

(1) Number of pages 20(2) Date of repair 8-12-39(3) Initials of the Referencer C. J. R.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	<u>1628</u>	Press Mis.
Dated	<u>25.7.</u>	<u>1887.</u>

*Original*Not to be folded or roughly handled

28/

No. 1218, dated Calcutta, 23rd May 1857.

From—The Controller of Military Accounts, Bengal,
To—The Secretary to the Government of India, Military Department.

WITH reference to Article 491, Army Regulations, India, Volume I, Part I.,

Endorsement, dated the 21st April 1857, from the
Pay Master, North-Western Provinces Circle, with 2
enclosures.

Endorsement, dated the 2nd May 1857, from the
Presidency Pay Master, Calcutta.
(To be returned.)

I have the honour to forward the cor-
respondence as per margin, and to state
that the requirements of the case will be
met if District Officers are required to in-
form the Pension Pay Master concerned
whenever a military pensioner in his circle is sentenced to imprisonment.

No. I.P.S.₆₁, dated Camp Partabgarh, 20th April 1857.

From—The Deputy Pay Master, North-Western Provinces Circle, 1st Pension
Division,

To—The Controller of Military Accounts, Calcutta, through the Pay Master, North-
Western Provinces Circle.

I HAVE the honour to submit for your orders the accompanying papers
as per margin, in connection with the

(1) Translation of judgment in re Musammat Surji,
plaintiff, versus Pran and Jehangir, defendants,
charged under section 325, Indian Penal Code.

(2) Release certificate.

trial and conviction of Pensioned Havildar
Pran Khan, late of the 16th Native
Infantry general No. 47087.

2. Havildar Pran Khan was convicted under section 325 of the Indian
Penal Code, for causing grievous hurt to a woman residing in his village and
was sentenced to undergo three months' rigorous imprisonment and to pay a
fine of Rs. 10.

3. The crime was perpetrated by him on the 15th August 1856, but he
was committed to the jail on the 11th September 1856 and released on the 11th
December 1856.

4. The pensioner had been absent during the last half-yearly pension pay-
ment and no intimation of his trial and conviction was received in this office. He
was, therefore, called upon, on the present occasion, to show cause as to why he
was absent during the last payment. He pretended that he was sick; but when
pressure was brought to bear upon him, he could no longer conceal the fact of
his imprisonment, and at last, with great reluctance, he declared that he was in
jail.

5. In the absence of proper information it is very difficult for this
office to bring home the offenders to a confession of their guilt. I deal, there-
fore, with cases where the term of imprisonment is short. I would beg to suggest
that District Officers may be instructed to give due notice to the Pension Pay
Officers concerned of the trial and conviction of a military pensioner.

6. The adoption of this measure will materially assist this office in the
detection of crime committed by pensioned soldiers, as in instances like the
present the delinquents have every facility of defrauding Government.

Endorsed by the Controller of Military Accounts.

To the Presidency Pay Master for any remark he may have to offer on the
suggestion in paragraph 5.

No. , dated 21st April 1857.

Endorsed by the Pay Master, North-Western Provinces Circle.

FORWARDED.

TRANSLATION OF JUDGMENT IN CASE NO. 11-9, SERIAL NO. 136.

Decided by PUNDIT KANOUJI LAL MISE, Extra Assistant Commissioner, Partabgarh,
on the 6th September 1886.

MCSAMAT SURJI, Plaintiff,

Versus

PRAN AND JEHANGEER, Residents of Village Ramnagar, Tahsil Partabgarh.

Charge—Causing grievous hurt under section 325 of the Indian Penal Code.

Judgment.

The facts of this case are that Pran, the defendant, asked the plaintiff's son to serve in his field, but he was persuaded by his mother, the plaintiff, to reject the offer, and this exasperated the defendant against the plaintiff.

