

Pension (1899) Department.

ORDINARY [MS.]

R
G.O., No. 511

DATED 3-8-99

[Despatch Abstract.]

*Withdrawing the pension of Ak Sahla
Rao late Lt. Col. Inspector of Police Bellary
from the date of conviction.*

BACK PAPERS.

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

FURTHER PAPERS.

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

Pension (1899) Department.

CURRENT No. 605



From The Asst. Commr.
Madras

Order N° 571 of 3 Aug 99.

The pension will be withdrawn
from the 21st Decr. 1898, the date on which the
pensioner was convicted by the Additional Ses-
sions Judge, Bellary.

JS
24.7.99

from order of
Mr. 807/11/11
mm

To
The A.C.
D.G. of Police.



No. 3658

Dated 7-7-99

Received 10.7.99

Registered 10.7.99

Enclosures

Spare copies

JS
10.7.99

SUBJECT.

Submitting the case, with copies
of judgments of the Bellary and
the High Courts, in respect of
Adappaiah Athiraj Subba Rao
late 4th class Inspector of Police, Bellary,
who was granted an invalid pension
of Rs 143, for such orders as the Govt.
may see fit to pass.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

D 1,000-8-4-97.

Pension
REVENUE DEPARTMENT.

C. No. 605.

From The Acct. Genl.

Dated

7th July 1899. No 3658.

FOR ORDERS.

A. A. Subba Rao, late 4th Class Inspector of Police, Bellary Dt., retired on the 5th Novr. 1895 on a medical certificate of incapacity for further service, and as his character was recorded as different he was granted a reduced pension of Rs. 43/ p.m. - 80. No 180 Pension 1/3rd March 1896

In Decr. 1898, or over three years after his retirement, he was convicted by the Additional Sessions Judge, Bellary, of the offence of forgery in a public document and was sentenced to 7 years' simple imprisonment - vide Judgment flagged A. On appeal, the High Court reduced the sentence to 3 years - vide Judgment flagged B.

The Acct. Genl. makes a reference as to the man's pension with reference to the provisions of art. 383. of the CSR.

This article runs as follows:-

"Future good conduct is an implied condition of every grant of a pension. The Govt. reserves to itself the right of withholding or withdrawing a pension, if the pensioner be convicted of serious crime or be guilty of grave misconduct."

The

The offence of which the pensioner was convicted seems to be sufficiently grave to warrant the forfeiture of his pension, which may, if it is submitted, be withdrawn from the 21st Decr 1898, the date on which he was convicted by the Additional Sessions Judge Bellary.

A statement of cases within the last ten years in which pension has been withdrawn on account of an offender convicted is appended - flag E.

14/7/99

Secy
14/7-99

To the Under Secy

Please see draft order on the dotted sheet of CN 605.

14/7/99
Jme

FOR ORDERS.

H.T.
18/7/99

Sentence.
I note that the High Court when reducing the sentence contemplated that 'other consequences' would ensue from the conviction.

130-
20.7.99.

Pension DEPARTMENT.

FORT ST. GEORGE,

Accountant-General's Office,

No. Pen 131A 7th July 1899.
3658

From

W. H. Dawson Esq.,

Offg. ACCOUNTANT-GENERAL TO THE

GOVERNMENT OF MADRAS,

To

THE Secretary to Government,

Pension Department.

SIR,

I have the honour to state that Adullapully Atharaj Subba Rao, late 4th class Inspector of Police in the Bellary District, who was granted an Invalid pension of Rs 43-0-0 a month under G. O. No. 180 dated 3rd March '96, was convicted on the 21st December '98, by the Additional Sessions Judge of the Bellary Division, of the offence of forgery in a Register kept by a Public Servant, and was sentenced to 7 years simple imprisonment. The High Court however on appeal, reduced the sentence to 3 years. I beg to submit the case, with copies of judgments.

Enclosed -

of the Bellary and the High Courts, for such orders
as the Government may see fit to pass with reference
to Article 383 of the Civil Service Regulations.

I have the honour to be,
Sir,
Your most obedient servant,

W. A. Dawson
Offg. Accountant General.

IN THE COURT OF THE ADDITIONAL SESSIONS
JUDGE OF THE BELLARY DIVISION.

Wednesday, the 21st day of December 1898.

Present:—W. M. Thorburn Esquire, Additional Sessions Judge.

SESSION CASE No. 85 of 1898.

Preliminary Enquiry No. 5 of 1898 committed by Mr. T. G. Turner, Taluk 2nd
class Magistrate of Dharmavaram, Anantapur District.

