

Judicial (1895.) Department.

ORDINARY MS.

G.O., No. 2389.

Dated 20th Nov 1895.

INDEXED.

[Despatch Abstract.]

PETITION.

Declining to interfere on behalf of Tiruvengada Mudali,
late second-class constable No. 43 of Chingleput district Police, appeal-
ing against his dismissal, and directing that he should be informed
accordingly.

M.A.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	1940		6/9/95				

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	3156		96				

107
2/10/95

His Excellency the Right Honorable
Sir Dalrymple Hay Baron Wauchope
Governor of Madras

The most humble petition of Shirovengadamoodaly
late 2nd class constable A-243 of Chingleput Police
residing at Kannee, 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
in many stations of the district. That in October 1895, he was
ordered to do duty in the station of Saidapet which was quite
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 nuisance in order to have
the Town clean; for which duty the petitioner was appointed at
once. That when he was doing that 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 he was accordingly doing duty in Railway Station
from 12th January, one Kannappa moodaly 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 on
17th idem for not charging him with nuisance. That owing to
the petitioner's bad luck, 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 relative of the said complainant,
the District Superintendent passed orders to prosecute the petitioner.
That accordingly the petitioner was prosecuted by the Inspector of
Police under Section 45 of Police Act, and the Submagistrate
though came to understand the concoction, yet with an intention
to satisfy the Inspector (who is waiting for the favor of the above-
said circuit writer) convicted the petitioner under an illegal
grounds and fined him 15 Rupees. That the petitioner then
applied to the District Magistrate's court against the said

the Sub magistrate, for reversal. That owing to the petitioner's misfortune, the Magistrate noticed not, of the weakness of the prosecution, and the evidence for the petitioner's defence, nor did judge the probabilities; but confirmed the lower court's judgement. 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, Madras for revision; but the High Court have declined to interfere with the petitioner's case, saying that his case has been settled by two magistrates; and thus no justice was rendered to the petitioner. That under this conviction, the petitioner was dismissed from the Police Force by the Inspector General of Police.

That in this case judicial authorities and also the departmental authorities have not judged and found out the truth; because, only three men were examined for the prosecution, of whom the complainant states that he knows nothing of the alleged receipt of remuneration; 2nd man states that he paid the money; and the 3rd man states that he saw such payment; he further states that he also committed the same omission by the side of the 2nd man, but he paid nothing to the petitioner. Among these three persons, 2nd man is said to be the sufferer of the petitioner's action, and he has not complained of any thing against the petitioner. Besides the latter two persons (2nd and 3rd men) are mean people depending upon cooly work of daily wages and also it is stated that the 2nd man is the servant of the complainant and the 3rd man is his debtor; consequently the points to be considered in this case are — (1) whether the complainant is the sufferer from the petitioner's action; (2) whether he has right to come forward and complain; (3) is there any reason either to his complainant or to be witness in this case; (4) what was his object to come forward and to be complainant while he knows nothing (5) would the petitioner not demand the 3rd man for any thing (while he had also committed omission by the side of the 2nd man) if the petitioner had received four annas from the 2nd man; (6) whether the evidence of these two persons is believable; (7) why the 2nd man who is said to be sufferer from the petitioner's action, has not complained; (8) whether the evidence for the petitioner's defence is valuable. That among the authorities, no one noticed of the petitioner's miserable circumstances and the above laid out here.

of Police passed orders for the petitioner's dismissal from the service. That up to date many police officers were convicted and fined by the Magistrates for the offences of similar nature; but they all were not dismissed from the service, as there is provision in the Police rules, that the officers convicted for the offences of similar nature should not be dismissed. The proceedings of the District Superintendent of Police which is otherwise called minute, clearly shows that he did nothing wrong during the last 9 years of his service, and his conduct is good, which the Inspector General has not noticed

That therefore the petitioner most humbly prays that orders will be passed to cancel the petitioner's dismissal

17th October 1895.

J. S. 21/10/95

No. O-48.

DEPARTMENT.

No. 5460.

CHIEF OFFICE OF THE INSPECTOR-GENERAL OF POLICE,
MADRAS, 1st November 1895.

FROM

M. HAMMICK, Esq., I.C.S.,

INSPECTOR-GENERAL OF POLICE,

Madras,

TO

THE Chief Secretary
to Government,
Fort Saint George.

SIR,

Enclosures
one

I have the honor to submit an appeal
petition from one Tirumengada Mudali, late
2nd Class Constable of Chingleput District appeal.
2nd ing against my order of dismissal, dated
11th May 1895.

2. This man was convicted and fined for
taking an illegal gratification in Calcutta Case
No. 32 of 1895 on file of Stationary 2nd Class Magistrate
Saidapet. This sentence was confirmed on appeal
and the High Court declined to interfere on revision.
Obviously such a man could not be retained
in the force and I therefore dismissed him.
I have no recommendation to make on his behalf.

I have the honor to be,
Sir,
your most obedient servant,

M. Hammick

Inspector-General of Police

Enclosure
Current
Petition No. 855 of 1895

Then given for copying _____
 Then copied _____
 Then examined _____
 Then signed _____

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FROM

M. HAMMICK, Esq., I.C.S.,
INSPECTOR-GENERAL OF POLICE,
Mad

To

THE Chief Secretary
to Govt.
Fort St. George.

No. 5460.

Dated 1st } November 1895.
Received 2 }
Repd 4th

CHIEF SECRETARY
2 NOV 1980
GOVERNMENT OF MADRAS

Forwarding an appeal
petition from Sivavengada
Mudali, late 2^d class Const.
of Chingleput St., with
remarks.

As 8/11

Leadings: 1940 27/6 Sept 195
+ Cu. 5766/95.

Order of 20 Nov: 1895 No. 2389

The Govt. declines to interfere
on behalf of the petitioner & he
should be informed accordingly.

MR 8-11-95 *Wright* 10 18/11/95

has more of right: what he con-
sidered was intention and the
case was a clear one

28
18/11

To The Sec. of Phil. & winter
Emerson } dated
22/11/95

READ AGAIN G.O., No
189

DATE:

CURRENT No.

ENCLOSURE TO C. No

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL.

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