Judicial (1895.) Department.

ORDINARY MS.

G.O., No. 2532.

Dated 6" Decr 1895.

INDEXED.

[Despatch Abstract.]

A.NUNU MENON, LATE SUB-MAGISTRATE,BADAGARA.

Passing orders on memorial from--,prayihg for reconsideration of the order reducing him to a ministerial post.

mA.

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	602		1896				

CURRENT No. 4[illegible]

2107 dd 30-8-94 Sc.
755 dd 9-4-95 Mis
413 dd 19-2-94 Mis
63 dd 15-1-94 Sc.

From,

A. NANU MENON
Late Stationary Magistrate,
Badagara.

Forwarded to Govt with the records -
I do not see that petr has made out any case for a reconsideration of the previous orders

J Hewetson
Ag. Distt Magte

Cabinet 12-10-95

Recd 18/10/95
Regd 19/10/95

M 24/x/95
ws 1/xi

UNDER SECRETARY
18 OCT 95
PUBLIC ETC DEPTS.

To,

HIS EXCELLENCY
The Governor-in-Council,
Fort St. George.

Enclosure 1.

Dated 4th
Received
Oct. 1895.

Submitting Memorial praying that the order reducing him may be reconsidered.

Fordes

To

The Stationary Magistrate
Kurumbranad.

Report of Chathu Kurup, adhigari, of Azhiyur amsam.

I beg to report that this day at 3.30. P.M. Madakkara Katapreth karan Inji Kunjeed Kutti, and Cheriath Savan came to me and reported that Moplah Karatt Ammad Kutti of this amsam, Kannukara Desam went to Dinyambath Andiyur Chathu of the above amsam and Desam, at 9. A. M. today to demand money due to him, that there was a quarrel between the above Chathu, his younger brothers and Ammad Kutti, and that the said Chathu kicked Ammad Kutti on the abdomen, wherb the latter died. I reported this fact at once to the Police at Chombal and the Station House officer and myself and others proceeded at once to the Spot. The Police Inspector, Badagara, was present when we went there. An inquest was held

on

21-10-94

on the dead body which was sent by the Police to the Hospital

Dated 21-10-94

(Signed) Chattukurup
Adhigari

True translation

T. Varadarao
for Dist Magistrate

16.10.95

Occurrence Report of the Station House Officer Chombal, dated 21st October 1894

No. of occurrence 51/1894

Date of occurrence. 21st October 1894

Taluk, Station, Village - Kurumbranad, Chombal, Azhiyur.

Nature of occurrence with concise detail

Section 302, I.P.C. That this day on the 21st October 1894, during the daytime one Andian Chattu of Azhiyur Amsam, Kannukkara Desam, Kurumbrana Taluk, (house name unknown) murdered by kicking or beating, one Karat Ahamed Kutti, residing in his wife's house, at Madakara, Kuni Paramba in the said Amsam and Desam.

By whom reported - Cheriath Savan.

Remarks - In this case one Cheriath Savan of Azhiyur Amsam Kannukara Desam, came to the Station at 4. P. M today and reported that at about 9 A. M this day he heard Kalleri Tharuvai, son-in-law of the deceased Ahamed Kutti, speak at the bazaar at Madakkara, to Inji Pakkran, Inji Avulla, Karaketti Mammad and others in connection with the matter. That he also accompanied them to the above said Chattu's house. That then Karat Ahammed Kutty's body was found lying dead on the mound of the yard of that house. That on one of the legs just below the knee, there was slight bruise, and a little swelling on the abdomen. That Ahmed Kutty's relations are at Badagara. That he did not know why A. Chattu kicked or beat

Ahamed

Ahmed Kutti: That he came to report about this to the Station and to the Amsam (adigari) and that he knew nothing further. A deposition taken down from him, under his signature, is herewith submitted. I am proceeding to the scene of the offence for enquiry and shall report the result.

(Signed) Kunhambu

No. 1257. Station House Officer.

True translation.

