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Judicial (1895) Department.

ORDINARY MS.

G.O., No. 84

DATED 15th Jan. 1895

INDEXED.

[Despatch Abstract.]

RE-ARREST OF A CONVICT

Drawing the attention of the District Magistrate, Kurnool, to the fact that Ratna Mudali has apparently not been re-arrested and placed in confinement to undergo the unexpired portion of his sentence as directed by the High Court in Criminal Appeal No. 159 of 1894, copy of the judgment in which was sent to the District Magistrate with G.O., dated 3rd November 1894, No 2648.

BACK PAPERS.

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	3021		10/12/94				

FURTHER PAPERS.

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IN THE COURT OF THE HEAD QUARTER DEPUTY MAGISTRATE, 1ST CLASS KURNOOL.

Extract of Diary.

In Calendar Case No. 16 *of* 93.

12—7—93.

Forest Sub-Divisional Officer T. N. Hearsey Esquire sworn and deposed that Forest Range Officer A. Ratna Moodelly appropriated to his own use the Government money rupees 59-3-0 as per cash ledger &c. and requested to issue warrant for his arrest. Warrant without bail was issued. He was produced, He paid rupees 59-3-0 personal recognizance for rupees 200 from accused Ratna Moodelly and bail of rupees 200 from Labbe Mamma Saib taken for his appearence to-morrow.

13—7—93.

Accused A. Ratna Moodely appeared. His statement was taken. His personal recognizance for rupees 200 and bail of Narayana Reddy and Kurnum Subbiah for rupees 200 taken for his appearance on the 15th August next at Pyapali. Rupees 59-3-0 was sent to Forest Sub-Divisional Officer to produce it at the time of trial of the case and asked him whether he is ready to proceed with the case. In reply he acknowledged receipt of money and wanted to postpone the case till 15th August next. The case was accordingly pos ted and the same intimated to him.

(True extract).

[Signed] Illegible,
Ag. Deputy Magistrate.

IN THE MAGISTRATE'S COURT.

12—7—93.

Camp—Pyapali.

Name	... ...	T. N. Hearsey.
Father's name	... ...	Chaplain J. W. Hearsey
Religion	... ...	Protestant.
Age	... ...	25 years.
Occupation	... ...	Extra Assistant Conservator of Forests.
Residence	... ...	Kurnool.

I charge the Forest Ranger A. Ratna Moodelliar now under suspension for criminal breach of trust in a sum of rupees 59-3-0. It would appear from his cash book that he received Forest Collections to the amount of rupees 133-0-0 up to 25th of April 1893, and he

mentioned in the same cash book that he remitted rupees 133 to the Pyapali Sub-Treasury. Whereas, the Extract of the cash book, which he sent to the District Forest Officer on the 29-4-93 he had shown only the remittance of rupees 73-13-0 against rupees 133. The difference is rupees 59-3-0. This sum has not been remitted to the Treasury even in the subsequent months up to date. I therefore charge him for having misappropriated the money for his own use. This offence he committed as a Public Servant. He promised to pay the sum within an hour. The hour expired as he is likely to observe, I request that a warrant be issued for his arrest. He has not produced 4 vouchers to support receipt entries in the cash book. He did not make over Government records and Government furniture in his possession. I have been ordered to take over charge from him. I wrote to him on the 8th Instant to appear before me at Pyapali. He came to Pyapali at 10 P. M. on the night of 10th Instant and appeared before me on the morning of the 11th Instant. I asked him to produce all Government money, furniture and records on that day. He handed over rupees 411-3-9, cash book and 3 vouchers. He also produced his Extract for April with District Forest Officer's objection stated. Besides he produced some records. I can't say what they are. I can't give a list of furniture in his charge. I ask only for the arrest warrant.

T. N. Hearsey,

12—7—93.

Sworn before me this 12th July 1893.

K. SUBBA RAO,
Dy. Magistrate, 1st Class.

Case No. 23 *of* 1893.
1st P. W.

Deposition given on solemn affirmation by T. N. Hearsey.

Son of ... ... Chaplain S. W. Hearsey.
Aged ... ... 25 years.
Residing at ... ... Kurnool.
Taluq of ... ... Ramalkot.
Religion ... ... Protestant.
Living by ... ... Extra Assist. Conservator of Forests.

The accused is my subordinate. His Head Quarters is at Pyapali. I went there on the 8th July. The accused was absent: He

R. P.

came to the Station on the 10th evening. I examined his cash book and balance on the 12th morning. The account looked suspicious. He had then with him the amount (which should be an extract from the cash book) for April sent to District Forest Officer who had returned it for certain explanation. I called for it and compared it with the cash book of the accused. They did not tally with each other. Items Nos. 31 to 54 on the Dr. side for rupees 59-3-0 had not been shown in the extract for the Cr. side. The cash book showed a remittance of rupees 133 into the Treasury while the extract showed only rupees 73-13-0. The dates of remittances also differed. The difference is rupees 59-3-0 and this was not brought forward in the following months as balance on hand. It had therefore been misappropriated by the accused who was entrusted with it as Forest Range Officer, a Public Servant. The cash book and the extract are now filed by me and marked A and B. On looking into the accounts from May to July, I found that no remittance had been made into Treasury. The account as they then stood showed as receipts a revenue of rupees 266-1-0 and an advance of rupees 180-10-9. The charges were cash 99-3-0 and remittance into the Treasury nil. He should therefore have had in his hand advance rupees 81-7-9 and revenue rupees 266-1-0. In the creditor side rupees 24-13-0 is shown as item 1 in July (7). This amount has already been paid in March (item 26 dated 25-3-93 Voucher 11). This Voucher was also found and is now produced and marked C. This Voucher was returned by the District Forest Officer to the accused because "Received date" and "Signature" had not been entered. Voucher No. 11 written at the top in black ink has been scored out and Voucher No. 1 in red ink entered instead. There were also 2 entries for the disbursement of pay due to him for May and April rupees 32 each. The disbursement of pay not having been sanctioned by the D. F. O. the payment was unauthorized. His cash sheet was not produced. I asked him to produce the correct balance. I do not remember the amount now. If I refer to my inspection note sent in original to D. F. O. I can say that He produced from his house rupees 131-5-9 as advance and rupees 279-14-0 as revenue. In the above rupees 59-3-0 and rupees 24-13-0 are not included because he could not produce the former and the latter was not noted by me on the 12th as stated before by a mistake. It was noted only on the 13th and the amount has not been recovered. I have since referred to my original report and am unable to say how I calculated the amount due by the R. O. I know the accused's hand-writing Exhibit A from July 92 to the end *i. e.*, 11-7-93 and Exhibit B are in his hand.

The accused says he cannot cross-examine now. He has had sufficient time to engage a Vakeel, apply for copies &c., for refer-

R. P.

ence to be ready for cross-examination to-day. If he is not, it is his own fault. The accused is informed that as the witness will leave for Anantapur at once he cannot have a chance of cross-examination after he leaves the place.

T. N. Hearsey.
T. GOPALASAMY,
Deputy Magistrate.

Read over and declared correct.

T. GOPALASAMY,
Deputy Magistrate,

26—9—93.

Cross-examined by accused.—Rupees 279-14-0 collected from you as balance of revenue is made up of rupees 266-1-0 total unremitted revenue in your cash book on 12-7-93+rupees 21 compounding fees shown wrongly in your cash book as advance *i. e.* cash in the month of May. The total is rupees 287-1-0. Rupees 279-14-0 is a miscalculation in the hurry that I was in to recover the outstandings. Rupees 131-5-9 shown as cash recovery from you was calculated as follows.

T. N. Hearsey.

The amount of cash advance at the end of April was rupees 2-10-6. Subsequent receipt was 200 rupees in June. The total was rupees 202-10-6. Against this I allowed the charges (items Nos. 1, 2 and 4 in July), aggregating rupees 35-3-0. The balance was rupees 167-7-6. I cannot say now how I arrived at rupees 131-5-9. I made the calculations at the time and asked you to pay up the balances I then arrived at and you paid the amounts accordingly. The calculation was made in your presence. I had not then discovered the defalcation of rupees 59-3-0 in April amount and did not therefore ask you to pay it then.

