

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 1079

Dated 20 May 1895

INDEXED.

[Despatch Abstract.]

CONVICT.

Declining, with remarks, to interfere with the sentence passed
on convict K. Krishna Warriar confined in the Cannanore Central Jail.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	2999		25				

Framing an incorrect record in the capacity of public servant - with intent - to cause loss to the Public Office and a Person and Criminal Breach of Trust - by a public servant - 218 and 409 & PC

2 years R D and 500 Rs fine or 6 months R D

Prison Sentence

16.1.95

Senior Judge of South Malabar

Date of adjudi- cation of sentence

31

Age

Good

Good

Sentence reduced to 9 months on appeal (R D) to High Court.

nil

Health of Prisoner No. of previous offences - none of Appellate Court and Special Magistrate

Nominal Roll of Honoraria no 477 K Krishna Murthy

Bank of India Ltd
2 May 1895

Chandrasekhar
Superintendent
Bank of India

Recd

The Superintendent
Central Jail

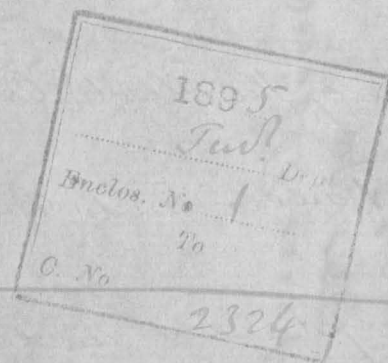
Cannanore

Dated 2nd May 1895

no
Enc

Subject

Nominal Roll
of Prisoners No
477 K Krishna
warrior



To

CURRENT No. 2324

His Excellency the Right Honorable
the Governor in Council Fort St. George

Madras

The humble petition of

K. Krishna Warrior, Convict no. 477

of the Central Jail, Cannanore, appealing against
the order of the High Court of Judicature at
Madras in Criminal appeal no. 46 of 1895.
Sentencing the prisoner to undergo 9 months'
rigorous imprisonment

Most respectfully and humbly sheweth,

That the decision of the High Court is
contrary to the circumstances and evidence
of the case as are explained and pointed
out hereunder.

That he was convicted by the
Sessions

Sessions Judge of South Malabar for having prepared an incorrect statement knowing it to be likely such, that is preparing a quitance roll Exhibit A, and committing Criminal Breach of Trust in appropriating a sum of Rs 43-13-4, and sentenced to undergo two years Rigorous Imprisonment and to pay a fine of Rs 500/- in default to undergo further rigorous imprisonment for six months.

That he was found guilty by the High Court for having abetted in the carrying out of a certain ^{offence} that took place in the office; but not guilty as the perpetrator of the crimes under which he was found guilty by the Sessions Judge of South Malabar and consequently reduced his sentence in all to 9 months' rigorous imprisonment.

That in order to explain the circumstances of the case it is necessary to explain a little about the routine of

of the office in connection with rewards.

"Reward statements otherwise called bi-monthly reward statements as submitted twice (10th & 25th) a month, are prepared in duplicate and both submitted to the Assistant Commissioner. There is a column in these statements in which the Inspector recommends rewards allowed by the departmental rules to the several men as one item for each case. The Assistant Commissioner goes through them and enters the amount in the column allotted for him to sanction the rewards next to that of Inspector's for the aggregate amount due for each case. He retains one copy and returns the other to the Inspector for the distribution of rewards according to the amounts sanctioned by him to the men concerned. There would be several

men entitled to rewards in one case, and
acquittance rolls showing Crime Register number
of the Inspector, Count and Calendar Case number
of the Magistrate who convicted the accused,
Sentence of the Magistrate, the bi-monthly period
in which the Case was included, the amount
sanctioned in advance for each Case by the
Assistant Commissioner, the amount
due to each in each Case separately, and
Columns left blank to show the date of payment
their signatures, attestation and Certificate
of the disbursing officers for the distribution
of rewards for the whole amount sent to
them, are to be prepared for the amount
sanctioned by the Assistant Commissioner.

These men are generally under Range Sub Inspectors
and a few in the office under the Inspector;
So acquittance rolls are to be prepared in
different sets, one set to each Sub Inspector,
and one to the Office. Cheques payable at
Sub Treasuries will be applied for by the

the Inspector to the District Treasury in the
names of these Sub Inspectors for the whole amount
in each set due to them and for that of the
office in the Inspector's name by designation.
When Cheques are received, the Inspector
enters them in the Cash book in his own hand
and they are then sent out to the Sub Inspectors
concerned with respective acquittance rolls.
The Sub Inspectors after disbursing rewards
return the acquittance rolls to the office
duly receipted by recipients. The Inspector
records them under date and initials
at the same time he receives them. Reward
Statements are to be prepared and submitted
to the Assistant Commissioner on the due
dates by the Second Clerk (Camp Clerk) and
they are to be signed by the Inspector invariably
and hence called a "Camp return"; and there are
several others besides. In the present Case the

There were two clerks in the Palghat Circle
And the Sessions Judge was entirely wrong
in understanding the duties done by each.

