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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

G.O. No. 1113
~~B.P. No.~~

Press
~~Mis.~~

Dated 1-9-1874 ~~196~~.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 1st *September* 1874.

No. 13. Read the following Proceedings of the Board of Revenue, dated 21st August 1874, No. 2,349:—

Read again Board's Proceedings, dated 18th July 1874, No. 1,871.

Read also the following letter from J. H. GARSTIN, Esq., Collector of South Arcot, to J. GROSE, Esq., Secretary to the Board of Revenue, dated Cuddalore, 6th August 1874, No. 408:—

I HAVE the honor, in reply to the Board's Proceedings of the 18th July, Revenue Department, relative to the Deputy-Tahsildar and Magistrate of Bowanigiri, to forward copies of the charge sent to Tiruvengada Mudali and of his explanation, arranged exactly as he pleased.

2. The Board remark, in paragraph 2 of the Proceedings, that there is nothing but the assertion of the Gumastah and Dufterbund to prove that "Report A" of Mr. Lister's letter was not mislaid by the Magistrate at first and given to the Dufterbund as soon as it was found again; but I beg to point out that in his statement before me the Magistrate himself says that he found the report on his table on the evening of the 10th, at once initialled it, and gave it to the Dufterbund. How this statement is to be reconciled with the dates of entries in the general Register I do not see. At any rate, the Magistrate's own statement precludes entirely the entertainment of any hypothesis of his having mislaid the report.

3. Again one of the strongest points against the Magistrate in my opinion is this: if the Report A was really given in to him on the 10th, why did he not take cognizance of the charge set forth in it before the complaint of Balu Reddi, which was only given in on the following day. I doubt any Criminal Court given credence to his explanation that he thought the village-officers might have committed the offence through their official influence, and therefore took up Balu Reddi's complaint first.

4. On the whole, I cannot divest myself of the impression that the Magistrate did not receive the Report A on the date he alleges, and that he put the date "10-2-74" on it not to prejudice any of the parties in either case so much as to lead any reviewing Court to suppose that the village-officers really had complained before Balu Reddi, and therefore I think, for the Magistrate's sake, the case should be judicially investigated; because he will then either be acquitted or convicted, and in either case the result will be more satisfactory than if it were disposed of extra-judicially by the Board. A good opportunity for trying the Sub-Magistrate will occur on the arrival of Mr. LeFanu, an officer who will join the district free of all local prejudice, and who, if he finds a *prima facie* case against the Magistrate, will commit him to the Sessions, where he will have a thoroughly impartial trial.

ENCLOSURES Nos. 1 and 2.—Copies of charge sent to Tiruvengada Mudali and of his explanation.

SUBMITTED for the orders of Government.

2. The offence with which the Sub-Magistrate of Bowanigiri is charged is the fabrication of false evidence by marking a wrong date of receipt on a letter

sent to him and received by him as a Sub-Magistrate, and which he knew would be part of the record in a criminal case tried by him. Thus the act purports to have been done by the Sub-Magistrate in the discharge of his duty, and the sanction of Government is necessary before the prosecution can be instituted.

3. There seems to be sufficient *prima facie* proof that the document was received on the 15th February, that the Sub-Magistrate marked it as received on the 10th, that it was afterwards used in a criminal case to prove that the writer had complained before the 11th, and that this would have been a material fact if the case (a complaint against the writer of the document which was dismissed) had been a doubtful one, which it was not.

4. The Dufterbund and Gumastah, who are the only persons likely to know of the offence, if it was committed, say that it was committed, and an Office Register confirms their statements. If the statements are false, as the Sub-Magistrate declares, they must have been the result of premeditated conspiracy, and the Dufterbund and Gumastah must have falsified the Register; but it is difficult to believe that men determined to make a false charge at such hazards would have stopped where they did without adding the few details which could have been added easily, and would have made the case against the Sub-Magistrate infinitely stronger.

5. On the other hand, no motive for the fabrication of false evidence is proved, and the party in whose favor it was committed, if committed at all, was not unduly favored in the case in which the evidence was used.

6. The Board are very doubtful whether the prosecution will result in a conviction; but as both the Collector and the Sub-Collector think there should be a prosecution, as there seems to be no need to protect the Sub-Magistrate against prejudice or otherwise, and as Mr. LeFanu's going to the district affords an opportunity of placing the Sub-Magistrate on his trial before a perfectly unbiassed Judge, the Board think the prosecution should be sanctioned. If the Sub-Magistrate is acquitted, he will be in a far better position than if the prosecution is forbidden.