On the 15th August 1886, Rahmat, the plaintiff's son, was digging a drain near the field of the defendant, and in the process of digging he collected the earth near the field. The defendant, on going out to inspect his field, saw the drain and the earth heaped upon his field. He at once made for the plaintiff, who was then sitting at her door, and began to abuse her for having dug the drain. The plaintiff denied having any knowledge of the drain, and an altercation thereupon ensued between her and the defendant, and as the latter was meditating an encounter with the former for dissuading her son to serve in his field, he availed himself of his opportunity and struck the plaintiff with a *lathi* on her left hand and broke her wrist.

The defendant, on being called upon for his defence, denied the charge of beating the plaintiff with a *lathi*, but said that on a certain day the latter's cattle was grazing in his field, so he was driving the animals to the cattle-pound, when her son came up and resisted him. Just at this time the plaintiff herself arrived at the spot with a *lathi*, and the defendant, apprehending lest she should attack him with the club, snatched it from her hand, and in the act of snatching the *lathi* the plaintiff fell down to the ground and broke her wrist. He also produced two witnesses to corroborate his statement, but their evidence cannot be relied upon as they were related to him, and their testimony rather created the impression that they were concocted.

The medical examination proved that the plaintiff was beaten by a *lathi*, and that the dislocation of her wrist was the result of the beating sustained by her. The plaintiff's eye-witnesses also testify to the fact of her being struck by a *lathi* by the defendant. The charge, therefore, of causing grievous hurt is established against the defendant No. 1, who is sentenced to three months' imprisonment with hard labour and to pay a fine of Rs. 10, or, in default, a further imprisonment of one month.

As there is no evidence against Jehangeer, the other defendant, as to his participation in the affray, he is discharged.

Name, father's name, caste, age, and residence.	Crime and sentence.	Sentencing officer.	Date of sentence.	Date of release.
Pran Khan, son of Budhai Khan, caste Musulman, Pathan, age 55 years, village Ramnagar, Partabgarh.	Section, 325, Indian Penal Code, 3 months rigorous imprisonment and a fine of Rs. 10, or one month more. Fine paid in full.	Misr Kanouji Lal, Extra Assistant Commissioner, Partabgarh.	11th September 1886.	11th December 1886.

S. P. BOND,
Superintendent of Jail.

PARTABGARH JAIL OFFICE,

The 15th April 1887.

43

No. 1224, dated Camp Dinapore, 27th April 1887.

From—The Deputy Pay Master, Presidency Circle,
To—The Presidency Pay Master.

WITH reference to your Memorandum No. 297, dated 26th April 1887, I beg to state that I entirely concur in the suggestion noted in paragraph 5 of the Deputy Paymaster, 1st Pension Section, North-Western Provinces Circle's letter No. ^{L.P.S.} 61, dated 20th April 1887, that Civil Officers in whose Court a pensioner is convicted and imprisoned for felony or other misconduct, the nature of the case, and amount of punishment awarded should be reported, without delay, to the Paymaster of the Circle to which the pensioner belongs, this being indispensably necessary for the guidance of the decision of Government (*vide* Army Regulations for India, Volume I, Part II, paragraph 491) in such cases.

The accompaniments of your memorandum are herewith returned.

Dated 2nd May 1887.

Endorsed by the Presidency Pay Master.

FORWARDED to the Controller of Military Accounts.

G. C. B. Press Simla, — 20. 23011. D — 6-7-87. — 290.

Ind. 3024/87.

G. C. B. Press, Simla, — No. 529 H, D. — 7-7-87 — 311.

No.

FROM

A. P. MACDONNELL, ESQ., ^{CS.},
Secretary to the Government of India,

TO

The Chief Secy to Government,
Madras.

Home Department,
Judicial.

Simla, the 7 July 1887.

SIR,

I AM directed to forward a copy of the papers marginally noted, in which it is suggested that when a military pensioner is convicted and sentenced to imprisonment in a criminal court, the facts of the case should be reported without delay to the Pension Pay Master of the Circle to which the pensioner belongs, in view to action being taken under paragraph 491 of Part II, Volume I, of the Army Regulations for India. I am to request that, with the permission of *His Excy. the Govr. in Council*, the necessary instructions may be issued to District Officers in *the Madras Presidency* on the subject. The reports should contain information regarding the nature and circumstances of the offender's crime and the amount of imprisonment to which he was sentenced.

