M.R.O. 14—10,000—21-4-22

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 2039	Press Mis.
288-289	
Dated 24-10-1867.	

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 24th October 1861.

No. 288. Read the following letter from G. THORNHILL, Esq., Acting Collector of Kistna District, to J. D. SIM, Esq., Secretary to Government, in the Judicial Department Fort Saint George, dated Masulipatam, 16th October 1861, No. 27 :—

SIR,

1. In forwarding copies of two letters from the Joint Magistrate, and a draft of charges against Covúr Lachmana Ráu, Tahsíldár of Martúr Táluq in this District, I have the honor to state that Mr. Sullivan has been informed that the prisoner, the charges against whom are enclosed, is in treaty with an eminent Barrister attached to the Supreme Court to conduct his defence before the Session Court of Guntoor, should he be committed to take his trial. Mr. Sullivan has pointed out to me that, in this case, the ends of justice may possibly be defeated, unless the Government be similarly represented.

2. I have the honor, therefore, to request that you will obtain the orders of Government, as to whether it is their wish to employ counsel for the prosecution, should the report that the prisoner will be defended by an English Barrister prove correct, and that you will inform me of the result. I am of course unable at present to state positively, if any arrangement has been actually entered into by the prisoner with the Barrister in question ; but, as the Government will observe from the charges, the case is one of a very gross nature as against the first prisoner C. Lachmana Ráu, Tahsíldár of Martúr, and as a large number of the Táluq servants, subordinate to the first prisoner, are also implicated, it is probable that the evidence will be involved and contradictory, and that the employment of professional skill on one side without a corresponding advantage on the other, would be likely to defeat justice.

No. 289. ORDER THEREON, 24th October 1861, No. 2,034.

The Government do not deem it fitting to act on the Joint Magistrate's suggestion in this case.

(Signed) J. D. SIM,
Secretary to Government.

Kristna District Joint
Magistrate's Kacheri Guntoor
7th October 1861.

No. 126

From A. H. Sullivan Esqre.
Joint Magistrate of K. D.

To. G. Thornhill Esqre.
Acting Collector of K. D.
Bandr

Sir,

I have the honor to acknowledge receipt of your letter of the 5th Instant No. 2[illegible], and to state that I am unable at present to send you the full report therein called for, shewing the result of my investigation into the charge of having suppressed a murder case brought against Covini Lakshmana Row, suspended Tahsildar of the Martur Taluq as the case is still sub judice.

2 I hope to complete it in the course of this week.

3 Though there are still some witnesses to be examined, and the Tahsildar's defence to be taken I do not see how he can possibly clear himself of most of the charges against him.

4 I think it right to mention here that I have

[illegible] reason

reason to believe that Lakshmana Row is in treaty for the services of an eminent barrister from Madras to defend him before the Session Court, and I am of opinion, should such prove to be the case, that the Prosecution for the Crown should be similarly supported, and would suggest that Government be at once communicated with on the subject, as with powerful advocacy on only one side of the case the ends of justice might be defeated.

I have the honor to be
Sir
Your most obedient Servant
Signed A. K. Sullivan
Joint Magistrate.

True Copy
Acting Collector

Exd J D Cumha
HC

Kristna Destrict Joint
Magistrate's Kacherry
No 129 Guntoor 11th October 1861

From
A. K. Sullivan Esqre
Sub Collector & Joint Magistrate of Kr D
Guntoor

To
G. Thornhill Esqre
Acting Collector Kr D.
Bandar

Sir,

I have the honor to acknowledge receipt of your letter of the 9th Instant, No 30 of 1861 and to enclose a Draft of charges pending against Cavel Lakshmana Row, late Head of Police of the Martur Division so far as I am able in the present stage of the proceedings to draw them up.

2 I may mention that, in the last charge of Bribery, and corruption, the Martur Taluq Shereistadar, the Revenue Javobneviss, a Samutsa the Police Jamadar, the Police Havildar the Police Naique, and some thirteen Peons all of the Martur Division, besides the givers of

the

the bribe, are implicated.

3 It appears to me probable that against the Minor Officers the evidence will be insufficient to warrant their committal, but should Lakshmana Row secure the services of a barrister, and should the Government resolve that the prosecution be similarly supported, the services of the Counsel for the Crown should be carefully engaged to prosecute all Parties committed as having been concerned in the suppression of the murder.

I have the honor to be

Sir

Your Most Obedient Servant

Signed J. A. W. Sullivan

Sub Collector and

Joint Magistrate

/ True Copy /

Acting Collector

Exd J. D. Cunha

4

Draft of charges pending against

Covini Lakshmanarao, Head of Police

of the Martur Division

Kristna District

1 Abuse of authority;

The prisoner is charged with having on

the 24th August 1861, at Nulliapallem in the

Martur Division, Kristna District, abused

his authority as a Police Officer, by causing

some fifteen persons to be indiscriminately

handcuffed before holding a preliminary enquiry

or before the prosecution was even recorded, on

the pretence that the said persons were concerned

in the murder on the 22d Ident within the

limits of Somavarapad in the Division

aforesaid of one Polavarapu alias Yeturi

Anjigadu, an inhabitant of Kothavarapallem

Agraharam of the same Division; with

having kept fourteen of the said persons

so handcuffed for full 27 hours and one

of

of them for 22 hours with having then as undiscriminately released them, and that when he had before him a record attaching the gravest possible suspicion to some six or seven of the number, and this without any reference whatever in such an important and suspicious case to his immediate Superior.

