

ORDINARY, MS.

Public DEPARTMENT.
G.O., DATED 4-2-92
No. 86

INDEXED.

When given for copying 4/

[Despatch Abstract.]

Re Prisoner from
case of the village
of Manesim, drawn
Hindupur, Kalinga

5-11-12

4/2
added
18

Rev
8-12-12
30-5-13
13-12-15
2-5-17

READ AGAIN ORDER OF GOVERNMENT, DATED
18, No. , MISCELLANEOUS.

ENCLOSURE.

ORDER No.

STATEMENT WITH DITTO.

ORDER OF GOVERNMENT.

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL (not paged).

N.B.-

A = Copy in full.
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In the Court of 2^d class Magistrate of ~~Mindapur~~
^{February}
The 17th day of ~~January~~ one thousand eight hundred
and ninety one.

to a case no 220 of 1890

judgment

Regina versus Pedda Narasigadu,
2 Adigadu
3 Tippa Reddi
4 Lingadu.

Offence punishable under section 2 of Act 6 of 1878
(Treasure Trove Act)

Prisoners/ps not guilty

Finding guilty

Sentence or
order.

The 1st accused Pedda Narasigadu is sentenced
to pay a fine of Rs 30 in default to undergo 2
months rigorous imprisonment. The 2^d accused
Adigadu to pay a fine of Rs 25 in default to
undergo rigorous imprisonment of 2 months.
The 3^d accused Tippa Reddi to pay a fine
Rs 25 in default to undergo rigorous impr-
-ment for 2 months. The 4th accused

Lingadu to pay a fine of Rupees 50 in default to
undergo rigorous imprisonment for 2 months
under section 20 of Act 6 of 1878.

The Police charge, the 1st accused Peddastarigade,
the 2d accused Adigadu, the 3d accused Tippa Reddi
and the 4th accused Lingadu with having Com-
-mitted an offence under section 20 of Act
6 of 1878, the Indian Treasure Trove Act.

2. The History of the Case is as follows:— About
the 4th or 5th of December last some gold Coins
called *Rimidi* were picked up by the 2d accused
Adigadu from a field when he was grazing
his flock of sheep. He showed them to the
1st accused Peddastarigade and asked
him what they were. He said it appears, in
the first instance, that they were false gold
(*Kani Baiyaru*) but began to collect them
himself and told also the 2d accused
Adigadu to collect them. So they were picking
up the Coins the 4th accused Lingadu joined
them and latterly the 3d accused

Tippa Reddi. It is not known how many Coins
they had collected. They took the Coins home
and did not give intimation of the facts to any
body. The news however got wind and it was known
to many in the village of Menesamudram a shrotrium
village, to which the field from where the Coins were
found belonged and of which place the accused are
all residents. The Reddi of the village Sitaranappa
was then absent on leave and on his arrival on
the 13th December he heard of the news and tried to
get a share in the Coins and hush up the matter.
The Reddi holds also a share in the shrotrium.
Enraged at this another share holder of the shrotrium
whose name is also Sitaranappa came straight
to Hindupier to where Menesamudram is only
4 miles and lodged a regular Complaint before
me, alleging the facts stated above. I at once
took a statement from him and referred the case
to the Taluk Police Inspector for investigation
which resulted in the Police producing a charge
sheet against the accused persons who are 4
in number.

3. Five witnesses were cited for the prosecution.

of whom the 5th witness did not appear and I dispensed with his evidence as unnecessary.

4. The 1st witness is the Complainant Sita-Ramappa. He states according to his original Complaint and defines the various sorts of Coins discovered which are according to his statement Ramatanzees, 'IX'eries, Madalies, Rukulis and a gold waist thread interwoven with gold Cords. He is not able to give their number. He states that this Treasure was found at a spot to where his patta land extends and has a right to a share in it.

5. The 2^d witness is the Reddi Sitaramappa. He states that he joined his appointment on the 13th and learnt that some Treasure was found in a field belonging to his nephew, a resident of Santhebidnur, and which field is in the enjoyment of himself, i.e. the 2^d witness. On the evening of 14th December he sent for the four accused persons but only the 1st & 4th were found and on their being asked about the Coins they admitted having found them and produced before him as follows:-

The 1st accused pedda Narasigadu 25 Coins
The 4th accused Lingadu 28 Coins

A little bit of gold thread interwoven with gold Cords was also produced by the 4th accused at the same time. That witness asked them how they found out the Treasure and he was informed that they dug it out with a sharp stone. He then questioned them that the Treasure must be much more and whether they had any more Coins. They ^{said they} had still a few more with them and would go home and bring them. ~~But~~ But the witness told them, it is darkness and that the remaining Coins might be brought the next morning. (The next morning i.e. the 15th Dec he did not get the Coins) About noon he went to the spot where the Coins were said to be found and came back home (even then he did not get the remaining Coins). On this day the Police Inspector having come to the village he produced the Coins before that officer alleging that he was all the while engaged in tracing out the Coins and after all were recovered he intended to make a report to the Taluk Cutcherry.

