

2. The acceptance of this revised charge as well
as the usual charge of Rs 20/- for the alteration wide
condition I - of appendix to Departmental Tele-
phone circular No 6 of 18th December 1889 (sent you
with my letter No 4796 dated 12th November 1892) * No 4780 of 16-11-92
is requested at your earliest convenience.

I have the honor to be,
Sir,
Your most obedient servant,

Recd: 2-4-94

A. V. Saludar
Superintendent.

B. N.
Civil Works

No: 916 W. dy 4th April 1894

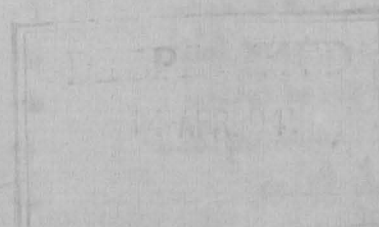
A

Subj:

The revised
charges are accepted

OK
3-4-94

D



Supt: of Telegraphs. Madras.
Ex ar: P. W. acct.
Marine Dept.
Tint: Dept.

CN^o 2581
Govt. of (1894) Madras.
PUBLIC WORKS.

Q.O. 4/4 1894 No. 9/6W

Telephone System -
at Madras

Accepting the revised
~~sub~~ charges for the
owing to the removal of
the P.W. Port office into
the ^{old} High Court buildings

In the Court of Session, Godavari at Rajahmundry.

CRIMINAL SESSIONS, JANUARY, 1894.

SESSION CASE No. 1 OF 1894.

Present:—H. T. ROSS, Esq., Sessions Judge.

Regina

vs.

Pamidipani Veeresalingam.

The prisoner is defended by Mr. Ward and Mr. N. J. D. Prasadarayadu.

Offence:—Taking illegal gratification in respect of an official act, under
Section 161, I. P. C.

Opinion of Assessors:—Not guilty.

1. Mandavilli Swamy—Komati.
2. Medikonda Timmanna—Kamma.

Finding of Judge:—Not guilty.

Order:—Acquitted and discharged.

Judgment.

The accused, a Delta Superintendent, is charged on two counts with taking bribes from certain ryots of Amalapur taluq to supply water to their lands, namely (1) Rs. 100 from ryots of Kandikuppa about 26th May 1893 and (2) Rs. 50 from the 12th witness Dommeti Venkatareddy, a ryot of Kottapalli, on 17th July 1892.

2. The accused, in denying both charges, states that the prosecution witnesses have deposed falsely against him at the instigation of the Tahsildar. The Tahsildar has not been put forward as a witness to explain how these cases came out; but it has been elicited, in the examination of some of the ryots, that their information was given in answer to enquiries by the Tahsildar months after the event in the Kandikuppa case and a year after the event in the Kottapalli case, no complaint having been made in either case; and the Sub-Divisional Officer Mr. Howley, examined as the only defence witness, shows that the Amalapur ryots are only too prone to make even groundless complaints of any deficiency in the supply of water. Mr. Howley also speaks to the state of hostility between the accused and the Tahsildar. In the petition whereby this prosecution was instituted by the Public Prosecutor acting merely under instructions, the Kandikuppa case was set out in a vague way, which, in face of the precise case now spoken to by the prosecution witnesses, remains unexplained; and it has been distinctly to the disadvantage of the accused that owing to this peculiar method of instituting the prosecution and owing to the Tahsildar, though in Court, not being put into the witness-box, there has been nobody for the accused to cross-examine on this point.

3. In these circumstances, the prosecution evidence, besides that it is mostly the evidence of accomplices, has to be received with considerable caution.

4. The 1st to 11th witnesses are those in the Kandikuppa case. The 1st to 8th witnesses are the ryots who say they actually bribed the accused, the 9th and 11th witnesses are the curnams in whose house the accused is alleged to have lodged and to have received the bribe, and the 10th witness is a brother-in-law of these curnams, a B.A. and Head Master of the Amalapur High School who was on

20
1705/98

20
5/4

INDEX
5/4

a visit to Kandikuppa at the time and is put forward as an independent corroborative witness. His evidence is, however, too vague to be of any real corroborative value. He merely speaks to seeing some ryots, whom he cannot indentify, collecting money from each other near the curnam's house, and he says they told him it was to pay "mamool" to the accused. He did not see the accused then, nor did he see the payment. He thus merely repeats a statement of the accomplices themselves, which can add no strength to such statement. His other evidence as to some conversation the previous evening between the accused and the ryots, and as to the supply of water diminishing thereafter, was elicited by the Crown for the first time in this Court, besides being vague in itself.

5. This Kandikuppa case accordingly rests practically on the uncorroborated testimony of accomplices. The 1st to 9th and 11th witnesses make out that, on Thursday, 25th May 1893, the main canal having received its supply some 10 days previously, they first received water in Kandikuppa channel for their seed-beds. Following the water, came the accused; and that day he sent for the ryots to the curnam's house and told them that unless they paid him at the rate of one rupee per putty he would not let them have a proper supply. Nobody paying that evening, he had the sluice closed; and finding their water diminished, the ryots took their contributions next morning to the curnam's house. The curnams assisted the accused as to the amount each ryot should pay at one rupee per putty according to his holding, and when the ryots' contributions had been deposited on the mat between the accused and the two curnams, the rupees were counted and found, curiously, to total exactly Rs. 100, which the accused took and went away, ordering the sluice to be re-opened. By noon that day, full supply was received again, and continued. According to the rate of one rupee per putty, Rs. 150 had to be paid and the ryots were to collect the remaining Rs. 50 and send it to accused, but they did not do so. Nevertheless, there was no further stoppage of their supply.

