

Home (1918) Department.
Education
Ordinary SERIES.

G.O. No. 1156

DATED 5-9-18

[Despatch Abstract.]

Government College, Rajmundry

Directing that the sum of Rs 5-15-3 stolen from the College store in June 1917 be recovered from the pay of the Principal of the College Mr. D. J. Gopal Rao.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

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CURRENT FILE.

HOME (EDUCATION)

DEPARTMENT.

Received



Registered 6-7-1918

Subject.

Submitting for orders of Government the question of the degree of responsibility which attaches to the Principal, Government College, Rajahmundry, for the loss of public money.

RNJLOS RES.

No.

Spare copies

R. C. No. 4732/1917

Station Madras, Dated the 30 July 1918.

From (Name) the Hon'ble Mr. J. H. Stone, M.A., F.R.H.S.
C.I.E.
(Designation) Director of Public Instruction,
MADRAS.

To The Secretary to the Government of Madras,
HOME (EDUCATION) Department.

Sir,

I have the honour to submit for the orders of Government the question of the degree of responsibility which attaches to the Principal, Government College, Rajahmundry, for the loss of certain sums of money from the College safe.

2. In June last year, the Principal reported that on the night of the 15th May when the College was in vacation the College Clerk, A. B. Sankaran, was bound blindfolded and gagged while asleep and afterwards tortured, that the College keys were taken from him, that the safe was opened and that Rs.1080-12-2 were stolen. The

total amount in the safe was Rs.1239-10-9. This was made up as follows:-

	Rs.	As.	P.
i. Recreation funds	550	13	4
ii. Prizes (1915)	38	0	0
iii. Prizes (1916)	55	8	0
iv. Contingencies	16	8	0
v. Books money	55	0	0
vi. Undisbursed salaries	100	0	0
vii. Hostel money	338	13	5
viii. Private money	85	0	0
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	1239	10	9
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Part of this, viz., Rs.158-14-7 was found in or near the safe. This I have credited to items (ii), (iv) and (vi) above. Item (viii) relates to private moneys belonging to the Principal, Mr. C. A. Wilkinson and the Clerk which may be excluded from consideration. This leaves items (i), (iii), (v) and (vii) of which the largest are Hostel and Recreation Club money. It might be argued that as the major portion of these amounts is derived from private subscriptions, they are not the property of Government. Part of the Recreation Club money, however, viz., Rs.345/- came from Provincial funds and the remainder consisted of subscriptions levied by the Principal from the students. The Hostel money was paid by students for their board and lodgings. The Principal had clearly accepted responsibility for the safe custody of all these sums as well as for the money in the safe which was the actual property of Government. Making the deductions mentioned above the sum for which I consider the Principal responsible is Rs.1239-10-9 minus (Rs.158-14-7 plus Rs.85/-) or Rs.995-12-2.

3. Now, if there had been a simple case of burglary if the amounts in the safe had rightly been kept in it and if the arrangements made for the safe custody of Government moneys and keys were satisfactory, I should be justified in recommending to Government that the amounts lost should be

written off, as irrecoverable but this I am unable to do. The matter is apparently complicated by the fact that the Police took from the first the view that the Clerk's story was incredible and that the binding and scratching with a pen-knife to which he had undoubtedly been subjected were part of a comedy devised to conceal his own theft of the money. It must be borne in mind that the Clerk had been in charge of the safe and the keys of the safe, the Principal's room where it stands and the office for six weeks, the Principal being at Coonoor for the vacation so that it was possible for him to help himself to the money as suited his convenience. The Police accused the Clerk of bringing a false charge and the Magistrate recorded a judgment dated 31st December 1917 which amounts to "not proven". My own conviction after reading the judgment and discussing the affair on the spot with Mr. Couldrey is that the balance of probability is decidedly against the Clerk but that anything amounting to proof is now impossible, partly because of the failure of the Police to make a proper investigation. I have consequently terminated the Clerk's services with effect from 18th April 1918 in my order of that date, against which he has put in no protest or appeal. I also returned to him his cash security of Rs.250 which had, as a fact, been lent to him by Mr. Couldrey. I have said that the question of the manner of the theft and even the person or persons by whom it was committed only apparently complicates the case because the gist of it seems to me to be the conduct of the Principal with regard to the money in his charge. My view of this I communicated to him in the following terms in my Proceedings R. C. No.4732/1917 dated 11th April 1918:- "The Principal has neither exercised adequate supervision over the Clerk nor arranged for the safe custody of large sums of public money. The Director considers that the Principal cannot escape responsibility for the whole amount excepting the private money belonging to himself and Mr. Wilkinson" and I directed him to make the necessary refunds of the whole

amount.

4. I now proceed to remark in detail on each of the sums involved.

Rs.55 under Books and Maps.

The amount, which was included in the contingent bill of the College for Rs.373-1-8, was drawn from the treasury on 30th March 1916 (1915-16). The Principal should not have drawn it and should certainly have refunded it at least early in 1916-17 when it was found that there was no probability of its being utilized. The Principal is greatly to blame for this violation of Article 84 A of the Civil Account Code.

Prizes relating to 1915--- Rs.38/-

(Unspent balance of the interest order cashed on 31st August 1915). The Principal is to blame for the delay in making and the distribution of medals and for retaining the money so long.

Prizes relating to the year 1916-- Rs.55-8-0

Here again too the Principal has delayed the arrangements for the preparation of the medals which has resulted in the loss of trust property since prizes are instituted under the provision of the Charitable Endowments Act. The remarks about prizes of 1915 hold good in this case also.

