

*Proceedings of the Madras Government, Judicial Department,
5th July 1860.*

Read again Petitions Nos. 3,556 and 4,532 of 1859, from Mahomed Zainal Abdin, late District Munsiff of Aialore.

No. 18. Read also the following letter from G. F. FULLERTON, Esq., Officiating Registrar to the Sudder Adalat, to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 5th November 1859, No. 77.

1. I have the honor by direction of the Judges of the Sudder Adalat to report for the information of Government, as requested in their Order of the 13th October, the facts connected with the dismissal from his situation of Mohammed Zainal Abeden, late District Moonsiff of Aialoor, in the Zillah of Trichinopoly.

2. The attention of the Court was first called to the official misconduct of the District Moonsiff of Aialoor by a petition presented by the Zemindar of Torriore. This petition was accompanied by an authenticated copy of an order of the Civil Judge of Trichinopoly on the matters that had led to the petition, which disclosed such an amount of official misconduct and impropriety on the part of the Moonsiff, that the Court required the Civil Judge to submit an immediate report on all the circumstances connected with the case.

3. From the report then furnished it appeared, that some batta Peons entrusted with the service of a Process of the Moonsiff's Court of the Zemindar of Torriore, had accused him and his servants of having assaulted them and torn up the Process. The Moonsiff had then without taking any written statement on oath to that effect from the Peons, assuming to himself a power which he did not possess, issued a warrant and apprehended the accused, and detained them in custody—allowing, however, such a length of time to elapse before he proceeded with the inquiry, that the Civil Judge had every reason to believe that the witnesses were in the meanwhile tampered with. There was also great irregularity in the Moonsiff's mode of conducting the inquiry, as shown in his neglect to take a written statement from the Peons, his cross-examination of the accused, his recording for the information of the Collector reflections on the conduct of the Police Peshcar and Village Moonsiff, who had given evidence in favor of the accused, qually uncalled for and undeserved, clearly evincing the existence of partiality on his part inconsistent with his position as a Judge.

4. The Civil Judge had not brought these circumstances, he stated, to the notice of the Court, as he trusted that the warning he then conveyed to the Moonsiff would have been sufficient to make him guard against such errors in future, but since then other instances of misconduct had come to his knowledge which rendered it necessary for him to recommend his dismissal from his office.

5. It appeared that a Mahazurnamah was presented to the Civil Judge accusing certain of the Peons of the Moonsiff's Court of obtaining illegally and under false pretences bribes from the suitors of the Court, which practice it was also alleged was sanctioned by the Moonsiff himself. The Moonsiff, on being called on by the Civil Judge to report on the accusation, instead of replying to it directly, charged some other Peons with having got up this Mahazurnamah, and recommended either that they should be dismissed or himself transferred to another district. He further got up a Mahazurnamah bearing testimony to the excellence of his own character, and another as to the worthlessness of that of his accusers, and at the same time published an Istyar or Proclamation threatening whoever should sign the Mahazurnamah of his accusers with his displeasure and a fine of 200 Rupees, all acts highly unbecoming in a Judicial Officer.

6. It will be observed that all these facts are a matter of record which he had a full opportunity of explaining before the Civil Judge, and would in themselves have justified the Judges of this Court in removing him from his situation. But before passing an order to this effect, he was afforded the opportunity of urging what could be said in extenuation, his Counsel being heard at great length in his defence.

7. On a consideration of all the circumstances, the Court were of opinion that his whole conduct exhibited a partiality and bias unbecoming in a Judge, and that his proceedings had

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been so evidently influenced by personal animosity and private feeling while he had been guilty of the grossest impropriety in the publication of the Proclamation above alluded to, that it was impossible to allow him to continue longer on the judicial bench for which he had shown himself so unfit.

8. On his praying for a reconsideration of their order, the Judges declined to enter again into his case, as he had already been fully heard in the matter. They would only add that his written explanation then submitted was frivolous in the extreme, and most disrespectful in its tone to the Civil Judge of Trichinopoly.

P. S.—The original enclosures are herewith returned.

No. 19. ORDER THEREON, 5th July 1860, No. 836.

1. In the above letter the Court of Sudder Adalat detail the circumstances connected with the dismissal of the Petitioner from his post of District Munsiff of Arianlore.

2. The two main charges brought against him, viz., the irregular proceedings and illegal assumption of power referred to in paragraph 3, and the publication of the Istiyar, having been held to be proved, and it being considered improper to allow him to continue longer in so responsible a position, the Court directed his dismissal.

3. The Government will not disturb this decision. They consider however that exclusion from the service, which the above sentence implies and carries with it, is a more severe punishment than the circumstances of the case require. They accordingly request that the Court will instruct the Civil Judge to employ Petitioner in some post in his Court on a salary equal to that he drew before being raised to the Bench. Having already passed the District Munsiff's examination, he need not again undergo examination.

4. Ordered that the following Endorsement be passed upon Petitions 3,556 and 4,532 of 1859, and No. 1041 of 1860.

"The Government decline to restore Petitioner to the post from which he has been dismissed. They however permit his re-employment in a lower grade."

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

Judicial Dept
Proceedings of the Madras Govt
Read again Petitioner
N^o 3556 & 4532 of 1859 from
M. Jamul Abdur-Rahim late D^e
Munsiff of Arianlore.

Read letter dated 5th Nov^r
1859 from the Off^{ce} of Registrar
to the Chief Secy.

Order thereon 5 July 1860. No 836.

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Bench. Having
already passed the
8th Mississippi exami-
nation, he need
not again undergo
examination.

4. Ordered that
the following Ord^r
be passed upon Pet^r.

For my duty.
Official 1879 separate.

836

Proceeding of Document

Oct. 5 - July 1895 -
 St. 848/14. - removal
 - 1883/85

"The reference to the letter from the Count of d'Artois is not deluding the Emperor. Charles can be well with the disingenuity of the above named abbe, from his past conduct. The worth of an abbe in the gillies of Trickingphy, My dear the judges is misdirect that Council Judge to employ Robinson in some post in his court, or a salary in regard to that he does not before being raised to the Senate.

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