

Local & Munl. (1895) Department.

MISCELLANEOUS.

G.O., No. 740 m

DATED 2nd May 1895.

[Despatch Abstract.]

Petition.

Stating that section 19 of Act IV of 1834 does not apply to the case of M.R. Ry. E.T. Subbia Pillai, councillor of the Negapatam Municipality, as the order quoted is not that of a criminal court, and that the Government has no concern with the question of prosecuting him.

BACK PAPERS.

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

FURTHER PAPERS.

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

To
His Excellency
The Right Honorable
The Governor in Council
of the Presidency of
Fort Saint George
and its dependencies.

*The humble Memorial submitted by the under-
signed residents and rate payers of the
Municipal Town of Negapatam, in the
District of Tanjore.*

MOST HUMBLY SHEWETH,

I. M. R. Ry., E. T. Subbiah Pillay
Avergal is one of the elected Councillors of
this Municipality.

II. In a suit brought by him against
another Municipal Councillor, the Subordi-
nate Judge of Combaconam, agreeing with
the views of the District Munsif of Nega-
patam, has recorded the following findings.
(Vide copy of Judgment submitted here-
with).

- (1) * * None of the claims is true *
- (2) * * There has been a manifest
alteration of figures in regard to the 2nd
Item also * *
- (3) * * I have not the slightest doubt
that the plaintiff and his people have made
these fraudulent alterations in order to sup-
port this false and wicked claim he thought
fit to make against the defendant.
- (4) * * Obviously the plaintiff seems
to have got angry with the defendant for
the suit instituted against him by the bank
probably on the impression that it was
brought at defendant's instigation. Per-
haps, to create an impression in the superi-
or officers of the bank that the defendant
was mixing himself in loan and other ob-
jectionable transactions with the bank
customers, the plaintiff thought fit to con-
coct this false suit against the defendant
* * and brought also a few false witness-
es to support it.
- (5) I hold the claim is false.

III. Your Excellency's Government
in G. O. Ml. Mis. No. 13 of the 9th Febru-
ary 1894 have passed the following remarks
* * It is observed however that he may
now as a Municipal Councillor become
possibly obnoxious to Criminal law.

Local & Municipal Dept

SECRETARY

16. APR. 1895

GOVERNMENT OF MADRAS

போர்டு ஸெண்டு ஜார்ஜ் அதனுட்பட்ட நாடு
களின் ஆலோசனை சங்கத்தோடுகூடிய மகாகனம்
பொருத்திய ரைட்டு ஆனெரெபில் கவர்னர் அவர்
கள் சமூகத்திற்கு,

தஞ்சாவூரில்லா நாகப்பட்டணம் முனிசிபல்
டவுனில் வசிப்பவர்களும் வரிசெலுத்துவோர்களு
மாகிய அடியில் கையொப்பம் செய்திருப்பவர்கள்
மிகவும் வணக்கத்துடன் செய்துகொள்ளும் விண்
னப்பம்.

I. மகா-ரா-ஸ் E. T. சுப்பையாபிள்ளை
அவர்கள் இந்த டவுனில் தேர்ந்தெடுக்கப்பட்ட ஒ
ரு முனிசிபல் கௌன்சிலர்.

II. அவர்கள் வேறு ஒரு முனிசிபல் கவுன்
சிலர்பேரில் செய்த ஒருவியாஜியத்தில் கும்பகோ
ணம் ஸப்ஜெய்வர்கள் நாகப்பட்டணம் டிஸ்ட்ரிக்ட்
டு முனிசிபல் அவர்களுடைய அபிப்பிராயத்தை
ஒத்து அடியில்கண்டபடி தீர்மானித்திருக்கிறார்கள்
(இத்துடன் அனுப்பியிருக்கிற தீர்மானத்தின்
கலைப் பார்க்க)