Assessors ... { 1. V. Venkatakristnayya, a Brahmin Accountant in the
Municipality, Bellary.
2. Rangappa, son of Gauranna, a Kuruba Cultivator.

1st Accused was defended by Mr. J. G. Smith, Barrister-at-law, and 2nd Accused
by Mr. P. Rama Rao, 1st Grade pleader.

Offence. ... Forgery of a Register kept by a Public servant, punishable
under section 466 of the I. P. Code.

Plea ... Not guilty.

Opinion of Assessors. Not guilty.

Finding of Court ... 1st accused guilty under sec: 466 of the I. P. C. and
the 2nd not guilty.

Sentence ... 1st accused is sentenced to 7 years simple imprisonment,
and the 2nd accused acquitted and discharged.

No.	Name of accused.	Father's Name.	Caste or race.	Occupation.	Residence.	Age.
1	A. Subba Rau.	Chidambarappa.	Brahmin.	Pensioned Police Ins- pector.	Anantapur.	52
2	S. Swami Rau.	Venkoba Rau.	Do.	Clerk in Sub-Regis- trar's Office.	Do.	50

DATE OF

1. Occurrence ... 7—9—98.
2. Complaint ... 19—9—98.
3. Arrest or appearance ... 20—9—98.
4. Commencement of trial ... 3—12—98.
5. Close of trial ... 8—12—98.
6. Explanation of delay ... Nil.

JUDGMENT.

In line 17 of document No. 50 of 1880 on page 44 of Book I Volume IV in the Anantapur Sub-Registrar's Office, the figure 2 in 42 has been obviously altered to 5. The outline of the 2 is plainly visible in ink pale with age. The 5 is written over it shakily and brokenly, in ink which is not only black but evidently fresh. There is no verification by name or initials of any one officially connected with the Registration Office. It must, therefore, be presumed to have been made without authority. It is true that several alterations without initials have been made on other pages of the same book, and that the work was not so carefully conducted then, as now, when special officers give their whole time to it. In 1880 it was done by the Taluk Sheristadar and other members of the overworked establishment of the Tahsildar, in the intervals of other business. But the alterations pointed out were all evidently made at the time of copying the documents into the book, and they could not alter the effect of any document. Even the correction of a survey number from 128 to 178 on page 35 cannot have been made with any wrongful intention, because the description of boundaries would show which field was really being dealt with. It can only have been the correction of an accidental error. 2 and 7 are not always easy to distinguish when carelessly written.

2. But the alteration now in question (Exhibit N₁) was evidently an alteration with an object, and a dishonest object. It increases the length of a house-site from east to west, between two streets. The figures given in the original document (Exhibit E) are 42 (yards). This is a sale-deed from Parigi Narrain Rau (P. W. 2) to Chinna Muddayya. Narrain Rau had bought it a year before from Raja Rau, whose sale-deed (Exhibit F) also shows 42 yards. There is no possibility of mistake. From Chinna Muddayya, who is dead, the property passed to Devaragudi Narrainappa (Court witness) in two portions, one by conditional sale which took effect about 1890, and the other in 1896 by purchase at a Court-auction, in a suit filed by himself on a deed of hypothecation. The two deeds, he says, contained no measurements. He was not summoned to produce them (as he ought to have been), and would never have been examined, if the Court had not heard of his presence on the last day of the trial. There was no time to get the Court sale-certificate, as nobody could inform this Court of the number of the suit or execution-petition on the file of the Penukonda District Munsif. Two or three months after the Court-sale, he sold the house to 1st defendant by Exhibit T. It gives the length as 43½ yards. Evidently somebody had encroached on the street between 1880 and 1896, if both measurements were correct. The exact measurement of the house as given by an overseer of the D. P. W. (P. W. 4) is 132 feet 1¾ inches, a little over 44 yards. Not satisfied with this 1st defendant began to build a payal, from 2 feet to 2 feet 5 inches in breadth, in the street at the western end. For this encroachment he was prosecuted by the Municipality in July last. He had therefore a motive to forge documentary evidence.

