

Pension (1896) Department.

ORDINARY MS.

G.O., No. 915

DATED 2-10-96

[Despatch Abstract.]

Effecting an amended pension of Rs (3-0-0) for Mr. Chakla Murali, late 1st CC
Kistna, in modification of GO $\frac{257}{2-2-96}$ Pension



BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
80	257	Rev.	11-4-96				
80	269	Rev.	11-4-96				

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Road

Rasid

G.O. No. 287 of 11-4-96

Current 998 Rasid of 1896

Order, 2nd Oct. 1896 No. 998

In modification of G.O. No. 287 Rasid of 11-4-96 the Govt. is pleased to sanction the grant to Shakkh Meerah, late a 1st class constable No. 915 of the Kistna District, of an invalid pension of Rs. (3-8-0) Three & annas eight only per mensem payable at Puster from the 23rd January 1896 in consideration of his qualified Police service of 26 years 2 months & 26 days.

2. The applicant's absence without leave has, under Art. 464 of the C.S.R., been commuted at least without allowances, and the interruption a service caused by his dismissal in July 1879 has been condoned under Article 465.

under Art. 465, 518(6) &
518, Scale B of the C.S.R.

Years. Months. Days.

18 - 4 - 26

5 - 16

1 - 27

1 - 25

1 - 10

2 - 16

1 - 4

1 - 3

2 - 26

26 - 2 - 26

A Pension Case.

PENSION DEPARTMENT.

The Hon. Mr. Grace, C.E.

C. No. 998

From the Judge of the Police

Dated 16. Augt.

1896, No. 1216

FOR ORDERS.

In L.O. 1181 April 1896 No. 107 Pension, the petitioner was granted a pension of Rs. 4-0-0 for his qualifying service of 15 yrs. & 1 mo. & 12 days. He now prays that his service from the 29 July 1879 may be taken into account and that he may be granted an increased pension.

The petitioner was a 2nd grade Head Constable on Rs. 10-0-0 and was dismissed on the 29 July 1879 for having been convicted by the 1st Magistrate, Muzaffargarh, to a fine of Rs. 50 under sec. 107 P.C. The then Judge of Police, Kistna, recommended that the petitioner might be re-employed and the D.I. Inspector General of Police supported the recommendation with the remark that "there was no conclusive evidence in the case and the neglect, if any, might have been dealt with leniently". The petition was accordingly considered in a 1st class case on 28 Feb 1880, but the then Judge of Police considered that the petition was not entitled to the benefit of his former service.

[14]

3. The full pension advisable under the rules has not been granted as the applicant's conduct & character have not been thoroughly satisfactory.

for
to
25. 5. 86

J.S. Police
Asst. Secy
P.O.

4/1/86

In Sept 1895, the following appeared in the Daily Post
not regarding that the same was to be dismissed in 1877
might be included, besides prison, but the Daily Post, which
to mention the request and remarked that it was a case
for the decision of just, when he submitted his case
accordingly and makes no mention of the following
to be. To be taken in the following case, namely the dismissal
in 1877, he was, but with the eligible for a pension of £100 per
annum.

When the pension application was
submitted, the correspondence relating to
the applicant's dismissal in 1877 was reported
to be "not forthcoming". The papers now submitted
include a copy of the judgment in the case
in which he was convicted, & the recommendation
of the Just. of the Peace, & D. J. G. that he should
be re-employed. - From the judgment it appears
that the applicant, who was then a third grade
Head Constable on £10 per week, had in regard
to a suspicious death, & especially
to send the body for post-mortem exam. as
required by sec 133 of the Cr. P. C. of 1872.
The inquest report described the body as
follows:-

- Dead body is swollen. Water passing
from mouth. Red matter like water coming
from nose. Blood coming from the right
ear to a small extent. The skin on the
front of the throat & throat & blood coming
to a small extent. On the right side (of the
belly) also a burst & blood oozing freely
to a small extent.

The inquest further recorded the fact that,
a few hours before the deceased's body
was found, he had been quarrelling & fighting
with a man afterwards cited by the
Head Constable as his first defence witness.
This man was tried in the Sessions Court for
culpable homicide, but merely convicted
of assaulting the deceased & fined £10/0.

