

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 1367

Dated 27th June 1895

INDEXED.

[Despatch Abstract.]

K. KRISHNA WARRIAR.

Recording Proceedings of the Board of Revenue (Separate Revenue) on G.O. Judicial Department, declining to interfere with the sentence passed on----, late second clerk, Palghat Circle, and drawing the attention of the Board to certain remarks of the High Court in its appellate judgment in the case.

BACK PAPERS.

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

FURTHER PAPERS.

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

No 2919.

Proceedings of the Deputy Commissioner of salt
and Akbar Revenue, Southern Division, dated 29th
August 1891 -

Read Board's Proceedings Nos. $\frac{1264}{18-4-91}$ & $\frac{1731}{29-5-91}$.

and 3390
 $\frac{19-6-91}{-}$

Read also this Office No. $\frac{1262}{24-4-91}$ communicating
formerly early report copy of Board's Proceedings, -
(No. $\frac{1264}{24-4-91}$), referring to the Deputy Commissioner,
Southern Division, for early disposal, certain
papers relating to an appeal presented by
K. Krishna Warrior, late a second Clerk
Palghat Circle, against the order of suspension
passed by the Deputy Commissioner.

Read also this Office Proceedings No. $\frac{1544}{21-5-91}$
requesting to make a full enquiry into the
case of Krishna Warrior on the several
points referred to therein, and to report the
result.

results within the 15th June next.

Read also Calicut Assistant Commissioner's letter No C 91 dated 18th August 1891, submitting a detailed report regarding the charges brought against Krishna Warriar late 2nd Clerk, Palghat Circle.

Read also the connected papers.

The papers read above relate to the case of K. Krishna Warriar, temporary second clerk of the Palghat Circle Office, who has been under suspension ever since 4th December 1889, pending inquiry into the following charges. (1) that he made unauthorized corrections in the Circle reward statement for the week ending 25th August 1889. (2.) that he made false entries in the acquittance rolls prepared therefrom (3) that he embezzled Rs 43-13-0 the amount of a certain cheque or part thereof.

2. The history of the case is as hereunder:-
Sometime

Sometime in 1889, a case (C^R_{No.} 108) of transporting illicit arrack was detected by Perty Officer No 473 and Rem No 959 of the Mangeri party Enad Zuluk, which then formed part of the Palghat Circle. The Enad Sub Magistrate convicted the offenders and imposed a fine of Rs 15, which was levied. The Inspector included the case in the bi-monthly reward statement for the week ending 25-8-1889 (Exhibit A) and recommended to grant to the Perty Officer and Rem of rewards amounting to Rs 10. The proposed rewards were sanctioned by the Assistant Commissioner; and on the return of the statement to the Inspector's Office, orders were given to the 2nd Clerk, Krishna Warriar, to prepare therefrom the usual acquittance rolls. The roll in which C. R. No 108 was included (Exhibit B) was in due course forwarded along with

with a cheque to the Mangeri Sub Inspector,
who disbursed to Petty Officer No 473 and Peon
No. 959 the amount written opposite their names
and obtained their signature, in evidence of the payment.
On 2nd December 1889 during the Inspector's
inspection, the Petty Officer and Peon complained
that though Rs. 15 had been levied in the case
detected by them they had received as rewards, but
Rs. 3, or one fifth instead of the customary
two thirds. The Inspector called for the acquittance
Roll and found that, as stated by the men, the
rewards paid to them respectively were only
Rs. 2 and Rupee 1-0-0. The reward statement
was next examined, when it was found
that the rewards recommended by the Inspector
and passed by the Assistant Commissioner
amounted to Rs. 10, but that in the Column
"Reward sanctioned by Assistant Commissioner"
the figure 10 had been crossed through and 3
Entered

entered underneath. As there were besides
this some other corrections, all unattested by
the Assistant Commissioner, the Inspector's suspicion
was aroused, and he proceeded to add up
the sums (vide Exhibit C) that appeared to
have been really sanctioned as rewards and the
amended figures with the result that he discovered
a difference of Rs. 13 between the two. The
rewards originally sanctioned amounted in fact
to Rs. 363, while the total of the amended figures
was only Rs. 350-0-0. The difference arose
from the alteration of Rs. 10 sanctioned in C.R.
No. 108 into Rs. 3 and of Rs. 7-8-0 sanctioned
in C.R. No 29 into Rs. 1-8-0.