T. N. Hearsey.

To Court.—The accused is allowed a cash chest by Government and should have kept the Government cash in it separately without mixing it up with this private money. When he paid the amounts demanded he did not say that he had more of Government cash with him. I made the demands as repesenting the balance that should have been with him then.

T. N. Hearsey.

No cross-examination.

Read over and declared correct.

T. GOPALASAMY,
Dy. Magistrate.

R. P.

Case No. 23 *of* 1893.

2nd P. W.

Deposition given on solemn affirmation by G. V. Siviah.

Son of	... ...	Seshiah.
Aged	... ...	28.
Residing at	... ...	Kurnool.
Taluq of	... ...	Ramalkot.
Caste	... ...	Brahmin.
Religion	... ...	Sivite.
Living by	... ...	Clerk, District Forest Office.

At the request of the D. F. O. I examined the Exhibit A from January 93 to July 11. The omissions that I found out are noted in the memo. now filed by me and marked D. The accused has paid to the Sub-Officer rupees 131—5—9 and rupess 279-14-0 and to the Magistrate rupees 59-3-0. Excluding these, the amounts still due from the accused is rupees 42-14-6 as noted below,

		Rs.	A.	P.
1.	Sheet collection on firewood, &c, ...	1	8	6
2.	Do. do. do.	9	4	0
3.	Revenue that should be in hand from May 287-1-0—what was paid to Mr. Hearsey 279-14-0 ...	7	3	0

In this is included rupees 7 pay of a line watchman paid in April and shewn in the cash book but not shown in the monthly amount sent to the D. F. Officer= the accused had sent voucher for it.

4.	Advances in Range in hand deducting the amount paid to Mr. Hearsey and the amounts accounted for in his cash book	24	15	0
	Excluding double payment item 1—and unauthorized payments Items 3 and 5 in July 19, 209-10-6—(131-5-9+53-5-9.			
		42	14	6.

Exhibits A and B are in accused's hand,

I know his handwriting. Exhibit C was received from accused with his account for March 93. It did not contain accused's acquittance and date of receipt and was therefore returned by me

with a memo. from the D.F. O.I remembered it as I am in charge of the work. The amount was charged in the monthly amount received from the accused for March and is also included in the charges shown in the cash book (Exhibit A) in March (Item 26 creditor's side). The amount of this bill rupees 24-13-0 is again shown as a charge in July item 1.

The accused wants him to cross-examine. He says he is unprepared.

G. V. Siviah.

Read over and declared correct.

T. GOPALASAMI,
Deputy Magistrate.

Again examined.

The remark made about rupees 7 (pay of a line watchman paid in April) should be read with the explanation for the balance under advances. Rupees 21 shown as cash receipt, *i. e.*, (advance receipt) in May (item 58 Dr. side) should have been entered under Bank or Treasury (*i. e.* revenue). In my memo. I have taken it under revenue receipts. Items 3 and 5 for July charges have not been taken into account at all as they are unauthorized payments. Item No. 1 has been taken into account and is disallowed because it is a double payment as already explained.

G. V. Siviah.

Read over and declared correct.

T. GOPALASAMY,
Dy. Magistrate.

Exhibit D.

C. C. No. 23 of 1893.

(Initialled) ———,
21—9—93.

Notes on the inspection of the Pattikonda Range Cash Book.

January 1893.

The cash book has been compared with the cash sheet and no discrepancies have been found.

February 1893.

Dr. Side,

21. Item No. 31.

To receive on license No. 146,343 for 1 cart-load from Gudipad, etc. unreserved forests.

Here the R. O. has omitted the kind of produce to which license is issued. In the license it was stated "Tungedu bark" and in the cash sheet sent to District Forest Officer the same was correctly pointed.

R. P.

Items Nos. 32, 33 and 34.

Here also the same omission occurs in the cash book.

Cr. side

26—10—10. By paid coolies for fire tracing Tuvvablock rupees 0-5-6. This entry was not found in the cash sheet sent to District Forest Office. This is a wrong entry. This should not been have paid to coolies if at all; because this sum was received from Forest Guard Narasanna in excess of the amount actually advanced him

vide Cr. Items Nos. 7 (17-1-93), 2 (2-2-93) and 5 (23-2-93), it should have been paid to Forest Guard Narasanna.

March 1893.

No discrepancies have been found.

April 1893

Dr. Side

		Item.	Rs.	A.	P.
March 27.	1	To received on license No, 146,372 for 1cart-load of Tungadi bark...	5	0	0
28.	2	To———do.——146,373——do.	5	0	0
30.	3	To———do.——146,374——for 2 cart—loads of Polapawood.	2	8	0

In the cash sheet sent to District Forest Office, these items were entered on the 1st April 1893. The licenses seem to have been issued on the dates noted in the cash book, but the dates of duplicate licenses were altered into 1st April 1893 to make the entires coincide in the cash sheet.

Entries from items No. 31 dated 15-4-93 to item No. 54 dated 25-4-93 amounting to rupees 59-3-0 have not been shewn in the cash Sheet to District Forest Office.

	Rs.	A.	P.
Item No. 55 dated 27-4-93. To received from Giddiah as per creditor item No. 1 dated 10-4-93 ...	268	0	0
This was shewn in cash sheet as item No. 30, Dated 29-4-93	268	5	3

R. P.

Cr. Side.

		Rs.	A.	P.
10 1 1	By advanced to office peon Giddiah for disbursing payments	268	0	0
	In the cash sheet sent to District Forest Office it was shewn to be	268	5	3
27 9 4.	By paid Racherla Tana peon Allimiah for February 1893	7	0	0

In the cash sheet sent, he made this entry but left the column "cash" blank.

(Note).—The signature of Tana peon Allimiah was taken on the Acquittance Roll.

	Items 19 to 23 *Vide* No. 8. Paid Pachamiah Line peon etc, for March 1893	35	0	0

The cash sheet and the Acquittance Roll sent to District Forest Office shew that these men seem to have been paid for February 1893.

27-3-11.	By remitted into Pyapali Sub-Treasury	133	0	0

The cash sheet sent shews rupees 73 13 0 as having been remitted to Pyapalli Treasury on 29 4 93.

The chalan received was sent to Accountant General.

Revenue collected from 15th to 27th April 1893 amounting to rupees 59 3 0 was misappropriated by A. Ratna Mudaliar making a false entry on the Cr. side that rupees 133 0 0 was remitted to Pyapali Sub-Treasury on 27 4 93 instead of rupess 73 13 0 the amount actually remitted to Treasury.

Cash sheets for May and June 93 have not been sent to District Forest Office. The opening balance for May 93 should be rupees 9-12-6 and not rupees 2-12-6 as shown by R. O. Revenue collected by the R. O. from 28th April to 6th July 93 by the issue of licenses Nos. 151,025 to 151,125 and by compounding a Forest case amounted to rupees 286-15-0.

Licenses Nos 151 30, 50, 51, 52, 53, 69, 79, 92 and 9? were issued for 15, 30, 30, 30, 30, 15, 30, 15, 15 head loads of firewood respectively and the amount to be recovered should be rupees 3 4-6 but rupees 1 12 0 was actually recovered. Therefore the deficit sum of rupees 1 8 6 has to be recovered from Ratna Mudaliar.

Similarly license Nos. 151,043 was shown in the cash book to have been issued for 2 cart-loads of firewood at 0-6-0 each but the license shows to have been issued for 2 cart-loads of Tengedu bark

R. P.

value rupees 10 the amount actually recovered was rupees 0-12-0, therefore the deficit sum of rupees 9-4-0 has to be recovered.

The amount of the revenue on hand when the S. D. O. sent for the cash book should be rupees 287—1—0 including the balance of rupees 0—2—0 being unremitted revenue for April 1893. As only rupees 279—14—0 was given back, rupees 7—3—0 has still to be recovered.

The R. O. has to give account for rupees 209—10—6 advanced by the District Forest Officer.

	Rs.	A.	P.
He spent in June as per vouchers now forthcoming ...	42	15	9
In July he shews rupees 35—3—0 to have been spent as per vouchers Nos. 1, 2 and 4, but the amount of rupees 24-13—0 as per voucher No. 1 was already paid in March 1893 and this being a false entry made in the cash book; this sum should not be admitted at all and should be deducted from the expenditure of rupees 35—3—0	10	6	0
The amount actually handed over to the Sub-Divisional Officer	131	5	9
Therefore the amount to be recovered from A. Ratnam Mudaliar	24	15	0
The total recovery to be made from him is rupees ...	1	8	6
	9	4	0
	7	3	0
	24	15	0
Total ...	42	14	6

G. V. SIVIAH,
Clerk, Forest Office.

31—7—93.

