M.R.O. 1—27,036—8-8-31.

(1) Number of pages 16

(2) Date of repair 1-8-40

(3) Initials of the Reference

MADRAS RECORD OFFICE.

Government of Madras.

Finance DEPARTMENT.

G.O. No. 1708 Press Mis. 63-65

Dated 9-10- 1874.

9/10

Not to be folded or roughly handled

Read the following papers :—

No. 63. From A. WEDDERBURN, Esq., District Magistrate of Coimbatore, to the Hon. D. F. CARMICHAEL, Acting Chief Secretary to Government, Fort St. George, dated Coimbatore, 22nd September 1874, No. 80.

Having been addressed by the Acting Government Pleader concerning a report* of the offence of using an obliterated stamp, made by the Postmaster-General, I have the honor to make the following suggestions :—

* *Vide* G.O., No. 1498, of 5th September 1874, Financial Department.

First.—That such matters should be communicated to the Police, in order that the District Superintendent and the Magistrate may have an early report on the subject, and so much delay will be saved. An early inquiry by the Police would have shown who the party was on whom suspicion rested. As it is, the Postmaster-General writes to Government, Government to their Pleader, the Pleader to the Magistrate, the Magistrate to the Deputy Magistrate and so on, and the case has never been before the Police at all as yet.

Secondly.—I do not think that such inquiry will elicit information as to the extent to which obliterated stamps are used; this is a matter coming entirely under Post-office supervision, but the suggestion I have to offer is that to prevent the employment of obliterated Post-office stamps, if some *points* were added to the effacer, or obliterator, if it be so called (which rather effaces than obliterates), these puncturing the stamp, will render it impossible of removal without damage; and with punctures, as well as marks; the marks are tried to be cleaned off, and with some success, but the punctures must remain.

No. 64. From W. M. SCHARLIEB, Esq., Acting Government Pleader, to the Hon. D. F. CARMICHAEL, Acting Chief Secretary to Government, Fort St. George, dated Madras, 3rd October 1874.

I have the honor, with reference to the Proceedings of Government, Financial Department, dated 5th September 1874, No. 1498, to submit the following report.

2. In those Proceedings I was directed to take necessary action in a case brought to notice by the Postmaster-General, wherein a private Gumastah, named Vencatasa Iyengar, had written a letter for his employer and sent it to be posted at the Gollichettipolliem Receiving House in the Sattiamungalum Taluq, Coimbatore District, and which letter was found to bear a stamp which the Postmaster at Gollichettipolliem reported to have been used once already. I placed myself in communication at once with the District Magistrate of Coimbatore and with the Government Vakeel attached to the District Court, and from the particulars finally communicated to me with Mr. Wedderburn's letter, dated 22nd September 1874, No. 362, I am of opinion that the case is one that cannot be successfully prosecuted to a conviction.

3. The Deputy Magistrate of the Sattiamungalum Division, within whose jurisdiction the matter transpired, held a preliminary inquiry, and all the evidence obtainable amounts only to this. A man named Ramanaden, who is a large fire-

wood contractor, caused a letter to be written by his clerk Vencatasa Iyengar and after signing it left it with the said Vencatasa Iyengar to be addressed, stamped, and despatched, and then went about his business. Vencatasa Iyengar, in his turn, after folding, addressing, and fastening the letter, handed it to a peon named Angappah, with instructions to proceed to a certain bamboo basket left about in a *Kotai*, or shed, belonging to his master containing papers, and take out of it one of two postage stamps he would find in it, which stamp he was to stick on to the letter, and then put the letter into the post. After giving these instructions the clerk turned to the work of granting permits to men coming in for bamboos. Having received his instructions, the peon Angappah went to the bamboo basket, and (says that he) found uppermost a postage stamp which he pasted on to the letter, and having done so he put the letter into the post-office at Gollichettipolliem. The peon added that the box had no lock, that it was not secured with any covering of skin, and that it was only usual to secure it with a rope.

4. Upon this state of things, and from a statement forwarded by the Deputy Magistrate, I learn that it is proposed to charge the clerk Vencatasa Iyengar with fraudulently using a postage stamp, knowing it to have been before used, under Section 262 of the Penal Code, which provides for the punishment, with fine, or imprisonment extending to two years, of the fraudulent use, with intent to cause loss to Government, of any stamp issued by Government for the purpose of revenue, and which stamp the offender knows to have been before used. To establish this charge, the clerk of the Receiving House is to be called to prove that the letter in question was posted at his office; Ramanaden, the firewood contractor, is to be called to prove that he directed Vencatasa Iyengar to write and despatch the letter; the peon is to be called to prove that he was directed by Vencatasa to go to the basket to get a postage stamp from it, to paste it on the letter, and then to post the letter; two men are to be called who were present when these instructions were given; and, lastly, it is proposed to call a Revenue Inspector named Parthasarady Naidoo, as an expert who is said to be "able to discern the obliterated marks on the label more clearly with a magnifying glass."

