Political (1896) Department.

①

ORDINARY MS. ✓

G.O., No. 58

Dated 27th Jan: 1896

INDEXED,

[illegible]

[Despatch Abstract.]

PROSECUTION OF A CARNATIC STIPENDIARY.

Recording letters from the Government Solicitor and the Paymaster, Carnatic Stipends, regarding the result of the prosecution of Muhammad Naimullah, a Carnatic Stipendiary.

FURTHER

O.	No.	Department.	Date.
		✓	

பாதுகாப்பு பிரிவு-1

செப்பனிடுபவர் பெயர்: V ராஜா

செப்பனிடுவதற்காக எடுத்துக் -06/08
கொள்ளப்பட்ட நாள் :10/08

4/11/08	14/11/08	25/11/08
சரிபார்க்கும் முதல் பணியாளர் கையொப்பம்	சரிபார்க்கும் 2ம் பணியாளர் கையொப்பம்	ஆராய்ச்சி உதவியாளர் கையொப்பம்

URRENT No. 78

2/58

Political (1896) Department

From

The Paymaster,
Carnatic Stipends
Chepauk.

To

The Chief Secretary
to Government
Fort St. George.

Dated 18 } January 1896.
Received 19 }
Rep'd 20th }

No. 32 of 1896.

Enclosures 6.

CHIEF SECRETARY'S
19 JAN. 1896
GOVERNMENT OF MADRAS

Reports with reference to G.O. No. 461 dated 15th July 1895 "Poll." that Muhammad Niam-ulla was not found guilty by the Magistrate & was therefore discharged.

3/58

High Court House, Madras
16th December 1895

From
W. Grant Esquire
Crown and Public Prosecutor

To.
E. Barclay Esquire
Government Solicitor Madra

Egmore Police Court
Regina on the Prosecution of
The Paymaster Carnatic Stipen
~ Versus ~
Mahomed Naimullah

Sir,

No. 461

With reference to the Proceedings of Government dated 15th July last directing th Prosecution of the above named Carnati Stipendary Mahomed Naimullah No. 1319 for an attempt at cheating the result of whi Government by its order under reference d to be reported, I have the honor to report th pursuant to instructions received from you n [illegible] ation was as fou

th today when, at the close of the Prosecution,
te Magistrate called on me to show what
rimâ-facie case has been made out for any
harge. On hearing me in reply the Magis-
ate delivered a written Judgment dischar-
ing the accused. Copy of which judgment
have applied for and shall furnish to you
 due course.

The Magistrate considers that the case
ainst the accused is not one free from doubt
d hence the result.

All original documents except the two en-
ed are part of the Magistrate's record and
 be obtained by you after copy judgment
 been received and after it is decided
ether any application should be made
he High Court for a Revision, for which
t present see no grounds.

I have the honor to be,
Sir,
Your obedient Servant

CURRENT No. [illegible]

4/58

No. 740

Madras 19th December 1895.

UNDER SECRETARY'S DEPT.
20 DEC 95

From,

Ernest Barclay
Government Solicitor
Madras.

To,

The Chief Secretary to Government
Madras.

Sir,

With reference to the Order of Government dated 15th July 1895 No.461 Political I beg to forward herewith copy of a letter date
16th instant from the Crown and Public Prosecutor to myself reporting
the result of the prosecution of Mahomed Naimullah a Carnatic Stipendiary.

I have the honor to be
Sir
Your Obedient Servant
Ernest Barclay
Government Solicitor.

461: 15-7-95.

RENT. No. 1810

From

The Govt. Solicitor

Madras

No. 740

Dated 19-12-95
Recd 20-12-95
Repd 20-12-95

Encl. 1

Subject

Forwg. copy of a letter from the Public Prosecutor repg. the result of the prosecution of Md. Naimullah, a Carnatic Stipendiary

S/23/11

Please put up 2-30 g 19-3-57

Read current of

Refce No. 69 dated 11-4-96 M/96

The Govt. Solicitor is req
to obtain and forward a cop
~~the Presidency~~ Magistrate's
judgment in the case

for C.S.

Copied 10/1/96

Govt. Solicitor ~~(?) [illegible]~~

10/1 — 11/1

43/10/1

14.1.96 Wr.

Information and Complaint

In the Presidency Magistrates Court Egmore Madras.

Town of Madras to wit }

The Information and complaint of Colonel Hopton Scott Stewart Paymaster of Carnatic Stipends Chepauk Madras taken and made upon Oath this 30th day of October ~~1895~~ in the year of Our Lord One thousand Eight hundred and ninety five before me C. R. Jones Esquire one of Her Majesty's Justices of the Peace and a Presidency Magistrate in and for the Town of Madras aforesaid The said Hopton Scott Stewart saith as follows.

1. That Mahomed Naimulla being a Carnatic Stipendiary of the Government of Madras No. 1319 C wrote to me as the Paymaster of 1st Carnatic Stipends ~~whom~~ who am as such a Public servant on or about the 24th day of April 1895 to pay to him the said accused's agent one Mahomed Cosman Saib certain Stipendiary pensions or allowances then due to him the said accused for the months of April and May 1895.

2. The said Pensions were accordingly to the knowledge of the said accused duly paid to his said agent the said Mahomed Cosman Saib.

3. Subsequent to the payment of the said Pensions as above mentioned the said accused dishonestly and with the

the intention of cheating me the said Hopton Scott Stewart as such Paymaster Carnatic Stipends and my subordinates and clerks in my said office and through them, the Government of Madras by whom the said Pensions are paid wrote on or about the 25th day of June 1895 a Letter to me which was received by me on or about the 27th day of the said month of June 1895 requesting me to pay the said Pensions for the months of April and May as well as the Pension for the month of June 1895 to another agent one Syed Habibulla Saib the said accused knowing or having reason to believe that the Pensions for the said months of April and May 1895 had already been paid to his former Agent the said Mahomed Oosman Saib according to his directions as above stated.

4 ~~I there~~fore charge the above named accused Mahomed Naimulla with having written or caused to be written in his name to me as Paymaster Carnatic Stipends on or about the 25th day of June 1895 a Letter or Letters which was or were received by me on or about the 27th day of the said month with the dishonest intention of inducing me as such Paymaster and Public Servant as aforesaid to pay his the said Mahomed Naimulla's Pension or allowance for the months of April and May 1895 to his agent in the said Letter mentioned, he the said Mahomed

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6/58

In the Presidency Magistrates' Court,
Egmore, Madras.

(Application No. 10556.)

Before O. R. Jones Esquire Chief Presidency Magistrate.

Calendar No. 32126 of 1895.