3. The records were then made over to the
Record Clerk, Krishna Wariar, for explanation,
he being the person whose duty it was to
prepare acquittance Rolls and Memos of
cheques & be issued from the Mysore Treasury
on

Rs 1-8-u . as the reward sanctioned in C.R. 73 had put down. R-8-u
Rs 6-8-u " — " — " — C.R. 61 " — " — O-8-u
Rs 6-8-u - " — " — " — C.R. 83 . - - RoO-8-u
Rs 14-8-u Rs 1-8-u

passed by the Assistant Commissioners, that the entry against C. R. No 61 under "fine levied", which was originally blank, had been corrected to Rs. 10 and that all 3 entries of Rs. 1-8-^u, Rs. 6-8-^u, & Rs. 6-8-^u, made respectively against C. R. No. 73, C. R. No 61 and C. R. No. 83 were corrections. He formed the opinion that the clerk was at the bottom of the fraud, and had corrected the figures since the previous day with a view to conceal the corrections which he had made when drawing up the acquittance rolls.

4. The next day 4th December 1889, the clerk was asked by the Inspector what he had to say, and in reply admitted that he had been led astray and promised that, if excused, he would behave better in future. The Inspector told him that nothing could be done then, as the matter, being a serious one, would have to be ~~be~~ settled

settled by higher authorities. Krishna
Warrior thereupon tendered a written resignation
(Exhibit G) of his post. He also promised
to pay the Petty Officer and Peon the Rupees 7 that
remained undischarged to them owing to his
fraud, and sent his brother for the money,
and then and there made it over to the 2 men, who
gave a receipt (Exhibit H.) in the Inspector's
name. On the same day the Inspector suspended
the Clerk, and on the following day, reported this
action and the facts of the case to the Assistant
Commissioner for orders. Some further enquiry seems
to have been ordered, but the Inspector's subsequent
report to the Assistant Commissioner, on 12-3-1890,
gives no particular information.

5. Krishna Warrior had, however,
before the despatch of the 2nd report again begged
to be excused for his fault and on 11-3 1890, ^{he}
went

went so far as to write a letter (Exhibit G.)
to the Inspector in which he admitted having fos-
silyly tampered with the reward statement, so
as to make it agree with the acquittance roll,
and requested forgiveness for his stupidity, and
his letter formed one of the enclosures to the Inspector's
report to the Assistant Commissioner dated 12-3-1890

6. The Assistant Commissioner was not altogether
satisfied with the information furnished by
the Inspector, and on visiting Palghat in the following
June held a personal enquiry into the matter.
The entries in the reward statements for the weeks
ending 25-8-89, and 10-9-89, the rewards en-
suetimes in which had been issued on single
cheques, that is, on one cheque for the two
periods, were carefully compared with the
acquittance rolls, and the cheques issued
in payment of the rewards. The result of the
comparison was as follows:-

The

The amounts sanctioned for payment had not been properly copied into the acquittance Rolls the totals of which were less than the amounts sanctioned by Rs. 43-13-0 (vide Exhibit 14.) and for this sum no roll had been prepared. Cheques had been obtained from the Treasury Deputy Collector in favor of the various sub Inspectors for the amounts entered in the acquittance rolls and in addition, a cheque for Rs. 43-13-0 had been obtained in favor of the sub Inspector "Ellapalli" Range, then non-existent, though formerly the name of the Palghat Range. The cheque for Rs. 43-13-0 appeared in the field office cash book as having been received and afterwards passed out for payment in the usual way, a different sub Inspector's range being entered against the amount. The fact that one sub Inspector had charge of two ranges at the time and therefore actually got but one cheque for the rewards due to two parties enabled the fraud

fraud to be perpetrated without detection, as the number of sub Inspectors appearing in the Memo of cheques to be issued and in the Cash book did not exceed the total sanctioned for the field.

7. On the above discovery being made by the Assistant Commissioner Krishna Warriar came forward and expressed his willingness to make a clean breast of the affair. His statement (Exhibit I) was at once reduced to writing by the Assistant Commissioner and his signature taken to it. His statement consists of (1) His explanation how the cheque for Rs. 43-13-0 was cashed (2) various admissions as to how far he (2nd Clerk) and the then head clerk of the Office were concerned in the fraud (3) his admission that he altered the reward statement in certain places.

