M.R.O. 14—18,000—27-9-24.

# MADRAS RECORD OFFICE.

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## Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 3202 — Press ~~Mis.~~

555.556

Dated 23 - 11 — 19 1866

***Not to be folded or roughly handled***

*Proceedings of the Madras Government, Revenue Department,*
*23rd November* 1866.

No. 555. Read the following Proceedings of the Madras Government in the Judicial Department:—

Directing that Sunkaralingam Pillay, Sub-Magistrate and Deputy Tahsildar of Wartrap, in Tinnevelly, is not again to be employed in any office involving the exercise of Magisterial functions. } (Here enter 7th November 1866, No. 1,762.)

No. 556. ORDER THEREON, 23rd November 1866, No. 3,202.

Miscellaneous.

Communicated to the Board of Revenue.

(True Extract.)

)Signed) J. GROSE,
*Under Secretary to Government.*

To the Board of Revenue, with Proceedings Judicial Department, No. 1,762.

Rd. S. T. Augustin.

*Proceedings of the Madras Government, Judicial Department, 7th November 1866.*

No. 76. Read the following letter from the Magistrate of Tinnevelly, to the Chief Secretary to Government, Fort Saint George; dated Tinnevelly, 24th October 1866, No. 343.

With reference to Government Proceedings, No. 1599, dated 11th instant, I have the honor to inform you that Sunkaralingam Pillay, late Sub-Magistrate of Tuticorin, was imprisoned for embezzlement in the Salt Department in 1843. His subsequent re-employment in the Public Service was brought to the notice of the Board of Revenue in 1853, but the Board decided that, as his re employment had not been noticed for more than six years, it was not then necessary to refer to his antecedents. In 1864, Sunkaralingam Pillay was reduced to a lower grade of Sub-Magistrate and Deputy Tahsildar, for neglect of Revenue duty. About this time, his conduct was brought to notice by both the Deputy Magistrate and Superintendent of Police, for failing to render any assistance in detecting a gang robbery near Tuticorin; and the Deputy Magistrate especially has left on record a very unfavorable opinion of him. The charges established against him now are neglect of duty, in not apprehending a Cooly Broker accused of kidnapping, and gross prevarication before the Court; for these I have suspended him, as these alone show that he cannot be trusted to fill a Magisterial post. I enclose a copy of the Sub-Magistrate's deposition before the Court, also his defence, and a few notes thereon, which the Session Judge has furnished to elucidate the points of the case.

21st November 1853.

*10th Witness called by the Court.*

*Sunkaralingam Pillay, Sub-Magistrate of Tuticorin, sworn.*

The prisoner was sent to me, with a Crime Memorandum, on the 17th July. This, B, is the Crime Memorandum. I examined the boy's brother, and sent them to Palamcottah, where the offence occurred.

*Q.* Why did you not order Taragan Moottoosawmy Pillay to be apprehended?

*A.* No one said any thing about him to me.

*Q.* What is the meaning of that Crime Memorandum?

*A.* I understand it to say that Jana Taragan Moottoosawmy Pillay had received the ear-rings.

[This was after quarter of an hour's fencing].

*Q.* Why did you not make him a prisoner?

*A.* I thought that he ought to go as a witness to Palamcottah, where the inquiry was to be held.

*Q.* But you did not send him as a witness, what do you say to that?

[To this the witness is unable to answer, after quarter of an hour's fencing].

*Q.* Does not the word Jana Taragan mean that he is concerned in collecting coolies?

*A.* Yes.

*Q.* Did not you see Jana Taragan Moottoosawmy Pillay during the inquiry?

*A.* No. C is a copy of the Yadast I received from the Palamcottah Sub-Magistrate, and this, D, is my answer.

*Q.* When this Moottoosawmy is proved by the Crime Memorandum to have been charged, how was it you wrote that?

*A.* Neither the prisoner nor prosecutor mentioned his name to me.

*Q.* His name was mentioned by 1st witness in your writing?

*A.* Yes, but only as witness.

*Q.* If he was a witness, why did you not send him as a witness?

*A.* Because he was not present.

*By Prisoner's Vakeel.*—I did not send Constable Irulachy Naick, and have Taragan Moottoosawmy Pillay sent for.

*By Court.*—In 1840, I was in Jail, on simple imprisonment for six months, for a deficiency in the cash chest, when I was in the Salt Department, as Goomastah. I was committed to Court and convicted in Court. Mr. Levinge committed me. The Board gave, afterwards, orders that I might retain an appointment given to me again; and in 1849, Mr. Levinge gave me a confirmed appointment again. There have been no Magistrate or Court proceedings against me.

