

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 755.

Dated 9th Apr 1895.

INDEXED.

[Despatch Abstract.]

A. NANU MEENON.

Considering---, Sub-Magistrate of Badagara, Malabar district, to be unfit to occupy the post of Sub-Magistrate for having kept one Chatten in wrongful confinement for a fortnight because of the clamour of the Moplahs in the Village, and approving the District Magistrate's recommendation that he should be reduced and transferred to a ministerial appointment.

Officer produced prisoner Chatten before me on

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	4916		95				

Judicial 611

Sp. 30.8.94 N° 2107 Lc.

C. 611

from,

The District Magistrate
Malabar

by

The Chief Secretary to Govt
Judicial Department
Madras.

Dated February 4. 1895

Recd 7-2-95

Recd 9/2 No 146 magt

Enc. records 15

CHIEF SECRETARY
GOVT OF MADRAS
9. FEB. 1895

Recommend that A. Mann Menon
Stationary Magistrate Badagara
should be degraded, for having
11/2/95. kept a porter named Chatter
in custody for nearly a
week after an charge of murder
was committed

Forwards

Forwards.

There does not seem to be any dispute about
the facts of the case; the only question is the punish-
ment to be meted out. on the 22nd Oct.
2. The Sub-magistrate was aware by reason of his own
personal inspection of the body, & his perusal of the
apothecary's certificate, that the deceased had
died of heart disease; it was not until the 23rd
that any word was heard of his having been beaten
by anyone; when the Magistrate however on that date
personally ordered the arrest of A. Chatter, & kept
him under restraint until the 6th Nov., though
the police recommended his release on bail, &
there was never a shred of evidence that he had
committed a non-bailable offence. This the
Magistrate did because there was an agitation
among the hospital against A. Chatter. Perhaps he
acted to save A. Chatter from danger, but it was
wholly illegal, & it is more likely that he took
it upon himself from danger.

17.2.95

The Sub Magistrate admits the charge made
and has nothing to say for himself. He
indulged as he did through fear
of the hospital.

The punishment proposed by the District
Magistrate is submitted and
approved on 1st
20/2/95

Kept back in office

Officer produced prisoner Chatter before me on

No 146 magl
8. 25-

611

Malabar District Magistrate's office

Calicut 4th February 1895.

From,

H. Moberly Esquire
As District Magistrate, Malabar

To,

The Chief Secretary to Government
Judicial Department.
Madras.

Sir,

I have the honor to bring to the notice of Government the conduct of A. Nannu Benson, Stationary 2nd class Magistrate of Badagara, in having kept a pottor named Chathan in custody from 23rd October to 6th November last on a charge of murder, although he knew that no murder had been committed.

2. On the 21st October, a moplak, Karat Ahmed Titta was found dead in the yard of the pottor Chathan. It was at once reported to the Stationary Sub Magistrate by the Station House officer at Chombal. The Sub Magistrate received the report on 22nd October. On this date, a post-mortem examination of the body was made at Badagara, and the Apothecary certified that the death was due to heart disease. The Sub Magistrate examined the body carefully - Vide his report of 22nd October 1894 to the Joint Magistrate and former

110

Officer produced prisoner Chathan before me on

no mark of violence.

3. On the 22^d October, an inquest was held and the verdict was "It is not known what was the cause of death". The Sub Magistrate received the inquest report next day.

4. On the 22^d October, the Sub Magistrate examined Harah Ahmad, brother of the deceased, who said that he had heard that Chattru had kicked his brother to death.

5. Up to the 23^d October, there was not a scrap of evidence that Chattru had caused the man's death. On the 23^d October, the Sub Magistrate instructed the police to arrest Chattru. The police had very rightly refrained from arresting Chattru; but evidently the Sub Magistrate was so frightened of the moplaks that he told the police to arrest Chattru and then remanded him to jail till 1st November. On the 30th October, the Police Inspector asked the Sub Magistrate to let Chattru out on bail. This, the Sub Magistrate refused to do, because there was a great agitation among the moplaks (vide his explanation of 24th November 1894), although he knew that the deceased died of heart-disease, and that the offence, if any, committed by Chattru was a bailable one.

