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MADRAS RECORD OFFICE

Government of Madras

Public Works DEPARTMENT

G.O. No.	2/39	Press
B.P. No.		Mis.
Dated	4-8-	195- 1874

Not to be folded or roughly handled

*Proceedings of the Madras Government, Public Works Department,
4th August 1874.*

No. 88. Read the following letter from W. S. HARINGTON, Esq., District Engineer, Malabar, to Colonel G. W. WALKER, R.E., Chief Engineer, Public Works Department, dated Calicut, 8th July 1874, No. 74:—

IN continuation of my No. 61, dated 18th ultimo, I have the honor to forward copies of the charges brought against ex Taluq Maistry C. Karpagum, also of the finding and sentence pronounced by Mr. Logan, the Magistrate, who investigated the case, and two letters as per margin bearing on the case.

2 Letters from Overseer Mahoney to Karpagum Maistry.

2. Lieutenant Dobson has spared no pains or trouble in bringing this case to a successful issue, and I am of opinion that great credit is due to him.

3. It strikes me as most extraordinary that a man who was criminally convicted (at any rate beyond all moral doubt) in 1864 should have found it possible to obtain employment in the Public Works Department, and to have retained it for so long undiscovered.

No. 89. ORDER THEREON, 4th August 1874, No. 2,139.

ESTABLISHMENT, No. 9.

RECORDED, with reference to G. O., No. 2,138, dated 4th August 1874.

2. His Excellency the Governor in Council learns with satisfaction of the care and attention bestowed by Lieutenant Dobson on this case.

3. It is observed that the Maistry was convicted at Madras of a similar offence in 1864. The District Engineer will trace out and report how he succeeded in getting re-entertained; who is responsible for his admission; and by whom he was recommended to the officer who re-employed him.

(True Extract.)

(Signed) G. W. WALKER, Colonel, R.E.,

Secretary to Government.

To the District Engineer, Malabar.

.. Officiating Controller of Public Works Accounts.

Exd. E. C. Shunker.
Spare Copies

Calendar No. 15 of 1900

Finding and Sentence.

The Court finds that you Chittambalam
= balakum Vyapuri Thirupagam Moodelliar
1. are guilty of the offense specified
in the first heading of the Charge,
viz. that you committed Criminal
Breach of Trust as a public servant
an offense punishable under Section
409 of the Indian Penal Code.
2. were convicted in 1864 before
the committing of the said offense,
before the High Court of Madras
of Criminal Breach of Trust,
an offense punishable under
Chapter 17 of the Penal Code
with imprisonment for a term
of 3 years which conviction is
still in full force and effect
and that you are thereby
liable to enhanced punishment
under Section 45 of the Penal
Code.

And the Court directs
that you Chittambalam Vyapuri
Thirupagam Moodelliar be kept
in rigorous imprisonment for
(2) two years and be fined

Rs (200) two hundred or in default he kept in rigorous imprisonment for a further period of (6) six months. The fine if levied is to be paid to the Range Officer to go towards the expense of constructing the bridge.

Pellickery } (Signed) W. Logan
13 June 1871 } Joint Magr.

(True Copy)
W. Logan
Joint Magistrate
District Engineer
Malabar

Cannanore 5th
Saturday.

CCB. 4774

My dear Harpogum, I will try to get away to-morrow, if I don't succeed, I will not be able to start till Monday night. Mr. Dobson leaves Cannanore on Tuesday to go over the whole of my taluk he is taking over charge from Capt. Bailey. Captain Bailey starts on Monday en route for Calicut, so please have all the coast road in good order, I see about the bay at Murat that fell. He asked me what I done to it as it stood crooked and I told him I took it down and was putting it up properly so don't you forget what to say when you see him. "It was very much bent and the Overseer ordered it to be taken down."

