

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 357

Dated 16th Feb. 1895

INDEXED.

[Despatch Abstract.]

CASE AGAINST CUDDAPAH POLICE

Passing orders on the conduct of the Police in the case in which the late Stationary Sub-Magistrate of Pulivendla, Cuddapah District, was concerned.

26-1-05 ✓

8-11-05 ✓

27-2-08 ✓

24-4-08 ✓

17-3-11 ✓

17-11-16 ✓

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4-9-19 ✓

21-11-25 ✓

19-5-26 ✓

5-1-33 ✓

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Department.

No.

7131

CHIEF OFFICE OF THE INSPECTOR GENERAL OF POLICE,

Madras, 4 December 1894

FROM

Colonel G. A. Portman.

INSPECTOR GENERAL OF POLICE,

TO

THE Chief Secretary
to Government
Fort St George.

SIR,

Enclosures.

43

With reference to G.O. No 2386, Judicial dated October 3^d 1894, I have the honor to submit the supplementary explanation of Inspector Muhammad Beg Sahib of the Cuddalore District to show the recorded statements of witnesses were forwarded as directed in the above Government order.

The enclosures are retransmitted.

I have the honor to be

Sir

Your Most Obedt Servant.

M. S. M. S. Col
Inspector General of Police

6476
Jud (1894) DEPARTMENT.

P. 2386 3.9.94
H. papers.

FROM

Col. L. A. Portman, A. S. (L. A. S. D.)

INSPECTOR GENERAL

OF POLICE.

270W. 3p 194
23H 24 3p 94
24A W 3p 94

CHIEF SECRETARY
No. 5
5 DEC. 1894
GOVERNMENT OF MADRAS

Dated

Received

Recd 6

Encl. 10/12

SUBJECT.

Submitting the supplementary explanation of the case of the late Begg Sahib of the Andapah District

11/12

1894

All the connected papers
have been put up
with the case
and the G. S.

Submitted
with papers.

G
28
6-8-94

Judicial DEPARTMENT.

C. No. 6476/94.

FOR ORDERS.

Will put the I. G. in a position
of some difficulty. I think, if
we leave it to him to dispose
of the case against the two
Consts, which we dispose of the
case against the Inspector - as the
whole of the records are before him
I think he had better deal with
the whole matter.

I don't feel perfectly sure that
Karasimham was not simply
overzealous through stupidity.
Of course he ought to have seen that
there was no case against Ramalingam,
but I don't think it by any means
certain that he knowingly furthered
a false case against him. He is
him to show that he was not in
him with the two Consts - There was
time for a case to be got up. It may, no
doubt, have been planned before hand,
but of this there is no hint. Would
not subject Karasimham to any punishment
merit, suspicious though his conduct
was. It is worth notice, by the way, that 3rd Feb 1893 in the morning
he was leaving the division that day
he had no motive to join the two Consts
in conspiring against Ramalingam.
As to the other cases, Inspector

This has been delayed for
want of papers which were
in care. The file is marked
for H. L. as, in his note
under cover of G. O. of 14 July
1894, No. 1730, H. L., he expressed
a desire to know what
had been done about the
police.

2. The facts of the case
are set out fully in G. O.
of 20 March 1894, No. 708, H. L.,
and in the note for Orders therein.
I need not be recapitulated.
It will suffice to set out
briefly the charges against
the three police officers whose
conduct is now in question.

3. Head Constable 636 Karasimham
Gurusasani made her complaint
of criminal breach of trust
against Ramalingam on the
morning of 3rd Feb 1893 in the morning.
It was made to the Sub-Magistrate
who sent it to the police.
On the morning of that date

Narasimham was acting as Inspector at Pulivendla but some time in the afternoon (apparently at 1 o'clock) he handed over charge to the permanent incumbent Muhammad Beg.

The police (according to Narasimham) received Narasimham's complaint at 1.30 or 2 p.m. He, though Narasimham was there (to quote Muhammad Beg) functioning officio, it was he who proceeded to enquire into the case.

Narasimham declares that he investigated under the orders of Muhammad Beg but that individual denies the truth of the statement & says he knew nothing of the matter until Narasimham reported to him that Ramalingam had been convicted.