No. 14. ORDER THEREON, 1st September 1874, No. 1,113.

Miscellaneous.

THE Governor in Council sanctions the prosecution of Teruvengada Mudali, Magistrate of Bowanagiri.

(True Extract.)

(Signed) C. G. MASTER,
Acting Secretary to Government.

To the Board of Revenue.
" the Judicial Department.

Exd. F. R. Bantleman.

Govt. of [illegible] Madras.

REVENUE.

To,

THE BOARD OF REVENUE.

Dated September 1

[illegible]ecd.

Encl.

G. O., 1st September 1874, No. 1,113.

SEPTEMBER.

Nos. 13-14.

Tiruvengada Mudali, Deputy-Tahsildar and Sub-Magistrate of Bhowanigiri, South Arcot District.—Sanctioning the prosecution of — for having made a false entry in a public record.

No. 1,871.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 18th July 1874.

Read the following letter from J. H. GARSTIN, Esq., Collector of South Arcot, to J. GROSE, Esq., Secretary to the Board of Revenue, dated Cuddalore, 1st July 1874, No. 352:—

I HAVE the honor to forward, herewith, copy of a letter from the Acting Sub-Collector Mr. Lister, recommending that Tiruvengada Mudali, Magistrate and Deputy Tahsildar of Bhowanigiri, should be removed from that post and reduced to the position of a Revenue Inspector or Gumastah on 20 Rupees pay.

2. The facts connected with the misconduct of the Deputy Tahsildar are briefly as follows:—He received a complaint from a man named Balu Reddy, on the 11th February last, charging certain Village Officers with having cut down certain Government trees with fraudulent intent. The case was enquired into by Tiruvengada Mudali and dismissed on the 20th February. In the meanwhile, as alleged by the Dufterbund of his office, the Magistrate, Tiruvengada Mudali, sent for him to his house on Sunday, the 15th February, and after asking him on what date Balu Reddy had given his complaint, and on being informed it had been received on the 11th, wrote on a paper which he had in his hand, and in the corner of it, "10th February 1874, C. T." being the date of the day before that on which Balu Reddy's complaint was received, and then handed the paper over to the Dufterbund, who, however, took the precaution of writing on the back of it, and in the General Register, that it was given to him by the Magistrate on the 15th. This paper was a report from the very Village Officers charged with stealing the trees, charging Balu Reddy's servants with having stolen them. The object of the Magistrate in writing the false date of receipt of the report seems to have been to favor the Village Officers by putting them in the position of having been the first to bring the theft of the trees to notice, whereas in fact it was Balu Reddy who brought the matter to light. The fact of the trees having been produced before the Court, moreover, was never entered in the Magisterial Diary, and after the two cases* were over, although for four or five days the Magistrate [illegible] passed any orders about them and went off to V[illegible] the end of that [illegible] to Mr. Lister's orders, leaving the trees undisposed of, and on his return at the end of a week they were not to be found, nor were they discovered until the day after their strange disappearance had been enquired into by another Magistrate deputed for the purpose by Mr. Lister†. They were then found in a pond belonging to the father of the Gumastah of the Magistrate's Office, in which place, as reported by the Station-house Officer, search was made at the suggestion of the Magistrate himself and the trees found. All this is very suspicious, and still moreso is the fact that the Village Officer's report has that portion of it torn off on which the Dufterbund wrote his remark, while the fact of the entry of this paper (supposed to have been received on the 10th) in the General Register, subsequent to the papers received on the 11th, 12th, 13th, and 14th goes very far to prove the truth of the statement of the Dufterbund.

3. The Magistrate's explanation, of which a copy is enclosed, is by no means satisfactory, and after a careful review of all the circumstances of the case, I certainly think that Tiruvengada Mudali should be declared unfit even to hold a Magisterial appointment again, and reduced to the post of a Gumastah, even if he be not dismissed the service, a punishment not too severe for his offence.

* For the charge against Balu Reddy's servants was also enquired into and dismissed.

† A copy of this officer's report to Mr. Lister is enclosed.

ENCLOSURE No. 1.

From A. L. LISTER, Esq., Acting Sub-Collector, to J. H. GARSTIN, Esq., Collector of South Arcot, dated Chinna Salem, 1[illegible] June 1874, No. 353.

