Judicial (1895) Department.

ORDINARY MS.

G.O., No. 1126

Dated 24th May 1895

INDEXED.

[Despatch Abstract.]

MR. V.VENUGOPAUL CHETTI, I.C.S.

Stating that Government cannot accept Mr. Venugopaul Chetty's explanation in regard to the despatch of a prisoner to jail without warrant of commitment as satisfactory, and considers that he acted with culpable carelessness in the matter, and requesting the District Magistrate of Kurnool to obtain and submit Mr. Venugopaul Chetty's explanation in regard to certain delays.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	304 Jus		12/2/95				

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
?	2862		9 5				

No. 48

From. Lt. Col G R Hodgson
Superintendent of Police
Bellary

To
The Superintendent of Police
Kurnool.

1895

I have the honor to forward herewith a Copy of Bellary Dist. Magist's order dated today and to request that you will be so good as to furnish that officer, @ an early date, with particulars shewing how the warrant of commitment happened to be left behind &c

II The prisoner Rama Reddi was sentenced to 4 Months imprisonment by the Sub Magte. of Koilakuntla. He made an appeal to the Hd. Assistant Magistrate @ Nandial who Confirmed the Sentence. The prisoner was escorted from Nandial to Bellary by Consts. 305 & 595. The Jail warrant seems to have bee left behind Either @ Koilakuntla or Nandia The Consts had with them the order of the Asst. Magistt. Confirming the Sentence of the lower Court but the Jail authorities

would

of the
lower

189 5
Judl Dept
Enclos. No. 1
To 2361
G. No.

The Superintendent of Police
Kurnool District

Sir

With reference to letter No 248 Dated 12-1-1895 from the Supdt of Police, Bellary, attached, I beg most respectfully to submit that the prisoner Ramireddi and a closed cover were handed over to constables 305 and 595 of my Division by the Sub jail warder, Nandial, with instructions to escort and make over the prisoner to the District Jail, Bellary. The constables 305 and 595 presumed that the closed cover, contained all the papers in connection with the prisoner's conviction. They therefore took charge of the prisoner on the 10th January and left by train the same day and reached Bellary late at night. The following day they produced the prisoner at the District Jail and handed over the cover. It was then discovered that there was no Jail warrant. I do not think that the Police constables 305 and 595 could be held responsible for this –

From enquiry I learn that the prisoner Ramireddi was convicted and sentenced to 4 months R.I. by the Taluq Magistrate of Koilkuntla, that the prisoner was not at once handed over to the Police of that Division for escort to the District Jail Bellary but was detained for 4 days in Sub jail of Koilkuntla – In the meantime the prisoner appealed to the Head Assistant Magistrate, Nandial against the conviction of the lower court. The appelate court ordered that the prisoner should be released on bail until the disposal of the appeal. Subsequently the sentence of the

lower

lower court

prisoner was sent to the Sub-jail Nan-
with an order confirming the sentence
of the lower court.
The officer of the Sub jail, Nandial, handed
over the prisoner and the order, confirming
the sentence, to Constables 305 & 595
and they escorted the prisoner to Bellary
Jail.

It is clear from the above that
no jail warrant was handed over
to the Police of Koilcuntla to Nandial
and the proper person to submit any
further explanation about this is the
Sub jail keeper of Koilcuntla.

I beg to remain
Sir
Your most obedient Servant
(Sd) J. McLaughlin
Inspector of Police
Nandial

Nandial }
24. 1. 1895 }

(True copy)

1895
Jud! Dept
Enclos. No. 2
To
O. No. 2361

J G Prendergast
Supdt of Police

It is true that th... Na...
of Koilakuntla was sentenced to 6 months imprisonment
by the Taluq 2d Class Magistrate of Koilakuntla, be-
the magistrate did not furnish the warrant of commit-
-ment to the Police of Koilakuntla division. The prison-
was detained @ Koilakuntla by the Taluq Magistrate
for 4 days on some excuse after having pronounced the
sentence. In the mean while an appeal was preferred
& the appealate Court directed the Taluq Magistrate
to release the accused on bail pending disposal of the appeal
Hence the Police of this division were not entrusted
with the warrant of commitment. Subsequently the
appealate Court (Hd. Asstt Magistrate of Nandial)
confirming the sentence of the lower Court sent the accused
in Police Custody from Nandial direct to Bellary
without the warrant of commitment. Lately the
appealate Court issued an urgent order to the Taluq
Magistrate of Koilakuntla to send a warrant of
Commitment to the Superintendent of Dist. Jail
Bellary for admission of Rami Reddy into the Jail
Accordingly a warrant with the descriptive Roll
of the accused has been forwarded to the officer
of the Jail Department on 15 January 1895.

+6

(Sd) L. Soubiah.
Inspector of Police
Sir or Koilakuntla Dn.