However that may be, it is certain that Narasimham proceeded to Ramalingam's house & questioned him & that Ramalingam produced the jewels to Narasimham.

A search-list seems to have been prepared & to have been signed by Narasimham under Police Order 140(h), a copy of this search-list should have been sent to the Head Quarter office. This was not done.

Pulivendla Police
FOR ORDERS.

Muhammad Beg may not have been a tool of the but Magistrate or league with him; but he must have been aware of the nature of the cases and of the irregularities perpetrated therein and yet took no steps to expose them. This is the least that can be said of him, and if this view is taken it follows that he is not fit to be a Magistrate but should be reduced to H. Compt. as the C. J. suggests. ~~He is not~~ The same may be said of H. Compt. Bahadur Khan - I would reduce the former to H. Compt. & the latter to H. Compt.; and, in so doing, I am not sure that I am not too lenient.

It seems true in principle to acquit the Supt. (Mr. Carmichael) of blame - no doubt he did not know what was going on. But he should have known so. A Supt. who lets such things go on under his nose is not efficient. It is his business to know what is going on & he should be held responsible for not knowing.

This case in its various ramifications seems to me to show something very rotten in the State of Cuddapah. It is a matter for surprise. It is a matter usually a most unpopular district which everyone tries to avoid, & for years past it has been a sort of refuge for the destitute. Anyone

has been good enough to send to Cuddapah a few officers have stayed there long enough to know the district properly. I really do think that the next time there is a vacancy in the office of C. J. & Judge of Cuddapah, some officer should be selected for that post, no doubt they will promote but they should be selected for the benefit of the public service.

MS

1/2/95

I agree that Mr. Magistrate and he moved W.C. & H.C. 22 & W.C. I don't think more can be said about Mr. Carmichael. I have made his administration.

* It is not quite certain whether Narasimham means his remarks on this point to be taken as a part explanation of his failure to send a copy of the search-list to the head quarter office.

* No duplicate was, as a fact, prepared; but Mr. Beg should have seen that the error was pointed out to Narasimham.

* On Feb. 14 we have him such as W. P. M. such mis- doing occurring in his charge.

1/2/95

13 Feb

Narasimham declares that he handed over the search-list to the Inspector (Mr. Beg) & knows nothing as to what became of it. He also observes that Ramalingam's house was not actually searched. His explanation for his failure to send a copy of the search-list to the head quarter office amounts then to this:—

- (1) that Mr. Beg should have seen to the matter;
- (2) that no search list was necessary in such a case.

The latter explanation is shown to be a mere quibble by the fact that a search-list for the Magistrate was prepared & Police Order 140(h) distinctly declares that the duplicate search-list must be prepared by the officer conducting the search i.e., in this case, by Narasimham. But, no doubt, it was Muhammad Beg's duty to see that the duplicate was duly prepared to the Supt.

The failure to comply with P.O. 140(h) in the case in question is suspicious & both Narasimham & Mr. Beg appear to be to blame in the matter.

Narasimham endeavours to throw all responsibility for the search upon Mr. Beg.

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Not only does he assert (as already stated) that he investigated the case under Mr. Beg's orders; but he declares that the complaint came from the Sub Mag. endorsed to the Inspector & was delivered to Mr. Beg by a Revenue person.

Narasimham's statements on this point are not supported by the witnesses Exam. & Mr. Beg denies their truth.

Under the circumstances, Narasimham's plea can hardly be accepted & he must be held responsible for searching Ramalingam's house without sufficient justification.

It must, however, be remembered that the complaint was received by the police endorsed by the Sub Mag. that an immediate search was to be made & this certainly forms some excuse for Narasimham's action.

Col. Porteous thinks (letter in G.O. of 3 Oct. 94, No. 2386, has) that Narasimham clearly played into the Magistrate's hands & recommends his reduction to the rank of Constable.

On the whole it seems best to leave Narasimham to be dealt with as the I.G. thinks fit. ~~properly recommended~~
4. Inspector Muhammad Beg.
2. The first question to be decided in this case is the

It is difficult to suppose that Mr. Beg was not fully acquainted with all that went on in this case, but I don't think he took any part in it. B.S.