Hostel money:- Rs.338-13-5) and Recreation Club money :- (Rs.550-13-4)

The amounts should have been deposited in the Local Madras Bank if difficulties raised by the Postal authorities prevented post office savings bank Public Accounts being opened for them. The Principal clearly ought not to have allowed such large sums to be kept in a safe at the entire disposal of a low paid clerk. // It may be thought that disciplinary action should be taken against the Principal for his violation of Article 84 A of the Civil Account Code, but

I considered that the considerable pecuniary loss that the refunds I directed him to make entailed was a sufficient penalty. He is not however satisfied with my decision and hence the present reference. He urges in his defence the following reasons:-

i. The greater part of the money lost was not kept in the College safe against rules. Not being strictly Government money but Hostel and Sports money it could not be remitted into the Government Treasury and as the Postmaster-General refused to permit the Principal to deposit the amounts in Post Office Savings Bank, as public accounts, they had to be kept in the safe.

ii. It seems unfair that in a case of burglary and other desperate crime he should be asked to bear all the loss.

iii. Although the accounts of the College were audited in the year 1917 by a Clerk of the Director's office no suggestions as to the better disposal of these moneys were made.

iv. He has been treated with less leniency than Mr. Hunter the former Principal of the College in whose time a defalcation involving the loss of a much larger amount took place.

v. that the Magistrate's judgment does not in itself support the view that the loss was due to the Clerk's abuse of trust, though other indications may.

5. On receipt of the above reference I asked the Principal to report on whom he proposed that the loss should fall if not on himself. I also informed him that I was prepared to report the whole case to Government if he so desired. The Principal in reply states that the finances of the Hostel and Sports fund will be very much embarrassed if the full loss should fall on them, that a grant of Rs.200 to each of these two funds would however enable both to carry on without inconvenience and that the loss of prize money Rs.55-8-0 could hardly be allowed to fall upon the prize-winners. He adds that he is prepared to refund a sum of Rs.455/- out of his pocket in case Government is not prepared to make much good, the rest of the loss being borne by the funds

Rs. 246
16-12-16
Subd. of a sum
of Rs. 11,000 lost
to the College
by the Clerk
Hunter was
reported to
the Magistrate
on 16/12/16
by the Principal

concerned and that otherwise he would prefer the whole matter being placed before Government.

6. As regards the points raised by Mr. Couldrey in his defence:- (i) it is no doubt true that there are no rules against keeping hostel and sport funds in the safe but he should not have considered the refusal of the Postmaster-General to open public accounts as final. He could easily have opened accounts for them in the local branch of the Bank of Madras, and this course was dictated by the most ordinary prudence.

(ii) My point is that his actions made the crime possible.

(iii) The audit he mentions had reference to Fee Accounts, acquittance rolls, contingent register and Cash Book. It might with advantage have also covered all moneys in the Principal's hands including any money at that time in the safe and the danger of such accumulations could have been then brought to the Principal's notice. I am willing that Mr. Couldrey should derive such advantage from the omission as Government is disposed to allow him.

(iv) Reference to the papers in Mr. Hunter's case will show that this is true. He was, however, recalled from leave. Leniency in Mr. Hunter's case with which Mr. Couldrey was fully acquainted is not altogether an argument for leniency in the present case, since Mr. Hunter's experiences should have put Mr. Couldrey on his guard against putting implicit trust in his Clerk.

(v) As I have already said I consider that the manner of the theft has little relevance. In case, however, Government should not share this view I annex the Magistrate's Judgment and a brief note of my reasons for thinking the Clerk's complaint a false one.

7. I am not able to support Mr. Couldrey's suggestion that

that students' and prize winners' should incur any loss or that Government should make good the greater part of it. Should however Government find extenuating circumstances I suggest that the amount Mr. Couldrey might be excused from refunding is that part of the Recreation Club funds that was contributed by Government, i.e., Rs. 345/-.

I have the honour to be,

Sir,

Your most obedient Servant,

R. G. Anand.

for Director of Public Instruction.

P.T.O.

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A N N E X U R E.

In view of the following reasons pro and con I am unable to believe that a burglary took place:-

i. Although the Clerk himself seems not to have had any special need of money, his brother carried on a speculative business and certainly did want money. This probably strengthened the Clerk's desire to get hold of a considerable sum of money by a stratagem he considered infallible.

ii. The behaviour of the Clerk on the night of the crime, that is, his comings and goings from the College and his not calling out when bound and scratched.

iii. The extent to which cuttings, etc., was overdone by his accomplices. Thieves would have known clearly that the Clerk had the keys and would naturally search his person and bedding before torturing him. The scratches fit in very well with a theory of stout resistance on his part but very imperfectly with a theory of thieves' action.

iv. It is very difficult to believe that the Principal's room door was left unbolted without the Clerk's connivance.

v. It is not necessary that the Police notion that the Clerk took away the money when he went on leave should be true. He could have taken it away at practically any time and very likely had done ^{so} piecemeal and got up this comedy to account for an empty safe.

vi. At the same time no trace of the money missing has been found and the Police failed to investigate properly the possibility of the College servants being in it and no one has been pointed out as the Clerk's confederate.

R. A. Amine.
for Director of Public Instruction

Y.V./3/7

No. 20-Magl.-62,955-10-14

Proceedings of First Class Magistrate (Rajahmundry) of
dated 31st December 1913

Present: M.R. By A. V. Achyutham Pantulu Garu B.A.
Sub Divisional Magistrate Rajahmundry
(UNDER SECTION 173, C.P.C.)

READ—Referred Charge Sheet entered as Serial No 19817
Magistrate's Register

1. Name of the
(a) Station .. Town station Rajahmundry
(b) Village .. Rajahmundry
(c) Taluk .. do
2. Complainant's name .. Anna Bhavanisankaram
3. Name of accused .. Not known.
4. Offence, with law and section under which punishable. Sections 457 and 394 I.P.C.
5. Explanation of any delay evidenced by dates in docket (outside).
6. Order to the Police, regarding making or refraining from making further investigation and with regard to the bond, if any, executed by the accused Further investigation may be stopped.

