Judicial (1895) Department.

ORDINARY MS.

G.O., No. 864.

Dated 26th Apr. 1895.

INDEXED.

[Despatch Abstract.]

M.R.RY.S.VENKATA RAO.

Ordering the reduction of--Stationary Sub-Magistrate of Erode, Coimbatore district, to a ministerial appointment on Rs.50 per mensem on account of his insubordination and dilatoriness in the discharge of his duties as a Magistrate.

BACK PAPERS.

G.O.	No	Department.	Date.	G.O.	No.	Department.	Date.
	2611		2-11-94				

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	2182		95				

Judl

Judicial Dept.

CURRENT NO. 788

G.O. 2611 : 2.11.94 Mis

Magisterial (1895) Department

From

The District magistrate of
Coimbatore

To

The Chief Secretary to Government
Judicial Department
Madras

Dated 14th
Despatched 16th
Received 18th
February 1895

Regd 18th

CHIEF SECRETARY'S
18 FEB. 1895
270
GOVERNMENT OF MADRAS

Refce on No 270/Civil/Gen. of 94

Enclosure. Records sent by packet post (as per list)
not yet recd.

Encls of e No 5636 / num

Subject

Furnishing report regarding the conduct of S. Venkat Rau Stationary Submagistrate with his written explanation and other records.

Mr 19/2

US 20/2/95

Have the Enclosures been recd since please

ABY 18/2

Yes.

For orders

1st prisoner's statement

Subbia Goundan.

On the night of Monday the 28th of Avani last ~ equivalent to the 11th September after 10 O'clock, Did you, your son Palani, Jagannatha Setti and some others go together to Nallana Goundan's field and did the others beat under your orders the complainant who was sleeping in his cattle shed on his head and hands and after beating with sticks, take away 15 sheep that were in the cattle stand? The complainant's witnesses depose to this fact.

A. No. I never went to the complainant's field nor commit robbery. I was not present in the village on that date.

Q. Then where were you?

A. On the 10th Avani, myself, my son Palaniappan, my wife, and Jagannatha Setti & others had gone to Palni. We stopped at Palni till the 18th or 20th of Purattasi and then returned to our village.

Q. Then why should these witnesses depose against you?

A. All these are at enmity with me for a very long time 10-15 years.

Q. What enmity?

A. The complainant's father married a girl out of his caste and he was excommunicated. From that

that date my family and the complainant's don't talk to each other at all. The other witnesses are all men employed by him in his Pannai (farm). They would speak only on his side. Disputes often arise between me and the accused's followers and complaints are often lodged. The complainant's brother purchased Somasundra Mudaliar's field that was in my possession for 3 years. I complained and the appeal was in my favour. Lands in one's enjoyment should be purchased by the enjoyer. My daughter a year and a half old was married to the son of Pollachi Sithandi Goundan. This is a reason for the enmity on the side of the complainant & his followers. Complainant's brother Arunachella Goundan and others asked me to give the girl to the brother-in-law of witness Arunachella Goundan. ~~and~~ Before this one girl was given to witness Runge Goundan. He did not require the girl and drove her away when she was four years old. Afraid that this girl will also be similarly driven away I did not give my girl in marriage. This is another source for enmity.

Q. The complainant says that the enmity arose on account of his giving information that you took away Muthakkal's bullocks?

A. I do not know that. I never carried away bullocks, nor did the complainant give informatio There was no enmity on that account. I do not know anything about the matter at all.

Q. What is the reason for bringing this big theft case against you now all on a sudden after 10 years?

A. Enmity. Would I steal these 4 sheep?

Q. What is the reason for this case against you all on a sudden?

A. What do I know? People who are bent on ruining may take some opportunity to bring a case.

Q. Have you witnesses?

A. I have

Q. Who?

A. The Vakil will give a list.

Heard read correct
Sd/ Subbegoundan

(True translation)

District magistrate

Enclosure XII

In a letter from the District Magistrate of Coimbatore dated 14th February 1895 Refence no $\frac{270}{\text{Govt-Dl}}$ of 94 to the Chief Secretary to Government Judicial Department Madras

Copy of translation of a statement of Subbai goundan dated 6th December 1893

No: 182. 20th January 1894.

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From,

The 2nd class Magistrate
Chittur.

To,

The Stationary 2nd class Magistrate
Pollachy.

Sir,

In reply to your letter of the 13th instant, I have the honour to write to you that on looking over the records of this Court, I find that Subbaya Koundan son of Komara Koundan of Kolathuputtur, appeared before me in person on the 26th and 27th September 1893.

I have the honor to be
Sir,
Your obedient servant
Sd/ V. R. Raman Menon
2nd class Magistrate

(True Copy)

[illegible] Bradley
District magistrate

15/2

copy)

Sd/ S. [illegible]

Enclosure XI

In a letter from the District magistrate of Coimbatore dated 14th February 1895 Refce on No $\frac{270}{\text{Govt-Dy}}$ §54 to the Chief Secretary to Government Judicial Department Madras

opy of reply from the Chittur's
haildar and magistrate to the
magistrate of Pollachi

Pollachi
13th January 1894

6

To,

The 2nd Class Magistrate
Chittur

1. Subbay Goundan of Kolathupudur attached to Periyapottu
2. Palani Goundan son of Subbay Goundan Do
3. Jagannatha Setti Do

Sir,

The marginally noted persons are charged with dacoity under Section 395 I. P. C. and their case is pending on my file. They plead alibi and adduced evidence to that effect. But it has been brought to my notice that Subbay Goundan at least once in September 1893 appeared before you in connection with a certain dacoity case brought by one Muthakkal of Muthusawmypr. If it be so, I request you will be kind enough to inform me at an early date when or on what dates he made his appearance before you and also whether he appeared in person or was represented by Vakils or Pleaders. It also appears that S. H. C. Alangadu in your taluk asked you for this information by an occurence and that you were pleased to Endorse thereon he must apply through me.

