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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Revenue DEPARTMENT

G.O. No. 1196. ~~Press~~ Mis.
~~B.P. No.~~

Dated 22 - 5 - 1876 ~~197~~ .

Not to be folded or roughly handled

Calendar case No. 13
of 1876

1/1196

Judgment

The evidence in this case is chiefly documentary. Up till 2 or 3 years ago the 1st witness had been living apparently on the most intimate and confidential relations with his uncle the accused Tahsildar and his (the Tahsildar's) brother. After separating from them and setting up in business for himself he conceived for some reason or other a violent animosity towards them which induced him to lodge the information before the Joint Magistrate upon which this enquiry is based and in support of the charge produced certain papers (exhibits A. B. C. D &c) which had fallen into his possession and which to all appearance fully corroborate the charge.

The exhibit A purports to be a diary or register of letters despatched to the adress of a Madras merchant called Parthasarathi, the first by the Tahsildar himself and the rest (2 to 5) by the Tahsildar's brother ordering large supplies of European liquors to be sent from Madras to Rajahmundry. The admission of this register in evidence has been objected to on the part of the defence, quite needlessly as appears to me as it is not required at all for the purposes of the prosecution

prosecution. The exhibits B Consisting of 7 original letters, the genuineness of which is not questioned, are proofs of the merchants Parthasardi to letters he had received. All but one of these (B 6) are addressed to the Tahsildar Venkata Ranga Charulu. Generally speaking they may be described as acknowledgments of receipt of extensive orders for European liquor, intimations of the despatch of several consignments in accordance with the said orders and demands for prompt payment. In the only letter addressed to the Tahsildar's brother the writer mentions among other things having received a letter from the said brother to the effect that the Tahsildar was out on Jamabundy but would return in 10 days, which would appear to explain the fact of this particular letter not being addressed as usual to the Tahsildar. If therefore the A exhibits are excluded, the natural Conclusion will be that the Tahsildar himself wrote the several letters in which the orders for liquor were conveyed. When this however was put to him and he was asked why the Madras Merchant kept addressing him he had to fall back upon the probable genuineness of the A letters and to explain the

Merchants

merchants conduct by saying that as the first order (A 1) had been signed by him the merchant took it for granted that it was with him (the Tahsildar) that he was dealing, although in reality all that the Tahsildar thought he was ordering when he signed the original of A 1 were a few sundry articles (attar &c) which he wanted for his own use. And here we have the root of the Tahsildar's defence. He pretends that he was made a mere catspaw of by his intriguing brother and nephew, who began by inducing him unwittingly to sign this letter. So much of it as pertained to the attar &c. and he had no idea that it contained also an order to send to him some 18 dozen bottles of Brandy & Ginger wine. This is neither the only Consignment referred to in the correspondence nor is it the largest. But the evidence both oral & documentary enables us to follow the history of this particular Consignment and to see how far the Tahsildar's plea of ignorance is borne out in it. It is admitted by the Tahsildar that he did sign a letter of which for all practical purposes A 1 may be taken as a true copy. Indeed it is the

Tahsildar's

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Present: [illegible]

Tahsildar's case that he did sign such a letter & that B1 & B2 are replies to it. B1 is dated 28th January 71 & advises despatch of 19 packages of which 18 are "Brandy & other liquor" & the other package contains Sundry articles. B2 is dated 31st January 71 and advises despatch of 9 packages only to having been sent by the previous steamer, the Captain having refused to take more.

C1 dated 30th January 1871 is addressed by the Consignee at Cocanada to the Tahsildar's brother, acknowledging receipt of 10 packages. The remaining 9 cases were apparently received by the Consignee on or before 3rd February 1871 for on that date we find the Consignee writing to the Tahsildar's brother (C3) intimating the despatch on Villambei Raghava Chari's boat of the 19 packages, 18 being liquor & the other "Sundry articles"

D is a passport dated 3rd February 1871 signed by the Deputy Tahsildar of Cocanada permitting "18 cases of brandy to be taken by Gendarmerie Abbayi from the Cocanada Sea Custom House to Vedala Ranjachariulu's Godown in Rajahmundry within 2 days" Endorsed on this passport is another passport dated 4th February 1871 in the handwriting of the 1st witness (proceedings) and signed and stated by the Tahsildar as Submagistrate permitting the liquor to be taken [illegible] Provinces within 2 months

The next document that helps to throw light upon the disposal of this Consignment is G1 which appears to be a Memorandum of the sale & is the first part 17 dozens of brandy & Ginger wine and in the second part of 18 dozens. The Sales according to this account were made to 2 men viz Kasimsahib and Raghavachari. It is in the admitted handwriting of the Tahsildar. G2 and G3 appear to be continuations of it also in the Tahsildars hand writing & and from G2 it is gathered that the date of this account was 17th March 71.