6. Chattru was accordingly remanded to 5th November. On that day, he was not produced before the Sub Magistrate. He was produced on 6th after the Sub Magistrate had received a reported charge sheet from the Police and released on bail. His detention from

from 5th to 6th November was without a warrant and therefore illegal.

7. This case was finally disposed of on 23^d November.

8. I submit that Nann Menon has proved himself unfit to be entrusted with magisterial powers. That Chattru was entirely innocent is perfectly certain; yet because some moplaks made a clamour, the Sub Magistrate kept an innocent man in custody for 15 days.

9. I send the following papers for perusal and return:-

A. Orders of remand from 23^d October to 1st November and from 1st to 5th November, with the Joint Magistrates' remarks, and the Sub Magistrate's replies dated 1st, 19th and 24th November.

B. Mr. Patton's report dated 2^d January 1895 re ^{1st or} ^{2^d} ^{or} ^{3^d} ^{or} ^{4th} ^{or} ^{5th} ^{or} ^{6th} ^{or} ^{7th} ^{or} ^{8th} ^{or} ^{9th} ^{or} ^{10th} ^{or} ^{11th} ^{or} ^{12th} ^{or} ^{13th} ^{or} ^{14th} ^{or} ^{15th} ^{or} ^{16th} ^{or} ^{17th} ^{or} ^{18th} ^{or} ^{19th} ^{or} ^{20th} ^{or} ^{21st} ^{or} ^{22nd} ^{or} ^{23rd} ^{or} ^{24th} ^{or} ^{25th} ^{or} ^{26th} ^{or} ^{27th} ^{or} ^{28th} ^{or} ^{29th} ^{or} ^{30th} ^{or} ^{31st} ^{or} ^{1st} ^{or} ^{2^d} ^{or} ^{3^d} ^{or} ^{4th} ^{or} ^{5th} ^{or} ^{6th} ^{or} ^{7th} ^{or} ^{8th} ^{or} ^{9th} ^{or} ^{10th} ^{or} ^{11th} ^{or} ^{12th} ^{or} ^{13th} ^{or} ^{14th} ^{or} ^{15th} ^{or} ^{16th} ^{or} ^{17th} ^{or} ^{18th} ^{or} ^{19th} ^{or} ^{20th} ^{or} ^{21st} ^{or} ^{22nd} ^{or} ^{23rd} ^{or} ^{24th} ^{or} ^{25th} ^{or} ^{26th} ^{or} ^{27th} ^{or} ^{28th} ^{or} ^{29th} ^{or} ^{30th} ^{or} ^{31st} ^{or} ^{1st} ^{or} ^{2^d} ^{or} ^{3^d} ^{or} ^{4th} ^{or} ^{5th} ^{or} ^{6th} ^{or} ^{7th} ^{or} ^{8th} ^{or} 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11. He has been granted an opportunity of showing
cause why he should not be reduced and his
reply is contained in his letter dated 15th December
1894, no 292.

I have the honor to be
Sir

Your most obedient servant.

Amos

Ag District Magistrate

Malabar District Magistrate's Office
Calicut 17th February 1895

From,

Id. Moberly Esquire
Ag District Magistrate of Malabar.

To,

The Chief Secretary to Government
Judicial Department,
Madras.

Sir,

In continuation of my letter dated
2nd February 1895, No 1469, I have the honor
to invite the attention of Government to para
2 of G.O. dated 15th January 1894, No 63, and to
Mr Bradley's letter dated 26th January 1894 No 70
wherein he states that "he (A. Nann Menon)
has recently been found fault with a good
many times by the Sessions Judge, by myself and
by the Divisional Officer for a variety of mis-
takes in his magisterial work."

I have the honor to be,
Sir,

Your most obedient servant

Amos

Ag District Magistrate

Doc

By

Officer produced prisoner Chattru before me on

Rice

839

Ind

CT Nbu/95
No 413: 19.2.94
63: 15 Jan 95

To

2107-30-8-75

13-15-1-85

413: 19.2.94

The District Magistrate of
Malabar

To

The Chief Secretary to Govt
Judicial Department
Madras

Dated 17th
Despatched 18th } February 1895
Received 20

No 202 750
map

Enclome.

