Govt. of {1891} Madras.

REVENUE.

No. 3069 Wdy 16 Nov 91

Issued

Recd. Encl.

Recorded
29/8/45.

G.O., 20th October 1891, No. 998.

OCTOBER.

V. N. Krishnasawmy Iyer.

The recommendation of the Board of Revenue that —, a Forester in Madura who has been convicted of theft under section 381 of the Indian Penal Code, be declared ineligible for re-employment in the public service, approved, and a notification ordered to be published in the *Fort St. George Gazette* to that effect.

To
The Secy. B.R.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—the following Proceedings of the Board of Revenue (Land Revenue), dated 30th September 1891, Mis. No. 804, Forest :—

THE HON. MR. J. GROSE.

Read—the following letter from the Conservator of Forests, Southern Circle, dated 23rd May 1891, No. 501 :—

I have the honour to report that one V. N. Krishnasawmy Iyer, late a Forester, Second Grade, Madura District, was found guilty of theft by a public servant under section 381 of the Indian Penal Code and sentenced by the 2nd-class Magistrate of Kodaikanal to simple imprisonment for five weeks and to a fine of Rs. 50 or, in default, to 50 days' rigorous imprisonment, and to request that Government may be moved to issue a notification in the *Fort St. George Gazette* prohibiting his re-employment in any branch of the public service.

2. The facts of the case are as follow :—

In July 1890, Krishnasawmy Iyer was directed by his Range officer, Mr. O'Neill (Palni Range), to make arrangements for felling a certain quantity of timber. Taking advantage of this order, and before the Ranger actually directed the felling to be begun, Krishnasawmy Iyer removed from the forests and sold 130 vengai scantlings, appropriating their sale-proceeds to his own use. The matter having been brought to the notice of the District Forest-officer, Madura, and enquiries instituted, the Forester was suspended from 12th November 1890, to which succeeded a criminal prosecution before the 2nd-class Magistrate of Kodaikanal, who convicted him as stated above. Krishnasawmy Iyer unsuccessfully appealed against this sentence to the Joint Magistrate, and I have dismissed him from 12th November 1890, the date of his suspension.

Reference on the above, dated 8th July 1891.

The Conservator is requested to forward the records of the cases against the Forester.

Read—the following letter from the Conservator of Forests, Southern Circle, dated 4th September 1891, No. 1460 :—

Reference.—Board's Reference on Forest Register No. 1099, dated 8th July 1891.

I have the honour to forward herewith a file containing the records of the case against the late Forester, Krishnasawmy Iyer, and request that it may be returned when no longer required.

Resolution—dated 30th September 1891, Mis., No. 804.

Submitted to Government.

2. On the 10th July 1890, Mr. O'Neill, who was in charge of the Palni Range, ordered Forester V. N. Krishnasawmy Iyer *to make arrangements* for felling a certain quantity of timber. Though this order was not intended to direct the Forester to

begin felling at once, but only to be in readiness to do so, the Forester, taking advantage of it, commenced operations on his own authority and entered into an agreement with a contractor to carry on the felling. On the 26th September 1890, the Range officer issued another order which the Forester received on the 30th idem and which directed him to stop the felling. The Forester, however, kept the latter order back and went on carting and selling the timber, even after he was told to stop, as will be evident from the advance of Rs. 30 made by the Forester to the contractor on the 7th October (*vide* paragraph 20 of the Sub-Magistrate's judgment), and the sale of 130 scantlings without authority to Periaswamy Nadan of Palni on the 12th idem. The Forester received the sale-proceeds (Rs. 152½) on the latter date, but had not remitted it to the treasury by the 29th October; nor did he exhibit the transaction in the monthly cash and timber accounts, submitted by him to the District Forest-officer; all these facts negative the presumption that the Forester's action might have been *bonâ fide* under a mistaken idea of the instructions he received. It is thus clear that the Forester acted wilfully and fraudulently throughout. The 2nd-class Magistrate of Kodaikanal who tried the case and the Joint Magistrate who heard the Forester's appeal against the conviction have found him guilty of "theft by a servant," section 381, Indian Penal Code; the Board accepts this finding and supports the Conservator's request that the Forester may be declared ineligible for re-employment in the public service.

(True Copies and Extract.)

(Signed) H. A. SIM,
Acting Secretary.

To the Secretary to Government, Revenue Department,
with a file of records, to be returned.
" Conservator of Forests, Southern Circle.

ORDER—dated 20th October 1891, No. 998, Revenue.

Forest No. 230.

The Board's recommendation is approved.

2. The following notification will be published in the *Fort St. George Gazette*:—

NOTIFICATION.

V. N. Krishnasawmy Iyer, late a Forester, Madura District, having been convicted of theft by a public servant under section 381 of the Indian Penal Code, is hereby declared ineligible for further employment in the public service.

(True Extract.)

(Signed) C. A. GALTON,
Secretary to Government.

To the other Departments of the Secretariat.
" the Heads of Departments under the Revenue Secretariat.
" the Superintendent, Government Press, with copy of notification.

Exd. C. M. Brisson.

100 Copies.

Govt. of {1891} Madras.