*Q.* When you say Jana Taragan Moottoosawmy Pillay was not present, what do you mean?

*A.* That he was not present at my office. I did not know whether he was in Tuticorin. I did not make inquiry.

Read in Tamil and declared correct.

(True Copy).
(Signed) F. S. CHILD,
*Session Judge.*

(True Copy).
(Signed) R. K. PUCKLE,
*Magistrate.*

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To

R. K. PUCKLE, Esq.,
*Collector of Tinnevelly.*

The humble Petition of SUNKARALINGAM PILLAY, Sub-Magistrate of Tuticorin Division,

MOST HUMBLY SHEWETH,

That, with reference to your Honor's Order, dated 25th ultimo, stating that petitioner has been suspended from his office, consequent on the remarks passed against him by the Session Judge, in connection with the case of Kidnapping, Petitioner most respectfully begs to inform your Honor that he has already forwarded an explanation of his conduct, in the form of a petition, under date the 21st ultimo. Petitioner, however, begs to transcribe hereunder a copy of the above petition, for your Honor's re-perusal, together with his explanation of the circumstances referred to by the Session Judge as a ground for considering Petitioner unfit for duty.

"The Session Judge observes that I did not make Moottoosawmy, Cooly Broker, referred to in the Crime Memorandum, a prisoner, and send him to the Sub-Magistrate of Palamcottah. With regard to this, I beg to inform your Honor that, 1st, the prosecutor, in his deposition given before me on oath, has made mention of him as a witness only; 2nd, the Police, who inquired into the case before they sent it up to me, did not formally accuse him, but, on the contrary, they released him, without sending him to me with the other parties; and 3rd, the whole record was sent to the Sub-Magistrate of Palamcottah, who was the proper Officer to have made a thorough inquiry into the case. For these reasons, he was not ordered to be arrested and sent to the said Officer; but this Moottoosawmy was, however, arrested by the order of the Palamcottah Sub-Magistrate, who, having tried the case, eventually released him, and committed the other prisoner for trial before the Session Court, and it is, therefore, the Sub-Magistrate of Palamcottah that ought to account for the said Moottoosawmy Pillay.

Note 1.
Note 2.
Note 3.

2nd. With reference to the Judge's remark that I could not answer one of his questions, and answered another after ¼ of an hour's delay, I beg to state that, from the very commencement, prejudiced as I believe the Judge was against me, for the reasons shown below, and from the very harsh manner the questions were put to me, and the constant remark that I had not given a correct answer, after fully explaining the whole circumstances as above, made me very nervous perhaps in the stern cross-examination crossly made by the Judge. The circumstance of the Judge's remarks being more severe against me than the Sub-Magistrate of Palamcottah, who made



a thorough inquiry into the case and released the said Moottoosawmy Cooly Broker, shows great disfavor against me, who had nothing to do with the case.

Note 4.

3rd. I have been 18 years in the Public Service, out of which I have been doing responsible duties in the Magisterial Department, for more than 10 years, to the entire satisfaction of all my superiors, and without incurring the least displeasure of any one of them, and without making the least mistake, either in the disposal of Criminal cases by myself, or in the committal of the same by me to the Session Court; nor was any one of my sentences reversed in appeal;—and once Mr. Blair, a late Session Judge of this District, has, in a certain case, strongly expressed his approbation of my proceedings in it. There is a proof on record of the above circumstances.

Note 5.

4th. The Judge observes I have been once before punished with simple imprisonment, and that I should not, therefore, return to my duty; but, with regard to this, I beg to add that Mr. Levinge, who was the Officer that committed me for trial, gave me the same appointment which I had lost by the imprisonment in question, being fully satisfied in his mind, from subsequent inquiries, that I was altogether innocent in the matter, and he since gradually promoted me on several occasions; and when I had passed seven years creditably in the discharge of my duties after my restoration to my original appointment, the present Judge, Mr. Child, who was then appointed as Head Assistant Collector of this District, suddenly sent for me to his office, and ordered me not to attend to my duty, namely, that of the Salt Chowkeydar of Palaya Coil, and wrote to the then Collector, Mr. Bird, that I, having been once punished, should not be retained in the Public Service; but Mr. Bird communicated to the Revenue Board on the subject, bringing to their notice my character and abilities, and observing, also, that Mr. Child was *not* justified in having recommended for my removal, when I was, on the other hand, entitled for promotion, and forwarded, with his communication, the several testimonials in my possession, showing the satisfactory manner in which I had discharged my duties; and the Revenue Board, on a perusal of the whole correspondence, ordered that I must be restored to my appointment with arrears of pay, and that there will be no bar for my future promotions. Mr. Bird forwarded a copy of the Board's Proceedings to Mr. Child, who, on a perusal of the said Proceedings, sent an order to me to join my appointment, and I was doing duty since within his range also.