I have &c.
Sd/ S. Jenek

(True copy)

Enclosure X

In a letter from the District magistrate of Coimbatore dated 14th February 1895 Refer no $\frac{270}{Genl Dl}$ of 95 to the Chief secretary to Govt Judicial Department Madras

py of letter from the Submagistrate
ollachi to the Tahsildar and
istrate of Chittur (Cochin state)

Venkat Rao

8

I did not Commit the case in which certain other persons concerned in Subbaya goundan's dacoity were sent for trial. I was on 3 months' leave and the submagistrate who was acting for me Rajagopalachari Committed the case. I Knew it had been committed for trial. From the Evidence before me and from inspection of the place I came to the Conclusion that probably there had been no dacoity. All those things are explained in the summary itself. I had seen the sessions Court judgment (charge) in the previous case when I wrote the Summary. I had certain correspondence with the Tahsildar of Chittur in Cochin state and I placed it on the record. As far as I remember the letter did not affect the case. They were not proved before me and so I did not take them into consideration in my order of discharge. I think they were produced at the instance of the prosecution. They did not tend to show that Subbaya gounden was present in the Chittur Submagistrate's Court during the period during which he was supposed

Bosh

This is untrue
Grote
D
23.2.95

to be at Palni. If they had done so I must have discredited the alibi altogether. I did not think so as will be seen from the order in which I committed the case. I have been a Submagistrate ~~in~~ about 7 years. I have never treated any other case like this in the way of hearing defence evidence and discharging under similar circumstances. I consider the Code gives me power to hear defence witnesses like this. I have no option if they demand that I should do so. I thought I was bound to hear them. If I see no special reason to refuse to hear defence witnesses I must hear them. Whenever the defence asks me to hear witnesses in sessions cases I do so, unless I see reason to the contrary. I have committed three cases since I have been at Erode and have heard defence witnesses in two of the three cases, nos 9 & 11 of this year are the two. No 9 was against two goundans and the other was also against a goundan. I cannot remember the cause of the delay from the 1st to the 17th January in the hearing of the case. Perhaps there were other cases posted. The reason why the

Village

Village Magistrate and the Constable Palla Karuppan were examined on the 18th January and the Complainant and station House officer on the 17th January, is probably because on the records being obtained from the sessions court the record of the case did not seem to be complete. Perhaps other cases posted between the 21st and 31st January account for the delay between those dates. The accused Palani goundan was said to be suffering from fever measles or smallpox when I gave the adjournment from January 31st to February 17th. In the other case I discharged 3 persons after a preliminary inquiry. A piece of a man's finger was produced before me in the case. Then a man was produced before me minus a piece of finger, and I released him on bail. Then the case was transferred to the Udumalpet magistrate. The piece of finger produced was at first supposed to be a portion of a thumb. The man that appeared before me had lost part of his index finger. The Udumalpet

Why?

magistrate

magistrate committed the case for trial on the 31st of May and the other case was ordered to be committed on the 7th June so that they were both tried together. I gave my reasons for discharging the case fully in the order of discharge. Mr. Broadfoot said nothing to me about the language used by me in committing Subbaya goundan's case for trial. I do not remember whether I discussed Mr. Broadfoot's order in committing Solaya gounden's case. 17

(Signed) S. Venkata Rau
13-11-94.

(Signed) Herbert Bradley
Dist. magte. 13-11-94

(True copy)

Herbert Bradley
District magistrate

ML

Enclosure IX

In a letter from the District magistrate of Coimbatore dated 14th February 1895 Refce on no $\frac{270}{\text{Govt Dy}}$ of 94 to the Chief Secretary to Government Judicial Department Madras

Copy of statement dated 13th November

Venkat Rao.

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Erode stationary Magistrate's
Office 16th November 1894

From

S. Venkata Rau
Sty Magte Erode

To

The District magistrate
Coimbatore

Respected Sir,

With reference to your Endorsemen on the order of Government calling on me for explanation in regard to the tone of the languag adopted in my order of Committal in R.C. no 2 1893 I beg respectfully to submit that since the High Court think the language to be improper I have nothing to say especially in the absen of the order of Commitment or a copy of it. I do not know at this distant date to what portion of the order exception is now taken which portion requires explanation. I think I stated plain facts in a rather blunt way.

2. I must however, beg leave to assure y honor that nothing could have been fart

fr

from my mind than to be insubordinate or to use improper language to my superiors, especially because I am fully aware of the consequences of such a step.

3 I also assure your honor that I never meant to be so and if I had let fall any improper expressions in the then state of my feelings while endeavouring at some length to explain my reasons for the discharge I ~~beg~~ most respectfully beg leave to unreservedly with-draw such expressions and amply apologise for them.

4. In conclusion I throw myself completely on the mercy of Government and crave their most generous forbearance, and I promise that never more there will be a recurrence of such a conduct in me.

I beg to remain
Respected Sir
Your most obedient servant
(Signed) S. Venkat Rao,
Ofg. Submagte.

(True copy)

District Magistrate

Enclosure VIII

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In a letter from the District Magistrate of [illegible] dated 16th January 1895 [illegible] to the Chief Secretary to Government [illegible] Dept. Madras.

Copy of the [illegible] dated 1st June 1894 [illegible] of [illegible] the use of language [illegible] by him

Enclosure VIII

In a letter from the District magistrate of Coimbatore dated 14th February 1895 Refer no 270/Govt Dy of 94 to the Chief Secretary to Government Judicial Dept Madras

Copy of the Submagistrate's written
xplanation dated 16th November 1894
the charge of impertinence and insubordination
the tone of language adopted by him

From

S. Venkat Rao
2nd Cl Magte Erode

To

The District magistrate of
Coimbatore

Respected Sir,

With reference to your order in Proceedings no — dated 7th November 1894 calling on me to explain my reasons for the discharge of certain accused in Register case no 22 of 1893 on the file of the Pollachi Submagistrate, I beg to report that my reasons for the discharge are to be found in full in my order of discharge in that case (and I have not got the record here to send copy) I think it unnecessary to say anything more.

In discussing the propriety of discharge one has to confine himself to the materials and the recorded evidence that were before him as Committing magistrate at the time of discharge. What subsequently transpired when the case was disposed of by the sessions court, I submit, has no bearing on the aspect of the case, as it was before

before him. Further more, before the sessions Court, as far as I understand, there was no cross examination of Prosecution witnesses, no defence vakil employed and the Prosecution witnesses owing to severe cross examination in the lower court, had by the time the case came to be tried in the sessions Court become trained beforehand to give evidence in the best way possible for the prosecution; the discrepancies and improbabilities elicited in the prosecution evidence before the lower Court don't seem to have been elicited at all before the sessions court on account of the absence of a defence vakil and owing to want of cross-examination. If the same facts that were before me ~~we~~ had been before the sessions Court i.e, all the discrepancies and improbabilities and no extra evidence and the extra accused, I venture to submit that possibly in the sessions Court too, the case might have ended in a discharge. I humbly beg to add that in discharging the accused on the materials that were then before me, I think I only used that discretion which the law wisely allows

wisely allows in every Committing magistrate and I submit that to the best of my ability and conscience I used that discretion.

If any explanation had been called for (which I don't remember at present) as to the delay in committing the last accused I submit I should have submitted it then and there.

I beg to remain
Respected Sir
Your most obedient servant
(Signed) S. Venkat Rao,
2nd C Magte
8/12/94

(True copy)

District magistrate

To

The District magistrate
Coimbatore

Respected Sir,

With reference to your 3rd reminder dated 8th February 1895 calling for reply to your reference dated 7-11-94 I beg to submit a copy of my reply dated 8th December 1894

2 As for the delay in submitting this explanation, I beg to submit that in the absence of records, I had to get some information and by that time I received your ~~first~~ fast reminder and immediately after, I sent in my explanation and on receipt of your 2nd Reminder

and of the 25-1-95 I ought to have replied to that effect but as that was the end of the ...th I was hard pressed with work especially in ... last week and after that I had to attend ...e monthly and annual returns and thus ... sorry to ...ay, the matter was lost sight ...ne ... ...how your fast call for ...committed ...

