Pension
~~Judicial~~ (1897) Department.

CURRENT No. ~~[illegible]~~ 926

CHIEF SECRET
31 OCT. 189
GOVERNMENT OF M

F. No 97/97

From M. Hammick Esquire
Insp. Genl. of
Mad.

Endorsement. ~~Order~~ No. 2140/16-11-97.

Transferred to the Pension Department.

2. The Judicial Dept. is not prepared to order the petitioner's reinstatement as requested.

(By order)
A. W. Knapp
Ag. Under Secretary.

No. 3010/1

Dated 29 October 1897

Received 16 - 11 - 97 ~~31 - 10 - 97~~

Registered 16 - 11 - 97 ~~1 - 11 - 97~~

Enclosures 22.

Spare copies -

A.A. 15.11.97

6.XI-97

SUBJECT.

Submits a memorial from T. Venkataramayya Nayudu late Supr of Police against his retirement on [illegible] with remarks.

MR 5/XI/97

Order. 4th Decr 1897 No. 919.

JG 2/12/97

The Govt. sees no reason to comply with the petitioner's requests.

23.XI.97

Issue 4/12/97

the Petr. thro the I.G. of Police

Note

Please see petition flagged A. and the Inspector General's letter submitting it - B. The petitioner was invalided for "Epilepsy" and was in G.O. 359/7-v-97 Pension, granted an Invalid gratuity of Rs. 600/- for his service of 9 yrs. odd. He now requests

C. 26/11
R. 3/12

P.T.O.

…quests that he may be reinstated from the 6th Feby 1897
…e date on which he was invalided ~~and~~ or that he may
… to appear before the Surgeon General or the
… Board. The Judicial Dept says that it
…repared to order the petitioner's ~~retirement~~ reinstatement.

BACK PAPERS.

| G.O. | No. | Department. | Date. |
|---|---|---|---|
| „ | 359 | Pen | 7-5-97 |
| 11 | | | |

If this is so I submit this Dept cannot interfere. Apart from this there seems no reason for interference. He was given the full benefit of every doubt when his gratuity was ~~settled~~ fixed
[illegible]

FURTHER PAPERS.

| G.O. | No. | Department. | Date. |
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No. O-49.

CURRENT N…

…rtment.

DEPARTMENT.

No. 3910.

CHIEF OFFICE OF THE INSPECTOR-GENERAL OF POLICE,
MADRAS, 29 October 1897.

FROM
M. HAMMICK, I.C.S., Esq.,
INSPECTOR-GENERAL OF POLICE,
Madras,

TO
THE Chief Secretary
to Government,
Fort St. George.

SIR,

ENCLOSURES.

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I have the honor to submit a memo
from Venkataramayya Nayudu, l
Inspector in the Police, appealing
his being ordered to retire on a med
certificate.

(2) The petitioner was declared unfi
the Medical Officer, Vizagapatam, on
of Epileptic fits. He was granted
invalid gratuity of Rs 600 in G.O.
Pension, dated 7th May 1897. He wa
commended for Rs 630, but Gov
granted him only Rs 600, as the ap
character and conduct have no
thoroughly satisfactory, under A
Civil Service Regulations. Article

Service Regulations quoted by the
titioner in para 2 of his memorial
no application in present case.
petitioner had put in a qualifying
ice of 9 years 4 months and 7 days
the date of retirement. All the
ords in connection with the petitioner's
tension for his behaviour in
murder case were seen by Govern-
nt when the gratuity application
disposed of. In para 11 of the
orial the petitioner alleges that he
forced to retire by the Super-
tendent but this was not the

I have the honor to be,
Sir,
Your most obedt. Servt,

Inspector General of Police.

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In the Court of Sessions, Godavary at Kaa

[ G / 59 a ]

In 10/10/97.

GOVERNMENT OF MADRAS.

Judicial Department.

OFFICE OF THE INSPECTOR GENERAL OF POLICE 15 OCT 1897

Read the following petition :—

From I. Venkataramayya Nayudu, late fourth class Inspector of Idlu, Vizagapatam District.

Dated 13th September 97.

Endorsement No. 1975 d/23d September 1897.

Returned to the petitioner with reference to the following rule :—

Every petition must be submitted through the head of the office or department to which the petitioner belongs or belonged. But there is no objection to the petitioner transmitting a duplicate copy of his petition direct to the Government, provided that he marks it as a "duplicate."

(By Order.)

for Chief Se

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To

The Petitioner (with petition and all enclosures returned).

CX / 300—12-8-96. 21/10/97

Submitted through the Inspector-General
Madras, as directed.
I. Venkataramayya
Late 4th class Inspect

Chicacole
10th October 1897

Enclo: 1. to Appeal from late 4th class Inspector of Police I. Venkataramayya Naidu

In the Court of Session, Godavary at Rajahmundry

Criminal Sessions, January 1897.

Sessions Case No. 2 of 1897.

Present:— H. Moberly, Esq.,
Sessions Judge.

Regina
Ijjapureddi Venkataramayya Naidu.

The prisoner is defended by Messrs C. Srinivasamy Naidu and N. Ramabotham, 1st Grade Pleaders.

Offence:— Giving false evidence under sec. 194 Indian Penal Code.

Opinion of Assessors: Not Guilty.
1. Satyavolu Lakshmipati Garu
2. Mutta Bapannabam - Kona

Finding of Judge: Not Guilty.

Order:— Acquitted and discharged.

CHIEF SECRETARY
21. SEP. 1897
GOVERNMENT OF MADRAS

## Judgment

The accused is an Inspector of Police in the Vizagapatam District.

2. In Sessions case No. 10 of 1896 on the file of the Sessions Court Vizagapatam, one Lakkireddi Chi [illegible] was charged with murder. In the preliminary [illegible] the present accused was examined as a witness [illegible] Gajapatinagaram (1st Division) Taluk Magistrate of [illegible] and he was also examined as a witness in the Sessions [illegible] The Sessions Judge finding that the present accused [illegible] him a statement opposed to what [illegible] made before the committing Magistrate ordered his [illegible] The prosecution alleges that on 27th August [illegible] accused made the following statement before the Taluk Magistrate Gajapatinagaram
( [illegible] ) Venkataramayya

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[illegible]apatnagaram

"When I was going with the accused to see the spot Kola Narayanappa (8th witness) appeared near his field and came with us. As soon as he saw the corpse he said near the corpse "Lo! what have you done?" Then he said that he had seen the accused and Narasimswami going together the previous day."

4. The 1st Prosecution witness, the Taluk Magistrate, has been called to prove that the accused made this statement. His evidence is not satisfactory. He gave his evidence in a most unsatisfactory manner. In cross-examination he was asked if he had read the deposition over to the accused. He [illegible] the question for some time and eventually said [illegible] had read the deposition over to the accused. The [ac]cused says that it was not read over to him, that it was [giv]en to him at 7 P.M. to read and sign and that he signed [it] without reading it. I believe the accused. The witness was [illegible] Sub Magistrate on 5th August 1896. He admits [illegible] [thou]gh he was inquiring into a murder, he had not [illegible] inquest report; that he recorded the evidence given [by the] accused between 5 and 7 P.M.; that he does not remember [if he] was in Court when the deposition was read over to accused; that he remembers having read over the deposition because [he h]as been thinking over the case ever since the Sessions Judge [illegible] with the accused. I regret to say that I cannot [believe the] Taluk Magistrate, that the accused made the [statement] that has been put into his mouth, or that the de[posi]tion was read over to accused, and that he remembers [having] read over the deposition. At the time the Taluk Ma[gistrate] was new to the work, and it is very likely that being [anxious] to get away from Court he took down the [illegible] of [the ac]cused's statement in a hurry and omitted to read it over to him. [As it ha]s not been proved that the accused made, before the Taluk [Magistr]ate, the statement which is said to be false, the case falls [to the grou]nd.

5. The 2nd witness is the Interpreter of the Sessions [Court, V]izagapatam. He proves that the accused was exa[mined a]s a witness in the Sessions Court, that he gave his evidence

in English, that the [illegible] Judge [illegible]

evidence in English and read out what he had written down and that Exhibit B is in the Judge's hand-writing. He further says that on the 2nd day a portion of a Telugu deposition was read out to accused, that the accused admitted having made that deposition, that the Judge then asked the accused to explain the discrepancy between that statement and the state[ment] made before himself, and that the accused gave an expla[nation]. No explanation is to be found in the deposition re[corded] by the Sessions Judge.