(sic)

I've only got cheques for 1500 Rs. The remainder he will send me in a few days, his cheque book is finished and he is only waiting for one from Calicut. What about the Station Book? I suppose you had better keep them till I return, but have every thing ready. No more at present

Yours truly
W. Logan

Don't forget to get the coast road in good order for Capt. Bailey.

(True copy)
W. Logan
Joint Magistrate
District Engineer
Malabar

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My dear Kurpogun,

This gudda says he cannot
get bandy drivers to convey the piles to Mura
they are too heavy - I hope Vetel Hanaren
carried them all right enough - I suppose it
is his mind that we cannot keep cooly
waiters and do the work ourselves also
that on my return from Kootyaddy I expect
to see the piles at Mura or I will certainly
let him find work somewhere else

Yours &c

J. Mahoney

The cheques have not come yet and I will
start in the morning for Kuttaddy -

Initialed J. M.

(True copy)

W. C. Cavan

Joint Magistrate

W. Harrington

District Engineer

Malabar

Evidence on this point as to the evidence

The Prisoner is a Taluk Meartry in the Public Works Department and was until his suspension employed in Kurumbanad Taluk. It appears that a bridge has been in course of construction at Mowrat in that Taluk for some time, and the trust which the Prisoner is alleged to have looked over in connection with the timber of that bridge. Both the Quisers of the Taluk (1st Quiser Nitrip) and the Range Officer (2nd Quiser Nitrip) stated as a fact that Prisoner was in sole charge of this bridge. ~~Several times the timber was not distinctly specified and it would appear that no order putting Prisoner in special charge of the bridge from any date to any other date was ever given.~~ The 1st Quiser Nitrip stated Prisoner's position in respect of the bridge as follows. The Quiser (1st Quiser Nitrip) was directly responsible to the Range Officer for the bridge work and all connected with it, but when obliged last year to go on duty to other parts of the Taluk the Prisoner was always left by him in charge, except on one occasion when the Prisoner accompanied Nitrip to the Pyalle lock, and on that occasion the bridge work was stopped for the time being. In corroboration of this 2nd Quiser Nitrip said he distinctly remembered visiting the bridge on one occasion at least when the Prisoner was in sole charge of it. The evidence on this point as to the existence

in a letter from the
 Distt. Secy. Madras
 to the Chief Commissioner
 G. W. Depts: Madras
 No 74 of 8 July 1874.
 P. S. D. S. Madras
 17/8/74
 M. 4206/74
 1/74
 18 letters from Secy to
 Madras to Secy to
 Secy to Secy to

of a trust led me to the conclusion that it was part of Prisoner's duty as Sub-Master to be at the bridge, looking after the work when his superior, the District, 1st Prosecution Witness, was employed elsewhere.

3. Such being the case the evidence for the prosecution sought to prove that Prisoner had taken wood purchased for the bridge and misappropriated it dishonestly by using it for building his own house.

4. One fact stands out quite clearly and is not denied viz. that in an addition recently made by Prisoner to the house in which he lives near Badagara a piece of fresh oroppu timber 18x6x4 has been used as a bresumer or wall plate on the wall above the entrance door and that on that piece of timber there is the stamp used by the Public Works Department for marking timbers purchased for public works viz. the letters P. W. D. and the broad arrow.

5. The Police Inspector for Prosecution (Witness) speaks to portions of two similar stamps on another piece of oroppu timber used in the same building but it is unnecessary to refer further to that piece except as regards the light which the evidence throws on that of the Defence Witness and which will be alluded to further on.