Early in the morning of 16-6-17, the Circle Inspector of Police, Rajahmundry received information from A. Durgayya that the clerk of the Arts College A. Sankaram (Complainant) was tied up in his bed room and beaten and was bleeding and the keys of the Arts College taken from him and that he was in the house of A. Chendrayya, where to the Circle Inspector proceeded at once and saw the complainant lying in the verandah room downstairs of the said house, having several bruises over the body. It was ---- elicited from him then that thieves came into the room while he was sleeping, tied up his eyes, hands, legs, thrust clothes in his mouth demanded him to give away the keys of the cash chest of the College, but he resisted for a while but that as the thieves caused him injuries he had to yield and give away the keys from under the bedding. The Circle Inspector then went to the Arts College examined all the doors, found the back door of the Principal's room opened, though it was kept shut without any ^{lock} hold.

Having gone in he found 6 money bags empty on the table here and there, 2 rupees on the table, one rupee in a money bag and a 7th money bag on the floor with some cash. He then kept a Sub Inspector there and went back to the clerk with the bag, the contents of which were counted at the place where the clerk was, and found to contain Rs. 136-4-6. The clerk was then brought to the College and the iron safe seen it being quite open, a small money bag with cash Rs. 10-10-11 and one gold sovereign and a used cover with cash 0-5-7 being found there, with a silver trophy cup outside the safe behind it. Some foot prints were found on the table and a complaint taken from Sankaram, the College clerk. The case was then registered at the station and word was sent to find out 3 K.D. suspects of the place Dunga Veeraswami, Dasyam Venkataswami and Duddu Sanyasi, the last of whom came on being sent for. He admitted that he was not found on the previous night as he had been away for bandy driving to a village. The complainant was again examined and he stated that he was so sleeping in the house of Chendrayya for the last 40 days, sometime

in the open verandah (it being summer) and sometime in the verandah room. 3 hours after his first sleep i.e., at about 1 A.M. he felt the pressure of some hand on the eyes and there was no light in the room. On his resisting to give the keys, the thieves began to tie his hands and legs and he felt as if he was injured with a knife and was turned to a side and caused some injuries on the back. When he showed the keys under his pillow, they took them. He could not talk as they thrust clothes in his mouth. Afterwards he heard the clock striking 4. None heard his moanings it is said as the others in that house slept on the upstairs. At 6.30 A.M. Chendrayya came to him, removed the cloth from his mouth and untied the bonds. He stated that the peon and 2 sweepers Venkanna and Appadu and Muchi Yusuf knew that he kept money in the cash chest. On 15-6-17 he attended the College from 7 A.M. to 10 A.M. and from 2 P.M. to 6.30 P.M. and the muchi Yusuf who was present when he took out money for being sent by Money Order from the iron safe. He also alleged that Yusuf drinks. In the afternoon the complainant who was at the hospital by that time, was again examined by the Circle Inspector and he stated that there must be 8 bags in the chest and if there had been any empty bags they would be in the hand box and almyrah, the keys of both of which were lost in the bunch of keys taken away by the thieves, and that the duplicate keys were said to have been lost during the time of a late clerk and that he was told to get on with a single key by the Principal when he (Clerk) took charge 2 years ago. He admits that he used to keep ~~money~~ many bags as he had to deal with (1) sports (2) prizes (3) contingencies (4) library books money (5) undisbursed salaries (6) hostel money, (7) school fees and fines ^{besides} keeping sums of different certain professors and his own private money too. Then under orders of the Superintendent of Police he ^(cf) searched the house of Muchi Yusuf as the foot print on the table in the room near the safe tallied with that of the said muchi in the presence of mediators but nothing of a suspicious nature was found. This was done in the afternoon. Later on for the first time the night watchman J. Appuswami, an ex-jail warder

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was examined. He stated that the clerk locked the hall door after 6 P.M. and put the key in his (watchman) pocket which according to practice he should keep with him till the next morning and that the clerk then enquired about the peons who should be there and at the hostel. An hour after he heard a noise of a door being pushed and he raised a cry of enquiry which was also heard by night peon Appadu, who came to him. Then the night watchman went towards the Godavari side of the building when he met the clerk, and on his being asked why he came there stated that he had been to the College latrine to answer calls of nature and asked him to fetch a light and then he took out mangoes ~~xxx~~ from the office room along with the night watchman took out 2 mangoes, and both came out, the clerk locked the door and went away. After that the night watcher of the laboratory room also came there and met the college night-watchman. He also stated that he gave the key of the hall to, the gardener at midnight and went home. It is not explained why this watchman should leave the College at midnight though usually he should be there till morning and nothing more was elicited on this point in the investigation by the Police nor was his house searched. The next person examined was the laboratory watchman V. Veeraswamy who stated that he went to the College at 8 A.M. met the night watchman Kuppaswami, had a talk and then returned to his place and slept. Thus it will be seen that Kuppaswami and Veeraswami were at the College in the night and their houses were not searched nor were they immediately after the report examined. The hostel peon and gardener were also examined. On further examination of the complainant, he admitted that he took 2 mangoes from the office room at about 7 P.M. as stated by the watchman. He admitted that he had the keys with him when he went on leave from 7-5-17 to 22-5-17, that he did not hand over money to anybody before he left the place and that he gave only Rs. 20 to the librarian for sundry expenses during his absence. This is supported by a call of the librarian and produced in the investigation.

