

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 286

DATED 11th Feb. 1895.

INDEXED.

[Despatch Abstract.]

CONVICTS

Declining to interfere with the sentence passed on convict
Srinivasa Chari confined in the Tanjore District Jail.

BACK PAPERS.

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

FURTHER PAPERS.

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

Petition for Pardon

To

*His Excellency the
Governor in Council
Fort St. George*

Nº 405. A.

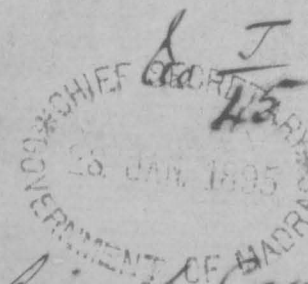
Submitted for the orders of government.

*Dated 16 January 195
Recd. 28th*

*Got command
25th Jan 1875*

*A. G. Cardew
Imp. Insp. of Prisons*

Encl. 3



*Petition of Court
No 8593 by Shreevaran
Chary - praying to set
aside the conviction
& sentence and to direct
his discharge.*

R. O.

*on paper of 19th 1953
referred to in the file*

1. Subst. the...

*849-16-5-90
208-27-1-96
30/9/20*

NO 350

Ind. Depu

To

His Excellency the Right Honourable
 Cecilby Baron Denlock, G. C. I. E.,
 GOVERNOR-IN-COUNCIL,
 FORT St. GEORGE.

THE HUMBLE PETITION OF **M. Srinivasa Chari**,
 LATE DEPUTY TAHSILDAR AND SUPERINTENDENT OF
 SEA CUSTOMS AT PAUMBAN, MADURA DISTRICT, AND
 NOW A CONVICT IN THE CENTRAL JAIL, TANJORE.

MOST RESPECTFULLY SHEWETH:—

On the 12th March 1894, I was convicted by the Sessions Judge of Madura of having, upon the 29th February 1892, while I was Deputy Tahsildar and 2nd class Magistrate of Tiruvadanai, accepted the sum of Rs. 2,000 from the Raja of Ramnad, an offence under Section 165 I. P. C. and sentenced to one year's simple imprisonment and a fine of Rs. 2,000 commutable in default into six months' simple imprisonment. Copy of the judgment of the Sessions Court is hereto appended, Appendix A.

2. From the said conviction and sentence I appealed to the High Court with the result that, upon the 18th July last, a Division Bench of that Court upheld the conviction and sentence. Pending appeal I was allowed to be at large on bail. Copy of the judgment of the High Court is annexed, Appendix B.

3. In view that this conviction and sentence may be set aside and a pardon accorded to me, I now humbly approach Your Excellency-in-Council, the ultimate authority to which I can carry my appeal, and crave a scrutiny of the special circumstances of my case to see whether or not I deserve the exercise of that mercy, so often extended by the Government to prisoners convicted by judicial tribunals, of offences from the most trivial to the most heinous ones under the Indian Penal Code. Numerous are the precedents, if a precedent is wanted. I could bring to my mind four instances. The first is a case of theft, when in 1869 certain Brahmins of Madurantakam, Chingleput District, were convicted of having stolen jewels in a Hindu temple. The second is a case of assault about the year 1870, during Lord Napier's time, when certain Brahmins of Kuram of the same district were convicted of having assaulted a D. P. W. Overseer in his official capacity. The third is a case of theft of a watch in the Tanjore District by a clerk in the District Court of Salem who was convicted by the High Court on appeal by the Government from an acquittal. The fourth is the recent case of murder from Bellary which must be fresh in the mind of Your Excellency-in-Council. In all these cases as in many others, the Government went behind the findings of the courts and acquitted and released the prisoners on a close examination of the evidence on record. In the watch case men-

not traceable -
 may be in the
 P.W.D.
 records
 26/2/69 25316.

tioned above His Excellency the Governor-in-Council says. "In view of the above facts and of the intimacy existing between the accused and the complainant which would render the committal of any such offence as that alleged *highly improbable*. His Excellency the Governor in Council is of opinion that the defence should have been accepted and is therefore pleased in the exercise of the powers conferred by Section 401 Criminal Procedure Code to direct the immediate release of the prisoner" (Vide para 6 of the proceedings of the Madras Government J. D. No. 849, dated 16th May 1890).

