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MADRAS RECORD OFFICE

Government of Madras

Public Works DEPARTMENT

G.O. No.	443	Press	<i>Original</i>
B.P. No.		Mis.	
Dated	23 - 2 - 1874	195	

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*Proceedings of the Madras Government, Public Works Department,
23rd February 1874.*

Read the following papers :—

- No. 439. From the District Engineer, Salem, dated 8th Dec. 1873, No. 116.
No. 440. From do. do. do. „ 23rd „ „ 124.
No. 441. ORDER THEREON, 23rd February 1874, No. 443.

ESTABLISHMENT, No. 24.

THE evidence brought forward by his Range Officer has been insufficient to convict Overseer Streenavasaloo

Naidoo of criminal breach of trust; but the Magistrate has recorded that an examination of his accounts has shown discrepancies which prove something to have been wrong, and is strongly of opinion that his dealings have not been all fair and above board, and that he has failed to clear himself of the imputations made against him. It is not improbably owing to the unadvised and precipitate manner in which the prosecution was conducted that the Overseer obtained an acquittal; but, considering that the evidence adduced was not such as to convict him, and that he is a man of long standing in the department with a character hitherto unimpeached, His Excellency the Governor in Council is unwilling to have recourse to the extreme penalty of dismissal, which his conduct would have otherwise entailed. Under the circumstances, it will be sufficient to degrade him to the bottom of the 3rd grade. Employment for him will be found in some other district where they may be a vacancy.

2. The failure of the case, as above indicated, seems entirely attributable to the District Engineer having neglected to arrange for its proper prosecution and left it entirely to the Range Officer. His letter of the 20th October to the address of the Magistrate says nothing of provision of legal advice, and it remains to be explained by him how he failed to communicate more fully with the Magistrate on a matter in which the interests of Government were concerned, seeing especially that they have the same head-quarters and may be presumed to be in constant intercourse with one another upon public matters.

(True Extract.)

Colonel, R.E.,
Secretary to Government.

To the District Engineer, Salem.
„ Officiating Controller of Public Works Accounts.

Exd. E. C. Shunker.
Spare Copies

Calendar No 58 of 1873

Complainant
Regina
Defendants
1. Strivasaiah
2. Mahomed Sillan
3. Gopimail
4. Mahomed Sillan

Judgment

The Defendants are charged with
the Criminal Breach of Trust & public
servants, 3rd and 4th with exhibiting the said
The 1st Defendant is taking possession of
the said land & is receiving the same
and the 3rd and 4th are servants of individuals
The Defendants are prosecuted by Mr West
the Executive Agent of the Bopoor Range who
is deputed for summonses for no less than
94 witnesses after examining 20 witnesses
Mr West declared his case closed
and declined to examine any more witnesses
The charges brought by Mr West against
the 1st and 2nd Defendants are to the following
effect as far as evidence gathered from
the evidence which is highly confused
It has been established that the
Jailor and Sub Magistrate of Ponnagur
were co-operators of construction in July last

by saying that he can describe the car as a
 before 1st witness says he says 1st witness said
 it was there at 1st and 2nd before 1st
 was better in the car than he did at the shop
 know who drove the car. The car was
 was taken away at 7 AM and the car was
 paid wages by 1st defendant at that time
 This does not agree with the statement of 1st
 witness who says 1st defendant was just
 starting for the quarry.
 The witness saw 1st defendant take mortar
 into the street where 1st witness was standing
 at 10 AM.
 17th witness states the same.
 18th witness states that he saw mortar which
 had been made from the lime supplied
 by 1st witness taken away from the Catchery
 on 2 occasions and that he did not find
 either 1st or 2nd defendant there.
 The 19th witness explained as in evidence.
 20th witness for first time he saw some coolies
 take mortar from the Catchery to the chutnam
 and then says he saw coolies taking mortar