T. Varadarao

Tr Ag: Dist: Magte

21-10-94

Court of the Stationary Magistrate of Badagara

Calendar Case No.

Deposition of
Name - Karat Ahmed
Father's Name - Assen Kutty
Caste - Moplah
Age - 40
Occupation - Cooly
Residence - Badagara.

Sworn on the 22nd October 1894.

I am the brother of the deceased Karat Ahmed Kutti. He was aged about 50 years. He was suffering formerly from bile but now he was alright. I am a resident of Badagara. Yesterday in the after noon, Amed, the son of the deceased came and told me that his father was kicked to death by Anthoor-Chathu. I lost no time in going to the place, i.e in Kannookara Desam of Ayiyoor Amsam. All the Thiyyars, Nayars, and Moplahs who had assembled there told me that my elder brother was kicked to death by the said Chathoo. I sent a telegram immediately to the Joint Magistrate of Tellicherry, praying for redress of grievance. I do not require that the Joint Magistrate himself should come; it is enough if your honour will enquire and take evidence

Read over and admitted to be correct

Sd/- Ahmed.

(True Translation)

T. Varadarao.
For Ag: District Magistrate

Sd/- O. Nanu Menon
Stationary 2nd Class Magistrate
the

Court of the Stationary Magistrate of B[illegible]

Court of the [illegible] Magistrate of Badagara

Calendar Case No. 12

Deposition of

Name — Karat Ahmed [illegible]

Father's name — Assan Kutty [illegible]

Caste — Moplah [illegible]

Age — 40 [illegible]

Occupation — Cooly

Residence — Badagara

Sworn on the 22nd October 1914

I am the brother of the deceased Karat [illegible] Kutty. He was aged about 50 years. He [illegible] suffering formerly from bile but now [illegible] was alright. I am a resident of Badagara [illegible] yesterday in the afternoon Ahmed the son of the deceased came and told me that [illegible] father was kicked to death by [illegible] Khathu. I lost no time in going to the place i.e. in Kannothkara Desam of Ayippoor [illegible] All the Shigyaru [illegible] and Moplahs who had assembled there told me that my elder brother was kicked to death by the said Khathoo. I sent a telegram immediately to the Joint Magistrate of Tellicherry [illegible] for redress of grievance. I do not require that the Joint Magistrate himself should come; it is enough if your honour will enquire and take evidence.

Read over and admitted [illegible]

(True Translation)

Sd/- [illegible] Ramu Menon

22-10-94

Court of the Stationary Magistrate of Badagara

Register Case No. 12.

Deposition of —— 2nd Prosecution witness

Name —— Onimpravan Mammad

Father's name —— Adunа

Caste —— Mappila

Age —— 42

occupation —— Trade.

Residence —— Muttungal.

On 22nd November 1894 - On oath -

One day early in the month of Tulam last - date I do not recollect - I was going to my house from Eramalai and on getting at the lane near the 1st accused's house, I heard somebody talking - I heard it when I reached the Southern lane - Just then I got up on the wall and saw 1st accused beating the deceased Ammed Kutti. The deceased fell on being beaten. A moment after he was dead. There was then a Tiyya chap there I sent him for the husband of the deceased daughter. He came. I told him this circumstance. He went to bring in the relatives of the deceased. I sat down there until Ummar, the deceased's brother-in-law Iuchi Ammad, daughter and son came. I left the place 4 Nalikas before Sun-Set. The house of the 1st accused is on a hill slope. Just as Ammad Kutti fell dead, an

the

the 1st accused and his men took up the deceased and laid him on the eastern wall of the yard of the house.

Cross Exd.

