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1,000—25-7-96

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 522.

DATED 9th Mar: 1895

INDEXED.

[Despatch Abstract.]

PETITION.

Rejecting--from constable Tirupathy Nayudu, No. 168 of the Tinnevely District Police appealing against his reduction and conviction in a case of assault, &c., and stating that no notice will be taken of any further petitions on the subject.

met.

1000

Department.	Date.
✓	✓

✓

✓

Page Book
11.11.94.

2. 1. f.

93-11-11

To Ins. = 9.00

Edgar

16 NOV. 94

The appeal petitioner has been employed as an acting Station House Officer from 1888 to April 1889, which the B. M. order No 13 states the said appointment.

II The appeal plaintiff, after passing his Drill examination, has been promoted to 1st grade and has been employed as a permanent S.H.C. from 4th of April 1889 in Gangai Kondan Station

168 Mar —

IV

The Division Inspector the previous enemy of the plaintiff (the petitioner) and the favourite of the other Constables ordered to the petitioner to hand over the charge of S. H. C. to No. 28 and go to office directly, which he did at once obediently, and the case is deemed as he (the petitioner) is not presently by the Division Inspector; But on 15-11-89 District Supt reduced the petitioner believing the words of the D. Inspector though the D. Supt had known well that D. Ins has once been the enemy of the petitioner

V

This D. Ins was transferred from Kulasagara-
patnam to Kinnemully on the 1st of April. This D. Ins himself was the cause to spoil the Case No 22 and to make all Constables enemy to the petitioner owing to his previous enmity and strongly recommended to the D. Supt to give 1 B.M. to the petitioner unnecessarily

VI

Although the Case No 22 was spoiled by the help of the D. Ins. yet the same opponent (the thief), was arrested by this petitioner, convicted and sentenced for 6 months. R. I. Srivigandam Station Register No. 64.

VII

The first petition of this petitioner with reference to the order No. 19 plainly, states the enmity between the D. Ins and the appeal petitioner (168). The petitioner is very poor and obedient servant to the Government.

Done by
168/24/89

The appeal plaintiff therefore prays
that His Excellency may be graciously pleased
to Confer on him his former 1st grade with full pay
from the date of reduction and to protect him and
his family for ever.

8-11-94 For which act of charity the
petitioner has in duty bound shall
ever pray.

The following Copies are sent with this

1. Minute No 34.
2. Certificate No 13.
3. Service Book
4. Ad g. Ino. General's & Dy. Ino. General's orders.
5. 3. Proceedings of the Madras Government.

James Dorey
168 Dr 1st Dr

Supplemental memorial

I

The whole acts and rules of the civil and criminal Courts in the Districts are under His Excellency's order; It was well known that His Excellency is coming to Tinnevely, to see the Temple and Car streets etc. on route through Trauancore on the 7th November 1892.

II

The Police Supt had ordered the police durs as guards for His Excellency's drive to prevent people from entering into the Car street through lanes and by streets without ticket from the assistant Magistrate. The St. Magt had sent an order through Chairman to tie ropes across the lanes in the Town of Tinnevely. Two Constables were employed in each side of the ropes; and the petitioner was appointed as a petty officer to supervise 17 Constables in the East Car St.

III.

During the interval of His Excellency's return from the Temple to the East Car St. the plaintiff Sivarama Iyer, Crossing the rope tied in the Butthathen Maducku, came to the Car St. discussing with 2 Constables (429 & 788) who prevented him from entering into the Car St. As soon as the petitioner saw them discussing with each other in the middle of the Car St, he hastened at once to them and asked the plaintiff whether he has got ticket or not; to which he answered "no". Then the petitioner warned him to go out of the rope but on his refusal the petitioner pushed him slowly to go out of the rope. But the plaintiff at once pulled off the police dress by his left hand and cut off the whistle and chain and beat him (No 168) forcibly in his left cheek.

X
Sankarabijam
Gnan and
Vallaswami
Mun Constables
No 429 & 788

IV

The appeal petitioner then pushing him out of the rope and taking the pieces of the chain & whistle which lay on the road, reported the matter orally to the D. Ins who came to overlook that Section and engaged on his duty on account of His Excellency's drive approached in Eastlar street from the temple. And after a while the petitioner went to the station with damaged chain and the whistle and reported to the D. Ins, knowing that chain and the whistle was damaged, gave another chain and whistle.

V

The newly appointed Stationary 2nd class recruit accepting the Complaint of the plaintiff on 9-11-2, Summoud the petitioner. The petitioner reported departmentally that a public prosecutor is to enquire the case as he has done abiding by order of his superiors. On report the D. Ins appointed Appothurai Dyar to cross on behalf the petitioner.

