

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	5/2	Press
	30.3/	Mrs
Dated	5-5-	1857

Not to be folded or roughly handled

Fort St. George, Judicial Consultation, 5th May 1857.

No. 30. Read the following letter from R. R. COTTON, Esq., Acting Civil and Session Judge of Rajahmundry; to T. PYCROFT, Esq., Chief Secretary to Government, Judicial Department, dated 4th April 1857, No. 66.

SIR,

1. I have the honor to acknowledge the receipt of an Extract from the Minutes of Consultation under date 25th Ultimo, No. 354, Judicial Department, calling for further information relative to the withdrawal from Sarripella Suttenna, of his Sunnud as Government Vakeel, and in reply, I have the honor to submit, that I recommended the confirmation of the said individual, as Government Vakeel shortly after my arrival at the station, as I found he had been acting for a considerable time, and I was not aware of any individual better fitted for the appointment.

2. Sarripella Suttenna has never passed the required examination for a Pledership, and from a year's experience of his conduct, I cannot say that he has discharged his duty as Government Vakeel, with either propriety, zeal, ability, or integrity. As a Government Prosecutor he has been utterly useless having no idea of his duties, or of conducting a criminal prosecution.

3. As to his integrity and the propriety of his conduct, it is impossible that he could undertake the cause of a man so notorious as Rednum Dhurmaroydoo, without knowing that he was liable, at any time, to be called upon to conduct proceedings against him; the annals of the Courts, Magistrates, Civil and Criminal for years past, show this man to be a notorious forger and suborner of perjury, and one who owing to his great influence; has prostituted every Court in the Zillah, and whose character is not less known than dreaded throughout the District. Last year he was placed on his trial for perjury and subornation of perjury before the Subordinate Court, Sarripella Suttenna being his Vakeel was unable to perform his duties as Government Prosecutor. He was again committed in December last, for forgery and uttering before the Subordinate Court, and has been convicted by the Session Court, and adjudged 7 years' imprisonment with labor and 150 lashes, but the case is still under appeal, in this case also Sarripella Suttenna was unable to perform his duties as Government Vakeel, when his services were urgently required.

4. That Saripella Suttenna is well aware of the impropriety of his conduct, and the incompatibility of his undertaking the duties of Government Vakeel, with those his client's interest demand, and the consequent justness of the order for his removal, may be fairly inferred, from his silence; my order having been passed 3 months and upwards. I having waited to see if he would make any appeal before I recommended his successor.

5. Could it have been legally proved that he was privy to the forgery, and filed it knowing it to be such, he would doubtless have been put on his trial, together with his client; there can be little doubt, taking all the circumstances of the case into consideration, that he knew the document he filed was a forgery, and the fact of his filing a forgery, although he may not have known it to be such, has been decided to be sufficient to justify his removal from his situation of Pleader, (Vide Morley, Vol. I, part II, page 147.)

6. A further objection to Saripella Suttenna as Government Vakeel, I take to be, his relationship to the Sheristadar, and other servants in the Sub and Civil Courts, in fact I consider him quite unfit for the appointment of Government Vakeel, and very inferior in zeal and ability to the man now acting, who since he has been appointed to act, has given me satisfaction. As to integrity, it would be a bold man who would testify to that of any of the Ministerial Officers of the Rajahmundry Courts.

7. I should in conclusion mention that Rajavarapoo Ramanna now acting, though performing his duty with zeal, has not passed his Pleader's examination, and that there is only one Pleader in the Court who has passed the required examination, but I could not recommend him, for Government employ. The Subordinate Judge lately advertised in the Gazette for Pleaders, but without success, it would be a great advantage if a properly qualified individual could be appointed as Government Vakeel and Prosecutor.

(Signed) R. R. COTTON,

Acting Civil and Session Judge.

Fort St. George, Judicial Consultation, 5th May 1857.

To

The Right Honorable the Governor in Council, Fort Saint George,

Madras.

The humble representation of Sarepullah
Sattannah, late Government Vakeel of the Rajah-
mundry Zillah Civil Court.

MOST HUMBLY SHEWETH,

That the Acting Civil Judge of Rajahmundry has dismissed your Petitioner from the situation as Government Vakeel, on the ground that he had taken Vakalutnamahs from one Rednum Dermarayodoo in two suits, wherein perjury and subornation of perjury and forgery charges were preferred against him, and sent the *Sunnud* of his appointment, granted to him by your Lordship, to your Lordship. Your Petitioner is hereby subjected to great injustice; and begs to submit the following few lines for your Lordship's kind consideration in hopes of obtaining redress from your Lordship.

1. It having been prescribed in Clause 4, Section 37, Regulation XIV of 1816, that Government Vakeel is entitled to take Vakalutnamahs in suits of others, wherein the Government are not concerned, your Petitioner took Vakalutnamah on behalf of the above individual Rednum Dermarayodoo in a suit, wherein perjury and subornation of perjury charges were, 10 months afterwards, preferred against him, and the Sub Court tried them and released the said Rednum Dermarayodoo 10 months ago, without committing him to the Session Court.

