Public Works (1896) Department.

G.O., No. 3663 W,

DATED 19. December

[Despatch Abstract.] with remarks

Pleader's fee: Sanctioning the payment of the — of Rs. 150 in connection with the criminal prosecution of three men for theft of babul trees from ~~the~~ a Govt. tope in Chidambaram Taluk, S. Arcot Dt.

F. C.
19/12

[P.W. 25. / 8,000—30-11-96.]

Indexed. 26/12

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

P3/
Reminders

DEPARTMENT.

No. 3663 W of 19-12-96.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

READ the following

From the S. E. V Circle No. 383 W of 3rd Decr 1896.

Payment of the pleader's fee of Rs 150 is sanctioned.

2. The Supdg Engr is requested to report on the following points:—

(1) Was there real necessity for employing the Govt. Pleader in such a trivial case.

(2) The circumstances in which the P.W. Dept is in charge of the fuel plantation should be explained.

(3) How can the sale of the wood to the contractor at less than market rates be justified. If the wood had been sold for market rates, the temptation to commit the theft would not have existed.

15/12/96

1st Reminder issued 22-1-97

S.E. V Circle }
[illegible] } 19/12

P.T. 17/12

[P. W. 40. / 50—2-9-96.]

Public Works (1896) Department.

CURRENT No. 11069

~~16~~
13

Order

1. Sanctioned.
2. Was there real necessity for employing the Crown Prosecutor in such a trivial case?
3. How comes it that the P.W.D. are in charge of a fuel plantation? How can the sale of the wood to the Contractor at less than market rates, be justified? If the wood had been sold for market rates, the temptation to commit the theft wd. not have existed.

A.E.H. 12.12.96

Sanctioned.

From The Superintending Engineer,
V Circle - Madras.

10/12/96

No. 383 W

Dated 3rd December 1896

Received 5th "

Enclosures 4

Spare copies

SUBJECT.

Fees to the Public Prosecutor

Forwards copy of letter from the Executive Engineer requesting to obtain sanction of Government for debiting to Establishment Contingencies Rs 150 — for having conducted certain case

S.a.W

S.E. V Circle
with 4 encls

H.E. 11/12. R 14/12.

BACK PAPERS.

G.O.	No.	Department.	Date.
G.O.	179 W	P.W.	20-1-94

3

FURTHER PAPERS.

G.O.	No.	Department.	Date.

EXECUTIVE ENGINEER
Register No. 2/1601/97
3-NOV.96
P.W.D.
SOUTH ARCOT DIVISION

3/737 ad
30 NOV. 1896

DEPUTY COLLECTOR'S OFFICE
OCT.96

Form 9.

(See Chapter 5, Art. 68, Vol. I, C.A.C.)

CERTIFICATES

* 1. Certified that I have satisfied myself that the amounts included in bills drawn in the month of __________ 189 (the last preceding month) have been disbursed to the officers therein named and their receipts taken in the Acquittance Roll; also that the allowances drawn for non-gazetted ministerial or menial officers for journeys by road or boat do not exceed their actual travelling expenses, and that under my orders and to my knowledge, they/he travelled by † __________ (Article 1170 (ii), C. S. R.); also that it was necessary for the officers for whom halting allowance at head-quarters is drawn to keep up the whole or part of their camp equipage during such halt, and that the expense incurred on this account was not less than the halting allowance drawn (Article 1164, C. S. R.)

(Head of Office.)

2. Certified that I have taken pains to ascertain the length of the above-mentioned marches and have shown them accurately to the best of my knowledge and belief.

Public Prosecutor

(Head of Office.)

3. Certified that credit notes were issued for the journeys shown against numbers __________ and that the amounts claimed are those due owing to double fares being admissible.

(This certificate is to be given in the case of Inspectors only when necessary, in other cases it should be scored through.)

(Head of Office.)

4. Certified that no credit notes were issued for the journeys for which railway fares are herein claimed.

(Head of Office.)

Passed for rupees

Date __________ 189

(Controlling Officer.)

Pay rupees (in words and figures) __________

‡ From __________ Sub-Treasury.

