

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 1997

Dated 25th Sept. 1895

INDEXED.

[Despatch Abstract.]

VAKIL'S FEES.

Approving the Board's recommendation for the payment of
the-----, &c., expended by certain peons in the Cochin Frontier
Circle No. 1 in connection with a criminal case brought against them.

BACK PAPERS.

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

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

Current Number 6352

To

The Secretary to Government,
Revenue Department



Proceedings, dated 21st August 1895,
No. 3534 dono

Subject.

Requesting the sanction of
Government to the payment
of the Vakils' fees & expenses
by certain persons in the Cochin
Frontier Circle No I in
connection with a criminal
case brought against them

P.T.O.

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Endorsement R.N. 1407

Transferred to the judicial
department

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Sentry to Govt, Revenue Dept

Cotacamund
5th September 1895

R.N.
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nos d 25th September 1895, No 1997.

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15/9/95
To the B.D. of Rev. (R.N.)
18/9/95
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DESPATCH

22/9/95

189 .
Board of Revenue
(Separate Revenue),
MADRAS.

To

Proceedings, dated 189 .
No.

Subject.



Proceedings of the Board of Revenue

(Separate Revenue),

Dated 21st August 1895.

No. 3554 Dis

Read the following letter from the Deputy
Commissioner, Southern Division, dated 28th July
1895 No 3276 :-

"I have the honor to report for the Board's
orders on the claims of 2 persons of the Frontier
Circle No 1 to be reimbursed the expenses
incurred by them in defending themselves
against a charge of assault and hurt
brought against them by 2 persons in native
Cochin.

2. From the assault statement of the
Calicut Sub Division for the month of August
1894, It will be observed that the Petty
officer and persons of Post No 17 of Frontier

Nº I Circle were assaulted by certain Chetties of Kattampatti in the Cochin state on the 1st of that month for having arrested their dhoby Kullam by name, for smuggling arrack into the British territory and that the accused the "Dhoby" was rescued from custody. A complaint of the above assault was as usual lodged with the Police who investigated the case and charged the assailants before the Charplachari Magistrate. After preliminary enquiry the Magistrate applied for extradition warrants which were granted but the accused have not been arrested yet and the case is still sub judice on his file.

3. Being afraid that they would get into trouble the accused in the above assault case as well as the other Chetties of Kattampatti put in petitions to the District

District Magistrate, Malabar, and to His Excellency the Governor in Council, Madras, charging the salt and Abkari officials of the Frontier with extortion and oppression (vide Correspondence ending with Board's Proceedings Nº 4936 Dms dated 14th November 1894)

4. The petitions to the District Magistrate, Malabar, and His Excellency the Governor were enquired into by Mr. Moberly on the 18th and 19th October last, when the petitioners entirely failed to establish any single act of oppression or extortion. The petitions were dismissed as false by Mr. Moberly with the following remarks: -

"The result of my enquiry is that the petitioners have utterly failed to prove a single act of oppression or extortion on the part of abkari officials. It is clear that the

Para. 8 of C.M.
letter in
B.P. 19.11.94
4922
Recorded in
G.O. 1.12.94
4914

the petition was got up because petitioners' dhoby has been arrested for smuggling.

The petition is dismissed as false.

5. Finding that they had failed to injure the Frontier officials in this manner, the chetties, it would appear, induced an old chetty woman named Lakshmi and a chetty man named Kudiri - of Kattampatti - to charge salt peons Nos 981 and 1088 with assault and hurt before the Thallapalli Magistrate of Cochin State. This charge against the men was taken cognizance of by the Thallapalli Magistrate. The offence is said to have been committed on the same day on which the dhoby referred to above was arrested and the assault connected with that arrest took place. As the summonses issued to the peons were

were not served on them by Inspector Mr Barker, the Magistrate applied for extradition warrants, on a charge of grievous hurt for securing the peons' attendance which were accordingly issued by the Resident of Travancore. The peons were after this, caused to appear before the Thallapalli Magistrate. The Magistrate enquired into the case (a non-extraditable offence) on a charge of simple hurt and discharged the peons after a prolonged enquiry and several adjournments, under section 223 Criminal Procedure Code. Inspector Mr Barker was present at the enquiry watching the Proceedings.

6. From the records submitted it will be observed that the case against the peons was simply a countercharge - brought

brought out of malice against the
departmental peons on account of the
arrest of the Chetti Shobi for smuggling ~~and~~
arrack. The Magistrate, who was at
the outset very prejudiced has honourably
acquitted the men and it is therefore
recommended that the charges incurred
by the peons in defending themselves viz
Rs 44.7.6 for which they have furnished
a bill may be ordered to be borne by
Government.

7. In this connection Mr Barker
requests that the attitude of the Magistrate
towards the case at the commencement
of the trial may be brought to the
notice of the Appellate Court, Cochin.
But I consider that no further action
need be taken in this respect as the
cases resulted in a satisfactory ending;
and

and it may be remarked that there
would have been no necessity for the
extradition warrants had Mr Barker
originally served the summonses on
the peons and caused them (peons)
to appear before the Magistrate.

Resolution:-

Submitted to Government with the
request that in the circumstances stated
by the Deputy Commissioner sanction may
be accorded to the payment of Rs 44.7.6,
being the amount expended by the peons
in defending themselves in ^{the} Magistrate's
Court. Para 2 of Government order dated
6th November 1893 No 2284 judicial
requires the District Magistrate to
apply to Government for sanction of
Pleader's fees in criminal cases brought
against

a gainst Government officers, but as the
persons in question were tried by the
Shallapatti Magistrate in Nahriv Cochin
the Board doubts whether that Government
Order can be applied to the present case.

(True Copy of the)

W. B. M. M. M. M. M.
Dy. Assistant Secretary

To the Secretary to Government,
Revenue Department.

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189

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 WANT FOR DESPATCH
IN ORIGINAL.

N.B.

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