

(1) பக்கங்களின் எண்ணிக்கை

43 + 43 (86)

(2) புதுக்கித் திருப்பிய நாள்

17-12-19

(3) ஆதாரங் குறிப்பவர் சுருக்கொப்பம்

தமிழ்நாடு ஆவணக் காப்பகம்.

தமிழ்நாடு அரசு

Judicial குறை

அரசாணை எண்.

மு. கோப்புத் தாள எண்.

45

(41-42)

அச்சகம்

பலவகை

நாள் :

12.1.1981

199

பயி கையாளவோ கூடாது.

8,006-6-9-90.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

12th January 1881, No. 45.

Subordinate Magistracy.

Read the following paper:—

No. 41. *Proceedings of the Board of Revenue, dated 21st December 1880, No. 14,162 (Miscellaneous).*

Read the following letter from J. GROSE, Esq., Collector of Nellore, to the Secretary to the Board of Revenue, dated Nellore, 13th December 1880, No. 4938:—

At the instance of the Acting Joint Magistrate I have the honor to submit the records in Cases 70 (Preliminary Inquiry), 44, and 84 of 1880 on the file of Nandagiri Venkata Seshagiri Row, Deputy Tahsildar and Second-class Magistrate of Podili, with the letters of the Joint Magistrate forwarding them. In the first of these letters

Dated 17th September, 1880 No. 142.
" 18th do. " 143.
" 19th do. " 147.

the Joint Magistrate says he forwards the record in Case 44, that the Second-class Magistrate may be deprived of, at any rate, Second-class Magisterial powers. On carefully going through papers however, it appeared to me that the man had shown unfitness to be entrusted with any Magisterial powers whatever. Moreover, I am of opinion (in which, after demi-official communication, I find the Joint Magistrate entirely concurs) that it is necessary that the Deputy Tahsildar at Podili should have second-class powers, as otherwise the interests both of the people and Government will suffer. It follows that if our views are confirmed by higher authority, N. Venkata Seshagiri Row must be removed from Podili and degraded. He is drawing Rs. 100 a-month now. The best place (not requiring Magisterial powers) which I could give him under existing circumstances is that of Head Accountant in my office on Rs. 85. Hence I consider it my proper course (though the substance of my letter will concern Magisterial matters) to address the Board of Revenue.

2. The N. Venkata Seshagiri Row concerned is the man who was reduced from the post of Tahsildar of Atmakur by G.O., 22nd August 1878, No. 1346.

3. I enclose a memorandum which sets out the facts of the three cases to which I am about to refer.

4. In the first case (70, Preliminary Inquiry) the Magistrate misused his powers by remanding a woman on a shameful charge after it became clear that there was only the faintest and most inconclusive evidence against her. He kept the woman under trial from the 4th May to the 3rd June, and issued a warrant subjecting her to the indignity of being personally examined for marks of miscarriage by the apothecary in charge of the Hospital at Ongole. I have no doubt that this warrant is utterly illegal, but I know this point is one on which well-informed officers differ, so do not dwell on its illegality. At all events the cruelty and impropriety of issuing such a warrant under these special circumstances are very manifest.

5. In the second case (44) the Magistrate tried a case when he was without jurisdiction to try it, proceeded with the case when he ought to have dismissed it, convicted a man when he certainly ought to have acquitted him, allowed his judgment to be biased by the results of "private inquiry," &c., and cloaked his injustice by writing a judgment which, omitting all reference to the points which told in

செப்பன்குபவர் பெயர் K. 2400
செப்பன்குபவர்களுக்கு எடுத்துக்
கொண்ட பட்டி நாகி காவல்கள்
சரிபார்க்கும் குராமச்சி
மு. பா. என். உதயசுந்தரன்
கையொப்பம் கையொப்பம்

favor of the accused, said that the case against him was "clearly proved," whereas it was not, and that the evidence for the defence was "unimportant," though it was in fact most important. In this case there was an appeal and the conviction was reversed.

6. In the third case (84) also the Magistrate convicted when he certainly ought to have acquitted, and his judgment places reliance on mere hearsay; speaks of a statement of the accused as a confession, whereas it was not a confession, and makes no mention of the discrepancies in the evidence which were such as to deprive it of credibility. There was no appeal.

7. This misuse of Magisterial powers and obliquity of judgment, caused by the Magistrate's concentrating his attention on facts which common sense and the law of evidence ought to have made him put out of sight, and refusing his attention to facts which ought to have been prominently before him is so confirmed, and when combined with his method of writing judgments is so dangerous, that I do not think warning would be of any use. The list of eight cases in which the Joint Magistrate had to find fault with the Podili Magistrate since the beginning of the year (besides these three) shows that he cannot be controlled in the ordinary way. So long as he remains a Magistrate, I fear the people will be oppressed and the interests of justice will suffer.

8. It seems to me to follow that N. Venkata Seshagiri Row must be degraded to a post where he will have no Magisterial jurisdiction. It may at first sight seem harsh that he should be punished so heavily since all Magistrates are liable to make mistakes at times and no dishonest motive is alleged, but the mistakes I have mentioned (and which by the way can only be properly estimated on examining the records) are of a different nature from ordinary mistakes, or such mistakes as could be made through mere ignorance or stupidity. Moreover, N. Venkata Seshagiri Row is neither ignorant nor stupid, and has been familiar with work of a Magistrate for many years.

9. I enclose the letters of the Joint Magistrate submitting the records with translations of all important papers in those records, the Joint Magistrate's appeal judgment with regard to Case 44, and his proceedings in Case 84, and the list of cases disposed of by the Podili Magistrate in which he has incurred the disapproval of the Joint Magistrate since the beginning of the year.

The Board observe that misconduct on the part of the Deputy Tahsildar of Podili is not alleged. The sole question is whether he is fitted to exercise the high Magisterial powers with which he is at present invested, or indeed to be a Magistrate of any class.

2. This is not a matter for the decision of the Board of Revenue; and the Collector's letter and enclosures will be forwarded to Government in the Judicial Department.

3. In the event of V. Seshagiri Row being deprived of Magisterial powers, it will of course be necessary for the Collector to provide him with a post involving only Revenue duties.

(True Copy and Extract.)

(Signed)

C. A. GALTON,
Secretary.

No. 42.

ORDER THEREON, 12th January 1881, No. 45.

The Government approve the removal of the Sub-Magistrate from his present post to that mentioned by the Magistrate of the district. The powers of the Sub-Magistrate are hereby cancelled.

2. The worst case reported, and his handling of which shows the absolute necessity of removing Seshagiri Row from his present position, is Preliminary Inquiry No. 70. He would have shown his discretion in refusing to allow the person of the

accused woman to be examined at all in the absence of any reasonable suspicion that she had procured a miscarriage; but conceding for a moment that such examination was desirable, it might have been effected through the village midwives or other matrons, instead of marching her, a young Brahmin widow, 60 miles to the dispensary in the charge of a single constable. However, that after a certificate from a responsible Medical Officer favoring the woman's innocence, the Sub-Magistrate should have acceded to the preposterous application of the Head Constable for a fortnight's remand "to make further inquiries," is conclusive evidence of either an imbecility or a rashness of character quite incompatible with the responsible functions of a Taluk Magistrate.