4. With the greatest respect to the findings of the Courts, I reiterate my absolute innocence. I would beg leave to state that there has been a palpable and grievous miscarriage of justice in my case, *apparent on the face of the record* of my trial. My conviction admittedly rests on tainted and suspicious evidence, because of supposed corroboration from certain admissions of mine.

5. I am well aware that every convicted prisoner, might appeal to the Government and, urging pleas equally with myself, pray for discharge. But I would respectfully state that the benign British Government having by law and precedent secured and conserved to itself the power to interfere, if need be, in criminal convictions, so noble and important a power could only be exercised in each case as it arises upon its own special merits.

6. I respectfully contend that the circumstances of my case are such as entitle me humbly to pray for the exercise of that noble function of the Executive Government.

7. I would urge a very careful scrutiny by Your Excellency-in-Council of the evidence in my case and of the principles applied in weighing it. Such a scrutiny I beg leave to state is called for as much in justice to me as in justice to the Madras Uncovenanted Civil Service to which I have had the honour to belong and whose fair name I have *not* tarnished.

8. A mere perusal of the judgments of the Sessions Court and High Court (Appendices A and B) will convince Your Excellency-in-Council, that my trial discloses a special procedure, if not a departure from the ordinary procedure the right of the meanest British subject. Both the Courts agree in condemning the evidence for the prosecution and yet find their way to convict me upon the ground that my explanation is false; in other words conviction was the result not because the prosecution evidence was reliable but because the defence evidence is false!! I beg to submit that this is a somewhat startling and dangerous doctrine in the administration of criminal justice. His Honour the Sessions Judge says, (para 7 App. A) "On this point", that is as to the proof that the bribe was paid to me, "there is *great contradiction* as to details, because each of the persons concerned seeks to evade responsibility himself and saddle it on another". Again His Honour admits that the evidence for the prosecution is tainted because the witnesses are accomplices and that their statements are false (para 14 App. A) "There is no doubt that the witnesses who took part in the transaction in respect of which the accused is charged stand in the position of accomplices and that *their evidence is tainted not only by this fact but by falsehood in details*".

9. If in spite of such findings the court thought proper to hold me guilty, it was because it thought itself justified in doing so by reason of my admission. The

Vide para 2
page 2,
Appendix B.

High Court thinks such admission the *real strength* of the case for the prosecution. It says "The differences in their respective stories as to how the money passed to the Appellant do not alter the fact that the notes into which the Rajah's present was exchanged are traced to the possession of the Appellant and *in this fact is the real strength of the case for the prosecution*".

10. My case therefore lies in a nutshell. The courts hold me guilty not because of the evidence for the prosecution which is condemned as tainted and false but because of the admitted possession on my part of some of the currency notes into which the Rs.2,000 of the Rajah of Ramnad were alleged to be converted. This as the *real strength* of the case for the prosecution needs examination. I will crave Your Excellency's permission to state at some length what this admission is and what it amounts to. I will also respectfully invite Your Excellency's attention to the fact that both the courts necessarily got prejudiced by reason of this so-called admission and that in consequence they did not readily reject the evidence for the prosecution which is admitted to be tainted and false in details, while they also attached undue importance to one or two other circumstances in the case. The alleged admission has thus done me immense harm and it becomes necessary therefore to examine the evidence for the prosecution apart from the admission. I shall be brief since the courts do not say that that evidence is reliable but rest their finding of guilty on my admission "the real strength of the case for the prosecution".