4. 13

2. On the 2nd day of investigation i.e., 17-6-17 Chandrayya the owner of the house in which the complainant was sleeping was examined. He stated that he removed the cloth from the mouth and that he informed his neighbours of the condition of clerk and that he and the Sub Assistant Surgeon who just happened to go that way removed the bonds. The Sub Assistant Surgeon also corroborated what ~~that~~ Chendrayya stated. He saw him (clerk) blind folded, and saw some streaks of blood and ^{also} that complainant told him that 4 or 5 people gagged him and took his keys etc. ~~that~~ he offered to remain in the hospital as an inpatient even though the Doctor told him to go away after examining the injuries on his person. It was elicited that the clerk had a debt of Rs. 300 and so a Sub Inspector was deputed to enquire at Yellamanchili Vizag and other places where he had been to, during the vacation, but ~~xxx~~ ~~being~~ nothing could be elicited therefrom as to whether he paid up any debts or got any jewels made or made any other expenditure, beyond the fact that there was a decree against him and his brother for Rs. 300. The cloths tied to the legs etc., and on the eyes, his jacket and bed sheet were seized as also the cloth pieces said to have been kept in the complainant's mouth. These should have been seized on the first day only and it is said that the cloth pieces kept in the mouth and seized were so small in size that one could easily throw them out but this theory was contested because ~~then~~ there was more stuff in the mouth according to Chandrayya etc., and there would have been no room for this contest on the point had all the articles been seized then and there on the morning of 16-6-17. Muzni Yusuf stated that he purchased Rs. 10 worth of service stamps and Rs. 15 to buy a sovereign from the Training College ~~until~~ at 11 A.M. ~~when~~, ~~which~~ on 15-6-17 by the clerk who also gave him when he left the office the office key also, which was ~~ix~~ later on given by Yusuf to another peon Chinnayya and he added that ~~the~~ the --- Gymnastic Instructor of the Town School and 2 others also slept with him in his house from 9 P.M. till morn as they had been doing so ever since he lost his wife about 3 months ago. ---

4. Yusuf also was then suspected and so the other persons who were said to have slept with him and talked to him that night were examined and they corroborated Yusuf's statement and nothing further about Yusuf was done. Investigation in that line was stopped.

4. On the 3rd day there being a hole in a window glass frame, it was suspected that anybody could make way into the room, but the position of the broken glass etc., showed that such a theory was not possible. However the bodies of suspected K.Ds., were examined to see if there were any scratches caused by glass, but none could be found.

5. On 19th, 20th, 21st, 22nd, 23rd, the Sub Inspector who was deputed to Vizag, Yellamanchili and the complainant's father-in-law's village returned without any special clues. It was found out that the complainant had a house worth Rs.300 and a land measuring Ac.3-36 cents.

6. The wound certificate by the local Civil Surgeon speaks of
- (1) 10 scratches on front of right chest, above nipple running from right to left,
 - (2) 9 scratches on back of right forearm, the longest measuring 2 1/2"
 - (3) 15 scratches on the back of the right shoulder measuring 3" long
 - (4) 16 scratches at right angle of lower jaw about 2 1/2" in length one of them being a skin deep cut, one inch long
 - (5) 2 scratches on right side of forehead,
 - (6) a slight cut 1/2 inch long at a base of left thumb.

The doctor was asked to state if they could be self-inflicted and he stated at first that they could be. He was next shown the jacket worn by the clerk and which contained a number of vents to find out if they correspond to the injuries on the body. The doctor then stated that he did not know if the clerk had a jacket on. This jacket should have been sent by the Police then and there to the Civil Surgeon. He was of opinion that the injuries could have been caused with a knife or sharp instrument like a piece of glass or even a big needle but as there were

vents in the jacket it must have been caused ^{by a} knife only and the injuries might have been caused by others and that since the hands etc., were tied some outsider must have caused it. Thus the opinion of the medical officer was not quite decisive.

7. A written statement was taken on 18-6-17 from the complainant as to the amounts lost after giving an opportunity to look into the accounts. The account given by him is as follows:--

Rs. 315-13-4.	Balance according to cash book on 15-6-17 i.e., on the night of which this offence was alleged to have been committed.
338-13-5.	do do Hostel money.
25-12-0.	do of pay of Mr. Wilkinson, a professor of the College.
11-11-6.	do of Mr. Couldrey's private money
49- 0-0.	Complainant's private money.
Rs. 1241-2-3.	
Minus.	3-5-6. Uncurrent coin in the complainant's handbox.
Rs. 1237-12-9	Total lost.

Next a statement of receipts and expenditure incurred from the date of the clerk's return from leave on 23-5-17. The balance came up to 157-3-1. The amount recovered i.e., in the bags left in the room on the morning of 16-6-17 was Rs.155-5-0.

Rs. 2-0-0.	On the table.	This point has been relied upon by the Police to show that the two figures tally nearly and that the clerk must have walked away with all
1-0-0.	On a money bag.	
136-4-6.	In one bag.	
0-10-11	in a small money bag	
15-0-0.	One gold sovereign.	
0-5-7.	in one bag.	
Rs.155-5-0.		

the balance on 6-5-17 when he went on leave in the vacation for 15 days to his native place etc. Rs.136-4-6 were found in one bag. No two balances could make up this figure as per accounts and hence this was also urged as a ground to show that the accounts were not regularly kept.

8. One T.Chelapati Rao, a clerk of the local Munsiff's Court informed the Circle Inspector that the clerk xx plays at cards with college teachers with money. This is the only

7. *Ve*
instance gathered in the investigation to suggest that he was spending money. The clerk gets Rs.30 as salary as clerk and Rs.20 as a hostel clerk. None of the teachers of the College were examined to verify this information nor was any other material gathered to suggest that the clerk kept any woman, or that he had drinking habits or any other vices to make him ~~feel~~ ^{feel} the need of money. It was elicited that he had a decree debt but this was proved later on by the clerk by filing a public copy of the Munsiff's decree dated 3-8-17 in which the clerk was exonerated from the claim, and his brother held liable for the suit sum of Rs.400 plus costs.

9. The Police referred the case as clearly false and concluded that the clerk walked away with all money with him on 7-5-17 when he went to Vizag and reported the theft on 16-6-17 after preparing the scene. The complainant through his vakil on whom the referring notice was served on 28-6-17 represented before the then Joint Magistrate that the Police investigated into the case with a prejudiced mind, that they failed to arrive at the truth and hence referred the case as false and requested that a further investigation be ordered to be made in the matter and he gave a list of witnesses to be examined, including some vakil and college lecturers etc. The court then held that the investigation was not complete both (1) as to robbery of keys (2) theft of money and that the clerk was entitled to a further fuller investigation for offence under Sec.409 I.P.C. against the clerk and for offences under Sec. 379 and 392 I.P.C., even though the offence was registered under Secs. 457 and 394 I.P.C.