A mere reference in Exhibit II (with the Inspector's
endorsement) would clearly prove to this effect.

When the 2^d Clerk complained to the Inspector
Mr. Muller, for his having made him do almost
all the work in the office besides camping out
with the Inspector for almost all the days
in a month, he replied that the Head Clerk
would be made to assist the Second Clerk
when at Headquarters (which would be
very few days in a month)."

That both the original and duplicate
of the reward statement under question was
prepared by different men, one by the Inspector,
Mr. Muller, and the other by a Duffadar. This was
accounted as one piece of evidence to show
the pressure of work of the Second Clerk (the Petitioner).

That in preparing the acquittance
rolls

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rolls for this reward statement, it would have
taken a short time only, when it was dictated by
another and much less when he who dictated
and he who wrote, knew the different Range
Sub Inspectors under whom these men were working
and the Head Clerk and the Second Clerk were
the only men in the Circle who knew that, and
as the Head Clerk was a bad writer as well as
slow, he dictated and the Second Clerk wrote
at his dictation.

That the Petitioner then gave the whole
set of acquittance rolls (4, 5, 6) to the Head
Clerk to have the Abstract Bill for Contingent
Charges, showing the amount of rewards
sanctioned, income tax deducted and the
net amount payable, Memo of Cheques showing
the names of Range Sub Inspectors, the amounts
according to each set of acquittance rolls
due to their range and the names of the Sub Inspectors
they are payable, and a receipt for the Con-

- solidated

consolidated amount of all the acquittance rolls,
prepared.

That as the persons to whom rewards
were due in any single case were in several
instances in different ranges hence in different
acquittance rolls, it could not be perceived
by the person who wrote (the Petitioner) that
the whole amounts sanctioned in all cases
had been rightly dictated and distributed.

That he (the Head Clerk) took all
the acquittance rolls (K_1 to K_{29} and K_{31} to K_{42}) home
got the office copies of Abstract Bill
for Contingent Charges, Memo of Cheques and
the Treasury receipt written and approved
of by the Assistant Inspector Srinivasa Iyengar.

That the Petitioner then fair
copied them on the next day and handed them
over again to the Head Clerk to get them signed
and despatched, as he was the person responsible
for their correctness.

That he (the Head Clerk) then
got

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got the same Assistant Inspector's signature
and despatched them to the District Treasury.

That if the Second Clerk (the Petitioner)
was the person responsible for the corrections
of those, he could have taken the signature
of the Inspector, rather than that of Assistant
Inspectors, as the Petitioner would always
be working with the Inspector in his house even
at Head quarters.

That it would take two days for one
alone to prepare acquittance rolls for this
Reward Statement, and that if the Petitioner
were to spend two days in that business alone,
his daily work, nay the whole work of the Circle,
would certainly be delayed, and so it was not un-
likely and would not look strange for the
Head Clerk to assist the Petitioner as it was
a fact.

That the Cheque in question
was drawn in the name of a Brahmin Sub-
Inspector.

Inspector, the Head Clerk, a Brahmin, and the man in whose range reward was drawn, that was also a Brahmin Sub Inspector, and these three Brahmins joined together and must have worked out the whole thing.

That the only question to be decided was whether it was with or without the knowledge of the Petitioner; ^{but} the High Court found the Petitioner guilty of being an abettor to this Criminal Breach of offence.

That as the Petitioner was working the whole day and night and camping out with the Inspector for about 99 per cent of the day in a month (vide Exhibit II) and quite innocent of all these (for reasons stated hereunder) was made to suffer for the mischief contrived and carried out by these three Brahmins.

That it was not likely to conjecture for a moment that if a man was responsible for a certain thing, he would have made

made any foul play with it

That as the Petitioner (2nd Clerk) was responsible for the Corrections in the Reward Statements &c (but not for this in special for reasons aforesaid), it should not have been dreamt for a moment that the Petitioner would have committed or done any mischief with it or with his knowledge.

That when it was found that there was a deficiency of Rs 7/- for Majeri Range in the Rewards due to the men under Sub Inspector Raina Pater (Prosecution 2nd witnesses and one of the three Brahmins named above) Mr. Muller ordered the Petitioner on 3-12-89 to have them paid the balance due and on examining the K, &c afterwards, this sum viz Rs 7/- must be found as an excess in some other range and would be returned to the Petitioner, and he in obedience to the Inspector's orders paid them

them on 4. 12. 89 through the Inspector.