5. I am not of opinion that, upon this evidence, conviction can be brought home to Vencatasa Iyengar, that he fraudulently and purposely put the used postage stamp in such a position in the bamboo box that the peon should under his instruction proceed to this very stamp and use it for the purpose of defrauding Government. The presence of the stamp in question in the box might be merely accidental, for it might well be, even if the clerk himself did put the stamp at some time or another into the box, that he did so in a careless manner and forgot all about it. At all events, I am not disposed to think that the evidence can be accepted as conclusive to point to guilty intention and purpose on the part of the accused. In paragraph 6 of his letter to me Mr. Wedderburn aptly writes as follows:—

"The Court might not consider the presumption that the clerk put the used stamp in the basket conclusive. On the other hand a writer of letters (clerk) is more likely to be a receiver of them and remover of used stamps than a common man or peon. There is a strong case of presumption against Vencatasa Iyengar, but whether such proof as will ensure conviction is for you to consider." In paragraph 7 he writes:—"I send you the letter with its stamp; it is a dirty

Proceedings of the Madras Government, Financial Department,
9th October 1874.

and not a fresh-looking stamp, but possibly an inferior servant might not notice or consider the point whether it had been used before." Having considered the evidence I am of opinion that the charge should be dismissed.

No. 65. ORDER THEREON, 9th October 1874, No. 1708.

Under the circumstances stated no further action will be taken in the matter alluded to.

2. From the Postmaster-General's request that the Government Pleader might be ordered "to conduct the prosecution" it was supposed that the case was ready to go before the Magistrate. In future, where the offence is one which by the Schedule attached to the Code of Criminal Procedure is cognizable by the Police (as in the present instance) Major Bourke should put the matter in their hands.

(True Extract.)

D. F. CARMICHAEL,
Acting Chief Secretary.

To the Magistrate of Coimbatore.
" Postmaster-General.
" Government Pleader.

Exd. J. Wright.

Coimbatore District Magte's office
22d September 1874.

No. 80.

From,

A. Wedderburn Esquire

District Magistrate of Coimbatore

To,

The Honorable D. F. Carmichael

Ag. Chief Secretary to Government

Ootacamund.

Sir,

Having been addressed by the Acting Government Pleader concerning a report[x] of the offences of using an obliterated stamp, made by the Postmaster General, I have the honor to make the following suggestions:-

1st that such matters should be communicated[x] to the Police, in order that the District Superintendent and the Magistrate, may have an early report on the subject - and so much delay will be saved. An early enquiry by the Police would have shown who the

+ vide G.O. No. 1498 of 5th Sept. 1874

+ The Postmaster General directs that the Police be informed

x x

Govt. of India (Financial) Notification.

FINANCIAL.

To

THE MAGISTRATE OF COIMBATORE,

&c., &c., &c.

Dated October, 1874.

Recd.

Read

G.O., 9th October 1874, No. 1708.

OCTOBER.
Nos. 63–65.

Postal.—Under the circumstances stated by the Acting Government Pleader, orders given that no further action be taken in the prosecution of the case in which an obliterated postage stamp was affixed to a letter; and the Postmaster-General directed in future, where the offence is cognizable by the Police, to put the matter in their hands.

party was on whom suspicion rested.
As it is, the Postmaster General writes
to Government, Government to their Pleader,
the Pleader to the Magistrate, the Magistrate
to the Deputy Magistrate, and so on - and
the case has never been before
the Police, at all, as yet.
Secondly. I don't think that such enquiry
will elicit information as to the extent,
to which obliterated stamps are used.
This is a matter coming entirely under
Post office supervision, but the suggestion
I have to offer is, that to prevent the
employment of obliterated Post office
stamps, if some <u>points</u> were added
to the effacer, or obliterator, if it be
so called, (which rather effaces, than
obliterates) these puncturing the stamp,
will render it impossible of removal
without

without damage, - and with punctures,
as well as marks, the marks are tried
to be cleaned off, and with some success,
but the punctures must remain.

I have the honor to be,
Sir
Your most obedt Servant

Alexdelancey
District Magistrate.

Madras 3rd October 1874

To

The Honorable D. F. Carmichael

Acting Chief Secretary to Government

Ootacamund

Sir,

1. I have the honor, with reference to the Proceedings of Government Financial Department dated 5th September 1874 No 1498 to submit the following report

2 In those Proceedings I was directed to take necessary action in a case brought to notice by the Post Master General wherein a private Gumastah named Venkatasa Iyengar had written a letter for his employer and sent it to be posted at the Gollenchettipollium Receiving House in the Pattiarumgalum Taluq Coimbatore District, and which letter was found to bear a stamp which the postmaster at Gollenchettipollium reported to have been used once already. I placed myself in communication at once with the District Magistrate of Coimbatore and with the Government Vakeel attached to the District Court, and from the particulars finally communicated to me with Mr Wedderburn's letter dated 22nd September 1874 No 362, I am of opinion that the case is one that cannot be successfully prosecuted to a

Conviction

No 83

Financial 1874 September
From
The Collector of Coimbatore
&c
To the Chief Secretary to
Government of Madras
&c

Dated 23rd September 1874
Received 25th do
No 80.

