

Local & Munl. (1896) Department.

MISCELLANEOUS.

G.O., No. *434 M*

DATED *16th March 1896*

[Despatch Abstract.]

Prosecution of a public servant.

Sanctioning the prosecution of
M.R.By.K.Srinivasa Aiyangar, late Chairman of the Municipal Council
of Karur, on a charge of criminal breach of trust by a public ser-
vant under section 409 of the Indian Penal Code.

BACK PAPERS.

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

FURTHER PAPERS.

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

Government Pleader's office
High Court,
Madras 12th December 1895.

No 1323.

From,
E. B. Powell Esq^r
Government Pleader
Madras,

To.
The District Magistrate
of Coimbatore.

Sir,

Adverting to your Reference on
P. No 2516 of the 27th Ultimo, I have the
honor to state that Criminal Revision
Case No 585 of 1895 came on for hearing
this day and that the High Court set
aside the sanction on the ground
that the sanction did not specify
the offenders for which it was grant-
ed. The Court said that a fresh
Complaint might be presented as
soon as proper sanction is obtained.
2. The enclosures to your letter Refe

on c no 2444 of the 18th November 1895,
magte
are herewith returned.

I have &c

(Sd) E. B. Powell

Government Pleader

(True Copy)

Thundungun
For D^y Magistrate.

16/12

Referece No 2444 of 95.
magte

Coincidence District Magistrate
14th December 1895.

Local Government Dept.
CURRENT No. 3788/M

From,

Herbert Bradley Esqre
District Magistrate
of Coimbatore.

To.

The Chief Secretary
to Government Judicial Dept
Madras.

Sir,

With reference to Government
order, No 1100 Municipal Mis, dated July 12,
1895, I have the honor to enclose copy
of a letter from the Government Pleader,
dated December 12th, 1895, and to request
that fresh sanction may be granted
for the prosecution of M.R. K. Srinivasa
aizangar, ex chairman of the Karis
municipality, for an offence under Section
409 of the Indian Penal Code.

2. I have not received a copy of the
High Court's order, but I would point
out that the sanction given in the govern-

Enclosure

In a letter from the
District Magistrate of
Coimbatore to the Chief
Secretary to Govt Jud
Department Madras
Referece No 2444
magte 395
dated 14 December 1895.

1
3788 M of 95

-ment order quoted above, did specify
the offence for which it was granted.

The prosecution was sanctioned as
recommended by the collector, and
in my letter, dated June 20, 1895,
Refce on Card 1796
Rev. of 95, I especially mention
-ed this section. I cannot understand
how the High Court was misled in
this matter, as the Government Pleader
was supplied with a copy of my letter.

I have the honor to be,

Sir,

Your most obed^t servant

Bindra Jung
for District Magistrate.

Recd
16-12-95

1895 hls 16-11-95
1100 hls 12-7-95 (Compd.)

Judicial (1895) Department.

Local & Municipal Dept.

CURRENT No. 3488/M

From

The District Magistrate
Coimbatore.

To.
The Chief Secy to Govt
Judl Department
Madras.

Reference No 2444 of 95
Magt

Dated 14th Dec 1895
Despatched - 16th
Received

CHIEF SECRETARY
GOVERNMENT OF MADRAS
17 DEC 1895
Enclosures.

Subject.

For a copy of Mr. Fraser's letter no 13232/12.12.95
Requesting that fresh Sanction,
under section 197 C.P.C, may
be granted for the prosecution
of Mr R. K. Srinivasa Aiyangar
ex. chairman of the Karur Muni-
cipality, for an offence under
section 409. I.P.C.

(With order)

Mu.

Mis.

order.

The prosecution of
Mr. R. Ky. K. Srinivasa Aiyangar,
late chairman of the
Municipal Council of
Karur, for an offence under
S. 409 of the Indian Penal
Code is sanctioned.

V.R.
19/12/95
WHD
18.xii.95

Ask the Govt. Pleader
for City of Madras
order. he may
as well be sure of it
the mistake is

hP
20/12/95

To
The collector of Coimbatore.

[5]
808-27-5-95.

LOCAL AND MUNICIPAL DEPARTMENT.

Papers to be read in Proceedings:—

Again G.O., dated

189 , No.

