

CONFIDENTIAL.

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200--7-9-96.

Judicial (1896) Department.

ORDINARY

Mis

G.O., No. 83

Confidential No. 3

DATED 14-1-96

[Despatch Abstract.]

Sub-judge M. R. Ry. N. Swaminatha Aiy
Appointing Mr W. S. Meyer, joint Mag.,
Godavari, to hold an inquiry into certain
charges of corruption against —.

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
-	278	Jud	10-2-96				

Urgent and Confidential

No. 86.

High Court of Judicature,
Madras, 10th January 1896.

From

R. H. Shipley Esquire,
Acting Registrar of the High Court
of Judicature, Appellate Side,
Madras.

The Honorable Mr. J. F. Price, C. S. I.,
Chief Secretary to Government,
Fort Saint George.

Honorable Sir,

I am directed to forward to you,
the orders of Government, a letter from
District Judge of Godavari, with its en-
losures.

2. This letter deals with certain
charges of corruption brought against Mr. S. S. Swaminathan Avargal, lately sub-judge
of Ellore - but now of Masulipatam - by the
pleaders of the Ellore Court.

3. I am to say that the Honorable
the Judges of the High Court do not con-
sider the evidence on record, so far, con-
clusive enough to warrant the sub-judge's
suspension. But they do think it
advisable

P.O. of Address

Name)

Receipt for a Registered Article.
I have received a registered article No. 24 addressed to -

Godavari

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
-	278	Jud	10-2-96				

in makes transmission more secure; Office is not responsible for loss un-
 article is insured. Currency notes or a part of a
 coin, jewels, &c., must be registered. An article may be insured up to Rs. 1,000 at other offices.
 insured. An article may be insured up to Rs. 1,000 at other offices.
 a Branch Office and up to Rs. 1,000 at other offices.
 age and registration fee (2 annas) must be prepaid in
 stamp. Sender should write his name and address in lower
 left-hand corner of envelope. Acknowledgment of delivery
 of a registered letter or parcel can be obtained by sender on presentation of a
 in stamps, or an attested copy of addressee's receipt can be obtained at any time
 within six months on payment of 3 annas.
 The public are recommended to use the cloth-lined emboss-
 ed registration envelopes available at every Post Office. The
 fee for registration is 3 annas, but not postage.

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High Court of Judicature,
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R. H. Shipley Esquire,
 Acting Registrar of the High Court
 of Judicature, Appellate Side,
 Madras.

To

The Honorable Mr. J. F. Price, C. S. I.,
 Chief Secretary to Government,
 Fort Saint George.

Honorable Sir,

I am directed to forward to you,
 for the orders of Government, a letter from
 the District Judge of Godavari, with its en-
 -losures.

2. This letter deals with certain
 charges of corruption brought against Mr. J. F. Price,
 N. Swaminathainar Avargal, lately sub-judge
 of Ellore - but now of Masulipatam - by the
 pleaders of the Ellore Court.

3. I am to say that the Honorable
 the judges of the High Court do not con-
 -sider the evidence on record, so far, con-
 -clusive enough to warrant the sub-judge's
 suspension. But they do think it
 advisable

advisable that an immediate preliminary investigation into the sub. Judge's conduct should be held. Should the Government agree with this view, I am to request that an officer of experience may be deputed to hold the enquiry, and (to save time) to suggest that Mr. W. S. Meyer, I.C.S., would be a suitable officer to be so deputed. He is stationed at Rajahmundry, within easy distance of Ellore.

4. I am, further, to say that the Honorable the Judges would be obliged if the Government would treat the matter as very urgent, and dispose of it, on the earliest possible occasion. It will be necessary that the officer appointed to make this preliminary enquiry should be empowered, if necessary, to guarantee immunity from prosecution to witnesses, who may be in a position to speak to the facts.

I have the honor to be,

Honorable Sir,

Your most obedient servant,

R. H. Shipley

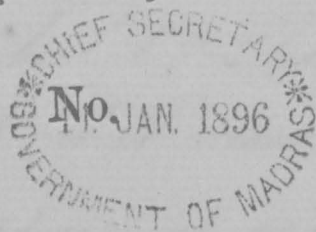
Ag. Registrar.

Every letter, whether printed or in manuscript, should be docketed and abstracted on the back; and the abstract should state clearly the purport of the letter and merely its title subject.

