

Political (1895) Department.

ORDINARY MS.

G.O., No. 401

Dated 22nd June 1895

INDEXED.

[Despatch Abstract.]

MIR GHULAM-I-ABRAS

Sanctioning, with remarks, the payment to --, Manager of the office of Paymaster, Carnatic Stipends, of Rs 451-9-3, being the costs incurred by him in the complaint filed against Ahmad Muhi-ud-din Khan Bahadur.

N.B.—There are papers connected with this order in the confidential records.

T296

BACK PAPERS.

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

FURTHER PAPERS.

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

Political (1895) Department

CURRENT No. 742

92: 6.2.95.

From,

The Paymaster
Larnatic Stipend
Chapak

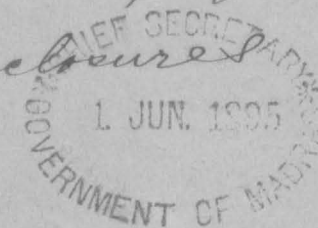
To

The Chief Secretary
to Government
J. A. B. George

Dated 31st May 1895
Received 1 June
rep 5

No. 227 of 1895

Your Enclosures



Forwarding a petition from
his Manager with enclosures
for the favorable consideration
of Government under the
within-mentioned circumstances.

At
this

Order.

The Govt sanctions ^{by} payment
to

Amounting to Rs 451-9-3
of the cost incurred

by Mr. Shulam-i-Abbas, Manager
of the Office of the Paymaster,
Larnatic Stipend, ^{by him} the complaint
filed by him against Ahmed
Kutbi-ud-din Khan Bahadur
& others, which has terminated,
is sanctioned - (B. Orders)

P. C. S. (4)
Recd. 1st June

Wm
14.6.

W. A. B. GEORGE

In the Presidency Magistrates' Court,

Egmore, Madras.

(Application No. 3267.)

Before

C.R. Jones Esquire Chief

Presidency Magistrate.

Calendar No. 10745 of 1895.

Complainant

Mr. J. A. Abbas
Sah

Charge

App. no. 1.

Defamation on 12th April 1894
at Madras by writing a letter to
the Govt of Madras that Complainant
was in the habit of receiving
bribes as Manager of the Carnatic
Magistrate's Office.

Accused

1. Ahmed ul-Din Khan
Bahadur
2. Ahmed Hosain Sah
3. Mahomed Hamid Khan
4. Akbar Hosain Sah
5. Azam Hosain Sah
Mylapore

App. 2 to 5. Sec. 500 Indian Penal Code
Abuse of Office.

Sec. 109 & 500 Indian Penal Code

Mr. Nizamooddeen on behalf of Complainant
applies for adjournment as his Counsel
Mr. Willie Grant cannot attend.

Adjourned to 6th May 1895.

6th May 1895.

Mr. Smith for Complainant.

Mr. Norton for no. 1.

Mr. Grealish for nos. 2, 3, 4 and 5.

Mr. Grealish on behalf of his Clients tenders
an apology to Complainant and states that
they think now they acted improperly in
making the statements they did in the
Commissioner of Police Enquiry.

Mr. Smith for complaint. accept the apology.
and withdraw the complaint against nos 2. 3. 4 & 5
who are discharged.

Mr. J. G. Smith opens the case.

Complainant. Mir Julaifi Abbas
Sah. Solemnly Affirmed.

I am Manager of office of Paymaster.
The accused and his wife are Carnatic
Pensioners. I have been in the office since
1877. Started as Clerk. now I am Manager.
I was Senior Clerk in June 1890. The accused
made some complaints then to Government
of irregularities against Assistant Paymaster
and myself. Enquiry was held by Col. Weldon
who reported to Government. I was told to
send in an explanation on 11 charges
together with Assistant Paymaster. by 8th
the Assistant Paymaster was retired on
pension. I remained in the office. No
Assistant was appointed. So I became
head of office under the Paymaster. In
January 1892 I was made Head Clerk.
and in 1893 I was made Manager, both
with increase of pay. I was not on
good terms with accused during these
years. In December 1893 Accused's name

