

Judicial (1897) Department.

ORDINARY *Mis*

G.O., No. 417

Confidential No. 23.

DATED 22-3-97

[Despatch Abstract.]

Requesting the Advocate ^{general} to appear for
Mangesh Rao in support of the appeal filed by him
against his conviction in the Vallikupham Abke
case.

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
Judicial	781 298						
from Mr. P. Subramanyam, Esq.							

Judicial (189) Department.

CURRENT No. 1159



From The Secretary to the
Commissioner of Salt, Affairs
and Separate Revenue

Order

No. 984

Dated 15 March 1897.

Received 16

Registered 17

Enclosures -

Spare copies -

SUBJECT.

Suggesting to Government the desirability
of instructing the Public Prosecutor
or the Advocate General to conduct
the defence of Mr. M. a. Mangesh Rao,
Assistant Inspector, Salt, Affairs
and Customs Department.

BACK PAPERS.

G.O.	No.	Department.	Date.
	364	gnd	15-5-97

FURTHER PAPERS.

G.O.	No.	Department.	Date.

CONFIDENTIAL. CURRENT No. 1159



Proceedings of the Board of Revenue

(Separate Revenue.)

Dated 15th March 1897.

Mis No. 984

Resolution.

As Government is doubtless aware Mr. M. a. Mangesh Row, Assistant Inspector in the Salt, Abkari and Customs Department, has been convicted of perjury by the Joint Magistrate, Kumbakonam, in the case brought against him by Mr. F. N. G. Gill, partner, Messrs. Parry and Company's Sugar and Distillery business at Nellikuppam, and sentenced to 6 months imprisonment, of which the first half is to be simple and the second rigorous. He was released on the following day on bail by the appellate court and the hearing of the appeal has been posted for the 30th instant.

2. Mr. Mangesh Row applied some time back to the Board to move Government to take up his defence but it, very unavailingly, declined to take any action in the matter as it saw that

Questions

Questions of great importance from a revenue point of view would arise after the final disposal of the case - particularly if it ended in an acquittal. It therefore considered that it was very expedient that it should not give the slightest grounds for supposing that it had interfered to save a subordinate who had been guilty of a serious criminal offence from the punishment which he deserved. The view which it held was that, so far as the Salt, Abkari and Customs Department is concerned, Mr. Gill was as much on his trial as Mr. Mangesh Row and that the acquittal of the latter of perjury would convict the former of malicious prosecution of a Government servant. It considered that in the event of an acquittal it would be compelled to adopt measures which would show conclusively that vindictive persecution of a distilling officer by a distiller was a thing which would not be tolerated for a moment. It was therefore with great satisfaction that it learned that Mr. P. Subramania Iyer had been appointed by Government to defend Mr. Mangesh Row without any reference to it.

3. So far the case has gone unfortunately for

the

the Department as well as for Mr. Mangesh Row, but the Board is glad to say that the opinion of almost every one who has studied it is that the decision of the lower court is wrong and should be reversed on appeal. However this may be, the feeling in the Salt, Abkari and Customs Department on the subject is very strong and it will be most unfortunate if a confirmation of the sentence leaves its officers under the impression that the honest discharge of their duties may involve them in criminal proceedings if they happen to offend a distiller wealthy enough and vindictive enough to spend time and money on their persecution. As an instance of this the Board may mention that it has heard that Mr. Gill recently expressed an intention of considering whether proceedings for trespass should not be taken against an officer who had charge of the Nellikuppam distilling factory and was sent to it to refresh

questio refresh his memory by a visit before giving
view no evidence for the defence in this case. It therefore
case - p considers that every precaution should be taken
therefore
it is to secure an acquittal on appeal. It has no
that i complaint to make of the manner in which
had Mr. P. Subramania Aiyar has worked up the
the defence. This he has done in a most thorough
it he manner, but the very fact that he has done
Cute so is apt to make him lose sight of the
more more important features and lay too much
the stress on details. It begs therefore to suggest
the that the proceedings have now reached a stage
men in which the defence would be more advantageously
an conducted by a more experienced legal practitioner
wh and that, in view of the departmental importance
of of the final decision, the Public Prosecutor or
wo Advocate General should be instructed to appear
the for the appellant.

(True copy)

Ramamurthi
Assistant Secretary.

To the Chief Secretary Government,
Judicial Department.

(1897) Department.

D. O. No. 256

It seems necessary that
Mr. P. Subramania Aiyar
ould instruct the Advocate
General.

From M. R. R. P. Subramanyam

D. O.

No.