6. The false statement said to have been made by [accused] before the Sessions Judge is this— "I did not get any other in[formation] at the scene of the offence. While I was returning [illegible] received information from Kola Narayanappa. I did [illegible] him in the crowd. I saw him [illegible] I was returning. He saw the prisoner and said "Is [illegible] that you were taking the [illegible] with you yesterday?" [illegible] him say this, so I questioned [illegible] This happened at the spot [illegible] we leave to go to the Police [illegible]

The prosecution alleges that either this statement or the statem[ent] made by the accused before the Taluk Magistrate is false [illegible] 3rd Prosecution witness, who is the Station House Officer [illegible] Japatnagaram and now acting Inspector proves that [the] statement made by accused before the Sessions Judge is true and not false.

7. The Prosecution must therefore prove that the accused intentionally made a false statement before the Taluk Magis[trate]. The evidence that accused made before the Taluk [Magis]trate [illegible] gistrate the statement imputed to him is anything but sa[tis]factory. The Assessors find the accused "not guilty" [illegible] their finding I fully concur. The accused is acquitted [and] discharged.

Signed H. Moberly [illegible]
Sessions Judge [illegible]

4th January 1897.

Note.— The case has been committed to the Sessions Court by Mr. W. O. Horne, acting District Magistrate Vizagapatam [trans]ferred by the High Court to this Court for trial.

(True copy) [illegible]

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(No 118.)

Enclo: 2 to appeal from late 4th class Inspector of Police I. Venkataramiah Naidu

No 595.

I. Venkataramiah Nai
Inspector of Police,
Gajapatinagaram
Division.

Date $\frac{30 \cdot 9 \cdot 9}{3 \cdot 9 \cdot}$

## Order.

## Suspension.

4th class Inspector I. Venkataram
Naidu of Gajapatinagaram Division havi
been called upon by the Sessions Judge
show cause why he should not be pros
ted under Sec: 194 I. P.C in connection
Sessions Case No 10 of 1896 on the file of the
Sessions Court of Vizagapatam and the
Sessions Judge having ordered his prosecu
under the above section this Inspector is suspen
from duty in anticipation of the sanc
Inspector - General of Police, from 2nd
trial before the District Magistrat

(By order) (Sd) Sam
Head Quart

(True copy) Venkataram

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( No 118. )

Inspector of Police,

Gajapatinagaram.

No 595.

Date 30.9.9

8.9.

Order.

Suspension.

4th Class Inspector I Venkataramanayya Naidu of Gajapatinagaram Division having been called upon by the Sessions Judge to show cause why he should not be prosecuted under Sec: 194 I.P.C. in connection with Sessions Case No 10 of 1896 on the file of the Sessions Court of Vizagapatam, and the Sessions Judge having ordered his prosecution under the above section, the Inspector is suspended from duty in anticipation of the sanction of the Inspector-General of Police, pending trial before the District Magistrate.

(By order) (Sd) Sam...

Head Clerk.

(True copy)

1897
Judl
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Inclo: 3 to appeal from late 4th class Inspector of Police I Venkataramanayya Naidu.

C No 171/Genl of 97.

Vizagapatam District. Camp,
Sontyam 18th January 1897.

Memo.

4th class Inspector I Venkataramanayya Naidu is directed to appear before the undersigned at the Head Quarters Office, Vizagapatam, on Wednesday the 27th January 1897 and give any explanation he has to offer for his gross mismanagement of the Gajapatinagaram murder case.

(Sd) C. D. J. Carmichael
Superintendent of Police, Vizagapatam District.

(Initl) S. Paul.

To 4th class Inspector I Venkataramanayya Naidu (under suspension) of Gajapatinagaram Division, Vizag District, now residing at Ganjam District

(True copy)
I Venkataraman

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Circular No. 232/Genl of 97.

Enclo: to Appeal from Late 4th class Inspector of D. Venkataramayya Naidu

4th Class Inspector D. Venkataramayya Naidu (under suspension) of Gajapatinagaram Division will submit without delay any explanation he ~~has to offer~~ for his gross mis-management of Case No. 69/96 Sec. 302-392 of Gajapatinagaram Station and making contradictory statements regarding it to the undersigned.

In his diary for the 16th August Inspector Venkataramayya Naidu states "Cons 665 and [illegible] "went to the Inspector accompanied by Head Cons. No [illegible] "and informed him (Inspector) that Doosarla Na[illegible] [illegible] a boy of 12 years, was stated to be missing from 15-8-96 and that the Constables [illegible] "one Lakireddy Chendriah was suspicious." On or about the 19th the undersigned enquired [illegible] case and called on the Inspector to explain the above extraordinary para in his diary and to state distinctly why the Constables should have suspected the accused.

He first of all said the accused had not slept the previous night (15th) and was restless [illegible] that the women living near his house [illegible]

The undersigned then pointed out to the Ins[illegible] utter absurdity of such statements and he a[illegible] what [illegible] was the [illegible]

926 27

Constables had received information from the witness Narayanappah that the accused and deceased had been seen together by him shortly before the murder must have been committed. Hence the suspicion against the accused.

In col. 3 of the Inquest Report "By whom last seen alive, where and when and in whose [illegible]" it is entered "Seen by his father about [illegible] Compass 15-8-96 going alone towards Venkatapuram"

& am undersigned then pointed out to the Inspector

that if the last of the above statements was true, this is absolutely false and the fact of the accused and deceased having been seen together on the morning of the murder should have been entered and the witness Narayanappah's statement given in detail. It would then have been very strong corroborative evidence. The Inspector could then give no explanation [illegible] very serious and suspicious omission."

2. Why, when the accused acknowledged his guilt at his house, was the Sub-Magistrate [who] was present in Gajapatinagaram not sent for [to] come and take the accused's confession. The Inspector must have known that a confession recorded by a Magistrate at this stage would [have been] a most valuable piece of evidence infinitely more so than one taken after the prisoner had [been] in the custody of the Police for 24 hours.

3. Why is no mention made of the evidence [of] witness Narayanappah and Lakshmanah [illegible] than 6 days after the information is said to have been obtained? Why is no mention of their evidence made in the Occurrence Report sent on the 14th August, i.e. after the Inquest and in which a remand for 5 days is asked for "in order to gather more evidence and complete the charge sheet".

4. Why was the fact of the measuring and comparing of the accused's footprints not mentioned in the Inquest Report written directly afterwards, nor in the Occurrence Report sent next day, and not a word about it is mentioned until the charge sheet was filed on the 22nd August, i.e. 6 days after the footprints were examined and measured. The Inspector's explanation on the above points will be submitted to the undersigned by the 29th Instant.

(Sd) C. D. J. Carmichael
Superintendent of Police
Vizagapatam Dt.

Vizagapatam
26th January 1897

(True copy)

Enclo. 5
to Appeal from
Late 2nd class Inspector
of Police, I. Venkata-
ramayya Naidu.

FROM,

I. VENKATARAMAYYA NAIDU,
INSPECTOR OF POLICE,
*GAJAPATINAGRAM DIVISION.*

TO,

**THE INSPECTOR-GENERAL OF POLICE,**
**MADRAS.**

(Through the Proper channel.)

MOST HONORED SIR,

WITH reference to Memo No. 232 dated the 26th Ultimo from the Superintendent of Police, Vizagapatam District, directing me to submit my explanation for the gross mis-management of the case in Gajapatinagram Station Register No. 69/1896 Sections 302 and 404 I.P.C., and making contradictory statements regarding it to the Superintendent, I most humbly and respectfully beg leave to represent as follows:—

2. In the memo under reference four questions have been raised against me, and I submit here my explanation, *seriatim.*—

3. Regarding the first I am afraid it would be too much if I say more than this.—

The crime in question was committed on 15th August 1896, and was reported on the 16th Idem: and the case was charged on the 22nd of the same month: the Superintendent arrived in my Division at Gajapatinagram on the morning of 18th August 1896 while the case was under investigation. After his arrival the Superintendent questioned me about the case, and I related to him all about it as reported in my Diary for 16th August 1896. He then asked me why Constables Nos. 665 and 352 suspected the accused. I gave him all the reasons that had been given to me by the Constables for suspecting the accused. The Superintendent there-upon sent for the witnesses (including Narayanappah, the person named) in the case, enquired them *personally*, and noted down their statements.