Subject

Inviting attention to para 2 of G.O.
dated 15th January 1894 No 63, refer-
ring the conduct of Main Menon,
Stationary Magistrate, Badagara.

21/2/95

For order

1180

Ind

From

The District Magistrate
Malabar

To

The Chief Secretary
to Government
Judicial Department
Madras.

Dated 3 - 95

Despatched 7 - 95

Recd 9/3

Recd 11/3

97/96

95

Forwarding further expla-
nation of M.R. A. Menon,
Stationary Magistrate

Badagara.

The two are now
linked together

To await return of papers from Govt.

15.3.95
16.3.95
17.3.95

CS

For order.

This is a further explanation
from the Sub-magistrate whose case has
been noted only. - This explanation is
the linked file. - This explanation is
not very ingenious & adds nothing
to what he has already said. except
the statement that his service is
long & good. That his work was satisfactory
all through does not appear to be the case.

19.2.95

21/3/95

I am no reason for recommending
this case

21/3

Officer produced prisoner Chatter before me on

Cas 938
R95

To,

H. Moberly Esquire,
Collector of Malabar
Calicut.

Thru'

A. F. Pinhey Esquire,
Sub Collector of Malabar
Tellicherry.

Sir,

I beg to acknowledge the receipt of your order dated 23rd February 1895 refusing to grant me furlough and intimating to me that I have been recommended for reduction.

2. I am not aware of the grounds on which I have been recommended for reduction. In Register case no 12 of 1894 I received your order asking me to explain why I should not be divested of my magisterial powers and if I am right in presuming that it is in connection with the same case that I am now recommended for reduction, I beg to place the following few lines before you with a request that you will be pleased to forward this report to the authority to which the recommendation to reduce me has been made.

3. In this case, the Station H. Officer produced prisoner Chatter before me on

October 1894 with a request to demand him for
8 days on suspicion of having been involved
in the murder case of Karat Ahmed Kuttu and
I demanded the prisoner till 1st November 1894.

Meanwhile on 22nd October 1894 I had received
an order from the Joint Magistrate asking me
to report on a telegram received by him from
the brother of the deceased and also to report
whether he should himself come over to the place
for enquiry. On the same day I reported (No. 239
dated 22nd October 1894) the circumstances of
the case and I received the Joint Magistrate's
reply that I may myself proceed with the case.
On 30th October I received the Inspector's report

stating that the prisoner may be released on
bail as the statement of 2 witnesses examined
was not trustworthy, but I declined to release
the prisoners on bail as at that stage it appeared
to me premature thus to express an opinion
as to the credibility or otherwise of the witnesses
and I ordered the Police to send in their
final report within 5 days for which the
period of imprisonment demanded had been
extended and to explain why the statements
of the two witnesses should not be believed.
On 6th November, a referred Charge Sheet
was placed before me and at once the
prisoner was released on bail.

4. When Chatu was on remand
K. Ahmed, brother of the deceased put in for
complaint before me charging Chatu and 8th

with having murdered his brother and after my releasing Chatu on bail at the instance of the Police as referred to in para 3, I proceeded to hear the Complainant and his witnesses and finding that there was no case against Chatu and others discharged them under Section 209 C.P.C. on the 23rd November 1894.

5. I find that the charge against me is as expressed in your Proceedings Ref. on C. No. 4153^{Magt}, dated 4th December 1894 that I "kept B. Chathu in custody" on account of the clamour of some Moplahs" and I was therein asked to report why I "should not be deprived of Magisterial functions" I now find from your letter to the Sub Collector no. 332^{Sub}, dated 23rd January 1895 that I have "been recommended for reduction" I am not aware whether this reduction implies reduction in pay also, because from the first Proceedings quoted it would appear that there was only an intention to deprive me of Magisterial powers. At any rate I venture to submit a few remarks on the reasons that induced me to keep Chathu in custody from which you will, I hope, be convinced that I have not committed any fault that should be punished by a reduction either in pay or in grade.

