

BACK PAPERS.

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

FURTHER PAPERS.

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

No. 123 *High Chingleput district* MAGISTRATE'S OFFICE,
Station, *Saidapet*
1 February 1895.

FROM
G. F. Forbes Esquire,
Magistrate of *Chingleput.*

To *Chief*
THE SECRETARY TO GOVERNMENT,
Judicial DEPARTMENT,
Madras.

SIR,

I have the honour to reply to G.O.,
dated 9th February 1895, N^o. 275 Judicial,
as to the prosecution of certain persons
concerned in a case of forgery of a
mortgage deed disposed of by the Sub-
Magistrate of *Taukara Nayana Kovil*
Tinnevely district, in calendar N^o. 799
1892 on his file.

2. The complainant, *Perann Annal*

1. *Irulappan* } prosecuted the five persons noted in
Chetti. } the margin before the Sub-Magistrate.
2. *Arithuswami* }
Pillai. } The complaint against the first four
3. *Nayana Pillai.* } accused was that they forged, an
4. *Madadaswami* } offence under Section 467, Indian Penal
Koul. }
5. *Tangaravadi* } Code, the mortgage deed (Exhibit B) in
code. } purporting

purporting to be executed by the Complainant to the first accused by which she mortgaged to him certain lands and house sites in two villages in the Tenkasi taluk and a house site in Jaruvai in the Tirunelveli taluk. The document was in the handwriting of the 2^d accused, the Karuam of Jaruvai, and was attested by the 3^d and 4th accused. The offence against the 5th accused was that she personated the complainant before the Sub-Registrar of Palamcottah and thereby committed an offence under section 82 (c) of the Indian Registration Act; and the 2^d and 3^d accused were also accused of abetting this false personation. The Sub-Magistrate discharged all the accused. The case coming up before me in revision, I found that there was sufficient evidence to put the 2^d accused, the Karuam who wrote the document, on his trial. He was accordingly committed to the sessions court where he was convicted in sessions case No. 47 of 1893.

3. The question now referred to me is whether there is sufficient evidence to put

put any of the remaining four persons on their trial. Against the 4th accused, Madaswami Koul, a peon of the Palamcottah Municipal office, there is no evidence. His name appears in the document as one of the attesting witnesses, but he denies that the signature is his. Nor, if it is, is there evidence that he knew the parties. The 3^d accused, Mayanar Pillai, a resident of Palamcottah, knew the 1st and 2^d accused. He admits that he attested the document as a witness at the instance of the 1st and 2^d accused who, accompanied by a woman who was a stranger to him, brought the documents to him; but he explains that he attested on the assurance of the 2^d accused that it was the woman present who executed the deed. There is no evidence that he knew Peranne Ammal, the complainant; nor that he knew or had reason to believe that the document was forged.

The 5th accused, Tangaravadivu, who is said to have personated the complainant, denied all knowledge of the document and that she had anything

anything to do with its registration.
The evidence as to her identity with
the person who presented the documents
for registration is conflicting. The
Sub-Registrar and his clerk, 5th and
6th prosecution witnesses, contradicted
each other, the former swearing that
to the best of his recollection, she was
not the female who presented the do-
cument, while the latter was positive
that it was she and none else. The
only other witness on this point was
the 8th prosecution witness, a resident
of a village, 4 miles from Tarnoor.
He deposed that he went to the Sub-
Registrar's office on the day in question
and saw this accused register a docu-
ment in company with the 2^d accused.
He was positive as to her identity; but
the Sub-Magistrate was unable to place
confidence in this witness or in the
evidence of ^{the sub-Registrar's} clerk. Having regard to the
fact that the Sub-Registrar himself
had sworn that, to the best of his re-
collection, she was not the woman
used to carry out the personation,
I considered that a committal would
be

be futile in her case, and so dis-
charged her. There remains only the
case of the 1st accused, Inulappan
bhatti. It is in his favour that the
forged document was executed. By
that document, the complainant's land
and house sites were hypothecated
to him for Rs. 400 paid to her on the
spot, of which Rs. 225 were alleged to
have been thereupon paid over by her
to the Karuam, 2^d accused in discharge
of an alleged debt and the balance of
Rs. 175 taken away by her. The only
prosecution witness implicating this ac-
cused is the complainant. As noticed
in paras 4, 7 and 8 of the judgment of the
sessions court, she proves conclusively
that exhibit B is a forged document,
that this 1st accused is her deceased
husband's sister's son, and had fruit-
lessly laid claim to a share in her
property and that he is a pauper
unable to lend Rs. 400. On this last
point, there is also the evidence of the
7th prosecution witness (M. Subraman-
ya Pillai) and of the 1st defence witness
(Muthैया Pillai). It is clear that he
would

would benefit by the deed as well as the 2^d accused, and if it was forged, there is the strongest probability that he was one of the persons concerned in the conspiracy, if he was not the actual forger himself. Though there is no direct evidence on the side of the prosecution to show that he had anything to do with the execution or the registration of Exhibit B, some of the defence witnesses who were cited to prove that the complainant actually executed and registered it, admitted in cross examination that this 1st accused was present on the day of registration either at the Sub Registrar's office or in the company of the complainant elsewhere in Palamcottah that day. The accused himself admits that a document containing similar terms to Exhibit B was executed by the complainant in his village and attested by witnesses in the village, and that he sent the 2^d accused and the complainant to get it registered; but he denies that Exhibit B is the document which was so executed. The 1st accused, it will be observed, did not go to the registration office, and though there is the strongest probability of his connivance, yet he might successfully plead that the forgery was entirely

* 1st defence witness - Anuthiya Pillai.
3rd ———— Appala Pillai.
and 4th ———— Shunmuga Pillai.

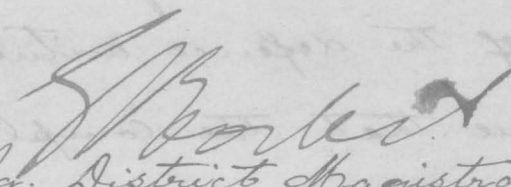
entirely the work of the 2^d accused and that he was no party to it. This was the view I took when I refrained from ordering his Commitment.

4. The records received with the G. O. under reply are resubmitted.

I have the honour to be,

Sir,

Your most obedient servant,


Ag. District Magistrate.

CURRENT NO. 1036

FROM District
THE MAGISTRATE OF
Chingleput,

To Chief
THE SECY. TO GOVERNMENT,
Judicial DEPARTMENT,
Madras.

Dated 1st Feb 1895
Despatched 2nd Feb 1895
Received 2nd Feb 1895

No. 283
ENCLOSURE
Circ 4498 of 94 & 6 mels
to 472 of 95 lco.
SUBJECT.

Submitting a reply to G.O.
No. 275 as to the prosecution
of certain persons concerned
in a case of forgery before the
Sub-Magistrate of Tanjore
district.

For orders
94
5/3/95

MM.
For orders.

This is Mr. E.S. Forbes' reply to
G.O. of 9.2.95 No 275. He will
be seen that he refrains from
making an appeal against the
decision of 10.7.94 No 2980
in which he was asked if he considered
it desirable to take further steps against
certain individuals discharged by a
sub-judge in a case of forgery, which
he, as Dist. Magt, intervened & secured the
committal of one of those individuals.
This man having been convicted, Mr. Forbes
might think it advisable to
press the case against the others. His
letter shows that he does not think it
advisable to say, if it is submitted, he
will prosecute.

Recorded

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6.1.95
7/3/95

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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.

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