What object can I have to make statements to the Superintendent not consistent even with my Diary and Inquest Report *that had already been submitted*? If the Superintendent mis-understood me when I was relating to him all about the case, I submit, I should not be made responsible for it. The reasons given me by the Constables (Nos. 665 and 352), who were living near the house of the accused, for suspecting the accused did not seem to me absurd, and on working on their information only the whole case turned up on the very day on which the information was given. (Please see my Diary for 16th August 1896). In such a case I beg your honor will be pleased to consider if I can have any motive to state what was not true, and more to make statements inconsistent with the records already submitted. When the Superintendent enquired Narayanappa (the witness referred to) and noted down his statement Narayanappah did not tell the Superintendent that he informed *the above constables* as having seen the accused, and the murdered boy together on 15th August 1896—the date of the offence. If Narayanappah stated as above, or if my statements were contradictory there would have been a remark on my Diary for 16th August 1896 and my reply thereto. Nothing against me was raised by the Superintendent, as can be seen from the records concerning the case, until the accused was acquitted of murder.

### *4. As for the 2nd question.—*

I was not aware of the practice of the Magistracy being sent for by the Police for the purpose of recording cofessions at the places where they are made to the Police. In the present case, the whole case was found out in pursuance of the accused's confession, as can be seen from the records in the case. This confession was made to and recorded twice by the Magistrate; once on 17 August 1896—the preceding day being Sunday—when the Police produced the accused before the Magistrate; and once on 27th August 1896 when the accused was charged by him (the committing Magistrate). During the interval–of 10 days–the accused was in the Sub-Jail, and so in the custody of the Magistrate who was Sub-Jail officer, but not under the Police custody. In my humble opinion when a confession is first made to the Police by the accused, delay in taking him to the Magistrate for getting his confession recorded only pacifies the accused and enables him *the more* to withdraw it. Moreover the Evidence Act does not lay down any difference between a confession recorded as soon as it is made to the Police, and that which is recorded some time afterwards.

### *5. As for the 3rd question.—*

The evidence of the witnesses Narayanappah, and Latchannah *was mentioned* in the records for the *very day* on which the information of the crime was received by the Police, viz, the Inspector's Diary (submitted daily), Crime Register (written from day to day), and Note Book (written on the spot) for 16th August 1896.

On 16th August 1896 after returning from the scene of offence I instructed the Station House Officer, a first grade Head Constable (No. 48) of about 25 years standing in the department to obtain from the Taluq Magistrate a remand of 5 days, and it was the Head Constable that wrote the request for the remand (copy of the requisition is enclosed for favour of perusal and return). In this so much of the evidence as was thought necessary by the Station House Officer to convince the Magistrate that there were grounds for granting the remand was put down, and the remand thereby applied for *was granted* without *further reference*. In my humble opinion, to write more than what is *actually* necessary is waste of time to the requesting as well as the requested officer.

### *6. In reply to the 4th question, I offer.—*

The proper place at which the "measuring, and comparing" of the accused's foot-prints should, if necessary, find place is that against query No. 12 (in the form of the Inquest Report), "If any persons are suspected, who, and why". This, in my humble opinion, does not require that the *whole* evidence obtained up to the time of the Inquest must necessarily be mentioned therein. I understand that the query (No. 12) requires some valid grounds for "*suspecting*" any person, and those have been given in the Inquest Report in question; Section 174, C. P. C too does not even indicate to require more. Further if any relevant fact is discovered *after* the Inquest Report is signed by the Punchayetdars that fact cannot be safely inserted in the report—I doubt if the foot-prints were discovered after the Inquest was over.

The omission (pointed out) in "The occurrence Report sent next day" has been explained in the preceding paragraph, No. 5.

The records in which the fact (The measuring and comparing of foot-prints) should necessarily be recorded are the Note Book, the Diary, and the Crime Register; and it has been recorded in those records for 16th August 1896, the day on which the information of the crime was received by the Police.

7. In order to exonerate myself better I beg leave to add the following to my explanation.

8. I feel I must state here that the case in question did not fail wholly, the prisoner having been convicted and sentenced to 18 months' R. I. under section 404 I. P. C. I have been accused that I mis-managed the case, because the Sessions Judge acquitted the prisoner of murder. The Judge's reasons for finding the prisoner guilty under Sec. 404, coupled with the prosecution evidence and the statement made by the prisoner before the Judge and his (the prisoner's) confessions (to the committing Magistrate), and the fact that there was no defence cited are, in my humble opinion, enough to convict the prisoner under Section 302 I.P.C also. I beg leave to state that this is an acquittal that should have been appealed against.

9. Mis-management arises from either carelessness, or want of intelligence, or dishonest motive. The [illegible] in the case is one living from hand to mouth

and is without well-to-do relatives. The reports submitted by my immediate superiors since my appointment, the examinations passed by me– Matriculation, and Special Tests,—Precis-writing, Translation, Criminal, Revenue, and some Salt Tests—, and my service of about x8 years in the Salt aud Abkari Department as Preventive and Detective officer (prior to my appointment as Inspector of Police) without any bad remark will, I believe, speak of my intelligence, and honesty which are well known to my District Superintendent, and the Deputy Inspector-General under whose able and noble supervision I underwent training immediately after my appointment as Inspector was sanctioned by the Inspector-General who appointed me after personal examination. A Police Officer who has been trained to be conscious of what he is being paid for cannot be careless in the discharge of his duty, especially when dealing with grave offences success in which will also tend to his future good prospects: he tries his best to bring about success.

x misprint for 6

10. The murder was committed on 15th August 1896 and was reported to the Police the following fore-noon. I, with the Station House Officer, began investigation soon after the crime was reported. The jewels belonging to the murdered boy were found and seized while in possession of the accused; enquiry was made by me as to the weapon used in committing the murder, and the clothes the accused was wearing at the time of the offence, and the place at which the murder was committed and where the body of the deceased was kept, and also as to the clothes the deceased was wearing at the time of his death, the purpose for which the murder was committed, and the relation of the accused to the murdered boy; in pursuance of this enquiry the knife used in the commission of the murder, the clothes (with blood stains on) that the accused was wearing at the time of commiting the murder, and the place where the murder was committed and the corpse was remaining were found, and evidence to connect the accused with all these was secured; an Inquest was held; a strict search of the scene of the murder and its surroundings was made and the upper cloth of the deceased and the foot-prints of the accused as well as of the deceased were found there, and they were shewn to the witnesses; the jewels found with the accused, and the corpse were shewn to the deceased's father and brother who identified them to be those of the deceased; the corpse was sent to the Medical Officer, Gajapatinagram, and Post-Mortem certificate obtained; investigation was continued to find if there was any more evidence available—on this two persons stated they saw the murdered boy in the company of the accused going towards the scene of the offence on 15th August 1896, i.e., the day preceding the one on which the crime was reported; the accused having admitted the offence his confession was caused to be recorded by the Taluk Magistrate. The offence being capital a remand of 5 days was applied for in order to secure further evidence, if any; the Magistrate saw there were reasons for granting the remand and granted it till the 21st of August 1896.

While the case was under investigation, as already represented, the District Superintendent arrived at Gajapatinagram on 18th August 1896, i.e. two days after the case was reported, and remained there till 21st August 1896. I disclosed to him all about the murder, and of the evidence that was forth-coming. He thereupon sent for the witnesses and noted down their evidence, and was pleased to say, if I remember right, that it was enough to secure a conviction, and that the case could be charged. That I carried out the investigation to the satisfaction of the District Superintendent will appear from the non-appearance of any instructions or remarks on my Diaries reporting of the case. During the remand obtained no more evidence than that of the smith who made the jewels of the murdered boy found with the accused could be secured though every possible attempt was made in order to find if there was any more evidence. Thus it will be observed that all the evidence that was available was secured in the manner it ought to have been done although this was the first Sessions case that I handled, and although I received no help from any quarter. It (the evidence) was put before the Court *exactly* as it came to my knowledge during my investigation: and in support of which I invite the attention of my kind superiors to the Police Charge sheet in the case. That sufficient materials for the *conclusive* proof of the accused's guilt were got is evident also from para 3, and the first sentence of para 4 of the Judge's Judgment in the case. From the whole record in the case, and my replies to the four queries in the Superintendent's memo under reply, and the other circumstances explained herein it will be seen that there was no mis-management on my part, and that I have been questioned for the simple reason that the charge of murder failed before the Judge who said he did not believe *some* portion of the Prosecution Evidence for the reasons given by him. It was not at all considered whether the reasons given by the Judge for acquitting the prisoner of murder were sound. I can show, I believe, to the satisfaction of my superiors that the Judge's reasons for dis-believing some part of the Prosecution evidence are not sound. But I consider it would be an encroachment upon the precious time of my superiors to deal with them here. After the case was committed to the Sessions Court, I humbly submit, my responsibility for the further results ceased. Sufficient materials required for achieving success were put in the hands of the Public Prosecutor. It was the Public Prosecutor that managed the case before the deciding authority. If there be reason to blame anybody for the failure in question, because the Sessions Judge did not believe some of the evidence adduced by Prosecution I pray for leave to say that it is the Public Procecutor that should be found fault with. All the necessary evidence was put in his hands, and it was for him to have used it in the manner required to create a belief in the Judge's mind that the prosecution was true in all its requirements.