6. The whole of the evidence on both sides has ranged itself round the central fact alluded to in para 4, and the question for me to decide was whether the prosecution story that the bresumer or wall plate formed part of the timber of the Moorat bridge

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dishonestly misappropriated or the defence story that it was brought by Prisoner from the 7th Defence Witness who is a timber contractor, and who had contracted to supply timber for four Police Stations on the Mahrattas which were being built last year contemporaneously with the Moorat bridge was the true one. It necessarily followed that if the timber was dishonestly misappropriated from the Moorat bridge some of the timber there must be missing. Exhibit A is a statement drawn up by Mr. Dobson 1st Prosecution Witness, and shows that of all the timber paid for at the bridge was actually delivered then that on the 14th ultimo in which date 2nd Prosecution Witness measured up the timber in the bridge and at that date there was a large deficiency viz. as calculated (vide Exhibit C) by this witness 476 cubic feet. The total estimated quantity for the whole bridge was over 4,500 cubic feet of sawn timber, but (vide Exhibit B) it had not all been paid for. Delivery of the quantity paid for was proved by the evidence and books of the 8th Prosecution Witness who was the timber contractor. He was asked to speak more particularly as to the timber of the top and bottom handrail scantling, and as the timber supplied of the same scantling as the bresumer in Prisoner's house viz. 6x4. He showed that he had delivered 1326 running feet of timber of that size, and Exhibit A shows that there are only 1012 1/2 running feet of that size in the bridge and at that time therefore was that misappropriated of this size of timber. Conclusion

As to the credibility of the witness I believe that the Prisoners Council declined to cross-examine him and that he spoke with his account book kept in the ordinary course of his business in his hand. Both of Prisoners Council made much of certain irregularities which seem to have been committed by the Overseer (1st Prosecution Witness) in carrying on the bridge work. Exhibit B, C, and D refer to this point. B is a list of timber ordered for the bridge by the Overseer. This list was produced by Mr. Robson (2nd Prosecution Witness) who received it from the Contractor (8th Prosecution Witness) it purports to be a list of timber required for the bridge and it appears that 1st Prosecution Witness committed an irregularity in making it out and ordering the timber independent of the sanction of the Range Officer. From the system however in force as regards paying for large quantities of timber it would appear that the timber specified in B could not have been delivered and paid for except with the Range Officer's knowledge for lists like B after the timber is delivered and measured either by the Range Officer or Overseer invariably pass through the Range Office where they are checked and paid by an order from the Range Office or the Salubut Treasury. So far then as the facts connected with B go they do not seem to me to cast any doubt on the fact spoken to by the 8th Prosecution Witness viz that timber to the extent mentioned was delivered

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and paid for. Exhibit C shows up the Overseer (1st Prosecution Witness) in an unfavorable light. It appears a bag of the bridge fell for some reason or other and in the letter to the Prisoner he says he wrote her about it by Captain Bailey who had noticed that it was crooked, and he tells the Prisoner if asked about it to say that it "was very much bent and the Overseer ordered it to be taken down". In fact the Overseer as Prisoner's superior directed him to tell a lie about it to conceal his workmanship. Exhibit D shows that the Overseer took certain piles from the Snake bridge and put them into the Prisoner bridge and it appears he did so without informing his superior Officer as he ought to have done. The piles were it appears not required for the Snake bridge and they now form part of the Prisoner bridge. I understand that four bags of the bridge were swept away by last season's probably heavy flood workmanship. As in the case of the one that fell and no doubt the piles were brought from the one bridge to the other by the Overseer to screen himself and himself. It is to be noted however that this fact does not affect the 8th Prosecution Witness' evidence who speaks of sawn timber cut of piles. There no doubt are very grave irregularities on the 1st Prosecution Witness's part but when I considered all the evidence on this point I am forced to the conclusion

that some of the timber delivered and paid for is missing and a considerable portion of it is of the scabbling of the timber found in Prisoner's house.

8th It should be noted also that the whole of the timber used both in the Sack and Chiswick bridges is scrappy timber and that all the pieces used in Chiswick bridge of the handrail scabbling are similar to the piece found in Prisoner's house have the Department stamp upon them. This fact was spoken to by the 3rd Narrator Mitney deputed specially to examine them.