3. The behaviour of the Station-house Officer in the conduct of the case will be considered and dealt with by the Inspector-General.

(True Extract.)

R. DAVIDSON;
Chief Secretary.

To the Board of Revenue.
„ all District Magistrates.
„ the Inspector-General of Police.

Exd. T. O'Connor.

Govt. of (1881) Madras.
JUDICIAL.

To
THE BOARD OF REVENUE,
&c, &c, &c

Dated January, 12th.

Issued

Recd.

Recd.

G.O., 12th January 1881, No. 45.

JANUARY.
Nos. 41-42.

Subordinate Magistracy — The removal of
N. V. Seelingiri Row, Deputy Tahsildar and Sub-
Magistrate of Podili, from his present post to that
of Head Accountant in the Nellore Collector's
Office, approved, and the powers of the Sub-
Magistrate, cancelled.

prepared as directed.

Date	Substance	Sub Magistrate's Explanation
9-1-80	A case under the Akhary Act was disposed of by mere Proceedings. It was pointed out to the Sub Magistrate that he should have disposed of it in the usual manner.	No explanation was called for.
21-1-80	The Sub Magistrate having convicted a man for a possession of earth salt was pointed out to him that intent to defraud the public revenue was necessary to constitute the offence.	No explanation.
15-4-80	It was pointed out that judgments were not in the proper form.	No explanation.
3-5-80	The Sub Magistrate was fined 5 Rs. for delay in the submission of Calendars.	The Sub Magistrate explained that the delay was attributable to pressure of work & Circuit.
7-6-80	A prisoner who was over on bail for 6 months imprisonment by the Sub Magistrate on a charge under Section 45 P.O. It was pointed out to the Sub Magistrate that he should have sent the prisoner up for enhanced punishment under Section 46 C.P.C.	No explanation.
14-6-80	It was pointed out that the heading of the Judgment should be properly filled up.	No explanation.
8-7-80	The Sub Magistrate having dismissed a non-bailable Prisoner under High Court Proceedings of 15 February 1869 without any enquiry whatsoever, the District Magistrate was asked to take notice of the same.	No reply has been received yet from the District Magistrate.
27-7-80	The Sub Magistrate having convicted a man under Section 403 I.P.C. without sufficient evidence, the High Court quashed the conviction and sentence.	No explanation was called for.

17-9-80

a man of office under Section 11 and the
the conviction was washed in appeal, and the
District Magistrate was asked to deprive the
Sub Magistrate of his 2 Class Magisterial
powers.

18-9-80

The Sub Magistrate having given a remand
to a female in a case of miscarriage without
sufficient cause. It was reported to the
District Magistrate that he is a 2-
Class Magistrate.

19-9-80

The Sub Magistrate having convicted certain
parties on evidence full of discrepancies
which were not mentioned in the judgment
and hearsay, it was reported to the District
Magistrate that the Sub Magistrate
is ignorant of the elementary rules of
evidence.

Joint Magistrate's Office
29th October 1880

(Signed) J. H. D. Hordinge
Acting District Magistrate

(True Copy)

J. Grose
Collector

4249/80

100-29

4938/80

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N^o 142

Joint Magistrate's Office
August 17 September 1880

From

The Acting Joint Magistrate,
Mellon District.

To The District Magistrate,
Mellon District.

Sir, I have the honor to bring to your
notice the conduct of the 2nd Class
Magistrate of Podily in Calundon
Case, No 66, of 1880, on his Court file,
with a view to his being deprived
if you agree with me, of at any
rate 2nd Class Magisterial powers.

2. On perusing the Calundon and
Judgment in Case, No 66, of the
Podily Magistrate's Court, I passed
Proceedings pointing out that the
Judgment did not set out the
facts; that it did not appear
how the 1st defendant (there were two)
who was acquitted was connected
with the case at all: that the Sub-
Magistrate merely said (which was not

though) that the prosecution evidence
shows so and so and the evidence for
reference is unimportant. I was then
asked for an explanation of the long delay
of over 3 months from the commencement
of the trial (22nd March) to its conclusion
on the 30 June last.

3. The appeal petition was received,
presented by the 2nd defendant,
who had been convicted and sentenced
to pay a fine of Rs. 25 (fine paid) for
abetting the offence of giving false information
to a Public Servant, the Police
Inspector under instructions 116 and
182 J. P. Code.

4. The appeal has been duly
heard and decided by me, and
I enclose a copy for your information.
I upshot the Sub Magistrate's decision,
and ordered that Rs. 25 be refunded.
I enclose also the record in the case,
including an extract from the Sub
Magistrate's diary.

5. The Sub Magistrate submitted
his letter No 230, a reply to my Proceedings
quoted above, a copy of this document
is also enclosed.

6. I consider the Sub Magistrate unfit to exercise said Magistrate powers for the following reasons.

(1) He enquired into a case which he ought to have known he had no authority to enquire into.

(2) He failed to dismiss the case, it being a mere summons case, and one obviously connected, on the non-attendance of the complainant - without recording any reason whatever for permitting it to proceed: That he adjourned the case on account of the complainant's absence on 4 occasions.

(3) That he must have adjourned the case sometimes without giving notice to the parties: For the diary shows they were sometimes all absent, and the case was adjourned, notice could only in such cases have been given by summons. Yet no summons were issued.

(4) The Sub Magistrate's judgment does not, as it should do, contain a summary of the evidence of the case, but merely an expression of the Sub Magistrate's belief of the prosecution story and disbelief in that of the

reference which he characterizes as
unimportant.

(5) That the Sub Magistrate could
scarcely have so expressed himself
bona fide - and that his withholding
a statement of the evidence shows this.
as the briefest statement would have
exposed the value of the Sub Magistrate's
conclusions.

(6) He quoted in his judgment against
the ~~good~~ defendant certain irrelevant
facts. that there was a bad -
character and had brought a case
against the complainant and his
relations after the filing of the case
against himself.

Papers
v. Laing
Record in Court
no 44 of 1880
Exch. in
Collection

(7) Finally in his reply to my Proceedings
he gives as an excuse for one of the adjournments
of the case that from the first to the 8 April
that he thought of making private enquiries
as to the truth of the case, & that there was a
trial. He reasons for the adjournment
was recorded at the time and one had
of course to be found.

6
10429/80

James G.
Wigan / J. P. Hardinge
Chief Magistrate

1 True Copy /
- Encl. -
Collector

Encl. 4249/80

200/43.

Sub Collector Office
Anglo 18 September 1882
Sept 20 80

From

J. Vora. Esq. & Harding Esquire

of Joint Magistrate
Nasik District

To,

J. Grosse Esquire,

District Magistrate Nasik
District

Sir,

In continuation of my letter to

I have the honor to bring under
your notice, the following proceedings
of the Sub Magistrate of Poona in case
No. 70 of 1880 on his Court's file in
support of my expressed opinion,

that Vankateshaji Rao is unfit
to be entrusted with the powers of
a Magistrate of the 2nd Class.