Both from the Civil and Criminal records in that suit, it appears clearly that there was no fault on the part of your Petitioner in that case.

2. Before the said charges were preferred against the said Rednum Dermarayodoo, *i. e.* in 1853, your Petitioner took another Vakalutnamah from him in another suit and conducted the suit on his behalf by filing his answer and certain other documents. A few days after the production of those documents, the opposite party in that suit objected that the date of one of the above documents, was forged, whereupon your Petitioner, not agreeing to plead in the above suit on the behalf of the above individual, has withdrawn his Vakalutnamah in that suit, afterwards the Sub Court committed the said Dermarayodoo to the Sessions Court for the charge of the said forgery, who was tried and punished by the Sessions Court.

3. Your Petitioner was not, in the time of producing the said document, aware that the date of the document was forged and after the opposite party objected that it was so, your Petitioner withdrawn his Vakalutnamahs.

4. The Sub Court at first, tried witnesses and in the Civil suit for making a Decree, and again at a second time, when the said Rednum Dermarayodoo was committed to the Sessions Court, who also did the same. But during the trial thus passed at three terms, it was not at all proved that your Petitioner produced the forged document knowing it to be such, or that he has committed any other fault. In the Decree and Calendar of the Sub Court and in the sentence of the Session Court, it is in nowhere objected by either of the two authorities that there was suspicion that your Petitioner committed any fault.

5. The Acting Civil Judge took from your Petitioner the *Sunnud* of his appointment on the 11th March and your Petitioner, on the same date, requested him by petition too for the restoration of his situation, as he is innocent to which the Civil Court held proceedings that "Petitioner well knew the character of his Client who he preferred serving to the Government, Petitioner rejected," and your Lordship will, on reference to the said proceedings, observe that your Petitioner is innocent.

6. Your Petitioner has been performing his Pledership since 17 years with propriety and he is senior than all the Pleaders in the Courts at Rajahmundry with the exception of one Vamooray Ramannah, none of the Pleaders are acquainted with English and your Petitioner has a tolerable knowledge in the same language and is also well acquainted with Sanscrit.

7. Mr. T. A. Anstruther who had twelve years experience in this Zillah as a Civil Judge, and who was well acquainted with the abilities and good characters of all the Pleaders, appointed in 1851 your Petitioner to act as Government Vakeel which was confirmed on him in the last year and he has been properly carrying on the duties thereof since 1851.

Fort St. George, Judicial Consultation, 5th May 1857.

8. The dismissal of your Petitioner is in direct opposition to the 11th para: of the Minutes of Consultation of your Honorable Lordship, dated the 8th August 1856, No. 840, which was circulated by the Circular Order of the Foujdarry Udalut, dated the 28th August 1856, as well as to the letter your Lordship has sent to the Sudr, dated 23rd February 1830.

Your Petitioner therefore prays your Honorable Lordship will, on a favorable and kind consideration of the foregoing circumstances, be pleased to restore him to his situation as Government Vakeel. For which act of favor your Petitioner shall as in duty bound ever pray.

(Signed) S. SUTTENNAH.

9th April 1857.

No. 31.

ORDER THEREON, No. 512; dated 4th May 1857.

1. The Acting Civil and Sessions Judge of Rajahmundry, under date 11th March last, having reported that he had withdrawn the *Sunnud* of appointment from S. Suttenna, the Government Vakeel in that Zillah, on the ground, first, of Suttenna's having twice rendered himself incapable of conducting his duties of prosecutor, when a notable character, one Rednum Dhurmarayodoo was tried for perjury and forgery, Suttenna being the Prisoner's Vakeel in both instances; and secondly, because on the latter occasion he had filed the forged deed; Government in Extract Minutes of Consultation of the 25th Idem, desired to have further information before them, and in particular enquired whether it was sufficiently shown that Suttenna was privy to the crime perpetrated by his Client, and that he filed the forged deed, knowing it to be so forged.

2. Mr. Cotton now replies that a guilty knowledge cannot be legally proved against the late Vakeel; but quoting Morley, Vol. I, Part II, 147, he states that the fact of a Pleader filing a forgery, *although he may not have known it to be such*, has been decided to be sufficient to justify such Pleader's removal from his situation. He further states that he has reason, generally to be dissatisfied with the man, who is wanting both in zeal and ability.

3. On the other hand the Vakeel has himself addressed the Government, in exculpation of his conduct.

4. Resolved that the matter be referred for the opinion of the Judges of the Sudder and Foujdaree Udalut, who with reference to the foregoing papers and any other information which may have reached them direct, will be good enough to report on the conduct of the Vakeel, and his fitness to represent the Government.

(Signed) T. PYCROFT,

Chief Secretary.

