

CONFIDENTIAL.

[G.]
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200-23-11-96.

Judicial (1896) Department.

ORDINARY *Miss*

G.O., No. 451.

Confidential No. 35-.

DATED 4-3-96

[Despatch Abstract.]

Prosecution
Arrangement re the — of P.
Rothanda Ramaswami Nayudu,
Commissariat Agent at Calicut
on a charge of cheating.

BACK PAPERS.

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

FURTHER PAPERS.

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

Confidential
Indicial
 No. *P/10325*

Ootacamund,

25 Feb 1896

887

From

The Lieutenant-General COMMANDING the FORCES, Madras.

To

The Chief Secretary
to Government
Madras.

SIR,

With reference to Proceedings of Madras Government, No 3064 of 19th May 1894, I have the honor to forward for your perusal and favor of return, the correspondence as per list appended, regarding the hire of certain carts, which were obtained for the conveyance of Ammunition etc, from Calicut to Cannanore.

2. The circumstances of the case were fully explained to the Government Solicitor Madras, by the Commissioner General, Madras Command in his letter No P/10012 of 15th May.

16 ENCLOSURES.

Indicial
Sept. 20.
105644-5-94-

in which the position and the duties of the Commissariat Agent, were clearly defined, and the Commissary General, at the same time, enquired, whether in the opinion of the Government Solicitor a *prima facie* case could be established against the Commissariat Agent, at Calicut, for defrauding Government.

3. In reply the Government Solicitor in his letter no 83 of 20th idem, has intimated that he is of opinion - that the Commissariat Agent in question may be prosecuted for cheating in respect of the difference between the amount actually paid by him, for carts which he hired, and that charged by him to Government, on the same

same account.

4. You will observe that the Government Solicitor states, that case will have to be taken to prove that the money paid by Government for the carts, was received by the Commissariat Agent, and that he paid the cartmen sums amounting to less than what he received.

With reference to this, I would mention, that there will be no difficulty in proving that the money paid for the carts was received by the Agent, as Government money is always advanced to Agents, (their receipt or acquittance for the amount being taken) to enable them to make such purchases on account.

of government as may be necessary - Bills for purchases made are subsequently submitted by Commissariat Agents, in adjustment of the advances made to them.

I presume, that the matter of proving that the cartmen were paid sums amounting to less than what the Agent charged to Government, will be taken up by the Government Pleader, and evidence on this point adduced by him.

It appears to me, to be unnecessary, to obtain further evidence to prove that 40 carts were employed for the conveyance of the Stores, as this is distinctly stated in the Advice

note.

note or Mahanama, and certified by the Commissariat Sergeant at Cannanore.

5. I accordingly request, you will be good enough to obtain the sanction of Government for the prosecution of Commissariat Agent E. Kothunda Ramasamy raider at Calicut on a charge of cheating, as I consider it desirable to have this case investigated in a Court of Law, as early as possible.

6. I may here state, that the provision in the Commissary General's Budget for the current year, under the head "incidental charges", against which, charges on account of Law Suits - would be classified, has already been exceeded.

I note, that the Govern-
-ment Solicitor in para
4, of his letter, states, that
he is unable to afford
information regarding
the actual cost, that will
be incurred in connec-
-tion with this suit, but
if the amount that will
be required could be
roughly stated, I have
no doubt, the Commissary
General of my Command,
will be able to provide -
funds to meet the
charges, from savings
under some other heads
in his Budget -

7. In communicating the orders of
Government on this
reference, I shall be
glad if you would
also inform me of
the name of the Pleader
selected

x 83
0420-2-96.

selected by Government,
to undertake the case -

I have the honor to be
Sir
your most Obedt Servt.

Henry Colonel.
for Lieut General.
Commanding the Forces -
Madras.

V.A.

Current No. 887

Judicial DEPARTMENT.

1057 18-5-95
No 1056 18-5-94
1057 18-5-94

From

The Lt. Genl. Comd. the forces

No. P. 10325

Dated 25 }
Received 26 } Feb'y 1896
27 }
Enclosures 16

SUBJECT.

Requests sanction for the
prosecution of the Commissariat
Agent at Calicut for cheating.

Judicial Dept.

CN. 887.

The Lieutenant General
Commanding the Forces, Madras
requests sanction to prosecute
Commissariat Agent V.
Kothanda Ramaswami Chetty
Nayudu at Calicut on a
charge of cheating in connection
with the hire of certain carts
which were obtained ~~at~~ for
the conveyance of ammunition
tc. from Calicut to Cannanore.
A Commissariat Agent belongs
to the permanent establishment
of the Commissariat Dept. and
like other subordinates receives
a monthly salary. The
Govt. Solicitor has advised the
Commissary General that the
Agent in question may be
prosecuted for cheating.

Before the abolition of the
Madras Army Command the
Govt. of India decided that
after the abolition the conduct
of law suits concerning canton-
ment and other military
affairs should be undertaken

the local Govt. and accordingly heads of departments in the Military Dept. were & requested to apply to the Judicial Dept. in regard to the conduct of such suits (80. No. 3064 ^{Wily.} 819. May 1894)

It is under this order that the Lieutenant General Comd. the forces applies for sanction. Submitted that it may be accorded. He also wishes to know what the probable costs of the prosecution will be and also the name of the ~~plea~~ ^{plea} selected by Govt. to conduct the prosecution. Submitted that the case be entrusted to the South Malabar Public Prosecutor, W.R.Ry. S.

Ramakrishna Aiyar. It is impossible to estimate the cost of the prosecution. The Vakils fees will depend on the duration of the trial and for each appearance in Court the Public Prosecutor can be awarded a fee not exceeding the Collector & St. Magte. Submitted, he requested to

* 80. No. 1057 & 18.5.95

80. No. 373 & 15.2.94.

to inform the Lieutenant General what if possible what the probable costs will be.

The following draft order is submitted for approval.

order. No. 4518, 4th March 1896

The prosecution of V. Kothanda Ramaswami Nayudu, Commissariat Agent at Calicut for cheating is sanctioned.

The District ^{Magte,} Malabar will be requested to instruct the Public Prosecutor, W.R.Ry.

Ramakrishna Aiyar to of V. Kothanda Ramaswami Nayudu, Commissariat Agent at Calicut, conduct the prosecution and also to assist the Military authorities in making the necessary arrangements for the conduct of the prosecution of the case.

H.E. the St. Magte, Comm. the forces will be informed that 2. It is not possible to at present estimate what the cost of the prosecution will be. The fees of the Public Prosecutor will depend on the duration of the trial and for each appearance in Court he can be granted a fee not exceeding Rs 25.

The St. Magte will be requested to inform the Lieutenant General

The Pub. Pro. should correspond directly with the military authorities in the matter, H.E. the St. Magte, Comm. the forces will be requested to be kind enough to cause him to be informed when he should address and to be supplied with all the info. which may be necessary.

of the
General comp. the forces if
probable approximate cost of the
possible what he considers
prosecution.
the prosecution will cost.

Mr. 296
28/2/86.

Prosecution of Commissioner
Agent at Calicut

AM
ms

L. G. e. the forces (4) 7 Dec 86
with papers ret'd.
D.M., Malabar (P). 5/3

C. 2/3
R 3/3

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