[J / 63]
1,000—25-7-0.

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 86, 87

DATED 15th Jan. 1895.

INDEXED.

PAPER

[Despatch Abstract.]

PETITION

Directing that the -- addressed to His Excellency the Governor--General by S.Venkoba Rao,late Stationary Sub-Magistrate of Pulivendla taluk,Cuddapah district,appealing against the order of dismissal passed upon him by this Government be forwarded to the Government of India,and stating that this Government is not prepared to revise its previous orders with reference to anything now addressed by the petitioner.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
9.6	~~1094~~ 708	(Mis.)	94				

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	1216		95				
	591						
	1395						

ENT. NO 6332

From, Jt Sec.

S. Venkoba Rao,
late Submajistrate of
Pulivendla, in the
Cuddapah District

+C. P. Tamil

To,

GOVERNMENT OF MADRAS * CHIEF SECRETARY * 28. NOV. 1894

The Chief Secretary to
the Government of Madras

Dated -25 } November 1894
Desp'd 26 }
Rec'd 28/11
Rep 29/11 Nils/1 (one packet
registered)

Subject

Submitting memorial to

G.O. 2386: 3.10.94 Mis. + papers

Pulivendla

Forwarded.

Perhaps the memorial may be
withheld under 3(10) sec. III of B. Memo
Mles?

The order was dated 20th March (the Sub Collr
has been communicated to the Petr
almost immediately as his memorial
dated 25th November speaks of him
as having been unemployed for "eight
months". An actual copy of the
order was communicated to him
with ref to G.O. dy 12 May 1890 No 1147
His application for that copy was
dated 30th April - received 4th May
the copy was despatched on the
his memorial was received on the
28th November, ca. 5 months + 8 days
after the date of the order dismissing
at least 5 months after he had been
aware that he was dismissed, 6 months
+ 10 days after the despatch of a copy
to detailed order to him, before appln
for which time & at least one month

CHIEF SECRETARY'S
28. NOV. 1894
GOVERNMENT OF MADRAS

To

HIS EXCELLENCY

THE RT. HON. THE EARL OF ELGIN,

Viceroy and Governor-General of India.

The humble petition of S. VENKOBA RAU, *late Magistrate of Pulivendla, Cuddapah District.*

HUMBLY SHEWETH,—

1. That your Memorialist was appointed a Subordinate Magistrate (Stationary) in the Presidency of Madras on the 1st day of October 1892, on a salary of Rs. 100 per mensem, having previously served as Taluq Sheristadar and Magistrate from January 1890, and before that in various subordinate capacities in the Registration and Revenue Departments from October 1882, making a total service of nearly 12 years.

2. That by an Order No. 708 of the Government of Madras, in the Judicial Department, dated 20th March 1894 (copy of which is hereto annexed and marked A), your Memorialist, when a Sub-Magistrate in the Cuddapah District of the Madras Presidency, was removed from the service of Government, being by the said Order declared unfitted for any post in the public service, and from such an Order your Memorialist now appeals.

3. That the reasons set forth for such dismissal were :—

A. Having grossly and maliciously abused his powers in order to satisfy his malice against one Ramalingam and to get him out of the way.

B. Having got up an entirely false case of house-breaking and theft against the same Ramalingam and another person (one Nagyya) and therein displaying "if not malice, at all events such recklessness as unfits him for a position of responsibility."

C. Having induced the same Ramalingam to bring an obviously false charge against one Bali, a dancing girl, and her relatives, in order to obtain possession of the said Bali.

D. Other irregularities classed as "less important," *viz.* :—

(*a*) Having made an interpolation in his Magisterial Diary under date the 11th June 1893.

(*b*) Having omitted from the same Diary any reference to the release of Bali and her relatives in the case referred to in Charge *C.* above.

(*c*) Having made unauthorized visits to Yetur outside his jurisdiction.

(*d*) Having convened a public panchayet to settle the terms upon which the said Bali should live with him as his mistress.

4. The grounds upon which the Government of Madras concluded that the above charges were made out against your Memorialist, and that they suffice to warrant his dismissal coupled with a declaration of unfitness for any post in the public service are set out in the Order now under appeal.

5. Before discussing the above charges in detail, your Memorialist desires to call attention to the statements in the first paragraph of the Government Order that "there

is much obscurity and doubt" in regard to the charges against your Memorialist, and yet that the Government of Madras "does not think it necessary to examine the evidence for and against the Sub-Magistrate in detail." That the Government of Madras did give but a perfunctory consideration to the facts of the case is evident from the assertion made in para. 5 of the said Government Order that "no attempt was made to ascertain from the Sub-Registrar the facts connected with the alleged extortion of a bond by the Sub-Magistrate," whereas, in fact, the Sub-Registrar was examined, and he refuted the charge of extortion made against your Memorialist.

6. The course which the case against your Memorialist took was :—

(1) That on inspection of the calendar and judgment in case No. 12 of 1893 of the Deputy Magistrate's Court (the Ring Case) by the District Magistrate, the latter asked certain questions of the Deputy Magistrate, in reply to which the Deputy Magistrate expressed his belief that the ring said by your Memorialist to have been stolen from him was not really stolen, and that it must have been given to the Police by your Memorialist.

(2) These remarks were made upon the judgment of the Deputy Magistrate in case No. 12 referred to in (1) above, and on perusing the Deputy Magistrate's replies, the District Magistrate called on your Memorialist for an explanation through the Deputy Magistrate. This was in regard *only* to the ring case.

(3) After receipt from your Memorialist of his explanation in regard to the matters connected with the "Ring Case," the Deputy Magistrate forwarded to the District Magistrate a lengthy report, after a delay of about *two months and-a-half*, not merely on the subject of the said case, but bringing up several other charges against your Memorialist, as to which he had been asked nothing at all by the District Magistrate.

(4) The District Magistrate thereupon made an enquiry principally into the allegations made in the report of the Deputy Magistrate as to extortion of a bond, which he concluded were false; and after the enquiry, he called on your Memorialist for an explanation as to

(i) Keeping a dancing girl named Balasani, who was living in the house occupied by her aunt Guruvasani, and one Shroff Ramalingam (who was keeping the aunt), and that for purposes of his own, your Memorialist exercised his magisterial functions with malice either in getting a complaint against the said Ramalingam made by Guruvasani, or in trying and sentencing the said Ramalingam to one year's rigorous imprisonment, or in doing one or other of the above things;

(ii) Trying to entangle the said Ramalingam in a charge of theft of a ring, which case has been found to be a false one;

(iii) Maliciously exercising his magisterial functions in getting Gurumurti, Guruvasani and Balasani taken into custody on the complaint of the said Ramalingam on or about 30th June 1893;

(iv) Twice leaving his taluk to visit Yetur for the purpose of inducing the said dancing girl (Balasani) to come and live with him at Pulivendla, and having ill-treated the said dancing girl, and by the influence of his official position induced her to remain in his keeping, such a consent not being a voluntary one, and the conduct aforesaid being derogatory to the position of the Memorialist as a Sub-Magistrate, and being conduct that should be brought to the notice of Government.

(v) The District Magistrate in asking your Memorialist for an explanation on these points, remarked that they were conclusions that *might be correct or not*.

(5) On receipt of your Memorialist's explanation, the District Magistrate sent on to the Government of Madras his Report dated 18th December 1893, in which he named the facts he considered proved against your Memorialist as being

(i) That he had a quarrel in January with Ramalingan connected with the dancing girl Bali;

(ii) That in February, in a case he had before him, in which Ramalingam was the accused, he acted vindictively towards Ramalingam;

(iii) That he kept Bali, the dancing girl, throughout March and April, after which, owing to his ill-treatment, she got leave to go to her village, and that without permission he visited that village outside his jurisdiction and persuaded Bali to return to his keeping, that Bali again got leave to go to her village, and that the Sub-Magistrate again visited her village and tried to persuade her to return;

(iv) That in a case in which a ring was alleged to have been stolen from his house, he said without good or reasonable grounds that he suspected Ramalingam;

(v) That when three dancing caste people were brought before him upon remand, he released on bail one of them (Bali) and took her immediately to his keeping, and on the next day released upon bail the other two, but without making entry of these proceedings in his Magisterial Diary;

(vi) That he allowed these latter two dancing caste people to remain in custody of the Police on the 6th July, though they had been under arrest since the 30th June and under remand since the 3rd July;

(vii) That on the 13th July he so ill-treated the dancing girl Bali that she went to the Police Inspector for protection;

(viii) That he made interlineations in his Diary under date 11th June 1893.

The District Magistrate on the 19th December 1893 sent to the Government of Madras a further report relating to the alleged visits of your Memorialist to Yetur, in which the District Magistrate recorded his opinion that "the theory of the Sub-Magistrate having proceeded to Gurijala on the 11th and 12th June 1893 purely on public grounds is negatived by the state in which we find Gampanna's case then."

7. In regard to this Report of the District Magistrate, it may be remarked generally that—

(1) The main cause of the District Magistrate's action, *viz.*, the charge of extortion, is found to be false, the District Magistrate remarking that as to this charge the Sub-Magistrate (your Memorialist) is informed "that he need take no notice of the allegations against him of extorting a bond from the dancing girls and their male relatives which the Acting District Magistrate does not believe."

(2) After receipt of your Memorialist's explanation, which was sent in answer to the conclusions which the District Magistrate in his Proceedings, No. 1046, of the 21st November 1893, said might be correct or not (*vide* para. 6-4 above), the District Magistrate formulated certain charges which he considered proved against your Memorialist and embodied these in his report to the Madras Government (*vide* para. 6-5 above).

(3) That the said Government found certain facts as proved against your Memorialist "beyond reasonable doubt" in the G. O. No. 708 of 20th March 1894 (*vide* para. 3 above).

(4) That the facts found by the District Magistrate fall far short of those considered by the Government of Madras to be proved.

(5) That on the enquiry made by the District Magistrate, he made use of the evidence of witnesses taken in the absence of your Memorialist and not cross-examined by him, namely, of Head Constables Narasiah and Bhadir Khan, and Kondareddi, Village Magistrate of Yetur.

(6) That neither the District Magistrate in respect of the facts found by him, nor the Government of Madras in respect of those found proved by it, framed any specific charges or called upon your Memorialist for his defence in regard to such.

(7) That even were your Memorialist's explanation to the District Magistrate to be considered a defence given in regard to definite charges made by that officer, the Government, especially as it proceeded further than the District Magistrate both as to the facts found and punishment inflicted, ought to have formulated definite charges, and called upon your Memorialist for his defence thereto.

(8) That the recommendation of the Acting District Magistrate in his report to the Government of Madras was in these terms: "I think the above things I consider proved show that the Sub-Magistate is not fitted to exercise his magisterial powers with discretion, and I recommend him to be transferred to some post where he will no longer have to exercise such power, even if it involves a heavy reduction in pay." The Government went far beyond this in not only dismissing your Memorialist, but declaring him unfitted for any post in the public service, and ought, at all events, before inflicting such a punishment, to have called on your Memorialist to show cause against it.

8. Your Memorialist submits that the evidence before the Government of Madras was insufficient to warrant the conclusions set forth in para. 3 of this Memorial.

9. As to the first charge (A) of having grossly and maliciously abused his powers in order to satisfy his malice against one Ramalingam and to get him out of the way, it is in the first place admitted by the Government that *there is no evidence to prove that your Memorialist instigated Guruvasani to bring a complaint.*

10. The whole structure of this charge is based on the assumption that at the time of Guruvasani's complaint against Ramalingam, your Memorialist was keeping the former's niece Bali. This was not the case, and even the District Magistrate has not named this as proved (*vide* Report of District Magistrate, § 18). The only place where such an allegation is found is in the affidavit of Lingamurthy, brother of Ramalingam, made before the Deputy Magistrate in appeal case No. 14 of 1893 of that Magistrate's Court. In regard to this affidavit, it must be borne in mind that Lingamurthy did not by making it run any risk of punishment for giving false evidence, inasmuch as the Deputy Magistrate had no power to administer an oath to the party filing the affidavit (in the matter of the petition of Iswara Chanda Guha, I. L. R. 14, Calcutta, 653), so that Lingamurthy was quite free to make any false statements in the affidavit that he might choose. Further, Ramalingam was utterly ignorant of the contents of this affidavit and of the petition of appeal presented with it, and did not even know of such an affidavit being filed. Ramalingam himself states in evidence to the District Magistrate (page 29 of the District Magistrate's Enquiry Proceedings), "I do not know well if my brother Lingamurthy made an affidavit on my behalf on the 3rd March last. I do not know well if he said the Sub-Magistrate was keeping Bali or not. I do not know what was said in my appeal petition. I was in jail when my brother filed the affidavit. I saw my pleader afterwards." Not only do the statements in this affidavit stand alone and uncorroborated, but they are contradicted by the other evidence. From the depositions of Guruvasani and Pulliah (the Village Magistrate of Pulivendla) when recalled and examined in the appeal (14 of 1893) by the Deputy Magistrate, it is obvious that though attempts were then made in the absence of your Memorialist to elicit evidence in support of the statements contained in Lingamurthy's affidavit, none could be procured. Guruvasani on the contrary swore distinctly that "Bali is not kept by any one. For the past four months she has not been in any one's keeping. She is under my protection. She also gets her earnings from prostitution. She was not invited by the Sub-Magistrate of Pulivendla for purposes of cohabitation. The said Sub-Magistrate, Mr. Venkoba Rao, never came to my house on account of Bali," and again on the 13th November 1893, before the District Magistrate (page 18 of the District Magistrate's Enquiry Proceedings), when every opportunity was afforded her of testifying without fear against your Memorialist and when she was admittedly hostile to him, she stated that "she gave a petition against Ramalingam. He was punished," but said not a word from which the inference could he drawn that your Memorialist induced her against her will to lodge a complaint against Ramalingam, or that your Memorialist was actuated by any malicious motives against Ramalingam.

Pulliah, the Village Magistrate, stated before the Deputy Magistrate in appeal case No. 14 of 1893 (page 19), "I do not know whether the younger woman (Bali) is in the keeping of the Sub-Magistrate."

Even Ramalingam in the same appeal case (page 23) makes no statement of the kind against your Memorialist, nor does he impute any wrong motives to your Memorialist, though

it might be considered to his advantage to do so; nor in the enquiry by the District Magistrate (page 29 of the District Magistrate's Enquiry Proceedings) does he suggest any such imputations against your Memorialist, but states "Balasani (*i.e.* Bali) was dancing and singing here and there as long as she was there. I do not know well if she was kept by any one. I do not know if any one kept Bali while in my house. I do not know well if any one was keeping her."

Surely if there was any justification for a charge against your Memorialist of having acted with malicious motives in regard to Ramalingam, he (Ramalingam) would have taken every occasion to assert this and would not have neglected the opportunities afforded him of so doing when making his statements to the Deputy Magistrate and giving his evidence before the District Magistrate. In the face of his not making such a charge, in the face of the evidence of Guruvasani and Pulliah before the Deputy Magistrate when they were recalled and examined in the appeal No. 14 of 1893, and which evidence disproved the allegations in the affidavit, and in the absence also of any evidence whatever to support the allegation in the affidavit, it is a mere assumption of the Madras Government to raise such a charge on Ramalingam's behalf against your Memorialist.

11. It is said that "in the first place the circumstances under which the Sub-Magistrate recorded Guruvasani's complaint and transferred it to the Police are suspicious, and suggest eagerness on his part to avail himself of the opportunity to injure Ramalingam."

In reference to this, the facts were that Guruvasani complained orally at first, and your Memorialist insisted on her presenting a regular petition, but because, as she herself has deposed (appeal case No. 14 of 1893, page 22), she "pressed for the complaint to be taken down, and urged that if she were to resort to a petition writer the accused would be made aware of her action and abscond with the property, it seemed not unreasonable to receive the verbal complaint and reduce it to writing, as the charges were cognisable (theft and criminal breach of trust), where no court fee stamp was required, and "complaint" is defined in the Criminal Procedure Code as "any allegation made *orally* or in writing, &c.," your Memorialist being moreover then empowered by § 191 of the Code to take cognizance of offences upon information reduced to writing. She met your Memorialist in the street as he was on his way home after court, and had he not then and there entertained her complaint (but) compelled her to resort to a former petition, she would have had to wait until the following day.

That your Memorialist was not influenced by any personal feelings against Ramalingam is shown by the fact that your Memorialist did not take action in the case himself by issuing process at once on the complaint, but forwarded it to the police for investigation and report. It was quite open to the police, if they found there was no evidence to support the charge, or that it was a dispute of a civil nature, to have sent up a referred charge sheet. The remark of the Government of Madras that the complaint of Guruvasani was sent "confidentially" with instructions to make an "immediate search of the house occupied by Guruvasani" is not in accordance with what took place. The information of Guruvasani was sent to the Station House Officer in the usual course of business with instructions "to effect a search with great care into Ramalingam's property and to take necessary steps to bring the offender to justice." The Station House Officer was asked to treat it as confidential lest the property be interfered with or made away with by the accused.

Memorialist did not send the complaint "confidentially" in the sense of "secretly," or that the case should be treated out of "the ordinary course, nor did he direct an immediate search," but only that such measures be taken by the police so that the accused should not abscond with the property or the property be interfered with, as the accused being a goldsmith by profession, he might easily do away with it or alter it beyond recognition. This was quite in accordance with justice and with the urgent request of the complainant. It was also not unreasonable, as in her deposition Guruvasani had shown good grounds for believing that the accused would abscond with the property if there was any delay.

When Ramalingam was placed before your Memorialist for trial by the police, all the witnesses for the prosecution were present, who in the opinion of your Memorialist proved the charge. Ramalingam confessed and said he had no witnesses, so there was no object whatever in deferring the disposal of the case, and it was then and there disposed of. There was no undue haste in this case; your Memorialist was always desirous of getting through his work with as little unnecessary delay as possible, and the course followed in Ramalingam's case was adopted in many others, a list of which cases, to the number of *upwards of fifty*, was submitted to the District Magistrate by your Memorialist with his explanation of the 28th November 1893.

The case was moreover a very short one, there being only *four* witnesses altogether, and no reason is suggested why your Memorialist should have adjourned it to a later date or spent more time over it than he did. Not only before the Sub-Magistrate but also before the Deputy Magistrate did the accused Ramalingam declare that he had no witnesses.

12. It is further alleged by the Government of Madras that "secondly the case was so obviously a matter of a civil nature that any honest Magistrate of the smallest experience and discernment would have referred the complainant to a civil court." That the conviction was reversed by the Deputy Magistrate on appeal is no evidence that your Memorialist convicted the prisoner maliciously or even illegally. It is not for your Memorialist to criticise the decision of the Deputy Magistrate as his appellate court, but your Memorialist would point out that the conviction was reversed on a question of law as to which the Deputy Magistrate held a different opinion from your Memorialist, although there is considerable authority in support of the latter. The facts were not disputed; the prisoner admitted that the jewels belonged to the complainant and were given to him for a particular purpose (*repairs*). His defence was that she owed him money, and that he detained the articles until his claim was paid. Your Memorialist held that such a defence was unavailing, and in this view is supported by the Madras High Court (Proceedings of 28th February 1880) and other authorities. A full consideration of *these* and of the case of Ramalingam will show that it was far from being "so obviously a matter of a civil nature that any honest Magistrate of the smallest experience and discernment would have referred the matter to a civil court."

13. Finally the Madras Government considers "if further proof of prejudice and dishonesty of purpose is required, it can be found in the extraordinary nature of the sentence imposed, one year's rigorous imprisonment. Your Memorialist respectfully submits there is nothing "extraordinary" in such a sentence on a conviction for the offences charged, which were punishable (§ 380, I. P. Code) with seven years' imprisonment and fine, and (§ 406, I. P. Code) with three years' imprisonment and fine respectively. Compared with these *maxima* the sentence inflicted was trivial. In almost all other cases before your Memorialist of offences punishable under Chapter XVII. of the Penal Code, where your Memorialist deemed it fit to award cumulative punishment, a similar sentence was passed, and your Memorialist submits there is nothing in the case of Ramalingam to warrant the conclusion that in applying to him the same rule your Memorialist was in the slightest degree influenced by personal motives.

14. Your Memorialist will hereafter submit some remarks on the general conduct of the Deputy Magistrate towards him, but in regard to the case of Ramalingam desires specially to call attention to the procedure of the Deputy Magistrate in hearing the appeal.

The Deputy Magistrate virtually tried the case *de novo*, recalling and re-examining some of the witnesses and also *the accused*. Your Memorialist believes that this procedure was adopted under the supposed authority of § 428 of the Code of Criminial Procedure, which your Memorialist submits does not at all warrant such a course. It was, however, made use of to extract evidence favourable to the prisoner and to justify the reversal of the finding appealed against. Guravasani (the complainant) in her supplementary deposition in reply to questions put by the Deputy Magistrate stated that "Ramalingam had access to the box and was handling the things therein placed whenever he wished to do so," and that she "cannot say whether he took them with dishonest intention," while Ramalingam declared, in his examination by the Deputy Magistrate, also in answer to questions by the Deputy Magistrate, "I treated the house

in which Guravasani lived as if it was my own house, and we lived as husband and wife." On these and similar statements the Deputy Magistrate seems to have arrived at conclusions adverse to the complainant. But an examination of the evidence taken by the Deputy Magistrate and that on which the conviction was based will show many points of conflict, although even before the Deputy Magistrate, Guruvasani adhered to the main points of her previous story, which afforded just grounds for the finding that the act of the prisoner amounted to a dishonest taking of the jewels; and with the other evidence in the case quite justified your Memorialist in so finding. For instance, the Deputy Magistrate made no reference to, and does not seem to have considered statements of the complainant Guruvasani both at the original hearing and on the appeal, which were adverse to the prisoner, such as "the jewels belonged to me. I never gave them or allowed them to remain in the possession of the accused. He must have got possession of them without my knowledge and permission. He never took before this all the articles even with my permission and kept them with him. He said he would not give the jewels as I owed him Rs. 50."

15. The judgment of the Deputy Magistrate, it is to be noted, contains no reflections whatever upon your Memorialist, although it was written after sending the affidavit of Lingamurthy to your Memorialist and receiving your Memorialist's explanation in regard to it, and also after the examination afresh of the important witnesses in the case.

16. In regard to the second charge (B) of having got up an entirely false case of housebreaking and theft against the same Ramalingam and another person (one Nagyya) and therein displaying if not malice, at all events such recklessness as unfits him for a position of responsiblity, the Government of Madras admits that it cannot assign with certainty any motive for such a false charge being made. This is an important admission, your Memorialist submits, in his favour, inasmuch as if there was no motive for his making a false charge, the most that can be said is that your Memorialist made an error in supecting the persons he did, such as is very frequently made not only by complainants but by experienced police engaged in detection of a crime.

The Government, however, say that it is "inclined to give credit to Ramalingam's story," and that "the case occurred immediately after the Sub-Magistrate's return from his second and fruitless journey to Yetur." This story of Ramalingam will be dealt with hereafter. At present your Memorialist desires to point out that the Government assumes your Memorialist made a "second and fruitless journey to Yetur;" and infers a connection between such journey and the case without any facts to warrant such assumption, and shows its bias against your Memorialist not only by this, but by "inclining to credit" Ramalingam, who is not only himself unworthy of credit in the matter, but is entirely unsupported by other evidence and by the circumstances of the case.

17. The Government of Madras assume that the mainspring of your Memorialist's action was to get possession of Bali by putting pressure on her through Ramalingam. The theory put forward by the Deputy Magistrate against your Memorialist was that your Memorialist was prompted by malicious personal motives against Ramalingam.

But the Government found it necessary to abandon, as there was nothing whatever to show any such malicious feeling (although it was assumed for the purposes of the first charge (A)) and the long period of 4½ months had elapsed since the previous trial of Ramalingam without any indication on the part of your Memorialist of the existence of such personal malice against Ramalingam.

In regard to the assertion that your Memorialist sought to bring pressure to bear on Bali through Ramalingam, it must be borne in mind that Ramalingam was no relative of Bali's, but only the paramour of her aunt, both of the women being of the dancing-girl class. Bali was of full age and perfectly independent, and free both in mind and in action, quite above the possibility of being induced by pressure of Ramalingam to do what she was disinclined to. She must not be judged as an ordinary woman of the country would be. Her profession must be kept in mind.

18. The direct charges made as to this matter against your Memorialist by the Madras Government are: (1) that the case was an entirely false one got up by him, and (2) that his conduct in charging Ramalingam and Nagyya displays if not malice, at all events such recklessness as unfits him for a position of responsibility, inasmuch as there was absolutely nothing to connect these people with the charge.

19. The theft of the ring from your Memorialist's house took place on the night of the 17th June 1893.

Ramalingam and Nagyya, both goldsmiths, had been recently convicted by your Memorialist, the former on the charge brought by Guruvasani and the latter in a ganja case, in which he was fined Rs. 20 on the 15th June 1893. This latter had been given five days to get the Rs. 20 fine, but instead of going to his village to raise the money, remained loafing about Pulivendla. This Nagyya had been seen in company with Ramalingam loitering in Pulivendla, though neither of them belonged to that village. Nagyya was a notorious bad character. He had been twice committed to the Sessions on charges of murder and dacoity, and also sentenced to be hung, but got off on appeal to the High Court.