When to these circumstances is added
the fact that the deceased's widow
being the inquest, had the possibility
of his having been murdered & thrown
into the well, it seems clear that the
case was one of doubt & that it was
the Head Constable's duty to have
sent the body for medical examination
treating this, there is a strong probability
that his object was to screen the
first defence witness from punishment.
At the same time the Magistrate expressed
a positive opinion on the point, his
judgment excluded. - "though there
is no evidence that the accused
received any gratification & show
favour towards the first witness &
yet I am of opinion that he
might have omitted sending the
body for post-mortem examination
with a knowledge that it would
indirectly help his first witness
for defence. - This expression of
suspicion hardly justifies a con-
viction under 24 C. 827, & from the
Just. of the Peace's letter it further ap-
pears that the conduct of some of the
prosecution witnesses was open to adverse
criticism. It, however, the Magistrate
received first class powers & the sentence

imposed on only a fine of £40/-,
the constable had no opportunity of
appealing. It may be remarked that
a fine of £40/- was hardly an adequate
penalty for the offence for which the
Magistrate convicted him; the constable
said to have "respected the Dr Magistrate"
to punish him so as to give him
"room for appeal".

As to facts of the case the local
Supt^t thought ^{it} of the said constable
"was to blame at all, his was an
offence which might have been
dealt with departmentally or at
any rate with the Police Act". He
had been dismissed & the Supt^t &
the D.I. recommended his re-employ-
ment, the latter officer remarking that
"the neglect of any might have been
dealt with departmentally". - His
recommendation was accepted by the
Supt^t but the board considered
that he was not entitled to the
benefit of former service. -

The punishment, which the constable
suffered for gross neglect ^{of duty} & disrespect
attempt to rescue an offender, was the
following:-

(1) A conviction under the Penal Code
and a fine of £40/-

(2) Loss of pensionable service

"... of the constable from 9

The report states that the
body for justice is here, but
the facts do not seem to
be the same as the previous
to do so we proposed by a
note to the board - The board
has been very much interested,
but the pension was to be
reduced to 5/6d.

JG
26/9/96

He was promoted again to third
grade H.C. almost immediately after
re-enlistment, so item (C) hardly counts.
The loss of pensionable service
has however reduced the maximum
pension admissible to him from
£44/- per to £21/- per; the prior service
will qualify if Govt condones the
breach under C.S.R. Act 1884. If this
is done, some reduction in the amount
of pension ^{is} called for with
reference to the fact that the applicant's
default sheet contains 13 entries
including three reductions in 1874,
1881 & 1888 respectively. - £13/6/-
will seem a sufficiently liberal
award.

LD
23-9-96

10/11/96

Public

(1896)

Department.

CURRENT No. ⁹⁹⁸~~1000~~

From Mr. Hammick Esq. & Co.
Jas. J. & Co. Police
maons

Order

Endorsed No. 1763.

Transferred to the
Prison Department.

No. 3216

Dated 14 August 1896

Received 16

Registered 17

Enclosures Four

Spare copies

W. H. H.

19 Under Secretary.

2nd September 1896

SUBJECT.

Forwarded a petition from
a pensioned Constable
Thos. H. H. of the R. H. H.
with his remarks thereon

To
the Prison Dept.

BACK PAPERS.

G.O.	No.	Department.	Date.
93	369	Revenue	4-1-96
11	367	Revenue	2-3-96

FURTHER PAPERS.

G.O.	No.	Department.	Date.

No. G. 45.

Department.

No. 3216.

CURRENT No. 3679

CHIEF OFFICE OF THE INSPECTOR-GENERAL OF POLICE,

MADRAS, 14th August 1896.

FROM

M. HAMMICK, Esq., I.C.S.,

INSPECTOR-GENERAL OF POLICE,

Madras,

TO

The Chief Secretary
to Government.
Coimbatore

SIR,

Enclosure 5

I have the honor to submit the accompanying petition from a pensioned Constable Sheikh Chira of the Kistna District and to report as follows.

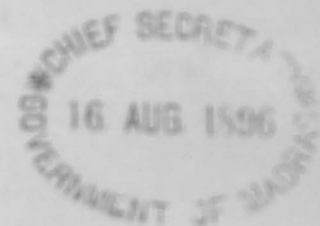
1. The appellant was granted a pension of Rs 2 per mensem from 20th January 1896 for a qualifying service of 15 years & 11 months and 21 days in G.O. No 284. Pension, dated 11th April 1896. He was enlisted as a 2nd class Constable on the 22nd August 1868 and was dismissed the service on the 29th July 1899 for having been sentenced by the Deputy Magistrate, Narasannapett Taluk, to a fine of Rs 40, under Section 217, Indian Penal Code.