Complainant	Charge
Col. Hopton Scott Stewart	Attempting to cheat complainant Paymaster Carnatic Stipends a Public Servant by writing or causing to be written in defendant's name a letter requesting that his pension or allowance for April and May 1895 may be paid to one Syed Habibulla Saib knowing or having reason to believe that the said pension had already been paid to one Mahd. Oosman Saib according to a letter of the 24th April 1895 420 + 511 I.P.C.
Accused	
Mahomed Naimullah	

25 11/95	Adjourned to 9th December '95 at the request of Lawyers (Crown prosecutor cannot attend)
9.12.95	Mr. W. Grant for complainant and Mr. Ryan for accused. Complainant Col. H. S. Stewart sworn Paymaster, Carnatic Stipends. I laid the information through the Government Solicitor. The accused is Mahomed Naimullah. I have known him about 3 years. I received this letter (A) on 24th April 1895, asking to hand over his coupons for the year to his agent Mahomed Oosman. This (B) is a blank form as adopted in my office.

The coupon for the year 1895 was handed over to Mahomed Aosman as requested. Subsequently on 27th June '95 I received letter (C) asking me to hand over his coupon to another agent Habibulla Saib. With this I received (D) stating that the previous year's heading had been lost. That heading had been received in my office and was destroyed in April, when the new coupon was handed over to Mahomed Aosman. On receipt of C. my attention was called to the attempted fraud and after enquiring in the office I reported the matter to Government and I was ordered to prosecute. When Pensioners or their vakils come for payment, they hand in their coupons to my clerk Chockalingam Pillay, who checks it and enters in his books, then hands to another clerk who puts office stamp on back of coupon passed for payment. If a vakil presents it his name is also taken by another clerk. We pass the coupons for the months which are due, the whole set of coupons are taken to Bank where payment is made on the coupons which are passed, and they are cut off. On my enquiry I found that one set of coupons had been issued for 1895 and the old heading had been destroyed. The letter C asked for another one to be issued to another agent

Court. I charge accused with after having got one set of coupons issued to Mahomed Aosman endeavouring to get a second set issued to another agent Habibulla and so trying to get 2 sets of coupons for the same year. Had that set been issued, he might have drawn double pension but only if my office were careless and the Bank also. I doubt if he could have got double payment. I sent for accused after receiving his second application. I pointed out the facts to him and he freely admitted he had been guilty of an offence and asked pardon.

7/58 I could not condone it so reported to Governm

There is an order that Pensioners cannot mortgage or assign their pensions, but they are paid to agents when so requested.

7/58

Cross examination reserved and notice to be given if he is required.

1st Witness Mir Gulama Abbas solemnly affirmed.

Manager of office of Paymaster of Carnatic Stipends, been 18 years in office. Known accused from 1877. Sometimes he came to draw pension and sometimes he employed vakils. I dealt more than anyone else with the stipendiaries. I remember the receipt of A. it bears the seal and signature of accused. The request it contains was complied with, and Mahomed Aosman has drawn the pension up to date. He draws last months. (Mahomed Aosman called) this is the man. On 27 June we received 2 letters C.D. They bear the seal of accused (2 seals on each, one being illegible) a reference was made to the records and we found the first letter A. I produce books which show that pension of accused was paid to Mahd. Aosman for April on 3rd of May. and for May on 7th June; besides these books we keep a [illegible] register, I have compared these with it and find correct. Sometimes accused seals only, sometimes seals & signs. I was ordered to send for accused and Habibullah, next day they came, depositions were taken from accused. Habibulla and Abdul Gaff

kalat.
set of
coupons.

on 28th June. Col. Stewart took them. I was present when taken down and read out to them. (E. marked to be used to corroborate the witnesses who made them) This was a departmental inquiry. The witnesses were examined in presence of accused. I correctly interpreted what was said to Col. Stewart. The statement accused made in that he pleaded guilty to attempting to receive payment twice over.

Cross-examination reserved.

2nd Witness Syed Habibullah solemnly affirmed:—

Agent for some Carnatic Pensioners. I know Abdul Guffar, I don't know if he had a seal, he brought and gave me a receipt for purpose of drawing pension on 25th June last. It was sealed with accused's seal. This (C) is it. The seal was not very clear so I told him, and he took it and brought in afternoon with better seal. I told him the heading of coupons was required as well. Next day he brought another letter (D) this is not it (says this because the court stamp &c is on it, explained). The contents of this is the same but I only remember one seal. At 11 o'clock 26th I took these letters (C & D) to Col. Stewart's Office at request of Abdul Guffar. I had no suspicion about the matter. I was called to office for an inquiry. I remember what I said there. accused was examined. I am 63 years old. All I said to Col. Stewart was true.

Cross-examination reserved

3rd Witness Koja Abdul Guffar solemnly affirmed:—

I am employed under the Nabob. I don't draw a pension. I know accused for about 2 years I have assisted him in money business. His No: 1319. I see these (C & D) I wrote them for the accused. (C) this was first on date it bears. Written in accused's presence. This (D) I wrote at accused's request on the date it bears. At first accused wrote a letter himself and gave to me. I gave it up at the enquiry Col. Stewart held. I told Col. Stewart that I wrote the letters (C & D). I had no interest in these letters. Accused owed me some money and I pressed him so he asked me to write. The seals are accused's. I gave C to Habibullah who said seal was not proper so I went to accused and got second seal put on. Habibullah told me the old heading was required. I went to accused and asked for it, he said it was lost, and said he would write. He told me to write. I wrote D. Accused sealed it and I gave to Habibullah. Afterwards Habibullah called me to the office 2 or 3 days after. I made a statement to Col. Stewart: a true statement. I stood security and got him money. Accused told me his pension was in arrears and said I could draw it towards my loan. I handed C & D to Habibullah to do receipt. I made statement of all this to Col. Stewart; accused also made a statement.

Cross-examination reserved:—

4th Witness Mahomed Oosman solemnly affirmed:—

I am an agent for drawing pensions for 40 years. I have drawn accused's pension for past 10 months. Rs 17-4-0 a month. I pay the money with the receipt to the man who gives me receipt. Ismail said. He gave me the old coupon heading and vakalat I took into Paymaster's office. I got a new set of coupons.

Court: I know accused. he comes and sits at Ismail's bazaar. He may have given old coupon to Ismail. Accused gave me no instructions.

Cross-examination reserved:—

5th Witness Ismail Sait called but not present. was not subpoenaed.

Adjourned to 16th Instant at 1 P.M.

(Sd.) O.R.J.

Subpoena to issue for Ismail Sait.

(Sd.) O.R.J.

16.12.95. 5th Witness Ismail Sait solemnly affirmed:—

I keep a shop in Chepauk. I know accused. He has dealings at my bazaar to extent of Rs 3 or 4. He used to write chits and pay when he drew his pension. He gives me his pension receipts. I give to Mahd. Oosman who draws the pension. This has been going on for about a year. In January 95 he owed me about Rs 5. he did not pay and in Feby. he gave me his receipts. There was no seal. I asked accused about it, he said seal was with some one else. I went with accused to that man and met him near Shadi Mahal. He said seal was lost. Accused brought a new seal and put it on the receipts about 8 days after that. In April he gave me the old heading of receipts for the year. I gave it to Mahd. Oosman who brought me a new one for the year. I handed it to accused. I received the pension for April and May and gave to accused.