On the night of the theft at your Memorialist's, these two were seen in company loitering about the house, and when sent for the next morning were not to be found.

Your Memorialist had been sleeping that night outside in front of his house. The robbers made a hole in the back wall and broke through it, took the office box from the room and removed it to some distance where it was found in the morning with the contents scattered about, a ring and Rs. 5 being missing.

Your Memorialist immediately reported the occurrence to the Inspector of Police. On that day the Deputy Magistrate also was at Pulivendla.

20. From the above it will be seen that your Memorialist had valid reasons for casting his suspicions on the two persons named.

It is to be noted that your Memorialist did nothing more than communicate his suspicions to the police, which suspicions were shared by them, and all subsequent proceedings were with the police and the Deputy Magistrate.

The two persons were found by the police at Peddajuttur, a village five miles away from Pulivendla, and also distant from their own village. The ring was found in a turban admitted by Nagyya to be his. There being nothing but suspicion to connect Ramalingam with the robbery, he was not in any way interfered with. Nagyya was arrested and sent before the Deputy Magistrate, who discharged him.

21. To support the theory of the case being an entirely false one got up by your Memorialist, violent presumptions are necessary among them that there should have been an intimate conspiracy between the police and your Memorialist to fabricate false evidence and to make a false charge.

Your Memorialist submits that the conclusions of the Madras Government are entirely unsupported by any evidence and opposed to all the admitted facts; they are based on pure assumption and a trustful reliance on the uncorroborated statement of Ramalingam who is shown to be in no wise worthy of belief.

Your Memorialist also learns that, in the explanation submitted by the Deputy Magistrate to the Government of Madras (p. 4, line 19, G. O. No. 708, Judicial), the Deputy Magistrate said that it was not at all his contention that this theft case was got up by your Memorialist, but on the contrary that the case was a true one. Your Memorialist, therefore, prays that the explanation of the Deputy Magistrate to the Government of Madras be called for and perused in this connection.

22. The third charge (C) relates to the arrest of Bali and her relations on the complaint of Ramalingam.

And here the Madras Government is forced, in order to arrive at conclusions adverse to your Memorialist, to make a complete change of front. Having in the two previous cases placed your Memorialist and Ramalingam in a position of hostility to each other so as to attribute your Memorialist's conduct almost entirely to his malice against Ramalingam, in the present instance it ignores all such malicious feelings and supposes your Memorialist and Ramalingam to be close friends, and the latter so well disposed to oblige the former, that without any apparent benefit to himself he makes obviously false charges at the mere request of your Memorialist and engages with him and the police in an endeavour to bring into trouble innocent persons who were intimate friends and connections of his own.

Also, it having been assumed for the purpose of the two former cases that Ramalingam was an obstacle in the way of your Memorialist's designs in regard to Bali, and that your Memorialist's conduct, if it was not, and in so far as it was not, actuated by malice against Ramalingam, was to be attributed to a desire to "get him out of the way," it became necessary for the purposes of the third charge to take quite an opposite and inconsistent view of Ramalingam's position and to treat him as not at all an obstacle, but a willing assistant to your Memorialist in his designs upon Bali. There is no suggestion of any cause or reason for such a complete alteration of the relations between your Memorialist and Ramalingam, nor of how the latter expected to be benefited by the change.

23. It is remarked in the Government Order under appeal (page 3, line $\frac{61}{22}$), "The charge was obviously a false one, and Government is disposed to believe that Ramalingam was induced to bring it by the Sub-Magistrate. No more reasonable explanation is forthcoming, and the extraordinary conduct of the police and the Sub-Magistrate arouses a suspicion which almost amounts to a certainty that the whole case was got up by the Sub-Magistrate in order to enable him to obtain possession of Bali."

The supposition of the case being false appears to rest on the statement of Ramalingam before the Deputy Magistrate on the 5th August 1893, when the Magistrate was about to strike off the complaint as false, on which occasion he is said to have stated "on the day previous to the occurrence of house-breaking in the house of the Sub-Magistrate, I passed by the Sub-Magistrate's house which is in the main street, I bowed to him as I passed. He called me and asked me to complain against Guruvasani, Balasani and Gurumoorthy. Balasani had left Pulivendla and gone to Yetur, with a view to get Balasani back to Pulivendla, and to have her in his keeping he asked me to complain against her and two of her relatives. I refused to complain against them and went on my way. The very next day I was arrested by the police at Peddajutur in connection with the house-breaking case. When I was about to be released, the Station Officer took from me a written complaint against the Bogum people as stated above. I did as they told me." It is to be noted in the first place that the statement, "I was arrested by the police, &c.," is absolutely untrue. Not only does this appear from the records of the case, but Ramalingam himself deposes before the District Magistrate (Enquiry Proceedings, p. 32) that he was *not* arrested.

The statement above quoted was made by Ramalingam in reply to questions by the Deputy Magistrate as to why he had made the complaint when, as stated by him, he had no grounds to urge against the case being struck off the file. Such questioning was perfectly unnecessary and uncalled for, and the object seems to have been to elicit something against your Memorialist who was then not at all in the good graces of the Deputy Magistrate. It is significant that this took place after your Memorialist's explanation in the ring case had been received by the Deputy Magistrate, which would naturally have excited his displeasure, and the statements of Ramalingam were thereafter made use of by the Deputy Magistrate against your Memorialist in the report submitted to the District Magistrate when forwarding your Memorialist's explanation in the ring case.

The Deputy Magistrate had been at Pulivendla from the 18th to 22nd June 1893, and at Jammalamadugu (close by) from 4th to 20th July 1893. According to Ramalingam's story, the complaint against the "Bogam" people had been taken from him on the 19th June 1893,

and although he had been all the time at perfect liberty, yet he says not a word about the pressure put upon him by the police or your Memorialist until the 5th August 1893, when it is drawn out of him by the Deputy Magistrate, who having received the referred charge sheet in the case on the 13th July 1893, put off passing orders on it, until the 5th August 1893, apparently waiting for your Memorialist's explanation in the ring case.

This statement of Ramalingam was made at a time when he was most eager to clear himself from the imputation of having made a false charge. His allegations then made against your Memorialist are directly opposed to what he stated in his sworn depositions before the District Magistrate on the 18th November 1893, when he says, "I brought a case against the dancing caste people. It was a true case;" and also on the 19th idem "I made the complaint voluntarily. The Sub-Magistrate never told me to complain against the above three. The Sub-Magistrate never spoke to me. I never told the Deputy Magistrate that through fear I had made the complaint." (District Magistrate's Enquiry Proceedings, pages 29 and 32.) The sole matter brought forward as corroboration of this story is that before the District Magistrate, Guruvasani, Bali and Gurumoorthy, declared that Ramalingam told them at Yetur that the case he had brought against them was false and that it was at the instance of Guruvasani's enemies.

Apart from the intrinsic weakness of such a statement as corroboration, made also after such a lapse of time, it is remarkable that it should be there said that the false charge was made at the instigation of Guruvasani's enemies, Ramalingam himself having assigned a different motive in his statement to the Deputy Magistrate, for there is nothing to suggest that your Memorialist should be ranked among the enemies of Guruvasani. On the other hand there is much in the whole proceedings to indicate that Ramalingam, who had been prosecuted and imprisoned by Guruvasani but shortly before, was on anything but good terms with her. Guruvasani also, when she first appeared before the Stationary Sub-Magistrate at Jammalamadugu, said the charge had been made against her by Ramalingam from spite, and the same statement was made in the joint petition for bail of Guruvasani, Balasani and Gurumoorthy filed before that Magistrate in the same case, which application was rejected. The Police Station House Officer (Bhadirkhan) also, whom the District Magistrate examined as a witness on the enquiry but who was not cross-examined by your Memorialist, states in his deposition that "first I thought that the complaint was genuine, then I found that he (Ramalingam) lodged it to get hold of Guruvasani."

24. "As for the police," it is remarked by the Government of Madras, "they arrested three persons on an obviously false charge, marched them to Jammalamudugu and thence to Pulivendla instead of direct to the latter place (the object no doubt being to reduce the accused to a state of greater submission), and having got them to Pulivendla, began at once to find flaws in the case which led to their finally reporting it was false."

The reason the accused were taken to Jammalamadugu is very simple. They were arrested at Yetur, which is a village of that taluq and does not belong to Pulivendla; they had therefore to be taken in the first place to a magistrate having jurisdiction over Yetur, in Jammalamadugu Taluq. They had also to be taken to the nearest magistrate, and Jammalamadugu is nearer than Pulivendla to Yetur by some 10 or 12 miles. (*Vide* § 167 of the Code of Criminal Procedure.) There is no need to resort to the supposition that the object of the police was no doubt "to reduce the accused to a state of greater submission."

With the action of the police, your Memorialist had nothing to do. The case started with them, and they seem to have pursued the ordinary course in reference to it. It is only after some enquiry is made that flaws in a case come out and the enquiring officer is able to detect truth and falsehood.

25. "As for the Sub-Magistrate," observes the Madras Government, "he released Bali on bail the moment she appeared before him and Guruvasani and Gurumoorthy on the following day; but he made no mention in his diary, and there is no reasonable doubt he

intended to strike the case off as false, and hoped by this means and by the omission of all reference to the release of the prisoners in his diary to prevent the case from coming to the notice of his superiors."

The complaint was made in the first instance to the police and the case remained with them and the Deputy Magistrate throughout. Your Memorialist had nothing to do with it beyond (1) passing an order for release of Bali on bail, when brought up by the police on an occurrence report, and (2) releasing the other accused also on bail on an occurrence report from the police stating that a referred charge sheet was submitted in the case. These were only orders of course. There was no case on the file of your Memorialist, no complaint in his court, nor even a charge sheet received in his office, nor was any remand granted by him. Even the referred charge sheet was not disposed of by him, but sent on to the Deputy Magistrate for orders. The Deputy Magistrate's order transferring the case to his own file was received on the 6th July 1893, after the accused had all been released on bail when then there was no case before your Memorialist. The Deputy Magistrate was at once informed of what had taken place, and that the police were about to send in "a referred charge sheet" which when received would be (as it was the following day) sent on to him.

The transfer had been obtained by the three accused who when remanded at Jammalamadugu had engaged a pleader and petitioned the Deputy Magistrate. If they had any reason for connecting your Memorialist with the case, why did they not do so in their petition to the Sub-Magistrate of Jammalmadugu asking for bail? They had legal assistance and were away from the influence and jurisdiction of your Memorialist.

26. The subsequent movements of the parties are important in reference to this charge, although the Madras Government does not advance anything specifically against your Memorialist in regard to the subsequent action of Bali and her relatives. On the 7th July 1893, after their release, Guruvasami and Gurumoorthy went to Jammalamadugu where the Deputy Magistrate then was, and after remaining there for five days complained on the 12th July to the Deputy Magistrate, under Sec. 100 of the Criminal Procedure Code, that Bali was wrongfully confined by your Memorialist. The Deputy Magistrate thereupon sent his own orderly specially to Pulivendla with a witness summons (not a search warrant) for service on Bali. The summons did not indicate any section nor state why Bali was wanted. It was served upon her in the house of one of her relatives. She appeared before the Deputy Magistrate on the 17th July; and after three days (on the 20th idem) preferred a complaint to that Magistrate against your Memorialist of wrongful confinement and extortion.

The Deputy Magistrate evidently thought very little of these charges against your Memorialist, as he took no further action in respect of them. He merely examined Bali very perfunctorily on her complaint on the 20th July. She deposed "I swear to each and every fact referred to in the petition *which has been read over to me now*," nothing more. She named 13 witnesses, none of whom were examined by the Deputy Magistrate. The District Magistrate subsequently examined these; they proved nothing against your Memorialist. Bali, Guruvasani and Gurumoorthy (who were three of the 13) alone said anything against him, and the District Magistrate entirely disbelieved the charge of extortion which was clearly proved to be false.

The Deputy Magistrate kept all the papers and petitions until the 9th October 1893 when he sent them on to the District Magistrate together with your Memorialist's ring case explanation of the 28th July 1893 as annexures to his report against your Memorialist.

Your Memorialist would point to this delay, the whole conduct of the Deputy Magistrate in regard to the collecting of evidence against your Memorialist and the contents of his report as strong indicative of a hostile feeling against your Memorialist and not as the Madras Government insinuate of an inclination to screen and protect your Memorialist.

27. Your Memorialist has pointed out that Guruvasani, Bali and Gurumoorty had many opportunities of evading your Memorialist and counteracting his designs by exposing the whole story to the Deputy Magistrate had they believed that your Memorialist was engaged in getting

up false charges against them; and during the progress of this case, Bali had every opportunity of so doing. She was under no restraint whatever. In her evidence before the District Magistrate (District Magistrate's Enquiry Proceedings, p. 5, 6) on the 11th November 1893, she says she was not locked up but allowed to go about the streets. The Police Constable Paliah who served the summons on her deposed to the same effect and that he did not find her in the house of your Memorialist but in the house of a friend of hers. (*Vide* his deposition before the District Magistrate.) Further your Memorialist was absent at Cuddapah on duty, being a witness in the Sessions Court from the 7th to 10th July. This fact has even been admitted by Bali in her evidence before the District Magistrate. (*Vide* her deposition before the Deputy Magistrate on the 11th November 1893.)

The fact of no process whatever having been issued by the Deputy Magistrate against your Memorialist and only an ordinary witness summons to Bali, to serve which her relatives Guruvasani and Gurumoorthy were asked by the Deputy Magistrate to accompany the Constable, (*vide* depositions of the Police Constable Paliah, Guruvasani and Gurumoorthy,) and other relatives of hers actually went, and the dates throughout show that the story of the restraint of Bali was purely imaginary, and the only object of Guruvasani and Gurumoorthy was to get her under their influence in order to induce her to act with them against your Memorialist. Guruvasani and Gurumoorthy went to Jammalamadugu on the 7th July immediately after their release. The same day your Memorialist went to Cuddapah and remained there till the 10th. But it was not till the 12th that the idea occurred to Guruvasani to complain of Bali's being kept in wrongful confinement (which the facts clearly show to be false). Bali went at once to Jammalamadugu in response to the summons, but it was not till the 20th that they were able to induce her to file a complaint before the Deputy Magistrate.

28. As to the omission of mention of the case from your Memorialist's Magisterial Diary, your Memorialist has to point out that the Diary provides only for Calendar or File Cases, *i.e.*, cases actually before the Magistrate and numbered. Occurrence reports are not noted in it. There is no order directing mention of them to be made in the Diary, and the District Magistrate states (*vide* his report to Government, dated 19th December 1893) that it is not usual to mention them. If your Memorialist had entered similar occurrence reports in his Diary and omitted the two relating to this case, this fact might be taken against him; but it was invariably his practice to omit all reference to such reports and orders passed thereon in his Diary, following what the District Magistrate observes to be the usual rule.

When the referred charge sheet was received in the case would be the time to take the case on to a Magistrate's Diary; but as your Memorialist had previously received intimation from the Deputy Magistrate that he had taken the case on his own file, your Memorialist was precluded from taking it upon his and forwarded the referred charge sheet and other papers appended to it including the occurrence reports to the Deputy Magistrate, having even previously reported to the Deputy Magistrate the receipt of the occurrence reports, &c., on the 6th July.

There was no attempt at all at concealment. The omission of entries in the Diary could not result in concealment, in the circumstances explained above. The Deputy Magistrate was in full possession from the beginning of information as to what was occurring; it was before another Magistrate (Sub-Magistrate of Jammalamadugu) that these accused were taken for remand. The Deputy Magistrate was already watching your Memorialist and his actions, being in possession at the time of the District Magistrate's order calling for your Memorialist's explanation in the ring case. Your Memorialist on the very next day, when these accused were brought before him, *i.e.*, on the 6th July, reported the case to the Deputy Magistrate in detail and was then asked to submit records therewith connected. The Station House Officer keeps copies of occurrence reports and also notes them in the station reports. All are sent to the District Superintendent of Police through the Inspector.

It is clear, therefore, that not only no concealment was attempted, but none was under the circumstances possible.

It would have been quite impossible for your Memorialist to "strike the case off as false" because there never was any case before him to strike off. It never reached before him the stage of being brought on file.

29. The final allegation against your Memorialist in the matter is "the most significant part of the Sub-Magistrate's conduct in this matter in the conveyance of Bali, a person accused before himself of an offence, to his own house immediately upon her release on bail. Such an act is inexcusable."

In the first place, there was no case at all before your Memorialist in which Bali was an accused person. Again, there is no evidence whatever that Bali was taken to your Memorialist's house after her discharge. Your Memorialist is at a loss to discover upon what ground this perfectly gratuitous assumption is made. Bali by her own account (*vide* Mahomed Beg's deposition before the District Magistrate's Enquiry Proceedings) waited in Pulivendla (that being her village where she had friends, acquaintances and relatives) in the expectation that Guruvasani and Gurumoorthy would come and join her there. She had no object in going after them to Jammalamadugu or elsewhere.

Your Memorialist has shown above (para. 27) that he left Pulivendla on 7th July 1893, the day after the accused were all released on bail and was away for some days.

That so far from Bali being in his house, the evidence shows that the police orderly found her at the house of a relative; and the other evidence points not to her being with your Memorialist, but to her living perfectly free where she pleased.

30. As to the other and less important irregularities mentioned (D), the interpolation in the Diary under date the 11th June is very easily explained. That day was Sunday, and on the Diary being brought on Monday by a clerk in court to your Memorialist for signature, 'Nil' had been entered by the clerk, as it was not known in the office that your Memorialist had done anything on the Sunday. As however the village of Gurijala had been visited on that day, your Memorialist then and there made the correction and wrote "Proceeded to Gurijala to hold local enquiry in connection with Gampanna's case." The District Magistrate has reported that he could not see from the records of the case that it was at all necessary to visit Gurijala. Your Memorialist can only say that that is a matter of opinion, and it may be conceded that possibly the Magistrate who was trying the case and knew the facts was the best judge of the necessity.

31. The omission from the Magisterial Diary of any reference to the release of Bali and her relatives has already been discussed above in para. 28 of this Memorial.

32. The unauthorised visits to Yetur in Jammalamadugu Taluq are not specified either in regard to number or date. But from para. 2 (clause 2) of the Madras Government Order, it may be taken that they were two in number—the one in May 1893 and the other in June (probably the 11th or 12th).

Your Memorialist has all along admitted that he visited Yetur on Whitsuntide Tuesday, the 23rd May 1893; but his visit was not unauthorised. It was under special written permission of the Deputy Magistrate. On that occasion Bali was not at Yetur; so the statement of the Madras Government that your Memorialist "followed her to Yetur and managed to induce her to return with him to Pulivendla" is somewhat strange.

It seems to be inferred that the second visit was on the occasion when your Memorialist went to Gurijala. On that date the Deputy Magistrate was encamped half a mile from Yetur inspecting the Minor Irrigation Channel of Anantapuram village. He says that the visits of your Memorialist to Yetur were notorious, so that if one occurred when the Deputy Magistrate was there, he must have known it. But he makes no pretence of this. Both Bali and one Somi Reddi, the Monigar of the village of Yetur, say that shortly after your Memorialist visited Yetur, they saw the Deputy Magistrate, but that they did not report the fact to him. (*Vide* their depositions before the District Magistrate.)

Indeed the first time that any mention is made by any one of these visits is after the complaint had been made of wrongful confinement of Bali.

33. Guruvasani, Gurumoorthy, Bali and four other persons, residents of Yetur, declare that your Memorialist went twice to the village to see Bali and induce her to go to him; but they give no dates even approximately, and so it is impossible for your Memorialist to meet the allegations directly.

The Village Magistrate Chinna Konda Reddi of Yetur, another witness, was not examined by the District Magistrate, and your Memorialist had no opportunity to cross-examining him. His statement was obtained by the Deputy Magistrate in this way. He was in the latter part of September 1893 called upon by the Deputy Magistrate to give an explanation why he had not reported a murder. On this occasion the Deputy Magistrate took the opportunity of enquiring from him how often your Memorialist went to his village. This was the only examination of this witness. Even the Deputy Magistrate admits this, in his report to the District Magistrate, where he states, "The Village Magistrate of Yetur, *who appeared before me in a departmental enquiry*, swears that the Sub-Magistrate did come to Yetur on two occasions. He does not remember the exact dates of the visits." This was not known to your Memorialist. But the District Magistrate relies on it as evidence in his report to Government. The Monigar Somi Reddi had been accused in a case pending before your Memorialist in July 1893. He applied to the Deputy Magistrate for a transfer of the case, which was refused. He then obtained a transfer from the District Magistrate, and in the latter application stated that your Memorialist had animus against him, because he stood in the way of his getting Bali from Yetur.

Other two witnesses as to the Yetur visits (Abbiraju Gurumoorthy and Iragam Balireddi) admit that they were friends of Monegar and also of Bali and Guruvasani. They had both assisted Bali and Guruvasani in the case brought against them by Ramalingam by making affidavits in support of the applications to the Deputy Magistrate for a transfer of the case.

The fourth witness, Akarapu Malliah, was a sowcar who kept Bali's mother, and the women were indebted to him. One of the other witnesses also was a debtor of his. (*Vide* depositions of Somi Reddi, Abbiraju Gurumoorthy, Iragam Balireddi and Akarapu Malliah before the District Magistrate.)

It will thus be seen that all the witnesses as to this point were partisans, and their evidence is also of such an indefinite nature that it does not admit of direct disproof.

34. The last of the minor irregularites is stated to be "the convening of a public panchayet to settle the terms upon which his mistress should live with him."

This is entirely untrue. It rests only on the statements of Bali and Guruvasani. No other persons use such an expression as "panchayet."

The same witnesses were examined on this point as were called to speak to the Yetur visits. No independent witnesses gave testimony. They all, as has been pointed out, belong to the same party. But the sowcar knows nothing about any panchayet, and none of the other witnesses say more than that they and others induced Bali to go with the Sub-Magistrate. They and the "others" were friends of Bali, and according to their statements only tendered her friendly advice. They do not speak of a "panchayet," much less of a public one; nor is there anything on the evidence of such an assemblage to settle the terms upon which his mistress should live with him.

35. As to the police, your Memorialist would respectfully point out the inherent improbability of a Subordinate Magistrate having the whole police force of the taluq so under his thumb as to be able to induce them to support him and conspire with him doing such acts as the Government of Madras attribute to your Memorialist in conjunction with the police.

36. At the same time it is to be observed that the only evidence against your Memorialist on the question of the woman Bali being kept by him is that of the police, and that the Head

Constables Narasiah and Bhader Khan also testify against him in his absence. This shows that the police were not altogether so disposed to favour your Memorialist as the Madras Government assumes.

37. From the remarks of the Government of Madras in the order now under appeal, it is to be inferred that the relations between your Memorialist and the Deputy Magistrate were so friendly and intimate that the latter did all he could to conceal the misdoings of your Memorialist and to screen him from the censure of superior authority.

But a careful consideration of the circumstances and facts will show that so far from this being the case, the Deputy Magistrate has been throughout animated with lively hostility against your Memorialist, and it is in consequence of the construction and colour he has given to your Memorialist's actions that they have received the condemnation of the Madras Government.

38. Your Memorialist was altogether only fourteen months under the Deputy Magistrate, who was a perfect stranger to him previously. At first they pulled altogether fairly well; and up to the date of the judgment of the Deputy Magistrate in the appeal of Ramalingam (in case No. 14 of 1893) against Guruvasani, nothing had occurred to disturb friendliness between them. In that judgment the Deputy Magistrate makes no reflections upon your Memorialist, although it was written after sending the affidavit of Lingamoorthy to him and receiving his explanation and also after calling witnesses to support the story against your Memorialist.

In passing, your Memorialist would urge that it is strongly in his favour in this matter that the Magistrate, who so thoroughly enquired into the case as to examine witnesses on appeal, and who had all the parties before him, saw nothing in your Memorialist's conduct therein to call for animadversion; and it was not till a later date, when relations between him and your Memorialist altered, that he saw anything in your Memorialist's conduct to find fault with or remark upon.

39. The first occasion that produced friction between the Deputy Magistrate and your Memorialist was in a case of murder and theft at Addalamarri, in Pulivendla Taluq, when the Deputy Magistrate on inspection of the Calendar remarked, under date 12th April 1893, on your Memorialist's procedure in having convicted the prisoner of theft and committed him to sessions for the murder: "The Sub-Magistrate seems to be ignorant of the very rudiments of the Criminal Code."

The District Magistrate on seeing this called for the records, which were submitted by your Memorialist through the Deputy Magistrate with an explanation in which your Memorialist complained of the remarks of the Deputy Magistrate and asked that he be ordered to withdraw them.

The District Magistrate recorded that he saw nothing bad in the procedure. The prisoner was subsequently hanged.

40. In the same month the Deputy Magistrate found fault with your Memorialist on two occasions: (1) for delaying copies for three days in a case where the accused were only fined and set at liberty, and (2) for giving copies in a warrant case on plain paper.