I have the honour to be,

SIR,

Your most obedient Servant,

A. P. Macdonnell

Secretary to the Government of India.

TT

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63/6/52803291-528

7.7.87. Simla. Secy to Govt.

CHIEF SECRETARY
15 JUL 87
GOVERNMENT OF MADRAS

25/7

6

CURRENT NO. 3024

Judl. DEPARTMENT.

From

Govt. of India
Home Dept.

25 July 1878 No. 1628

Comd to all District
Magistrates and Session
Judges and to the Chief
Presidency Magistrate Madras.

For information and
guidance.

No. 16
1132

Dated 8th }
Received 10th } July 87.

Enclosures 1. with 7 s.c. & 9 s.c.
of letter.

SUBJECT.

Directing that when a
military prisoner is convicted &
sentenced to imprisonment in a
criminal court, the facts of the
case should be reported to the
Resident Magistrate of the circle
to which the prisoner belongs.

Wall & Magte — 170
— Sep. Judge. Desps 878
— Ch. Pres. Magte Madras. 11
— Dy. Magte. 11
— Com. of Police Madras. 6
— Res. Magte. 6

c22/7
23/7/7

over

1628
25 July 1878
Desps 10/8/87

The Collectors of
The District Magistrates of

Anantapur.
North Arcot, Chittoor.
South Arcot, Cuddalore.
Bellary.
South Canara, Mangalore.
Chingleput, Saidapet.
Coimbatore.
Cuddapah.
Ganjam, Chatrapur.
Godavari, Cocanada.
Kistna, Masulipatam.
Kurnool.
Madras (when necessary).
Madura.
Malabar, Calicut.
Nilgiris, Ootacamund.
Nellore.
Sale.
Tanjore.
Tinnevely.
Trichinopoly.
Vizagapatam.

9

11

Justified 1628
27. 25 July 1897
Despatch 8787

District and Session
Judge of

- North Arcot, Chittoor.
- South Arcot, Cuddalore.
- Bellary.
- South Canara, Mangalore.
- Chingleput.
- Coimbatore.
- Cuddapah.
- Ganjam, Berhampore.
- Godavari, Rajahmundry.
- Kistna, Masulipatam.
- Kurnool.
- Madura.
- North Malabar, Tellicherry.
- South Malabar, Calicut.
- Nellore.
- Nilgiris, Ootacamund.
- Salem.
- North Tanjore, Tranquebar.
- South Tanjore, Tanjore.
- Tinnevely, Palanyottah.
- Trichinopoly.
- Vizagapatam.

10

13

GOVERNMENT OF MADRAS.
JUDICIAL DEPARTMENT.

READ—the following paper:—

From A. P. MacDONNELL, Esq., Secretary to the Government of India, Home Department (Judicial), to the Chief Secretary to the Government of Madras, dated Simla, 8th July 1887, No. 16—1132.

I am directed to forward a copy of the papers marginally noted, in which it is suggested that when a military pensioner is convicted and sentenced to imprisonment in a criminal court, the facts of the case should be reported without delay to the Pension Paymaster of the circle to which the pensioner belongs, in view to action being taken under paragraph 491 of Part II, Volume I, of the Army Regulations for India. I am to request that, with the permission of His Excellency the Governor in Council the necessary instructions may be issued to district officers in the Madras Presidency on the subject. The reports should contain information regarding the nature and circumstances of the offender's crime, and the amount of imprisonment to which he was sentenced.

ENCLOSURES.

From the Controller of Military Accounts, Bengal, to the Secretary to the Government of India, Military Department, dated Calcutta, 23rd May 1887, No. 1218.

