

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 1590

Dated 29th July 1895

INDEXED.

[Despatch Abstract.]

MEMORIAL WITHHELD.

that
Directing the memorial addressed to His Excellency the
Governor-General of India by M.R.E. B. Sungram Singh, late Acting
Stationary Sub-Magistrate of Proddatur, Cuddapah district, appealing
against his reduction to the post of Taluk Head Accountant, be with-
held under clauses (7) and (10), Rule 3 of section III-B, Memorial rules.

BACK PAPERS.

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

FURTHER PAPERS.

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

ref 415
CURRENT No. 955 of 1895
Cln 5.6.95

To

His Excellency

THE GOVERNOR-GENERAL

IN COUNCIL.

THE HUMBLE MEMORIAL OF B. SANGARUM
SING LATE ACTING STATIONARY SUB-
MAGISTRATE OF PRODATUR, CUDDAPAH
DISTRICT

RESPECTFULLY SHOWETH,

That the Memorialist respectfully begs
to submit this memorial against the order
of the Madras Government, dated the 13th
August 1894, No. 1944 Judicial, declining
to interfere in the matter of reduction of
your Memorialist to the post of Taluq
Head Accountant.

2. That the facts of the case are as
follows:—

On the 18th June 1893, a party of
Police constables were detailed for arrest-
ing certain woddas. On the 21st idem,
five constables assisted by some ryots,
went to the wodda houses to make the
arrests, but the woddas and fled in different
directions. Two of them, wodda Anakadu
and his brother wodda Torrivadu were
pursued by the said constables and ryots
and the former was arrested and put into
the Police Lock-up by three of the const-
ables, while the other constables and ryots
kept up the chase after the latter. The
three constables that took Anakadu to
Police Station also joined in the chase
against Torrivadu after putting Anakadu in
the lock-up. Nothing more was heard of
Torrivadur that day, nor did the constables
who pursued him submit any report as to

Forwarded through the
Board of Revenue with
records connected with this
Office Disposal Nos. 826 magd
18.8.93

4 759
24.8.94

J. H. H. H.

Aq. Collector
29-6-95

Dr. K.

what became of him. The next day at about 9-30 A.M., an occurrence report was received by your Memorialist from the Police that the dead body of an unknown person had been found in a Palmyra tope in the limits of Madur village. This was subsequently found to have been the body of the above said Torrivadu. After the receipt of the said report from the Police, your Memorialist went to the office at about 10-30 A.M., to adjourn the cases posted for the day and to make enquiry into a complaint of torture preferred by Ankadu, deceased's brother, and then at about 12 noon, hurried off to the spot where the dead body had been found. By the time your Memorialist reached the spot, the inquest had been over and the dead body sent to the dispensary at Prodatur for *post mortem* examination. Your Memorialist also returned immediately to Prodatur to have a look at the corpse and to enquire the deceased's relations who had followed the corpse. When the memorialist arrived at the dispensary the mother and other relations of the deceased so strongly objected to the *post mortem* being held there on account of the local influence of the Police that he had to assure them that no injustice would be done and also had to remain there when the *post mortem* was conducted. The local apothecary held the *post mortem* examination and declared that the death was due to the fracture of the base of the skull. He however did not, as is usually done, give out in his certificate what the fracture of the base of the skull was due to, and it was only some days after when he was examined by the Deputy Magistrate, that he stated that that fracture was due to a fall and fall only.

3. The same evening, the mother of the deceased preferred a formal complaint before your Memorialist and it was recorded.

4. On the 23rd June your Memorialist examined the Station House Officer of Prodatur with a view to find out what report had been made by the constables that went in pursuit of the deceased. The Head constable stated that the said constables had not returned till the evening of the 22nd and that he did not as per orders of his Inspector examine them as to the cause of the death of Torrivadu. Your Memorialist then examined some of the constables who chased the deceased, but they declined to make any statement in the matter.