VI

In the meantime the D. Ins had come and asked about the above said case in the place where the act took place. (The D. Ins knowing what Sivarama dyar did is quite unjust, asked the petitioner "why" did not put him in the drainage and kick him. This D. Ins in his statements of this case has stated the above enclosed facts with my oral report.

VII

The statements of the 4th and the 5th witnesses of the plaintiff plainly express that plaintiff unjust crossed the rope and gave a first blow to No 16 and then the plaintiff was pushed and beaten by Constables. The witnesses of the appeal petitioner proved well in his side and stated what plaintiff did was unjust.

S. S. S. S. S.
168rd

VIII

harayana
is a Tamil
man
three
sub-magistrate
Telugu man

The Stationary 2nd class recruit Magt. Knowing all facts prescribed above, decided in favour of one of his relatives Harayana Sany Dyer B.A. B.L., Bench Magt and son of the plaintiff. The judgment of the Case would plainly show the truth of the facts. As the Case was a trifling one the petitioner was unable to urge His Excellency. The petitioner has sent the true copy of the judgment departmentally on 8-3-93 and an appeal petition is sent with the Report of the Town Station. The petition up to the date get no reply; and even the judgment and appeal petition is decreed.

IX

The plaintiff Swarama Dyer put a suit in the Civil Court for damage of the above said Case. The petitioner, receiving the summons of the Civil Court, asked one public prosecutor through Government, but not sanctioned. This appeal petitioner has petitioned to the Civil Court that the order sanctioned by the St Magt under Sec. 188 of the I.P.C. could not admit the Civil Court under Sec. 188 of Criminal P.D. and dismiss the guard's order of the Sec. 144 of the C.P.C. and should receive sanction from the St Judge under Sec. 135 of C.P.C. and though sanctioned the St Judge should enquire the Case and decide under Sec. 187 of C.P.C. and not in the power of the machine Court; and moreover the Case decided in one Court could not be enquired by the next Court under Sec. 403 of C.P.C.

X

The actions, persons, and times are same, but it separated into two Cases. The Civil Court, giving many issues in favour of the plaintiff and being one of the ~~panchayats~~ order to compromise the Case No 512. The plaintiff gave a Raginama petition; the petitioner agreed with him on the condition of compromising the Case No 513 re. with 788 2nd C.C. The plaintiff denied that the petitioner petitioned to the Civil Court to re-examine the Case.

DR MURUGAN

The civil Court cancelled the petition and ordered to pay the cost of the plaintiff Rs-16-4-6. The judgment of the case No 513 is sent departmentally to appeal. It is not a crime of low rated Constable, who abided by the orders of their Superiors. The decision the above said Court is against the law of C. D. 144. 195. 407 & I.P.C. 188.

XI

The native place of the plaintiff is Kumbagonam he has come to Tinnivelly for livelihood and has been as Amun in the Civil Court for some time and he has nothing but a rented house to live in

XII

When the criminal case was going on the St. Supt. having the former enmity, (especially the appeal for the unjust reduction of 4th grade) gave to the petitioner J.B.M. and fined him 2 annas on 17-11-92; and on a revisiting the St. Supt. taking the 1st C. Mark with him which he gave back in gammaru, threatened the petitioner. The petitioner then sent a petition, to the St. Supt. to transfer to out station, stating that stationary 2nd C. recruit Magt, having some bad idea of his appealing to His Excellency about the above said cases, is dismissing all nuisance cases. The St. Supt. ordered the petitioner that he could not be transferred and orally said that he should any how ruin him having him in the Town Station

XIII

The appeal petitioner petitioned to the Criminal Court for copies of the statements of D. Ins and sanction of above sections report and order of the Superiors. The Court ordered they did not get any sanction from the St. Magt and has ordered for other copies

D. M. S. S. S.
1688-1888

XIV

According to the Sec 76 of the I. P. C. the appeal petition
Could not be blamed, who alided by the order of his master
The plaintiff has acted against the Sec 188-353-447 of I. P. C.
The above said 2 Courts under Sec 162 of I. P. C. The 1st Court
has acted against the Sec 202 of I. P. C. and made the petitioner
to be damaged in these two Cases.

The Appeal petitioner therefore prays that
His Excellency may be graciously pleased to sanction
for the above said unjust deeds in XIVth para. and to rescind
the Case under Sec 435 of the I. P. C. and to cancel these
two Cases and to protect him and his family for ever.

