

MADRAS RECORD OFFICE.

Government of Madras.

Indic DEPARTMENT.

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Not to be folded or roughly handled

5-4-30

*Proceedings of the Madras Government, Judicial Department,
17th May 1867.*

Read the following papers :—

No. 192 From T. A. N. CHASE, Esq., Acting Magistrate of Kurnool, to the Chief Secretary to Government, Fort Saint George; dated Kurnool, 1st April 1867, No. 25.

With reference to the Proceedings of the Madras Government, under date the 16th ultimo, No. 236, I have the honor to state that, from the records submitted by the Acting Head Assistant Magistrate, Mr. Sharp, it appears that the box was not specially in the charge of any person, but that 3rd Clerk Narsappa had charge of the key, and that the box itself was kept in the Taluq Treasury.

2. The box was last opened on the 17th September 1866, when it contained the amount given in Mr. Pochin's letter, No. 58, dated 28th November 1866, and as no money was wanted from it, or to be put into it, it was never removed from the Taluq Treasury during that interval.

3. The only evidence that the box contained the said amount is the accounts kept in the Head Assistant's Office by the above named clerk.

4. The Acting Head Assistant Magistrate states that he cannot, at present, ascertain in whose charge the cash box was sent to the Taluq Treasury, or to whom it was delivered, as the 3rd Clerk, who had charge of it, is absent on leave, and promises to report further, on receipt of information from the clerk to whom he has written.

5. The reason given for the box not being put within the Taluq Treasury is very unsatisfactory; Mr. Sharp states that there was no room on the floor for it. The box could have been placed on one of the large treasure boxes within the Treasury. The box was never kept inside the Treasury, but immediately outside, under the eye of the sentry.

6. A copy of the record of the trial of the Constable on guard is forwarded, as directed, together with a copy of Mr. Sharp's letters on the subject.

From F. R. H. SHARP, Esq., Acting Head Assistant Magistrate of Cumbum, to T. A. N. CHASE, Esq., Acting Magistrate of Kurnool; dated Doopad, 6th March 1867.

With reference to your endorsement upon the Proceedings of the Madras Government, Judicial Department, dated 16th February 1867, No. 109, which reached me day before yesterday evening, I have the honor to reply to the queries in the Order, as follows:—

2. The key of the cash box under consideration was, at the time of the theft, in charge of Narsappa, 3rd Clerk of this Office.

3. It appears that the box had not been opened, prior to the theft, after the 17th September 1866, when there was no suspicion of anything being wrong. It is presumed, therefore, in the absence of any presumption or the slightest hint to the contrary, that the contents of the box were what the accounts show ought to have been in it.

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4. The box had been in the Taluq Cutcherry more than a month in charge of the Treasury guard.
5. The result of the Magisterial inquiry pointed to Khaja Ibrahim as the man to whom the box was ultimately delivered.
6. The box was not placed inside the wooden cage which serves as a Treasury, because there was no available space on the floor for it, but, according to a practice which has probably existed since the box was kept at the Taluq Cutcherry, it was placed immediately outside the Treasury, with two other boxes.
7. The advance fund, being now limited to 10 Rupees, is kept under the personal charge of the Head Clerk.
8. A copy of the record of the trial of the Constables on guard is herewith submitted.

Deposition given on oath by Police Constable Kannia, before the Acting Head Assistant Magistrate of Cumbum, on the 22nd October 1866.

On the 18th of this month, at 6½ A. M., I went into the Taluq Cutcherry, where the cash chests were placed.

Three cash chests belonging to the Taluq Cutcherry, the Engineer, and the Head Assistant Collector, respectively, were lying in the verandah.

I can identify each of them, because I see them frequently. Having gone to my house at 8 o'clock for food, I returned to the Cutcherry at noon. Then I did not particularly observe the cash chest of the Head Assistant Collector. On the morning of the 19th, I left my house and went to the Cutcherry, but I did not go towards the place where the cash chests were placed.

On the same day, at 12 o'clock in the noon, Constable Booden Saib told the Head Constable Hussain Khan, who sat with me, that the cash chest of the Head Assistant Collector was missing since last night at 12 o'clock, to which he replied it might have been taken to the Head Assistant Collector's Office as usual. It was Police Constable Khaja Ibrahim Khan who was on guard on the morning of the 19th.

It was his turn that day from 4 to 6 o'clock.

I saw the Head Constable, Hussain Khan, arranging the guard on the morning of the 18th. Khaja Ibrahim, Booden Saib, and Kareem Saib were the persons to watch the Treasury. Sometimes a separate Constable is told off to guard the prisoners.

The cash chest in question was a small one, and could be carried by one person.

(Signed) KANNIA.

This evidence was read over to the witness in Telugu, which he understands, and was acknowledged by him to be correct. It was taken down in my presence and hearing, and under my personal direction and superintendence.

(Signed) F. R. H. SHARP,
Ag. Head Asst. Magistrate.

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Deposition given on oath by Police Head Constable Hussain Khan, before the Acting Head Assistant Magistrate of Cumbum, on the 22nd October 1866.

On the morning of the 18th, I ordered the prisoners before the Court, Khaja Ibrahim, Booden Saib, and Kareem Saib to watch the Treasury. On that day I took leave, on account of my private business, and joined the station at 8 P. M.

The Constable Kareem Saib was then watching the Treasury. I slept there in the station. On the same night, at 12 o'clock, Booden Saib, the Constable, awoke me, and told me that the cash chest of the Head Assistant Collector was missing.