I HAVE the honor to recommend that Tiruvengada Mudali, Sub-Magistrate of Bhowanigiri, on 50 Rupees pay, should be removed from that office and reduced to the post of a Revenue Inspector or Taluq Gumastah on 20 Rupees pay for the misconduct herein after detailed.

2. On the 29th March I received Report marked B., dated the 26th idem, from Gooroosamy Iyer, the Revenue Inspector of Bhowanigiri division, complaining of some irregularities committed by the Sub-Magistrate in a tree cutting case, and stating that the timber was not in the office though the case had been disposed of long before.

3. I was engaged at the time with the Kallacoorchy Jammabundi, and so I sent [illegible] Row, the Sub-Magistrate of Porto Novo, with instructions to go at once to Bhowanigiri to ascertain what timber there was in the office, to collect all the papers connected with the case, and to take a statement from the Dufterbund.

4. The Porto Novo Sub-Magistrate found no timber in the office; so it had unquestionably been stolen by some one, but although the Sub-Magistrate Tiruvengada Mudali was greatly to blame for not having the timber sold at the conclusion of the cases and for not discovering that it had been made away with until the matter came to my notice, I do not think that he stole the timber himself, and I do not propose to press this point against him.

5. When seven large logs of timber which it was the duty of the Sub-Magistrate to sell, disappeared from his Cutcherry without his knowledge, I will only observe that it shows Tiruvengada Mudali not to be a prudent, discreet, or careful man; his defence is that he was absent on inspection or other duty, but I hope you will pin him to dates on this point, and also as to the reason for there being any delay at all in disposing of the wood.

6. But the missing timber is comparatively a small business, and I do not think there is any necessity for reporting to Government; the charge I have to bring against Tiruvengada Mudali, is a far more serious matter, and it is by the serious charge that he must stand or fall. I accuse him of having in his capacity as Sub-Magistrate made a false entry in a public record intending that such false entry should appear in evidence in a Judicial proceeding, and with having thereby committed an offence punishable under Section 193 Penal Code.

7. The record in question is enclosure A; the false entry is the date of receipt "10th February 1874", which Tiruvengada Mudali admits before me to be in his own hand writing.

8. On the 11th February, one Balu Reddy of Chinna Nerkonam gave a written complaint, dated the 10th idem, to Sub-Magistrate Tiruvengada Mudali, who examined him upon it on the [illegible] following—

(1.) Subba Reddy, Monigar and Munsif of Chinna Nerkonam.
(2.) Vencata Rama Reddy, Monigar and Munsif of Iyambady.
(3.) Krishna Reddy, brother of the above.
(4.) Katha Perumall Pillay, and
(5.) Pichan.

with committing theft by cutting and removing Government trees from Porumboke land.

9. On the same day Balu Reddy gave a complaint to the Station-house Officer at Pinnalur, who forwarded it with an Occurrence report through the Inspector to the Sub-Magistrate; this report did not reach the Sub-Magistrate until the 17th February.

10. On the 11th the Sub-Magistrate issued processes for the appearance of the parties, and witnesses on the 14th. On the 14th the case was not proceeded with but was adjourned to the 17th.

11. On the 17th the complainant and four witnesses were examined; a warrant was issued for the arrest of Pichan, and the case was adjourned to the 18th.

12. On the 18th nothing was done.

13. On the 19th a summons was issued to the Pinnalur Station-house Officer, to appear on the 20th, on which day the Constable and the 1st, 2nd, and 4th defendants were examined and these defendants discharged; the 3rd defendant Krishna Reddy was never summoned. Pichan was arrested and produced before the Sub-Magistrate on the 17th March, after which no further notice seems to have been taken of him.

14. Now in discharging these defendants the Sub-Magistrate mentioned this report A., no fewer than three times; he wrote that the report had been filed in his Court, and these words have been erased; this is the only mention he made of the report of his own accord; in the other two cases it was mentioned in connection with the statements of two defendants, and the depositions of [illegible] witness; so it is quite evident that the report was filed in the first case as evidence on behalf of the accused.

15. On the 21st, the very next day, Subba Reddy, the Monigar of Chinna Ne[illegible] deposition accusing Lutchmanan and Shemakotyan, the servants of this accuser Balu [illegible] having cut these very trees under Balu Reddy's orders; on the 2nd March, these men [illegible] discharged.

16. Now enclosure A. in which I accuse Tiruvengada Mudali of having made the f[illegible] is a report from Subba Reddy and Vencata Rama Reddy, charging Balu Reddy's servants with having cut the very trees which Balu Reddy accused them of stealing.