Dt 20. 1. 95

(True Copy)

J G Prendergast
Dt. Supt. of Police

prisoners was sent to the sub jail, Nan
ten

1895
Jud. Dep.
Enclos. No. 3
To
C. No. 236/

Enclosure No. IV

10,000—11-93.

OFFICE OF THE SUPERINTENDENT OF POLICE,
Kurnool District,
29 January 1895.

No. 179

FROM
H. G. Prendergast Esqr
SUPERINTENDENT OF POLICE,
Kurnool District,

TO
THE District Magistrate
Kurnool

SIR,

Enclosures.

I have the honor to forward herewith the copies of letter No. 12 dated 12 January 1895 from the Superintendent of Police Bellary & replies of Inspectors of Police of Nandial & Koilcuntla thereto for such action as you deem necessary.

I have the honor to be
Sir
Your most obedient Servt.
H. G. Prendergast
Superintendent of Police

prisoner was sent to the [illegible]

Current No. 143 of 95
Haz: Mag:

FROM H. G. Pendergast Esqre
~~THE~~ SUPERINTENDENT OF POLICE,
Kurnool District,

TO
THE District Magistrate,
Kurnool.

DATED 29th January 1895

No. 119

Encl. three

SUBJECT.

Forwarding a copy of letter from the Supt of Police Bellary and replies thereon from the Inspector for such action as he deems fit.

Ref on Curt No. 143 of 95
Haz: Mag:

COLLECTOR
-4 FEB 95
KURNOOL

VENUGOPAUL CHETTY
8 - FEB 95

(To be returned)

Forwarded to the H. A. Magistrate for report as to who is responsible for not sending the warrant of commitment.

[illegible]
4 - 2 - 95

Camp: Nandyal

Ag Dist Magt of Kurnool

C No 96 / Mag
4/1895

1895
Jan.
Enclos. No. 4
To
C. No. 2361

1014 [illegible]

Enclosure No. V

V) with whom was the warrant of commitment ultimately found

VI) why was not the warrant sent to the District Jail Bellary immediately after the prisoner released on bail

[illegible] 96 [illegible]
10-2-95

[illegible] 1894 [illegible] 95 [illegible]

[illegible] 1894 [illegible]

[illegible] 6 [illegible]

[illegible]

21.3.95

prisoner was sent to the

5 [illegible]

12 [illegible]

[illegible]

12 ~~[illegible]~~

3 [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

4 [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] 4

3.95

[illegible]

[illegible] 7 [illegible] 1895 [illegible]

[illegible]

[illegible]

[illegible]

R. [illegible]

[illegible]

of

magl

again

and

prisoner was sent to the

HEAD ASSISTANT COLLECTOR
11 MAR 95

From
The Taluk Magistrate
Koilkuntla

To The Head assistant
Magistrate Nandyal

C No $\frac{199}{\text{R No } 104}$ of 1895
Ceno

Dated 7-3-95
Dispatched 8-3-95

Received

Reporting reasons why that the accused in calendar case No 95 of 1894 was detained in the Sub jail till he was released on bail.

Reference No (97)
d/ss [illegible]

Ask to know how the Taluk magistrate has arrived at the conclusion that no police constables were available to escort the prisoner to Bellary.

He will report fully on the following points

i) By whom was the warrant of commitment handed in the present case?

ii) was the Taluk magistrate at headquarters between the 6th & the 12th October 94

iii) If so, did he notice the fact of the prisoner being detained in the sub jail

iv) If he noticed it, did he ascertain the cause and ask for police constables to escort the prisoner

His report is unsatisfactory.

Translation of arji no $\frac{104}{7.3.95}$ from the Tq. Second class magte of Koilkuntla to the Head Asst magte of Nandyal.

I beg to reply as follows to yr order no $\frac{96}{10.2.95}$. I pronounced sentence against Rami Reddi, accused in C.C. no $\frac{95}{1894}$ on 6.10.94. As usual my magisterial Gumasta prepared a warrant and brought it up to me and I signed it.

2. The practice in this court is this. When a prisoner has to be sent to Bellary the warrant is given to the warder and he hands it over to the Police Constables, when the latter are ready, together with the batta for the journey. In the case under reference the warrant was first given to the warder as usual but owing to ~~they~~ there being no constables available the prisoner was detained in the subjail for 5 days. As orders were received on the 12th that Rami Reddi should be released on bail he was accordingly released on bail on that date.

3. The warrants have not been usually handed over by the Gumasta to the Police direct for being taken to Bellary

because the prisoners have often ~~been~~ had to be detained for a day or two and also the Gumasta has to go with me when I go on circuit. The ~~warrants have~~ Gumasta has therefore been in the habit of handing over the warrants to the Jail warder.

