

No. 86.

D. P. W

Superintendent of Works Office Godavari.

Station

Dated 3rd

Despatched

Received

Enclosures.

To

~~The~~ Kolla Satiah (Son of
Teeriah)
(Thro Western D^r Officer)

Reference.

No.

dated

1881.

On the night of 18/8/81
you were placed in charge of
Overseer Komaraswami &
Achari's Cash Chest & on
that night it was stolen.

2. You made a confes-
sion in the Magistrate's
Court that you were con-
cerned in the robbery but
this confession you after-
wards withdrew - and there
was not independent evidence
sufficient to enable the Court
to convict you.

3. But though this is
the case it is evident that
you

you are not a trustworthy
man & I dismiss you
from date on which
you were suspended
by the Divisional Officer

/Sd/ G. T. Walch
As Sup^d Eng^r 1st Circle
(True translation)

C. Thwait

As Sup^d Eng^r 1st Circle. Enclosure in letter
No. 100 G.D. dated 3rd /
November 10 A.I. from
the As Superintending
Engineer 1st Circle

10/10/10

Orders issued to the Police to
make over to the 1st witness
the property discovered.

/Sd/ G. T.

27-8-81.

Calander Case No. 69 of the Court of
2nd Class, Sherista Magistrate
Ellore Taluqs.

Plaintiff

Defendants

Kollu Satiah, Keriah, Weaver

Overseer's lascar, 25 years
Tadapilligudem.

Witness.

1. Nangam bakam Kumaraswami Achar

2. Kadalur Venkataswami

3. Kotta Lutchminarayana.

4. Velala Venkataswami.

On behalf of the Court

1. Turlapati Venkataratnam

2. J. Fredericks.

Offence.

Theft by house breaking under Sec. 457
of the Indian Penal Code.

Finding

Evidence is not sufficient for convicting
the defendants.

Judgment

Defendant was discharged under Sec.
215 of the Code of Criminal Procedure.

The Station Officer, Ellore Taluqs
sent in a charge sheet as to the defendants
having committed the above offence.

2 The defendant made whether they before the court for his again properly. this offence of theft with that they did so and some others. He also Confession was not made of others by threat or other defendant went was thereupon remanded at about 6 A.M.

3 The 1st witness makes the defendant's statements - a room and it

That he went to the ce. he entered into boat, with his Cash Cash Chest & on the 17th Instant.

That he had this furniture what had stone room at the he and then he being his leave nothing of it.

That he worked on that dated the 2^d & 3^d That he did not open his the cash that date and that he brought his

That there in the Cash room on the odd in cash. That he kept in the Cash

vouchers; payments chest so attentively which were made was Rs 161-1-8

That the Key of the Chest was the number of That he told the defend to lock up the store stolen property Careful & that he day.

That he saw the defendant several at the store property and



while he is also searching for it the Lock Supdt. at 2 P.M. on the next day had signs of having something under the Torajji tree in the yard near the mango tree where the defendant used to cook his food, and then the Lock Supdt. Called him.

That the spot was then dug and Rs 108 and Copper Coins for Rs 5-1-10 and 27 vouchers were found in the pit

That he ordered the defendant to keep the Key of stone room with him

That he then questioned the defendant to show him the place where the Cash Chest was broken.

That the defendant then showed a place Covered with bushes & date trees at a ruined well lying between the stone and the road, and that the Cash Chest was there broken.

That a ball of old papers was there

That they are the rough papers and that the figures entered in it were of his writers.

That the Police did not speak with the defendant then.

4 The 2^d Witness gave the following statements.

That some body came on the 17th Instant

Instant and asked his woman for the Key
of the store room and took it away in order
to put in things of the 1st witness.

That it was not returned to him

That on the 18th at about 9 P.M. he
with the defendant and the 3^d witness
went up to the store room

That the lock of the store room was
opened by the defendant.

That the 3^d witness carried the lantern
and put it down.

That he stood in front of the gate.

That the defendant brought and gave
to him the clothes &c.

That he did not see attentively where
the Cash chest was located.

That the defendant locked up the
room again

That he saw the spot where the Cash
chest was placed, on being shown to him
afterwards

That the Cash chest would have
appeared to him when they went into the
room for clothes as if it had been there
lying at the spot.

That the 3^d witness put lantern
at that spot.

And that he cannot tell how this
property was lost and by whom it was stolen
5 The 3^d witness makes the following statement

That he saw the 2^d witness giving
the key to the defendant on the 17th instant
under orders from the Lock Supt.

That he in company with the defendant
and the 2^d witness, went over the store room
in order to bring clothes &c. according to 1st
witness's orders.

That the defendant opened the door
and then the 3 men went into the room.

That he carried the lantern and put
it down.

That the defendant tied the clothes and
gave them to the 2^d witness.

That the defendant again shut the
door and locked it.

That he and the 2^d witness came back to
the 1st witness and that he knew not where
the defendant went away.

That he knew nothing how the property
was lost and by whom it was stolen.

And that the Cash chest would have
appeared to him when they went into the
spot where it was placed, if it had been
lying there.

6 The 4th Witness states.

That he cooked on the night of the 18th for the defendant, the 1st witness, horse-keeper, and for himself.

That the defendant brought them to him firewood &c. and at that time he uttered twice that there were none at the store.

That it was 9 P.M. when he finished his cooking.

That the 3 men then took their supper and went over to the store room to lay in.