At about one or two O'clock the relatives of the deceased came. After I reached the Spot, the first man that came there was Tharuvai. Tharuvai came there half a nalika after I went there. Vattakkari Mammad was also with me. The witness Mammad and I joined together near the Eelampankot shop. We saw this (while we were standing) on the southern wall. It was only after persons came that we approached the dead body. I saw 1st witness Ammad at 1st accused's house 2 nalikas before sunset. I do not know when he left the place. I never spoke a word at the spot to 1st witness Ammed. 1st witness Ammad came there two nalikas before sun-set. When I left 1st accused's house Vattakkari Mammad did not go with me. I knew the deceased for the last 10 or 20 years. The deceased was not suffering from any illness for the last two years. I have given evidence on 6 previous occasions. I have no property of any kind. For some days I was in civil jail. We got up on the wall after climbing the stone staircase leading to the 1st accused's house. This staircase is on the southern side. We returned through the same way. The beating took place on the southern side of the yard of the house. I went away just when 1st accused Ammad came. While, the Police and the Adhikari came. I do not know who covered the dead body with cloth. I was before this convicted & sentenced to pay a fine of Rs 10 in a trespass case.

Re Examined.

The time I said is only approximate.

Read over and acknowledged to be correct (Signed)

A. Nanu Menon.
Stationary 2nd Class Magistrate.

(True translation)

T. Varadarao.
for Ag. Dist. Magte.

16.10.95

22-11-94

Court of the Stationary Magistrate of Badagara.

Register Case No: 12

Deposition of Pros: 1st witness:

Name	. Ahmed.
Father's name	. Assankutti.
Caste	. Moplah.
Age	40.
Occupation	. Trade.
Residence	. Badagara

On 22nd November 1894. On oath. On Sunday, the 6th Tulam last, when it was 6 or 7 naligas after day-break, the accused joined together and killed my brother Mammad by beating and kicking him. I knew this for the first time by the deceased's son Amad's telling me. Amad is 15 or 16 years old. The distance from the first accused's house to the house where I live is 6 - naligas. I came to know of this that day after-noon. There are not many houses near the accused's house. We follow the marumakkathayam law. When I went and saw, I saw the deceased's legs below the knees bruised. There was mark of kicking below the navel. There was mark of having been seized by the neck, with hand soiled in clay. The lower lip was bruised. Mud had stuck on to the sides. The deceased had no sickness. The deceased was about 50 years

the accused is

years old. 2 days previous to the death my brother had come to Pudia Matathil Kunjasan Kutti Haji's ware-house at Badagara to settle an affair. He was then all right. — The deceased has told me on many occasions that the 1st accused owed him Rs 8 or 8½. For this purpose, he has gone on many occasions to the 1st accused's house. He told me that he did not get it.

Cross Examined

Onniampurom Mammad and Vattakkari Mammad told me from the 1st accused's house that the accused killed my brother by beating and kicking. When I went to the 1st accused's house at 4 O'Clock, there were many persons there. They told me on my asking them. The body of the deceased was lying on the eastern bank of the Court-yard attached to the 1st accused's house. The body was lying on the southern side of the way leading from the Court-yard to the staircase. When I saw the corpse, it was covered all over with Cloth. I and the two Mammads above mentioned were there till evening. I do not know whether they accompanied the corpse to Badagara. The deceased came

to

to Badagara to renew the title-deed of the land on which Kunjasan Kutti's ware-house is situated as the said land belongs to us. The deed has not been renewed. There is no ladder to go up to the 1st accused's house. There is only an opening in the wall to pass by. There is only one house in that compound.

By the Court

In my first deposition, I have mentioned only the 1st accused. The names of the remaining accused were omitted by oversight.

Read over and acknowledged correct.

(Sd) Ahmad

(Sd) A. Nanu Menon
Stry 2d Class Magistrate

True translation.

T. Varadarao.
For Ag. Dist. Magistrate

22-11-94

Extract from Diary in Register Case No. 12 of 1894 on the file of the Stationary 2nd class Magistrate of Badagara

22nd october 1894 } Monday
7th Thulam 1070 } Badagara.

File No. 775 of 94 Complainant Regina vs A. chathu. offence sec 302. I.P.C The Station house officer Chombal submits his occurrence report No. 51 of 1894. The case is numbered as noted in the Margin. The Statement given by one Savan before the Police is recorded. Reports of the occurrence are submitted to the joint and District Magistrates. Telegram received from the joint Magistrate is recorded. Karat Ahmed deposes The post mortem Certificate and also Kart Ahmed's deposition are submitted with a report to the Joint Magistrate's Court. Adhigari's report also recorded.