Examined and entered.

Accountant.

Date __________ 189 .

Treasury Officer.

Sub-Treasury Officer.

Incorporated in the District Accounts

on __________

Accountant.

---

* Clause 2 should be scored out with a pen when no mileage is claimed under Art. 1170 (ii) C. S. R., and clause 3 when there is no claim under Art. 1164.

† Here state conveyance used.

‡ To be filled up when payable from a Sub-Treasury.

Form 9—*cont.*

Head-Quarters Cuddalore

Travelling Allowance Bill of the Establishment of Public Prosecutor **for the month of** May 1896.

Name.	Designation.	Maximum pay of the appointment.	Dates (and hours when necessary) of journeys and halts. From	To	Route. From	To	Purpose of journey.	Kind of journey, i.e., by road, boat, steamer or rail (mail or ordinary).	Number of miles.	Allowances claimed. Mileage by road or boat or actual expenses. Rate.	Amount.	Daily allowance. No. of days.	Rate.	Amount.	Railway fare. Class, single or double.	Amount	Steamer fare and table money. Class.	Amount.	Servants. No.	Amount.	Table money. No. of days.	Amount.	Total of each line.	Remarks.
1	2	3	4		5		6	7	8	9		10			11		12						13	14
C. S. Srinivasa Row	Public Prosecutor	30	10th May 1896		Cuddalore N. T.	Chidambaram	To prosecute a case before the Sub Magistrate of Chidambaram	By rail							Double	1-2-							1-2-	
			13th May 96		Chidambaram	Cuddalore N. T.										1-2-							1-2-	
			16th May 96		Cuddalore N. T.	Chidambaram										1-2-							1-2-	
			19th May 96		Chidambaram	Cuddalore N. T.										1-2-							1-2-	
			28th May 1896		Cuddalore N. T.	Chidambaram and back										2-4-							2-4-	
										Total.						6-12-							6-12-	

Cuddalore
23rd ~~June~~ September 1896

(In words) Rupees Six & annas twelve only

Contents received.

Public Prosecutor
Head of Office.

Form 9—*cont.*

INSTRUCTIONS FOR PREPARING TRAVELLING ALLOWANCE BILLS.

1. Journeys of different kinds, and journeys and halts should not be entered on the same line. Only one kind of allowance should, therefore, be filled in on the same line and its amount carried out separately into the last money column.

2. Hours of journey should be mentioned only :—

(1) When for an absence from head-quarters of not more than two consecutive days, daily allowance is claimed for two days.

(2) When mileage or actual expenses in lieu thereof are claimed.

(3) When both railway or steamer fare and daily allowance are claimed in respect of a journey by rail or steamer immediately followed by a journey by road or by a halt.

3. Number of miles travelled should be entered in all cases of journeys by road or by boat.

4. The daily allowance of an officer acting in an appointment should be calculated on the pay or maximum pay of the appointment. (In the column "Pay" the full sanctioned pay of an appointment officiated in should be shown, but in the column "Designation" the word "Acting" should be entered against officers who are officiating in appointments.)

5. Permanent travelling, conveyance and horse allowance should be drawn along with the pay of the officer and not on travelling allowance bills.

6. Fractions of a mile in the total for each person should not be charged for.

7. When the first item of travelling allowance to any officer is a halt, the date of commencement of that halt should be stated in the remark column.

Scale of daily allowance admissible to non-gazetted officers not included in Appendix 25 of C. S. R.