Note 6.
Note 7.

5th. Hence, it would clearly appear that Mr. Child, since his appointment as Head Assistant Collector of this District, has been aiming at my removal from the Service, and is still prejudiced against me. I beg to add that the Session Judge did not examine the Palamcottah Sub-Magistrate, although he is the Officer who committed the case for trial before him; on the contrary, he has passed remarks in different ways against me, while I had nothing more to do in this case, beyond sending the Crime Memorandum sent by the Police to the Sub-Magistrate of the place where the offence was committed.

Note 8.

6th. I also beg to bring to your Honor's notice, that, on consideration of my long service, and satisfaction which I have afforded to all my superiors, the Government were pleased to exempt me from passing the Examinations required by the Rules now in force, with regard to promotions, and lately to invest me with the powers of a First Class Subordinate Magistrate. I, therefore, most humbly request your Honor to be kindly pleased to peruse the whole of the correspondence above referred to, the several letters written to the Revenue Board by Mr. Silver, about my claims and qualifications, and my testimonials, and taking into your Honor's kind consideration my ability and the manner in which I have been discharging my duty, and render me justice."

2. The severe remarks made by the Session Judge are founded on the supposed fact that Moottoosawmy Pillay is a rich man, and that the Petitioner, therefore, omitted to arrest and forward him to the Sub-Magistrate of Palamcottah, who held the preliminary inquiry into the case.

3. In reply to this, Petitioner begs to urge that the said Moottoosawmy Taragan is by no means rich. He is no better than a mere Cooly. This petitioner can satisfactorily prove by the testimony of the European Merchants of Tuticorin, and by the Deputy Collector, Mr. Underwood, who is located at that station. The Petitioner cannot understand upon what evidence the Session Judge calls Moottoosawmy a rich man, when, in realty, he is not so.

Note 9.

4. The Session Judge observes that petitioner has falsely stated in his Memorandum to the Sub-Magistrate of Palamcottah that the said Mootoosawmy Pillay never appeared before him. In support of this observation, there is the statement of the complainant alone; whereas the fact mentioned by petitioner, that he never appeared before him, is not only proved by the admitted circumstance that he was never sent up with the Crime Memorandum as the prisoner in Calendar No. 86 was sent, but also by the evidence of the Head Constable and the other Constables. The complainant never criminated him, but cited him as a witness in the deposition given by him before petitioner. As petitioner had nothing more to do in the case than simply forward the parties produced by the Police to the proper Officer, the Sub-Magistrate of Palamcottah, he did not take any step to ensure the attendance of this Moottoosawmy Pillay. Petitioner could have had no motive in not sending him over to the Sub-Magistrate of Palamcottah, especially as the only reason assigned by Session Judge, namely that he is rich, is unfounded. He, in good faith believed he was a witness, and, as such, would be sent for by the Palamcottah Sub-Magistrate, if required. There is no reason why the Session Judge should believe the complainant alone, and not the Constables and the petitioner.

Note 10.

Note 11.

Note 12

5. Another remark made by the Session Judge against the petitioner is that he was punished with imprisonment, and should not have been re-employed. True it is that he was punished; but the same gentleman who committed him for trial afterwards became satisfied of his innocence, and, therefore, took him back into Public Service. Moreover, this is a thing which took place 23 years ago. Since that period, petitioner has held several appointments, to the satisfaction of his superiors and the public, as the papers herein enclosed will show.

6. Petitioner respectfully begs that, in consideration of the foregoing circumstances, your Honor will be kindly pleased to grant him redress.

7. And for which act of benevolence he shall, as in duty bound, ever pray.

(Signed) T. SUNKARALINGAM PILLAY.

*11th October* 1866.

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From G. BANBURY, Esq., Acting Collector, to R. K. PUCKLE, Esq., Superintendent of Revenue Settlement, dated ———.

As requested in your letter, dated 17th instant, I have the honor to state that I have deputed the Wartrap Sub-Magistrate and Deputy Tahsildar to attend solely to the requirement of the demarcation until the work is completed. He is an energetic and capable servant. The Sheristadar is too mild a man and is wanted to the Settlement. • • • • •

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I have much pleasure in recording my sense of the great assistance rendered to the Department by Sunkaralingam Pillay, the Deputy Tahsildar of Wartrap, both during the time his services were placed at my disposal by Mr. Banbury, the late Acting Collector of Tinnevelly, and on his return to his Division.

STREEVELLIPUTTOOR,
16th *September* 1866.