Dated 21st March

Received 22/3

Registered 22/3 } 97

Enclosures -

Spare copies -

SUBJECT.

Re the Conduct of
the appeal in the
Nellikuppam Ghikasai
case.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

CURRENT No. 21st March 1897

Judicial DEPARTMENT.
C. No. 1159



Dear Sir,
They to acknowledge

ERS.

the receipt of your DO of the 17th. Since the 10th instant I have been engaged in a heavy legal suit before the Judge at Mysalipatam. I came here last week to attend to an urgent work. I was to have left for Mysalipatam last

The Board of Revenue suggests that the Public Prosecutor Advocate General may be instructed to appear in support of the appeal filed by MURRY. angshor Rao in Nellikuppam bhari case

The Govt. Pleader (who is Public Prosecutor throughout the Presidency) can be deputed by Govt. to proceed up-country and appear for the crown in criminal cases. It is somewhat doubtful whether the Govt. Pleader can be instructed to appear for the appellant in this case.

supporting a man who has been convicted. But if you think the man has been improperly convicted, I don't see why, the man with his own servant, it should support him. The Govt. Pleader would be of no use. I would propose to send instead of the Adv. Genl.

I think this is a case of exceptional importance & that it should be specially deputed. When Advocate Generals.

If it is decided not to depute the Govt. Pleader or Advocate General, orders are solicited whether any other

Yours, A. H. 20. 3. 97

other barrister should be engaged for to support the appeal

The appeal has been posted for the 30th instant.

W. 22/3/97. The B^{ts} in this instance is Mr. Croke and the proceedings read as much like his drafting. It would I submit be injudicious and undesirable to wrangle with the recommendation of the B^{ts} and it seems better to leave things as they are.

W. 22/3/97.

No. The B^{ts} in this instance Mr. Willock - Mr. Croke has been in charge of salt & alkali emergency fund.

C.B. [G. 24.] 10-26-1-97.

Papers to be read in proceedings:—

(From orders)

Again G.O., dated

189 , No.

Again G.O., dated

189 , No.

Current No. 1159

of 1897, dated 15/3, from

Board of Rev., Separat

" "

" 189 , "

Rev. No 980 & 11-10-97

" "

" 189 , "

" " " " " "

free

Send these things by special messenger at the earliest possible date. Tell the man who goes to P. Subramaniam to report whether he is in Madras or if not where he is. It's a big case & all the time available will be wanted. W. 22/3/97

ORDER. his

No 417 of 22 March 97

The Honble the Advocate General will be requested to appear for Mangisha Rao in support of the appeal filed by him in the Tanjore Session Court against the conviction in Cal. case No. 105 of 1896 on the joint Magistrate's file.

The Honble Bhaskararama Aiyangar will be assisted by P. Subramaniam Aiyar, the vakil who conducted the defence in the lower court.

(From orders)

W. 22/3/97

The Govt. understand that the appeal is fixed for the 30th inst.

W. 22/3/97

With printed records of the (recd. from P. Sub. Aiyar) to be ret^d

The Hon. the Advocate General, Cal
The Board of Rev., S.R. (Q)
" Mr. Magistrate, Tanjore (Q)

P.T.O

25/3/97
24/11-30/11/97
DO

50

Dear Sir,

In continuation of my
no. of the 17th instant I write to
say that the Govt. has after
further consideration decided
to dispute the Advocate General
to support the appeal of
Mangeshia Rao. Please I
am to request you to be
so good as to instruct the
^{Advocate General}
~~Honble Shasthram Aiyangar~~
and furnish him with the
necessary papers.

Yours sig.

M. P. Subramania Aiyar

Vakil, High Court

Despatch 11.20 AM
24/3/97

Do

To Hon. Shasthram Aiyangar

Dear Sir

Enclose copy of a formal
order requesting you to put
appear in the appeal against the
judgment in the Kiliappan abkari
case & also a copy of letter
which has just been received from Vakil
M. P. Subramania Aiyar, who
conducted the defence in the lower Court,
stating that he cannot return to Madras
until 24th inst., & so will be unable
to instruct you. I should be obliged
if you could let me know at the
earliest possible date whether you
prefer to dispense with his instructions
or if with the case to be adjourned
for a few days in order that you
may have an opportunity of talking it
over with him. If you think an
adjournment unnecessary please say
whether you would wish that M. P. Subramania
Aiyar should accompany you to Madras
on the 20th.

Yours sig. 24/3/97

copy sent to Press.

ed for Signature.

ched.

N G.O., No.

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CURRENT No.

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