Current No. 3788 of 1895, dated 14th December from the District Magistrate, Coimbatore

Current No. of 189 , dated from the

and. Reference. 6/8/1/96

The Government Pleader
is requested to submit a copy of
the order of the High Court in
this case.

(forwarded)

V.R.
21/12/95

WHD
23.xii.95

To The Government Pleader.

Supd. 8/1/96

To
His Excellency the right Honorable
Beilby Baron Wenlock G. C. I. E.,
Governor and President in Council,
Fort Saint George Madras.

1. I was Chairman of the Municipal Council, Karur, from 1891 to 1894 July.
2. In August 1894, there was audit of accounts.
3. Defalcations to the extent of Rs. 1,200 were discovered.
4. A thorough investigation was made. The defalcations were traced to the duplicities of the Manager.
5. He was charged, tried and convicted by the Sessions Judge, Coimbatore, in October 1894.
6. The Manager tried to shift responsibility to Your Petitioner. His attempts were denounced by the Sessions Judge, who found distinctly that his pleas were false.
7. Both the Sessions Court and the High Court observe as regards Your Petitioner that there was carelessness of supervision.
8. In December 1894 the Municipal Council also passed a resolution that the embezzled moneys should be recovered from the Manager and if it was not recovered from him, it should be recovered from Your Petitioner.
9. The Council did not take legal steps against him at all. The Chairman demanded payment. I refused to pay the amount. Improper suggestions were therefore made, and the Government ~~have~~ sanctioned your Petitioner's prosecution. *which has since terminated, & which cost you Petr 5 Cons. & 500 Rs. Expence.*
10. If Your Excellency will only peruse all papers in connection with the matter, Your Excellency will no doubt arrive at the conclusion that much injustice has been done to Your Petitioner, and that ~~the~~ ^{any} prosecution ~~will~~ ^{will} not rest upon equitable and reasonable grounds.
11. Your Petitioner has addressed ~~2~~ Memorial, setting forth fully all his grounds for relief. *& you Petr trusts that the Govt will, upon reconsideration, be pleased to grant to him, the justice & fairness that he is entitled to.*
12. Your Petitioner fervently prays that Your Excellency should graciously be pleased to dispose of his Petition, after calling for necessary references and adopt a benevolent policy towards Your Petitioner who is innocent, *as was adopted in the Pollachi Local Fund Defalcations -*

4th ^{January} ~~November~~ 1896

Late Chairman, Municipal Council
 Karur -
 Combatore Dist

Application

of
K. Shreenivasa Aiyangar
-G. J. M. 1896 Chairman
Karur

For

Reconsideration

of

His Memorials to Govt.

Dated

3rd & 10th Nov 95

LOCAL AND MUNICIPAL DEPARTMENT.

Local & Municipal Dept.

CURRENT No.

29/M

From

K. Srinivasa Aiyangar,

late Chairman Karur

Municipality.

No.

Dated 4-1-96

Received 6-1-96.

Enclosures

SUBJECT.

Praying that his previous petitions regarding the defalcations in the Karur Municipality may be reconsidered.

Ref 6/96

1895th 16th

1799th 30th

1286th 2-8-95

1197th 25-7-95

1100th 12-7-95

596th 2-8-95

(copy)

No. 116

From

E. B. POWELL, Esq.,

GOVERNMENT PLEADER,

Madras,

To

THE Chief Secretary to Govt.
Local & Municipal
Department.

Sir,

With reference to your Office Memorandum No. 6 of the 8th instant, I have the honor to forward herewith a copy of the Decree in Criminal Revision Case No. 585 of 1895 on the file of the District Court.

I have the honor to be,

Sir,

Yours most Obedt. Servt.

E. B. Powell

Government Pleader

2/16/1

In the High Court of Judicature
at Madras.

Thursday, the twelfth day of December
One thousand eight hundred and
ninety-five.

Present:-
The Honourable Sir Arthur J. H. Collins
Kt., Chief Justice.
and
The Honourable Mr Justice Parker.

Criminal Revision Case No. 585 of
1895.