11. The most important, if not the only important, part of the case against me is the giving or delivering of the alleged bribe to me. On this point the judgment of the Sessions Judge is remarkably vague and misleading. While the Sessions Judge admits that the evidence to prove this important matter is tainted and contradictory, yet His Honour somehow finds that Nagalingam Pillai was the man that delivered the bribe. *There is no evidence to support this finding*. The witnesses to prove delivery of the bribe to me are Ayya Iyengar, Muthu Kumara Pillai, Nagalingam Pillai, and Soundararaja Iyengar, the 2nd, 3rd, 5th and 6th witnesses for the prosecution. All the four contradict one another. The second witness, Ayya Iyengar, says "I said to my clerk, Muthu Komara Pillai, the Sub-Magistrate wanted the amount for a marriage, give the amount to Sundararaja Iyengar and Nagalingam Pillai who asked for it on his behalf. I told him to tell them to give the money on their own responsibility as they had come and asked for the money and as they frequented the Sub-Magistrate's house. I expected them to return the money to me. As they had asked me I gave the amount to them as a loan". The clerk, Muthu Komara Pillai, the 3rd witness, denies this. Curiously enough the prosecution did not ask this witness if he paid the money to Nagalingam Pillai and Sundararaja Iyengar as ordered by his master. The defence asked him and he denies having done so. Says he, "I gave the money to the Amein (2nd witness) the same day". Again. "The Amein did *not* tell me to take the money to the Post Master (5th witness) and Vakil Sundararaja Iyengar (6th witness). *I swear he did not*. The Amein did *not* ask me that evening if I had given the money to the Post master and I did *not* tell him I had" The third man, the Postmaster Nagalingam Pillai (5th witness) contradicts both the above witnesses and gives a third version to the effect that the Amein Ayya Iyengar himself paid me the money in his presence. says he, "I was in the Sub-Magistrate's house when I saw Ayya

Vide page 5
lines 25 to 32
of the copy of
printed papers
hereto annex-
ed as Appen-
dix C.

Vide Appendix
C, page 11,
lines 3 to 4,
page 12, lines
2 to 4.

Appendix C,
page 16, lines
4 to 14.

Iyengar. I had gone there first. I saw him there at 7 or 7-30 P. M. I and the Sub-Magistrate alone were in the house when Ayya Iyengar came there. Ayya Iyengar had some papers in his hand. He came and sat by me on a bench. He took some papers and placed them in my hand. They were currency notes, 4 notes for 500 Rs. each. The Sub-Magistrate asked what they were. Ayya Iyengar took the notes from my hand and gave them to the Sub-Magistrate and said "These are for you". The Sub-Magistrate took them and looked at them and said he would go in and come back. Then I said I would go and I went away". This man not only thus totally contradicts Ayya Iyengar and his clerk Muthu Kumara Pillai but also had told a different story—some what allied to this story no doubt—to the Head Assistant Collector. There he said "Muthu Kumara Pillai got the notes (from the treasury) and went away. The night or the next night I was in the Sub-Magistrate's house when the Ameen and another man came into the house. I did not see who the other man was as he stood in the dark and it was after dusk. The Ameen gave the Sub-Magistrate who was sitting on an easy chair four notes for Rs. 500 each. I thought they were the same notes as I had seen before in the Treasury. The Ameen said nothing when he gave the Sub-Magistrate the notes. The Sub-Magistrate stood up and took leave of me and went inside his house. I went away then." It will thus be seen that this man has improved his earliest story in three important particulars. in that he did not originally say that the Ameen took him into confidence and handed over the notes first to him before delivering them to me, that he did not then say that the Ameen made a speech saying "these are for you", nor that the Ameen was accompanied by another man who kept out of his recognition by remaining in the dark. The only other witness who according to Ayya Iyengar the Ameen was connected with the delivery to me of the money is the Vakil Sundararaja Iyengar, the 6th witness for the prosecution. It will be remembered the Ameen says he ordered his clerk to entrust the 2,000 Rs. to this Vakil and to the Post master, to be delivered to me on their own responsibility. This the said Vakil totally denies. Says he, "We came back from Rajasingamangalam the day after we went. Muthu Komara Pillai brought 4 bags of money. He said there were Rs. 2,000. I went as far as Vakil Ramaswami Pillai's house in Tiruvadanai and stopped and talked to him. Muthu Komara Pillai drove on. I don't know what Muthu Komara Pillai did with the money". And there is not throughout the whole deposition any trace of a knowledge, much less participation, on his part in the transaction of giving bribe to me.

Appendix C,
page 23,
lines 4 to 10.