3. The Sub-Registrar (P. W. 6) says that Shama Rao, one of the neighbours, told him of an addition made to the house by Muddayya; and if so he would have had a motive for the forgery. It is indeed argued for 1st defendant that the alteration may have been made, (perhaps through collusion with some official concerned), on the very day of copying the document into the book, because the signature of the examiner is much blacker than the body of the writing. This may however be due to the use of different ink; and in any case there is a vast difference between the dull blackness of the signature and the sharp fresh blackness of the 5. The signature also is not uniform in blackness, the depth of colour

increasing much from left to right. Moreover there is no direct evidence of any addition between 1880 and the laying down of the stones for the payal. Devaragudi Narrainappa, whose own house is twenty yards distant, denies that any addition was made either by Muddayya or himself. Lastly, if Muddayya had made the alteration in the book, he would have made a corresponding change in his original deed. And if D. Narrainappa had made it, he would have entered 45 instead of 43½ in the sale deed which he gave to Subba Rau (Exhibit T).

4. 1st defendant, when prosecuted, asserted his title to the site of the payal (see Exhibit J). But he subsequently on the same occasion admitted that he could not prove his title, and pleaded that he had a verbal permission to build the payal from Dr. Chalke, who was Chairman in 1896. The plea had no legal validity (as he probably knew), written permission from the Council being necessary; and it was contradicted by Dr. Chalke, when at last examined. But he was absent on plague duty, and did not appear till October 7th. If defendant wanted time to concoct evidence, this dilatory plea effectually served his purpose.

5. 1st defendant came to the Sub-Registry on 7th September at 1 p. m., as he and the Sub-Registrar agree in stating, and said that he wanted copies of two documents relating to his house, to file in a suit (O. S. 547 of 1897), which he had brought in the Munsif's Court at Penukonda against Susarla Srinivasa Rau, his neighbour on the northern side. There is a narrow lane leading by the side of his north wall to the house of his opponent. It is not public, and Srinivasa Rau claims it as his exclusive property. Subba Rau claims, however, that it belongs to the owners of the two houses jointly, or at least that his house has certain easements over it: especially the right of discharging water thereon. At the Sub-Registry he filled up an application form (Exhibit L) and paid Rs. 2 as search-fees. The Sub-Registrar took out the Index-book for 1879-80 (Exhibit M), and found the two entries relating to the sale-deeds of 1879 and 1880 already mentioned. He then took out the Register-Book of 1880 (Exhibit N) and the Memorandum-Book of 1879. The earlier sale-deed having been registered at Bellary, the local office had been supplied with a mere abstract for reference. Subba Rau being a friend of the Sub-Registrar and having defective sight, the latter found the places for him in the books, and allowed him to read them sitting opposite at the same table. After reading for about a quarter of an hour he asked and got a sight of the entry in the Index-Book, and then said that he would take time to consider. The Sub-Registrar took the books from him and laid them on a bench by the table. He continued sitting while the Sub-Registrar went on with his work. At 2 p. m. they went out together: the Sub-Registrar to ease and feed himself at his house, and the 1st defendant to get back his pension roll at the Taluk Treasury, which is in the same compound with the Sub-Registry. The Sub-Registrar says that he neglected to lock up the books in their case, because he was in a great hurry to ease himself. He says also in cross-examination that he left them out for defendant to look at. He told his peon Ramudu (P. W. 7) to watch them as they lay on the bench. 2nd defendant remained working in the office. He is the only clerk, and is very deaf.

6. The Sub-Registrar returned half an hour later and resumed his work. At 3-30 p. m., Subba Rau returned, and said that he wished to have another look at the documents. He read them again for half an hour, and said that he would take copies. Thereupon they were handed over to 2nd defendant, to count the words and reckon the copying fees. He did so and endorsed the required informa-

tion on the application-form. Subba Rau paid the copying fees, handed in two blank stamped papers, and then took his receipt and his departure.

7. Next day the 2nd defendant took casual leave for a domestic ceremony, and consequently no copying was done. On the afternoon of the 9th, the copies were made, and examined by the Sub-Registrar, the 2nd defendant reading from the book for comparison. When he came to the figures 42 the 2nd defendant drew the attention of the Sub-Registrar to the alteration. He says that he left the place blank in the copy for orders, but the Sub-Registrar says that he had already written 45. This at any rate was written in the copy, when supplied next day to the 1st defendant. The Sub-Registrar said that he must report the matter to the Registrar. Thereupon, he says, 2nd defendant tried to dissuade him, saying that the alteration might have been made in 1880, because the examiner's signature, as well as the 5, was blacker than the body of the writing; and that the Sub-Registrar might be blamed for leaving the books exposed during his absence. He also pointed out an unattested alteration (of an obvious and immaterial character) on the opposite page.