					Daily allowance.
On pay excdg.	Rs. 275	but not excdg.	Rs. 500	Rs.	3 0 0
Do.	„ 250	do.	„ 275	„	2 12 0
Do.	„ 225	do.	„ 250	„	2 8 0
Do.	„ 200	do.	„ 225	„	2 4 0
Do.	„ 175	do.	„ 200	„	2 0 0
Do.	„ 150	do.	„ 175	„	1 12 0
Do.	„ 125	do.	„ 150	„	1 8 0
Do.	„ 100	do.	„ 125	„	1 4 0
Do.	„ 87½	do.	„ 100	„	1 0 0
Do.	„ 75	do.	„ 87½	„	0 14 0
Do.	„ 62½	do.	„ 75	„	0 12 0
Do.	„ 50	do.	„ 62½	„	0 10 0
Do.	„ 37½	do.	„ 50	„	0 8 0
Do.	„ 25	do.	„ 37½	„	0 6 0
Do.	„ 10	do.	„ 25	„	0 4 0

Scale for inferior servants—

On pay exceeding Rs. 8	..	.. 0 2 0
Do of Rs. 8 or less	..	.. 0 1 0

Details of actual expenses.

T. A. D. / 12 20,000—22-3-95.

Statement of a D. P.W case prosecuted by C S Srinivasa Row Public Prosecutor before the Stationary Sub magistrate Chidambaram.

Register case No.	Names of the Accused	Offence	Particulars of record gone through before conducting the case	Duration of time			No. of witnesses examined	Result	Fees sanctioned
				Date	From which hour	To which hour			
				11th	2.15 Pm	5 Pm		1st Prisoner	
CC 195/1896	Thillycannu 1.	Theft	Various papers connected	12	12.20 Pm	4 Pm		18 weeks rigorous	
Sty magte	Govindha Padayachi 2	379. 381.	with the departmental	13	12 noon	4 Pm		imprisonment	
Chidambaram	Vera Padayachi 3		orders bearing on the subject	16	12 noon	5 Pm	26	2d & 3d Discharged 30th May 1896.	
				18	12 noon	4 Pm			
				19	12.30 Pm	1 Pm			
				28th May 96	12.50 Pm	3.45 Pm			

This case related to a Theft of Babul trees cut down from the Government Topes for the use of Public works, the combination of villagers and the probable collusion on the part of the Contractor who had the right to use the wood for kiln necessitated adjournments and a detailed enquiry

2d October 1896. Public Prosecutor

G. D. DEPUTY COLLECTOR'S OFFICE CUDDALORE 2 OCT 96

EXECUTIVE ENGINEER
Register No. 11601
3-NOV 96
P.W.D.
SOUTH ARCOT DIVISION.

T. A. D / 12 20,000—22-3-95.

P.W. E.3 11069/96

EXECUTIVE ENGINEER
Register No. 11601
3-NOV.96
P.W.D.
SOUTH ARCOT DIVISION.

1896.

FROM A. E. Castle Stuart Stuart Esquire

District Magistrate of

South Arcot.

To The Executive Engineer South Arcot Dn.

Dated 24th
Received } October 1896.

DESPATCHED
29 OCT. 96

~~REFERENCE ON~~

No. 716 / M.A.F.

ENCLOSURE. Encl 2

SIR,

I have the honour to forward herewith the travelling allowance bill and a bill for fees due to the Public Prosecutor Cuddalore for having conducted the prosecution before the Stationary Sub Magistrate Chidambaram the case relates to theft of babool trees cut from Government Tope for the use of the P. W. Department.

2. I think that Government might be asked to sanction a fee of Rs 150 as the Public Prosecutor appears to have been engaged in the case for seven days.

I have the honour to be
Sir,
Your most obdt. servant

J. Coombes
for Dt. Magte.

P.S. E.I. 11064/96

Calendar and Judgment
(For use in cases where a copy of the Judgment is not to accompany the Calendar Statement)

District of

Calendar of cases tried by the Stationary Second class magistrate of
Chidambaram Taluk.

Date of				Explanation of delay and Remarks.
Offence	Report or complaint	Commencing trial	Sentence or order	Duration 75 days Vide separate slip.
24.2.96	2.3.96	11.5.96	30 – 5 – 96	

Judgment in Calendar case No. 195 of 1896 on the file of the Stationary Second class Magistrate of Chidambaram.

Complainant Empress.

Name of accused	Age	Father's name.
1. Thillaikkannu Padiachi	22	Veerabhadhra Padiachi
2. Govinda Padiachi	33	Seenu Padiachi
3. Veera Padiachi	40	Muthia Padiachi

Caste or Religion	Calling	Residence	Taluq.
1, 2, 3 } Vanniahs	Sawyers	Komarakshi	Chidambaram.