6. Thus the supply was admittedly commenced without any bribe and was continued, after a short stoppage, without full payment of the bribe; and there is no departmental evidence to corroborate these accomplices as to the alleged stoppage. Although the departmental lascar who is said to have opened and shut the sluice is named by the 3rd witness, he has not been examined. Nor has the departmental peon who is said to have carried the Rs. 100 for the accused, when he took it away, though that peon is named by the 8th witness. Nor is there evidence to show that there was any departmental enquiry, before this prosecution was launched, to test the evidence of these accomplices by reference to the actual supply available for Kandikuppa channel at the time in question and the actual mode in which it was regulated. In the unexplained absence of corroborative departmental evidence of the foregoing kinds, though the prosecution is understood to be by the Public Works Department; and in the unexplained absence of any complaint, though the case was one of alleged compulsory bribe-giving under pressure, and not one of voluntary bribery (as, for instance, to secure a supply out of their proper turn, would have been) it is not safe, in my opinion, to act upon the curious story of these accomplices.

7. The 12th to 16th witnesses are those in the Kottapally case, the 12th witness being the alleged bribe-giver. The 13th witness is the man who was looking after the water-supply of the 800 acres which 12th witness holds in Kottapally. He says that, after transplantation had begun, and water had been regularly received for a few days, the sluice of the channel was suddenly closed. He therefore went to accused and asked for water. The accused said he would have the sluice opened again if Rs. 50 were paid him. The witness sent word to 12th witness and advised him to pay the money. The 12th witness took Rs. 50 with him and, meeting accused at Kottapally sluice, paid the money to him there and accused at once had the sluice opened by his lascar. That, the 12th witness states, was on 17th July 1892, and he produces an account-book (Exhibit A) in which an entry of the payment of Rs. 50 to the Delta Superintendent (name not given) appears on that date and which entry the 12th witness says was made then and there at his dictation by his uncle. That uncle has not been called; the

account-book, on its face, was not kept regularly in the course of business, the whole of the entries from 7th to 17th July inclusive (4 pages) having obviously been written by one hand at one sitting with one pen and ink; and, at the most, the entry amounts to no more than a repetition by an accomplice and, spoken to only by the accomplice himself, is not really corroborative.

8. To corroborate these 12th and 13th witnesses, however, the 14th to 16th witnesses are put forward. These witnesses say they accompanied 12th and 13th witnesses to Ayanapuram and Kottapally sluice when the 12th witness took the Rs. 50 to pay the accused, and that they were present at Kottapally sluice when the 12th and 13th witnesses and the accused went aside a little way and 12th witness gave a packet of rupees to the accused. But these witnesses give no satisfactory explanation for going there. They had not been asked for money; and if, as one of them says, he relied on 12th witness as a big ryot being able to get the sluice opened, there was reason rather for them to remain in the village and await the 12th witness's success than to present themselves to the accused and run the risk of his putting pressure on them also, if they thus disclosed their anxiety to him. Their presence was so unnecessary in the alleged circumstances that it becomes doubtful if they were really present and if they have not simply been put forward to provide corroborative evidence. The lascar who is said to have opened the sluice when the Rs. 50 were paid has not been called though his name is given by the witnesses, and similar remarks as to the absence of other departmental evidence concerning the actual supply and as to the absence of complaint (in this case for a year or more) apply as in the Kandikuppa case, the unexplained absence of complaint being all the stronger that 12th witness is a very big ryot well able to hold his own with a Delta Superintendent and not likely to submit to such pressure as this case makes out. Thus this case, in the doubtful presence of the 14th to 16th witnesses, resolves itself also into the uncorroborated testimony of accomplices, and conviction is, in my opinion, not safe.

9. Concurring with both Assessors, I accordingly find the accused not guilty, and I direct that he be acquitted and discharged.

H. T. ROSS,
Sessions Judge.

10th January 1894.

*Forwarded to the Executive Engineer
Godavari Western Division, in reference to his
letter n^o 11 dated 15th January 1894.*

Sessions Court, Godavari
Rajahmundry
24th January 1894

Lawrence Astlum Press.

Sessions Judge.



Pls 1
2535/94

Keep this with
the file with me
for the present
28

No. 2772 G.D.

FROM

G. D. Wyllow Esq.
SUPERINTENDING ENGINEER

FIRST CIRCLE.

TO

THE CHIEF ENGINEER

PUBLIC WORKS DEPARTMENT.

DOWLAISHWERAM, 27th March 1894.

Enclosures. /
Judgment.

SIR,

In continuation of my letter
No. 2389 G.D. dated the 27th January
1894, I have the honor to submit
herewith for your perusal and
return the judgment in the
cases brought against Delta
Superintendent P. Viresalingam.
There is reason to believe that
these cases were got up by the
Tahsildar of Amalapuram,
a Mohammedan of the name of
Waseeruddin, who appears to have
been on unfriendly terms with
the Delta Supt.

I have the honor to be
Sir
Your most obedt servt

G. D. Wyllow Esq.
Supt. Engineer I Circle

28/3

This could
probably be
difficult to
prove
S. S. S. S.