

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 1940

Dated 16th Sept. 1895

INDEXED.

[Despatch Abstract.]

PETITION.

Endorsing paragraph X of O Petition rules and paragraph V(5) on-----from Tiruvengada Mudali, late second-class constable, Chingleput Police Force, praying that orders may be passed for the reversal of the judgments of the Courts of Stationary Sub-Magistrate and District Magistrate sentencing him to pay a fine of Rs. 15.

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	5766		1895				

CURRENT No.

(1895) DEPARTMENT.

From

C. J. MacLarty Esq. J.C.
THE PRIVATE SECRETARY TO THE

RIGHT HONORABLE THE GOVERNOR,

To

THE CHIEF SECRETARY

TO GOVERNMENT,

DEPARTMENT.

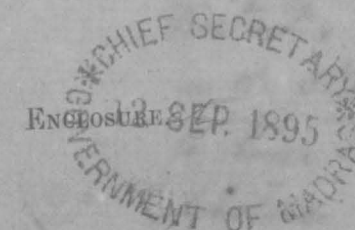
Dated

12 } September 1895.

Received

12

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Subject.

TRANSFERS a petition from *Murungata*
Mudali, late 2nd class constable,
Chingleput Police Force, praying
that orders may be passed for the
reversal of the judgments of the
Courts of Stationary Sub Magistrate
and District Magistrate sentencing
him to pay a fine of Rs. 15.

MR 314/3

Order 816 of September 1895, No. 1746

mm

Para 2 of C. P. R. Rules

4 para. V (5)

2

16.5.95

The P. O. & Co. & Co. for dist 21/9/95
with Encls.

1/10
12-9-95

Petition from *Thiruvengadamoodali*,
late 2nd class Constable N^o 43 of Chingle-
put Police Force, now residing at
Harnur, Saidapet.

DATED 2nd September 1895.

TRANSFERRED to the Chief Secretary to
Government for disposal.

(By Order.)

Unmarked

Private Secretary.

GOVERNMENT HOUSE,

Cataramund 12 September 1895.

His Excellency the Right Honorable
Sir Beilby Lawley Baron Wenlock
Governor of Madras.

The most humble petition of
Thiruvengadamoodali, late 2nd class
Constable N^o 43 of Chingleput Police
residing at Harnur, Saidapet
Chingleput District

Most humbly sheweth

That your Excellency's humble petitioner
was a member of the Police Force in Chingleput District
for 9 years up to June 1895; during which period, he
discharged his duties honestly in many Stations of the
District. That in October 1894 he was ordered to do duty
in the Station of Saidapet which was a strange place
to him. That as soon as he joined this new Station
Cholera broke out in the town of Saidapet; and it
was then necessary to prevent the commission of
nuisances in order to have the town clean; for which
duty the petitioner was appointed at once. That when
he was doing his duty strictly and carefully, he was
obliged to charge some persons with the offence of
nuisance and to get them punished; but his strict
mode of discharging his duties created an illfeeling
between him and some mischievous people. That
in January 1895 the cholera subsided and the
petitioner was transferred to the duty of "Railway
Station Orderly". That when the petitioner was according
doing duty in Railway Station from 12th January,
one *Kannappa moodali*, under the said illfeeling
submitted a petition to the District Superintendent of
Police, concocting a case against the petitioner, as
having received a remuneration of four annas from
his servant

his servant on the 17th Idem for not charging him with nuisance. That owing to the petitioner's bad luck then, no investigation was made to ascertain the concoction of the case; but by means of some tricks of the Superintendent's circuit writer who is a nearest relative of the said complainant, the Superintendent passed orders to prosecute the petitioner. That accordingly the petitioner was charged by the Inspector of Police under Section 45 of Police Act; and the Sub-magistrate though came to understand the concoction, yet with an intention to satisfy the Inspector who is waiting for the favor of the abovesaid circuit writer, convicted the petitioner under some illegal grounds and fined him 15 Rupees (Vide Enclosure No I). That the petitioner then appealed to the Deputy Magistrate's court, against the finding and Sentence of the said Sub-magistrate, for reversal. That owing to the petitioner's misfortune the Deputy Magistrate noticed not of the weakness of the prosecution and the ~~defence~~ evidence for the petitioner's defence, nor did judge the probabilities; but confirmed the Lower court's judgment (Vide Enclosure No II). That as this case was not properly judged by the Lower and appellate courts, the petitioner preferred a petition to the High court of judicature at Madras for revision; but the High court have declined to interfere with the petitioner's case, saying that his case has already been settled by two Magistrates (Vide enclosure No III); and thus no justice was rendered to the petitioner. That under this conviction and sentence, the petitioner was dismissed from the Police Forces. That therefore the petitioner kneeling down prays that your Excellency will be gracious enough to pass orders for reversal of the judgments on revision for the following grounds so that his post may be restored to him and the fine may be refunded.

The case brought against the petitioner is "receiving remuneration from a private person". The evidence & probabilities

Vide En. No IV

VI of. and ch. V

[Faint, mostly illegible handwritten text, likely bleed-through from the reverse side of the page.]

VI of 1841

complainant who was examined as prosecution 1st witness, has nothing to do with the case. He admits he is not the sufferer from the action of the petitioner, and he has come forward only for his servant. He further says that he has seen nothing. Therefore he has no right to complain against the petitioner. His servant (Prosecution 2nd witness) says that he paid four annas to the petitioner at about 2 o'clock, when he was working in the public street, and also he says that the prosecution 3rd witness also was working by the side; but he (3rd witness) was not asked by the petitioner for any thing; and nothing was paid by him. Only these two witnesses were cited by the complainant and they only were examined by the Magistrate. Of these witnesses one is servant and the other is debtor of the complainant. If the petitioner did really attempt to receive any thing from the complainant's servant, he would have received from the other man too (3rd witness). Clearing operations of the looms cannot be performed by a single man; but there must be at least two persons to assist one another to catch hold of the ends of the looms. If this case is true, they ^(such assistants) would have been also cited as witnesses for prosecution. Under these circumstances the evidence of these ^{two} witnesses ~~one~~ is worthless and also not believable.

Besides the petitioner humbly begs to represent that at the time of the alleged receipt of remuneration, he was in the Railway station and attended the trains, which was proved by the Railway station Master and others. Thus the weight of evidence for defence clearly shows that the case is a concocted one. The Magistrates say in their judgments that the petitioner was impertinent, when he was asked by the complainant. The Magistrate's wrongful opinion is that the petitioner should give an humble answer to the complainant's questions. If the petitioner had really received money, he would have been obliged either to speak in friendly terms or to give humble answer requesting the complainant for his excuse; but nothing was done to that effect.

In this case, the complainant's preference of complainant while he is not the sufferer, the weakness and untrustworthiness of evidence of his two witnesses who are his servant

and the evidence for the purpose of the case is a complete one, and
 that the Magistrate's decision is just.

Therefore the Magistrate's decision is correct and the case is closed.
 I am, Sir, very respectfully,
 Your obedient servant,
 J. B. W.

1895
 J. B. W. Dept.
 4343

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

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READ AGAIN G.O., No.
 189

DATED

CURRENT No.

ENCLOSURES TO O. 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.

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