10. A further investigation was made and the Police held the same view in referring the complaint as false and filed a memo of reasons in support of their view and the complainant also filed a reply memo of arguments and his vakil also was heard. They will be dealt with below.

11. (a) The complainant was badly in need of money then, a decree was passed against him for Rs.600, that he had other debts and that he had little property.

8. *4*
The copy of the decree produced at the subsequent investigation disproves the police theory. He had a house worth Rs.300 and a land of 5 acres and odd and gets monthly a salary of Rs.30 plus 20 as elicited in the investigation. There was no decree in the suit against the clerk and the Principal gave him Rs.250 for his security with no interest and could be repaid at the clerk's convenience. It was elicited at the subsequent investigation ^{that} the clerk was depositing his savings monthly with K.Venkata Rao, ~~A~~ M.A. L.L. a teacher in the College.

R_o
1-14-20
(b) Complainant himself must have committed the offence since the amount left by 7-5-17 when the clerk went on leave in the vacation during the Principal's absence was all completely lost. The receipts minus the expenditure from 23-5-17 the date on which he returned from leave equals the amount left in the College with a difference of Rs.114-0. Further this was the best opportunity for the clerk to take away the amount as the Principal was absent at ^{Conour} Gody, took the money he wanted to his village return again ~~xx~~ during the vacation and report the case. In reply it was stated that all the money on 7-5-17 was not lost, since the total balance on 7-5-17 was Rs.645-10-3 (of College account) Rs.351-13-5 of the Hostel account, Rs.8-9-3 of Mr. Wilkinson and Rs.40 of the writer himself or in all Rs.1046-1-4 and the amount lost was Rs.1237-12-9 with a difference of Rs.191-11-5. The receipts minus the expenditure is not Rs.157 and odd as stated by the Police but it is Rs.251 and odd, for the receipts from 23-5-17 to 15-6-17 ~~was Rs.1237-12-9~~ as per cash chitta is Rs.1591-5-0 and disbursement from 23-5-17 to 15-6-17 were Rs.1421-1-11 with a difference of Rs.170-3-1. The money found in the room after the alleged burglary was Rs.155-5-0. There were two items of expenditure from receipts prior to 23-5-17, Viz., Rs.25 ~~bir~~ --- disbursed to the contractor on 26-5-17 and Rs.9 and odd spent by the librarian during the clerk's absence out of Rs.20 given to him as advance by the clerk. So these two items when added to Rs.170-3-1, came up to Rs.204 and odd. Rs.47 were collected by

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157-3-1

the writer during the period between 23-5-17 and 15-6-17 viz., Rs.10 returned by the librarian, Rs.17 of Mr. Wilkinson (as per his account), Rs.11 (as per his account) of Mr. Couldrey, Rs.9 of the writer. Thus the total difference between receipts and expenditure is Rs.251 and odd and not what was actually found with a slight difference of ~~Rs.14-0~~ Rs.1-14-0. The suggestion that the writer carried away all the money which remained in the College on 6-5-17 is disproved by the statement of Mr. K.Venkata M.A., L.T. who was his companion from his starting till 3 days afterwards, when the clerk parted from the former village, Sompuram Agraharam in the Vizag District. Mr. Venkata Rao stated that the clerk did not take away box or trunk with him, that he placed his few cloths in Mr. Venkata Rao's own trunk.

(c) The statement of the night watchman on the first day of investigation differs from the version given by the complainant and the version of the complainant that he came by the front gate instead of by the back gate, to take mangoes instead of going to the Godavari bund to answer calls of nature, is not believable. The reply was that the hour was put at about 8 P.M. by the night watchman and laboratory watchman who are an ex-jail warder and ex-Police man, in order to show off their responsibility in the matter and that the time when he went to fetch mangoes in the office room as he forgot to take them in the evening was 7 P.M. as stated by teachers D.A.Narasimham M.A., L.T., K.V. Iswaraiah and A.Paparao B.A., B.L. as they met him on the way at the time while he was going to hotel to take meals. The first of these also stated that the clerk was in a normal mood at the time he had conversation with him.

(d) The case as reported presupposes ~~the~~ the knowledge on the part of the thieves that the complainant would keep the keys in the very room where he was reported to have been gagged and that the offence if at all could be committed only by College servants or by the complainant himself but this offence does not seem to have been committed at the connivance of the night

10. 19

watchman since thieves could not enter through the window when the glass pane was broken, since it is highly improbable that College servants or night watchman would have left so much money in the college and that it was not necessary for the thieves to arrange another scene of empty bags thrown over the principal's dining room. These arguments apply with equal force to the College clerk also. There was nothing wrong in the room or with the doors when the doors of the office room was locked by the night watchman and given to the clerk as admitted by the night watchman. The next morning the room was shown with bags, and the office room with the safe open. He and the laboratory man were sleeping there. They were the first persons to explain for the charge noticed by next morning. These were not examined till late in the afternoon, nor was the house of Yusuf whose foot print tallied with that on the table as observed by the District Superintendent till late. They might be anxious to exculpate themselves and throw the blame on the writer who also might have made away with the money and made a show of burglary. Both these lines of investigation were not followed but only the latter. It is still doubtful what the result would have been had the investigation been conducted on the footing that the burglary could have been committed with the privity of the college servants, who were fully acquainted with the movements and habits of writer. If the writer himself threw away the bags that night and opened the safe, how could he do it without the knowledge of the night watchmen who say that they were always careful and that there was nothing wrong with the room when the clerk left the College.