To be kindly returned vide enclosed copy of the judgment.

3. On the 13th February 1880, the appellant was re-initiated but the then Inspector General considered that he was not entitled to the benefit of former service, while submitting the pension papers of the appellant to Government, his former service from 22nd August 1868 to 29th July 1879 was entered in the 2^d page of the application with the remark that this period does not qualify for pension.

4. The appellant addressed a petition to me in September 1895 praying that his former service might be counted for pension. I declined to sanction the request and remarked that it was a case for the decision of Government when he retired on pension. Under these circumstances I have no recommendation to offer on the appellant's behalf.

I have the honor to be,
Sir,
Yours most obedt. Servt.,
Mammick
Inspector General of Police.



CURRENT No. 1199 of 1896

Handwritten notes: "H. G. P. M. 11/10/96" and "Mammick 11/10/96".

(2)

(3)

Handwritten notes: "C. 1199 of 1896", "Mammick 11/10/96", "H. G. P. M. 11/10/96", "20/7/96".

The Governor
Madras
21 JUL 93
Council
CURRENT No. 1199 of 1896

The humble representation of Shree Meran No 915 1st class constable in Hyderabad Station Gudivada Taluq at present, Gunter Krishna District.

Most Respected Sir,

I most humbly and submissively beg to request that I have initiated into the Police Department on 19th August 1868 and carried of my duty very vigilantly without any flinch whatsoever.

While I was in Naxosrenti station Narsa-rasputt Taluq where I was promoted as a regular constable on the 15th June 1870. Then Kanchi Sullamgaru who was the Deputy Magistrate of Vinakonda Range got a envious mind with the Police.

A case of suicide was committed in the village Kallakunta of Vinakonda Taluq there Kanchi Sullamgaru the then Deputy Magistrate of the range reported to the Police Superintendent stating that the dead body was not brought to the Hospital.

Thereupon the Superintendent of Police suddenly suspended me in 29.7.92 for Trial. Then the said Deputy Magistrate who was a very envious mind

29.7.92.

with the Police mercilessly fined me Rs 25.00 in
17.8.77, though I have showed many
suitable grounds at the occasion.

(4.) Then the Superintendent of my Depart.
ment given an order of my dismissal
in 29.7.77.

(5.) About this on the report of the Inspector of
Police of that Taluq to the Superintendent,
then the Superintendent and the District
Superintendent both joined together reviewed
record from the Deputy Magistrate,
inquiring it perfectly, thinking that
the Deputy Magistrate had done quite
injustice about me and recommended
me for the post, who favourably
offered me the same in 13.2.80.

(6.) I was under suspension only for 6
months and 14 days that is to say
from 27.7.77 to 13.2.80.

In reality I was under suspension
only 5 months and 28 days since
the date of 17th August 1877 that
I was fined by the Deputy
Magistrate.

(7.)

Section 463 of Pension code clearly
says that a man suspended for 6 or 10
months that is to say under a year his
suspended services will be included
in his pension service if he be offered
with his same post. My suspension was
under six months.

(8.)

I was sent to the Doctor by the
Police Superintendent for certificate
when I was applied for pension
the Doctor made me unfit.

Then the Superintendent reported to
the Inspector-General for including
my services. His honor ordered that
my suspension services cannot be included.
This matter will not be inserted both
in my service book & medical sheet.

1895?

Therefore about my service I submitted
a petition on 6.7.76 to the Inspector
General then the Superintendent
of Police thereupon his honor
issued an order no 156 on 1st Oct 1895
stating that I should apply
to the

(9.) In order to include my Supervision
Services the District Superintendent
ordered that the Suspension
Services cannot added or entered
in the Service Register as the same
orders had been issued on the report
of the 2nd class Com no 3080 of Quarter
Station, which was submitted to the
Inspector-General with my file.
Then the District Superintendent re-
commended 11 years including suspension
Services about the pension of Com no 30
of the Govt. granted him the half pension.
I checked in the 12th.