In both these matters your Memorialist gave explanations showing that he was quite correct, and the action of the Deputy Magistrate was unjustifiable in finding fault with him.

41. On the 18th May 1893, the Deputy Magistrate in a private conversation attacked your Memorialist and questioned him as to his private affairs. Your Memorialist resented this interference, and some hot words passed between them. This the Deputy Magistrate also admits in his report to the District Magistrate in a different form as having given a piece of advice. Their subsequent relations were thereby rendered more than unpleasant.

42. On the 17th July 1893, the District Magistrate had, through the Deputy Magistrate, called on your Memorialist for an explanation in regard to the ring case. This requisition was received by the Deputy Magistrate on the 20th July 1893 and by your Memorialist on the

26th July 1893. Two days afterwards (28th July 1893) your Memorialist submitted his explanation which reached the Deputy Magistrate on or about the 30th July 1893, but it is to be noted that the Deputy Magistrate did not send it on to the District Magistrate until the 9th October 1893, notwithstanding several reminders and even telegrams from the District Magistrate. He then sent in a full report against your Memorialist not merely in the ring case, as to which alone the District Magistrate referred and to which your Memorialist's explanation was confined, but as to everything he could possibly gather together to the disadvantage of your Memorialist.

43. Your Memorialist's explanation in the ring case contains much that must have been unpleasant to the Deputy Magistrate, as your Memorialist could not avoid commenting on the Deputy Magistrate's conduct towards him, and showing that by reason of his (the Deputy Magistrate's) hostility much weight should not be attached to the adverse conclusions expressed by the Deputy Magistrate against your Memorialist.

The Deputy Magistrate was in this matter merely a conduit pipe for the purpose of forwarding on your Memorialist's explanation to the District Magistrate. He was not called on for any remarks and could, without any delay, have forwarded your Memorialist's explanation as soon as received.

He not only delayed it as above noted, but it is on record that when the District Magistrate asked him in September 1893 why your Memorialist had not sent in his explanation, he did not tell the District Magistrate that it was even then lying in his office.

44. There must have been some reason for this delay. And it is apparent that the reason was that the Deputy Magistrate, being irritated at the remarks made by your Memorialist regarding him, kept the papers back because he was not prepared to meet the attacks made upon him, and sought time to make up all he could against your Memorialist.

45. The Deputy Magistrate was in the meantime engaged in the case of Ramalingam *versus* Gurumoorthy, Guruvasani and Balasani, and the way he proceeded in it clearly indicates his desire to get up evidence against your Memorialist and to encourage your Memorialist's adversaries to speak against him. The Deputy Magistrate's examination of Ramalingam on 5th August 1893 before striking off his complaint as false, and also his examination of the Village Magistrate of Yetur in September 1893 (when he appeared in a departmental enquiry against him) bear inherent testimony to this tendency of the Deputy Magistrate. He did not strike off Ramalingam's complaint against until he had first obtained from Bali and Guruvasani their complaints against your Memorialist and had examined them thereon.

In his order of transfer of the case (Ramalingam *versus* Bali and Guruvasani) to himself, the Deputy Magistrate directed your Memorialist to release the accused on their own bail. The case was a non-bailable one and at the same time under police investigation. The issuing of such a direction was unusual and peculiar; and betokens a bias towards the accused which taken with the other circumstances seems to indicate to them that they might rely on favour being shown them if they bore testimony against your Memorialist.

46. Then, the manner in which the Deputy Magistrate sent for Bali upon the petition of Guruvasani, Guruvasani's vakalatnamah to present the petition being attested by the Deputy Magistrate himself. His own orderly was despatched asking Bali's relations to accompany him with an ordinary witness summons, not specifying any section nor stating any reason why her attendance was required. On her attending, her deposition was taken *shortly* on a complaint of wrongful confinement and extortion, and it purports to be dated 20th July 1893. This is manifestly a wrong date, and the statement was antedated by the Deputy Magistrate for some purpose of his own. That it is a wrong date, and the deposition should have been antedated is very clear from what Bali had deposed on the 11th November 1893 before the District Magistrate. She said that "after three days I went I filed a petition, and five days after that I gave the deposition at four o'clock one evening when the Deputy Magistrate was just

leaving for another place." It will be seen that the Deputy Magistrate did not change his camp till 24th July. Relying then on the evidence of Bali, it is evident that the deposition was taken on the 24th and not on the 20th as it purports to be.

47. He did not however examine any of the 13 witnesses named on her behalf nor enquire into her complaint. The evident reason for this was that he knew the complaint to be false. If he had not himself got it up, he encouraged it on account of his bad feeling against your Memorialist; and he was well aware that if he examined the witnesses and held a proper enquiry he would have to exonerate your Memorialist and dismiss the complaint. If indeed the complaint was a *bonâ fide* one, why did not Bali and Guruvasani themselves press it?

48. The illegal act of the Deputy Magistrate in taking an affidavit from Lingamoorthy on oath, and his examination (also illegal) of the accused Ramalingam in the appeal clearly indicate hostility against and a desire to injure your Memorialist, which are also traceable in the acts of the Deputy Magistrate above mentioned.

49. Your Memorialist therefore submits that weight should not be given to constructions placed upon his conduct by one animated by such bias and hostility against him as the Deputy Magistrate, nor to evidence given by persons evidently instigated by and relying on the support of one so adverse to him, especially as such evidence would seem in great part to have been drawn out of the witnesses by the Deputy Magistrate to serve his own ends against your Memorialist.

50. Finally your Memorialist begs to ask favourable consideration to the fact of his having served Government for twelve (12) years not only without fault, but with the commendation of his superiors for the manner in which he always discharged his magisterial and other official duties. Even the Deputy Magistrate, who was so adverse to your Memorialist, made use in his report to the District Magistrate of the following words in regard to your Memorialist: "Even now I safely assert to his credit that he has been scrupulously honest in the discharge of his public duties."

The District Magistrate also in his report to the Government of Madras only recommends that your Memorialist "be transferred to some post where he will no longer have to exercise such (magisterial) powers, even if it involves a heavy reduction in pay."

51. That your Memorialist has now been out of Government service unemployed for 8 months, and has thereby been severely punished already. But the declaration of the Madras Government that he is "unfitted for any post in the public service" is, your Memorialist submits, a punishment far in excess of what might be required by any offence or misconduct he may be considered to have been culpable of.

52. That your Memorialist therefore humbly prays that on consideration of the whole case the Government of India will be pleased to set aside the order of the Government of Madras now appealed against and to direct your Memorialist to be reinstated to his former appointment in the public service.

And your Memorialist will ever pray.

S. Venkoba Rao.
c/o. O. L. Sarma Esq
Pleader
Madanapalli

Madanapalli
25. 11. 94

APPENDICES.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

READ—the following papers :—

From the District Magistrate of Cuddapah, dated 18th and 19th December 1893.

ORDER—dated 20th March 1894, No. 708, Judicial.

The voluminous records read above relate to certain charges against M.R.R. S. Venkoba Rao, the Stationary Sub-Magistrate of Pulivendla. There is much obscurity and doubt which has arisen mainly through the supineness of the Deputy Magistrate, and the Government does not think it necessary to examine the evidence for and against the Sub-Magistrate in detail. It will suffice to say that His Excellency in Council, after a careful consideration of the statements made on both sides, has come to the conclusion that the facts detailed in the following paragraph have been proved beyond reasonable doubt.

2. Guruvasáni and Báli, two dancing girls, who were aunt and niece, respectively, were living at the end of 1892 and the beginning of 1893 in a house rented by one Rámálingam, a goldsmith, at Pulivendla. Guruvasáni was at the time under the protection of Rámálingam and Báli was being regularly visited by the Sub-Magistrate. Rámálingam, however, objected to the Sub-Magistrate's visits to his house and suggested that he should take Báli to his own house, but the girl refused to leave her aunt and high words passed between the Sub-Magistrate and Rámálingam on the subject. Towards the end of January, Guruvasáni and Rámálingam quarrelled and the former, on the 3rd February, made an oral complaint to the Sub-Magistrate that the latter had misappropriated some jewels belonging to her. The Sub-Magistrate recorded this complaint in writing in the verandah of a shop and sent it at once and confidentially to the Station-house Officer of Pulivendla with instructions to make an immediate search of the house occupied by Guruvasáni. This was done and the jewellery being found there in a bag belonging to Rámálingam who had the key of it in his possession, he was charged at once, tried, convicted of criminal breach of trust and theft in a dwelling-house and sentenced to six months' rigorous imprisonment for each offence. All this took place on the 3rd February. The conviction was set aside on appeal on the 24th March.

There is no evidence to prove that the Sub-Magistrate instigated Guruvasáni to bring a complaint, but it undoubtedly came opportunely for, Rámálingam having gone to jail, Guruvasáni resolved to return to her native village, Yétúr, and the Sub-Magistrate was able to induce Báli to come to his house. It appears, however, that after a time the Sub-Magistrate treated Báli unkindly and, either in April or May, she ran away from him to Yétúr. The Sub-Magistrate followed her thither a few days afterwards and managed to induce her to return with him to Pulivendla. Fresh ill-treatment occurred and Báli again got away on some pretext to Yétúr. Again the Sub-Magistrate followed her (probably on the 11th or 12th June), but this time the girl proved intractable and he was obliged to return to Pulivendla alone.

On the 18th June, the Sub-Magistrate accused Rámálingam and one Nágayya of stealing a ring and some cash from his house on the previous night. The two men were discovered at the house of one Pompayya of Peddajutúr on the 18th (the day upon which the complaint was laid against them), the house was searched in a most irregular manner, and the Sub-Magistrate's missing ring was discovered in a turban which was found in the house and which proved to be Nágayya's. In consequence of this discovery Nágayya was charged with house-breaking by night and theft in a building, but was discharged by the Deputy Magistrate who tried the case.

On the 28th June, Rámálingam made a complaint of criminal breach of trust in respect of certain property against Guruvasáni, her brother Gurumurti and Báli, and the Police intimated to the Sub-Magistrate that the case would be duly investigated. On the 30th June, certain constables proceeded to Yétúr and searched the house of the accused people. A few articles were found, which Rámálingam identified as his, and the accused were arrested and marched off to Jammalamadugu. Thence they were taken in custody to Pulivendla, which they reached apparently on the 5th July. On the 3rd July the Police had reported to the Sub-Magistrate that there was no case against Báli and had suggested that she should be released on bail. Accordingly she was so released when she appeared before the Sub-Magistrate on the 5th, and she was taken at once into that officer's house. On the 6th July the Police reported that the truth of the whole case was doubtful and suggested that Guruvasáni and Gurumurti also should be released on bail, and this was done. On the same day the Police reported the case as false and recommended that it should be struck off, but, before this could be effected, the Deputy Magistrate transferred the case to his own file. It would seem that the case was ultimately struck off as false.

On the 12th July, Guruvasáni complained to the Deputy Magistrate that Báli was being detained against her will in the Sub-Magistrate's house, and the Deputy Magistrate accordingly summoned her to appear before him, which she seems to have done on the 17th. Until the 15th or thereabouts the girl was detained in the Sub-Magistrate's house. This is perfectly clear, for she applied to the Police Inspector for assistance on the 13th July, and there is ample evidence to show that the Sub-Magistrate refused to allow Báli to leave his house until the Deputy Magistrate's summons was served upon her.

3. The above facts having been proved to the satisfaction of Government, it has now to be considered what conclusions may safely be drawn therefrom.

As already remarked, there is no proof that the Sub-Magistrate instigated Guruvasáni to complain against Rámálingam, but the Sub-Magistrate was undoubtedly on bad terms with Rámálingam, and that man's presence in Pulivendla was an obstacle to his free enjoyment of Báli's society. It seems to His Excellency in Council quite certain that the Sub-Magistrate grossly and maliciously abused his powers in order to satisfy his malice against Rámálingam and to get him out of the way. In the first place, the circumstances under which the Sub-Magistrate recorded Guruvasáni's complaint and transferred it to the Police are suspicious and suggest eagerness on his part to avail himself of the opportunity to injure Rámálingam. Secondly, the case was so obviously a matter of a civil nature that any honest magistrate of the smallest experience and discernment would have referred the complainant to a Civil Court. The Sub-Magistrate must have known that the house in which Rámálingam and Guruvasáni were living belonged to the former, though, in his judgment, he calls it the latter's property. He also knew that Guruvasáni was in Rámálingam's keeping, for she said as much. The jewels had not been removed or secreted, but, as the two were living together, and as the woman's box had no lock, they were in a perfectly reasonable place of security, namely, in a bag belonging to Rámálingam of which he had the key; and they were produced by him as soon as he was asked for them. Finally, if further proof of prejudice and dishonesty of purpose is required, it can be found in the extraordinary nature of the sentence imposed—one year's rigorous imprisonment. Even were there no suspicion of improper motives on the Sub-Magistrate's part, the infliction of such a sentence in such a case would be sufficient to justify the withdrawal of magisterial powers.

The second case wherein the Sub-Magistrate's conduct is open to grave suspicion is the charge of house-breaking brought against Rámálingam and Nágayya. The curious evidence given by Pompayya in this case has not received the attention it deserved and Ismail Sahib, an important witness, was not examined, but enough has been ascertained to fully justify, in the opinion of Government, the Deputy Magistrate's view that the case was an entirely false one got up by the Sub-Magistrate. The Sub-Magistrate's motive in making this false charge cannot be ascertained with any degree of certainty and this mainly on account of the dilatoriness and negligence of the Deputy Magistrate who made no effort to get

to the bottom of the matter. It is, however, significant that the case occurred immediately after the Sub-Magistrate's return from his second and fruitless journey to Yétúr, and the Government is inclined to give credit to Rámálingam's story that the charge was brought in order to place him in a position in which pressure could be brought to bear upon him with the object of inducing him to make a complaint against Báli and her relatives and thus enable the Sub-Magistrate to obtain possession of the girl's person. However this may be, and even if a burglary did occur in the Sub-Magistrate's house, there was absolutely nothing to connect Rámálingam and Nágayya with it and the Sub-Magistrate's conduct in charging them with the offence displays, if not malice, at all events such recklessness as unfits him for a position of responsibility.

The third case relates to the arrest of Báli and her relatives. The charge upon which they were arrested was obviously a false one and, as remarked above, the Government is disposed to believe that Rámálingam was induced to bring it by the Sub-Magistrate. No more reasonable explanation is forthcoming, and the extraordinary conduct of the Police and the Sub-Magistrate arouses a suspicion which almost amounts to certainty that the whole case was got up by the Sub-Magistrate in order to enable him to obtain possession of Báli. As for the Police, they arrested three persons on an obviously false charge, marched them to Jammalamadugu and thence to Pulivendla instead of direct to the latter place (the object no doubt being to reduce the accused to a state of greater submission) and, having got them to Pulivendla, began at once to find flaws in the case which led to their finally reporting it as false. As for the Sub-Magistrate, he released Báli on bail the moment she appeared before him and Guruvasáni and Gurumurthi on the following day, but he made no entry in his diary; and there is no reasonable doubt that he intended to strike the case off as false, and hoped by this means and by the omission of all reference to the release of the prisoners in his diary to prevent the case from coming to the notice of his superiors. But the most significant part of the Sub-Magistrate's conduct in this matter is the conveyance of Báli, a person accused before himself of an offence, to his own house immediately upon her release on bail. Such an act is inexcusable.

Other, and less important, irregularities committed by the Sub-Magistrate are (1) the interpolation in the diary under date the 11th June; (2) the omission from the diary of any reference to the release of Báli and her relatives; (3) the unauthorised visits to Yétúr in Jammalamadugu taluq; and (4) the convening of a public panchayat to settle the terms upon which his mistress should live with him—a proceeding most derogatory to the position occupied by the Sub-Magistrate.

4. Taking all the facts into consideration, His Excellency in Council has come to the conclusion that Venkoba Rao's conduct shows him to be unworthy of the confidence of Government and unfitted for any post in the public service. He will accordingly be dismissed.

5. The facts revealed by this extraordinary case are not creditable to the administration of Cuddapah. No proper enquiry was made into the charges of wrongful confinement and extortion made against the Sub-Magistrate by the dancing girls. It seems to Government that the District Magistrate should have taken the case on to his own file and have disposed of it in accordance with law. His Excellency in Council is surprised that this was not done and that no attempt was made to ascertain from the sub-registrar the facts connected with the alleged extortion of a bond by the Sub-Magistrate. The Government also observes with great displeasure the supineness of the Deputy Collector and Magistrate M.R.R. P. Séshagiri Ráo Gáru. To begin with, he allowed the gross abuse of power by the Sub-Magistrate in the case against Rámálingam to pass with nothing severer than a censure. In the ring case he as good as stated openly in the judgment that the case was false and had been instigated by the Sub-Magistrate yet, so far as appears, he took no further steps in the matter and it seems to have been the District Magistrate who called for the Sub-Magistrate's explanation of his conduct. Even when this call had been made the Deputy Magistrate made no enquiry himself but was content to pass on the Sub-Magistrate's explanation to the District Magistrate after a delay of more than two months. As to the complaint of wrongful

confinement against the Sub-Magistrate, the Deputy Magistrate made, practically, no enquiry at all. He did not even go to Pulivendla to ascertain what was known there and did not give the District Magistrate the slightest intimation of the serious charge which had been brought against his subordinate for a space of three months, when he sent in his general report on the whole case. Nor does the Deputy Magistrate seem to have taken any steps to procure an explanation of the conduct of the Police in the ring case, of their arrest of Báli and her relatives on manifestly insufficient grounds or of the peculiar route taken when these persons were conveyed from Yétúr to Pulivendla. The Deputy Magistrate has attempted some explanation of the delay in dealing with the case but it is insufficient and it seems to Government that he has shown himself to be dilatory, deficient in energy and inappreciative of the significance of the facts which came before him in the course of this case. It is a matter for serious consideration whether M.R.R. P. Séshagiri Ráo Gáru has not shown himself unfitted for the responsible position which he now occupies and he will be directed to show cause at once why he should not be reduced to his permanent appointment.

6. The conduct of the Police throughout seems to have been open to the gravest suspicions and, so far as can be ascertained, there has been no enquiry by the District Superintendent into the numerous irregularities which occurred. This is most unsatisfactory and the Government is of opinion that the conduct of the Police from the Inspector downwards and their relations with the Sub-Magistrate should be made the subject of a searching enquiry by the Inspector-General or Deputy Inspector-General of Police.

(True Extract.)

J. F. PRICE,
Chief Secretary.

C. A. No. $\frac{143}{16\text{-}4\text{-}94}$.

Reference on Current No. $\frac{1046}{\text{Magisterial}}$, dated 21st November, 1893.

Proceedings of the Acting District Magistrate, Cuddapah.

Read Deputy Magistrate of Proddatur Division letter, No. 274, of the 9th October 1893, bringing to notice certain irregularities on the part of the Sub-Magistrate of Pulivendla and the Police in connection with the enquiry held in the case against the dancing girls of Yétúr by Ramalingam.

Read (1) Records in Calendar case 32/93 on the file of the Stationary Sub-Magistrate, Pulivendla, Guruvasani, } *Versus* Ramalingam.

(2) Records in appeal case 14/93 on the file of the Deputy Magistrate against the above decision.

(3) Calendar case 12/93 on the file of the Deputy Magistrate, Proddatur, do. } Ring case

(4) Referred case No. 12/93 on the file of the Deputy Magistrate, Ramalingam. } *Versus* Guruvasani.

ORDER.

Read depositions in the enquiry held by the District Magistrate.

From the above the following are conclusions that may be correct or not :—

i. That the Sub-Magistrate S. Venkoba Rao was keeping a dancing girl named Balasani, who was living in the house occupied by her aunt Guruvasani and one shroff Ramalingam (who was keeping the aunt); that for purposes of his own the Sub-Magistrate exercised his magisterial functions with malice either in getting a complaint against the said Ramalingam made by Guruvasani and in trying and sentencing the said Ramalingam to one year's rigorous imprisonment, or in doing one or other of the above things.

ii. That the Sub-Magistrate tried to entangle the said Ramalingam in a charge of theft of a ring of his, which case has been found to be a false one. (Explanation in this case is on record.)

iii. That the Sub-Magistrate maliciously exercised his magisterial functions in (8) getting Gurumurti, Guruvasani and Balasani taken into custody on the complaint of the said Ramalingam on or about the 30th June 1893.

iv. the Sub-Magistrate twice left his taluk and visited Yétúr village of Jammalamadgu taluk for the purpose of inducing the aforesaid dancing girl to come and live with him at Pulivendla, and that the Sub-Magistrate ill-treated the said dancing girl, and by the influence of the official position induced her to consent to remain in his keeping, such a consent not being a voluntary one, the aforesaid conduct being derogatory to the position of the Sub-Magistrate and being conduct that should be brought to the notice of Government. The records in the said three cases, the depositions taken by the District Magistrate and the Deputy Magistrate's report are forwarded to the Sub-Magistrate by registered post; they should be returned the same way, and he is directed to submit his explanation within 10 days of their receipt. He is also informed that he need take no notice of the allegations against him of extorting a bond from the dancing girls and their male relation which the Acting District Magistrate does not believe.

(Signed) C. H. MOUNSEY,
Acting District Magistrate.

21*st* ~~December~~ November 1893.

(True Copy.)

C. KRISHNASWAMI,
Treasury Deputy Collector.

No. 875.

C. A. No. $\frac{143}{16\text{-}4\text{-}94}$.

PULIVENDLA,
28*th November* 1893.

FROM

S. VENKOBA RAO,
STATIONARY SUB-MAGISTRATE,
Pulivendla,

TO

C. H. MOUNSEY, ESQ.,
ACTING DISTRICT MAGISTRATE,
Cuddapah.

MOST HONOURED SIR,

With reference to your honour's proceedings, No. $\frac{1046*}{\text{Magisterial}}$, dated 21st November 1893, I beg most respectfully to submit my explanation on the several points therein called for, which I am sanguine your honour will find to be satisfactory enough to acquit me of all blame. But before going to explain directly the several charges against me referred to in your honour's proceedings, I beg to state a few words in regard to the circumstances in and the equity with which the Deputy Magistrate submitted his long and elaborate report against me in his letter No. 274, now on record.

* Received at Pulivendla on 24-11-93.

2. The voluminous report of the Deputy Magistrate, Mr. P. Seshagiri Rau Puntulu Garu, against me, studiedly written, as it appears, from the long delay of two months and a half, during which period the report should have been under preparation, since the receipt in

his office of my explanation to his remarks in the house-breaking case in my house, or since the receipt of the complaint against me and the police by the dancing girl, does not bring home in the eye of an impartial observer, any charges of misconduct as a public servant for which I am answerable, except perhaps that I left my jurisdiction twice, which I shall explain in its proper place. As for others, there is nothing but mere conjectures and unfounded suspicions that my conduct as a private individual was not satisfactorily good; and these surmises, I beg to submit for your honour's consideration, are but the results of the line of arguments of the Deputy Magistrate, who was already biassed against me, for the reasons alluded to in my "ring" explanation, which bias being at the time of submission of this report against me aggravated the more since the receipt of my ring explanation in his office. There is apparently no reason why if the Deputy Magistrate had desired to act in my case with the attitude of an impartial and unbiassed judge, there should have been an abnormal delay, notwithstanding there were reminders, in forwarding on my ring explanation to your honour immediately after its receipt in his office; or why, if his remarks against me in his judgment in calendar case No. 12 of 1893 on the file of his Court were founded and supported by the record in the case, he should not have confined himself to the case in question in commenting upon my explanation, instead of travelling far back a period of 4½ months into the records of the past, as also of the cases following, were it not for the purpose that he might cover up his unfounded remarks in his judgment in question by equally plausible surmises, and also to poison your honour's mind against me, a poor subordinate. This does in itself show that he has not handled my case with an unbiassed mind, and has not sat in judgment over my conduct with an unprejudiced heart.

3. The Divisional Officer, by bringing at this stage to the front a case of the past, calendar case No. 32 of 1893, on the file of my Court, in which one Ramalingam was convicted by me in February last on the complaint of his concubine Guruvasani, as also the case against that Guruvasani and her daughter and brother by Ramalingam referred by the police as false, and Balasani's complaint against me and the police tried to establish a link as it were between all these, showing the dependency of one on the other, as also my personal interests therein, in order that it might be considered that all these cases very aptly formed the subject of one and the same report. To maintain that there is a link between these, there must be, I believe, the identity of parties, their motives and conduct supporting their intent, and the interval between the occurrence of either should also be short. To argue or presume, as the Deputy Magistrate seems to do from his report, that I have been instrumental, '*ab initio*', in bringing to trial all these cases, then the motives therefor should exclusively be brought home to me, and should no others share in them or have any occasion to possess them; that it is not so will be explained and clearly observed hereafter. With this preface, I now proceed to offer my explanation to Query No. 1 called for in your honour's proceedings.