was removed from Government Honor list
on a report of the Paymaster. I heard
nothing particular to do with that.
After that my relations with accused
were worse. After that accused wrote a
long letter to Paymaster. This is in (A)
I read it. It is signed by accused (to J. G. Smith)
In February 1894 accused's Surname was
suspended for using an unauthorised title
for a friend of his. He used the title of
Khan Bahadur. Contrary to Government
proceedings of April 1889. Government known
of this on report of Paymaster. Accused
gave an explanation. He said it was
Government passed order on 5th April
1894 (B). It was received by us on
5th and was communicated to accused
the same or next day, either as a memo.
or a true copy. Shortly after on 12th April
1894 the letter charging me with Compton
(C) on that day Col. Stewart went on
leave and Col. Quinn took charge of the
office. The charge that I received a
large sum from Prince of Arcot is false.
There are no rules as to Arcot pensions.
They are hereditary. Certain wishes of
the Prince in 1868 were approved by

Government and on that order the pensions are paid. The Baymaster or I have no power to alter them. On death of Shamsia Begum, her pension reverted to Prince of Arcot as it is hereditary and he is head of the family. She had no issue. What is said in C about Shamsia Begum's pension, of my receiving bribe is untrue. This (D) is the G. O. regulating the pensions of the Arcot family (22^d May 1885). It fixes the pensions payable and only Government can alter it. "Continuable" means for one life more. When a death occurs we must go by this regulation as to whether pension continues and to whom. Our office cannot continue pension unless it is entered in these lists.

The Statement in C that I received Rs 687-8-0 from family of late Begum is false. That pension was payable to heirs according to the rules. That I received Rs 200/- from Mahomed Hamid Khan Bahadur was false. As a fact the Elder brother got Rs 25 more than the younger brother. The Statement in C that I received Rs 300 from Miran Fatima Begum

and 5 others to get their pensions is false. A compassionate allowance was given her on Begum's death as she had been supported by Begum. The statement in C that I received 74 Shikars from the family of late Begum, is false. I could not have got them entered as continuable - it is done by rule. There is a revised list as to names struck off and brought on - but no alteration in the rules. The Statement that in March 1894 I received a bribe from ^{Mahomed} ~~Mahomed~~ Khan Bahadur of Rs 1000 is false. He married into Arcot family and his wife drew Rs 1000. The question was about Shikars of his daughter. The Prince put forward no claims - he waived his claims. I know this document (E) in para 5 at end the statement that I had a share in bonuses is false. This document is signed by accused. It was sent to Col. Coy White his Enquiry was going on, and forwarded by him to Government. Fida Hussain dated 21st September 1894. Fida Hussain was drawing Rs 9 - he applied for Commutation. He apply to a Medical Officer and report to Government who pass orders. Fida Hussain did commute - he got about Rs 1000 to 1200. I got no share in this. With regard to para IV Clause in my Complaint that accused stated to

the Commissioner of Police that he gave me
a bribe in 1892 or any other time. That
statement of his is false.

In respect of these 8 charges noted
in my complaint, I prefer charge of defamation.

On receipt by Government of accounts
later there was an inquiry. I was
suspended on 13th November 1894. After
inquiry was over by Col. Coy and reading
result of a departmental inquiry about some
papers, not about any bribe - but it was
also about purchase of jewels, I was
reinstated on 7th January 1895. This is the
S.O. (H). There was a D.O. from the
Chief Secretary (H). I considered for a time
and then applied for permission. I received it (T)
Cross Examination reserved.

1st witness Col. H. S. Stewart. Sworn

I am Cashmaster of Criminal Suits.
I think from 1st April 1892. I know complainant.
the manager. he was in the office as
head clerk then. Subsequently his appointment
was raised to that of manager. I know
accused. a superintendent. Payments of suits
to Arcon family are under a treaty.
There are rules regarding it. but it is in perpetuity.

I was in the office when Shonsia Begum
died. She had Rs 500. On her death,
I ^{forwarded} a report and Government passed
orders on which it lapsed to the Duce of
Arcon. I do not think that the Manager
influenced me in the matter. report was
forwarded from records. I saw the Duce of Arcon
about that time.