2. On the 2nd of May last, the
Station Officer of Poona sent an

occurrence report to the 2nd
2nd Class Magistrate setting forth
that Constable No 926, had
informed him that there was,
he thought, in the well of Kesan
Pullich's Compound, a child
rolled up in cloth. Accordingly
he, the station officer, accompanied
by 5 Constables and the village
Magistrate, went to the said
well and had it (it was only
high deep) carefully examined by
one Vimmadey. Nothing was found
but some dirty rags, with dark
marks on them. A workman, one
A. Varigadu was of opinion, the
marks on the clothes were bloody
marks. He also stated that one
Elamuray Peravetamma (a Baharian widow)

res 27
56
57
18
134

had not given her menstruation
clothes to wash since Siva Ratri.
Further enquiries were being made
and a report would be submitted.

A similar report was submitted
to the 2nd Class Magistrate by the
village Magistrate of Podile.

(3) Apparently, the Police
Station Officer considered there
was suspicion of the commission
of a cognizable case, (murder or
causing miscarriage) and submitted
this occurrence report under section

114 C.P. Code

(4) The 2nd Class Magistrate seems
at once to have taken the matter
into his own hands under section
115 C.P. Code, of procedure, and on the

42 and 52 of May be examined
in the Avula Vasigadu (2) Gaddalari
Dammu (3) Gaurantimadu

41. Gubbasing, Constable No 26

(5) B. Venkiah Constable No 570

and (6) Kupatada (Sengamma village)
Dunsiff of Kodila.

(5). Avula Vasigadu, the Dhooby, stated
as before, but added that he thought
Parratamma was sick of fever
and that was why she did not
send him her cloths. The 2nd & 3rd
witnesses spoke to searching the
well and getting out the rags.
They said the well sank. Constable
No 26 spoke being present
at the search of the well. Constable
Venkayya No 570 said, he was
told to go in search of a silver

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Cup belonging to one ^I Ho dan d
Rammiah. He was to search in the
back yards and tops. While searching
accordingly, in Kesa Pallayya's
backyard, he noticed something
white. It turned out blue
Gazp cup. Looked into the
well, while searching and
saw a cloth floating, and
suspected, that it might be
a cloth rolled up with the
embryo of a child. There was
one large cloth (2 cubits long &
one broad) and one rag.

(6). The Submagistrate, on the 8th
May wrote a yadast to the
Inspector of Police to come up
to detect the case but nothing

further was done, till the 24th
May when, a second occurrence
post was received from
the Station House officer
it was presented in person
by Cyril Mazon who was examined.

(7). He deposed to the following
effect that by enquiries made by
himself & his subordinates,
it was learnt that Ellawong
Parevatauna procured abortion.
In spite of all enquiries made,
no evidence could be procured.
An anonymous report received
by the Police Superintendent
that Parevatauna procured abortion
and buried the infant in the
house was referred to the Inspector."

of the division. From what
hasnt ~~that~~ it appears that
Pottatamma surely procured
abortion. Therefore I request
that a warrant to take
her to the Medical Officer
for inspection, & another to
search her house to discover
the infant may be issued. This
Crime comes under section
312 I.P. Code.

8. These two warrants were
accordingly issued by the
Sub Magistrate. E. Ramrao
Pottatamma was taken to hospital
and examined by the Apothecary
Mr. Prichard who certified

that "he can find no symptoms
of a late miscarriage on the
prisoner. Further can I find
anything in the cloths suit, which
are herewith returned sealed
as requested"

9. Ellamraja Paravatamma was
produced again, before the 2nd
Magistrate at Coimbatore
on the 19 May with the certificate,
where a second deposition was
taken from the Station House
Officer who stated, that
nothing was found in Paravatamma's
house, that no evidence was
forthcoming. He asked however
for 10 or 15 days more. The Constable
No 583, who took Paravatamma to

Anyple and back (60) miles was
also examined. It is also the story
of. Navasipdu. He distinctly said
he was not aware she had
been pregnant or had procured
abortion.

(II). The case was then adjourned
until the 3rd June to get more
evidence. The accused was released
on bail.

(III). On the 3rd of June, the case
came again and was finally
disposed of. The station House
Officer said, he could get no
evidence. Jellamavager Paravattam
made a statement to the effect
that she had neither been pregnant
nor had she procured a miscarriage.

He was under section 195C?
Code released.

(12) I am disposed to think
that in a case of mere suspicion
such as this, by the Magistrate
having jurisdiction the P. Code
section 114 must mean a District
or Divisional Magistrate or a
1st Class Magistrate or a duly
empowered Magistrate, otherwise,
the mere possession of an accurate
report would give a 2nd Class
Magistrate authority to do
that which the Code expressly
says he must be empowered
to do - that is to take up cases
on suspicion.

~~13. But apart from the~~

13. But a ~~proper~~ ^{objection}, which
if well founded, would render the
whole proceedings of the sub Magistrate
as I believe them ^{also} ~~also~~, quite extra
vires. I consider that the sub Magistrate
showed that he was wanting in the
sense and discretion that a 2nd Class
Magistrate ought certainly to possess.

(14) A few dirty rags were found
in a well kept Court-yard who gives
an unsatisfactory account of
his presence in the backyard
where the well was situated.

Ellamraiyar Paratamma's connection
with these rags was simply that she
lived 40 or 50 yards from the well,
that she had not sent her
menstruous cloths to the shop
for 2 months, that there were
rumours that she had miscarried,
though it was distinctly stated

Lab No 10011 - the obtained
to show that this was true. and
an anonymous petition had
been received by the Assistant
Superintendent of Police (forwarded
to Police Inspector for enquiry)
accusing Parvatanamma of
possessing abortion & burying
the child in her house.

(157. On these facts, the Lab Magistrate,
at the request of the Station
House Officer issued warrants
for the arrest of Parvatanamma
for the search of her house, and
directed that the woman be
taken to Auzole and examined
by the Aposhtary. It is contended
with this unwarranted, as I think,
and certainly indirect exercise

of his Magisterial powers. The magistrate
finding that the woman showed no
signs of a miscarriage and that it was
not true, that there was a dead child,
or foetus, in her house, was so wanting
in common sense as to grant a ^{remand} ~~in~~
for 15 days at the request of a
Police Constable, to obtain further
evidence when he had it already
recorded that evidence could
not be obtained and when it
was obvious were supposing
persons come forward to depose
that Parvatomma had, in fact,
been pregnant, it would be
impossible to find her guilty
of causing a miscarriage
in the face of medical evidence
to the effect that nothing of

the note had occurred.

I enclose the records in the case,

I have &c.

(Signed) J. D. Harding

Agent Drayton

(True copy)

W. B. Gile

Collector

Subscribed

1/80

W. B. Gile

La. Indr: 4249/80

/ True Copy

Quote

Dict. Magnitude

Karasind whose presence was most necessary to
about at Ravipadu, the Currier posted to 5th June
and security hands were taken from the dept.
depts and completed affluence. Sanyajulu Karasind
is not appear. Order were given to a number
him again. Case was posted to 21st June. An security
was taken from him.

