(1) பக்கங்களின் எண்ணிக்கை 34 ~~Sheets~~.
(2) புதுக்கித் திருப்பிய நாள் 7/91
(3) ஆதாரங்குறிப்பவர் சுருக்கொப்பம் lvs

தமிழ்நாடு ஆவணக் காப்பகம்.

தமிழ்நாடு அரசு

PWD துறை

171

அரசாணை எண். / மு. கோப்புத் தாள் எண்.	1336	அச்சகம் / பலவகை
நாள் : 27-4-1892		198/.

மடிக்கவோ கண்டபடி கையாளவோ கூடாது

17 Sheets

ஆவண. கா-1—18,000—15-6-87.

1

No. 5379

D. P. W.

B. H. Young Esqre
~~The~~ Executive ~~Engineer~~ Western
Godavari ~~Central~~ Division.

The Superintending Engineer
1st Circle. 1336/1

Camp
Dated 25 } March 1892
Despatched 26 }
Enclosures 4

Reference

Sir,

I have the honor to forward marginally noted enclosures and reques that you will ask Government to permit Delta Superintendent, P. Veerasa-lingam, to take legal proceedings agai his defamer, G. Venkappa - as instruc in G. O No. 2785 W dated 20.10.90 forwarded with your No. 473 CL datea 31.10.90, if you think that the order is applicable to this case. Viz, to vendicate his character as a public servant agains defamatory attack.

6

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of the joint Magistrate
davari District

Case No 43 of 1891.

dgement.

1336/2

o. Pamidipani Veerasalingam

a public Servant and receiving
gratification Sect; 161 I. P. C.

ot guilty.

quitted under Sec. 258 Cr. P. C.

ccused				Date of				
occupation	Residence	Age	occurrence	complaint	Apprehension	Commencement of trial	Closing trial	Explanation of delay
5	6	7	8	9	10	11	12	13
Delta Superintendent	Dimapuram	31 years	February & March 91 and May 1891	1/12/91	9/12/91	9/12/91	6/1/92	

No 537 S

From
The Executive Engin
Godavari Western Dn

To
The Superintendin
Engineer, 1st Circle

Dated 25th
Despd 26th } March/92

Enclo. 4

B

Subject:-

Criminal Case again
Delta Supt. Veerasaling
brought by G. Ventzaka
but dismissed.

Forwarding copies of Judgement &c in connection with the — and asking to move Govt. to permit Delta Superintendent to take lega proceedings against his d

---

I have the honor to be
Sir,
Your Most Obedient Servant
25/3
Executive Engineer

Copied
23/3/92
Compd

P.v 5.5/4321/92

---

of the Joint Magistrate
davari District

Case No 43 of 1891.

dgement.

1336/2

b. Pamidipani Veerasalingam
a public Servant and receiving
gratification Sect. 161 I.P.C.
ot guilty.
quitted under Sec. 258 Cr. P.C.

ccused				Date of				
occupation	Residence	Age	occurrence	Complaint	Apprehension	Commencement of trial	Closing trial	Explanation of delay
5	6	7	8	9	10	11	12	13
Delta Superintendent	Dinapuram	31 years	February & March 91 and May 1891	1/12/91	2/12/91	9/12/91	6/1/92	

SUP[illegible]ENDING ENGINEER.
No 1806
27 [illegible] 92
FIRST CIRCLE.

From

To

Judgement in calendar case No. 43 of 1891

Delta Supdt. P. Veerasalingam's No. 369 dated 20th January 1892, enclosing above.

Sub Engineers No. 516 dated 23/1/92 forwarding Copy of Central Delta Sub Dn. Officers No. 791 of 3/2/92

In the court of the Joint Magistrate
Godavari District
Calander Case No 43 of 1891.
Judgement.

13/2

Name of the accused. Pamidipane Veerasalingam

Offence. Being a public Servant and receiving illegal gratification Sect. 161 I.P.C.

Finding - Not guilty.