4. I was not keeping Balasani, daughter of Guruvasani, complainant in calendar case No. 32 on the file of my Court, at the time of Ramalingam's trial as an accused; and I never exercised my magisterial functions with malice either in getting the complaint of Guruvasani against Ramalingam, or in disposing of that case. There is nothing on record to show that I was keeping Balasani then, or that I was actuated by any malicious motives in the disposal of the case against Ramalingam, except the bare allegations of the accused's brother Lingamoorthy in his affidavit before the Deputy Magistrate in appeal case No. 14 of 1893 on the file of his Court, unsupported by any evidence. This affidavit purports to have been sworn to by Lingamoorthy before the Deputy Magistrate, while a Deputy Magistrate has no power to administer an oath to the persons filing the affidavits. (*Vide* Section 539, Criminal Procedure Code, and also High Court ruling XIV., Calcutta, 653, in the matter of petition of Iswar Chender Guho). Your honour will, on the other hand, observe from the deposition of Guruvasani and Pulliah, the village magistrate of Pulivendla, re-examined before the Deputy Magistrate in hearing the appeal case No. 14 of 1893,

that, though attempts were made in my absence to elicit evidence to support the affidavit, there was absolutely no evidence available. Guruvasani has, on the other hand, distinctly sworn before the Deputy Magistrate thus: "Bali is not kept by any one. For the past four months she has not been in any one's keeping. She is under my protection. She also gets her earnings from prostitution. She was not invited by the Sub-Magistrate of Pulivendla for purposes of cohabitation. The said Sub-Magistrate, Mr. Venkoba Rau, never came to my house on account of Bali." She has, besides, admitted before your honour on the 13th, when she had every opportunity to reveal my foulsome tricks, especially when she was hostile to me, that she "gave a petition against Ramalingam—he was punished." (*Vide* page 18, District Magistrate's enquiry.) Not a word she has uttered, that I induced her, against her will, to lodge the complaint against Ramalingam, or that I duped her to do so with malicious motives against Ramalingam. The village magistrate Pulliah, in his deposition before the Deputy Magistrate in appeal case No. 14 (*vide* page 19) states: "I do not know whether the younger woman is in the keeping of the Sub-Magistrate." Even the accused Ramalingam, in his statement before the Deputy Magistrate in appeal case No. 14 (*vide* page 23), does not make any statement to that effect when it was most opportune for him; nor did he lay any imputations of the kind even when he was asked the other day by your honour (*vide* page 29, District Magistrate's enquiry); but has, on the other hand, stated that "Balasani was dancing and singing here and there as long as she was there. I do not know well if she was kept by any one. I do not know if any one kept Bali. I do not well know if any one was keeping her." No doubt one Lingamoorthy, brother of the accused Ramalingam, filed an affidavit in the appeal case No. 14 that I was keeping the daughter of the complainant Guruvasani, and that I, on that account, violated the fair principles of law and did him injustice, among other things, which are improbable and unsupported by any testimony. The contents of the affidavit or even the fact that any affidavit was filed by Lingamoorthy on his behalf, do not seem to have been known to Ramalingam, or filed with his knowledge; for, he states (*vide* page 29 of the District Magistrate's enquiry), "I do not know well if my brother Lingamoorthy made an affidavit on my behalf on the 3rd March last. I do not know well if he said the Sub-Magistrate was keeping Bali or not. I do not know what was said in my appeal petition. I was in jail when my brother filed the affidavit. I saw my pleader afterwards." In these circumstances, your honour will find the affidavit to have been no more than a subterfuge sought in by the accused's brother on afterthought interested as he is to get his brother Ramalingam out of the difficulty, by hook or crook; and sure as he was, protected by law in making any declarations whatever true or untrue, in the shape of an affidavit, so long as he cannot be prosecuted for committing an offence under Section 193 or 199, Indian Penal Code, seeing that a Deputy Magistrate has no power to administer an oath to a person filing an affidavit (*vide* in the matter of the petition of Iswar Chender Guho, I. L. R., 14, Cal. 653). This affidavit when read along with my remarks thereon (copy of which is an enclosure* to this) and unsupported as it is, by any testimony whatever and highly improbable in its details, nay more so, when it is ignored by Ramalingam, on whose behalf it seems to have been filed, is no more than a waste paper of no value and worthy of no credit at all in the eye of an unbiassed Judge. In these circumstances, I cannot be said to have kept Bali at the time of Ramalingam's trial; nor that I induced Guruvasani to lodge the complaint against Ramalingam to feed fat my grudge against him. The affidavit does not at all disclose any sound reasons to show that I had any occasion to be ill-disposed towards him. As it is, the accused Ramalingam should have, if at all, any grudge towards me. There was nothing to prevent him from having sought a transfer of the case from my file if he had really apprehended any injustice. Nothing of the kind was done, and all this was got up at a later stage.

* *Vide* Enclosure A.

5. It might be said against me that I was actuated by malicious motives in having received the verbal complaint of Guruvasani and reduced it to writing in the form of a deposition dispensing with a formally stamped complaint petition. I beg to submit that I insisted on her to come with a regular petition when she met me and complained to me orally on my

returning from office at 11 A.M. that day, but, because she "pressed me to take down her complaint" (*vide* 2nd sheet of her deposition, page 22, in the appeal case), and urged that, if she would have to resort to a petition writer to help her, the accused would, in the meanwhile, be made aware of her conduct and abscond with the property, and because the offences complained of seemed to me to amount to theft and criminal breach of trust, police cases where no court fee stamp is required, I thought it in these circumstances to be not unreasonable to receive her verbal complaint and reduce it to writing, seeing that my action was protected by law, 'complaint' having been defined in Criminal Procedure Code to be 'any allegation made *orally* or in writing with a view to a Magistrate's taking action under the code', and that Section 191, Clause 2, empowers me to take cognizance of offences upon information reduced to writing. That my procedure in doing so was not in the least swayed by any personal motives tinged with malice against the accused Ramalingam is self-evident from the fact that I took no immediate action myself in proceeding with the enquiry of the case such as issue of process, &c., seeing that her complaint is secured, but forwarded it on in the usual course to the police for investigation and to charge the accused if there be evidence. The accused Ramalingam having been placed before me by the police for trial, regularly charged with the offence punishable under Section 406, Indian Penal Code, I did take up the case for enquiry, as in all other cases the parties being present; and finding in the course of my enquiry he committed both criminal breach of trust and also theft in a building, the accused was convicted on his own admission. It might be said that the haste with which the case was taken up for enquiry and disposed of on the same day would betray my undue zeal soiled with self-interest. But I can assure your honour that, not only in this solitary instance that, that promptness in the despatch of work I have evinced, but in several other cases wherein the accused cited no defence witnesses, I had likewise shown the same readiness in point of disposal of business. A list* of such cases is hereto appended for your honour's information. Besides, the case was not a great one to occupy me a long time, the number of witnesses for prosecution being but four.

* *Vide* Enclosure B.

6. No doubt the conviction in this case was set aside on appeal by the Deputy Magistrate; I cannot simply on this account be said to have convicted the accused illegally and with malice, when the decisions of even the most learned Judges are upset on appeal; and in this case the decision was upset from a difference of opinion in regard to a point of law and not on a matter of fact. It is not the province of mine to question the legality of the Deputy Magistrate's decision on appeal. This much I can boldly assert that my conviction was not bad in law, and it is supported by the High Court ruling (*vide* Proceedings of M. H. C., dated 28th February 1880, W. L., 152). I convicted the accused, as I have already said on his own admission, and there is evidence to support my conviction. He admitted before me that the jewels belonged no doubt to the complainant Guruvasani, that he withheld them because the complainant owed him Rs. 50; there is the evidence of the complainant Guruvasani and two other witnesses Dasari Subbiah and another Subbanna to prove the accused's conduct. I found that this pressure on his part was wrongful and it manifested a dishonest taking, however short the period during which wrongful retention and wrongful loss might be. Your honour will find, at length, my arguments for conviction in my judgment in calendar case No. 32 in question, and I trust that they would not be condemned as incoherent, illogical and absurd. The bare allegations in the affidavit filed by Lingamoorthy on behalf of the accused Ramalingam that he (Ramalingam) made no statement of the kind recorded by me and attested by him would by itself be admissible in the appellate court so much as to be prejudiced all at once; and to give implicit credence to the allegations of the accused, or his pleader, or his representative, whose duty it is to see himself or his client out of difficulty anyhow is safe in the ~~seeds~~ 2nds of justice, then, there is no guarrantee for the proceedings before a judicial tribunal. From the record in appeal case No. 14 your honour will find that the Deputy Magistrate almost tried the case *de novo*, availing himself of the discretion allowed to the appellate court, I believe under Section 428, Criminal Procedure Code. He has re-examined the accused where there was no formal re-trial of the case under Section 423, Criminal Procedure Code, while

Section 428, Criminal Procedure Code, only enables the appellate court to record *further evidence*. From the answers obtained from Guruvasani to questions put to her on behalf of the court, that "Ramalingam had access to the box and was handling the things therein placed whenever he wished to do so," and that "she cannot say whether he took them with dishonest intention," and perhaps believing the statement of the accused, "I treated the house in which Guruvasani lived as if it was my own house, and we lived as husband and wife," the Deputy Magistrate appears very nearly to have found in favour of the accused that the complainant and the accused (a concubine and paramour of two distinct castes) lived like husband and wife with no distinction between them as to their rights to property, and appears to have been almost inclined to recognize their status to be that of a husband and wife. But I beg to submit, with a due deference to the Deputy Magistrate, that he has omitted to take into consideration facts adverse to the accused, which go to conflict with great force this finding of the Deputy Magistrate for the accused. There is the complainant Guruvasani's deposition before me and the police; there is her deposition before the Deputy Magistrate himself, wherein she has stated that the jewels belonged to her, that the accused said "he would not give the jewels as 'she' owed him Rs. 50," that "she never gave them or allowed them to remain in the possession of the accused Ramalingam," that "he must have got possession of them without her knowledge and permission," and that "they always remained in her possession and control"; there is the statement of the accused Ramalingam before the Deputy Magistrate that "the ornaments in question are no doubt Guruvasani's property," that "it is difficult to get witnesses to prove that the ornaments of Guruvasani were exclusively in his possession, and that he is "not in a position to call witnesses on this point;" and finally there is the evidence of witnesses Dasari Subbiah and another Subbannah before the lower court that the accused withheld the jewels saying the complainant owed him debt which is unimpeached and stands undisturbed even on appeal. These, I need very hardly beg to submit, go very satisfactorily to conflict the aforesaid finding of the Deputy Magistrate. That a paramour and his concubine—a vadla man and a dancing girl—would ever attain the status of a husband and wife—a legally married couple in the eye of Hindu Law, so much so that the illegal act of the one against the other does not become penal, is yet to me a matter of doubt. Granting that the accused had access to the complainant's property, and there was no distinction between them all along they were on amicable terms, the same relation cannot be said to have subsisted between them when the complainant has sworn that "some days before her complaint, she and Ramalingam had quarrels with each other on several matters connected with both of them, and were not pulling on well; that he was beating and abusing her and subjecting her to ill-treatment;" and, in this state of things, when the accused said he would not give the jewels as she owed him Rs. 50, though she "had a punchayet convened for the restoration of jewels," affords strong grounds for her to complain against him, suspecting him of dishonesty of intention; and it is no plea that as a coparcener or a joint tenant, or a joint possessor, his act is not penal, as it is in direct opposition to the decision in Queen-Empress *versus* Ponnarungam, X., 186, Madras. The Deputy Magistrate takes advantage chiefly, among other things, of the statement of the complainant that "she cannot say whether or not the accused had any dishonest motive" in finding that the accused's act indicated no dishonest intention. But I beg to submit that this is a matter of law for a Judge to decide and not for Guruvasani the complainant. Madras High Court ruling* states clearly that the withholding of the jewels by the accused in the aforesaid circumstances constitutes a dishonest intention.

* Proceedings dated 28th February 1880, W. L., 152.

7. It might be said that the complainant Guruvasani made different statements on each occasion; but I am not responsibile for it. She could have been prosecuted for making false statements. That it was not done so, and the property was restored to her, afford room to conjecture that Guruvasani might have helped the accused Ramalingam in her re-examination before the appellate court either from her renewed feelings of affection to him, or from her having been then purchased by the accused who was already on bail, or from her indifference to truthfulness, in so much as she had the belief that the property would be restored to her,

even though the accused is set at liberty on appeal. In the aforesaid circumstances relating to the conviction of the accused Ramalingam in my court, and his subsequent release by the Deputy Magistrate on appeal, owing to the difference of opinion in regard to a point of law, whether or not, in the circumstances of the case, the act of the accused did manifest dishonest taking, I beg to submit with utmost deference to the Deputy Magistrate's judgment in the appeal case, that the case be referred to the High Court, if your honour deems it necessary. So much I have explained in regard to the Query No. 1. I cannot be said to have evinced any self-interest or any malice in getting the complaint against Ramalingam or in disposing of the case; and there is nothing on record to show that I did so.

8. As for the alleged severity of the sentence I beg to submit that in almost all offences punishable under Chapter XVII., Indian Penal Code, where I deemed fit to award cumulative sentence, I have awarded the full term of imprisonment which I am authorized by law to inflict, and I was not led by any personal motives in awarding this sentence on the accused.

9. Let me show that the case in which Sarabhu Nagiah was discharged by the Deputy Magistrate in the house-breaking case in my house, has no concern with the one spoken of heretofore, before I explain in a summary way the absence of any base or vile motives in me to entangle Ramalingam in this case. My explanation in this connection has been given *in extenso* in letter No. 409*, dated 26th July, (copy of which is alse enclosed to this,) and is already on record.

* *Vide* Enclosure C.

10. To establish a link between two, I said already that there must be identity of parties, their motives and conduct, not to say that the interval between the occurrence of either should be short. I am at a loss to understand how any connecting link can be traced between the case spoken of at length heretofore and the one now in question so long as the parties are not Ramalingam and Guruvasani, or at least their representatives in interest, so long as quite new personages altogether are brought on the stage, so long as the circumstances of the one differ vastly from those of the other, and so long as there is a long lapse of time of 4½ months, which go a long way to determine the contrary.

11. It is said that I tried to entangle Ramalingam in this case because I suspected him in the commission of the offence in my house, and that I should have been actuated by personal motives to do so, because he had accused me in his appeal petition against my conviction in calendar case No. 32, on the file of my court, and because, according to the Deputy Magistrate, "there is much ill-feeling on account of a female between me and Ramalingam," and it is said that he should have been brought to trial were it not for the inadvertent mistake of the police constables in carrying out my evil designs. The Deputy Magistrate, I am sorry to observe, has been carried away by his bias against me to insinuate that I, with the assistance of the police, cooked up this case to satisfy my wrath against Ramalingam; and that I should have made over my ring, which was never stolen, to the police with instructions to tie it in Ramalingam's turban cloth, which the police constables inadvertently tied in that of the accused Nagiah, as if he had the most credible and authenticate information to that effect. There is nothing on record to support him in making such surmises or to help him in recording in the judgment quite irrelevantly when there was no evidence on record in the case in question, or when he had even none to produce a belief in him about ill-will between me and Ramalingam except the bare allegation in the affidavit of Ramalingam's brother in appeal case No. 14 of 1893, on the file of the Deputy Magistrate, unsupported by any testimony, unless he was prejudiced in so remarking against me my purely personal motives. I have detailed at length in my explanation letter No. 409, dated 26th July, the circumstances in which Ramalingam was suspected in the house-breaking case in my house that I was not actuated by any personal motives to do so, except on fair and reasonable suspicions; and I have shown that the remarks of the Deputy Magistrate were all biassed and unfounded. I would beseech your honour to peruse the same in this connection.

Query No. 2 of the District Magistrate's Proceedings, dated 21st November 1893.

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12. There is no reason for me to cherish any ill-will to ruin Ramalingam, when I had shown that I had no occasion to bear any grudge towards him, when I was not actuated by any personal motives to convict him illegally in calendar case No. 32 of 1893, and when it is not uncommon that, in many a case, the accused are privileged to and do, also hurl caluminous invectives against the Judge of the lower court, however impartial he might be, and however fair his decision, and the Judge is least offended with them; there is no reason for the Deputy Magistrate to presume that I had cherished an ill-will towards Ramalingam, especially when he could not point out in my conduct during the interval of 4½ months anything prejudicial towards Ramalingam in any connection to support his presumption; and there is no reason for him to conclude and much less to assert that "there is much ill-feeling between Ramalingam and myself in connection with a female," on the strength of Ramalingam's brother's affidavit (who is a non-resident of Pulivendla) in appeal case No. 14 against my conviction in calendar case No. 32, without any evidence on record in that case, or in calendar case No. 12 on the file of his court unless he was familiar and well disposed towards Ramalingam. Why need I have waited such a long time of 4½ months if I had cherished an ill-feeling so much as to bring him to risk at the expense of honesty, especially when, as the Deputy Magistrate is under the impression, the police are automatic tools in my hands to gratify my wishes; why could I not have ruined him, in any other way I pleased, instead of waiting so long a time to avail myself of a sad opportunity of a house-breaking case in my house to suit my evil design; or why, if it was my desire, could I not have cooked up evidence to prove that the turban into which the ring was introduced did really belong to Ramalingam to cover up the inadvertent mistake of the police, it is for your honuor to consider. The Deputy Magistrate observes that "this was not possible as Nagiah admitted the turban to be his." But it is not shown by the Deputy Magistrate, nor is it on record in his calendar case No. 12, that Ramalingam and Nagiah are friends and relatives; then, each would have the best motives to save himself. Unscrupulous as I and the police are in the eye of the Deputy Magistrate, it would not have been an unsurmountable difficulty for us to induce Nagiah to deny the ownership of the turban on promise of liberation, which he would very willingly have done; and then we could have cooked up evidence against Ramalingam if we chose, and if we were really unprincipled. The Deputy Magistrate's indulgence in the remark that there is much ill-feeling between Ramalingam and myself in connection with a female in his judgment in the ring case, quite irrelevantly and unsupportedly by the record before him in the case, when there was nothing at issue in regard to Ramalingam who was not placed before him as an accused or a witness in the case, shows *per se* that the Dnputy Magistrate was swayed by personal motives and bias against me in the disposal of the said case. As far as I see on record, there is nothing to show that I tried to entangle Ramalingam in the house-breaking case unnecessarily, when the case was disposed of by the Deputy Magistrate on 23rd June 1893. The Deputy Magistrate seems to take advantage of the statement of Ramalingam before him on 5th August last subsequent to the disposal of the ring case, and after he received my explanation in his office, when he was called to say if he had anything against the police in regard to his complaint against Bogam people referred as false. The fact that, after Ramalingam said he had no grounds to urge against the complaint being struck off the file as false, the Deputy Magistrate questioned him again as to why he made the complaint at all, and in answer thereof the following appears to have been elicited: "On the day previous to the occurrence of house-breaking in the house of the Sub-Magistrate, I passed by the Sub-Magistrate's house which is in the Main Street; I bowed to him as I passed him. He called me and asked to complain against Guruvasani, Balasani and Gurumoorthy; Balasani had left Pulivendala and gone to Yétúr. With a view to get Balasani back to Pulivendla and to have her in his keeping, he asked me to complain against her and two of her relatives. I refused to complain against them and went on my way. The very next day I was arrested by the police at Peddajutur in connection with the house-breaking case; when I was about to be released, the Station House Officer took from me a written complaint against the Bogam people as stated above. I did as they told me" cast considerable suspicions as to the honesty of the statement of Ramalingam

made to the Deputy Magistrate after so long a delay*, keeping himself all along quiet without revealing this to the Deputy Magistrate who was just† then at Pulivendla, or at Jammalamadugu from 4th July to 20th July, and also whether or not it was made (if made at all) under influences of threats and inducements brought to bear on him or with selfish motives to escape his liability for a false charge, seeing that Ramalingam does, on the other hand, admit before your honour on the 18th "that he brought a case against the dancing caste people; it was a true case," and also, on the 19th, in my absence, that he "made the complaint voluntarily. The Sub-Magistrate said nothing to me before that; the Sub-Magistrate never told me to complain against the above three. The Sub-Magistrate never spoke to me. I never told the Deputy Magistrate that through fear I had made the complaint." This statement of Ramalingam before your honour on the 18th and 19th is quite consistent with his conduct in having gone along with the police to Yétúr and identified the property (as admitted by the dancing girls), and also with his conduct in not having represented to any one that the case he brought was a false one and was forced from him; whereas I need not submit that the so-called statement of Ramalingam before the Deputy Magistrate implicating me and the police has not only an air of suspicion about it for the reasons adduced above, but is also quite incompatible with the conduct of Ramalingam. It is for your honour to decide which of the two contradictory statements is to be relied upon, or if any credence can be given at all to what this Ramalingam stated either on one occasion or the other. Except upon the statement of this man, there is nothing on record on which I can be said that I tried to entangle Ramalingam with malice; and his statement before the Deputy Magistrate, I have shown to the satisfaction of your honour, deserves no consideration at all.

* From 19th June 1893 to 5th August 1893.
† From 19th to 22nd June.

13. It is now high time for me to withhold any longer, and the painful necessity compels me to lay down in plain terms that the ill-feeling was not between myself and Ramalingam in connection with a female, but it has been, on the other hand, between Deputy Magistrate and myself; and this is no fresh insinuation, for I have already alluded to this as a prelude in my ring explanation, wherein I said "there was a very hot conversation between myself and the Deputy Magistrate in regard to my private life which he was with great curiosity prying into and which I strongly took objection to." This, the Deputy Magistrate, your honour will observe, has admitted in a different form as having given me a piece of advice, which was not so from the nature of the conversation, &c. That the Deputy Magistrate with the bias seated in his mind wanted to avail himself of trivial opportunities to harass me and take me to task somehow or other, either reasonably or otherwise, I give instances of. His orders* and my replies are hereto appended for your honor's information.

* *Vide* Enclosures D,E,F,G.

(*a*) Order calling upon me to explain at once the four days' delay in the grant of copy of judgment to the accused, where they were but fined, and fine also collected when it was in no wise prejudicial to the interests of the accused who were at large.

(*b*) Order calling upon me to explain how I granted copy of judgment free of charge to the accused in a case under Section 144, Indian Penal Code, a warrant case when it is allowed—*vide* Section 371, Criminal Procedure Code.

(*c*) Order calling upon me to explain how I granted copy of judgment free of charge to the accused in a warrant case, where only fine was awarded as punishment, when no such distinction is made at all in Section 371, Criminal Procedure Code.

14. In all these circumstances, your honour will find that the Deputy Magistrate has been biassed against me all along, that I was not in the least led away by any selfish or malicious motives in suspecting Ramalingam; nor was it a trumped up charge to bring him to risk, Ramalingam figuring himself as no accused in the case at all. If on mere surmises of the Deputy Magistrate and on the strength of his beliefs and disbeliefs independent of records before him in his calendar case No. 12, especially when I have shown him to have been prejudiced against me, and on the very much to be doubted statement of Ramalingam before

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the Deputy Magistrate, taken under peculiar circumstances and subsequent to the disposal of his case No. 12, and to the receipt of my ring explanation in his office, which is worthy of no credence at all for the reasons adduced above, I am to be taken to task and supposed to have been purely actuated by selfish and malicious motives, I am extremely sorry I cannot help it. I have shown that there is nothing on record or in my conduct to associate me with such evil machinations, and the statement of Ramalingam before your honour on the 18th and on the 19th in my absence speaks with great force to this.

15. In regard to this, I beg to submit that I am quite innocent in the affair and knew nothing about it till I received for the first time the occurrence report from the Police Station House Officer on the 29th June. To bring this charge home to me, the Deputy Magistrate perhaps brings forward (*a*) the statement of Ramalingam, made to him on the 5th August last, when he was called to answer in reference to his complaint against Guruvasani, Bali and Gurumoorthy referred by the police as false, wherein he said I forced him to lodge the complaint; (*b*) the fact that I quietly passed orders on the application of the Station House Officer without a single word of remark as to the precipitous haste with which the accused were arrested and sought to be released. There is also the statement of Bali, Guruvasani and Gurumoorthy in their depositions before the District Magistrate that Ramalingam told them in secret at Yétúr that the case he brought against them was false and that it was at the instance of Guruvasani's enemies. I shall analyse each one of these, so much so as to convince your honour that each of them is groundless.

Query No. 3 of the District Magistrate's Proceeding, dated 21st November 1893.

16. As for (*a*) Ramalingam's statement before the Deputy Magistrate, I have shown in what circumstances it was taken and what credence can be attached to it, because of the peculiar position Ramalingam was then placed in, being answerable for a false charge, and what reliance can be placed to it, when all along Ramalingam's conduct was quite inconsistent with the statement recorded by the Deputy Magistrate, in face of his statement before your honour on the 18th and 19th November 1893, which has for its support his consistent conduct. As long as Ramalingam has himself admitted before your honour on the 18th and 19th (*vide* pages 29 and 32 of the District Magistrate's enquiry) that I had no hand in inducing him to lodge any complaint against the dancing girls, that he made his complaint voluntarily, that it was a true case, that I never spoke to him about it, there is then an end of the matter; and I cannot with any fairness be accused of having been instrumental in getting the complaint against them against his will and through threats, or I cannot be said that I maliciously exercised my magisterial functions in getting the dancing girls into custody on the complaint of Ramalingam.