(e) The complainant did not bawl out when he was handled by the thieves. It is very peculiar that there should be 52 scratches and there was no necessity for inflicting so many minor scratches carefully, that the 2 cloths seized as having been kept in the complainant's mouth could be thrown ~~out~~ out easily, that if outside offenders did it they should have brought their own

11. ¹⁰
clothes and not use complainant's cloths and that the presence of scratches on the back said to have been caused after tying up is improbable. The point to consider was whether the conduct of accused was natural if the alleged raid and maltreatment were true. The clerk while sleeping was seized by some people, ^{who} raided into his room, blind folded him, gagged him, tied him up to the cot and continuously cut and teased him would not one in such a predicament be bewildered and paralysed with fear. It may be possible for one to cry out, but is it not also possible for one not to have raised the cry. As for the gag (the cloths of which which were seized in the room not on 16-6-17) it was alleged by Chandrayya and Sivaramayya examined in the second investigation, that it was tight. The object of the raid was not to kill him or to make him unconscious, in which case they would be frustrated in their attempt, but to worry and to tease him to ~~give~~ give back the keys and so continuous scratching and cutting might have been resorted to to inflict continuous pain. So many injuries also create a doubt if they were all self inflicted or inflicted by sufferance. If the clerk wanted to make a show, it may be said on his side that he could have easily made use of new or other cloths. The presence of scratches on the back were explained by the complainant to have been caused when he was turned to a side not after he was tied.

(f) His anxiety to remain in hospital even when told that he might go away showed that he wanted to exaggerate matters, the fact that there was a bag of Rs. 10-11 only, a figure which could be found only in the balance of Rs. 199-10-11 on 25-17 after the principal left on 15-4-17, and which balance figures changed afterwards shows that the accounts were not kept regularly. It was argued that the complainant ^{was} living alone and dining in a hotel and passed through a bad night and that there was nothing wrong if he remained as an inpatient with the doctor's permission. It was also alleged that he gave monies on behalf of K. Venkatarao from 2-6-17 to 7-6-17 and debited the amount in the accounts on 13th. Enquiry ~~ex~~ was not made to show if the clerk

12. ²¹
paid up the ~~monies~~ monies due to the Arava people and the Majeti merchant, nor was it elicited if he remitted the balance of the pay of Rs. 110 of Venkatarow drawn on 5-6-17. He only appears to have sent Rs. 40 in notes to a life Insurance Company under instructions from Venkatrow and Rs. 8 odd more in cash. It is not clear wherefrom ~~the~~ sent that sum as he had Rs. 40 of his own in that cash box, but it appears that the salary sum was debited in the cash book on the receipt of a formal requisition which was ~~past~~ pasted in the acquittance roll on 13-6-17 though the amount was ~~xxx~~ spent for him on the strength of a previous roll informal letter, which letters and Money order coupons were filed before the Police. No doubt the manner of keeping contents from bags or debiting sums in bags was not done in a satisfactory manner and this will be dealt with later on, but ~~xxx~~ this instance alone is not sufficient to prove that his case was false.

(g) The students trophy silver cup was left behind the safe and if a thief entered the room ~~they~~ would have run away with it. It is an identifiable property and a thief would not take it. It is not however a conclusive fact to decide one way or the other, as the clerk could have taken it away to his native place and got it melted there.

(h) The amount of Rs. 136-4-6 found in one bag in the principal's room does not agree with any 2 or 3 items remaining in the College on the date of offence. The complainant who was given an opportunity to explain this stated that Rs. 136 is made up of Rs. 100--undisbursed salaries as per college account on 15-6-17 and Rs. 25 of Mr. Wilkinson's account being balance of salary for April and May and Rs. 11 of Mr. O.J. Couldrey and that his practice was always to keep rupees separate from copper and that he could not account for Rs. 4-6 at this distance of time and states that it may be either due to a mistake on his part or to other reasons innocent or otherwise on the part of the Police. There could have been no room for this last explanation if the

bag with B.136-4-6 was seized by the Police in the presence of mediators or of the accused, which was not actually done. It was also suggested that a thief would not leave behind B.136. There is nothing impossible or improbable for house-breakings some property is left behind by thieves and some only taken away. But this argument is futile, since could not the clerk dispose of B.136, if he was in need of the sum as alleged by the Police and could it not be that these things were left behind by thieves when they apprehended that persons were about.

(i) The purchase of service postage stamps of Rs.10 on the evening of 15-6-17 though it was vacation and probably with the idea of sending telegrams of his contemplated offence. It would appear that the clerk purchased service stamps on another occasion also before during that vacation and service stamps are issued only on 2 days in the week and the clerk has to despatch papers to his principal then at Coonor and other officers or lecturers.

(j) The writer complained on the 3rd day of investigation, i.e., when the Circle Inspector took from him ~~about~~ a written statement of receipts and expenditure ~~for~~ from 23-5-17 to 15-6-17 and of the amounts lost with the help of the ~~XXXXXX~~ account books seized, that his money viz., Rs.49 also was lost. This it is alleged was an after-thought as the inclusion of its loss would thwart suspicion against him. There was nothing unusual or suspicious for the writer to have mentioned that sum when he was asked to give an account in writing of all sums lost with the help of College and other accounts of professors etc. He then reported the loss of his money as well as that of the Principal and of another professor.

(k) It was said that 2 men who were seen by 2 vakils at 2 A.M. of the night of ~~the~~ occurrence prowling about were 2 Police men on duty and that the offence could not have taken place. It was elicited by A. Chendrayya B.A., L.T. in whose house the complainant was sleeping that he and the writer were ~~chatting~~ as usual till past 10 O'Clock when they retired to bed.

