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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

G.O. No.	928	Press
B.P. No.		Mis.
Dated	24 th July	1967

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
24th July 1874.*

No. 213. Read the following Proceedings of the Board of Revenue, dated 10th July 1874, No. 1,762.

Read again Board's Proceedings, dated 23rd March 1874, No. 658.

Read also endorsement on petition No. 718 of 1874.

Read also the following letter from W. D. HORSLEY, Esq., Collector of Cuddapah, to J. GROSE, Esq., Secretary to the Board of Revenue, dated 2nd June 1874, No. 124:—

With reference to the Board's remarks in their endorsement dated 23rd May 1874 on petition No. 718 of 1874, I have the honor to state that on receipt of their Order (*vide* Proceedings) No. 658, dated 23rd March 1874, regarding petitioner's case, I acted on the recommendation which I had made in my letter of reference, and reduced the petitioner to the post of a 2nd Gumasta.

2. While on this subject I must draw the attention of the Board to my letter of reference, and ask them to compare it with their order passed on it. In my letter I stated what I considered to be the petitioner's offence and the manner in which I proposed to punish it. On these points I had arrived at a decision. I stated that I could not act on it without sanction, because petitioner was a Magistrate. The Board's order was not that I could or could not act, but that I may exercise my discretion in dealing with this case. I had already exercised my discretion and arrived at a conclusion regarding the case, and the Board's order made it very uncertain what more I was to do, the question as to whether a Taluq Sheristadar who has been invested with Magisterial powers could be removed from office without the sanction of the Board or of Government, having been left unnoticed by the Board, I settled the matter contrary to the opinion which I still entertain, that I had no authority to act by removing petitioner from his post.

3. The petition and its enclosures are returned.

Enclosure No. 1.—Petition.

In authorizing the Collector to exercise his discretion in dealing with Ugrappa's case, the fact that he had been invested with Magisterial powers and that under G. O., dated 19th February 1873, No. 197, he could not be removed from office without the sanction of Government, was overlooked. The Board accordingly resolve to submit their Proceedings of the 23rd March 1874, No. 658, to Government for confirmation.

No. 214.

ORDER THEREON, 24th July 1874, No. 928.

Miscellaneous

The removal of K. Ugrappa, Sheristadar, Sub-Magistrate of Proddatur, from his office, is approved.

(True Extract.)

(Signed) C. G. MASTER,

Acting Secretary to Government.

To the Board of Revenue,
The Accountant-General,
Mr. B. C. Shankar.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 23rd March 1874.

Read the following letter from W. D. HORSLEY, Esq., Collector of Cuddapah, to J. GROSE, Esq., Secretary to the Board of Revenue, dated Guvalchervoo, 3rd March 1874, No. 52:—

I must bring to the notice of the Board for representation to Government, if the Board consider necessary, the misconduct of Kramadhati Ugrappa, the Sheristadar Magistrate of Proddatur Taluk.

2. The Sheristadar thought it necessary, in defence of his character, to charge a man with offering him a bribe. The Deputy Magistrate tried the case, and in consequence of the remarks made in the calendar regarding Ugrappa's connection with the case, I considered it necessary on the 5th January to suspend him from office.

3. A case of criminal trespass was referred by the Deputy Magistrate to the Sheristadar Magistrate K. Ugrappa on the 5th November. By the 15th December the examination of the parties had been completed, and all that was wanting in the case was the judgment and sentence. On the morning of the 16th December, Ugrappa presented a petition to the Deputy Magistrate, complaining that Meda Subbaya, the defendant in the case of criminal trespass, had, on the morning of the 15th December, offered him a bribe in the shape of a note for Rupees 100 in order that the case might be dismissed. This complaint the Deputy Magistrate took up, and the result was that the defendant Meda Subbaya was convicted of abetting the receipt of a gratification by a public servant, Sections 103 and 161 of the Penal Code. This conviction was opposed against, and the Session Court upheld it.

4. The Deputy Magistrate says in his calendar, that he does not believe that the bribe was given to Ugrappa on the 15th December. He is of opinion that it was actually paid on some former occasion, and that on the 15th December, Ugrappa finding that he could not decide the case favourably to Meda Subbaya, he, on that morning, endeavoured to persuade Subbaya to take the money back. The Board will observe that the charge dates the offence as having been committed between the 5th November and 15th December. The Deputy Magistrate has grounds for his opinion on this point. In his deposition, Ugrappa says nothing about Meda Subbaya having previously spoken to him about the bribe. When cross examined, he is given an opportunity of saying so. He replies by saying that Meda Subbaya used to come to his house to talk about private matters. The Magistrate then leads Ugrappa nearer the point, when he replies that a conversation had passed between him and the defendant regarding a case before the Deputy Magistrate. The Deputy Magistrate continues to feel his way up to the point, when Ugrappa, at last, with hesitation, and in some confusion, admits that two days before the 15th December, Meda Subbaya asked him if he would receive a bribe. He again contradicts himself by saying it was many days before the 15th December that he was so asked. All this is not favourable to Ugrappa. In fact the offer, and, as I believe, the receipt of the bribe took place as Ugrappa

goes on to explain before processes in the case of criminal trespass had been issued, and that must have been not very long after the 5th November.