17. Granting, for the sake of argument, that what Ramalingam stated before the Deputy Magistrate, in these peculiar circumstances, casting grave doubts as to the honesty of his statement when he was in a peculiar position eager to evade himself from the liability of a false charge to have been duly made (which however Ramalingam denies before your honour, *vide* pages 29 and 32 of the District Magistrate's enquiry), I beg to submit that it is quite inconsistent with his conduct and motives. To believe that Ramalingam filed the complaint at my instance and against his will, he should be either my friend or must have been in fear of immediate danger to him from me. That he is no friend to me, the Deputy Magistrate himself admits; then there must be his fear of immediate danger to him from me. It is said that the complaint statement was taken from him by force on the day the house-breaking case was placed before the Deputy Magistrate on the 19th June. When the house-breaking case occurred in my house, the Deputy Magistrate was at Pulivendla and was about for a week or at least for four days after the case was placed before him for enquiry. Why not this Ramalingam—for he himself admitted before the Deputy Magistrate that he was at large—could have gone to the Deputy Magistrate direct and revealed my evil design and made known to him the influences brought to bear on him to lodge a complaint against Balasani and others against his will to gratify my wishes on pain of being charged as an accused in the case, or

on promise of being set at liberty; what guarantee was there for me, if from Ramalingam the complaint statement was secured to be reserved for future use at least for 10 days, as the complaint statement seems to have been made to the police on the 28th June, that my foulsome tricks would not be revealed to the Deputy Magistrate by Ramalingam who is no friend of mine, (as the Deputy Magistrate himself admits,) at any time during the days the Deputy Magistrate was at Pulivendla or soon after he left the camp, it is for your honour to consider; why, if his complaint was a forced one which he had no motives to prosecute, he should have accompanied the police to Yétúr—10 days after the complaint was forced from him—a village in Jammalamadugu Taluk, and identified the property found on search in the house of the accused to have belonged to him, what prevented him on his return from Yétúr to send in by post a petition to the Deputy Magistrate about this illegal course of things; why he should not have gone in person to relate this to the Deputy Magistrate; why even after he went to Jammalamadugu on the 4th July or any other day he was there, during the stay of the Deputy Magistrate at Jammalamadugu, he should not have done so till he was called to appear on notice in August last in reference to the referred charge sheet in regard to his complaint against the dancing girls referred as false is indeed surprising, if his complaint was really a forced one, as it purports to be from his statement before the Deputy Magistrate. It is very likely that when one was liable for a false charge, he would shove off the blame, with a little or no inducement, on others, and that the same motives might have prompted him to state voluntarily, or under inducements (if he had really stated so, which however he denies before your honour) that the complaint was not a voluntary one. If Ramalingam had no motives to lodge the complaint against the Bogam people, and if his conduct and attitude towards them were friendly since his conviction on the complaint of Guruvasani, then there is something to doubt. But I can show that he has had ample motives to wreak his vengeance against the Bogam people, for he was incarcerated on the complaint of Guruvasani, and ever since his conduct in applying for copies of judgments, &c., and other records so recently as till on 16th June in the Deputy Magistrate's Court, with a view to sue her for false complaint or the like, manifests in plain terms what his motives should have been. The delay in lodging the complaint by Ramalingam is for him to explain and for the police to be satisfied with, who entertained his complaint. I have no hand whatever in this, and knew nothing till I received the occurrence from the police, as I have already said. There was no complaint lodged in my court, nor charge sheet received in my office; nor did I grant the accused any remand; the Stationary Sub-Magistrate of Jammalamadugu granted remand under Section 167, Criminal Procedure Code, directing the police to produce the accused before my court on the 6th July. My action, if any, in this case was based on the police occurrence reports on the subject. Even the referred charge sheet I have not disposed of, but sent it on to the Deputy Magistrate for orders.

18. As for (*b*), the Deputy Magistrate observes that because I passed my orders quietly on the occurrence reports of the Station House Officer, without any remarks, I must have been at the bottom of the whole affair, the whole of the Proceedings having been instituted on my account and for my gratification. I need not submit for your consideration that, by this argument, the Deputy Magistrate betrays his bias against me and his eagerness to accuse me. I do not know how on this very simple fact one could have arrived at that conclusion when certainly he had no *good* logical premises to deduce the same; I must tell your honour that you will observe, on the whole in this connection, I passed only two orders (1) releasing Balasani on the 5th July evening, when she was produced before me, on the strength of an occurrence report of the Police Station House Officer and (2) releasing on the very next day, *i.e.* on the 6th July the others on bail when a referred charge sheet was said to have been submitted on the occurrence of the Station House Officer. I do not know what orders or remarks could anybody other than myself have passed at that stage of the case, especially when the reasons adduced were sound in the occurrence reports, and when, above all, it was quite unseasonable for a Magistrate to pass any remarks on the conduct of the police in reference to their proceedings, there having been no charge sheet received and disposed of,

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nor even the referred charge sheet. If I had kept quiet and passed off the irregular proceedings of the police with no remarks after the disposal of the charge, or referred charge sheet, then certainly shall I be liable to be accused of partiality and concern in the affair. When it is shown that it was most unreasonable for any one to have passed any remarks on the police at that stage of the case, to say that because I had not passed any remarks I must have been at the bottom of the whole affair, is indeed too hard for a subordinate to gainsay his superior.

19. As for (*c*), the statement of Bali, Guruvasani and Gurumoorthythat they learnt from Ramalingam that the complaint against them was false and was at my instance, I need not submit, for your honour's consideration, that it has been newly infused into their minds by my adversaries, to strengthen the aforesaid reasons (*a*) and (*b*); but their conduct which is quite incompatible and much inconsistent with such a knowledge of theirs, proves their statement to be a quite preposterous one. If really they had the knowledge that Ramalingam's complaint was false, and that Ramalingam did tell them so especially before their house was searched and they were arrested, I do not see why they should suffer themselves to be taken into custody, their house to be searched and themselves exposed to disgrace; why they should not have represented this to the police of Lavanur, or why they should not have represented this to the Stationary Sub-Magistrate, Jammalamadugu, when they were about to be remanded, when their annoyance was most fresh, when they were smarting just then under the wrongs proceeding from me; and especially when they were asked to put in, according to their admission, any petition they chose for their release on bail; why they should not have made mention of this in their petition, at the most opportune hour, it is for your honour to consider. The dancing girls Bali and Guruvasani and male Gurumoorthy admit on cross-examination that they made no such representation either to the police at Yétúr or Lavanur, or to the Stationary Sub-Magistrate, Jammalamadugu, in the petition they put in for their release on bail and signed by all of them; and they do not explain why it should have been so, had they really had the knowledge that this complaint was at my instance, and that Ramalingam told them so. Evidently from this, your honour will observe that this theory has been infused into them subsequently perhaps when the complaint statement was about to be taken from them against me and the police. Thus your honour will observe that there is nothing on record to show that I exercised my magisterial functions to see these dancing girls taken into custody. The three grounds on which this theory was expected to rest are shown to have fallen to the ground, because of the apparent inconsistencies and incongruities in the conduct of the parties concerned and the unsoundness of the arguments put forth.

20. In this respect I have to make confessions where there is truth as an honest man. It is true that I being a widower, was tempted, at an evil moment, to engage the services of Bali as my concubine for about a few months from March last. She took leave of me once and returned, and again in May she took leave of me saying she should attend the funeral ceremonies of her relation, and never returned. I once went to Yétúr in May during Whitsuntide on my private business, and with permission of the Divisional Officer; and having suspected the truth of her statement to me in taking leave of me, because the hot conversation I referred to between myself and the Deputy Collector in connection with this woman was only on the previous day, I enquired of her at Yétúr, and when I was told that she was not there, I came back to Pulivendla and gave her up. I know nothing more; all other allegations are either false or mere exaggerations. I was not *keeping her*, as it is said, for seven months. No doubt I knew Bali and Guruvasani before, they having given now and then entertainments in my private residence in December and January on festivals or other special occasions when I choose to have a singing party either in honour of the arrival or departure of any of my friends that had been to me. I only knew them casually as many others, and entertained them like all other Hindu officials, and non-officials do on festivities or other special occasions. It was only in March last that under the satanic influence—and under the wild impulses of passion when 'reason panders will'—I was led astray and tempted to engage her, being all along a widower, but nothing went wrong.

Query No. 4 of District Magistrate's Proceedings, dated 21st November 1893.

21. The allegation of Bali, now, of her having been ill-treated by me so much so that it was quite unbearable and that she preferred even death is certainly vexatious and quite frivolous, purely adopted to suit her complaint, now made against me, under inducements of others. If really my treatment was so much unbearable, it is not understood why should she have brooked such a treatment and yet chosen to remain under my protection, so long as she is but a dancing girl under no restraint of marriage or family tie; so long as she admitted that she was living with her aunt separately in her own house, and that I used to be absent from the village on business now and then. If really she was being ill-treated so much as to have at this stage formed the subject of complaint, it is not understood why she should not have complained to the Taluk Magistrate or the police at Pulivendla, or to the Deputy Collector who, as she and Gurumoorthy admitted, was doing then jamabandi at Pulivendla. Supposing she was then kept back through fear or her sense of gratitude to me, it is not understood why she should have suffered it to go unnoticed, when she was at Yétúr, a village of Jammalamadugu Taluk, where she stated she saw the Deputy Collector and Taluk authorities, and yet she made no representations whatever to them about my having come to their village or assaulted her or her being ill-treated by me, if really there had happened the incidents related by them and spoken to by the witnesses of Yétúr. Nothing has been done of the kind. To give utterance to the things said to have long gone by and make them the subject of complaint at this stage require no other proof to show that they are scandalous and vexatious calculated but to expose me to the public with no other ulterior object in view, especially when, as Bali has herself admitted, that she has had a strong motive to complain against me, in so much as she states she was told by Ramalingam at Yétúr that his complaint against them was at my instance, and which I have shown to be quite false and incompatible with their conduct. Her statement on oath that notwithstanding the ill-treatment she was suffering at my hands, she put up with it for months together without an idea of complaint to a Court of Law, her admission that once she came to me back alone with her child clearly establish that the allegations of ill-treatment, her unwillingness and forced consent with which she said she remained under my protection, now urged on, are quite frivolous and vexatious not to say they are *primâ facie* incredible.

22. Granting that what she has stated about my ill-treatment of her at Pulivendla is true, (which is not so however, and which has not been at all borne out by any of her witnesses,) so long as she made no complaint of it, or even had any idea to make one, even when she was at Yétúr, after she took leave of me, to any legal authorities, it can to all intents and purposes be considered to have been quite overlooked by her. Then the allegations of ill-treatment or hurt, or wrongful confinement whatever it be, should only relate to the period between 5th and 14th July, during which period she states she was at Pulivendla after being brought on Ramalingam's complaint. It is not shown for her that she was under my keeping and against her will during this period, that she was being ill-treated, and that she was wrongfully confined so as to prevent her to act freely according to her will. None of the witnesses cited by her has spoken that she was living within my doors and under my protection, or that I was ill-treating her. Her own admission that she ran to the help of Police Inspector, remained at Vedadriah's, that I was absent from Pulivendla for four days having gone to Cuddapah, that she was not locked in, that she could go out, and the testimony of witnesses Paliah who served the summons on her near Chappalli Subbannah's house, who was present at the time, and of the Police Inspector who never saw the woman in my house, clearly establish that there was no wrongful confinement nor that she was living within my doors and protection. The Police Inspector Mahomed Beg states he believed that I was keeping her; but added, "I saw her in the village three or four months. I believed from what I heard, he was keeping her." I admit that I kept her for about three months from March last; because he had heard once that I was keeping her he might have thought that she might have been kept by me again. It will be seen, however, from his deposition that he was absent from Pulivendla, at any rate, from 5th July till 11th July, and on the two days he saw me subsequently in my house, he states he has not seen Bali. His belief therefore that I was keeping

Bali cannot have related to this period, except to the period of three or four months he said he saw Bali at Pulivendla before. The fact that, when he questioned Bali once, why she was remaining at Pulivendla subsequent to her release, she said to him she was expecting her people, supports the above. Clearly then the Inspector's belief that I was keeping Bali in July is unwarranted and quite erroneous in the circumstances explained above, when he was absent from Pulivendla from 5th till 11th July, when on the two occasions he met me subsequently he did not see Bali in my house, and, when he states, he received the answer from Bali that she was only waiting for her people. Likewise the belief of Bhaderkhan that I was keeping Bali in January and February 1893, which he states has a basis on the village talk, may be erroneous. At all events, the testimony of these two—Mahomed Beg and Bhaderkhan—as regards their own beliefs is not valid, and ought to be rejected as opinion evidence based on hearsay.

23. I do not know under what circumstances the Inspector wrote in his diary about me, the statement of Bali to him, when he states that from her conduct "Bali was not crying when she came to me; she said in *general* you were beating her. After the Sub-Magistrate went away, she also followed;" it appeared to him that as soon as she saw me she was satisfied and followed, and heard no promises and threats between Bali and myself. If really Bali had made to the Inspector any statement of the kind recorded by him in his diary, her conduct shows that the statement should have been quite false, and calculated to do me mischief after due deliberation with her people and in conspiracy with others, for I do not see why she, as stated by the Inspector, should have followed me quite satisfied when there were no threats and promises. I believe that through conspiracy and pre-arrangement she might have made the statement of the kind to the Inspector, if made at all, for I see from the record that on the very previous day, the 12th July, her aunt Guruvasani appears to have lodged the petition before the Deputy Magistrate to effect a rescue of her under Section 100, Criminal Procedure Code. If really Bali was being ill-treated and wrongfully confined, and if Guruvasani and Gurumoorthy had really apprehended danger of life to her, as recorded in Guruvasani's petition to the Deputy Magistrate on the 12th July, I do not see why there should have been a delay of six days in presenting petition to the Deputy Magistrate when, as Guruvasani and Gurumoorthy admitted, they were left at large on the 6th July, and by the next day at 1 P.M. they reached Jammalamadugu where the Deputy Collector then was. This delay itself shows that the allegations in the petition are not true and are but imported through the interference of others. Your honour will also observe from para. 9 of her petition to the Deputy Magistrate that Guruvasani promised to lodge further complaint againt me and the police after Bali is secured, in respect of the other offence. This shows that Bali is made to complain against me and the police under the inducements of her relations, and the complaint is not a voluntary one. The statement of Guruvasani and Gurumoorthy that they were asked by the Deputy Magistrate to accompany the police orderly entrusted with the summons to get Bali, and the statement of the Police Constable Paliah, who was the Deputy Magistrate's orderly in July, that the Deputy Magistrate sent the relations of Bali with him to get her, show apparently that the sole aim of the parties connected in this transaction was to secure Bali. The fact that Guruvasani promised in para. 9 of her petition that they, including the then absent Bali, would lodge complaint against me and the police after Bali comes, coupled with the statements of Guruvasani, Gurumoorthy, and the Police Orderly Paliah, that the Deputy Magistrate asked the former two to go along with the Police Orderly, and that he sent some of her relations with the Police Orderly afford reasons to suspect whether or not to secure Bali, and if possible to try to have a complaint against me and the police from her was the sole aim of the whole transaction. The fact that the Vakalatnamah filed by Mr. H. Runga Rau, pleader, on behalf of Guruvasani, is attested by no other than the Deputy Magistrate himself, while other Magistrates are available at Jammalamadugu, to enable the pleader to file petition, &c., against me, and the fact that the summons sent out for Bali by the Deputy Magistrate does not indicate the purpose for which she was summoned to appear before him, which Bali herself admits in her deposition (*vide* page 6, District Magistrate's enquiry), "the purpose for which I was

summoned was not mentioned in it," go to strengthen the suspicions; and to confirm them Bali does not seem to have lodged the complaint against me and the police on the day she appeared before the Deputy Magistrate in virtue of the summons; but after three days she seems to have put in the petition, and after five days her deposition seems to have been recorded, (*vide* her deposition, page 6, District Magistrate's enquiry,) "I did not give an arzi or deposition that day; three days after I went, I filed a petition, and five days after that I gave the deposition at 4 P.M. one evening when he was just leaving for another place." Even after so long a delay, her deposition in regard to the facts comprised in one full sheet of her petition seems to have been recorded in a very summary way as shown here under "20th July 1893, Jammalamadugu. Balasani deposes on solemn affirmation. I swear to each and every fact referred to in the petition *which has been read over to me now.* Signed Balasani." While the Deputy Magistrate had taken Guruvasani's deposition at length, and even examined three witnesses not cited in her petition in reference to Guruvasani's petition on the 12th July before the issue of process to Balasani, it is not explicable why, after Bali appeared on summons, and filed a petition against me and the police, implicating us in the most serious charges possible, the Deputy Magistrate should not have thought fit to record the complainant's deposition at length in order that the truth of the several allegations noted down in writing in the petition by others might be verified by her sworn testimony in detail and at length, instead of reading over the petition to and thus facilitating her to nod her head in the affirmative. All these circumstances tend to disprove her statement that "her deposition was taken, and many people heard it." When, on the mere representation of the Pleader Mr. H. Runga Rau that the case against the dancing girls brought by Ramalingam should be transferred from my file, when in reality there was no case pending against them in my court either in the form of a complaint petition or a charge sheet, and on admitting affidavits of one Abbiraju Gurumoorthy, a man of a different caste from Bogam people, apparently having no concern with them, and another of Bogam Lakshmaiyyah (a relation of the accused no doubt), but whose knowledge of the facts contained in the affidavit was not at all direct but hearsay (*vide* his deposition, District Magistrate's enquiry, page 20), the Deputy Magistrate passed proceedings directing the transfer of the case from my file immediately to his own, while the case could have been transferred to any other 2nd class Magistrate (which was also in conformity with the request of the pleader), without referring as he has done in other cases, the application for the transfer, and the affidavits filed for my remarks, and ordering their release on their own bail, when there was a non-bailable offence at their head and under police investigation, your honour will consider whether or not it was prejudicial in their favour. In these circumstances your honour will observe if the complaint lodged against me and the police by the dancing girl, who according to her own admission put up with my cruel treatment, as she says for months together without a word of complaint or even an idea to do so, is or is not voluntary, especially as Bali herself admitted 'was I likely to complain against an official like you," and also that "the case in which the Deputy Collector let us out on bail has been settled after I filed the complaint." Your honour will, in these circumstances, see who should have been the authors of this mischief to me, seeing that within my experience there never was a dancing girl of a common living as Bali is, so audacious as to complain against a Sub-Magistrate and Police Inspector, unless countenanced and encouraged by others. If the Deputy Magistrate had really believed the complaint, it is not understood why he should have taken no action whatever in reference to the serious allegations against his own subordinate, or why he should have delayed so long instead of bringing the matter to your honour's notice then and there. Nothing has been done, except that the complaint has been secured, and some feeble attempts were made to secure evidence against me in my absence. If really Balasani was, during the period between 5th July to 14th idem, nay so recently, as on the 13th night, ill-treated and beaten in the manner narrated by her in her long petition, I do not see why she should have been unsuccessful in getting a medical certificate at Jammalamadugu; certainly the injuries could not have been old, for she should have appeared before the Deputy Magistrate on the 17th July in virtue of the summons. She states, on the other hand, "They said the marks had disappeared, so I did not get one." In these circumstances I leave for your honour to

consider whether or not, after attempts having been made to procure evidence against me in the interval and proved futile, "there was no further enquiry of the petition" as she (Bali) states (*vide* deposition, page 6, District Magistrate's enquiry). Your honour will also observe, after having cited 13 witnesses in Balasani's petition, there is yet a saving clause advisedly put in in the end that she has many more witnesses, whose names she does not know, but whom she will subsequently cite if necessary, and whether or not it was so done with a view to fabricate evidence, if needed, in the meanwhile.

24. What the Head Constable Narasiah has spoken of, I need not submit, is valueless, as being hearsay, but also proceeding from a party hostile to me in so much as I had had to write something against him in the judgments in Mallayala (attempt to commit suicide) Crime, No. 13*, wherein the Station House Officer first submitted the charge sheet, and this Narasiah, then in charge of Balpanur Division, interfered with it and submitted a referred charge sheet. This case I tried and convicted the offender, which was even confirmed on appeal. In another case of house-breaking and theft in Bonala, Lopatnuthula Station Crime No. $\frac{12}{93}$*, charge sheeted by this Narasiah, as Inspector of Balpanur, I had to discharge the accused, remarking that the evidence was most unreliable, and I believe the District Superintendent of Police on his diary relating to this discharge of his case passed very severe remarks purporting that it was a disgrace to him. In Nidivelagah theft case, again, Gurujala Station Crime No. $\frac{18}{1893}$*, the Station House Officer first charged the accused, and this Narasiah referred it as false and I had to convict the offender. Again after he reverted as Station House Officer of Pulivendla, I had to pass proceedings against him in reference to Crime Nos. 64 and 60 (copies* of proceedings are herewith submitted) which your honour will kindly peruse. Further your honour will, after perusal of the defaulter sheet of this Narasiah in the Police Department, know what his antecedents are, and from the remarks of the Assistant Superintendent of Police on inspection of his Division recently what character he hears.

* Calendar Case $\frac{130}{1893}$.

* Calendar Case No. $\frac{147}{1893}$.

* Calendar Case No. $\frac{299}{1893}$.

* *Vide* Enclosures H, 1, 2, 3.

25. In these circumstances, especially when the Police, generally Station House Officers and Inspectors, are at odds with the Magistracy, with very few noble exceptions, and are generally very much sensitive when their cases are thrown out, your honour will observe whether any credence can be attached to the statement of this Narasiah, a Head Constable. He states that on the 22nd or 23rd April I sought his help while going to bring Bali, and requested him to send me lights and vetties. This is very unlikely and incredible on its face. I am no common man, a stranger having no influence; I can as well have commanded influence in the village Balpanur, if not more than himself, being a Magistrate. Besides, he states he did not record this information about my going for and returning with Bali in his diary. All this shows how far his statement is reliable.

26. It is true that I had to go to Gurijala on the 11th June to institute local enquiry in connection with a case of criminal breach of trust against one Gampannah and two others, at the instance of the accused, when he said the police are unduly delaying to submit charge sheet with intent to detain him in custody unnecessarily long under Section 167, Criminal Procedure Code, saying that the case against him was false; and having had to go in my bullock coach I had to take the road as far as Simhadripuram and thence proceeded to Gurijala, seeing that the short route to Gurijala does not permit me to travel in the bullock coach, the track being too rugged, uneven, and narrow for a spring carriage. I did return on the 12th June to Pulivendla and transacted the business. I do not know how Narasiah presumes that I should have then gone to Yétúr.

27. No doubt four witnesses from Yétúr speak that I visited Yétúr twice. I admit that I went only once and on leave. As long as these witnesses cannot fix dates, I am not given an opportunity to falsify them. Besides, witnesses Somireddi, Iragam Balireddi, and Abbiraju

Gurumoorthy are all interested parties, the two latter having filed affidavits on behalf of the dancing girls to get the case against them by Ramalingam transferred, and also interested in seeing that the case against Somireddi transferred from my file. Your honour will observe that before these witnesses attempted to get the case against the dancing girls by Ramalingam or that against Somireddi and others charge sheeted by the Police Station House Officer of Balpanur transferred from my file, neither the dancing girls nor these witnesses ever made any representations in this connection to anybody, that I came to their village twice to induce Bali to take her back. Somireddi, the then monigar of the village, admits that he made no report of it to the Deputy Collector when he came to his village or to other authorities. The first time there was made any mention of this was when the dancing girls and *Somireddi* had apprehended for reasons best known to themselves that they would not find justice in my court, and therefore when they had strong motives to accuse me to gain their end. I have shown that these witnesses are *all* interested with one another. It is shown that Somireddi's relative and Iragam Balireddi are debtors to the Komati Malliah. It is shown that Somireddi and Iragam Balireddi are friends, having traded jointly in indigo last year. It is shown that this Malliah is helping the dancing girls by loans and debts, not to say that he had had to do with Bali's mother. It is shown that Abbiraju Gurumoorthy was keeping Guruvasani's mother, which is admitted by Gurumoorthy in his deposition, as also by himself. It is also shown that this Abbiraju Gurumoorthy's near relative was a private tutor to Somireddi's children and under his protection. Your honour will thus observe that this testimony is very much interested on behalf of the dancing girls; and so long as fixed dates are not given, or even approximately, I have not been given any opportunity to falsify them.

28. It is mere exaggeration that I went to Yétúr twice and that I raised there a hubbub for her to the detriment of my own self-respect and to my own disgrace in a village of other taluk. Fortunately for me the individuals who spoke to this were generous enough to fix only two occasions instead of at random, saying ten times or more, nay every Sunday, with impunity and no risk. Why, if as the Deputy Magistrate states, the fact of my visits to Yétúr was so widely known in all the taluks of the Division as to have formed the subject of common parlance, he should not have received information when he had encamped in the village itself and its surroundings on more occasions than one in the month of June or before, prior to the filing of affidavits for the transfer of the case against the dancing girls in July last; why if the Divisional Officer had received information that I had gone to Yétúr, he should have refrained from calling on me to explain in what circumstances I had left my headquarters, and if so, with or without leave. Nothing of the kind is done.