...ast rem...

and even now I am replying without
am very sorry for this delay and I
ly beg to be excused this time

I beg to remain
Respected Sir
Your most obedient Servant

(Signed) S. Venkat Rao.
Submagistrate 11-2-95

(True copy)

Herbert Bradley

District magistrate.

Memo

The Stationary Magistrate Erode M Rly. S. Vencata Rao Avergal is directed to send the explanation called for on the 7th November 1894 so as to reach this office c/of Tahsildar Kollegal before the 16th instant.

2. He will also explain by return of post the delay in replying to the call referred to above and the urgent reminders of the 4th December 1894 and the 25th January 1895

3. He is further warned that if his explanation of the delay is not received by return of post, that is, is not despatched on the 12th instant he will be suspended for gross insubordination and disobedience to orders.

Sd Herbert Bradley
Dt Magistrate
8-2-95

(True Copy)

Herbert Bradley

District magistrate

15/2/95

mitted

Enclosure VI

In a letter from the District magistrate of Coimbatore dated 14th February 1895 Referr on No $\frac{270}{\text{Govt Dy}}$ of 94 to the Chief secretary to Government Judicial department Madras

Copy of the last reminder to the submagistrate dated 8th February 1895

Proceedings of the District Magistrate of Coimbatore, dated, 7th November 1894.

Order

The Stationary Sub Magistrate of Erode, when at Pollachi, discharged three persons named Vellappa Goundan, Marappa Goundan, and Solaya Goundan who were charged with dacoity in Register Case No: 22 of 1893. A fourth man named Chinnaya alias Lingaya Goundan who was not arreste until the 22nd of February was released on bail by the Sub Magistrate. After more than two months delay during which the case was not taken up it was transferred to the Stationary Sub Magistrate of Udumalpett and committed for trial by him. The case against the other three men was also committed for trial under the orders of the District Magistrate and all the four men were convicted by the Sessions Court.

2. The Stationary Magistrate was called upon for an explanation of the de[illegible] not clear whether an[illegible] pla[illegible] [illegible] mar[illegible] submitted

Erode will submit any explanation he may have to offer for discharging the accused and for the delay.

Sd/ Herbert Bradley
Dt. Magistrate

/True Copy/.

Herbert Bradley

District magistrate

Enclosure V

In a letter from the District magistrate of Coimbatore dated 14th February 1895 Refer on No 270/Govt Dy 894 to the Chief Secretary to Govt. Judicial Department Madras

Copy of Memo dated 7th November 1894 calling on the submagistrate for certain explanation

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My Dy 1104/23-7-94

COLLECTOR'S OFFICE, 21 JUL 94 COIMBATORE.

In the Sessions Court,
Coimbatore Division.

THE 5TH DAY OF JULY, 1894.

PRESENT:

THOMAS WEIR, Esq.,
Sessions Judge.

SESSIONS CASES NOS. 45 & 46 OF 1894.

(REGISTER CASES Nos. 3 OF 1894 & 22 OF 1893,
Committed by the Stationary 2nd Class Magistrates of Udamalpet and Pollachi, Coimbatore District).

QUEEN EMPRESS OF INDIA *Versus*
1 Solaya Goundan.
2 Vellappa Goundan.
3 Marappa Goundan.
} R.C. 22 of 1893
4 Chinnaya *alias* Lingaya Goundan. } R. C. 3 of 1894
} *Undefended.*

OFFENCE … … … … … … … … … … … Dacoity, section 395, I. P. C.

VERDICT OF JURY
1 Brahmin
1 Naik
1 Lala
1 Chetti
1 Goundan
… … Guilty.

SENTENCE … … … … … … … … … … Three (3) years' Rigorous Imprisonment each.

HEADS OF CHARGE TO JURY.

GENTLEMEN,

These accused are charged with Dacoity. (The offence was here defined).

2. In the present case, if you believe the evidence, the offence is certainly

3. Besides the four accused, three or four other men are said to have ngaged; property was taken, namely, the gold ear-rings of 2nd witness, a d and a bag containing one rupee, and the witnesses were beaten and held

4. All the elements required to constitute a Dacoity are spoken to.

The next point is, whether the occurrence is a fact or not.

6. On this point in corroboration of the statement of the 2nd and 3rd witnesses, we have the statement of the 1st witness that when he went to the fold on the next morning, he found his men tied up and that they told him that robbers had come on the preceding night and had beaten, tied and robbed them. He found these witnesses tied to a post to a hut and he also found lying there on the ground the piece of bitten-off finger produced in Court. He also found that his axe and some other instruments were missing; and the Village Munsiff, if you do not disbelieve him, says that the 1st witness complained to him of the occurrence next morning. There seems therefore to be a considerable amount of evidence that such a dacoity did occur.

7. Assuming that you are satisfied to believe that such a dacoity did occur, we go on to the next part of the case, viz., the evidence of identification.

8. The witnesses state who the robbers were; and they describe the parts taken by the several robbers.

9. The 2nd witness, Soliappa Goundan, has identified the 2nd, 3rd and 4th accused.

He says that the 2nd accused caught him by the neck, and then struck him 4 or 5 blows with a slipper; that the 3rd accused took his ear-rings; that the 4th accused put his hand on his chin, and tried to twist his neck, that in trying to twist the neck, 4th accused's finger got caught in witness' mouth and that, thereupon, he (2nd witness) bit off the 4th accused's finger.

Thereupon, he says that the 2nd, 3rd and 4th accused tied him to a post.

The 1st accused was not, this witness says, concerned with him, but with the 3rd witness.

10. Then, the 3rd witness, Palaneappa Goundan, says that the 1st accused held him, while another man came and tied him.

11. That is the evidence of the witnesses as to who the robbers were and the parts taken by them.

12. I have now to call your attention to a circumstance which appear to afford strong corroboration to the truthfulness of the case for prosecution, that is, the circumstance of the top joint of the finger of the 4th accused being bitten off.

13. Now, we have as regards this singular circumstance, a chain o evidence which seems reliable and conclusive.

14. It seems to be beyond a doubt that the piece of finger prod Court belongs to the bitten finger of the 4th accused. It is not re believe that somebody else's finger was obtained and put before the Court.

15. We find the master, 1st witness, says that, on his arriving field, his field servant told him at once of the finger incident, and that he upon looked for and found the piece. You will see that the servant could no put the finger there himself, because he was tied to a post.

16. Then, we have the evidence of the Village Munsiff, who s the 1st witness brought and gave that piece of finger to him.

