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Serial No. _____

1863.

Government of Bengal.

JUDICIAL DEPARTMENT.



Genl BRANCH.

Proceedings for Mar 1863.

Number of Proceedings.	Subject.	Date of Proceedings.	REMARKS.
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482/83

Report by the Commr of Patna of the circumstances & orders under which the persecution of the Rebel Allee Kureem was dropped and the prisoner discharged.

बिहार सरकार
मंत्रिमंडल सचिवालय विभाग
(बिहार राज्य अभिलेखागार निदेशालय)

REFERENCE TO FORMER CASES.

Nov/62 No 329-332.

REFERENCE TO LATER CASES.

A. June/63, No. 250/51

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From G. F. COCKBURN, Esq., Commissioner of the Patna Division, to the Secretary to the Government of Bengal,—(No. 330, dated the 3rd November 1862)

SIR,

I HAVE the honor to acknowledge receipt of Mr. Under-Secretary J. Geoghegan's letter No. 4731, dated the 24th ultimo, requesting information in regard to the case of Alli Kureem, and in reply to submit that the prosecution was dropped and the Prisoner discharged under the circumstances stated in the accompanying copies of correspondence between the Magistrate of Patna and myself.

2. To have placed the man on his trial would have created excitement in this part of the country and led, in my opinion, to no good result.

3. The evidence, documentary and oral, previously obtained at the time, and shortly after his escape, and at the forfeiture of his property, was not all forthcoming, and further evidence must have been sought for specially, though with no certainty of its being procurable, or of a nature to ensure conviction.

4. It was under these circumstances that I deemed it the more wise and expedient course, especially as so long had elapsed since the disturbances, and the country is now in perfect tranquillity, simply to drop proceedings, which accordingly the Magistrate was authorized to do.

From H. ALEXANDER, Esq., Magistrate of Patna, to G. F. COCKBURN, Esq., Officiating Commissioner of the Patna Division,—(dated the 19th August 1862.)

SIR,

IN accordance with your letter No. 107, dated the 30th of June 1862, I have the honor to submit my Report in the case of Alli Kureem.

2. It has taken me some little time to go through all the papers I obtained from you to find out which of them absolutely bore reference to his case, and which did not.

3. I would here remark that I had not thought it advisable, previous to instructions on the subject, to summon or to cause the attendance of the witnesses already examined in this matter. I think it much more than probable that (supposing these witnesses were forthcoming) after such a lapse of time since their last examination they would say and do more to benefit Alli Kureem than the reverse.

4. In March 1858 Mr. Hope (then Magistrate of Patna) committed the case against Alli Kureem under Act XIV. of 1857 for the purpose of obtaining the confiscation of his property under Act XXV. of 1857, he having then absconded. The circumstances connected with his escape it is unnecessary for me to refer to, as these have already been made the subject of official letters to Government. I would, however, draw attention to Mr Hope's remarks on committing this case in which a short account is given of the above circumstances.

5. Mr. Scott, Judge of Patna, and then officiating as a Commissioner under Act XIV. of 1857, considered that the evidence that had been brought against Alli Kureem sufficient to warrant an order of confiscation of all his property, he then being looked upon as an absconded rebel, and this order was carried out.

6. Alli Kureem did not take advantage of the Amnesty, or appear within a year of the confiscation of his property to stand his trial in accordance with Section VIII., Act XXV. of 1857, and has not, therefore, any sort of demand or claim against Government on this account, or any chance whatsoever of getting his property back again, notwithstanding the insidious excuses put forth in his Petition, dated 29th March 1862, to account for his prolonged absence in defiance of the orders of the Authorities.

7. That this is his hope and his object in giving himself up now there can be hardly a doubt. He has clearly waited (in taking this step) until the Officials who were well acquainted with him and his case had left this and the surrounding Stations.

8. It remains then to be seen what would be the most politic course to pursue with reference to his case.

First.—Whether to commence proceedings *de novo* against him; or

Second.—Whether to drop the prosecution.