23rd october 1894 } Tuesday
8th Tulam 1070 } Badagara

File No. 775 of 94. Inspected the scene of offence and made enquiries The Station house officer Chombal produces the accused with the remand report No. 51 of 94. The remand applied for is granted. Inquest report is also recorded

6th November 1894 } Tuesday
22nd Tulam 1070 } Badagara

File No. 775 of 94 }
Regr No. 12 of 94 }

Complainant Karat Ahmed vs 1 Chathu 2 Kelappan 3 Kappini 4 Chandu 5 Chandu 6 E. Chandu. offence sec 302 I.P.C. Referred charge of the Station officer Chombal received today. The Complainant K. Ahmed has put in a petition stating he has witnesses to prove his Case; he deposes today also that he will prove his case. The Statement of the accused Chathu is recorded. Ahmed puts in a list of witnesses. The Case is posted for hearing on the 15th instant. The 1st accused is released on bail. The remaining accused and the prosecution witnesses are summoned. The petition given by Karat Ahmed to remand the accused is rejected.

15th November 1894 } Thursday
1st Vrichigom 1070 } Badagara.

The accused are present. 4 of the prosecution witnesses are absent. The Case is accordingly adjourned to the 22nd instant and warrants are issued to the witnesses. The accused are released on bail. Regr. No. 12 of 94.

22nd November 1894 } Thursday
8th Vrichigom 1070 } Badagara

The parties are present. The Complainant's Vakalath is filed; the following witnesses are examined for the Prosecution (1) K. Amad (2) O. Mamad (3) V Mammad (4) K. T. Ammad (5) K Kunhamad Kutti. The witnesses 4, 5 and 6 in the list are not examined by the prosecution Vakil. The Case is adjourned to the 23rd instant for the perusal of the records. The accused are already released on bail. Regr. No. 12 of 94.

23rd November 1894 } Friday
9th Vrichigom 1070 } Badagara

The parties are present. The accused are discharged under sec 209 Cr.P.C.

Cal No. 12 of 94.

(Sd) A. Nanu Menon
Stationary 2nd class Magte
(True Extract)

(Sd) A. Nanu Menon
Stationary 2nd class Magte.

(True Copy)

T. Varadarao.

Malr. Dt. Magte office }
Calicut 15th October 95 }

For District Magistrate.

Sh
15. oct

List
of records submitted to Governmen
with District Magistrate's endorsement da
12th October '95 on appeal petition o
A. Nanu Menon, late Sub-Magistra
Badagara.

1. Translation of Report of the Adhikari of Azhiyur amsam dated 21-10-94-
2. " of Occurrence report of the Station House officer, Chombal — 1
3. " of K. Amad's deposition 1
4. " of O. Mammad's deposition 1
5. " of A. Amad's deposition 1
6. Extract from the Diary of the Submagistrate - 1

6

T. Varadarao
For District Magistr
16th October 1895

T.B.S
16.10

CURRENT No 4916

To,

HIS EXCELLENCY
THE GOVERNOR-IN-COUNCIL,
# of Fort St. George.
MADRAS.

MAY IT PLEASE YOUR EXCELLENCY,

I, A. Nanu Menon, late Sub Magistrate of Badagara beg leave to approach your Excellency in Council with this humble memorial in the earnest hope that your Excellency in Council will be pleased to reconsider the orders passed in G. O. dated 9th April No. 755, reducing me from the post of the Stationary Sub Magistrate of Badagara on Rs. 120 per mensem to a ministerial appointment on less pay. Having reasons to apprehend that all the facts of my case have not been placed before your Excellency in Council, I venture to trouble your Excellency with a brief recital of them.

2. From the G. O. referred to above, it is clear that your Excellency in Councilh as adjudged me guilty of keeping one Chathu, the accused in Regr. case 12 of 1895, in wrongful confinement for the period of a fortnight simply because of the clamour of the Moplahs in the Village.