Sentence. Acquitted under Sec. 258 Cr. P. C.

Serial Number	Description of accused						Date of					
	Name	Fathers Name	Cast or Race	Occupation	Residence	Age	occurrence	Complaint	Apprehension	Commencement of trial	Closing trial	Explanation of delay
1	2	3	4	5	6	7	8	9	10	11	12	13
1	Pamidipane Veerasalingam	Gurulingam	Mochi	Delta Superintendent	Pinapuram	31 years	February & March 91 and May 1891	1/12/91	9/12/91	9/12/91	6/1/92	

Judgement:

The complainant Guttula Venkappa, a ryot of Bantumelli, in the Amalapore Taluq charges the accused S. Veerasalingam the Delta Superintendent of the range in which Bantumelli is situated with having received from him illegal gratification

viz (a) a putti of Paddy as a customary bibe.

(b) Rs 8 as a special bibe on the occasion of Defendants daughter's marriage.

(2) The complainants story and the evidence of his witnesses contain so many improbabilities and contradictions that it was a matter of some doubt whether I should frame a charge against the Defendant or not; but at the close of the examination of the witnesses first cited by the complainant, he informed the Court that he could produce a large number of other witnesses who would speak to having given the Defendant bribes on the occasion of his daughter's marriage and I considired it advisable to go into all the evidence which was forthcoming on both sides. I accordingly framed a charge against the Defendant and gave him, an opportunity to produce his evidence and also to employ a pleader to argue before the Court the question of the admissibility of the additional evidence which the complainant proposed to produce.

1336/3

(3) The complainant has, however, been unable to produce the additional witnesses whom he informed the Court he had ready to support his case and the whole case rests, therefore, on the evidence originally recorded for the prosecution. Some evidence has also been taken for the defence with a view to ascertaining the motives which are likely to have influenced the complainant in preferring a false charge.

(4) The Complainant has given several different versions of his case.

(a) He first petitioned the Executive and Superintending Engineers on the 1st Sept. 91 and in his petitions to these officers, he makes no special mention of paying any bribe himself to the Defendant but merely complains generally that the Defendant took bribes from his subordinates and the ryots, these petitions, it is be obser were written after the two bribes which form the subject of the present case are alleged to have been paid by the complainant.

(b) On the 7th September 91 complainant sent a petition to the Sub Engineer Amalapore and in this he speaks of the two bribes alleged to have been paid by him. He says he gave the putti of paddy in the month of Chitrai (April-May) and Rs 8 on the occasion of the marriage. He also makes mention of a fact, no where else referred to by the complainant, viz. that he had to pay Rs 2 to the dancing girls at the marriage apparently under the Defendants orders. In this petition, he also mentions having paid Rs 20 towards the repair of a tank which the Defendant got repaired by raising private subscriptions from the villagers and he states that the Defendant was angry with him for not paying Rs 50 as requested by him.

(c) On the 16th September 91, the Sub Engineer made a local enquiry into the petition sent him by the complainant and recorded a written statement from him

On this occasion the complainant told quite a defferent story from before. He stated that he sent, not one, but three putties of grain to the Defendant viz one putti a year for the last 3 years. He makes mention of the contribution for the repairs of the tank but says nothing about the alleged bribe given on the occasion of the marriage 137/4

(d) In the complaint presented by the complainant to this Court on the 30/11/91 he states that he gave the putti of grain in Palguna (Feb – March) not in Chittrai as stated in the petition to the Sub Engineer.

(e) In his sworn statement made before me on the 1/12/91 he stated that he gave the putti of grain 2 years ago, but during the hearing of the case, he again fixed the date of the grain bribe as Palguna last.

(5) So much (much) for the contradictions in the complainants own story. The statements of his witnesses make matters even worse confused. The 2nd to 5th witnesses speak to having heard

the Defendant asks for the putte of grain and three of these witnesses say that the Defendant asked for the grain as a present on account of his daughter's marriage where-as the complainant's case all along has been that this bribe was paid as a customary contribution and that he paid a special bribe of Rs 8 for the marriage.