Enclosures and statements also, whether sent with letters, or rely under cover, should be numbered, docketed and abstracted. The headings of statements should be written in full to prevent mistakes. (G. O. 8th April 1893, No. 289, Public.)

Urgent and Confidential.

Judicial {1896} Department.



FROM

The Registrar of the High Court
of Judicature, Appellate Side,
Madras.

Dated 10th January } 1896.
Received

No. 86.
Enc one

Forwarding for orders, a letter
from the District Judge of Godavari
dealing with certain charges
of corruption brought against
Mr. R. N. Swaminatha Aiyar
Avarjal, lately Sub. Judge of
Ellore, but now of Masulipatam,
and stating that the High Court
thinks it advisable that an
immediate preliminary
enquiry should be held into
Sub. Judge's conduct.

Ed. A.V.

[G]
[P]
800-237-95

Judicial DEPARTMENT.

C. No. 113

is intended I suppose, that
Mr. Meyer shall inquire FOR ORDERS.

of this case in his capacity of
Magistrate - as Mr. Meyer has no
powers in Ellore, but
the powers of the Mr. Meyer
are formally defined "under
C.P.C., I don't know. If they
the order directing him to
inquire, which can otherwise follow
model of that in G.O. 1969
15.9.88, and
in authority to him to exercise
jurisdiction throughout the district.
Mr. Meyer is on this work,
he can also doubt arrange for his
inquiry work, by calling on the
Mr. R. N. Swaminatha Aiyar, a Magistrate.
It may be however, that the
Mr. Meyer does not desire that Mr.
Meyer should inquire in his capacity
of Magistrate - In that case, I do
think he has he is to inquire at
Ellore, under S. 2 of Mr. Act
unless app. under S. 2 of Mr. Act
But in Kumbi Kannan's case
1893, it was decided that, the charge being
against an officer, the inquiry should be
conducted by the Civil Courts. This
was the proper plan. But it
being the H.C. was not more ex-
ecuted -

I have been through the statement taken
and they do not contain much to go
upon. I presume however that the
wishes of the High Court should
be complied with. Mr. Meyer will
if there is anything in the allegations
to make soon find out the truth. It
will be a fact to be according to
his heart and he is very well fitted
for it.

The question of holding out a guarantee
of immunity from prosecution has been
considered before and after considerable
discussion it was decided that no
such inducement to speak the truth
should be offered.
It was done in the case of Kumbi
Kannan the Deputy Collector of Madras
but in the case of Kumbi Kannan
a Sub Judge it was decided
that it should not be done, as
if Mr. Meyer is deputed to hold
a preliminary inquiry into the
charges against the Sub Judge

x 90. 1969
15.9.88
(vide G.O. 16-1-91)
Records in this cannot be
made immediately. Two men
cases, G.O. 874 1 406 are
14.4.88 1.3.93
however submitted.

It will be necessary to place
him on special duty and to
approach an officer to ask for
him as his division is a
very heavy one.

RD
11/1/96.

I don't know whether at
this stage it is necessary to in-
struct any one to prosecute before
Mr. Meyer. I should say not.

Presumably, while the inquiry
is in progress, the Sub Judge sh.
be suspended.

As to guaranteeing immunity from
prosecution to persons who may have
given hints, the course adopted in
recent cases has been not to give any
formal guarantee, but to give a verbal
assurance that the Govt will not pro-
secute - there is a distinction, no
doubt, as Sir H. Stokes pointed
out in his note in G.O. 1969
15.9.88; but
practically it comes to much the
same thing. Mr. Meyer may be told
to give a verbal assurance accord-
ing to the order.

RD
11/1/96

Lt. Sub Judge

Elmor

FOR ORDERS.

185 Hm + one

I think he did on Monday
afternoon about 7 o'clock
in a hurry on his way
to work and was in a hurry
to write out his promise
W

185 am as our
Govt want from
W
13/1/96

It seems that Mr. Meyer should
be ordered the enquiry under
the Crim. P. C. & to hold it
W
13/1/96

[G.
24.
10-5-10-85.

Again G.O., dated

Again G.O., dated

Current No. 113

" "

Papers to be read in proceedings:-

189 , No.

189 , No.

of 1895, dated , from

" 189 , " , "

14 January 1896, No. 83.

NOTE FOR THE UNDER SECRETARY.