5.6.80 Popile
Saturday

21.6.80. Marripur depts and the writups Sanyajulu Karasind, who
not appear. The case was posted to 24 June.
depts and writups S. Karasind appeared. Complaint
is not appear. Case was posted to 28 June. And
security hands were taken from the dept.

24.6.80 Ravipadu
Monday

The writups were informed of the date of post for court
to present. But not appear, case was postponed
30th June.

Monday

30.6.80 Ravipadu
Wednesday. Pelli
Ravipadu

Parkis appeared. Enquiry began. S. Karasind, &
writups for the reference from P. P. P. 1st Sept.
Sarapadu V. Karasind was a question under Sec 211 CrP.
is the charge was not proved.
2nd Sept. Velajapur Karasind was charged under
Sec. 116 & 182 CrP.

2nd Sept. was released as he paid the price.

1st Sept. 1880
1st Sept. 1880
2nd Sept. 1880

Enrole
Collector's Office

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10

Sub Judr: 4249/80

Memorandum on the facts of 3 cases
disposed of by the 2^d Class Magistrate of
Podili.

Case 70- Preliminary Inquiry.

On the 2^d May, 1880 the Police sent an
accusation report informing the Magistrate
that some rags with marks on them said to be
marks of blood had been found in a cer-
tain well and that a woman named E. Par-
vatanma had not given menstrual cloths
to her washerman to be washed since the
9th March. The Magistrate proceeded to
examine into the case as if he had received
a complaint that E. Parvatanma had
caused herself to miscarry.

The first hearing was on the 4th
and 5th May. All that was ascertained
then was that two cloths were found in
the well marked apparently with blood
and stinking, that E. Parvatanma, a Ben-
nisi widow who up to two months before had
been giving menstrual cloths to a certain

Washerman had given him none for three months, that when she did so the cloths were marked similarly to those found in the well, and that she had been suffering from fever which might (in the washerman's opinion) have stopped menstruation.

On the 6th May the Magistrate directed the Police Inspector to make enquiries.

On the 14th May the Head Constable of the Police Station said that from ~~rumours~~ ^{rumours} ~~rumours~~ and an anonymous petition to the Assistant Superintendent he had reason to believe that S. Parvataamma had caused herself to miscarry and asked for warrants to search her house and take her before the Medical Officer at Ongole for examination.

The warrants were accordingly issued. S. Parvataamma was taken to Ongole and examined by the Apothecary at the Municipal Dispensary, who certified that he could find no signs on her of a recent miscarriage. He examined also the clothes which had been found in the well but found nothing to notice on them.

8. Parvatanamma was produced before the Magistrate again on the 19th May with the Apothecary's certificate. The Station Officer deposed that though there was a rumour that she had miscarried ^{and an anonymous person had been received to the crime of the} he had found no evidence of the fact, but asked for a remand of 15 days. The washerman, also, being examined deposed that he did not know either that 8. Parvatanamma had been pregnant or had had a miscarriage. Nevertheless the Magistrate granted a remand.

On the 22nd June the case came up again and no further evidence being forthcoming the prisoner (who had been out on bail) was released.

Case 44.

Two men were charged with telling another man to inform a Police Inspector that a fourth man had torn up a certain crime report though he had not done so, or in other words with abetting an offence under Sec 182 I.P.C. The Police Inspector

did not complain but on the contrary gave evidence for the defence so that under Sec 467 Criminal Procedure Code the Magistrate had no authority to entertain the case. Nevertheless he did so. It is to be observed also that it was a summons case.

On the 22nd March the Complainant deposed that the offence above described had been committed 2 months before. His story was to the effect that a certain man had beaten ^{his} his wife, that the Curum (3rd witness for the defence) wrote a report of the crime to a Police Station, and that the second Accused told Venia Narayadu (2nd witness for the prosecution) to tell the Police Inspector that Complainant had taken the report and torn it up.

The trial began on the 1st April. The 1st witness for the prosecution (Complainant) said that the statement against him had been made to the Police Inspector and

and that the Police Inspector had enquired into it and found it false, but apparently knew nothing of the offence charged by personal observation. The 2nd witness for the prosecution Vema Nanigadu said the second accused and the 2nd witness for the defence, a Village Magistrate, had told him to make the false statement about complainant to the Police Inspector. The 3rd and 4th witnesses said they heard 2nd accused and 2nd witness for the prosecution telling Vema Nanigadu to do so. The 5th and 6th witnesses said they heard 2nd accused himself make the false statement to the Police Inspector on another occasion.

The first witness for the defence attended on the 12th May. He was the Police Inspector concerned and he deposed that though the statement about complainant tearing up the report had been made to him by the Kurumu (3rd witness for defence) the accused did not make it.

The second witness for the defence ~~attended~~ was examined on the 21st May.

He was the Village Munsiff said by 2^d, 3^d and 4th witnesses for the prosecution to have joined with the accused in telling Venu Narayana to make the statement about complainant. He denied the fact.

The third witness for the defence was examined on the 30th June. He was the Curium who wrote the report. He said he knew nothing more about it than that he had written it and that the accused did not tell the Police Inspectors that the Complainant had torn it up.

There is no evidence, it is ^{to be} noted, that Complainant did not tear up the report.

The Magistrate delivered judgment on the 30th June; in it he said that the fact that 2^d accused had told Venu Narayana to make the false statement to the Police Inspectors was distinctly proved, that the defence evidence was of an important character, and that the second accused had been twice convicted under Sec 323 I.P.C., was a bad character, and had lately brought a case against Complainant and his relatives which was

dismissed. He convicted 2^d accused and sentenced him to a fine of Rs 25 or in default to 15 days simple imprisonment.

The trial had then lasted more than 3 months. On several occasions when the case was called up the Complainant was not present and the Sub. Magistrate ought to have dismissed the Charge under Sec 205 Criminal Procedure Code unless he had good reason to the contrary, which he does not seem to have had. Moreover on being called to account for his delay by the Joint Magistrate he says (with regard to one adjournment: "I thought of making private inquiries as to the truth x x and adjourned x x. My personal inquiries convinced me that the Complaint x x was true, that 2^d accused was a bad character in the village and several times punished"

There was an appeal to the Joint Magistrate and the conviction was reversed.

Case 84.

On the 19th June 1888 a Postal Overseer deposed before the Podile Magistrate that on the 15th March a certain mail runner said he had been assaulted by the 1st accused when carrying ^{the mail} on that day and that the mail had been delayed in consequence for an hour. The 2nd witness was the mail runner. He said that the 1st accused stopped him when he was carrying the mail, that the 1st and 2nd accused beat him so that he fell down, that the 3rd and 4th witnesses came and released him, and that the 3rd witness carried on the mail that day. The 3rd witness said he carried the mail one day when 2nd witness had fever. He said nothing about seeing the assault or releasing 2nd witness, but had heard of an assault. The 4th witness said he saw the 1st accused beat the 2nd witness near a wall in front of 1st accused's house, that 2nd accused was present, that he interfered and took first accused home whilst 3rd witness carried



carried 2nd witness home. He declared that he knew nothing of any assault on 2nd witness whilst he was carrying the mail. Hence the assault he deposed to must have been an assault at a different time and place from the assault deposed to by 2nd witness. What he says of 3rd witness is not confirmed and therefore must be taken to be contradicted by 3rd witness. Moreover he says nothing of the 3rd and 4th accused being present at the assault though 2nd witness said they were.