On my inquiry, Constable Kareem Saib said it was missing from that morning, and Constable Khaja Ibrahim Saib said he knew nothing of the matter, and Booden Saib said he saw it there in the evening. I was quiet until morning, thinking that the Moonshees of the Head Assistant Collector might have it with them.

Next morning, when I inquired of writer Kannia, I received a negative reply. I again asked the three prisoners before the Court what they knew about the cash chest, and they replied in the same way as before. I informed the Police Inspector of this, who told me to inquire whether Kasavalu Naidoo, the Head Clerk of the Head Assistant Collector, had the box. I accordingly sent writer Kannia to ask Kasavalu Naidoo, who denied all knowledge about it. I reported this to the Inspector.

I also went to the Engineer, Mr. Bance's, house, thinking it might have been, through mistake, carried and retained there; but, on inquiry, I did not find it there.

I also went to the houses of Timmaraj and Narsappa at 4 P. M., and they were not at home. I asked them again on the morning of the 21st; they said they did not send for the box. I informed my Inspector of all this, who came to the Cutcherry for inquiry, but failed to trace the box.

(Signed) HUSSAIN KHAN,
Head Constable.

(Signed) F. R. H. SHARP,
Ag. Head Asst. Magistrate.

On the 26th November 1866.—As soon as Booden Saib told me that the box was missing from last night, I asked the Constable Kareem Saib, who said that he remembered having only seen two boxes from the morning.

When I arranged the guard on the morning of the 18th, I saw the missing box there with other things.

As I had some private business of my own, I took leave and went home.

I came to the station at night at 9 o'clock and did not see the box, because I did not go to the place where they were placed.

This evidence was read over in Telugu, a language which he understands, and was acknowledged by him to be correct. It was taken down in my presence and hearing, and under my personal direction and superintendence.

(Signed) F. R. H. SHARP,
Ag. Head Asst. Magistrate.

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Deposition given on oath by Kodur Narsappa, 3rd Clerk of the Head Assistant Collector's Office, before the Acting Head Assistant Magistrate of Cumbum, on the 23rd October 1866.

It is usual for me to place the cash chest in question in the Cutcherry, and to go there and take the money wanted, placing it there locked and sealed with the office seal.

It is also usual sometimes to get the box brought to my Office.

Last month I took some money out of it, and locked and sealed the box. On the 17th September I opened and took some money out of it, and paid the same to a peon employed in the Breach of Contract Case.

After paying his wages I locked and sealed the box, and placed it in the Cutcherry. The box then contained the money noted below :—

	ES.	A.	P.
Subscription collected by the Sub-Magistrate of Chapalamadoogoo.....	91	8	0
Office Furniture.....	25	12	0
The wages of peons employed in Breach of Contract Cases.....	2	2	0
The property of one Pachemuna of Bastarampett concerned in a Criminal Case.....	7	12	0
Total..	127	2	0

The total sum in the box was Rupees one hundred and twenty-seven, and Annas two.

When the box was required, I used to send a Police Constable and a Mussaljee to bring it from the Cutcherry.

Sometimes I used to go myself to the Taluq Cutcherry for it.

(Signed) NARSAPPA.

This evidence was read over to the witness in Telugu, a language which he understands, and was acknowledged by him to be correct. It was taken down in my presence and hearing, and under my personal direction and superintendence.

(Signed) F. R. H. SHARP,
Ag. Head Asst. Magistrate.

Deposition given by Police Inspector Venkata Soobiah Naidoo, before the Acting Head Assistant Magistrate of Cumbum, on the 23rd October 1866.

On the 19th of this month, Police Head Constable Hussain Khan told me that the cash chest of the Head Assistant Collector, which was placed in the Taluq Cutcherry, was missing.

I asked him who was the Police Peon on guard when it was missed. He said he would inquire and let me know.

He also said it was brought to his notice that, five or six days ago, it had been sent for by the Subordinates of the Acting Head Assistant Collector, and he would inquire into this minutely and let me know.

I do not remember whether he came to me that day to report, as I had suffered with fever.

On the 20th, at 3 p. m., the Head Constable, Hussain Khan, said he inquired of Kasavala Naidoo about the box, and received a negative reply from him.

He also said he would ask the other clerks, who he said have not yet come to their houses.

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On the morning of the 21st, he told me he inquired of all the clerks, and they said they knew nothing about it. It was 10 o'clock then.

I immediately went to the Cutcherry, and out of three Constables that were on guard on the night of the theft, I searched the houses of Booden Saib and Kareem Saib, whom I suspected much, and nothing was found. I searched yesterday some other houses, and have ordered to-day the Head Constable Bongal Khan and Syed Raza to search the houses of Constable Khaja Ibrahim and a Lascar of the Engineer Department. They reported that they searched the houses accordingly, and found nothing.

(Signed) B. VENKATA SOOBIAH,
Police Inspector.

This evidence was read over to the witness in Telugu, which he understands, and was acknowledged by him to be correct. It was taken down in my presence and hearing, and under my personal direction and superintendence.

(Signed) F. R. H. SHARP,
Ag. Head Asst. Magistrate.

Deposition given by Police Constable Khaja Ibrahim, before the Acting Head Assistant Magistrate of Cumbum, on the 23rd October 1866.

Q.—What do you know about this?

A.—About 5 or 6 days ago, one day, at 10 o'clock, I relieved Kareem Saib, who was on guard at the Treasury.

Q.—What did you take charge from him?

