

Marine (1898) Department.

G.O., No. 945 - name

DATED 8th Nov 98

[Despatch Abstract.]

[Despatch Abstract.]
L. Nagabushanum, late M. K., London &
Shipping Dues & Co., Masulipatam

Thinking that a civil suit may
be instituted against _____ for the recovery of
money entrusted to him, if the District is satisfied
that the property at present in the possession of _____
now really belongs to him; & directing the District Officer
to place himself in communication with the
C.O. on the subject.

The Presidency Port Officer.

① 8/11/68

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Marine (1898) Department.

CURRENT No. 1390

*The Hon. Mr. Henry B. Higgins
H.C. J. & E.*

From

*The Presidency Port office
Madras*

For Order S

*Whether a civil suit
should be instituted for recovery
of the amount embezzled by
the Clerk - less recoveries*

**No. 1859 Q
376**

Dated 28th October 1898

Received 2 - 11 - 98

Enclosures one

Spare copies -

*R.S.
APR
2. 11. 98.*

*I should say "yes" if the
C.M. advises it after satisfying
himself that the property really
belongs to the man - He may be
only an undivided share with
an infinitesimal share - Ask
C.M.*

SUBJECT.

*Enquiring whether a civil suit
can be filed against the
convicted clerk, K. Nagabusham
of Masulipatam who has
immovable property.*

*Ans
3/11/98*

BACK PAPERS.

FURTHER PAPERS.

No.	Date.
90 221 824-3-90	

No.	Date.

In the District Munisiff's
Court of Masulipatam.

Os No. of 1898.

Secretary of State for India in Council-----Plff.

Konagalla Nagabhushanam

Komati by caste resident of Bandar Fort now } Deft.
in gaol at Rajamandry.-----

Plaint presented by the Plff. under sec. 50 C.P.C.

1. That the defendant was employed from 1885 to 1897 June as the sole clerk in the shipping and landing dues department of the port of Masulipatam.

2. That the defendant according to the duties prescribed for him was doing the following business in the landing and shipping dues department.

- (a) assessing the dues on things exported and imported,
- (b) preparing bills for the dues on the several Merchants and giving bills for cashing to a bill Collector who was employed under him.
- (c) to see that that the bill Collectors promptly collect the money on the bills given to him.
- (d) examining the bills at intervals and attending to the prompt collections of the bills and to the proper credit of the sums realized under the bills.

3. That the defendant did not only properly attend to the duties but also embezzled the sum of Rs.927-12-2 and omitted to credit the sum he embezzled. He also wilfully and negligently suffered the bill collector to embezzle some of the moneys not credited.

4. That the plaintiff sustained a loss of Rs.927-12-2.

5. That the defendant was prosecuted for the non-crediting of the sums in the accounts with intent to defraud his

employers and was convicted by the Sessions Court and sentenced to two years rigorous imprisonment and to a fine of Rs.500.

6. That the defendant has given a security of Rs.200 for the due fulfilment of his office and Rs.16-10-8 was due to the defendant as his salary for the month of June and the interest on the deposit is Rs.42-15-0.

7. That after taking credit for the 3 items the plff is entitled to recover from the defendant Rs.668-2-6.

8. That the defendant acted fraudulently and dishonestly in collusion with the bill collector in not crediting these amounts in the accounts.

9. That the president of the landing and shipping dues department knew of the embezzlement only in June 1897.

10. That therefore the cause of action arose on or after June 1897 within the jurisdiction of this court.

11. That the plaintiff therefore prays that a decree be passed against the defendant for Rs.668-2-6 with interest at 1 p.c. from this date ^{to the date} of realization and costs of this suit.

18-10-98.

(s/d) C. Rungacharry
Govt. Pleader.

(True Extract)

H. A. Theat
Commander, R.I.M.,
Presidency Port Officer.

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No. 1859 4
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Presidency Port Office,

Madras, 28 October 1898.

Headin

From

Commander A. A. Street, R.I.M.,
Presidency Port Officer,
Madras,

To

THE SECRETARY TO GOVERNMENT,
MARINE DEPARTMENT,
CHERPAK.

Sir,

With reference to G.O. Marine, No. 221 dated 24 March 1898, I have the honour to acquaint you, for the information of Government, that the Port Officer of Masulipatam has now brought to my notice that the convicted clerk K. Nagabhushanam is possessed of immovable property and he recommends the sanction of Government being obtained to a civil suit being filed against the man for the recovery of the amount

amount misappropriated, by
proceeding against his property.
In view of the Sessions Court
conviction and sentence in
the case and the directions ordered
to be carried out in the Proceedings
of Government above quoted, I am
in doubt whether it is the in-
tention of Government to further
proceed against the convicted
clerk, and therefore beg to be
informed whether the Port Officer's
recommendation should be
complied with.

2. The Government Pleader
of the District Court, Kistna, who
was consulted in the matter at the
instance of the Collector has furnished
a Draft Plaint (copy of which is
attached for information) to be
filed if a civil action is considered
advisable.

I have the honour to be,
Sir,
your obedt. servant,
A. A. Theut

Commander, R. I. M.,
Bussy Port Officer.