17. In all counter-complaints the one who *first* complains is supposed to have gained a point, and he can at least urge that the subsequent complaint was brought against him to pay out; and the effect of the Sub-Magistrate having written "10th February 1874", as the date of receipt of the report, which purports to have been written on the 9th is to give seeming priority to the second and later complaint, for Balu Reddy's complaint was dated the [illegible] was received on the [illegible]

18. In the General Register, papers received up to the 14th February are entered before this report, which is alleged by the Sub-Magistrate to have been received on the 10th.

19. Sivachidambara Pillay, the Sub-Magistrate's Dufterbund, says that on Sunday, the 15th February, he went to Tiruvengada Mudali's house to obtain his signature to some urzees which the Gumastah Venketramiah had given him; the Sub-Magistrate gave him this report A. to read, and then asked him on what day Balu Reddy gave his complaint; on the Dufterbund saying it was on the 11th, the Sub-Magistrate wrote then on the 15th February; what I assert is the false entry "10th March 1874" on the report.

20. The Dufterbund then returned to the Office and took counsel with the Gumastah Venketramiah; as the General register was written up to the 14th, there was a difficulty about entering this report which purported to have been received on the 10th; so the Dufterbund wrote on the report a memorandum setting forth that he had received it on the 15th, the Gumastah saw the entry on that portion of the report which has now been torn away.

21. It must be remembered that the writers of this report were summoned to appear as accused persons on the 14th, when nothing was done beyond adjourning the case to [illegible] if the[illegible]ed to [illegible] they [illegible] likely [illegible] negotiations.

22. This is all the evidence there is, and it is all the evidence of tampering with official records there can well be when Sub-Magistrates have only one Gumastah and one Dufterbund.

23. The only corroborative testimony one could expect to find is afforded by Tiruvengada Mudali himself; he says that he found the report on his Office table on the 10th February, he put his initials on it and gave it at once to his Dufterbund; he took no action upon the report until after the 20th, when he had disposed of the other case; such an unlikely story cannot possibly be believed; if he really had given the report to his Dufterbund on the 10th, it would almost certainly have been entered in the General Register on that day; for Balu Reddy did not complain until the 11th, and so no office tricks could have been attempted when they could not know there was going to be a counter-complaint.

24. I think there can be no doubt that while the first case was pending, Tiruvengada Mudali entered into unholy negotiations with the accused and received this report from them on the 15th, and falsely entered "10th February 1874", as the date of receipt to make it appear that they brought the first complaint against this accuser Balu Reddy's servants.

25. I would suggest that in the event of your determining to report the matter to Government with a view to Truvengada Mudali's removal from office, that you should send for him and let him know in precise terms the charge which you will prefer against him, and that he should be required to give in a written and final defence, to cross examine the Dufterbund and Gumastah if he wishes to do so, and to call any witnesses he may desire for his defence.

(True Copy.)

(Signed) J. H. GARSTIN,
Collector.

2. On th[illegible] 29[illegible] same [illegible] ties commit[illegible] the office [illegible]

3. I[illegible] as[illegible]

ENCLOSURE No. 2.—Report of Sub-Magistrate of Porto Novo.

ENCLOSURE No. 3.—Explanation of Tiruvengada Mudali.

K[illegible] The charge against the Bhowanigiri Sub-Magistrate is a very serious charge, but [illegible] not [illegible]ved in the papers submitted to the Board.

2. There is nothing to show that he favored Subba Reddy more than Balu Reddy. The cases against [illegible] were dismissed and the Sub-Magistrate of Porto Novo on whom the Collector and Sub-Collector rely, states most distinctly that the evidence against Subba Reddy was such that he could not have been convicted.

[illegible] There is nothing but the assertions of the Gumastah and Dufterbund to prove that Report [illegible] of Mr. Lister's letter was not mislaid by the Sub-Magistrate at first and given to the Dufterbund as soon as it was found again, and these assertions may very possibly be the result of a conspiracy to injure the Sub-Magistrate taking advantage of the opportunity afforded by his carelessness about Report A.

4. It remains to determine whether there is sufficient doubt in the case to justify the Board in recommending Government to allow Tiruvengada Mudali to be put on his trial. The Collector will furnish Tiruvengada Mudali with a full statement of the case against him and give him a week to send in his explanation, which must not be a mere answer to a set question but evidence arranged as Tiruvengada Mudali pleases. In forwarding this defence the Collector will give his own opinion as to whether the Sub-Magistrate should be prosecuted.