12. Thus the four witnesses namely the 2nd, 3rd, 5th, and 6th witnesses for the prosecution, on whose testimony the proof of giving the bribe to me depends, contradict each other so completely that these four persons give five different stories. Is this proof? Is this legal proof? Is this only "falsehood in details"? I humbly submit that comment on this is unnecessary and space and time thrown away. If this be accepted as proof of bribe-giving, innocence cannot any longer defend itself and the safety and liberty of public officials would be in the hands of small men and conspirators who agree in nothing except in their common intention to hurt.

13. Before I proceed to discuss the nature and effect of my so-called admission, I would refer to one another circumstance to which both the courts attach importance. It is said that a present of Rs.2,000 to the Ameen Ayya Iyengar on a

monthly pay of Rs.20 was too large a sum and that therefore the real object was concealed by the apparant transaction. Supposing this circumstance needs explanation, if I am innocent, I could no more be competent to explain this than any body else. But it does seem to me that there really is no difficulty in understanding this matter. I do not admit that the present is too large a sum merely because the pay of the Ameen is small. He must be a bold man indeed who would attempt to expound the principles of expenditure in a decayed native Rajah's Court. Indeed the low opinion which the Sessions Judge of Madura evidently entertains of the character of the Rajah of Ramnad as may be seen from his judgment Appendix A and from the fact that since this case he issued a warrant of arrest for his attendance as a witness which was only converted into a summons subsequently on the motion of the Honourable Mr. Rama Subbier, has also prejudiced me in my defence. But the Sessions Judge with or without his bad opinion of the Rajah's character might have come to other conclusions about the principles of the Rajah's distribution of presents than that one item out of many such was a bribe to me, sent in this roundabout and clumsy way, sure of detection and easy of proof. Why, if the Rajah wished to destroy me, he could not have adopted a surer method. If the Rajah and his Dewan, the Seima Peshkar, really wished to give me a present, they could have done so in a very simple and secret way. The Seima Peshkar or a Tahsildar might have seen me with the present. It is impossible to believe that the Rajah and the Dewan would have sent so large a temptation in the way of the Amin and call it a present to him whereby he could effectually cheat me and the Rajah of it. It is clear that the present was a present to him (Ameen). As to the motives, for awarding such presents, those versed with the intrigues of such a Rajah's court must summon up the powers of their imagination. If we have a look at the list of presents for 1891—1892, Exhibits W and Y, in this case and inquire why the donees should have had them, one shall be puzzled to find a reason. There are 28 items of which the recipients are 25, since donees under Nos. 11 and 12 and 14 again appear under Nos. 20, 13 and 28 respectively. The total sum spent in this way is over Rs. 43,000 for the year 1891-1892. Is it possible to recognise any principle in this distribution? I submit not. The lowest figure is item No. 4. We find one Komariah Servai getting Rs. 419-9-0. His office is Adaipam. i.e. servant who prepares betel nut in the palace. His pay must be from Rs. 3 to 5 a month. Here this present is from twelve to seven years' pay. Another man filling the same office is Subbiah Servai. He gets (Item No.11) Rs.500 on the 28th September and again on 8th December (Item No. 20) Rs. 477-5-0. That is he gets Rs. 977-5-0 as a present in one year. If we take his pay to be not less than Rs. 5 it is 16 years' pay. If we take it to be Rs. 7 the highest pay allowed by the Rajah for the servants of the palace, it is nearly twelve years' pay. Item No. 2 shows that an Attender on Rs. 7 a month gets Rs.700, i.e. over 8 years' pay. There are two Mahouts or elephant drivers on pay from 3 to 5 Rs. a month, items Nos. 16 and 17. They get Rs. 606-15-0 and 666-15-0,—why 15 annas as well it is impossible to conceive. The former is from 17 to 10 years' pay. The latter from 18 to 11 years' pay. There are several fortunate men who get large sums but who are altogether unconnected with the Rajah or with the administration of his territory. Of Kangayan Servai No. 5, who gets Rs. 1,000 no higher merit is recorded than that he "Resides in the North Street Ramnad". Krishna Rao, No. 6 stands without a description. All the same he gets Rs. 5,500. So do the persons under Nos. 7, 8, 10, 15, 19, 21, 23 and 25. There are some Vakils—"Private Vakils"—who get large