17. Next, we find that the Police witness came to the village on 5th December, when the Village Munsiff made over the finger to him, and in this way the bitten off finger piece comes before the Court as a piece of circumstantial evidence.

18. Finally, the medical witness deposes that the bitten off fragment fits exactly with the injured finger of the 4th accused.

19. This, Gentlemen, constitutes a strong chain of evidence.

20. But that is not all. We have not yet exhausted this part of the case.

We have in supplement to this part of the case the evidence of the 6th witness, 4th accused's mother—a very unsatisfactory witness. Some allowance, having regard to her natural sympathy for her son, may be made for the witness, but, under the circumstances already described, I have admitted in evidence here, (as Exhibit C) her deposition before the Committing Magistrate.

21. In that evidence, she admits freely that she presented the petition Exhibit B, to the Pollachi Magistrate, and when her son, the 4th accused, questioned her before the Magistrate as to why she gave the petition, she is shown to have said that she did so, not knowing whether he was alive or dead, and because she thought that some one might have killed him.

22. That answer given to her son seems to show, beyond all doubt, that her petition to the Magistrate, is a genuine one. Now what does that petition state? The petition was put in on 8th December last. This offence is said to have been committed on 2nd December, Saturday night. Therefore Exhibit B was put in, six days after the occurrence of the dacoity. The petition states that the 2nd accused, Vellappa Goundan, came and took away her son on Saturday night, that he (Vellappa Goundan) came again on Sunday morning and told her, that in a quarrel between her son and another, the 4th accused had lost the top of his finger, and that on that account he (Vellappa Goundan) had advised the 4th accused to keep out of the way lest the Cirkar people should be looking after him.

23. That petition affords, it must be said, very strong corroborative evidence in regard to the finger incident. It seems to place it, beyond all doubt, that the 4th accused lost the top of his finger on the night of the 2nd December is some adventure in which he was jointly concerned with the 2nd accused, and this piece of corroboratory evidence comes from the mouth of the 4th accused's own mother.

24. On the whole, therefore, this matter of the finger is a very weighty piece of circumstantial evidence inasmuch as we cannot reasonably suppose that some other person's severed finger was obtained for the purpose.

Nor can we reasonably believe that the old woman put that petition under pressure.

25. I have now a few words to say as to what may be called discrepancies in the prosecution evidence. That there are such must be admitted. It

will be your duty, however, to look at the evidence as the whole and to consider carefully whether those discrepancies are such as to throw doubt on the prosecution evidence.

26. The 2nd witness did not, in the first part of his deposition, mention the 1st accused; but he did mention him afterwards; moreover as regards this 1st accused, the evidence of the 2nd witness does not agree with that of the 3rd witness; because the former says that the 1st accused tied 3rd witness; but the 3rd witness says that the 1st accused 'held him while another tied him.' There is this difference between the evidence of the 2nd and 3rd witnesses.

27. Then, this 2nd witness said here that he did see the 1st accused tie the 2nd witness.

To the Magistrate he did not say so in the month of March; but, when he was examined again on 31st May before another Magistrate, he did say that he saw the 1st accused tie.

28. You have to consider what weight, if any, you attach to these variations.

29. There is also a discrepancy between the evidence of the Village Munsif and of the 1st witness. It appears to be such at any rate.

30. The 1st witness says that the accused 1 to 3 were in the village on the next day, and that the Village Munsiff sent for them, and examined them.

But, the Village Munsiff says that he did send for them, but that they were not found.

31. The Village Munsif, it appears, has not jurisdiction in 1st witness' village. He (the Village Munsif) was not likely to be very energetic in regard to the matter, as he is an old man and he had to depend for information on the persons he sent. On the other hand, the 1st witness does live in the village and may have seen the accused. The apparently conflicting statements as to the presence or not of the accused in the village may possibly in this way be reconciled, but the conflict as to whether the accused were sent for or not, can scarcely be so reconciled.

32. Another matter also calls for notice, viz., the unusual delay in sending the report. The report was not written until the 4th December, although the Village Munsif was informed on the morning of 3rd December. He has explained this delay by stating that he could not find the accused, and that, as they were not within his jurisdiction, he did not go himself to search as he is old (aged 75). For the same reason he did not examine the witnesses who were robbed.

33. You have to consider whether this delay raises any suspicion in your minds—and whether it is not sufficiently accounted for by the explanation.

34. I must now refer to the defence evidence.

35. The accused all deny the offence and say that they were not there.

36. The 1st accused examined one witness, viz., his own mother-in-law. She says that her son-in-law never goes out at nights.

I do not think that you will be much impressed with that evidence.

37. The 2nd accused examined 3 witnesses.

The first of these gives evidence about a dispute between the accused and Sellappa Goundan.

The other two tell us about a quarrel about beans.

What the 2nd accused said in his statement to the Magistrate was as follows:—

'Sellappan complained against me that I damaged the crop, and the case 'was compromised.'

38. Now, except as regards the compromise, the story told here by the witnesses for 2nd accused is quite a different story.

The complainant, instead of being Sellappa Goundan, is the 2nd accused, and the story is that the servants of Sellappa Goundan robbed the beans which 2nd accused had grown, that 2nd accused questioned Sellappa Goundan about the theft and that Sellappa Goundan told one Muthu Goundan to beat 2nd accused with a weeding instrument, and that Muthu Goundan did so.

39. This, therefore, appears to be quite a different matter from that asserted by 2nd accused.

40. For 3rd accused, we have one witness.

He says that the cattle of the complainant drank water out of the well of the 3rd accused, that 3rd accused drove off the cattle, that this apparently enraged complainant who said to 3rd accused 'stop—I will tell you.'

41. Then, we come to the evidence for the 4th accused.

That again relates to the finger incident.

The defence 6th witness says that the 4th accused cut off his finger when cutting a cocoanut.

He says that the accused took no steps whatever to have the injury ated medically beyond applying oil. He and the 4th accused have married rs.

You will consider if you are impressed by this evidence.

42. As regards the defence evidence of enmity and quarrels, I may say tters spoken to are not inconsistent with Sellappa Goundan's (1st prowitness') statement. Each side alleges persecution by the other. The ess says that he was persecuted almost every day by the accused. The d on their side say that the 1st witness is harassing them.

43. It seems probable that both parties may be seeking to injure the nt this, in itself, does not tend to show that the case is false, although er it necessary for you to treat the evidence with caution.

44. In connection with the identification I see that I have omitted to mention one point, viz., there was moon-light on the night in question; and the accused were, it is in evidence, already known to the witnesses.

In these conditions, an identification would be possible and even easy.

45. I think that I have now gone over the whole case. I have told you that there are some discrepancies in the evidence. There are very few cases in which there are not such.

