

Home (1918) Department.
Education

Ordinary SERIES.

G.O. No. 285

DATED

27 2 187

INDEXED

[Despatch Abstract.]

Commissioner for Government examinations.

Recording letter from the ----- forwarding a copy of the
judgment passed in connection with a case of fraud in his office.

HOME DEPARTMENT. (EDUCATION).

Received



Registered



Subject.

Reporting with reference to letter to Government, No. 5, dated the 7th January 1918, that the accused Jaffir Hussain has been convicted by the Presidency Magistrate and submitting a copy of the judgment.

ENCLOSURES

No. One.

Spare copies

No. 626

Station MADRAS, Dated the 20th February 1918.

From (Name) The Hon'ble Mr. J. H. Stone, M.A., F.R.H.S.,
C.I.E.,

(Designation) Commissioner for Government Examinations, Madras,

To The Secretary to the Government of Madras,

Home Department.
(Education).

Sir,

With reference to the concluding portion of my letter to Government, No. 5, dated the 7th January 1918, I have the honour to report that the accused Jaffir Hussain has been sentenced by the Presidency Magistrate to undergo rigorous imprisonment for 18 months and to pay a fine of Rs. 900/- and in default to further rigorous imprisonment for six months. He adds in the judgment that out of the fine, if realized, Rs. 800/- will be paid to the Accountant-General, Madras, and

① under Disposal in

Jaffir (not put in)

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2.

that the Police has recovered monies, and jewels, clothes etc.,
evidently the purchases made out of the ill-gotten money by the
accused, and these will be taken into account in realizing the
fine imposed on him.

A copy of the judgment received yesterday from the
Commissioner of Police, Madras, is herewith submitted.

I have the honour to be,

Sir,

Your most obedient servant,

DESPATCHED.

20 FEB 1918

N. Hobday
for Commissioner.

In the Presidency Magistrates' Court, Georgetown, Madras.

the 8th day of February 1918.

Before M.R. By...
Rao Sahib S.R.V. Rajachar A.V.L., B.A., Presidency Magistrate.

Calendar No. 23559 of 1907

King Emperor - Vs - Dyed Jaiffer Hussain.

Charge Secs. 419 & 420 I.P.C.

J u d g m e n t .

The accused is a peon of the office of the Commissioner for
Government Examinations Madras. The case, as charged by the -
Police, is that on 18-9-17, he got a contingent bill for Rs. 800/-
Ex.A prepared for him, forged the signature therein of the Secre-
tary to the Commissioner, Mr. Hobday P.W.2, presented the same
at the Accountant Generals office that day knowing it to be for-
ged, obtained a token and then a cheque therefor, Ex.D, again -
forged the signature of Mr. Hobday on the reverse of Ex.D and
obtained money thereon from the Bank of Madras on 19-9-17 and -
misappropriated the same - offences punishable under sections
419, 420, 467, 468 and 471 and triable by the High Court Sessions
Madras.

2. Twenty six witnesses have been examined for the prosecu-
tion, of whom three are from the Accountant Generals office, 3
from the office of the Commissioner for Government Examinations
and 4 from the Bank of Madras. None of the witnesses say that
the accused forged the signature of P.W.2 either in Ex.A or Ex.D
and himself presented the bill Ex.A at the Accountant Generals
office and obtained Ex.D. P.W.2 the Secretary, and P.W.12 --
the Manager, of the office of Government Examinations are con-
tent in denying that the signatures in Ex.A and Ex.D are those

of Mr. Hobday and say that the amount of the bill viz: Rs. 800/- did not find its way into the office and that no such bill as - Ex.A was ever prepared and sent for encashment. The witnesses from the Accountant Generals office are unable to say who presented Ex.A and obtained the token and the cheque - Ex B; nor is there any record in the Accountant Generals office to fix responsibility on any specified individual who presented the bill and got the cheque. The only record available is the Bill register -- Ex.C, in which the name of the office from which the bill received is entered and in the last column of the register a note of the number of token issued is made against the above entry. - Thus, there being no legal evidence that the accused himself -- forged Ex.A or used it knowing it to be forged, he was discharged of the offences under sections 467, 468 and 471 I.P.C.