5. The same evening the deceased's mother produced two witnesses and requested that their statements might be recorded at once lest they should be tampered with by the Police. They were accordingly recorded and as these witnesses directly charged the Police constables with the murder of the deceased, your Memorialist, precluded from proceeding any further on account of the District Magistrate's circular No. 337 of the 24th April 1893, referred the case to the Superintendent of Police for investigation, and reported the same to the Deputy Magistrate and District Magistrate. On this, the latter officer passed the following order "District Magistrate presumes if any one (Police constable or otherwise) is charged with any offence for which he should be arrested, he will be promptly arrested." Upon the receipt of the above order on the 28th idem, your Memorialist issued orders for the arrest of the persons accused and refused to release them on bail.

6. The Police having then moved the Divisional Magistrate to have the case transferred to his own file, it was accordingly transferred and the accused were released on bail. The Police also submitted a referred charge sheet stating that Torrivadu's death was purely accidental and requesting sanction to prosecute those that had given evidence against them. The Di-

visional Magistrate, on the strength of the statement of the local apothecary that the fracture of the base of the skull was due to a fall and fall only, not only ordered the case to be treated as one of accidental death, but also sanctioned the prosecution of those that had given evidence against the Police.

7. In connection with this sanction the matter went up to the High Court and in their Judgment in Criminal Appeal No. 61 of 1894, the Judges declared that the opinion of the apothecary was "absurd" and remarked that "they were not disposed to place much reliance upon his testimony."

8. Yet with such an opinion of the apothecary to proceed upon, the Superintendent of Police reported your Memorialist action in the matter as malicious and attempted to find motives for the same.

9. The District Magistrate was pleased to view the matter in the same light as the Superintendent and degraded the Memorialist to the post of a Head Accountant.

10. That on appeal, the Board was pleased to arrive at the conclusion that it was pretty certain that the man had been killed by some person or persons unknown; but declined to interfere chiefly on the grounds that your Memorialist had been actuated by motives which if not absolutely malicious, were at all events prompted by prejudice against the Police and that he was untruthful in having stated that he had been, on a previous occasion, fined and transferred without his explanation.

11. On the above order, the Government was appealed to with the result that that authority was pleased to declare that there was no proof of Malice on the part of the Memorialist and that the criticisms of the Memorialist's conduct in the Superintendent's letter to the District Magistrate were in an improper style; but still declin-

x Pages 25 to 31
of this file

⊗ Pages 51 to 62 of this file

* Pages 65 to 89 of this file

⊗ Pages 17 to 23 of this file -
original Pro: also put up.

x x Page 5 of this file -

ed to interfere, for what reasons, it is not made known.

12. As to the remark of the Board of Revenue regarding the untruthfulness on the part of your memorialist, it is respectfully submitted that that authority had been misled by the order of the District Magistrate who, by mistake, said that the Memorialist's explanation was on record. A kind perusal of the order itself bearing disposal No. ⁷⁵⁷Magistrial of the 28th May 1892 (herewith submitted) will show that your memorialist was substantially true in having stated that the above order was passed without his explanation. As explained in the memorials to the Board of Revenue and Madras Government (vide paras 17 and 12 respectively) herewith submitted, the said order of fine and transfer was passed by the then District Magistrate on the Memorialist's letters to the Deputy Magistrate and not to himself, as will be seen from the heading of the said order.

13. That the connected records as per list are enclosed.

14. That under these circumstances your Memorialist requests that the order of reduction may be revoked and that he may be restored to his original appointment.

15. For which act of kindness he shall ever pray.

B. Sanjaram Singh

Head Accountant,
Pulivendla, Cuddapah Dist.

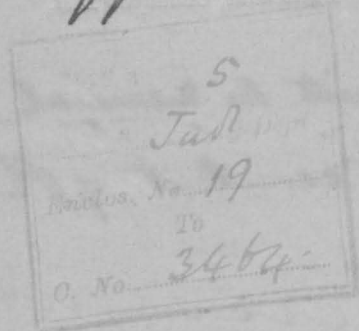
29th May 1895.