Appendix C,
pages 69 & 70.

sums, items Nos. 9, 14, 13 and 18, Malana (Vide items 12 and 13) private Vakildar practising before the Head Assistant Magistrate, Madura, gets Rs. 4,625, a fabulous sum. This must certainly move the envy of many a High Court Vakildar who all their life through cannot put by so much. There are six Taluks in the Zemindary (Appendix A, page 2, line 1) and six Tahsildars. But only two Tahsildars get presents and they are Krishna Iyengar and Chinniah Naidu. The former gets (Item 26) Rs. 3,000, the latter Rs. 6,000 (Items 14 and 28). I need not detain Your Excellency-in-Council any longer on this matter. It is but too clear that it is impossible to find out the principle if any that governs the distribution of these presents beyond the likes and dislikes of the young Rajah and of his favourites.

Vide the
Rajah's evi-
dence Appen-
dix C, page 29.

Vide Appen-
dix C, page 8,
lines 8 to 18.

14. Under the circumstances set out in the preceeding para there is absolutely no need for surprise at the fact that the AmeenAyya Iyengar on Rs. 20 a month got Rs. 2,000. The two favourite Tahsildars Krishna Iyengar and Chinniah Naidu who alone among six Tahsildars get large presents, recommended this man, evidently their favourite. We also find that this man is a relative and protege of Streenivasa-murti Iyengar the Zemindar's Guardian. I respectfully submit that if the prosecution meant to make a point of the smallness of the Ameen's pay and the largeness of his present, it ought to have thoroughly examined the principles of the list Exhibit Y and examined the Rajah about it. The prosecution with an insight into the palace administration made nothing of this and the Session's Judge made this point for himself and the High Court follows him. In the light of my humble observations on the list of the presents, I submit the courts were in error in attaching any importance to the proportion between the Ameen's pay and present.

15. Thus there is no proof that the present of Rs. 2,000 to the Ameen Ayya Iyengar was other than a present. And admittedly the proof of the delivery thereof to me is tainted, contradictory and false, not false in details alone but false thoroughly. There remains only my admission and I shall now proceed to state what it is and its legal effect.

16. I now turn therefore to the so called admission, "the real strength of the case for the prosecution". This consists of the fact that during the Easter of 1892. I was in possession of currency notes for Rs. 800—one for Rs. 500 and three for Rs. 100 each—and it was found that the Rs. 500 note was one of the four notes into which the present of Rs. 2,000 to the AmeenAyya Iyengar was converted on the 29th February 1892 and that one of the three notes for Rs. 100 was one of the notes into which another of the four Rs. 500 notes was exchanged on the 31st March 1892 while the remaining two notes of Rs. 100 were issued to Nagalinga Pillai, the Post Master, on the 25th March 1892 by the Tiruvadanai Treasury in connection with money order transactions. These notes for Rs. 800 were sent to my nephew at my native place Mohanur in the Salem District by an insured parcel at Madura on the 16th April 1892.

17. I explained under what circumstances I so sent the sum of Rs. 800 which explanation the courts reject as false. I humbly contend that firstly the courts reject the explanation on mere surmise and secondly that, if my explanation is false, it does not follow that the present of Rs. 2,000 to the Ameen was a bribe to me.

18. My explanation was this. A relative of mine had the money Rs. 800 for his marriage and came to Madura in quest of a bride. The High Court says he is a

Vide his evi-
dence Appen-
dix C page 44.

