Archives I · 10,006—16-8 77.

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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

P. W DEPARTMENT

G.O. No. 3810 W — Press.
B.P. No. — Mis.

Dated 28 . 9 . 1878 197 .

Not to be folded or roughly handled

3810
1

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

28th September 1878, No. 3,810 W.

General.
Establishment.

Read the following paper:—

No. 301. From G. T. WALCH, Esq., Acting District Engineer, Godavari District, to the Chief Engineer, Public Works Department, dated Dowlaishvaram, 14th September 1878, No. 1,927.

I HAVE the honor to report that P. W. Subbiah Naidoo, the Supervisor in charge of the Rajahmundry Division, having been convicted by the Magistrate of this District on a charge of voluntarily causing hurt and fined, but not imprisoned, I applied to the Examiner of Public Works Accounts for information as to what should be done in such a case. That officer (as it will be seen from copy of his letter) having desired me to submit the case complete to Government for orders, I obtained a copy* of the judgment passed by the Magistrate, and now forward the same, together with papers noted in the margin, for the orders of Government.

1 Copy of letter No. 1,541, dated 12th August 1878, from Acting District Engineer, to Examiner.
1 Copy of letter No. 119 G.D., dated 26th August 1878, from the Examiner, to Acting District Engineer.
1 Copy of Judgment.

* Received this day.

2. Two other members of the department, Taluq Overseer M. Subbarow and Conservancy Superintendent K. Ramanujiah, were also implicated in this case and they were also found guilty of the offence and fined.

3. I may mention that none of the men were arrested till the day of the trial, and that though the Superintendent of Police informed me that the charge was to be brought against them, I was never informed of the arrest and did not know of it till I heard that the trial was over when I at once applied for a copy of the judgment.

4. I am inclined to believe that the Magistrate inflicted fines without imprisonment in order that departmental dismissal might not, as a matter of course, be added to the other punishment.

5. The Supervisor has written to say that he intends to appeal against the decision of the Magistrate.

No. 302. ORDER THEREON, 28th September 1878, No. 3,810 W.

THE Government will defer passing final orders until the result of the Supervisor's appeal against the sentence is known. Meanwhile the three subordinates should be suspended.

(True Extract.)

(Signed) E. A. FOORD, Colonel, R.E.,
Secretary to Govt., P.W.D.

(True Copy.)

Major, R.E.
Under Secy. to Govt., P.W.D.

To the District Engineer, Godavari.
" Examiner of Public Works Accounts.
Exd. E. C. Shunker.
Spare Copies

implicated in this case [illegible] guilt

GENERAL
ESTABLISHMENT.

Govt. of (1878) Madras

PUBLIC WORKS.

To

The DISTRICT ENGINEER,
GODAVARI,
&c., &c., &c.

Dated September 28th.

Issued

Recd. Encl.

G. O., 28th September 1878, No. 3,810 W.

SEPTEMBER.

Nos. 301-302

Subbiah Naidoo, Supervisor, Godavari.—Final orders reserved pending the result of the appeal of — against the sentence passed on him, and ordering the suspension of himself and the two others concerned.

NO. 1927 **Establishment.** 3810/14

FROM,

Ag. District
THE ~~OFFG. SUPERINTENDING~~ ENGINEER
GODAV~~ERY~~ari DISTRICT.

TO,

THE CHIEF ENGINEER
PUBLIC WORKS DEPARTMENT
MADRAS.

Encls.

1 Copy of letter No. 1541 of 12th August 1878 from Ag. Dist. Engineer to Examiner
1 Copy of letter No. 119 G.D. of 20 August 1878 from the Examiner to Ag. District Engineer
1 Copy of Judgment

~~CAMP~~ DOWLAISHVARAM, 14th September 1878
Despd. 16th

SIR,

I have the honor to report that P.W. Soobiah Naidoo, the Supervisor in charge of the Rajahmundry Division having been convicted by the Magistrate of this District on a charge of voluntarily causing hurt and fined, but not imprisoned, I applied to the Examiner P.W. Accounts for information as to what should be done in such a case. That officer (as it will be seen from copy of his letter) having desired me to submit the case complete to Government for orders, I obtained a copy of the judgment passed by the Magistrate, and now forward the same together with papers noted in the margin, for the orders of Government.