(True Copies and Extract.)

(Signed) J. GROSE,
Secretary.

To the Collector of South Arcot.

Exd. G. A. Turton.

Rec. 28/7/74.

1874.

Board of Revenue,

MADRAS.

PROCEEDINGS, 18TH JULY 1874, No. 1,871.

Encl.

Received.

JULY.

No. 1,871.

Tiruvengada Mudali—Deputy Tahsildar and Sub-Magistrate of Bhowanigiri, in South Arcot District, charged with having made a false entry in a public record.—Collector to obtain and submit explanation from Tahsildar with his own opinion as to whether he should be prosecuted.

[illegible] 1873 [illegible] 743 [illegible]

[illegible] 250 [illegible]

[illegible]

7-2-74 [illegible]

10-2-74 [illegible]

[illegible] 15-2-74 [illegible]

[illegible] 10-2-74 [illegible]

[illegible] 192 [illegible]

[illegible]

[illegible]

2. [illegible]

[illegible] 1,9,3 [illegible]

[illegible] 1,9,2 [illegible]

120 [illegible]

[illegible]

1,9,3 [illegible]

[illegible] (Vide I, H.C.R. 38/[illegible]) [illegible]

3. [illegible] 15 [illegible]

[illegible] 11 [illegible]

[illegible] 10-2-74 [illegible]

[illegible] 15 [illegible]

[illegible] 11 [illegible]

[illegible]

10-2-74 [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] 10 [illegible]

[illegible]

[illegible] 10 [illegible]

[illegible]

[illegible] 10 [illegible] 11 [illegible]

[illegible]

[illegible]

[illegible]

3

(20) [illegible]

[illegible]

1874 [illegible]

[illegible]

[illegible] Tahsildar

The Honorable Members of the
Board of Revenue.

Explanation of Thiroovengada Mudaly Dy Tahsildar and Sub Magistrate of Boovanagheri division, South Arcot District.

In reply to the statement dated 9th Instant sent me by the Collector under Board's Proceedings No. 743 of the 10th Instant I beg to offer my explanation as follows.

Statement furnished to me.	Explanation
The charge against you is that by writing '10-2-74' as the date of receipt of the report from Subba Reddi and Venkatarama Reddi you made a	I have not committed the offence specified in the charge. The report dated '9-2-74' from village Magistrates Subba Reddi and

false entry in a public record intending that such false entry should appear in evidence in a judicial proceeding and that you thereby committed an offence punishable under Section 193 Penal Code.

Venkatarama Reddi of Nercoonum was received by me on '10-2-74' and I have duly entered in it that day as the date of receipt. It was not received by me on '15-2-74' nor did I falsely enter '10-2-74' as the date of receipt.

To Constitute the offence specified in [illegible] ingredients are necessary under Section 192 I.P.C. 1st The act should be such as may appear in evidence in a judicial proceeding; and 2d the evidence should be such as may cause the entertainment of an erroneous opinion touching any point material to the result of such proceeding.

In the absence of any

2. You will observe that your motive is immaterial; it matters not why you did it; it is not alleged against you that you committed this irregularity either to favor Subba Reddi or to damage Balu Reddi; because the act itself is an offence irrespective of any motive that may have actuated you.

of these ingredients there can be no offence.

To constitute the offence of fabricating false evidence under Section 193 I. P. C the intention of the person committing the offence is essential — Vide Commentaries on Section 192 I. P. C page 120 — So also is the object with which the offence must be committed. It is only in cases of giving false evidence under Section 193 the intention of the person committing the offence is immaterial. The offence of fabricating false evidence in question could be considered as brought home only when the act has been committed with the intention that it may cause the

	entertainment of an erroneous opinion touching any point material to the result of a judicial proceeding; besides, this point should have also been mentioned in the Charge (Vide I, H. C. R. 38. p), the act must have ~~Caused~~ either favored or caused damage to the parties Concerned; and as the Collector Considers that I did not Commit the [illegible] or disfavor any party in the Case I Am free from all blame.
3. you have heard the evidence against you given before the Sub-collector; the dufterbund asserts that you sent for him to your house on the 15th February & asked him on what date	I have heard the evidence against me given before the Sub-Collector by Siva chithambara Pillai dufterbund of my office. I did not send for him to my house on Sunday the 15th February;

