M.R.O. 14—13,000—27-9-24

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 3044 — Press / Mis.

206.207

Dated 8—11— 1866.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 8th November 1866.

No. 206. Read the following Proceedings of the Board of Revenue, dated 30th October 1866:—

Read the following letter from the Collector of South Arcot, to the Secretary to the Board of Revenue, dated Cuddalore, 1st October 1866, No. 197.

1. Agreeably to the orders of Government, and in continuation of my letter of the 7th ultimo, I have the honor to submit copy of the Proceedings of the Cuddalore Session Court, (received only this day,) recorded on the appeal of the Salt servants of Merkanum, whose case, as given in the Newspapers, has attracted the notice of Government.

2. The Board will observe that, in the appeal, the conviction and sentence passed by my Head Assistant on the Shroff, second prisoner, has been affirmed, while that against the Salt Superintendent, first prisoner, has been cancelled; but the grounds for reversal of the original sentence, in respect to the Superintendent, do not amount to an honorable acquittal, an absence of the required legal proof, in the opinion of the Judge, founded on certain defective points in the evidence for the prosecution, and the benefit of a doubt, appear to have led to this result.

3. Considerable culpability, no doubt, attaches to Bashika Charloo, in the matter, but I am of opinion that he has been guilty rather of great negligence than of a criminal connivance at the offence attempted by the Shroff; and, apart from the reasons which seem to support this conclusion, I am confirmed in it by the high character I had been led to form of Bashika Charloo from his antecedents, and from my experience of his character while in sole charge of the Income Tax Office and other duties. Moreover, in estimating the mere probabilities of a man's guilt, where direct evidence of it is wanting, some little weight is due, I think, to the position and respectability of his family, and I may here observe that the uncle of Bashika Charloo (Tiruvengada Charloo, late Deputy Collector in this District,) had always maintained a high reputation, as an able and upright officer, and he died after thirty-three years' service, as Treasury Deputy Collector of Tanjore, and an elder brother recently appointed Tahsildar of Cuddalore, also died in July last, leaving Bashika Charloo the only surviving direct male relative in the family.

4. I mention the foregoing particulars, because it is necessary that I should be favored with the instructions of Government as to Bashika Charloo's re-employment in the public service, and I desire to know whether such re-employment is to be in any way restricted or conditional.

5. The Session Court, unfortunately, returned the records of the trial to my Head Assistant, instead of sending them to me, as I had requested, and Mr. Hughesdon, being at present in a distant talook, there will be considerable delay before the papers could reach me, so that I am unable to forward them with this letter, and neither am I able to enter into any particulars of the case beyond what the Proceedings of the Session Court contain; but the remarks of the Session Judge enter so fully into the facts, and appear to be so complete a resume of the entire case, that it is possible Government may be satisfied with this, and may be enabled thereupon to pass all necessary orders. But, if I am mistaken, and the record is still required, I will forward it the moment it is received from my Head Assistant

Proceedings of the Madras Government, Revenue Department,
8th November 1866.

1. Submitted to Government, in continuation of the Board's Proceedings, dated 21st September 1866, No. 6,778.

2. Before passing any opinion on the case, the Board desire to see the record of the trial before the Head Assistant Magistrate, which the Collector is requested to forward with as little delay as possible.

No. 207.

Miscellaneous.

ORDER THEREON, 8th November 1866, No. 3,044.

The Government will await the Board's report. Meanwhile Bashika Charloo will remain out of employ.

(True Extract.)

(Signed) J. D. SIM,

Secretary to Government.

To the Board of Revenue.
,, the Accountant General.

Exd. S. T. Augustin.

the Proceedings in the case of the following are the facts elicited by the Evidence

On the 28th June last the Salt was being sold at the Salt Pans, the 1st Witness a Police Constable was on duty at the Salt Platform, having in the time preceding days noticed grave irregularities occurring in the actual grain he determined to watch carefully the days proceedings and stationed the 2nd & 3rd Witnesses Police Constables also on duty at the Platforms to remain near the Buyers while the purchasers heard their money for the Salt, & while each purchaser had his grain for while the 1st Witness would remain where the Salt was being weighed out.

These precautionary measures the proceedings of the day were marked by the different Witnesses in the summary of the Evidence

Commenced;

[illegible] summoned for the Summary Defence
contains that the Court is of
Opinion it is a correct Account of what
took Place & the Petition is not
accompanied by Affidavits to establish
that Penalty & Costs & Costs after
being levied by the Sale & Distributed
in due Course the Sheriff & his Officers
& the Constable for Services
the Sheriff then left the Room with the
Constable & Witnesses for the Defence
Evidence Testimony & Affidavits contained
in two Bags.

