

PENSION DEPARTMENT.

G.O., DATED 26th March

1896.

No. 251.

When given for copying.

[Despatch Abstract.]

*Withdrawing the pension of A.L. Abraham from
the date of sentence of the Sub-Divisional Magistrate
of Tanjore.*

FURTHER PAPER, No. 484 of 2-7-1897

READ AGAIN ORDER OF GOVERNMENT, DATED
189, No. MISCELLANEOUS.

PROCEEDINGS.

CURRENT No.

STATEMENT WITH DITTO.

ORDER OF GOVERNMENT

STATEMENT WITH DITTO.

PAPER NOT FILED UP, BEING MEANT FOR DEPUTATION
IN ORIGINAL (not paged).

N.B.

- A = Copy in full.
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A A

In the Court of the First Class Sub Divisional
Magistrate of Tanjore Division
Calendar case No. 56 of 1895

Name of accused. A. L. Abraham

Charge. Criminal breach of trust by a
public servant Section 409 I.C.

Finding. Guilty.

Sentence. To suffer rigorous imprisonment
for nine months and to pay a fine of
Rs 150, in default to suffer rigorous
imprisonment for a further period
of 3 months.

Witnesses.

For prosecution.

- | | |
|-----------------------------|---------------------------|
| 1. N. S. Raghopalala Naider | 5. Ramasawami aiyar |
| 2. M. R. Raghavachari | 6. Appasawami Naider |
| 3. " S. A. Subramania aiyar | 7. J. A. Kadi Balakrishna |
| 4. Ramasawami Sathyal | 8. Gopala aiyar. |

For defence - nil.

The accused was the 2nd clerk in the District
Court Tanjore but was doing the duties of Superintendent
of copyists' Central office in the said Court from
6-5-89 to 21-3-95, during which period the permanent
incumbent (1st prosecution witness) was on other
duty. In the capacity of the said Superintendent,
he (accused) was receiving large sums from parties
and Vakils for printing civil judgments of the lower
Court located at Tanjore and also from the Taluk
Treasury Tanjore by encashment of cheques.

prosecution

by the Treasury Deputy Collector for printing charges remitted by outlying courts of the District for getting their judgments printed through the Copyists' Department Central office. The Sheristadar (2nd prosecution witness) under whose general supervision the accused worked gave orders to the accused to remit every evening the amounts thus received during the day to the Head clerk (3rd prosecution witness) for safe custody in a strong room. The accused accordingly maintained two books in his own hand writing - one called the A Register showing all amounts received by the accused and the other (Exhibit E) showing the amounts daily remitted to the Head clerk with the latter's signature under every day's total in token of his (Head clerk's) having duly received the amounts sent to him for safe custody. In March 1895 there was a complaint in open Court before the District Judge Tanjore that there was considerable delay and confusion in the Copyists' Department. Thereupon the District Judge ordered a careful investigation to be made, and as a result of this investigation, it was found out that a large amount of money received by the accused on account of printing

charges during the years 1893 & 1894 were not remitted to the Head clerk for safe custody, and were not forthcoming with the accused, or properly accounted for by him (the accused). A sum of Rs 4,340 was traced to the hands of the accused, out of which only a sum of Rs 3,563 was accounted for and the balance of Rs 777 was not accounted for.

2. It must be noted that the practice prevailing in the Copyists' Department is that with the printing charges the judgments to be printed are also received. These judgments are sent to the Private Presses in Tanjore and the proprietors print them and send them to the Superintendent with bills showing the amounts due to them. These bills are verified by the accused and ultimately signed by the Judge and sent on to the Head clerk for payment. The Head clerk makes the payment from the accumulated sum of moneys sent to him for safe custody, & from time to time, it being not his duty to see whether the particular amount appearing to the particular judgment in question had been sent to him for safe custody or not, this duty solely devolving on the Superintendent himself.