2. Two other members of the Department, Taluq Overseer M. Subbarow and Conservancy Superintendent K. Ramanujiah were also implicated in this case and they were also found guilty

received this day.

guilty of the offence and fined.

3. I may mention that none of the men were arrested till the day of the trial and that though the Superintendent of Police informed me that the charge was to be brought against them I was never informed of the arrest and did not know of it till I heard that the trial was over when I at once applied for a copy of the judgment.

4. I am inclined to believe that the Magistrate inflicted fines without imprisonment in order that departmental dismissal might not as a matter of course be added to the other punishment.

5. The Supervisor has written to say that he intends to appeal against the decision of the Magistrate.

I have the honor to be
Sir
Your Most Obedient Servt
[signature]
Ag. District Engineer Yd.

compd by
DB

3810
15

Jn 1878 [illegible]

Establishment.

No 10624

FROM,

THE ~~OFFG. SUPERINTENDING~~ Ag. District ENGINEER

GODAVERY DISTRICT.

TO,

THE CHIEF ENGINEER

PUBLIC WORKS DEPARTMENT.

MADRAS.

DATED 14 } September 1878.
RECEIVED 23 }

No. 1927

ENCLOSURE. 3

Subbiah Naidu P. W. - Supervisor - Finding passed by the Magistrate of Godavari in the case of simple hurt against - Forwarding for orders the -

[illegible] 24-9-78
[illegible] 25-9-78 Rec'd 28.9.78

No. 1541

FROM

THE ~~OFFG. SUPERINTENDING~~ Ag District ENGINEER 3810/2

GODAVERY DISTRICT

TO

THE EXAMINER

PUBLIC WORKS ACCOUNTS.

MADRAS.

Enclo.

Dowlaishweram, 12th August 1878.

SIR,

I have the honor to request to be informed what is the proper course to adopt with a reference to a member of the Upper Subordinate Establishment of this Department who has been convicted by the Magistrate on a charge of "Causing grievous bodily hurt" and fined but not imprisoned and who states his intention of appealing to a higher Court. I cannot find anything in the Code of Regulations of the Department to guide me.

I have the honor &c.

(Signed) G. T. Walch
Ag District Engineer Godv.

(True Copy)

[signature]
Ag District Engineer Godv.

compd by [illegible]

[illegible] his Cut [illegible]

From The Examiner P.W. Accounts.

Madras. 3810

To The District Engineer

Godavari

No 119 G.C. Cheepak 26th August 1878.

Sir

In reply to your letter No 1541 dated 12th instant, I have the honor to refer you to Madras P.W.D. Code IV. I. 25. And IV. II. 30 and with reference thereto to remark that the subordinate should have been suspended as soon as the Criminal charge was brought against him.

2. As this does not appear to have been done, I am of opinion that you should now submit the Case Complete to Government for orders.

I have &c &c.

(Signed) L. Conway Gordon

Examiner P.W. Accounts and Major R.E.

(True Copy)

Acting District Engineer

Godavari

FROM

THE OFFG. SUPG. ENGINEER

Godavery District.

TO

THE EXAMINER

Public Works Accounts.

Madras.

Dated

Received } 187 .

Enclosure in a letter

No 1927 dated 11th Sept 78

from the Offg District

Engineer Godavery

Enclosure in a letter No 1927 dated 14th Sept from the Acting Dr Enquiries Godavery

[illegible]