man of 38. Yes, he was 38 years old then. This fact cannot alter the other fact that then he was *unmarried* and shortly after he was *married*. Those that know of rather old Brahmin bachelors do know that they wander in quest of girls. This man had a brother of his at Devacotta. This fact and the fact I was employed near Devacotta were evidently inducements to him to come there for the purpose. There is absolutely nothing unnatural in this. He then went to Rameswaram where another brother of his had gone and not willing to carry the money with him left it with me with instructions to send it on to Madura to one Kuppusamy Mudelliar 9th witness for the defence where he would get it from him on his way back. I accordingly entrusted the sum to Vakildar Soundararajengar with instructions to send it on to my nephew if my relative was not with the said Kuppusamy Mudelliar at Madura. This relation is a native of the same place as myself and as he was wandering then on account of his marriage I thought it best to send it on to my nephew in case he was not found at Madura. As this man had passed Madura, the Vakildar sent the sum to my nephew. The fact that my young nephew was not called to support me was made a point of by the High Court but it does not find a place in the Judgment Appendix B as it was pointed out by my Counsel that it was in the highest degree unlikely that my nephew should contradict me. All this is borne out by the evidence of my relative, the 7th witness for the defence and Kuppusamy Mudelliar of Madura the 9th witness for the defence. I respectfully submit that their evidence is far more trustworthy than that of the Vakildar Soundararajengar and Post Master Nagalingam Pillai who swear to their own turpitude and who, as the Sessions Court finds, contradict each other and two others and who have not spoken "the whole truth". If this was not the fact, it is unnatural to suppose that I should have sent the money in an insured parcel and thereby perpetuated testimony to prove connection between me and the notes of Ayya Iyengar.

19. But supposing for a moment that the 800 Rs. is not my relative's, does it follow that it must have been corruptly obtained by me? Is 800 Rs. too much for a Deputy Tahsildar and Sub-Magistrate of so many years standing? Have I no ancestral property at Mohanur? Has the prosecution suggested or proved that I am incapable of holding so small a sum comparatively? It is not suggested that I am a man of extravagant habits and that I do not save money. If the money were my own, the only point to be answered is that I sent it from Madura and not from Tiruvadanai. But the arguments I have advanced in the preceding para clearly shew that I could not by insuring the notes have added to the recorded history of the present of Rs. 2,000 and of its conversion into notes, if my object was to conceal and that easier and more usual methods of forwarding the sum were open to me if I had any thing to conceal in connection with it.

20. Though it is absolutely unnecessary for me, I am entitled to take another position. Assuming that I received the 2,000 Rs. does it necessarily follow it was a bribe; I submit the transaction is consistent with my having taken it as a loan. The witnesses for the prosecution put it forward as a loan. The 2nd witness says "I told him to tell them to give the money on their own responsibility as they had come and asked for the money and as they frequented the Sub-Magistrate's house. I expected them to return the money to me. As they had asked me I gave the amount to them as a loan. I did not make any arrangement as to interest. It was arranged that the money was to be repaid on demand". The recorded history of the transmission of the present and its exchange into four notes I could not but be

Appendix C,
page 5, lines
28 to 36.

aware of, if the present was a concealed bribe to me. Would I be so mad as to send such notes by an insured parcel? Mohanur is not far away from Madura. Could I not have sent it on by a special man of my own? Could I not have sent it on by my father-in-law? Could I not have sent it in two separate covers on different dates by *half notes*, which is every day done by all, if I had corruptly obtained the money? What became of the remaining Rs.1,200? Could I not have kept or disposed of the 800 Rs. exactly in the same way. Do not all this outweigh the one argument that the money was sent in Madura and not from where I was and indeed do not all this make it highly probable that my account is correct? It will be seen that *two* Rs. 100 notes of the 800 Rs. I sent was obtained from the Treasury at Tiruvadanai by Nagalingam Pillai in connection with money order transactions. How came I to possess them. If I had received Rs.2,000 in four notes and if I had exchanged one of these into four Rs.100 notes and 100 Rs. cash as the Sessions Judge says, why should I take only *one* of these 100 Rs. currency notes and manage to get two other 100 Rs. currency notes from the Post Master Nagalingam Pillai? The prosecution has *not* solved all these questions and a solution on the prosecution theory is, I humbly submit, impossible. The third witness says, "The Sub-Magistrate had asked for it as a *loan* and I asked Ayya Iyengar to give it as a *loan*". The Sessions Judge easily gets rid of this argument on the ground that there is no evidence to support it and that it is inconsistent with the principal defence. Before one can be *criminally* convicted, the story for the *prosecution* must be inconsistent with any other hypothesis than the penal guilt of the accused and it is not so in this case. Besides, throughout the whole record there is absolutely nothing to shew that the Rajah had any immediate or remote object in bribing me and no suggestion as to any. If, as the Sessions Judge says, the Zemindary Devasthanam had passed out of his management into the hands of the lessees, some *months before* February 1892 the Rajah had no motive whatever to give me a bribe of Rs.2,000.

