1. Number of pages 18
2. Date of repair. 13-5
3. Initials of Reference

M.R.O. 1—39,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Pension DEPARTMENT.

G.O. No. 1006 ~~Press~~
Mis.

Dated 7. 11 1983

Not to be folded or roughly handled

To

HIS EXCELLENCY THE RIGHT HONORABLE
the Governor in Council.
MADRAS.

The humble petition of Kurupath Kelu Menon, late 4th Gumastah in the Walluvanad Taluk in the District of Malabar.

Most Respectfully Sheweth.

That on the 1st December last Petitioner submitted a memorial to Your Excellency praying that his application for Pension which was then pending before Your Excellency's Government may not be disposed of until his Explanation is submitted and to this, Petitioner received no reply nor any acknowledgement.

Subsequently Petitioner applied to the Collector of Malabar for copies of all papers connected with his case, in order to prepare his explanation but by an endorsement dated the 10th March 1883 he was informed that copies of correspondence cannot be granted.

The charge of forgery preferred against Petitioner as already stated was not established and he was discharged by the Sessions Court, a copy of whose Judgment is herewith Submitted (Marked A.)

Petitioner has a large family to support and the great delay, that has intervened between his retirement and the passing of his pension has subjected him to great hardships and privations.

He regrets to observe that the Collector has only recommended a pension of Rs. 5 notwithstanding his long service of 36 years of which 23 and odd years were in the pensionable grade. Had he been permitted to remain in the service two years longer he would have been entitled to his full pension. His application to the Collector (Copy enclosed and Marked B) to retain him in the service for a further period of 2 and odd years or to recommend to Government that a portion of the 13 years spent in the inferior service be taken into account as an exceptional case, he regrets to say received no attention.

Acts of bravery such as those Petitioner now urges have often been recognized and the parties concerned were either promoted in the service or otherwise rewarded.

During the disturbances of 1855 and 1856 which culminated in the murder of Mr. Conolly the Collector of Malabar, Mr. Collett the Head Assistant Magistrate who proceeded to the disturbed village of Pandikad in the Walluvanad Taluk, experienced the greatest difficulty in procuring persons to arrest the ringleaders. Petitioner who was then a Clerk on the receipt of Rs. 5 and the then adighary (K. Kunholen Kutty) then volunteered their services and eventually susceeded in capturing 3 of the 7 ringleaders mentioned in the order issued to them. It was also through the Petitioner that the capture was effected of Pulliakuth Thenu, a notorious dacoit who after committing several dacoities and other acts of violence concealed himself in the jungles and baffled all attempts to arrest him. It is this dacoit who with others subsequently assassinated Mr. Conolly. For this act of bravery Petitioner received a reward from Government. All these facts will be borne out by the records of the Collector's Office as well as by the report submitted by the Tahsildar of Walluvanad to the Head Assistant Collector in July 1873.

Petitioner was also one of the parties whose information led to the arrest of certain Moplahs concerned in the theft of a large quantity of sandalwood from the Mysore territory in 1854 and in this instance also he received a reward. This is also borne out by records.

Petitioner begs to add also that during the long period he served under the Government he discharged his duties to the entire satisfaction of his superiors and he now deeply regrets that at a timewhen old age has disabled him from earning a livelihood he is thrown out of employ without a provision to liveupon. Petitioner ventures to state that his conduct has been uniformly good and he has earned a character that will stand the test of any scrutiny.

Petitioner humbly prays that all these circumstances and his long service in the employ of Government, may be taken into consideration and a pension equal to half his pay or at least one-third which is payable in ordinary cases may be allowed him, for which act of justice and benevolence the Petitioner shall as in duty bound.

EVER PRAY.

Calicut
26th May 1883.

A.

The humble petition
of K. Kelu Menon,
late 1st Clerk
the Walavanad Taluk
in the Dt. of Malabar,

COURT OF SESSION OF SOUTH MALABAR.

Case No. 62 of 1882.

JUDGMENT.

Regina. Vrs. Kurupath Kelu Menon.

Offence. Forgery and using asgenuine a forged document. Sections 465 and 471 of the Indian Penal Code.

Opinion of Assessors. Not guilty.
Finding of Judge. not guilty.
Sentence. Acquitted.

The prisoner was defended by a Barrister.

2. The documents said to be forged are exhibits A and B on the records. For the prosecution two witnesses were examined. They state that the documents were used in the Munisif's Court by the prisoner and on his behalf, and that both documents were found to be forgeries in the Munisif's Court and, on appeal, in the District Court. The 1st Witness says A and B are forgeries because the plaint land belongs to " Parakat " Illom and that the Nambudri never signed documents relating to that Illom as " rivi " but with " Shara.' On cross examination the witness admitted that the Nambudri might have some times signed " rivi " for Parakat Illom. The 2nd witness was called to prove that the " rivi " in the documents was not the signature of the Nambudri. But this witness also declined to swear that it was not the Nambudri's and when shown Defendant's document I he could not say whether it was Defendant's signature or not though he said it might be. This is all the evidence for the prosecution and their case has clearly broken down. The defence is that this same land was formerly demised under Exhibit I and that this Exhibit I was found to be genuine in a previous suit both by the Munsif and the District Judge (Mr. Sharpe) and in that document the Nambudri signs himself "rivi" and not "Shara" as he ahould do if 1st witness statement be true. No doubt in the suit which gave rise to this prosecution the Munsif and the Judge not only find A & B to be forgeries but assert their conviction that document I is so too. They arrive at this conclusion apparently from the probabilities of the case. This may be all very well as to the civil suits and the documents may be forged, but in Criminal cases clear proof of the actual forgery must be forthcoming to warrant a conviction. Such evidence is altogether wanting in the present case. So agreeing with the assessors, I acquit the prisoner.