In this Month a Re
Judgment entered in the Cause last
mentioned tally with the Account taxed
by the 2nd Witness, the 1st Defendant
was present there by the 1st Witness
who insisted on counting the Proceeds
of the Days Sale; Answering
this Witness Evidence the
1st Defendant also objected to
the Costs demanded by Reason
consented

consented the Sheriff's Officers
and as observed by the Court
by Default) Considering the Evidence
& from the Evidence pro-
duced in the Defence has been
shewn that the Sheriff & Defendant
endeavoured to give this Case the Color
of a Sale by the Defendant to
to evade the Action of the Deputy
Constable, that the 1st Defendant
connived at this Undertaking &
should after some contest between
the 1st & 2nd Witness that 1st Defendant
was Part Owner of the two
Bags, Testimony in the Cause
Bags counted & found to amount
to £84.9. Rec'd the Amount then
entitled to Deduction taken from it &
allowed to the Amount of £82.8.9. (Costs
in this Deposition, the 2nd Witness says
6 Guineas was also taken from
the Proceeds by the Sheriff on
Deposition & by the Evidence
in this Cause it is very clear
as to whether this was the Sum
was found or not that the

Defendants

Russell J. ... 1st Prisoner ... the Superintendent ... then proceeded to examine ... the Chittaks ... Clerk & Sheriff ... dated in the ... the date of 577. Remarked only ... year stated ... should be altered. ... the Sheriff - 2nd Prisoner - on being ... called upon Judge to make ... that it was a mistake ... that he was the Superintendent ... Superintendent ... then stated ... requested the Police to remove ... from Court ... the Constable ... the ... Court ... the Chittaks ... Court which the Chittaks says ... received a receipt ... proceeded to ... the Jail ... the Constable insisted ... nothing ... being ... or ... took away the ... the 2nd Witness ... 10. ... that part of the ... said ... that of the ... in important ... stated

stated that the Sheriff - 2nd Prisoner ... took from ... receipts, cheques & ... Receipt ... which he handed the 1st ... Prisoner ... made some ... the Jail ... asked the Constable to return the Jail ... Constable refused ... 11 ... to the Police ... station ... all parties left the Court ... Platform ... the Chittaks, Jail ... with the Prisoners ... Police ... the Sub-Inspector ... Police ... the Platform ... alleged that the Superintendent ... Sheriff offered bribes ... the Police ... the ... matter, the ... also spoke ... document offered ... 12 ... Answer ... the ... the persons are A. B. C. D. & E. ... A is dead. In 577 should be 577

Sgd

by the 1st Petitioner, B is a receipt
signed by the Sheriff showing the
receipt of Salt sold to the Petitioners
C is a Pass for 50 Pounds of
Salt signed by the 1st Petitioner. D
is a receipt similar in its nature
to B, but for 50 Pounds of Salt
in the 1st Petition. Both C. & D
containing the name of Kader
Sahib the Purchaser of the Salt.
E is a Special Agreement
signed by the 2nd Petitioners
& endorsed by the Mahratta Peon
of the 1st Pet. It contains the names
of the Parties whom the
day paid money after the Sheriff
sold those Parties according
to E there were 10 in number. The
Map, except the Agreement
Documents A B & E are entered
in the Register Book in two numbers
each of them & contains the
names of the Parties to whom
Salt is said to have been sold.

13. The

Lots	A	Rd.	B	Rd.
35.	1 Adam Kounjah Lebbai	63.	1 Adam Kounjah Lebbai	63.
76.	2 Kandan Nadapadi Ayan	87.	2 Kandan Nadapadi Ayan	87.
52.	3 Kumarasamy Pandia Pillay	171.	3 Kumarasamy Pandia Pillay	171.
171.	4 Kumarasamy Pandia Pillay	112.	4 Kumarasamy Pandia Pillay	112.
35.	5 Pakkirsah Marikar Cutty	142.	5 Pakkirsah Marikar Cutty	142.
36.	6 Cheyyanoo Pandy	1.	6 Cheyyanoo Pandy	1.
76.	7 Cassim Lebbe Cutty	1.	7 Cassim Lebbe Cutty	1.
142.		577.		577.
1.				
1.				
627.				

13. The Court does not
hesitate to reject E
as the contents cannot
of the days sale,
indeed this may be
but to be admitted
by the 1st but 2nd
Petitioners from the
Part of the
Impeachment of the
2nd Pass & Second
receipt for 50 Indo.
Parahs Salt, the amount
according to the
Agreement E
was 627 which is
just 51 Parahs
Balance of the
quantity entered
in the Pass A
the receipt B but
the Sheriffs Court
Clerks Chittahs

I.

Fo. 1 K. The Jury Cannot Re-
turn of Kidder Lake and the
writ D corresponds thereto
the entry thereon is Ille a
effect that he had Inquired
5 Marwoods of Lands at a
cost of Thirty Six Pounds the
actual cost of 50 Marwoods
Kidder Lake Estate is also
as the Memorandum E but the
Quantity of Land sold, appears to
Jus Name, is entered as 78 Marwoods
The Jurat
on the 1st Witness Deposition
to a Piece of Country Paper which
the Sheriff to Clerk Became Retain
After Impanelled the 1st Prisoner
Peremptorily Challenged the 1st Prisoner
called on the Names of the Jurisdictions
and the Quantity Result to be
Enrolled on the Letter This is Document
B or not does not appear Quite
Clear but the Court does not
Consider