Subbansingh who was working as warder is now on leave at Bellary or in the neighbourhood. I was awaiting his arrival so that I could obtain and submit his explanation along with my reply. As he has now applied for extension of his leave I submit my reply without his explanation. Para 4. The Police are not in the habit of taking the warrant only on the day they start for Bellary. They do not take it when the prisoner is in the Subjail. As Rami Reddi was not taken to Bellary the warrant remained with the warder.

7-3-95.

I beg to remain
&c
A. Lakshmana Rao
2nd Class Magte

280

1

Enclosure No. VI

[illegible] 1895 [illegible] 25 [illegible]

[illegible]

25-3-95 [illegible]

Bellary

eigh.

Explanation given by Subban Singh Tq Peon, Koilkuntla, on 25-3-95.

Gumasta Narasinga Rao gives me the warrants for the prisoners to be ~~deta~~ confined in the Subjail as well as those to be sent to Bellary. The warrants ~~letters~~ relating to the prisoners to be confined in the jail are retained with me and at the expiry of the terms therein the prisoners are released and noted, they are returned into office. When the warrants relating to the prisoners to be sent to Bellary are handed over to me by the Gumasta I give them to the Police S.H.O. together with the batta and Railway fare entering the amount in my register of receipts and expenditure. In the same manner I ~~offered~~ was going to give the S.H.O. the warrant relating to Rami Reddi and the batta & Railway fare but as I was told that there were no constables in the Station I retained (them) with me. Then as orders were passed that Rami Reddi should be released on bail I released ~~Rami Reddy~~ him on bail and gave over the warrant to Gumasta Narasinga Rao. I have ~~also~~ sometimes detained prisoners (to be sent to Bellary) for two or three days for want of Constables and have sent them on to Bellary when they (Constables) arrived.

(Sd) Subbansingh.

Explanation given by [illegible] Singh Ty Pen, [illegible] on 25-3-95

[illegible]

1895
Tirah Dep
Enclos. No. 6
To
C. No. 2361

13/4/98

Enclosure No VII

[illegible]

1894 [illegible]

[illegible]

Explanation of Gumasta Narasing Rao furnished to the Dy magte of Koilkuntla – dy 13.4.95.

Sentence was passed on 6.10.94 against Ramaswami, accused in Calendar Case no 95 of 1894. The same day I prepared a warrant as ordered by you and got it signed and as was the practice till then I handed it over to jailwarder Subbansingh in order ~~that~~ ~~he may~~ might put the ~~accused~~ prisoner in the custody of the Police and give them the necessary batta and Railway fare for taking him to ~~the~~ Bellary.

The warder ~~told~~ informed me that the Police told him that there were no constables for taking the prisoner to Bellary on the 7th
octr and that therefore he was not taken there – I intimated this to the Officers and said that arrangements might be made for this as usual. The ~~Con-stable~~ prisoner remained in the Subjail ~~as~~ till the 11th octr as there were no Constables – The Hd Asst magte ordered that the prisoner should be released on bail; he
~~oct~~ was accordingly released on bail on 12.10.94

As ~~the warrant Co~~ it is not usual to send the warrant to the Dt jail without the prisoner it was filed here. Subsequently ~~according~~

the warrant was sent to the Dt. Jail Superintendent as ordered. Some Prisoners have been detained for 4 or 5 days owing to want of constables. Constables are then sent for from other stations and the prisoners are taken (to Bellary).

Ilugovernom te

13.4.95. (Sd) Narasimha Rao

[illegible]

Enclosure No. VIII

[illegible]

[illegible] 197 [illegible]
21-3-95

[illegible]

1895
Tud. [illegible]
Enclos. No. 7
O. No. 2361.

From

The Tahsildar of
Koilkuntla

To

The Head Assistant
Magistrate
Nandyal

Dated 8th April 1895
Despatched 10th April 1895
Received

13 APR 95

No. 171/95

Enc nil

Subject.

Reporting that the explanation called for cannot be submitted till the receipt of attendance Register of the Kasaba station which is said to have been filed in Head Assistant Magistrate's Court.

Copy no 171/10.4.95 from the Tq Mag of Koilkuntla to the Head Asst Magistrate ___

I beg to reply as follows to your order no 197/21.3.95 with reference to the warrant ~~issued by the ag~~ of Commitment of Rami Reddi accused in C. C. no 95/1894 on my file.

2 I beg to state that in this connection I have to refer to the ~~attn~~ Attendance Register of the Koilkuntla Police Station but when I had written to the Inspr of Police, Koilkuntla Divn, for it he informed me that you had sent for it in connection with a certain appeal case and that you had written to ~~me~~ him that it could not be returned until the appeal was disposed of.

3 As it is not possible for me to furnish the information called for by you without the Regr. I beg to state ~~that~~ As soon as the Regr is received I shall submit it ~~replies to the the information called for~~.

I beg to remain &c

(Sd) A Lakshmana Rau
2nd Cl. Tq Magte.