29. It is really my misfortune, and I deeply regret the fact that I had kept Balasani for a few months, that I once went there on leave and gave her up subsequently should be taken advantage of by my adversaries, especially when they had strong motives to accuse me as they pleased, and it is no wonder that harlots should find a few of their supporters interested as they are, as I have shown above, from among their own village to sing in the same tune. Thus your honour will observe that on three isolated truths having no concern whatever with my public duties, a plan for my destruction has been worked out, by my adversaries in conspiracy, as I have shown in the pages before.

30. I deeply regret that at an evil moment, being a widower, I was tempted to engage the services of the dancing girl for a short time, under the *bonâ fide* belief that it was no mistake. I have been discharging my duties as a Magistrate in the capacity of a public servant to the best of my conscience, and have been scrupulously honest throughout which the Deputy Magistrate has the kindness to unreservedly acknowledge. I humbly beseech your honour to pardon me for any past shortcomings in my conduct as a private individual. I have shown to the best of the facts on record that as a public servant and in the capacity of a Magistrate, I never exercised my functions with malice, and never abused the powers invested on me on any occasion, or even in reference to the three points specially noted in your honour's proceedings

dated 21st current under reply, and I trust that from my explanation your honour will observe that I am blameless.

31. In conclusion, I humbly beseech your honour's pardon for the unusually lengthy explanation I have furnished, which has become unavoidably long, having need to give expression in detail to the several facts underlying, and discuss at length the plausible arguments that might be adduced against me, and at last to explain, under a very painful necessity, the circumstances in which the plan of my destruction has been worked out in secret conspiracy with my adversaries.

32. Once more I would most humbly and earnestly beseech your honour to pardon me with a magnanimous mind, and I sincerely depend upon your honour's characteristic generosity to pardon me for any shortcomings that your honour may observe, either in my conduct or in the explanation tendered by me.

I beg to remain,

Most Honoured Sir,

Your honour's most obedient and humble Servant,

(Signed) S. VENKOBA RAO,

Stationary Sub-Magistrate.

(True Copy.)

C. KRISHNASWAMI,

Treasury Deputy Collector.

ENCLOSURE A.

C. A. No. $\frac{143}{16\text{-}4\text{-}94}$.

No. $\frac{91}{7\text{-}3\text{-}93}$.

FROM

S. VENKOBA RAO,

STATIONARY SUB-MAGISTRATE,

Pulivendla,

To

M.R.Ry.

P. SESHAGIRI RAU, PUNTULU GARU, B.A.,

DEPUTY MAGISTRATE,

Proddatur Division.

MOST RESPECTED SIR,

With reference to your endorsement No. A. C. $\frac{14}{4\text{-}3\text{-}93}$, on the affidavit filed by Lingamoorthy, herewith re-submitted, I beg to submit that it is true in the latter part of December or in the beginning of January that I had a singing party at my private residence, where I had invited my friends, Guruvasani being the dancing girl that entertained us. I never asked Ramalingam to permit Guruvasani to come and sing in my house, nor did I invite him, he being no equal nor one deserving to move in my society. He himself came as an uninvited guest, and I took no notice of him. It appears true that in distributing betel leaves some mistake was made, and that Ramalingam did not accept betel leaves. I asked him the reason, he never gave ~~me~~ me any, and I dropped the matter. I never asked him to go out, nor did he take the dancing girl with him before the party was closed. I had no grudge whatever towards Ramalingam on this account. I have no necessity to bear grudge, whereas he should have had any in his mind.

2. Lingamoorthy alleges that because I was inconvenienced on Ramalingam's account to have intimacy with Guruvasani's daughter, I had to bring him to risk. If I should have

chosen to have the dancing girl, there was nothing to prevent me to send for her to my house, I commanding every convenience and being all along a *widower* with no one in my house to question my conduct; nor is it probable that a common dancing girl would have refused my request to come to me home. I need hardly say that all the allegations contained in the affidavit excepting the nautch party that I had in my house are calumnious and malicious proceeding from an injured party with a feeble attempt to revenge in a mean way. I never duped Ramalingam's dancing girl to complain to me; she of herself informed me that her jewels are missing and suspected Ramalingam, and I recorded her information and gave instructions to the police to effect a search into Ramalingam's property and charge sheet him if there is evidence. The police have formally effected the search and produced the accused before me with a regular charge sheet and property in the case. If Ramalingam was apprehensive that no justice could be had in my court, there was nothing that prevented him to seek a transfer; the enquiry was not conducted within closed doors. There were then present, I believe, the Police Inspector, Balpanur Division, Law Agents Balakrishna Rau and Rajagopala Charlu; witnesses being very few, the case was closed the same day and judgment delivered, and I cannot help for it. The accused never raised any objection to my trial; the allegation, that I did not record truly what he said, and that I did not examine his witnesses is purely false. It is in direct contradiction with his own statement, wherein he said he had no witnesses to examine on his behalf, and which he has admitted to be true by affixing his signature to the statement.

3. It is very easy for injured parties who cannot get out of their difficulties in a righteous way to make mean and feeble attempts to lay imputations of this kind at the doors of young men of position and rank, whenever dancing girls are concerned in a case, for they appear plausible to hearers; whereas I must say once for all that in my case they are entirely calumnious.

4. I do not understand how these malicious allegations hurled against me after second thought and suggested to him by ill-advisers can be said to have any material concern in the case against Ramalingam that was brought before me and chosen to be decided by me, with no grumble, and help the appellant in proving his innocence, except perhaps through creating a sort of plausible impression that injustice might have been done on this account. On the perusal of the statement of the accused himself his guilt was technically apparent and I had to punish him according to my discretion.

I beg to remain,

Sir,

Your most obedient Servant,

(Signed) S. VENKOBA RAO,

Stationary Sub-Magistrate.

(True Copy.)

(Signed) S. VENKOBA RAO,

Stationary Sub-Magistrate.

(True Copy.)

C. KRISHNASWAMI,

Treasury Deputy Collector.

C. A. No. $\frac{143}{16\text{-}4\text{-}94}$

ENCLOSURE B.

List of Cases taken up for Enquiry and disposed of the same day in the Court of the Stationary Sub-Magistrate of Pulivendla from January 1893 to 28th November 1893.

Serial No.	Case No.	Name of Complainant.	Name of Accused.	Date of commencing Trial.	Date of Disposal.	Number of Witnesses examined.	Sentence.
1	$\frac{25}{1\,5\,93}$	Station House Officer of Pulivendla ...	Khajannah of Pulivendla ...	30- 1-93	30- 1-93	4	Sentenced to suffer 4 months' simple imprisonment.
2	26-93	Do. of Lopatnuthula ...	Noor Saib ...	3- 2-93	3- 2-93	6	Sentenced to suffer 4 months' rigorous imprisonment.
3	$\frac{32}{0\,2}$	Do. of Pulivendla ...	Ramalingam ...	do.	do.	4	Sentenced to suffer 6 months' rigorous imprisonment under Section 406, Indian Penal Code, and 6 months' rigorous imprisonment under Section 380, Indian Penal Code.
4	40-93	Patnam Akkanna of Chagaler ...	Chinna Rami Reddi and 1 other ...	13- 2-93	13- 2-93	4	Acquitted under Section 245, Criminal Procedure Code.
5	41-93	Venkatnari of Nidevielagala ...	Vengannah and 4 others ...	15- 2-93	15- 2-93	5	do. do.
6	45-93	Station House Officer of Pulivendla ...	C. Chennugadu ...	20- 2-93	20- 2-93	3	} Sentenced to suffer rigorous imprisonment for 1 month each.
7	46-93	Do. do. ...	Venkatammah and 1 other ...	do.	do.	2	
8	51-93	Station House Officer of Vemula ...	Gangiah ...	6- 3-93	6- 3-93	6	Acquitted under Section 258, Criminal Procedure Code.
9	74-93	Dadu Saib of Yerraballa ...	Vengadu and 2 others ...	8- 3-93	8- 3-93	5	Sentenced to pay a fine of Rs. 5 each or in default to suffer simple imprisonment for a week.
10	87-93	Vencatadri of Madur ...	Appiah and 3 others ...	22- 3-93	22- 3-93	2	Acquitted under Section 245, Criminal Procedure Code.
11	94-93	Station House Officer of Lopatnuthula ...	Krishnappa ...	23- 3-93	23- 3-93	5	Sentenced to suffer 6 months' rigorous imprisonment under Section 454, Indian Penal Code, and 4 months' rigorous imprisonment under Section 380, Indian Penal Code.
12	96-93	Do. of Checkrayapett ...	Kurthiri Chenniah ...	27- 3-93	27- 3-93	5	Sentenced to suffer 6 months' rigorous imprisonment.
13	97-93	Badulla Saib of Idupulapaya ...	Narayana Reddi and 2 others ...	1- 4-93	1- 4-93	2	Discharged under Section 253, Criminal Procedure Code.
14	100-93	Salt and Abkari Inspector ...	Tellur Lakshmanna ...	5- 4-93	5- 4-93	3	Sentenced to suffer 5 months' imprisonment.
15	105-93	Station House Officer, Pulivendla ...	Kondigadu and 1 other ...	6- 4-93	6- 4-93	6	1st accused is sentenced to suffer rigorous imprisonment for 1 month and the 2nd is discharged under Section 253, Criminal Procedure Code.
16	108-93	Do. Vampalli ...	Golla Ramigadu ...	11- 4-93	11- 4-93	3	Discharged under Section 253, Criminal Procedure Code.
17	123-93	Do. Pulivendla ...	Ramiah and 2 others of Chinnarangapuram ...	1- 5-93	1- 5-93	3	Sentenced to suffer 14 days' rigorous imprisonment each.
18	137-93	Do. do. ...	Vencatigadu ...	18- 5-93	18- 5-93	3	Sentenced to suffer rigorous imprisonment for 1 month.
19	138-93	Vadda Vencati ...	Vadda Vencatigadu ...	19- 5-93	19- 5-93	3	Discharged under Section 253, Criminal Procedure Code.
20	139-93	Kristnaiah of Gunakanapally ...	Siddiah of Gunakanapally ...	do.	do.	4	Acquitted under Section 245, Criminal Procedure Code.
21	142-93	Station House Officer, Vempally ...	Pitchikunta Nagi ...	25- 5-93	25- 5-93	4	Sentenced to suffer 30 days' rigorous imprisonment.
22	143-93	Irva Venkatramannah of Sunkesula ...	Chennannah of Sunkesula ...	do.	do.	1	Discharged under Section 253, Criminal Procedure Code.
23	154-93	Salt and Abkari Inspector, Cuddapah ...	E. Subbiah ...	5- 6-93	5- 6-93	3	Sentenced to pay a fine of Rs. 10 or in default to suffer rigorous imprisonment for 15 days.
24	157-93	V. Narayana Reddi ...	P. Vencatigadu and 2 others ...	do.	do.	1	Discharged under Section 253, Criminal Procedure Code.
25	162-93	Lingayya of Addalmarri ...	Chenni and 1 other ...	15- 6-93	15- 6-93	4	Do. do.
26	170-93	Station House Officer of Lopatnuthula ...	Yerrapu Reddi ...	28- 6-93	28- 6-93	3	Sentenced to suffer 6 months' rigorous imprisonment under Section 457, part 2, and a further term of 6 months' rigorous imprisonment under Section 380, Indian Penal Code.
27	172-93	Boggula Fakira ...	Maddala Kondiah ...	3- 7-93	3- 7-93	4	Discharged under Section 353, Criminal Procedure Code.
28	173-93	Forest Range Officer, Cuddapah ...	Gurvappa and 1 other ...	27- 7-93	27- 7-93	2	Convicted on 27th July 1893.

Serial No.	Case No.	Name of Complainant.	Name of Accused.	Date of commencing Trial.	Number of Witnesses examined.	Sentence.	Date of Disposal.
29	174-93	Forest Range, Officer, Cuddapah	Bayannah of Kothapally	27- 7-93	2	Convicted on 27th July 1893.	27- 7-93
30	175-93	Forest Range Officer	Kasim Saib and 14 others	28- 7-93	2	7 convicted and 8 acquitted.	28- 7-93
31	176-93	Baligadu of Gotur	K. Basi Reddi	3- 7-93	3	Acquitted under Section 245, Criminal Procedure Code.	3- 7-93
32	178-93	G, Gampannah of Gurijala	Lakshmanna and 5 others	18- 7-93	4	Discharged under Section 253, Criminal Procedure Code.	18- 7-93
33	183-93	Station House Officer of Santakovur	D. Venkatramadu	12- 7-93	4	Sentenced to suffer one month's rigorous imprisonment under Section 379, Indian Penal Code.	12- 7-93
34	200-93	Forest Range Officer, Cuddapah	Gangaiah and 4 others	27- 7-93	2	4 sentenced te pay a fine of Rs. 15 each or in default to suffer rigorous imprisonment for 10 days, and 1 acquitted under Section 245, Criminal Procedure Code.	27- 7-93
35	202-93	K. Ankamah of Gunakapally	Sarabu Vengappa	29- 7-93	3	Discharged under Section 253, Criminal Procedure Code.	29- 7-93
36	210-93	Nagammah	Atchavelligadu	5- 8-93	3	Sentenced to pay a fine of Rs. 5 or in default to suffer rigorous imprisonment for 7 days.	5- 8-93
37	212 93	Abiah of Korrapad	Vamiah and 1 other of Korrapad	8- 8-93	4	Acquitted under Section 245, Criminal Procedure Code.	8- 8-93
38	213-93	Station House Officer of Balapanur	Venugadu and 1 other	8- 8-93	3	do.	8- 8-93
39	214-93	Do. of Nealyala	Gazula Ramiah	11- 8-93	3	Discharged under Section 253, Criminal Procedure Code.	11- 8-93
40	218-93	Devireddi Narayan	D. Venkatareddi and 12 others	14- 8-93	4	do.	14- 8-93
41	219-93	Forest Ranger Officer	Narummadu and 5 others	do.	4	4 convicted and 1 acquitted.	do.
42	230-93	Inspector I-II. do.	Ediga Nallavadu	22- 8-93	2	Sentenced to pay a fine of Rs. 5 or in default 5 days' simple imprisonment.	22- 8-93
43	235-93	Do.	Ramanna	do.	2	Do.	do.
44	236-93	Do.	Venanna	do.	2	Do.	do.
45	237-93	Do.	Narayana	do.	2	Do.	do.
46	239-93	Forest Range Officer, Cuddapah	Gangadu	do.	1	Convicted.	do.
47	240-93	Do.	Chenniah	do.	1	Do.	do.
48	249-93	Salt Sub-Inspector, Pulivendla	Ediga Subbannah	1- 9-93	4	Sentenced to pay a fine of Rs. 10 or in default to suffer 1 week's simple imprisonment.	1- 9-93
49	288-93	Forest Range Officer, Cuddapah	Bugi Gangadu and 2 others	13- 9-93	1	Do. Rs. 4 or in default to suffer 4 days' simple imprisonment.	13- 9-93
50	292-93	Salt Sub-Inspector, Pulivendla	Kattigadu	18- 9-93	4	Sentenced to pay a fine of Rs. 20 or in default to suffer 15 days' rigorous imprisonment.	18- 9-93
51	294-93	Forest Range Officer, Cuddapah	Hussianmiah and 4 others	do.	4	Convicted.	do.
52	303-93	Deva Narayana	Nandi Ramiah	3-10-93	7	Acquitted under Section 245, Indian Penal Code.	3-10-93
53	306-93	Ramakka of Thellur	Ramiah and 5 others	7-10-93	5	do.	7-10-93
54	310-93	Linganaah	C. Verammah and 3 others	12-10-93	6	Acquitted under Section 245, Criminal Procedure Code.	12-10-93
55	320-93	Kadirigadu of Komamuthula	Madiga Narisigadu	25-10-93	4	Discharged under Section 253, Criminal Procedure Code.	25-10-93
56	321-93	Forest Range Officer	Pulliah and 1 other	18-10-93	4	Sentenced to pay a fine of Rs. 3 or in default to suffer simple imprisonment for 3 days.	18-10-93
57	322-93	Dasari Gangamah	Obulesu and 3 others	do.	1	Discharged under Section 257, Criminal Procedure Code.	do.
58	354-94	Mallayala Station House Officer	Madiga Peddagangadu and Madigada Peddapapigadu	23-11-93	5	Convicted to imprisonment for 6 weeks.	23-11-93

(Signed) S. VENKOBA RAO,
Stationary Sub-Magistrate.
C. KRISHNASWAMI,
Treasury Deputy Collector.

PULIVENDLA,
29th November 1893.

(True Copy.)

ENCLOSURE C.

C. A. No. $\frac{143}{16\text{-}4\text{-}93}$.

No. 409, dated 26th July, 1893.

To

THE DISTRICT MAGISTRATE,

Cuddapah,

THROUGH

THE DEPUTY MAGISTRATE,

Proddatur.

MOST HONOURED SIR,

In re-submitting herewith the judgment of the Deputy Magistrate, forwarded to me for my remarks, with due deference to the observations of the Deputy Magistrate made therein, I beg most respectfully to submit that his remarks are quite onesided.

2. In positively asserting that the ring was not stolen and the police had instructions to keep it in Ramalingam's turban cloth, which however they inadvertently placed in that of the accused Nagiah, the Deputy Magistrate brings before your honour's mind that I made over the ring which *was not lost* to the police with the instructions, and that myself and the police worked together to cook up a false case against Ramalingam to satisfy my wrath against him. If it was so as asserted by the Deputy Magistrate, then our act should have been quite premeditated and deliberate. With a premeditated object in us, it would not have been difficult for me and the police, including the Inspector, unprincipled and unscrupulous as we are in the eye of the Deputy Magistrate to get up evidence to prove that the turban cloth into which the ring was introduced did really belong to Ramalingam, and it would have been also easy for us, without giving room to the Deputy Magistrate, to entertain doubts as to the ring to make it a little loose to suit my statement, which he states was satisfactiorily tight when put on by me, especially when it was not lost, and therefore was in our possession till the accused was placed for trial before the Deputy Magistrate on the 19th. That it was not so speaks in itself to the honesty of our purpose. The fact that the ring was tight when put on by me can be explained away by the fact that it was pressed and beaten by the goldsmith's instruments. The fact that the ring remained without being melted or disposed of in some other way can be explained away, seeing that Nagiah being a native of Kothapalli thought that even if he would be suspected, the police would go to Kothapalli, and therefore proceeded to Peddajutur, where perhaps he was at ease unguardedly, and it was not convenient for him to melt or totally disfigure the ring. If it was my desire to bring Ramalingam into risk, certainly he should have figured himself as an accused in the case, or I could have brought him to trouble in any other away I pleased, when, as the Deputy Magistrate seems to labour under the impression, the police, including the Inspector at Pulivendla, are at my beck and call to commit any unlawful act for me without any respect to their position and status of calling, instead of waiting so long for—indeed a very sad opportunity of a case of house-breaking in my own house to be availed of by me to suit my evil design.

3. I had reasonable grounds to suspect Ramalingam and Nagiah. The former was convicted by me in February last, and the latter so recently as on 15th June to pay a fine of Rs. 20, which he had not paid but was allowed time to pay. Nagiah did not go to his village Kothapalli and he was loitering at Pulivendla. He was joined by Ramalingam on the 16th from his place Musalreddipalli, and on the 17th night there was a house-breaking in my house, where I take my bed, keep books of general reading, clothes and my office box, and on the 18th morning both of them were not to be seen. This aroused my suspicions towards them, for I was informed that both of them were very bad characters, especially Nagiah having been before accused of offences of murder, dacoity, &c.

4. No doubt Ramalingam was convicted by me in February last in a case of criminal breach of trust, and he urged in the appellate court, as one of his grounds of appeal, that there was some ill-feeling between him and me in a connection with a female. I do not know what evidence was adduced in the appellate court to prove that point, and how the Deputy Magistrate believed it. I do not know how the Deputy Magistrate can conclusively say, unless he is very much familiar in person with Ramalingam, that at the date of offence in my house, the ill-feeling which he thought subsisted between him and me in February last was still continuing. I do not know what led the Deputy Magistrate to indulge himself in the remark that there is much ill-feeling between Ramalingam and myself in connection with a female in a public judgment under reference without an iota of evidence on record in the case in question and so irrelevantly when there was no question of it at all, Ramalingam being neither an accused nor a witness in the case before him. It is not easy to understand in these circumstances on what strong and reasonable grounds or on what evidence before him in the case in question the Deputy Magistrate ventured to make a bold assertion that the ring was not lost, simply because Ramalingam was suspected by me of the commission of the offence, when he did not figure himself as an accused or a witness in the case before him for disposal.

5. I assert on my own honour that there was committed really an offence in my house and my ring was lost. It is not easy for one to accuse me, and the police, including the Inspector, that we cooked up a false case when he has no evidence before him to say so *positively*, but the Deputy Magistrate has however done so, and *the onus probandi* lies on him, that I made over the ring to the police and the police introduced it. In the absence of proof, it is left for your honour to decide between us both in the circumstances explained above. On the date the offence was committed in my house, the Deputy Magistrate was at Pulivendla and Rev. Mr. Compbell was also at the station, and even came to my house and saw the scene of offence, &c. The Deputy Magistrate should have also immediately proceeded to the scene of offence and ascertained what was really lost in order that I might not gain time to render a false statement to the police to satisfy my wrath against my foes. The Deputy Magistrate has not done so, and yet his remark is very positive and cutting. I cannot account for it unless he had been already displeased with me. He has, I beg to submit, reasons for it. The Deputy Magistrate has remarked on my judgment (copy of my explanation attached hereto) calender case No. $\frac{96}{27\text{-}3\text{-}93}$, in regard to the theft and murder at Addalamarri, that I did not know the rudiments of criminal code, and in way of explanation I submitted my remarks through him, requesting that if your honour were to agree with me, the Deputy Magistrate might be asked to withdraw his remarks. Secondly, on the 18th May or about that date there was a very hot conversation between myself and the Deputy Magistrate in reference to my private life, which he was with great curiosity prying into, and which I took objection to. These, I think, might have displeased him; otherwise his remarks in the case without sufficient grounds and proof are quite unaccountable. As regards the fairness or unfairness of the search conducted by the police, it is for them to explain. Begging pardon,

I remain,
Most honoured Sir,
Your most obedient Servant,
(Signed) S. VENKOBA RAO,
Stationary Sub-Magistrate.

26th July 1893.

(True Copy.)
(Signed) S. VENKOBA RAO,
Stationary Sub-Magistrate.

(True Copy.)
C. KRISHNASWAMI,
Treasury Deputy Collector.

SUB-ENCLOSURE TO C.

C. A. No. $\frac{143}{16\text{-}4\text{-}94}$.

No. 143, dated 12th April 1893.

To
THE DISTRICT MAGISTRATE,
Cuddapah,

THROUGH
THE DEPUTY MAGISTRATE,
Proddatur Division.

MOST HONOURED SIR,

With reference to your honour's order, dated 8th instant, on the calendar statement in case No. $\frac{96}{1893}$, herewith re-submitted, I beg to submit the records therein called for.

2. I beg also to submit by way of explanation in reference to the remarks passed by the Deputy Magistrate that it may be the accused committed murder with a view to secure the jewels, but his act of having possessed himself with the jewels and hid them, subsequent to his act of murder, will no doubt constitute theft, a distinct offence from that of murder. The charge of murder against the accused has been enquired into by me and committed to the court of sessions, (*vide* preliminary register in case No. $\frac{2}{1893}$, submitted on 3rd April 1893.)

3. Section 233, Criminal Procedure Code, enjoins that every distinct offence of which any person is accused shall be tried separately, and Section 235, Clauses 1, 2, 3, do not forbid the separate trial, but makes the trial even for different offences, at the same time only permissive in the circumstances therein detailed, (*vide* "he may be charged with and tried at one trial,") and it is therefore not illegal to try them separately. I therefore tried the accused separately for theft, in which I have cognizance and convicted him. Besides, I read in the newspaper daily *Hindu*, dated 17th March 1893, that in a very analogous case to the one under reference, where the accused in whose possession the jewels belonging to the deceased were found, was tried concurrently for theft and murder by the Sessions Judge of South Canara, the High Court Judges appear to have "animadverted on the grave irregularity so frequently noticed by them of concurrent trials on charges of murder and theft." (Copy of the extract *in extenso* is herewith enclosed for your honour's information.) In these circumstances, I beg to submit with all the deference due to the Deputy Magistrate's remarks, that there has been no irregularity in a separate trial for theft by me having cognizance in the offence and a committal to the sessions court of the accused for murder. If your honour were to conclude, in the circumstances explained, that there is nothing in my procedure contrary to the fundamental principles of law, I need hardly submit that I do not deserve the strictures passed by the Deputy Magistrate, and I would then most earnestly beseech that your honour will be pleased to have the remark withdrawn, which is to the effect that "the Sub-Magistrate appears to be ignorant of the very rudiments of the Criminal Code," for it underrates much my capabilities as a Magistrate, and speaks very low of my knowledge of law.

