

20
000-22-7-06

Public (1896) Department.

ORDINARY MS.

G.O., No. 1055

DATED 24-9-96

[Despatch Abstract.]

Lakshmanarayana Satnaik.

Directing that all papers be — be forwarded to the
Govt. Solicitor with a view to prosecution
being instituted in the Paddy lands
against — under sections 182 & 415 of the P.P.C.

FOR ORDERS.

Let us wait & see the result of Mr. Weir's interview with the Zam. - If that results in a ~~conviction~~ ^{conviction} for cheating the Zam., we may drop the proceedings - If not, there can be no difficulty in the C.S. authorizing more caution under S. 195 (2) - He had better write his sanction formally before he goes on leave so that it may be used during his ab. since - The Public Prosecutor may be asked to advise as to its wording. The C.S.'s evidence is not apparent to be necessary as the receipt of the petition can be proved by the paper clerk in the office - Besides, I think the man admitted the petition, to the Zam. & signed. The prose. of this Zam. must be in Madras. I thought the ~~letter~~ ^{petition} was despatched from Gm, but apparently this was not so.

11/8/96

Mr. Weir proposes to prosecute Lakshmanarayana Patnaik under chapter XVIII of the Indian Penal Code if the Zamindar of Parlakimedi consents to give evidence and to abandon the charges under sections 182 and 417 & 511 - Mr. Weir intends sounding the Zamindar on the point and reporting the result to Govt.

If the Zamindar fails to decline to give evidence, ~~then~~ Lakshmanarayana Patnaik should, if it is submitted, be prosecuted under sections 182 and 417 & 511 of the Penal Code. The question to be decided ~~in this case~~ is before what court the trial should be conducted. As the

were committed in Madras the complaint should apparently be laid before the Presidency Magistrate in the first instance. If it is ^{desirable} considered that the case should then be transferred to a Court in Ganjam, the High Court will have to be moved by the Crown Prosecutor under section 526 of the Criminal Procedure Code and the application to the High Court should be supported by affidavit or affirmation of the complainant i.e. the Chief Secretary. If the High Court sanctions ^{the} transfer ~~to~~ the Court in Ganjam to which the case may be transferred will probably require the evidence of the Chief Secretary. If the prosecution be conducted before the Presidency Magistrate, witnesses from Ganjam will have to be summoned to Madras.

The inconveniences of the latter course are, it is submitted, less

FOR ORDERS.

H. M.

How? of course have affected the C.S.'s off. reputation - But S. 182 is now quite clear, to this does not in the - If I suppose, I should say, S. 182
J.S.

submitted that Mr. Weir's proposal to abandon or hold in abeyance the charges under sections 182, and 417 & 511 if the Zamindar consents to give evidence may be approved and ^{that the Zamindar} if ~~he~~ declines, the Lakshmanaraya Patnaik may be prosecuted before the Presidency Magistrate, the Crown Prosecutor being directed to conduct the case.

C.S. 46
10.8/86 The Public Prosecutor put up an ingenious case of attempting to cheat and I am not at all sure that he is not right. I should have had an unpleasant time of it if I had signed the certificate and it had been as would have been by his own hands. I remember impossible found that the information upon which I acted was false and my inquiry insufficient.

10.8/86.

Con 228.

80 917. Aug 1896

My dear Weir,

Your 80. of the 4th inst.
 about the prosecution of
 Lakshmanarayana Patnaik.
 The Govt. accepts your proposal
 that if the Zamindar of
 Parlakinedi consents to give
 evidence and if the
 prosecution for cheating brings
 the ~~to~~ results in a conviction,
 the charges under sections
 182 and 417 & 511 of the I.P.C.
 may be dropped. If
 otherwise I am to ask
 you to send all papers
 (including those forwarded with
 80. No 735 Pub 8 13-7-96)
 to give such information as
 and ~~full information~~ that would
 be required for instituting
 a prosecution under the
 other two charges. The complaint
 will be laid before the
 Presidency Magistrate, Madras
 but as the Chief Secy. may
 not be able to do so in
 person.