That as it then came to the Petitioner's knowledge, that the Head Clerk might have ^{done} something wrong in his dictation to the Petitioner (the man responsible) And as he, the Head Clerk, a veteran of about 4 years' standing, three years older than the Petitioner in the Department might entangle him in a more difficult trap being the Petitioner's official superior, the Petitioner resigned his appointment on 4. 12. 89, as he being weak and inferior.

That when the Inspector got the Petitioner's resignation (Exht G) Prosecution 2nd witness, Sub Inspector Rama Patter came forward and murmured something to him for a few minutes, then the Inspector suspended the Petitioner. He had not the least idea of doing any thing against the Petitioner at the time, until Sub Inspector Rama Patter whispered out

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out to him, and so, that Rama Patter should have been considered to be an abettor for the perpetration of this Criminal breach of offence. And the Brahmim Community was then on increase. It was for these reasons that the Petitioner tendered (Exhibit G) intending to take up service in a Civil line on the advice and recommendation of the Inspector.

That a few days after this, he received an order from the Deputy Commissioner Mr. Laffan promoting him to be Head Clerk to the Inspector Tellicherry Circle, but being, all on a sudden, entangled in this trap he was not fortunate enough to take up that appointment. This promotion was given to him seeing that he was a thriving, intelligent and hardworking youth in respect of the claims of his seniors.

That he wrote Exhibit H at the instigation
of the Inspector - The Inspector had no power
to suspend the Petitioner, which he did on
14.12.89, in anticipation of Assistant Com-
missioner's sanction; but that sanction
was not received at all until the date
of his dismissal order from the Deputy
Commissioner on 27.8.91.

That notwithstanding he was suspended
he was made to work in the office and camp
out with the Inspector from 14.12.89 to 27.8.91 without
any pay.

That when he represented his grievances
to the Inspector in so doing, he said that he
would give him a written order to work in
the office & then he might claim for his pay
and he asked him to write a letter to him as
worded by him (Exhibit H) and within a
week from the date of that Exhibit, the
written order promised was given him on
18.3.90. irrespective of his suspension order,
and so he was made to convince of the

the Inspector's promises

That after an elapse of 6 months
in that state the Petitioner again complained
to him for making him work in the office for
nothing, then he asked him to write a
letter to the Assistant Commissioner & he
would endorse on it and so Exhibit II was
written by the Petitioner and endorsed by the
Inspector. Thus the Petitioner was made
to convince fully of the Inspector's promises.

That when the Assistant Commissioner
came in the end of June 90 to Palkat for
enquiry into this case, the Inspector on con-
-sultation with the Assistant Commissioner
promised him again that he would get
him back to his post with all arrears of
pay and they both together made out Exhibit C
and compelled the Petitioner to sign in it.

That he in obedience to the
motto

motto "Obeys orders" Cooly, submitted and signed
in it on 26.6.90

That if the Assistant Commissioner
had found the Petitioner was the real cul-
-prit, as he deposed, and if the Petitioner
had volunteered Exhibit C to him and if
he was satisfied that Exhibit C was a
true and bona fide one, the Assistant
Commissioner would not have delayed
a moment to take steps to have the Petitioner
prosecuted at once.

That in September 90 a Petition
(Exhibit III) was submitted by the Petitioner
to the Deputy Commissioner through the Assistant
Commissioner stating that his case is left
undisposed. The tone of which enraged the
Inspector and it was only then that he had
an idea of entrapping the Petitioner any how
and begged the Assistant Commissioner
for the same, and so they both together
began to create evidences (Exhibit I made
out one year after Exhibit C was one of them)
that

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That the Petitioner then wrote to
the Revenue Board office that his case is still
pending. The Board then ordered the Deputy
Commissioner to have the Petitioner's case
disposed of at once. He came to Calcutta
in August 91, enquired into the Petitioner's case,
took his statements (Exhibit IV) and on a ~~supra~~
dismissed the Petitioner from service on 27.8.91.
But the Board overruling the order, his prosecution
was ordered which took place on 2.12.91.

That there was no order to Sub
Inspector Ramakrishna Dey (Pro: 8th witness)
to endorse and return the Cheque (vide his
statements, Prosecution 1st witness Mr. Muller's,
and another witness Duffadar Kanan and
Nair's). The discrepancies in the statements
of these three prosecution witnesses would clearly
prove that there was no such an order
to 8th Pro. witness to endorse and return
the Cheque, and the wording they made
out was not sufficient for the purpose
for

for which it was intended and he (8th witness)
knew perfectly well that he should have
entered all orders in his Received and Despatched
Registers. He was as old in the Department
as the Petitioner himself, as both were
appointed in September 1880. He was
the Town Range Sub-Inspector and used
to come to office, Police Station and
Magistrate's Court often and these are very
near each other.

