

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	2983		7-12-94				

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	5454		1895				

CURRENT No. 43

To

His Excellency The Governor
- in - Council.

Chief Secretary
- 9 SEP. 1895
GOVERNMENT OF MADRAS.

The Humble petition presented by
Chinnappareddy Narayana Reddy
of Lutchumpally in the Gooty Taluk
Anantapur District.

The petitioner humbly represents
as follows.

That the petitioner filed a
petition before the District Magistrate
of Anantapur on the 31st August 1893
against Mr. Paparowaidu, the Police
Inspector of Gooty for wrongful confinement
and extortion of Rs 100 from him on the
22nd July 1893, with some affidavits
attested by the Deputy Magistrate & C.M.
The Police Inspector Mr. Paparowaidu
appeared voluntarily before the District
Magistrate and represented something
which was not on record, on the day
on which the petition was filed. There
upon the District Magistrate, instead
of granting sanction to prosecute
the Police Inspector, referred the petition
to the Superintendent of Police for report.

who in fact never enquired about the petition. In the meanwhile the petitioners submitted another petition to your Excellency-in-Council in the month of September 1893. Thereupon your Excellency ordered the District Magistrate of Anantapur on the 21st March 1894 to enquire the case by himself.

The District Magistrate instead of enquiring the case himself ordered the Deputy Magistrate of Gooty to examine the witnesses that were required by the Police Inspector of Gooty, instead of allowing the petitioners to examine all the witnesses he required. The Deputy Magistrate of Gooty examined some witnesses and submitted the records to the District Magistrate, without giving any opinion about the evidence that he has recorded. Thereupon the District Magistrate of Anantapur instead of granting sanction to prosecute the Police Inspector, granted sanction to prosecute the petitioners, and two of his witnesses on the 18th May 1894. Thereupon the petitioners appealed against the sanction order to the High Court and they cancelled that order on technical grounds. The Police Inspector of Gooty again applied for sanction

to the District Magistrate of Anantapur, and he on the opinion formed by him at the time of the presentation of the petition, granted the sanction to prosecute the petitioners and two of his witnesses. Before the granting of the second sanction, the petitioners applied to your Excellency for an order to prosecute the Police Inspector. Your Excellency gave an endorsement dated 25th Sept 1894, that petitioners should represent the same before the District Magistrate. Though the petitioners represented the same to the District Magistrate, he gave sanction to prosecute the petitioners &c on the prejudiced opinion of the case he had already formed. The petitioners and his witnesses underwent the trial before the Deputy Magistrate of Anantapur. He being a subordinate to the District Magistrate, was not able to administer justice properly, and convicted the petitioners to six months rigorous imprisonment and two hundred rupees fine, the highest punishment that he can award under Sec 161 I.P.C. Thereupon the petitioners appealed to the Session's Judge of Bellary, who weighed the evidence properly, set aside the conviction and sentence of the Deputy Magistrate of Anantapur. The Session's Judge of

GP no. 2318
GP no. 9
25-9-94

8.7.94
2.3.94

of Bellary has clearly stated in his judgment that the Plea of Alibi set up by the Police Inspector of Gooty is not one of impossibility and also that it cannot be believed, thereby coming to the conclusion that the case of the petitioner must be true. Not so at all
In this case except before the Session's Judge that justice has been denied to the petitioner by all the officers that enquired into the case on account of the prejudiced order passed by the District Magistrate of Anantapur, at the beginning of the case. That the petitioner has suffered a good deal on account of the injustice done to him. That as the last hope, the petitioner humbly requests your Excellency to send for all the records in the case and after perusing the records to dismiss the Police Inspector of Gooty, Mr. Paparowraide, from the Public Service departmentally at least, or to appoint a special officer to ascertain the truth or otherwise of the petitioner's allegations. There shall be no use of referring this petition again either to the Inspector General of Police or to the District Magistrate of Anantapur as they have already formed their opinion in the case. It will be causing good deal of hardship to the Public

to detain an officer like Mr. Paparowraide the Police Inspector of Gooty, any longer in the Public Service. The petitioner has here with submitted the deposition made by the Deputy Magistrate of Gooty, the endorsement given by your Excellency, the copy of the petition sent by the petitioner to your Excellency, and the judgment of the Session's Judge of Bellary. Under these circumstances the petitioner humbly requests your Excellency in Council to administer justice to the petitioner, who has suffered a good deal for representing the truth. For such act of kindness the petitioner will ever pray as in duty bound.