3. The facts of this case are as follow :—

No - he died from heart disease JH

| On the 21st October last one K. Ahmed Kutti met with his death by a kick from one Chathu. The matter was reported to me both by the Adhikari and the Police, stating that an offence under Sec. 302 of the Indian Penal Code had been committed. A formal complaint was also put in by the brother of the deceased charging the accused with the murder. When I repaired to the scene of offence, I found the accused at large and I advised the Police to place him under arrest. They did so and asked for a remand of ten days which was

This does not seem to be correct: these men were not examined until Nov 22 — The dead man's brother only said he heard he had been kicked. JH

granted. Meanwhile two persons who were examined swore that they saw the accused beat and kick the deceased. The *post mortem* as represented in the certificate disclosed that the deceased had been suffering from heart disease and that death may have been due to it. On the 30th the Head Constable in charge of the Division sent in a report stating that the accused may be released on bail; this I refused to do on the ground that no reason had been assigned for disbelieving the evidence of the two witnesses who spoke to the deceased having been beaten and kicked immediately before his death. I also directed the Police to expedite their report. The Police finally referred the case, but their report did not come in until the 6th November, when, however, the accused was released on bail. The complainant having pressed the case, a regular enquiry was held and this resulted in the discharge of the accused. This in short is a brief history of the main features of the case.

4. The basis of the alleged charge against me is that I detained the accused in custody from 23rd October the date of first remand, to 6th November the date of release on bail.

5. The Police and the Adhikari sent in reports stating that an offence under Sec. 302 of the I. P. C. had been committed. Two persons swore that they saw the accused kicking and pushing the deceased just before his death. This seemed to me to afford sufficient ground to warrant the arrest of the accused and I advised the Police to act accordingly in order that the accused may not, if he were really guilty of the murder, be able to suppress evidence. If the Police also did not then strongly suspect that a murder had been committed and that the accused was wrongfully concerned in it, there was no reason why they should have asked for such a long remand of ten days. The medical evidence doubtless showed that the man was suffering from heart othe disease, but considering that vidence pointed to the accused as

The Magte ordered the arrest & the police had to take time to get up the evidence JH

There seems no ground for any charges agst the ~~[illegible]~~ police JH

The Adhigari says the Police Inspector came to the spot HS

The brother's statement of Oct 22 contains nothing of this HS

being the possible murderer and as the conduct of the Police was from beginning suspicious, I was induced purely from a desire that the ends of justice must not suffer, not to accept the certificate before being sworn to, or the medical officer cross-examined.

6. I beg to invite your Excellency's attention to the fact that if, as is now alleged, there was no offence committed, there was no reason why the Police should have in the first instance asked for such a long remand and should not have been able to send in their report until the 6th November last. In judging this matter, I beg permission to draw your Excellency's attention to the fact that the Police Division was in charge of a Head Constable and supervision was consequently lax. This coupled with the fact that their conduct from the beginning seemed to be to favour the accused, prompted me to doubt their good faith in the enquiry. This suspicion was aggravated by the complaint of the brother of the deceased, whose assertion that he had ample evidence to prove the case against the accused and that the accused if let on bail would tamper with the evidence, seemed to me to leave no alternative but to receive the certificate and the Police application for bail with caution. Neither the accused nor any one on his behalf applied for bail or came forward offering to stand security for his appearance.

7. When in a Regr. case of Palghat, one of the accused was released on bail in consultation with and under the assurance of the local Police Inspector, and when after the trial of that case, the Sessions Judge remarked unfavourably on the conduct of the enquiring officer, the Police easily turned round and stated that the Magistrate allowed the accused to suppress evidence by releasing him on bail. The Divisional Magistrate held a confidential enquiry into this case and was satisfied with my conduct in that case only after he examined Mr. Narasiah, Barrister-at-Law who appeared in that case and the Adhikari of Akathethara.