Balu Reddi complained, and on his replying the 11th" that you wrote in your own house on the 15th February '10-2-74' as the date of receipt of Subba Reddi's report; as you took this document on to the file of a case then pending in your Court an almost irresistable though - - technically rebuttable - inference is raised that at the time you made the false entry you intended that it should appear in a judicial proceeding

neither has he stated in his deposition that I did so. He has stated that he came to my house to take my signature to some paper, that I ordered him to take the report from Subba Reddi and Venkatarama Reddi who were there at the t[illegible] me, that when he had read it I asked him on what date Balu Reddi put in his complaint, and that on his replying that it was on the 11th, I entered on the report '10-2-74' as the date of receipt. It is very surprising to me: 1st that I should have intended to fabricate a false evidence in a public record for no advantage:

2nd - that it should be said in the statement that I sent for the dufterbund at the time when the offence is alleged to have been committed;

3rd - that it should be alleged that I committed the act before his eyes: and

4th - that it should be stated that I inquired him of the date on which Bali Reddi made his complaint considering it would be of use to the act.

These are sufficient ~~fully~~ to throw full discredit on his statement and to show plainly that he owes me a grudge ~~[illegible]~~ in our official connection.

The report in question, it is true, was used in a judicial proceeding. But it is not without raising a rebuttable inference as stated in para 2.

4. It is in your favor that there is against you only the evidence of your gumastah, your dufterbund and the dep[illegible] is against you that these men compose the whole of your office Establishment and that no other person Could reasonably be expected to know anything about the way you Conduct business in your office.

I admit the reasonable inference that no others except my office people Could know the way I conduct [illegible] but as the dufterbund has clearly stated in his deposition that I Committed the offence specified in the charge in my house in the presence of Subba Reddi and Venkatarama Reddi who were then with him, the inference that others could not know does not arise here.

5. It is of Course possible that the assertion of these men may be the result of a Conspiracy to injure you; you have not hitherto put forward this plea, but you are not therefore debarred from doing so now—in fact you are to have the widest possible latitude and say anything you please in your defence you have never Complained of the gunnastah and as far as the Sub-Collector or I know you have never been on bad terms with him; this raises a very strong presumption that he is speaking the simple truth from a sense of duty; if you now

In fact, the dufterbund and others have given evidence against me solely with the intention of causing injury to me; the dufterbund has admitted in his deposition that I have rebuked him in official matters. I have pointed out to the Collector instances of disobedience [illegible] on his part and of the want of proper attention to his work generally as well as the mistakes ~~that were~~ he ~~apparent~~ Committed in the work done by him; I have also mentioned these in my Statement. It is true that I never Complained of my gunnastah (taking him alone); but he and others have intentionally deposed against urge that there was a Conspiracy, I shall be glad to examine any witnesses you can call to prove it, as the mere averment of a plea you have not hitherto put forward is not likely to have much weight unless supported by evidence.

me, aiding ~~each other~~ one another, through the intimacy that exists ~~between~~ amongst them as office mates. The gumastah was not examined in my presence. I do not expect that I will derive any good from re-examining him since he is bound, in consideration of his [illegible] all along the statement once made by him, according to the circumstances before an officer of high position though to his conscience it may be false. If the said Subba Rao and Venkataramah had at the commencement been examined by the Sub-Collector the Conspiracy &c. of my office people would have been disclosed and the truth got out. When the Sub-Collector examined me I have repeatedly requested him that these people should be examined.

6. Another important point for you to remember is that if you really had found the report as you allege on your office table, and put the date on [illegible] the 10th February, your office establishment, even if they were disposed to conspire against you, could have had no reason to withhold this report as Babu Reddi did not bring his complaint until the following day.

Another strong point against you is that you never found

It is necessary here to repeat that on the report received on 10th February the same day was entered as the date of receipt. [illegible] always convenient to look into ~~all papers~~ and pass the necessary orders on all the papers received on one day on the very date of their receipt. The report in question is one received on the 10th. As a counter complaint on the same subject was brought on the following day — the 11th, by Babu Reddi against the fault with your dufterbund, for detaining this report, ~~which~~ whom you would almost certainly have ~~done~~ scolded, had the blame rested with him.

village magistrate and others I thought the latter might sometimes have committed the offence through their official influence, and took up this case first; after it was over I have duly proceeded with the report in question. I did not say it was the [illegible] of [illegible] [illegible] the report was detained, nor was there any occasion to scold him on that account.