6. The 3^d & 5th witnesses are respectively

fathers of the 2d and 4th accused of these.
the 3d witness Nanjappa states that his son
the 2d accused Adigadu brought & gave him
20 gold Coins (Rusala): that he asked the latter
where he got them from and was informed
that they were found in a field which they used
to plough and known by the name of Banda
Cheru: that he kept them hidden in his house
and went away to buy some bulls: that he
came back 7 or 8 days afterwards when the
Reddi of the village, 2d witness sent for him
and asked him for the Coins: that he produced
them before him: that the Reddi told him
to take them to the police Inspector who was
then in the village and give them to him and
that he did so: He further states that he did
not ask his son the 2d accused who else were
with him at the time he found the Coins and
how many they got: This witness is said to
have melted some of the gold Coins and made
an ornament for his females
but he denies it:

7. The fourth and the last witness Papigadu is a
-badi of the village. He states that the Reddi told him
to go and call all the four accused persons: that
he went and fetched the 1st and 4th accused and
that the 2d and 3d accused were not found. That
the Reddi asked ^{the} 1st and 4th accused about the treasure
and they presented before him each a small bundle
which they had tied in their head cloth: That the
2d and 3d accused were found after dark and they
were also asked by the Reddi about the treasure
and they said that they had also got some. The
Reddi told them to produce the same next morning
as it then became dark. The next evening the
police Inspector came to the village and then the
2d and 3d accused produced before that officer
some gold Coins: how many he can't say. He
also stated that his son Lingadu the 4th accused
gave 12 Coins to his hands to be produced before
the police Inspector and he did so:

8. As soon as the police Inspector went to the village
on the evening of the 15th. The 1st accused Pe-
-raigadu, the 2d accused Adigadu and the 3d
accused Lippa Reddi and the 4th witness Papigadu
who is the father of the 4th accused Lingadu
appeared before him and stated that

The Treasure was divided amongst the finders.
and on being asked to produce these shares they
produced as detailed below:

pedda Narasigadu 36 Coins.

Lippa Reddi 11

Papigadu 12

Total 57 Coins

Adigadu said he had given his share to his
father who was absent. The Reddi of the Village
Sitaramappa produced as follows:-

85 Coins said to be produced before him

by the 1st accused pedda Narasigadu

28 Coins said to be produced before him

by the 4th accused Lingadu

1 bit of gold thread 00- 00- 00-

Total 113 Coins & 1 bit of gold thread.

A panchayat was at once held in whose
presence the Coins were produced and the statements
of these people were recorded. In this panchayat
nama it is clearly stated that the Treasuredis-
covered was produced before the Reddi (2d witness)
and that he took a lions share and gave the
few Coins produced by Narasigadu & papigadu
as a compensation for their
trouble in having picked up the Coins

This panchayatnama is signed by the Reddi also and he
never protested against such statements. When the panch-
ayatnama was being written I also visited the place
and the Coins and gold bit were produced before me
and I had them weighed at once and got it recorded
in the panchayatnama.

9. From the summary of the evidence given above it
will be seen that the Reddi and the Kattubadi Papigadu
(as also the accused persons) have made two different
statements one before the police and the panchayatdar
and another on oath before me. It is all due mainly
to the mischief of the Reddi who appears to have tutored
them irrespective of consequences and it is open
to the police to prosecute them for having made
one statement before them and quite a different one
before me. The Reddi reported having joined
his appointment on the 12th (Vide Exhibit B.) whereas
in his statement he states that he joined his appoint-
ment on the 13th. He explains that the entry 12th in
Exhibit B. is a mistake. According to his own
statement he discovered the Coins on the 14th but
he made no report of it to the Taluk Cutcherry
till the desert of the evening of the 15th December.
His report on the subject is dated 16 December.