A.—Twenty-seven prisoners, three hatchets, ten swords, and three boxes belonging to the Taluq Cutcherry, Mr. Bance, and the Head Assistant Collector, respectively.

At 12 o'clock, I delivered over all these to Constable Booden Saib. Afterwards, I went to my house, for food, and came back. When I again took charge, at 4 o'clock, the three boxes, &c., were all right.

I was on guard up to 6 in the evening, when, having delivered charge of all things, as mentioned above, to Booden Saib, I went away to my house for food. I returned to the Cutcherry at 9 o'clock, and slept there.

At 10 o'clock, Constable Kareem Saib awoke me, and, on my going there to receive charge, there were only two boxes, the other being missing.

As I knew the box, I asked him what had become of the Head Assistant Collector's box. He (Kareem Saib) replied it was missing from the morning of that day. I again told him that I saw the box in the evening, to which he denied.

I thought of reporting this to the Head Constable; but I did not do so, because I heard from the other Constables that he had performed some ceremonies and was tired. I thought of reporting it to him at 12 o'clock, at the end of my turn, for I did not wish to disturb his sleep.

After 12 o'clock, Constable Booden Saib came to relieve me from duty, and I informed him that the box was missing, and he informed the Head Constable Hussain Khan of the same. I had also reported that Kareem Saib, from whom I took charge, had delivered charge of only two boxes.

I afterwards reported the same to the Head Constable, Hussain Khan, who inquired of the Constable Kareem Saib and received an answer that, from the morning, there were only two boxes.

When I reported this to the Head Constable, a prisoner, Mahomed Kassim, was hearing all what I reported.

(Signed) KHAJA IBRAHIM.

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This examination was taken in my presence and hearing, and contains accurately the whole of the statement made by the accused person.

(Signed) F. R. H. SHARP,
Ag. Head Asst. Magistrate.

Deposition given by Constable Booden Saib, before the Acting Head Assistant Magistrate of Cumbum, on the 23rd October 1866.

Q.—What do you know about this matter?

A.—About five or six days ago, one morning, Constable Murad Khan delivered over charge to me 27 prisoners, and three money boxes, belonging to the Taluq Catcherry, the Engineer, and the Head Assistant Collector, respectively, and went away.

I was on guard from 6 to 8 o'clock, and then delivered over charge of these things to Constable Kareem Saib, and got myself relieved from duty.

At 4 o'clock in the evening, Khaja Ibrahim's turn was over, and I was on guard. At 8 o'clock in the evening, all the things were there, viz., two money boxes and one stamp paper box, which I saw in the morning.

I delivered over charge again at 8 o'clock to Constable Kareem Saib, who looked over all the things, and assumed the charge.

At 12 o'clock in the night, I went to Khaja Ibrahim and asked him to give over charge. He told me to examine all the things, and, on my doing so, I found the money box of the Head Assistant Collector was missing.

I asked Khaja Ibrahim what had become of it. He said he knew nothing.

Q.—What did you do when Khaja Ibrahim informed you that the box was missing.

A.—I awoke Kareem Saib, who was on guard before Khaja Ibrahim, and asked him about the box. He said he delivered over charge correctly, and knew nothing about it afterwards.

Q.—To whom did you report afterwards?

A.—I awoke the Head Constable Hussain Khan from sleep, and reported it to him.

The Head Constable Hussain Khan told me to receive charge. I refused, because the Head Assistant Collector's box was missing.

Mark x of BOODEN SAIB.

This examination was taken down in my presence and hearing, and contains accurately the whole of the statement made by the accused person.

(Signed) F. R. H. SHARP,
Ag. Head Asst. Magistrate.

Deposition given by Constable Kareem Saib, before the Acting Head Assistant Magistrate of Cumbum, on the 23rd October 1866.

Q.—What do know about this matter?

A.—About five or six days ago, one morning, I was on guard on the Treasury of the Taluq Catcherry at Cumbum.

There were three boxes in my charge, besides some prisoners and things. At 10 o'clock, Khaja Ibrahim relieved me, to whom I delivered over charge of all the things as I had taken charge of. Again, at 2 o'clock, I relieved Booden Saib from duty, and found all the things there as I had delivered over charge in the morning.

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I again relieved Booden Saib at 9 o'clock in the night, and found three boxes and the other things right.

At 10 o'clock I delivered over charge to Khaja Ibrahim and got myself relieved. At 12 o'clock Constable Booden Saib awoke me from sleep. Booden Saib asked, "when you delivered over charge to Khaja Ibrahim, did you show him all in your charge correctly or not, as one box is now missing?" to which I replied "I delivered over charge correctly."

Then Booden Saib awoke the Head Constable Hussain Khan, and reported all this to him, on which Hussain Khan told him "keep your watch for the present, I shall inquire into everything tomorrow." Next day, having gone to Bodoocherla to deliver the Tappal, I returned at four, and again asked the Head Constable Hussain Khan to inquire about this.

He then ordered writer Kannia to do so.

On my way to Bodoocherla, I met the Head Assistant Magistrate on the road and spoke to him, but did not inform him of this, because I thought the Head Constable might have reported the matter.

I do not remember what day it was.

I went to Bodoocherla on the next day after the theft was committed.

This examination was taken down in my presence and hearing, and contains accurately the whole of the statement made by the accused person.

(Signed) F. R. H. SHARP,
Ag. Head Asst. Magistrate.

Deposition given on oath by Nadiburala Kassim before the Acting Head Assistant Magistrate of Cumbum, on the 26th October 1866.