(Criminal Revision Petition No. 311 of
1895)

K. Sreenivasa Aiyangar - Petitioner

Petition, under Sections 435 and
439 of the Criminal Procedure Code,
praying the High Court to revise the
proceedings of the joint Magistrate
of Coimbatore dated 27th July 1895 in
Calendar Case No. 53 of 1895, entertain-
ing the complaint made by the
Tahsildar of Karur against the
Petitioner.

This Petition coming on for hearing
1st Decr Upon

Upon perusing the Petition and
the records submitted in accordance
with the order of this Court, dated
14th November 1895, and upon
hearing the arguments of Mr K.P.
Lankara Menon, Vakil, for Mr
John Adam, Counsel for the Petitioner,
and of the Public Prosecutor on
behalf of the Crown the Court
made the following

Order: The Sanction granted by
Government is not a legal sanction
under Section 197 of the Criminal
Procedure Code, and the proceedings
taken under it must be set aside.
See I.L.R. XVII Mad: 468. The order
does not specify for what offence
the sanction to prosecute is
granted.

By the Court
(Signed) C. G. Toddhunter
12.12.
Dy. Registrar
Appellate Side
(Lancobay)

Order

Cr R.C. No: 585 of 1896



HIGH COURT, APPELLATE SIDE.
C. D. No. 26/96.

Application made..... 9-1-1896
Stamp papers called for..... 189.....
Do. deposited..... 189.....
Copy made..... 4-2-1896
By the Registrar..... 5-2-1896

Sd/- Registrar
SUPERINTENDENT.

461 No part

6 & m Sept
 Local & Municipal Dept.
 CUP No. 461

From
 THE GOVERNMENT PLEADER,
 Madras.

Dated 5-2-96
 Recd.

No. 1000
 SECRETARY
 FEB 1896
 ENCLOSURE
 DEPT OF MADRAS

Forwarding a copy of the
 order in St. Peter Case
 No 585 of 1895 on
 the file of the High Court.

13/2

LOCAL AND MUNICIPAL DEPARTMENT.

Again G.O., dated 189 , No.
 Current No. 3788. m. of 1895, dated 16th December 195 from the D. T. Magistrate, Coimbatore.
 Current No. 29. m. of 1896, dated 4th January 196 from the K. Srinivasa Sivaengar.
 Current No. 461. m. of 1896, dated 5th February 196 from the Government Pleader.

FOR ORDERS.

In G.O. No 1100 m. dated
 12th July 1895, the Government, on the
 recommendation of the Collector of
 Coimbatore, sanctioned the prosecution
 of M. R. Ky. K. Srinivasa Sivaengar,
 ex-chairman of the Kani muni-
 cipal council for such offences as
 he may have committed, especially,
 Section 409 of the Indian Penal
 Code." The High Court has, however,
 held that the sanction granted by
 Government was not a legal one
 under ^{Sec} 197 of the Criminal Procedure
 Code, as the order did not specify
 the offence for which the sanc-
 tion to prosecute was given. Vide.
 Indian Law Reports. XVI. Madras.
 468. The Collector therefore now
 applies for fresh sanction.

Presumably it was held that
 the sanction was not legal, as
 it did not in itself specify the offence

Prosecution of the late Chairman
Municipal Council, Hariwar

FOR ORDERS.

C. Nos. 3788 M/95 + 29446 M/96.

C.S.
Miss.

Order N^o. 434 in M/95
16.3.96

The prosecution of M.R.Ry.
H. Srinivasa Aiyangar, late Chair-
man of the Municipal Council of
Hariwar, on a charge of Criminal
breach of trust by a public
servant under Section 409 of
the Indian Penal Code is
Sanctioned.

(From orders)

12/3/96 13.3.96 14/3/96

The Collector of Coimbatore
Chairman, M.C., Hariwar.
Petitioner, Sec. Dwp 17/3/96

for which sanction to prosecute was
given. The words of G.O. 1100 M/95

"The prosecution of the late
H. Srinivasa Aiyangar is sanctioned
as recommended by the C.O."

Submitted that fresh sanction may
be accorded.

16/3/96 There is no need to trouble

16/3/96 with this. Make an

affirmed sanction to the law

stated in the views and

has decided that the further

petitioner's case shows no

cause for further proceeding against

the petitioner.

12/3/96