

MADRAS RECORD OFFICE.

Government of Madras.

Jurinal DEPARTMENT.

G.O. No.	219	Press ~~Mis.~~
	28. 29	
Dated	24 - 2 - 1857.	

Not to be folded or roughly handled

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Fort St. George, Judicial Consultation, 24th February 1857.

No. 28. Read the following letter from A. PURVIS, Esq., Magistrate of Rajahmundry; to T. PYCROFT, Esq., Chief Secretary to Government, dated Alamoore, 5th February 1857, No. 30.

SIR,

I have the honor to forward copy of a Sentence passed by the Acting Joint Magistrate, on a charge of Extortion by violence, preferred against a Police Peon† of the
† Polapully Ramacroostnamah. Tandemullah Talook.

2. It will be seen from the Sentence, that the Acting Joint Magistrate acquitted the Prisoner of having extorted money for his own private purposes, but found him guilty of having used personal violence to enforce payment of a fine of 2 Annas, imposed by the Head of Police, and sentenced him to pay a fine of 10 Rupees, or in default, to be imprisoned two months with labor, and to be dismissed from his situation.

3. The Session Judge, however, on appeal, has mitigated the fine to 4 Rupees, and recorded his opinion that the case does not appear to be one calling for the dismissal of the party from office. A copy of the Proceedings of the Session Court is also submitted.

(Signed) A. PURVIS,
Magistrate.

No. 1 of 1857.

Extortion by Violence.

Prisoner,

Polapully Ramacroostnamah.

The Prisoner is charged with having about 4 months ago, (exact date unknown,) at about 8 A. M., at Kalavalapilly, in the Tandemullah Talook, by violence extorted from Prosecutor the sum of two Annas, he, Prisoner, at the time being a Police Peon in office, and not having any authority to demand or receive any such sum.

The Prosecutor deposes that about the time entered in the charge the Prisoner demanded "something" for himself, that he, Prosecutor, refused to comply with the demand, that next day the Prisoner came to him (Prosecutor) and directed him to accompany him to the Cutcherry of the Head of Police, that he, Prosecutor, replied that "he was coming," when the Prisoner seized him by the hair, pulled his head down, and struck him with his fists, that Prisoner then took him (Prosecutor) to a tank and offered to release him on the payment of 2 Annas, that as he could not endure the severity with which he was treated, he requested one Veyemmah to lend him the money, that as she had not got it, she went to 3rd witness and borrowed it, that she gave the money to him (Prosecutor) and he to Prisoner, that he cannot prove that he paid it to the Prisoner; and that he has no idea why the demand was made.

Prisoner denies the charge and states, that about a year ago, the Head of Police went to the Prosecutor's Village, and in consequence of the accumulation of dirt in the principal street directed a number of persons to be fined two Annas each, that a list of them (list produced) signed by the Village authorities, was given to him, that the Prosecutor's name was in the list, that in conformity with the directions which he received, he demanded 2 Annas from Prosecutor, who refused to pay, and continued to do so until about 10 A. M., when he went away, obtained the money, and paid it with a threat that he would have his revenge; that the amount of fines collected was made over to the Village authorities, who, by order of the Head of Police, paid the same to the coolies, who cleaned the street.

1st Witness deposes that about 4 months ago, he saw Prisoner pulling Prosecutor by the hands towards the tank, and heard him (Prisoner) demand 2 Annas *as fine for Nuisance*, that the Prisoner then pushed him on the neck so as to bend the head down, and struck him one blow on the back.

2nd Witness deposes that about 6 months ago, the Prosecutor, himself (witness) and some others were respectively fined 2 Annas *for Nuisance* by the Head of Police, that Prisoner demanded the amount of the fine from the Prosecutor who refused to pay it, that the Prisoner then

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pulled the Prosecutor towards the tank which is in the vicinity of the Cutcherry and then struck him.

3rd Witness deposes that he knows one Veyammah, but that he has never on any occasion lent her any money whatever.

(Every exertion has been made to procure the attendance of Veyammah and 2 other witnesses named by Prosecutor, but they cannot be found, nor can the Head of Police ascertain where they have gone to.)

The Prisoner in his defence calls 2 witnesses, these depose that the Prosecutor was not beaten, for if he had been, he would have then complained, this by no means follows, and does not falsify the evidence of the 1st and 2nd witnesses for the Prosecution, who depose to having been eye-witnesses to the transaction.

On consideration of the record the Prosecutor's statement appears in some respects exaggerated, and in others not truthful, from the evidence of 1st and 2nd witnesses and the document produced by the Prisoner it is evident that the demand of 2 Annas was made in consequence of an order of the Head of Police who inflicted a fine of this amount on Prosecutor among many others, on account of nuisance. It is also evident from their depositions that the Prosecutor was well aware why this sum was demanded, why he paid it, and that it was not on his own account that the Prisoner collected it, though he, Prosecutor, now on solemn affirmation denies this.