Court. Accused has his receipts now. he brings to me monthly. Mahd. Oosman comes to my bazaar, so I can give it to him when I see, that is why accused brings it to me.

Complainant Col. Stewart recalled — sworn

By Court— These agents are recognized by my office. If during the year a stipendiary wrote to say he had lost his set of coupons I would issue a new one, noting on it that it was issued to replace one lost which was cancelled. The paid coupons would be cut off. If at same time he changed his agent the old vakalat would be cancelled. If the old set should happen to be presented it would not be passed. I suspected when I received C & D. because he asks for a new set of receipts without explaining that he had received one and lost it. If I had taken C & D to be an applications for a new set to replace those lost, I would have issued them noting that old one was cancelled and cutting off coupons for April, May.

Cross-examination: I cannot recollect when his seal was issued to accused. Year is entered in the seal. I don't recollect Abdul Guffar presenting a coupon for payment or impounding it. It is sometime ago. when I examined accused I conversed with him direct. The manager was present. I made a formal inquiry. I put some questions, but witnesses volunteered, I don't recollect whether I got accused's statement in answer to questions or not, I think we put him some questions. I at once suspected on receipt of C & D. I told him my suspicion. I showed him the document. I can't say if I told him I suspected him of trying to get double payment. I can't say if I let him see what my view was. I think the manager read out the statements, either I or manager did. I don't recollect Abdul Guff

producing a seal at the enquiry.
This E.4. is the record of statements of two other witnesses examined in consequence of advice given by Government Solicitor.

10/58

Order:

From Colonel Stewart's evidence it appears that Carnatic stipends are drawn in the following manner. During April a sheet of paper (exhibit B) comprising a heading and 12 coupons is issued to each stipendiary, one coupon for each month. On or after the 1st of each succeeding month this sheet of paper is presented by the Pensioner or his Agent at the Paymaster's Office, the coupon for the month for which payment is due is stamped and passed for payment, entries being made in a small book for the month and in a ledger. The set of coupons is then returned to the Payee who presents it at the Bank of Madras where payment is made and the passed coupon cut off. This paper B appears to correspond with ordinary blank paying bills. It is not negotiable

Over

ich is of no value until a coupon
as been stamped and passed for
payment at the Paymaster's Office.
Carnatic Stipendiaries do however
manage to negotiate these papers
by handing them over to their
creditors with an order or Vakalat
to a recognized agent authorizing
him to draw the pension as it
becomes due. This is at the risk
of the creditor because the stipendiary
might apply for a new set of coupons
which would be issued to him
and his old set cancelled in
the books of the Office. Illustration:-
A, a stipendiary, owes money to
B, a bazaarman, and hands
over to him his set of coupons
for the year with a letter asking
the Paymaster to pay the stipend
to C, a recognized agent. C, then
draws the money monthly and
pays it to B. Subsequently A,
contracts another debt to D, gives
im a letter to the Paymaster
ting that his set of coupons
king that a new set

may be issued and his pension paid
to E, another recognized agent. A
new set of coupons would be
issued by the Paymaster after
removing the coupons for the
months already drawn and
A's first order to pay to C would
be cancelled. If C, then presented
the old set for a coupon to be
passed for payment he would
be told that that set was
cancelled and he could no
longer draw the pension.
In such a case A has acted
dishonestly but I doubt if he
has committed a criminal
fraud because it is specially
noted on the set of coupons
that they cannot be mortgaged
or assigned and the practice
in the Paymaster's Office admitting
of his getting a fresh set if he
says the old one is lost.
To come now to the present
case the evidence shews that
the accused wrote letter A to

Pay

Paymaster by whom it was received on 24th April 1895 asking him to give his set of coupons for the year to his agent Mahomed Oosman who would draw his pension. This was done and the set of coupons appears to have got into the possession of Ismail Saib a bazaarman who has drawn the pension thro' Md. Oosman up to the present date. On 27 June 1895 the Paymaster received letters C and D from the accused. In C the accused asks the Paymaster to hand over his set of coupons for the year to his agent Habibullah and authorize him to draw the pension. In D accused explains that his old paper has been lost. These 2 letters were obtained from the accused by another creditor of his Abdul Guffar who presented them through the agent Habibullah. On receipt of C and D the records were referred to when it was found that a set of coupons for the year had been issued to accused's agent Mahomed Oosman. Nothing

letter A and the Paymaster suspected something was wrong because accused asked for a set of coupons for the year without explaining that he had drawn his pension for April and May and because he explained in D that his old paper (1894) was lost instead of saying that his paper for the current year was lost. The Paymaster sent for the parties and held an enquiry. The accused then admitted that he had committed an offence. The facts stated in the information drawn up by the Government Solicitor and sent in by Colonel Stewart differ very materially from those elicited from the witnesses and from those proved by the documentary evidence. In the complaint it is stated that in letter A. accused asked that his pension for April and May should be paid to Mahomed Oosman and that knowing [illegible]

an paid him as asked in C, that the
ension for April, May and June
paid to Habibullah. But in
he letters there is not a word
out his pension for any
month at all. Letter A was
ppoints one agent and letter C
ppoints another. It is true
hat if a set of coupons had been
sent as requested in letter C.
ithout cancelling those issued
n letter A and without tearing
ff the paid coupons for April
nd May the effect would
have been that pension for
hose months might possibly
have been drawn twice but
his would have been [illegible]
arelessness in the office. From
hat now appear to be the facts
f this case it is clear that
he accused acted in the
manner in which A acted in
y illustration above and that
his is allowed by the practice
he office. From the wording

13/38

of letters C & D it may be that
accused endeavoured to conceal
the fact that he had already
received one set of coupons for
1898, but the man who got
these letters from him and
in fact who wrote them was
his creditor Abdul Guffar
who was pressing him for
money and it is very probable
that the accused may have
wished him to believe that
the pension for April and
May was still undrawn. His
admission to Col: Stewart that
he had committed an offence
probably meant that he had
deceived Abdul Guffar as to
that. The accused may have
attempted to cheat this Abdul
Guffar but he is not charged
with that nor is there any
evidence of it and there certainly
seems to be no sufficient grounds
on which to charge him with
attempting to cheat Col. Stewart

The accused must therefore

be discharged

(Signed) [illegible] James

Chief Presidency Magistrate

16-12-95

(True Copy)

(In [illegible])

J. Kell

Chief Clerk

Presidency Magistrate's Court
Egmore, Madras, 9 January 1896

[illegible] 7th

Copy applied for on 21-12-95
& supplied on 10-1-96.

