

बिहार राज्य अभिलेखागार



सत्तममेव जयते

संचिका संख्या
अभिलेखागार संख्या

१६

बिहार सरकार
LETTER

23. DATED 9TH DECEMBER, 1857, FROM THE CIVIL AND SESSIONS JUDGE
DESCRIBING THE TRIALS OF GHASEETA, PAIGHAMBAR BAKSH, KALIDOO
KHAN PROCEEDING THEIR BEING COMMITTED TO THE SPECIAL COURT
FOR FINAL PROSECUTION AND PUNISHMENT.

कायवाही

१६

सं०

पृष्ठ

विषयः—

To

Captain Mahan

Private Secretary -

Sir,

Page 49 to 86.

The trial of the 13th of July
has reference to the Prisoners in
statement B. right in number -
disposed of on that date upon the
same evidence, as the trial of the

4th -

The numerical value of that
evidence as against each prisoner
is given in that table -

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The three first Prisoners in that
table are Prisoners No. 29. & 30 - sen-
tence reversed on the 4th idem
and Prisoner No. 2 - respited on
the 9th idem -

None of the fresh prisoners
4 to 8 were recognised by the wit-
nesses in their original depositions
vide D. or in their depositions
of the 6th of July -

My opinion of that evidence

4 Prisoners as to this -
Prisoner No. 2 of Lot B.
sentenced on the 4th idem
of the 13th of July -
Prisoner No. 2 of Lot B.
sentenced on the 9th idem
of the 13th of July -

for the purposes of judicial analysis remains as before.

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44.
45.

There is a long statement by
Suseta Khulpa Kumer No. 3 - in purport
that Inamooden / the wounded ^{prisoner}
owed him a grudge and wished him
to implicate Dewan Morla Rucksh
Meen altap Roseen and Meer Alidollas
grandson and to find out that
^{wilayat}
~~Sustafat~~ ali was the instigator of
this disturbance. But no knowledge
of Sur ali Khan - No. 2 altap Roseen
but knows Meer Alidollas' grandson
^{wilayat}
~~Sustafat~~ and Morla Rucksh. His father
was in service with Loutpali -
alluded to him formerly as the
Chota Sahib - but not by name
all the great men in Patna are
concerned in this.

Choonee Lall Naiker

Ashary Lall — do

Sheik Suoudali -

Sheik Ahmudolla - { in Government
employment.

a Musky

Bahon Tewary Lall.

That there have settled to carry
out a general insurrection and
entertained men and entered
into engagements which they have
signed, but which the man arrested
yesterday destroyed in the furnace
which is in his house. Knows
no other parties. Sumamoddien
was not present - Does not know
the man who was killed - used to
go to those parties for money, as
did Sumamoddien and Bundali
and four hundred names -

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Also Curry.

Mr Curry.

a Gwalla.

2 persons living near Belia

2 Koorries -

The flags were prepared by Sumam:
- oddien. Did not mention ^{Kulloo} ~~Calloo~~
Nanyadali - Meer Ahmed Akhrupali
Rajmuller Kuchuk in his first answer
not knowing their names - Sayyid
Ali and Bund Ali were concerned
also -

Kulloo Khan - July 8 - Series -

Syunker Bucksh - July. brother of
Mohammed Achar. Series.
Ashraf Ali - Series
Bahadur Ali - Series.
Meer Ahmad - Series.

Page 80. 1.

Kashchken points out
Juseta as armed with a sword.
Cullos — Do.
Syunker — with a gun.
Ashraf Ali — as lame & unarmed.
did not know their names.
did not see

बिहार मंत्रिमंडल सचिवलय (विहार राज्य अखिलेश्वर विभाग)
Bahadur Ali -
Meer Ahmad -
does not identify.

Jewon - Abdul Rukem - Sheikh Suamee
Feda Ali - Kaperz Musolla - Kurmoden.
Sheikh Rudon.

Page 80. 2. - Buckshel points out.

Juseta Khulpa - } with sword.
Syunker Bucksh. }

Ashraf Ali — } unarmed.

did not recognize
Cullos.

knew the three first formerly.
did not see
Bahadur.
Meer Ahmad.

Note
but never
mentioned
them.

with Peer Ali Gang.

Does not identify the other prisoners
(Jewon - to check Rudson supra).

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3.

Johar Chokera - Points out -

Juseta —	}	as armed with sword.
Culloo Khan —		
Gyunker Bueksh —		
Ushruff Ali —	}	has not there.

knew the three first from appear-
-ance and used to see them constantly
at Peer Ali.

