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M.R. O. 1-82,000-16-10-89.

MADRAS RECORD OFFICE.

Government of Madras.

Pension DEPARTMENT.

G.O. No. 522	~~Press~~ Mis.
Dated 14 6	1983

Not to be folded or roughly handled

94/3-3

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 acknowledgment.

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 succeeded 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

3.

* He did not
recommend.
quite the
contrary

1.
not
received

2.
but this
was before
Govt. they
decided on
Mr. Higgins
opinion that
the petition
was a forged
twisted
pension.

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 live upon. 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.

Calicut

26th May 1883.

EVER PRAY.

[Signature]

COURT OF SESSION OF SOUTH MALABAR.

Case No. 62 of 1882.

JUDGMENT.

Regina. Vrs. Kurupath Kulu Menon.

Offence. Forgery and using as genuine 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 Munsif's Court by the prisoner and on his behalf, and that both documents were found to be forgeries in the Munsif'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 should 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.

[Signature]

[True copy]

Enclosure A

①

To

W. Logan Pegre

Collector of Malabar

The humble petition of Kurupath Kela Menon
H. G. Vinastak, Kalluvunad Taluk

Respectfully Sheweth,

That Petri: understands he is ordered
to retire being incapacitated by old age

That Petri: is now in his 58th year
of age, he has now a service of 38 years, that
out of this a period of only 22 years and
odd come under pension grade, and that
it will take more than two years to entitle
him to half pension.

That Petri: can read and
write without difficulty and he is not
the least rendered weak in body.

That an examination as to
the first point by your Honor and as
to the second point by a medical
officer would convince your Honor
that Petri: is not disqualified by old
age.

That Petri: regrets to find that he
is ordered to retire simply on account of
his advanced age without any enquiry
being made as to his strength of body
and ability to work.

That Petri: is a poor man

and

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and that of him depends a large family.
That it was not on account
of inability that Petr: was obliged to remain
for so long a time in the post from
which he could earn little or nothing but
for want of an influential relative to
raise him up in the official ladder.

That Petr: who has been sup-
ported by Govt for a long time heartily
wishes to depend upon the gratitude of the
Govt till he reaches the last. To accomplish
this and Petr: earnestly requests that he
may be retained in service for upwards
of 2 years more so that he may be en-
titled to a pension of Rs 7½ with which he
can manage to pull on in the world.

In case your honor does
not consent to grant the abovementioned
request Petr: earnestly prays that the same
favor of Govt may be obtained to reckon
part of his lower grade service of 16 years
under the pension grade to complete his
period of service.

Calcutta.

20 May 1878 (True Copy)

sd/-
W. J. M.

G. 642/1235 d/15-12-82.
— 211 d/ 7/5/1877.

[8]

PETITION DEPARTMENT.

(*Pens^{ts}* BRANCH).

N^o 522

From

H. Kulu Menon

Occupation *late 4th Gunastah*

Village

Taluq *Walluvanad Taluq*

District *Malabar*

Dated *26th May 1883.*

Received *1st June —*

Enclosures *— 2 —*

(*See*)

SUBJECT.

*Prays for the grant
of either $\frac{1}{3}$ or $\frac{1}{2}$ pay pens^{ts}.
In the then 1st d/ 7/6/83 N^o 522*

*The petitioner is referred
to the Collector who has received
orders in his case.*

For 18/6-83

*declining to give pension: S.O. 15th Dec
82 no: 1235. nothing new here.*