6
4

بعالیجناب کرنل سی ایچ اسٹوورٹ صاحب بہادر پیماسٹر آف کرناٹک اسٹیپنڈس جناب

بعد از سلام مراسم مواجب کے واضح خدمت شریف ہو کہ مخلص کی رسید جسکا سر نمبر ۱۳۱۹ بے اسمی ہے سو اسکو مخلص کے وکیل محمد عثمان صاحب کے تحویل کرنے کا آفس کو حکم فرما کر سرفراز فرمانا زیادہ

14/68

Seal of Mohd
Naimullah

(Signed) Mohamed Naimullah

بعالیجناب کرنل سی ایچ اسٹوارٹ صاحب بہادر پیماسٹر کرناٹک اسٹیپنڈس جناب

بعد از سلام مراسم مواجب کے واضح خدمت شریف ہو کہ مخلص کی نئی رسید جسکا سر نمبر ۱۳۱۹ بے اسمی ہے اسکو میرے وکیل سید حبیب اللہ صاحب کے تفویض کرنے کا آفس کو حکم فرما کر سرفراز فرمائیے زیادہ

مرقوم ۲۵ ماہ جون ۱۸۹۵ء روز سہ شنبہ حد

Seal of Mohd
Naimullah

Seal of Mohd
Naimullah

بعالیجناب کرنل اسٹوورٹ صاحب بہادر پیماسٹر کرناٹک اسٹیپنڈس جناب

بعد از سلام مراسم مواجب کے واضح خدمت شریف ہو کہ مخلص کی رسید کا سرنامہ گم ہو گیا ہے جس رسید کا سر نمبر ۱۳۱۹ بے اسمی ہے مہربانی فرما کر میری نئی رسید سید حبیب اللہ صاحب میرے وکیل کے تفویض کر کر سرفراز فرمانا زیادہ حد

Seal of Mohd
Naimullah

Seal of Mohd
Naimullah

(True Copy)

Syed Usman
Clerk and Persian
For Chief

Presidency Magistrate's Court, Egmore, Madras
10th January 1896

Copy of Exhibit E

1st witness **Syed Hubbibulla** (wakil) being duly warned
deposes as follows:-
I received the document (marked A) from me
Khaja Abdul Ghaffur. I returned it to him as
the seal was illegible. It was returned to me
properly sealed from the same individual
I asked him to bring the heading of the old
Coupon as the application was for a new
one. I received document B which I presented
at the Paymaster's office on the 27th Instant.
I had no suspicion that there was any
thing wrong as I would not have ~~[illegible]~~
mixed myself up with this business. I am
a wakil of 35 years standing connected
with this office.

2nd witness **Khaja Abdul Ghaffur** being duly warned
states - Carnatic stipendiary No 1319C/1.A.
Mohamed Neamutullah has been in the
habit of seeking assistance from me and
I am mixed up with his money transactions.
In satisfaction of a late claim against
the before mentioned individual he wrote
document (C) and alleged that his pay was
in arrears for the last 3 months and
that if this document was produced
before the Paymaster C.S. (the witness) would
receive arrears due to Muhammad
Neamulla C.S. Document (C) being dated
7th June 1895 I wrote a fresh one (marked A)
and had it duly sealed by Muhammad
Neamutullah twice the first one being
illegible and handed this paper to
wakil Syed Hubbibulla asking him
to do the needful upon which the latter
asked for the heading of the last year's
Coupon of the Stipendiary alluded to in
the document. I demanded the heading
alluded to from the C.S. before

mentioned. ~~He~~ He said it was lost and told me to write a letter to the Paymaster notifying the loss to ~~the~~ him — Vide document (marked B) The latter was sealed by the stipendiary and I handed this paper along with the one marked A (which was with him) to Wakil Syed Hubbibullah.

C. 5. 1319 C / 1 A **Muhammad Neamulla** being — 3d witness

duly warned states — My wakil Muhammad Oosman receives my stipend of Rs 17. 4 as for my wakalat (marked D) which is in my handwriting. The document E reporting the loss of my seal (engraved in 1893) is also in my handwriting. I wrote document C which bears the impression of my lost seal as I received it subsequently to my report of its loss. I ordered Khajah Abdul Guffar (2d witness) to write documents marked A and B which I sealed myself with my old seal of 1893 — I plead guilty of attempting to obtain double payment of my stipend for April and May 1895 and beg to be pardoned.

Above Evidences of the 3 witnesses recorded taken before ~~the~~ me this twenty Eighth day of June 1895. The statements were duly read over to the said witnesses and acknowledged by them as correct.

(Signed) H. E. Stewart Colonel
Paymaster, Carnatic Stipends

(True Copy) ([illegible])

Chief Clerk
Presidency Magistrate's Court, Egmore, Madras
10th January 1896

16/20

Copy of Exhibit E

Muhammad Usman being duly warned
states as follows:- I have been a "wakil" (or
agent to draw Pensions on behalf of Carnatic
stipendiaries) for the past 40 years. The stipend
receipt for Rs (17. 4. 0) seventeen and annas four
of Mohamed Neamulla I have drawn every
month commencing from the 4th March 1895
up to date. On receiving the monthly stipend
~~reported~~ of Rs 17. 4. 0 I handed it over invariably
to one Ismail Sahib from whom I used
to receive the Coupon monthly to be cashed
on the authority of a "wakalatti nama" from
the owner of the Coupon Mohamed Neamulla
(through Ismail Sahib). I received the same
Coupon for the Current year on presenting
the heading of last years Coupon (at
Paymaster's office) which was received and
destroyed as usual by the Paymaster. I
have seen Mohamed Neamulla in the
shop of Ismail Sahib on many occasions

Ismail Sahib a petty shop keeper residing
in Chepauk being duly warned states —
Mohamed Neamulla is a particular friend
of mine. He was accustomed to take pro-
visions such as ghee, firewood, bread &c
from my shop on credit to the extent of
Rs four or five at the most and as security
handed me over his pay or pension
Coupon for Rupees seventeen & annas four
which latter Coupon was monthly handed
over by me to Mohamed Usman (Moham-
mad Neamulla's Vakil or agent) to be
passed and cashed. Muhammad Usman used
to bring me the amount of the pension Rs seven-
teen and annas four monthly commencing
from March 1895. The old heading for last
years ~~for last~~ was given me to Muhammad
Usman for the purpose of returning it to
the Paymaster

the Paymaster C. Stipends for destruction &
issue of fresh Coupon for present year.
I used to hand over the amount of stipend
Rs 17.4.0 to Mohamed Neamulla then and
there monthly. I have witnesses to prove
these payments by me. Mohamed Neamulla
used to pay and settle my accounts out of
this pension and retain the remainder
monthly.

Question by Paymaster

Did you receive from Mohamed ~~Neamulla~~
Usman the pension of Mohamed Neamulla
for the months of April and May 1895 and
if so what did you do with the amounts?

Answer

Yes, undoubtedly I received the pension
of Mohamed Neamulla for the months of
April and May 1895 and paid the amounts
the same day to Mohamed Neamulla.

