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MADRAS RECORD OFFICE

Government of Madras

Revenue DEPARTMENT

G.O. No.	67	~~Press~~
~~B.P. No.~~		Mis.
Dated	11. 1. 1872	195

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169

Statement of the Evidence and grounds
of Conviction, in Calendar No. 11 of 1870
on the file of the Session Court, Chingleput.

Prisoners pleaded "not guilty" on all
the counts.

2. 1st Witness, a Constable, merely
deposed to the arrest of 1st & 2^d Prisoners,
and to Venkata Rao, for whom he held
a warrant, having absconded.

3. 2^d Witness, the Village Shroff
of Kaithandalam, deposed that F is
the Tandal account / Register of daily
Collections / of his Village, D is the
receipt / Kachay / granted for the
puttah Collections, and shows that
four payments in February, March and
May of July 1274, were made by Rama-
samy Iyer, these entries correspond with
F. A, B, C & G purport to be extracts from
the Tandal F for the same dates; that
they correspond with F, except in four
particulars that in A there is an erasure
and "Sama Royer" where "Ramasamy Iyer"
ought to be, in B too "Ramasamy Iyer" is
altered into "Sama Royer". C & D have
entries in the name of Sama Royer, in
F the name is Ramasamy Iyer. Witness
Further

witness further stated that he prepares the village accounts and they are written by his nephew. A is in his nephew's hand-writing with the exception of the word "Sama Royer"; is not certain of the handwriting of B, but C & G are totally forged, that in July 1274, he took A the collections, and documents similar to B, C & G to the Taluk, that in all these the name of "Ramasamy Iyer" and not "Sama Royer" was entered as payer of a peshment for No 4 Puttah, and that Sama Royer never paid any thing. 3^d Prisoner's Brother's name is "Sama Royer". The Collections and taudals were usually delivered to 2^d Prisoner, "Kristna Row".

4. 3^d witness stated that he assisted his uncle in the preparation of the Village accounts, F, the Village taudal account was written by him, so was taudal A, except where "Sama Royer" is written instead of "Ramasamy Iyer". B, C & G are not in his hand-writing at all, and differ from F in having "Sama Royer" for "Ramasamy Iyer". 1st witness took taudals to the Taluk; that July 1274 Ramasamy Iyer only paid the money for No 4 puttah.

5. 4th witness was Shroff of Madurantakum tatus in ¹⁸⁶⁵1274-75. when Collections came the taudals were first shown to 2^d Prisoner, the Nagadi Jomastah, and then given to him. Venkata Row was then assisting his father. Over fourteen months ago, after the Ulteranneroor Sub Magistrate had asked for original records - Sama Royer (absconded) and Kristna Row (2^d Prisoner) asked him to take money as assessment for the land in dispute - he refused as Sama Royer had never ^{previously} paid anything, that Sama Royer & 2^d Prisoner were on intimate terms and the former used to stay with the latter when at Madurantakum, he was asked by 2^d Prisoner's son Venkata Row to state before the Sub Magistrate he had taken the taudals out of the record with 2^d Prisoner.

6. 5th witness was Sheristadar at Madurantakum from 1860-67. 2^d Prisoner was Nagadi Jomastah in 1864-65, and the taudals were sent to him to compare them with amounts received.

7. 6th witness stated that the Stamp paper marked E was sold by him to a person named "Venkata Row"

of Madurantakam on the 16 March 1867,
only knew one person named "Venkata Rao"
at Madurantakam - i.e. 2^d Prisoner's son.

8. 7th Witness, a Copyist stated
he wrote ~~E~~, a copy of extracts from taudals
A, B, C & G, 1st Prisoner gave him
the Stamp paper telling him to copy
such parts as referred to "Sama Royer"
having paid assessment for Rs 4 puttah.
Pointed out the erasures in A & B to 1st Prisoner.

2^d Prisoner said such erasures were
common in taudals, and 1st Prisoner
then ordered him to copy them.
Witness wrote ~~E~~. Venkata Rao, the

son of 2^d Prisoner paid him the copy-
-ing fee, 2^d Prisoner produced A, B,
C, & G from a desk near him, and
gave it to 1st Prisoner. Sama Royer
lives with 2^d Prisoner when he comes
to Madurantakam.

9. 8th Witness, Tasildar of the
Taluk, deposed that A, B, C & G were
in charge of the shroff in his office,
in A & B there is an erasure and
alteration in the name "Sama Royer".
~~E~~ is an extract from A, B, C & G signed
by him, K. is the application for this
extract by one Sama Royer, the endorse-
-ment on K is 1st Prisoner's hand-writing

367
and the name on it "Kristna Rao" in the
corner is also his writing. 1st Prisoner was
responsible for the correctness of ~~E~~, 1st
Prisoner never showed witness A, B, C
& G, if corrections had been brought
to his notice he would not have granted ~~E~~.