21. I would next beg leave to invite the attention of Your Excellency-in-Council to another aspect of the case to which the courts have attached no importance. In my explanation to the Collector and before courts I pleaded conspiracy against me and gave my reasons. The prosecution did *not* attack this. On the other hand it conceded that there are men behind the screen. Says the Sessions Judge, "it is admitted by the prosecution that the complainant who is the 2nd witness and whose attendance had to be secured by a warrant and by attachment of his property is *nothing but a namelender*". With this admission it is a remarkable fact that the prosecution did *not* tell the court or the accused who *are* the real prosecutors to whom this 12th witness lent his name. This part of the case for the prosecution is enveloped in dense darkness. I made therefore my own guesses from given facts and named the Police Inspector and the Vakil Soundararaja Iyengar the 6th witness for the prosecution as the chief conspirators for reasons stated in my explanation to the Collector. If there is any doubt on the subject, it is easily removed by the circumstance of Exhibit J, a most remarkable document. A mere perusal of it would convince Your Excellency-in-Council that there was a conspiracy. Exhibit J reads thus.

Appendix C,
page 15, lines
21 to 23.

Vide para 6,
Appendix A.

Appendix D.

Appendix A,
para 4.

Vide
Appendix D.

Exhibit J.

Exhibit B.

11-13-92.

[Initialled] W. F.

28th August 1892.

To.

NAGALINGAM PILLAI,

Post Master, Tiruvadanai.

Receipt executed by Ayyavaiengar, Amin of Tiruvadanai Devasthanam.

Office Deputy Clerk Muttukumaru Pillay had been sent to the Rajasingamangalam Taluk with a yadast to obtain and bring rupees 2,000, the present referred to in order No. 9 dated the 1st February of the current year of the Seemai Peshkar of the Ramanadhapuram Samastanam; Sundararaja Aiyengar Vakil of the Tiruvadanai Sub-Magistrate's Office had also been sent with him [Muttukumaru Pillay] for help. The said sum of rupees 2,000 was received and brought and was given to you to be paid to the said Sub-Magistrate Sreenivasachariar and you accordingly paid it. The amount of income tax imposed on me for the said amount and for my pay also is rupees 58-5-4, which with one anna for this receipt comes to rupees 58-6-4. This is the receipt for my having received the said sum of rupees fifty eight, annas six and pies four from you according to the verbal transfer, made by the said Sub-Magistrate Streenivasa Chariar Avergal's father-in-law Kuppan Aiyangar.

(Signed) AYYAVIENGAR,

Amin.

(On one anna receipt stamp).

The document purports to be a receipt from Ayavayangar the Ameen to Nagalingam Pillai the Post Master for Rs. 58-6-4 which the prosecution alleges my father-in-law through Nagalingam Pillai paid to him (Ameen) as Income tax on 2,000 Rs. he got from the Rajah. But a few observations would show that this document was a fabrication between the Ameen and the Post Master and clearly supporting as it does the whole theory for the prosecution smacks also of the manufacture by the Police Inspector and the Vakil. It contains needless and dangerous details, of no use to the Ameen or the Post Master and of the utmost importance to the prosecution. It gives the whole history of the bribe giving. Why are all these entered? If Nagalingam Pillai was doing dirty work for me is it likely that he would have secured a written receipt and why? And why such a receipt? And would he keep it in existence after a case was started against me? It is very difficult to argue what is too apparent. The document speaks for itself. The erasures, the corrections &c., on the face of it shew the work of the Policeman and the Vakil who know that courts would consider such to be the appearances of genuineness. Why was not a clean receipt written? I would beg of Your Excellency-in-Council to send for the original and inspect it. I repeat that this is overwhelming proof that I was the victim of a conspiracy.