The Saranatic family pensions are
regulated by rules. On the death of a
pensioner the rules will show what becomes
of the pension as a rule. In case of doubt
I lay case before Government. The complainant
has never having knowledge put forward
claims of persons. I have always been
very careful to look to records, knowing
there had been inquiries as to things in the
office. I went home on leave on 12th April
for 8 months. I recollect death of the Begum
in 1893. her relatives became entitled to
a moiety and a moiety lapsed. Claims
were put in by her sons and sons-in-law.
In settling the claims I look up the rules
and records and precedent with assistance
of clerks. Whether the Manager made any
recommendation or not, the question had
to be settled by rules and on my report.
I remember Fatima Begum and
her family putting in a claim for compassionate

allowance. She had no real claim. I looked into that very carefully and reported to Government with result that 2 of them for allowances of Rs 50 each. I was not in any way influenced by complainant. If a pension is Continuable I cannot alter it. Government might if they wished to do so. I recollect.

death of daughter of ^{Mahomed} Mahomed. her pension does not lapse to Government. Or to the Prince as she had issue - Byrrine, I think, is meant. relatives. The Prince held no real claim. And he wished to waive any he may have thought he had. Pensions are sometimes Commuted. I know of Accused's name being brought before Government. There was correspondence which resulted in a S.A. (B). his suspension had been suspended before that. Accused's name was taken off Government Honor list. Probably on a report of mine in 1893. After that I received (A) from Accused.

(Mr. Norton objects to Col. Stewart being asked to whom portion of this refers to). Question asked.

I cannot tell you to whom this passage

referred. I suspected that it referred to Manager. Next to myself he is head man in my office. Deaths are reported to me as to how pensions are to be disposed of. Reports. All go into office and Manager brings them up. No one else does this work. It is Manager's special business to bring these matters up. I cannot say on what terms Complainant and Accused are.

Cross-Examination resumed:

2d witness Col. H.W. H. Joy. Sum.

Commissioner of Police. Received authority to order an investigation into charges made against Manager (Complainant). about a year ago. This (C) was sent to me. I had the Enquiry made by Mr. Lipscomb. Supdt. of Police. I saw accused. did not conduct Enquiry myself. I was simply to report to Government whether there were grounds for prosecution. Accused said there were several other charges. but he was unwilling to bring them as he was not sure if the witnesses would come forward. He did not mention any specific occasion in which he himself was concerned. he did not state that he

himself had given a bribe. I cannot distinctly remember whether accused said to me or whether it was reported to me that he said he had given a bribe.

I received this (E) I think before my report went in. There was another report also put in by accused.

Cross Examination. When I received orders to enquire I asked for authority to act as a Magistrate to direct an enquiry by the Police and it was held during it witnesses were compelled to attend and to answer questions.

I made a report to Government.

Re Examination. The statements were not taken on oath. The Police officers taking them could only report and forward statements.

The case was not cognizable by Police.

On my representing this to Government,

they authorized me to investigate any

Case ordered by Government.

At Court. The enquiry was an investigation held by the Police under my orders under the Procedure Code.

Advised to tomorrow at 1 PM

[Signed] C. D. Jones
7.5.95

7.5.95

3d witness Mr H. M. Upshon Sworn

Superintendent of Police Madras City. I remember an enquiry being deputed to me to make enquiry as to a bribe charging Complainant with bribery. Persons were asked to come and give evidence. I took statements from them under Section 161 Cr. Pro. Code. Witnesses were not sworn. After finishing enquiry I submitted the statements to Commissioner of Police. The accused made no statement to me. He came to me several times about the enquiry - he brought some of the witnesses before me. He made a charge against Complainant. I said any accused stated that he had given Rs 50 to Complainant to show him favour in getting his name replaced on the Government Honour list. That was not one of the original charges in the written letter of accused. It was not among the charges I was ordered to investigate. I reported this to the Commissioner and by his order took no further steps.

Cross Examination. This statement was made to me while I was investigating other charges.

Re Examined.

The Enquiry was held at the office of the Commissioner at different times. This statement was made at my house.

Cross Examined. Accused came to my house several times. Not particularly to make this statement.

Questions to Accused.

Question. Do you admit writing and sending these 2 letters C and E and the Memoranda attached to them?

Answer. Yes.

Question. Do you admit making the statement to Mr. Lysdon that you had given a bribe of Rs 50 to the complainant?

Answer. Yes - but the amount was Rs 30 not Rs 50.

Charges will be framed on the 6 items in the letter C. One from letter E and one the statement to Mr. Lysdon.

Adjourning to 28th Instant.

Presidency Magistrate's Court. / Signed / O. R. Jones

Enque, Madras

9th May 1895.

In the Presidency Magistrate's Court, Enque, Madras.

Calcutta no 10745 of 1895 - 30th May 1895

To.