8. Next morning the Sub-Registrar took down his very brief explanation (Exhibit P) and sent it with a report (Exhibit Q) to the Registrar in the afternoon. In neither is there any mention of the exposure of the books during the Sub-Registrar's absence on the 7th. This report was posted at 2 p. m. In the evening he learned from his peon Ramudu, that Subba Rau had entered the office on the 7th during his absence and left it before his return. The clerk had ordered him to take money to the Treasury, and when he came back he met Subba Rau coming out of the office-door. The Sub-Registrar did not report this fact immediately, because he wished to be sure of his ground before expressing suspicion of a man of good reputation and position, who was also his personal friend. But he questioned the stamp vendor who sits in his office-veranda, 8th P. W. Revanur Venkataramayya. This man said that he had looked into the office between 2 and 3 p. m. during the Sub-Registrar's absence on the 7th and seen Subba Rau sitting on the floor with a Register book on his knees and a pen in his hand.

9. No report was made even of this information, and no written statements were taken from these informants till the 14th. On the 13th he received an order from the Registrar, censuring his report as meagre and indicative of neglect of duty, and directing an immediate full enquiry. On that day he took statements from the two defendants in presence of the Taluk Magistrate (P. W. 1). In these (Exhibits A and B) both deny that Subba Rau entered the office during the absence of the Sub-Registrar, but 2nd defendant says that 1st defendant remained there when the Sub-Registrar went out, departing, however, before his return. Next day he took a statement (Exhibit C) from the peon in presence of the Taluk Magistrate, and on the 15th in presence of that Magistrate the stamp vendor acknowledged a statement previously taken from him by the Sub-Registrar (Exhibit D). This is dated 14th, but the Sub-Registrar says that it was really taken on the 15th, the figures 14 being a mistake. Venkataramayya contradicts himself about this matter. The defendants argue that it was really taken on the 14th, and that there was difficulty in getting him to acknowledge it before a Magistrate. His reluctance may have been caused, either by fear of doing anything against a man in Subba Rau's position, or by consciousness that he had said something untrue. His evidence, whether true or false, is not beyond suspicion of originating in ill-feeling against 1st defendant. The latter had recently refused to lend money to him, and had rebuked him angrily in presence of other Brahmins for not coming to a caste-ceremony after

accepting his invitation. But I cannot say decidedly that he has made any material false statement at any time. The discrepancies between his later and earlier depositions are such as may (like those of the peon) be fairly attributed to lapses of memory or confusion under minute cross-examination. Much has been made of his contradiction of the Sub-Registrar's statement, that he handed in the stamped papers on behalf of Subba Rau. This detail is quite immaterial, and nobody could be expected to remember it distinctly after a day or two.

10. There is however a more serious discrepancy between the depositions of this witness and the Sub-Registrar. Venkataramayya says that the Sub-Registrar, whose house is opposite his own, spoke to him early on the morning of the 9th, bemoaning his misfortune in having been brought into official trouble through a man whom he had trusted too much. Venkataramayya, who had of course overheard the conversation between the Sub-Registrar and his deaf clerk on the previous day, then told the former that he had seen Subba Rau entering the office during his absence. The Sub-Registrar denies that he heard any thing of the sort till the afternoon, but I fear that on this point the inferior witness is the more credible. He has no motive for misrepresentation, and the Sub-Registrar has. If he heard about Subba Rau's surreptitious entry before sending his official report, he rendered himself justly liable to official censure for saying nothing about the fact. But his probable departure from truth in this particular does not vitiate his evidence against 1st defendant. For it shows no disposition to get up a case against him, but on the contrary a desire to screen his friend if possible with safety to himself. He evidently wanted to see whether the Registrar would take the matter seriously, before making a definite accusation. He may also have been afraid of getting into trouble for defaming Subba Rau, if the accusation should not be legally proved. It appears from his deposition that he was ignorant of the privileged character of his report. On the whole I regard him as a trustworthy witness against the 1st defendant, though I have some suspicion that he is unjustly throwing blame on the 2nd defendant, in order to screen himself from official censure for the carelessness which made this forgery possible.