Offence:– Simple theft or theft by a servant or both simple theft or theft by a servant, sections 379 or 381 or both sections 381 and 379 I. P. C.

Finding:– 1st accused guilty. Not proved against the 2nd and 3rd accused.

Sentence:– 2nd and 3rd accused discharged under section 253 C. P. C.– 1st accused to suffer 6 weeks rigorous Imprisonment in respect of the theft of 2 pieces of wood sold to the 4th Prosecution witness, 6 weeks Rigorous Imprisonment in respect of the theft of 4 pieces of wood sold to the 6th Prosecution witness, and 6 weeks Rigorous Imprisonment in respect of the theft of two pieces of wood given to the 13th Prosecution witness. These sentences to take effect one after the other.

1. There is an extensive continuous Karuvai (babool) tope belonging to the Government within the limits of the villages of Vandarayiruppu and Avasur.

2. The 1st Prosecution witness is the overseer of the Public Works department, who has jurisdiction over the villages and the tope in question, and the 20th Prosecution witness is a Public works contractor, who has engaged to supply 10 lacs of bricks to the Department for certain public work to be performed at Uppanar. On the 10th November 1895, the overseer under instructions from his higher authorities, entered into a verbal agreement with the contractor for the supply of fuel from the Government Tope at a cheap rate for the use of the bricks. The terms of the agreement are these:— The contractor was to cut down and stock the trees marked by the Department at his own expense, and the overseer or some departmental officer was then to measure the timbers and sell them to the contractor at the cheap rate of a bandy-load of wood per Rupee. The contractor was to use the timbers so purchased only for burning the bricks to be supplied to the Department, and not for any other purpose. The ordinary Forest rate ranges from Rs 2:8:0 to Rs 5:10:0 per cart-load; but the Department undertook to supply timbers to the contractor at a lower rate, because they were intended for the use of the bricks to be supplied to itself. The contractor was at liberty to remove only the timbers measured and sold to him from the tope. He could remove the timbers only to his Kiln. A departmental watcher (9th Prosecution witness) was appointed for the tope to see that no timbers whatever were removed from it otherwise. A departmental Maistry also was appointed at the Kiln to see that no timbers were removed therefrom and utilized for other purposes.

3. The three accused, who are sawers by profession, and who were engaged by the contractor to cut down and stock the trees that were marked out by the departmental

people, have been charged with having removed a large quantity of woods from the tope and sold them to a number of people in the village of Vandaroyiruppu.

4. No less than 1,275 trees have been marked out and cut down, and most of the trees so cut down have been measured and sold to the contractor.

5. On the 23rd February 1896 the overseer, who had got information that a large quantity of timbers had been stolen away from the tope, reported the matter to the Station-House officer of Komarakshi. The latter, proceeded to the village of Vandaroyiruppu and recovered about 12 cart-loads of timber from in and about several houses and backyards, and from also other open spaces. Most of the inmates of the houses or backyards admitted before the Station House Officer that the timbers had been sold to them by the accused.

6. Twenty witnesses have been examined for the prosecution. Though most of these are said to have admitted before the Station House Officer that they had either themselves received woods from the accused from the tope or seen the accused giving woods to others, from the tope, they have all denied before this court having either so received or seen or made such statement before the Station House officer, excepting Prosecution witnesses Nos 2, 4, 6, 13 and 15, who speak to having either themselves received from the 1st accused or seen him delivering woods to others from the tope on different days. There is little or no evidence against 2nd and 3rd accused. It is not quite clear from the evidence of the aforesaid witnesses, whether the timbers given away by the 1st accused from the tope were taken up before or after they were sold to the contractor, or in other words whether they were, when removed in the possession of Government or his master, the contractor, or whether they were taken up, partly from the possession of Government and partly from that of the contractor. As more than three offences of the same kind committed within the space of twelve months, cannot be tried together under section 234 C. P. C. I have selected three best cases of the lot and put the 1st accused upon his defence in respect of those charges, discharging the 2nd and 3rd accused, and the three charges are the following:—

7. The 4th Prosecution witness, who was working with the accused from December 1895

1895 to January 1896, in cutting away the twigs and branches of the trees sawed by the accused, swears that he purchased 2 pieces of wood for the use of ploughs for annas (2) two from the 1st accused from the tope. The 2nd Prosecution witness was an eyewitness of the payment of the money and the receipt of the woods by the 4th Prosecution witness.