10. 9th witness, Ramasamy Iyer,
deposed that, for 22 years, he had enjoyed
this land in Rs 4 puttah and paid
assessment, in January 1867, brought a
charge against 3^d Prisoner and his brother
Sama Royer (absconded) before the
Uttarameroor Sub-magistrate for trespass
on this land - after close of the inquiry
and before judgment these Defendants
asked for time to file a document, and
filed ~~E~~ ten or fifteen days after. On
looking at D filed by Witness, Sub-
-Magistrate suspected and sent for
original account - Sama Royer filed
~~E~~.

11. 10th Witness, a Vakil, filed I on
behalf of 3^d Prisoner and Sama Royer
before Uttarameroor Sub-magistrate an
Affidavit stating an extract from taudals
would be filed.

12. 11th Witness, then Sheristadar,
stated that erasures &c are objections to copies
being granted.

13. 12th witness deposed to nothing material.

14. For 1st Prisoner. 1st witness, a former Sheristadar, and 2^d witness, the present Tasildar, gave him a good character.

15. 3^d witness (9th witness prosecution) stated that 1st Prisoner and he had no ill-feeling between them, and that Prisoner bore a good character.

16. For 2^d Prisoner. 1st witness, a late Sheristadar, stated that 2^d Prisoner bore a good character and worked well, and that the formastah entrusted with giving a copy, usually kept the documents till sanction came.

17. 2^d witness, Head formastah, stated he lent his desk in September 1867 to 2^d Prisoner who had no desk before; Govt. supplied desks between Sept/67 and January/68. Taudals go first to Nagari formastah, and then are kept by the Shroff.

18. 3^d witness stated he was a Volunteer at Madurantakum, under 1st Prisoner, recollects Soobha Row (7th witness prosecution) shewing him B and pointing out alteration - he (witness) told Soobha Row to shew it to 1st Prisoner, he did so, the taudals & stamp

467
stamp were taken by 1st Prisoner from his desk - 2^d Prisoner was not there at all the whole time up to copy being made.

19. 4th witness, now Sheristadar of Madurantakum, gave the 2^d Prisoner a good character.

20. 3^d Prisoner called no witness.

21. This forgery appears to have been committed as far back as 1867, but owing to misconduct on the part of the Sub-Magistrate of Madurantakum, the case has only been committed this session.

22. In January 1867, Ramaswamy Iyer (9th witness) brought a charge of trespass against "Goosoomoorthe Rao" (3^d Prisoner) and his brother "Sama Rao" (absconded) before the Ulthumeroor Sub-Magistrate, about 5th of March 1867, & after close of the inquiry, the then defendants asked fortune to file the copy of certain taudals regarding the land in dispute and filed it subsequently, (Vide I & 9th witness). From statements made by 9th witness, the Sub-Magistrate sent for original Chittahs (A, B, C & D) from which the extract E had been made and the tandal account (E) of the Village, and

and on a comparison being made, the forgery was apparent. Vide H. Sub Magistrate's decision. The Sub Magistrate reported the matter, and an inquiry was ordered by the then Joint-Magistrate as to the Conduct of the Taluk Officials. -

Vide Laked No 31, dated 11 May 1867. The inquiry was kept pending by the Taluk Sub Magistrate until 17 August 1869, when it was transferred by the Off. Joint Magistrate, ^(Mr. Millyson) Chingleput, that Officer dismissed the Case under Section 225, but the then Session Judge ordered its committal to this Court.

23. The Case against the 1st Prisoner amounts to strong suspicion, his conduct in taking a copy of A and B, with such erasures unexplained without consulting the Tasildar (vide 8 Witness) was culpably negligent, and being a Taluk official, he laid himself open to the reasonable suspicion that he must have known what the Extract was required for, but in the absence of other evidence the Court concurs with the aforesaid as to his acquittal.

24. With the 2nd Prisoner however the Case is widely different; he was intimate with Sama Rayer, 2nd Deft. in trespass Case, and the latter lived with him while at Madurantakam, (Vide 4 & 7 witnesses). It was to 2nd Prisoner, as a Tagadi Gornastah, the

5/67

the Tandal Chittahs were first delivered, (Vide 1st Witness & 4th Witness), 2nd Prisoner handed the Chittahs to 1st Prisoner to make the Extract, and he it was when the erasures were pointed out, said such things were common, (Vide 7th witness) - his name too is written in 1st Prisoner's hand-writing on the Arzi (vide 8th Witness) applying for the Copy, and with reference to which A, B, C & G were searched for in the records, the Stamp paper E was sold to one "Venkata Row" of Madurantakam, the name of his son (absconded) (Vide 6th Witness), and the copying fee was actually paid by his son this "Venkata Row" (Vide 7th Witness) - It further appears from the evidence of 4 witnesses, the then Shroff of Madurantakam, that subsequent to A, B, C & G being called for by the Utterameroor Sub Magistrate, 2nd Prisoner tried to get money paid by Sama Rayer for this land, and endeavored through his son (absconded) to get the said Shroff to give false evidence regarding the production of A, B, C & G from the records.