11. In this case I gave evidence as one of the Prosecution witnesses before the Sessions Judge, Vizagapatam, who said that I perjured myself, and sanctioned my prosecution in connection with the case. I thereupon applied to the District Superintendent of Police imploring his kind help. But I was left alone to fight my own way. I underwent prosecution— which lasted for about four months— to its full-length. Finally I was acquitted *honorably*. The prosecution was sanctioned by a *District and Sessions Judge*; I was accused of having committed a very grave offence, an offence punishable under *Section 194 I.P.C*; and I was committed to the Court of Sessions by a *District Magistrate* (the priliminary enquiry was made by the District Magistrate, Vizagapatam). Taking my social position (the respectability of my family has been known having been given in my application for the Inspector's post) along with the above circumstances I beg your honor may be pleased to consider what must be my anxiety of mind, and the expenses incurred on account of the prosecution. If there were any fault on my part in the management of the murder case, the failure of the case, the heavy expense I was put to, and the mental anxiety I suffered from on its account are in themselves, I most respectfully beg leave to represent, enough of punishment. And therefore I beg for the boldness to say that I do not deserve any more punishment, and that it is too severe a treatment to deal *both criminally and departmentally* on account of the same case.

12. I was suspended *pending the result of my prosecution* above alluded to– vide the suspension order of the Superintendent. On the 4th of January last the prosecution terminated, and I was *honorably* acquitted by the District and Sessions Judge, Godavary. The result of the prosecution, viz., the *honorable* acquittal was communicated to the Superintendent soon afterwards. The District Superintendent without recommending my re-instatement *at once* under Police Order No. 250 (*a*) is still keeping me under suspension. The Sessions Court's Judgement in the case fully explains that my suspension cannot be continued under clause (*b*) of the Police Order above quoted.

I now pray for my immediate re-instatement.

13. I take this opportunity to state, in consideration of my own interests, that,—

Both before and after the prosecution referred to in the last two preceding paras was sanctioned I applied to my Superintendent for his help fully believing that he would show me the benevolence at least from administrative considerations. Instead of defending me he took a very prominent part against me by selecting a good Prosecutor (the Public Prosecutor having declined to prosecute me), and by personally attending the committing Magistrate's Court and instructing the prosecuting vakil on points which he thought would substantiate the accusation !! Before the prosecution against me was commenced I told him that I was not altogether disentitled to the protection afforded in Section 197 C.P.C and Police Order No. 298, and he declined to interfere. I admit I might have incurred the Superintendent's displeasure for some reasons that I do not know; but I stand to him in the relation of a subordinate, and as such I always expect to be instructed and advised by him. On my return from Rajahmundry after the case against me was disposed of I paid him, on the 6th Ultimo, my respects: he asked me in strong terms to resign my appointment saying that if I resigned I might have a certificate for good conduct without taking into consideration the large expense and anxiety I was put to on account of the murder case, [illegible] the work I did under him in the discharge of my

duties for the sake of public good; I conscientiously declare that I worked at the risk of my health and wealth, and a reference to any person in my Taluq except one or two unprincipled men will disclose this; I was confirmed as Inspector, I believe, on the strength of the Superintendent's recommendation only after his inspection of my Division in 1895; seeing that I was not willing to resign he said he would get me reduced to a 1st Grade Head Constable's post and that he was giving me time to think over it. About 12 days afterwards he ordered me through his memo No. 171 dated, Sontyam, 18th January 1897 to appear before him at the Head Quarters Office, Vizagapatam on the 27th of the same month: when I appeared accordingly he said "I shall get you reduced, and if the Inspector-General does not reduce you I am going to send you to the hills where you will get fever and die." And then the memo under reply was handed to me. The very next day, i.e. on 28th January without even waiting for my explanation he again sent for me and ordered me to go to the District Surgeon for being invalided for further service. I complain I was thus subjected to a very unbecoming treatment. The above treatment influences me to conclude that the Superintendent, C.D.J. Carmichael Esquire, to my great misfortune, now entertains a very unfavourable impression towards me, and to apply for a transfer from him. I hear there are vacancies in the Ganjam District, and beg that I may be transferred to that District if my explanation be found satisfactory.

14. From a memo received lately from the office of the District Superintendent asking me some information for the preparation of my pension papers I understand that the District Surgeon, Vizagapatam to whom I was sent by the Superintendent *against my will* said that I was incapacitated for further service. The same District Surgeon only in 1893 granted me certificate of health. I am 31 years old, and am strong and healthy. I am not suffering from any disease incapacitating me for further service. When I appeared before him the District Surgeon simply asked me some questions and said I could go. I cannot understand on what grounds he said I was "*Completely and permanently* incapacitated for further service of any kind." Whatever may be his grounds I beg they may be read with the Civil Service Regulations and Medical Science refering thereto, and the certificate rejected. If the certificate be thought a strong one I beg I may be given a copy of the certificate, and full opportunity to explain it away.

15. I beg that your honor may be pleased to bring all the above into benign consideration.

I beg leave to remain,
Most honored Sir,
Your most obedient Servant,

Chicacole.
18th February 1897.

(Signed) I. Venkataramayyah
*Inspector of Police.*

(True copy).

I. Venkataramayyah

Chief Office of the Inspector General
of Police. Madras 11th March 1897

No. 886.

Enclo: 6. to
appeal from Late 4th
class Inspector of Police
I. Venkataramayya
Naidu.

## Memorandum.

Order of the Inspector-General of Police on letter from the Superintendent of Police, Vizagapatam submitting explanation of 4th Class Inspector I. Venkataramayya Naidu of Gajapatinagram &c.

……….

I think as the Inspector was acquitted and as from the Medical Certificate his apparent misconduct may have been due to illness he is entitled to full pay for the time he has been out of employ.

(Sd) J. Meredith.
Asst: Inspr. Genl: of Police

True copy forwarded to late 4th class Inspector I. Venkataramiah Naidu for information.

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Police Office
Vizagapatam
19-3-1897.

"By order"
(Sd) Samuel Paul
Hd. Dr: Inspr: of Police
Vizagapatam Distt.

(True copy)

Chief Office of the Inspector General
of Police. Madras 11th March 1897.

No. 886.

## Memorandum.

Order of the Deputy Inspector General of Police Northern Range, the Superintendent of Police Vizagapatam [illegible] 4th Class Inspector D. Venkataramayya Naidu of Gajapatinagaram Div. [illegible] Force from 6-2-1897, the date of Medical Certificate......

I think as the Inspector was incapacitated and as from the Medical Certificate [illegible] [illegible] illness he is entitled to full pay for the time he has been under suspension.

(Sd) [illegible]
[illegible] Inspr. Genl. of Police

True copy forwarded to late 4th Class Inspector D. Venkataramana Naidu for information.

Police Office
Vizagapatam
19-3-1897.

"By order"

(Sd) Samuel Paul
H.Q. Inspr. of Police
Vizagapatam Dist.

(True copy)

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(No. 113)

No. 162 & 163

Chicacole.
Date ~~17-3-1897~~
19-3-97

Enclo: 7. to
Appeal from Late
4th class Inspector of Police
D. Venkataramayya
Naidu.