About six days ago, on a certain day, the Constable Khaja Ibrahim (before the Court) gave over charge to Booden Saib (before the Court), and thereby relieved himself from duty.

At about 12 o'clock in the night, the Constable Booden Saib counted all the prisoners and examined all the things in the Catcherry, having a wick in his hand lighted.

He told Khaja Ibrahim that one box was missing, and I heard the latter say that Kareem Saib gave over charge to him in a similar manner.

As I was sick that day, they made me sleep in the Catcherry, and not in the prison.

When Constable Booden Saib awoke Kareem Saib and asked him what had become of the missing box, he said he remembered having given to his charge only two boxes and not three. Then Booden Saib awoke the Head Constable Hussain Khan and reported it to him, but he said he would inquire everything next morning.

At 8 o'clock, Booden Saib was relieved by Kareem Saib, then they did not speak anything about the missing box.

At 10 o'clock, Kareem Saib was relieved by Khaja Ibrahim, then also they did not speak anything about the missing box.

Mark x of Kassim.

This evidence was read over to the witness in Telugu, a language which he understands, and was acknowledged by him to be correct. It was taken down in my presence and hearing, and under my personal direction and superintendence.

(Signed) F. R. H. SHARP,
Ag. Head Asst. Magistrate.

(A true Translation).

(Signed) T. CHASE,
Acting Magistrate.

The first time that the Head Assistant Magistrate's box is missed appears, from the evidence of Hussain Khan, from the disappearance of a box of money placed under the charge of Booden Saib, Constable, to have been at midnight 18th-19th, when Booden Saib, who was on guard of Treason, immediately states that Head Assistant Magistrate's Office box is missing both to Khaja Ibrahim and sury, and that he has thereby committed an offence punishable under Section 44 of the Police Act, and the Court directs that the said Booden Saib be fined 20 Rupees, and in default of payment of the same be simply imprisoned for 3 weeks.

No blame then can be attached to Booden Saib, who misses the matter to his immediate Superior Khaja Ibrahim be fined 20 Rupees, and in default of payment of the same be simply imprisoned for 3 weeks.

The Court finds that Booden Saib is not

The first time that the Head Assistant Magistrate's box is missed appears, from the evidence of Hussain Khan, Head Constable, and Booden Saib, Constable, to have been at midnight 18th-19th, when Booden Saib, when Booden Saib, going to relieve in his charge as Policeman on guard of Treach Khaja Ibrahim, immediately states that Head Assistant Magistrate's Office box is missing both to Khaja Ibrahim and sury, and that he has thereby committed an offence punishable under Section 41 of the Police Act, and the Court directs that the said No blame then can be attached to Booden Saib, who misses the box and reports the matter to his immediate Super-Khaja Ibrahim be fined 20 Rupees, and in prior Officer. It devolves then upon Khaja Ibrahim to account for the box. He states that he never received it default of the payment of the same be simply from Kareem Saib, when relieved by him at 10 p. m. Did he report this to Head Constable Hussain Khan, who must imprisoned for 3 weeks. have been sleeping in the Cutcherry at least part of the time Khaja Ibrahim was on duty? No; he neither. The Court finds that Booden Saib is not

(True Copy).

(Signed) T. CHASE,
Acting Magistrate

Acting Magistrate

From F. R. H. SHARP, Esq., Acting Head Assistant Magistrate of Cumbum, to T. A. N. CHASE, Esq., Acting Magistrate of Kurnool; dated Griddalore, 26th March 1867, No. 24.

With reference to your Official Memorandum, No. 56, of the 22nd instant, I have the honor to inform you that, on inquiry, I cannot at present ascertain in whose charge the cash box was last sent to the Taluq Cutcherry, or to whom it was delivered, as it had been lying there in charge of the Police some three months at any rate before the theft. Narsappa, 3rd Clerk, in whose immediate charge the contents of the box were, is now on leave.

2. The queries in your Memorandum are transmitted, through the post, this day, to his address as far as it is known, but, as this address is very vague (viz., a village in the neighbourhood of Cuddapah), there may be some delay in procuring Narsappa's replies, so I reply to your Memorandum at once, and will again forward what additional information I may receive.

3. Narsappa stated in his deposition taken before me that he affixed "the (Office) seal" to the box the last time he went to it. I did not directly reply to the two first queries in your Memorandum (which appeared in the Government Order), because they seemed to have been put under the impression that the cash box had been sent to the Taluq Cutcherry the day on the night of which the theft took place, whereas it had been in the Cutcherry for some time before.

No. 193. From W. ROBINSON, Esq., Inspector General of Police, to the Chief Secretary to Government, Fort Saint George; dated Madras, 17th April 1867, No. 671.

General Department.

With reference to G. O., No. 236, Judicial Department, dated 16th February 1867, I have the honor to submit the report of the Local Police Officers on the loss of Mr. Sharp's cash chest at Cumbum.

2. From inquiry I have made, I am satisfied that great carelessness occurred in regard to this cash box. It was a small insecure box, which used to be taken away and brought back by some one about that Officer's Cutcherry. When brought to the office, it was placed outside the strong room in the open Cutcherry. It is alleged that this utterly insecure plan was adopted because there was no room for it on the floor of the strong room; but no explanation is offered why a little box of this kind was not placed on the top of one of the cash chests within the strong room, as might easily have been done.

3. It is possible, indeed probable, that the small box was removed by Constable 109, on the chance of its containing money, or he may have been tempted to go to the festival, leaving his charge to be removed by some one else who was acquainted with its contents, as suggested by the Magistrate. This man has been removed from the Service. He can no longer be trusted.

