M.R.O. 1—30,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 834 Press ~~Mis.~~

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Dated 6 — 6 — ~~19~~ 1864

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Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, 6th June 1864.

No. 64. Read the following letter from G. S. FORBES, Esq., Agent to the Governor in Ganjam; to A. J. ARBUTHNOT, Esq., Chief Secretary to Government, Fort Saint George, dated Chetterpore, 12th March 1864, No. 34.

I have the honor to acknowledge receipt of the Orders of Government, No. 221, dated 20th February on the case of one Lutchiah, late a Gumastah in the Court of the Palasa Moonsiff.

2. The Government require that this person should be re-employed, because "his dismissal without inquiry and without calling upon him for an explanation of the charges against him, was irregular and objectionable;" and, 2ndly, because "the criminal charge on which he was tried and convicted is supposed to have been first brought forward only after his dismissal."

3. So far from this charge of embezzlement having originated after Lutchiah's dismissal, it will be seen that this very charge of neglecting to account for the peon's batta, formed one of the Moonsiff's complaints against him, and when I dismissed him on the 20th June, 61 Rupees were claimed from him under this head.

4. Had the charge been got up or no grounds existed for it, Lutchiah had only to produce his accounts with the vouchers of payments. An unanswerable line of defence was therefore patent to him, if he was an honest man; but he used no such plea, and had not a word to say to the men whom he had defrauded. The Government will see therefore that the conviction is not open to suspicion on the ground of the charge being novel, and that in effect it was right in equity as well as good in law (for the prisoner's appeal to the High Court was rejected.)

5. As regards the remark that no opportunity was afforded him of explanation, I would respectfully call attention to the correspondence I had the honor to submit with my letter of the 17th November 1863. When the Gumastah was charged with idleness and insubordination, and in particular with failure to write up certain accounts, opportunity for explanation was afforded him as is clear enough from his having replied on each occasion; but instead of pointing to work done and accounts, &c., complete as he might have done, he preferred to say that the Moonsiff had no reliance on his own judgment and leaned to the opinion of others together with other disparaging remarks.

6. I offer these remarks for the consideration of His Excellency, and earnestly pray that he will not insist on the re-employment of this convicted purloiner of poor men's wages, this idle and unworthy subordinate, in the District of Ganjam.

No. 65. ORDER THEREON, 6th June 1864, No. 834.

As it appears from the foregoing letter that the sentence passed upon T. Lutchiah, late Head Gumastah in the Court of the District Moonsiff of Palasa, in the case referred to in the Proceedings of Government, under date the 20th February last, has been brought under the review of the High Court by whom T. Lutchiah's appeal was dismissed, the Governor in Council resolves to withdraw the order for the re-employment of T. Lutchiah.

(True Extract.)

Chief Secretary.

To the Agent to the Governor of Fort Saint George in Ganjam,

Exd. J. Tulloch,

Pr. No. 140-141
20-2-64

Judicial Department

1. Proceedings of the Madras Government

Read the following letter from the

Agent & the Governor in Ganjam—

(No 4 in 12 March 1864 No 2.

Order thereon 6th June 1864. No. 834.

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