

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 2184

Press

~~Mis.~~

595 596

Dated

22-8-1866.

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
22nd August 1866.*

No. 595. Read the following Proceedings of the Madras Government in the
Judicial Department:—

Directing that Alagasoondrum Pillay be restored
to his office of Sub-Magistrate of Colasakara-
patam, and that his salary be paid to him in
arrears from date of removal; depriving Mr.
Underwood, the Deputy Magistrate who tried
the prisoner's case, of the full powers of a
Magistrate, and removing him from the Tin-
nevelly District. (Here enter 10th August 1866, No. 1,242.)

No. 596. ORDER THEREON, 22nd August 1866, No. 2,184.

Miscellaneous.

Ordered to be communicated to the Board of Revenue.

(True Extract.)

(Signed) J. GROSE,

Under Secretary to Government.

To the Board of Revenue, with Proceedings Judicial Department, No. 1,242.

Ed. S. T. Augustin.

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*Proceedings of the Madras Government, Judicial Department,
10th August 1866.*

Read again Petition of ALAGASOONDRUM PILLAY, late Sub-Magistrate of Colasakarapatam, by his Vakcel PARIANAIGUM PILLAY, dated 30th April, and recorded in the Proceedings of 26th May 1866, No. 821.

Read also the following papers :—

No. 131. From the Registrar of the High Court of Judicature at Madras, Appellate Side, to the Acting Chief Secretary to Government, Fort Saint George; dated Madras, 10th July 1866, No. 44.

On receipt of the Chief Secretary's letter of the 26th May, No. 821, the High Court called for the record of the case in which the Subordinate Magistrate of Colasakarapatam was convicted, and also of the cases out of which the charge against him arose. The case had come before the High Court previously, under Section 404, but there being no error in point of law, the appeal was at once rejected.

2. Three of the Judges have gone over the evidence, and they agree in considering the case against the Subordinate Magistrate a pure concoction.

3. I am accordingly directed to state that the High Court are of opinion that the sentence passed upon the Subordinate Magistrate may very properly be remitted.

No. 132. Telegram from the Acting Chief Secretary to Government, Fort Saint George, to the Magistrate or Officer in charge of Tinnevely Jail; dated Madras, 14th July 1866.

The Government direct the immediate release of Alagasoondrum Pillay, late Sub-Magistrate of Colasakarapatam, and Prisoner in case Number twenty-nine of eighteen hundred and sixty-five, on the file of the Deputy Magistrate of Tinnevely.

2. Report when this order has been obeyed.

No. 132A. From the Magistrate of Tinnevely, to the Acting Chief Secretary to Government, Fort Saint George; dated Tinnevely, 15th July 1866, No. 190.

Agreeably to the orders conveyed in your telegram just received, I have the honor to inform you that I have this day released the late Colasakarapatam Sub-Magistrate Alagasoondrum Pillay.

No. 133. ORDER THEREON, 10th August 1866, No. 1242.

The foregoing papers relate to the case of Alagasoondrum Pillay, late Sub-Magistrate of Colasakarapatam, and prisoner in case No. 29 of 1865, on the file of the Deputy Magistrate of Tinnevely, wherein the said prisoner was convicted on a charge of bribery, and sentenced to rigorous imprisonment for one year, under Section 161 of the Indian Penal Code. On appeal, the sentence was commuted by the Session Judge to a sentence of simple imprisonment.

2. The prisoner having presented a petition to Government, praying for the remission of the sentence, and accompanied by copies of the depositions and of the Deputy Magistrate's sentence, the Governor in Council, deeming the evidence and the statement of the case in the Deputy Magistrate's decision to be very unsatisfactory, referred the petition to the Judges of the High Court, with a request that they would favor the Government with their opinion as to the expediency of remitting the sentence.

*Proceedings of the Madras Government, Judicial Department,
10th August 1866.*

3. On perusal of the evidence, the Judges have pronounced the charge against the Sub-Magistrate "a pure concoction," and recommended that the sentence should be remitted.

4. The prisoner has been already released, the necessary orders having been communicated to the Magistrate by telegraph; and the Governor in Council now directs that he be restored to his office of Sub-Magistrate of Colasakarapatam, and that the salary of that office be paid to him in arrears from the date of his removal.

5. The Governor in Council further deems it necessary to deprive Mr. W. E. Underwood, the Deputy Magistrate who tried this case, of the full powers of a Magistrate, and to remove him from the District of Tinnevely. Early arrangements will be made for transferring Mr. Underwood to another District, where, for the present, at all events, his Magisterial powers will be confined to those of a Subordinate Magistrate of the 1st Class. The great want of capacity evinced by Mr. Underwood in his disposal of this case, and the grievous injustice which has resulted therefrom, render it impossible that Mr. Underwood should any longer be entrusted with the responsibility which attaches to the exercise of the full powers of a Magistrate; and after what has occurred, it is impossible that that confidence which ought to exist in the minds of the Native Subordinate Magistrates towards the European Magistracy of the District, can be felt towards Mr. Underwood by the Native Magistracy of Tinnevely.

6. The Governor in Council does not deem it necessary to review the evidence in detail. He will merely observe that the gross and absurdly improbable stories of the 1st and 2nd witnesses as to the circumstances attending their presence at the private residence of the Sub-Magistrate, where the bribe is alleged to have been given, ought never to have obtained the least credence from a Magistrate of Mr. Underwood's standing and experience. Mr. Underwood also committed a grave error in omitting to mention in his decision the evidence given by the witnesses for the defence, and also in omitting to examine the alleged payer of the bribe, and the man who is said to have gone about talking of having seen it paid. The testimony of these two persons was available had they not been charged with abetment, and it is probable that had they been carefully examined, evidence would have been elicited which would have materially assisted Mr. Underwood in arriving at a right decision.

(True Extract).

[Signature]
Chief Secretary.

To the Revenue Department. ✓
" Magistrate of Tinnevely.

Exd. J. H. Burns.

[Signature]

His Lord Sept 25th 1861
No 26 May 1861.

Pro = 1866. 21st Sept
Pro: of Court for August
No. 2592.

Proceedings of the
Produce Court in
the 21st of Sept.

Dated 10th 3 Aug
Revised 19th 7 1868.
No. 1242.

1595-596
1595-596

Directing that the
- common Pillay be restored
to his office of Chief Magistrate
of the District and that
his salary be paid to him in an-
-tecedent of removal, ac-
-cording to the provisions of the
case, of the full powers of a
Magistrate removing him from the
District. District
of 1861-2000
With order. &c.

No.

No. 2184.

ordered to be con-
municated to the Sec-
of Revenue.

22nd Aug 1861
1861

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5 copies of the Report with No 10 & 1242 & 1243.