(7) The 6th and 12th witnesses speak to taking the grain in a bandy from Bontumilli to Ainapore in the month of Palguna (Feb-March) but Mr Howly, the Assist. Engineer, proves that a bandy could not pass between these villages without crossing the canals which, in February-March, would be full of water and could only be crossed with very great difficulty if at all, by a bandy.

(8) The 2nd to 6th witnesses from their own admissions are either interested in the complainant or prejudiced against the Defendant.

These are the witnesses who speak to the grain bribe and their evidence is, in my opinion, quite unreliable.

(9) The 7th, 8th, and 9th, witnesses speak to seeing the complainant pay Defendant Rs 8 on the occasion of his daughter's marriage. These witnesses do not make any admission showing that they are prejudiced and they can hardly be called accomplices of the Defendant in the present case, but they admit that they also paid the Defendant bribes and they are, therefore, his accomplices in other offences if what they allege is true. The evidence of such persons can never be relied on without corroboration, and such corroboration is not forthcoming.

1336

(10) The evidence produced for the defence explains satisfactorily the motives which probably influenced the complainant in preferring these false charges.

It is proved by the 2nd Defendant witness (a Rev. Inspector) and the documents he produces that from

May to July last he (the Rev inspector) was enquiring into a charge preferred against the complainant of having cut a tree on a D. P. W. channel and that the Defendant gave him information that the complainant had cut the tree and offerred to produce evidence to prove the same. This seems to have been the first cause of enmity between the complainant and the Defendant.

Shortly after this, viz in the middle of August 91, the Defendant got the permission of the Assr. Engineer to raise certain spouts which were too low and in accordance with the Assr. Engineers orders removed one of the two spouts which conveyed water to some of the complainants' lands. This was about the end of August and immediately after this, we find that the complainant sent his petitions to the Executive and Superintending Engineers, in which his chief complaint was that the Defendant was not distributing water properly and which contain no specific reference to any bribes paid by the complainant

1336/6

Complainant

On the 7th September, however, the Defendant went a step further and in his petition to the Sub Engr. formulated specific charges of bribe taking against the Defendant.

After this he did nothing until the begining of November, when he presented a petition against the Defendant to the Sheristadar-Sub Magistrate, complaining that the Defendant had removed the 2nd spout which supplied his lands.

The circumstances under which this 2nd spout was removed and subsequently replaced are explained by the Sub Engr., Examined as the 1st court witness, and there is no reason for supposing that Defendant acted from any improper motive, but it is not unlikely that complainant put it down to spite and made up his mind to ~~the~~ be revenged. Shortly afterwards, something happened which appears to have at last made complainant make up his mind to come before a Criminal court. On the 15th November 91, the Defendant wrote to the Thasildar a letter complaining that certain ryots had breached one of the D P W channels and among the ryots so accused was the complainant's brother. The Thasildar ordered the Rev. Inspector to enquire into this matter and when the Rev. Inspector began his enquiry about the end of November, the complainant came away to Rajahmundry and preferred this complaint before me.

(11) These being the circumstances, under which this charge has been preferred there are good reasons for thinking that it is probably a pure invention and nothing which has come to light in this enquiry can be considered to raise even a reasonable suspicion as to the Defendant's honesty.

The evidence brought to support the charge is, as I have shown, quite unreliable.

I acquit the Defendant under section 258 Cr. P.C.

7/1/92

(Sd) F H Hamlett W/
Joint Magistrate

1336/

(True copy)

(Sd) A Appa Rao
Ag Hd clerk
for Joint Magistrate

Copy applied for --- 7/1/92
By whom applied --- P Veerasalingam
Money advanced --- 8/1/92
Copy ready for delivery. 11/1/92
Copy delivered --- 4/1/92

(True Copy)

19.1.92

CENTRAL DELTA SUB DIVISION, 30 JAN 92 GODAVARI WESTERN DIVISION.

