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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Public works, DEPARTMENT

G.O. No.	450 W	Press.
B.P. No.		Mis.
Dated	28-1-1978	197.

Gen

Not to be folded or roughly handled

450
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GOVERNMENT OF MADRAS.
PUBLIC WORKS DEPARTMENT.

28th January 1878, No. 450 W.

General
Establishment

Read the following papers:—

No. 258-A. From the District Engineer, Bangalore, dated 22nd December 1877,
No. 194.

No. 258-B. From Major H. M. VIBART, R.E., to the Chief Engineer, Public
Works Department, dated Bangalore, 14th January 1878, No. 203.

I HAVE the honor to forward a copy of the judgment of the Sessions Judge on
the case of forgery and cheating against Writer A. Govindarajoo Modeliar and
Supplier Peddanah which I duly received this day.

2. Owing to the press of work in the Magistrate's Court (chiefly connected
with the Bangalore Bank case), the last case of forgery has not yet been heard by
the Magistrate.

3. I understand that a day will very shortly be fixed for the hearing. It is
possible that the Cantonment Magistrate will feel himself compelled to transfer the
case to the Court of the Sadr Ameen as the file in his own Court is so heavy.

No. 259. ORDER THEREON, 28th January 1878, No. 450 W.

THE Government see no necessity for Major Vibart remaining any longer in
Bangalore. If the Court require his evidence, he can attend when summoned in due
course, and the present District Engineer can see to conducting the case. Meanwhile
Major Vibart must proceed to Madura forthwith, where his services are much needed,
and take up his appointment.

(True Extract.)

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

To Major H. M. Vibart, R.E.

Exd. E. C. Shunker.
Spare Copies

GENERAL
ESTABLISHMENT.
Govt. of (1878) Madras.
PUBLIC WORKS.

To
Major H. M. VIBART, R.E.,
&c. &c. &c.

Dated January 28th.

Issued

By

Encl.

G. O., 28th January 1878, No. 459 W.

JANUARY.

Nos. 258A 259.

Major Vibart, R.E., to proceed to
Madura forthwith and take up his appoint-
ment.

No. 194.

From

ASO
✓

Bangalore
22 December/77

Major H. M. Vibart R.E.
District Engineer

To

The Chief Engineer
Public Works Department
Madras.

Sir,

I have the honor to report for
your information that the 1st case
against A. Govindarajoo Moody,
and the 2^d case against him, and
Peddammah, came on for hearing in
the Sessions Court on 17th Instant.
The proceedings lasted ^{three} ~~two~~ days
and the defence one day.

The Sessions Judge delivered
his judgment yesterday the 21st Instant.
I have applied for a copy of his judg-
ment and sentence. This of course,
not yet received - but meantime think
it desirable to inform you that he con-
victed both prisoners.

A. Govindarajoo Moody has

been sentenced to 3 years rigorous
imprisonment and Rs. 1000 fine; and
in default of payment further rigorous
imprisonment for 18 months. Poddanna
has been sentenced to 2 years rigorous
imprisonment and a fine of Rs. 150
and in default of payment 18 months
further rigorous imprisonment.

The last case against Perin-
darajoor and Poddanna in which
the frauds amount to over 1000 Rupees,
is in the Magistrate's Court. This
case will before long be commit-
ted to the Sessions and we shall
then have made a thorough example
of the offenders. As soon as I
receive a copy of the judgment
I will forward it.

I have the honor to be

Sir

Yours Most Obedt Servt.

Henry W. Viant Major R.E.
District Engineer

150
3.

Read the following:—

15/12
From the District Engineer Bangalore No 194 and
203 dt 21st Dec/77 and 11th January 1878.

FOR ORDERS.

In circulating the
accompanying papers for
orders, the Chief Engineer
remarks that he sees no
necessity for Mr. Viharb
remaining any longer in
Bangalore. If the Court
require his evidence, he will
attend when summoned in
due course. As far as the
conducting of the case is
concerned such must be
undertaken in the usual

P. 1326

From

Major W. B. Williams

D. District Engineer

to the District Engineer

P. B. 10

Received

Dated 22nd Dec/77

Recd 24th Dec/77

No 194

C. B. Consideration of
Papers & Decisions

Regarding that

have been considered

and referred to 29th 2

years ago & decided

by the Department

mis no. 1595 m. 10-11-77 with
do do 1664 W. 27/15 Nov/77
G. B. 2nd Oct/77 no 826 W. 2

handed by the present
District Engineer Colonel
Moberly. Meanwhile
Major Robert should pro-
ceed to Madras where his
services are much needed,
and take up his appoint-
ment forthwith.

Edmond Leake
Chief Engineer &
Secretary to Govt. P. & S.

Subd. Engrs
19th Jan 1878

The Hon. Mr. Justice
R. L. B. P. Decision -

Thanks for letting me
see the Mag. decision -
No system of account &
audit can deal adequately with
forgery - the checks must lie with the
Magistrate on the spot.
J. L. B. P.
31/1.
19-1-78.