I beg to remain,
Most honoured Sir,
Your honour's most obedient Servant,
(Signed) S. VENKOBA RAO,
Stationary Sub-Magistrate.

11th April 1893.

(True Copy.)
(Signed) S. VENKOBA RAO,
Stationary Sub-Magistrate.

(True Copy.)
C. KRISHNASWAMI,
Treasury Deputy Collector.

ENCLOSURE D.

C. A. No. $\frac{143}{16\text{-}4\text{-}94}$.

Reference on A. C. $\frac{33}{4\text{-}5\text{-}93}$.

MEMO.

The Stationary Sub-Magistrate of Pulivendla will explain the delay in giving copies to the defendants in calendar case No. 95 of 1893 on his file. The stamps for copy of judgment appear to have been produced on 30th March 1893, but the copy was not ready until 3rd April 1893. The reason for this should be fully explained.

(Signed) P. SESHAGIRI RAO,
Deputy Magistrate.

(True Copy.)
(Signed) S. VENKOBA RAO,
Stationary Sub-Magistrate.

(True Copy.)
C. KRISHNASWAMI,
Treasury Deputy Collector.

ENCLOSURE E.

C. A. No. $\frac{143}{16\text{-}4\text{-}94}$.

No. 181, dated 11th May 1893.

To
THE DEPUTY MAGISTRATE,
Proddatur.

RESPECTED SIR,

With reference to your order ~~No.~~ , reference on A. C. 33, dated 4th May 1893, I beg to submit that I cannot assign any special reason for the four days' delay that has occurred in granting copy of judgment to the defendants in calendar case No. 95. I beg also to submit that this delay was not in any way prejudicial to the defendants, as they were not in jail, and they had paid up the fine imposed on them. I beg to submit that the delay occurred in granting copies to the parties regularly in order in the ordinary course of business. I shall see that no avoidable delay occurs in granting copies to the parties.

I beg, &c.,
(Signed) S. VENKOBA RAO,
Stationary Sub-Magistrate.

10*th May* 1893.

(True Copy.)
(Signed) S. VENKOBA RAO,
Stationary Sub-Magistrate.

(True Copy.)
C. KRISHNASWAMI,
Treasury Deputy Collector.

ENCLOSURE F.

C. A. No. $\frac{143}{16\text{-}4\text{-}94}$.

Reference on A. C. $\frac{56 \text{ and } 58}{7\text{-}8\text{-}93}$.

MEMO.

The Stationary Sub-Magistrate of Pulivendla will explain why copies of judgments in

calendar cases Nos. 141 and 126 of 1893 on his file were given on blank paper instead of on copy stamps, though the accused in those cases were sentenced to fine only.

(Signed) P. SESHAGIRI RAO,
Deputy Magistrate.

(True Copy.)
(Signed) S. VENKOBA RAO,
Stationary Sub-Magistrate.

(True Copy.)
C. KRISHNASWAMI,
Treasury Deputy Collector.

ENCLOSURE G.

C. A. No. $\frac{142}{16\text{-}4\text{-}94}$.

No. 477, dated 11th August 1893.

To
THE DEPUTY MAGISTRATE,
Proddatur Division.

RESPECTED SIR,

With reference to your memo., reference on A. C. $\frac{56 \text{ and } 58}{7\text{-}8\text{-}93}$, I beg to submit that Section 371, Criminal Procedure Code, clearly lays down that in all cases other than summons cases copy of judgment shall be given free of cost, and no distinction is made as regards the punishment awarded. Section 144, Indian Penal Code, being a warrant case, dealt with in calendar cases Nos. 141 and 126 of 1893, copies of judgments in these cases were given free of cost on plain paper.

I beg, &c.,
(Signed) S. VENKOBA RAO,
Stationary Sub-Magistrate.

9th August 1893.

(True Copy.)
(Signed) S. VENKOBA RAO,
Stationary Sub-Magistrate.

(True Copy.)
C. KRISHNASWAMI,
Treasury Deputy Collector.

ENCLOSURE H.

C. A. No. $\frac{143}{16\text{-}4\text{-}94}$.

Proceedings of the Stationary Sub-Magistrate of Pulivendla, dated 25th September 1893, *in crime No.* $\frac{60}{1893}$ *of Pulivendla Station.*

* * * * * * *

10. Remark of Magistrate on conduct of police. The police registered this at first under Sections 147 and 354, Indian Penal Code, and subsequently charged the accused under Section 354, Indian Penal Code. Even this was not made out. It turned to be after all a simple assault in the course of a civil dispute, and the accused were acquitted. The Police Station House Officer would have done better if he had not interfered in cases as these.

(Signed) S. VENKOBA RAO,
Stationary Sub-Magistrate.

(True Copy.)
(Signed) S. VENKOBA RAO,
Stationary Sub-Magistrate.

(True Copy.)
C. KRISHNASWAMI,
Treasury Deputy Collector.

ENCLOSURE H/2.

C. A. No. 143/16-4-94.

Proceedings of the Stationary Sub-Magistrate of Pulivendla, dated 25th September 1893, in reference to a referred charge sheet submitted in crime No. 60/1893 under Section 147, Indian Penal Code.

REMARKS.

The Police Station House Officer would have done better if he had exercised his better discretion in not taking this on to his crime register in the beginning under Section 147, Indian Penal Code.

(Signed) S. VENKOBA RAO,
Stationary Sub-Magistrate.

(True Copy.)

(Signed) S. VENKOBA RAO,
Stationary Sub-Magistrate.

(True Copy.)

C. KRISHNASWAMI,
Treasury Deputy Collector.

ENCLOSURE H/3.

C. A. No. 143/16-4-94.

Proceedings of the Stationary Sub-Magistrate of Pulivendla, dated 29th September 1893, in a charged case in crime No. 64/1893, Section 379, Indian Penal Code.

* * * * * *

REMARKS.

The accused has but purchased the sheepskin for a reasonable price, and there is the evidence of Mada Bakkavadu, Avula Dasari, Serigireddi Siddiah and Dunpala Pedda Venkatiah, that he did so from one Basani Pedannah. This Pedannah appears to the court to be the real culprit. The Station House Officer will charge him for theft. If the investigation into this case was conducted by the Station House Officer instead of by a second-class Police Constable, the real culprit would have been brought to justice in the first instance.

(Signed) S. VENKOBA RAO,
Stationary Sub-Magistrate.

(True Copy.)

(Signed) S. VENKOBA RAO,
Stationary Sub-Magistrate.

(True Copy.)

C. KRISHNASWAMI,
Treasury Deputy Collector.

C. A. No. 143/16-4-93.

Reference on Current No. 1046/Magisterial, dated 18th December 1893.

FROM

C. H. MOUNSEY, ESQ.,
ACTING DISTRICT MAGISTRATE OF
Cuddapah,

To

THE CHIEF SECRETARY TO GOVERNMENT,
JUDICIAL DEPARTMENT,
Madras.

SIR,

I have the honour to forward records * according to a list attached, and to report upon the conduct of M.R.Ry. S. Venkoba Rao, Stationary Sub-Magistrate of Pulivendla.

* Sent in separate packet.

2. The simplest way to explain the allegations against him is to narrate the facts which are undisputed, state the construction put upon them by his accusers, give his explanation and record findings.

3. In November or December 1892, one Shroff Ramalingam took up his abode in Pulivendla in a house hired by him and lived with a dancing girl named Guruvasani and a niece of hers named Balasani or Bali. At times one or other of these dancing girls was hired for performances by the Sub-Magistrate at his house. At the end of December or beginning of January (the date given by the Sub-Magistrate) the Sub-Magistrate admits he had a quarrel with Ramalingam at a dancing party at the Sub-Magistrate's house. On the 3rd February 1893 Guruvasani made an oral complaint of theft of her jewels to the Sub-Magistrate against Ramalingam, which the Sub-Magistrate recorded in a Komati's shop on his way from office and referred it confidentially to the police. Enquiry was made, and Ramalingam was charged that same afternoon with theft and criminal misappropriation, convicted and sentenced to 6 months' imprisonment on each charge. He appealed, and the conviction was quashed on the 24th March.

4. Bali, who had been kept by the Sub-Magistrate in Pulivendla, left for her village of Yetur. The Sub-Magistrate went to her village to bring her back, but Bali did not return with him.

5. On the night of the 17th June the Sub-Magistrate said his house was broken into and his office box stolen, and that he suspected the said Ramalingam and another Shroff Nagiah. A house in a neighbouring village in which the suspected people were staying was searched, and the police alleged that a ring stolen from the Sub-Magistrate's office box was found there in a turban. The turban was proved to belong to Nagiah. The Deputy Magistrate tried the case and discharged accused Nagiah, stating he had doubts as to the discovery of the ring. On report being called for, the Deputy Magistrate reported that he believed the case to be a false one instituted by the Sub-Magistrate. Explanation was taken and will be dealt with below.

6. The next case in which the Sub-Magistrate and Ramalingam are again concerned was as follows: Ramalingam on the 28th June made a complaint to the Pulivendla police that Guruvasani, her brother Gurumoorthy and Bali had stolen some of his property in the preceding February. The police went to Yétúr in Jammalamadugu Taluk and found in accused's house property which complainant claimed to be his. They arrested the accused on the 30th June, took them to the police station at Lavanur in the same taluk and thence to Jammalamadugu, reaching there on the 3rd July. There they got a remand and brought the accused to Pulivendla on the 5th July. The same evening Bali was released on bail. On the 6th the other two prisoners were also released on bail.

7. On the 12th July Guruvasani declared to the Deputy Magistrate that Bali was being detained by the Sub-Magistrate against her will, and swore that the proceedings in the charge brought against them by Ramalingam were instituted at the instigation of the Sub-Magistrate. Two others also supported the allegation that the Sub-Magistrate was detaining Bali against her will. The Deputy Magistrate issued a summons for Bali, and she appeared before him on the 17th July, when he was starting on a journey, and so he took no statement then, but he did so on the 20th July, when Bali swore to the truths of a petition put in by her supporting the above allegation.

8. These facts were not reported to me till the 9th October, and then I merely supposed the report related to the Sub-Magistrate's explanation in the ring case, and did not go through the papers owing to other work till more than a week afterwards. As soon as I found what the allegations were, I issued summonses to the parties and proceeded to Pulivendla for local enquiry. It is much to be regretted that the Deputy Magistrate never reported to me at once, as he should have done, the allegations made in July against the Sub-Magistrate, or even really at the beginning of September, when I was complaining to him of the delay in getting the Sub-Magistrate's explanation in the ring case. The Deputy Magistrate's explanation for not doing so is most unsatisfactory in my opinion, and I have so informed him.

9. The definite charges against the Sub-Magistrate arising out of the above are as follows:—

Bali swears that about December 1892 the Sub-Magistrate began to keep her, but at first she continued to live in the house hired by Ramalingam for her aunt Guruvasani. Ramalingam's brother Lingamoorthy swore to the Deputy Magistrate that as Bali would not consent to leave Ramalingam's house, the case against Ramalingam in February was laid by Guruvasani at the instigation of the Sub-Magistrate. After that Bali lived with the Sub-Magistrate as his mistress, but she was so ill-treated that she went away to her own village. Some days afterwards the Sub-Magistrate arrived there, and after a sort of panchayet of the leading villagers, and and he having promised not to ill-treat her again, Bali was persuaded to go back to Pulivendla. She returned, but again was subjected to severe ill-treatment, and finally, by leaving some of her jewels in his possession as a pledge she would return, was again allowed to visit her own village. Three days afterwards the Sub-Magistrate went again to Yétúr to get her back, but Bali hid herself. The Sub-Magistrate left, but returned in the evening and found her and tried to detain her. There was again a great discussion. In the midst of it Bali managed her escape. Then on the night of the 17th June came the alleged theft of the Sub-Magistrate's ring, on which the Deputy Magistrate finally reported that the Sub-Magistrate got the case up falsely to convict Ramalingam, or get him into his power. Then on the 13th July Bali fled to the Police Inspector for protection against the violence of the Sub-Magistrate. Next Ramalingam swore to the Deputy Magistrate that the day previous to the alleged theft in the Sub-Magistrate's house, the Sub-Magistrate asked him to falsely accuse Guruvasani, Bali and Gurumurthi so as to get them into his (Sub-Magistrate's) power, and that he was not released from arrest in the ring case until he had signed a complaint which the Station House Officer of Pulivendla, Bahadur Khan, wrote down for him against the above named three. As soon as these three were brought to Pulivendla, Bali was taken to the Sub-Magistrate's house, and they say that on the other two being released on an order from the Deputy Magistrate, they had some documents extorted from them by the Sub-Magistrate. I do not believe this story of extortion of a bond. I think it is probably an emanation from the brain of the vakil employed by Guruvasani before she made her complaint on the 12th July. The story of this even is not proved.

10. I took the evidence of 18 witnesses and then sent a proceedings to the Sub-Magistrate with all the depositions and Deputy Magistrate's report and records, stating that the following conclusions might be drawn from the records:—

(i) that he maliciously exercised his magisterial powers in the case of an accusation of theft and criminal misappropriation brought by one Guruvasani against Ramalingam;

(ii) that he tried to entangle the said Ramalingam in a false case of theft of a ring of his own (the Sub-Magistrate's);

(iii) that he maliciously exercised his magisterial functions in getting Guruvasani, Gurumurthi and Bali taken into custody upon the complaint of Ramalingam;

(iv) that he twice left his jurisdiction to induce the said Bali to come and live with him as his mistress, ill-treated her as such, and by the influence of his position kept her as his mistress against her will, that such conduct was derogatory to his position as a Stationary Sub-Magistrate, and as such might have to be brought to the notice of Government.

I proceed to deal with these charges *seriatum*. The first one depends partly on when the Sub-Magistrate began to keep Bali. If he was keeping her in February when she was living in Ramalingam's house, suspicion might well attach to him for letting private quarrels influence his official actions. That the Sub-Magistrate kept Bali he admits. Bali said to me it was from November or December 1892; Gurumurthi her uncle and Guruvasani her aunt, said the same to me. Lingamoorthy on the 3rd March 1893 gave an affidavit to the Deputy Magistrate that the Sub-Magistrate was then keeping her. Bahadur Khan, the late Station House Officer of Pulivendla, said it was common talk that the Sub-Magistrate was keeping her in January and February 1893, and finally the then Tahsildar in a demi-official letter since received (which

the Sub-Magistrate has not seen) says he began to keep her about the end of January 1893. I was aware the Tahsildar could give this evidence as I saw him at Pulivendla, but he was then on leave and going to Madras, and I trusted it might not be necessary to refer to his evidence. The Sub-Magistrate says he was keeping her for a few months and gave her up at the end of May. He denies that he was keeping her at the time Guruvasani complained. As a proof of the above statement, he refers to a deposition of the Village Magistrate of Pulivendla on the 15th March, when he said he did not know if the Sub-Magistrate was keeping the girl in February, and to a deposition of Guruvasani, Bali's aunt, who said the Sub-Magistrate was not keeping her then. I don't think much of these statements, for the answer to them is obvious. The Village Magistrate might be under the influence of the Stationary Sub-Magistrate and Guruvasani would be most unlikely to admit that Bali was then kept by the Stationary Sub-Magistrate, she being a complainant before him and Bali living with her. The Sub-Magistrate also relies on the evidence Ramalingam gave before me. He would have done well not to have referred to it. Whenever Ramalingam could, he answered, "I don't well remember," and his only way to explain his previous depositions taken by the Deputy Magistrate was to deny he had ever made them. I am positively convinced from the evidence of my own senses that Ramalingam was induced in the interests of the Sub-Magistrate to speak as favourably for him as possible before me, and presumably, therefore, the Sub-Magistrate was the inducer. Ramalingam even said, "I do not know well if the Sub-Magistrate was keeping Bali or not," a fact he must have known. I therefore believe that though the Sub-Magistrate began to keep Bali in his own house in March, that he was intimate with her before that date, and somehow on her account quarreled with Ramalingam. The fact of a quarrel he admits, saying Ramalingam refused at a party in his house, when the dancing girls were present, to accept betel leaves. But the allegation that the Sub-Magistrate got up the case against Ramalingam on account of Bali must fall to the ground, for there is only Ramalingam's statement to support it, but on the following grounds I believe the Sub-Magistrate showed prejudice in disposing of the case.

The compliant was orally made to him by a dancing girl in the village street, and at her persuasion recorded by him in a Komatie's shop; it was endorsed to the Station House Officer, Pulivendla, to effect a search in Ramalingam's house with great care to bring the offender to justice and to be treated as confidential. All this is not quite in the ordinary course.

Further, the judgment of the case is the proof of personal bias against Ramalingam on the part of the Sub-Magistrate, for he never mentioned in it that the house in which the alleged stolen property was produced was accused's own house, hired by him for his mistress; he says at the end of the second para. thereof, in reference to some other petty property produced by Ramalingam, "This property the accused states is his—which I doubt very much, it being probable he might have made away with them when submitted to him as a goldsmith by the public to make jewels for them;"—and he adds a postscript to his judgment about this property "and in respect of other property the accused should prove his innocence." Not a soul but the Sub-Magistrate suggests this was not Ramalingam's own. I cannot but believe that this order was not given in good faith also. He talks in his judgment of Ramalingam having ruined a poor dancing girl (though it is not suggested by the prosecution that he had done anything of the sort), and therefore gave a cumulative punishment of one year. This sentence seems vindictive and excessive. The actual fact of conviction, though solely on the word of a concubine against that of her paramour, has nothing to do with this case, and the Sub-Magistrate's long explanation on the point is beside the question. The Sub-Magistrate in defending the severity of the punishment awarded to Ramalingam, mentions two cases in which he had awarded cumulative punishments, but these were both posterior to Ramalingam's case. That he should give cumulative punishments afterwards may not be a matter of surprise, but the punishment in each case should be looked at in reference to the facts of the case, and in Ramalingam's it was excessive. As on the Sub-Magistrate's own showing Ramalingam's guilt was the withholding of property, he believed himself entitled to keep as having a lien as against a debt owing to him by complainant, as the property was never removed from the house Ramalingam used for all purposes but his meals and which he rented.

11. I now pass on to the ring case of June 17th and 18th. The Deputy Magistrate's judgment fully proves that the accused Nagiah who was charged was innocent of the offence. The Sub-Magistrate says he suspected Ramalingam, because of his conviction in February, and Nagiah because of a convication and fine on the 15th June, and both because they were seen in Pulivendla on the 16th and 17th June. The train of reasoning is weak considering both are shroffs and most unlikely people to be concerned in a house-breaking for the sake of revenge. The evidence the Deputy Magistrate had before him led him to believe that the ring was introduced by the police into one of two turbans, * in the house of one Pampiah, and that whoever introduced it could not tell whether the turban was Nagiah's or Ramalingam's. The turban turned out to be Nagiah's and not Ramalingam's. The Deputy Magistrate believes it was intended to have been placed in Ramalingam's turban, but there is no proof of this. It is surmise, founded on the Sub-Magistrate's previous connection with Ramalingam, the deduction from the evidence that the police introduced the ring, and from the excuse the Sub-Magistrate gave for the ring being in his office box being untrue. He said he put it there because it was loose. It fits well. The Sub-Magistrate says perhaps the shroffs have altered its shape. The Deputy Magistrate says the make of the ring is such that it cannot be larger; that it was not altered to prevent identification, and that if Nagiah had it he had ample opportunities to melt it. Again the Sub-Magistrate says he could have easily if he had wanted proved that the turban in which it was found was Ramalingam's. He forgets how the search was conducted. Two turbans were brought out; people outside were asked whose they were. Nagiah said the turban with false rubies in it was his, and that very turban had the ring in it. If it had been in the other turban, most assuredly Ramalingam would have been arrested. In addition to all this surmise there is the sworn deposition of Ramalingam to the Deputy Magistrate that he was arrested with Nagiah at Peddajitur on the afternoon of the search, and though not put in the lock up, was not released till 3 P.M. the next day, when a statement accusing Bali, Guruvasani and Gurumurthy was extorted from him, and he also swore that on the 17th June (the day before the theft) the Sub-Magistrate asked him to make such an accusation which he refused to do. Before me he swore he had never said so to the Deputy Magistrate. I must either believe that the Deputy Magistrate deliberately falsified his record by recording what Ramalingam never said to him or believe that Ramalingam was not telling the truth in his deposition to me. Of course the latter was the case, and as said before, I feel certain he has been won over by the Sub-Magistrate. The deposition, I may add, is certified to have been read over to him in Telugu and acknowledged to be correct and is signed by him. The next question to consider is whether Ramalingam's statement to the Deputy Magistrate was true or not. On this point it must stand or fall upon the surmises given above, and in the absence of this being any inducement to him, to make such a statement falsely. As far as the Sub-Magistrate is concerned, the statement is small but significant; but Ramalingam afterwards denied this statement, and the Sub-Magistrate in para. 17 of his explanation gives fair reasons for not believing it. There is therefore no credible evidence of the conduct of the police being swayed by the Sub-Magistrate in connection with the ring case. If the Sub-Magistrate had so concocted the case, he must have put himself in the hands of one or more police officers, and this he would hardly be likely to do.

* Nagiah's and Ramalingam's.

12. My conclusions are that on the 13th July he so ill-treated the dancing girl Bali that she went to the Police Inspector for protection, that the evidence in this case abundantly proved that the accused in whose turban the ring was said to have been, could not have stolen it, and that three hypotheses remain :—

(i) The police recovered the ring somehow, and to please the Sub-Magistrate tried to get Ramalingam or Nagiah convicted (this is improbable).

(ii) Pampiah, the owner of the house, where the ring is said to have been found, stole it from the Sub-Magistrate and concealed it in the turban of his visitor Nagiah. To rebut this we have the evidence of two witnesses, whom the Deputy Magistrate did not believe, but went far to show only Nagiah and Ramalingam were concerned in the theft.

(iii) The case was a false one got up by the Sub-Magistrate to get Ramalingam into trouble. This is even an improbable hypothesis if we think that the Sub-Magistrate would not do so as he would be putting himself in the grace of the police. On the other hand, one of the theories of the prosecution is Bahadur Khan, the Station House Officer was a tool in his hands as evidenced by his conduct in the Yetur case, and if so, the Sub-Magistrate would have little to risk if he only took him into his confidence.

13. I now come to the third case (a case of alleged criminal breach of trust). On the 28th June, Ramalingam accused the three dancing caste people of this offence in regard to some of his property. He said the offence occurred when he was in jail in February. As it turned out there was no case at all, and a referred charge sheet was submitted after the examination of complainant's own witnesses, as related (para. 4) above. On the 5th July the accused were produced before the Sub-Magistrate. Before this, on the 3rd July, the Station House Officer reported to the Sub-Magistrate, "From the enquiry first and third accused alone are found to be guilty, second accused (Bali) is unblamable." On the 4th July the Sub-Magistrate ordered her to be released when produced. It is very strange that in the magisterial diary of the Sub-Magistrate there is no entry of this action whatever. On the same day three affidavits were filed before the Deputy Magistrate stating that Bali has been eight months in the keeping of the Sub-Magistrate, and the whole criminal proceedings were ablind for him to get her into his power. On the 6th, on report of the Station House Officer, the first and third accused, Guruvasani and Gurumurthi, were let out on bail.* They were under arrest for five days, under remand for three days, but kept the whole time in police custody. It was in the Deputy Magistrate's enquiry in this case that Ramalingam gave the affidavits made before that officer above referred to as not substantiated, stating the reason he filed the complaint; another reason for not believing Ramalingam is that his dates must be very wrong, or he must be telling untruths, or this complaint must have been post-dated, as the complaint taken from him, as he says on or about the 19th June, is dated the 28th June.

* Again there is no entry in the Magisterial Diary of this.

14. But as above said on the 12th July an accusation of illegal detention of Bali by the Sub-Magistrate was sworn to by Guruvasani. Bali is said on her release on the 5th July to have been at once taken again by the Sub-Magistrate as his mistress. This he denies. The Deputy Magistrate on receipt of the affidavits should of course have proceeded to the spot and made inquiries, when there would have been no difficulty in ascertaining the truth. Unfortunately for the Sub-Magistrate there is unsolicited testimony in favour of Bali's statement that cannot be got over. On the 13th July Bali went to the Inspector and made a statement to him which he recorded in his diary. The Inspector, I have no doubt whatever, has tried to minimise to me the form of the statement as he evidently wishes to help the Sub-Magistrate. The statement I quote is important.