SUPERINTENDING ENGINEER
No. 2/1280
27 III 92
FIRST CIR

2/327

Cw $\frac{E.4}{6321}$/92

NO. 369

D. P. W.

Canal No. Section Delta Superintendent's Office Sub-Dn:
Western Division Godavari.
Dated 19-1-1892
desp 20-1-92

CENTRAL DELTA SUB DIVISION
30 JAN. 92
GODAVARI WESTERN DIVISION.

From
The Delta Superintendent
Bank Canal No. Section.

To
The Executive Engineer
Godavari Western Dn
Chettipett

$\frac{1376}{8}$

Enclo: 1.

Re 21-1-92

Sir,

I beg to submit herewith the copy of judgment of Joint Magistrate in the case brought against me by Guttula Venkappa of Bantumilli for your information and orders.

In this case he has unnecessarily given me much botheration and made me incur a great expense. The truth of the whole case is found at last and the case discharged by the magistrate.

The chief causes of this false charge against me are first my attempt to raise certain low level Sprouts in the Irrigation Channels on written orders of my Superiors and 2ly my reports against the ryots on the irregularities they commit, such as cutting Government trees and cutting the banks of channels.

It is impossible for one in this capacity of this witnesses, my record would not have been looked into and I would have fallen a victim to the orders of the magistrate though it is a false charge. The magistrates will always see the evidence on papers and they will not see the motives under which the charge is brought.

Under the circumstances, I humbly beg your honor will be good enough to move the Government to have such orders (if there are not such already laid down) as would take your honor's permission before a magistrate were to take up a case ~~before~~ on your subordinate.

I have consulted with pleaders @ Rajamundry and I am advised to bring a charge against G. Venkappa for his having given this false charge and also to bring a suit for the damages. I request therefore your permission for the same. I shall put in a petition in a week or so for both of them before the Joint Magistrate and I request you will kindly write to the Magte. to sanction his prosecution.

P.W. 3.3 / 434/92

I beg to remain
Sir,
Your most obedt. Servt.

SUPERINTENDING ENGINEER
No. 4/[illegible]
FIRST CIRCLE

NO. 516.

D. P. W.

Ralli Section ~~Overseer's~~ Office, C. Delta Sub-Division,
Western Division Godavari.

Dated 23-1-1892.

CENTRAL DELTA SUB DIVISION
30 JAN. 92
GODAVARI WESTERN DIVISION.

From
The ~~Overseer~~ Sub Engineer
Ralli Section.

1336/10

To
The Assistant Engineer
Central Delta Sub Dn

D.S. No. 369
Judgment file 1

Enclo: 2

Sir,

I have the honor to forward herewith Bank Canal Delta Supdt's letter No. 369 dd 19-1-92 with a copy of the Joint Magistrate's Judgement in the case of bribery brought against him by G. Venkappah of Bantumilli and to report as follows:—

2. The procedure in the case seems rather unprecedented and has placed the Subordinate of this Department in a very delicate position; and it will be hardly possible for them here after to carry out orders in matters of water regulation without the risk and expense of a magisterial enquiry. For, in arranging for water regulation, it often occurs that acts are perpetrated which are likely to cause offence to a number of ryots; and if any offended ryot should make up his mind to be revenged, he has only to resort to a Magistrate court with false charges such as have been woven

out in the case under reference and even if there be no serious results for congratulation may yet pride himself in having submitted his supposed offenders to all the ignominy of a prisoner in a Criminal trial.