So far the documentary evidence relating to this Consignment, on which more light however is thrown by the evidence of the persons whose names occur in these documents & who are by no means prejudiced against the Tahsildar

Tahsildar. None of the 3 are forthcoming in this Court. K. Raghava charulu the licensed shopkeeper in Dowlaiswaram died previous to this enquiry, Kassimsahib the Abkary Contractor died about a month ago, and Vedala Ranga charulu cannot at present be found having it is reported (by the defendant himself) gone on some distant pilgrimage.

The evidence of the 2 latter was however taken in the presence of the accused both by the Joint Magistrate & the Sessions Court and is therefore available for this trial.

Exhibit D shews that the consignee at Rajahmundry was Vedala Ranga Charulu (3rd witness in Sessions case No 39 of 1875) He admits that the liquor was received, & that he has no godowns (as stated in D) but that the liquor was transferred at once to the Dowlaiswaram shopkeeper for whom it was impreality sent up from Madras. He denies that any of the liquor was ever stored in Rajahmundry. This is quite disproved by the other evidence & it is not even asserted

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asserted to be the case on the side of the defence.

It is proved by the evidence of Kassimsahib (not to speak of exhibits D. F. & G.) 2 & 3) that the liquor was actually stored in the premises attached to the Tahsildar's house. There the Abkary Contractor Kassimsahib went & the Tahsildar's brother to buy some of it. The Tahsildar's brother and nephew delivered the cases to him and he gave them the receipt for the liquor signed by himself (exhibit F) Two payments are endorsed on this receipt one for Rs 150 dated 26th January 1871 and the other for Rs 50 dated 8th March 1871. There is nothing to shew from whom the liquor was purchased or to whom the payments were made.

What the Tahsildar has to explain are the following admitted facts

(1) That a correspondence was carried on between (apparently) himself or his brother acting on his behalf and a Madras merchant shewing that consignments of liquor were ordered on the one side and despatched on the other and that further extensive transactions of the same kind were

were contemplated

(2) That he signed at least one letter to which liquor was ordered.

(3) The liquor being stored & sold on his premises

(4) The account of sales in his handwriting (G1, 2, 3).

His defence is that his brother and nephew carried on the traffic unknown to him. He was induced to sign A.1 in ignorance of its contents, he was not aware of the liquor being sold on his premises & as for the G. exhibits he drew out the accounts shown in them in order to settle a dispute that had arisen between his brother & nephew as to their respective shares in the traffic that had been going on & the existence of which he had then for the first time discovered.

Now to support this plea of ignorance & of being so entirely in the hands of his relations and hoodwinked by them and the accused should have some evidence to shew that there was concealment & underhand practices

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on their part of which they carefully kept him ignorant. But I look in vain for any such concealment. On the contrary between him & them at that time every thing seems above board. Nearly all the letters B are addressed on the cover to the Tahsildar. The Chaneer surely were that the Tahsildar might open and peruse at least one of the numerous letters addressed to him and relating to the traffic. The fact that the liquor was stored on his premises shewed the brother and nephew were indifferent to any discovery the Tahsildar might make. Lastly the Tahsildar's account (even admitting the Tahsildar's account of them) shew that he was in full possession of all the facts very soon after, whether he knew them at the time or not.

Again as to the G exhibits - there is not much on the face of them bearing out the Tahsildar's explanation of their representing his arbitration & settlement of the dispute between his brother and nephew. He asserts that the 3d document is mutilated & that the portion torn off would show what his settlement was,

but

but all one can say in looking at the papers is that they merely indicate profits made on sales of liquor to the 2 licensed dealers Kasim Sahib and K Raghavacharulu and moneys received from and still due by them. Among all the jotting of figures in the papers there is no division into 2 or 3 parts though this was the main object in view according to the Tahsildar.

The Tahsildar admits that neither his brother nor nephew had money of their own and that they "priest in all probability have used his pay in carrying on their operations Of this they had the entire disposal as well as of all his other household business.