The same has been published in the 10th Police sheet of 14th march 1891.

Police sheet of 144. million
(21) Only Rs 2 pension was granted to me for
15 years + some days instead of 27 years +
5 months that is to say from 19.3.1868 to
22.1.96. This is very unjust in the part of me.
As I am the man on, who joined the
dept. before 1872. therefore the rules cannot
be applied to my pension as it is for the new
ones.

I beg to remain
Most Resp^d. Sir
Your most obed^t. Serv^t
C. J. [Signature]
A 9150115-10
1894

OFFICIAL MEMORANDUM.

13/10/95

Order of Insp. Genl of Police No 700/95
from Shikharan, 1st class bone no 915
Kistna St.

The Inspector General cannot sanc-
tion the service of the petitioner under
ad prior to February 1890 to count
for pension. It is a question for the
decision of Government when he
actually retires on pension.



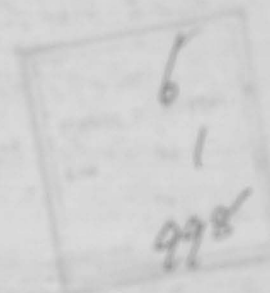
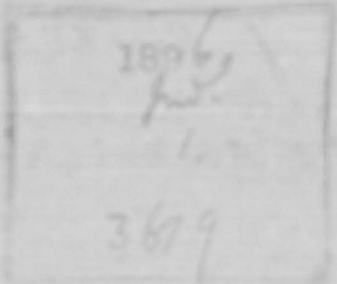
H. L. L.

ag Asst. Secy. of Police.

16

To The Petitioner

The Supt. of Police, Kistna.



R 2697
 1879

206
 2
 2619

6
 2
 994

N^o 85.

Office of the Asst. Supt. of Police
 Camp. Kormulakood
 1st December 1879

Det^d 5.12.79.

To the Hon^{ble} & Justices of the Peace
 From
 The Assistant Superintendent
 of Police: District
 To
 The Superintendent of Police
 District

Sir,

I have the honor to bring to your notice that S^r G. K. of No 1198 Shakkurama of Kankaral station was on the 18th August convicted under act 217 S.C.B. by the Magistrate of Vinnikonda & sentenced to a fine of Rs 20 & in consequence has been dismissed from the force.

The facts of the case are briefly these:-

On the night of the 2nd July 1879 one G. K. of Kankaral station had a struggle with M. K. of Chinnalamann on account of a bullock & after the struggle G. K. was suddenly disabled & his body was found next day in a well. A Comchayath was assembled on the 4th evening which inspected the dead body that evening but did not then prepare the inquest paper as suitable materials could not be got & the Comchayath then went away.

A Comchayath was drawn up next morning in which the members of the Comchayath stated that they found no marks of violence on the body & the Koonigge of Kankaral & Chinnalamann ordered the Coroner to be buried stating that they were of opinion that the deceased committed suicide on account of being unable to liquidate a debt due by him to the said Kankaral.

2nd case
 No 119 of 1879

5. Though the wife of the deceased informed the M.C. that she did not know whether the deceased died from the beating he received or whether he committed suicide the M.C. did not consider from the opinion formed by the Sumbhagatdore that the death was suspicious & also by the appearance of the body. & as he did not send the Corpse in for medical examination.

6. On the 5th July morning the village headmiff of Balla - quite false suspicion (no reason given for this) & he & others again went & inspected the body & then found "long & wide marks of blows on the Corpse" & returned to the village & again asked the accused M.C. to re-examine the body. but he declined to do so - so he (V.H.) sent a report to the ^{Police} Magistrate.

7. The Deputy Magistrate sent a message to the M.C. on the 7th July & enquired into the case & arrested the said M.C. & 2 others. of whom M.C. was convicted of assault & fined Rs 150.

8. The M.C. & others were convicted for not sending the Corpse in for examination with intent to screen an offender from punishment. but no notice was taken of the conduct of the headmiffs of Balla - & Magistrate & Chemalamani for omitting to send in the Corpse for medical examination themselves. & for disposing contrary to reports sent previously by them to the Deputy Magistrate.

9. The Dy Magistrate in his judgment here & says "It is too early to expect the very uneducated men who are & by the village headmiffs to know the law & to carry out what was needed". This is no excuse in the eye of the law & every headmiff must know perfectly well by this time what his duties are. If he does not he is not fit for the post.