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extent of Mr. Beg's responsibility for the search of Ramalingam's house. This is very difficult to decide, as the sole object of each police witness is to make someone else the scape-goat.

As already remarked, the proof that Mr. Beg received Guruswami's complaint direct from the Sub-Mag. & that he personally ordered Narasimham to enquire into the case is far from convincing.

But it is alleged that he knew all about the case from start to finish even if the search was not made under his order. Thus, Narasimham declares that he handed over the search-list & Ramalingam's property to Mr. Beg & Constable Siddappa says that Mr. Beg was present in the station house when all the records of the case were being got ready. But Mr. Beg puts in a vehement denial. He accuses Siddappa of personal ill-feeling & asserts that he knew nothing of the case till he heard from Narasimham of the conviction.

The I.G. has noted that the case against Ramalingam is reported briefly & with comment in Muhammad Beg's

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Diary for the 4th Feb. & he regards the brevity of the reference as suspicious. Mr. Beg, however, explains that, as he had nothing to do with the case, he thought a brief notice would suffice & he explains his failure to bring to Karamsingham's notice the want of a duplicate search-list as due to a lapse of memory.

Col. Porteous remarks of this case that it is hardly possible that Mr. Beg can have been so ignorant of what was going on as he pretends to have been; & this is apparently all that can be said. There is no actual proof that Mr. Beg knew anything about the matter, for the statements of both Karamsingham & Liddappa must be accepted with caution.

(2) The next matter to be considered is Mr. Beg's conduct in the King case.

The Deputy Mag's judgment in which forms an enclosure to the current narrative the facts of this episode.

According to the Sub-Mag, to whom he got up on the 18th June 1873 he missed his office-box what immediately followed is not quite clear, but I

(1) think the account given on 22nd 5 of the Note for Orders in 1874, No 708, Ind., which

* or went for him.

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was based on the original records is the correct one. If so, the Sub-Mag. first sent for Mr. Beg & in company with him & others, commenced a search which resulted in finding the box in a garden broken open, & the silver ring & some cash abstracted. It was then, apparently, that the Sub-Mag. informed the police that he suspected Karamsingam & Nagappa of the crime.

But Mr. Beg remarks that the Sub-Mag. did not seem to suspect any one in particular & explains that it was the statements of Karamsingam & Budden Sahib to H. Const. Bahadur Khan which first threw suspicion upon Nagappa & Karamsingam.

Mr. Beg evidently thinks that his position is improved by making out that he did not proceed on a mere hint that the Sub-Mag. suspected Nagappa & Karamsingam; but it really makes little difference.

If the police acted on the Sub-Mag's statement of his suspicions, then their behaviour was more culpable; for the Sub-Mag. admittedly could bring nothing forward to justify his suspicions except to Nagappa & Karamsingam.

had been furnished judicially
on previous occasions,
that they were bad charac-
ters & that they had been
merely loitering about
Pulivendla.

If, on the other hand, the
action of the police
was determined by the
statements of Mumm
Salih & Buddan Salih,
then their conduct was
equally open to censure;
for the statements of these
two individuals were mani-
festly absurd & moreover,
they did not implicate
Ramalingam at all.

For the error (to use a
mild term) which the
Police committed when they
took up the case against
Nagayya & Ramalingam,
Muhammad Beg was responsible
as the senior officer engaged.
For what occurred after-
wards he is equally to
blame.

The police learnt that
Nagayya & Ramalingam
were at Peddajutur &
M^r. Beg sent some Con-
stables thither to make
sure. They sent back
word that the men had
been found by the Sub-Mag,
M^r. Beg, Head Constable
Bahadur Khan & others
hurried off to Peddajutur.
Arrived there, the house
of Poupayya was searched

he witnessed the search,
though his statement
implies that it was
actually begun before
he arrived.

There is some dispute
as to whether M^r. Beg
actually directed that
the turbans should be
searched & the point is
of little importance.
It is impossible, too,
to assert positively that
the police introduced
the ring into Nagayya's
turban or, if they did
so, that M^r. Beg was
cognizant of their action.
But the circumstances of the
whole case are such
as to leave no reasonable
doubt that the police
did introduce the
ring & that M^r. Beg
was aware of it.