Calendar Case No 57 of on the file of the Magistrate of the Godavery District

3810/4

Complainant

Defendant

Regina

1 Parukola Subbu Naidu of Samalcot Range Officer D.P.W.

2 Madiri di Subbaro Naidu of Pedapur Overseer D.P.W.

3 Koppiri Ramanujia Naidu of Yeleswaram Conservancy Superintendent D.P.W.

Judgment

The outline of the story told by the Prosecution is that the cattle belonging to the three defendants were driven into the field of a man named Gaddeyya to grave one evening about sunset that the fi witness his cut [illegible] Samanj [illegible]

ddeyya drove
fendants dragged Gaddeyya out of
field, pushed him down and
ked him: that he became in-
sible, but recovered his senses
t night: that next morning he
s taken to the Hospital at Cocanada
mplaining of a broken back: that
was discharged from Hospital,
e left it, and got to the bridge at
cocanada, where he was found by
his brother and son, the 6th and 7th
witnesses, and taken back to his
llage: that after his arrival in
s village up to the time of his death
e was lying on a cot unable to
ove and that he died there from the
ffects of the blows he had received:
hat after death, his body was sent
the Hospital where it was examined
by the Doctor.

by their

leader, owned this story
brought witnesses to prove the Contra
The witnesses for the Defence Corrob
3810
those of the Prosecution so far as to sh
that there was a disturbance about
grazing near the place where Gadd
is said to have been beaten: tha
those cattle belonged to the defendan
that the defendants were at Annavaram
at the time of the disturbance: tha
Gaddiah went to the Hospital and
was discharged: that he went back
to his village with his brother, the
witness: that he died at Annama
and an inquest was held on him
that his body was taken to the
Hospital, where it was examin
by the Doctor.

The Sub-Magistrate held a
enquiry, it does not appear why:

of the sta[illegible] made

witnesses there are put in
with a view to shew that their
statements now differ from those
given before the Sub Magistrate
an inquest was held, and the 13th
witness for the Prosecution, and
the 4th and 5th for the Defence were
the Punchayetdars: they came to the
conclusion that Gaddeyya had died
from illness of the body: there were no
wounds nor marks of violence on the
[illegible]

Gaddeyya was a man about 60 years
[illegible] somewhat feeble: the witnesses diffe
[illegible] to the amount of strength he had,
[illegible] says he was able to plough most
However say that he went to his field
taking the conjee water, but not doing
any other bodily labour. He had
been ill with diarrhoea a few
months

months before his death.

After death a post mort
examination was made by
16th witness, the Civil Surgeon
the 15th witness, a Hospital Ass
They give as the cause of death ex
and long standing disease of the
They say there were no extern
marks of wounds. The body w
much decomposed: but they sa
so much as to prevent their exa
the internal organs. The eviden
these witnesses is very unsatisfa
but under the charge on which
defendants were tried, the ac
cause of death is immaterial:
were accused by the Police
culpable homicide: but the em
would not prove this against
defendants.

The witnesses who speak to
the deceased Gaddiah in Hos

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6

[illegible] 14th witness, an apothecary.
[illegible] witness, for the Defence. They
that Gaddiah was brought to
Hospital one afternoon, that he
examined by the 14th and 16th witnesses:
he was discharged from Hospital
afternoon after his arrival. He was
taken on the books of the Hospital,
had a meal which is said to have
taken from the Surplus of the
provided for other patients.
is a very strange thing that
can speak to seeing him leave
Hospital. The evidence of the
witness is utterly unreliable. Com-
mined to him of pain in the back:
this witness, though he admits
the man winced when he
him, did not think that
had any thing the matter with
because he did not move or
his eyes, how he could watch
man's eyes, when he was examining
middle of his back, he attempted
before the C[illegible] but this
attempt

attempt was absurd, and on
strengthened my disbelief in his
-ment.

3810/7

The Civil Surgeon says th
Gaddiah stood up when he exam
him, and walked about: and
he could not have done so, if
back had been broken. He
a certificate to the effect that
was unable to detect any appr
injury and this he says is h
This certificate was not written
June 26th. The man came to the
Hospital on the 1st of June. an
it on the 2d. The certificate was
simply from memory, no note
examination was kept, and
vagueness of the wording of the c
leads me to the conclusion t
the witness could not recall accu
all that had occurred.

The 2d witness for the Def.
gave his evidence in a man
made me believe it to be

[illegible]

[illegible] the Civil Surgeon, and says that Gaddiah only walked few feet, and then came back his bed. He did not examine himself, and he says he could say from the way in which he ked, whether Gaddiah was really in or not.