I have thus shown to the Honorable Members of the Board that the charge made against me by the acting Sub Collector has no grounds, that I did not commit the offence in question, and that the statements of my dufterbund who says that I did commit the offence are unworthy of being admitted as we were on bad terms.

I have been in Government employ for 20 years and have discharged my duties without any mistake to the satisfaction of several respectable gentlemen; this itself is sufficient to bear testimony to my good character.

I therefore pray that the Honorable Members of the Board will be pleased to take my case into their deep consideration and render justice.

I beg to remain
Honourable Gentlemen
Your most obedient Servant
(Signed) C. Teruvangadam
Dy. Tahsildar and
Sub Majistrate.

Boovanagheri
30th July
1874

(True translation)

Charge & Statement of reasons for it prepared under Board's Order

The Board of Revenue having di[illegible]ted me in their Proceedings No. 743 of the 18 Instant to furnish you with a full statement of the case against you & to give you a week to send in your explanation, I direct you to acknowledge the receipt of this order on showing it rea[illegible] you & to submit to

2 me within seven days of that date a defence arranged as you please

3 The charge against you is that by writing 10-2-74 as the date of receipt of th[illegible] from [illegible] Reddi and Venkatarama Reddi you made a false entry in a public record intending that such false entry should appear in evidence in

a

in a judicial proceeding and that you thereby committed an offence punishable under Section 193 Penal Code.

You will observe that your motive is immaterial; it matters not why you did it; it is not alleged against you that you committed this irregularity either to favor Subba Reddi or to injure Balu Reddi; because the act itself is an offence irrespective of any motive that may have actuated you.

You have heard the evidence against you given before the Sub Collector; the dufterbund asserts that you sent for him to your house on the 15 February - asked him ~~what~~ what date Balu Reddi complained and on his replying the 11th that you wrote in your own house on the 15 February 10-2-74 as the date of receipt of Subba Reddi's report; as you took this document on the file of a case then pending in your Court an almost irresistible though technically rebuttable inference is raised that at the time you made the false entry you intended that it should appear in a judicial proceeding.

It is in your favor that there is ~~against you~~ only the evidence of your gumastah, your dufterbund and the document; but it is against you that these men compose the whole of your office establishment and that no other person could reasonably be expected to know any thing about the way you conduct the business in your office.

It is of course possible that the assertion of these men may be the

the result of a conspiracy to injure you you have not hitherto put forward this plea, but you are not ther[illegible] debarred from doing so now — you are to have the widest possi[illegible] latitude and say any thing you please in your defence. You have never complained of the gumastah, and as far as the Sub-Collector or I know you have never been on bad terms with him; this raises a very strong presumption that he is speaking the simple truth from a sense of duty; if you now urge that there was a conspiracy, I shall be glad to examine any witnesses you can call to prove it, as the [illegible]ment of a plea you have not hitherto put forward is not likely to have much weight unless supported by evidence.

Another

Another important point for you to remember is that if you really had found the report as you allege on your office table, and put the date on then and there on the 10 February your office establishment even if they were disposed to conspire against you could have had no reason to withhold this report as Balu Reddi did not bring his complaint until the following day

Another strong point against you is that you never found fault with your dufterbund for detaining this report which you would almost certainly have done had the blame rested with him

25-7-76 (sgd) A. L. Lister
Sub-Collector for
Collector

(True Copy)
Deputy Collector
for Collector

H

Re. 2876/74.
Rec. Letter from
the Collector of
South Arcot dated
6 August 1874
[illegible]
Reg. No. 5201/74
[illegible]
P.G. 7/15 Sept/74
Ser. 13 N. 13

PROCEEDINGS OF THE BOARD OF REVENUE,

Dated 21st August 1874.

Read again Board's Proceedings dated 18th July 1874 No. 1871.

Read also the following

No. 408:

From
J. H. Garstin Esquire
Collector of South Arcot
To
The Secretary to the Board of
Revenue
Madras.

Sir,

I have the honor in reply to the Board's Proceedings of the 18 July Revenue Department relative to the Deputy Tahsildar and Magistrate of Bonanagiri to forward copies of the charge sent to Tiruvengada Mudali and of his explanation, arranged exactly as he pleased.