4. I do not attach blame to the other two Constables who succeeded to the sentry duty between 8 A. M., and 12 P. M. The box had already disappeared, and was not made over to them. It was a mere casual charge, and probably it did not suggest itself to them to ask about it.

5. I must leave it to Government to attach responsibility for the loss of money so carelessly dealt with as shall seem good to them. It is obvious that reasonable precaution in respect to safe custody must be observed by those having care of moneys, and for this the means were at hand in the strong room under the guard. Had ordinary precaution been used, this loss would not have occurred.

From Captain T. B. E. TENNANT, Deputy Inspector General of Police, Central Range, to the Inspector General of Police, Madras; dated Kurnool, 5th April 1867.

I have the honor to forward the reports of the District Police Officers, regarding the loss of a cash chest belonging to the Head Assistant Magistrate at Cumbum.

2. At Cumbum there is the usual Treasury guard in the Sub-Magistrate's Cutcherry, and had the chest been placed inside the Treasury, the Police guard would have taken charge of it in the usual manner.

3. By Departmental Orders, Police Officers are strictly forbidden taking charge of money or valuable property, unless properly secured and handed over. I would suggest that when a departure from the established rules is, for any reason, deemed necessary, a special order should be issued, and notice given to the Police Officers.

From Captain J. B. REID, Superintendent of Police, Kurnool, to the Deputy Inspector General of Police, Central Range; dated Kurnool, 22nd March 1867, No. 161.

I have the honor to forward Lieutenant Foord's report on the circumstances connected with the robbery of the Head Assistant Magistrate's cash box at Cumbum, in October last, as called for by Inspector General in a docket on Proceedings of Government of 16th February 1867.

2. The box had been in the Taluq Cutcherry more than a month, in charge of the Treasury guard, previous to the robbery, and had been kept all that time outside the treasury cage, owing to want of space on the floor within.

3. Narsappa, 3rd Clerk, was the man who had charge of the cash box in the Head Assistant Magistrate's Office, but there does not appear to be any reason to suppose that the box did not really contain the sum represented to have been in it at the time it was placed in charge of the guard.

4. 1st Class Constable 664 has been fined 20 Rupees by the Head Assistant Magistrate and dismissed, as he seems to have been the last man to receive charge of the box as sentry. The other two men who were on duty on the night of the robbery, viz., 2nd Class Constable, 591, Kareem Saib, and 109, Booden, are recommended by Lieutenant Foord for dismissal. The Inspector and Head Constable have both been fined 5 Rupees for delay in reporting the loss of the chest, but Lieutenant Foord seems to think the delay in some measure excusable, as they were, he says, under the impression that the box had merely been removed by order of the Head Assistant Magistrate.

From Lieutenant W. O. FOORD, Assistant Superintendent of Police, Cumbum, to the Superintendent of Police, Kurnool; dated Cumbum, 13th March 1867, No. 19.

I have the honor to forward, herewith, the several depositions taken down by me, with reference to the loss of the Head Assistant Magistrate's cash chest from the Taluq Cutcherry, on the 18th October 1866.

2. Inspector Venkata Soobiah, and Head Constable, No. 537, Hussain Khan, were both guilty of gross neglect of duty, in not immediately reporting the loss to the Magistrate. Neither Head Assistant Magistrate nor Sub-Magistrate knew anything of the matter till the 21st.

3. You will see from the depositions of the three Constables named in the margin, who were the sentries over the cash chest on the 18th October, that the cash chest was in the Cutcherry up to 6 P. M. on that date, and that it was not missed, or rather its missing not reported to Head Constable, till 12 P. M., when Constable, No. 109, Booden Saib was the man who made the report.

4. Constable No. 109 declares he delivered over charge of the cash chest all correct to Constable No. 591, Kareem Saib, at 8 P. M., and Constable No. 591 declares he received over charge of the chest all correct at that time, and, in his turn, delivered it over into the charge of Constable No. 664, Khaja Ibrahim, at 10 P. M.; this, Constable No. 664 denies.

5. Constable No. 664 was charged, under Section 44, Police Act, for neglect of duty in not reporting at the time that the box was missing, viz., at 10 P. M., and produced before the Head

2nd Class Constable, No. 109, Booden Saib.

2nd Class Constable No. 591, Kareem Saib.

1st Class Constable No. 664, Khaja Ibrahim, (discharged).

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Assistant Magistrate; he was fined and dismissed the Service. Nothing was done to the other two men.

6. From the evidence, it strikes me clearly that the box was stolen during the time that Constable 109, Booden Saib, was on sentry, viz., between the hours of 6 and 8 p. m., for he was the only man in the Cutcherry during almost the whole of that time, and had many opportunities for disposal of the cash chest. A large festival was going on at the time, at a distance of about a mile from the Cutcherry, and every one who possibly could go to it did go, and the streets and buildings around the Cutcherry were full of people.

7. I now firmly believe that neither Constable No. 591 and 664 took over charge carefully that night, and that neither of them knew whether the cash chest was there during their turn as sentries, viz., from 5 to 10 p. m., and from 10 to 12 p. m. Constable 109, Booden Saib, was aware of this fact, for when it was his turn to go on as sentry, viz., at 12 p. m., he went straight up to the boxes, and found the Head Assistant Magistrate's cash chest was missing, and it was not till then that the loss was known.