Above statements taken before me
this thirty first day of October 1895

(Signed) H. S. Stewart Colonel
Payr Carnatic Stipends

(True Copy)
(Fr [illegible])

Chief Clerk

Presidency Magistrates
Court, Egmore, Madras
10th January 1896

78

No. 32 of 1896

Paymaster, Carnatic Stipen
Office, Chepák 18th January 18

CURRENT No. 78

17/58

From,

Colonel H. S. Stewart, I. S. C.,
Paymaster Carnatic Stipends
Chepák

To,

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

Sir,

With reference to G. O. No. 461, date 15th July 1895 "Political", I have the honor to state that on receipt of the above G. O. I forthwith put myself in Communication with the Government Solicit to take necessary steps for the early prosecution of Carnatic Stipendiary No. $\frac{1319C}{1A}$ Muhammad Naim-ulla. I received (after repeated requests) from the Government Solicitor in October last, an information for my signature which I filed in the Chief Presidency Magistrate's Court on the 30 of October 1895, and the Magistrate ordered the issue of a Summons to the accused returnable on the 11th November 1895. The case was not heard until 9th December 1895 owing to the Sessi where the Crown Prosecutor was engaged.

2. I was under the impression tha there was a good case against the accused and that the charge framed on the informa prepared by the Government Solicitor on evidence furnished by me, would lead

the conviction of Muhammad Naim-ulla, but egret that contrary to my expectations the agistrate has ruled that the accused must discharged for the reasons mentioned in is judgment herewith forwarded with a comlete record of the case furnished by the agistrate on my application for the information Government.

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

Recd 24.4.95

بعالیجناب کرنل ایس ایچ اسٹورٹ صاحب بہادر پیماسٹر آف کرناٹک اسٹیپنڈس چیپاک

بعد از سلام مراسم مواجب کے واضح خدمت شریف ہو کر مخلص کی رسید جسکا سر نمبر ۱۳۱۹ سی ہے سو رشکو مخلص کے وکیل محمد عثمان صاحب کے تحویل کرنے کارکن آفس کو حکم فرما کر سرفراز فرمانا زیادہ

130/58

Seal of Mohd. Naimulla

/Signed/ Mohammed Naimullah

Exhibit B
Cal. No. 32126 of

Recd 27.6.95

بعالیجناب کرنل ایس ایچ اسٹوارٹ صاحب بہادر پیماسٹر آف کرناٹک اسٹیپنڈس چیپاک

بعد از سلام مراسم مواجب کے واضح خدمت شریف ہو کر مخلص کی نمی رسید جسکا سر نمبر ۱۳۱۹ اسی ہے اسکو میرے وکیل سید حبیب اللہ صاحب کے تفویض کرنے کارکن آفس کو حکم فرما کر سرفراز فرمائیگا زیادہ

مرقوم ۲۵ ماہ جون سنہ ۱۸۹۵ء روز سہ شنبہ فقط

Seal of M. N.

Seal of Mohd. Naimullah

Exhibit C
Cal. No. 32126 of 95

Recd 27.6.95

بعالیجناب کرنل اسٹوارٹ صاحب بہادر پیماسٹر آف کرناٹک اسٹیپنڈس چیپاک

بعد از سلام مراسم مواجب کے واضح خدمت شریف ہو کہ مخلص کی رسید کا سر نامہ گم ہو گیا ہے جس کا سر نامہ ۱۳۱۹ اسی ہے مہربانی فرما کر میری نمی رسید سید حبیب اللہ صاحب میرے وکیل کے تفویض کر کر سرفراز فرما

Seal of M. N.

Seal of Mohd. Naimullah

Exhibit D
Cal. No. 32126 of 95

/True Copy/

Syed Umar
For Chief Clerk

Presidency Magistrate's Court, Egmore, Madras
19th December '95

MADRAS

1st witness

Syed Habibullah (Wakil) being duly sworn
deposes as follows.
I received the Document (marked A) from one
Khaja Abdul Ghaffar. I returned it to him as
the seal was illegible. It was returned to me pro-
perly sealed from the same individual. I asked
him to bring the heading of the old coupon as
the application was for a new one. I received
document B, which I presented at the Paymas
office on the 27 Instant. I had no suspicion that
there was anything wrong or I would not have
mixed myself up with the business. I am
wakil of 35 years standing connected with the
office.

2nd witness

Khaja Abdul Ghaffar being duly sworn sta
Carnatic Stipendiary No 1319C Muhammad
Naimullah has been in the habit of seekin
assistance from me and I am mixed up wi
his money transactions. In satisfaction of
a late claim against the before mentioned
individual ~~he~~ he wrote document (C) an
alleged that his pay was in arrears for the
last 3 months and that if this documen
was produced before the Paymaster C.S., I
witness) would receive arrears due to me
mark Naimullah C.S. Document (C) bea
dated 7 June 1895. I wrote a fresh one (m
A) and had it duly sealed by Muhamma
Naimullah twice. The first one being ill
and handed this paper to Wakil Syed Ha
bullah asking him to do the needful, upo
which the latter asked for the heading of
last year's coupon of the stipendiary al
to in the document. I demanded the Hea
alluded to from the C.S. before mention
said it was lost and told ~~him~~ me to write
letter to the Paymaster notifying the l
him – Vide document (marked B) the

sealed by the stipendiary and I handed
this paper along with the one marked A (which
was with him) to Vakil Syed Habibullah.

C.S. 1519 C / 13 Muhammad Naimullah being duly
warned states — My Vakil Muhammad Usman
receives my stipend of Rs 17. 4. 0 as per ~~my~~ my
vakalat (marked D) which is in my hand
writing. The document C reporting the loss of
my seal (engraved in 1893) is also in my
handwriting. I wrote document E which bears
the impression of my lost seal as I recovered
it subsequently to my report of the loss. I ordered
Khaja Abdul Guffar (2nd witness) to write
documents marked A & B which I sealed myself
with my old seal of 1893. I plead guilty of
attempting to obtain double payment of my
stipend for April and May 1895 and beg
to be pardoned.

3rd Witness

Above evidence of the 3 witnesses recorded
then before me this twenty eighth day of
June 1895. The statements were duly read
over to the said witnesses and acknowledged
by them as correct.

(Signed) H. S. Stewart Colonel
Paymaster Carnatic Stipends

of 95

Exhibit E

Cal. No. 32126 of 95

True copy

Chief Clerk

residency Magistrate's
of Egmore Madras
19. 12. 95

Exhibit E¹

Cal. No 32126 of 95

Muhammad Usman being duly warned states
as follows:— I have been a vakil (or agent
to draw pensions on behalf of Carnatic stipen
diaries) for the past 40 years. The stipend
receipt for Rs (17-4-0) seventeen & annas
four of Muhammad Naimullah I have
drawn every month commencing from
the 4th month (1895 up to date. On receiving the
monthly stipend referred of Rs 17. 4-0 I
handed it over invariably to one Ismail Sahib
from whom I used to receive the coupon
monthly to be cashed. On the authority of
a "Vakalat nama" from the owner of the
coupon Muhammad Naimullah (then
Ismail Sahib) I received the new coupon
for the current year on presenting the
heading of last years coupon (at Paymaster's
office) which was received and destroyed
as usual by the Paymaster. I have seen
Muhammad Naimullah in the shop of
Ismail Sahib on many occasions.