2. The Board remark in para 2 of the Proceedings that there is nothing but the assertion of the Gumastah

and Dufter band to prove that "Report A" of Mr Lister's letter was not mislaid by the Magistrate at first and given to the Dufterband as soon as it was found again but I beg to point out that in his Statement before me the Magistrate himself says that he found the Report on his table on the evening of the 10th, at once initialed it and gave it to the Dufter band. How this Statement is to be reconciled with the dates of entries in the General Register I do not see. At any rate the Magistrate's own statement precludes entirely the entertainment of any hypothesis of his having mislaid the Report.

3. Again one of the strongest points against the Magistrate in my Opinion is this, if the Report A was really given in to him on the 11th why did he not take Cognizance of the charge set forth in it before the Complaint of Balu Reddi which was only given in on the following day: I doubt any Criminal Court given Credence to his explanation that he thought the Village Officers might have committed the Offence through their Official influence and therefore took up Balu Reddi's Complaint first.

4. On the whole I cannot divest myself of the impression that the Magistrate did not receive the Report A on the date he alleges and that he put the date "10-2 74" on it, not to prejudice any of the parties in either Case so much as to lead any Reviewing Court to suppose that the Village Officers really had Complained before Balu Reddi and therefore I think for the Magistrate's sake the Case should be judicially investigated because he will then either be Acquitted or Convicted, and in either Case the result will

be more satisfactory than if it were disposed of Extra Judicially by the Board. A good Opportunity for trying the Sub. Magistrate will occur on the arrival of Mr. Le Fanu an Officer who will join the District free of all local prejudice, and who if he finds a prima facie Case against the Magistrate will Commit him to the Sessions, where he will have a thoroughly impartial trial.

Collector's Office
Cuddalore
6 August 1874

Have &c.
(Sd) J. H. Garstin
Collector.

Submitted for the orders of Government.

The Offence with which the Sub. Magistrate of Bowanagiri is charged is the fabrication of false evidence by marking a wrong date of Receipt on a letter

sent to him and received by him as Sub. Magistrate, and which he knew would be part of the Record in a Criminal Case tried by him. Thus the Act purports to have been done by the Sub. Magistrate in the discharge of his duty, and the sanction of Government is necessary before the prosecution can be instituted.

There seems to be sufficient *prima facie* proof that the document was received on the 15th February, that the Sub Magistrate marked it as received on the 10th, that it was afterwards used in a Criminal Case to prove that the writer had complained before the 11th, and that this would have been a Material fact if the case (a Complaint against the writer of the document which was dismissed) had

been

been a doubtful one which it was not.

The Dufterbund & Gumastas, who are the only persons likely to know of the offence if it was committed, say that it was committed, and an Office Register confirms their statements. If the statements are false, as the Sub. Magistrate declares, they must have been the result of premeditated conspiracy and the Dufterbund and Gumastah must have falsified the Register, but it is difficult to believe that men determined to make a false charge at such hazards would have stopped where they did without adding the few details which could have been added easily and would have made the case against the Sub. Magistrate infinitely stronger.

On the other hand, no motive for the fabrication of false

Evidence is proved, and the party in whose favor it was committed if committed at all was not unduly favoured in the case in which the Evidence was used.

The Board are very doubtful whether the prosecution will result in a Conviction but as both the Collector and the Sub. Collector think there should be a prosecution, as there seems to be no need to protect the Sub. Magistrate against prejudice or otherwise, and as Mr Le Fanu's going to the District affords an opportunity of placing the Sub. Magistrate on his trial before a perfectly unbiassed Judge, the Board think the prosecution should be sanctioned. If the Sub. Magistrate is acquitted, he will be in a far better position

than

Charge of the prosecution is fixed
ad Rs:

True Copy Ch. Cleary

J. Irwin
Secretary

To
The Secretary to Government Mil: D.
with 2 original Enc: and Boards
Pro: dated 18th July 1874 No 1871

C. Murphy

Colol. P. Was hand to [illegible]

No. 1113

1 The G. in C. sanctions the prosecution of Perumengada Mudali Magistrate of Bowanagiri.

To Bd. of Revenue
Jud. Deptt. } 3160 / 5-9-74

C 24/8/74

No. 2875

Proceedings of the Board of Revenue

Dated 21
Rep. 24 } Augt/74
Recd. 22

Perumengada Mudali:

Deputy Tahsildar & Sub Magistrate of Bowanagiri in S. Arcot Dt. Letter from Collector forwarding explanation of with reference to Charge preferred against him of having made a false entry in a public record & recommending that he be prosecuted. Submitted for orders of Govt. with Board's opinion in favor of prosecution.

With order