M.R.O. 14—10,000—21-4-22

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No.	1351	Press Mis.
287-288		
Dated 18 — 6 —		1862.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 18th June 1862.

No. 287. Read the following Proceedings of the Madras Government in the Financial Railway Department, dated 16th June 1862, No. 318 :—

Passing orders on letters from Acting Magistrate of North Arcot submitting copies of the proceedings of the Session Court on Appeals preferred against the decisions of the Deputy Magistrate, Narasimlu Pantulu, in three cases tried by him in which the authorities of the North Western Railway were concerned.

(Vide Financial Railway Proceedinggs, 16th June 1862, Nos. 45—48.)

No. 288. ORDER THEREON, 18th June 1862, No. 1,351.

Communicated to the Board of Revenue.

(Signed) P. P. HUTCHINS,
Acting Deputy Secretary to Government.

FINANCIAL RAILWAY DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following letters from the Acting Magistrate of North Arcot.

(Here enter 27th February 1862, No. 11.)
(„ 4th March „ „ 13.)
(„ 4th June „ „ 26.)

ORDER THEREON, 16th June 1862, No. 318.

In the Proceedings of Government under date the 29th January last, the Acting Magistrate of North Arcot was directed to call upon the Deputy Magistrate at Naggery, Narasimlu Pantulu, for explanation with reference to certain cases tried by him in which the authorities of the North Western Railway were concerned, and in regard to which they had preferred the complaints set forth in the Consulting Engineer's letter of the 9th January, and to report the result of any appeals that might have been made by the Railway Officials to the Session Court.

2. The Deputy Magistrate's explanation was submitted with the Acting Magistrate's letter of the 10th February and recorded in the Proceedings of Government of the 22nd idem.

3. With his letters of the 27th February and 4th March, the Acting Magistrate has submitted copies of the proceedings of the Session Court on appeals preferred against the decisions of the Deputy Magistrate in three of the cases referred to.

4. The first of these appeals was against the dismissal of a charge of assault and trespass preferred before the Deputy Magistrate, in which it was alleged, that one of the Defendants was his son and the other his son-in-law. It is not quite clear from the proceedings of the Session Court whether the Acting Session Judge considered that the Deputy Magistrate was or was not warranted in dismissing the charge, but he evidently considered the Deputy Magistrate to have supported his decision by a very erroneous argument to the effect that the Company were not at liberty to exclude persons from any part of their premises.

5. The second appeal had reference to the Deputy Magistrate's disposal of another charge of trespass in which he fined the Defendant in the sum of eight Annas. The Acting Session Judge observed that the Defendant had admitted the trespass and that it was proved by the evidence that he had refused to comply with the lawful directions of the Railway servants to leave the line and made use of improper language towards them; that the Deputy Magistrate adopted entirely the Defendant's own unsupported version of the occurrence and that the fine of 8 Annas appeared an inadequate punishment.

6. The third appeal had reference to a fine of Rupees 50 imposed by the Deputy Magistrate on the Station Master at Naggery for having neglected to appear before him in answer to a Summons issued on the 5th December, requiring him to attend on the same day. The Deputy Magistrate had previously applied to the Railway authorities to arrange for the attendance of the Station Master and on the 2nd had been informed by the latter, that he was ready to attend. The Deputy Magistrate took no notice of this until the 5th and then issued a Summons requiring him to attend forthwith. The Station Master having in the mean time returned to his duties, replied that he could not then attend without the orders of his superiors and sent a similar answer on a warrant being issued for his apprehension. On the same day he was apprehended on a second warrant and was sentenced to pay a fine of Rupees 50, or in default, to be imprisoned for a month. In default of payment he was sent to the Chittur Jail, but was released a few days afterwards on payment of the fine.

7. The Acting Session Judge remitted the fine, considering the amount excessive, and that part of the sentence which adjudged one month's imprisonment to be illegal, the utmost period of imprisonment, which in the opinion of the Acting Session Judge it was competent to the Deputy Magistrate to adjudge, being 15 days. Mr. Collett remarked that "looking to what had passed, to the nature of the charge and the position of the Petitioner the present appears to "have been such an indiscreet use of authority as to amount in one sense to an abuse of it."

8. In the fourth case a fine of Rupees 3 was imposed by the Deputy Magistrate on the Railway Peon who removed to the Station house the trespasser referred to in the second appeal. The trespasser in this case was fined 8 Annas. The man who took him up for trespass was fined 3 Rupees, no charge or complaint having been preferred against the latter. The Acting Session Judge pronounced the sentence "entirely illegal" and the proceeding "a very extraordinary one on the part of the Deputy Magistrate."

9. His Excellency the Governor in Council considers that Nurasimlu Pantulu's proceedings in the cases above noticed show him to be unfit to be entrusted with the powers of a Magistrate; but in consideration of his long and hitherto unblemished service, the Government will not, on this occasion, inflict on him the severe punishment of dismissal from the public service. He will be removed to another Deputy Collectorate in which he will have no Magisterial powers.

(True Extract.)

C. J. Cartlandt

Acting Chief Secretary.

To the Acting Magistrate of North Arcot.
" Revenue Department.
" Consulting Engineer for Railways.

Exd. F. Cartledge.

Revenue 1862 No 18
Pro of Govt Line
No 1737.

Proceedings of the
Madras Southern
the Tinnevelly Rail-
-way Observer

Dated 16th June
Recvd 17th 1862.

No 1351 Jr 318.

With Despatch
Passing orders
on letters from Ag Ma-
-gistrate & Lt Col submi-
-tting Copies of the
proceedings of the Ses-
-sion Court on appeals
preferred against the
decisions of the Dt Magts
Narasimha Pantulu
in three cases tried by
him in which the autho-
-rities of the N.W.
Railway were con-
-cerned.—

No 287 & 288

No 1351
Communicated to the
Board of Revenue—

J W S

From Lt Col George
18th June 1862.

14 Copies to the Bd of Rev
with Pro. Rg Dept Jr 318.
Dispd 19