- (1) தவாக்களில் ஒன்றும் உண்மையல்ல.
- (2) 2-வது ஐடத்தின் விஷயமாயும் துகை
களை வெளிப்படையாய் தீர்த்தப்பட்டிருக்கிறது.
- (3) பிரதிவாதிபேரில் செபவது உசிதமென்
று நினைத்துச்செய்த இந்தப்பொய்யானவும் கெட்
டதுமான வழக்கை ஆதரிக்கும்பொருட்டு வாதி
யும் அவன் மனுஷியர்களும் இப்படிப்பட்ட மோ
சடியான தீர்தல்களைச்செய்திருக்கிறார்கள் என்ப
தில் எனக்குக்கொஞ்சமேனும் ஸந்தேகமில்லை.
- (4) வெளிப்படையாக வாதிபேரில் பாங்கி
யார்செய்த வியாஜியமானது பிரதிவாதியின் தூ
ண்தெலின்பேரிலென்று நினைத்துப்பிரதிவாதியின்
பேரில் கோபமடைந்து பாங்கியில் பத்துவரவுகா
ரர்களிடத்தில் கடன்முதலியஆகேஷ்பனைக்கு இட
மான நடவடிக்கைகள் வைத்துக்கொண்டிருக்கிறா
ரென்று பிரதிவாதியின் மேல்அதிகாரி நினைக்கவே
ண்டுமென்று வாதி இந்தப் பொய்யியாஜியத்தைப்
பிரதிவாதிபேரில் உற்பத்திசெய்து பதில்செய்திரு
க்கிறான்.
- (5) இந்த தவா பொய்யென்று தீர்மானிக்
கிறேன்.

III. "இப்போது அவர் முனிசிபல் கவுன்
சிலராயிருப்பதில் அவர் கிரிமினல் சட்டம் வெ
"றுப்படையுட்படி செய்துகொள்வதுசாத்தியம்"
என்று மாட்சிமைதங்கிய தங்கள் துரைத்தனத்
தார் 9-3-94 வுள்ள 13 தே. உத்தரவில் பேசியி
ருக்கிறார்கள்.

IV. The above findings of the Subordinate Judge not only illustrate the observations of the Government but also prove beyond doubt that the said M. R. Ry. E. T. Subbiah Pillai Avergal possesses a character which renders him unfit to be a Municipal Councillor, under the spirit and intention of the Legislature in enacting see 19 in Act IV of 1884.

V. The party concerned M. R. Ry. Krishnasami Naidu Avergal a nominated Councillor and cash keeper of the Madras branch bank at Negapatam would not come forward and take steps in the matter and it is therefore not possible to obtain a conviction under the Penal Code against the said M. R. Ry. E. T. Subbiah Pillai Avergal.

Under the circumstances therefore the memorialists humbly beg that Your Excellency's Government may be pleased to order the removal of the said M. R. Ry. E. T. Subbiah Pillai from the Council and to declare him to be ineligible for re-election or should Your Excellency's Government hold that conviction should be actually had before action can be taken, to order the necessary steps so that the said M. R. Ry. E. T. Subbiah Pillai Avergal may be prosecuted before a Criminal Court.

IV. ஷேலப்ஜட்ஜியவர்களுடைய தீர்மானங்கள் ஷேகவரன்மேன்றே தீர்மானங்களை வகுடன் 1884-ஆம் ஆண்டு 4 வது சட்டம் 19-வது பிரிவின் தாத்தாரியப்படி ஷே கப்பையாபின்ன அவர்கள் முனிசிபல் கவுன்சிலின்குக்கத் தகுதியற்ற நடத்தையுள்ளவர் என்பதையும் குறிப்படுத்துகிறது.

V. முனிசிபல் கவுன்சிலில் ஒருமைப்பாடு
பாங்கி கரிஷ்சிப்பரும் சம்பந்தப்பட்ட கஷ்டக்கார
ருமன மகா-ரா-புரீ கிருஷ்ணசாமி நாயக்காவர்
கள் மேல்டத்த இஷ்டமில்லாமலிருப்பதால் நே-
சுப்பையாபிள்ளை அவர்கள் பெரிஸ் தண்டனைபெறு
வது அசாத்தியமாகவிருக்கிறது.

ஆகையால் தயவுசெய்து ஷேகப்பையாபிள்ளையவர்களைக் கவுன்சிலிலிருந்து நீக்கும்படிக்கும் இனி அவர் எலக்ஷனுக்குத் தகுதியற்றவரென்று தீர்மானிக்கும்படிக்கும், ஷே 19-வது பிரிவுப்படி உத்தரவு செய்யுமுன் தெண்டனைபெற வேண்டுமென்று அபிப்பிராயப்பட்டால் அவர்களைக் கிரிமினல்கோர்ட்டில் பிராசிகியூட்டுசெய்யவேண்டிய தின்பொருட்டு தக்க உத்தரவுகள் பிறப்பிவிக்கும்படி மிகவும் வணக்கமாய்க் கேட்டுக்கொள்ளுகிறோம்.