REVENUE.

No. 3069 Wdy 16th Nov/91

Issued

Recd.

Encl.

Recorded

Ko/ 0013

DW

G.O., 20th October 1891, No. 998.

OCTOBER.

V. N. Krishnasawmy Iyer.

The recommendation of the Board of Revenue that —, a Forester in Madura who has been convicted of theft under section 381 of the Indian Penal Code, be declared ineligible for re-employment in the public service, approved, and a notification ordered to be published in the *Fort St. George Gazette* to that effect.

Ao

The Hon P. W. Secty

20TH OCTOBER 1891, No. 998, REVENUE.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—the following Proceedings of the Board of Revenue (Land Revenue), dated 30th September 1891, Mis. No. 804, Forest :—

THE HON. MR. J. GROSE.

Read—the following letter from the Conservator of Forests, Southern Circle, dated 23rd May 1891, No. 501 :—

I have the honour to report that one V. N. Krishnasawmy Iyer, late a Forester, Second Grade, Madura District, was found guilty of theft by a public servant under section 381 of the Indian Penal Code and sentenced by the 2nd-class Magistrate of Kodaikanal to simple imprisonment for five weeks and to a fine of Rs. 50 or, in default, to 50 days' rigorous imprisonment, and to request that Government may be moved to issue a notification in the *Fort St. George Gazette* prohibiting his re-employment in any branch of the public service.

2. The facts of the case are as follow :—

In July 1890, Krishnasawmy Iyer was directed by his Range officer, Mr. O'Neill (Palni Range), to make arrangements for felling a certain quantity of timber. Taking advantage of this order, and before the Ranger actually directed the felling to be begun, Krishnasawmy Iyer removed from the forests and sold 130 vengai scantlings, appropriating their sale-proceeds to his own use. The matter having been brought to the notice of the District Forest-officer, Madura, and enquiries instituted, the Forester was suspended from 12th November 1890, to which succeeded a criminal prosecution before the 2nd-class Magistrate of Kodaikanal, who convicted him as stated above. Krishnasawmy Iyer unsuccessfully appealed against this sentence to the Joint Magistrate, and I have dismissed him from 12th November 1890, the date of his suspension.

Reference on the above, dated 8th July 1891.

The Conservator is requested to forward the records of the cases against the Forester.

Read—the following letter from the Conservator of Forests, Southern Circle, dated 4th September 1891, No. 1460 :—

Reference.—Board's Reference on Forest Register No. 1099, dated 8th July 1891.

I have the honour to forward herewith a file containing the records of the case against the late Forester, Krishnasawmy Iyer, and request that it may be returned when no longer required.

Resolution—dated 30th September 1891, Mis., No. 804.

Submitted to Government.

2. On the 10th July 1890, Mr. O'Neill, who was in charge of the Palni Range, ordered Forester V. N. Krishnasawmy Iyer *to make arrangements* for felling a certain quantity of timber. Though this order was not intended to direct the Forester to

begin felling at once, but only to be in readiness to do so, the Forester, taking advantage of it, commenced operations on his own authority and entered into an agreement with a contractor to carry on the felling. On the 26th September 1890, the Range officer issued another order which the Forester received on the 30th idem and which directed him to stop the felling. The Forester, however, kept the latter order back and went on carting and selling the timber, even after he was told to stop, as will be evident from the advance of Rs. 30 made by the Forester to the contractor on the 7th October (*vide* paragraph 20 of the Sub-Magistrate's judgment), and the sale of 130 scantlings without authority to Periaswamy Nadan of Palni on the 12th idem. The Forester received the sale-proceeds (Rs. 152½) on the latter date, but had not remitted it to the treasury by the 29th October; nor did he exhibit the transaction in the monthly cash and timber accounts, submitted by him to the District Forest-officer; all these facts negative the presumption that the Forester's action might have been *bonâ fide* under a mistaken idea of the instructions he received. It is thus clear that the Forester acted wilfully and fraudulently throughout. The 2nd-class Magistrate of Kodaikanal who tried the case and the Joint Magistrate who heard the Forester's appeal against the conviction have found him guilty of "theft by a servant," section 381, Indian Penal Code; the Board accepts this finding and supports the Conservator's request that the Forester may be declared ineligible for re-employment in the public service.

(True Copies and Extract.)

(Signed) H. A. SIM,
Acting Secretary.

To the Secretary to Government, Revenue Department,
with a file of records, to be returned.
" Conservator of Forests, Southern Circle.

ORDER—dated 20th October 1891, No. 998, Revenue.

Forest No. 230.

The Board's recommendation is approved.

2. The following notification will be published in the *Fort St. George Gazette*:—

NOTIFICATION.

V. N. Krishnasawmy Iyer, late a Forester, Madura District, having been convicted of theft by a public servant under section 381 of the Indian Penal Code, is hereby declared ineligible for further employment in the public service.

(True Extract.)

(Signed) C. A. GALTON,
Secretary to Government.

To the other Departments of the Secretariat.
" the Heads of Departments under the Revenue Secretariat.
" the Superintendent, Government Press, with copy of notification.

Exd. C. M. Brisson.

100 Copies.