In any case a ~~very~~ very
serious irregularity
occurred in connection
with the search.

The Crim. Proc. Code & Police
Order 140 require that
searches shall be con-
ducted in the presence
of two or more witnesses
& that the occupant of
the place searched or
some person in his
behalf shall be per-
mitted to attend during
the search.

Virtually these require-
ments were neglected

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in the present case. The
D^r Mag. says in his judgment:
"Two constables... went
"in to make the search. They
"did not allow any of the
"male members to remain
"inside... The only person
"that was permitted to
"remain at the doorway
"of the house was the
"old woman, the mother
"of Pampayya, who on
"account of her advanced
"age, failing eyesight &
"natural idiosyncrasy was
"unable to watch care-
"fully the proceedings
"of the constables. The
"house... contained in it
"a broad & high tatty
"screen which divided
"it into two compartments.
"The boxes & other things
"were all secured in the
"interior side of the
"tatty screen & the turban
"of the accused (Nagayya)
"also lay near this
"screen, hung to a peg.
"Those standing within
"the screen would be
"invisible to those standing
"on the other side of it;
"consequently the two
"constables who went
"into the tatty screen
"could have safely &
"without fear of detection
"introduced any property
"they liked & that very
"easily when it consisted
"of a small thing like

"a gold ring. The
"constables in going
"into the house could
"have secured the
"ring in their mouth
" & tied it in the
"turban cloth under
"the cover of the
"tatty screen unob-
"served by those
"who were standing
"outside the house."
This being the case, the
stripping of the constables
before search, the summoning
of witnesses & the posting
of the old woman at
the door formed a merely
nominal compliance
with the requirements of
the law.
It is true that one San-
salib says that the turbans
were in the verandah, ~~that~~
that the constables, while
removing them, were
visible from outside &
that the turbans were
brought out promptly;
but other witnesses declare
that the turbans were
inside the house; and, as
the D^r Mag. inspected
the house personally, his
statement of the case
must be accepted.
In face of the D^r Mag's
statements, Mr. Beg's
plea that he noticed
nothing irregular about
the search is of little
value.

It is to be observed that, in this case also, no duplicate of the search-list was made & sent to the Headquarter office. The Inspector says he forgot. This may be so but it is suspicious.

(3) The third case against Mr. Beg relates to his conduct in connection with the arrest of Gurumurti, Guruvasani & Bali at Jetur. Guruvasani was charged with removing from Pulivudla certain property belonging to Ramalingam. The terms on which Guruvasani & Ramalingam had lived together were of course well known to the Police & formed a reason for closely scrutinizing any ~~such~~ such charge made against the former by the latter. The charge also related to an act said to have been committed several months previously & no explanation of the delay in making the complaint was apparently given.

Gurumurti, Guruvasani & Bali were at the time living together at Jetur & on the 30th June 1873 (two days after the complaint was laid) a party of police under H. Const. Bahadur Khan searched their house.

Inspector Mr. Beg admits that there was explanation. *MS*

* The complaint was made, it seems, to H. Const. Bahadur Khan, in writing.

~~It is to be observed that, in this case also, no duplicate of the search-list was made & sent to the Headquarter office. The Inspector says he forgot. This may be so but it is suspicious.~~

a mattress - cover & a sheet were found & as Ramalingam identified them as his, the three persons were taken into custody & marched to Lavani thence to Saumalambudla & finally to Pulivudla. Mr. Beg says he knows nothing about the case, but the evidence to the contrary seems overwhelming. Thus: - H. Const. Bahadur Khan says that, when he was returning from Jetur, with his prisoners, Mr. Beg met him near the river & accompanied the party to Lavani. Const. Bhiram Singh corroborates this, adding that, while the search was going on, Mr. Beg was sitting on the opposite side of the river about three quarters of a mile from Jetur. Const. Liddappa corroborates & adds that he saw Mr. Beg at Lavani in the morning before the search-party started for Jetur. Const. Muhammad Salih says much the same. So does Const. Gudar Mushtan. Gurumurti, Guruvasani & Bali are positive that the Inspector Beg accompanied them on the way from Jetur to Lavani. Mr. Beg admits that

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was in Lavauir on the morning of the 30th June but he denies that he saw the search-party on its return or any of the prisoners.