R. P. Cr. A. 159—3

PYAPALI DEPUTY MAGISTRATE'S OFFICE.

Camp—Pyapali.

Statement of accused A. Ratnam Mudaliar.

Son of	...	Subraya Mudaliar.
Aged	...	23 years.
Residing at	...	Pyapali.
Taluq of	...	Pattikonda.
Caste	...	Vellala.
Religion	...	
Occupation	...	Forest Ranger, Pyapali.

Q.—To whom does the sum of rupees 59-3-0 now before the Court belong? Who paid it ?

A.—I paid the amount. My Superior Officer Mr. Hearsey. the Sub-Divisional Officer, examined my accounts yesterday and said that I should pay this amount and therefore I paid it. I do not know whether or not this amount is due to Government. My mind is not in proper state. I cannot say.

(Signed) A. Ratnam.

Taken down by me. This contains a full and true account of the statement by the accused. This was read over to him and acknowledged by him to be correct.

(Signed) K. SUBBA ROW,
Dy. Magistrate, 1st Class.

(True Translation).

(Signed) Illegible,
Ag. District Magistrate.

Case No. 23 *of* 1893.

Statement given by Ratna Mudaliar.

Son of	...	Subbraya Mudaliar.
Age	...	23.
Residing at	...	Pyapalli.
Taluq of	...	Pattikonda.
Caste	...	Vellala
Religion	...	Sivite.
Living by	...	Forester.

Dated 21—9—93. *Kurnool.*

Q.—You have heard the evidence for the prosecution and seen the Exhibits A, B, C and D. What do you say ?

A.—I cannot say anything until I apply for and get copies.

Q.—Are Exhibits A and B in your handwriting ?

A.—Yes, they are. Exhibit A was kept by me in the course of my office duty and Exhibit B was sent by me to the District Forest Officer, as a Monthly Return for April last.

R. P.

Charges Read.

Q.—You have heard the charges read against you ? are you guilty? Have you witnesses ? Have you anything to say ?

A.—I am not guilty. I have no witnesses.

I shall explain matters after I get copies.

21st September 93. A. Ratnam.

Taken by me, contains a true and full account of the statemen t made by the accused, read over and declared correct.

T. GOPALASAMI,
Deputy Magistrate.

Kurnool 27—9—93.

Q.—Now that you have got copies and seen the Exhibits, what is your explanation ?

A.—I file my written explanation now. I have nothing to add to it. To prove that I was ill, I want that the Pyapalli Hospital Assistant Muthusami Naidu and Pattikonda Hospital Assistant Mr. Joseph should be examined.

Q.—Will they say that you were so very ill as not to be able to send a correct monthly account while you were able enough to write your cash book ?

A.—Muthusamy Naidu has sent a letter to Mr. Hearsey to say that I was ill for sometime.

27—9—93. A. Ratnam.

I was also under Mr. Joseph's treatment for sometime.

27—9—93. A. Ratnam.

Contains a true and full account of the statement made by the accused, read over and acknowledged correct.

T. GOPALSAMI IYER,
Deputy Magistrate.

R. P.

IN THE COURT OF THE HEAD QUARTER DEPUTY MAGISTRATE.

Name ... ... A. Ratnam.

Father's name ... ... Subraya Mudali.

Caste ... ... Vellala.

Age ... ... 23.

I beg to submit my explanation as follows :—

I was entring daily account both in the cash book and the extract to be sent to the District Forest Officer. Up to 30th items in April last I entered so and remitted the then revenue balance of rupees 73-15-0 into the Pyapalli Sub-Treasury but subsequently I failed to enter all the items daily in the cash book and in the extract as I was very ill then. Only the cash book was being written daily. At the end of every month, I used to close the cash book and the extract and submit the extract to District Forest Officer, but in April last I forgot entirely to enter the items after 30th, also in the cash sheet but closed and submitted it to District Forest Office. I did not compare it with entries in the cash book as I was dangerously ill. When I closed the cash sheet I stated the correct remittance in it and submitted it to District Forest Officer, but when I closed the cash book I forgot entirely to give the correct remittance, but had given the total of all the items which is rupees 133-0-0 as I did not go comparing with the extract. As I used to write both cash book and the extract daily, I thought that all the items would have been written in the extract also as usual and I closed and submitted it. Mr. Hearsay my S. District Officer came to my Range and examined my cash book on the 11th July 93 in the morning. The amount which he got as the correct balance and which he directed me to produce at once, I got from my house in a purse and paid to him. Before I was sent home for money, he said that he should go thoroughly into whole of the account. It is a rule that he should strike a balance in the cash balance itself and close it before he takes over charge. He did not do so. I was put to much confusion then and I was not commanding my sense by the way of his dealing with me. First he said that he should inspect the whole account and then he would take over charge of balance. But afterwards he demanded only the balance he struck then. I did produce. I did not take the cash box but took the amount in a purse because he did not ask for the box before nor has he asked me after I brought the amount in a purse. The box was with me till I handed over charge to him. After he has received the amount, he sent me home stating that he will send for me when wanted.

R. P.

I don't exactly remember what amount be demanded then. As he himself stated plainly that he should go through the account once, I kept quiet. As I was greatly confused and senseless and was also ill, I don't remember the amount. I failed to take a receipt from him. In the evening of the 11th he demanded from me rupees 64 which are unauthorized payments as he says. I told him that I would bring. He did not have me go for the money but put me under the custody of my Range peon Giddiah and told him not to let me go. Then he went to the Magistrate's Court. Again at about 5 P. M. he came to his bangalow and then let me go for the money. I went and came to the bungalow with the money but he had been to search the dancing girl's house. I paid the amount to a peon there in presence of 2 others and told him to give the amount to Mr. Hearsay and then I returned home as I was suffering from cold.

Next day he sent for me at about 3 o'clock. Then I was explaining to him whatever he wanted. At about 5-30 P. M. he told me that I should pay rupees 59-3-0 being the unremitted revenue balance to him. I told him that I have the amount and I would bring it. He gave me an hour's time. I went home. No sooner had I stepped into my house than a Police Constable came to my house and wanted me at once to go with him to the Magistrate. Accordingly I did. Then it would be about 6 O'clock. Then the Magistate said that I am charged under misappropriation to the amount of rupees 59—3—0 and I failed to bring the amount. I explained to the Magistrate that I was given an hour's time for the money and before that time he wantonly reported against me. Then the Magistrate directed me to produce the amount. I did so. I was not put in sub-jail for the amount as Mr. Hearsey says. I gave the amount. I did not misappropriate the amount. I had it in the cash box, When he examined my cash book he himself said that he wants to go through the account once and then take the amount. He wanted me to produce the then balance alone. I did. Had I thought of misappropriating the amount, I should not have dared to give the objection statement for April 1893 received from the District Forest Officer. If the objection statement with the extract of April account I submitted to Dt. Forest Officer and which I received from Dt. Forest Officer for explanation be compared with the cash book, the discrepancy will be clearly known. Had I been under that impression I should not have produced it myself. I am really innocent. Owing to my illness in April 93, I failed to write daily the extract also along with the cash book as I was doing. So I had to submit extract without entering also the subsequent items from the cash book be-

cause I thought every thing would have been written in the extract also as usual, and so closed and submitted it. Had I compared it at least with the cash book, I should have come to know the error. But I did not do so as I had not patience having been ill.

As for rupess 24—13—0 I beg to state that in March 1893 a bill for that amount was passed and sent to me as my travelling allowance. I did take the amount and submitted the bill by abesnce of mind without signature. The District Forest Officer returned the bill with a covering letter directing me to sign and submit the bill again. As I was ill, I did not reply to it, but in July last when I was looking into my records, I found this without its covering letter which was then misplaced somewhere. Having not known the previous correspondence about the bill as the covering letter was not with the bill then, I thought that the bill was not paid and so paid the amount back. Mr. Hearsey did not ask me about anything previously. Mr. Hearsey purposely to ruin me, did not even ask me about anything nor has he lent his ears to my explanation. On the 11th July 1893 he took my Range peon and gave him promotion also by giving him the silver badge although he perfectly knows that he was recommended by me for dismissal. He did not even enquire of me about the various charges reported against me by my peons and also put me in custody under the same Range peon whom I recommended for dismissal and who is now against me. I beg to request the Court to ask Hospital Assistants of Pyapali and Pattikonda and all the physicians of Pyapali and Tadpatri whether I was very ill at that time. The Pyapalli Hospital Assistant wrote also to the S. D. O. Mr. Hearsey that I was ill. I gave all the amount due to Government to Mr. Hearsey.