3. As will be seen later, there is enough evidence to show that the accused obtained money on Ex.B from the Bank of Madras on false ^{presentation} ~~presentation~~. There is a signature in Hindustani Ex.B.1 on the reverse of Ex.B, of one Muhammad Ghouse and it --- would appear that the accused ^{presented} ~~presented~~ himself to be the above signatory Muhammad Ghouse while he was really not so but was -- Jaffer Hussain.

P.W.9 - the ledger clerk at the Bank of Madras says - that Ex.B was presented to him on 19-9-17 by a Muhammadan whom he questioned about Ex.B.1, whether it was his signature and what his name was and that he told him that it was his and that he - was himself Muhammad Ghouse the signatory. Believing this to be true, the witness posted his ledger - Ex.L - and took necessary steps to have the amount of the cheque Ex.B paid to him.

P.W.11 a Muhammadan teacher who appears to be well conversant with the handwriting of the accused and who says that he taught the accused how to write Urdu well --- this is not denied by the accused --- avers that Ex.B.1 is in the hand of the accused. Nothing has been elicited in the cross examination of this witness to show any ill feeling between himself and the accused and there is no motive why he should come forward to say so unless it were true.

4. Further there is a strong incontrovertible proof in the admission of the accused and the entry of details of payment of Rs. 800/- in the scroll payment book of the Bank of Madras - Ex.K - that the accused was the very person who obtained money on Ex.D.

The accused admits that he lent Rs. 200 to P.W.17 - his wife's sister's husband on a pro-note - in two currency notes of Rs. 100 each and says that they represent the sale proceeds of his first wife's articles. He has adduced no proof to substantiate this statement. Ex.K stands that the sum of Rs. 800 - on Ex.D was paid in 4 currency notes of Rs. 100 each, 30 ten - rupee notes and 20 five rupee notes and that the number of the four hundred rupee notes are - it is said be to usual with the Bank to note the number of first issue of notes of Rs. 50 and upwards ⁷⁸ Jc 31530 to 31533. It will be seen from the evidence of P.Ws. 17, 18, 19, 20, 24 and 25 that the two currency notes of Rs. 100 each lent by the accused to P.W.17 are two of the above four currency notes viz. Jc 31530 - Ex.A and ⁷⁸ Jc 31532 Ex H.2 - which the Bank of Madras issued on Ex.D on 19-9-17.

P.W.17 says that he changed the two hundred rupee notes - one with P.W.18 and the other with P.W.19 and that he signed his name on the note given to P.W.18. ^{for his} This is corroborated by P.W.18 who identifies Ex.H to be the currency note changed with him by P.W.17 and P.W.17 also identifies it from the ^{Account} of his signature thereon. P.W.18 sent Ex.H in his usual course of business to the Chartered Bank Madras which eventually - - passed it on to the paper currency office where it was cancelled vide the deposition of P.W.26 and P.W.5 the Asst. Superintendent of the Paper Currency Office.

In regard to Ex.H.2, P.W.19 says that, at the instance of P.W.17, he got him change for a hundred rupee currency note - from the Salt ~~Department~~ shop of P.W.20. P.W.20 corroborates the above and adds that he sent the currency note along with his Salt remittances to the Bank of Madras and this is supported by the scroll receipt book of the Bank - Ex F - which shows that out of the several currency notes received on 22-9-17 --

from P.W.20, Ex.H.2 - Note Jc 31532 is one. This note also found its way into the Paper Currency office where it was cancelled.

5. The accused doesn't explain how he came by these two notes Ex.H and H.2 which he lent to P.W.17. I should hold that he got them from the Bank of Madras with other notes in payment of Ex.D. The accused examined no witnesses.