3. On finding that a sum of Rs 777 was missing the judge ordered the 1st prosecution witness to prosecute the accused for the misappropriation of money entrusted to him in the capacity as a public servant - vide Exhibit H. The amount consists of several items and so three items aggregating to a sum of Rs 27 have been selected and the accused charged for misappropriating that amount. One of these amounts viz Rs 10 was paid in the hands of the accused on 19-6-93, the second amount also Rs 10 was paid in his hand on 18-7-93, and the third amount viz Rs 7 was paid to him on 22-8-93. The 1st prosecution witness who under the orders of the judge investigated in the matter states that these amounts have been entered in the Register A in the accused's own hand writing. vide entries marked D, D₁, + D₂, that they do not find place in Exhibit E and that they have not in any way been accounted for by the accused. He further states that in the case of the 1st two items viz D and D₁, the amounts due to the printers viz Rs 4-8-0 and Rs 5-0-0 have been paid by the head clerk from the total amount deposited with him, the balance of Rs 5-8-0 and Rs 5-0-0

being amounts to be refunded to the parties concerned, and in the case of the 3rd item D₂ payment has not yet been made. The 2nd prosecution witness is the Sheristadar of the District Court. He speaks to his having given the order to the accused about the safe custody of the money with the head clerk. The 3rd prosecution witness is the head clerk. He swears that the three items in question (D, D₁, + D₂) were never received by him and in support of his statement has filed a memo book Exhibit E₂, in which all the amounts received by him from the accused as Superintendent of Copyists have been regularly entered in order of receipt with dates &c. He also states that they do not find place even in E, maintained by the accused to show the amounts remitted to him for safe custody. The 4th, 5th, and 6th prosecution witnesses are the parties who paid the three amounts in the hands of the accused. They swear to their having paid the amounts to the accused on the dates given in Exhibits D, D₁, + D₂. In support of their assertion they have produced their own accounts Exhibits U, U₁, + U₂ from which it clearly appears that the said amounts were paid for printing and

on the dates specified in D_1 , D_2 , & D_3 . They also assert that the actual printing charges incurred are not noted on the printed copies and they cannot therefore say what amount is due to them. They aver that no amount was repaid to them. The 7th prosecution witness was formerly an attendant and now a copyist in the District Court. He states that he has seen the accused frequently entering wreck shops thereby insinuating that the accused was given up to drinking habits. The 8th prosecution witness is the Benbat Naian who acted as head clerk on more than two occasions. He has been examined to prove the practice of the copyists' Superintendent depositing the money with the 3rd prosecution witness and of the 3rd prosecution witness disbursing the money to the printers on their bills after being verified by the accused.

4. The accused denies the charge and states that he has of late been manifestly incapacitated for heavy work, that he applied to the District Judge for change of work (Vide Exhibit I), that his request was not granted and that he is now unable to account for the amounts with the misappropriation of which he is charged.

5. The accused does not deny the fact of his

having received the three amounts in question from the parties concerned and he does not deny the fact that they were not remitted to the head clerk for safe custody. The records have been carefully examined and it is evident that all the amounts paid to the printers were disbursed from money in custody with the head clerk on bills passed and signed by the judge, all of which have been regularly maintained in the office and filed with the records of this case. There is thus no alternative but to find that the three items received by the accused have been misappropriated to his own use. It is not also denied that the accused is given up to drinking. He seems to have a large family and being a Eurasian, has to maintain it in a more than ordinary style. He is moreover involved in debts as evidenced by the attachments made by the Court for several years, of portions of his pay for the payment of his creditors. These circumstances lend strength to the finding that the accused did actually use for his own purposes the money with the misappropriation of which he has been charged.

6. I therefore decide the accused Abrah

is guilty of criminal breach of trust
by a Public Servant under the true
items of the charge viz that he misappropriated
Rs 10 paid to him on 19.6.93 (vide Ex D), Rs 10
paid on 18.7.93 (Ex D), and Rs 7 paid on
22.8.93 (D2), and thereby committed an
offence punishable under section 409
of the I. P. C., and direct that he be
sentenced to suffer rigorous imprison-
ment for 3 months and to pay a fine of
Rs 50 in default to suffer rigorous im-
prisonment for a further time of one month
for each item of charge, this amounting
on the aggregate to 9 months' rigorous
imprisonment and a fine of Rs 150 and
in default to a further period of three
months' rigorous imprisonment.

Tanjore
20.12.95

(Signed) G. Murugesam

Deputy Magistrate
(True copy).