## Order.

4th class Inspector D. Venkataramiah Naidu of Gajapatinagaram Division having been certified to be incapacitated for further service by the Dist: Medical Officer is struck off the strength of the Force from 6-2-1897, the date of Medical Certificate.

On the recommendation of the undersigned & in accordance with instructions received from the Inspector-General of Police, he is released from suspension with benefit of all arrears of pay while under suspension.

(Sd) Samuel Paul
Head Quarter Inspector.

(True copy).

D. Venkataramayya

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Enclo: 8.

Appeal from 4th class Inspector of Police I. Venkataramayya Naidu

From
I. Venkataramayyah
Late Inspector of Police, Gajapatinagaram Division.

To
The Deputy Inspector-General of Police,
Northern Range.

Most honored Sir,

With reference to the District orders No. 16[illegible] of 1897 (copy enclosed) received today I beg to state that I cannot be struck off the strength on the strength of the Medical Certificate therein referred to without hearing from me the reasons opposing the certificate; in para 14 of my explanation for the alleged mismanagement of the Gajapatinagaram murder case I begged that the certificate might be rejected with due reference to Civil Service Regulations and Medical Science, or to favor me with a copy of the certificate and full opportunity to oppose it.

From the copy of the Inspector-General's Memorandum No. 686/11-3-97 (copy enclosed) communicated from the office of the District Superintendent and received by me along with the above order I understand that the Inspector-General is not disposed to think that I should be re-instated. If any orders against my interest have been passed by the Inspector-General on para 14 of my explanation I beg they may be communicated to me as I intend appealing against

× Copy enclosed

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them. If no orders have been passed by the Inspector-General (on para 14 of my explanation) and if doubt be entertained as to my re-instatement I beg the Inspector General be moved or I may be instructed to address him again.

3. I most respectfully beg leave to submit that I should not be punished so extremely for no fault of mine virtually and thus allowed to sink in great distress, that your honor may be pleased to interpose on behalf of me, one that has been trained well under and approved by your honor, and that the nature of the Medical Certificate is such that my name cannot be struck off until it is approved by the higher authority as it has been obtained by a surgeon against me as explained in my explanation and as I am questioning its validity.

4. I beg I may be reinstated and the effect of the Certificate dispelled according to rules and equity in the case. Your honor is fully aware of the fact that I am not inferior to many Inspectors in the district in any respect.

5. I pray the arrears of my pay be paid or permitted to me.

(Sd) I. Venkataramanayya
Late Inspector of Police

Chicacole
29th March 1897

1897,
Judl Dept.
Enclos. No. 8
4034

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Office of the Dy. Inspr. Genl. of Police
Northern Range, Waltair 9th April 1897

C. No. 83/Genl of 97.

Endorsement on petition of Late Inspector I. Venkataramiah Naidu of 20th March 1897

Encl: 9 to
Appeal from
Late 4th class
Inspector of Police
I. Venkataramanayya
Naidu

Petitioner is informed that his petition dated to the address of Inspector-General of Police was forwarded by the undersigned on 2nd x March 1897.

x probably mistake for "April"

(Sd) H. G. Young
Dy. Inspr. Genl. of Police
Northern Range.

To the petitioner at Chicacole.

(True copy)

I. Venkataramanayya

Enclo. 90. to
Appeal from late
4th class Inspector of
Police, S. Venkataramayya
Naidu

No. 1.

From
S. Venkata Ramayya the above stated
Late Inspector of Police, [illegible]
nagram Division, Vizagapatam Dist.

To
The Inspector General of Police,
Madras.

Most Honored Sir,

I most respectfully beg leave to state that the Police Gazette for the week ending with 8th May 1897 discloses that a gratuity of Rs 600/ has been sanctioned for me and that a portion of the gratuity (the amount deducted has not been stated) owing to my conduct and character not being thoroughly satisfactory.

2. This, I submit, Sir, has been to me almost a shock as I found it while I was in full hopes of receiving a favorable reply to my petition representing that the medical certificate invaliding me for further service was not one to be accepted and praying that I might be given an opportunity to explain that the certificate was nothing but [illegible] and as it would appear that the District Superintendent of Police was bent upon doing me as much injury as he could and that I was prepared to prove both by the Medical Service and Regulations that the certificate was invalid. Sanction of gratuity without any reply to my petition
[illegible] specific details [illegible]

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that my cause has not been duly represented to your honor, and so I make bold to represent here my whole case as concisely as possible for your generous and noble consideration.

4. When I was accused by the Vizagapatam Sessions Judge of [illegible] in connection with the Gajapatinagaram murder case I was left alone to undergo prosecution to its full [illegible], after my acquittal which was "honorable" I was not re[illegible] mended for immediate re-instatement but was advised by the Superintendent to resign my appointment, afterwards I was accused of having mismanagement [illegible] murder case and was called upon [illegible] an explanation [illegible] I was ready to give the explanation [illegible] to the District Surgeon, Vizagapatam [illegible] for being invalided for further service. [illegible] in which I was treated by the District Superintendent and I beg for allowance to state that the Superintendent had no good reason to treat me thus. [illegible] my explanation for the alleged mismanagement of the above murder case (enclosure 1) represented to your honor, in para 14, that the medical certificate was not to be accepted, and begged that I might be granted its copy that I might explain it away. This explanation was submitted by me on 18th February 1897 through the District Superintendent [illegible] as a reply to his Office Order No. $\frac{886}{11\text{-}3\text{-}97}$ (enclosure 2) [illegible] March 1897. The order was received by me on 20th March 1897. Along with it the Superintendent issued an order (enclosure 3) × [illegible] I was struck off the force having been certified to be [illegible] for further service by the [illegible] Medical [illegible] 20th March 1897 [illegible]

× No. $\frac{162 \& 163}{17\text{-}4\text{-}9[illegible]}$ signed by the Head [illegible] Inspect[illegible]

officer. As the subject of the Medical Certificate was not touched in your order disposing of the above stated explanation of mine, and as I was not [illegible] by your honor in the negative to my prayer that I might be re-instated, and as [illegible] the Superintendent could not, in such case, pass an order removing me, an Inspector on the permanent [illegible] of the force, not being the appointing authority, I immediately (on [illegible]-3-97) on receipt of this order, petitioned the Deputy Inspector General through enclosure 4 that I could not be struck off the force on the strength of the medical certificate as I was questioning its validity and that I deserved to be re-instated [illegible] certificate [illegible] Deputy Inspector General favored me with [illegible] that my petition was forwarded to your honor [illegible] that there was no reply to my last reference though I waited for it for over a month I took the liberty to remind the Deputy Inspector General on the subject through enclosure 6. To this I received no answer [illegible] nothing in reply to my [illegible] the medical certificate referred to was sent to me [illegible] a representation [illegible] behalf [illegible] higher authority in my [illegible] would be sent to me on receipt of reply [illegible] while I was in such hopes the order sanctioning [illegible] in the Police Gazette gratuity for me was seen by me [illegible] quoted above [illegible] vide para 14 of enclo: 1)

6. From [illegible]

I [illegible] state that the District Surgeon, Vizagapatam [illegible] specific [illegible]

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he could not himself [illegible] any disapproving his certificate should fail. The Civil Service Regulations show that a Medical Certificate is not an absolute authority. I, moreover, doubt if Articles 487, 488, & 491 of Civil Service Regulations were kept in view when the certificate was being written, and if my say against the Certificate was made known to Government when my pension papers were submitted to them.

7. I, therefore, appeal to your honor as the great refuge of the aggrieved officers of your department to view my case as it deserves, and to address the Government on my behalf, if your honor thinks, on perusal of this and the accompanying papers, that the order of gratuity under reference emanated from a misrepresentation, or to bless me with your earliest pleasure with a copy of your order passed on para 14 of enclosure I, and in enclosure II (this had been submitted by the Deputy Inspector-General) and of the Medical Certificate, and any other communications that are necessary to be submitted to Government with an appeal. I respectfully beg to state that the re-employment of an Officer once invalided is not objectionable vide Chapter XXI of Civil Service Regulations.

[illegible] sanctioning my gratuity. His [illegible] have not been thoroughly [illegible] have the privilege that your honor may [illegible] see if the allegation is supported by any strong proofs.

9. I also pray for a copy of my Service Register.

[illegible], Your most [illegible] (Sd) I. Venkataramaiyyah
Late Inspector of Police
29th March 1897

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Form No $\frac{0}{46}$

Chief Office of the Inspector-General
of Police, Madras 25 June 1897.