It does not, of course, by any means, follow from the existence of discrepancies that a case must be false. Their existence must, of course, however, not be overlooked: but the evidence must be weighed as a whole and whatever weight you may be disposed to attach to the discrepancies, you have, in the present case, to consider the strong corroboration afforded to the prosecution by the evidence relating to the finger incident.

46. These, gentlemen, are the observations I have to make. You should do your duty according to your conscience.

You should convict the accused, if you are satisfied with the prosecution evidence, and you should acquit the accused, if you are not satisfied.

Verdict of Jury.

Unanimous—Guilty.

The Court accepts the verdict, and sentences the accused to be each rigorously imprisoned for (3) three years.

Pronounced in open Court, this 5th day of July, 1894.

(Signed) T. WEIR,
Sessions Ju

To

The Registrar, High Court of Judicature, Appellate side, M d
,, Ag. District Magistrate, Coimbatore, with (   ) spare co
,, Superintendent of Police, Coimbatore, with (   ) spare cop
,, Prisoners.

W.

Enclosure IV

In a letter from the District magistrate of Coimbatore dated 14th February 1895 Refe on no 270/Govt R of 94 to the Chief secretary to Government Judicial Department Madras

y of the Sessions Court Heads of
rge to the Jury in Soliagoundan's
se

List of Enclosures to accompany District magistrates' letter dated 14th February 1895 Refe on no 270/Govt R of 94

—

1 Records received with letter from the Registrar of the High Court embodied in G.O. dated Nov 2, 1894, No 2611 – 3 bundles.

2 Copy of the order of discharge in Soliagoundan's Case

3 Copy of the order of commitment in Soliagoundan's Case

4 Copy of the sessions Court charge to the jury in the above Case

5 Copy of memo dated 7th November 1894 calling on the Submagistrate to explain the delay in Soliagoundan's case and of his conduct in discharging the case

6 Copy of the last reminder to the above dated 8th February 1895

7 Copy of Submagistrate's letter forwarding copy of his letter dated 8th December 1894

8 Copy of the submagistrate's written explanation dated 16th November 1894

9 Copy of statement dated 13th November of Venkat Rao.

10 Copy of letter from the submagistrate of Pollachi to the Tahsildar of Chittur (Cochin state)

11 Copy of reply from the hittur Tahsildar to the submagistrate of Pollachi

12 Copy of translation of a statement of Subbaigoun dated 6th December 1893.

In a letter from the District magistrate of Coimbatore dated 14th February 1895 Refer on No $\frac{270}{\text{Govt Dy}}$ 894 to the Chief Secretary to Government Judicial Department Madras

Enclosures to Mr Bradley's letter

CHIEF SECRETARY'S
19 FEB 1895
GOVERNMENT OF MADRAS

Pages 25-33 containing original documents were returned to the Dt. Magte.

List of records submitted with the above letter

5
Jud
788

CUR

Refer on No $\frac{270}{\text{Govt Dy}}$ of 94

Coimbatore Distr
office dated 14th February 1895
Camp Kollegal

From

Herbert Bradley Esquire
District magistrate of
Coimbatore

To

The Chief Secretary to Government
Judicial Department.
Madras.

Sir,

With reference to G.O. dated November 2, 1894, No 2611, I have the honor to furnish the following report.

2 Before receipt of the Government order it came to my notice that within a comparatively short time before I joined this district the submagistrate of Pollachi had discharged two cases which were subsequently committed to the sessions Court under the orders of the District magistrate and convicted. The first which for easy reference I will call Solaya gounden's case was originally

disch

discharged on the 30th December 1893 and the second Subbaya gounden's Case referred to in the letter from the Registrar of the High Court was discharged on the 24th February 1894. These cases were actually committed for trial on the 11th June and the 8th June 1894 respectively. As it appeared to me suspicious that two cases discharged by the submagistrate, were convicted at later stages of the trial I called for the records, but was informed that they were in the High Court, and I was consequently unable to take any further steps until the receipt of the Government order.

3. In Solaya gounden's case there were four accused persons. Three of them were arrested shortly after the date of the offence, and were discharged by the submagistrate on the 30th December 1893, that is, nine days after they were placed before him. The fourth was not arrested until the 21st February 1894. He was at once placed before the submagistrate who released him on bail. The superintendent of Police drew the attention of the District [illegible]istrate to the matter on the 28th April pointing out that nothing whatever had been [illegible] to that date, and the case was transferred on the first of May to the stationary magistrate of Udumalpet by whom it was committed for trial. The District magistrate then directed the other three persons who had been discharged by Venkat Rao to be committed for trial. Copies of the order of discharge× and the order of commitment+ are enclosed. It will be observed that the submagistrate took objection in the latter to the District magistrate's order though not in such a pronounced manner as in Subbaya goundan's case.

×
p.28 of
Enclosure

+ p 27

4. Upon the merits the discharge of Solaya goundan and his Companions was to say the least of it a serious error of judgment. The principal allegation for the prosecution was that one of the accused Chinnaya goundan placed his hand over the mouth of the second witness for the prosecution, who bit off the top joint of one of the dacoit's fingers. The finger joint was produced in Court and though it did not belong to a[illegible] of the three persons charged be

Venkata Rao, it should not have been wholly ignored. Such a piece of evidence could hardly have been manufactured for the case. Instead of remanding the prisoners until the arrest of the missing man, whose finger joint was already in Court the magistrate at once discharged them, and when the missing man was arrested he released him on bail for more than two months before taking up the case.

Certainly not

was he the finger tip one apparently 20'

5. In his statement made before me on the 13th November the submagistrate asserted that this piece of finger was originally supposed to be a piece of a man's thumb, but it will be evident from the order discharging the accused (Copy enclosed) that he knew that it was a piece of finger. The submagistrate almost entirely omitted it from the order of discharge. It will also be seen from para 22 of the Judge's charge to the jury in the case that the mother of the 4th accused filed a petition before the submagistrate on the 6th December which prominent reference is made to the fact

+ p. 8 of Enclosure

1894

‡ p 22

1893

fact that her son had lost the top of his finger. This unless the submagistrate had deliberately shut his eyes to the facts ought to have made him remand the prisoners for the arrest of the missing man.

6. On the 7th November 1894 I called upon the subinagistrate (Copy enclosed) for an explanation of the delay in the case of the 4th accused, and of his conduct in discharging the case. A reminder was sent on the 4th December another on the 20th December and another on the 25th January 95 after receipt of the Chittoor Tahsildar's letter referred to below, and it was not until today that I received any explanation, and that only in answer to a threat (Copy enclosed) to suspend the submagistrate if his explanation was not received by return of post.