Ismail Sahib a petty shop keeper residin
in Chepauk being duly warned states:-
Muhammad Naimullah is a particular
friend of mine he was accustomed to ta
provisions such as ghee, firewood, brea
from my shop on credit to the extent of
Rs four or five at the most and as se
handed me over his pay or pension co
for Rupees seventeen and annas fou
which latter coupon was monthly ha
over by me to Muhammad Usman (Muha
Naimullah's Vakil or agent) to be pa
and cashed. Muhammad Usman used
bring me the amount of the Pension Rs se
teen and annas four monthly com
cing from March 1895. The old headi

...st year was given me to Muhammad Usman
for the purpose of returning it to the Paymaster
... Stipends for destruction and issue of fresh
... for present year. I used to hand over
the amount of stipend Rs 17/4 to Muhammad
Naimullah then and there monthly. I have
[illegible] to prove these payments by me.
Muhammad Naimullah used to pay and
settle my accounts out of the pension and
retain the remainder monthly.

Did you receive from Muhammad Usman
the pension of Mohamed Naimullah for
the months of April and May 1895 and
if so what did you do with the amounts? — Question Paymaster

Yes, undoubtedly I received the pension of
Muhammad Naimullah for the months
April and May 1895 and paid the amounts
the same day to Muhammad Naimullah. — Answer

Above statements taken before me
this thirty first day of October 1895

(Signed) H. S. Stewart Colonel
Pay^r Carnatic Stipends

True Copy
[illegible]
Chief Clerk
Presidency Magistrate
Court Egmore Madras
20.12.95

15

Information and Complaint

In the Presidency Magistrates Court Egmore
Madras.

Town of Madras to wit } The Information and Complaint of
Colonel Hopton Scott Stewart Paymaster
of Carnatic Stipends Chepauk Madras
taken and made upon Oath this 30th day of
October in the year of Our Lord one
thousand Eight hundred and ninety
five before me C. R. Jones Esquire one of
Her Majesty's Justices of the Peace and
a Presidency Magistrate in and for the
Town of Madras aforesaid.

The said Hopton Scott Stewart
saith as follows.

1. That Mahomed Naimulla being a
Carnatic Stipendiary of the Government
of Madras No. 1319C/1A wrote to me as the
Paymaster of Carnatic Stipends who am
as such a Public Servant on or about the
24th day of April 1895 to pay to his the
said accused's agent one Mahomed
Cosman Saib certain Stipendiary
Pensions or allowances then due to him
the said accused for the months of
April and May 1895.

2. The said Pensions were accordingly
to the knowledge of the said accused
duly paid to his said agent the said
Mahomed Cosman Saib.

3. Subsequent to the payment of the said

aid ~~accused~~ Pensions a [illegible]
the said accused dishonestly and with
the intention of cheating me the said
Hopton Scott Steward as such Paymaster
Carnatic Stipends and my Subordinates
and clerks in my said office and
through them the Government of Madras
by whom the said Pensions are paid
wrote on or about the 25th day of June
1895 a letter to me which was received
by me on or about the 27th day of the
said month of June 1895 requesting
me to pay the said Pensions for the
months of April and May as well as
the Pension for the month of June 1895
to another agent one ~~Saiyad~~ Syed Habibulla
Saib the said accused knowing or having
reason to believe that the Pensions
for the said months of April and
May 1895 had already been paid
to his former agent the said Mahomed
Cosman Saib according to his directions
as above stated.

4. I therefore charge the above named
accused Mahomed Naimulla
with having written or caused to be
written in his name to me as Paymaste
Carnatic Stipends on or about the 25th
day of June 1895 a letter or letters which
was or were received by me on or
about the 27th day of the said month
with the dishonest intention of inducin

under an
Public Servant as aforesaid to pay
the said Mahomed Naimulla's pe
or allowance for the months of April a
May 1895 to his agent in the said
letter mentioned, he the said Mahom
Naimulla knowing or having reaso
to believe that the said Pensions ha
already been paid and that he has
thereby committed an offence punish
under Sections 420 and 511 I.P.C, to wit
the offence of attempting to cheat.

Sworn to by the said Hopton
Scott Stewart at Madras
this 30th day of October 1895

(Sd) H. S. Stewart Colone
I.S.C.
Paymaster Carnatic St

Before me
(Sd) C. R. Jones
Chief Presidency Magistr

22/58

PRESIDENCY MAGISTRATES COURT 2nd DIVISION MADRAS

(Order)

Summons to issue
(Sd) C. R. Jones
Chief Presidency Magistra

residency Magistrates Court
gmore this 19th day of Decr 95

True Copy
([illegible])
Chief Clerk

Copy applied for on 17-12-95
Ready for delivery on 19-12-95

In the Presidency Magistrates' Court,

Egmore, Madras.

(Application No. 10556.)

Before Q. Re. James Esqre/ Chief *Presidency Magistrate.*

Calendar No. 32126 of 1895.

Complainant	*Charge*
Colonel Hoplow Scott Stewart. *Accused* Mahomed Naimullah	Attempting t cheat complainant V master Carnatic Stipe a Public Servant, by w or causing to be writ in defendant's nam letter requesting the pension of allowa April and May may be paid to

23/11/95			Habibullah Sai or having reason that the said pensio already been paid Mahomed Oxino according to a let 21st April 1895

9. 12. 95

W. Grant for complainant
Ryan for accused.

lainant H. S. Stewart
Sworn.

Paymaster Carnatic Stipends.
this information thro' the
rnment Solicitor. The accused is
named Naimullah. I have known
about 3 years. I received this
(A) on 24th April 1895. asking
d over his coupons for the year
agent Mahamed Osman. This
a blank form as adopted in
s. The coupon for the year
handed over to Mahamed
as requested. Subsequently
ne '95 I received letter (C)
me to hand over his coupon
er agent Habibulla Saib.
is I received (B) stating

I reported the matter to Governme
and I was ordered to prosecute. W
Pensioners or their vakils come fr
payment they hand in their coupo
to my clerk Thirukalingam Villa
who checks it and enters in his
book, then hands to another clerk
puts office stamp on back of
coupons passed fo payment. If
a vakil presents it his name i
also taken by an ther clerk. We
pass the coupons r the month
which are due. T o older ~~lots~~ sets of
coupons are take to Bank
where payment is made after
coupons which are passed and
they are cut off. On my enquiry
I found that one set of coupo
had been issued for 1895 a
the old heading had been
destroyed. The letter C asks
for another ones to be issued to
another agent.

Agent.