Encl. II. to appeal from Late 4th/1 class Inspector of Police I. Venkataramaiya Naidu.

No. 2207.

Memorandum.

Order of the Inspector General of Police on petition from I. Venkataramaiya Nayudu late Inspector of Police, Gajapatinagram Division, Vizagapatam.

The petitioner was granted an invalid gratuity of Rupees 600/- in G.O. No. 359 (Pension) dated 7th May 1897. He asks for a copy of the Medical Certificate invaliding him and his Service Register. The latter cannot be returned to him and he cannot have the former as it was forwarded to Government with his gratuity papers.

(Sd) J. Meredith
Asst. Inspr. Genl. of Police.

To
the Petitioner with 1 Enclosures now at Chicacole.

(True copy)

I. Venkataramaiyyah

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The

No. 10 : Vizagapatam District

Enclo: 12. to
appeal from
Late 4th class Inspector
of Police, I. Ven[illegible]
ramayya Naidu

31/1/97

## Memo

From Head Quarter Inspector of Police, Vizagapatam

To Inspector Ijjapureddi Vankatramanah Naidu
Thro: The Inspector of Police Chicacole

The following information is urgently needed for the preparation of your Pension papers and request that the same may be furnished by return of Post.

(1) Father's name
(2) Caste
(3) Place of payment.
(4) Colour of eyes & hair.
(5) Name of registered heir.
(6) complexion.
(7) Exact height.
(8) Marks of identification.
(9) Present residence.

District Police Office
Vizagapatam
1st February 1897

/ Samuel Paul
H. Qurs Inspector of Police

## Reply

(1) Appalanarasayya Naidu Garu.
(2) Telaga.
(3) Chicacole.
(4) Black
(5) Ijjapureddy Poonniah, alias Annamnah
(9) Chicacole.

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The other particulars are given in the Service Book.

I am going to appeal against the invaliding certificate of the Civil Surgeon.

Chicacole }
20 February 97 }

/Sd/ I. Venkataramnah
Inspector of Police

True copy

C. D. Carmichael
Superintendent of Police
Vizagapatam Dt.

District Police Office }
Vizagapatam }
30 August. 1897. }

E No. 52/30.8.97

To
Late Inspector of Police
Ippiliredd Venkataramayya Naidu
Chicacole

The other particulars are given in the Service Book.

I am going to appeal against the unsatisfactory certificate of the 4th Surgeon.

(Sd.) I. Venkataramiah
Inspector of Police
Chicacole
28 February 1898

Camp office

Police Office

E. No. 52

Enclosures to appeal petition from I. Venkataramayya Naidu, Late 4th class Inspector, Vizagapatam District Police Department.

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CURRENT No. 4034

Enclosures. 12.

Enclosure No. 22
To letter No. 3910 (29-10-97)
From Inspector-General of Police.

CURRENT No. 967 of 1897
P.R.

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**To,**

## HIS EXCELLENCY THE RIGHT HONORABLE

**The Governor in Council,**
FORT SAINT GEORGE,
**Madras.**
(through the Inspector-General of Police, Madras)

MAY IT PLEASE YOUR EXCELLENCY.

The humble petition of I. Venkataramayya Naidu, late 4th Class Inspector of Police, Gajapatinagram Division in the Vizagapatam District, most respectfully showeth that:—

1. The petitioner is one that was holding an office from which he was removeable only by the Government, being an Inspector of Police on the permanent list.

2. The petitioner who is in his *prime of life* and who has nearly completed 10 years' qualifying service to entitle him to pension has been granted an *invalid* gratuity in Government Order No. 359 (Pensions) dated 7th May last: and a portion of the gratuity due to him was deducted on the remark that his conduct and character were not thoroughly satisfactory-the petitioner understands from Article 521 (*b*) Civil Service Regulations that gratuities are not subject to any reduction.

3. He now craves the benign permission of Your Excellency to attempt to explain how Your Government was led to pass the Order of Gratuity while the petitioner was still quite competent to hold an appointment under Your Excellency's Government, and what an unfortunate treatment he, who had been serving the Government since his *minority* (from his 17th year of age) with all his heart and soul, has had just at the time when, after good exertion and perseverence, he attained to a position from which he hoped he could conspicuously show his usefulness both to Government and the public. He submits to lay before Your Excellency his whole case as concisely as he can from fear of needlessly occupying Your Excellency's valuable time.

4. The petitioner is a Non-Brahmin (a Telaga) and is an inhabitant of Chicacole in the Ganjam District. His late father was Inspector of Police and Dewan in a Native Zemindary; and his forefathers were Commissioned Officers in the British Force.

He passed the Matriculation Examination of the Madras University in 1883 at his 17th year. Though belonging to a respectable family he was compelled by circumstances to give up his studies and to take up an appointment as soon as he passed the above examination, his father having died while he was a mere child and his whole family having had to subsist since his death on the honest earnings left by his father. The petitioner was first appointed clerk in the Salt and Abkari Department on Rs. 15 in March 1883, and since then had been continuously in Government Service. As a reward for his deligent services the petitioner was promoted to the post of Head Clerk of the Circle Office of the same Department on Rs.20; he conducted himself so well that he was afterwards promoted to be Sub Inspector (in the same department) on Rs 30, and his pay was subsequently raised to Rs 40; when his salary was about to be increased to Rs 50 he was, in 1893, favoured with the post of Inspector of Police on Rs 70, and this was after the petitioner had served in the Salt and Abkari Department as a Preventive and Detective Officer for about 6 years.

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5. The petitioner's character, conduct, and intelligence can be judged from the opinions, appended below, expressed from time to time by the Officers under whom he served in the Salt and Abkari Department, and from the fact that he was appointed Inspector of Police after close personal examination by the Inspector-General of Police on the sound recommendation of the Deputy Inspector-General of Police, and from the monthly and annual reports submitted regarding him by the District Superintendent of Police till about the beginning of 1896 when, owing to his ill-luck, the District Superintendent was displeased with the petitioner.

*Some of the opinions expressed by the Circle Officers of the Salt and Abkari Department.*

"Before leaving the circle I like to record my opinion of this Office Head 'Clerk, I. Venkataramayya separately for the creditable way in which he has served 'under me. As I have already brought his usefulness and merits to your notice 'once or twice I think I need not write much of him here. He has given full satis'faction by his hard-work, intelligence, and honesty * * *"

(Sd.) A. PRAKASARAO,
Inspector,
30—4—86.

"My Head Clerk, I. Venkataramayya is desirous of with-drawing the notice 'of his intention to resign, which, under Section 62, Act I of 1886, I submitted, at 'his instance, with my letter No. 362/3-6-86. With this object he now puts in an 'application to your address which I submit. In the interests of the Department I 'have the honor to recommend that this application may be accepted. * * * 'His health is failing him in consequence of over-work, and it would, I think, be 'better to give him this leave at a time when the pressure of work will slacken than 'lose his services altogether. * * * That he has worked hard and deserves the 'concession which I now seek on his behalf, I can testify to myself."

(Sd). E GREEN,
Inspector.
21—6—86.

"The buildings at all the Yards are in fair order, those at Pundi, Bavanipad, "and Dokelapad having recently been repaired at the cost of fishermen. To effect 'these repairs considerable trouble and delay were experienced. For the present 'state of the buildings at Bavanipad, and Pundi I am indebted mainly to the Ag. 'Sub Inspector, I. Venkataramayya who displayed considerable tact in dealing with 'the fishermen, and much intelligence in giving effect to my instructions."

(Sd). E. GREEN,
Inspector,
5—4—87.

"I. Venkataramayya has been my Head Clerk for only a short time. For all 'that, I do not hesitate in saying, judging from the work he has done since he joined 'his office here, that he really deserves the promotion now recommended. He has 'always proved himself a pains-taking, hard-working, and intelligent officer, and is 'very well up in契ericle duties. I believe he has acted as Sub-Inspector already, and 'feel sure that he will prove himself worthy of the promotion. From copy of the 'Proceedings No. 485 dated April 1, 1886 from the Assistant Commissioner to the 'address of the Inspector, Nowpada Circle I see he was promissed to be provided 'with one of the earliest vacancies in the Sub Inspector's Grade. I, therefore, trust 'his case, which has again been brought to notice, will be favourably considered 'seeing he had well earned the promotion now recommended by good conduct, and 'hard work. He has a clear defaulter sheet."