11. The 1st defendant got his copy of the document on the 10th September, but had no opportunity of using it for his defence against the charge of encroachment. It was necessary, if he intended so to use it, that he should previously produce it in the Munsif's Court at Penukonda, because he had told the Sub-Registrar that this was the reason of his application, and because the Magistrate would have less suspicion of a document previously filed in another Court. It was actually produced at Penukonda, but rejected by the District Munsif, as defendant possibly expected.* The Munsif says in his order (Ex: Y₄ dated 16th September), that the document was produced after inexcusable delay, and adds "I am unable to believe that this is a *bonafide* application". The document could in no way help his suit, which had been filed fully a year before. His case had been formally closed by his Vakil on September 3rd. He must have known of the existence of the sale-deed from the beginning, and if it could have been of any use to him, would have mentioned it long before he did. He now says, and has called his Penukonda Vakil to swear, that the opposing Vakil verbally asked on September 6th for production of the document, and that he undertook to do so at the suggestion of the Court. The Court's notes (Ex: Y₅) make no mention of any such incident. Indeed there is no entry for the 6th, nor for any date between the 5th and the 14th. Moreover in his order of rejection the Munsif expressly states that the defendant's Vakil objected to the plaintiff's (this defendant's) application,

* NOTE—By that time the news of the forgery must have spread over the District,

There cannot be the slightest doubt, that the incident of the 14th and the reason given to the Sub-Registrar on the 7th were mere blinds to Subba Rao's real purpose. The reason why the 6th September was pitched upon, as the date of the imaginary request for further documents, is this. The suit had been adjourned to the 6th, and the plaintiff's Vakil had doubtless taken a note of this. But the B diary (Ex : Y) shows that it was prematurely taken up on the 1st, heard on the 2nd, 3rd and 5th, and then adjourned to the 14th.

12. It was seriously argued for 1st defendant that he cannot have intended to deceive the Municipality and the Magistrate, because he had produced Ex : T *two years before*, in support of a petition to the former against his neighbour Srinivasa Rao. Could anybody remember, after such a lapse of time, the figures of a document filed in support of a petition, which was rejected because the Municipality had no concern with the matter: assuming that anybody took the superfluous trouble of reading its contents?

13. It is argued with more reason that, according to the accounts of the Taluk Treasury, 1st defendant must have been there during the time assigned by the Sub-Registrar as the only possible opportunity of the forgery. But the evidence of the Cash-gumasta (D. W. 1) is by no means conclusive. He indeed says that Subba Rau probably drew his pension about 2 p. m., judging from the number and order of the entries in his books for the day; the Treasury hours being from 12 to 4. But, if the payment of pension, which is the 11th item of 15 in the Expenditure Book (Exhibit IV), took place at 2, Subba Rau must have come much earlier in the day to begin the transaction. For the deduction of his Income-tax is entered in the Receipt-book (Exhibit V) as the 3rd item of 16. There is much checking and calculation by different persons before a pension can be drawn, and it seems likely that Subba Rau, after handing in his pension-roll at 1 p. m., went away a few yards to the Sub-Registrar's Office, his presence in the Treasury being meanwhile unnecessary. At 2 p. m. he had nothing to do but to take his money, and was free to go home or back to the Sub-Registry as he might prefer. He has called three witnesses, who were at the office that day for registration, to prove that he did not return during the Sub-Registrar's absence. One of them, the Village Munsif of Anantapur (D. W. 4), says nothing to the purpose. He went away at the same time with the Sub-Registrar and Subba Rau and did not go back that day. He mentions however a curious fact showing the intimate friendship between the Sub-Registrar and Subba Rau. The latter was rubbing the head of the former with some medicine to cure his headache. The others (D. W. 2 and 3) say that they remained during the Sub-Registrar's absence, and did not see Subba Rau there till after his return. Apart from the value of their remembrance of a circumstance, about which they were not questioned till a long time after, I cannot allow much weight to their testimony. One is a petty shop keeper and the other a dismissed Village Munsif.

14. 2nd defendant has been charged, because he is supposed to have been in collusion with first defendant on the following grounds.

- (a) Because he was in the room when the forgery must have been committed.
- (b) Because he sent away the peon, to prevent him from seeing the forgery: an assertion made by the peon himself without corroboration, and with an obvious motive of self-exculpation.
- (c) Because he did not bring the alteration to the notice of the Sub-Registrar, when he was counting the words on the 7th for estimation of the copying fees.

- (d) Because he did not bring it to notice on the 9th, when copying.
- (e) Because he tried to dissuade the Sub-Registrar from making a report: an argument resting on the interested and uncorroborated assertion of the Sub-Registrar.
- (f) Because he did not mention the surreptitious return of Subba Rau to the office, either on the 10th or the 13th when he was examined.