+ p 19 of Enclosure

Perhaps vide last page

+ p 17

0 p. 13

7. The explanation now received is dated December 8th, 1894, and is perfectly useless. It makes no attempt to explain the delay in disposing of Chinnaya gounden's case, and in my opinion bears sign of having been hurriedly written after the receipt of

the

the last reminder, a copy of which is enclosed. It does not quote the number of the original call. It was accompanied by a letter (copy enclosed) which ignores the reminder of the 20th December, and fails to satisfactorily explain why a copy of the letter of the 8th December if it existed, was not sent on receipt of the reminders of the 20th December, and the 25th January. If the Submagistrate had chosen to ask for them he could have been supplied with copies of all the records to prepare his explanation. To me his neglect to do so, and his submission of such a perfunctory explanation as that dated December 8th, 1894 after an interval of 3 months from the original call appear impertinent and insubordinate.

p. 17

p. 15

~~He was not asked to explain~~ this reminder was not mentioned in the final proceedings
D
22.2

8. I turn now to Subbaya goundan's case. The offence is stated to have occurred on the 11th September 1893 and some of the accused were promptly arrested, placed before the acting stationary magistrate, Pollachi, (Venkat Rao being on leave), committed to the sessions and two of them were convicted in sessions case No 107 of 1893. This fact is mentioned clearly in the beginning of the order of discharge. Yet in the face of this his order of discharge para 20 was drawn up with the object of discrediting the fact of * a dacoity having occurred at all. I beg to draw special attention also to the delay in disposing of the case from November 20th 1893 to February 24, 1894.

[illegible]

*: rather of a complaint having been made as alleged?
D
22.2

in Enclosure III of Head Clk letter

9. I have also to draw attention to a certain matter which appears to me to show conclusively that the submagistrate must have been fully aware that the alibi was false. In his first statement made on the 6th December (translation enclosed) Subbaya gounden said that he and the other two accused went to Palni on the 10th Avani and stayed there until the 18th or 20th of Purattasi august 24th to October 2nd or 4th. On the 13th January 1894 the submagistrate addressed a letter ‡ to the second class magistrate of Chittoor Cochin state asking on what dates Subbaya goundan appeared before that Court

+ p. 1 of Enclosure to Mr B's letter

‡ p. 6

in

+ p. 4

in September 1893 and the Chittur magistrate replied + that he appeared on the 26th and 27th September. This letter was missing from the record. Notwithstanding this the submagistrate discharged the case without mentioning a word of the original defence made by the accused or the correspondence with the Chittur magistrate. I also beg to point out that in the order of discharge para 8 the sub-magistrate adopts the date originally given by the accused as the commencement of their sojourn in Palni and the date subsequently given by the defence witnesses for its close. In fact the original statement of the accused was entirely ignored by the submagistrate

The Chittur Submag^{is} reply is p. 30 of enclosure III in the record; it was received on the 22nd January: & the diary shows that on the 18th January 1894, the case was adjourned to the 31st idem "pending receipt of "a reply from the 2nd "class mag^{te} of Chittoor." On the 30th, it was adjourned to the 17 February because one of the accused was alleged to be sick, & again for the same reason to the 24th February when an order of discharge was passed. This might equally well have been done on the 22nd January for no evidence was recorded thereafter.
D
28.2.95

10. I understand that Subbaya goundan was a rich man, and I can only say that the submagistrate's conduct in discharging this case is in my opinion highly suspicious. He is not generally devoid o judgment, but even if it was merely

want

want of judgment and no corrupt motive that led him to behave as he has done in this case, I consider that he is not fit to be entrusted with magisterial powers. Either he deliberately shut his eyes to the evidence or he is singularly feeble in judgment.

+ p. 11

11. With regard to the charge of insubordinat and using improper language in the final order of commitment a copy of the submagistrate + written explanation and apology is enclosed. It is not worth much.

12. Under the above circumstances I do not consider Venkat Rao should be allowed to exercise magisterial powers ~~at~~ any longer and I recommend that he be reduced to a post carrying a salary not exceeding Rs 50.

13. The delay in disposing of this matter is due to the following causes:-

(1) the records in Solaya goundan's case did not reach me until the 14th Decemb

(2) I had to obtain a copy of the

Chitt

Chittur Submagistrate's letter from his office, and it did not reach me until the 18th January. (3) The explanation called for by me from the Submagistrate in Tolayagoundan's case on the 7th November 1894 did not reach me until today.

This was unnecessary as the original was in the record.
D
22/2

I have the honor to be,
Sir,
your most obedient servant
Herbert Bradley
District magistrate.

mb

G.
25
200—8-2-95.

Judicial DEPARTMENT.

C. No. 788/95

FOR ORDERS.

The man's delay in replying when called on for explanation is very suspicious. I think a good case has been made out against him & would accept the D.M.'s recommendation. But first, as the C.S. suggests, let him see his insubordinate production & have a further say on it.

HS
2/3/95

The D.M. considers that the sub magistrate should no longer be allowed to exercise mag powers & recommends that he should be remo to a post carrying a salary not exceeding Rs 5 H.M. has already perused the Submag insubordinate order of commitment commented on by the High Court (marked with white tape in Enclosure No III fro the High Court.) His explanation was called for in G.O. 2611/2.11.94; it is to be found at page 11 (blue chalk) of the Enclosures to Mr. Bradley's letter. It is dated 16th Novr & discloses that the Submagte was not given a copy of the commitment order in question in order that he might explain matters. Mr. Bradley makes no comment on the omission. It is not very material however as the explanation disclai all intention of using improper langu

MR 20/3/95

and ends with an abject apology. Further the order is couched in such terms that no explanation could justify it

2. Mr Bradley himself seems to have taken down a more detailed explanation on the 13th November, vide pp 8 & 9 of his enclosures. The Govt order was despatched on the 5th & should have reached him by that date. On this assumption it is not understood why the Submagte was called on for a further explanation by endorsement (vide p. 11 of enclosures), nor why Mr Bradley did not at the same time take down the explanation required in his written proceedings of the 7th November (p. 19 of enclosures). The covering letter gives no account of the ~~makes no explanation of these~~ circumstances under which the explanation of the 13th November was given. Mr Bradley might have taken the trouble to make matters clear.

In the statement of the 13th November Venkat Rao (p. 8) says that the correspondence with the Chittur Tahsildar "did not tend to show that Subbaraya Goundan (1st accused) was present in the Chittur Submagte's Court during the period during which he was supposed to be at Palni

they had done so I must have dis-
[illegible] altogether"

Palni Sub magte Explanation

FOR ORDERS

"the letters did not affect the case
"They were not proved before me an
"so I did not take them into consid
-ation in my order of discharge.

4. A glance at Subbaraya Goundan's statement shews that as a defence against a charge of dacoity committed on the 28th Avani (= 11 September), he declared himself to have remained at Palni from the 10th Avani to the 18 or 20th Purattasi. The Chittur Submagte's letter shews that he was a Chittur on the 26th & 27th September; the alibi was thus at least partially false. The letters did affect the case, & that the Submagte first intended to take them into consideration may be inferred from the fact that the diary shews that the case was adjourned from the 18th to 20th January "pending receipt of a reply from the 2nd class magistrate of Chittur". The letter received on the 22nd January was the last piece of 'evidence' (!) in the case & the order of discharge might have been written at once; the case was however adjourned to the 17th & 24th February because one accused was said to be sic. Possibly bribery is the explanation of the delay; Mr Bradley "understands" that Subbaraya Goundan was a rich man.