At this point the Magistrate seems to have come to the conclusion that though his offence under Sec 44 of the Postal Act was proved a prima-facie case had been made out of a common assault by the 2nd accused and under Sec 206 Criminal Procedure Code he asked 2nd accused what he had to say? He said that 2nd witness came to his Pandol drunk one day, that he told 2nd witness to go out, and that as 2nd witness did not go out he pushed and carried him out into the road, striking a blow

at the same time. Obviously this was not
an admission of the charge, but a justifi-
cation of an assault committed under
entirely different circumstances from
those represented by the Prosecution.

The Magistrate in his judgment
delivered on the 17th July sets out the
hear-say of 3rd witness as evidence, re-
fers to the statement of 1st accused as
a confession and makes no mention of
the discrepancies on the evidence.

1st Accused was convicted. There
was no appeal.

Wellington, Collector's office }
13 December 1880 }

J. G. G. G.
Collector.

IV

Collection
Memoranda
referred to.

See: Collection letter
No 4938, of 13.12.80

10129/80

80 just 45/81

ch. just. 42/89/80

10/6/80

See J. D. 14-219

97
Proceedings of the Acting Joint
Magistrate of Nellore under date,
the 19th September 1880. No. 382.
No. 148.

In a petition to the Adile
Sub-Magistrate, dated the 18th June
1880, the Bangalore Cumbum line
Inspector stated, that on the 15th
March 1880, the runner Polugadu
who had to carry the mail from
Chinamaragundam to Renchayab
well, was attacked in the way by

(1) M. Rayalu, karnam of Chinamaragundam,
(2) Niyavarappa, (3) R. Venkatal,
and (4) C. Poliah. They beat him,
threw away the mail-bag, and
caused disturbance. The runner
had to return to the previous
stage, and despatch the mail
bag by another cooly. This was
a complaint under Section 44,

however it appeared to me that the mail

Post Office Act. Perdayya (The Overseer)
deposed before the Sub-magistrate.
as above - from a report (not pro-
duced) given by the runner.

2. 2^d witness (G. Poligadu) deposed
that sometime ago he and some
other runners (washermen) brought
an arrack case against the 1st
defendant. Three months ago
one day at about 5 P.M. he
was carrying the tappal, the 4
defendants came across him. -
1st defendant abused him.
1st and 2^d defendants gave blows
on his neck, and he fell down.
The 3^d and 4th defendants though
present, did nothing. All went
away. Returned with V. Guraviah,
H. Chinnakondiah, P. Chirravadu.
Guraviah carried the bag that
day. There occurred a delay of one

one hour.

The 3^d witness, V. Guraviah, said he only carried the tappal 2 days for 2^d witness. It was 2 months ago. The 2^d witness was then suffering from fever. Here some hearsay is recorded by the Sub-Magistrate.

3. 4th Prosecution witness —

A. Kondiah, deposed that he saw one evening the 1st and 2^d defendants and 2^d Prosecution witness, near the well, in front of the 1st defendant's house. The 1st defendant was beating the 2^d Prosecution witness. Saw the 1st defendant give 3 blows to the 2^d Prosecution witness. This was 3 months ago. The 2^d witness was lying down. The 3^d witness took the 2^d witness to his house.

4. The man, Chiravai, was not examined.

however it appeared to me that the man

5. It seems then that the
3^d witness denied all knowledge
of the matter. Something, however,
that he had heard, was record-
ed as evidence by the Sub-Ju-
-gistrate - who also appears to have
received, as evidence, a statement
by the Overseer, of the contents of
some written complaint, made to
him by the runner (2^d witness). The
evidence of the 4th witness did not
agree with that of the 2^d witness. He
spoke of an assault that was com-
-mitted by the 1st defendant near
a well, opposite to 1st defendant's
house. He mentioned the 2^d
defendant as present, but did
not say anything of the 3^d and
4th defendants, nor of Chiravadu.
He said that 3^d witness took the
2^d witness away. Chiravadu was
not called.

6. Though the evidence was such, the 1st defendant was asked what he had to say to the charge (no charge technically so called was framed) and it does not appear except from the judgment what was meant by the term. The 1st accused then explained that the runner came, one evening, drunk to his pandal, and was walking up and down. She took him to the street, where he fell down being drunk. She admitted that he gave him a blow at the time.

7. In his judgment, the Sub-Magistrate begins by referring to this statement of the 1st accused. Then quotes the supposed evidence of the 1st witness derived from a report (not produced) sent to him by the runner. Next mentions that the 2^d witness deposed accordingly. Then notices with approval the hearsay evidence of the 3^d witness, and however it appeared to me that the was

lastly accepts the ^{1st} statement of the
4th witness that 1st cause he beat
the 2^d witness near the ^{3^d} accused's
house. Not one word is said of the
discrepancies between the statements
of these witnesses.

8. The judgment is neither signed,
nor dated, nor does it contain the
finding and sentence. The sub-jur-
-gates' attention is called to Section
464, C. P. Code.

9. This case should have been
dismissed. It was possible to
believe a word of evidence for
the prosecution. The statement of
the accused, that he had struck
the complainant in bringing him
out of his pandal when drunk
and abusive, is not such an
admission of the commission of an
offence as would fall under
Section 324, I. P. Code. Obviously
the accused thought himself

himself, and, under the circumstances stated by him, he was quite justified, in giving, if necessary, a blow to the Complainant. Jb

10. This Case shows: 1st, that the Sub-Magistrate is ~~un~~acquainted with the Elementary Rules of Evidence: 2nd, that the Sub-Magistrate has no power or fails to exercise the power⁸⁰⁰ if he possesses it, of correct appreciation of Evidence.

11. The Sub-Magistrate's summary of the evidence in his judgment is not full enough. Discrepancies where they exist, should not be kept out of sight. The attention of the Sub-Magistrate is called to the Evidence Act of 1872.

Sd/ J. V. D. Hardinge
M. Joint Magte

/True copy/

W. Hardinge

M. Joint Magte.

J. N. 21.9.80

however it appears to me that the man

du 14/249/1

10/19/10

No. 230

To J. V. B. Hardinge Esquire,
Joint Magistrate,
Koller District.

Sir, As ordered in Angur Pro-
ceedings of the 16th Instant, I humbly
beg to enclose Record of Case
No. 44. Extract of my Diary in that
Case and the copies of Calendar
and Judgment in Case No. 45.