15. There is no doubt that 2nd defendant was in the room when the forgery was committed. But it does not follow that he was a party to the offence. He may have seen the 1st defendant meddling with the book, and been afraid to interfere with his superior's respected friend. But it is more likely that he was too busy with his own work to take any notice of Subba Rau. It is highly probable that the latter was quite at home in the office, and could take liberties with the books without attracting any notice. He could, and doubtless would, take care to sit with his back to the clerk, while actually using the pen. 2nd defendant is an elderly man, very deaf, and defective in eyesight. He would not hear, and might not see, the departure and re-entry of 1st defendant about 2 p. m. He indeed says that Subba Rau did not leave the office with the Sub-Registrar, but remained looking at the books for half an hour more. He went out however before the Sub-Registrar's return, and when he did so the peon was at the doorway. It is possible that this is a true statement of what occurred, but the independent testimony of Krishna Reddi (D. W. 4) makes me believe that Subba Rau did go out when the Sub-Registrar went. Nevertheless as several others went at the same time, it is likely enough that his departure was not noticed by the clerk. He would not take more than five minutes to get his pension, the preliminaries having already been arranged, and might have slipped back into his place at the book-table before the deaf clerk had noticed that it was vacant.

16. He sufficiently accounts for his omission to bring the alteration to notice earlier on the 9th, by saying that the Sub-Registrar was absent or busy during the process of copying. The delay was trifling, and the time of comparison was obviously the natural and proper time for drawing the attention of his superior. As regards his omission on the 7th, he says that he does not remember seeing the alteration when he was counting the words, and, if his story of the course of events on that day is the correct one, he could not have seen it: for the simple reason that Subba Rau's opportunity had not arrived. He says that the books were given to him for counting the words, not in the afternoon, but about 11-30 A. M. very soon after the Sub-Registrar had come to the office in company with Subba Rau. If he and Subba Rau were conspirators, it is not likely that they would each contradict the other in this particular. And if he really counted the words in the afternoon, he may have been silent through fear during the presence of Subba Rau. On the whole I think it most probable that Subba Rau had no ally but the misplaced confidence of the Sub-Registrar.

17. As to the guilt of Subba Rau I have no doubt. He had a sufficient motive and a sufficient opportunity. Only two others, Muddayya and D. Narrainappa, could have had a motive; but there is no reason to believe that they ever had an opportunity, and it is quite clear, as already pointed out (in para 3), that if they had one they never used it. Immediately after Subba Rau's opportunity the forgery was discovered, and it was evidently brand-new. His wild allegation of a conspiracy by his enemies, the stamp-vendor, the Anantapur Sanitary Inspector and others, is disproved by the evidence of his own Vakil from Penukonda,

that he never thought of applying for the copy till the 6th September. He applied for it next morning at Anantapur. Clearly there was no time for any conspiracy to make a forged entry for the purpose of implicating him.

18. Concurring with the Assessors I acquit and discharge the 2nd defendant. Differing from the Assessors I convict first defendant under section 466, I. P. C. and order that he suffer imprisonment for seven years. In consideration of his age I make the imprisonment simple.

(Signed) W. M. THORBURN,

Additional Sessions Judge.

SESSION CASE No. 85 or 1898.

List of witnesses examined and Exhibits filed:—

(1) The following witnesses were examined for the prosecution.

1. A. S. Ponnaswami, Tahsildar of Anantapur.
2. Parigi Narrain Rau, Taluk Sheristadar, Badwel.
3. Anantapuram Strinivasa Rau, 2nd clerk, Sub-Magistrate's Office, Anantapur.
4. Manachanallur Ramakrishna Ayyar, Overseer, D. P. W.
5. Joseph MacLaughlin, Police Inspector, Anantapur.
6. Mahankali Narrain Rau, Sub-Registrar, Anantapur.
7. Ramudu, Peon, Sub-Registrar's Office, Anantapur.
8. Revanur Venkataramayya, Stamp Vendor, Anantapur.
9. Nandavaram Tirumal Rau, Sanitary Inspector, Anantapur.
10. Subba Raghavayya, Clerk, District Munsif's Court, Penukonda.

(2) The following witnesses were examined for the defence.

1. Cuddapah Appu Rau of Anantapur.
2. Talanki Venkatanarayana Chetti of Peddakotla, Anantapur Taluk.
3. Peddakotla Rami Reddi of Peddakotla, Anantapur Taluk.
4. Guggila Krishna Reddi of Anantapur.
5. A. Ramachendrayya, 2nd grade pleader, Penukonda.

(3) The following witness was examined on behalf of the Court.

1. Devaragudi Narainappa of Anantapur.

(4) The following Exhibits were filed for the prosecution.