Mr. Gulam-i-Hussain Sahib

Manager

Pay Master's Office, District Office.

Sir,

At the time the letter dated 12th April 1894 was forwarded by me to the Chief Secretary Madras Government, containing six of the defamatory statements now complained of, I was acting on information which had been communicated to me by certain interested persons whose statements at that time I believed to be true. Subsequently when the enquiry was ordered to be made by Colonel Cox and the evidence of my said informants was thoroughly sifted, I learnt that the aforesaid charges made against you which formed the subject of that enquiry were false and without foundation.

(2) With regard to the allegation that you received part of the money frauded to Hida Hussain

I regret to state that I acted hastily though in good faith, and I now find that that allegation also is entirely false.

(3) As to the eighth charge I never said or intended to say that I offered you a bribe in person. I paid money to a third person who told me (at a time when I believed him) that he had ^{paid} money to you. You have now denied it in open court on oath receipt of any money. And I therefore express to you my sincere regret that I accepted and acted upon the statement of a man whom I now believe to be wholly discredited to credit; and whose statement alone referred to as to payment to you I now believe to be false.

(4) I unreservedly withdraw all imputations upon you and express my unqualified regret that through my action you should have been exposed to any trouble or annoyance.

Dear Sir
Yours faithfully

Signed Ahmad Mohamed Khan.

Signed Wilson and King
attorneys for the accused. Accepted
Signed Nizamuddin
Complainant's Vakil 30-5-25

Chief Magistrate's Court
Ahmednagar, Madras
30-5-25



(True copy)
(Private use)

ad. M. Subrahmanian Shastri
for Chief Clerk.

Copy of file 30-5-25
Delivered do
3 received do 1-2-26
Paper & Stamp 1-2-26

List showing the total amount of costs borne by Mir Ghulam-i-Ali Sahib, in the case of defamation brought by him against Ahmad Malik, ad. Din Khan B.D.

No. of Items	Description of expenses	Amount	
		Rs	An
I.	Mr. Syed Mirza, ad. Din B.D., B.D., to draw up an affidavit & to apply for summons	15	"
II.	Court fee stamp to be affixed on the affidavit.	"	8
III.	Fees for 5 summonses @ the rate of Annas 8 per summons.	2	8
IV.	Court fee stamp on the application for Subpoenas.	"	8
V.	Fee for Subpoena to the Chief Secretary for production of documents, with letter	1	4
VI.	Do. to Colonel Stewart for do & evidence with letter	3	4
VII.	Do. to Col. Fox do do do	3	4
VIII.	Do. to Mr. Upshon for evidence with do	3	4
IX.	Fee paid to Mr. J.G. Smith (counsel) on the 6 th May 1895.	87	8
X.	Do. to Mr. James Short (solicitor) on do.	52	8
XI.	Do. to Mr. Syed Mirza, ad. Din (Vakil) on do.	25	"
XII.	Do. to Mr. Smith (at a reduced rate as arranged) on the 7 th May 95	70	"
XIII.	Do. to Mr. Short do do do	35	"
XIV.	Do. to Mr. Syed Mirza, ad. Din do do do	20	"
XV.	Do. to Mr. Smith (at the same rate as on the 7 th) on the 20 th May 95	70	"
XVI.	Do. to Mr. Short do do do	35	"
XVII.	Do. to Mr. Syed Mirza, ad. Din do do do	20	"
XVIII.	Copying fee for record of the case.	6	"
XIX.	Do. for the apology filed by the accused.	1	1

19 Total items Total Rupees 451 9

Madras 21st May '95

Mir Ghulam-i-Ali
Manager P.C.

Roll
3

Madras
21st May 1895.

To
Colonel. H.S. Stewart, I. S. C.
Paymaster, Armatic, Bhopal
Chepak.

Respected Sir,

I beg humbly to enclose attested copies of
defamation and of apology given in the open Court by
the accused, Ahmad Munhi. ud. diin Khan Bahadur through
his Solicitors Messrs Wilson & King and accepted on my
behalf by my vakil Mr. Syed Nizam. ud. diin B.A., B.L.,
for your information with a request that you will be
kindly pleased to forward the same to the Honorable Court.