Messrs. Tagat Raghunadha Rao B.A., B.L., A.Paparow stated that the tying of bandages was very tight. A.Chendrayya and Sivaramayya prove that there was blood on the shirt and clothes. The Sub Assistant Surgeon also noticed blood on the shirt. D.A.Narasimham and A.Chendrayya and the Sub Assistant Surgeon stated that the clerk was weak and dispirited on the morning when they saw him. Messrs. C.Suryanarayana B.A., B.L., M.Narayana Murthi B.A., B.L. N. Surayya stated that at 2 A.M. 2 men were seen prowling near their house and not far off the College and Godavari bund, that they were ⁵ accosted and answered they were policemen and that they went and joined 2 ~~men~~ or 3 men near the Godavari bund. It is stated after the second investigation that ~~these~~ these two were Policemen but it is not known who those on the bund were. It was also argued that because the Policemen were on duty near the scene of occurrence the offence could not have taken place. Whether the Policemen were on duty or not at the scene of occurrence was not noted in the first investigation, but from the notes left in the beat books it cannot be said that they were not on duty. But it cannot be concluded that the men seen by them were really policemen as they had no turbans then and even if they were Policemen, that others could not have gone that way at another part of the night.

12. These are the arguments both for and against. The main facts on which the Police refer the case ~~is~~ are the writer's indebtedness, his ~~walking~~ walking away with the available money on 6-5-17 and the tallying of the money left behind with the net result of ~~that~~ money transactions subsequent to the writer's return have not been proved. There are some other arguments which may cut both ways. Considering the gaps in the investigation and the fact that the alternative theory that the burglary might have been committed with the privy of the college servants, who were familiar with the personal habits of the writer was not pursued, it cannot be stated that the complaint is ^{Conclusively} ~~clearly~~ false.--maliciously or intentionally.

NOTES.

Page _____

Home (Education) Department.

C.No.1750 A.

From the D.P.I., No. 4732/17, dated the 3-7-1918.

Subject.

Loss of public money in the Government College,
Rajahmundry.

The facts of the case are fully set out in the Director's letter. The amount which, in the opinion of the Director Mr. Couldrey should be asked to refund is Rs.995-12-2 made up as follows:

	R. a. p.
Recreation funds	550-13-4
Prizes, 1916	55--8-0
Books money	55--0-0
Hostel money	338-13-5
Total	Rs.1,000-2-9

Deduct

Balance of money found in or near the safe after the burglary which can be debited to the above items.	4--6-7
Net amount	Rs.995-12-2

2. The reasons for requiring Mr. Couldrey to make good the full amount are set out in paras. 4 and 6 of the Director's letter. Mr. Couldrey however pleads certain extenuating circumstances which are noticed on page 5 of current file.

Mr. Couldrey is willing to refund a sum of Rs.455/- (loss incurred under the) towards the following ~~items~~ items:--

Recreation funds	200--0-0
Prizes, 1916	55--0-0
Hostel money	200--0-0
	455--0-0

As 2 investigations were already made and as I see no utility of any further investigation, I ~~am~~ direct the case be treated as not proved and further investigation stopped.

13. Lastly it must be remarked that the clerk's method of dealing with private accounts, keeping all the sums in the office safe, even if ~~kept~~ ^{so} keeping all cash in one place and change elsewhere and uncurrent coin in the hand box, keeping no chit in each bag as to its contents, are not businesslike,.

If he held different sums of different accounts, there should be separate bags, each containing the full amount of one account with a slip with the clerk's initials in the bag to be quite ready to account at a second's notice for their contents. The way in which K.Venkatarow's pay was drawn on 13-6-17 and the acknowledgment slip pasted on 13-6-17 in the acquittance roll was also irregular. The fact that he kept his keys under a pillow and carried them wherever he went is not a safe one to be allowed. He even admitted that he kept the keys in the trunk of Venkatarow, who left instructions to his wife ^{at night} to give them away whenever the clerk wanted. The Principal's initials in the accounts were found up to 15. 4 - 17 ^{were found} before he went to Coonoor, but ~~the~~ nobody's initials afterwards though the clerk was dealing with sums of more than a thousand and there was none to check. It is also admitted that there ~~was~~ no duplicate keys for the safe. These are matters however which I would like to leave to departmental authorities to consider.

(Sd) V. ACHYUTHAM

SUB DIVISIONAL MAGISTRATE.

31--12--1917.

(True copy)

V. Achyutham

Sub Divisional Magistrate.

Pages 4 & 6 of CF

Para. 7- pages 6 & 7
of 17

3. The Director is unable to support Mr. Couldrey's suggestion that the students and prize winners should incur any loss or that the Government should make good the greater part of it. Should however the Government find any extenuating circumstances, the Director suggests that Mr. Couldrey might be excused from refunding that part of the recreation club funds that was contributed by the Government, namely Rs. 345. If this recommendation is accepted, Mr. Couldrey will have to refund a sum of Rs. 650-12-2, or Rs. 195 more than he himself is willing to pay.

4. It is submitted that if ~~the~~ loss to students is to be prevented, the Director's suggestion will have to be accepted. For orders whether the amount to be recovered from Mr. Couldrey may be fixed at Rs. 650-12-2.

(The delay in the submission of this file is regretted. It was due to my own illness and the illness of the clerk dealing with the subject).

NK

15/8/17

Mr. Couldrey was clearly negligent in not having accounted for the Books & Prize money (110-8-). As observed by the D.P.O., Prudence should have dictated to him that he should make some arrangements for the deposit of the large sums of money relating to the Recreation Club & hostel, especially during the time of vacation. In the usual course he should, short of any Bank account, have asked for the balance with the Clerk ~~on~~ just prior to the closing.

of the College for the vacation. He had done it, it should struck him that he should leave such a large sum in the office or in the custody of a clerk. His negligence in the matter is also serious.

As regards the punishment D. P. I is generally for recd the whole amount from the Principal. One should have the Clerk should have been to pay a portion ~~disposal~~ especially with the suspicion against him. His deposit at least might have been credited towards the loss. It is now too late now to think that the recreation & hostel contributed by the students should be written off seems not for the Principal's suggestion he might be allowed to contribute towards these of ~~season~~ ^{also} does not appear as the D. P. I ^{alternative} suggestion to the Prov. fund portion of the fund seems ~~as it is~~

furnished if he were required to pay
Rs 650 - 12 - 2

Q
13-8-28
L

How far will the fact that the Principal was only the custodian by grace of private moneys affect the question about the need for Govt. to pass orders?