Deputy Magistrate

No. 874 of 96

Collector's office
Tanjore 24 February 1906

From

G. Stokes Esquire

Collector of Tanjore

To

The Secretary to the Government

Revenue Department

Madras

Sir

I have the honor to report that A. L.
Abraham who was drawing in this Treasury a
Compensation pension of Rs 13-8-7 per mensem sanctioned
in Government order no 1233 dated 6 November 1884
was re-employed as a clerk in the District Court
Tanjore on a pay of Rs 30 per mensem and was doing
duty as Superintendent of Copyists in that Court. He
was suspended on a charge of embezzlement of
public money in May last and was finally
dismissed the service in November 1895 by the
District Judge on whose sanction he was crime
prosecuted

h o
prosecuted and convicted by the First class Sub
Divisional Magistrate of Tanjore under section 409
Indian Penal Code and sentenced to 9 months' rigorous
imprisonment and to pay a fine of Rs 150. I therefore
submit his case for such orders as the Government
may deem fit to pass under article 383 of the
Civil Service Regulations.

2. Payment of pension has been stopped pending
the orders of Government.
3. A copy of the Sub Divisional Magistrate's judgment
in the case is herewith forwarded.

I have the honor to be
sir
your most obedient servant

M. Subramanyam
First Collector.

DESPATCHED
24 FEB. 96

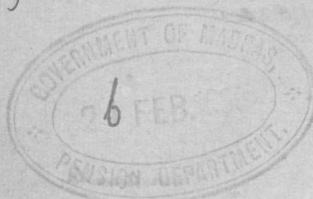
Correct
F. D.

Pension 1896 Department
Current Number 174

From

The Collector of
Tanjore

MS
26.2.96



To

The Secretary to the
Government
Revenue Department
Madras

Dated 24 }
Desptd } February 1896

MS No 374 of 26
sect

Enclosure (one)

Submitting for orders of Government

the case of A. L. Abraham a civil
pensioner of this District who was

convicted under section 409 I.P.C.

80. 1233. P.
6.11.84

End

Referred to the Acct. Genl. for favour of remarks.

Ag. Under Secretary

To
The A.G.

Why?

3.1

Most of the...
the wife of...
late Copyist Superintendent
of the Tanjore Dist Court
Convicted and imprisoned by
magistrate of his co-officers in
said Court. This is my misfortune
The said Mr Abraham
before he held his last ap-
pointment was a clerk in the
Tanjore Dist Court and had
put in sufficient good ser-
vice for his pension under Civil
Service Regulations which
was Rs 13-8-7. While he was
Copyist Supt he drew out
Rs 40 attached to the said po-

minus his
And now
does not hold the said
is entitled to his old
well-earned pension ^{of Rs 13-8-7 per} which has
not been paid to him or to me from
Dec 1895. So 2 months pension
is now due.

Since this calamity
to my unfortunate husband
myself and my children
have been suffering in des-
cribably and it has now culminated
in an absolute starvation. Ours
is a hard lot and being the family
of an old faithful servant
of Govt now confined in the Madras
Penitentiary we pray that your
honor who is kind to the poor and the
needy and generous in the extreme
be graciously pleased to order

Collector's office
Tanjore 29th February '96

Dis. No. 429 of 96
act

From

Ly. Stokes Esquire

Collector of
Tanjore

To

The Secretary to the Government
Revenue Department
Madras.

Sir

In continuation of my letter disposal
no 374 dated 24th February '96 ^{act} I have the honor to
forward herewith for the consideration of Government
a petition from Mrs V. Abraham wife of A. L. Abraham
therein referred to.

I have the honor to be

Sir

your most obedient servant

Abraham

For Collector.

DEPT. OF REVENUE
2-2-96

Pension 1896 Department
Current Number 195

From

The Collector of
Tanjore

To

The Secretary to the Govt.
Revenue Department
Madras

Dated 29th February 96
Despts } March 2
Recd 3rd March.

Dis. No 429 of 96

Enclosure (one)

Forwarding for the consideration

of Government a petition from Mrs
V. Abraham wife of A. Abraham
a civil pensioner.

The Hon. Mr. Grove, C.E.

Read C.N. 174 & 195.

Order 26th March 1896 No. 251.

28
24/3/96

The pension will be withdrawn from the date of
sentence of the Court of Sub-Divisional Magistrate of Tanjore.

A.H.
10/3/96.

24/3/96

To

M.H.G.
" Collr of Tanjore }

The case against the Pensioner
was a strong one.

A.H.

10/3/96. Has he appealed?

24

Note

He does not seem to have appealed

Please see precedent put up - G.O.

of 28.1.95. N. 92, Pension.

A bad case.

MT 29.3.

Yes - he was a drunkard involved in debt
+ living beyond his means

by

P.T.O