[illegible]

ucted to another agent Habibulla
d so trying to get 2 sets of coupons
the same year. Had that not
issued he might have drawn
ible pension but only if any
ree was careless any other Bank
doubt if he could have got
ible payment. I sent for accused
receiving his second application
ointed out the facts to him and
freely admitted he had been guilty
in offence and asked pardon
~~would~~ could not condone it so reported
government. There is an ~~order~~ order
at pensioners cannot mortgage
assign their pensions but they
paid to agents when so requested.

cross Examined

reserved and notice
be given if he is required

81/ witness Mir Gulam Abbas

mnly affirmed.

25/58 [illegible] than anyone else with the
Superintendent: I remember the receipt of A.
it bears the seal and signature of accused.
The request it contains ~~was~~ complied with.
Ali Mahomed Bowman has drawn the pension
up to date. he drew last month (Mahomed
Bowman Callan) this is the man. On 27th June
we received a letter C. A. They bear the seal
of accused (2 seals on each. one being illegible)
A reference was made to the records and we
found the first letter A. I produce books
which show that pension of accused was
paid to Mahomed Bowman for April on 3rd
of May and for May on 7th June. Besides these
books we keep an audit register. I ~~had~~ have compared
these with it and find correct. Sometimes
accused seals only. sometimes seals and signs.
I was ordered to send for accused and
Habibulla. Next day they came. depositions
were taken from accused, Habibulla and
Abdul Sattar on 28th June. Col. Stewart took
them. I was present when taken down and
read out to them. (E marked to be used to
corroborate the witnesses who made them)
This was a departmental Enquiry. It
nce of

[illegible] proceeding. [illegible]
then he pleaded guilty [illegible]
[illegible] judgment since
Cross examination reserved

2d Witness [illegible] Solemnly affirmed
[illegible] I know
[illegible] for some [illegible] [illegible]
[illegible] [illegible] he had a seal
Abdul Guffar. [illegible]
he brought and gave me [illegible] purpose
of drawing pension [illegible] [illegible]
It was sealed with accused's seal. This (C)
[illegible] The seal was not clear [illegible] I told him
[illegible] and he took it and brought this afterwards
better seal. I told him the heading of [illegible]
[illegible] as well. Next day he brought
another letter (D). this is not it (says the [illegible]
because the [illegible] stamp is on it)
The contents of these is the same. but I only
remember one seal [illegible] 26th I took
these letters (C & D) to [illegible] Stewart's office at
request of Abdul Guffar. I had no suspicion
about the matter. I was called to office for
an enquiry. I remember when I said there
was examined. I am 63 years old.
[illegible]

26/58

3rd Witness Kazi Abdul Guffar Solemnly affirmed.
I am employed under the [illegible] [illegible]
a pension. I know accused [illegible] about [illegible]
I have assisted him in many business. His
No 1319. I see these (C & D). I wrote them for
the accused (C) [illegible] [illegible] on date it bears
written in accused's presence. This (D) I wrote
at accused's request [illegible] [illegible] [illegible]. At
first accused wrote a letter [illegible] and gave
to me. I gave it up at the [illegible] Col. Stewart
here. I told Col: Stewart that I wrote the letters
(C and D). I had no interest in these letters.
accused owed me some money and I pressed
him so he asked me to write. The seals are
accused's. I gave C to Habibullah who said
seal was not proper. So I went to accused
and got second seal put on. Habibullah told
me the old heading was required. I went to
accused and asked for it. he said it was lost.
and said he would write. he told me to write.
I wrote D. accused sealed it and I gave to
Habibullah. Afterwards Habibullah called me
to the office 2 or 3 days after. I made a
[illegible]

I could draw [illegible] my [illegible]. I have seen C.I.D. [illegible] Habibullah in this respect. I made statement to all these [illegible] Jol. Stewart. Accused also made a statement.

Cross Examination reserved.

4th Witness Mahomed Booman. Solemnly affirmed.

I am an agent for drawing pensions for 40 years. I have drawn accused's pension for four [illegible] months. Rs 17-4-0 a month. I pay the money with the receipt to the man who gives me the receipt. Ismail Saib. He gave me the old Coupon heading and vakalut. I took [illegible] to Paymaster's office. I got a new set of Coupons.

Court. I know accused. he comes and sits at Ismail's bazaar. he may have given the Coupon to Ismail. Accused gave me no instructions.

Cross Examination reserved.

5th Witness Ismail Saib Called. but not present. was not subpoenaed.

Continued to 16th Instant. At 1 p.m.

[Initd] B. A. L.

Subpoena to issue to Ismail Saib.

[illegible] He was to write Chit- Extent of the [illegible] and pay when he draws his pension. He gives me his pension receipts. I give to Mahomed Booman who draws the pension. This has been going on for about a year. In January [illegible] he owed me about [illegible]/. he did not pay and in February he gave me his receipts. There was no seal. I asked accused about it. he said seal was with some one else. I went with accused to that man and met him near Shahi Mahal. He said seal was lost. Accused bought a new seal and put it on the receipts about 8 days after that. In April he gave me the old heading of receipts for the year. I gave it to Mahomed Booman who brought me a new one ~~yea~~ for the year. I handed it to accused. I received the pension for April and May and gave to accused.

Court. Accused has his receipts now. he brings to me monthly. Mahomed Booman comes to my bazaar. So I can give it to him whom I see. that is why accused brings it to me.

[illegible] Sworn.

to say he had lost his set of Coupons I would issue a new one: noting on it that it was issued to replace one lost which was cancelled. The paid Coupons would be cut off. That same time he changed his agent. The old set also would be cancelled. If the old set should happen to be presented it would not be passed. I suspected when I received C & D. because he asks for a new set of receipts without explaining that he had received one and lost it. If I had taken C & D to be applications for a new set to replace those lost I would have issued them noting that old one was cancelled and cutting off Coupons for April May.

Cross Examined:

I cannot recollect when his seal was issued to accused: that is entered in the seal. I don't recollect Abdul Guffar presenting a Coupon for payment or impounding it. It is sometime ago. When I examined accused I conversed [illegible] The Manager was present

28/58

recollect whether I got accused's statement in answer to questions or not. I think we put him some questions. I at once suspected on receipt of C & D. I told him my suspicions. I showed him the documents. I can't say if I told him I suspected him of trying to get double payment. I can't say if I let him see what my view was. I think the Manager read out the statements. Either I or Manager did. I don't recollect Abdul Guffar producing a seal at the Enquiry.

This E1 is the record of statements of two other witnesses examined in consequence of advice given by Government Solicitor.

In the Presidency Magistrates' Court,
Egmore, Madras.

29/53

(Application No. 10556.)

Before A. R. Jones Esq. Chief Presidency Magistrate.

Calendar No. 32126 of 1895.