FOR ORDERS.

Copy of order for 22-
1/2 - 5-1-78
Delivered - 8th Jan 1878
B. L. B. P.
H. J. C. P. S.
H. J. C. P. S.



180
4/5

In the Court of the Additional Session
Judge of the Muddabhog Division
Bangalore, the 21st day of December 1877
Bangalore Session Case No 764120 of 1877

Prosecutor -
Government - H
Prisoners -
1. Govindrajahodelia
2. peddanna

Charge - against 1st prisoner Govindrajahodelia
Indecent. forgery Section 468 Indian
penal code.

Shy

1 Charge against 2nd prisoner peddanna
abatement of above Section 468 Indian
penal code

2. Charge against 2nd prisoner peddanna
using as genuine a forged document
Section 468 and 471 Indian
penal code.

Judgment

I The 1st prisoner in this case was the
Writer of Sergeant Macalister an overseer
in the Madras S. P. M. stationed at
Bangalore and the 2nd prisoner is a
supplier of material to the Department.

2/ On a certain occasion ¹⁸⁸⁰ the District
Engineer, Major Vibart, had occasion
to notice what appeared to be an excess
quantity of bricks charged for in a
certain work, but appears to have been
subsequently satisfied by the explanation
offered by Macalister and passed the
Bill in question. The overseer however ^{seems}
to have had his doubts, and questioned
the Sub overseer, ^{prince}, on the subject
and on his denying that he had used
so many bricks, Macalister gets back the
said Bill and Vouchers in support of the
several items, and compares such Vouchers
with his Counterfoils, and finds additions
in the former, and thus making an overcharge
of some 10,000 bricks. The Modus operandi
seems to have been rather simple. Macalister
would for instance get written by 1st
prisoner requisition order for 250 bricks, and
this number would be duly entered in the
Counterfoil. The Sub overseer or Maistry
in charge of the works would receive the
250 bricks, and write "contents received"
on the said requisition order and return
it to the supplier. The supplier would
hand in the Voucher to the 1st prisoner
to

to make out the order with the Counterfoil
would compare the order with the Counterfoil
and write cancelled on both. and after
this would come the alteration by 1st prisoners
by adding 3 to 250 and thus making the
Voucher to stand for 3250 bricks and not
250. In one instance by the addition of the
figure 8, an addition of 80,000 paulites were
made. Sometimes the Sub-overseer or
Maistry in Charge of the works; signed
a receipt on the requisition order for the
actual quantity of material received;
but this appeared to be no obstacle to
the 1st prisoners, as then he added a numeral
to the figures given in the receipt, so as to
make the quantity suit his purpose. Seeing
that the opportunity was given to 1st prisoners
to alter the requisition orders after they had
been compared and checked with the
Counterfoils, there was practically no limit
to what further entries 1st Prisoners might
make in such orders and consequently
he is found not only making additions
to genuine entries but inserting fresh
items also. This is a genuine requisition
order is for 5000 paulites only. The number
8 is added and a fresh item inserted
likewise Viz 40 Caudies of Chumam.

In this case the 1st prisoners

41/ The original order would be ²⁵⁰ ~~25~~ $\frac{1}{2}$ that
5000 paulites

As altered it would stand
85000 paulites
40 Caudies of Chumam

The Sub. overseer's receipt would
be altered from 5000 to 85,000 and saying
that no Chumam was ordered; there would
be no receipt for the same. Consequently
a receipt would be forged for the same
purporting to be signed by one of the
Majistries. In this way it is clear that the
signature of a Majesty named Sojadasa
has been forged on two occasions.

1803
11 The above are given only as general
examples of the manner in which the
fraud was effected and which will be
fully particularized in the evidence
up to page 20. The pleader for the prose-
cution however desired to go into further
cases which of course the Court could
not object to. The result of three further
cases showed a additional fraud &
and in consequence further losses to
Government.

In the Court the 1st prisoner declared

5/ as, a rule if not entirely ⁸⁵⁰ ~~the~~ hand-
writing of 1st Prisoner. This he could not
get over and therefore it appears that at
the beginning he confessed to Major
Vibart that he made alterations, but by
the overseer's order and for which he was
to get some pecuniary benefit. Macalister
has himself to blame, by his gross care-
lessness with reference to the mode in which
he signed the actual Bills, for being thus
implicated by 1st Prisoner. It is to be
remembered however that it was Macalister
himself who was the direct means of
bringing the fraud to light; which is
scarcely compatible with a guilty knowledge
of such very gross criminal offences. If
Macalister is a dishonest man I am
of opinion that there were safer and
easier methods of his drawing unlawful
gains without adopting such crooked
and dangerous methods as those pursued
by 1st Prisoner. and it would be placing
him (Macalister) not only at the mercy
of his own 15 Rs. a month wages, but also
of the suppliers and it may be some of
the subordinates of the A/c Department
of the District Engineer's Office also.
IV In the Court the 1st prisoner declared

6/ he made the additions ¹⁵⁰ and alterations
at the orders of Macalister and without
any guilty knowledge; but - that I do not
for a second believe; seeing that what
he was doing was a barefaced forgery
in some instances. -

V As before stated the laxity in the
supervision by the Overseer, added to
the apparent want of anything like
proper checks in the District Engineer's
Office allowed full play to the prisoner
to practice his frauds and which frauds
in my opinion were of his own contrivance.