Gaddiah really appears to have able to walk a very little: but he was able to walk better than [illegible]; and whether the great part of inability to walk was only mere [illegible] is not fully proved. The [illegible] leads to the conclusion that back was not broken: but the [illegible] evidence leaves the question [illegible], whether he had suffered injury. There is no proof it that he had, ~~not~~ and there real proof that he had not. will now consider the evidence the subject of actual causing

The 1st wit[illegible] says, he was [illegible]

in the field with Gaddi[illegible] whether the three Defendants [illegible] and ~~[illegible]~~ drove two of his catt[illegible] his field: he began to drive [illegible] out, and got a slap on the [illegible] the 1st Defendant: Gaddiah was driving them out: Gadde was pulled out of the field the 3d Defendant and kicked the 1st and 2d Defendants: [illegible] witness ran away, but came and tied the cattle in the fie[illegible] and saw Gaddiah still lying [illegible] insensible, and got frightened [illegible] ran away again: as he was run[illegible] away the 1st time, he saw Panpi[illegible] and Rajigadu, the 2d and 4th [illegible] coming from the fields: he also [illegible] that Subbarayudu was lying up [illegible] cattle. The 2d, 3d & 4th witnesses on the whole corroborate this 1st witnesses statement: but there are discre[illegible] as pointed by the [illegible]

3810/8

ein several statements: in some
ls they contradict each other,
they also in some respects
ber from the statements they
lies gave before the Sub
gistrate.
In this Court the 1st witness
tions the people by name or by
ation who drove the cattle and
d Gaddiah before the Sub
istrate it is urged he does not
rticularise them, nor does he give
y information by which they
ld be recognized, beyond speaking
me road gentlemen"; but this seems
me some means of identification and
to apparent discrepancy is not
mportant.
When the 1st witness was being beaten,
says here, he saw two people coming
ut before the Sub Magistrate, he
ported to have said no one was
ut or in the neighbourhood. In
the 1st wit[illegible] says he gave
[illegible] same account

as he gave here. 3810/B
One discrepancy pointed out
the Pleader, is that after Gadd
had beaten, some witnesses sa
did not speak at all and othe
say he used words, but [illegible]
say he only called out Ammo, [illegible]
this discrepancy is of no importa
The 4th witness is reported to [illegible]
said before the Sub Magist
that he did not see any one
Gaddiah and that the 3d defen
was standing there, while Gadd
was lying down in the channel w
he came to the tamarind tree
while here, the 4th witness descri
the beating. But he also says
that he saw the beating as
was coming to the tree, so here
no real discrepancy.
There is also some difference
mentioned about the position of
people who were striking Gadd
in reference to his body. One
witness says one was at the [illegible]

another at the feet: another
they were standing on the same
e, and another on ~~the~~ opposite
s. If this assault took place
the manner stated by the
cution in general terms, it
be most improbable that
assaulting people should stand
the same position through out
assault, and as the witnesses are
ch asked to reply definitely to
a question as "Where" were the
fendants standing, they must
ution how they were standing at
e time their attention was most
ttracted to the spot: this would
ary with each witness, and
ause discrepancy.
The 10th, 11th and 12th witnesses for
e Defence say that there was
disturbance in which the
fendants peon and a rigot quarrelled,
which the Defendants took no part.
do not place much reliance upon
witnesses: with reference to the
[illegible] remarked

that after giving an accou
a second disturbance, he ad
that he had not gone to se
it was, and when asked why
not go, he replied he was asle
Such evidence cannot be trust
Taking all the evidence on the
the actual of assault. I am of opinion
neither the alleged discrepancies
the evidence for the prosecution
the evidence for the Defence
weakened the material ex
for the prosecution.
There is evidence to prove
Gaddiah was brought into Coca
Some stress is laid by the Pleader o
alleged discrepancy as to whether
Subbarayudu went all the way
with Gaddiah and his brother or
whether he took the cattle to the pound
first and afterwards caught them
up at Samalcota or Cocanada
This is of no importance, because
it is admitted that Gaddiah
come to Cocanada: and it

3810/10

[illegible]itted that he went back
[illegible]in to Annaniram, so a
[illegible]ference in the way by which
[illegible] went, would also be of little
[illegible]portance, as would also the
[illegible]ber of bandies they used.
[illegible]ese discrepancies, I am of
[illegible]inion are of no weight, and
come to the conclusion that
[illegible] evidence of the witnesses who
[illegible] they saw the deceased
beaten, has not been shaken
[illegible]d I therefore consider that
[illegible] Defendants did cause Gaddiah
[illegible]ust.