(Sd). J. W. GREATOREX,
Inspector,
4—12—87.

"I. Venkataramayya * * * an energetic officer, character good. He has 'detected several Salt and some good Abkari cases. He has passed II. B, III. B, 'VII. B, VIII. A, B. III, IV, V. Higher Grade, C Lower. Was last promoted 1-4-90. 'I recommed his promotion."

(Sd). D. WILKINS,
Inspector,
17—3—93.

6. While discharging his duties in the Salt and Abkari Department to the great satisfaction of his superiors, as can be seen from the above, Your Excellency's petitioner got the several Law Books &c. at a considerable cost, studied for and passed the marginally noted Special Test Examinations that he might make himself as useful as he could, and maintain his family's respect and honor that had been earned by his father and other ancestors. After his entertainment in the Police Department he passed the Police Inspector's Test.

Preci s Writing; Translation; Revenue; and Criminal; Salt Tests.—B iii, iv & v; & c. ii.

7. The petitioner was appointed Probationary Inspector of Police in October 1893, and was confirmed in that appointment in February 1896 after being under probation for the sufficiently long period of more than two years. In August 1896, while he was in charge of the Gajapatinagram Division, a murder was committed in the Division. While the Police investigation was going on the District Superintendent arrived in the Division on his tour of inspection, and when the petitioner told him, on being questioned, that he would put the Station House Officer as the chief Departmental witness the Superintendent directed that the petitioner should put himself down as a witness. In this murder case the petitioner had, therefore, to give evidence before the committing Magistrate's and the Sessions Court as one of the prosecution witnesses on points that had come to his knowledge during his investigation as a Police Officer. Owing to his misfortune a discrepancy as to *the place where one of the several witnesses examined by the petitioner made his statement* was found in the petitioner's evidence before the Sessions Judge. The Sessions Judge, Vizagapatam, who tried the murder case, without taking into consideration the petitioner's social and official status took this as a "Perjury," and without considering well whether the petitioner was so responsible for it as to undergo a Criminal Prosecution, ordered his prosecution under Section 194 I.P.C. on 28th September 1896. (The petitioner feels it necessary to state here that the accused in the murder case was not acquitted, but was convicted under Section 404 I.P.C, and that it will be seen therefrom that the case in which the petitioner appeared as a witness was not one in which an innocent person was accused) Enclosure 1—the Godavary Sessions Court's Judgment—shows how far the petitioner is responsible for the discrepancy above referred to.

8. As soon as the prosecution was sanctioned, the order—No. 595/30-9-96—in enclosure 2 suspending the petitioner from 23rd September 1896 pending the result of the trial, was issued by the District Superintendent of Police. Both before and after the prosecution was sanctioned the petitioner applied to the District Superintendent for his help believing that he would defend him at least from Administrative considerations. Instead of defending him the Superintendent took a very prominent part against him; and even attended the committing Magistrate's Court and *personally* instructed the Public Prosecutor on points which he thought would substantiate the charge of "Perjury." Before this prosecution was commenced the petitioner represented to the Superintendent that he was not altogether disentitled to the protection afforded by Section 197 Criminal Procedure Code, and Police Order No. 298. The Superintendent declined to interfere; and the petitioner was left alone to undergo prosecution to its full length. The Sessions Judge, Godavary tried him for the alleged charge of "Perjury" and pronounced, on 4th January 1897, an *untainted acquittal*. Thereupon the petitioner reported himself, on 6th January 1897, to the Superintendent, and informed hin of the result of the prosecution. The Superintendent did not show any signs of satisfaction at this—an officer of his Department and his subordinate coming off unblemished to the credit of his Department—but in addition he did not mind to take measures to allow him to rejoin his appointment, advising the petitioner to resign his appointment holding out that, if he resigned, he might have a certificate of good conduct, and threatening that, if he did not resign, he would be recommended for reduction to the post of Head Constable or sent to the Hills. The Superintendent then allowed the petitioner to go to his native place, Chicacole, telling him that he was given time to think over it. Seeing that the petitioner did not send in his resignation as he wished, the Superintendent sent for him 12 days after by means of his order C No.171/18-1-97—enclosure 3. On his appearance before him on 27-1-97 as desired, the Superintendent charged him with having mismanaged the murder case above alluded to, with-

I. Venkataramayya

out considering the extent to which the petitioner was injured both pecuniarily and otherwise owing to the same case which brought him the disaster of undergoing a heavy criminal prosecution, and suffering from the keen pressure of mental anxiety, and of his being put to too much expense: four charges were framed against the petitioner and he was challenged to give an explanation—vide enclosure 4. The explanation was given in enclosure 5 which will, the petitioner believes, show to Your Excellency the impropriety and injustice of the charges. Seeing that the petitioner was prepared to offer his explanation the Superintendent on the evening of the same day, i.e. 27-1-97, wrote from the Club House to the Headquarters Inspector of Police to direct the petitioner to his bungalow the next morning. When he appeared accordingly (on 28-1-97) the Superintendent ordered him to appear before the District Medical Officer handing him a packet addressed to the latter officer and securely sealed with lac. When the petitioner appeared before the District Surgeon on 29th January 1897 the Surgeon simply put him a few questions and dismissed him. The Superintendent then allowed the petitioner to return to his residence at Chicacole. About a week afterwards the petitioner received an *order from the Superintendent's office to furnish some information for the preparation of his "Pension papers." From this the petitioner understood that the District Surgeon, Doctor Leapingwell certified him unfit for further service. The petitioner had already been certified on two occasions by two Doctors to be fit for public service—once in 1883 by Doctor Kinsley when admitted into the Salt and Abkari Department, and again in 1893 by Doctor Leapingwell when joining the Police Department. The same Medical Officer, Doctor Leapingwell now, i.e. only after the lapse of three years pronounces, without even examining bodily or without keeping him under treatment or observation for *any* length of time, that the petitioner is *completely and permanently* incapacitated for further service of *any kind*. As all this struck the petitioner as a peculiar plan and strange confederacy to injure the petitioner seriously he represented to the Inspector-General, in para 14 of his explanation dated 18th February 1897 (enclosure 5) for the alleged mismanagement of the murder case already alluded to, that he was compelled to appear before the District Surgeon, that he was in prime of his life, that he was not suffering from any disease "completely and permanently incapacitating him for further service of any kind," and that he was prepared to disprove the certificate, at the same time applying for a copy of the certificate. In this explanation the petitioner also applied for his immediate re-instatement. Enclosure 6 is the reply (No. 886 of 11th March 1897) of the Inspector-General which runs as follows.—

*Enclo: 12.

"I think as the Inspector was acquitted and as from the Medical certificate his "apparent misconduct may have been due to illness, he is entitled to full pay for "the time he has been out of employ."

The petitioner prays for permission to submit that two facts are noticeable from this order of the Inspector-General, viz (1) that the Inspector-General did not disapprove of the petitioner's re-instatement, and (2) that he (the Inspector-General) did not direct the Superintendent to strike him off the force on the strength of the Medical Certificate. The petitioner most humbly submits that he was removeable from his office only by the Government. In communicating the above order of the Inspector-General the Superintendent issued a separate order of his own (Nos. 162/17-3-97 and 163/19-3-97) stating that the petitioner was "Struck off the strength of the Force from 6-2-97, the date of the Medical certificate"—vide enclosure 7—notwithstanding his strong protest against the certificate. Knowing that the Superintendent could not, on his own authority, remove the petitioner (an Inspector of Police on the permanent list) on the strength of the Medical certificate which he was strongly opposing, the petitioner made the representation in enclosure 8 to his Deputy Inspector-General stating that he could not be removed while questioning the validity of the Medical certificate which is not an absolute authority, and begged that he might be re-instated and that the effect of the Medical certificate might he disposed of according to rules and equity. The Deputy Inspector-General favoured him with the reply, in his Order No. 83/9-4-97 attached hereto as enlosure 9, that his petition was forwarded to the Inspector-General. As no reply to his two representations against the Medical certificate was received by him the petitioner was cherishing the hope that a reference regarding it was made to the proper Authority and that a response would he sent to him on receipt of reply thereto. While the petitioner

was in such hopes Government Order No. 359/7-5-97 (Pensions) sanctioning Gratuity for the petitioner was *seen* by him in the Police Gazette for the week ending with 15-5-97. At this the petitioner was greatly affected; and believing that this order emanated from an incorrect account he at once petitioned to the Inspector-General, through enclosure 10, stating that the order of Gratuity must have issued from a misrepresentation, and requesting him either to communicate with the Government on his (petitioner's) behalf, or to favour him with orders on his two representations against the Medical certificate and with a copy of the Medical certificate and of his Service Register. To this enclosure 11 is the reply in the negative.