Reply no 121/13.4.95 from the Dy Mag
of [illegible] to the [illegible]
Magistrate

I beg to reply as follows to
your order no (9) [illegible] 21.3.95
to the warrant [illegible]
Commitment of [illegible] Ram [illegible]
in C.C. no 95/1894 on my file.

2 I beg to state that [illegible]

[illegible]

Enclos. No [illegible]
To
O. No [illegible]

Enclosure No. IX

No 187

~~From~~

The 2nd Class Magistrate of
Kilakarai(?)

~~To~~

The Head Assistant Magistrate
Ramnad(?)

Sir,

In reply to your Ref. on C no 195/mfle(?) of 1895 I beg to reply seriatim to your questions.

(1) By the magisterial clerk Narasinga Row to the Sub Jail Warder the warrant was given

(2) I was at the Head Quarters upto 8 October 1894 and had gone on leave from Kilakarai(?) on account of my daughter's death from the 8 to 10 idem and then returned to the Head Quarters.

(3) Yes.

(4) The warder informed me that the Police staff was short of hands.

why (5) With the magisterial clerk Narasinga Row as the same was returned to him by the warder as the prisoner was in the [illegible] subjail.

b under section 383 CCP the jail warrant must accompany the prisoner and so it remained behind when the prisoner was sent from Nandyal to the Bellary Jail by you without intimation to me.

2 I beg to enclose a list showing the dates of sentences passed and the prisoners left Koilkuntla for the Bellary Jail. From which it will be seen that for want of sufficient Police Escort the prisoners were detained at Koilkuntla. Similarly in the present Case, on the information given by the Head Constable in charge of the station to the Warder the prisoner Ramireddy was detained at Koilkuntla for want of Police escort. As no written reply was being obtained from the Police hitherto now I have opened a register in which whenever prisoners are tobe detained in the subjail the necessary explanation of the Police will be recorded. Under the above circumstances it will be shown that the prisoner Ramireddy was never detained unnecessarily here. The explanations of the warder and the magisterial Clerks are herewith submitted.

3 With a view to obtain from the Police the necessary information regarding the Police strength that remained at the Koilkuntla Cusbah between the 8th and 12th October 1894 I addressed the Police Inspector to send me the Police roster but the Inspector having informed me that the said roster is in records of a certain wood Case now under appeal before you and that you refused to send it till the disposal of the Case in appeal I cannot give the necessary information and beg that you will kindly refer to the said roster and satisfy yourself whether

the Police information given to the wander was correct or not

I beg to remain
Sir
Your most obedient Servant

2nd class Magistrate

Koilkuntla
14. April 95

List of Sentenced prisoners who are delayed by the
to take them to the Dist Jail Bellary for want of Police staff

Resident village of Prisoners	Name of Prisoner	Date of sentence	Date of despatch to the district Jail	Remarks
1 Hariwaram	Moortemmah	9.2.94	18.2.94	
2. K. Jambuladinne	Tunga Subbiah	9.5.94	13.5.94	
3 Gajjatoor	Pullareddi	27.4.94	3.5.94	
4 Bodemmanoor	1 Komati Chantamah	6.8.94	11.8.94	
	2 Sanjeevigadu			
5 Ooppalapaud	Mangala Nagadu	21.7.94	28.7.94	
6 Koilkuntla	Singamsetti Ramanah	4.7.94	8.7.94	
7 Vonteddupalli	Voligadu &c	5.7.94	8.7.94	
	Golla Gangadu	31.7.94	3.8.94	
	Narasimhadu —	6.10.94	13.10.94	
8 Chinna Kopperla	Mula Chennugadu	8.11.94	12.11.94	
9 Koilkuntla	Teliga Nagamah	10.1.95	13.1.95	
	Kavali Subbamma	10.1.95	13.1.95	
	Turka Khadar Saib	10.1.95	13.1.95	

2nd class Magistrate

Koilkuntla
14. 4. 95

Judicial Department

The Proceedings of the Madras Government

Read the following papers

From the District Magistrate Bellary
dated 29th January 1893 No 53

On the 12 instant I informed govern-
ment of the circumstances under which a
Convict from the Nandyal Head asst: Magistrate's
Court had been refused admission to the
Bellary District jail for want of a warrant
and promised further information, and on
the 14th I reported that the warrant having
Come, the Convict had been received into
the jail

2. On my requesting the Superintendent of
Police to inform me of all the circum-
stances of the mistake that officer stated
that had asked the Superintendent of Police
Kurnool to furnish me with particulars.

Up to this however I have received

Enclosure no. X Judicial Department

Proceedings of the Madras Government

V. VENUGOPAUL CHETTY
27 FEB 99

Read the following papers

From the District Magistrate Bellary
dated 29th January 1893 No 53

On the 12 instant I informed govern-
ment of the circumstances under which a Convict from the Nandyal Head asstt: Magistrate's Court had been refused admission to the Bellary District jail for want of a warrant and promised further information, and on the 14th I reported that the warrant having Come, the Convict had been received into the jail

2. On my requesting the Superintendent of Police to inform me of all the circumstances of the mistake that officer stated that he had asked the Superintendent of Police Kurnool to furnish me with particulars.