VI The 22nd Prisoner, admits, and indeed
there was ample proof forthcoming if
he had denied, that he received pay-
ments by cheques for several bills in
which false quantities of materials
had been fraudulently inserted. It
would be in my opinion idle to suppose
that when 22nd Prisoner presented
Vouchers representing the value of the
materials supplied say to the extent
of 50 Rupees, and actually got paid
in the sum of 150 Rupees, that he did
not know that some rascality was
at work while assured him 150 instead
of 50 Rupees - and this too, it is to be
observed

7/ observed not in one ^{ASO} single instance,
but on several occasions. Therefore it is
not surprising that evidence has
been produced by the prosecution (see
pages 51 & 52) to the effect that Prisoner
admitted that there was an understanding
between himself and 1st Prisoner that
the latter should overcharge in the over-
seer's Bills, and the money thus overcharged
be retained to 1st Prisoner and which
was actually done by 1st Prisoner coming
to his house and getting the money. The
2d Prisoner moreover appears not to be
a regular supplier of materials himself;
but a sort of go between and it is questioned
whether the value of the actual materials
supplied did not go to the Sub. Contractor
or actual supplier, whilst 2d Prisoner
looked to his own profits in the share
he got of the sums fraudulently charged
in excess.

VIII An attempt was made by prisoners
to prove that material was supplied
as per the additions and alterations;
but this attempt broke down entirely

The Court concurring with the assessors
at Prisoner Govindrao hoodia
guilt

8/ guilty of the offence of forgery ^{as set out}
in the charge being an offence punishable
under Section 468 of the Indian Penal
Code and the 22 prisoner Poddanah
guilty of the offences of abetment of
such forgery and of using as genuine
a forged document as set out in the
charge being offences punishable under
Sections 468, 109 and 471 of the Indian
Penal Code and the Court directs
that the said Govindrao Modelkar
be rigorously imprisoned for three
years and do pay a fine of 1000 Rupees
and in default of payment be rigorous-
ly imprisoned for a further period
of eighteen (18) months. The Court
further directs that Poddanah
be rigorously imprisoned for
two years and do pay a fine of 750 Rs.
or in default to suffer (18) eighteen months
additional rigorous imprisonment

(Signed) L. Ricketto
Additional Session Judge
Mumby District Division

"True copy"

H. Puttanna Narayana
a. J. J. S. S.

copy
P.S.

N^o 203.

Bangalore 14 January 1878.
Dep^d. 15.

ASO
/ 3

To

The Chief Engineer
Public Works Department
Madras.

Sir,

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of the Judgment of the Sessions Judge on
the case of forgery and cheating against
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Magistrate will feel himself compelled
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the

the Ser Ameen as the file in his crown
burden is so heavy.

I have the honor to be

Sir

Your most Obedient Servant--

Henry W. Hunt

Major R. B.

150
14

450/15

General.

From Major H. N. Davis 1878.
The District Engineer
of
Bangalore
of the Madras
C. E. S. S. S. S.
Station.

No 203.

Dated 14th
Feb 1878 Bangalore 1878.
Encl. 203.

Copy of Judgment of the
Honorable Judge of the
of the Madras
against the State of
Major H. N. Davis
Dated 14th

GOVT.
OF MADRAS.

1878.

P. W.
DEPT.

SECRETARY.

Fort St. George,

January 1878.

OFFICE NOTE.

To

C.

For perusal with
reference to the Honble.
Mr. Huddleston's remarks.

To Mr.

Secy. to Govt.

W. H.
20.1.78

Leg.
31

OF

187

19-1-78

(12)

No 450 W Public Works Department

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Under date the 28 Jan 78 1878
Read the following:

From
The Dist. Engr. Bangalore (H.C. No 194 of 22 Dec 1877)
do do (No 203 of 14 Jan 1878)

The Government
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Vibart remaining any
longer in Bangalore. If
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ducting the case. Mean-
while Major Vibart must
proceed to Madras forth-
with, where his services are
much needed, and take

A.P.

up his appointment

Oct 28/78

450
17

Major H. M. Richardt
Lt. Benjamin in m/s.

Lt. M.S. Dr. 12

28-1-78


 Dept. of 11878 *Public Works*
 PUBLIC WORKS.

To *Major R. B. ...*

Dated

Issued

Recd.

Encl.

G. O., 21 Jan 1878, No 4504

Nos.

Major Robert R. to pro-
ceed to Madison for the
and take up his appoint-
ment

W. P. ...

19 Jan 78 364