- | | |
|----------|---|
| A. | Statement of the 1st defendant before the Sub-Registrar. |
| 13-9-98. | |
| B. | Statement of the 2nd defendant before the Sub-Registrar. |
| 13-9-98. | |
| C. | Statement of Peon Ramudu before the Sub-Registrar. |
| 14-9-98. | |
| D. | Statement of stamp vendor Venkataramayya. |
| 14-9-98. | |
| E. | Sale deed from Raja Rau to P. Narrain Rau. |
| 27-5-79. | |
| F. | Sale deed from P. Narrain Rau to V. Muddayya. |
| 7-7-80. | |
| G. | Statement of Sanitary Inspector Tirumal Rau before the Stationary Sub Magistrate. |
| 10-8-98. | |

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|-----------------------------------|--|
| H. | 1st defendant's Petition to the Chairman. |
| 20-5-96. | |
| J. | 1st defendant's statement before the Stationary Sub Magistrate. |
| 10-8-98. | |
| K. | Plan. |
| L. | Copy application dated 7-9-98. |
| M. | Index Book. |
| M ₁ & M ₂ . | Entries relating to documents Nos. 60/79 and 50 of 1880. |
| N. | Vol: IV of Book No. I. |
| N ₁ . | Forged portion on page 44. |
| O. | Copy of Exhibit F granted to the 1st defendant. |
| P. | 2nd defendant's written explanation. |
| 10-9-98. | |
| Q. | 1st Report of the Sub-Registrar to the District Registrar. |
| 10-9-98. | |
| R. | Registrar's Instructions. |
| 12-9-98. | |
| S. | 2nd Report to the District Registrar. |
| 15-9-98. | |
| T. | Registration Book for 1896 containing the copy of sale deed executed by D. Narrainappa in favour of the 1st defendant. |
| U. | Charge sheet put in by the Sanitary Inspector. |
| 30-7-98. | |
| V. | Letter of the District Surgeon. |
| 12-9-98. | |
| W. | Deposition of Dr. Chalke before the Stationary Sub Magistrate. |
| 7-10-98. | |
| X. | Judgment of the Stationary Sub Magistrate of Anantapur in C. C. 208/98. |
| 17-10-98. | |
| Y. | B. Diary in O. S. 547/1897, Penukonda District Munsif's Court. |
| Y ₁ . | Statement of plaintiff's Vakil in O. S. 547/1897, Penukonda District Munsif's Court. |
| Y ₂ . | Statement of defendant's Vakil in O. S. 547/1897, Penukonda District Munsif's Court. |
| Y ₃ . | List of documents on behalf of plaintiff in O. S. 547/1897, Penukonda District Munsif's Court. |
| Y ₄ . | Plaintiff's Petition in O. S. 547 of 1897, Penukonda District Munsif's Court. |
| Y ₅ . | Order paper in O. S. 547 of 1897, Penukonda District Munsif's Court. |
| Y ₆ . | Plaint in O. S. 547 of 1897, Penukonda Munsif's Court. |
| Y ₇ . | Written statement in O. S. 547 of 1897, Penukonda Munsif's Court. |
| Y ₈ . | Issues in O. S. 547 of 1897, Penukonda Munsif's Court. |
| Y ₉ . | Judgment in O. S. 547 of 1897, Penukonda Munsif's Court. |
| Z. | 1st defendant's statement before the Committing Magistrate. |
| AA. | 2nd defendant's statement before the Committing Magistrate. |
| BB. | Dismissal order of D. W. 3 P. Ramireddi. |
| (5) | The following Exhibits were filed for the defence. |
| I. | Deposition of P. W. 8 before the Committing Magistrate. |
| II. | Letter from the District Surgeon to the 1st defendant. |
| 18-9-96. | |

- III. Extract from the Proceedings of the Municipal Council of Anantapur.
 17-11-96.
 IV. Disbursement Register of the Taluk Office, Anantapur.
 V. Receipt Register of the Taluk Office, Anantapur.
 VI. Registration Register for 1898.
 VII. Index of suit No. 547 of 1897.
 VIII. Memorandum relating to Exhibit E.

(Signed) W. M. THORBURN,
 Additional Sessions Judge.

(True copy)

W. M. Thorburn
 Additional Sessions Judge

Suit No. 75 of 1899.

To

The District Magistrate
 of Anantapur
 (with 4 spare copies)

DESPATCHED

27 JUN 1899

In the High Court of Judicature at Madras.
 Tuesday, the eighteenth day of April
 one thousand eight hundred and ninety-nine
 Present.