Parlakinedi

Lakshmanarayana Patnaik

11/8.

please ask the Public Prosecutor
to draft an order sanctioning
prosecution under section
195 of the Crim. P. Code.
and let me have it.

I return the Public
Prosecutor's memo as desired
by you, but please let me
have it back in case you
a prosecution is to institute
at Madras

14/8/96

Cf. Weir Esq. J.C.
with memo etc.

Patnaik

[G.]
10
100-29-7-96.

Public (1896) Department.

CURRENT No.

Confidential No.

From

C. J. Weir Esq. J.C.

Ch

Order

My dear Weir,

No.

With reference to your letter
of the 27th regarding the prosecution
of Lakshmanarayana Patnaik, will
you please ask the Public Prosecutor
to expedite the submission of the
papers and the draft order sanctioning
prosecution under sec. 195 of
the Cr. P. Code as I must sign
the latter before I proceed on
leave

Dated 27 Augt
Received 1
Registered 1
Enclosures -
Spare copies.-
1896.

Sincerely

SUBJECT.

Re prosecution of Lakshmanara
yana Patnaik

C.J.
2.9.96

C. J. Weir Esq. J.C.

Obtain and

Note for Es.

A further letter from Mr Weir
may it is submitted, be awaited. He
has not forwarded any of the documents

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Desd⁽⁶⁾ 1/19
Telegram to

Collector, Ganjam

464 x Refer my demiofficial
seventeenth August. Lakshmanaray
Patnaik - Please send ~~some~~ ^{immediately}
~~to reach here eighteenth~~ papers
draft
and order under 195 Criminal
Procedure Code.

CueB
10/12/19

[G.]
10
100-29-7-96.

Public (189 6) Department.

CURRENT No.

Confidential No.

From P. S. P. Rice Esq.

Order

No.

Dated 12

Received 17

Registered 18

Enclosures .

Spare copies.

SUBJECT.

Advises despatch of 1 re
papers re Lakshmanarayana's
Patnaul

G.O.	No.	Department.	Date.

G.O.	No.	Department.	Date.

CHIEF SECRETARY
GOVERNMENT OF MADRAS
SEP. 1896

Dear Mr. [unclear]
Mr. [unclear] broken
[unclear] saying that you are
anxious to have all the
papers connected with
Lakshmi Narayana Patil's
case sent to you so that
you might get them before
going on P.W. leave.
I have therefore forwarded
them to you direct as being

Papers sent by registered post

were handed to me by the
Public Prosecutor. As I
am in camp there might
be some delay by sending
into the office.

I hope you will forgive me
if I am (innocently)
transgressing any rule
of official etiquette.

Yrs sincerely

Camp
Behampur Walter P. Price

12. 9. 96.

list of evidence accompanying
collection letter to the Public Prosecutor,
District Court, dated 27th August 1916. J.L.P.

1. Horoscope of Rajarathna Nayak
2. An English translation of
material portions of the horoscope
3. Statement taken by the former
Deputy Collector from Sh. Venkataramanayya
Bambla, 2nd grade Pleader, Russellkonda.
0-7-21
4. Statement taken from Chetana
Patnayak, Landholder, Russellkonda.
5. Statement taken from
Srinatha Panigrahi of Pulacana, Clerk,
Deputy Inspector of Schools, Russellkonda.
0-7-21
6. Statement taken from Shri
Bikkari, a Kalinga Komiti.
7. Statement taken from Sadasa
Mahant of Kampan.
8. Former General Deputy Collector.

Letter, L.C.No. 3 Rev P/6 dated 27th May 1916

CHIEF SECRETARY
19 SEP 1896
GOVERNMENT OF MADRAS

From
D. V. Ramaswami
Public Works
Berhampore

To
P. S. P. Rice Esquire ICS
Collector of Ganjam
Chhatrapore
Berhampore Dated 12th Sept 1896.

Sir,
With reference to your
letter dated the 27th August
last and the D.O dated
the 17th Idem of the Chief Secre-
-tary to Government, I
have the honor to send
herewith a draft Proceed-
-ings sanctioning prosecution
under Section 195 of the
Criminal Procedure Code
and return all the papers
sent with your letter
under reply.