Q. The Recreation Fund is probably the property of private clubs. And the Principal in agreeing to guard the money could not do so as Govt. agent. For such funds, whether the clerk's story be false or not, Govt. are not called upon to pass orders? Examine

14/8/10

Attention is solicited to paras 2¹⁵/₁ of the Director's letter wherein the questions referred to above are discussed. Strictly speaking, Govt are not concerned with the loss of the moneys belonging to the Recreation Club and the Hostel, but these are the adjuncts of a Govt institution and the office

how the money lost can be made good. The only course that can be taken for some one interested in the institutions to institute a suit against the Principal and the clerk for the recovery of the monies. Mr. Couldry himself by accepting liability to a certain extent admits his responsibility in the matter. Further on the last occasion when there were defalcations in the same College, the accounts included recreation fees, hostel rents, & poor scholars fund. The Principal who was deemed responsible for these accounts, was ~~ordered~~ by a Govt. order required to repay those accounts also.

Recreation fees are collected usually along with College fees and are generally retained by the College ~~establishment~~ clerical establishment, who are directly under the control of the Principal. In the case of the Rajahmundry College the Principal is the President of the recreation club. He does not know here what exactly are the rules of the Rajahmundry Club. In the case of the Teachers' College recreation Club, the head clerk of the College is the Treasurer of the Club.

(K)
page 12 of 242.4
6.5.10

Go 74654 (B)
16.12.10

(D)
page 9 of 830.27
25/9/08

page 38 + 39 of The
Teachers' College
Calendar for 1918-19.

in the Post Office Savings Bank in the name
of the Principal.

A
23.8.18
L

The D.P.I is of opinion that
Mr. Couldrey should refund
Rs 995-12-2.

I am sorry that I cannot urge
any extenuating circumstance
in his favour

I am for confirming the
D.P.I order

Wm
28/8/18

HZ

I agree.

P.

31.8.18.

Draft order is submitted. It is for
consideration whether, as in the case of Mr
Hunter, the amount may be recovered in
ten monthly instalments

MS
2/9/18

A
4.9.18
L

Wm
5/9/18

Body board

in in Ldn box 1052

30.8.18

To 746
16-12-18 (B)

Government College, Rajahmundry.

Directing that a sum of Rs.995-12-2 stolen from the college safe in June 1917 be recovered from the pay of the Principal of the College-Mr. G. J. Couldrey.

READ AGAIN G.O. No., dated 191 ..

" " " " 191 ..

READ ALSO:-

C. No. 1750 A. From the Director of Public Instruction, No. 4732, dated 3rd July 18-191 ..

" " " " 191 ..

" " " " 191 ..

ORDER.

MIS.

No. 1156, dated 5th September 1918.

In his letter read above, the Director of Public Instruction submits for the orders of Government the question of the degree of responsibility which attaches to the Principal, Government College, Rajahmundry, ^{in connection with} the loss of certain sums of money from the College safe in June 1917.

2. ~~The Principal reported that, on the 1st day when the College was in vacation, the college clerk A. B. Sankaran was bound blind folded and gagged, while asleep and afterwards tortured, that the college keys were taken from him, that the safe was opened and Rs.1,080-12-2 were stolen. The total amount in the safe was Rs.1,239-10-9 and was made up~~

as follows:-

i. Recreation funds.	Rs. 550-13-4.
ii. Prizes (1915).	38- 0- 0.
iii. do. (1916).	55- 8- 0.
iv. Contingencies.	16- 8- 0.
v. Books money.	55- 0- 0.
vi. Undisbursed salaries.	100- 0- 0.
vii. Hostel money.	338-13- 5.
viii. Private money.	85- 0- 0.

Rs. 1,239- 10- 9.

Part of this viz. Rs. 158-14- 7 was subsequently found in or near the safe ~~on the day~~

~~on the day~~ Excluding this sum, the sum of Rs. 85 included in item viii-private money, the balance ~~comes~~

to Rs. 995-12- 2. The Principal has

clearly accepted the responsibility

for the safe custody of the sums in

the safe, but ~~he is not responsible~~

~~in the matter of the safe~~

~~that he neither exercised adequate~~

~~supervision over the clerk, nor made~~

~~proper arrangements for the safe deposit~~

~~custody of large sums of public money,~~

The police officials who investigated

the case were ~~also~~ of the opinion that the

clerk's story of theft was incredible

and that the reported binding and

scratching with a pen knife to which he

had been subjected were part of a plot

~~conceal~~ to conceal his own theft of the money

The papers connected with the case clearly show that the Principal who was responsible for the safe custody of the sums above referred to

and that apart from the story of theft brought up in this connection the Principal's obligation to make good the amount lost is established.

The Government have given their careful consideration to the explanation furnished by Mr. Couldrey in the matter, but they are unable to find in it any

They are therefore constrained to direct that the sum of Rs. 995-12-2 lost from the college safe should be ~~refunded~~ by Mr. Couldrey. ~~He~~ will be ~~allowed to repay the~~ amount ~~in ten~~ monthly instalments of Rs. 99 each and a tenth instalment of Rs. 104-12-2.

To the Director of Public Instruction,
(O & G)
,, Accountant General (do.)

Handwritten notes and signatures on the left page, including "Superior of Councils" and various initials.

The papers enclosed in the same should be the same as the original papers.

and that part from the original should be kept up in the original.

n given for copying
 n copied
 n examined
 n signed

191

Handwritten "79" in the top right corner.

AGAIN G.O. 191

DATED

CURRENT No.

ENCLOSURES TO O. No.

ORDER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT

STATEMENT WITH LITTO.

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

N.B.—

- A = Copy in full.
- B = Not to be copied.
- P = Copy abstract only.
- Q = Copy heading only.