An attempt has been made to show that the real dealer in the liquor was after all only Raghavacharulu the Dowlaiswaram shop keeper and that the Tahsildar's brother and nephew got the liquor from Madras for him, professedly at cost price & that although out of the business this profit they did make a profit it was fraudulently taken from this man. That

they pretended to sell the liquor at cost price is likely enough and is borne out by Exhibit J which shews falsely that Kasimsahib's purchase was at "cost price" and charges for steamer freight &c. are added. But that K Raghavacharlu was the real owner and importer of the liquor is disproved by the defendants witness themselves one of whom as well as the Tahsildar's brother himself (Vide statement in the Session Court) says he was present when the Tahsildar arbitrated between his brother and nephew. This like a man arbitrating between 2 thieves as to their division of spoils the owner which is inconceivable by standing by a witness to the arbitration!

Difficult as it would be to admit the Tahsildar's explanations even if he were a man of spotless integrity and hitherto unsullied reputation it is all the more difficult to credit him innocent when we find quite recently he was twice recommended by the late Collector for dismissal from Government Service on grounds allied a fact from this enquiry. In the first instance the Board of Revenue degraded

degraded him to a lower appointment for having "encroached on land set apart for public purposes thro' a falsehood, taking advantage of an officer who came to the place after the assignment was made and knew nothing about" The 2d case was hanging over him when this more serious enquiry began.

Under all the circumstances above detailed I have no hesitation in finding Tahsildar guilty of having trafficked in European liquor without a license & thus himself having committed a gross breach of the law which he in his position was especially bound to respect and uphold.

(Signed) L Hope
A.S. Magistrate

24th March 1876

(True Copy)

L Hope
Acting Collector

Exd A A Thomas

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Sentence

The Court finds that Panchapagam Venkata Ranga charlu is guilty of the offence specified in the charge namely that he sold European wines and Spirits without being licenced and thereby committed an offence punishable under Section 21 of the Madras Abkary Act III of 1864 and the Court directs that the said Panchapagam Venkata Ranga charlu pay a fine of Rupees 5 0 0.

Cocanada
24th March 1876

(Signed)
J Hope
A.S. Magistrate

Fine paid

(True Copy)

L Hope
Acting Collector

Exd A A Thomas

No. 1,147

PROCEEDINGS OF THE BOARD OF REVENUE, dated 2nd May 1876.

Read the following letter from J. HOPE, Esq., Acting Collector of the Godavery District, to C. A. GALTON, Esq., Acting Secretary to the Board of Revenue, dated Cocanada, 3rd April 1876, No. 82:—

REFERRING to the correspondence ending with the Board's Proceedings, dated 20th November last, No. 3,161, I have the honor to report that the High Court annulled the conviction and sentence of the Session Court in respect to Paniharam Venkata Rungacharlu, Tahsildar of Yernagudiem, and directed that he should be tried by the District Magistrate for the offence of selling European liquors and wines without being licensed under Section 21, Act III. of 1864 (Madras).

2. I accordingly took up the case, tried it, and sentenced the Tahsildar to pay a fine of Rupees 500.

3. I beg to submit herewith, for the information of the Board and Government, copy of the Judgment passed by me.

Enclosure No. 2.—Copy of Judgment.

SUBMITTED to Government in continuation of Board's Proceedings, dated 20th November 1875, No. 3,161.

2. The Board presume that an appeal will be preferred. The Collector will report the result in due course.

(A true Copy and Extract.)

Acting Sub-Secretary.

To the Secretary to Government, Revenue Department.
with one enclosure, to be returned.

„ the Collector of the Godavery District.

Exd. W. J. Lewis.

No 1893. V
No 164
Revenue 1876. Dyarte

Board of Revenue,

MADRAS.

22d May 1876.

PROCEEDINGS, 2ND MAY 1876, No. 1,147.

Dept. 8 May 76

Encl.

Received 12th May 1876.

MAY

No. 1,147

Pa[illegible]ta [illegible]pacharlu, P,—Second-class Magistrate of Narsapudiem Taluq Godavery District, who had been charged with selling European liquors and wines without license.—Submitting to Government letter from Collector forwarding copy of Judgment passed by him in the trial of [illegible] No 1476 - 22 May.

Recorded with reference to the endorsement on Petitioners Pr. Co. No 881 of 1876, having been filed in Spl. No. [illegible] P.K.

1 Sch. Ab. Board of Rev. Mad. 29 Aug.

1-3-916