[illegible]

D. J. Swaminatha Sastri
1st grade Reader
Kegapalan

C. S. Ramaswami aiyar B.A.
Teacher W. M. College
Madras

120 Harry's and me
 Dr. Carey's oil 5 1/2 L. Hoffman's oil
 1 1/2 L. Hoffman's oil

6. Mr. Samulabdeen Nalin

7. *Sp. 92* *Sp. 92* *Sp. 92*

8. Feb - 4th Feb - 1888

9. H-A-Dustungen

10 (4) - சாலைகள் 11.62 லட்சம்

11.

9th April 95

Negapatam

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1744 #4 10125

1744 #4 10125

IN THE COURT OF THE SUBORDINATE JUDGE AT KUMBAKONAM.

On Monday the 9th day of July

One thousand eight hundred and ninety-four.

Present.—M. R. Ry. V. SRINIVASACHARLU Avl., Subordinate Judge.

In Appeal Suit No. 406 of 1893.

Subbiah Pillai son of Thetchinamoorthy Pillai residing at
Kottupalaya Teru, Negapatam being the ... Appellant (Plaintiff)

and
Krishnasami Naiken son of Srirama Naiken residing in the
Southern Street of Nilayathatchi Amman Covil, Nega-
patam being the ... Respondent (Defendant)

Appeal against the decree of the District Munsif of Negapatam in O. S. No. 87 of 1893.

This appeal coming on this day for hearing, the Court delivered the following
JUDGMENT:—

In this case the appellant (plaintiff) a petty trader of Negapatam put forward three items of claim; one for Rs. 150 said to have been lent by him to defendant on the 27th April 1891; a second for Rs. 87 said to have been advanced by plaintiff on account of defendant in respect of certain repairs of a house belonging to the latter on the 31st October 1891; and the third for Rs. 270 being value of a gold chain said to have been sold to defendant in May, June 1891.

He sued accordingly for the recovery of the aggregate sum of Rs. 507 together with interest thereon at one per cent per mensem.

2. The defendant, who is the cashier of the Madras Branch Bank at Negapatam, denied the claims as a whole and attributed the suit to enmity caused in consequence of a suit instituted by the said Bank against plaintiff some time prior to this suit.

3. The District Munsif held the claims false and the plaintiff appeals.

4. The question for determination is:—

Whether the three claims or all or any and which of them are or is true?
5. I am of opinion that the District Munsif has arrived at a correct conclusion and that none of the claims is true. The first item of claim was stated to have been a loan made by plaintiff to the defendant on the 27th April 1891 but no entry exists for it in the plaintiff's account of that date (Exhibit A) but in its place one is fixed on page 16 of the same book under the 19th of June. Even this stands slightly altered the original entry standing in the name of one Krishnasami Naiken and the same being altered by the Tamil letter *u* (Pana) being interpolated so as to precede that name and make it understood as the first letter of the word Bank written in Tamil. A corresponding alteration was, I find, also made in the ledger leaf page 64 of Account B, very probably the same ink and pen being used to write the inserted letter in both the entries. The plaintiff has not been able to explain this interpolation.

6. There has been a very manifest alteration of figures in 2nd item also, which was shown both in page 64 of the ledger leaf B and in the journal A under date the 31st October 1891. It is found from the entries of this latter book that on that date the balance on hand was only Rs. 2-6-0 and as this made it improbable and impossible for defendant to have advanced Rs. 87 to defendant on the same day, he made it appear that he got Rs. 92-8-0 from his house money and disbursed the sum of Rs. 87 and two sums of Rs. 5 and annas 8 in the same day to defendant and two other persons respectively. The journal showed page 116 as the page of the ledger referring to plaintiff's house amount; and referring to it, it is discovered that an item of 12 annas for sundry expenses of that day, was scraped out and in its place a receipt item of Rs. 91-12-0 entered. This interpolation necessitated a corresponding alteration of the total figures of this page 116 and of the totals entered at the top and

bottom of the next two pages of the ledger and also of the figures entered in pages 157, 158 and 159, all of which related to items of his house expenditure. The person to whom this miserable task of cooking up this evidence was entrusted was not skilled sufficiently to make his work complete and above suspicion. For though he had taken pains to alter the figures of the column of receipts, he left untouched those entered under expenditure and the figure total entered include the 12 annas scraped out. The plaintiff, who was present in Court during the argument held on the 28th ultimo and his vakil whose attention was drawn to this state of the accounts, were entirely unable to explain it. It is further observed that not one of the entries found in his journal relating to November 1891 and after period entered in Exhibit II, has its corresponding entry in the ledger book marked B. The plaintiff does not say that another ledger book is in existence. On the other hand, he distinctly allowed in his evidence as his own 1st witness that he had but one ledger book and that it was Exhibit B.

