

15-4-09 ✓
16-12-11 ✓
9-9-12 ✓

F. No. 540/97 & 606/98 & 638/98

PENSION DEPARTMENT.	
G.O., DATED 23 rd May	1896.
No. 397	

When given for copying.

[Despatch Abstract.]

*Withdrawing the pension of Singaramulu
Pillai, late 1st cl. Con. Tanjore Dt. from
the date of commission of the crime for which
he was convicted.*

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

ENCLOSURES.

CURRENT No.

STATEMENT WITH DITTO.

ORDER OF GOVERNMENT

STATEMENT WITH DITTO.

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

N.B.

- A = Copy in full.
- B = Not to be copied.
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- Q = Copy heading only.

In the Court of the First Class Sub-Divisional
Magistrate of Megapalam.

CALENDAR CASE No. 57 OF 1895.

Name of Defendant.—

Singaravelu Pillai.

Charge.—

Voluntarily causing grievous hurt by
a dangerous weapon punishable under
section 326 I.P.C.

Finding.—

Guilty.

Sentence.—

To suffer 9 months rigorous imprisonment.

Serial Number.	DESCRIPTION OF ACCUSED.						DATE OF				
	Name.	Father's Name.	Caste or Race.	Occupation.	Residence.	Age.	Occurrence.	Complaint.	Apprehension.	Commencement of trial.	Close of trial.
1	2						3				
	<u>Calendar Case No. 57 of 1895.</u>										
	<u>Singaravelu Pillai</u>										
	<u>No. 100-100-100</u>										
	<u>Vallala.</u>										
	<u>Reddy's Constable</u>										
	<u>employed in arched shop.</u>										
	<u>Megapalam.</u>										
	<u>58.</u>										
	<u>22.7.95 at Megapalam.</u>										
	<u>23.7.95.</u>										
	<u>23.7.95.</u>										
	<u>5.9.95.</u>										
	<u>2.10.95.</u>										

5.9.95. The witnesses for the prosecution were examined.
6.9.95. The witnesses for the defence were examined.
10.9.95. Some more witnesses for the prosecution were examined.
13.9.95. The prosecution closed and the accused was committed to trial on his defence.
17.9.95. The defence witnesses were examined. The Station House Officer of Megapalam having reported that the 3 witnesses gave inconsistent answers and were examined again with the same results.
25.9.95. When he appeared the case disposed of. Examined on 25.9.95.
The accused was remanded on 25.9.95 and on 13.10.95 was brought on trial.

Judgment.

Ithambiappa asari complained that Singaravelu Pillai stabbed him.

2. Ithambiappa's story is as follows.

He and an adoptive relative of his Sattaya Pathan were out one night and met their acquaintance Packiri Nair going to the Railway station with a friend of his to see him off.

All four went together. On the way they met Singaravelu Pillai the accused who is a retired Constable and now works in an attack

shop. Singaravelu talked to Packiri and Ithambiappa was standing a little aside. After a bit Singaravelu demanded what Complainant was looking at. Complainant replied he was looking at the street lamp.

Singaravelu then asked for the Rupee he had lent Complainant and on Complainant saying he had not

not the Rupee with him used some indecent language. This resulted in a tussle between the parties. Packiri Nair and others interfered and separated the two. Complainant's party were about to proceed to the Railway station ^{when} ~~where~~ Complainant observed accused take a Clasp knife out of his pocket and open it. He called to Sattaya Pathan to fetch a Constable but that youth did not ^{heed} ~~heard~~. Complainant goes on to say that at that moment accused's wife and some others came shouting from the back yard of accused's house. Complainant turned in that direction and at this moment accused stabbed him in the right breast. Complainant fell crying out he was stabbed. Accused dragged him by the hair till the others

Came

Separated the parties, saw Complainant to near his house and then went to the Railway station and that was all that happened; and that there was no stabbing by any body. He also states that Subaya Pathan was not there when the dispute was going on.

5. Sella Pillai who, Complainant said, was one of those who came upon the scene and who was one of those who supported Complainant to his house after he was stabbed, states merely that as he was going home he heard a noise of fighting and cries that somebody was stabbed. Getting frightened he went home and did not stop to go and enquire what the matter was.