8. This is the only case in which I am aware of the Sessions Judge finding fault with me in my magisterial work.

9. Under the foregoing circumstances your Excellency will be pleased to see that the refusal of the application for bail by the Police was not without sufficient cause.

10. Your Excellency in Council is of opinion that I was induced to remand the accused Chathu and to refuse bail only because of the clamour of the Moplahs. The only ground for this assumption is a random statement in my explanation for the procedure followed by me, viz that there was a clamour in the village. This was mentioned in the explanation merely as a fact but was never intended or advanced in support of the Magistrate's proceedings.

11. Upon receipt of a petition from the brother of the deceased, the Joint Magistrate wired to me to ascertain whether there was any necessity for him to come to the spot and conduct the enquiry himself. I sent the following telegram in reply.

"Moplahs say murder. Medical certificate heart disease. Inspected No external marks violence visible Report follows."

12. In the report which followed I said that there was a universal feeling among the Moplahs that the deceased had been murdered and that it would be better for the Divisional Magistrate himself to make the enquiry although there was no absolute necessity for doing so. The accused was remanded on the 23rd October 1894 and a copy of that report sent to the Divisional Magistrate. If I was so seriously in error in granting the remand, the Divisional Magistrate would doubtless have advised the release of the prisoner. The omission to do so not only argued that I was not wrong, but induced in me the belief that the Joint Magistrate approved of the step taken by me. It appears from the Joint Magistrate's letter that he had a conversation with the Assistant Superintendent of Police, and that it was this conversation which led him to think that I have been acting through fear of the Moplahs. In this connection I beg to state that the Assistant Superintendent was ill-disposed towards me from the date on which I discharged a first class Constable charged by himself. Since that day he began to send reports against me to the District Magistrate direct upon petty matters and manifested his displeasure in other ways also.

13. The Joint Magistrate seems to have fully believed that in remanding the prisoner Chathu, I was actuated by a desire to satisfy the clamour of the Moplahs in the Village. There is nothing to warrant this belief except an allusion to the state of public feeling on the subject, adduced rather from a desire to keep the Divisional Officer informed of what was passing round than as a defence of my conduct. I need not submit that it is very hard this should have been interpreted as the sole motive in remanding the prisoner. If I was in the least afraid of the Moplahs, I would have convicted the accused of hurt upon the statements of the two witnesses, and thus propitiated them. The fact that I did not do so leaves no room to doubt that I was influenced by any such considerations.

14. I fear that your Excellency in Council was considerably prejudiced in this case by the vague statements made in regard to my magisterial work. The only occasion on which the Sessions Court had to find fault with me was in connection with allowing bail to a prisoner, which I have already referred to above. In this case I was exonerated from all blame after a confidential though elaborate enquiry. No serious fault has ever been found by the District Magistrate or the Divisional Magistrate in my magisterial work. Judged by the results in appeal, I beg to submit, that I shall not be found wanting. Out of about 700 cases disposed of by me at Badagara in 1894 only about 60 cases were appealed against, and in all these except 8 cases, my decision was upheld. Perhaps the finding fault referred to by the District Magistrate, is in reference to the remarks

on Calender statements. This is common to all the Subordinate Magistrates, but even here, I submit, the remarks would be found to be less common in my case. In support of this, it will be enough to state that I had not a fine, warning or other punishment, at any time.

15. The basis of the present charge against me is that I was afraid of the Moplahs. I beg leave to ask your Excellency's attention for a moment to the Badagara shooting case. The Badagara tragedy happened on a Friday evening. The person shot was a Moplah, it was soon after the service in the *Juma* mosque: the Tahsildar and the Police left soon after my appearance; and I had to remain with a peon till about 10 P.M. taking statements from the Police, the wounded, and other Moplahs. (Vide Mr. Chathu's report.) Now if I were a coward, and was afraid of the Moplahs, I would surely have not been able to do what I did on that day.