8-11-94 For which act of charity
the petitioner has in duty bound
shall ever pray

Adm. Dny 6
168 Dn 125 Dn

The following judgements and Endorsements are sent
with this.

1. Case No. 90. judgement sheet. 8. of the Criminal Court
2. D. In. report. sheet. 1.
3. No 118. & No 159. Endorsements of the Criminal Court sheet 2.
4. Civil Court judgement sheet. 2.
5. Cew. Dc - Receipt. sheet. 1.
6. Appeal order No 189

Adm. Dny 6
168 Dn 125 Dn

DEPARTMENT.

No. 1083

CHIEF OFFICE OF THE INSPECTOR-GENERAL OF POLICE,

Madras, 28 February

1895.

FROM

M. Hammick, Esqr. I.C.S.

INSPECTOR-GENERAL OF POLICE,

TO

THE Chief Secretary
to Government
Fort Saint George.

SIR,

Enclosures.
Sixteen.

I have the honor to forward a Memorial from one Therupathi Nagudu, Constable No. 168, Chinvelly District Force, for the consideration of Government.

2. The man has already appealed against his reduction which took place in 1889. The Government in G.O. dated 15 December 1890 No. 2012 P. 2 declined to interfere in the matter. The Memorialist went to the Government of India which also declined to interfere (G.O. dated 2 June 1893 No. 1112 P. 2) and again he addressed the Government of Madras and received orders dated 8 January 1894, No. 19, P. 2, declining to reconsider the orders already passed.

3. Now the man again addresses the Government partly on the old matter of the reduction and partly on a new matter. The new matter may be explained briefly.

4. The Memorialist and another Constable were placed on duty to arrange for keeping the Streets clear in Chinvelly in 1892 when His Excellency, the

the Governor visited the Town. There was a small disturbance owing to a Brahmin, one Sivarama Aiyar, having attempted to cross the Street when the traffic was stopped. The Memorialist and his fellow Constable were fined by the Superintendent who considered they had exceeded their powers. This punishment was however cancelled when the Superintendent found that the Brahmin had prosecuted the two Constables in the Criminal Courts and filed Civil Suits against them. The Criminal Case ended in each Constable being fined Rupees 5-/- / Palendar Case Judgment on file of 2^d Class Magistrate & Chinnvelly, dated 20 February 1893 / The Civil Case against the Memorialist ended with a Razinama under which apparently the Memorialist had to pay the Costs of the Suit. The other Constable was fined Rupees 50-/-

5. The Memorialist apparently now wishes that these two cases should be reopened; this is of course impossible. The man exceeded his powers and has had to pay for having done so. It is impossible to interfere with the decision of the Courts, and considering he has been found guilty of assault, he is really fortunate in the fact that no departmental notice has been taken of his conduct.

6. The Memorialist apparently considers that the later Proceedings are a reason for reopening the old appeal against his own reduction, which is absurd.

7. If the Government considers that this man has exceeded the bounds of official propriety in continuing to appeal virtually against his reduction - a matter

matter decided upon years ago. I should be obliged if the Government would see fit to warn him, and permit me to dismiss him for insubordination if he again appeals on the matter without reason.

I have the honor to be,

Sir,

Your Most Obedt. Servant,

M. S. S. S.

Asst. Inspector General of Police,
for Inspector General of Police.

1026

Lodged ch No 6493 of 13-12-94.

692R/94

19/94 mis + papers

FROM

M. Wammick Esqre A.C.S.

INSPECTOR-GENERAL

OF POLICE.

To

For order.

There seems to be no reason to
interfere on behalf of the pet. Sup^d of
8th Jan 1894, no 19, Judd, mis. Court said that
no notice will be taken of his further pet.
Perhaps he may now be warned as
suggested by the 2^d?

6.3.95

There is no reason which would interfere.
But the man had his desert he
would have been dismissed in
1892. He has only made two
second case a pay on wheels
having an attempt to obtain
a further consideration of the
1st.

20.9 March 1895 No 522

The Gov. declines to
interfere. No notice will
be taken of any further
petitions ^{by this case} ~~on this case~~
in this matter ~~as far as~~
with petition 12

petitioners } dispo 12/3/95 11/2/95
with rules

It is not desirable to warn
him a suggested.

No. 1083

Dated

Received

1895

No.

Encl C/123395

2nd

SUBJECT.

Submitting Memorial from
Constable Vinipathy Aiyadurai
No. 168 of the Tirunelveli District
Police on the subject of his
production and his Commission in
a case of assault &c -

10/4/95

over

10/4/95

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

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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

N.B. -

A = Copy in full.
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Q = Copy heading only

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