10. In the Sumbhagatnamah it is stated that the body was swollen - red like water coming from the nose.

blood coming from the right ear & some other marks not those of violence - such symptoms appear in ordinary sudden deaths and are not sufficient as to presume that the man died violently as evidenced by the testimony of the Hospital at J. V. M. K. & the Dy Magistrate thinks that had the deceased drowned - swelling of the belly would have been naturally - swollen more than the size of the other part of the body. 11. The Chemalamani headmiff though he was not present at the inquest signed the Sumbhagatnamah & the 3rd & 4th witnesses state that they noted the said marks on the body. & that standing they were unable to examine the body on account of the darkness.

12. The V.H. of Ballagunta did not mention in his 2nd report dated 5-7-77 to the Deputy Magistrate that the M.C. refused to re-examine the Corpse which he should have done had it been true nor did he mention about Cols having been prepared to convey the Corpse to the Hospital nor about an aji said to have been prepared by the M.C. to send to the Doctor. & that aji was not produced. However there was no reason for the 11th M.C. to write that aji whilst the M.C. himself was able to write. 13. There was much delay in the Ballagunta headmiff's 2nd report reaching the Deputy Magistrate who received the report on the 9th July at Chittaburda a distance of 18 miles which is also suspicious as the alleged marks of violence would all have disappeared by the time the Magistrate could reach the spot through decomposition and as there would be no opportunity to test the truth of the headmiff's report.

14. In the 2nd report sent by the village headmiff of Chemalamani dated 5th July no mention is made of the "long and wide marks" said to have been found

on the body

15. The wife and mother-in-law of the deceased deposed differently to what they stated before the Police and himself of Ballepalle.
16. The defence witnesses support the HC & contravene the prosecution witnesses.
17. No mention is made of the medical evidence in the Dy Magistrate's judgment.
18. Under sec 133 C.P.C. the S.D.O. is required to send the body for examination only when there is doubt - he and the Sunaboyah both found none & as he did not send it.
19. The HC merely ordered CP & Chaveral to be present in case there should turn out to be suspicious & to come along as the shot where the body was found was in a jungle remote from the village.
20. There is no evidence whatever to show that the HC neglected to send in the body in order to save an offender from punishment. And Commission under sec 217 C.P.C. is therefore contrary to law. And it is only the opinion of the Dy Magistrate. He says in his judgment "I am of opinion that he (HC) might have omitted sending the body for post mortem examination with a knowledge that it would indirectly help his friend intends for defence" & as it comes to this that from the bare opinion of the Dy Magistrate the accused HC is convicted for doing a certain act with intent to screen an offender from punishment & that notwithstanding the Dy Magistrate's remarks in his judgment that he takes the accused's offence as only culpable neglect in having omitted to perform a prescribed duty in sec 133 of the C.P.C.
21. I submit that if the HC is to blame at all, ~~then~~ which might have been dealt with defectively at any rate under the Police Act.
 ~~an~~ ~~under~~ ~~the~~ ~~Police~~ ~~Act~~ ~~has~~ ~~been~~ ~~found~~ ~~to~~ ~~be~~ ~~so~~ ~~that~~ ~~he~~ ~~is~~

unable to appeal. Notwithstanding that he requested the Dy Magistrate to punish him as to give him room for appeal.

22. The fact that the deceased threw off his clothes soon after the assault (to run quickly) points rather to determined suicide as that no one should catch him to interrupt him in his purpose. The Inhabited Mootajah was distinctly he ran after him but was unable to catch him. The blows deceased is said to have received do not seem such as ^{to} have caused death. They were only blows with the cloud fish.

23. Taking all these circumstances into consideration I think that the sentence against the HC is too severe & contrary to law and I request that the Superintendent of Police will be good enough to ask the District Magistrate to act under sec 295 & 296 C.P.C. & to take notice of the conduct of the Mootajah of Ballepalle & Chaveral.

24. I would also ask permission to re-submit the HC who has been dismissed as he has only been sentenced by fine & his previous character is good.