(Signed) W. A. SYMONDS,
*Asst. Director, Rev. Settlement.*



From E. STORR, Esq., Acting Head Assistant Collector of Tinnevelly, to the Collector of Tinnevelly; dated Streevelliputtoor, 31st October 1865, No. 72.

I have the honor to forward, for your consideration, the enclosed petition from the Wartrap Sub-Magistrate, requesting that the Sub-Magistrate's post at Coolasagarapatam may be conferred on him.

I believe the applicant to be well qualified for the post, and I have had every reason to be satisfied with him, while he has been under me as Sub-Magistrate in the Division of this Taluq.

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From E. STORR, Esq., Acting Head Assistant Magistrate of Tinnevelly, to the Magistrate of Tinnevelly; dated Trichundur, 9th March 1866, No. 17.

In reply to your letter of 2nd instant, No. 80, requesting to know whether any of the Sub-Magistrates in my Division are qualified for investment with 1st Class Magisterial powers, I have the honor to state that I consider that Sunkaralingam Pillay, the present Sub-Magistrate of Tuticorin, and Rengacharry, Sub-Magistrate of Coolasagarapatam, may be safely invested with such powers.

2. The former is not a passed Candidate. He was formerly a Police Ameen, and then Sub-Magistrate of Coolasagarapatam; then of Wartrap in the Streevelliputtoor Taluq, under my supervision for nine months. He appears to be well acquainted with the provisions of the Penal Code, more so than many who have passed the tests, and is careful in his work. I have seldom had to find fault with his proceedings.

3. Of the Coolasagarapatam Sub-Magistrate's work I have, of course, seen but little, as I have had charge of this Division not quite two months. What I have seen has, however, been well done, and he has passed the Special Test.

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[illegible] Petition of Sunkaralingam Pillay, the Sub-Magistrate of Tuticorin, dated 11th October 1866.

1. I do not believe the deposition, as written by the Sub-Magistrate, contains what the witness said. The Crime Memorandum shows, as the evidence does, that J. T. Mootoosawmy Pillay received the stolen property; therefore, he could not be a witness. It was on this very point that the Sub-Magistrate lied and prevaricated—he tried to mix up the witness Moottoosawmy Pillay with the accused J. T. Moottoosawmy Pillay;—and that the Sub-Magistrate knew the accused was no witness is proved by his not sending him as a witness—see his deposition.

2. No excuse for the Sub-Magistrate, as the charge sheet shows that the man was concerned.

3. He gave a reason for so doing which was not founded in fact, and has therefore received severe censure, and the man's re-apprehension and committal is ordered.

4. Because he lied and prevaricated in Court—see his evidence.

5. He was removed, I have been told, from Coolasagarapatam to Wartrap, on a lower salary, for misconduct.

6. There is the sentence of the Court on record for embezzlement of public money.

7. The Board may keep him as a Revenue man if they like. I object to him as a Magistrate.

8. I did not know that this was the man till after he had been summoned to explain his conduct as a witness, having been absent from the District 12 years. Besides, I had utterly forgotten all about it, but the Sub-Magistrate himself told me. The Sub-Magistrate is brother-in-law of my Nazir, with whom I have no fault to find, but naturally I was not told about this till after the summons.

9. The evidence shows the contrary; there is another very rich man called Taragan Moottoosawmy Pillay, but the evidence shows this man to be well off.

10. The Police have been punished for their misconduct, and the Constables lied in their evidence.

11. This is deliberately false—see Note 1.

12. See the evidence in the case.

(Signed) F. S. CHILD,
*Session Judge.*

(True Copy).

(Signed) R. K. PUCKLE,
*Magistrate*

No. 77. ORDER THEREON, 7th November 1866, No. 1762.

The Government direct that Sunkaralingam Pillay be not again employed in any Office involving the exercise of Magisterial functions.

(True Extract).

*Secretary to Government.*

To the Magistrate of Tinnevelly.
" Revenue Department.

Ed. J. H. Burns.

R. 3202.

Communicates
to the Board's Proceedings

23 Nov 1866

5 Copies to be taken & sent with Rs. 4 D. 19 & 2 Despatches

Rev. 1866. Nov. 7th
No. of Govt. Order Received
No. 4116.

Proceedings in
the Sec. & Dep. Office

Dated 7th Nov. 1866.
Received 16th Nov. 1866.
R. — 1762.

Directing that
Sunkaralingam Pillay,
Sub. Mag. and Dt. Sub.
Collector of Madura be
hereafter employed in
Criminally in matters
the result of which in any
case would involve the exer-
cise of Magisterial powers.

R. 3202. 23 Nov.

Walter Scott