22. There is one other circumstance to which I would respectfully call Your Excellency's attention. The Collector of the District, a very careful man and one who has great experience of the District, its people and his subordinates, declined to proceed against me criminally after considering the whole of the evidence recorded by the Head Assistant Collector.

23. The story for the prosecution is easily shewn to be false not only by the above considerations but a number of others which I do not purpose to mention here as it would make my petition unnecessarily long and as they would easily suggest themselves to your Excellency-in-Council. For instance, the introduction of the Post master Nagalingam Pillai and the Vakil Soundararaja Iyengar on the stage is remarkable. To believe their story is to assert that the Rajah and his chief advisers arranged a bribe to be given to me by the Ameen Ayya Iyengar but that they did not tell him so, that they did not provide for its delivery to me; that I without being told of its nature knew it to be a bribe for me, that I took the perilous step of reposing confidence in two strangers, the Vakil and Post master, that the Ameen was hesitating to carry out the order of the Rajah and his advisers and that these two men mounted guard and put pressure upon the Ameen. This aspect of the case is unnatural and in the highest degree improbable. One would think if a Rajah, or for the matter of that, any body else voluntarily arranged a bribe to be given to me, he could and would have seen it is paid to me promptly and secretly. One would also think that the man entrusted with it would not hesitate to pay it to me unless he meant to misappropriate it himself which is not insinuated in the case of the Ameen, and above all if there is any hesitation on his part, nothing could be easier for me than to have sent for the man myself and told him secretly that I expect him to obey his masters at once. It is absolutely unnatural to suppose that this most natural method would not be efficacious. But if this would not induce the Ameen to obey his masters what is there in the Post Master and the Vakil to make him change his mind? It is thus clear that these two men are also conspirators and have had to play as witnesses as well in the furtherance of the conspiracy. I would not swell the petition with further details and observations. I trust however that I have satisfactorily shewn that the evidence against me is nothing and that the courts acting upon mere suspicion arising from my possession of some of the currency notes two months after the present was converted into notes, did not reject the prosecution story notwithstanding the admission that the evidence in support of that story is tainted, contradictory and false.

24. Under all these circumstances I humbly pray that your Excellency-in-Council will be graciously pleased to set aside my conviction and sentence and direct my discharge.

Central Jail, Tanjore }
10th January, 1895 }

Petitioner.

M. Srinivasan

Pleader for Petitioner.

A. H. Lowry
Supp. of Jail

CURRENT No. 350 of 1895.

Application for remission of sentence from convict in the District Jail, Tanjore.

FOR ORDERS.

Name of the Convict N. 8593: N. Srinivasa Chari

I see no reason to interfere

1/10
7/2/95

Offence committed. Sec. 165: I.P.C.
P. S. Srinivas Chari
valuable thing in trust committed

Adjudicating Court. Sessions Court Madras

Sentence imposed. One years simple imprisonment
+ 2000 Rs fine - in default
of payment 6 months add
impr.

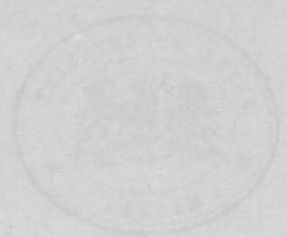
Result of appeal to High Court. Appeal dismissed

Previous Convictions.

2
5.2

See # 1255

PETITION FROM CONVICT



H. M.

(For orders)

*This for
direct
to the
up*

[J
15]
1000-25-1-94.

Judicial Department.



N

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following endorsement:—

From the Inspector-General of Jails, dated

C No 350 of 95

ORDER

11 July 1895, No. 286

The Inspector-General of Jails will cause convict No. 8593 : Mr. Srinivasa Chari
confined in the *Distric* Jail at *Sanjore* to
be informed that the Government declines to interfere with the sentence passed
upon *him*.

(True Extract.)

(From)
Order

S
12/2/95
Under Secretary.

To the Inspector-General of Jails.

Copied 11/2
for mth Jails
13/2/95
7/2

c 5/2
R 7/2

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

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 DIITO.

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

N.B. -
A = Copy in full.
B = Not to be copied
P = Copy abstract only.
Q = Copy heading only