6. Packiri naik's friend - Subramania Ponna pondau could

Could not be found till a warrant was issued for him. Luni Packiri he states the occurrence ended in a tussle and that there was no stabbing. 7. Both Packiri naik and Subramania Ponna pondau have been examined by the Police and their answers to the questions put them recorded. They both have informed the Police that accused stabbed the Complainant as described above.

8. I discredit the evidence of these witnesses entirely. They have made contradictory statements when found to state the truth on both occasions and so have become liable to prosecution for perjury.

9. The accused was charged under Section 326 I.P.C. He put forward the same story as

Packiri

Pachai Nair. Two witnesses,
Subbaraya Pillai and Muthusami
Reddi are adduced to support
his story. They corroborate him
as to there having been a dispute.
They corroborate one another in all
details as to how they came to beat
the spot and what they saw at the
quarrel. When they contradicted one
another is ⁱⁿ describing how they
parted from the others. Subbaraya
Pillai says he and Muthusami
Reddi accompanied Complainant
and others, the accused having
gone in the opposite direction for
about 200 yards when they left them.
He and Muthusami went on together
as far as Thandraya Pillai's house
where they separated. According
to Muthusami Reddi however
he and Subbaraya Pillai accompanied
Complainant's party for 400 Kotes
where

where he left the others including
Subbaraya Pillai standing talking
and he himself went on home.

10— There is no doubt Thambiappa
Asari was stabbed on the 22nd July.
The wound was a severe one and
could hardly have been self-inflicted.
The accused gives no reason which
would tend to explain the com-
plainant's conduct in bringing this
charge against him of all men.
Accused states that he complained
of Thambiappa's abuse and
assault to the Police that very
night. But the Station House officer
states accused complained
next morning. This is significant.
Complainant is supported by
Sataya Athan though that
wishes to improve matters
a little by drawing on his
imagination. Complainant

explained

10
explained that a pensioned
Constable had stabbed him
that very night to the Hospital
Assistant. Packiri Naik and
Subramania Ponnampoundan have
given completely different
versions of the affair to the
Police and to this Court. The
absence of Subramania till a
warrant was issued is highly
suspicious. These considerations
convince me that the accusation
is in all material respects true.
Granting that the evidence of
Muthusami Reddi and Subbaraya
Pillai is true except where it is
contradictory, it may be reconciled
with Complainant's story. For
Complainant himself has
stated that an interval occurred
between the quarrel and tussle and
the stabbing. These witnesses possibly
left

11
left at the termination of the first
act and did not see the second.
Complainant to make his story
look better has made one act follow
closely on the other. One more
consideration there is which leads
~~me~~ ^{me} to the conclusion that the
Complainant's story in all material
points is true beyond reasonable
doubt. The wounds of the Complainant
were serious; they must have
been received at or about the
time of the alleged offence, the
witness Packiri Naik and
Subramania Ponnampoundan
and others were with him at
the time. Packiri Naik is a
friend of his. Yet none of these
people can furnish the slightest
clue as to how Complainant did
come by his wound.

11-. The general good character
of.

of the accused is ¹²sworn to by
several respectable men. The com-
plainant appears to have been
drunk and the accused appears
to have received some provocation
though there is nothing on evidence
to show that the provocation
was such as would reduce
his act to an offence under
section 335 I.P.C. In convicting
the accused therefore of an
offence under section 326
I.P.C. I shall deal leniently with
him and sentence him to
rigorous imprisonment for
nine months.

(Signed) H.E. Majoribanks.
2.10.15.
184 class Sub Dnt. Magr.

Order under section 517 C.C.

The property produced in this
case is, after the expiry of the
appeal

¹³appeal time, to be restored to the persons
from whom the articles were
respectively taken.

(Signed) H.E. Majoribanks.
2.10.15.
184 class Sub Dnt. Magr.