I am poor and helpless. I submit my explanation to the favour of the Court.

I beg to remain

Honoured Sir,

Your Honor's most obedient Servant,

27—9—93. A. Ratuam

CHARGE.

I, T. Gopalasami Aiyar, 1st Class Magistrate of Kurnool Head Quarters, hereby charge you Ratna Mudali, Forester Pattikonda Range, as follows.—

R. P.

That you on some day in April 93 at Pyapalli, committed Criminal Breach of Trust in respect to Rupees 59—3—0 collected and held in Trust by you as a Public servant and thereby committed an offence punishable under Section 409 I. P. C. and within my cognizance.

2. That you from May to July 11th, 93 at Pyapalli committed Criminal Breach of Trust in respect to rupees 32—2—0 entrusted to you as a Public Servant and that you have thereby committed an offence punishable under Section 409 of the Indian Penal Code; and under my cognizance.

And I hereby direct that you be tried by me on the said charges,

21—9—93, } T. GOPALASAMI,

KURNOOL. } 1st *Class Magistrate.*

Exd, by R. P.

PRINTED BY G. C. AND CO., SCOTTISH PRESS, MADRAS.

Exhibit B

Appeal against acquittal

CHIEF SECRETARIAT
25 SEP 1894
GOVERNMENT OF MADRAS

HIGH COURT.

CRIMINAL APPEAL

No. 159 of 1894.

KURNOOL.

Session Records

IN

Calr

Session Case No. 23 *of* 1893.

To be heard on

1894
Judl Dept.
Bundle No. 2
O. No. 5935

INDEX.

COURT OF THE SESSION OF KURNOOL.

Criminal Appeal No. 19 *of* 1893.

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3	Deposition of Bande Muthuswami Naidu, Hospital Asistant of Piyapalli	4
4	Commission order sent by this Court to the Dy. Magistrate to take evidence of Mr. Joseph	5
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9	Letter from the Sheristadar of Ravallakota Tahsildar's Office dated 25—1—94 (not printed)	
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11	Letter from Dy. Tahsildar enclosing extract from the cash chitta for the month April 1893 (not printed)...	

A. A. K. Crl A. 159—

...cing girls. We form

IN THE SESSIONS COURT OF KURNOOL.

Criminal Appeal No. 19 *of* 1893.

Regina. ... ... Complainant.

versus

A. Ratnam Mudeliar ... ... Defendant.

Appeal presented on behalf of the defendant named above against the conviction and sentence passed on him by the Deputy Magistrate of Kurnool in Calendar Case No. 23 of 1893.

Grounds of Appeal.

I. That the deference between the Exhibits A and B is the result of a bonafide mistake.

II. That the rupees 59-3-0 said to have been misappropriated by the defendant was actually in the cash chest and the Forest Sub-Divisional officer did not examine the cash chest.

III. That the defendant produced the 59-3-0 the amount he was called on to do so.

IV. That the Lower Court ought to have exmined the Hospital Assistants cited by the accused.

V. That the sentence is too severe.

I therefore pray that the defendant may be admitted to bail and on hearing the arguments which may be adduced on his behalf at the final hearing his conviction may be quashed.

(Signed) C. M. ————————,

26—10—1893. *Pleader.*

ORDER.

Release on bail for rupees 200. Call for extract from Treasury Accounts of Pattikonda Taluq showing what sums were received from defendant during April.

26—10—93. (Initialled) W. M. T.,

Fix date early

11—11—93.

IN THE COURT OF THE HEAD QUARTER DEPUTY MAGISTRATE, KURNOOL.

Dated 27th September 1893.

Calendar No. 23 *of* 1893.

Name of complainant—Regina.

Name and description of the accused. A.—Ratna Mudali.

Offence :—Criminal breach of trust by a public servant, Section 409, I. P. C.

Finding :—Guilty,

V. S. Crl. A. 159—1

Sentence :—Sentenced to six months' simple imprisonment and to pay a fine of rupees 100 in default to further simple imprisonment for six weeks.

The 1st P. W. Mr. T. N. Hearsay is Forest Sub-Divisional Officer, Kurnool and the accused Ratnam Mudeli is Forester in charge of Pattikonda Range with his Head Quarters at Piapali. Mr. Hearsay examined the accused's accounts on the 12th July. The balance under cash and revenue on the 1st July were rupees 180-10-9 and 58-14-0 revenue receipts from 1st July amounted to rupees 7-3-0. The total cash was rupees 446-[illegible]-9. The charges from 1st July aggregated rupees 99-3-0. The balance on hand should have been rupees 347-8-9. In the charges for July there were the following 3 items.

Item No. 1 Rupees 24-13-0 Fixed conveyance allowance of the accused from June to December 1893.

Do. 3 rupees 32-0-0 pay of accused for May 1893.

Do. 5 rupees 32-0-0 do. April 1893.

Item No. I had been already paid in March *(Voucher No. 11 for that month) and the accused to whom the voucher had been returned by the District Forest Officer for signature and retransmission paid himself again and has altered the voucher No. to 1. The District Forest officer has not passed the accused's pay yet for May and April and the items Nos. 1 and 3 and 5 are therefore unauthorized items. The accused should therefore have had a balance of rupees 347—8—9 + 88-13-0 or rupees 436 - 5—9. Against this he handed over to Mr. Hearsay only rupees 131-5-9 + rupees 279-14 or rupees 411-3-9. He has not therefore produced the remainder of Government money with which he was entrusted viz rupees 25-2-0. In the charge this amount and another amount rupees 7 for which accused has sent voucher but which he has not included in his monthly account sent to District Forest Officer have been taken to be the correct balance with the accused. I do not think that the accused can be said to have committed criminal breach of trust in respect to the 7 rupees. As regards this balance the accused's explanation is that he paid all that Mr. Hearsay demanded as the balance and Mr. Hearsay admits that the balances as demanded by him were paid and that he does not remember how he calculated them. The accused is a public servant with a Government cash chest with him. He should have kept all Government money in it separately from his private money. If he kept the private and Government cash together he may not have known the correct

* Exhibit C.

V, S,

balance of Government cash and as he paid what was demanded of him by Mr. Hearsay as balance that should be with him (accused) it cannot be inferred that the difference between the amount paid and the correct balance was misappropriated by the accused. If Mr. Hearsay had called for the cash chest and examined it at once and found that whole balance was not forthcoming, the matter would have been placed beyond all doubt. The cash chest itself was never called for. M. Hearsay says that the accused calculated the balances If so, he may have wrongly calculated it too. I cannot therefore find the accused guilty of criminal breach of trust in respect to this amount.

2. There is another item of rupees 59—3—0 which is the 1st charge. The cash book Exhibit A. of the accused for April shows a Revenue Receipt of rupees 133-2-0 including opening balance and a remittance of rupees 133 into the Treasury by the accused while his monthly account for that month (Exhibit B) shows only a Revenue Receipt of rupees 73-15 0 and a remittance of rupees 73-13-0. The difference between the two receipts and the 2 charges is just the same viz rupees 59-3-0. This amount represents the License fees collected from the 15th to 25th April (Receipt items Nos. 31 to 54 in the Cash book). The remittance into the Treasury was made on the 27th April as per cash book and on the 29th as per Extract (Exhibit B). This rupees 59-3-0 has not been brought up as outstanding in subsequent months. The accused's explanation as that he was writing Exhibits A and B together from day to day that he was ill in April and that he omitted to write Exhibit B correctly that throughhis iliness he was not able to find the difference between A and B. This is certainly untenable, as B contains entries up to the 30th. Besides the remittance into the Treasury is only one item of rupees 133 in A and of Rs. 73-15 in B. His illness is no explanation for this variation. The amount should be what is shown in the Chellan to the Treasury which was only rupees 73-15-0. The accused cited the Hospital Assistants of Piapoli and Pittikonda to show that he was ill and that they treated him. When I asked him if these Medical officers will say that he (accused) was so ill as to write Exhibit B wrongly and Exhibit A correctly his reply was that they treated him and know that he was ill. In these circumstances I have not thought it necessary to summon and examine them as their evidence could not disprove the accused's guilt.