"One Balasani, the dancing girl, came at 7-30 P.M. and told me that the Stationary Sub-Magistrate never allows her to go to her village and that she does not like to live with him as he ill-treats her by beating her every day and in the meantime the Stationary Sub-Magistrate came and took her home." Here is a definite proof given by a reluctant witness, for the Stationary Sub-Magistrate's cross examination of the witness proves he was favourable to him; that the Sub-Magistrate was not telling the truth in saying that he had nothing more to do with Bali after she left him in May or June. There is a distinct statement that the Sub-Magistrate took her to his house on the 13th July, and the wording of the statement takes it as an admitted fact that Bali was in the Sub-Magistrate's keeping before the 13th July. This shows she was probably telling the truth when she says she was taken straight to his keeping when let out on bail. The Police Inspector too says he first thought she was telling the truth in the statement made to him, and his diary falsifies his evidence that Bali followed the Sub-Magistrate's home willingly, for he writes he took her home; she explains that no physical force was used to prevail on her living with the Sub-Magistrate, but it was the fear of the consequences that prevented her. Further, the Pulivendla Station House Officer swears he saw Bali in the Stationary Sub-Magistrate's house at 6 P.M. on the

6th July. This is quite credible. I therefore believe that on Bali's release on the 5th June the Sub-Magistrate kept her in Pulivendla as his mistress.

15. The last question in regard to the Sub-Magistrate's conduct is whether he twice went to Yetur to try and get Bali to come back with him. There is little difficulty in coming to a conclusion in this matter. It is a perfectly trivial matter to the dancing girl whether he came once or twice; it increases no probabilities one way or the other, or at least does so very little. On the one hand the Sub-Magistrate says he went once with leave; on the other hand, Bali's statement is that she first returned to her village with the Sub-Magistrate's leave in April apparently and the Sub-Magistrate followed her. All the reddies and leading people assembled, and after much trouble she was persuaded to return to Pulivendla with the Sub-Magistrate upon a promise of no further ill-treatment. Shortly afterwards, being again ill-treated, she arranged to get leave to go, leaving some jewellery behind her as a pledge she would return.

The Sub-Magistrate again followed her, but Bali saw him coming and fled. She returned in the evening, but the Sub-Magistrate also returned and found her. In the midst of a quite public meeting to get her to go back to Pulivendla, she manged to escape and did not again go to Pulivendla till she went as a prisoner. Her story is supported by her relatives Gurumurthi, Guruvasani, the monigar of Yetur, Somi Reddi, a cultivator, one Iragam Bali Reddi, and a trader of the same village who pays more than Rs. 20 income-tax, as well as by Chinn Konda Reddi, Village Magistrate of Yetur, who made an affidavit to that effect to the Deputy Magistrate. This is with the record.

16. The Sub-Magistrate makes remarks in his para. 27 as to why these witnesses should not be believed. I do not think much of his reasons, and also he says nothing about the Village Magistrate's affidavit.

17. Further there is some evidence which also tends to corroborate the witness's story, namely the evidence of the then acting Police Inspector of Balpanur Division (Pulivendla Taluk) Narasayya. I cannot for one moment believe that the reason the Sub-Magistrate gives in para. 24 of his explanation would be sufficient inducement for Narasayya to espouse the false case of a dancing girl. This witness's evidence would give the dates of the Sub-Magistrate's visit to Yetur to be about the 24th April and the 12th June. The evidence of the visit of the 24th April is practically dead against him, and as the Sub-Magistrate admits, he went there after that, this evidence proves the first visit and therefore the two visits. In addition to the evidence of the acting Inspector, we have the Station House Officer of Gurijala, where under date 11th and 12th June a visit of the Sub-Magistrate is recorded. This could not be concocted, and side by side with this we have the Sub-Magistrate's own diary in which the original entry is on 11th June 1893, Sunday. Pulivendla cases nil, and this is signed in red ink at some subsequent date as it is written across part of his signature, and in his own handwriting, and in black ink we find "we proceeded to Gurijala to institute local inquiry in reference to the case of criminal breach of trust against Gampannah and two others." This is suspicious and clearly a subsequent entry. Why the Sub-Magistrate should have gone to inquire into the case does not appear. The records have been called for. The case the Sub-Magistrate adds in his diary he went to inquire into was not taken on his file till receipt of the Station House Officer's charge sheet on the 16th. The Sub-Magistrate further did no magisterial work on Monday, the 12th June, when he apparently from his diary was at Pulivendla, all cases six in number were put off on one excuse or another, even one in which a prisoner in the sub-jail was a complainant.

18. I now proceed to sum up the facts I consider proved against the Sub-Magistrate:—

(1) that he had a quarrel in January with Ramalingam connected with the dancing girl Bali;

(2) that in February, in a case he had before him, in which Ramalingam was the accused, he acted vindictively towards Ramalingam;

(3) that he kept Bali, the dancing girl, throughout March and April, after which, owing to his ill-treatment, she got leave to go to her village and that, without permission, he visited that village, outside his jurisdiction and persuaded Bali to return to his keeping; that Bali again got leave to go to her village and that the Sub-Magistrate again visited the village and tried to persuade her to return; that he made interlineations in his diary under date 11th June;

(4) that in a case in which a ring was alleged to have been stolen from his house, he said without good or reasonable grounds that he suspected Ramalingam;

(5) that when three dancing caste people were brought before him upon remand, he released on bail (upon Station House Officer's report) one of them, Bali, and took her immediately into his keeping; that on the next day he released upon bail (upon Station House Officer's report) the other two, but there is no entry of these proceedings in his magisterial diary;

(6) that he allowed these latter two dancing caste people to remain in custody of the police on the 6th July, though they had been under arrest since the 30th June and under remand since 3rd July;

(7) that on the 13th July he so ill-treated the dancing girl Bali that she went to the Police Inspector for protection;

(8) that he made interlineations in his diary dated 11th June.

19. I think the above things, I consider proved, show that the Sub-Magistrate is not fitted to exercise his magisterial powers with discretion, and I recommend him to be transferred to some post where he will no longer have to exercise such power, even if it involves a heavy reduction in pay.

I have the honour to be,
Sir,
Your most obedient Servant,
(Signed) C. H. MOUNSEY,
Acting District Magistrate.

(True Copy.)
C. KRISHNASWAMI,
Treasury Deputy Collector.

C. A. No. $\frac{143}{16\text{-}4\text{-}94}$.

Reference on Current No. $\frac{1046}{\text{Magisterial}}$, dated 19th December, 1893.

FROM

C. H. MOUNSEY, ESQ.,
ACTING DISTRICT MAGISTRATE,
Cuddapah,

To

THE CHIEF SECRETARY TO GOVERNMENT,
JUDICIAL DEPARTMENT,
Madras.

SIR,

Adverting to para. 17 of my reference on Current No. $\frac{1046}{\text{Magisterial}}$ of the 18th instant, and in continuation thereof, I have the honour to state that the records* therein referred to have been received, and the result of their examination shows that the Sub-Magistrate's visit to Gurijala was unnecessary in my opinion. For a clear elucidation of the facts of the case, I must state the different stages through which the case that took him to Gurijala went. They are as follows:—

* Calendar Case No. 166 of 1893.

2. On the evening of the 5th June last, one Venkatamma filed a complaint of criminal breach of trust against one Gampanna and 2 others before the police of Gurijala. The police

sent their first information report to the Sub-Magistrate on the same day, which reached him on the 7th. This was filed by him. This does not find place in his diary, but such reports are not generally mentioned in the diary.

3. Next on the 8th idem, property consisting of six articles, with a return of property seized and a search list was produced before him, as also one of the accused (Gampanna) with a report from the police asking for remand for six days to complete the investigation. The remand was granted till the 12th; and the police were ordered to complete the investigation and to file a charge sheet before the 16th idem.

4. The next paper that we find on record is a report from the police of Gurijala not dated, but presumably of the 12th June, which reached the Sub-Magistrate on the same day, and in which a further remand till the 16th was requested for completing the investigation in the case. This extension was accordingly granted on the 12th, and none of the proceedings of the day find place in the diary.

5. On the same day a petition was filed on behalf of Gampanna who was in jail requesting to be released on bail. On it the following order was passed by the Sub-Magistrate :—

"At the instance of the accused Gampanna that the police are unduly delaying submitting charge sheet in the case with intent to keep him in custody and remand, I proceeded to Gurijala yesterday to find out if there stands a real case against him. On my enquiry I found that the charge against him is well founded. Further, I ~~have~~ learn from the station report of Gurijala Station House Officer received to-day that he has good grounds to defer submitting charge sheet. In these circumstances, I cannot allow Gampanna to be let on bail, 12th June 1893." This incident is again not mentioned in the magisteriat diary.

6. There is nothing on record to show why the Sub-Magistrate was moved to go to Gurijala, and why he should go when the remand he had given expired on the 12th. There is no record of any inquiry made by him in Gurijala, and if any was made, it should have been into the conduct of the police as suggested by his note. On the 16th a charge sheet was received whereupon processes to witnesses for the first time were issued by the Sub-Magistrate.

7. As already reported by me, it was on the 11th June that the Sub-Magistrate went to Gurijala to make local enquiry into this case. From the above narrative it will be seen that that was at a time when the case was still in the hands of the police, when the prisoner was in remand on the word of the police, and when, presumably, the Magistrate had not yet commenced dealing with the material on which he should decide the guilt or innocence of the accused. It is at this stage of the case that we are told the Magistrate went to make a local enquiry.

8. In view of these circumstances, I am of opinion that the theory of the Sub-Magistrate having proceeded to Gurijala on the 11th and 12th June purely on public grounds is negatived by the state in which we find Gampanna's case then.

9. The records of the case are forwarded herewith.

I have the honour to be,

Sir,

Your most obedient Servant,

(Signed) C. H. MOUNSEY,

Acting District Magistrate.

(True Copy.)

C. KRISHNASWAMI,

Treasury Deputy Collector.

[G/75]

NOTE FOR THE UNDER SECRETARY.

Memo was sent on the 15th but copy has not been received yet. Submitted that a telegram be despatched. Brief just rep.

Gh
23/1.

instant — I suppose I think we can wait a few days

Gh
23/1

Returned
h
24/1

Not yet please
dd 31/10

[G/75.]

NOTE FOR THE UNDER SECRETARY.

A fortnight has elapsed & we have not yet received copy of the memorial may a telegram (deferred) is not now please? Draft put up.

Send O.M. asking if he has a spare copy & if so to send it without delay

Memo drafted 31/1
Copy rec'd 7/2/94

31/1

[G/75]

NOTE FOR THE UNDER SECRETARY.

Will you please sign
this transf.? The original
memorial has been so
freely marked that I
am afraid we shall not
be able to clean it
sufficiently to make it
tidy enough for transm.
to the Govt of India.
A transcript has been made
but no spare copies are
forthcoming

GLa
12/6.

CURRENT NO. 633

Madanapalli
25th November 18

To,

The Chief Secretary to the
Government of
Madras

Most Respected Sir,

I beg to submit here
My Memorial to His Excellency the Ac
Honorable the Viceroy and Governor
of India in Council, together with
authenticated Copies of all the Do
referred to therein as appendices
-ing against the order of the
Government No 708 Judicial D
March 1894, dismissing me f
public Service; and to regre
you will be pleased to can
same to be forwarded to
ment of Ju

X Sent Separately in packet post Registered

502-220-6-94.

usual course of business.

2/ But before doing so, I shall most earnestly beseech that, if it be feasible, in the light of facts detailed at length in the Memorial under reference, you will be pleased to lay my case before His Excellency the Right Honorable the Governor in Council for a kind reconsideration and revision. It will be clearly seen from the Memorial that I was most unfortunate in not having obtained justice at the hands of the Madras Government and in having been summarily dismissed from the Service on the ill founded suspicions, after honest service of nearly 12 years and a half, without reproach or

punishment. This order of dismissal has not only blighted my prospects in all directions, but has well nigh ruined me both in body and in mind. Having been without employment for the last 9 months, I have been subjected to severe privations and difficulties and the worst of it is, that I find now cast abroad the vast expanse of the Globe with no means of sustenance, and the doors of all professions — even that of a Pleader being closed fast against me. I find it, in these circumstances very hard to eke out my subsistence being a young man of about — almost a graduate having B.A. Oxford, Langu

and unavailing in the face
of an ill-merited punishment
that has been inflicted on me -
I beg these facts with your kind
and prencipal Consideration, and
kindly going through once more my
explanation printed in the Memorial,
I most earnestly entreat that you
will be pleased to lay my case
before His Excellency the Rt
Honorable the Governor in Council
and obtain orders for my
re-instatement in my office of
the Shanmany Sub Magistrate in
the Cuddapah District -

I am willing to stand any trial &
any further explanation if wanted.

I beg to remain
Most Respected Sir
Your most obedient & humble servant
to serve my challenge -

300—28-5-94.

Judicial Department.

No.

From

Dated 7th Jan 1895 189 .

~~FOR ORDERS.~~

Reference only No 2545 21-12-94

With reference to this appeal petition of 26th November 1894, S. Venkobarao is requested to forward copies of all the documents in the case brought by Guruvasani against Ramalingam and in the Reg case.

20/12

To
M.R.Ry. S. Venkobarao
C/o M.r. O. L. Sarma
Pleader, Madanapalle.

do-wd 21/12/94

Copies sent 20/12

MR 20/12.

1,000—5-1-91.

Current No. 11

DEPARTMENT.

From

S. Venkata Rao

Late Sub Magte of

Pattiwadala

No.

Dated 31/12/94

Received 1/1/95

Enclosures Rec'd 7/1/95

3. Sent Separately

SUBJECT.

Stating that he Submits

Copies of Judgments

wanted by Separate

packet post

Submitted to U.S.

Judici
For

Most Honored Sir,

In obedience
-Mem No: 2545 Judicia
of 21st December 1894

Submit by separate
post duly registered, th
of judgments (manusc
authenticated copies) th
called for.

I beg to
Most H
Your most o

I Mem
late Ju
Pu

Madras —
No: 3 Thambuchetty Street
Dated 31. 12. 1894

20-6-94.

No. 6332

From Vrukoba Rao

Dated 25 Nov 1894,

FOR ORDERS.

This petition from Vrukoba Rao (which should, by the way, have been subm.d through the Dt. Mag.) is addressed to the G. of S. but the pet.r requests that it may also be treated as a petition to this Govt. for review of Go. of 20 March 1874, No. 708, Jud.

2. I have been carefully through the petition & can find nothing which would justify a reconsideration of the orders already passed. The only points of any importance are the following:-

(1) in para. 5 pet.r says that the Sub-Registrar has been examined & [illegible] that pet.r extorted a bond from Government, Suvarnavani & Bali.

when & by whom this Exam.n of the Sub Regr. was conducted does not appear. There was nothing in the previous record to show that any enquiry had been made of the Sub Regr. Even if it was & if he deposed as stated by pet.r, the petn

se is not materially strengthened.

(2) In para. 24 pet.r says that Gurunnanse, Gnanavasane & Bali were taken to Sammalawadugu in the first instance instead of to Puliveudla merely because the Sammalawadugu mag. was the nearer & not with the object of tormenting the prisoners. A similar plea has been put forward by Police Inspector Muhammad Bey (G.O. 5 Oct 24, No. 2386, 2 Dt) & it may be accepted; the point has no bearing on pet.r's case.

(3) In para 25 pet.r explains that entries regarding these occurrence reports do not appear in mag.l diaries. The instructions of the High Court for the preparation of Diaries appear on p. xxv of the Appendix to Weir. They do not expressly declare that all orders directing release on bail shall appear in the Diary, but, surely, in such a case as that now in question, it would be necessary to note in the Diary the release on bail of the three accused.

(4) In para. 27 pet.r declares that he was absent from Puliveudla from 7th to 10th July, having gone to Cuddapah to give evidence in a case. This is an important point. Pet.r says Bali admitted to the St. mag. that the ~~former~~ pet.r

was absent as stated by him & of course, a reference to the Sessions Court would settle the matter. Bali's statement is not available & there is no allusion to this point in the abstract ~~thereof~~ ~~Bali's statement~~ on pp. 17 & 18 of the previous Note for Orders. Probably the pet.r's statement that he was absent for these three days is true & if so, why did not Bali seize the opportunity to return to Jétur? It may have been that Bali, being alone in Puliveudla, lacked the resolution to flay; it may be that she was not unwilling at first to stay with the S.M. The latter view is not improbable ~~as~~ ~~because~~ ~~Bali~~ ~~pet.r~~ ~~Bali says that pet.r ill-treated her~~ ~~"like a dog"~~ ~~after the departure~~ ~~of the~~ ~~accused~~ ~~from~~ ~~Puliveudla~~ ~~but~~ ~~pet.r~~ ~~appears~~ ~~to have~~ ~~returned~~ ~~to Puliveudla~~ ~~on the~~ ~~same day as the~~ ~~accused~~ ~~left~~ ~~it~~ ~~and~~ ~~Bali~~ ~~says~~ ~~nothing~~ ~~about~~ ~~pet.r~~ ~~having~~ ~~left~~ ~~Puliveudla~~ ~~after~~ ~~the~~ ~~accused~~ ~~left~~ ~~it~~ ~~but~~ ~~that~~ ~~pet.r~~ ~~was~~ ~~away~~ ~~for~~ ~~three~~ ~~days~~ ~~after~~ ~~the~~ ~~departure~~ ~~of~~ ~~the~~ ~~accused~~ ~~which~~ ~~is~~ ~~not~~ ~~true~~ ~~with~~ ~~regard~~ ~~to~~ ~~pet.r~~ ~~but~~ ~~is~~ ~~important~~ ~~as~~ ~~showing~~ ~~that~~ ~~Bali~~ ~~was~~ ~~not~~ ~~to~~ ~~blame~~ ~~for~~ ~~the~~ ~~pet.r~~ ~~having~~ ~~left~~ ~~Puliveudla~~ ~~upon~~ ~~the~~ ~~return~~ ~~of~~ ~~the~~ ~~accused~~ ~~to~~ ~~Jaffna~~.

3. If H.M. declines to reconsider previous orders, it will have to be settled whether this pet.n should be forwarded

---

Re BW

BW

Most decidedly — Don't enquire — Don't interfere BW

apaid, I suppose BW

× His impossible to expect accurate dates from such people BW

× because, according to Bali, the ill-treatment began three days after the departure of Gnanavasane & Gurunnanse from Puliveudla, i.e. on the 10th — the day on which the Sub Mag. returned to Puliveudla.
By itself, the point is certainly not of sufficient importance to necessitate a reconsideration of previous orders.

I wd certainly not refuse the case — I would not refuse to forward the petition & India on a technical ground — Let

se is not [illegible] to the
the G. of I. or not. Under
clause 3(10) of section III of
Memorial Rules B, a petition
addressed to the G. of I. may
be withheld, if it is subm[itted]
more than six months after
com[mu]n to the pet[itione]r of the local
Govts order & no satisfactory
Explanation of the delay is
forthcoming.
In this case the order of Govt
is dated 20th March; it was
despatched on 28th idem to the
Dt. Mag. & it must have been
com[mu]n[icate]d to pet[itione]r almost immediately
for in his present pet[itio]n he
speaks of himself as having
been without employment for
the last nine months, in one
place, & in another, as having
been unemployed for eight months.
On the 8th May the Dt. Mag.
asked whether pet[itione]r might
have copies of ~~all~~ ~~records~~ ~~and~~ ~~papers~~ the Dt. Mag's report
& a petition asking for copies
was received from the late Subh-
mg. himself shortly before
that date. In reply, in G.O. I
12 May 1874. No. 1147, Ind. L., Govt.
sanctioned the supply of
copies of the Dt. Mag's reports &
also sent a copy of the G.O.
containing the order of dismissal
of the pet[itione]r by the Dt. Mag; this
G.O. was despatched on the 18th
May.
Thus between the date of receipt
of the present memorial (28th Nov)
& the despatch to pet[itione]r direct of
the G.O. appealed against there
is an interval of 6 months & 10 days;

It so or – The covering letter
might be on the lines of this
note – I dont want to see it
HW
13/12/94

while at least 7½ months
must have elapsed between
the communication of the order
of Govt to pet[itione]r & this Memorial.
This delay has not been
Explained, but it may, no
doubt, be accounted for, to
a great Extent, by the
voluminousness of the records.
Orders are solicited whether,
under the circs, the petition
should be sent on to India &,
if so, whether H.W. wants
to see the ~~letter~~ forwarding
letter.

8 Dec
12/12/94

Read again G.O. dt 20/3/94, N. 7 to
C. N. 6332 of 24 & 31 Dec. 25 Nov. fm
C. N. 11 of 95 V. Venkoba Rao.

Order nisi 15 Jany/95 Nº 86

The petition will be forwarded to the G. of I., though it should have been subm.d through the Dt. Mag. & might also be withheld under clause 3(10) of Sec. III of Memorial Rules B.

2. The Govt. is not prepared to revise its previous orders with reference to anything now adduced by the pet.r

(From orders)

Ld 11/1

Ld
20/12

To the pet.r c/o ~~the Dt. Mr.~~ O. & Samaj Pleader, Cuddapah

~~the~~ the Dtn. of Cuddapah.

Letter Nº 87

Letter Sec. to the G. of I., Home Dept.

Sir,

I am directed to forward for the consideration & orders of the G. of I. a petition addressed to H.E. the Gov. Gen. by V. Venkoba Rao, late Stationary Sub-Marg. of Pulivendla Taluk in the Cuddapah District. The petition might be withheld under clause 3(10) of Sec. III of the Rules relating to the submission of memorials to the G. of I., but, as an excuse for the delay might be found in the voluminousness of the records which had to be copied or printed, H.E. in C. considers it inexpedient

Office
Send all enclosures including the 3 judgments.
Ld
Send 7/2/95

(2 Orders)

C 13/12
R 11/12

e & with hold the memorial
the on a technical ground.
2. The pet[r] appeals against
the order of dismissal passed
upon him by this Govt
in G.O. dy 20 March 1896, N[o] 705,
Jud[l], of which a printed
copy forms an enclosure
to the memorial. The circum-
stances which led to the
petr's removal from the
service are set out at
length in the order of dismissal
& it appears unnecessary
to recapitulate them. It
will suffice to touch briefly
upon the more important
allegations contained in
the present petition.
3. (1) In para. 5 the pet[r] states
that the Sub Reg[r] was examined
& denies that ~~he~~ he (the pet[r])
extorted any bond from the
dancing girl & Sunnuvatti.
Assuming this statement to
be true (there is nothing in
the records now available to
support it), the petitioner's
case is not materially strengthened
thereby. The alleged extortion
by the pet[r] of an agreement
binding the girl Báli to
remain with him on pain of
forfeiture of a certain sum
was a mere incident of the
whole series of transactions
which led to Venkoba Rao's
dismissal, & Govt laid no
stress upon it when ordering
his removal from the service.
(2) In para. 10 pet[r] states that
the only evidence that he was

keeping Báli at the time of
Sunnuvasámi's complaint
against Rámálingam is
contained in the affidavit
of one Lingamurti. As regards
this point it will suffice
to say that all the facts
of the case go to prove
the accuracy of Lingamurti's
statement.
(3) The remark in para. 11 that
Rámálingam confessed to the
criminal breach of trust
is incorrect. He pleaded
not guilty. All he admitted
was the possession of
Sunnuvasámi's property,
but he denied any dishonest
intention. Technically
Rámálingam may have
committed an offence, but
it was not such as
should have been punished
by a long period of
imprisonment, & ~~the~~
the nature of the punish-
ment inflicted
seems to Govt to be highly
suggestive of malice on
the part of the Sub-Mag.
(4) In para. 23 the pet[r]
denies the truth of Réma-
lingam's statement that
he was arrested in con-
nection with the Ring Case.
He certainly was not
formally arrested, but
he seems to have been
kept for a day in informal
custody by the Police.
(5) The explanation given
in para. 24 of the conveyance

J. Báli, Suruvasámi & Summurti to Saumalawadya may be accepted as correct, but it has no bearing upon the guilt or innocence of the petitioner.

(6) Para. 25 is entirely misleading. Báli, Suruvasámi & Summurti were produced before the pet.r released by him on Police reports. He did not finally dispose of the case against them, because, on a representation that the pet.r was not altogether disinterested, the Deputy Mag. transferred the case to his own file.

(7) The statement in para. 27 that pet.r was, ~~accordingly~~ ~~& because of the letter~~ absent from Palivendla from the 7th to the 10th July is probably true. Admitting it to be so, it is not clear why Báli did not seize the opportunity to leave Palivendla. But the fact remains that Báli was with the pet.r on the 13th July & fled on that day to the Police Inspector for protection against him. There is, therefore, no need to enquire closely into Báli's motives for remaining in Palivendla during the petitioner's absence. The description of Palivendla as Báli's village (para. 29) appears to be incorrect. He seems to belong to a Uva village (Gétúr).

(8) In para. 28, the pet.r observes that entries regarding mere occurrences reports do not appear in Magisterial diaries. This is true, no doubt, but the release of Báli, Suruvasámi & Summurti on security should certainly have appeared in the pet.r's diary.

(9) The statement in para. 32 that the pet.r visited Gétúr on the 23rd May with the permission of the Deputy Mag. may be correct, but it will be noticed that the pet.r does not explain why he visited the place.

4. In conclusion I am to say that this Govt. has no recommendation to make on behalf of the pet.r

I have the
honour
to be
Sir
Your
Most Obedient
Servant
[illegible]
Colonial Secretary

10/1

H.G. 11/1.

iven for copying _____
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igned _____ } 189.

AIN G.O., No. DATED
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LOSURES TO C. No.

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N.B.—
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