidence, which I do doubt, shows that no notes were given on the occasion. Then

The note of hand No. 2 engages to pay the 500 Rupees to the Prisoner on the evening of the 15th October, why then should the Prisoner come for it so early, as 9 A.M. except that this portion of the defence was required to refute the charge of the Prisoner having been present on the morning of the 15th when the sale of timber took place and the document A was executed elsewhere. The letter I shows that the Prisoner's 2^d Witness wanted to exculpate the Prisoner and criminate only Rungiah Gounden for having sold unsold timber to the 1st Witness. It is not disputed that the Prisoner and Rungiah Gounden carried on a joint trade. The witnesses statements on this point went unchanged by the Prisoner and the 2^d Witness. I dated 9th June 1864 is in the joint names of the Prisoner and Rungiah Gounden, the order B which is also in their joint names and the 1st Witness verbal permission which the 1st Witness says he gave the Prisoner to cut down ripe timber, gave the Prisoner every opportunity to do so. He liked in the forest and apparently with hardly any supervision. The Board regards the license B and order A the rules of the Forest Department. The provisions by the provisions are quite set aside. Of the Prisoner reported to the 2^d Witness in August last (No. 3) against Rungiah Gounden no action was taken regarding it. Then again the Prisoner is reported by the 16th October

1
evidence is unsatisfactory. The evidence shows that the
Prisoner had taken the forest on contract and that
timber to others besides the 1st witness. I note the loose man
the office accounts and the apparently great latitudes
10th Witness. The Elephant which the Prisoner is stated
in 16th October for Rupees 2000 is alleged to have been
him for 1300. The Prisoner's 6th witness states that the
to it in his possession for 2 months; now the document N^o. 1
it the Prisoner bought it on that day i.e. 15th October, and
which is proved to bear the Prisoner's signature and which he
knowledges in his taking deposition and which is dated 14th
that the Prisoner had before settled with the Dora i.e.
is that the price of the Elephant was to be 1350 Rupees!
owner of the despatch of that sum of money. The terms
were in connection with the nature of the evidence offered

about the receipt N^o. 1 with much suspicion, I conceive upon the Prisoner's 2nd
Witness; that letter mentions further that the Prisoner and the owner of the
Elephant had agreed to pay Rupees 25 to the "writer" and that he (Prisoner)
had paid it. The only conclusion to be drawn from this is that a bonus
of Rupees 25 was paid to the writer in the Forest Department Office
in the matter of this Elephant transaction!

I am of opinion that the sale of the timber by the Prisoner
to the 1st Witness has been fully proved, and nothing has been adduced
in defence nor is it asserted that the Prisoner was lawfully empowered
to sell it. I think a false alibi has been set up.

(True Copy)

G. H. Munn

Deputy Judge

Compd
W. H. Munn

CAMP, Ootacamund
7th June, 1865.

No. 1307

From

Captain R. H. Reddome
Conservator of Forests,

To

W. Henderson Esq
Secy to Government Bd
Fort Saint George

Sir,

With reference to No. 956 dated
9th May 1865, I have the honor to forward
the Calendar in Case No. 33 of 1865, of
the Revenue Board of Coimbatore.

W. 1323.

The Govt. awaits

The further papers called
for in their order of
9th May.

I have the honor to be,
Sir,

Your most obedient Servant,

R. H. Reddome Captain

Conservator of Forests.

1147

Copied.

To. Of. 987
Conservator of Forests
Ootacamund

Proc. May 1/1865

Rev. 1865 DEPARTMENT
Pro. of Govt for June '65
From No. 1559.

The off. Conservator of Forests

To The Acting Secretary
Government of B. D.

Dated 7/1 } 1865.

Received

From the off. of the
Enclosure.
18th July 1865

Forwarding copy of a balance
of the Session of the
Committee.

1865

1865-1866

With an order