Please Com. are them with the
Sd/- D. V.

I wanted to consult
the Civil Service Regulations
but I could not get a copy.
Hence the delay in forward-
-ing the said draft. As I
have learnt from the Gazette
that the Honorable Mr Price
~~is~~ going away on leave,
I have forwarded this without
~~forwarding~~ the Civil Service
Regulations. I considered
that it may be necessary
to send the papers to him
before he availed himself
of his leave.

In the Proceedings
I have omitted all details
as I did not think it advisable
to show our hand prematurely.

I have the honor to be,
Sir,

Your most Obedient Servant.

D. M. M. M. M.

Public Prosecutor

List of papers to accompany
 go. no 1055 Public & 24 Sept 1896.

1. Public no. 1440 and its enclosure (horoscope) L. R. A.
2. Gndt no. 942 & 4.5.96.
3. Public no. 1411.
4. Public no. 1630.
5. go. R no. 573 Pub & 15.5.96.
6. Public no. 1810 and its three enclosures
7. Public no. 1835 and its enclosure
8. Public no. 1951 and its enclosure (including Baghirati Patnaik's horoscope)
9. Advocate General's opinion & 13 June 96.
10. ——— do ——— & 22 June 96.
11. ——— do ——— & 6 July 96.
12. Copy of go. no. 735 Pub. & 13 July 96.
13. Mr Weir's do. & 4 Aug 96 and its enclosure
 (Gaujam Pub. Prosecutor's letter & 30.7.96)
14. Copy of do. to Mr Weir & 17 Aug 96.
15. Mr Weir's do. & 27 Aug 1896.
16. Copy of Regulations for the Indian Civil Service Examination
17. Gumsur General Duty by Collector's letter re no. $\frac{3}{Rev}$ & 14 May 96 with Kolo Thripadli's statement
18. Baghirati Patnaik's petition & 24 May 96.
19. Gumsur General Duty by Collector's do. of the 23rd May 96.
20. Gumsur General Duty by Collector's do. of 27th May 96
21. Govindaboss Bastia,

- Audit, Russellkunda Normal School
22. Statt of Moolasudana Shyad, Rev. Ingle
 23. Statt of Lala Kammal, Dy. Jailor, Hill Jail, Russellkunda
 24. Statts of Kala Tripadli, Immaler
 25. Statt of Bonia Bhasu Kikkari
 26. General outy Dy. Collector's remarks on Baghirati's petition of 27 May 96.
 27. Gml. outy Dy. Collector's of 29 May 96
 28. Statt of ~~Shankararamayya~~ Panstali, 27 June 1896
 29. Statt of ~~Shankararamayya~~ Patnaik, landholder
 30. Statt of Gopinatha Patnaik, clerk of the Dy. Inspector of Schools
 31. Statt of Immala Kikkari, a katinga kumti
 32. Statt of Sasaradli Mahanti of Nangam
 33. General outy Dy. Collector's letter Re. no $\frac{3}{20}$ of 27 May 96
 34. G.O. no. 1024 A. ^{Pub} of 21st Sept 96.

Public Dept

Read again G.O. no. 735 Pub 3
13 July 1896.
Conf. nos 228; 244 + 268.

Order NO 1055 of 24th Sept 1896

The papers will now be forwarded to the Govt. Solicitor with the request that the necessary steps may be taken for instituting a prosecution against daktamanarayana Patnaik and such other persons as ^{the Govt. Solicitor} he may consider fit. Should be included in the section 195 of the Code of Crim. Procedure signed by the Hon. Mr. Price is enclosed.

3. The prosecution will be conducted by the Crown Prosecutor.

4. The Govt. Solicitor ^{should} may address the Collector of Ganjam direct for any further particulars he may wish to have.

Govt. Solicitor

as per

Crown Prosecutor

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

189 .

READ AGAIN G.O., No.
 189 ,

DATE:

CURRENT No.

ENCLOSURES TO G. 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