Up to this however I have received no letter from

from Kurnool; and as the matter, Concerns the administration of that District I think it best to place before government what few facts I possess leaving Government if it so desires to call for reports therefrom

3. On the night of the 11th instant the Police brought to my house a man named Rama Reddi with an occurrence report stating that he had been brought from Nandyal to undergo 4 months Rigorous Imprisonment on Conviction and that the warrant of ~~Conviction~~ Commitment by some mistake not having been given to the Constables the Superintendent of the Jail refused to admit him. The occurrence Report asked for a remand.

4. I took a statement from Rama Reddi who admitted these facts. I Conceive

they.

they gave me no power to order a judicial remand but as ~~a~~ head of the Police I ord him to be kept in the police stati for the night until I could communicate ~~to~~ with the Jail Superintendent and study this new point of procedu

5. Next day (12th) I received a communication from the Jail Superintendent by which I learnt that the Convict had been tendered merely with an appeal order dismissing the appeal ~~[illegible]~~ annulling the order suspending sentence and ordering appellant to undergo the punishment imposed by the original Court [copy enclosed].

As the Jail Superintendent pointed out it was impossible from this to know what the sentence was, it did not

[illegible] whether the [illegible] petition as regorous or simple.

6. I took a second statement from the convict who admitted conviction about 3 months before by the Koilgunta Submagistrate under section 406 Indian Penal Code; a sentence of 4 months regorous imprisonment; a period of only 7 days spent in the subjail; his release on bail; and the confirmation of his sentence on appeal on the 8th January.

7. I also took a statement from Police Constable Seshappa no 305 (the other police constable having been sent back to Kandyal for the warrant) He said he had been given an open cover containing only one paper whic[illegible] had t[illegible]ned at the

8

who admitt[illegible] these facts & concerns

they.

8. I then passed the following order

"The proper course seems to be that Rama Reddi shall be detained in police ~~Cos~~ custody. He will be brought up to the District Magistrate on Monday by which time it is hoped ~~that~~ the warrant will arrive."

9. At the same time I reported my action to Government on Monday the 14th the warrant arrived and the convict was received into jail.

Enclosure

In the court of the ag: Head Assistant Magistrate Kandyal Divn

~~At~~ The 8th day of January 18

Petition

Petition of appeal No: 85 of 1894 against

the conviction and sentence by the Dy: magte: 2nd Class Koilkuntla under sections 406 & 352 of the penal code or in Case no 95 of the Calander of 1894 } Appellant Manchinilla Govindamma Ramareddi

This appeal coming on for hearing before me, upon perusing the petition of appeal and the record of evidence and proceedings & upon duly considering the same after hearing the appellant's Pleader I do adjudge and order that the said appeal be dismissed & that the order of this court suspending the sentence be annulled & that the said Manchinilla Govindamma Ramareddi do undergo the punishment imposed by the said sentence excluding from the computation of the term of imprisonment the time during which the order of suspension has been in force.

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order of 12th February 1895 No: 304.

Communicated to the District Magistrate of Kurnool with the request that he will obtain and submit to Government the Head assistant Magistrate's explanation

(True extract)

(Sd) ~~[illegible]~~ Lionel Davidson

For Chief Secretary.

Ref on B No 221/95

Copy communicated to Hd: Asstt: Magistrate Nandyal who is requested to submit the explanation called for by Government in continuation of this office Ref on Cur: No. 143 4-2-95

[illegible] + Jt magte [illegible] 27/2/95

Kurnool 19-2-95

For ag: Dt. Magte

C no 183/Legl
1895

Recd
sent to
27.2.95

1895
Jud Dept
Enclos. No 10
To
C. No 2361

Enclosure No XI

No. 44/Legl 5/1895

Enclosures: 12

Head Assistant Collector's Office.

Nandyal dated 2 . 5 . 1895

Camp Bhimunipad

From

V. Venugopaul Chettu Esq
Ag ~~The~~ Head Assistant ~~Collector,~~ Magistrate
Nandyal Division.

To

The ~~Collector of~~ Dist Magistrate
Kurnool.

Sir,

With reference to your C no 143/mag of 189 I have the honour to submit the following explanation.

2 One Manchinella Govindinne Ramireddi was sentenced on the 6th october 1894 by the Taluq Magistrate, Koilkuntla under S.S. 406 and 302 (352?) I.P.C. to four months rig: impt. and a fine of Rs 200. On the 11th october he presented an appeal petition through a pleader and also applied to be released on bail pending its disposal. The same day I admitted the appeal and passed an order for releasing him on bail. As the pleader represented to me that the appellant was still confined

this must be wrong
JAC

352 seems like the correct section

Confined in the Sub-jail Koilkuntla,
the order releasing him on bail was
Sent to the Sub-jail Keeper. On the
12th oct: he was released from the
Sub-jail.