7. I note also that another alteration of figures was made in the book B to suit the entry of Rs. 5 made after Rs. 87 in Exhibit A. It was stated in this last document that it was sum disbursed to a man named Govindan on the same day as Rs. 87 paid to defendant *viz.*, the 31st October 1891. The plaintiff did not find a proper place in his book B to put it in and he added this figure to an item of annas 2 pice 3 entered in his ledger leaf paged 48 as sum paid for some grass to a horse. This item of 2 annas and 3 pies answered to an item of disbursement of the 29th October 1891 entered in page 46 of Exhibit A. A like alteration of figures was also made in page 131 of the ledger to include the 8 annas entered under Rs. 5. An entry of Rs. 14-12-0 as receipts under Dittam accounts was altered to Rs. 15-4-0 in that page and the man entrusted to do this work also meddled with the particulars of the two items entered in this page and in page 43 also but he neglected to make a corresponding alteration of the totals entered under these pages.

8. I have not the slightest doubt that the plaintiff and his people have made these fraudulent alterations in order to support this false and wicked claim he thought fit to make against the defendant.

9. As regards the 3rd item of claim it is true that the defendant has got the chain claimed and has explained in his evidence that it was in his house since the days of his father, who held his office before him in the Bank. He did not know how his father procured it. The plaintiff's own 11th witness has deposed that he had heard plaintiff say that he had given it to defendant's father.

10. Obviously, the plaintiff seems to have got angry with the defendant for the suit instituted against him by the Bank, probably on the impression that it was brought at Defendant's instigation. Perhaps, to create an impression in the superior officers of the Bank that the defendant was mixing himself in loan and other objectionable transactions with the Bank customers, the plaintiff thought fit to concoct and file this false suit against the defendant soon after the termination of that suit, and brought also a few false witnesses to support it. Else, these grossly suspicious alterations of figures in his books seem utterly inexplicable. I hold that his claim is false and that it was rightly dismissed.

11. There is no ground for appeal. It should be dismissed with all costs.

(Signed) V. SRINIVASACHARLU,
Subordinate Judge.

(Certified to be a true copy of the original).

By order of the Court.

111

LAM

Municipal

18 APR. 95

Memorial must humbly
submitted by the
Inhabitants & rate
payers of Negapatana

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payers of Negapatana

Memorial must humbly
submitted by the

Inhabitants & rate
payers of Negapatana

From

P. T. Swaminadha Sastry &

other Rate Payers

of the Mural Town of

Negapatam

No.

Dated

Received 18-4-95

Enclosures

SUBJECT.

Praying that, under the circum-
stances stated, — Mr. R. Y.
E. T. Subbiah Pillai, elected
Councillor of the Nagapattanam
Municipality, may be removed
from the Council & declared
to be ineligible for re-election

C.S.
Mise

Order of 1-5-75 12760

The petitioners request
casual be cancelled with.

V.P.
23/7/76

Section 19 of Act IV of 1884
does not apply
~~Application~~ In this case we must as
an order is not part
the finding quoted is not part of a criminal
court. I will get the government record
2. As the Director is prosecuting under Sec 2 of the
in the...
Defining the Govt. has no concern

26-IV.

29/4/80

To the Petitioner

Sept. 6/5/95

(with order)

22/4 2024

READ AGAIN ORDER OF GOVERNMENT, DATED
189 , No. , MISCELLANEOUS

READ AGAIN

ENCLOSURES

CURRENT No

STATEMENT WITH DITTO

ORDER OF GOVERNMENT

Dr

STATEMENT WITH DITTO

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OF 189

INDEXED.

Miscellaneous.

LOCAL AND MUNICIPAL DEPT.

G.O., DATED 2-5-95.

No. 740/M

When given for copying.

[Despatch Abstract.]

Petition

stating that Sec. 19 of Act IV of '84 does not apply to the case of M.R.R. E.T. Subbiah Pillai, Councillor of the Negapatnam Municipality as the order quoted is not that of a criminal Court, and that the Govt. has no concern with the question of prosecuting him.

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189.

READ AGAIN G.O., No.
 189 ,

DATED

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LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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