(1) The entry of the "Ellapalli" Range in the Memo of cheques sent to the Mysore Treasury

Treasury which was signed by the Assistant Inspector, passed unnoticed, and a cheque in favor of the Sub Inspector of the range was issued by the Treasury Deputy Collector and received in the File Office. The Head Clerk altered the word "disposal" on a slip of paper signed by the Inspector that was to accompany a list of Exhibits lying in the Police station into "signature and return" pinned the slip to the cheque and sent it to the Sub Inspector Palghat, who thus got an order as follows: -

"Forwarded to Sub Inspector for signature and return". The Sub Inspector blindly followed the instructions, endorsed the cheque and returned it to the File Office. The Head Clerk then took possession of the cheque, got it cashed by a Bank at the Palghat Sub Treasury and kept the Rs. 43-13-00 within.

(2) Krishna Warriar would have it believed that he was more or less the tool of the Head

Head Clerk - He states that he wrote the acquittance rolls at the Head Clerk's dictation, and that the Head Clerk kept the whole of the mis-appropriated money. But he admits that he was aware of the frauds and that he demanded though unsuccessfully a share in the plunder on more than one occasion,

(3) Krishna Warriar admits that he made the alterations appearing in the reward statement against C. R. No. 73, C. R. No. 83 and C. R. No. 108 simply for the purpose to try and get out of the trouble for the time being."

8. The admission by the Clerk of his guilty knowledge and of his tampering with the reward statement was quite sufficient to warrant his immediate dismissal, and it is much to be regretted that the Assistant Commissioner did not issue orders dispensing with his services. That Officer however contented himself with

with leaving the Inspector's order of suspension in force, and in fact did ~~not~~ pass any orders at all.

9. Owing to the above mentioned neglect on the Assistant Commissioner's part, I have, as directed in Board's Proceedings No 1264 ¹⁸⁻⁴⁻⁹¹, proceeded to dispose of the case on its merits. The Assistant Commissioner's report on the case reached me on 21st instant, and as I was then inspecting the Dalpat Gird, I took the opportunity to send for the clerk in view to record any statement, he might wish to make. He appeared before me on 26th and 27th instant, and made a statement (Exhibit F) which was signed by him after being reduced to writing.

10. He admits having written the letter to the Inspector on 11-3-1890, and having made the statement to the Assistant Commissioner on 26-6-1890, but denies that those documents contain

contain a true account of his connection with the fraud. He denies having tampered with any records whatever, having asked for a share in the Rs. 43-13-0, and having even known until the time of the Assistant Commissioner's inquiry that any fraud was going on. He further denies having paid Rs 7 to Petty Officer No 473 and Dem No 959, and declares that the Inspector, having procured that sum from him on the ground that he wanted a small temporary loan, deceived him and paid it to the men just as if he (the clerk) had admitted his responsibility therefor. When asked by me why he had falsely implicated himself before the Inspector and Assistant Commissioner he said that he acted on the advice of the Inspector, who promised that if he would speak as directed he would be speedily reinstated in his post. The clerk concluded his statement before me with a declaration of his absolute innocence in the matter. He admits that

that he has no witnesses.

11. I cannot attach the smallest importance to what Krishna Warriar has told me regarding his former statements. He was the clerk who attended to the work connected with rewards and must have known of the fraud, even if he were not the person who planned it and carried it out. There is no proof that he received any part of the Rs. 43-13-0 but it is more than likely that he had his share and quite possible that he got the whole amount. There is the strongest suspicion that the incorrect entries made by him in the acquittance rolls were written with the knowledge that they were false, but of such knowledge there is no proof. That he made unauthorized corrections in the reward statements he has admitted in writing on two occasions, and his subsequent explanation that he was persuaded to incriminate himself by the Inspector, for whose alleged action he can give

give no reason cannot for a moment be accepted. Moreover he cannot be allowed to go behind his statement to the Assistant Commissioner, that he knew of the fraud that was going on in the office and asked for his share of the Rs. 43-13-0.

12. Putting aside the strong suspicion I entertain of the clerk's deeper guilt in the matter, I find it satisfactorily proved (1) that he made unauthorized corrections in the field reward statement for the week ending 25-8-1889, (2) that he was aware of the misappropriation of a sum of Rs. 43-13-0, drawn on a cheque issued in favour of the "Ellapalli" Sub Inspector, and yet instead of reporting the fraud to his superiors as he was bound to do not only remained silent, but actually endeavoured to obtain for himself a portion of the money. Accordingly order Krishna Warriar's

Warrior's dismissal from 4th December 1889,
the date on which he was suspended by the
Inspector.