9. From the above narrative it will be observed that Your Excellency's humble petitioner was suspended by the District Superintendent pending the result of an undeserving prosecution; though he was deserving Departmental protection he was not afforded it; when the prosecution ended in his honorable acquittal he was not allowed to rejon his appointment, but was charged afresh by the Superintendent with having mismanaged the murder case in connection with which he underwent the prosecution; and seeing that he was prepared to satisfactorily explain the alleged mismanagement and before receiving his explanation, the Superintendent abruptly sent the petitioner to the Doctor for being invalided; and when the petitioner offered to disprove the Invaliding certificate, no notice was taken of his representations, and he was thrown out of employment most undeservingly. That the Superintendent was ill-disposed towards the petitioner is plain from the fact that when the prosecution against the petitioner failed, against the Superintendent's wish that the petitioner should have been convicted, he charged him with mismanagement of the murder case, and from the fact that, this charge of mismanagement being groundless, he was still bent on ruining the petitioner by sending him to a Medical Officer for invaliding him for further service.

10. The petitioner is quite ignorant of the grounds on which the District Surgeon invalided him. He was not given a copy of the Medical certificate though he repeatedly applied for it. The petitioner is of about 31 years; he is healthy and strong; he has no disease "Permanently and completely incapcitating him for further sevice of any kind;" nor was he suffering from any disease when he appeared before the District Surgeon on 29-1-97. The petitioner can state that the Surgeon could not *himself* discover any disease in him as no personal examination or observation was made of him. A certificate not based on the personal knowledge of the Medical Officer, the petitioner begs permission to state, is not an authority. The utter futility of the certificate can also be seen from the following.—Supposing that the petitioner was, at the time of his appearance before the Medical Officer, suffering from a serious disease, he was neither treated for the disease, nor was he kept under observation for *any* length of time in order to form a reasonable and strong opinion. Perhaps the Doctor was not aware of the generous order of Government in Article 369 of the Civil Service Regulations that its servants are allowed, in case of illness, to be granted leave extending to 3 years in order to recruit their health. The petitioner, moreover, doubts if the District Surgeon, when writing the certificate, had at least in view Articles 487, 488, 491, and 495 of the Civil Service Regulations. The petitioner would have been in a better position to explain away the certificate had he been favoured with its copy repeatedly applied for.

11. From the Civil Service Regulations the petitioner understands that Government are not willing to see any of their servants torn suddenly from their service. In the petitioner's case the application for pension was not made by the petitioner but by the District Superintendent to the petitioner's injury. It will be observed from the petitioner's Service Register (now with the Inspector-General) that the petitioner has had not a single day's sick leave since he joined the Police Department. While special precautions are laid down by Government in Articles 493, 494, and 495 Civil Service Regulations against endeavours by the Police Officers to retire on Invalid pension, the Superintendent himself, in the petitioner's case, forced the petitioner to appear before the Doctor *for being invalided*. The petitioner would not have pointed this out if he had continually, from ill-health, resorted to Hospitals, or continually been on sick leave during his service of about 14 years, or if there had been a single instance in which the public work was proved to have suffered from his ill-health, or if the petitioner was advanced in years. Before recommending the petitioner for gratuity a second Medical opinion,

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the petitioner humbly submits, should have been obtained under Article 487 (b) Civil Service Regulations as, at the time of the Medical certificate he was only about 31 years old, and as he was strongly opposing its validity : no such opinion was obtained. The petitioner is sure that the Government were not at least informed, when his Gratuity papers were submitted, that he was questioning the validity of the certificate and that he was offering to prove its invalidity. Had the petitioner been informed that his representations against the Medical certificate would not be heard he would have addressed the Government before they were led to pass Gratuity for him.

12. The petitioner complains to Your Excellency that he was thus treated with the utmost prejudice in a very arbitrary manner and improperly recommended for Gratuity against which he begs to appeal on the following grounds praying Your Excellency may be graciously pleased to take the same into benign consideration.—

I. The petitioner's is not a voluntary retirement; and the petitioner who has nearly completed 10 years' qualifying service to entitle him to a Pension was *forced* to appear before the Medical Officer prematurely contrary to the wish of Government in Article 527 of the Civil Service Regulations expressing that they "Cannot undertake to overlook a deficiency of service resulting from an officer prematurely invalided;" and the petitioner believes no sound reasons were put forth to show that there was "*Urgent necessity*" for it. (The petitioner served in Government employment for about 14 years from his 17th year. His qualifying service has been stated to be 9 years, 4 months, and 7 days showing a deficiency of only 7 months and 23 days).

II. The Doctor could not *himself* discover any disease, or infirmity in the petitioner and the Medical certificate was not based on the Doctor's *personal* knowledge. (This the petitioner presumes from the circumstances already represented).

III. If the Doctor stated in his certificate that he discovered any disease or infirmity in the petitioner, he should have given him time to get the malady cured and should have allowed the petitioner to reap the benifit of Article 369 Civil Service Regulations by recommending him for leave, especially because the petitioner was not of advanced age being only of 31 years, and is quite strong and healthy.

IV. The Doctor should not have invalided the petitioner at once in direct transgression of Article 495 Civil Service Regulations, without treating and keeping him under observation for the illness he found or suspected him suffering from, to arrive at an acceptable conclusion. (The petitioner has never been under the treatment of any Medical man for any serious disease).

V. The petitioner is in prime of life, and if the Doctor found any disease, or infirmity in him the case comes under Article 487 Civil Service Regulations ; and the Medical certificate is, therefore, in contravention of the spirit of the Regulation in as much as the Doctor did not keep him under his treatment and observation that he might be enabled to submit along with the certificate a statement of the Medical case and of the treatment adopted.

VI. The District Superintendent should not have, in the first instance, sent the petitioner to the District Surgeon for being invalided against the spirit of Articles 493, 494, and 495 Civil Service Regulations.

VII. When the petitioner applied for a copy of the Medical certificate stating that he would prove it to be ineffective he was not granted a copy and an opportunity to explain its invalidity, nor was he informed that his cry against the certificate would not be heard.

VIII. The Government, as the petitioner believes, were not even informed that the petitioner was objecting to the certificate.

IX. As the petitioner was questioning the validity of the certificate, and as he was below 55 years of age a *second* Medical opinion should have been obtained and submitted along with the Gratuity papers in due deference to Article 487 (b) Civil Service Regulations.

X. The Medical certificate is ineffective not being supported by a second Medical opinion as required by the Regulations, in addition to the defects already represented.

13. That the petitioner was complaining against the Medical certificate from the beginning will be observed also from enclosure 12.

This enclosure (No. 12) is a memo received from the office of the District Superintendent of Police directing the petitioner to furnish certain information "for the preparation of" his "Pension Papers." This issued on *1st February 1897*. But the date of the Medical Certificate is, as can be seen from enclosure 7, *6th February 1897*. The petitioner prays Your Excellency may be pleased to take into close consideration how the Superintendent could know *5 days before the issue of the Medical Certificate* that the District Surgeon would invalid the petitioner for further service *of any kind*. This fact the petitioner places before Your Excellency, as he believes that this alone will sufficiently indicate the extreme prejudice and ill-will with which he was treated and thrown out of Government Service.

14. The petitioner, therefore, humbly solicits that Your Excellency will be pleased to order his re-instatement with effect from 6th February 1897, the date of the Medical certificate.

If, in spite of the grounds above represented, Your Excellency does not see it fit to reject the recommendation for his Gratuity, the petitioner humbly prays that he might be ordered to appear before the Surgeon-General, or the Medical Board, or another Medical Officer with reference to Article 487 (b) Civil Service Regulations.

And for this act of generosity the petitioner shall, as in duty bound, ever pray.

The petitioner remains,
with the profoundest respect,
Your Excellency's
most obedient and dutiful servant.

P. Venkataramayagaru
Late Inspector of Police

CHICACOLE.
13th September 1897.

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