8. The 6th Prosecution witness proves that he purchased 4 pieces of wood from the 1st accused for the same use, from the same tope for about annas four. He paid the money to the 1st accused at the tope, and the latter promised to send 4 pieces of wood for the amount from the tope to his house. The four pieces of wood promised reached his house that very night during his absence, and the 1st accused, who met him on the following day, told him that he had sent to him the four pieces the previous day as promised.

9. The 13th Prosecution witness, who is a carpenter, says that the 1st and 2nd accused brought to him one day 4 pieces of wood and left them with him for being made into ploughs. He does not know whether those pieces of wood were brought from; but the 15th Prosecution witness, who says he

was

was present when the 1st accused made over to the 13th prosecution witness two of the pieces of wood, supplies the link being positive, that those pieces of wood were brought there from the tope in question, which is quite close to the carpenter's house.

10. 1st accused pleads not guilty. He says that this case has been cooked up by one Arumuga Rajah and one Sreenivasa aiyar, another contractor, who owes grudge against him for not having gone to work under him, when once urgently required by him.

11. Six witnesses have been examined for the defence. They are said to have worked with the accused for different periods in the tope either sawing trees or cutting away twigs and branches. They affirm that they were working together in the same part of the tope quite close to one another, and that they have never seen the 1st accused giving away any pieces of wood from the tope to any persons either by way of gift or for money. These statements are too vague. The first four of these witnesses are residents of the same village as the 1st accused, three of these being his own castemen, and one of these being his near relation. One of the six witnesses, viz. the 6th Defence witness says that only two of the other

Defence witnesses were working with him. The 1st Defence witness states that they used to work in the tope on all days of the week except Sunday; but the 6th Defence witness is quite sure that they were working even on Sundays without exception. Some of these are not consistent with regard to the wages they have received while working in the tope. Even supposing that all these Defence witnesses and the 1st accused were working together in the tope it cannot be believed it would have been impossible for the 1st accused to dispose of any woods without the knowledge of the other workmen. Some of the workmen must have been privy to the offences, I am not inclined to give credit to the evidence of the Defence witnesses.

12. The number of Babul trees standing upon private lands in the village are said to be very few. No less than 12 cartloads of babool woods have been recovered from various parts of the village. Excepting the aforesaid few pieces of woods, which the 4th, 6th and 13th Prosecution witnesses admit, having received from the 1st accused, all the other pieces of woods are not claimed by any body in the village. There is, therefore, every reason to believe that all those pieces of woods must have been removed only from the tope in question, and these pieces of wood, at any rate, a large quantity of it would not have been removed from the tope without the knowledge of the 1st accused, who was in fact supervising the sawing and cutting business by paying wages to the other workmen and exacting work from them. There is no reason whatever to distrust the evidence of the 4th, 6th, 13th and 15th Prosecution witnesses, who say that they received the woods from the 1st accused under the impression that, as contractor's chief agent, he had authority to dispose of woods from the tope. I find the 1st accused guilty of having sold two pieces of wood to the 4th Prosecution witness and 4 pieces of wood to the 6th Prosecution witness and delivered two pieces of wood to the 13th Prosecution witness. As it is not clear whether these pieces of woods were, when removed, in the possession of the Government or the contractor or of both, I have framed charges against the 1st accused in the alternative, under sections 379 or 381 or 379 and 381 I. P. C. Though the pieces of wood concerned in the three selected cases are few and comparatively of small value there is, as already stated, ample reason to believe that he must have also committed theft of a large quantity of other woods from the tope. This sort of theft