21st witness states that he saw the mortar
 taken away from the Catchery building
 This was also the evidence of 1st defendant
 by complaint and it is mostly correct to
 say that 1st witness said that he saw 1st
 or 2nd defendant taking mortar from the
 mortar and that 1st defendant took mortar
 taken to the chutnam and a number of
 other witnesses who contradict each
 other in numerous points saw coolies
 taking mortar from the Catchery compound
 to the street, but though many of the witnesses
 say it was taken to the chutnam it does not
 appear that any of them followed the coolies
 to find where they did take the mortar.
 22nd witness of the same kind, who alleged
 that he saw the mortar taken away from the
 Catchery and taken to the chutnam, but he did not
 follow the coolies to find where they did take the mortar.
 The 23rd witness (who for the sake of giving
 the story of the opportunity of clearing himself
 I charged) states that the biller killed H & S

was something wrong
Against witness denied that any
of the chain was supplied by him was injected
It is true that if the witness in his letter
marked A & C reported that found chain
which was supplied by him was sold by
the witness to the builders of the chain
by the witness the opportunity was afforded
the witness to prove this
Although the fact that witness has failed
to prove that the defendant fraudulently
obtained the property is not sufficient
to convict the defendant is therefore
acquitted, I regret that the
opportunity of clearing himself
of the imputation has been lost
It is to be regretted that the witness
did not obtain a legal adviser
and cannot conclude without making

that the friend named in the case appears clearly
to the witness the character of Police. His first
charge certain Head Clerk with theft. That
case was dismissed. He then wrote a report to
the Inspector General containing at least
and in this report. His report
was sent to Mr. Wickham & Co. (S. W.)
overruled and found that the witness
at least did not find the Police and
a police man in writing in the witness.
The witness also on the part of Police
to secure a conviction in a case
of petty theft is not a little remarkable for
it quite clear that he did not charge
the Head Clerk with the theft to turn around
and a case for a defendant and
the local magistrate. I commend the matter
for the consideration of his superiors.
1/11/11 J. W. H. M.
By your Magistrate
1/11/11 J. W. H. M.
By your Magistrate

Salem joint Magistrate's Office
Camp Papanaspetty 26th November 1893

From The Ag. Joint Magistrate
of Salem.

To The District Engineer
Salem.

Sir,
As requested in your letter
No: 204 dated 11th ultimo, I have
the honor to enclose for your information
a copy of my judgment together with
the finding in calendar No: 53 of 1893
in which Streemipaloo, Raidu Overseer,
of the Diarampoory Talook and others
were charged by the Executive Agent
with criminal breach of trust as
public servants and abetting the same.

2. The case was commenced on the
14th instant and adjourned on the
15th to the 20th, as I had to return to
Oopoor to meet His Excellency the
Governor.

3. On the case being called on

Findings and Sentences.
The Joint Magistrate, Salem, has found
that the said Raidu is not guilty of the
offence stated in the charge and is not
convicted of any offence. He is not
liable to any punishment or fine. He is
not liable to any punishment or fine.
The Joint Magistrate, Salem, has found
that the said Raidu is not guilty of the
offence stated in the charge and is not
convicted of any offence. He is not
liable to any punishment or fine. He is
not liable to any punishment or fine.

The Joint Magistrate, Salem, has found
that the said Raidu is not guilty of the
offence stated in the charge and is not
convicted of any offence. He is not
liable to any punishment or fine. He is
not liable to any punishment or fine.

21-11-93. By order of the Joint Magistrate,
Salem.
J. J. J.
J. J. J.
J. J. J.

for hearing on the 20th Instant, Mr West called one witness and on his proving hostile, declined to call any more witnesses and declared his case closed. At the same time Mr West stated that he had applied to have the Government Prosecutor sent up, he requested I would adjourn the case. To this course, the Defendants Counsel strongly objected.

4. As the 20th Instant had by Mr West's own wish, been fixed for the date of hearing, witnesses having been ordered to appear on the 20th, 21st, 24th & 25th respectively and as the Defendants had been put to considerable expense and trouble in getting up an English Barrister from Madras, and on that date as Mr West could show no reason why he should not go on with the case, I was obliged to refuse a further adjournment.

5. I make these remarks and hear

that after the disposal of the case, Mr West received orders from you to apply for an adjournment.

I have heard
(Ad:) J. Wilkinson
Adj. Joint Magistrate.

(True Copy.)

J. W. H. H. Major R. E.
District Engineer.

N^o 116.

District Engineer's Office
Salem, 8th December 1873.

From
The District Engineer
Salem,

To The Secretary to Government
Department Public Works.

Sir,

Enclosures 2.
1 Copy of judgment
& finding.
1 Copy of letter
from the Joint
Magistrate.

As directed in G. O. No. 2804,
dated 19th November 1873, I have the
honor to forward the copy of the
judgment as well as the finding
in the case of the alleged theft
of mortar &c at the Damagaram
near Cutcherry, with a copy of a letter
from the Joint Magistrate on the
subject.