Bahadoore Ali — } has there
with a sword
but not

mees Ahmud — } does not recognize
the prisoners Jewon.
(बिहार राज्य अभिलेखागार विभाग)
to check Rudson supra

Page 82-

4.

Jalinda - Points out.

Juseta Khulupa —	}	with sword
Gyunker Bueksh —		

Ushruff Ali — { unarmed
and limping

The above did not commit any
overt act - they were shouting ali
ali.

did not see

~~Kullo~~ Kullo -

used to see the three constantly
going to and coming from
Peer Ali Khan's, from his shop -

did not see
Bahadore -
men Ahmed -

Page 83. 5. Moule deposes to the Murder of
his shop, but his inability to recog-
-nize any of the Prisoners -

On the above - The Commissioner P. K. I.
- bury 13 - on the charge Sedition
treachery and Murder, passes his
- ment, thus -

considered the present record and the
case disposed of on the 7th Instant
and the answers of Depts 1 to 8 and
the depositions of
(बिहार सरकार
मंत्रिमंडल सचिवालय विभाग
(बिहार सरकार के निदेशालय)

Radunshen

Brickshel

Gokun Chokera

Goleind Lamm -

From the Proceeds and identification
of the witnesses the crime is esta-
- blished against Sher Lucksh - Lucksh
Jureta - Kuln Khan - Pyamsh Lucksh -
Ashraf Ali as against Goleind Lamm
and the rest of them and all deserve
capital punishment but as Sher Lucksh

and Fubera have given information upon which many parties have been arrested and punished capital punishment is remitted in this case they will be imprisoned for life and the same ushruff who was with them is put for 14 years imprisonment and Ruhadore ali who is identified by only one witness and Meer Ahmud who is not identified at all are discharged.

बिहार सरकार
ordered

मंत्रिपंडित सचिवालय विभाग
(बिहार राज्य अभिलेखागार निदेशालय)
That Jiseta - Cullor Khan -
Pyramler Buchek - be hanged -
Peer Buchek & Fubera - Transported for life
Ushruff Ali be imprisoned for 14 years.
& Ruhadore ali and Meer Ahmud — be released.

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The propriety of this conviction has only to be considered with reference to the same tests. The prisoners 3-4-5- were not mentioned in the statements of Peer Buchek. Mandall mentions prisoner No. 3 in his confession of the 6th.

I am of opinion that the evidence of the two witnesses Rad. - unbroken and John Chokera, if legally sufficient, is very inadequate to sustain a capital judgment against the Prisoner No 4.

That the evidence is double, as against the Prisoner No 5 - sentenced capitally - and as against Ashraf Ali. I think the evidence is legally sufficient, but very inadequate.

I look upon the evidence of these four witnesses as worthy of little reliance, appreciating it by appropriate tests.

Witness No 2 mentions he knew

Gureeta - Pyander - Ashraf Ali - previously but never did he mention their names in his depositions of the 5th or 6th and he is a Patna man.

I think with the exception of the three Prisoners 1-2-3 - who virtually belong to Statement A and trial of the 7th of July, that I should have

What is the meaning of this sentence dis-
tinction between two
down results
and the same being
inadequate evidence
can never be "legally
sufficient"

felt very reluctant to pass
any sentence against these
prisoners - It will be noted that
that the Shoroff, whose house
was entered and robbed, in his
presence, was unable to identify
a single party -

Not knowing the grounds upon
which these prisoners 4-5-6 were
arrested, it is the more difficult
to appreciate the value of the
evidence against them -

There has been ^{no} ~~no~~ separate
commitment and possibly the
Commissioner sat throughout
this trial - No English memorandum
being recorded, it is not possible
for me to say that this was
or was not the case -

I am of opinion that the
sentence upon the prisoners 1-2-
3. was correct and fully borne
out - The conviction of the
prisoners Cullor Khan and Ash-
-supp I consider of very questionable

no. There was
no trial at all
JH

altho' the evidence
is "inadequate"
JH

propriety - that of Py under which
better supported, but of a truth
I am little disposed to place any
confidence in the statements of these
four deponents and in an ordinary
trial should not regard them at
all, under the circumstances noted
in my remarks on the former trial,
coupled with the fact that these
prisoners are not amongst those
originally named in the first con-
fessions of the prisoners Kerbucksh
and McDull -

(बिहार राज्य अभिलेखागार निदेशालय)

Yours truly
Sir,

Yours most Obedt Servt

Edw. Stanton

9th December/74-

Civil & Criminal Judge 24 Puz.