3. The Law seems to be definite with regard to sanction for the prosecution of public servants. Section 197 of Criminal P. Code runs thus:—

When any judge, or any public servant not removable from his office without the sanction of the Government of India or the Local Government, is accused as such judge or public servant of any offence, no court shall take cognizance of such offence, except with the previous sanction of the Government having power to order his removal, or of some officer empowered in this behalf by such Government, or of some court or other authority to which such judge or public servant is subordinate, and whose power to give such sanction has not been limited by such Government. The magistrate seems to have been evidently misled by the restricting clause "not removable from his office without the sanction &c". By a reference to the cases decided under this section it seems clear that the sanction in the section is intended to extend to all Public servants ~~that~~ the authority to give the sanction is the Officer having power to remove such public servant from Office. The Madras High Court have held in (Reg. versus B. Kristnarow Madras High Court reports Vol 7 page 58 that "the section by implication vests in the Court or authority to whom the judge or other public servant not removable &c, is subordinate, the power of sanctioning or directing such prosecution. It does not say that the Government must give the power but that it shall exist unless limited or reserved. Every Court or authority has it unless there is a limitation. The inappropriateness of the word 'reserve' in this connection does not interfere with the obvious construction. Also, the Bombay High Court have held in Reg. versus Parshram Kesue Bombay High Court reports Vol. 7 page 61 that "sanction should be given before the prosecution is commenced. A Magistrate may in such a case receive a complaint of the "nature mentioned against a public servant, and, if he thinks right may make a preliminary enquiry into the truth of the complaint; but he is not authorized to cause the attendance of the accused, or to take any evidence

SUPERINTENDING ENGINEER
A.S. 5/4332
27 4 92
FIRST CIRCLE

R 5.2
4332/92

4

I should say that
the Delta Supdt.
character was 1336/12
sufficiently vindicated
by the judgment
of the court, and
that Govt. is not
prepared to sanction
the proposed prosecution
This is not a strong
case.

23.4.92

8 2/12

No. 791.

C.D. Subdn. Office Western Dn. Godavari
Dated 3-3-92.

Officer in Charge
Central Delta Subdn.

xecutive Engineer
Godavari Western Dn. 1336/13

have the honour to forward to you
the Delta Supdt. Bank Canal
enclosure, and also a covering
ub Engineer Mr. R. Vythenadhaiyer.
commend that the permission asked
proceedings against G. Venkappa,
ted to the Delta Supdt.

agree with the Sub Engineer
ta Supdt. when they say that
ble and expense of this Case
been saved if the Magistrate
fit to ask for your sanction
raming a charge against the Delta

or may not be a law requiring
sanction of the Departmental
s before a charge of this kind

No 3.2/4324/92

No. 791.

C.D. Sub Dn: Office Western Dn Godavari

Dated 2-2-92.

From The Officer in Charge
Central Delta Sub Dn:

To
The Executive Engineer
Godavari Western Dn.

6/13

Enclos 3.

Sir,

I have the honor to forward to you a letter from the Delta Supdt. Bank Canal Section, with enclosure, and also a covering letter from Sub Engineer Mr. R. Vythernathaiyer.

I beg to recommend that the permission asked for, to take proceedings against G. Venkappa, may be granted to the Delta Supdt.

I cannot agree with the Sub Engineer and the Delta Supdt. when they say that all the trouble and expense of this case would have been saved if the Magistrate had thought fit to ask for your sanction previous to framing a charge against the Delta Supdt.

There may or may not be a law requiring the previous sanction of the Departmental authorities before a charge of this kind

may

may be framed by a magistrate against a public Servant: on this I cannot express any opinion. The Delta Supdt. claims that he is "a public Servant, not removable from his Office without the sanction of the Government of India or the Local " within the meaning of Section 197 Criminal Procedure Code. If that be so, the previous sanction of the Executive Engineer in charge of the Division or the Superintending Engineer of the Circle, would seem necessary: but I do not see that sanction would ever be refused, when the charge was one of bribery.

The Delta Supdt. complains that he cannot discharge his duties unless definite orders are passed on this subject. He says that the very nature of a Delta Supdt's work in the proper regulation of water will at times bring him into conflict with ryots and may often give cause for ill-feeling, and that a Magistrate in trying a case like the present one is very likely to come to a wrong conclusion, where the Delta Supdt's immediate superiors would at once see the motive of the charge and dismiss it as false.

