M.R.O. 1—22/(O)—15-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1089	Press ~~Mis.~~
208-209	
Dated 20 - 7 - ~~19~~ 1884	

4/5

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,
20*th July* 1864.

Read again Proceedings, 10th June 1864, No. 856.

No. 20 Read also the following letter fr
Tanjore; to the Honorable A. J. ARBUTHNOT, Chief Secretary
vernment, Fort Saint George, dated Vellore, 9th July 1864, No. 12
As directed in the Orders of Government 10th June, No.
have the honor h
by the pet
(petitioner) alleges he has to make against Mr. Ballard, late Acting Pri
der Ameen of Combaconum, and Rama iyar, District Moonsiff
num.

2. From this it will be seen that the petitioner alleges that Mr. Ballard first passed a decree, and which petitioner considered was in his favor, and then re-calling that decree passed another decision which he considered was not so. No copie ner of the decrees were, however, produced by the petitioner; but from his own showing it seems that the substance of the complaint he has to make against Mr. Ballard is that while in the first instance the decree amount was declared to be payable by one of the defendants in the final decision it was made payable by another defendant. Petitioner also asserts that Mr. Ballard failed to take notice of an interpolation which is stated to have been made in one of the documents filed in the suit. There is, however, nothing whatever to show tha Mr. Ballard acted corruptly or maliciously herefore clear no charge could be brought against that officer under Section 219 of the Indian Penal Code.

3. Again, with regard to the charges petitioner seeks to prefer against the District Magistrate, there is the same utter want of any evidence to show that that officer acted in either of the five cases adduced either corruptly or maliciously, and the matters of which petitioner complains are such as, I submit, should be brought before the Court of Appeal or Revie

4 I am therefore of opinion that the statements of the petitioner are undeserving of any further notice, and judging from the nature of the suits brought by him, and from the manner in which his statement was appears to me to be a person of litigious and not of very respectable character.

—

Sivaramaiyen.
Seshappaiyen.
Combaconum Brahmin Siva.
Mirasidar, aged 50 years, sworn.

The petitioner before being sworn was warned of the consequences of bringing an unfounded and false charge against any public servant.

Sworn.

Question.—Against whom have you to prefer any charge or charges—wha these charges, and what are the circumstances connected therewith, and by what evidence are prepared to substantiate them?

Answer.—I have to prefer a charge against Mr. Ballard, District Moonsiff N when acting as Principal Sudder Ameen of Combaconum in the year 1862, for having m passed a decision inimical to me, knowing the same to be contrary to law. I have also to p four similar charges against Ramasawmy Aiyar, District Moonsiff of Combaconum. These charges I bring under Section 219 of the Indian Penal Code.

Tanjore.

The decision of Mr. Ballard of which I complain was passed in the month of September
not a copy of the decision with me. I had a stamped copy, but it has been given
ourt. I have not a private copy. The case was Appeal No. 228 of 1860. I was plain-
iginal Suit from which I preferred the above appeal. The original number was 130,
f 1857, and the decision p Pillay, the District Moon-
My origin nd for Rupees 1000 ; my
. My defendant against whom I preferred this claim was Ragozee Pandi-
ama Rayar. There o four other defendants in the Original Suit, Sami
of Combaconum, Sar treet, Iyana Chetty, Venaititha Chetty and
Nallaperuman Chetty. The decis Court was, that Nullaperuman Chetty should
give the amount to me. The Bond was given by Rama Rayar for 1000 Rupees to three parties of
whom Nullaperuman Chetty was on had purchased his share in the original trial. The 1st
defendant, Rama Rayar, had acknowledged his liability for the Rupees 1000, and engaged to pay
the same to any party whom the Court should decree was entitled to receive it. When the suit
came up in appeal before Mr. Ballard in 1862, he, Mr. Ballard, first decided in my favor and that
st defendant Rama Rayar should pay the amount due on the Bond. This decision was given
about the 8th September. I do not remember whether I obtained a c f that decree or not.
After the decision was passed one Annamala Chetty, brother of Venaiti petition
claiming to be admitted as a defendant. The petition was accepted, and I was directed to give a
n. I refused at fi afterwards I gave on Mr. Ballard reversing his
former decision in my favor, and which decreed that Rama Rayar should p f
my claim, pass her decree confirming the original decision of the Di
was about the mber. I made a Special Appeal in the High Court, who dismissed the same
he origi Rupees 500, under Section 27, Act XXIII
of 1861. I also co de in the original document by t tion
the word "Mahoo aken of this matter either by the I on-
by the Principal Sudder Ameen, and the High Court directed me to prefer a charge respect-

This is all the charge I have to inst Mr. Ballard. I have ter
e decision in my favor he passed another contrary to the same. I h ver,
at Mr. Ballard did so corruptly or maliciously. I have also t Mr. Bal-
interpolation in the document annot prove that he
from doing so corruptly or maliciously. I have no evidence to over the docu-
will show the interpolation.

As regards the District Moonsiff of Combaconum—I was plaintiff in Suit No. 277 of 1862,
belonging to the defendant was zufted and afterwards it was released
n of Nagur Mahalingaiyan. The Moonsiff did this th ; he
e Civil Judge, Mr. Bird, stating that he was on bad terms with me, and ther
not under these circumstances have nothing to do with my suits. An answer came, how-
Moonsiff, was to inquire into them. I have no further
onsiff having acted corruptly or maliciously. Again in No. 35 of 1861,
the validity of a false chit by which I was deprived of seven mahs
maliciously and on account of
That same cl produced before Mr. Morris who, pronounced it
my possession. I hav idence to prove this; there are only the
documents.

5. A 825 of 1859 I preferred a plaint against five persons for Rs. 739-10-0. I re-
quested the Moonsiff to examine the particular witnesses material to my cause; without doing so he
dismissed the plaint as also done maliciously and on account of the enmity the M
rds me. I have no witnesses in this. There is only documentary evidence.
in 1861.

6. Again in No. 685 of 1859 I had purchased from a party holding a Will the property
cified in that Will. I preferred the plaint against his son for interfering with the same, and the
onsiff decided against me through enmity. I have no witnesses to prove this. There is only
umentary evidence.

7. I have no other complaints to make against the above parties.

Read over to the witness in the Tamil language which he understands, and admitted by
to be correct.

NT CALIMERE,
30th June 1864.

(Signed) W. M. CADELL,
District Magistrate.

(True Copy.)

(Signed) W. M. CADELL,
Magistrate.

09. ORDER THEREON, 20th July 1864, No. 1089.

Referring to the above letter from the Magistrate of Tanjore and its enclosure,
tive to the allegations made by Sivaramaiyen against Mr. Ballard, as Acting Prin-
l Sudder Ameen, and Ramasami Aiyar, District Moonsiff of Combaconum, the
vernor in Council declines to grant the authority solicited for instituting prosecu-
ns against these officers. The Magistrate will inform the petitioner accordingly.

(True Extract.)

Secretary to Government.

the Magistrate of Tanjore.

d. J. Tulloch·

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read again Pros: 10th June '64 No. 856.

Read also letter from the Magistrate of Tanjore — Encl. 8th July '64 No. 124.

Order — 20th " 1864, No. 10.

~~Under the circumstances reported in the communication of Tanjore & the substance of the allegations made by Sivaramayen against Mr. Babbard, as acting Principal Sudder Ameen, & Ramasami Aiyar District Moonsiff of Combaconum, the Governor in Council declines to grant the authority solicited for instituting prosecutions against these officers.~~ The Magistrate will inform the petitioner accordingly.

To the Magistrate of Tanjore.

PROCEEDINGS *of* GOVERNMENT

Dated