3 After the hearing of the appeal, this
court confirmed the conviction and
Sentence of the Lower Court. The
appellant was produced before me
on the 8th January and immediately
forwarded to the District jail Bellary
with the order prepared in the form
prescribed in High Court Rules of
13th March 1868.

date?

date?
8 Jany '95

(were appended LVII)

4 The constable who escorted the prisoner
came back and informed me that
the prisoner had not been admitted
into the jail as no warrant of
commitment had been received there.
I at once ordered the Taluq Magistrate
Koilkuntla to forward the warrant
to the Superintendent Dist jail
direct and informed the latter Officer
of the Same as well as of the nature
of the Sentence passed by the Lower Court.

There were two constables.

Supt could not act on a letter

5. On receipt of your reference under
reply I called upon the Taluq Magistrate
to explain why he had not forwarded
the warrant of commitment forthwith
to the District jail Bellary. He reports
that as usual the warrant in the
present case was delivered to the
warder of the Sub-jail at Koilkuntla,
and that as constables were
not available to escort the
prisoner, he was detained at the
Sub-jail till the 12th, when he was
released by the order of this Court.
He Sends a list of cases in which
prisoners were Similarly ~~detained~~ detained
owing to the want of constables.
The Roster of Duty of Koilkuntla
Police Station for october/94. cor-
roborates the Statement of the
Taluq Magistrate that constables
were not available between the 6th & 11th

6 The Taluq Magistrate further
States that as the prisoner was
released from the Sub-jail,
the warrant was not forwarded

to the District jail. This, I Submit was irregular. According to Sec 383 C.C.P. the Taluq magistrate Should have forwarded the warrant of commitment forthwith to the Dist jail Bellary where the prisoner was to be confined.

The H.A.M. is quite wrong here. Under Sec 383 C.P.C. that he quotes

7. When I forwarded the prisoner to the District jail, I was under the impression that the Lower Court had forwarded the warrant of commitment. The order which accompanied the prisoner, and which was taken objection to by the Superintendent Dist jail is, I submit, the only one prescribed by the High Court. The nature of the Sentence passed by the Lower Court is nowhere directed to be mentioned in Such an order. In conclusion I Submit that the irregularity was due to the want of Constables and the carelessness of the Lower Court.

not understood

nobody thinks or has said otherwise.

8. I.

8. I regret the great delay in the Submission of this report.

I have the honour to be
Sir
Your most obedient Servant
V Venugopaul Chetty
Ag Head Asst Magistrate

Compd

This I submit

Magte Dept

From

The A. Hd Asst. Magistrate,
Nandyal

To

The District Magistrate,
Kurnool

Camp Bheemunipad

Date 2.5.95

Received Disd No. 44
Encls 12

AG 5.5.95

Subject

Reporting on the omission & forward a warrant of commitment & the Dt. Jail along with the appellant Rami Reddi —

1895
Jud D
Enclos. No. 1
To
O. No. 2361

List of enclosures

on Current No. 221/1895 dated 5.5.95 from the District Magistrate of Kurnool to the Chief Secretary to Government, Judicial Department.

1. Copy of letter No. 48 dated 12.1.1895 from the Superintendent of Police, Bellary, to the Superintendent of Kurnool and its enclosure.

2. Copy of letter dated 24.1.1895 from the Inspector of Police, Nandyal, to the Superintendent of Police, Kurnool.

3. Copy of letter dated 20.1.95 from the Inspector of Police, Koilkuntla, to the Superintendent of Police, Kurnool.

4. Letter No. 119 dated 29.1.95 from the Superintendent of Police, Kurnool, to the District Magistrate of Kurnool.

5. Arzi No. 104 dated 7.3.95 from the Taluq Magistrate of Koilkunt

Thus, I submit

to the Head Assistant Magistrate with translation.

6. Explanation of Sabbam Singh Taluq Peon and Sub Jail warder, Koilkuntla, dated 25. 3. 95 with translation.

7. Explanation of Narasinga Row, Taluq Gumastah Koilkuntla, dated 13. 4. 95 with translation.

8. Arzi No 171 dated 8. 4. 95 from the Taluq Magistrate, Koilkuntla, to the Head Assistant Magistrate with translation.

9. Arzi No 187 dated 14. 4. 95 from the Taluq Magistrate of Koilkuntla to the Head Assistant Magistrate and its enclosures (one list).

10. Copy of G. O. No 304 dated 12. 2. 95 Judicial Department bearing this Office endorsement R. C. No 221 dated 19. 2. 95.