Complainant	Charge
Col. Hopton Scott Stewart	attempting to cheat Compt. the Paymaster Carnatic Stipends, a public servant by writing or ca to be written in Dept. [illegible] requesting that his pension & allowances for April & May '95 may be paid to one Syed Hebi- bullah Saib, knowing or having reason to believe that the said pension had already been pai to one Mahomed Aoosum Saib a cording to a letter of the 21st April Secs. 420 & 511 I.P.C.
Accused	
Mahomed Zaimullah	

1895
December 16

Order

From colonel Stewart's evide
it appears that Carnatic Stipends are drawn
in the following manner. During April a shee
of paper (Ex. B.) comprising a heading and
coupons is issued to each stipendiary, one
for each month. On or after the 1st of each s
ceeding month this sheet of paper is presen
by the Pensioner or his agent at the Payma
office, the Coupon for the month for wh
payment is due is stamped and passed
payment, entries being made in a small
for the month and in a ledger. The set
Coupons is then returned to the payee who
sents it at the Bank of Madras where p

o made and the passed Coupon cut off. This
paper B appears to correspond with ordinary
blank pay bills; it is not negotiable and is of no
value until a coupon has been stamped and
passed for payment at the Paymaster's Office.
Carnatic Stipendiaries do however manage to
negotiate these papers by handing them over to
heir creditors with an order or vakalat to a
ecognized agent authorizing him to draw the
nsion as it becomes due. This is at the risk
the Creditor because the Stipendiary might
pply for a new set of Coupons which would be
ued to him and his old set cancelled in the books
the office. Illustration — A, a stipendiary,
es money to B, a bazaarman, and hands
s to him his set of Coupons for the year with
tter asking the Paymaster to pay the stipend
C, a recognized agent. C then draws the
ney monthly and pays it to B. Subsequently
contracts another debt to D gives him a letter
Paymaster stating that his set of Coupons
t, asking that a new set may be issued
his pension paid to E, another recognized
t. A new set of Coupons would be issued
he Paymaster after removing the Coupons
the months already drawn and A's first
to pay to C would be cancelled. If C
resented the old set for a coupon to be
ed for payment, he would be told that
et was cancelled and he could no longer
the pension. In such a case A has acted
nestly, but I doubt if he has committed a
nal fraud; because it is specially noted
of Coupons that they cannot be mortgaged

or assigned and the practice in the Paymaster's
office admits of his getting a fresh set if he
says the old one is lost.

To come now to the present ca
the evidence shows that the accused wrote
letter A to the Paymaster by whom it was
received on 24th April 1895 asking him to give
his set of Coupons for the year to his agent
Mahomed Oosman who would draw his
pension. This was done and the set of Coupo
appears to have got into the possession of
Ismail Saib a bazaarman who has drawn
the pension through Mahomed Oosman upt
the present date. On 27th June 1895, the
Paymaster received letters C and D from
the accused. In C the accused asks the
Paymaster to hand over his set of Coupon
for the year to his agent Habibullah an
authorizes him to draw the pension. In
accused explains that his old paper has be
lost. These 2 letters were obtained from th
accused by another creditor of his Abdul Ga
far who presented them through the agent
Habibullah. On receipt of C and D, th
records were referred to when it was found
that a set of Coupons for the year had bee
issued to accused's agent Mahomed
Oosman on authority of letter A and the
Paymaster suspected something was wro
because accused asked for a set of Cou
for the year without explaining that he
drawn his pension for April and h

and because he explained in D that his old
paper (1894) was lost instead of saying
hat his paper for the current year was lost.
he Paymaster sent for the parties and held
enquiry. The accused then admitted that
had committed an offence.

The facts stated in the information
rawn up by the Government Solicitor and put
by Colonel Stewart differ very materially
rom those elicited from the witnesses and
rom those proved by the documentary evidence
n the complaint it is stated that in letter A
ccused asked that his pension for April
d May should be paid to Mahomed Cosman
d that knowing it had so been paid he asked
C that the pension for April, May and June
paid to Habibullah. But in the letters there
not a word about his pension for any month
all. Letter A merely appoints one agent
d letter C appoints another. It is true that
a set of Coupons had been issued as requested
letter C without cancelling those issued
letter A and without tearing off the paid
upons for April and May, the effect would
e been that pension for those months might
ossibly have been drawn twice, but this would
e been pure carelessness in the office. From
at now appears to be the facts of this case
clear that the accused acted in the manner
hich I acted in my illustration above
that this is allowed by the practice of
fice. From the wording of letters C and D

it may be that accused endeavoured to conceal the fact that he had already received one set of Coupons for 1895, because the man who got these letters from him and in fact who wrote them was his creditor Abdul Guffar who was pressing him for money and it is very probable that the accused may have wished him to believe that the pension for April and May was still undrawn. His admission to Colonel Stewart that he had committed an offence probably meant that he had deceived Abdul Guffar as to that. The accused may have attempted to cheat this Abdul Guffar but he is not charged with that nor is there any evidence of it and there certainly seems to be no sufficient ground on which to charge him with attempting to cheat Col. Stewart. The accused must therefore be discharged.

(Sd) A. R. Jones.
Chief Presidency Magistrate
16. 12. 95.

/True copy/

Presidency Magistrates' Court
Egmore, Madras.
19th December 1895.

(for Presidency Magistrate)
Chief Clerk.

copy applied for on 17-12-95
ready for delivery on 19/12/95

32/58

No. 29

Madras 20th January 1896.

From,

Ernest Barclay

Government Solicitor

Madras.

To,

The Chief Secretary to Government

Madras.

Sir,

As requested in the Memorandum of Government dated 11th Ins No. 69 Political I beg to forward herewith copy of the Magistrate' Judgment in the case against Mahomed Naimullah a Carnatic Stipend

I have the honor to be

Sir

Your Obedient Servant

Ernest Barclay

Government Solicitor.

83

From . Pol

The Govt. Solicitor

No. 29

Dated 20
Recd 20 } 1. 96
Rep 21

Encl 6

Subject

Forwds copy of the Magte's judgment in the case against Md. Naimullah a Carnatic Stipendiary

Papers put up with Cases 78 & 1810. They have been sent to SA this morning

---

G.
95
1,000—5-11-95

33/58

Political DEPARTMENT

C. No. 1810, 78 & 83

FOR ORDERS. No. 58 d/ 24 Jan '96

Submitted that this may be Recorded.

ORDER

W
25 Jan

Govt. Solicitor (V) }
Bodgwr, C.S. (V) } Desp 29/1

The Crown Prosecutor does not recommend that the High Court should be moved for a revision.

~~CS~~ The case seems to have been badly managed

C.S.
22. 1. 96.

I am not altogether sure that Mr. Jones' law is absolutely right but I doubt whether anything would be got out of an appeal. The man did not cheat or attempt to cheat Govt. in the sense of the Penal Code and if the creditor considers that he was cheated or that an attempt to cheat him was made he can lodge a criminal complaint: it is no concern of Govt.

Ld
23/1

The man might have b
section 182 [illegible]

Prosecution of Car
stipendiary.

FOR ORDERS.

H. E. THE GOVERNOR.

~~THE HON'BLE MR. H. W. BLISS, C.I~~

~~THE HON'BLE MR. J. GROSE.~~