6. In the above circumstances I find the accused guilty under sections 419 and 420 I.P.C. and seeing that he has committed a very bold and daring act taking advantage of his situation and consequent accessibility to office records, bill book etc., deserves an exemplary punishment. I sentence him to undergo rigorous imprisonment for 18 months and to pay a fine of Rs. 900/- and in default to further rigorous imprisonment for six months. Out of the fine, if realised, Rs. 800 will be paid to the - - Accountant General Madras. The Police has recovered some - - jewels, clothes, monies etc., Nos. 1 to 9 evidently being the purchases made, out of the ill gotten money, by the accused and these will be taken into account in realizing the fine imposed on the accused.

7. I am constrained to observe that this fraud could have been easily detected and brought to light at the very outset if P.W.1 had only carefully compared the signatures of Mr. Hobday in Ex.A with his specimen signature in the office or - directed his attention to the remarks at the foot of the bill giving directions to whom the cheque was to be issued and - - questioned the man who brought Ex.A whether he was the nominee appointed by the Secretary to receive payment. The nominee's name is one Munisami while the accused is a Muhammadan. It is rather surprising that there should be no record in the Accountant General's office to show who actually presents a bill and obtains the token and then the cheque. There is a column in the bill register Ex.B "from whom received". Evidently this column is intended to show the name of the person actually presenting the bill and not the name of the office, which -

issues or sends out the bill. As it is represented that there is no separate register for issue of tokens and that no signatures are taken from those who are given the same it is a matter for the consideration of the authorities concerned whether, in the interests of so many departments having transactions with the Accountant General, it is not expedient to enter the name of the person actually presenting the bill and take his signature also in the last column of the register, as a receipt for the token issued to him. This, I should think, would greatly facilitate the detection of frauds of the present kind and would also fix responsibility on the recipients of tokens not to - - misplace them or allow them to be handled by strangers. A copy of this judgment will be sent to the Accountant General, Madras.

(sd) S.N.V. Rajachar,
Second Presidency Magistrate.
8-2-18.



/True Copy/

Madras
Ch. Clerk
15-2-18

Receiving letter from (Edw.)
has — & receiving a copy of the
judgment passed in connection with the
~~recovery of goods~~ ^{of} ~~last~~ ^{of} the ~~last~~ ^{of} the

READ AGAIN G.O. No., dated 191

” ” ” ” ***** ” ***** 191

READ ALSO:—

C. No. 383, From the h. G. S., No. 626, dated 9. 2. 1918.

” ” ” ” , ” ” 191

” ” ” ” ” ” ” ” 191

ORDER.

NOT.

No. 285, dated 27-2, 1918.

Recorded

$\frac{06}{25.2.18}$
 $\frac{CR}{25.2.18}$

$\frac{CA}{26.2.18}$
 26.2.18

May 2/10

Note: No particular action deemed necessary. The President Mr. Q's judgment does not bring to light any defect of organization or discipline in the Communist movement ^{to} ~~the~~

which the Grand
 can be traced. On the
 other hand the President
 has some suggestion to offer
 to the A. G. - Vide para 7
 at pp 647 of the current.
 It is also a matter of the
 A. G. to consider what
 disciplinary action he
 should make in respect of
 his officer subordinates
 who passed the League bill.
 Financial may be the
 Judgment.

25-2-18
 CR
 25-2-18
 In connection with the
 file sent from Ind? to Tril
 the latter have noted that
 no action was called for
 in connection with para 7
 of the Judgment. This
 file need not therefore
 be sent to Tril.

CR
 26-1-18

(Please see
 file linked)

retd. 8
 to Tril's side

When given for copying
 When copied
 When examined
 When signed

191

REAR AGAIN G.O. No.
 191

DATED

CURRENT No.

ENCLOSURE TO G. No.

ORDER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DUTY.

PAPERS NOT FILED UP, BEING MEANT FOR ORIGINATOR
 IN ORIGINAL.

N.B. -

- A = Copy in full.
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- P = Copy abstract only.
- Q = Copy heading only.