5. Whether this be the case or not, there is little doubt that the Submagte is unf to exercise magisterial powers when eith from carelessness, want of intellect, or co ruption he altogether ignores ~~the imp~~ a piece of evidence so important as the letter received from the Chittur Sub Mr. — insubordinate language used in his order.

of the offence.

The rest of Mr. Bradley's letter is taken
up with the discussion of another case
in which Venkat Rao discharged certain
accused individuals who were similarly
ommitted to the Sessions Court by
2. order of the Dist. Magte. & there convicted.
In this case also, Venkat Rao commented
on the Dist. Magte's order, vide p. 27 of
the enclosures; his remarks though
ltogether uncalled for are not so insubordinate
in the other case.

Four men were accused; three ~~[illegible]~~ ^of whom
ere discharged on the 30th December 1893;
the fourth was not arrested till 21st
February 1894. The Sub magte took no
steps to hear the case ~~against him~~, &
in consequence of his delay (apparently)
it was transferred to another magistrate.
r. Bradley called for an explanation
of the discharge & the delay on the 7th November (p. 19 of
nclosures), sent reminders on the 4th & 20th
Decr, 25 January & finally on the
8th February when he threatened suspension
if a reply by return post was not sent.
he Sub magte then sent what purported to
be a copy of a letter dated 8th December.
The original was never received by Mr.
radley & it is probable that it was never
ent to him, the Sub magte having resorted
the device of antedating the letter, in order
ccount for the delay. His explanation for
taking notice of the reminders is
icalous: a man whose conduct is in
stion as his was does not "lose sight"* of
rgent reminders relating to a subject
important to his own well-being.

explanation dated 8th December, gives
... but none whatever

*vide p. 15 of enclosures.

494178

for the delay. M.

7. In this case also the order of discharge is open to grave question though the case is not so bad as the other.

8. Mr. Bradley's proposal is that Venkata Rao should be degraded to a ministerial appointment on Rs 50. It remains to be considered if this is an appropriate punishment

D
23. 2. 95

There cannot it is submitted be any doubt that the Sub Magistrate was either grossly stupid or dishonest. His explanation is highly unsatisfactory. He evidently shirked giving a reply. It is absurd for him to say that the reminders were overlooked. The man has not had an opportunity with regard to the charge of insolence and ~~insubordination~~ language the Dist. Magte brought against him, of seeing before giving any explanation the order of commitment in which this language was used and though he says that he meant nothing apologises abjectly and throws himself on the mercy of Govt. It seems desirable that "pro forma" a copy of the order of commitment should be given him and he required to give any explanation that he can; there can be none, but if the course suggested above is not followed the S.M. when carrying his appeal elsewhere may allege that he did not know what the particulars of this charge were and was not given a chance of making of the offence.

the side of leniency.
If the punishment to be inflicted is now decided upon the order can on receipt of the answer of the Sub Magte. to the charge of insolence and insubordination go out without troubling them again.

1/3/95

C.S.

Ref ^ce^ only d/ 7. 3. 95 No. 494

As Venkat Rao. in his written explanation dated the 16th November (Enclosure VIII to the Dist. Magte's letter) states that his remarks ~~were~~ are made "in the absence of a copy of his order of commitment" the Dist. Magte. should furnish him with a copy of that order & call on him to submit any further explanation he may desire to make after perusing it

(for orders)

D
4. 3. 95

The Dist. Magte. Coimbatore despd 8/3/95

Cspd
6/3.

Explanation of Po [illegible]
Sub magistrate

H.G.

For orders ✓

Endt. No. 494/95 & papers

Magisterial (1895) Department

From

The District Magistrate of
Coimbatore

To

The Chief Secretary to Government
Judicial Department
Madras

Dated 4th }
Despatched 5th } April 1895
Received 7 }

Regd 8

Refe. on No 318/V.M. Dy of 95

Enclosures - two (2)

CHIEF SECRETARY
7 APR 1895
GOVERNMENT OF MADRAS

Subject

Reporting further on the conduct of S. Venkat Rao stationary Submagistrate of Erode with a copy of his letter and the District magistrate's order thereon.

Usg/4.

For orders. Please see note in orders on Ext. Refce dy 7. 3. 95 No. 494.
The Sub magistrate is reported to have left his station without furnishing any explanation, in direct disobedience to orders. He has given a perfunctory explanation of the charge of using improper language in the order of commitment, - which does not better his case.

D
9. 4. 95

The man apparently is trying to spin out matters. He has seen the copy of his order of commitment and now pretends that he cannot find where the language used in it was objectionable & insubordinate

19/4/95

The D.M.'s recommendation to withdraw Venkat Rao's magl. powers & reduce him ~~to a~~ ministerial post on 50 p.m. may now be accepted

20/4/95

Proceedings of the District Magistrate of Coimbatore dated 22nd March 1895

Read arzi from the stationary Submagistrate of Erode on leave dated 20th March 1895 – requesting to be favored with copies of certain papers to enable him to submit the further explanation called for by Government

order Refee on no $\frac{318}{\text{V.M.R}}$ 95

The Submagistrate is informed that the District Magistrate has complied with the instructions of Government in sending him the copies he has received. The District Magistrate has not received instructions to reopen the whole case and the copies now asked for will therefore not be sent to him. His explanation, if any, should be submitted without further delay.

(Signed) Herbert Bradley
District Magistrate.
22. 3. 95

(True copy)

Herbert Bradley

District Magistrate anywhere

nch I am at a loss of such

Enclosure No. 2

In a letter from the District Magistrate of Coimbatore to the Chief secretary to Government Judicial Department Madras dated 4th April 1895 Refer on No. 318/Vm D/95

Copy of order of the District Magistrate on Venkat Rao's letter

CHIEF SECRETARY
7 APR. 1895
GOVERNMENT OF MADRAS

1773 Coimbatore District Magistrate's
[illegible] th April 1895

From

S. Venkat Rao
Submagistrate on leave.

To

The District Magistrate of
Coimbatore

Respected Sir,

In acknowledging receipt× of your order sending me copy of the order of Government and calling for further explanation, I beg respectfully to submit that one week's time therein allowed seems to me to be hardly sufficient to enable me to give the full explanation that is desired of me.

× on the 17. 3. 95 sunday morning

2. On perusing my order of commitment it only strikes me as I always aimed it, to be an attempt at a fuller explanation of my reasons for the original discharge and [illegible] language has been anywhere strong which I am at a loss to [illegible]

no good grounds for the order of Commitment. If the mere attempt of stating my reasons at full should be considered improper — I may again repeat I never meant to be so and that it was purely accidental and unintentional for which I once again crave your generous forbearance.