3. In these circumstances I find the accused Ratna Mudali guilty of criminal breach of trust by a public servant in respect to rupees 59-3-0 under Section 4 9. I. P. C. and sentence him to undergo simple imprisonment for six months and to pay a fine of

V. S.

rupees one hundred; in default to undergo further simple imprisonment for six weeks.

KARNUL. 27—9—93. } (Signed) T. GOPALASAMI, *Dy. Magistrate.* *1st Class.*

(True Copy)

V. ——— ———, *Head Clerk.*

Copy applied for on 23—10 93.
Copying fees and stamp produced on.
Copy ready on 23—10—93.
Copy given on 24—10—93.
Copied by Moohamed Sultan.
Compared by.
Number of Correction Three.

IN THE SESSIONS COURT OF KURNOOL.

Criminal Appeal No. 19 *of* 1893.

Dated 11th December 1893.

1st Witness Defence.

Deposition given on solemn affirmation by Banda Muthuswami Naidu.

Son of	... ...	Yellayya.
Caste	... ...	Balija.
Aged	... ...	42.
Profession	... ...	Hospital Assistant 1st Class.
Residence	... ...	Piyapalli.

I know the appellant Ratnam Mudali. He was under treatment by me in May, June and July. He was suffering from fever and general debility. He came into Hospital in May, and stayed about ten days. I saw him in April but he was not under my treatment then. He was treated by a Brahmin Vaithilingan related to the Sub-Registrar's Clerk whose name I do not know. He was then suffering from fever; one of his relatives sent for me to see him. His face was swollen. I examined his eyes. He was suffering from Jaundice. He was lying down very weak.

Cross-examination.—He was admitted to Hospital about the middle of the month of May. I saw him twice in the month of April. He was sick on both occasions.

(Signed) W. M. THORBURN.
(Signed) B. Mootoosami Naidu.

V. S.

IN THE COURT OF THE SESSIONS JUDGE AT KURNOOL.

Criminal Appeal No. 19 *of* 1893.

A. Ratna Mudeliar ... *Appellant. (Accused)*
versus
Regina ... ... *Respondent.*

To

The Deputy Magistrate of Kurnool,

Whereas it is deemed requisite for the purpose of this appeal, that a commission should be issued for examination of Mr.J. Joseph, the Hospital Assistant of the Local Fund Dispensary at Pattikonda on the annexed interrogatories and cross-interrogatories you are hereby appointed Commissioner for the said purpose.

You are requested to return the warrant of commission together with the evidence taken by you on or before the 10th day of January 1894.

Given under my hand and the seal of the Court, this 9th day of December 1893.

(Initialled) W. M. T.,
Sessions Judge.

IN THE SESSIONS COURT OF KURNOOL.

Criminal Appeal No. 19 *of* 1893.

	Appellant.	*Respondent.*
A. Ratna Mudalliar.		Regina.
1.	Name ...	... George Joseph.
2.	Father's name ...	... H. Joseph.
3.	Caste	... East Indian.
4.	Religion ...	... Christian (Church of England)
5.	Age	... 32.
6.	Occupation	... Hospital Assistant.
7.	Residence	... Pattikonda.
1.	Do you know Ratna Modeliar?	I know him.
2.	Did you ever treat him? If so, of what disease was he suffering?	Yes. Suffering from malarious fever.
3.	Did you see him in the months of April, May and June last?	I saw him June but I don't recollect having seen him in April or May I must have seen him.

V. S.

Crl. A. 159—2

4. In what state of health was he in these months when you saw him?

He had very high fever and he was sometimes in a sort of delirious state on account of the high fever.

5. Did you see his face and eyes in the month of April? If so, what did you notice?

I don't recollect having seen him in April. I saw him I think previous to June but I can't tell in what month it was.

6. When you saw him in April last, was he able to move about and attend to his duties?

As I don't recollect having seen him in April, I can't tell in what state he was then

7. Under whose treatment was he in the month of April last?

I can't tell.

[Signed] GEORGE JOSEPH,
Hospital Assistant.

(Signed) ———————,
Pleader.

Before me.

PATTIKONDA. 27—12—93

(Signed) ———————,
Sub Divisional Magistrate.

Cross-exd:—

(1). If you say you saw him in April last, where and under what circumstances did you meet him,

(2). Was he under your treatment in the month of April, and if not, how did you happen to see him.

No, he was not.

(3). Did you give him any certificate, and is there any record to show that he was sick, (if you say so).

I gave him no certificate.

13—12—93.

(Signed) A. VENKOBA RAO,
Public Prosecutor.

(Signed) GEORGE JOSEPH'
Hospital Assistant.

Before me.

PATTIKONDA, 27—12—93.

(Signed) ———————,
Sub Divisional Magistrate.

V. S.

IN THE SESSION COURT OF KURNOOL.

Date 30th January 1894.

No. 39 of 1893.

2nd Witness Pro-Recalled.

Deposition given on solemn affirmation by Ganapavaram Sivayya.

Son of ... ... Seshayya.
Caste ... ... Brahmin.
Age ... ... 28.
Profession ... ... Second Clerk in District Forest Office.
Residence ... ... Kurnool.

I reached Piyapalli on July 27th. Mr. Hearsay discovered the false entry before I came. He wrote up the account for July before my arrival. The figures rupees 131-5-9 and rupees 279-14-0 were calculated by him not by me. The peon Ali Miya presented a petition to Mr. Hearsay at Piyapalli in July complaining that he had not been paid in April.

[Signed] G. Siviah.

30—I—94.

Read over to the witness in English and acknowledged by him to be correct.

[Signed] W. M. THORBURN,
Sessions Judge.

IN THE COURT OF SESSIONS AT KURNOOL.

The 31st day of January 1894.

Petition of Appeal No. 19 of 1893 against the conviction and sentence by the Head Quarter Deputy Magistrate of Kurnool Under Section 409 of the Penal Code in Case No. 23 of the Calendar for 1893. — *Appellant.* — *A. Ratnam Mudaliar.*

This Appeal coming on for hearing before me upon perusing the petition of appeal and the record of the evidence and proceedings and upon duly considering the same after hearing Mr. C. Muniswami Naidu, Pleader for the appellant, and Mr. A. Venkoba Rao, the Public Prosecutor who appeared in support of the conviction.

I do adjudge and order that the conviction and sentence passed on the appellant by the Lower Court be, and the same hereby are, set aside and that the appellant be and he hereby is, acquitted and discharged.

N. B The appellant is already on bail.

(Signed) W. M. THORBURN,
Sessions Judge.

V. S.

IN THE COURT OF SESSION OF THE KURNOOL DIVISION.

Criminal Appeal No. 19 *of* 1893.

From what Court the appeal is preferred.	Head Quarter Deputy Magistrate's Court at Kurnool.
Number of the case in that Court.	Calendar Case No. 28 of 1893.
Number of the appeal.	19 of 1893.
Name and description of the appellant.	A. Ratna Modaliar, Forest Ranger Pyapali.
The sentence and law under which it was impo.ed in the Lower Court.	Six (6) month's simple imprisonment and fine of rupees 100, in default further simple imprisonment for six weeks under Section 409, I. P. Code.
Whether confirmed, modified—or reversed.	Reversed.

JUDGMENT.

There is no direct evidence that appellant took any money out of his cash chest for his own purposes. His cash chest was never examined. Mr. Hearsay states in his complaint of July 12th that his first action was to order appellant to hand over the cash, vouchers and account books of his Range office. Appellant did so on the morning of July 11th. The amount handed over to him was rupees 411-3-9. The amount in hand according to his cash book ought to have been rupees 347-8-9. There was therefore a surplus of rupees 63-11-0 covering the rupees 59-3-0 regarding which he has been convicted of criminal breach of trust and leaving rupees 4-8-0 to spare. Mr. Hearsey's subsequent deposition is not consistent with his complaint and is itself very confused. He makes an arbitrary division rupees 411-3-9 into rupees 279-14-0 received in fees and rupees 131-5-9received in advances. But he is unable to explain how he arrived at these figures: and they c.nnot be made up out of any items in the cash book. The amount shown under fees at the date of examination is rupees 266-1-0 and the amount under advances rupees 81-7-9 adding rupees 59-3-0 to the former he would make out rupees 335-4-0 as the total. Adding to the latter rupees 64 (appellant's pay for April and May long since due but still not formally sanctioned when drawn in July) he would make out rupees 145-7-9.