In other words he wishes to point out that his departmental superiors are in such cases the better judges of the value of evidence and the credibility of witnesses. 1336/14

In para 4 of his letter, the Sub Engineer remarks that the Departmental authorities "after due enquiry found the charges false." This seems to be the Delta Supdt's chief grievance, that the charges having been already proved false, the present enquiry was wholly unnecessary and vexatious. I do not know whether the enquiry made by the Sub Engineer would be a sufficient reason for you to refuse permission to the Magistrate to frame a charge against the Delta Supdt. even if such previous sanction were necessary. At the enquiry made by me there were certainly charges made that the Delta Supdt. took bribes and also complaints of irregularities in the water regulation. The latter was the point gone into by me as it admitted of easy proof or disproof and I found this charge to be false.

false. As to the question of bribery it was not one into which I was capable of enquiring properly; and I considered that it could be decided only by a Magistrate, as it was purely a question of weighing one man's word against that of another. For this reason, therefore, I gave the Delta Supdt. the benefit of any doubt there might possibly have been, without any further enquiry.

I wish therefore to point out that the charge brought against the Delta Supdt. in the Magistrate's court had not been previously investigated and proved to be false, by me at least; so that in this case a magisterial enquiry was certainly the most advisable proceeding for all concerned.

P.W. G.1 / 4??/92

I have &c &c.

(Sd.) W. J. Howley
Asst. Engineer

(True Copy)

D H [illegible] 2/3
Exe Engineer G.

B.L. 23/3.

SUPERINTENDING ENGINEER No. 4/1[illegible] 27 [illegible] 92 FIRST CIRCLE

No. 163 G.D.

FROM,

G. D. Wybrow Esqre
SUPERINTENDING ENGINEER
FIRST CIRCLE.

TO,

THE CHIEF ENGINEER
PUBLIC WORKS DEPARTMENT.

DOWLAISHWERAM, 18th April 1892.

1336/15

Enclosures 5
Western Dn. Officer's
letter No. 537 S/25-3-92
with 4 enclosures

SIR,

I have the honor to submit herewith letter No. 537 S dated the 25th March 1892 & its enclosures (in original to be returned) received from the Executive Engineer Godavari Western Division & to recommend that Delta Superintendent P. Virésalingam may be allowed to take legal proceedings, at the expense of Government, against Guttula Venkappa for bringing the false charge against the Delta Supdt. before the Joint Magistrate of Godavari Dis which was thrown out by him as the charge proved utterly false. I make this recommendation in order to prevent the recurrence of similar charges, which affect the interests of Govt. which any one may prefer against a Govt. official before a Magistrate.

I have the honor to be,
Sir,
Your most obedient St.

G. D. Wybrow.
Supdg. Engineer 1st Circle

CH

1336/16

P. [illegible] 4321

FROM,

G. D. Wyleow Esquire

SUPERINTENDING ENGINEER

FIRST CIRCLE.

TO,

THE CHIEF ENGINEER

PUBLIC WORKS DEPARTMENT.

DATED 18th
DESPATCHED 19
RECEIVED 23rd
April 1892.

No. 163 G.D.

ENCLOSURES 5

SUBJECT.

Delta Superintendent
P. Veerasalingam —
Recommending to allow —
to take legal proceedings
at the expense of Govt. against
certain person for bringing
a false charge.

No. 2785 W of 20-10-90

For orders

B

No. 1336 W

PUBLIC WORKS DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

April 27, 1892

READ the following

Letter from the S.E. I Circle (Hd. No. 163 G.D. of 18-4-92)

1336/17

Ans 26/4

The Government does not consider a prosecution necessary either for the vindication of the character of the Delta superintendent or as a minatory proceeding directed against his accuser.

S. E. I Circle (copy)

25-4

HW.

No 1336 W.d/27. 4. 42

17

25/4

J.C. 29/4