The Honourable Sir Arthur J. A. Collins, Kt.

Chief Justice, and
 The Honourable Mr Justice Benson.

Criminal Appeal No. 79 of 1899.

A. Subba Rao — Appellant
 (Prisoner)

Appeal against the sentence of the
 Additional Sessions Judge of the Bellary Division
 in Case No. 85 of the Calendar for 1898.

This Appeal coming on for hearing,
 on the 14th, 17th and 18th April: Upon perusing
 the Petition of Appeal, and the record of the
 evidence and proceedings before the Court of
 Session, and upon hearing the arguments
 of Mr. J. L. Smith, Counsel for the appellant,
 and of the Acting Public Prosecutor in support
 of the conviction, the Court delivered the following

Judgment. The Sessions Judge has
 stated the facts and weighed the inferences
 to be drawn from the evidence fully, and
 we concur in his conclusion as to the guilt
 of the appellant.

It is clear that the alteration in the
 Registrar's book could not have been made
 prior to the sale of the land to the appellant
 in 1896, and after that no one but the appet-
 tant had any interest in making an altera-
 tion. On the 7th September 1898, the

got access to the book he had a strong motive for making the alteration, since a prosecution was then actually pending against him by the Municipality for encroaching on the public street, and the measurement as given in the altered document would cover the encroachment and ensure his acquittal. In this connection it is to be noted that in his statement Exhibit J, made in August 1898 he did not rely on his own document of title Exhibit I which gives the East to West measurement as $43\frac{1}{2}$ yards. Obviously the reason was that he knew that $43\frac{1}{2}$ yards would not cover the encroachment but 45 yards would do so fully. If, therefore, when he read the prior title deed in the Registrar's book on the 7th September, he had found the East to West measurement to be 45 yards, he would have been struck with the importance of the document and would have at once applied for a copy of it. His not doing so is a further proof that the document was not then altered. His long hesitation to make up his mind whether he would apply for it, or not was doubtless in order to obtain an opportunity for making the desired alteration. Again, the allegation that the document was required for production in the Penutonda District Munsifs Court, was evidently in order to prevent suspicion attaching to it in the Municipal case. It was of no use in the District Munsifs case, but if it

suspicion as to its genuineness would be likely to be raised in the Municipal Office and the measurement of 43 yards in it would probably be accepted. All the circumstances thus go to indicate the probability of the guilt of the appellant and we find no reason to differ from the Sessions Judge's appreciations of the evidence of the Sub-Registrar and Stamp vendor which directly proves it.

We, therefore, confirm the conviction, but we think that the sentence of seven years imprisonment is excessive.

Looking to all the consequences which will follow a conviction in the case of a man in the appellant's position we think that a sentence of three years' imprisonment will suffice. We reduce the sentence accordingly.

Ordered accordingly.

(Signed)

for Deputy Registrar,
Appellate Side.

D. Disposal.

Copy communicated to the Taluk Magistrate of Channarayana, thro' the Head Assistant Magistrate, and to the District Registrar Bellary for information.

Amoutapur
Dist. Magt's Office,
Dated 27 May 1899

H. S. Shankar
for Dist. Magistrate.

Aa
20-5-99

The Commission on the Government of the
 State of New York, in its report, has
 recommended that the Commission
 should be organized as a permanent
 body, and that it should be authorized
 to investigate and report upon the
 administration of the Government,
 and to make such recommendations
 as it may deem proper. The Commission
 has accepted these recommendations,
 and has organized itself as a permanent
 body, and has begun its work. It has
 held several public hearings, and has
 received many suggestions from the
 public. It has also conducted extensive
 investigations into the administration
 of the Government, and has made
 many recommendations for reform.
 The Commission believes that these
 recommendations are necessary for the
 improvement of the Government, and
 for the betterment of the State. It
 believes that the Commission should be
 continued, and that it should be
 authorized to make such recommendations
 as it may deem proper. It believes
 that the Commission should be organized
 as a permanent body, and that it
 should be authorized to investigate and
 report upon the administration of the
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 report upon the administration of the
 Government, and to make such
 recommendations as it may deem proper.

When given for copying _____
 When copied _____
 When examined _____
 When signed _____

189

READ AGAIN G.O., No. _____
 189

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
 IN ORIGINAL.

N.B.—
 A = Copy in full.
 B = Not to be copied.
 P = Copy abstract only.
 Q = Copy heading only.