Do: No 44 dated ~~44~~ 2. 5. 95 from the Head Assistant Magistrate

to

Camp Duapaly }
6th May 95

Ag Dt Magte

1895
Jud Dep
Enclos. No. 12
To
O. No. 2361

CURRENT NO. 2361

2d. Ref on bur No. 221/mag of 95 **Kurnool Magistrate's Office,**

ENCLOSURES / 11 as per list attached DATED ~~KURNOOL~~ cp. Pyapali 5th May 1895.

FROM

A. C. Tate Esq

Ag DISTRICT MAGISTRATE OF
KURNOOL,

TO

THE Chief Secretary to Government
Judicial Department,
Madras.

SIR,

With reference to the order of Government dated 12th February 1895, No. 304, I have the honor to state that a copy thereof was furnished to the Head Assistant Magistrate on 19th February and that his explanation Dis No. 414 dated 2d Instant was received today and is forwarded herewith.

2 1/2
Transmitted

2. The enclosures of the Head Assistant Magistrate's letter are forwarded for reference. Government will obs that Mr Venugopaul Chetty's letter

pto

purports to be a reply to Mr Mullaly's Endorse-ment R.C. No. 143/mag of 95 dated 4th February 1895 whereas Government's order was com-municated with the footnote R.C. No. 221/mag of 95 dated 19th February 1895. But both these papers are among the enclosures now sent by the Head Assistant Magistrate, and relate to the same matter. I have therefore not considered it necessary to point out to him that the latter has not been quoted in his explanation.

3. The facts appear to be these:— An accused was convicted by the Koilkuntla Taluq Magistrate on 6th October 1894 and sentenced to four months rigorous imprisonment and Rs 200 fine. On 11th October a pleader on his behalf presented an appeal to the Head Assistant Magistrate who admitted it and it an order to the Sub Jail officer Kuntla directing release of the appellant on bail. He was accordingly released at Koilkuntla the next day 12th October.

4. The Head Assistant Magistrate heard the appeal on some date not specified and disposed of it presumably on 8th January 1895; and the appellant, being before him on that day, was sent to the Bellary Jail under the escort of two constables with an order confirming the sentence and direct-ing the execution of its unexpired portion.

19th October accd to the Diary ove C. 2403 D/105

22 Decr accd to diary D/105

5. The original warrant remained all the time at Koilkuntla.

6. From his explanation now received it would seem that the Head Assistant Magistrate does n see how wrong his action was in rele a man at one jail and sendin to another without a warrant,

He throws the blame on the Koilkuntla Sub Magistrate and the Police and says that he acted as he did because he presumed that the Koilkuntla Jailer had forwarded the original warrant to Bellary. He says further that the warrant ought to have been forwarded to Bellary under Section 383 C. P. C.

How could it have been sent without the prisoner?

7. I think the truth is that he acted carelessly, and suggest that he be told so, and directed to be careful in his magisterial work in future. Having sent his order suspending sentence to the Koilkuntla Jail,
e ought to have sent the prisoner
ack there when he confirmed the lower
ourt's Judgment and Sentence.
here was no reason for him to
esume that the Jail warrant had
n sent to Bellary, and neither

Section 383, nor any other law or rule that I am aware of, justifies his thinking so.

8. The prisoner ought not to have been detained at Koilkuntla from 6th to 12th October, but this is a different matter. I shall enquire into the opposing reasons given by the Magistrate and the Police for the detention and pass such order as seems right.

I have the honor to be
Sir,
Your most obedient Servant
6.5.95
Ag Dt Magte

Cpd
5.5.95

Ste. N. ___

CURRENT NO. 2361.

Judicial 1895. ~~Dept~~

G.O. 30a: 12·2·95
H cr. No. 2403/95

Correspondence Department,

FROM A. C. Tate Esq
Ag DISTRICT MAGISTRATE OF
KURNOOL.

TO
THE Chief Secretary to Government
Judicial department
Madras

DATED 5 1895.
RECEIVED
Reptd 10-5-95

CHIEF SECRETARY GOVERNMENT OF MADRAS
9 MAY 1895

2d Reference No. 22/mag of 95

ENCLOSURES. ~~[illegible]~~
12. ~~attached~~

SUBJECT.

Submitting explanation of the Head Asst Magistrate Nandyal for ~~not~~ sending a ~~warrant with the~~ prisoner to the jail without a warrant.

K. C. O.—Rg. No. 158—8 8-94—Copies 500.

CURRENT NO. 2403.

4th Ref on C. No. 221/mag of 95

ENCLOSURES

Kurnool Magistrate's Office,
DATED ~~KURNOOL~~ Pyapaly 8th May 1895.

FROM
A. C. Tate Esq,
Ag DISTRICT MAGISTRATE OF
KURNOOL,

TO
THE Chief Secretary to Government.
Judicial Depart.
Madras.

