

Political (1897) Department.

ORDINARY MS.

G.O., No. 243

Dated 8-4-97.

[Despatch Abstract.]

Declining to interfere in the matter of a petition from one Raman Padmanabhan of Kottayam touching his dismissal from the Travancore Service on a conviction under the I.P.C.

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 (1897) Department.

CURRENT No. 435

From

The British Resident in
Trawancor & Cochin

Preface No. 407

Dated 18th March 1897.

Received

Registered

Enclosures

Spare copies



SUBJECT.

Forwarding with remarks, a
petition of one Naman Padma-
nabhan of Kottayam re the
illegality & irregularity of his
conviction by the first class
Magistrate Kottayam, & his
dismissal in consequence
from the Service of the Government
forb.

CS.

Order No. 243 of 8-4-97

Petitioner will be
informed that the Govt.
declines to interfere

CS
5.4.97

10
8/4/97

Petitioner (b)

thru the Resd.
with 1 enclosure

10/4/97

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

To

THE RIGHT HONORABEL THE GOVERNOR IN COUNCIL OF FORT ST GEORGE AND ITS DEPENDENCIES

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The humble Memorial of Raman Padmanabam of Kunnnala Veedu Kummanum Kara Aiymanam Provritthy Kottayam North Travancore

Most Respectfully sheweth.

That Memorialist was Proverthicar of Varappozha Proverthy Paravoor Taluq when a charge of Criminal Breach of Trust under Section 409 of the I. P. C was laid to him, tried by the First class Magistrate of Kottayam, and he was convicted and sentenced to seven days simple imprisonment and a fine of Rupees one hundred.

That the details of the charge were as follow.

On an examination of the Granary under Memorialist's charge, there was discovered a deficiency of 102 Parahs of Paddy, and the Memorialist was charged with having misappropriated the amount

That on a Departmental enquiry held by his superior the Tahsildar, it was reported in clear and unambiguous language that the quantity found deficient was far from misappropriated by Memorialist, but the apparent deficiency was the result of a quantity of paddy as per receipt Exhibit I in the case, not having been brought over to the accounts and entered as disbursed.

That Exhibit I has been sworn to, by the recipients of paddy and the receipt has been admitted by the authorities in the settlement of Memorialist's accounts Thus the Theory of misappropriation is a pure myth.

That there was no trust is amply evidenced by the circumstance of memorialist having deposited Rupees Five hundred as security for the post.

That thus Memorialist was convicted under Section 409 of the I P C when the only two elements of that offence viz Trust and misappropriation were desiderata in the case. In other words Memorialist was convicted for doing what his duty required him to do i e to spend or disburse paddy for Government necessity under Government orders.

That a perusal of the list of witnesses submitted in the case and the order of the Magistrate there-on must convince Your Excellency in Council that the Tahsildar cited by Memorialist as his witness viz the first witness was not examined in the case in pursuance of the Magistrate's order.

That Memorialist leaves it to Your Excellency to decide whether such imperfect trials, hasty decisions, wilful convictions and arbitrary proceedings will be tolerated for a moment in any part of British India. They are never the less not of rare occurrence in Native States as the present case itself must show.

That Exhibit I will further be discovered to bear the date that paddy was disbursed. How under the circumstances then could there have been temporary misappropriation as alleged in the judgment of Magistrate.

That the Government following the same strange line of reasoning as the Magistrate dismissed him from service (Vide No 5093 dated the 11 th Edovam 1071) A representation thereupon to the British Resident has been pending decision of the Resident for the last seven months. Hence this appeal to the Madras government with a prayer

(A) that the irregularity and illegality of the conviction and sentence be pointed out to the Magistrate through the Government of Travancore and

(B) that the same Government be requested to reconsider its order of dismissal based upon the palpably illegal and irregular conviction and sentence of the Magistrate.

For which act of grace

Petitioner shall ever pray.

March 1897

Raman Padmanabam

CURRENT No. 435

Residents Office on Circuit.
Ref on CN. 707 of 97 Cochin 18th March 1897.

From

F. A. Nicholson Esquire

As Resident in Travancore Cochin

To

The Chief Secretary to Government
Fort St George.

Sir,

I have the honour to forward the accompanying petition, received in a cover addressed to me from one Raman Padmanabhan of Aiymanam, Kottayam praying that the irregularity and illegality of his conviction by the First Class Magistrate, Kottayam, be pointed out to the Magistrate through the Travancore Government and that the same Government be requested to reconsider its order dismissing him from service.

2.

The Petitioner was a ~

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Provertikaren in the service of the Travancore Sirkar and was tried and convicted on a charge of criminal breach

Breach of Trust in respect of 100 and odd paraks of paddy. The defence raised by him was that 90 paraks of this paddy were duly disbursed from the granary but omitted to be brought into the account through inadvertence and that the balance was the difference caused by re-measurement. The Magistrate's judgment, copy of which is herewith submitted, shows that this defence was unsustainable and he seems therefore to have been justly convicted and dismissed from service.

3. In July last, the Petitioner presented an appeal to this office against the decision of the Travancore High Court in the case passed apparently on an appeal presented before it, but no mention is made about this decision in the present petition. Captain Andrews then in charge gave him an endorsement to the effect that no appeal lies to the Resident from the decisions of the High Court. He does not appear to have received it, or perhaps he does not choose to

to acknowledge that he received it.

4. I have not thought it necessary to refer the petition to the Dewan, as, under the circumstances, the Petitioner's case requires no further consideration.

I have the honour to be,
Sir,

(Your most obedt servant,

J. W. Holman.

Ag Resident.

J. W. Holman

MS

When given for copying 8/4/97
When copied 21
When examined 11/4 } 189
When signed _____

READ AGAIN G.O., No. _____ DATED _____
189 ,

EMENT No. _____

CLOSURES TO C. No _____

OF GOVERNMENT A A A A A A A

OF GOVERNMENT.

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

N.B.—
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