2. There is no doubt that defendant made a false entry in his cash book for April 1893 (Exhbit A) which would facilitate the embezzlement of rupees 59-1-0 received as fees. He actually remitted to the treasury in that month only rupees 73-13-0 out of the total

V. S.

amount of fees received. This was on April 29th on the same day he sent his receipt to the District Forest Officer along with the monthly extract from his cash book (Exhibit B). It was returned to him for explanation of a discrepancy between the opening balance of April and the closing balance of March and of various other errors. But no notice is taken of the fact that it contained no entry later than April 14th, and no suspicion is expressed.This extract was still in the Range Office when Mr. Hearsey took charge on July 11 and it was shown to him by the appellant. From comparison of it with the cash book next day, he discovered that rupees 133-2-0 in all had been received in fees during the month (up to the 25) and that a false entry of rupees 133 (as the sum remitted to the Treasury at Piyapolli) had been made on the debit side of the book.

3. The defence is that appellant made a mistake through not counting his cash, being very ill with fever. He has signed his cash book as balanced on April 28 and has entered the remittance of rupees 133 as made on the 27th. No remittance was actually made till the 29th and then it was only rupees 73-13-0 the exact amount entered as receipts up to the 14th in the extract sent to the District Forest Office (Exhibit B). He says that he did not write up the extract from the cash book, but made entries in each from day to day. From the 14 he forgot the extract through illness and on the 29th sent it off without comparison with the cash book at the same time remitting the total fees as there recorded. His explanation conveys the impression that his balanced cash book some time after April. But he makes no definite statement to that effect on the contrary. He may have antedated the balancing in order to conceal his neligence.

4. There is the evidence of two medical subordinates that defendant was in a bad state of health from fever in April and May. In the latter month he was admitted to hospital. There is moreover an entry in the Extract for April [Exhibit B] which gives some plausibility to his plea of mistake as to the cash book. He has written out the words of an entry of pay to a peon [item 10] but committed the figure. This is an error against his interest as it would make him responsible for a larger balance than was actually due. The figure is however entered in the cash book and the peon's signature appears in the acquittance roll as testified by the 2nd witness, a clerk in the District Forest Office. The peon has not been called to deny the signature though after appellant's arrest he presented a petition stating that he had not received his pay in April. An examination of the cash book for several months previous and subsequent to April 1893, shows that appellant's work is very slovenly and unsystematic.

V. S.

5 Appellant's own account of what took place on the 11th and 12th of July is somewhat less favourable to himself than Mr. Hearsey's complaint but is not inconsistent with his plea. He says that Mr. Hearsey did not take the cash chest from him nor demand all its contents ;but looked at the cash book and toldhim to bring the balance He did so in a purse. He does not state what it was. Later on the 11th, Mr. Hearey damanded refund of rupees 64 pay for April and May drawn in July without sanction. This also he brought in a purse next day in the afternoon. Mr.Hearsay discovering discrepancy between Exhibit A and Exhibit B demanded the fees received in 10
April but not remitted amounting to rupees 59-3-0. Appellant said that he had the money and would bring it. He was sent away with orders to bring it within an hour. While at his house he was arrested and taken to the Dy.Magistrate at Piyapalli to whom he handed over the amount that very evening. He says that he took it from the cash box. There is no evidence on the other side to show whence it came. There was hardly time to get it in the bazaar even if he could find people willing to lend to a Tamil stranger under such circumstances. It must have been known by that time that he was in trouble. Mr. Hearsay had arrived on the 9 and summoned 02
him from camp. The evidence connot, I think, support conviction under section 409 I P. C. Code. I have considered carefully whether he ought not to be convicted under Section 167.

I. P. Code framing an incorrect document; there are strong grounds of suspicion, but his action may be accounted for by negligence and stupidity partly due to disease. I therefore give the benefit of the doubt to him. Reversing the finding and sentence of the Lower Court I direct that he be acquitted and discharge.

Presentation.	Filing.	Notice issued by Court to appear.	On which apellant ordered to appear,	Hearing	Order.
			Date of		
26th October 1893	26th October 93	26th October 93.	11th Novr 1893.	11th November 1893.	31st January 1894

A Medical witness residing at Pattigonda had to be examined on commission. Hence delay.

Session Court of Kurnool.
31st January 1894.

W. M. THORBURN,
Sessions Judge.

V. S.

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Exhibit A.

Enclosures to C/2275
13.12.94
from P.G. of Madras.

CHIEF SECRETARY
25-SEP-1894
GOVERNMENT OF MADRAS

Appeal against acquittal

HIGH COURT.

CRIMINAL APPEAL
No. 159 of 1894.

KURNOOL DIVISION.

~~Session~~ *Record*

in

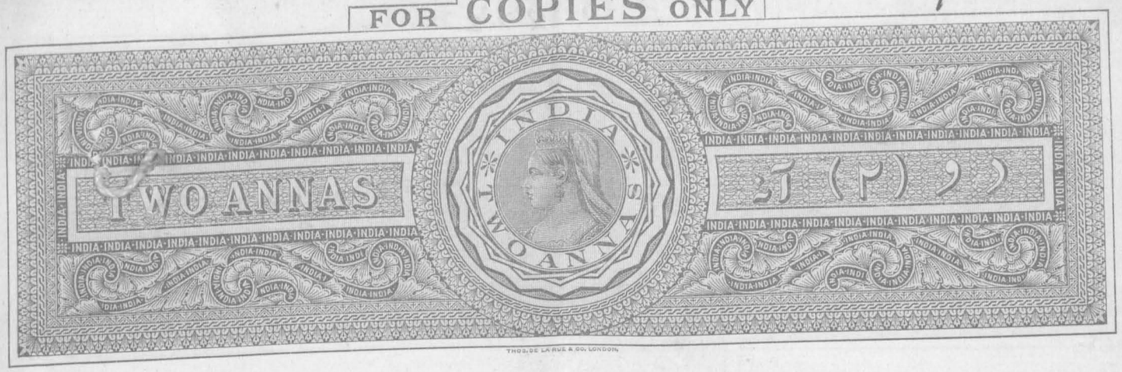
Case
~~Criminal~~ Appeal No. 19 of 1893.
on the file of the Sessions Court

To be heard on 22-8-94

Parker
Cur adv vult
22/8/94

1894
Legal Dept.
Index No. 3
To
G. No. 5235

FOR COPIES ONLY



Calendar Case No 14 of 1894 181 P.W

Deposition given on Solemn affirmation

by " " " " T. N. Hearsey

Son of " " " " Captain A.W. Hearsey

Aged " " " " 25

Residing at " " Nandyal

Telugu " " "

Caste " " " European

Religion " " " Christian

Living by " " " Sub Divisional officer

4-5-94

I went to Pyapali on or about the 8th of July 1893 to enquire into certain irregularities committed by the Range officer. While I was there I got information that he had ~~cut~~ cut three cart-loads of 1st and 2nd class timber without a license and that he had subsequently given the timber to two dancing girls named Papasani and Girasani. I applied to the Deputy Magistrate Pyapali on the 11th July for a ~~Search~~ Search warrant & the house of these dancing girls. We found