(signed) A. R. Anantaramaia
Assistant Inspector
for Deputy Commissioner.

- To (1) Krishna Warrior.
(2) Inspector, Palghat through Assistant
Commissioner, Calicut.
(3) Copy to Board of Revenue, Separate Revenue.
(True copy.)

Communicated
Assistant Secretary.



Proceedings of the Board of Revenue

(Separate Revenue.)

Dated 16th September 1891.

No. 3001. Mis.

Read the following letter from E. A.
Elwin, Esquire, C. S. Acting Deputy Commissioner
of salt and Akkare Revenue, Southern Division,
dated 29th August 1891, No 2918.

With reference to Board's Proceedings
Nos. $\frac{1264}{18-4-91}$, $\frac{1731}{29-5-91}$ and $\frac{3390}{19-6-91}$, I have the
honor to report that I have this day disposed of
the case of K. Krishna Warrior, temporary
second clerk of the Palghat Civil Office. In
enclosing a copy of my Proceedings dismissing the
man, I beg to observe that all the facts of
the case are fully dealt with therein, and that

to recapitulate them here therefore seems unnecessary.

2. With reference to para 2 of the Board's first Proceedings on the subject, I have to say that the Clerk was suspended by the Inspector on 4-12-1889 pending Enquiry into his conduct, that the matter was reported to the Assistant Commissioner, for orders, on the following day, and that the latter Officer, though he held a personal enquiry into the case at Palghat on 26-6-1890 and had then ample grounds for dismissing the Clerk, failed to pass any orders at all. The sole explanation offered by the Assistant Commissioner is as follows:—

"The suspension was pending enquiry, but as this was not a substantive appointment, I thought no separate order was necessary and thought my not having countermanded it itself was enough".

3. As regards the Clerk's allegation that he

he was compelled to attend Office and work there for months together after his suspension; the Inspector writes to the Assistant Commissioner—
"I never required his attendance for work in the Office, only ordering him to keep me informed from time to time of his where abouts. He was never led to believe that I desired he should accompany me into camp. He did so however, for a few days subsequent to his suspension, but as already reported this was of his own free will. It is absolutely untrue that the appellant has been attending regularly for months together; he has not been anywhere near the Office, only coming when he wants information about his case".

4. Krishna Warrior has in his statements implicated the former head clerk of the Circle Office. The Assistant Commissioner neglected to examine this person in June 1890—
and

and I think that as it is a long time since he left the Circle it is hardly worth while sending for him and recording his statement now. There is no probability of his admitting his complicity in the fraud, and in the absence of such an admission, there being no evidence against him, I do not see how he could be punished. I may add that the P. M. who got the cheque for Rs. 43-13-0 cashed was questioned by me, but either could not or would not say from whom he got the cheque nor to whom he paid the money.

5. Under the Board's orders the men who have been doing the second Clerk's works since Krishna Warrior's suspension have drawn only Rs. 10 a month or half the full ^{pay} of the post. I request to be informed whether they may now draw the full pay, Rs. 20 a month, with retrospective effect.

6. I consider that the Assistant Commis-
is

is very much to blame for the gross delay that has occurred in the disposal of this case, and I must mention that his reply to this Office Proceedings, No 1544, 21-5-91, read in Board's Proceedings No 1731, 29-5-91, was not received by me until 24th instant, and that too only after repeated reminders had been sent. Hence my inability to submit this report at an earlier date than the present.

Resolution

Krishna Warrior having by his own admission ^{on} fraudulently tampered with public documents and been privy to embezzlement, should be criminally prosecuted with the least possible delay.

2. The Board cannot accept the Deputy Commis-
sioner's proposal that no further notice should be taken of the allegations made by Krishna Warrior against the late

Read

Head Clerk of the Palghat Circle, L.S.
Jandhwa Aiyar. No doubt, owing to the culpable
negligence of the Assistant Commissioner in dealing
with the case, satisfactory evidence ^{will} now be difficult
to obtain; but ~~an~~ enquiry must forthwith be held
and every effort made to set ~~at~~ the truth.

3. It has not been explained how the Inspector
came to draw a cheque in favor of a non-
existent sub Inspector of Ellapalli Range. The
matter must also be gone into.

4. The question asked in para 5 of the
Deputy Commissioner's covering letter is answered in the
affirmative.

5. With reference to para 3 of the Deputy
Commissioner's letter his attention is drawn to para
1 of Board's Proceedings No 1264, dated 18th April
1891, in which Mr. Muller's explanation was
held by the Board to be unsatisfactory.