With reference to Article 491, Army Regulations, India, Volume I, Part I, I have the honor to forward the correspondence, as per margin, and to state that the requirements of the case will be met if district officers are required to inform the Pension Paymaster concerned whenever a military pensioner in his circle is sentenced to imprisonment.

From the Deputy Paymaster, North-Western Provinces Circle, 1st Pension division, to the Controller of Military Accounts, Calcutta, (through the Paymaster, North-Western Provinces Circle), dated Camp Partabgarh, 20th April 1887, No. I.P.S.—61.

I have the honor to submit for your orders the accompanying papers, as per margin, in connection with the trial and conviction of pensioned Havildar Pran Khan, late of the 16th Native Infantry, general No. 47087.

- (1) Translation of judgment *in re* Musammat Surji, plaintiff, *versus* Pran and Johangeer, defendants, charged under section 325, Indian Penal Code.
- (2) Release certificate.

2. Havildar Pran Khan was convicted, under section 325 of the Indian Penal Code, for causing grievous hurt to a woman residing in his village, and was sentenced to undergo three months' rigorous imprisonment and to pay a fine of Rs. 10.

3. The crime was perpetrated by him on the 15th August 1886, but he was committed to the jail on the 11th September 1886, and released on the 11th December 1886.

4. The pensioner had been absent during the last half-yearly pension payment and no intimation of his trial and conviction was received in this office. He was, therefore, called upon, on the present occasion, to show cause as to why he was absent during the last payment. He pretended that he was sick; but when pressure was brought to bear upon him, he could no longer conceal the fact of his imprisonment, and at last, with great reluctance, he declared that he was in jail.

5. In the absence of proper information it is very difficult for this office to bring home the offenders to a confession of their guilt. I deal, therefore, with cases where the term of imprisonment is short. I would beg to suggest that district officers may be instructed to give due notice to the Pension Pay officers concerned of the trial and conviction of a military pensioner.

6. The adoption of this measure will materially assist this office in the detection of crime committed by pensioned soldiers, as in instances like the present the delinquents have every facility of defrauding Government.

Endorsed by the Controller of Military Accounts.

To the Presidency Paymaster for any remark he may have to offer on the suggestion in paragraph 5.

No. , dated 21st April 1887.

Endorsed by the Paymaster, North-Western Provinces Circle.

Forwarded.

Translation of Judgment in Case No. 11-9, Serial No. 136.

Decided by PUNDIT KANOUJI LAL MISR, Extra Assistant Commissioner, Partabgarh, on the 8th September 1886.

Musammatt Surji, Plaintiff,

versus

Pran and Jehangeer, Residents of village Ramnagar, Tahsil Partabgarh.

Charge—Causing grievous hurt under section 325 of the Indian Penal Code.

Judgment.

The facts of this case are that Pran, the defendant, asked the plaintiff's son to serve in his field, but he was persuaded by his mother, the plaintiff, to reject the offer, and this exasperated the defendant against the plaintiff.

On the 15th August 1886, Rahmat, the plaintiff's son, was digging a drain near the field of the defendant, and in the process of digging he collected the earth near the field. The defendant, on going out to inspect his field, saw the drain and the earth heaped upon his field. He at once made for the plaintiff, who was then sitting at her door, and began to abuse her for having dug the drain. The plaintiff denied having any knowledge of the drain, and an altercation thereupon ensued between her and the defendant, and as the latter was meditating an encounter with the former for dissuading her son to serve in his field, he availed himself of this opportunity and struck the plaintiff with a *lathi* on her left hand and broke her wrist.

The defendant, on being called upon for his defence, denied the charge of beating the plaintiff with a *lathi*, but said that on a certain day the latter's cattle was grazing in his field, so he was driving the animals to the cattle-pound, when her son came up and resisted him. Just at this time the plaintiff herself arrived at the spot with a *lathi*, and the defendant, apprehending lest she should attack him with the club, snatched it from her hand, and in the act of snatching the *lathi* the plaintiff fell down to the ground and broke her wrist. He also produced two witnesses to corroborate his statement, but their evidence cannot be relied upon as they were related to him, and their testimony rather created the impression that they were concocted.