25. A copy of the judgment of the Dy Magistrate is herewith forwarded for perusal.

I have the honor to be,
Sir,
Yours truly,
J. H. Mullerton
Assistant S.D.O. of Police

Yours truly,
J. H. Mullerton

no. 942

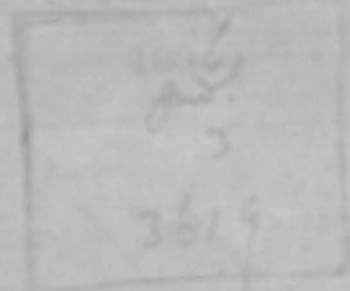
38/12/8

Forwarded for the consideration of the Inspector General I recommend that the four Shukh men be re-employed.

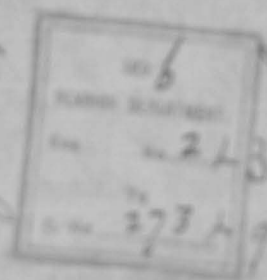
Manuscript } to Mr. Hoshim
Dec. 8th 1879 } Supt of Police.

thru.

Deputy Inspector General
Northern Range



Subject
Domestic in general
particulars, remain
unsettled with
Crown by the Court.



The Inspector General

Dec 11/79

There seems to be no conclusive evidence in the case to implicate any accused except the said Shukh defendants. I think the H.C. should be consulted.

24/12/79

W. K. Kellogg

Required - Thomas Smith M.D.
Head Constable in charge of
Herikal Police Station
Narsanipett Taluk.

Offence - Public servant disobeying a direction of
law with intent to save persons from
punishment, Section 217. I.P.C.

Finding - Guilty.
Sentence - Fined Rs 40 commutable to 40 days
rigorous imprisonment.

Judgment

In this case 11 witnesses were examined for prosecution
and 14 for defence.

2. It appears from the evidence for prosecution
and the record in Sessions case no 2 of 1879 that one
Gangavarapu Narayya has a struggle on the
night of 21 July 1879 with Polakaloo Polayya that
Polayya was for defence and his relatives on account
of a bullock in the field and after the quarrel has
ceased the said Narayya was lying on the ground
for a while, & then all in a sudden left the place
during the dark night. His relatives or others could
not follow him. The next midday, to the instant,
the said Narayya's dead body was found in a
well, at about 100 yards distance from the
original place of the quarrel.

W. K. Kellogg

This was a village attached to Nakeral station of which the accused Head Constable was in charge. He proceeded to the dead body on the 4th and according to prosecution he ordered the Village Magistrate of Bandlagunta, 3rd witness, to get a cot and mats ready as he was to send the dead body for post mortem to the Zillah Surgeon at Guntur. It was dark by the time all Panchayats had arrived. The accused hurried the 3rd, 5th & 6th witnesses being Panchayats and others to hold the inquest at once as he was to send the dead body to Guntur. They did examine the dead body reluctantly - but no inquest paper was then drawn up as the accused himself admits. If the witness drew up the inquest paper & on the following morning 5th, & it was signed by the Panchayats & by 3rd & 4th witnesses Village Magistrate of Bandlagunta Chinakumar respectively; notwithstanding the latter was not present at the time of inquest. The 3rd, 5th & 6th witnesses state they were not able in the dark to examine the dead body satisfactorily & nevertheless whatever they had found was recorded in A, which describes the dead body nearly to the following effect.

Dead body is swollen. Water passing from mouth. No matter like water coming from nose. Blood is coming from the right ear to a small extent. The skin on the part of throat is burst. Blood coming in to a small extent on the right side (on the belly) skin is burst.

thence to a small extent - eyes are not shut. An ulcer on the right leg - no other marks. 1st, 2nd, 3rd & 4th witnesses state that the accused called the witnesses on the night of 4th to write a note to the doctor at Guntur in the effect that the dead body was sent for post mortem examination & to be kept. 1st, 2nd, 3rd & 4th witnesses and others state that there was a cot & mats ready by the dead body on the evening of 4th instant. But the dead body was not afterwards sent to Guntur. 3rd witness had felt suspicious, he & others went to the dead body on the 5th morning again & having found long and wide marks & blows on the dead body, they returned to the village and asked the accused to go again to the dead body and re-examine it; but he refused to do so in the presence of 1st, 3rd, 4th, 5th & 6th witnesses. 3rd witness was an illiterate. He detained the dead body from being disposed of and sent up a report to the Taluk Magistrate on the 5th that he found marks on the dead body and he wanted that officer to examine it before disposal. The Taluk Magistrate was not able to reach the scene before the evening of 7th instant & by that time, the dead body was subjected to putrefaction considerably & so he could do nothing. The dead body was disposed of. No doubt, 3rd witness or 4th witness should have sent the dead body for post mortem examination; but

his was early to expect - that when under the Russian
System, the very undisciplined men occupy the Village
Headships, they would break the law & they would
bring out all what was needed. needed.
The accused case was quite different. The law
the law & he under section 133 of the C.P.C. has
been bound to send dead body for post mortem
examination in cases of doubts.