(True copy)

H. Majoribanks
183
184 class Sub Dnt. Magr.

ER

14
FROM

THE FIRST CLASS SUB-DIVISIONAL
MAGISTRATE,
Division,

To

THE SESSIONS JUDGE,
Tanjore,

THROUGH

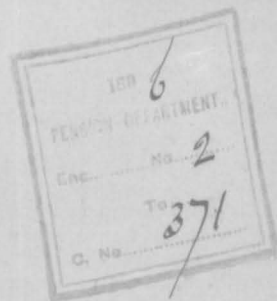
THE DISTRICT MAGISTRATE,

Dated

Despatched

Received

189



COPY of Judgment in Calendar Case

No. of 189 .

15
Judgment in Criminal Appeal 10117
of 1885 on the file of the Sessions Court
at Tanjore.

The 14th day of November 1885.
Present.—J. M. Horsfall Esq. J.C.S., Barrister at Law,
Sessions Judge.

From what Court the appeal is preferred —
Court of the 1st Class Sub-Div. Magistrate of
Agapalain Dr.

Number of the Case in that Court. — 105/85

Number of the Appeal. — 11/85

Name and description of the Appellant. —

Name of Appellant — Singaravelu Pillai.

Father's name. — Kolandaivelu Pillai.

Caste or race. — Vallala.

Occupation — Retired Constable

Employed in Arrackshop.

Residence — Agapalain

Age — 58.

The sentence and law under which it was

imposed in the lower Court — 9 months'

Rigorous imprisonment under Sec 326 of the

Whether Confirmed, modified or reversed —

Rejected.

This appeal coming on for hearing
upon perusing the petition of appeal,
the copy of the Magistrate's judgment
and duly considering the same, the
appellant

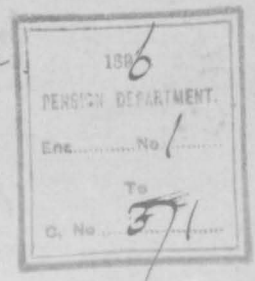
Appellant not appearing in person or by
 vakil, the Court delivered the following
Judgment:— Appellant is a retired
 Police constable employed in an arrack
 shop. The case against him is that
 in the course of an ordinary dispute
 about a debt of one Rupee between
 appellant and Complainant, the
 appellant stabbed Complainant rather
 severely in the arm and breast with
 a knife.

2. That complainant was stabbed
 at the place, that appellant was quarrelling
 with him; that complainant was taken
 to hospital and there accused appellant
 is very clearly proved. Neither in the
 Lower Court nor in his appeal petition
 does appellant in any way account
 for the accusation against him.
 He content himself with some criticisms
 on the evidence which are unsound
 and are dealt with sufficiently
 by the Lower Court. The case is clear.
 The sentence is very lenient. The
 appeal is rejected.

(Signed) J. M. Horsfall,
 Sessions Judge.

(True Copy)

M. S. D. Magistrate



Tanjore Collectors office
 18th April 1896.

Ref no 175
 act of 96

21 APR. 96

From. H. Moberly Esquire
 Acting Collector of
 Tanjore

To. The Secretary to the Government
 Revenue Department
 Madras

Sir
 I have the honor to report the following
 case for the orders of Government under para 3 of
 G. O no 798 dated 6th September 1892 (Pension)
 2. One Singaravelu Pillai pensioned 1st class
 Constable no 1119 of the Tanjore Police force, who was
 drawing a pension of Rs 4 per mensem sanctioned
 in G. O. no 1037 dated 14th September 1889 was convicted
 by the Head Assistant Magistrate of Negapatam
 on a charge of voluntarily causing grievous hurt
 By

by a dangerous weapon under section 326, Indian Penal Code and sentenced to 9 months' rigorous imprisonment. The appeal preferred by the accused pensioner against this sentence to the District and Sessions judge Tanjore was rejected. I therefore submit his case for such orders as the Government may deem fit to pass on it under article 383 of the Civil Service Regulations.

3. The copies of the lower and the Appellate Courts' judgments in the case are herewith forwarded.

I have the honor to be

sir

your most obedient servant

Dr. H. A. C. S. S.

For Acting Collector.

Confidential