5. The manner in which Ugrappa says the bribe was given is peculiar. He says he found Meda Subbaya and another in his house. After some conversation about the case, Meda Subbaya said a decision must be passed in his favour. Ugrappa replied that the merits of the case were not in his favour, when Subbaya threw down the note before him. Now I do not think bribes can be given in this way. It appears to me to be much more likely that the note was the subject of contention between Ugrappa and Subbaya, and that the former after an unsuccessful attempt to force it back upon Subbaya threw it down on the ground. The person who was said to be present when this took place denies all knowledge of the occurrence. Another witness arrived at the house in time to see Ugrappa pick up the note. I believe it was the arrival of a third person at the scene which made it necessary for Ugrappa to take possession of the note, which he evidently did not wish to be seen as he took it, this witness says with him into the interior of his house. There was no necessity for this secrecy if Ugrappa was on the right side of the case. This witness is intimate with Ugrappa. They sat talking together for an hour; yet, during this time, Ugrappa said not a word about the note having been forced upon him. This again is not in favour of Ugrappa's innocence. If his part in the transaction was, as he says, innocent, he would naturally talk to his friend about it. He evidently had not made up his mind then to turn the tables upon Subbaya, because it was not till the evening of that day, that Ugrappa told this witness that he would require his evidence. As Ugrappa had said nothing on the subject before, he naturally asked to what he was to depose. All this is quite against the idea that Ugrappa was innocent. It is in favour of the belief which the Judge, the Deputy Magistrate, and I entertain that Ugrappa was on the morning of the 10th December in an awkward position, because he could not prevail upon Subbaya to take back a bribe received on conditions which Ugrappa could not fulfil.

6. This man Ugrappa, I have never had a good opinion of. I have never heard anything against his integrity before, but he is, as the Deputy-Collector remarks, "an unmanageable creature, insubordinate to his superiors, quarrelsome with and oppressive to his inferiors, and far from attending to, and doing well, his legitimate duties." I removed him some few years ago from another taluq for insubordination towards his Tahsildar, who found fault with Ugrappa's work. The Tahsildar's character was unfortunately not above board, and I could only remove Ugrappa to Proddatur. I mention this not to strengthen my belief that Ugrappa received a bribe, but to show that he is not a man deserving of any clemency. He has been in the service twenty-three years, of which fifteen count towards pension. I recommend that he be reduced to the post of a Taluq Head Gunastah.

7. I submit this report to the Board under the impression that I have no power to degrade a Taluq Sheristadar, because he has magisterial powers. There is some doubt now as to the powers which Collectors possess over Taluq Sheristadars because they are Magistrates.

8. Enclosed are the calendar and record of the case tried by the Deputy Magistrate on Ugrappa's complaint, and the proceedings of the Session Judge on the appeal of Meda Subbaya. I beg to draw the Board's attention to the remarks of the Judge in his proceedings, and to the remarks of the Deputy Magistrate in his calendar. I enclose also the translation of an Arzi from Ugrappa, in which he attempts to explain away his conduct.

Enclosures Nos. 1 to 4.—Records connected with Calendar Case No. 133 of 1873.

The Collector may exercise his discretion in dealing with this case.

(A true Copy and Extract.)

(Signed) J. GROSE,
Secretary.

To the Collector of Cuddapah, with records returned.

Copy to the Accountant-General.

Edw. W. French

No. 1,762.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 10th July 1874.

Read again Board's Proceedings, dated 23rd March 1874, No. 658.

Read also endorsement on petition No. 718 of 1874.

Read also the following letter from W. D. HORSLEY, Esq., Collector of Cuddapah, to J. GROSE, Esq., Secretary to the Board of Revenue, dated 2nd June 1874, No. 124:—

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(A true Copy and Extract.)

W. D. Horsley
Acting Sub-Secretary.

To the Acting Secretary to Government, Revenue Department,
with Board's Proceedings, 23rd March 1874, No. 658, and petition,
the Collector of Cuddapah.

Ed. E. O. Shanker.

1874.
Board of Revenue
MADRAS.

PROCEEDINGS, 23rd MARCH 1874, No. 658.

MARCH

No. 658

A. Horsley—Sheristadar, Sub-Magistrate of Pudukottai Taluk, in Cuddapah District, whose recommendation to post of a 2nd Gamasta, is recommended by Collector for his signature, subject to ordinary case. Collector is to exercise his discretion with regard to—

L. B. Russell with Ostrich

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K. v. Gumpel.—Jas. Stenographer, San Diego
Eggs of Graham Tied in California District
—Horn's Proceedings, Issue 704 March
1874. No. 658, authorizing Collector to sub-
fine disburse with regard to payment to be
returned on — for his numerous conduct in a
business case submitted to Government for con-
sideration.