2. Overseer Sreenivapalao Naidoo
has been acquitted, but the Joint
Magistrate records his opinion that
though the evidence is not sufficient
to convict him of criminal breach

P. 97-6666/75

Enclosure No. 1 in
letter of No. 116 to the
Secy to Govt. S. P. M.
dtd. 8th Decr. 1873.

of trust, he is strongly of opinion
that his dealings have not been
all fair and above board.

3. "As this is my own opinion
also, I beg to be favored with
the orders of Government as to the
release of Overseer Strimvafalokidi
from suspension.

I have the honor to be

Sir,
Your most obedt. Servt.

J. Intestine. Major R.E.
District Engineer.

at

P. W. 1843 Depart
The District Engineer,
Salem.

To The Secy: to Government,
S. P. W.

Dated 8th Decr: 1843.
Recd: 10th
No 116
Encls: 2.

Forwarding with remarks
copy of a judgment as well
as finding & copy of a letter
from the Joint Magistrate,
Salem, on the subject of the
alleged theft of mortar
in connection with
Project Shreevaala
Kandla & soliciting order
as to his release from
suspension.
No 443-23 Feb 9/74

No 134
District Engineer's Office,
Salem, 20th October 1843.

To

The Magistrate of
Salem.

Sir,

The Police Inspector of Pennagaram
in an Urzu, dated 8th September 1843, brought
to my notice that some mortar belonging
to the new butchery at Pennagaram
had been stolen by certain members of
this Department; and misappropriated
to a private Chutthum (village charad)
being constructed by the Sub-Magis-
trate of that Station and the Sub-
Magistrate was also abettor in the
theft.

2. I referred the Urzu to the Officer
in charge of the Coosoor Range for
enquiry and report. That Officer
now reports that he has sufficient
evidence to prosecute the Overseer, the
Maistry and the Sub Magistrate
for the alleged theft, the former for
criminal breach of trust, and the
latter two for abetting the former and
at

at the same time requests me to arrange to
put the Police in charge of the new
Entchery at Pennagalam and the pri-
vate chattram there, and considers
that unless this is done at once, the
stolen mortar will be done away with,
and every vestige of evidence tampered
with by the parties concerned.

3. I therefore have the honor
to request you will be good enough to
arrange to comply with the above
request.

I have &c.
Signed J. C. Hunter Major R.E.
District Engineer.

(True copy)

J. Unbulei Major R.E.
District Engineer

Enclosure N^o 1 in
letter N^o 124 of the
23rd Decr/73 from the
District Engr, Salem.

S. No. 7108/73

N^o 124

District Engineer's Office,
Salem, 25th December 1873.

From

The District Engineer,
Salem.

To

The Secretary to Government,
Public Works Department.

Sir,

Enclosure 1

1 Copy of a letter of your Order N^o 3017 dated 15th December
1873, calling upon me for an explanation
of the course adopted in withholding
all information from the Magistrate
in the case of Thiruvassalu Nayadu.
2. I think that Mr. Price must
have overlooked my letter to his address
N^o 184 dated 20th October 1873, copy
of which is enclosed for information.

I have the honor to be,

Sir,

Your most Obedt. Servant.

J. E. S. M. Major, R.E.,
District Engineer, Salem.

Enc. 29

NOTE 22

Apr 1873 De la Roche
Wm: of 1 out for office
Show

The District Engineer,
Dakota.

To the Secy to Govt,
W. D. M.

Student 23 } Decr: 1873.
Arch: 29

No 124
Encls: 1

Submitting for review
from location to be
in the field and all other
matters from the
colleagues in the
case of the same
if possible.
Cde 443-23 " " " "

Ch 443

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P. W. Sept. 1873

Proceedings of the Madras Government
Read the following

From the Dist. Engr. Salim (H. E. No. 116 of 8th December 1873)
To the Secy. (H. E. No. 124 of 23rd Dec. 1873)

Enclosure No. 2 in
Letter No. 116 to the
Secy. to Govt. D.P.W.
of 8th Decr. 1873.
P.W. 6666/73
2