Consider this a matter of material
importance, now is it to be taken
into Consideration when the Sheriff pre-
sents the Clerks and Sheriffs Cattals, to the
Jurymen and prepared by him and this
is Represented Jon by the Prisoners
Pleaders who Assert that the next
of the office are employed in
making up the Monthly Accounts
Q. Whether the Prisoner is charged
with abetting an attempt made by
the 2d Prisoner, it will be moved Con-
cerning to dispose of 2d Prisoners
appeal Just
Q. It is evident from the
Deposition of the 5 Witness, the Deputy
Collector in immediate charge of the
said Department, and from the Proof
of the rules contained in the said
manual that the Cause taken
by the 2 Prisoner was in the first
instance Just irregular and in fact
a total violation of the rules laid
down for Cattals, that is to say
the Clerks and Sheriffs Cattals, might
and have all written by himself
at that 5 Marwoods and that
that a figure or so might have been
erroneously entered or omitted the Court
can understand, but that the omission
of the name of Kidder Lake and the
Quantity afterwards sold Redeemed or
Repurchased by him should be omitted
in toto the Court cannot be brought
to

to admit, but the court is also unable to admit that the pass A and receipt D actually represented the guinea & sold to Kaden Said, and looks upon the memorandum B as the true account of the days sales and that A B & C do not correctly represent the days transactions

17. The pass C and receipt D and as has been proved, not in the hand writing of the 1st Prisoner, but are each signed by him. These the Court is led to conclude were prepared at some time of the day by the 2 prisoners, to be produced as occasion might require, and the pass was intended to correspond with the amounts that the 2 prisoners had determined upon misappropriating. But for the praiseworthy vigilance of the Deputy Constable aided by the intelligence of the 2 Witnesses the Court is of opinion that this misappropriation would certainly have taken place, that the attempt was made the Court after giving the prisoners case a close and careful attention considers to have been proved.

18. The Court will now proceed to deal with the case of the 1st prisoner. It is certainly a case of gross misconduct on the part of the officer in charge in regard to the property to be observed.

in the sale of Salt, and of the 2 prisoners conduct was in the first instance highly irregular and a violation of the rules. The presumed conduct base of the connivance of the connection of improper authority. The conviction of irregularity has certainly raised a grave suspicion of the prisoners complicity in the 2 prisoners fraudulent attempt, and had the Court been satisfied that the preparation of the pass and receipt for the 50 maunds of Salt originated with the 1st prisoner the Court would have formed a strong presumption of the prisoners guilt, but the balance of view the Court is most able to concur with the Superintendent suggested that the evidence for the prosecution [illegible] established the abstinence by the 1st prisoner of the attempt by the 2nd, there is the possibility that though it may be said conniving at irregularities he did not go so far as to connive at or abet the attempted fraud, and the evidence appears to the Court to fall short of this proof. The acts of the prisoner after the receipt of the troops are compatible with an ignorance of the attempt to misappropriate the Government money the they are certainly not those of an upright public servant whose duty it was to safe guard the interests committed to his charge

19. The Court therefore while

fining

going to the Appellate Jurisdiction full credit for an investigation which, so far as can be gathered from the records, disposes and confirmation is constrained to differ in opinion with him as to the 1st prisoners guilt & considering the Case not to have been proved resolved to annul the conviction from which he has appealed.

2d For the reasons stated in paras 15. 16 the Court affirms the Conviction of the 2d prisoner who is accordingly remanded to Jail to undergo the remaining portion of his imprisonment. The recognizances entered into by both prisoners are discharged.

Ordered that Extract from these Proceedings be sent to the Magistrate and Acting Assistant Magistrate of South Arwa for information. And that the records be returned to the latter office.

/Sd/ Extract/

The Magistrate of South Arwa /Signed/ G. Ellis Acting Judge

/Sd/ Copy/

Chas Hall

Magistrate

Ex-3044. 11

The pet. will await the Bds report - meanwhile Basheikh should file remarks if any.

L Bds

8th Feb 06.

11 Spies Tatlo Bds Rec'd 12 Nov
6 Meeta Gauda

Ex-3044. 11

Ld. a letter from the Collector of Customs dated 1st October 1905 Encl.

Proceedings of the Licensing Committee dated 20 Sept 1905 in the Office of the Asst Collector Pulicat -

Rec'd 3888/06.
Rep'd Nov 11 Ld. 12/11

Ld. 10/31/1905.

Ex-3044. 11

The pet. will await the Bds report - meanwhile Basheikh should file remarks if any.

L Bds

8th Feb 06.

11 Spies Tatlo Bds Rec'd 12 Nov
6 Meeta Gauda

Pro 4th Oct 1866 No. 56-57

Copy in a letter to England
1st Nov. No 65. of 1869 Mis.

Rec'd 1866 - 31 Oct
Pro: of Govt for November
No. 3888 72

Proceedings of the
Board of Revenue

Read 30th October
Read 1st Nov.
Desp. 30 " 1866
C.I. ob returned to B.

Submitting with remarks
letter from Collector of
South Arcot forwarding
Proceedings of the Cuddalore
Sessions Court in the
appeal of three Merkanum
Salt servants in the case
of embezzlement &c -
No 3044 - 8 Nov.
W. Thornton

A. 206 & 207

C 2 Nov 1869