I further beg to submit
that the long delay in the disposal
of the case No. 44 was due to my
having been on circuit on several
occasions as might be seen from
the Diary Extract and the inabi-
lity of the parties and witnesses
to appear before me on the appointed

however it appeared to me that the man

days. The 3rd witness for the defence
had been in the "Common Taling"
and there was delay in his —
coming here. The trial was
commenced on the 4th April. As
cross-complaints had been filed
by me by both the parties
against one another and as one
of them was dismissed in case
No. 45, I thought of making private
enquiry as to the truth of the
other case No. 44 and adjourned it
to the 8th instant. My personal
enquiries convinced me that the
complaint in Case No. 44, was true,
that 2nd accused was a real —
character in the 1st and several
times punished. After adjourning
the case from day to day, both
the parties were present again
on the 12th May, and the trial
resumed. One defence witness,

Case was.

Prize, -
26th July 1882

was examined that day.
The defence witness was present
examined on the 21st Idem. The
3rd defence witness who had been
in the Cumbium Sahy, appeared
before the Court on the 24th June,
when the Complainant was absent.
On 30th June, the said witness and
the parties were present and the
ultimately disposed of.

I beg to remain,
Sir,
Your most obedient servant,
(Signed) N. V. Deshagiri Rao,
2nd Class Magistrate.

(True Copy)

B. K. K. K.
Acting Joint Magistrate

however it appeared to me that the man

10022/90
Judgment in Appeal Case
No. 7 of 1880 on the file of the
Joint Magistrate of Kallase.

From what Court the ap- } The Court of
peal is preferred — } the 2^d class Ma-
gistrate of Podily.

No of the case in that Court — No 44 of 1880

Number of the appeal. No 7 of 1880

Name & description of appellant: Velagapudi
Kondiah.
Brahmin. Cultivator.

The sentence & law under } 25 Rs fine in
which it was imposed in } Sec 116 of
the Lower Court — } 182 I. P. C.

Whether confirmed, modified } Reversed.
or reversed — }

A complaint petition dated the
22^d March was presented to the 2^d class
Magistrate of Podily by one Suremalla
Potuffa, charging Soorapara Subbiah

however it appeared to me that the case

and Velagapoodu Kondiah (both of
Potalapudi village) with giving false in-
formation to a public servant (the
Police Inspector of the Taluq) with a
view to cause him to use his lawful
powers to the injury of him^{the} petitioner. This
petition set forth that this offence was com-
mitted 2 months before the date of petition.

The information said to have been given to
the Inspector was to the effect that the pe-
titioner had torn up an official letter
written in the name of Village Magistrate
of Kandallapally to the Station Offi-
cer of Rayawaram informing him that
one Mala Tama Narigandoo of Kun-
dallapally had beaten his wife. It
was further stated that one Muvvala
Chinnabotiah even heard the 2^d defen-
dant threatening Narigandoo to in-
duce him to give evidence that the

20
report was run up. A list of 4 witnesses
was appended (1) Vama Narigandoo (2)
His wife (3) M. C. Kurakotiah (4) Sack Inagon.
The Police Inspector was also said to have
inquired into the truth of the alleged tearing
up of the paper and decided that it was un-
true.

2. On the 1st April the whole case for prose-
cution was completed. The complainant
(1st witness for prosecution) then stated as his
reason for not complaining till 2 months
after the date of offence that he had "press
of work". He added that ^{2 witnesses} Mucenku Guruppla &
Shait Inaam were present when the 1st and
2nd defendants were giving false information
to the Police Inspector.

3. The 2nd witness V. Narigandoo said he had
quarrelled with his wife & that the Inspector
came to his village & took him to Patalgand
where inquiry was made. He was dismissed
with a caution. On the way to Patalgand
however it appeared to me that the man

the 2^d defendant Roudia & the Village
Munsiff, of Potalapand, Kotiah told him to
say to the ^{Police} Inspector that the complainant
Kotappa had torn up a plot regarding the
quarrelling in his ^(witness) house; that he refused to
do so as he knew nothing of the matter. The
Inspector did not ask anything about it. The
Inspector was in front, then 2^d defendant, then
Kotiah, then Narigandoo, then his wife Mar-
vala Chinakotiah & Shaik Nazam, saw them
from a garden close by the way.

4. The 3^d & 4th witnesses (Marvala Chinakotiah & Shaik Nazam) said they saw the
procession of the Inspector - passing their
garden at 5 P.M. about 2 months back. The

Inspector was 20 yards in front of 2^d de-
fendant. They heard the 2^d defendant and
Village Munsiff asking Narigandoo to
tell the Inspector that the report had

been torn up by Rotuffa. The witnesses however were not quite at one in their depositions. Nor did they agree with Narigandoo, for whereas Narigandoo omitted all mention of the presence of the 1st defendant in the procession from Pundallapully to Potalapand, Chinakotiah said the 1st defendant was there heading the procession. Shaik Mazoon said the 1st defendant was there, but he walked next to the Inspector. Moreover Shaik Mazoon further differed from Chinakotiah & Narigandoo in stating that the Village Munsiff of Potalapand and 2d defendant walked together, whereas Chinakotiah & Narigandoo had said the Village Munsiff walked ^{behind} the 2d defendant.

5. The 5th witness Musaku Guravadoo (one of the 2 after thoughts) said the Inspector came to his village Potalapand and sent for him. On going he saw 2d defendant however it appeared to me that the man

who was present telling the Inspector that complainant had forcibly taken the report & torn it up. The 1st defendant was also present, but he was not heard to say anything.

6. The 6th witness Shait Inam (the other afterwards) a Muslim said he brought Rasuk Gurudoo to the Police Inspector, as he was ordered to do so by 2nd defendant. On arriving found the door open the 1st & 2nd defendants were with the Inspector. Heard the 2nd defendant tell the Inspector that the complainant had picked up the Randallapally (Narigan-doo's village) report.

7. On the same day (1st April) the 1st and 2nd defendants gave statements to the effect that they made no complaint against the complainant to the Police Inspector. Nothing is said about witnesses & it does not appear from the record that they were

asked if he had any.

8. The case was adjourned without any reason (recorded in the diary or record of case) until the 8th April: when, as the complainant was not present (although the defendants were present) the case was adjourned till the 9th and again for the same reason was adjourned from the 9th to the 19th April. On the 19th the parties were not present & the Court was on circuit: so the case was adjourned till the 26th. Again for the same reason the case was adjourned from the 26th April till the 5th May. There the parties even got notice of these adjournments does not appear: and from the fact that they did not attend on the days fixed it seems impossible they could have had notice unless summonses had been issued & that was not done till the 5th of May - when all parties were summoned to attend - however it appeared to me that the case

on the 11th May. On the 1st the defendants
were present. but the complainant was
for the 3rd time absent. The case was adj-
ourned till the 12th May (1st day). On
the 12th the parties being present. the 2
defendants were re-examined. They then
called witnesses - the Police Inspector &
2 others. Of these the Police Inspector
was examined. Summonses are issued for
the attendance of the other 2 defence wit-
nesses on the 21st May. In the 21st May
the 2nd defence witnesses appeared and deposed.
It is stated in the diary that as the evi-
dence of the 3rd witness (said to have gone
to Ravipand, Karnool District) seems to be
material a summons is issued to him to
appear on the 3rd June. On 3rd June the
3rd witness did not appear & a 2nd summons
was issued for him to appear on the 21st
June. On the 21st June the parties were

not present - so the case was adjourned till
the 24th June. On the 24th the defendants
and the 3^d witness were present but not the
complainants - so the case was adjourned till
the 28th. On the 28th the parties were not
present - so the case was adjourned till
the 30th June when the evidence of the 3^d wit-
ness (defence) was taken and the case
finally disposed of.