8. Constable No. 591, Kareem Saib, confessed to me a day or two ago (since I first took his deposition, that when he relieved Constable 109, Booden Saib, at 8 p. m., he did not look to see whether the cash chest was there or not, but simply took Constable 109 Booden Saib's word that everything was correct, and that Constable No. 664 had taken it in the same manner.

9. This, in my opinion, is the true version of the case. Constable No. 591 now swears before me that he had said that he had received over charge correctly from Constable No. 109, to save himself from punishment, for he knew that the blame would fall on Constable No. 664, for not reporting the loss of the cash chest at once, when he found it was missing at 10 p. m.

10. Under these circumstances, and as I know that it would be useless to produce the two Constables 109 and 591 before the Magistrate, as Constable 591 would be certain to deny having allowed before me that he was not certain whether the cash chest was in the Cutcherry when he relieved Constable 109 at 8 p. m., and as there is no other evidence, I beg to be allowed to discharge these two Constables from the Service from the 15th instant, with loss of any pay that may be due to them on that date.

11. The Inspector and Head Constable have already been fined Rupees 5 each, and I think it would be hard to inflict a further punishment on them after this long time, as I feel confident that, although they were guilty of gross neglect of duty in not at once reporting the loss of the cash chest, yet that neglect was not wilful on their part, as I believe they were both under the impression that the cash chest had been removed by the Cutcherry people, and they consequently deferred making any report till they had made inquiries.

Cum gratia, 5th March 1867.

Inspector Bance's Report. I was in charge of Cumbum Division on the 19th October 1866. On that day, about 7 or 8 a. m., Head Constable Hussain Khan, No. 537, in charge of Cumbum Division, came to me and reported that the cash chest belonging to the Head Assistant Magistrate was missing from the Taluk Cutcherry, and that he suspected that the Cutcherry people may have removed it, as they were in the habit of doing so. I was suffering from fever, and unable to move at the time, so I told the Head Constable to make inquiries and report again. The Head Constable came to me on the evening of the 20th, and said that he had made inquiries amongst the Cutcherry people, that Narsappa could not be found, so he had not questioned him. I said to the Head Constable, you must question Narsappa, and make a further report. The Head Constable came to me again on the morning of the 21st, and reported that he had questioned Narsappa and the rest of the Cutcherry people, but they all said they had not removed the cash chest. I now went with the Head Constable to the Taluk Cutcherry, and questioned all the Constables in the station, and also the Cutcherry people, but none of them could afford information as to what had happened. Constable No. 591, Kareem Saib, said to me that he had seen the cash chest at 8 p. m., but Constable 109, Booden Saib, on the 18th, at 8 p. m., reported that Constable 591, Kareem Saib, and Constable 664, Khaja Ibrahim, had received over charge of cash

Proceedings of the Madras Government, Judicial Department
17th May 1867.

chest from Constable 109, Booden Saib. I said to Constable 591, Booden Saib, 'did you deliver over charge to any one else?' He replied 'yes, to Constable 664, Khaja Ibrahim, at 10 p. m.' I questioned Constable 664, Khaja Ibrahim, and he denied having received over cash chest from Constable 591. Kareem Saib, and stated that a prisoner, by name Kassim Saib, could prove it. I questioned Kassim Saib, and he told me that he had heard Constables 664 and 109 quarrelling about the cash chest at 12 p. m., and that Constable 109 asked Constable 664 where the cash chest was; that Constable 664 replied that he did not receive charge of the cash chest from Constable 591. This prisoner also told me that Constable 109 had been going out as far as the outer gate of the Cutcherry (but not outside), instead of moving about near the cash chests and lock up; that Constable 109 reported to Head Constable that night, between 12 and 1 o'clock, that the cash chest was missing. Hearing this, I suspected Constables 109 and 591, so I and Head Constable No. 537 and Head Constable No. 715 searched the houses of these Constables, but found nothing—this was on the 21st. I also searched several other houses, at different times, after this, but could get no clue. Constable 664 told me that he had not seen the cash chest in question the whole of that day, i. e., on the 8th. I reported everything I had done in my diary of the 21st October 1866."

Head Constable No. 537, Hussain Khan, states, "on the 18th October 1866, I was in charge of Cumbum Cutcherry station. I named off Constable 109, Booden Saib, as 1st watch; Constable No. 591, Kareem Saib, as 2nd watch; and Constable No. 664, Khaja Ibrahim, as 3rd watch, over the cash chest. They were the sentries by day and by night on the 18th.

I saw Head Assistant Magistrate's cash chest at 6 a. m., and at 8 a. m. I had obtained leave from my Inspector for the whole day, so did not go to station again that day till 8 p. m. At

On reading it over to him a second time, states that Constables 720 and 760 were asleep in the Station.

8 p. m., I went alone. Constable 591, Kareem Saib, was on sentry, and he reported to me that all was correct. There were no other Constables

present in the station. I now went to sleep. At 12 o'clock p. m., Constable 109, Booden Saib awoke me, and said the cash chest is missing. I immediately got up and found such to be the case. I questioned Constable 664, Khaja Ibrahim, who was at this time sentry, as to where the cash chest was; he replied that Constable 591, Kareem Saib, whom he relieved, never handed it over to him. Constable 591, Kareem Saib, declared that he had handed over charge all correct to Constable 664, Khaja Ibrahim. I now placed Constable 109, Booden Saib, on sentry—this was at a little after 12 p. m. I now went to sleep again. I got up at 5 a. m., and went and reported the circumstance to my Inspector, who told me to go and ascertain all the particulars. I went and inquired of Mr. Bance, the Cutcherry people, and others, but could get no clue to the missing cash chest. I also inquired of Narsappa, the Magistrate's Moonshee, but he said he knew nothing about it. I reported all this to my Inspector. On the 19th, I went to Naiknambad, to inquire into a case of breach of Abkary Act, by order of Sub-Magistrate. I returned on the same evening. I again made inquiries, but could find out nothing regarding the missing cash chest. I went and reported accordingly to Inspector, on the 21st. On the morning of the 21st, the Inspector came to the Station."