List of papers submitted with the memorial of
B. Sanjaram Singh, Head Accountant of Pulivendla
Taluk, Cuddapah District.

A. First petition to the Government of Madras.
B. Order of the Madras Government No 1944 Dated
13th August 1894.

P. J. O

- C. Second petition to the Government of Madras.
- D. Order of the Madras Government No 2074 dated 28-8-94.
- I Proceedings of the Board of Revenue No 848 Mis: D 19-2-94.
- II Judgment of the Madras High Court.
- III Petition to the Board of Revenue.
- III (a) Police Superintendent's letter to the District Magistrate of Cuddapah No 778 D 7-8-93.
- III (b) District Magistrate's Proceedings C.A No 199 D 2-9-93.
- III (c) Letter to the Deputy Magistrate Proddah Division No dated 22-6-93.
- III (d) Do Do Do dated 23-6-93.
- III (e) Do to the Collector and District Magistrate No 509 dated 20-8-93.
- III (f) Do to the Special Deputy Magistrate No 245 D 2-5-92.
- III (g) Do Do No 248 D 4-5-92.
- III (h) Proceedings of the District Magistrate D 24-5-92.
- III (i) Letter to the Special Deputy Magistrate No 285 D 16-5-92.
- III (j) Testimonials
- IV Supplemental petition to the Board of Revenue D 14-12-93.



CURRENT NO. 3464.



Proceedings of the Board of Revenue

(Land Revenue),

Dated 15 July 1895.

No. 3503 Mis. Routine.

READ Endorsement of J. Hewitson Esq.

Acting Collector of Cuddapah, dated 29 June 1895, Current No. 955 of 95. on petition from B. Sangram Peta. Sing, late 49. Stationary Sub Magistrate of Proddatur, dated 29 May 1895.

Resolution

Submitted to Government with reference to Board's Proceedings No. 848 19 Feby. 94 and to Government Order No. 1944 Judicial 13 August 94

(True Extract)

L. M. Wynne

To the Chief Secretary to Govt. Judicial Department with petition to the Govt. of India + its eighteen enclosures + two files of records in original.

L. M.

22/6

Judicial Dept.
CURRENT NO. 3464
1895.
Board of Revenue
(Land Revenue),
MADRAS.

To



The Chief Secretary
to Govt. Judicial
Department

Recd 19th } July 1895
Recd 20th }

Recs: 21 (one petn. with 18 lines & two files)

Proceedings, dated 15-7-1895,
No. 3503 ^{Mis.} Routine.

Subject.

Submitting to Govern-
ment petition from Mr. B. Saugram Singh, late
Acting Stationary sub-ma-
gistrate of Proddatur,
Cuddalore Dist., appealing
to the Government of India
against his reduction to the
post of Taluk Head Account-
ant.

Ms 24/7

200

So 2074 194 mis
So 2944 194 n.

Order of 29th July 1895 No 1590
mis

The memorial will be withheld
under ~~Rule 3~~ clauses (7) + (10), Rule 3
of Sec. III, B. Memorial Rules.

25-7-95
25/7/95

To

The B. of Rev. L.R. Q to 3 Dec 1897
with encls wtd.
Mr. Clerk in charge of withheld list of mem:
24-7-95 Note.

The memorialist was the agt. stty. sub-
mag. of Proddatur on Rs 100 p.m. at the time
of his reduction. Rules 2 + 3 of sec. I of B.
Mem: Rules have also been ~~observed~~
disregarded

25-7

his permanent
apptn. being on
Rs-60. D

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

189.

READ AGAIN G.O., No.
189

DATED

CURRENT No.

ENCLOSURES 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.
B = Not to be copied.
P = Copy abstract only.
Q = Copy heading only.