5th September 1895

Yr. Obedt Servant

CURRENT No. 43

Justice Dept

23880 25.9.94 +

From

ppp

Chinnappa Reddy Narayana Reddy
of Lachumpally in the Gooty District
Anantapur Dt

Date. 5
Recd. 9 } September 95
Recd. 10 }
Encl 4

Subject

Regarding the prosecution of
Papabow Unda, the
Police Inspector of Gooty
Anantapur Dt

2029880 7.12.94 (clb)
27780 16.12.94 Mis
23280 25.9.94 Mis
+ papers

For orders

As to whether a report from the Sg.
of Police may be called for? The Sses.
Court. judgment discloses that the Inspr.
Papabow Unda failed to establish the
plea of alibi upon the strength of
which the petitioners convicted of
deposition by the lower Court.
It is unlikely that anything will
come of the matter. Papabow
Unda's mere suspicion at
the appellant's residence cannot be
implicitly trusted. The result of
further inquiries is a matter
to be 'not proven' but the Ss. might
transfer the Inspr.

The judgment of the Sessions Court
does not as I read it show that the
Inspr. has failed to establish the
alibi upon which he based
his charge. It merely conveys to my
mind that the Judge felt doubtful
as to the evidence adduced to prove
it and from the account the benefit
of the doubt. The judgment therefore
appears to me to deal with possibilities
and to ignore probabilities. There was
evidence what is said at the end of
para 8 of the judgment. There was
of course the possibility suggested
by the Judge but his own has not
at all considered the enormous
improbability of the Inspr. doing
what he does. a possibility

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DEPARTMENT.

C. No.

FOR ORDERS.

I am not satisfied
with the reasoning of the
Sses. J.

The prayer of the petition
is that the Inspr. should be
dismissed or that a special
order be app. to enquire into
the case. I do simply

order 19th September 1895, No 1964.

"The Inspr. declines to comply
with either of the petrs.
requests"

[That seems to be the best
way of dealing with the matter]

To the Petr. 3 to witte
Sses. J. 3
17.9.95

In one place where it ends his views
(para 6 of the judgment)
nails the suspicion to his diary of
the 22nd and where it does not he
suggests a highly improbable possibility
with regard to the entry in this diary
diary. In para 9 there is another
possibility that which is very improbable
one does not know what sort of
road there is between Gooty and
Inanapalle & the Judge does not
seem to have enquired at all on
this point. But it is a fact that
7 miles an hour is with good mounts
a very good marching pace on an
ordinary road. Along a village road
and with the cattle that hinders
inspection it is 3 miles an hour
is as much as can be done. If
the road is a country one the
possibility further mentioned by

the judge becomes an utter impossibility
Mr. Moore seems to have failed to
ascertain the actual distance between
Post's and Inman's place or the character
of the land two by unpromising points
where a possibility is being considered.
The judge in para 5 says that
the search had not been occupied
the Inspector half an hour. So
it might be of anyone had been
on the spot ready and waiting and
if the search had been a superficial
one but any one who has ever
had to do with a search knows
how long it takes. I never have
known of one which was so
brief as half an hour. Why then
his constables who were sent
to have dug up the floor during
the search were not examined the
judge does not seem to have
thought it to inquire. It was
in all probability thought that
this point was irrelevant as
the evidence as to the house
of arrival at the village in
relation to Post's was considered
by the former Court to be
sufficient. If the judge was
of opinion that this evidence

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FOR ORDERS.

was relevant it was surely his duty
to have remanded the case to the
lower Court in order that it should
be taken.

I cannot after reading over the
appellate judgments more than once
avoid the impression that it displays
a strong bias, unconscious no doubt,
against the Inspector and in
favour of the appellant. I would
certainly on the strength of it not
pursue the Inspector in any way.
I do not think that a case against
him could possibly be made out.
There seem to be two ways of dealing
with the petition the one to give
para 2 Petitioner's Rules which
would necessitate the full advertising
the L.S. of Police and thus producing
a copy of his order of despatch
herein and the other sending

Papadras Nader 4300

the petition to the I.G for remarks
or report. The pet^r pleads that there
is further will be the out of the
I.G as he has already formed an
opinion on the case is nonsense
as Mr. Hamrick has never had
anything to do with it. It was
his predecessor who dealt with
the case matter.

I incline to the former of the
courses referred to above. The
I.G could of course not dismiss the
pet^r. but he could refuse to
recommend his dismissal or
recommend it to Govt. He could
however punish him departmentally
if he deems cause.

He may however consider seeing
the dir that has been made about
this pet^r. to intervene first hand
& call for a report, so I submit
the paper for orders.

h2

14/8/95

FOR ORDERS.

Am

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

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.

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