25. With this evidence before me, and considering that Utterameroor where the trespass Case was pending, is the sub

sub-division of Madurantakam, and that this 2^d Prisoner is a Taluk official and acquainted with Sama Royer, I cannot but come to the conclusion that he (2^d Prisoner) was aware of the forgery in A, B, C & D, all the witnesses from 1 to 8 gave their evidence very unwillingly against the Prisoners. It seemed to me, except perhaps Subba Rao (7 witness), and the late Shroff, a very old man (11 witness) who however gave his evidence in the most straight forward manner. It was urged by the 2^d Prisoner's Vakeel in a very able address that I of which A, B, C & D are extracts might itself be a false document, but I see no grounds whatever to imagine this and no attempt was made by the Vakeel to cross examine the Jaidar and Sherista having any doubts regarding that document.

26. Regarding 3^d Prisoner, though he was a defendant with Sama Royer (absconded) in the original trespass case, yet there is nothing in evidence to show that he took any active part in obtaining

E

E, or that he was present when Sama Royer filed E before the Sub Magistrate, I therefore agree with the assessors in acquitting him.

27. A most deliberate forgery has been committed it is clear, and the motive is equally so from the evidence. That a reference regarding a matter of this nature should have been left so long undisposed of is most discreditable to the Taluk Sub Magistrate of Madurantakam his object was, in my opinion, to shelter his subordinates and bunk the charge altogether.

28. The assessors find all the Prisoners "not guilty" on all counts, but for the reasons above recorded, I cannot agree with their finding on the 2^d Count regarding 2^d Prisoner.

Chingleput
Session Court
16 July 1870

/sd/ R. M. Barlow
off session judge.
(Inu & tract)

/sd/ R. M. Barlow.
off session judge.

6/67

Proceedings of the Court of Sessions at Chengelput

4th October 1869.

Read remarks of the sitting Joint Magistrate
Madras District in appeal Case N^o 10 of 1869
of this file.

During the trial of Sessions case N^o 48
of 1869, 2 of the witnesses, viz, Tandroy Mudali
(a ryot) and Soti Muttan (a Taluqary) stated
that they had been each fined Rupees 50 by
the Sub Magistrate of Madrantacum for
non-attendance in obedience to a summons.

As the amount of fine imposed appeared
very excessive, considering the circumstances
in life of the parties and more especially the
second of them (a village Taluqary), the Joint
Magistrate was called upon for an explanation.

It now appears that the Sub Magistrate
acted wholly illegally, and that the alleged
fines were forfeitures of recognizances -
But even if the Sub Magistrate had
acted legally, he has shown himself in

my

my opinion, to be totally wanting in discretion,
in inflicting so heavy a penalty on persons quite
unable to bear it. It appears that the whole
amount realized from the sale of Toti Muttan's
property under the warrant of distress was
only Rupees 22 - Annas 14 and Pies 6, so that
it must have amounted to absolute ruin
to him -

If the Sub-Magistrate acts in this
unjust and oppressive manner in future,
I shall be under the necessity of recommending
that his Magisterial powers be taken away
from him -

(True Extract)

(Signed) E. Hoare

Session Judge

To The As Joint Magistrate
of the Madras District
for his information and for commu-
-nication to the Sub Magistrate -

N^o 13

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Proceedings of the Session Court of Chingleput
19th February 1870.

Read record in Session Case N^o 11 of 1870
of this Court.

The Officiating Session Judge resolves
to forward to the A^y Magistrate of the Madras
District, extracts from the Statements of evidence
you entered in Column 7 of the Calendar in
the said case, and from paragraphs 6-7-8 & 12
of the A^y Joint Magistrates' Letter N^o 3, dated
9 11th Ultimo, and also a copy of the Proceedings
of this Court N^o 80, dated 4th October 1869, and
to draw the attention of the A^y Magistrate of the
District to the very serious misconduct of
the Talook Sub Magistrate of Madurantakam.

(True Extract)

(Signed) R. M. Barlow

To, The A^y Magistrate of the Off^{ce} Session Judge
Madras D^t - (True Copy)

(Signed) R. M. Barlow

Off^{ce} Session Judge

[Signature]

Sub. O. R. N^o 13/19/70

C

Dec 31 7/71

1618

Official Memorandum

The undersigned has the honor to forward to the Under Secretary to Government, Revenue Department, with reference to his Memorandum dated 29th November 1871 N^o 199, copy of the decision passed by the Sessions Judge of Chingleput in the case of Krishna Rao, Chinniah Pillay & Venkata Rao, and copies of the Proceedings of the Sessions Court of Chingleput dated 4th October 1869 and 19th February 1870.

Revenue Board Office,
Madras,
4th December 1871 -

(By Order)

J. H. Cunningham
Sub Secretary

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9

To,

The Under Secretary to Government
Revenue Department
with 3 Enclosures to be returned

W. G. Lockyer
C. P. Ramaswami S. S.

For 38/11/71
B
J. S. D. M. 1319/70

Rev. 1871 Dec 17

Old Manuscript

St Thomas
Feb 3 1894

The Clerk & Secretary to the
Board of Trustees

To the Mayor of London

To Government of

10/11/19

200 4² December 1891.

Page 4

25

Transcribing copy of
decision passed by Sessions
Judge of Chichester in
case of Forster in which
Christina Forster & William
Ellery & Herbert Forster
were
concerned & certain other
proceedings of said Court.

1. Өмүсүндө

11th May 1999