9. The latter, it appears to me, considering the length of time that has elapsed since Alli Kureem's conduct came to light, would be the wisest course to adopt; if proceedings were taken up against him *ab initio*, I fear the witnesses who did give evidence against him before would not now be forthcoming (as there can be little doubt that Alli Kureem, previous to surrendering himself, has taken good care to ensure a safe retreat), and supposing these witnesses did appear, it is more than probable that they would contradict and otherwise destroy the value of the evidence given by them previously.

10. I think that the letters written by Alli Kureem, which were forwarded in original to Government (attested copies of some of which are now sent with the case), form the strongest part of the evidence against him, and there can be no doubt from the style of the language made use of in them

that they were written by a person disaffected towards, and then engaged in plotting against, Government. I do not think they can possibly bear any other interpretation than that of being most seditious letters.

11. But with reference to these letters a difficulty arises if the case be carried on—

First.—The original letters must be produced; and

Second.—They must be legally proved to have been written by Alli Kureem, and in order to do this it is necessary that Mr. Mangles, now at Tipperah, who found these letters, should appear and attest them as being the very ones found by him in the house of Waris Alli, the Jemadar at Chuprah, who was hung during 1857; and that further evidence must be taken to shew that they are really in the handwriting of Alli Kureem. Again, the evidence of Mr. Lewis, now in England I believe, would, I think, be of equal importance to prove all the circumstances connected with the sudden escape of Alli Kureem immediately after the treasonable correspondence between him and the Jemadar had been discovered.

12. The oral evidence against him shews that he was in the side of the Rebels against Government, although I consider no clear overt-act is proved by it against him such as could be made the subject of a particular enquiry.

13. If, however, on a review of the evidence as it here exists against Alli Kureem, Government are of opinion that he should stand his trial, then necessary steps will forthwith be taken to endeavor to procure the attendance of all the witnesses necessary to the conduct of the trial

14. Awaiting your instructions in this matter

From G. F. COCKBURN, Esq., Commissioner of the Patna Division, to the Magistrate of Patna,—
(No. 133, dated the 4th September 1862.)

SIR,

I HAVE the honor to acknowledge receipt of your letter, dated 19th ultimo, reporting on the case of Alli Kureem, and in reply to observe as follows:—

2. This individual appears to have been undoubtedly a traitor to the State, and had he not fled from justice he would assuredly have been executed at the time that his misconduct came to light.

3. However, he was fortunate to effect his escape and baffled all endeavors to secure his arrest, though a large reward was offered for his capture, and never re-appeared until recently, his property, real and personal, having in the meanwhile been justly declared forfeited to Government.

4. I have given his case my careful consideration, and am of opinion that, owing to the difficulties in the way of obtaining evidence sufficient for a conviction now after the lapse of so great a length of time, and the other circumstances referred to by you, and especially to the apparent omission on the part of the then Authorities to secure that full amount of evidence which would be requisite to ensure conviction on a trial in subsequent years, it will be unnecessary and inadvisable to take further proceedings in the matter and that the prosecution had better be dropped.

5. Of course this opinion is not in any way favorable to the idea of the innocence of Alli Kureem, who, on the contrary, would, I believe, have richly merited the fate, which must have been his, had he not made his escape at the time referred to.

6. I think then that you will exercise a wise discretion if you simply release the Prisoner, the prosecution being dropped, and authorize your doing so.

[Exd. H. H. Barlow.]

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Govt. of {1862} Bengal.
526 JUDICIAL.

From -

Commr of Patna

D. 3rd Nov.
R. 10th Dec.

No. 330
1st Dec.

A

Per: March/63

No. 482/3

बिहार सरकार
मंत्रिमंडल सचिवालय विभाग
(बिहार राज्य अभिलेखागार निदेशालय)

In reply to our letter No. 4731
of the 24th October last forwards
correspondence showing the cir-
cumstances under which the
prosecution of Alli Kureema
was dropped and the prisoner
discharged.

3/13

10/12