

S.W.
Marine (1898) Department.

✓ G.O., No. 1631 *W*

DATED 30 June '98

[Despatch Abstract.]

Temporary Overseer *V.S. Manicka Mudalayar*
Letter from the Sublg Insp. *the* in the Subm. thing
Copy of judgment in the case brought against
— *recorded*

[M. G.
500-23-8-97.]

Indexed. *86*

[M. G.
500-23-8-97.]

Indexed. *81*

BACK PAPERS.

FURTHER PAPERS.

No.	Date.	No.	Date.
1191W	12-5-98		
3469W	11-12-97		
2812W	8-10-97		

In the court of the Head Assistant Magistrate Kandyal
Judgment in C. C. No 57 on the file of the
Head Assistant Magistrate Kandyal Dated 25-11-97.

Complainant } Accused
Mala. Subhadra of } Maniceam Mood &
Chintamannadi } J. Nagappa.

Offence under section 323 I.P.C.

Finding not guilty.

Sentence. Acquitted under section 259 C.C.P.

Judgment.

Accused was overman in charge of the relief work
at Kuthyalahead on July 30th there was great
discontent among the coolies because those who went
home early were marked as absent for the day. That
morning the accused examined the Muster Roll of
complainant's gang and marked him absent presently
he and other absentees came up to the overman
and begged for admission which was refused
The overman mounted his pony but complainant
threw himself in front of it and spread his cloth
on the ground.

2 So far both sides agree - now complainant says
that the accused dismounted and hit him on the
head with some thing like a cane. Then he turned
to 2^d accused and Syedulla and said something

There ~~are~~ ^{on} one bit him on the right arm and one on the left ribs and he fell down unconscious. Syddalli was also charged in this case, but his whereabouts are not known. Then the whole gang picked him up and took him to Allagadda to the Tahsildar who referred them to the Sub Magistrate. The latter took his statement and then he was taken home - he had to be carried on a cot. His two witnesses are two of his gang who carried him to Allagadda. They agree with him in his story with slight differences as to the blows given but the last admits that as he was filling a basket with metal he did not actually see the beating.

3 On this my predecessor charged the accused under Section 323 I. P. C. He states that two of the gangs came and pushed the complainant away that he was drunk, that he never beat him that he never carries a cane or ^{whip} ~~whip~~ when riding. He adds that as he was riding away he heard a great noise behind him, and wanted to return but was dissuaded by the village Magistrate. This latter is unfortunately dead - 4 For the defence, Veeriah the acting Reddy of Muthyalapad who was then a Sub-Magistrate on this work accompanied the overseer and deposed that Sunkadu was pushed away by two of his comrades and that as they shoved him backwards

Why
When he was some 100 yards from the overseer he
fell on his back over a heap of metal and that
a cry at once arose that the overseer had killed
him. He produces the late Reddis diary with
the office copy of a report to this effect and
careful scrutiny there seems no reason to
doubt that this entry is genuine. The only
other witness examined was Mr. Denney Sub-
engineer he testifies to the good character of the
accused to the fact that though many anonymous
alligations of immorality were made ^{against} ~~against~~
him from the relief works these were found
untrue and that no complaint was ever made
of his beating coolies before this ~~accident~~ ^{accident}. Two
other witnesses were called the late Tahsildar
and special Sub-Magistrate but were with-
drawn owing to the difficulty of securing their
attendance.

5 The case has practically to be considered on
the probabilities. There is a fairly consistent
story told by three coolies on one side contradicted
by a respectable witness on the other. This latter
is supported by a report by a dead man which
cannot be subjected to the test of cross
examination. There is also evidence of good
character. The story of the coolies seems to me

improbable. It is for one thing most unusual for an injured man not to secure a medical certificate. This is considered a most valuable piece of evidence and that Complainant did not secure it at once raises a doubt whether his injuries were caused in the way he states again those injuries are just. Such a might have been caused by a backward fall on a heap of road metal, and do not seem to me to have been caused by split bamboos as alleged, as far as can be judged from the scene. nor is it likely that the overbur whose sole wish was to remove complainant from the path and leave the work in safety would have hit him on the top of the head and then allowed his servant to beat him even if he had the courage to strike him in face of an admittedly excited crowd. Besides which a very few Ruffians would probably have compromised the case. The discrepancies in the prosecution evidence are small but as pointed out already the 3rd witness is not an eye witness on the other hand the defence account is exceedingly improbable and probable but is weakly supported.

6 I cannot think it safe to convict on this evidence but at the same time I cannot

declare that the complaint is false & therefore acquit the accused under section 259 C.C. P. of the offence of causing hurt punishable under section 323 I. P. C. and direct that he ^{be} set at liberty.

(Signed) P. J. Pope
M. A. Magistrate.
25-11-97.

(True Copy)
(sd) ~~asana pillan~~
H. D. Clerk.

H. A. Collectors Office.
Certified that this copy contains 903 words and that it cannot be produced before a Court of Law without affixing to it a court fee stamp of 8 annas for every 360 words except thereof in accordance with Schedule I (9) Act VIII of 1870.

True copy.
Thos Johnston

JACK PAPERS.

No. 785 u

Superintending Engineer's Office,

3RD CIRCLE.

Bellary 3 June 1898.

FROM

Lieut. Col. W. L. B. Baddley R.E.

SUPERINTENDING ENGINEER,

IIIRD CIRCLE,

BELLARY.

To

THE Chief Engineer,

P. W. Department,

Mudra.

Sir,

Enclosures.

With reference to para 2 of G. O. No. 1191 W dated 12th May 1898, I have the honour to submit herewith a copy of the Judgement delivered in the case against Temporary Overseer T. S. Manicka Mood.

I have the honour to be,

Sir,

Your most obedient servant,

W. L. B. Baddley Lieut. Col. R.E.

Supy. Engineer, III Circle.

BK.

P.W. 21
4772/98