Constable No. 664, Khaja Ibrahim (dismissed), states, "on the 18th October 1866, I was on duty in the Cumbum Cutcherry station. On that day, from 4 to 6 p. m., I was sentry over the cash chest. At 6 p. m., Constable 109, Booden Saib, relieved me, and I handed over charge to him of three boxes (one of them was Head Assistant Magistrate's cash chest) all correct. I now went away to my house. When I left the station at 6 p. m., Constable 109, Booden Saib, was the only man present in it. I returned to the station again at 9 p. m., and found that Constable 591, Kareem Saib, was on sentry. Head Constable No. 537, Hussain Khan; Constable 429, Casannah, Constable 720, Bismillah Saib, and some others, whose names I do not recollect, were present. I went to sleep. At 10 p. m., the Constable on sentry, No. 591, Kareem Saib, awoke me, and handed over charge to me of 27 prisoners and only two cash chests. I said to him, 'there ought to be three, where is the other one?' He said 'there have only been two since the morning.' Thinking that some of the Cutcherry people may have removed the box, I relieved him and took his place as sentry.

was missing, said to Constable 109, Booden Saib, 'go on sentry, I will inquire into the matter in the morning. I went to sleep again.'

Constable No. 663, Kannia, Station Writer, states "I saw the Head Assistant Magistrate's cash chest in the station, at about 6 A. M., on the 18th October 1866. Constable 109, Booden Saib, was sentry over it at the time. The cash chest was not moved from its place, nor was it opened by any one on the 18th, up to 6 1/2 P. M., for I was present in the station up to that time. I never saw the cash chest opened in the station. I recollect, about 15 days before the 18th October, the chest was taken to the Head Assistant Magistrate's Cutcherry. I don't recollect who took it. I don't recollect whether it was brought back the same day or not. It was not brought back up to 6 P. M. of the same day; whether it was brought back after that I don't know, for I left the station at 6 P. M. I did not sleep in the station on the night of the 18th as usual, as I had obtained leave from Head Constable Hussain Khan to sleep out.

Mahomed Kassim, of Venkettadeypollum, states, "on the 18th October 1866, I was a prisoner in the Taluq Cutcherry. At about 12 P. M., when Constable 109, Booden Saib, came to relieve Constable 664, Khaja Ibrahim, who was on sentry, I heard Constable 109 say to Constable 664 'there is one chest missing, where is it?' Constable 664 said 'Constable 591, Kareem Saib, only handed over to me two boxes, and not three'. Then Constable 109 awoke Constable 591, and asked him how many boxes he had handed over to Constable 664, he said, 'I only recollect about two boxes. I don't know anything about the third'. Then these Constables awoke the Head Constable; and Constable 109, Booden Saib, said 'there are only two boxes instead of three,' and Constable 664 said to the Head Constable that 591 had only handed over to him two boxes. Then Head Constable questioned 591, Kareem Saib, as to how many boxes he had handed over to Constable 664, he said he did not recollect. The Head Constable then said 'relieve sentries, I will inquire into the matter in the morning.'

No. 194.

ORDER THEREON, 17th May 1867, No. 809.

On the 28th November last, Mr. Pochin, the then Acting Magistrate of Kurnool, reported to Government that a cash box, containing Rupees 127-2-0, under the charge of the Acting Head Assistant Magistrate, Mr. Sharp, and kept outside of the Treasury room in the Taluq Cutcherry at Cumbum, had been stolen on the night of the 18th October 1866. That day having been a public holiday, Mr. Sharp was of opinion that the Constable on guard had left his post, to be present at a festival which was going on close by, and that some person had taken advantage of his absence to make away with the box. One of the Police Constables who had been on guard on the night in question was accordingly fined 20 Rupees, under Section 44 of the Police Act, for "violation of duty," and the Acting Magistrate recommended that the fine should be appropriated in part payment of the loss, and that the balance of the amount stolen should be replaced from Government funds.

2. The Government having called for further information on certain points, and for a copy of the record of the trial of the Constable above alluded to, Mr. Chase, the present Acting Magistrate, in submitting the record, together with two letters to his address from Mr. Sharp, states that the cash box was not specially in charge of any person, but that 3rd Clerk Narsappa, of the Head Assistant Magistrate's Office, had charge of the key, and that the box was kept in the Taluq Cutcherry. The box was last opened on the 17th September 1866, and it is said to have contained the sum of Rupees 127-2-0. No money was taken out or put into it, and it was never removed from the Treasury, between the 17th September and 18th October 1866. The only evidence that the box contained the money is the account kept in the Head Assistant's Office by the 3rd Clerk Narsappa, who is

absent on leave, and to whom Mr. Sharp has written for information, as regards the person to whom the box was delivered. The Acting Magistrate is of opinion that the reason assigned for the cash box not having been placed within the Taluq Treasury room is very unsatisfactory; that, although there was no space on the floor, the box could have been placed upon one of the large treasure boxes.