3. On perusing my order of Commitment I feel unable to find out to what particular portion or portions of my order the High Court were pleased to take exception to and in the absence of this information my explanation must necessarily be incomplete.

4. Further there is a strong rumour that your honour has been pleased to touch upon the merits of the case in reporting on my explanation as to improper tone of the order of Commitment. If that

so I beg to submit that I

further opportunity of

and for this

Enclos. No.
To 1773

C 2/3

---

of the sessions courts' judgment referred to in my order, of the sessions judge's letter of reference to the High Court, of the High Court's judgment and of your letter to Government submitting my explanation.

I beg to remain,

Respected Sir,

Your most obedient Servant

(Sd) S. Venkat Rao

20th March 1895

(True Copy)

Herbert Bradley

District Magistrate

mb

Enclosure No 1

In a letter from the District Magistrate of Coimbatore to the Chief secretary to Government judicial Department Madras dated 4th April 1895

Refec on No $\frac{318}{\text{Vmdy}}$ of 95

CHIEF SECRETARY
7 APR. 1895
GOVERNMENT OF MADRAS

py of letter of Venkat Rao to
l Magistrate

1773 Coimbatore District Magistrate's
office dated 4th April 1895
Camp Erode.

From

Herbert Bradley Esquire
District Magistrate of
Coimbatore

To

The Chief Secretary to Government
Judicial Department
Madras.

Sir,

With reference to Government memorandum dated 7th March 1895 No 494, I have the honor to report that the Copy referred to in the memorandum was forwarded to Venkat Rao on the 16th March. He was directed to submit his explanation within a week and not to leave his station (he has been granted furlough) before submitting his explanation.

2 On the 22nd March I received a letter from Venkat Rao a Copy of which

is enclosed with a copy of my endorsement in reply. I now find that Venkat Rao has left his station without furnishing any explanation and is stated to have gone to Madras. He has been guilty of direct disobedience to my orders.

I have the honor to be,
Sir,
Your most obedient servant
Bradley
District Magistrate

---

[5]
500—20-6-94.

Judicial DEPARTMENT.

Papers to be read in Proceedings :—

Again G.O., dated 18 , No.
Again G.O., dated 2 November 1894, No. 2611 → 5
Current No. 788 of 1895, dated 14 February from } the Dist. Magte. Coimbatore
Current No. 1773 of 1895, dated 4 April from } the Dist. Magte. Coimbatore

Order of 26th April 1895, No. 864.

~~The first charge against the Sub-magistrate Venkata Rao~~ In the letter read in G.O. of 2 Novr. 1894 No. 2611 the High Court drew the attention of Govt. to the language in which S. Venkata Rao, sub-magte of Pollachi, ~~his~~ Coimbatore Dist, couched ~~his~~ the order of commitment in Preliminary Register ~~case~~ No. 21 of 1893 on his file. This was a case in which he had in the first instance discharged the accused, but had subsequently been directed by the Dist. Magte to commit them for trial. As remarked by the High Court, "all ~~that~~ the Sub-"magte had to do thereupon was to "make a formal order of commitment "citing the directions of his superior "officer as the ground for his action "but not content with this he proceeded "to discuss the propriety and legality "of the Dist. Magte's order in language "which could only be characterized "as improper & insubordinate in the "highest degree."

2. The Sub-magte, being called upon to give an explanation tendered an apology with the remark that, in the absence of a copy of the order, ...

Q — Copy heading

explanation but thought he had only stated "plain facts in a rather "blunt way." He was then furnished with a copy of the order of commitment on perusal of which he professed himself "unable to find out what particular "portion or portions of his order the "High Court were pleased to take exception to" and contended that "in the absence of this "information his explanation must "necessarily be incomplete." — The Govt. consider this to be nothing ~~[illegible]~~ ~~[illegible]~~ but a ~~[illegible]~~ disingenuous attempt to postpone punishment; the language in many portions of the order of commitment is so ~~[illegible]~~ distinctly objectionable & insubordinate that it is ~~[illegible]~~ utterly impossible that the Sub-magte ~~&~~ could be unable to discover to what the High Court ~~[illegible]~~ alluded in the ~~[illegible]~~ letter ~~[illegible]~~ ~~[illegible]~~ with which he drew the attention of Govt. to his conduct.

3. The Sub-magte's insubordinate language is not his only offence; the Dist. Magte's letter shews that there was an inordinate delay in his original disposal of the case & that in his order of discharge he altogether ignored a most important piece of evidence which showed that the alibi on the strength of which the accused were discharged was at least partially false. To whatever cause the ~~[illegible]~~ by ~~[illegible]~~ ~~[illegible]~~ to notice this evidence was due it was ~~[illegible]~~ an omission ~~[illegible]~~ ~~[illegible]~~ ~~[illegible]~~ so serious as to raise grave doubts ~~[illegible]~~ as to the Sub-magte's ~~unfit~~ fitness to exercise magisterial powers.

4. Mr. Bradley cites another ~~case~~ instance in which Venkata Rao improperly discharged ...oners & on being directed ... made objectionable ... Magte's order.

Reduction of a Sub-magte.

C.S.

From orders

[G]
7,000—30-3-95.

Department.

CHIEF SECRETARIAT MADRAS

PROCEEDINGS OF THE MADRAS GOVERNMENT.

READ the following paper :—

case on the 7th November, he procrastinated until the 11th February when upon receipt of ~~the~~ a fourth reminder accompanied by a threat of immediate suspension if it was not attended to he sent what purported to be a copy of an explanation of 8 December, the original of which had never reached the Dist. Magte; at the same time he offered the ~~[illegible]~~ excuse that he had "lost sight of a previous reminder owing to pressure of work;" an excuse which as he had had ~~reminders upon subjects of~~ more than one reminder and the matter was ~~such personal importance we not lost sight of~~ one of personal interest to himself cannot be accepted as true.

5. The Dist. Magte now reports that Venkat Rao has aggravated his previous offences by leaving his head-quarters in direct disobedience of distinct orders.

6. It is clear that Venkata Rao is ~~an~~ a most insubordinate & dilatory officer, & that he is unfit to ~~exercise~~ perform the responsible dut...

Reduction of a Submag

magistrate; & the Govt. therefore accepts the Dist. Magte's recommendation that he should be deprived of magisterial powers & reduced to a ministerial appointment on Rs. 50 per mensem.

(From orders)

23.4.95

25/4/95

C.S.

(From orders)

The Dist. Magte, Coimbatore (gbt) with Encl

Copy to the Hon'ble CJ with Cl with Enclosures

DESPATCHED
4 MAY 95
IN M.S

Copd & Ed } 1/5.

Issued
25.4