There can also be little doubt from the evidence of 3rd witness that the Prosecutor's statement as to his having obtained the sum of 2 Annas from 3rd witness through one Veyammah is also untruthful.

The evidence of 1st and 2nd witnesses proves that the Prosecutor has been subjected to ill-treatment and personal violence by the Prisoner, though by no means to the alleged extent.

The Prisoner is acquitted of having extorted money for his own private purposes, but found guilty of having used personal violence to enforce the payment of a fine of 2 Annas imposed by the Head of Police, and accordingly sentenced to pay a fine of 10 Rupees or in default, to be imprisoned in the Zillah Jail for a period of 2 months, with hard labour (without irons,) under Section LIV, Act VII of 1843.

The Head of Police in office at the time was dismissed from the Public service some months ago, no statement has therefore been taken from him.

(Signed) C. R. PELLY,
Acting Joint Magistrate.

Note. The above sentence carries with it dismissal from office.

(True Copy.)

(Signed) A. PURVIS,
Magistrate.

Extract from the Proceedings of the Session Court of Rajahmundry; dated 29th January 1857,
No. 17.

Read Petition presented by Polapully Ramacroostnamah, appealing from the decision of the Acting Joint Magistrate who in an alleged case of extortion by violence fined him 10 Rupees or 2 months imprisonment and also dismissed him from his situation as Peon.

Read Report A, submitted by the Acting Joint Magistrate.

1. From a consideration of the evidence as recorded by the Acting Joint Magistrate, it appears that out of a grudge against the Petitioner, the Prosecutor has preferred a wilfully false and malicious charge of extortion many months after it is said to have occurred, and has committed perjury. The Acting Joint Magistrate has himself acquitted the Prisoner of the graver charge, but on the evidence of the 1st and 2nd witnesses, believing that he committed an assault on the Prosecutor, passed the decision now appealed against. These two witnesses who differ considerably as to the time when the occurrences they relate, took place, say in direct opposition to the Prosecutor, that the Petitioner demanded of Prosecutor 2 Annas, as a fine that had been inflicted for

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nuisance, while the Prosecutor says he demanded it for himself, and that he does not know why.

2. 3rd witness likewise directly contradicts the Prosecutor's denying that he ever gave Veyammah any money.

3. The full extent of assault deposed to, consisted of pulling the Prosecutor by his hands towards the Cutcherry, pushing him by the neck, and striking him a blow. Had any serious assault been made, there is no reason why the Prosecutor should not then and there, have preferred his charge. His delay in making it, together with his evidently false statements, lead the Acting Session Judge to view the complaint, as grossly exaggerated, and he therefore resolves to mitigate the punishment awarded, to a fine of 4 Rupees. The case does not appear one calling for the dismissal of the Petitioner from office in addition to the fine.

Ordered that extract from these Proceedings be forwarded by precept returnable without delay to the Magistrate of Rajahmundry for his information and communication to the Acting Joint Magistrate.

(True Extract.)

(Signed) R. R. COTTON,
Acting Session Judge.

(True Copy.)

(Signed) A. PURVIS,
Magistrate.

No. 29. ORDER THEREON, No. 219; dated 20th February 1857.

The Government are of opinion that the fine, 4 Rupees, as reduced by the Acting Sessions Judge, is ample punishment for the act which has been established against the Peon Polapully Ramacroostnamah, and that it is not necessary to dismiss him from Office. He should be warned to be more cautious in future.

(Signed) T. PYCROFT,
Chief Secretary.

End. F. Cartledge.

There can also be little doubt from the evidence of 3rd witness that the Prosecutor's statement as to his having obtained the sum of 2 annas from 3rd witness through one Vijayamah is also untruthful.

The evidence of 1st and 2nd witnesses proves that the Prosecutor has been subjected to ill treatment and personal violence by the Prisoner though by no means to the alleged extent.

The Prisoner is acquitted of having extorted money for his own private purposes, but found guilty of having used personal violence to enforce the payment of a fine of 2 annas imposed by the Head of Police, and accordingly sentenced to pay a fine of 10 Rupees or in default to be imprisoned in the District Jail for a period of 2 months, with hard labour (without iron), under Section 4 IV Act VII of 1863.

The Head of Police in office at the time was dismissed from the Public Service some months ago no statement has therefore been taken from him.

(Signed) C. R. Pelly
Janoobloo } Acting Joint Magistrate
10th January 1887

Note - The above sentence carries with it

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True Copy 1

Harail
Magistrate

A
By
H.G.

M.G.

Fort St George,
20 February 1854
Copy to the Mag: of Rajahmundry

No 219

The following opinion that
the fine &c as ordered by
the Acting Sessions Judge
is ~~adequate~~ ^{ample} punishment
for the act which has been
established against the
Pear Polapully Rammachandramah,
and that it is not necessary to
dismiss him from office. He
should be warned to be more
cautious in future JPS

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Copy to the Mag: of Rajahmundry

Exd
R. K. Chellam
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