9. The Police Inspector - 1st defence witness
stated that the Karam of Randall fully
Somayazula Karisiah (3^d defence witness)
told him that 7 or 8 days previously some
Mala had beaten his wife, that he, the
Karam, at once sent a report to the Sta-
tion, but that it was torn up by complai-
nant. Some one had told him so. He de-
nied that the 2 defendants ever told
him anything about this, against the com-
plainants
however it appeared to me, that the

complainant.

10 The 2^d defence witness Kotireddy Vel-
Lage Munsiff of Patalapand. said he knew
nothing of the case and denied that he and
the 2^d defendant ever asked Narigandoo
to say anything in the matter.

11 The 3^d defence witness S. Nassiah Kamm
of Randallapully denied that he had
even told the Police Inspector that the
complainant had torn up a report sent
by him to the Rayavaram Station Officer,
regarding a quarrel in Narigandoo's house.
But did not deny - and he apparently
was not directly asked whether he had
or had not written and despatched such
a report.

12. The 2^d class Magistrate of Pondy in
his judgment on the evidence above set
out says as follows:- "It is distinctly
proved by the evidence for the prosecution

that on the morning of the ^{2nd} date of offence
2^d accused told the 2^d witness for the pro-
secution to take falsely before the Po-
lice Inspectors then presents that the com-
plainant had previously torn away a
cover to the address of the Station Officer of
Rayavaram, and that the 2^d witness
refused to comply with the requisition.
Accused deny the charge. The defence evi-
dence is not of an important nature. The
2^d accused has twice been formerly sen-
tenced to imprisonment for a period of one
month on each occasion for offences com-
mitted under sec 323 I.P. Code. He is
a bad character and I doubt not that he
had abetted 2^d witness for the prosecution
to give false information against the com-
plainant with dishonest intention. This
2^d accused had lately brought a case
however it appeared to

against the complainant his relations, after the filing of this case, it was disposed as no offence in Calcutta No 45 of 1880. I consider the 2^d accused deserves punishment."

13. Now in the first place I consider that the Sub Magistrate had no jurisdiction to enquire into such a case as this at all. It was of an officer under Secs 177 & 182 I. P. Code. Sec 467 of the C. P. Code says that complaints of officers falling under Chapter X of the I. P. Code not falling within Sec 435 or 436 of the Act, shall not be entertained in any Criminal Court except with the sanction or on the complaint of the public servant concerned or of his official superior. The 2^d class Magistrate of Pootah is not so far as I know the official superior of the Police Inspector. No allusion is made to this point

by the Deputy Sub Magistrate. 575

14. Having however this technical objection in the 2^d place I consider the evidence for the prosecution to have entirely failed. No evidence was given regarding the letter at all. There was nothing to show that the letter was not in fact torn up by the complainant. The evidence tendered was only as to the fact that a complaint to that effect was made by the accused to the Inspector. Moreover the evidence such as it was was full of discrepancies. The witnesses who tried to show that Narigandoo was being tempted with ~~to~~ give different stories, and their stories, and Narigandoo's, are not at one. The witnesses to from the direct complaint to the Police Inspector were "after thoughts" - not mentioned in the complaint petition. Further

however it appears

• Further the complaint was laid two months after date.

15. In the 3^d place the defence evidence is to my mind of a highly important nature. The Police Inspector denied, and his evidence is surely to be taken before that of the 5th and 6th prosecution witnesses, that any complaint was made to him by the 1st and 2^d defendants. The 2^d defence witness - a Village Magistrate denied the truth of Narigandoo's evidence.

16. The Sub Magistrate says the 2^d defendant deserves to be punished as he was a bad character twice previously convicted of theft. He also alleges against him that he had brought a charge against the complainant & his relations subsequently to the filing of the complaint against him, which was supposed as false.

2/0

false. Neither of these facts ought
to have been mentioned.

18. I have no doubt the charge is a false
one and annul the conviction of the
2^d defendant and order that the fine
Rs 25 (which was collected) be re-
funded to him

17. In acquitting the 1st defendant the
Sub Mag^{tr} showed that he did not be-
lieve the evidence of the 5th and 6th Pro-
secution witnesses.

On file } Signed / T. V. D. Harding
16th September 1880 }
By Joint Mag^{tr}

/ True copy /

By Handover
By Joint Mag^{tr}

Date 8-			
Present	Present	Hearing	Order
24.7.80	27.7.80	16.9.80	16.9.80

look of the Salas: is
 alleged & that the
 the question is whether
 he is fitted to exercise
 the high magisterial
 powers of a Class
 with which he is at
 present invested or
 to be a master of any
 class and that this
 is a matter beyond
 the Board's decision -
 Mr Gross later embodied
 in Board's proceedings

23/1/-

Medical Officer, favoring the
 woman's innocence; the Sub
 Judge did not have occasion to the
 proportionate application of the Head
 Constable for a fortnight's absence,
 "to make further inquiries" -
 is conclusive evidence of
 either an inability or a
 rashness of character quite
 incompatible with the responsible
 functions of a Taluk Magistrate.

9. The ^{behaviour} conduct of the Station
 House Officer in the conduct
 of the case will be considered
 a subject matter by the J. & C.

To Mr. Reg. ^{10/1}
 To all District Magistrates ^{10/1}
 To J. & C. Secy.
 Gazette

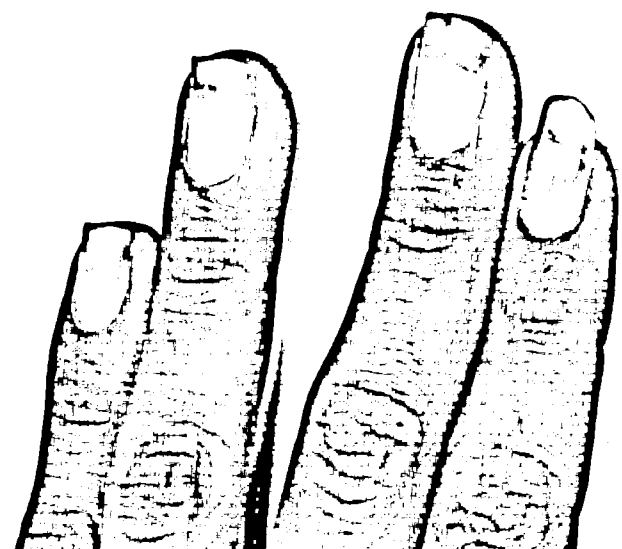
150

378

summarizes the case against
the sub-mayor

87.7
87.7
87.7

SECTION 102

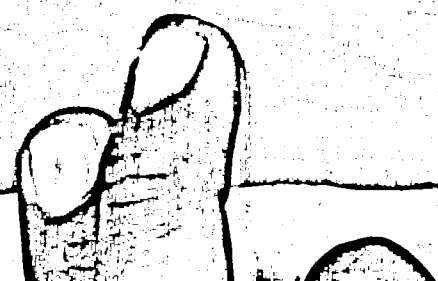


Wm. L. Hughes, Boston
Yellow Ball

FOR ORDERS.