2 Gross and criminal dereliction of duty

The Prisoner is charged with gross and criminal dereliction of duty in the following instances.

1st Do having on the 24th and 25th August 1861 at Mallia Pollem in the Mar-kur Division K. D. been most neglectful throughout in his conduct of the aforementioned murder case not having been at any pains whatsoever to obtain any information regarding or to trace the real offenders or to obtain any evidence whatever, direct or circumstantial, to a crime committed in broad day light, at about 1 P. M. in the midst of cultivation, and at the height of the ploughing

ploughing season, the whole enquiry having been concluded and the parties released within 32 hours of his arrival on the spot

2dly Do having on the 24th August 1861 neglected at once to take depositions from two of the persons suspected of the murder who confessed the crime to him on the day of the inquest, and from a witness to the murder, who confirmed their statement of which confessions and statement however he recorded notes at the time.

3dly With having on the 26th August 1861 wilfully suppressed the said notes also other Memos connected with case as also any mention of the above confession and statements in his final report on the murder with proceedings made to the Joint Magistrate K. D. in his Arzee of the 26th August 1861 No 1464

4th With having in an official arzee No 158 of the 8th September 1861 in reply to a Tahkeed from the Joint Magistrate

of

of the 7th Ident deliberately and wilfully made a false
report concerning certain information he was called
upon to furnish about two persons named Ram
Dhani and Narsing Bhan in connection with
the above murder case.

3 Bribery & corruption

The prisoner is charged with that he being
a Public Servant that is to say Head of Police
of the Martur Division S. D. on the 24th
and 25th August 1861 at Mallipo Client in
the Martur Division, received bribes aggre-
gating two hundred /200/ Rs as a motive for his,
the said Prisoner, releasing certain parties under
trial before him for the murder on the 22d
Ident of one Polavarapu alias Yerpuri Anjigadu
within the limits of Somavarapad in the
division & district aforesaid.

2 The said prisoner is further charged
with having on the 25th August 1861, at Mallipo
Client in the Martur Division afore-
said, for the above gratification corruptly

released

released the above parties and that in the face
of a record attaching the guarded suspicion
to them.

Kristna District } (signed) A.W. Sullivan
Joint Magistrate Cacheri
Guntoor 11th October 1861

/True Copy/

Acting Collector

Exd J.D. Cunha
HC

1861 D.K.

No 2 a Letter from the
Acting Collector of
Kistna District dated
16th October 1861

Rec'd
No 2488-61
Encl.

Copy of Charge
handing against Coma
Vaitheswaren Pillay
& Others for
Perjury &c.

been actually entered into by the Prisoner with the Barrister in question but, as the Government will observe from the Charges, the case is one of a very gross nature as against the 1st Prisoner C Lachmana Rao, Tasildar of Nuzvid, and as a large number of the Talug Servants, subordinate to the 1st Prisoner are also implicated, it is probable that the evidence will be involved and contradictory, and that the employment of professional skill on one side, without a corresponding advantage on the other, would be likely to defeat justice.

I have the honor to be,
Sir,
Your most obedt. Servt.

J Thornhill
Acting Collector

Encl
J B Emmha
HC

No 2034

The pet. do ask decree st. fitting back on the Joint Magistrates suggestion in this case. I D.S.

Fort St George
24th October 61

Copy to the
Coll. of Kistna District.
Dispt. 24

N. 288 & 289.

C 22d October R 23d

(3) Pay
Rect Govt for Date 18 61 D.A.
Rs 2485
From the Collector of
Kistna District

To
The Secretary
to Government
in the Judicial Dept
Fort St George

Dated 16 October
Rd 21 " 1861

Encs 3. R. 27

No

Forwarding Copies of
a letter from the joint Mr.
Sealeby & a Draft of Charges
against Coorur Sulakmanu
Rao Tahsildar of Martur
Taluq & requesting the orders
of Government as to whether
it is their wish to employ
Counsel for the Prosecution,
as the Prisoner is unable
with a Barrister of the
Supreme Court to conduct
his defence before the
Sessions Court at Guntoor

R. 2034. 24 October.

With an Order

- I am not prepared to recommend that
- in a case of this kind Govt should ask
a Barrister from Madras to prosecute -
Such a course is manifestly expensive
& inconvenient & should be limited
to very important occasions - The ac-
- cused is charged with certain acts & it
might not be difficult to prove them,
if true, by evidence - Should he es-
- cape conviction not by establishing
his innocence, but by the skill
of his Counsel he can at all events
be removed from his employment
in the Judicial Service &c

Legate to
Fenn. in
Tea cloves