In this denial he is supported by Const. Inhi-ud in Sahib who says that he did not see the Insep. when returning with the search-party from Yetur. Ramalingam also says that Mr. Beg had nothing to do with the case.

Mr. Beg also states that he warned Mr. Const. Bahadur Khan at Lavauir that Ramalingam's complaint was a mere counter-charge & that he would be held responsible; & this seems to be true, for Bahadur Khan admits that Mr. Beg did warn him that it was a mere counter-charge & recommended him to refer the case as false.

It may be granted that Mr. Beg did not actually work up this case personally; but it can hardly be doubted that he was near at hand when the search took place, knew all that was going on & was himself satisfied that the charge was not one which ought to be

* Out of his own mind
MS

after he had apparently been kept out of the way for a long time
MS

This is in his favour. Not why didn't he come on in the case? His subordinate?
MS

No search-list was forwarded as required by P.O. No. 1 (h) to the Head Quarter office.

investigated. Yet he took no measures to prevent the search & the arrest of the accused. He insinuates, indeed, that he was merely waiting for the Deputy Mag's orders on the Referred Charge Sheet to report Mr. Const. Bahadur Khan for punishment; but this is incredible. He allowed Bahadur Khan a free hand through-

out. In this case also, it appears, (4) there are other charges against Mr. Beg; to wit:—
(a) that he visited Yetur & tried to induce Bali to return to the Sub-Mag;
(b) that he threatened Bali when she was being led in custody from Yetur that worse would follow if she did not give in to the Sub-Mag;
(c) that he used his influence to get the Bhogam people to sign the bond about Bali & (d) that he was present when the Sub-Mag. dragged Bali into his house when she was brought in custody to Pulivendla.

But none of these can be regarded as proved & they may be dismissed from consideration.

(5) Taking all the cases together, they show Mr. Beg's conduct in a most

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unfavorable light. It appears incredible that he has been acting honestly & his production from the 3rd pad on R 100 & the 4th on R 70, which is what Col. Porteous proposed, appears an inadequate penalty.

Col. P. was probably ~~induced~~ induced to deal with the man leniently in view of his 23 years service & fairly good character; but, if it be held that he has abetted false charges, wrongful arrests & irregular searches, dismissal will be the only possible punishment.

5. Head Constable 228 Bahadur Khan.

This man's case can be dealt with more briefly.

(1) He was Station House Officer at Pulivendla when Guruswami made her complaint against Ramalingam & signed (& perhaps, dictated) the Charge sheet against Ramalingam. It is also probable that he is the man who bound over the witnesses in the case to appear. But, as his concern in the case seems to have stopped there, it is not necessary to refer further to the matter.

(2) In the Ring Case, however, Bahadur Khan was most active.

It was he who produced

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the two coolies who ~~identified~~ saw Kagayya close by the Sub. Mag's house & whose evidence the D^r Mag. rightly scouted. He was also present when Pampayya's house was searched & was apparently regarded as the officer conducting the search & was, as such, responsible for the irregularities which occurred.

(3) Bahadur Khan was also the man who received Ramalingam's complaint against ~~the two men~~ ^{Guruswami} ~~the two men~~ people & who searched her ~~house~~ house & arrested her ~~there~~ & her brother & her niece. He says the case against ^{Guruswami} ~~the two men~~ was true & that he only referred it as false because the D^r Mag. ordered him to do so.

He has not explained why he arrested Bali & Guruswami whereas the complaint was laid against Guruswami only & his own statement is sufficient to show that there were about 100 no grounds for Bali's arrest. He says "Ramalingam gave Guruswami a neck lace" "afterwards she & Guruswami" "gave it to Lashayya in" "payment of a debt; Lashayya" "told me that Bali was so" "present when this transac" "took place & so I recom"

"Bali's release on bail."
He admits too that Mr. Beg
warned him that Ramalingam's
complaint was a mere
counter-charge.