6. Paras 2 & 6 of the Deputy Commissioner's
letter

letter furnish a fresh instance of what can only be
cried as being either the incorrigible idleness or incapacity
of Mr. Assistant Commissioner Brown. That Officer
will be reminded that the question of his retraction is
still under the Board's consideration - vide para 7 of
Board's Proceedings dated 3rd April 1891, No 1096, and the
matter now dealt with will be noted against him
in the Confidential Register. It is observed further
that in the Proceedings above quoted monthly reports
on Mr. Brown's work were called for from the Deputy
Commissioner, but that only one report, that for April
1891, has been received in compliance with this order.
The Deputy Commissioner is requested to carry it out
regularly in future, and to explain his omission to do so
for the last four months.

(True copy and extract)

(signed) K. Rama Rau.

The Deputy Commissioner,
Southern Division

By. Asst. Secretary.

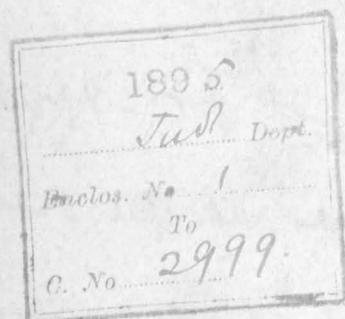
(True copy.)

2/382/9/6

Kannanammall
Assistant Secretary.

1895.
Board of Revenue
(Separate Revenue),
MADRAS.

To



Proceedings, dated 16th September 1891,
No. 3001. Mis.

Subject.

Ordering that Krishna Warrior late a second clerk Palghat Fort, be criminally prosecuted, for having fraudulently tampered with public documents and for having been privy to embezzlement; remarking on Assistant Commissioner Mr. Brown's action in not having dismissed Krishna Warrior after he enquired into his case and in not having replied early to a reference made by the Deputy Commissioner, and stating that the fact will be noted against him in subsequent reports, and requesting the Deputy

Commissioner to explain why he has failed to submit the monthly reports on the conduct of work by Mr. Brown for the last 4 months and to submit them regularly in future.

CURRENT No. 2999



Proceedings of the Board of Revenue

(Separate Revenue).

Dated 1st June 1895,
No. 2366. Mis.

Read Proceedings of the Madras Govern-
ment Judicial Department, dated 20th May 1895,
No 1070.

Resolution.

Recorded.

2- The conduct of the Inspector and the Assistant Commissioner, in regard to this case, which has been animadverted upon by the High Court has already been dealt with by the Board in its Proceedings No. 3001 dated 16th September 1891. Copy of which is herewith submitted to Government. The Deputy Commissioner has also been instructed to pass orders in the case of the said clerk.

(True Extract.)

To
Chief Secretary
to Government
Judicial Department
with a copy of Brown's Rep. 3001 Mis
16-9-91.
Copy of para 1 to the Inspector General
of Prisons with
copy of High Court Judgment.

Commanded
Assistant Secretary.

Judicial Deptt
CURRENT NO 2999

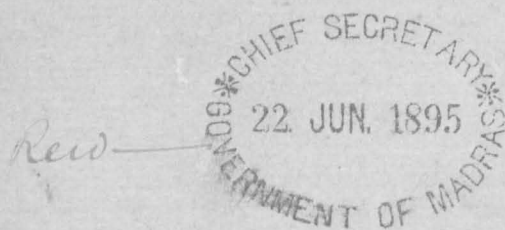
1895

Board of Revenue

(Separate Revenue),

MADRAS

To
The Chief Secretary to Government,
Judicial Department.



Proceedings, dated 1st June 1895,
No. 2366. Mid. Incl—X.2

Subject.

Recording with remark, G.O.

declining to interfere with the sentence
passed upon K. Krishna Warrier,
late 2nd Clerk Palghat Circle, and
drawing the attention of the Board
to certain remarks of the High
Court in its appellate judgment
in the case.

No. 1070. 20.5.95. mi

H. M.

27 June 1895, No. 1367.

mi

Recorded

26.6.95. 22
26/6/95

Note

H.M. only directed that the attention
of the Board shes. be called to
the matter; no reply was called for &
there appears no need to trouble him
with the paper.

24/6/95

When given for copying _____
When copied _____ } 189
When examined _____
When signed _____

READ AGAIN G.O., No.
189

DATED

CURRENT No.

ENCLOSURE TO G. 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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