3. The Inspector General of Police is satisfied, from the inquiries which he has made, that there was much carelessness with respect to the custody of the box. He observes that it was a small insecure box; that it used to be taken away and brought back by some person about the Head Assistant's Office, and, when brought back, was kept outside of the room containing the treasure boxes in the open Cutcherry. Mr. Robinson considers it possible that the box was removed by one of the Constables on guard on the night in question, or that he might have been tempted to go to the festival, leaving the box to be removed by some one else. He does not attach blame to the other two Constables, one of whom was the man who was fined and dismissed. Mr. Robinson adds that, had ordinary precaution been used, the loss in question would not have occurred.

4. The Governor in Council has given the matter his careful consideration, and has come to the conclusion that Mr. Sharp must be held responsible for the sum which is stated to have been lost. It is clear that Mr. Sharp failed to take reasonable precautions for the safety of the box.

5. The Governor in Council is of opinion that Constable Khaja Ibrahim, No. 664, who has been fined and dismissed from the Police Force, but who is exonerated by the Inspector General, should be restored to his appointment. The Government resolve to remit the fine which has been imposed upon him.

6. It appears, from the Calendar of the trial of the Police Constables, that two other Government cash boxes were kept outside the Treasury. This will be noticed in the Revenue Department.

(True Extract).

Chief Secretary.

To the Acting Magistrate, Kurnool.
" Inspector General of Police.
" Accountant General.
" Revenue Department.

Ed. J. H. Burns.

Holida

27
Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following papers
From the Magistrate of Kurnool. Dated 1st April 1867 No 25.
Inspector General of Police — 17 — 67.

Order therein 17th May 1867 N: 807.

On the 28th November,
last, Mr. Pachin the then
acting magistrate of
Kurnool reported to Govern-
ment that a cash box
containing Rupees 127-2-
under the charge of the
Acting Head Assistant
Magistrate Mr. Sharp,
and kept outside of the
Treasury room in the
Taluk Catchery ^{at Cumpnam} had been
stolen on the night of the
18th October 1866. That
day having been a public
holiday.

N.
M.
W.H.

holiday, Mr. Sharp was
of opinion that the Con-
stable on guard had left
his post to be present
at a festival which was
going on close by, and
that some person had
taken advantage of his
absence to make away
with the box. One of the
Police Constables who had
been on guard on the night
in question was accordingly
fined 20 Rupees under
Section 44 of the Police
Act for "violation of duty",
and the Acting Magistrate
recommended that the fine
should be appropriated
in part payment of the
loss, and that the balance
of the amount stolen
should be replaced from
Government funds, ~~nam~~
~~Rupees 100 of the whole~~
~~amount of the whole~~
given

98 1
~~from private parties for~~
~~the relief of the poor.~~

2. The Government
having called for further
information on certain
points, and for a copy of
the record of the trial of the
constable above alluded
to, Mr. Chase the present
Acting Magistrate, in
submitting the record together
with two letters to address
from Mr. Sharp, states
that the cash box was
not specially in charge of
any person, but that 3.
Clerk Narasappa of the
Head Assistant Magis-
trates' Office had charge
of the key, and that the
box was kept in the
Gadag Catcherry. The box
was last opened on the
17th September 1866, and
it is said to have con-
tained the sum of Rupees

Papers 127-2. No money
was taken out or put
into it, and it was never
removed from the Treasury
between the 17th September
and 18th October 1866. The
only evidence that the
box contained the money
is the accounts kept
in the Head Assistant's
Office by the 3^d Clerk, Sappa,
who is absent
on leave, and to whom
Mr. Sharp has written
for information as re-
gards the person to
whom the box was
delivered. The Acting
Magistrate is of opinion
that the reason assigned
for the cash box not
having been placed within
the Taluk Treasury room
is very unsatisfactory.
that although there was

no

12
no space on the floor
the box could have
been placed upon one
of the large treasure
boxes.

3. The Inspector General
of Police is satisfied from
the inquiries which he
has made that there
was much carelessness
with respect to the custody
of the box. He observed
that it was a small
insane box, that it
used to be taken away
and brought back by
some person about the
Head Assistant's Office,
and when brought back
was kept outside of the
room containing the
Treasure boxes in the
open category. Mr.
Robinson considers it
possible that the box
was removed by one
of

of the Constables on guard on the night in question, or that he might have been tempted to go to the festival being the box to be removed by some one else. He does not attach blame to the other two Constables one of whom was the man who was fined and dismissed. Mr. Robinson adds that had ordinary precaution been used the loss in question would not have occurred.

4. The Governor in Council has given the matter his careful consideration and has come to the conclusion that Mr. Sharp must be held responsible for the sum which is stated to have been lost.

It

13
It seems from the statement of the trial of the three Constables that two other Constables were present at the festival and were kept outside the building. This will be noticed in the Revenue Dept.

It is clear that Mr. Sharp failed to take reasonable precautions for the safety of the box.

5. The Governor in Council is of opinion that Constable Khajhah Ibrahim, No. 661, who has been fined and dismissed from the Police Force, but who is exonerated by the Inspector General should be restored to his appointment. The Government resolve to remit the fine which has been imposed upon him.

It appears from the statement of the trial of the three Constables that two other Constables were present at the festival and were kept outside the building. This will be noticed in the Revenue Dept.

To the Accountant General, Calcutta, for the Inspector General of Police. }
Revenue Department - } Dept. 2/5

Indian 1867. Department.

No. 879.

PROCEEDINGS OF GOVERNMENT.

Feb. 14. 1867.

Dated 14. May 1867.

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