As thus, the prominent evidence as regards
Corpus Delicti was thrown under suspicion, the
Sessions Case No 2 of 1879 in which 1st & 2nd witnesses
for defence and another were required into for culpable
homicide & tried to be discharged, while 1st witness
for defence alone was convicted of Assault & fined
Rs 150.

7. The accused admits that he took 1st witness for
defence & others on the night of 4th to Tandlagunta,
& examined them. He filed record of his enquiry from
B to N. All these distinctly show, there was a foul
play between the deceased & the 1st witness for defence
on the night of 30, that the deceased did not return
home after the funeral of his dead body was found
in a well the following midday with bloody marks
on his head. Even with reference to the Inquest paper
which the accused admits to be a true document.
During the enquiry, the widow of the deceased also hinted
to the accused that Constable "I cannot say whether
the deceased, himself committed suicide or some body
murdered him and then had thrown the dead body into

into the well. The accused states these facts did not
create any doubt in his mind as to the cause of
the deceased's death therefore he did not send the dead body
for post mortem examination though he was perjured
before he saw the dead body.

8. In denying the charge, the accused called 14 witnesses
and examined them for defence.

9. All of them state that the original Inquest was
held once & hour before sunset that no Inquest was
written to Doctor on the night of 30, there were no
Inquest marks ready by the dead body & that the accused
returned to Tandlagunta from Tandlagunta by about
9 P.M. on the 5th.

10. I don't not the 12th witnesses for defence, a rich
man, and who was left off for want of evidence
as regards a serious charge, might have helped the
accused in procuring all this evidence. If they were
telling truth, it is not clear why the Inquest paper
could not have been there and then drawn up on
the 4th evening, when, according to their statement
there was full native hour to sunset by the time
the examination of the dead body was over. The
accused said there was no paper to prepare the Inquest.
It is simply absurd, as he himself stated that he
took two depositions by the dead body on the 3rd evening
before sunset.

11. The dead body was not simply found in a well
unconnected with any previous circumstances. It was

found some hours after a struggle in a dark night
and evidence the accused did not return home.

Had he drowned himself the belly would have been
naturally swollen more than the size of the other
part of the body, as a man will not die without
drinking water. Moreover, bloods were oozing from nose,
ear, throat, and side of belly &c. Under such circum-
stances, it is vague to say that the accused was
perfectly satisfied without any doubts that the deceased
committed suicide by drowning. The accused's conduct
in not forwarding the dead body for post mortem ex-
amination, did not disclose the real cause of the said
Harsay's death. I heard a very serious case had to be
thrown off for want of evidence. Though there is no
evidence that the accused received any gratification
to show favor towards his 1st witness Kaka Lalur Harsayya,
I yet I am of opinion that he might have omitted
sending the body for post mortem examination, with
a knowledge that it would indirectly help his 1st
witness for defence. I, therefore take the accused's
offence only as culpable neglect in having omitted
to perform a prescribed duty in Section 123 of the
C. P. C. I, accordingly convict him of an offence
under section 217 of the I. P. C. & direct that he
shall pay a fine of Rs. 100 or in default shall
undergo rigorous imprisonment for 10 days.

19.3.49.

(Signed) N. Subbarao

By K. R. S. S. S.

Date of application for 19.3.49

Date of order 19.3.49

19.3.49

K. R. S. S. S.

19.3.49

Смена из Константинополя	22	22	22	A	A	A	A	A	A
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4. a. Copy in full.
b. as they be be copied.
c. as they should not only
d. as they should not only

ma/26
from old
for burial
of brother
the brother
to the

17/10/79
Dear Mr. George Brown,
Thank you for your letter of 10/10/79.

6/10/78

Lot 8

21/11/79
M. J. H.