Memo.

Read letter from Asst. C. & P. Judge

of Prof. Edmunds.

(Here enters 4th April/57)

Read also Petition from S. Sutterman,
Libe Geo. Vahel, Prof. Edmunds. Pet. 862/57.

The Acting Civil & Superior

Judge of Prof. Edmunds - under

date 11th March last - having re-

ported that he had introduced

the petition of above from S.

Sutterman, he Geo. Vahel in that

petition stated that on the ground, first, the

Sutterman's having twice rendered

himself incapable of conducting

his duties of Prosecutor, where a

notable character, the Petitioner

whereas the same was tried for

July & August - Sutterman being

the Prisoner's Vahel in both instances

and accordingly, he came on

the better occasion, he had filed

the petition, dated 11th March last.

of the 15th March, dated

the 15th March, dated

the 15th March, dated

the 15th March, dated

the 15th March, dated

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2. Mr. Brown now replies that a guilty knowledge cannot be legally proved against him by Vakeel; but, quoting Morley Vol. I. Part II. 147, he states that the fact of a Pleader failing to forge, albeit he may not have known it to be such, has been decided to be sufficient to justify such Pleader's removal from his situation.

"an authorized Pleader of the Civil Court, who is accused of the charge of forging a document, & presenting it to the Court, knowing it to be forged, was dismissed from office in consequence of his position arising from the having presented a forged document, being a forged document in the Court of it."

3. The entire epitome of the decision, as given by Morley, is quoted in the margin. It is not easy to see how he of Judge has been able to consider it in every way a parallel case.

4. The Vakeel has himself admitted he got and his statement is his. That R. Shurmanados bought a suit for Subordinate C.E., & retained him as counsel. That the opposite party having obtained satisfactory testimony to show that the date of one of the documents filed by his client was forged, he, the

Vakeel, immediately threw up his brief. The Sub Court committed Shurmanados to the Court of Sessions, where conviction ensued.

5. If the foregoing statement be true, it is not apparent why the Vakeel's services were not, as the Sess. Judge complained, availed in conducting the Prosecution against the Prisoner. He had been retained as his counsel in the Civil Suit only, and even later duty he had withdrawn himself from.

6. That the Vakeel is aware of the unpardonable flagrantcy of his conduct is clear, the Sess. Judge states, from his distance where superseded in his Post. The fact is disputed by the Vakeel. His summons, he says, was taken from him on the 11th March, and on the same day he applied for a Warrant and E.C. from the Proceedings of the Court, taking into the reason for his dismissal. On the 15th of the same month the Judge reports his case to G.C.; on the 9th April, the Vakeel enters in his appeal. 17/4/77

No 512.

226. In. Court.

dated 11 May 1857.

Read taken from the acting civil & Sessions Judge of Rajahmundry.

(Here enters 4th April /51/

Read also Petition from S. Suthanna, late Govt. Vakil, Rajahmundry.

(Here enters Pet No 862 1857)

1. The acting civil & Sessions Judge of Rajahmundry under date 11th March last having reported that he had withdrawn the summons of appointment from S. Suthanna, the Government Vakil in that filled on the ground, first, of Suthanna's having twice rendered himself incapable of conducting his duties of Prosecutor, when a notable character, one Reddanna Duramayala was tried for Perjury and Forgery - Suthanna being the Prisoner Vakil in both instances and secondly, because on the latter occasion he had filed the forged Deed, Government in Extraordinary of

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... This is I believe connected with the case lately tried before Mr. Cotton at Rajahmundry, and of which a full report was published in the papers. The fact that I understand sustained the conviction of the Court whereby the Prisoner was sentenced to imprisonment. These papers might perhaps be sent to him for his report on his conduct of the Vakil and in fact, as I understand it, the Government Vakil in that filled on the ground, first, of Suthanna's having twice rendered himself incapable of conducting his duties of Prosecutor, when a notable character, one Reddanna Duramayala was tried for Perjury and Forgery - Suthanna being the Prisoner Vakil in both instances and secondly, because on the latter occasion he had filed the forged Deed, Government in Extraordinary of

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and ability.

3. On the other hand the Vakeel
has himself addressed the Court,
in exculpation of his conduct.

4. Resolved that he make to
be referred for the opinion of the Judges
of the Sudder & H. C., who with
reference to the foregoing papers &
any other information which may
have reached them direct, will
be good enough to report on the
conduct of the Vakeel, and his
fitness to represent the Court.

L. R.
27/6/17.

Copy to the Judges of the Court of
Sudder & H. C. } Disposed of
By C. V. Judge of Rajahmundry

Ans No. 3-4

31-3-57
31-3-58
31-4-57

Dr. J. J. Brown, 5th Army
Indictment 1857 & 1858

1857

Ed. J. Morris, 1857

Dr. J. J. Brown, 5th Army

He 1865

1865

1865