

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 539.

DATED 11th Mar: 1895.

INDEXED.

[Despatch Abstract.]

SALE OF PROPERTY ATTACHED UNDER SECTION 88 OF THE CODE OF
CRIMINAL PROCEDURE.

Informing the District Magistrate of Tinnevely that, if Paramasivan Pillai has paid the fine to which he was sentenced, the attached property may be at once restored to him.

BACK PAPERS.

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

FURTHER PAPERS.

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

Proceedings of the Stationary Submagistrate of
Tunkarai, dated the 1st October 1894.

Read proceedings of this Court dated the 7th May
last, declaring the moveables of Paramasivan
Pillai, accused in Calendar case no. 493 of 1893
on the file of this Court, attached under Section
88 of the C. C. P. to be at the disposal of
Government and to be sold.

Read also this office report no. 1882 dated the
18th July last to the District Magistrate,
requesting to procure the sanction of
Government for the sale thereof.

Read also the District Magistrate's Proceedings
no. 912 dated the 6th August directing to
make enquiries as to whether the said
Paramasivan Pillai absconded or not and
to record evidence on that point and then
to pass Proceedings on the merits of the evidence
elicited.

Read also the Statement of the said Parama-
sivan Pillai and the depositions of the
witnesses examined by him.

Read also other papers connected with the
Case and the records in Calendar case no. 493
of 1893.

Order.

The accused Paramasivan Pillai who
was called on to show that he did not
abscond or conceal himself states that
he had been to Solaimalaiyampatti, near
Vilatikulam and remained there, and that

he did not abscond.

He examined two witnesses who are residents of that village. They state that the accused came to their village in the month of Arpisi last (October - November 93) and remained there till Masi (February - March 94) and then went back to his village and that during his stay there he was doing cool work.

The offence occurred on 20th October 1893 (5th Arpisi last) but the defence witnesses simply state that the accused came up to their village on some day in Arpisi and left it on some day after 3 or 4 months; the evidence is quite vague and useless and it does not in my opinion assist the accused. In such circumstances, I find no other alternative but to declare the property distrained to be at the disposal of Government and sold.

(Signed) Kalathiyappa Mudalia,

Magistrate

(True Copy)

for Agt. Dist. Magistrate

18-2-95

8.2.95
ARR
18-2-95

List showing the moveable property of Paramasivan Pillai, son of Subramonia Pillai of Kadaku Karseri, Tenkasei Taluk, accused in Case no: 493 of 1893 attached on the 5th February 1894 for his failure to appear before the Submagistrate of Srirangapatnam in the above case.

1. Front-door (wooden door) — 1.
2. Back door (made of Pongra stem) — 1.
3. Bandy spokes — 9.
4. Old yoke — 1.
5. Old plough — 1.
6. Wooden handle — 1.
7. Plank — 1.
8. Scale stick — 1.
9. Spinning instrument — 2.
10. Do — 1.
11. Hoe — 1.
12. Spade — 1.
13. Old small box for keeping pepper — 1.
14. An old and small Aruvamalai (cutting instrument) — 1.
15. Pickaxe — 1.
16. Old iron measure — 1.
17. Old wooden measure — 1.
18. Cori — 1.
19. Bellmetal Chembu — 1.
20. Do — Spoon — 1.
21. Brass vessel — 1.
22. Small brass vessel — 1.
23. Lamp (small one) — 1.

- 24. Small bell made of bronze ——— 1.
- 25. Kurudawali measure ——— 1.
- 26. Box made of coir ——— 1.
- 27. Mortar ——— 1.
- 28. Pestle ——— 1.
- 29. Crowbar ——— 1.

for Agt. Dist. Magistrate
18-2-95

18.2.95
ASB
18.2.95

CURRENT
Tinnevely Dist. Magistrate's Office
837
Dated 18th February 1895.

From

A. W. B. Higgins Esquire,
Ag. Dist. Magistrate of
Tinnevely

To

The Chief Secretary to
Government,
Judicial Department,
Fort Saint George.

Sir,

Paramesivan Pillai of Vadaku Karseri
in Tenkarai taluq was charged with having
attempted to commit suicide (section 309 I.P.C.)
in C.C. no. 493 of 1893 on the file of the Stationary
2nd Class Magistrate of Tenkarai. A bailable
warrant was issued on the 8th November 1893
to procure his appearance. The accused
having absconded, a proclamation was
issued on the 25th idem under section 87 C.P.C.

24. As he did not appear within the stipulated
25. time, his moveable property particularized
26. in the enclosed list was attached on the
27. 5th February 1894.
28.
29.

2. The accused however appeared before the
Sub Magistrate on the 15th March 1894. The
case was proceeded with and the accused
was convicted and sentenced to pay a
fine of Rs. 20.

3. Paramesivam Pillai presented a petition
to the Sub Magistrate on the 27th April 1894
requesting to release the property from
attachment. The Sub Magistrate under my
orders enquired into the cause of his absence
and found from the evidence ~~adduced~~
adduced that the accused wilfully absconded
to evade the course of justice. The property
attached was consequently declared by him
to be at the disposal of Government. The
accused

accused did not prefer an appeal against
this order.

4. I request under section 88 C.P.C. that
the Government will be pleased to
accord sanction for the sale of the property.
5. A copy of proceedings of the Sub Magistrate
dated 1st October 1894 is enclosed.

I have the honor to be,

Sir,

Your most obedient servant,

C. S. Diggam

Acting District Magistrate

16/2/95

16/2/95

C. No.

837/95

FOR ORDERS.

10874: u.4.94 m. K. m. l.

1895 NO 837

Innervelly District Magistrate's office

From The Acting District Magistrate of Innervelly

The Chief Secretary to Government
Judicial Department
Fort St. George.

Dated 18th }
Despatched 18th } February 1895.
Received 20 }

No 171

Inclosures—two.

Subject. Requesting to accord sanction for the sale of the moveable property of one Paramasivan Pillai of Vadakkim Karceni in Tenkasi taluk, the property having been declared to be at the disposal of Government.

I suppose he paid the Rs 20 fine. If so, let him have the property back

BS
5/3/95

C. S.
Ref. only.

Order. 11 March 1895 No 539

If Paramasivan Pillai has paid the fine of Rs 20 to which he was sentenced by the Sub-magistrate, the attached property may as an act of grace be at once restored to him. If this is not the case, the Dist. Magistrate report the fact

(from orders) BS
5-3-95 9/3/95

The D.M., Tanjavur, (desp) 12/3/95

Paramasivan Pillai was charged with having attempted to commit suicide, and when a bailable warrant was issued for his appearance he absconded.

He has since appeared to have returned of his own accord, presents himself before the Dist. Magistrate, and offers to pay the fine. It seems however that the man should be deprived of his property on which he depends for earning of his daily bread.

The approximate value of the property is Rs 90. Submitted for the case for clemency, & the property might as an act of grace be returned to the man. The man appears to have been suffering from mental derangement.

12/3/95 20-2-95

Sale of property
See: 88 C.C.P.

FOR ORDERS.

Apr 2 1892
C.S.
(From orders)

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 DITTO.
 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

29/3
 1893