That the person (office orderly) who
cashed the Cheque should and must have
known perfectly well to whom the Cheque
was intended as there was a Malayalam
writing in it for every line in English.

That these three Brahmins and
the person who cashed the Cheque were natives
of Calicut and the Petitioner a native of
Calicut.

That the amounts in the several
of the different sets of acquittance rolls (4, 5, 6)
sent to Sub-Inspectors as stated above
did not tally with the amounts of the
Cheques
That

Cheques sent to them for disbursement. Some
body who had interest in it must have tampered
with them on receipt back after disbursement
from Sub-Inspector's Ranges, for if there was any
discrepancy or difference before sending
to them, they would not have disbursed any
reward at all; so the tampering should
be after their receipt back from the
Ranges duly receipted by recipients & the
Prosecution 1st witness Mr. Miller had
deposed that payments were being
made even after the suspension of the
Petitioner and after his suspension he
had no access to them although he
was working with the Inspector, and the
only man who had any access to
them was the Head Clerk (Pro: 9th witness)
The immediate and direct inference
that might be deduced out of

that was that the tampering could
have been done by the Head Clerk alone
or with his knowledge and the object of
that was to appropriate the amount
of Cheque no. 5216 with or without the knowledge
of 2nd and 8th Prosecution witnesses assisted
by 7th witness Padmanabhan Nair who
Cashed the Cheque.

That the High Court did
not find him guilty of any of the
offences under which he was found
guilty by the sessions judge, but
guilty for perpetrating or allowing
such an offence to have worked out
in the office

That if the High Court
had suspended the sentence of the
Petitioner and allowed him to appear
for his appeal hearing, then
he

15.
he would surely have been acquitted
by the High Court

Under the Circumstances
stated above he most humbly begs
your Excellency to be graciously
pleased to give him an honourable
acquittal

For which act of Kindness & Justice
the Petitioner as in duty bound

Cannanore
Central Jail
29th April 1895

Shall Ever Pray
N. Krishna Rao
Convict no. 477.

C. J. Fearnside, M.D.
Superintendent
Central Jail
Cannanore
2/5/95

Tues Sept

CURRENT NO 2324

From

Letter no 477

K Krishna Varadan

Central Jail

Gumma

10

His Excellency the
Right Honorable
the Governor in
Council

Forth St George

No 2430

Submitted to Government

for orders.

Dated 2.5.95
RW 8/5/95

no
enc 3.

Subject

Petition for
pardon



[J
14
1,000-5-2-04]

JUDICIAL DEPARTMENT.

CURRENT No. 2324 of 1895.

Application for remission of sentence from convict ^{No 477 K. Krishna Varadan} in the ^{Central Jail}
Jail, ^{Gumma}.

FOR ORDERS.

Is no reason to interfere -
The attention of the
H. of Res. shd. be drawn
to the remarks of the
H.C. in its appellate
judgment

RS

14/5/95

Name of the Convict

K. Krishna Varadan (No 477)

Offence committed.

Framing an incorrect record by
a Public servant (see 218 & 112)

Criminal breach of trust by a
Public servant (see 409)

Adjudicating Court.

Sessions Judge, S. Malabar

Sentence imposed.

Two years R. I. and Rs 500
fine in default 6 months for
the R. I.

Result of appeal to High Court.

Sentence reduced to 9 months
R. I. + fine remitted

Previous Convictions.

Nil.

11.5.55

As the criminal has
not shown the remission
of fine imposed on him

RS
14/5/95

PETITION FROM CONVICT

[J
15
100-18-3-95.

Judicial Department.



ms R

PROCEEDINGS OF THE MADRAS GOVERNMENT.

READ the following endorsement:—

From the Inspector-General of Prisons, dated

189

No.

C. No 2324

ORDER, dated *20th May* 1895, No. 1070

THE Inspector-General of Prisons will cause convict No. *477 K. Krishna*
Narain confined in the *Central* Jail at *Cannanore*
to be informed that the Government declines to interfere with the sentence passed
upon *him*

2. The attention of the Bd of Rev will be drawn to
The remarks of the (True Extract.) High Court in its appellate
judgment in this case. (True also)

For Chief Secretary

D. S. S.
15

To the Inspector-General of Prisons,
with judgment.

DESLATED

25 MAY 95

... Bd of Rev (separated) ...
... H.C. judgment ...
... to the Bd of
Prisons.

CPD
22/5

When given for copying _____
 When copied _____
 When examined _____
 When signed _____

189 .

READ AGAIN G.O., No.
 189

DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
 IN ORIGINAL.

N.B.—

- A = Copy in full.
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- P = Copy abstract only.
- Q = Copy heading only.