was not received in the cutcherry till the 29th Decr
The attitude of the Reddi in this case from the beginning
to the end, his indifference at all events in recovering
all the Coins at once but letting the parties to bring
them next day, his acquiescence in the statements
of the accused before the police and the panchayat
and affixing his signature thereto, his failure
to report the very fact that he had come to know
that some Treasure was found and that he is
trying to trace them, and his culpable neglect
even after he had recovered a few Coins in not
having reported the same - are all facts which
afford reasonable grounds to warrant the belief
that he admitted the offence of which the accused stand
charged and that the Treasure actually found
must be much more which were divided between
themselves and distributed to some others to
suborne them from coming forward as witnesses
It must be here noted that the Coins which the
Reddi actually produced vizt 113 noted in para 8
supra, were brought from the house of one Basi Reddi
by the Reddi himself. The house of Basi Reddi
said to be the place where the distribution

took place. Had it not been for the time by Com-
plaint which was at all events not too late, I
should think that even the Coins now recovered
vizt 57, produced by the parties and 113 produced
by the Reddi and 20 more produced by the father
of the 2^d accused Adiyadu - in all 190 Coins and
a bit of gold thread would not have come to
light.

10. I therefore charged the accused under section
20 of Act 6 of 1878 and called upon them to
enter on their defence. The 1st and 2^d accused
state that they found the Treasure on two successive
days. What they got on the 1st day they kept
in their house and what they got on the 2^d day
they voluntarily produced before the Reddi as
soon as he joined his appointment. That
the Coins which they got on the 1st day are those
which were produced before the Police Inspector.
The 2^d and 3^d accused state that they got
only what they had produced and no more.
None of the accused are able to say how many they
got except the 3^d accused Lippe Reddi who
however gives eleven (11) as the number. In

not here remark that the story of the 12th and 4th accused that they got the treasure on two successive days is utterly false and quite inconsistent with what they have stated before the police and the panchayat vizt that those Coins which they themselves produced were what the Reddi had returned to them as compensation for their trouble.

(11.) When I have proceeded thus far it occurred to me taking all the circumstances of the case into consideration and the fact that the treasure trove Act is a special enactment, a case of this sort should be finally disposed of by the divisional Magistrate and I accordingly submitted all the records to that officer under section 346 C.P. But the divisional Magistrate remanded the case back to me directing me to dispose of myself vide his proceedings no 47/12.2.91.

12. For the reasons recorded above and the fact that the accused have not been honest in their statement I find them guilty and sentence the 1st accused Redda. Narasimadu to a fine of Rupees Fifty in default

to undergo two months rigorous imprisonment. The 2nd accused Lingadu to pay a fine of Rupees twenty five in default to undergo rigorous imprisonment for 2 months. The 3rd accused Deppa Reddi to pay a fine of Rupees twenty five in default to undergo rigorous imprisonment for 2 months and the 4th accused Lingadu to pay a fine of Rupees fifty in default to undergo rigorous imprisonment for 2 months under section 20 of Act 6 of 1871. The Coins produced and the bit of gold thread will be forwarded to the Collector of Amantapur.

13. As the part played by the Reddi Sitaranappa in this case has to be noticed the matter will be reported to the division officer in view of his being departmentally dealt with or even criminally prosecuted.

14. It is inexplicable how the Reddi was not charged as an abettor in the case by the police.

15. The Complainant Sitaranappa it may be remarked deserves some compensation for having brought the facts to light.

by which a portion of the treasure was traced
by the police. This fact will be brought to the
notice of the Collector when disposing of the
coins under the Treasure Trove Act.

(sa) Mr. V. Varadachari
Magistrate of Law
(true copy)

Suburban

ANANTAPUR COLLECTOR'S OFFICE.

Dated 19 January 1892.

No. 3

Enclosure.

From

W. G. Underwood Esquire

Collector of

ANANTAPUR.

To

Chief
The Secretary to the Commissioner of Government
Public Department,

MADRAS.

Sir,

On or about the 4th December 1890, 190
gold coins (Tippu Sultan) and a piece of
gold necklace weighing in all six Tolas,
valued at Rs 120 (one hundred and twenty)
were discovered by one Adigadu in the earth
in a dry field called Bandachenu in the
village of Manesudrain, Hindupur Taluk,
which pastures a flock of sheep.

2. The Adigadu and three
others, who subsequently joined him and picked up
the coins &c having failed to give notice as
required by section 4 of Act II of 1878 (Treasure
Trove Act) were punished under section 20 of
the Act and the coins &c produced before the
2nd class Magistrate of Hindupur were for-
warded to me for disposal under section 5518.
The enclosed copy of the judgment in Calcutta
case No 220 of

Magistrate Ju

and how the matter came to light.