The evidence

This is an instance of brought forward by his
his independent purp. Range Officer has, for
purpose of Major Hunter want of legal advice
He has taken no trouble
whatver about the case & left
is subordinate an officer been insufficient to convict
man - to conduct his case Overseer of Truenavasulu
as he might. The do named
where 40 2000 menses Raides of criminal breach
& again about an - purp.
of the Hunter & the mere of trust; but the Magistrate
report conveyed in his letter has recorded that on
of 20 Oct. in no way
he fulfils the idea of consult examination of his
he has ac - I consider
a submission as a pretence accounts has shown
of such relation as desir discrepancies which
serious prove

prove something to have
been wrong, and is strongly
of opinion that his deal-
ings have not been all
fair and above board.
He brought forward
no witnesses absolutely
to clear himself, but,
(probably acting under
good legal advice)
depended upon the weak-
ness of the prosecution
to escape an adverse
decision on his case.
Under these circum-
stances His Excellency
the Governor in Council
is not of opinion that it
is desirable that his services
should

and that he has failed to clear
himself of the imputation
made against him.

Not a word
of the case
is mentioned
in the report
of the District
Engineer.

I don't think that there is
+ dismiss a man of 16 yrs
standing. There is some
accountable at the present
The post of cooling failed
followed the instance of the
same Police Officer - and the
failure is of the most complete
kind. Indeed the head of the
clearance is as preposterous
as an admission.
16/11

It is not clear if not I think
the facts are so that
I do a certain extent
act - telling him that all had
been done for the District
and all the

should be retained in
the Public Works Department.
The failure of the case
seems entirely attributable
to the District Engineer
having failed to arrange
for its proper prosecution
and left it entirely to the
Range Officer. His letter
of the 20th October to the
address of the Magistrate
says nothing of provision
of legal advice; at the
same time it does not
bear out the latter's report
that he had received no
official intimation of
the case. It remains to
be explained by both
parties

parties how they have
failed to communicate
with each other and
cooperate in a matter in
which the interests of Govt
are concerned, ^{seeing} especially
that they have the same
Head Quarters and may
be presumed to be in
constant intercourse with
one another upon public
matters.

Ans

No 443 Mr A
Prs. of the Madras Govt.
Read the following:

From the D. S. Salem. (H. E. No. 116 of 2 Dec 73)
Do ——— do (—— 124 of 23rd do)

The evidence brought
forward by his Range Officer
has been insufficient to
convict Overseer Sheenava-
sulu Naidoo of criminal
breach of trust; but the
Magistrate has recorded
that an examination of
his accounts has shown
discrepancies which prove
something to have been
wrong, and is strongly of
opinion

MS.
21/12
191

opinion that his dealings
have not been all fair and
above board, and that he
has failed to clear himself
of the imputations made
against him. It is probably
owing to the unadvised
and precipitate manner
in which the prosecution
was conducted that the
Overseer obtained an acquit-
tal, but considering that
the evidence adduced was
not such as to convict him
and that he is a man of
long standing in the Depart-
ment, with a character
hitherto unimpeached,
His Excellency the Governor
in Council is unwilling
to

I have been
him also.
There is nothing
like sending
an important
animal
home.

to have recourse to the ex-
treme penalty of dismis-
sal, which his conduct
would have otherwise
entailed. Under the circum-
stances it will be suffi-
cient to degrade him to
the bottom of the 3rd Grade.
The failure of
the case, as above indica-
ted, seems entirely attri-
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ed to arrange for its
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of the 20th October to the
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with the Magistrate and
to secure his cooperation
in a matter in which
the interests of Government
were concerned; seeing
especially that they have
the same Head Quarters
and may be presumed
to be in constant inter-
course with one another
upon public matters.

CSW

St. Eugene Salem
Catholic

Dec 25/14

Ch. 19/14/15

[Faint, mostly illegible handwritten notes in the upper right margin, possibly including the word "HON" and some dates.]

I took than a
return of where he
has spent his
time during the last
4 months. He sends a
diary or travelley
book does he not?
24/1

[Faint handwritten notes at the bottom of the right page, possibly including the word "Sept" and some initials.]

11/11/7008
Govt. of (1874) Madras.
PUBLIC WORKS.

The District Engineer
Salem

Dated

Recd.

Encl. 2

G. O. 23rd Feb 1875 No. 443.

Mos. 429 @ 441

Averseer Sreenivapaloo Naidoo.

Passing orders on letters from
the District Engineer, Salem, report-
ing the result of the prose-
cution of Averseer Sreeni-
vapaloo Naidoo and
forwarding copy of
proceedings in the and
finding in the case.