

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	1535	Press ~~Mis.~~
<i>69-70</i> Dated	10-10-	1870.

Not to be folded or roughly handled*OK*
21/5/20

*Proceedings of the Madras Government, Revenue Department,
10th October 1870.*

No. 69. Read the following Proceedings of the Board of Revenue, dated 9th September 1870, No. 5,660:—

Read the following letter from the Acting Collector of Bellary, to the Acting Secretary to the Board of Revenue, dated 20th August 1870, No. 292.

It appears that in 1867 certain inhabitants of Sajaladianna in the Tadpatry Taluq were fined by the Sub-Magistrate for disobedience to an order of a public officer, under Section 174 of the Indian Penal Code in the aggregate sum of Rupees 61.

2. On appeal the sentences passed in all but one of the prisoners were quashed by the Deputy-Magistrate, and fines, aggregating Rupees 58, were directed to be refunded.

3. A cash order for this latter sum was, I am informed, applied for, but owing to slight differences in the names of the prisoners, the Treasury Deputy-Collector demurred to grant it; while the Sub-Magistrate, who should have rendered the explanation he was called upon to afford, omitted to do so, and took no further steps in the matter.

4. These individuals have now applied to the Sub-Collector for the refund in question, and that officer, in communicating the circumstance to me, calls attention to the letter, he states, he addressed, when Head Assistant, to the then Collector, but which does not appear to have been received.

* No. 29, dated 5th April 1869.
,, 79, ,, 21st July 1870.

5. I beg to submit copies of the Sub-Collector's letters* on the subject, and request sanction, under the circumstances, for the fines to be refunded.

ENCLOSURE No. 1.

From the Head Assistant Magistrate, to the Magistrate of Bellary, dated 5th April 1869, No. 29.

On the 3rd March certain inhabitants of Sajaladianna represented to me that some two years ago they were fined by the Tadpatry Sub-Magistrate, but that his decision was reversed on appeal by the Deputy-Magistrate. The fines, which they paid, having never been refunded, though frequent applications have been made, they requested that some inquiries might be made.

2. I called for a report from the taluq, and have now the honour to submit the following circumstances for your orders:—

It appears from Calendar No. 215 of 1866, Meramma; 2, Pedda Runga Reddi; 3, Bola Konda Reddi; 4, Appereddi; 5, Lutchmi Reddigar Pedda Runga Reddi; 6, Shroff Venkataramanah; 7, Chinnagammagari Akke Reddi; 8, Rosigadu; 9, Ramudu, were tried before the Sub-Magistrate under Section 174, Indian Penal Code. He acquitted the second prisoner, but convicted the rest, fining the first, fourth, fifth, seventh, and ninth, Rupees 10 each, the third Rupees 5, and the sixth and eighth Rupees 3 each, in all Rupees 61.

3. The result of an appeal was that the sentences passed on all, but the sixth prisoner, were quashed, and the fines imposed, in all Rupees 58, ordered to be returned. The sixth prisoner not having appealed, the sentence, fining him Rupees 3, remained unaltered.

This was communicated to the Tadpatry Sub-Magistrate with Takeed No. 88 of 1866, dated October 4th. On October 29th the Sub-Magistrate wrote to Mr. Blake (Arzi No. 7), pointing out that the sums had been credited, and requesting a cash order for Rupees 58 that the money might

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be refunded. Mr. Blake replied (Order No. 147, dated November 10th) that the names entered in the sentence and those in the account current did not correspond, and that some names in the account current did not appear in the sentence, and *vice versa*. The Tahsildar replied (Arzi No. 132, dated November 17th), that the differences were only imaginary, and were caused by the omission of the house-name. To this Mr. Blake (Takeed No. 157, dated November 29th), replied that the money could not be refunded till the difference was more satisfactorily explained. The Sub-Magistrate appears then to have let the matter drop, and no further steps were taken for refunding the fines imposed.

4. I enclose, for your information, the original Calendar, the original judgment in appeal, and the cash chitta for July 1866. You will observe that Calendar No. 215 shows that the parties were tried for disobeying a summons, while the entry in the cash chitta says they were tried on a charge of causing grievous hurt. With some trouble I have cleared up this discrepancy. The prisoners in Case No. 215 were also prisoners with three others in case No. 205. In case No. 205 twelve prisoners were charged with causing hurt, and the first three Chowda Rungadu, Chowda Krishnappah, and Chowda Subanah, were fined, respectively, Rupees 30, Rupees 15, and Rupees 10. The remaining nine prisoners were acquitted of the charge of hurt, but were put on their trial (*vide* Calendar No. 215) for disobeying the summons, and on conviction were fined as detailed above.

5. The matter is still more confused from the fact that the copy of Calendar No. 215, sent to the Appellate Authority, and the original kept in the taluq, do not correspond. In the former the second prisoner is fined Rupees 10, and nothing is said about the ninth, while in the so-called original, which I have procured from the taluq, the second prisoner is acquitted, and the ninth is fined Rupees 10; the entries as to the other prisoners are the same.

6. The entries in the cash chitta agree with the facts as stated in the original Calendar a fine of Rupees 10 is credited as received from ninth prisoner, Ramanah, and nothing is said about second prisoner.

7. The matter happened more than two years ago, and I have therefore the honour to request your sanction for refunding the Rupees 58. The original Calendar (marked A.) the Deputy-Magistrate's judgment in appeal, and the entry in the cash chitta, show clearly to whom the money is to be returned.

8. I have the honour to request that the documents which I have marked as under may be returned when no longer required.

- A. Original Calendar No. 205.
- B. Office-copy of Calendar No. 215.
- C. Copy of Calendar No. 215 sent to the Appellate Court.
- D. True copy of Deputy-Magistrate's Judgment.
- E. Cash Chitta.

ENCLOSURE No. 2.

From the Acting Joint Magistrate, to the Acting Magistrate of Bellary, dated Ghooty, 21st July 1870, No. 79.

I HAVE the honour to call your attention to my letter, No. 29, dated 5th April 1869, written when I was Head Assistant Magistrate, and to request the favour of a reply.

2. The matter was accidentally recalled to my remembrance to-day, and on looking at the File Book, I see that no answer has been sent.

3. At the change of division in November last the Magisterial Clerk of the Head Assistant's Office omitted this letter from a list of unanswered letters he gave to my Clerk, and this letter has in consequence never been included in the Arrear List.

SUBMITTED for the sanction of Government.

*Proceedings of the Madras Government, Revenue Department,
10th October 1870.*

No. 70. ORDER THEREON, 10th October 1870, No. 1,535.

Land Revenue.

REFUND sanctioned (Rupees 58).

(True Extract.)

(Signed) R. A. DALYELL,
Acting Secretary to Government.

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

Exd. F. R. Bantleman.

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MADRAS.

PROCEEDINGS, 5TH SEPTEMBER 1870, No. 5,660.

Desp^d 16 Sept^r Encl.

Received

21^v

SEPTEMBER.

No. 5,660.

Fines,—amounting in all to Rupees 58, imposed in 1867, on certain inhabitants of Sajaladina by Sub-Magistrate of Tadputry in Bellary District, for disobedience of an order, and remitted by Deputy Magistrate on appeal,—Collector's application for refund of, Submitted for sanction of Government.

Refund Vouchered
(Paid)

25.10.1927

14. Letter to Prof. C. W. Davenport.
6 ———, Mr. H. G. Gould.

CONFIDENTIAL

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THE HOUSE OF COMMONS

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It is imposed on certain chief officers of the Government in order to protect the Government from the influence of the press and the public opinion.