3. A notice inviting claimants for the Treasure was published in the manner prescribed by the rules passed under the Act and special notices were also served on parties and published in the village in which the place where the Treasure was found is situated. No one having appeared to claim the Treasure it was declared to be confiscated under Section 6 of the Act with intimation of the same to the parties. One Sitarama Punt, guardian of the Minor Rama Row, who had signed my notices on the 2nd August, 8th September and 3rd October 1891, sent in a petition, 2 months after seeing my first notice, that the land in which the treasure was found should be ordered to be examined in order to decide the minor's right for the ownership of the land. His request was rejected subject to appeal under penultimate clause of Section 9.

4. The period of two months allowed for appeal having expired on the 20th December 1891, I have the honour to request that sanction of ~~Chairman~~

In J. C. No. 1791/20 of the 190

gold coins and the gold necklace.

I have the honour to be,
Sir,

Your most obedient servant

For Collector.

JP

REVENUE DEPARTMENT.

193
Public Dept

From,

The Collector of

ANANTAPUR.

To,

Chief
The Secretary to the Government

Commissioner of

Public Department

MADRAS.

Dated 19 } January - 1892.
Received

U
PR No. 3

Enclosures. /

Subject.

Requesting order for the
sale of the treasure found
in a field in the village
of ~~Amesamudram~~
~~Amesamudram~~ ^{there are no claimants}
~~Amesamudram~~ ^{to claim it}

C. A. Christensen
R.S.
27.1.22
re 911

Public Dept

Another peculiar treasure
trove case in the Anantapur district. vide G.O.
dt 10.10.89, No. 808.

Certain gold coins were
found in a field on the
4th or 5th Dec. 1890. A man
who thought he should
have a share of them
lodged a complaint before
the 2nd class Taluk Magistrate
of Hindupur about
the 14th or 15th idem. The
Magistrate referred the
case to the Taluk Police
Inspector for investigation
and the Police produced
a charge sheet against
the finders of the coins.
The village Reddi's report
was received in the Taluk
Court on the 29th Dec.
The accused were charged
by the Taluk Magistrate
under Section 20 of the
Treasure Trove Act with
having failed to give
notice of their find.
Attention is invited to
para. 11 of the judgment.
The records of the case
were submitted to the
Divisional Magistrate.

*
The action taken on it
is not reported -

who, however, remanded the case back to the District Magistrate for disposal. He found the accused guilty & the sentences were:-

- No. 1. Fine of 50/- in default
- No. 4. 2 months rig. inpt.
- No. 2. Fine of 25/- in default
- No. 3. 2 months rig. inpt.

This was on the 17th Feb. 1891, and the coins were sent to the collector afterwards.

The collector subsequently proceeded in accordance with the Act, but dates are not given, the final period of appeal expired on the 20th Dec: 91, and the collector now requests sanction to sell the property. The collector reports "No one having appeared to claim the treasure it was declared to be confiscated under section 6 of the Act". This proceeding does not seem to be covered by the section quoted - the declaration by the collector should be made under section 9.

It appears to have been accepted practice that prosecutions under sects: 21 of the Act should be

ordered by the collector, and only after he has taken action under sects: 5 & 7. The procedure in this case seems to have been wrong from beginning to end; and the sentences passed unnecessarily severe. (vide G.O. d/ 24.11.91, No. 2404. Sudl).

It is submitted that an enquiry into the working of the Act is called for, and that, as a preliminary, District Magistrates should be asked for a return of cases ~~in~~ in which prosecutions have been ordered and the results.

/For orders/

Order B 4 Feb 92 - 86.

[The sentence was doubtless very severe, but I am unable to see any substantial irregularity in the ^{the collector will submit} proceedings. I would call for his proceedings in the case & report whether the sentences have been executed in whole or part. He will also ^{furnish a list of} specimens of the coins [to be sent] to the museum to see whether any are wanted for it

J.D.B. An utter bungle appears to have been made of this case. Should the Col. hold enquiry according to law now. There does not seem need to enquire into the working of Revenue & Treasure Act. It is not often that mistakes are made. This is the worst case that has yet come up. 28 Jan 92

1660
1 Feb 1892 /For orders/
J.D.B.
2/2/92
The Collector of Amritsar.
Supt. G.C. Museum.

Quantapur Treasure
Grove lease.

Hon. Mr. Stokes. C.

C. 29/1
D. 2/2