9th There is no direct evidence of the taking of the piece of the piece of timber found in the Prisoner's house from the bridge by the Prisoner but five witnesses were examined and deposed to the fact that timber had been taken from the bridge while Prisoner was present and in sole charge of it. I am not at all sure that I can place much reliance on some of these witnesses - the 9th and 10th and 11th are bandymen who during the progress of the enquiry it was thought might be able to give evidence from

Certain expressions let fall (out of Court) by the 11th. They were accordingly summoned and examined and deposed to having taken timber each one or two occasions to

Prisoner's house from the bridge. I am from the way in which they gave their evidence I am of opinion that not much reliance was to be put on it. They had evidently either of them among themselves as to what they were doing or had in told how to answer certain questions put to 5th and 6th by the Prosecution. I am of opinion that who was congratulated by one on the important story he had given his evidence are I think reliable and they distinctly say that on two occasions they saw Prisoner send away timber from the bridge in a cart and in a basket, on the occasions spoken to by the Prosecution. Mitney and in carts on the occasions spoken to by 6th Prosecution. Mitney the 5th Prosecution Mitney saw timber put into the hand of from the shed where the new bridge timber is kept. There were some sawyers in the District Engineer was at the bridge say about it.

10. a positive answer given by the Prosecution 11. on the 18th and 26th May he accounted for the fact that he brought two pieces of timber from the Prisoner's house who was Contractor for the supply of timber to the Police Stations who failed in his contract in consequence of which Prisoner

11. Prosecution Witness sanction
to take timber from the Maki bridge
and completed the station. After which
one of the balance of timber due
from 1st Defence Witness was brought
by him and after being stamped with
the Department marking hammer
was thrown away before the Police
Station. Of this "thrown away" timber
he brought two pieces, and put them
into his house. The station from
which he thus got the pieces was
he said the Parambath Station.

12. For the Prosecution it
was shown by the Evidence of the
1st Prosecution Witness the Parambath
Station Land Customs Officer that the
timber used at that station was all
brought from Maki, was all neatly
put together and that the small pieces
of pieces $2\frac{1}{2} \times 1$ left over were put in
a bundle and taken back to Maki.
He also said if there had been a piece
left over of the dimensions $10 \times 6 \times 4$ he
must say even if he spoke next
position to no work having been
brought to the station by anybody
after the station was finished.

13. The Prisoners own
witness gave Evidence as follows.
The 1st Defence Witness the Contractor
said he sold three pieces of coruppu
wood to Prisoners. They were pieces
what 1st Prosecution Witness told
him were left over of what he
had supplied, and at first he

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denied that he had failed in the Contract.
When pressed on this point however he
was made to confess that he had supplied
more than 225 cubic feet of the 220
Cubic feet entered on the Contract
quantity in his agreement (Exhibit I) and
by Exhibit I the Station book it
appears that he actually supplied
and was paid for only 225 Cubic
feet. Now in such a case, any of
his timber was left over, he found
it difficult to explain, and finally
when pressed by me on this point
he admitted he had never seen the
three pieces which he had (as he said)
sold to Prisoners. Another point in
connection with this alleged sale
was the difficulty experienced by
the 1st Defence Witness in explaining
why the three pieces sold to Prisoners
were of coruppu timber when it was
stated in the 3rd Prosecution Witness
Evidence who was sent round the
Police Station to examine them, that
with the exception of one piece
in the station close to Maki bridge
and some of the pieces in the
Parambath Station, the Stations
were full of jungle wood. Exhibit
I shows the Contract piece of
wood to be 14 feet a cubic foot
whereas the Contract piece of wood
used in the Maki bridge was
12 feet. Prosecution Witness showed

Pipe. It is very significant therefore that with the exceptions above noted, there is not a single piece of corrugpu used in the Stations. The piece used at the Make Station is easily accounted for by the immediate proximity of the bridge which was being built at the same time as the Stations and it was a very unfortunate admission for Prisoner supported as it was by a letter in the Prosecution's handwriting that corrugpu timber had been taken from the Make bridge to build the Parambath Station when 1st Defence Witness failed in his attempt to account for his supplying more expensive timber than he contracted to supply. 1st Defence Witness said that he made out the quantity by certain pieces of corrugpu that had been lying over from contracts he had to supply such timber to the bridges between Cannanore and Tellicherry. But then the Prisoner himself had admitted the timber to be fresh timber whereas the bridges which it was put up with were made of old wood by some years ago and the wood by any time would be old and decayed. Finally this witness said he sold three pieces, and this mistake was