No 1968

Stating certain circumstances
connected with the
case brought to notice by the
Postmaster General of Coimbatore
in which a private Gumastah
employed by the Collector
Pleader had used
for the office use
a stamp
which had already been used
stamp.

conviction

3. The Deputy Magistrate of the Pattiamungalum Division within whose jurisdiction the matter transpired held a preliminary enquiry, and all the evidence obtainable amounts only to this. A man named Ramanaden, who is a large firewood contractor, caused a letter to be written by his Clerk Vencatasa Iyengar and after signing it left it with the said Vencatasa Iyengar to be addressed stamped and dispatched, and then went about his business. Vencatasa Iyengar, in his turn, after folding and pressing and fastening the letter, handed it to a peon named Angappah, with instructions to proceed to a certain bamboo basket left about in a Kotai, or shed, belonging to his master containing papers, and take out of it one of two postage stamps he would find in it, which stamps he was to stick on to the letter, and then put the letter into the post. After giving these instructions, the Clerk turned to the work of granting permits to men coming in for bamboos. Having received his instructions, the peon Angappah went to the bamboo basket, and (says that he) found uppermost a postage stamps which he pasted on to the letter, and having done so he put the letter into the post office at Gollachettipollium. The peon added that the box had no lock, that it was not covered with any covering of skin, and that it was only usual to cover it with a rope.

4. Upon this state of things, and from a statement forwarded by the Deputy Magistrate I learn that, it is proposed to charge the Clerk Vencatasa Iyengar with fraudulently using a Postage stamps, knowing it to have been before used, under Section 262 of the Penal Code, which provides for the punishment, with fine, or imprisonment extending to 2 years, of the fraudulent use, with intent to cause loss to Government, of any stamps issued by Government for the purpose of revenue, and which stamps the offender knows to have been before used. To establish this charge, the clerk of the receiving house is to be called to prove that the letter in question was posted at his office; Ramanaden, the firewood Contractor, is to be called to prove that he directed Vencatasa Iyengar to write and dispatch the letter; the peon is to be called to prove that he was directed by Vencatasa to go to the basket to get a postage stamps from it, to paste it on the letter, and then to post the letter; two men are to be called who were present when these instructions were given; and lastly, it is proposed to call a Revenue Inspector named Parthasarady Naidoo, as an expert who is paid to be "able to discern the obliterated marks on the label more clearly with a magnifying glass"

5. I am not of opinion that, upon this evidence, conviction can be brought home to Vencatasa Iyengar, that he fraudulently and purposely put the used postage stamps in such a position in the bamboo box that the peon should under his instruction proceed to this very stamps and use it for the purpose of defrauding Government. The presence of the stamps in question in the box might be merely accidental, for it might well be, even if the clerk himself did put the stamps at some time or another into the box, that he did so in a careless manner, and forgot all about it. At all events, I am not disposed to think that the evidence can be accepted as conclusive to point to guilty intention and purpose on the part of the accused.

In

In para 6 of his letter to me Mr. Wedderburn aptly writes as follows.

"The Court might not consider the presumption that the clerk put the used stamps ~~in the stamps~~ in the basket Conclusive. On the other hand a writer of letters (clerk) is more likely to be a receiver of them and remover of used stamps than a common man or peon. There is a strong case of presumption against Venkatesa Iyengar, but whether such proof as will ensure conviction is for you to consider".

In para 7 he writes. "I send you the letter with its stamps, it is a dirty and not a fresh looking stamps, but possibly an inferior servant might not notice or consider the point whether it had been used before". Having considered the evidence I am of opinion that the charge should be dismissed.

I have the honor to be
Sir.
Your most Obedient Servant
Will Scharlieb
Jr,
Acting Government Pleader.

Read letter from Major Akers
Ottawa 9th October 1874 No 1708.

Under the circumstances Stated no further
action will be taken in the matter alluded to.

2. From the P.M.G's request that the Post Master might be ordered "to conduct the Prosecution" it was supposed that the Magistrate in this Province case was ready to go before the Magistrate - [illegible] In future, where the Offence is one set by the Schedule attached to the Code of Crim. Pro. is congnizable by the Police (as in the present instance) Major Burke will put the matter in their hands. [illegible] 9/10/74.

Ottawa 9th October 1874.

To

The Chief Secretary
to Government
New Brunswick

No. 2053 Postal Communication

Dated 3rd October 1874.
Rec'd 5th ——

Reporting that upon a
consideration of the evidence
the case brought to notice
of the use of an obliterated
postage stamp on a letter
posted in the receiving
house at Belleisle Bay
Kings Co. the Postmaster
General will not
see that can be proceeded
to a conviction -

Note endd

Govt. of {1874} Madras.

Financial.

To
The Magte. of Coimbatore
&c.

G. O. Oct. 9, 1874, No. 708.

Nos. 63. 65.

Postal. Under circumstances stated by the Ag. Govt. Pleader, orders given that no further action be taken in the prosecution of the case in which an obliterated postage stamp was affixed to a letter, & the Postmaster General directed in future where the offence is cognizable by the Police, to put the matter in their hands.