Now comes the question whether
[illegible]at hurt was grievous. No
[illegible]one was broken, but Gaddiah
[illegible]ied more than 20 days after
the hurt was caused; and it is
[illegible]id that all that time he was
[illegible]ing down unable to perform
[illegible] ordinary work.

[illegible] witnesses for the
[illegible]

say that Gaddiah after
return from the Hospital
his ordinary work as usual
two witnesses were members
Punchayet at the time of my
and from their manner I s
no reason to disbelieve what
say. Gaddiah certainly was
to get some how from the Hosp
to the bridge at Zocanad
there is no evidence to sh
he got there. I have
said I am not able to rely
the evidence of the 14th and 15th
witnesses. The evidence of the 2
witness for the Defence, prov
that for a short time Gad
could stand on his feet and
about, though perhaps but little
more than a couple of yards.

The return of Gaddiah to his
village does not seem to have
attracted much notice the H

...able does not se... to have
him any attention then, and
...ter constable who saw him
... back, quietly went on his beat
...d gave himself no further
...ble about him, not even reporting
...matter to the Head Constable.
...ow I cannot believe that if
...ddeal after being beaten as
...s, and sent to Hospital,
returned ... worse con-
... than ever, and if he
his brother or son had re-
...marked, as I suppose they
...ould have done, that he had
...t been allowed to remain in
...ospital, the Police would not
have heard of it and made
inquiries about it. I cannot
help thinking that the villagers
did not think he was any worse
than he was before he left,
... least not w... e than his
... weak... ...ction as

5/

they testify coupled with
serious liver disease which the
mortem examination might ac...
for. No mark of redness no
swelling at the place where
injury was caused is men...
though the witnesses were asked
about it. Considering the ...
age and weakness, if he h...
done any work, it would h...
been difficult to say whether
what he did after his return
was less than before his depar...
It was very little he did befo...
and I cannot believe the witness
that say he never moved fro...
his bed. I am of opinion tha...
grievous hurt is not proved
against the Defendants.

I find the Prisoners guil...
of voluntarily causing hurt
and I sentence the ...

y a fine of Rs 400: the Prisoner to pay a fine of 120 and the 3d Prisoner pay a fine of Rs 50: in default payment of fine, each prisoner suffer rigorous imprisonment 2 months.

August 1878 } (Signed)
Canada } W. S. Foster
Magistrate

(True Copy)

W. S. Foster
Magistrate

1. Pérrigo
2nd Ver. Clk.

Enclosure in a letter
No. 1927 dated 14th September 78
from the Acting District
Engineer Godavery

Dr. 10624/78

No 3810 W

Geol
Estabt

Public Works Department.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

UNDER date the 28 Sep/78. 3810/10

Read the following :—

From,
The Dist Engr. Godavari (H.E. 1927 d/ 14 Septr 1878).

The Government will defer passing final orders until the result of the Supervisor's appeal against the sentence is known. Meanwhile the three subordinates should be suspended.

25-9-78

To
The Dist Engr. Godavari
Exr. P. W. Accounts

Dept. 7-10-78

A.J.P. 23/9

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Received 24-9-78
Cir. 26-9-78 Rtd 28.9.78

10621

Govt. of (1878) Madras.

PUBLIC WORKS

To

Dated D. E. Godavari

Issued

Recd. Encl.

G. O., 28 Sept 1878, No. 3810 W.

Nos. 301 & 302

Subbiah Naidoo - Supervisor Godavari

Final orders reserved pending the result of the appeal of — against the sentence passed against him; and ordering the suspension of himself the two others concerned:

Sub Div Ref

Cir 26.9.78 Ctd 28.9.78