SIR,

In continuation of my 2nd Reference on Current No. 221/1895 dated 5th Instant, I think right to inform Government that subsequently to my having written that letter I came to know by receipt from the Head Assistant Magistrate yesterday of his Rep on C. No. 271/mag of 1895 dated 3d Instan that the prisoner Manchinella Govindu Rami Reddi has moved the High Cou to revise the Head Assistant Magis appellate Judgment, and th

Stc. R.

CURRENT NO. 2361.
Judicial 1895 ~~Depts~~

Correspondence Department,

{0.302: 12-2-95
4 cr No. 2403/95

FROM A. C. Tate Esq
Ag DISTRICT MAGISTRATE OF
KURNOOL.

TO
THE Chief Secretary to Government
Judicial department
Madras

DATED 5 1895.
RECEIVED
Repd 10-5-95
2d Reference No. 22/mag 95

CHIEF SECRETARY * GOVERNMENT OF MADRAS *
9 MAY 1895

ENCLOSURES. ~~Hospital list~~
12. ~~attached~~

SUBJECT.

Submitting explanation of the Head Asst Magistrate Nandyal for ~~not~~ sending a ~~warrant with the~~ prisoner to the jail without a warrant.

CURRENT NO. 2403

4th Ref on C. No. 221/mag of 95

ENCLOSURES

Kurnool Magistrate's Office,
DATED ~~KURNOOL~~ Pyapaly 8th May 1895.

FROM
A. C. Tate Esq,
Ag DISTRICT MAGISTRATE OF
KURNOOL,

TO
THE Chief Secretary to Government.
Judicial Departt.
Madras.

SIR,

In continuation of my 2nd Reference on Current No. 221/1895 dated 5th Instant, I think right to inform Government that subsequently to my having written that letter I came to know by receipt from the Head Assistant Magistrate yesterday of his Rep on C. No. 271/mag of 1895 dated 3d Instan that the prisoner Manchinella Govindu Rami Reddi has moved the High Cou to revise the Head Assistant Magis appellate judgment, and

2361

CURRENT No 2403

Ct. No 2361/95 + papers.

Judicial 1895, Deptt.

Correspondence Department,

FROM A. C. Tate Esq

Ag DISTRICT MAGISTRATE OF
KURNOOL.

TO

THE Chief Secretary to
Govt: Judicial Deptt.
Madras

DATED 8 } May 1895.
RECEIVED 11 "
Regd 13 "

4th R. C. No. 221/Mag of 95

ENCLOSURES. 4

11 MAY. 1895

SUBJECT.

Reporting further regarding non-despatch of a warrant by the Head Assistant Magistrate in sending a man to jail.

R 15/5

K. C. O.—Rg. No. 158—8 8-94—Copies 500.

[G./25.]
600—8-5-95.

Jud. DEPARTMENT.

C. Nos 2361 & 2403

FOR ORDERS.

Order. d/ 24th May 1895 No. 1126

The Govt. cannot accept Mr. Venugopaul Chetty's explanation as satisfactory ~~and concurs with the Dist. Magte's view that~~ and considers that he acted with ~~great~~ culpable carelessness in the matter. This expression of the opinion shd. be communicated to him by the Dist. Magte. He will further be requested to obtain & submit Mr. Venugopaul Chetty's explanation for (i) the delay of 2½ months in replying to the Dist. Magte's letter no 143/Magl. of 1895 and (ii) the delay ~~over~~ of over two months between the hearing of the appeal & the delivery of judgment

(G.O.)
D
22.5.95

23/5/95

The D.M. Kurnool (G.O.)

DESPATCHED
31 MAY 95
IN M.S

compared 27/5

He should be required to explain both these delays

20/5/95

24/5

Attention is invited to the notes & orders in G.O. d/ 12. Feby. '95, No 304.

Submitted that the Dist. Magte's view (C. 2361 para 7) – "carelessness" – is correct & that ~~the~~ Mr. Venugopaul Chetty should be told so, his attention being at the same time drawn to the delay between the hearing of the appeal (19 Octr.) & the judgment (22nd Decr.), & the consequent risk of the prisoner's absconding

D
16-5-95

There was a delay of some 2½ months in replying to the call for explanation which could have been answered in a couple of days. No explanation of this is offered. If this is a sample of Mr. V. Chetty's [illegible] work he must be a very [illegible]

2361

Re a case of committal of a prisoner to jail without warrant

FOR ORDERS.

H. M.

C. O.—R.

When given for copying ——
When copied ——
When examined ——
When signed ——
} 189 .

AIN G.O., No. DATED
189 ,

EENT No.

RES TO O. No.

OF GOVERNMENT .. .. .. A A A A A A A

TER OF GOVERNMENT.

MENT WITH DITTO.

T FILED UP, BEING MEANT FOR DESPATCH
N ORIGINAL.

N.B.—
A = Copy in full.
B = Not to be copied.
P = Copy abstract only.
Q = Copy heading only