6. My offence is the refusal to release the prisoner on bail when requested to do so by the Police Inspector. My ground

for refusing the request is that I honestly believed that I would not be justified in releasing him. The feelings of the Moplah population (the deceased was a Moplah) had been excited; there were two witnesses who spoke to the pushing and beating of the deceased; there was a complaint by the brother of the deceased against the prisoner and others charging them with murder; the prisoner himself never made a request to be released; no one on behalf of the prisoner came forward to stand as Security. Under these circumstances and considering that the Police investigation during the short period of 8 days (from 23rd October to 1st November 1894) was hardly sufficient to arrive at a correct conclusion regarding the death, I thought it would be unsafe to release the prisoner at the time. I now observe from the observations passed by my Superior Officers that I should have released the prisoner and if therefore I have erred in refusing to comply with the Inspector's request I respectfully beg that I may be excused.

7. It is not alleged that I had any motive in keeping the prisoner in custody; nor is it alleged that I wanted to favor one side or the other; the prisoner himself had not come forward with any grievance; and if in the honest belief that I was merely doing my duty in keeping him

in custody I have erred, is that such a serious offence as to result in a reduction or degradation?

8. I entered Government Service in 1872 and without a single Officer recording a reprimand or warning or inflicting a fine or a suspension I rose to the appointment of a Sub Magistrate which appointment I have been holding for the past 10 years and that the single error should be visited by a severe punishment such as reduction, is, I venture to submit a real grievance.

A. Dalton Esquire

9. I beg that you will be good enough to refer, should you consider it conducive to my convenience or necessary, to the Officers named in the margin as regards their opinion on my conduct and character.

Swamy

10. Trusting to be excused for troubling you with this further explanation.

I beg to remain

Sir,

Your most obedt. Servant.

Badagara

5th March 1895

Mannu
Stationary Magistrate
Badagara.

No.

611

839

of 1895 -

Dist. Magistrate
Malabar

Dated

189

FOR ORDERS.

Please see the note on the ^{back of} No 611.

Current 839 since received shows that the sub-magistrate's conduct has been brought to the notice of Govt. before ^{read} ~~recorded~~ in the letter No. 63 ¹⁵⁻⁷⁻⁹⁴ the Dist. Magistrate's reply to that order recorded in No. 413 ¹⁹⁻²⁻⁹⁴ stated that the

Sub-magistrate had "recently been found fault with a good many times by the Sessions Judge, the District Magistrate & the District Officer for a number of mistakes in his magisterial work." The Dist. Magistrate continues: - "In the present case I have no reason to believe that there was any corrupt ^{or perverse} motive on his part."

23-95

There was nothing definite shown against the Sub-Magistrate on the previous occasion and I submit that the remarks referred to above should not be taken into consideration in disposing of the case now before Govt.

9/3/95

With this I enclose a Rules book for the use of the Sub-Magistrate & his assistants for their private use & for the use of the District Magistrate.

I agree with my hon. colleagues.

I doubt getting a decent European or Eurasian for 120 Rs. a month - but we might ^{From} what can be done in this direction - and perhaps relax some of the tests if we can be satisfied as to general efficiency being forthcoming.

W 23 Mar

It is true that nothing definite was shown against the S.M. on the previous occasion, but he himself appeared to his previous record it does not seem unfair to consider it.

It seems quite clear that he kept the man Chatter in custody for a fortnight because of the clamours of the hoolahs & I agree that he had better therefore be referred to a clerkship or accountants post if the Govt. cannot find one for him.

The state of things in Malabar owing to fear of the hoolahs seems very bad. First "fear" with a good many times by the behave a Sub-Magistrate murdering a hoolah "Sessions Judge, the District Magistrate & the District Officer for a number of mistakes in his magisterial work." The Dist. Magistrate keeps another man in wrongful imprisonment because of a general fear of these people. Can't we somehow get hold of some Europeans or Eurasians for employment as Magistrates who will not have their heads whenever a hoolah is concerned? It would be well to suggest this to the Govt. The difficulty of getting European & Eurasian who have passed the special tests requisite for employment as Magistrates. But I should say it would be better to waive some of these tests than to form one at present. This is however a question for the Dist. Magistrate to consider. I have written to my hon. colleague and to the District Magistrate.

11/3/95

I am, Sir, very truly, Yours,

Q - Copy heading only.

6 MAR 95

From,

The Stationary Magistrate
Badagara

To,

The Collector of Malabar
Calicut

Thro'

The Sub Collector of Malabar
Tellicherry.