The medical examination proved that the plaintiff was beaten by a *lathi*, and that the dislocation of her wrist was the result of the beating sustained by her. The plaintiff's eye-witnesses also testify to the fact of her being struck by a *lathi* by the defendant. The charge, therefore, of causing grievous hurt is established against the defendant No. 1, who is sentenced to three months' imprisonment with hard labor and to pay a fine of Rs. 10, or, in default, a further imprisonment of one month.

As there is no evidence against Jehangeer, the other defendant, as to his participation in the affray, he is discharged.

Name, father's name, caste, age, and residence.	Crime and sentence.	Sentencing officer.	Date of sentence.	Date of release.
Pran Khan, son of Budhai Khan, caste Mussulman, Pathan, age 55 years, village Ramnagar, Partabgarh.	Section 325, Indian Penal Code; 3 months' rigorous imprisonment and a fine of Rs. 10, or one month more. Fine paid in full.	Misr Kanouji Lal, Extra Assistant Commissioner, Partabgarh.	11th September 1886.	11th December 1886.

PARTABGARH JAIL OFFICE,
15th April 1887.

(Signed) S. P. BOND,
Superintendent of Jail.

From the Deputy Paymaster, Presidency Circle, to the Presidency Paymaster, dated Camp Dinapore, 27th April 1887, No. 1224.

With reference to your memorandum No. 297, dated 26th April 1887, I beg to state that I entirely concur in the suggestion noted in paragraph 5 of the Deputy Paymaster, 1st Pension Section, North Western Provinces Circle's letter, No. I.P.S.—61, dated 20th April 1887, that Civil officers in whose court a pensioner is convicted and imprisoned for felony or other misconduct, the nature of the case, and amount of punishment awarded should be reported, without delay, to the Paymaster of the Circle to which the pensioner belongs, this being indispensably necessary for the guidance of the decision of Government (*vide* Army Regulations for India, Volume I, Part II, paragraph 491) in such cases.

The accompaniments of your memorandum are herewith returned.

Endorsed by the Presidency Paymaster, dated 2nd May 1887.

Forwarded to the Controller of Military Accounts.

ORDER—dated 25th July 1887, No. 1628, Judicial.

Communicated to all District Magistrates and Sessions Judges and to the Chief Presidency Magistrate, Madras, for information and guidance.

(True Extract.)

H. E. STOKES,
Ag. Chief Secretary.

To all District Magistrates.
" all Sessions Judges.
" the Chief Presidency Magistrate, Madras.
" the Inspector-General of Police.
" the Commissioner of Police, Madras.
" the Registrar, High Court.

Exd. T. O'Connor.

Govt. of (1887) Madras.

JUDICIAL.

Issued

Recd.

Encl.

G.O., 25th July 1887, No. 1628.

JULY.

Military Pensioners.

Communicating to officers concerned Government of India letter directing that when a Military pensioner is convicted and sentenced to imprisonment in a criminal court, the facts of the case should be reported to the Pension Paymaster of the circle to which the prisoner belongs.

5-5-10 ✓

4.9.35 ✓

238.36 ✓

23.5.39 ✓

ORDINARY, PRINTED

Indical DEPARTMENT.
G.O., DATED 25 July 1887
No. 1628
1628.

First copy sent to Press. 27/7

Returned for signature. 3.78

Despatched in print. 10/8

[Despatch Abstract.]

Military pensioners - Com-
municating to officers
concerned Govt. of India
letter directing that when
a military pensioner is
convicted & sentenced to im-
prisonment in a criminal
court, the facts of the case
should be reported to the
Pension Pay Master of the
circle to which the pensioner
belongs.

Full page. ✓

470.3925 Laid (penc)

11-12-1935
5540 House 17.11.38
L.G. 4707 House 4.9.39.