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through all the three Defence Witness statements, whereas Prisoner himself only speaks of two pieces. It is also in para 5 mentioned that the Police Inspector had put seals on three places, two of the places however were on one piece so that in reality only two pieces had to be accounted for by Prisoner. It is a curious mistake committed by the Defence Witness in getting up their statement and was more apparent in that of the 2nd Defence Witness who when asked to show the positions of the three pieces in Prisoner's house as pointed out by Prisoner to 1st Prosecution Witness on an occasion when this 2nd Defence Witness was present pointed to the upper portion of the front work of the door and to two of the panels of the door and one to the left of the door, and one to the right of the door, he was evidently imperfectly instructed in the evidence he was to give. The 3rd Defence Witness said that the three pieces were not lying in front of Parambath Station, which was the account given by Prisoner but were lying at the place where the wood according to Exhibit I was to be delivered viz at Make bridge. This was the Corby Maristry who according to Prisoner stamped

the piece of wood without orders
but the witness would not admit
that though after first saying that
none of the three pieces were stamped
he there cited himself by saying he
had seen stamped marks on them.

16. I have no hesitation
whatever in describing the evidence
offered for the Defence by Mr. Van
Someren, one of the Prisoner's Council
as utterly untrustworthy and I
cannot express sufficiently the pain
it has caused me in having to
throw another recent case to them
over as false the evidence produced
in my Court by that Gentleman.
I am quite sure that the production
in Court of false evidence cannot
be too strongly repudiated from
what I know of Mr. Van Someren
I cannot believe that he knew
them to be false witnesses but at
the same time I cannot acquit
him of blame in not having
made sufficient enquiry before
producing them in my Court.

17. It will be seen that
there is a very strong case for
believing the Prosecution story
and that the story of the Defence
accounting for the way in which
the timber came into Prisoner's

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house is not to be believed, and finding
therefore on the first head of the
charge is against Prisoner.

16. As regards Prisoner's
previous conviction it will be seen
from the Exhibit II that a man of
his name was convicted of Criminal
Breach of Trust in 1864 before the
High Court at Madras. Prisoner
admits that this man was his
twin brother bearing the same
name, this brother he says has since
gone as a pilgrim and he does not
know where he now is. The Zillah
Clerk 12. Prosecution Witness was
examined as to the marks on Prisoner's
person as compared with those
entered in II. It appears that the
Prisoner has at least three of the
distinguishing marks mentioned, viz.
the moles on shoulder and neck and
a prominent wart on his back
but he has also a dark mark on
the right hip which the 10. Prosecution
Witness thinks was temporary and
should have been shown and the
Prisoner is also it appears rather
more than an inch taller than the
man described in II. There was
therefore some doubt as to identity
but the witness summoned by me

same evidence which left no doubt
whatsoever as to Prisoner's identity
with the man previously convicted.
It appears this witness was in India
before in 1864 staying in the house
of Prisoner's brother-in-law and
remembered to later coming from
Calcutta to say Prisoner had been
convicted. Prisoner's wife stayed
in the same house with witness
during part of the time that Prisoner
was in jail and Prisoner himself
after he was released from prison
came there and witness had
heard him allude to his having
been in prison. On this point
Prisoner called no evidence. As
the case was to be decided by
me it was of course unnecessary
to include this head in the charge
but as I am of opinion that it
is always best to include such
charges in subsequent cases as
it tends to prevent oversight
for the future. I thought it
proper to make it a distinct
charge. It is also in the
interest of justice to do so.