16. I have put in a service of over 24 years and exercised second class Magisterial powers for about 9 years. The opinion of the various Divisional Officers under whom I served will amply testify to the good work done by me. District Magistrates, Messrs. Winterbotham and Dumergue, who have longer experience of my work will, I have no doubt, speak well of me and my work. Mr. Dance under whom I worked often expressed to me his satisfaction at my having suppressed the rowdyism of and crime by the Pudunagaram Moplahs; another instance which goes to disprove the theory of my cowardice. In his letter to the District Magistrate, the Joint Magistrate states that there is none in his Division to take my place. He also recommends that I should not be reduced but only transferred. This I beg to submit is significant and goes to show that my error, if it were one, is but slight and that the place is a trying and responsible one.

Then why does the J.-M. recommend his transfer if there is none to take his place?

17. I now beg your Excellency's permission to sum up.

The Police reported that an offence under Section 302 I. P. C. had been committed by Chathu.

Two persons swore that they saw the accused kick and push the deceased.

The medical certificate had not been sworn to.

The brother of the deceased had put in a complaint charging the accused with the murder of his brother, pressed it and offered to prove it.

I simply advised the Police to arrest the accused.

The remand period was the choice of the Police.

The application for bail was put in not by a Pucka Inspector but by a Head Constable in charge.

Neither the accused nor any one on his behalf applied for it or offered security.

The reports of the Divisional and District Magistrates are based upon a misapprehension of the facts, viz that I was influenced in my conduct by the fear of the Moplahs.

This has been shown not to be the case.

I have put in a spotless and unblemished service of about 24 years of which I exercised second class magisterial powers for over 9 years and earned the good opinion of all my Divisional Officers. [Vide copies of testimonials &c. attached.]

18. In these circumstances the order of Government reducing me and transferring me to a ministerial appointment, is undeserved and too severe, even if it were held that I acted wrongly. I am unable to explain or meet the vague statement of Mr. Bradley and I earnestly beg that his opinion may not be allowed to prejudice your Excellency in Council.

19. Even if it were held that the arrest and remand of the accused were uncalled for, I beg that my *bona fide* may be taken into consideration. At worst the remand could only have been an error of judgment, and the punishment, it is superfluous to point out, is out of all proportion to the gravity of the offence.

20. I therefore beg that your Excellency in Council will be graciously pleased to reconsider the order and transfer me to some appointment, the emoluments of which will not be less than the salary I was receiving, if your Excellency in Council still thinks I ought not to be allowed to exercise magisterial powers.

I beg to remain,
May it please your Excellency,
Your Excellency's
Most Obedient and Humble servant,

Nanu Menon

Copies of Testimonials.

Mr. Nanu Menon, was Deputy Tahsildar and Sub Magistrate of Tangacherry for 16 months during the time I held the office of Deputy Collector, Cochin. He enjoys a good reputation for honesty. There is also much energy and activity in him. He has a desire to find out the truth before disposing any case that comes up before him. To this end he takes considerable pains. I personally observed this tendency in him, when he acted as Sheristadar during the absence of Mr. Boyer on leave. He pays personal attention to all the requisitions sent to him and he does all he can to carry out all orders and rules without fail. I have no doubt he will soon earn a Tahsildarship.

(Signed.) A. KRISHNASWAMI AIYER
Now Temporary Deputy Collector,
COIMBATORE.

Coimbatore.
13-6-87.

Endorsement on the application for transfer from the Deputy Tahsildar of Tangacherry.

Submitted to the Collector of Malabar for favorable consideration.

The applicant has always been very attentive to his work and I have a high opinion of his character.

(Signed.) B. M. D'CRUZ,
Deputy Collector.

No. 913.
R.

True copy forwarded to the Deputy Tahsildar, Tangacherry for information.

Cochin.
1-12-88.

(Signed.) B. M. D'CRUZ,
Deputy Collector.

Endorsement on copy of a letter sent to the Resident of Travancore and Cochin regarding the Boundary dispute between Anjengo and Travancore.

No. 5184.

True copy forwarded to the Deputy Tahsildar, Anjengo, for information and guidance with the remark that his action in the matter has been approved.

(Signed.) C. A. GALTON.
Acting Collector.

18-12-83.