2. I need hardly mention here Sir, the cause
that led me to accept an apology from the accused, as
I presume you may know them, the chief of which being
the following:-

- (a) That the apology, as it is worded, is an unqualified
and ample one.
- (b) That I was pressed by the leading members of the
the Armatic and Arsat families, who, though ^{apparently} ~~thoroughly~~ dis-
conduct and actions, yet sympathize with the accused
as he is one of the principal members of their families
and any loss that the accused may likely sustain in
the shape of a punishment from the Court, would be
(as they consider) a shame to the whole family of which
the accused is a member - and,
- (c) That my intention in bringing a charge against
the accused was to clear my official ^{character} ~~career~~ and to secure
a punishment for an old man in the position of Ahmad
Munhi. ud. diin Khan Bahadur.

3. I further beg humbly to enclose herewith a
list of costs borne by me in the above case alone
with an earnest request that you will support the same
for the favorable consideration of the generous Government
with

with reference to para 4 to G.O. No 92 d/6th February
1895 "Political", as I had to bear the cost by borrowing
money from others at a moderate interest.

4. The cases against the other accused that
were separately charged stand adjourned to the
10th proximo and will proceed accordingly.

I beg to remain
Honored Sir,

Your most obedient & humble servant

Mir Gulam-i-Abbas

Manager P. C. S. Office.

(1895)

N^o 406 of 1895

From

Mir Ghulam-i-Akbar Salik
Manager, P.C.S. Office

Dated 4 } May 1895.
Recd. 31st }

3 Enclosures.

Enclosing records connected with the case of Defamation & a bill of costs borne by him in the case, and praying to support his requests for the favorable consideration of the generous Govt.

1002
Not Done
Enclos. 3
742

N^o 227 of 1895.

Paymaster's Office
Chapak 31st May 1895

CURRENT No. 742

From, Colonel H.S. Stewart, J.S.C.,
Paymaster's Office, Chapak

To, The Honorable J.F. Price, J.S.C.,
Chief Secretary to Government
Fort Saint George

Sir I have the honor with reference to para 4 of G.O. N^o 92 dated 6th February 95 "Political", to forward a petition from my Manager (with enclosures) for the favorable consideration of Government, praying for the reimbursement of the costs incurred by him in prosecuting Ahmad Mulik. ud. Mir Khan Bahadur for defamation.

2. Regarding the Manager's statement of his foregoing to insist on the case being actually true, I can so far corroborate his consideration for Ahmad Mulik. ud. Mir Khan Bahadur by saying that I am aware a strong feeling of sympathy existed amongst the families and street families for this old man (a son-in-law of His late Highness Prince Zahir. ud. Daula Bahadur G.C.S.I.) and had he been sentenced severely as was probable, had the case gone ^{on} to the bitter end, it would be a subject of shame and

regret

regret to the community at large. It was at the instance of the accused that the apology was offered, and I am of opinion that such able and eminent counsel as Mr. Norton, instructed by one of the best Firms of Solicitors in Madras would never have abandoned their case (before the cross-examination of the prosecution side) had it been anything than a hopeless one.

I have the honor to be
Sir,
Your most obedient servant
J. S. Stewart
Colonel.
Paymaster Carnatic Stipends
Chepak

[G.]
24.
500-21-5-95.

Papers to be read in proceedings:—

Again G.O., dated

189 , No.

Again G.O., dated

189 , No.

Current No. 742

of 1895, dated 31 May from The Paymaster, Carnatic Stipends

" "

" 189 , " , "

" "

" 189 , " , "

ORDER. d/ 22nd June 1895 No. 401

The Government sanctions the payment to Mr. Ghulam-i-Abbas, Manager of the Office of the Paymaster, Carnatic Stipends, of the costs (amounting to Rs 457-9-3) incurred by him in the complaint filed against Ahmad Mahi-ud-din Khan Bahadur, which has terminated.

*Rupees four hundred and fifty one, annas nine and pice three only

C.S.
24/VI/95

(Fr. Orders)

2. The necessity for the Manager having employed two counsel in addition to a Solicitor is not apparent. In the further complaints of this kind which have yet to be decided the Manager should limit the expenses, to a reasonable amount for the case he is supposed to be conducting. Fr. Orders!

P.C.S. (G.) } 24/7
Acct. Genl (G.) }
25/6

C.S.
22. VI. 95

22/6/95

Fr. Orders!

189

Manager, P.C.S. Office

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

189

READ AGAIN G.O., No.
189

DATED

CURRENT No.

CL

(B. Orders)

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.