That at about 12 P.M. the defendant awoke him seeing the noise of a bat catching a frog.

That the defendant did not come from the spot where the stolen property was found when he brought firewood to him.

And that it appeared that he came by turning round the wall of the yard.

7 The 1st Witness on behalf of the Court gave evidence as follows

That the figures on the papers found on the spot where the defendant said that the cash chest was broken were his.

That they were scribbling papers and that he won't destroy such papers

but preserves them as they may be useful whenever required.

8 The 2^d witness on behalf of the Court states

That the ball of the papers now brought before the Court was found within a distance of $1\frac{1}{2}$ or 2 yards from the place where the defendant shewed that the Cash Chest was broken.

And that no such other papers were found lying near it.

9 On further enquiring the defendant gave defence as follows:

That he knew nothing of the Cash Chest

That he knew nothing by whom it was stolen.

That his statement, made in his confession that he was ordered to hand over the key to Venkataswamy and that he gave it to him at 6 o'clock, is true.

That all the rest is not true.

That he made those statements by threat of the police.

That the police first beat him and forced him whether he would state or not according to what they have told him, if not they threatened that they will kick him and they did kick him twice.

That he stated accordingly in his Confession.

That the Police threatened beating him again if he did not state before the Magistrate's Court what he represented before the Police, and that in consequence he did not represent the same to the Magistrate.

That as he was compelled to show a place that the Cash Chest was broken he showed it for fear.

10 On my proceeding to the spot; where the offence was said to have been committed and making enquiry there, before receipt of this Charge Sheet by the Police; I was told by the same witnesses that the defendant gave the Key to the 2^d witness on the 18th night and that it was the 2^d and 3^d witnesses that brought the clothes &c to the 1st witness.

11 On summarising this there does not appear to have been any Circumstantial evidence to agree with the Confession made by the defendant and I am unable to punish the defendant on his own Confession alone.

alone. The defendant was consequently discharged under Section 215 of the Code of Criminal Procedure there being no sufficient evidence.

27-8-81

Collore }

1st J. Subbarayudu
2^d Class Magistrate.

(True translation).

C. P. Paul

Asst. Superintending Engg.
1st Circle.

No. 100 G.D.

FROM

ing Engineer
THE SUPERINTENDENT OF WORKS 1st Circle
GODAVARI DISTRICT.

TO

THE CHIEF ENGINEER
P. W. Department
FOR IRRIGATION.

Enclos. 2

Dowlaisheram, 3^d November 1881.

SIR,

Desp^d 10th Dec

I have the honor to inform you that on the night of 18th August the Cash Chest of Overseer Komaraswami Achari which he had placed in the Ellore Lock Store building under charge of two lascars, K. Tatiah & Y. Venkatesami, was stolen. It contained Rs 161-1-8 of Government money but of this Rupees 113-1-10 have been recovered.

2. Suspicion having fallen on the lascar K. Tatiah he was arrested by the Police & made a confession before the Sub Magistrate implicating also the lascar Y. Venkatesami and another man - this confession he afterwards withdrew & the Sub Magistrate who tried the case considered

Enclosure in a letter
No. 100 G.D. dated 3rd Nov/81
from the Suptg Engr
1st Circle -

considered that there was not enough independent evidence to convict him on.

3. But though this is the case there is quite enough to warrant the severest Departmental punishment & I therefore dismiss him & I trust you will confirm this dismissal in the event of the usual appeal - I forward translation of order of dismissal to the man K. Tatiah - and also translation of the Sub Magistrate's judgment.

4. The other lascar G. Venkatesami may possibly have been guilty only of carelessness & I therefore only fine him $\frac{1}{8}$ of a month's pay and warn him that any future case of carelessness on his part will undoubtedly result in his dismissal.

The Divisional Officer reports that the Overseer took all possible care of his Cash Chest & as the amount left in that Chest was not sufficient to warrant the labor & expense of sending it to the Police station,

station, which was $\frac{1}{2}$ miles away, in accordance with Para 1260 of the P.W. Code. I request permission to write off the lost amount (Rupees 47-15-10) to Profit and loss.

6. The delay in reporting the matter has arisen from the Western Division Officer having kept back his full report on the matter till receipt of copy of the Magistrate's judgment which he got only a few days ago & which reached me only to-day.

I have the honor to be,

Sir,

Your most obedient Servant

C. S. Swalsh

Asst. Sup. Engineer, 1st Circle

From
The Sup^y Engineer
1st Circle.

To,
The Chief Engineer
Public Works Dept^y

Dated 3rd }
Received. 16 } November 1881.

No 100 G.D.

Encls: 2

Komaraswami Acharya.
— Taluk Overseer
Cash Chest of — Reports
that a — has been stolen
in Ellore Lock Store Build-
ing — and forwards certain
papers on the subject and
consequently requests that
permission may be granted
to write off the lost amount
to profit and loss —
Entd in Receipt Book

No 2912 W

PUBLIC WORKS DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Under date the 22nd Nov 1881

Read the following:—

From the Sup^y Eng^r 1st Circle H.E. No 100 G.D. of 3 Nov 1881.

Under the circumstances
stated, sanction is accorded
to the loss of Rs 47-15-10
being written off as proposed.

By

Att

17. 11. 81

To the S.E. 1st Circle

— San P.W.D. ✓ Depad

22-11-81

49 1/2 1 1/2 1 1/2 1 1/2
The Mobile W. Charleston

29/2 Fr. 22-11.81

10/1/81