

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. <i>445</i>	<u>Press</u> <u>Mis.</u>
<i>1-2</i>	
Dated <i>3.4.1861</i>	<i>19</i>

5/6

Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
3rd April 1861.*

No. 1. Read the following letter from L. C. INNES, Esq., Civil Judge of Nundial, to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated Kurnool, 16th March 1861, No. 5.

Adverting to the Proceedings of the Madras Government, dated 5th instant, No. 295, regarding the refund of salary of Bhima Ráu, 5th Goomastah of the Civil Court of Nundial, I have the honor to forward a copy of my letter to, and a copy of Proceedings of, the Sadar Court on the subject as called for.

2. I have not thought it necessary to forward copies of the enclosures which accompanied my letter to the Sadar Court, as the matter is sufficiently explained by the letters now forwarded. Bhima Ráu was acquitted by the Sadar Court on the ground that it was unsafe to trust to the evidence appearing against him.

From L. C. INNES, Esq., Civil Judge of Nundial, to C. F. CHAMIER, Esq., Registrar to the Court of Sadar Adalat, Fort Saint George, dated Kurnool, 2nd August 1860, No. 43.

1. In accordance with the extract of Proceedings of the Court of Sadar Adalat of the 18th June 1858, I proceed to offer the following explanation on the petition herewith forwarded.

2. On my way from Madras to Kurnool in January I was visited at Chittoor by my former Serishtadar Narasimha Pantulu now Deputy Collector of the District of North Arcot, and in the course of conversation he mentioned to me that as he was leaving Nundial (at which station he officiated as Moonsiff for some months) for Chittoor, i. e. about the 13th of September 1859, he saw an extortionate letter written to one of the Goomastahs of the Nundial Court by Bhima Ráu, a Goomastah of the Civil Court. On my return to Kurnool conceiving that as this communication had been made to me in private, I was not justified in taking public notice of it, I issued to the Moonsiffs within my jurisdiction, the Circular copy of which is appended to this letter, which I was of opinion would have the effect of checking any malpractices on the part of the Goomastahs of the Civil Court.

3. After Narasimha Pantulu's leaving Nundial a complaint was preferred against him to the Collector by certain parties, and the Collector brought the matter to my notice. I instituted an investigation and a correspondence ensued which was brought to a close by Narasimha Pantulu's explanation submitted with his letter of the 17th March 1860, and my proceedings thereon, dated 21st April 1860.

4. I had found no evidence against him on the charges preferred but I thought it better for Narasimha Pantulu's character that he should be urged to give an explanation.

5. In it as will be seen from the copy appended he asserts that Giriappa my present Serishtadar bears him ill-will and was the instigator of the charges, and he then insinuates that Giriappa through his favorite Bhima Ráu was in the habit of extorting money from the Goomastahs of the Moonsiffs' Courts and makes reference to the letter of which he had previously informed me.

6. On receiving this public information I took immediate steps to discover the truth of Narasimha Pantulu's assertions by sending the order, copy of which is appended, to the Moonsiff of Nundial.

7. An extortionate letter from Bhima Ráu with a few lines at the end in his own handwriting was produced by Dasappa, but it proved to be of more recent date than that referred to by Narasimha Pantulu, which Dasappa states is mislaid.

8. A translation of the evidence of Dasappa regarding the extortionate letter he produced is appended, together with translations of the evidence of the witnesses to the fact of the latter

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part of the letter being in Bhíma Ráu's hand-writing, which even his relative Giriappa the Serishtadar admits that it resembles.

9. A careful comparison of the hand-writing with the diaries written by Bhíma Ráu, the unhesitating testimony of the other Goomastahs in recognition of it as his hand-writing, the naturally unwilling admission of Giriappa, and the impossibility as it appeared to me of there being any conspiracy against Bhíma Ráu who was not in a position to excite ill-will forced me to the conclusion that the letter was actually sent by him.

10. The effect of the letter is as stated in my proceedings, as the Sadar Court will be able to judge from the translation herewith appended.

11. I therefore considered it my duty to dismiss him and I in doing so recorded the proceedings appealed from.

P. S.—In explanation of the delay in forwarding this petition I beg to state that for more than 3 months I have been without a Translator and that another of the Officers of my Court has lately left me for service in the Police. An accumulation of copying work has also been hanging upon the hands of my writers, and all these causes have tended to prevent my forwarding it sooner.

Proceedings of the Sadar Court, 25th August 1860.

Read letter under date the 2nd August 1860, from the Civil Judge of Nundial, forwarding with his explanation, a Petition to this Court from A. Bhíma Ráu, late 5th Goomastah of the Civil Court, appealing from the Proceedings of the Civil Judge, dated the 30th March 1860, dismissing him from his situation on the ground that he had written a letter, the object of which was to obtain a loan of 50 Rupees from Dásappa, one of the Goomastahs of the Moonsiff's Court of Nundial, on the false pretence that he could secure Dásappa from censure by the Civil Judge for errors made in the discharge of his duty.

The Sadar Court are far from being satisfied that the petitioner is guilty of the matter laid to his charge. The accusation is brought by Narasimha Pantulu in a communication to the subject of which it had no relevancy. It does not appear what is the cause of the information or whether this is the sole instance of corrupt dealing of which the informer had knowledge. The Court much mistrust his motive in making the accusation. The letter he speaks of having seen is not the one produced, and the account given by Dásappa of the letter said to have been so seen does not correspond with his account of it. The letter produced the Court consider to be of an improbable sort. The primary communication, which is a lengthy one, is not in the hand of the accused. And it does not appear why he should have made the addition attributed to him, the primary communication containing all that was necessary, or why he should place himself thus in risk with his own hand-writing, after having employed another scribe. It is as if those who may have sought to imitate his hand resorted to this expedient of a postscript, not trusting themselves with a more extended performance. The Court consider it dangerous to convict upon a mere declaration as to a person's hand-writing, it may be successfully imitated and the deponents may be deceived by resemblances. The evidence is strictly no more than the expression of an opinion. The Court therefore acquit petitioner and direct that he be restored to his office.

(True Extract.)

(Signed) C. F. CHAMIER,

Registrar.

To the Civil Judge of Nundial.

(True Copies.)

(Signed) L. C. INNES,

Civil Judge.

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No. 2.

ORDER THEREON, 3rd April 1861, No. 445.

It appears from the papers submitted with the above letter that the Sudr Court, distrusting the evidence adduced for the prosecution, gave a verdict of "acquittal." The acquittal being complete, and the stain which rested upon his character having been thereby removed, Bhíma Ráu is entitled to arrears of pay for the time he was out of employ. The Government accordingly sanction disbursement to him of the amount (Rupees 8-13-1) Rupees eight, Annas thirteen and Pice one solicited in paragraph 1 of the Civil Judge's letter, dated 21st February, No. 4.

(Signed) T. PYCROFT,

Chief Secretary.

Exd. F. Cartledge.

Stain which

upon his character
having been thereby
removed, Khim
Ran is entitled to
~~his~~ arrears of pay
for the time he
was out of employ.

The Govt. accordingly
~~resolves~~ sanction
disbursement to him

of the amount (RS. 13.7)
(Rs. 12.00 + Rs. 1.70)
collected in para 1

of the Civ. Judges
letter dated 21st

23.3.94.

JP d. 7

Civil Judge of Pundrial }
Suor Mahant }
Civil Auditor } Despt 4-3-61.
Acct General }

Proc. of April

Decided 18th Sept 11

(N^o 4445)

Proceedings of 18th

of 13 April 1841

(2)

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