appears to be not an unusual thing; for, there is also another similar case in respect of another Government Tope against other persons. A pretty severe punishment appears to me to be necessary in this case in order to put down similar kinds of thefts, for which there are great facilities. I sentence the 1st accused as follows:— to suffer 6 weeks Rigorous Imprisonment in respect of the theft of two pieces of woods sold to the 4th Prosecution witness Komarasami Sholaganar, 6 weeks Rigorous Imprisonment in respect of the theft of 4 pieces of wood sold to the 6th Prosecution witness Govindavan-dian, and 6 weeks Rigorous Imprisonment in respect of the theft of two pieces of wood given to the 13th Prosecution witness Chinnappayal. The several sentences shall take effect one after the other.

13. I must here add that the 9th Prosecution witness, who is the watcher employed by the Public works Department to watch the topes and see that no woods were stolen away from it, must have been an accomplice in the matter, and is not fit to be resumed in service.

14. The woods concerned in the three cases as well as others before the court, which are not claimed by any body, and which have evidently been removed away from the tope will be returned to the Overseer on behalf of Public works department after appeal time, and if an appeal be preferred in the meanwhile after the disposal of the appeal

(Signed) A. S. Ramasami Pillai
Sty: Sub Magistrate.

30th May 1896 }
Chidambaram }

(True Copy)

(Signed) A. S. Ramasami Pillai
Sty: Sub Magistrate.

—

Remarks of the District Magistrate:—

334
cal

Forwarded to the Executive Engineer for perusal and favour of return with reference to the remarks of the Sub Magistrate against the watcher in para 13.

(Signed) A. E. Castle Stuart Stuart
District Magistrate.
6. 8. 1896

No. 9 22 M.

Seen and returned. The watcher's employment in the department in any capacity will be forbidden.

(Signed) J. S. Wilson.
Executive Engineer
15. 8. 1896.

Dated 15th August 1896.

(True Copy)

27: Nov: 1896.

Executive Engineer

C.h
2/11.

From

The Executive Engineer
South Arcot Division

To

The Superintending Engineer
5th Circle

No. 883 S.E.

Dated 27 } November '96
Desp'd. 28 }

Enclosures: 4

P.W. E.4/11069/96

Fees to the Public Prosecutor—

Requesting to obtain Sanction of Government for debiting to Establishment Contingencies Rs 150 being — for having conducted certain case

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South Arcot Divisional Office

5th Circle Recd. No. 883 S.E.

Dated 27 November 1896

From J. S. Wilson Esquire
Executive Engineer, South Arcot Division.

To The Superintending Engineer
5th Circle

Sir,

In forwarding herewith a copy of the Judgment delivered by the Stationary Sub Magistrate of Chidambaram, in Calendar Case No. 195 of 1896, and the District Magistrate's letter No. 716 dated 24th October 1896 with its 2 enclosures, I have the honour to request that you will be good enough to obtain, with reference to para 6 of Chapter II Volume II of the Code, the Sanction of Government for debiting to Establishment Contingencies the amount of Rs 150, being fees to the Public Prosecutor as recommended by the District Magistrate.

2. As would be seen from the enclosures, the case was one of theft of firewood of the Department stacked at Vandiartope near Puliengudi, by the accused in February 1896, and in accordance with the procedure laid down in G.O. No. 179 W. dated 20th January 1894, criminal proceedings were instituted with the help of the Government

Pleader, with the result that one of the accused was sentenced to 18 week's rigorous imprisonment.

I have etc.

(Signed) J. S. Wilson
Executive Engineer
South Arcot Divn.

No. 3834W

Submitted to the Chief Engineer Public Works Department (with the enclosures in original), with the request that the Sanction of Government may be obtained to the amount of Rs 150 on account of fees to the Public Prosecutor being debited to Establishment Contingencies.

Encl. 4
1. District Magistrate's letter
1. Statement of Case.
1. Travelling allow: bill of P.P.
1. Copy of Judgement

3/12/96

Lieut. Col. R.E.
Superintending Engineer 5th Circle

3rd December 1896. 3.12.96