13 June 1874.

(Signed) W. Logan

Jurat Magistrate

True

True Copy!
W. Logan
Jurat Magistrate

Compd.

Abel

P. H. H. H. H.
District Engineer
Jurat

Malabar Dist. Engg's Office
 No 74 Calicut 8th July 1874.
 From The District Engineer
 Malabar

To The Chief Engineer
 Public Works Department
 Madras

Sir,
 In continuation of my No 61
 dated 18th ultimo, I have the honor
 to forward report of the charges brought
 against ex-taluk maistry C. Karpagam,
 also of the finding and sentence pro-
 nounced by Mr. Logan the Magistrate
 who investigated the case, and two
 letters as per margin bearing on
 the case—

Lieut. Dobson has spared no
 pains or trouble in bringing this
 case to a successful issue, and I
 am of opinion that great credit
 is due to him.

It strikes me as most extra-
 ordinary that a man who was
 criminally

Letter from C. K. Mahoney to Karpagam Maistry

In a letter from
 the District Engineer
 Malabar to the
 Chief Engineer
 Public Works
 Dept. Madras
 No 74 8th July
 1874.

No 74 8th July 1874
 No 4206/74.

Copy of charge brought
 against ex-taluk
 Maistry Karpagam,
 of the finding and
 sentence pronounced
 by Mr. Logan

criminally convicted (at any rate
beyond all moral doubt) in 1864
should have found it possible
to obtain employment in the
P. W. Department and to have
retained it for so long, undiscovered.

I have the honor to be
Sir,

Your most Obedt. Servant

P. Harrington

District Engineer, Malabar

RECEIVED
1864

11/27/64
P. W. DEPT.
MALABAR
DISTRICT ENGINEER
RECEIVED

11/27/64

2139

1888

Forwarded copies of the charges brought against Mr. Talang Mistry, Chaplain and of the printing & sentence &c.

Ch. 2

Water 8th Dec 1888 July 1874

No. 4206
The Chief Engineer
P. O. No. 44
Malabar

S. M. 1874 28th
The District Engineer
the District Engineer

District Engineer, Malabar

[Faint, mostly illegible handwritten text in the lower left section of the page.]

Public Works Department
Proceedings of the Madras Government - 24
Read the following.

From the District Engineer, Malabar (P. O. No. 74 of 8th July 1874).

Recorded with re-
ference to G. O. No. 2188 of

His Excellency the
Governor in Council learned
with satisfaction of the
care and attention be-
stowed by Lieut. Dobson
on this case.

Mo. 23/17

It is observed that
the Mistry was convicted
at Madras of a similar
offence in 1864 committed while

while in Government
employ. The D. Engineer
will trace out and re-
port how he succeeded
in getting re-entertained,
who is responsible for
his admission; and by
whom he was recommen-
ded to the Officer who re-
employed him.

Amr

To the D. E. Malabar
" Controller
1. Copies despatched 10/8/74.

88-89.

Recd 23/1/74. Rtd 23/1/74.

Public Room Departments
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Proceedings of the Madras Government
From the D. Engineer
Malabar (H. C. No 74, dated
8th July 1874)

Recorded with
reference to L. D. No
dated

The Ministry was in-
formed by Madras D. E.
Malabar Officer in 1864 - that His Excellency
must go & trace out the Governor in Council
how he managed to get into the service after
discontinuation of his admission & how he
was recommended & re-employed by Lieut. Dobson
in this case.

2077

Amr

Govt. of 1874 Madras.
PUBLIC WORKS.

To
The Dist. Engr.
Malabar

Dated

Recd.

Encl. 2

G. O. 1874, No. 2139

From
C. Harpazum, late latu
Maistry, Malabar Dist.

Letter from the Dist. Engr.,
Malabar, forwarding
copy of judgment passed
in the case of the Maistry,
recorded; ~~information~~
attention bestowed by
Lt. Dobson on the case
noticed with satisfaction,
information as to the re-
sult of the case.

Civ 18/7/74