Of course there is some
excuse for Bahadur Khan's
conduct if he was acting
under pressure brought to
bear upon him by the
Submag. & with the cognizance
& approval of the Inspector.
But, making every allowance
for this, the punishment
of reduction to the grade
of constable proposed
by Col. Pontour seems
altogether inadequate.
Bahadur Khan should
certainly, it is submitted,
be dismissed.

by
24 Jan.

I submit that the I.G. of Police
should be left to dispose of
Bahadur Khan & Ramalingam
their punishment lies within
his power.

The Inspector had warned Beg must
have known perfectly well what
the truth was and instead of
allowing things to go on as he
did he should have put his
foot down and put a stop to
what was a piece of utter
useless. No doubt it was the
fear of the influence of the
Submagistrate that induced
him to behave as he did.

It is submitted that he should at
the very least be reduced to the Constable

Case against
Cuddapah Police

His case

(For Order)

Papers to be read in Proceedings:—

Again G.O., dated 20 Mar
Again G.O., dated 3 Oct
Current No. 6476 of 18 ~~74~~ dated

1894, No. 708, Ind.
1894, No. 2386, Ind.
4 Dec from the I.G. of Police.

Current No. of 18 , dated

from

Order of 16 Aug 1895 No 351
misc

The Govt concurs with the
late I.G. of Police in
considering that, notice
must be taken of the
conduct of the police in
connection with the cases
referred to in G.O. of 20 Mar
1894, No. 708, Ind. It is
impossible to accept the
explanation given by Inspector
Muhammad Beg. He ~~may~~
may not have ~~get~~ ~~fully~~
colluded with the Submag.
Venkoba Rao, in bringing
false charges, making wrong
ful arrests & carrying
out irregular searches,
~~and was also a detainer~~
~~which was a piece of~~ but he
must have been well
aware that serious irregu-
larities were being com-
mitted. This failure to
take notice of them cannot
be permitted to pass unpunished.
The late I.G. proposed ^{the} ~~reduction~~
of Muhammad Beg from

third to the fourth grade,
 but the Govt. does not con-
 sider that this is sufficient
 penalty for conduct which,
 on the most favorable view,
 betokens complete unfitness
 for the post of Inspector.
 The Govt. gives Mr. Breg the
 benefit of the doubt as to
 his actual complicity in
 not ordering his dismissal,
 but he must be reduced
 to the post of Head Constable.
 2. The Head Constable Bahadur
 Khan will be reduced to
 the ranks. ^{(There is little doubt that he}
^{was throughout}
 an active agent on behalf
 of the Sub-Mag; but, as there
 is reason to believe that
 he was acting under pressure
 from the Sub-Mag. & with
 the tacit approval of the
 Inspector, the Govt. refrains
 from ordering his dismissal.
 3. ~~Mr. Breg~~ Head Constable
 Narasimham will be given
 the benefit of the doubt. His
 conduct in connection with
 the search of Kaminigam's
 house may, possibly, have
 been the result of mere
 want of discretion &
 excess of zeal.
 The Govt. cannot ^{entirely} acquit
 Supt. Mr. Carmichael,
 blame. Doubtless, he

knew nothing of what was
 going on, but it is not
~~altogether~~ satisfactory
 to find ^{such} Supt. ignorant
 of gross irregularities
 as occurred in this instance
 (from order)

15/2/95
 To the Sg. of Police (P & O) with
 all Enclosures returned.
 — A.G. (P & O)
 — Pension Dept (P & O)

Note
 The attention of C.S. & the
 Public Dept. is invited
 to the Hon. Mr. Bliss' remark
 about the officering of
 Cuddapah

+ Copy taken
 21/2/95

I have read Mr. Bliss' remark
 & am able to say
 that the officers in Cuddapah
 are not to be blamed

Case against
Cuddapah Police

CS.
Case (Prison)

When given for copying _____
When copied _____ } 139
When examined _____
When signed _____

READ AGAIN G.O., No.
139

DATED

CURRENT No.

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT.

PRINT WITH DITTO.

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

A A A A A A A

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