Dated. 5th

Despatched 5th

Recd.

5th

5th

3-95

H. MOBERLY.

MAR 95

Enclos.

Requesting that this explanation be submitted to the authority to which recommendation to reduce him has been made.

For 7/3

Enclosed on C/L 938

R 95

Forwarded to the District
Magistrate.

The case occurred last
my time so I
cannot offer any
opinion.

Arthur W.

By J. H.

Camp Badagara

6. 3. 95

Forwarded to the Chief Secretary
Judicial Dept. in continuation of
letter dated 2nd Feb. 1895.
2 As regard para 3 I
only remark that the
Hon. Officer was only acting
in accordance with
Sub-Magistrate's instructions. This Sub
attempt to put the
on the Station House
to Sir the least, &

For

Conduct of a Sub-magte

A. M. Noble Mrs. Gross

For orders

Submitted to the Secy.

40

21/3/95

Submitted to H. H. & Wm. W. Prose
for perusal of linked file
containing further explanation
from the Lab. mag. 6.

$\frac{D}{25.2.95} - 62$
28/2/95

Seems reason to modify the Decision
already arrived at.

With reference to H.E.'s remarks, I sh^d. say we c^d get
decent Europeans & Eurasians for Rs 120/- per-
month the brevery / passing of too many Exams -
is unlimited in. The salary is not much, but,
to a good man, ^{the post} ~~it~~ could easily be a stepping
stone to something better.



30/3/95

Let us try

25 31/3

$\left[\frac{G.}{24} \right]$
100—20-12-94

100-20-12-94.

Judicial DEPARTMENT.

Papers to be read in Proceedings :—

Again G.O., dated

18 , No.

Again G.O., dated

18 , No.

Current No. *611* of 18*95*, dated *4 Feb.* from

829

17 Feby.

Current No. 480 of 1885, dated 7 March from

480

of 1895; dated 7 March from

the S.M. of
Malabar

Order 9 April 85 14755

The record of enquiries clearly shows that the Sab-nagte kept one Chattru in ^{hospital confinement} custody for a fortnight because of the clearance of the moflahs in the village. This conduct proves him to be unfit to occupy the responsible post of Sab-nagte & the Govt. therefore approves the ^{Dist. Judge's} Collector's recommendation that he should be reduced and transferred to a ministerial appointment.

(from orders)

2. 4. 95 HV

The D. H., Malabar (250) 5/11/50
Copy to the ^{By his} Hon. Rev. Dep. (pro) ^{deputy}

Copy to the ^{Rev. Mr. [unclear]} ~~Rev. Mr. [unclear]~~ (pro) [unclear] 11/1/98

Note

H.H.'s have not specified the pay of the appointment to which he is to be reduced, so it is presumed they accept the Cole's recommendation as to that point. D

2
Cg.

*Semi-official to Mr. Noble
Fort St. George
1954, dear Noble
9th April 1891*

9th April 189

9th April 1899

Q = Copy heading only.

Interior Sub-magistrate at Badagara, has
 asked Govt to think it desirable
 to take steps towards appointing
 Europeans or Eurasians as Sub-magistrates
 in those portions of Malabar where
 Moplahs abound. - The difficulty,
 however, is to get Europeans or Eurasians
 who have passed the special tests
 prescribed for sub-magistrates; Govt will, however,
 be prepared to relax the rules if you
 can manage to secure reliable men
 of these classes, whose educational
 qualifications are reasonably ^{good} kept;
 you should therefore make every endeavour
 to get hold of ^{promising} ~~apparent~~ Europeans or
 Eurasians with some strength of
 character & ~~as~~ ^{as} ~~the~~ ^{the} Malabar Magistrate in
 those taluks where the Moplah
 population is numerous.

Yours sincerely

H.D. ¹/₂ 2-4-95
 5/4/95

following from that of J. Chatter

Case of a Sub-magistrate

Cs. from orders

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

189

AGAIN G.O., No. 189

DATED

SENT No.

FORWARDED TO C. No.

OF GOVERNMENT

A A A A A A A

OF GOVERNMENT.

MENT WITH DITTO.

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.