Proceedings of the Head Assistant Magistrate of Malabar dated, 4th July 1892.

Read petition dated 27th June of Vakil Vengu Aiyer on behalf of N. Gopala Panikkar 1st Defendant in Calender case No. 333 of 92 on the file of the Sub-Magistrate of Alathur requesting for the reasons stated that the case may be withdrawn from his file and transferred to another Magistrate for disposal.

Read also endorsement thereon dated 27th idem Ref. on No. 172 (Pet) forwarding the petition to the Sub Magistrate of Alathur for remarks and directing him to adjourn the trial pending further orders and to submit the records.

Read report of the Sub Magistrate dated 29th idem Ref. on C No. 420 (C & D) submitting the records of three cases admitting the money transaction between his wife and others and the prosecution witness' Tarward and requesting that sanction may be accorded for the prosecution of the Vakil for the false statement in the application for transfer regarding the rate of interest in the transaction.

The acting Head Assistant Magistrate resolves to transfer the three cases to the file of the Tahsildar Magistrate of Palghaut. In so transferring them the Sub Magistrate of Alathur will please understand that no reflection whatever is intended on his well known integrity or fairness. But as the loan transaction appears to have existed and the petition relies on it, it is not considered fair to the Sub Magistrate himself to ask him to proceed with the cases. The acting Head Assistant Magistrate feels that if the Sub Magistrate were aware of the affair he would have himself asked for the transfer of the case. The Sub Magistrate need not care for insinuation made by Vakils and discontented parties. The Sub Magistrate will be judged by his work and as long as it continues satisfactory he will always retain the good opinion of the acting Head Assistant Magistrate.

(Signed.) P. RAJAGOPALACHARI,
Acting Head Assistant Magistrate.

(True Copy)

A. Nanu Menon

300—28-5-94.

Judicial DEPARTMENT.

Read again G.O. 755 Judl. of 9 April '95.

No. 4916/95.

From

Dated 189 .

FOR ORDERS.

A. Nanu Menon, late sub magistrate of Badagara, prays for a reconsideration of G.O. 755 Judl. of 9 April '95, removing him from the post of Sub magistrate to a ministerial appt. The D.M. of Malabar remarks in his endt. that he does not see "that petr. has made "out any case for a reconsideration of the "previous orders."

9/11/95

Personally, I shd. maintain the order already passed. But others may take a different view —

Circ:

13/11/95

The man certainly did wrong & merited severe punishment, but I think considering his long service & the time he has been a Magistrate he may be restored after a year.

JG

Perhaps this man has been or will be by the time that a year is up sufficiently punished & might be restored to a Dy. Tahsil. He may be telling the truth though he originally seemed to have no defence

16/11/95

The man made a bungle of the case no doubt — but I think we may accept his statement that he erred from excess of caution — & that though he committed an error of judgment, his action was bonâ fide all through. I therefore agree to the hon. Mr. Frose's proposal.

W
13 nov

Very well

27/11/95

Appeal from a late Stry. Sub-magistrate

(For orders)

Strike

Resubmitted to Hon. Mr. Bliss with refce. to Hon. Mr. Grose's & H.E. the Governor's notes.

20-11-95 ℒ 23/11/95

C.S.

order of 6 Dec. 95, No. 2532

Read again G.O. 755. J. 9-4-95

– current 496. J.

Upon a reconsideration of all the facts of the case the Govt. is ~~isposed to~~ pleased to admit ~~give weight~~ the Pet's plea ~~statement~~ that his action ~~bona fide~~ & the result of an error of judgment & excess of caution rather than of any mala fides, & in consideration of his previous long service to direct that he be restored to his former position after the lapse of one year from the date of the order against which he appeals.

95 ℒ (fram orders).

4/12/95

~~Malabar for com. to the petitioner~~

Dept-

Despd 9/12

C 7/11 | C 10/11 | C 25/11

13/11 | R 16/11 | R 19/11 | R 27/11

C 16/11

x 7/xii

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AIN G.O., No. DATED
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CLOSURES 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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