Fair subd for signature. It is

understood that the enclosures are to
be in original

18
1411

Yes Mr. Meyer

of go. also have to go
to Mr. C. now

Mr. Meyer

copy of the
foregoing letter from the Reg-
of the High Court together with its
enclosure will be forwarded to the
Collector & Dist. Magistrate Godavari
with the request that he will im-
mediately instruct the Joint Magistrate
of Godavari to conduct the prelimi-
nary investigation referred to with
the least possible delay. For the
purposes of this enquiry the powers
jurisdiction of the J. Magistrate will
be extended throughout the whole
District under sec 12. of the Crim.
Proc. Code

2. The Collector will be requested
to make such arrangements as
may appear to be necessary for the
conduct of Mr. Meyer's ordinary
work during the course of the
enquiry.

proceedings have been over defined
with out considerable delay so this
sentence is put in. It will legalize
the enquiry whether the powers have
a have not been over defined.
Mr. Meyer

It will be necessary to place
him on special duty and to
approach an Officer to ask for
him as his division is a
very heavy one.

RD
11/1/96.

I don't know whether at
this stage it is necessary to in-
struct anyone to prosecute before
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Presumably, with the enquiry
in progress, the Sub Judge sh^d
be satisfied.

As to guaranteeing immunity from
prosecution to persons who may have
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formal guarantee, but to give a verbal
assurance that the Govt will not pro-
secute. There is a distinction, no
doubt, as Sir H. Stokes pointed
out in his note in J.O. 1969 15.9.88; but
practically it comes to much the
same thing. Mr. Meyer may be told
to give a verbal assurance accord-
ingly.

RD
11/1/96

Lt. Sub Judge

Elmore

✓

FOR ORDERS.

Mr. Meyer should
the enquiry under
C. & to hold it soon

W

13 Jan

Ind. DEPARTMENT.

Papers to be read in proceedings:—

Again G.O., dated	189	No.
Again G.O., dated	189	No.
Current No. 113	of 1895, dated	, from
" "	" 189 , "	" "
" "	" 189 , "	" "

ORDER. 14 January 1896, No. 83.

Accept of the
foregoing letter from the Reg^{ar}
of the High Court together with its
enclosure will be forwarded to the
Collector & Dist. Magistrate Godavari
with the request that he will im-
mediately instruct the Joint Magistrate
of Godavari to conduct the prelimi-
nary investigation referred to with
the least possible delay for the
purposes of this enquiry. The powers
jurisdiction of the J. Magistrate will
be extended throughout the whole
District under sec 12 of the Crim.
Proc. Code

2. The Collector will be requested
to make such arrangements as
may appear to be necessary for the
conduct of Mr. Meyer's ordinary
work during the course of this
enquiry.

Note.

The office says it cannot
find out whether the J. Magistrate
powers have been over defined
without considerable delay. So this
sentence is put in. It all legalise
the enquiry whether the powers have
a have not been over defined.

W. M. G.

3. The J. Magistrate will be authorized to give witnesses ~~in the~~ who may give evidence during the investigation a verbal assurance that the Govt. will abstain from proceeding against him criminally upon charges of abetment of the offences ~~with~~ of which the Subjidge has been accused.

Muzib 14/1/96.
To Cdr. & Mr. Magistrate Godavari
To Hon. Secy. with Ch. (with Encls) } Despatch 14/1

Note:
Nothing is said here about the Subjidge's suspension or about his being told to take leave. The High Court's letter shows that they think neither course necessary. The Subjidge is now at Masulipatam. It seems to be their affair & not Govt's. After the issue of the above, which should go at once if any result is to be obtained from the inquiry, the point may if C.S. so directs be sent to the H. C. for orders. Had the above order alone, may go to them.

Muzib
I don't think that the question of suspending the S. for making him take leave is any business of ours. He

Charges against late Subjidge of Moss.

C.S.

(from orders)

U E

First copy sent to Press.

Returned for Signature.

Despatched.

READ AGAIN G.O., No. 189

DATED

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CURRENT No.

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO

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

N.B.—

A = Print in full.
B = Not to be printed.
P = Print abstract only.
Q = Print heading only.

C F. 73.

Paper taken out of the Records from the charge of the Referencer.

Press
Miscellaneous
Routine

No. 83, dated 14-1- 192, 1896