24-7-94

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2

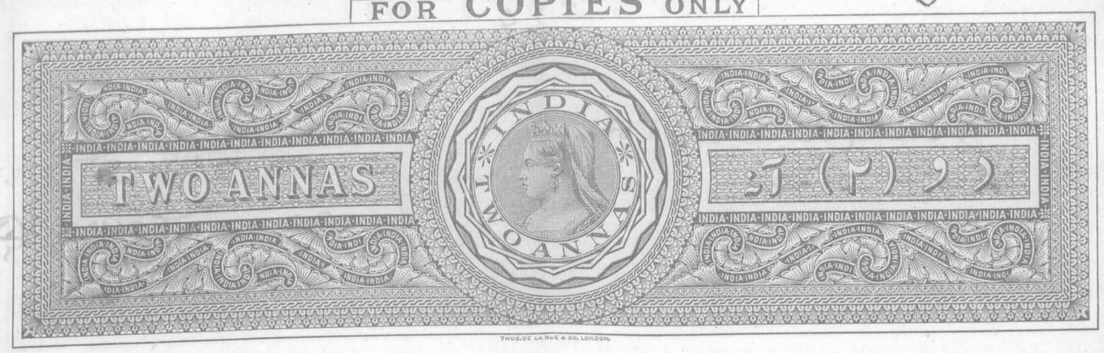
a few of the pieces of timber inside the house and about two cart loads buried in the back yard under a dung heap. Papasani admitted that she had gone to the Range officer's house to perform a dance, that she ~~had not~~ saw the timber there, that she asked him for it and that he gave it to her. I heard that the timber had been cut under the supervision of the 2nd accused. This is what Narasamma, a fire patrol told me. The forest guard Narasamma told me that he had seen the timber in the Range officer's house when he went to get his pay. The Range peon also told me that he had seen the timber in the Range officer's house. I was present at the search. The timber is now in the custody of the village Magistrate, Pyapalj, There were some pieces of tunki, some of ~~yelisa~~ yelisa, some chirman and some pobapa. This is as far as can I remember. Tunki is a reserve tree

[illegible]

[illegible]

24-7-94

FOR COPIES ONLY



not allowed to be cut on these license. Elma is a 2nd class timber. Polpa is 3rd class timber allowed to be taken out on licenses. There were also some pieces of Billa, which is also a reserve tree. The search was made on the very day I received the search warrant. (I heard that the timber had been cut in the Pyapali reserve) I afterwards inspected the Reserve and found the spot to be in the middle of the reserve.

Cross Examination. reserved

(Signed) T. N. Hearsey.

Taken by me

(Signed) V Veeraperumal chetty

Asst Registrar

4-5-94

(True Copy)

Application for copy No. 136 received } on 21-7-94

Stamp Papers called for " "

Stamp Papers supplied " 24-7-94

Copy read " 25-7-94

Copy delivered " 26-7-94

Copied by [illegible]

Compared by [illegible]

No. of Corrections Three only

Accepted

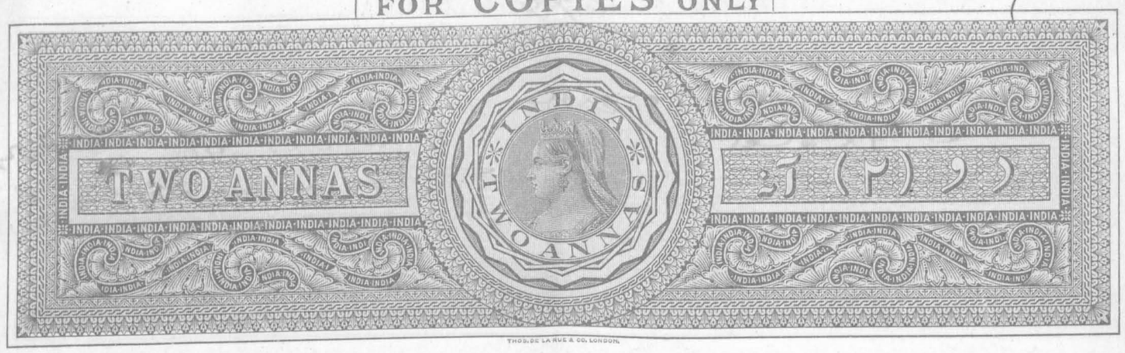
Head Clerk

Head Asst Collector's

Office

STAMP DEPARTMENT 14 NOV 1891

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Cross Examination by Pleader for 1st accused — 1st witness

Deposition given by T. N. Hearsey 18-5-94

I have known the 1st accused since November 1890. I cannot say now whether I had ~~occasion~~ occasion to find fault with him till this case was brought against him. I keep a diary. I note in it what I do every day. I was at Pyapally in February, March and July 1893. I don't remember how often I was there before February 1893. (I filed an anonymous petition before the Deputy Magistrate). (I don't remember the date of its receipt. Very likely I put down my initials to it. It does not contain the date of receipt or my initials). It must have come through the post. I cannot read Telugu I understand it to a certain extent. I got the petition read by my clerk. I cannot tell how long after its receipt I

STAMP DEPARTMENT
19 MAR
1894

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24-7-94

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began to make enquiries, I did not set enquiries on account of the petition. I don't generally take notice of anonymous petitions. I think I commenced enquiries about a month after the receipt of this petition. About this case I made enquiries of certain of the witnesses concerned in this case. I don't remember the names of the witnesses whom I did not examine. I examined Jetta Narasamma, Chandrapalli Narasamma and Giddaiah. I don't know Nellorappa by name. I did not examine him. I did not examine Chinnagamma, Ramgadu and Tippigadu. After wood was discovered I spoke to these last persons. I came to know that they had cut the wood and so sent for them. I took down a statement from Giddaiah. I believe it is filed before the court. Exh D is the statement

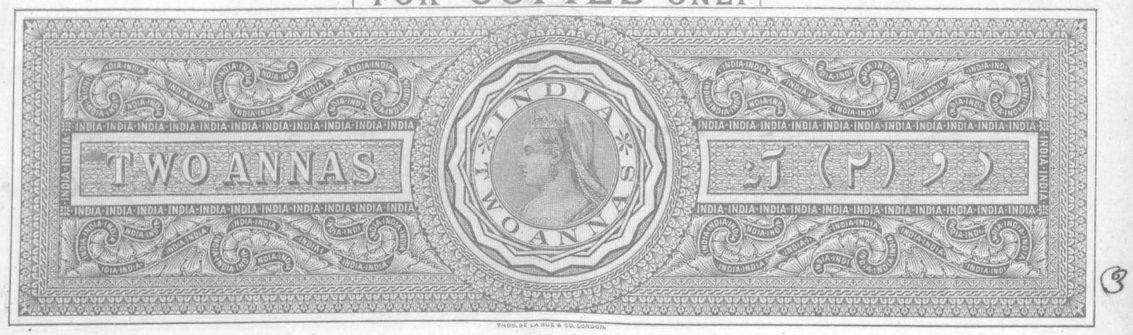
STAMP DEPARTMENT
14 NOV
189
KURNOOL

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24.7.94

STAMP DEPARTMENT 14 XII 1894 KURNOOL

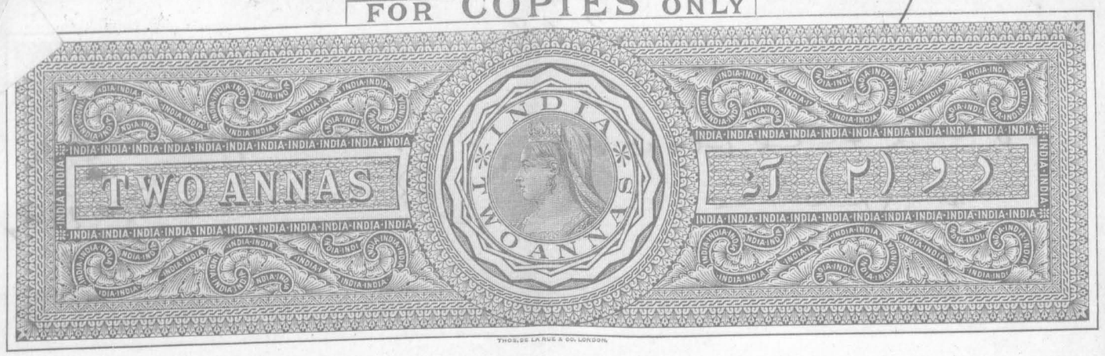
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it was taken before the 3rd accused's house was searched. I think it was taken two or three days before the search. I believe I took similar statements from the other persons. I think they were filed. I don't know who the author of the anonymous petition is. I don't know whether Gidaiah is the author. Gidaiah did not admit before me that he was the author. I don't remember whether the 1st accused recommended his dismissal, Jitta Narasamma and Chandrappa Ni Narasamma were not present when I took down Gidaiah's statement. I did not ask the 1st accused to explain after the receipt of the anonymous petition. Shortly after the charge was made to the Deputy Magistrate I called on the 1st accused for explanation. Before the charge was made to the Deputy Magistrate I did not call upon