Wm. L. Hughes, Boston

cb/1



Revenue Department

No. 14162

Proceedings of the Board of Revenue
Dated 21st December 1880.

Read the following letter from J. Grose Esquire, Collector of Bellary to C. A. Galton Esquire Secretary to the Board of Revenue, Madras, dated 13th December 1880 No 4938.

At the instance of the Joint Magistrate I have the honor to submit the records in cases 70 (Preliminary Inquiry) 44 & 84 of 1880 on the file of Main Jagiri Tunkarra Seshagiri Row Deputy Tahsildar and 2nd class Magistrate of Podili with the letters of the Joint Magistrate forwarding them. In the first of these letters the Joint Magistrate says he forwards record in case 44 that the 2nd class Magistrate may be deprived of at any rate second class Magistrate Powers. On carefully going through papers however it appeared to me that the man

17-9-80, No 142

18-9-80, " 143

19-9-80, " 147

had shown unfitness to be entrusted
with any Magisterial powers whatever.
Moreover I am of opinion (in which after
demi-official communication I find
the Joint Magistrate wholly concurs)
that it is necessary that the Dy Tahsildar
at Podili should have second class
powers as otherwise the interests both
of the people and Government will suffer.
It follows that if our views are con-
firmed by higher authority, N.
Venkata Seshagiri Row must be removed
from Podili and degraded. He is
drawing Rs 100 a month now. The best
place (not requiring Magisterial powers)
which I could give him under existing
circumstances is that of Head Ac-
countant in my office on Rs 85. Hence
I consider it my proper course (though
the substance of my letter will concern
Magisterial matters, to address the
Board of Revenue.

2. The N. Venkata Seshagiri Rao concerned is the man who was removed from the post of Tahsildar of Abemakur by G. O. 22^d August 1882/1346.

3. I enclose a Memorandum which sets out the facts of the 3 cases to which I am about to refer.

4. In the first case (Go. Preliminary Inquiry) the Magistrate misused his powers by remanding a woman on a shameful charge after it became clear that there was only the faintest and most inconclusive evidence against her. He kept the woman under trial from the 4th May to the 3^d June & issued a warrant subjecting her to the indignity of being personally examined for marks of miscarriage by the Apothecary in charge of the Hospital at Ongole. I have no doubt that this warrant was utterly illegal, but I know this point is one on which well-informed officers differ, so do not

re. Inquiry
no 70-

dwell on its illegality. At all events
the cruelty and impropriety of issuing
such a warrant under these special
circumstances are very manifest.

5. In the second case (44) the Magistrate, C. L. C.
tried a case when he was without
jurisdiction to try it, proceeded with
the case when he ought to have dis-
missed it, convicted a man when
he certainly ought to have acquitted
him, allowed his judgment to be
biased by the results of private
inquiry: &c, and cloaked his injustice
by writing a judgment which omitted
all reference to the points which told
in favour of the accused and said that
the case against him was "clearly proved,"
whereas it was not and that the
evidence for the defence was "unimportant"
though it was in fact most important.
In this case there was an appeal
and the conviction was reversed.

6. In the third case (54) also the C. L. C.

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Magistrate convicted when he certainly
ought to have acquitted. His judgment
places reliance on mere hearsay, speaks
of a statement of the accused as a
confession whereas it was not a con-
fession and makes no mention of
the discrepancies in the evidence which
were such as to deprive it of credibility.
There was no appeal.

7. The misuse of magisterial powers
and obliquity of judgment caused
by the Magistrates concentrating
attention on facts which common sense
and the law of evidence ought to have
made him put out of sight & refusing
his attention to facts which ought to
have been prominently before him is so
confirmed, and when combined with
his method of working judgments is
so dangerous that I do not think
warning would be of any use. The
list of 8 cases in which the joint

Magistrate had had to find fault with the Podili Magistrate since the beginning of the year (besides this) shows that he cannot be controlled in the ordinary way. So long as he remains a Magistrate I fear the people will be oppressed and the interests of justice will suffer.

8. It seems to me to follow that N. Venkateshagiri Row must be degraded to a post where he will have no Magisterial jurisdiction. It may at first sight seem harsh that he should be punished so heavily since all Magistrates are liable to make mistakes at times and no dishonest motive is alleged but mistakes. I have mentioned (and which by the way can only be properly finished on examining the records) are of a different nature from ordinary mistakes or such mistakes as could

U. P.
be made through mere ignorance or stupidity.
Moreover Mr. Venkata Seshagiri Row
is neither ignorant nor stupid & has
been familiar with work of a magistrate
for many years.
9. I enclose the letters of the Joint Magis-
-trate submitting the records with trans-
-lations of all important papers in those
records, the Joint Magistrates' Appeal
Judgment with regard to Case 44 &
his proceedings in Case 84 & the List
of Cases disposed of by the Podili Ma-
-gistrate in which he had incurred the dis-
approval of the Joint Magistrate since
the beginning of the year.

The Board observe that mis-
-conduct on the part of the Deputy
Tahsildar of Podili is not alleged.
The sole question is whether he is fit
to exercise the high magisterial powers
with which he is at present invested or
indeed to be a magistrate of any class.
2. This is not a matter for the decision
of the Board of Revenue: & the collector

letter and enclosures will be forwarded
to Government in the judicial Department.

3. In the event of V. Sahagiri Rao
being deprived of his judicial powers
it will of course be necessary for the
Collector to provide him with a post
involving only Revenue duties.

(True Copy & Extract)

City
Secretary

To
The Secretary to Govt. of D.
With 15 original enclosures.

By J. B. B. B.
C. B. B. B.
B. B. B. B.

22-1-70-1046

Full. (1000/Dep.
(Magistrate)

19/5/08

No: 4249

Trans B. of C. C. C.
of 21st Dec 2

No. 1462

Trans B. of C. C. C.
of 21st Dec 2

Trans B. of C. C. C.

No. 14

Under the provisions of Sec.
54 of the T. P. C. Act 1884.
The Govt. in Council is pleased
to cancel the magisterial
powers with which hands.
giri Venkata Satchidan
Rao, Dy. Tahsildar of
Pothil in the Dist. of
Belgaon, is invested.
(From order) 8/3
8/3

Gazette.

8/1-



13/8/98 ✓

Govt. of 1881 Madras

Just

Gazette

12th Aug 1881, No. 45

Nos. 41-42

Subordinate magis-
-trary. The removal of
N. V. Seshagiri Row, Esq.
Jahs & Sub magis of
Todili from his present
post to that of Head
Accountant in the No
6 Collyer's Office, as
proved, and the powers
of the Sub magis,
cancelled.