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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

JUDL DEPARTMENT

CONFIL - GO

G.O. No.	1382	~~Press~~
B.P. No.		Mis.
Dated	22-6-1888	197

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Confidential

No.

Tellicherry 15 June 1888.

From,

A. F. Cox Esquire,

As District Judge & Preliminary Commissioner

North Malabar

Tellicherry

To,

The Honorable H. E. Stokes,

Chief Secretary to Government,

Judicial Department,

Cotacamund.

Sir,

*
under separate
covers

1. I have the honor to submit the evidence which I have recorded in my further enquiry into the charges of corruption made against Mr. Kunjen Menon, lately Sub Judge of Tellicherry. It relates to ten cases for each of which I have drawn up a separate Statement.
2. Mr. Richmond whose services I secured in order to obtain and place before me evidence was in possession of a good deal more. Some of it referred to cases that have always been incomplete. Other cases were dropped when it was discovered

discovered that the Sub Judge's Bandy
man upon whom much depended had
been "influenced". It is quite possible
that further evidence may yet be
forthcoming and in that case I
shall report the matter to Government
without delay. The cases upon which
I now report are almost entirely those
in which the Moplah Kumbi Pakki
acted as a go-between. There is one
strong case (No. IV) against Ishwara Patter
another Agent, but Chanda Nayar and
Chembadam Krishnan Nayar have
had little or nothing proved against
them. Though they are generally believed
to have been active.

3. I began the examination
of witnesses on 31st May. The Sub
Judge was absent but was represented
by Mr. Gover, Barrister-at-Law,
Mr. Kannan, a respectable 1st grade
Pleader of Tellicherry and one Govinda
Menon, a 2nd grade Pleader of Calicut.
The last named I was obliged (for
reasons

reasons which appear in my Statement
of Case No. II) to inform, on June 2nd,
that he could not longer be permitted
to be present at the enquiry. I think
Government will be of opinion that
this man's rôle has been to tamper
with witnesses.

4. Mr. Gover had the whole
management of the case and re-
frained from cross examination.
In a few instances he suggested
questions which I gladly put but
the defence has not been disclosed.
I can only guess at it in two cases.

5. After the witnesses had
been examined Mr. Gover addressed
me and concluded his address upon
13th June so that the enquiry has
occupied just 2 weeks.

6. Mr. Gover characterised
the whole of the procedure as illegal
and strongly objected to the guarantee
of immunity which I have given
to those who have admitted giving
bribes.

bribes. He particularly objected to my conditional guarantee but not until he delivered his address. I have not been careful to observe any set form of words but what I have said in each case has been something like this. "There seems to be reason to think that you have given a bribe to the Sub Judge: if so and if you tell the truth of the matter, I am authorised by Government to guarantee ~~the~~." It was not until Mr. Gover referred to the condition attached to my guarantee that I thought about the matter, and referring to your telegram discovered that Government had imposed no condition. It appears to me that my unintentional departure from the strict letter of your instructions has not prejudiced the Sub Judge in any way.

Mr. Gover also contended that I acted illegally in issuing summonses, in the usual Civil form, with

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with the seal of the District Judge upon them. He professes to think I should have acted more rightly if I had sent to each witness an invitation to attend. After all the witnesses had been either affirmed or sworn, Mr. Gover expressed his opinion that I had acted illegally and that his client had been prejudiced. I had considered the question and thought that I was authorised to receive evidence and therefore empowered under the Oaths Act to administer oaths and affirmations. When examining witnesses informally at my own house I did not affirm them.

8. Mr. Gover suggested that the whole of these proceedings have come about at the instigation of the Tellicherry Bar to please me. I have no doubt that it has been altogether in consequence of the feeling of the Bar that the enquiry has come about but it cannot have been in order to

to please me as I shall have no diffi-
-culty in proving. If the bar con-
-sidered my predispositions at all
they must have thought that I was
predisposed in favour of the Sub
Judge when Mr. Richmond on 12th
March last charged him in open
Court with corruption.

9. A good deal of the evidence
relates to admissions made by suitors
to pleaders and others that they had
given bribes. It may be unnecessary
for me to do so, but I would point
out that such statements are admis-
-sible as evidence under Section 157 of
the Evidence Act.

10. Proof of statements by
a deceased suitor that he had bribed
(as in Case IV) are also admissible under
Section 32(3).

11. Mr. Richmond has taken
the utmost trouble in collecting evi-
-dence and has in my opinion acted
with excellent judgment throughout.
The

The Courts being closed his whole time
has been available for this purpose and
for nearly 2 months he has been in-
-cessantly at work upon it. He has
had to travel in connection with the
enquiry and I would recommend
that he be paid a fee of Rs. 2000
for his services.

12. The strongest of the ten cases
upon which I have reported are un-
-doubtedly Nos. 1, 2, 3 and 4 but
Mr. Richmond's opinion is that cases
5 and 8 would stand in a Court of Law.
It is quite possible that in Case 5
any defence which may be raised could
be broken down which would strengthen
that for the prosecution but in Case 8
my opinion is that the Sub Judge has
been ^{cautious} enough to appear guilty
of no more than extreme impropriety
of conduct.

I have the honor to be,
Sir,
Your most obedient servant.
A. J. F.
Ag. District Judge
and Preliminary Commissioner.

full

Confidential



Judl Department.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

READ the following paper

From A. F. Cox Esq., S. D. Judge, N. Malabar. No. - / 15th June 88.

- Order 22 June / 88 N. 1382
- The Govt have decided that the Sub Judge K. Kunjan Menon shall be proceeded against criminally in respect of the Cases numbered I and II submitted by Mr. Cox with the foregoing letter. In separate Pro^s they have accordingly sanctioned the prosecution of the Sub Judge for offences under ^{Chap. IV} of the SPC, and have appointed Mr. Richmond to prosecute the case. The charges should be laid before the J. Magt of Malabar, ^{and should} include those persons who are held by Mr. Cox to have acted as inter mediating with the Sub Judge.
- As regards the remaining cases the Govt defer passing orders until the result of the criminal trial is known.
 - Pay out of a fee of Rs 2000 to Mr. Richmond to include everything connected with Mr. Cox's enquiry already held or to be held, is sanctioned. N. M. 22 June
 - The evidence recorded by Mr. Cox in connection with cases I & II. will be returned to him.

Proseute in I & II.
Review the rest - III, IV, VI & VIII
for com-
22 June

Mr. A. F. Cox C.S.
Recd: Cammings?
N. Malabar

15 June / 88

Enclosures

(Case a note attached to Statement of Case I)

(2) out of the parameters of immunities
I cover he is entitled to enlarge
it is not likely a man will crime
himself (even when immunities is
guaranteed) & corrupt officials
rely on this security

20 June

ORDINARY, MS.

<i>Indl</i>	DEPARTMENT.
G.O., DATED <i>22nd June 1918</i>	
No. <i>1392.</i>	

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When given for copying 21/6

[Despatch Abstract.]

King's Men's Case

6 pms

Patto