2nd October
1882.

(Signed) E. TURNER
Ag. Session Judge

(True copy)
on 3 pages
(Signature)
Sheristedar.

~~Pension~~

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23/10/

10/23 Oct./83

B

Ind Enclt
in Case No 62 of 1882
on the file of the
Court of Session
of South Malabar.

CHIEF SECRETARY
23 OCT 83
GOVERNMENT OF MADRAS

COURT FEE
GOVERNMENT OF INDIA
EIGHT ANNAS

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Perintalmanna, Walwanad.
October 18. 1883.

To,

His Excellency the Right Honourable
The Governor in Council, Madras.

The humble petition of Kurupath Kelu Menon the late 4th Clerk in the Walwanad Taluq in the District of Malabar.

Most Respectfully Showeth,

That on 26th May 1883 Petitioner submitted a memorial in the matter of his pension praying that a pension equal to half his pay or at least one-third may be allowed to him and explaining his conduct in a certain Criminal Case which was decided by the Sessions Court in his favour on 2d October 1882; He begs to state that the pension to which he is entitled has been passed from the date of his retirement from service as per order No 150 dated June 4. 1879 from the Special Assistant Collector of the said District of Malabar.

That to this memorial Petitioner received an order referring him to the Collector of Malabar for information as to the order passed thereon.

That Petitioner accordingly applied to the Collector for the information and has been informed by that Functionary by order No 3374 dated 17th August 1883 that the Government has declined to grant him the pension for which he was qualified by service.

That Petitioner does not know the reasons of being refused the pension to which he was by service qualified.

That Your Excellency in Council will observice that the Criminal Case which certain malicious enemies of his, instituted against him, has been duly investigated by the Sessions Court of this place with the aid of two Assessors and that the Petitioner has been found not guilty of any offence and was accordingly acquitted. A Copy of the Judgment of the Sessions Court is herewith submitted.

That Petitioner also respectfully begs to submit herewith a Copy of the memorial of 26th May 1883 in which Petr's circumstances and services rendered by him to this State are fully set forth.

That Your Excellency in Council will observe that it will be very hard upon Your Petitioner, an old man of about 37 years standing in the Government employ and now unable to earn his livelihood by bodily exertions, should be denied the pension to which he is entitled simply because there was a criminal complaint lodged against him. Any one can institute a criminal complaint against any other and if the mere fact of the institution of such criminal complaints is considered as a taint to the character of the Defendant, the Consequence, too favourable to the Complainant, is grievous beyond conception to the Deft.

That Petitioner humbly begs to submit that this Honourable Government and the Honourable House Government has very often reinstated in service public servants who, having been convicted of criminal offences in a Court of first instance and Consequently removed from their offices, have been acquitted in appeal by Appellate Authorities; one Etathata Chindan Menon, Record-Keeper of the Sub Collector's office, Tellicherry, may be cited as an instance. But Petitioner has never been convicted nor punished by any Court.

That if the Local authorities suspect Petitioner's character Petitioner begs to submit that such suspicion, is unfounded. At all events Petitioner

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humbly hopes or rather sinks that he should have been allowed an opportunity of clearing his character if indeed it required clearing after he had been pronounced not guilty by the Highest judicial authority in the District. This has not been done.

That Petr. humbly hopes that this Honourable Government will not be influenced by any reports the Collector may have made in Petitioner's case without taking any explanation from Petr.

Under these circumstances Petitioner humbly and respectfully begs to request that his deplorable case may be taken into Your Excellency's benign consideration and for the foregoing reasons as well as those stated in the enclosure A. his memorial of 26th May 1883. Your Excellency may be pleased to allow him a pension equal to one-half or one-third of his salary or any other amount to which he is by mere length of service qualified; for which act of justice and benevolence the Petitioner shall, as in duty bound, ever pray.

Your Excellency's most obt.
and humble servant,
കൃഷ്ണ-[illegible]

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Ex. No 522 d/ 14-6-83

[8]

PETITION DEPARTMENT.

(Pension BRANCH.)

No. 1236

F. No 16 of 84

From

K. Kelu Menon

Occupation late 4th Gumastah

Village

Taluk Walluvanad Taluq.

District Malabar

Dated 18th }
Received 25th } October/83

Enclosures — 2 —

Desp

SUBJECT.

Prays for the grant of 1/3 or 1/2 pay pensn.

Order thus 7-Nov/83 No. 1006

C.O. // P: 5. 27.10.83.

For

wd 7-11-83 FW