ಅಪ್ಪಿರಾಜಕಾರ್ಯದರ್ಶಿಯವರು ಸಂಪಾದಕರಿಗೆ
ಸ್ವಾಮೀಜಿ ಸಂ. ಅಪ್ಪಿರಾಜಕಾರ್ಯದರ್ಶಿಯವರಿಗೆ
24-7-54

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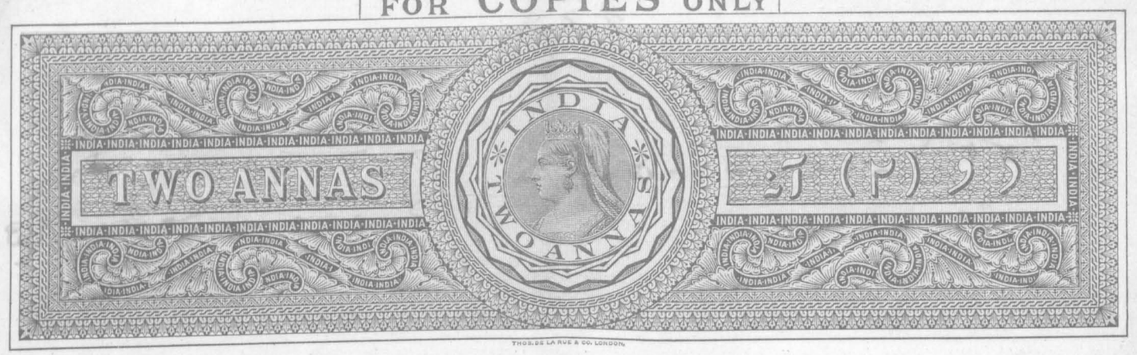
him for explanation. (I don't think the Conservator's sanction was obtained before the prosecution was lodged). The 1st accused was not present at Peapalli when I made enquiries there. I did not cite Ramachandra Iyer and Pachamiah as witnesses. (There was misunderstanding between me and the 1st accused officially before this case began). On the day I search the 1st accused was at Peapalli. I did not send any of my men that day to watch the 1st accused. I went inside the 3rd accused's house on the day I search. The police examined the 3rd accused first — I believe the police Inspector was then present. I don't know whether theft is a police case or not. The police did not ask me to make a complaint to them as it is a case coming

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24-7-94

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under Forest law. Forest law comprises the Indian Penal code also and so I charged the 1st accused under Indian Penal Code. The police took down the statement of the 3rd accused. I did not take it down. (The wood was got from the Peapally block on the 21st or 22nd of July) I saw with the forest Settlement-officer one Lener the place where the wood was said to have been cut. I reported my visiting the Peapally block in my diary. I don't remember whether I stated in the diary that the wood had been cut in that block. The Peapally block lies to the south east of Peapally the nearest point is about 2½ miles from Peapally and the farthest point about 7 miles.

The nearest point of Tummakonda forest is about 7½ miles from

STAMP DEPARTMENT 14 NOV 1894 MADRAS

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Peapally - it lies due east and there is no cart track to it from Peapally I was not aware that the 2nd accused was dismissed. After I took charge of the Range from the 1st accused I came to know he had been dismissed. I don't know whether his pay for April, May, and June was given him. I did not make payment to the 2nd accused after I took charge of the Range Forest Subordinates are supposed to keep diaries Some don't keep them.

(Signed) T. N. Kearsey

Taken down by me

(Signed) V Veeraswopaul Chetty

Asst Engr

18-8-94

Application for ... 136 ... received on 21-7-94

Second Papers called for ... " -

Second Papers received ... " 24-7-94

Copy ready ... " 25-7-94

Copy delivered ... " 26-7-94

Compared by ... L Mahanarain

No of Corrections ... one only

(True copy)

Dictated pd

Head Clerk

Head Asst.

Collectors

Office

ST. SHIP DEPARTMENT 14 NOV 1894 SUNDERLAND

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24.7.94

Exhibit C

CHIEF SECRETARY'S GOVERNMENT OF MADRAS 25-SEP-1894

Mr. Searsey's Evidence.

Given before the Sessions

Magistrate Bangalore.

5735

STAMP DEPARTMENT ANNGOL 14 NOV 199

Camp Tanjore 6719

FORM No. I.—1,000—25-10-93.

OFFICE OF INSPECTOR-GENERAL OF ~~JAILS~~ PRISONS,

No. C/2275

Dated ..... 189 .

From

A. G. CARDEW, ESQ., M.A., I.C.S.

INSPECTOR-GENERAL OF ~~JAILS~~ PRISONS

To

THE CHIEF SECRETARY TO GOVERNMENT.

SIR,

With reference to G.O. 3d Nov. 94 No 2648

Enclosures. I have the honour to state that the individual named Ratna Mudali who appears to have submitted a petition dated 20 Sept. 1894 to Government praying that he might be discharged upon the grounds set forth, was released from the Bellary District Jail on bail on the 30 Oct. 1893 and was never re-admitted, his conviction and sentence having been quashed by the appellate Court on the 31 Jany 1894 in Criminal appeal No 19 of 1893 on the file of the Sessions Court of Kurnool. As the petitioner is not in Jail, and his address is unknown, no action has been taken on the order of Government under acknowledgment and the enclosures to the G.O. are herewith returned.

I have the honor to be,

Sir,

Your most obedient Servant,

CURRENT NO. 6719

JUDICIAL.

JAIL (189/) DEPARTMENT.

From

THE INSPECTOR-GENERAL OF ~~JAILS~~ Prisons,

To

THE CHIEF SECRETARY TO GOVERNMENT.

Dated 13
Despatched 13 } December 1894.
Received 16

Regd 17

No. C/2275.

ENCLOSURES. ~~Etc.~~ 5
Encl. of C No 5235 retd.

Subject.

Stating that the individual referred to in G.O. 3 Nov 94 No 2648 was released from the Bellary D.J. on bail and was never readmitted, and that as he is not in Jail and his address is unknown, no action has been taken on the order of Govt under

60 3021: 10-12-94 Judl
" 2648: 3-11-94 "
" 2643: 3-11-94 "
" 1068: 5-5-5 "
" 848: 9-10-94 "
" 606: 12-3-94 "

For orders

Please see G.O. No 3021 dt: 10-12-94, which disposed of a petition from Ratna Mudali. She may be recorded

Etc 9/1 Regd only.

[3/68] 1,000

[6] 500—20-6-94.

Judicial DEPARTMENT.

Papers to be read in Proceedings:—

Again G.O., dated 18 , No.

Again G.O., dated 18 , No.

Current No. of 18 , dated from

Current No. 6719 of 1894, dated 13 Dec. from the I.G. of Jails

Order 15 Jany 95 no 84

The attention of the Dist. Magte will be drawn to the fact that Ratna Mudali has apparently not been re-arrested & placed in confinement to undergo the unexpired portion of his sentence as directed by the High Court in Cr. Appeal no. 159 of 1894. copy of the judgment in which was sent to the Dist. Magte with G.O. dt 3 Nov: 1894 No 2643 Judl.

2. It will be observed that on the 20th Sept: Ratna Mudali's address was

"C/o Maganatha Moodaliar
Station Master
S.M.R. Co, Karnool Road.
Post Office
Dhone."

vide this earlier petn.

D 10-1 Ltr 12/1.

2 to D.M. of Karnool (a no)
2 to I.G. of Prons (for cpd 16/1.)

DESPATCHED 18 JAN 95 IN M.S.

Note. The Govt orders on his petition will be sent to Ratna Mudali when his address is known. The office will note this D noted 96

A = Copy in full.
B = Not to be copied

30 21:10-12-84 Rec
11-84

Re arrest. of [illegible]

C.S.

(for approval)

as he is now in
is unknown, no action
in the order of Sentence

[illegible]

[illegible] 1,000

Given [illegible]
Copied
Examined
Signed

189.

G.O., No. DATED

No.

ES TO C. No.

OF GOVERNMENT .. .. .. A A A A A A A

OF GOVERNMENT.

EMENT WITH DITTO.

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

N.B.—
A = Copy in full.