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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Revenue

DEPARTMENT

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Tahsildar of Madura.

No. 56. Read the following letter from the Acting Registrar of the High Court of Judicature at Madras, Appellate Side, to the Chief Secretary to Government, dated Madras, 11th January 1876, No. 75 :—

I am directed to forward the accompanying papers relating to the case of one Nevelan Ambalagaran, who was convicted by the Sessions Judge of Madura, in Calendar Case No. 120 of 1875, of the murder of one Arumugam Pillai, a Gunastah in the Taluq Cutcherry at Madura, and was sentenced to death subject to the confirmation of the High Court.

2. Before confirming this sentence the High Court felt called upon to direct an inquiry into the matters alleged by the prisoner in his confessional statements as causing the provocation under which he acted in committing the murder of which he was convicted. The Sessions Judge having, in his letter of the 14th December 1875, reported the death of the prisoner in the Madura Jail, the necessity of further judicial inquiry in regard to the case of the prisoner has come to an end. The High Court is, however, of opinion that the allegations relating to the officials mentioned in the prisoner's statements should be brought to the notice of His Grace the Governor in Council.

From the Acting Sessions Judge of Madura, to the Acting Registrar of the High Court of Judicature, Appellate Side, dated Madura, 9th November 1875, No. 468.

I have the honor (under Section 237 of the Code of Criminal Procedure) to submit, for the consideration of the Honorable the Chief Justice and Judges of the High Court, the records in Calendar Case No. 120 of 1875, on the file of the Sessions Court, wherein I have passed sentence of death on the accused.

2. The prisoner has pleaded guilty and acknowledged two former confessions and a plea of guilty. There is not a shadow of doubt but that the plea is deliberately and intelligently made. The prisoner surrendered himself to the Treasury guard at the Taluq Cutcherry, which was the scene of the offence, and of his own accord handed to the Police the weapon with which the crime had been committed. The Zillah Surgeon (first witness on the list) testified that the wound was the cause of death, which ensued on the night on which the wound was received.

3. The evidence on the committing Magistrate's record seems to have proved the prisoner's guilt independently of his confessions. It seems unnecessary to say more than that the confession of the murder has been deliberately repeated two or three times by the prisoner in his statement here; that his demeanor is perfectly calm and rational; that his avowed motive was to wreak vengeance upon deceased (a Taluq Gunastah) for withholding an alleged bribe meant for the Tahsildar, and to bring alleged official oppression to light; and that prisoner avers that the crime was meditated for six months.

4. A capital sentence seems called for.

5. The convict has declared his intention to appeal.

P.S.—The depositions of those witnesses only, and in number, who were sent up to this Court by the committing Magistrate are despatched herewith. The remaining fifteen on the list were examined with reference to a departmental revenue inquiry.

The prisoner's statement was recorded simultaneously in English by the Assistant Magistrate and in Tamil by the Deputy Magistrate. The English version only is sent.

Ba. 54.

Referred to the Acting District Magistrate of Madras for full inquiry and report.

Fort St. George,
14 January 1876

(Signed) W. HEDLESTON,
Chief Secretary.

No. 57. *Read also the following letter from the Acting District Magistrate of Madras to the Chief Secretary to Government, dated Shambaganur, 30th August 1879, No. 927.*

I have the honor to furnish the report called for in your endorsement, No. 54, dated the 13th January 1876, an letter, No. 75, dated 11th January 1876, from the Acting Registrar to the High Court, which, together with the other papers received therewith, is herewith returned.

2. Mr. Sewell, then Assistant Magistrate, having held the original inquiry into the murder of Taluk Aminnath Arundhanam Pillai and having committed the murderer Nevelan Ambalagaran for trial, I sent for him as soon as I received the papers from you and consulted him as to the steps to be taken. The fact being that at the time the crime was committed the fullest inquiry possible was made without the result that any material corroboration was obtained of the murderer's story, we came to the conclusion that further inquiry was useless. Mr. Sewell then undertook, at my request, to draw up a report on the case, with which he is now acquainted. This report is now submitted in the shape of an undated memorandum, which I have the honor to enclose to original. The delay in its preparation is due, Mr. Sewell has informed me in a semi-official letter, to the fact that when he moved from Madurai to Palghat he took the papers with him intending to complete his report on the subject, and on his way unfortunately lost some of his luggage, including the box in which these and other official papers were. When he found his luggage it had escaped his memory that the papers were there and should be returned to me, so that when I wrote to him to remind him of them he had considerable difficulty in finding them. This is not a very satisfactory explanation. But the delay is partly my fault as well, for I should have remembered that the subject was pending. I can only express my regret that I quite forgot all about it until, when thinking of different things I wished personally to dispose of before I went home, I happened to recollect it.

3. The murderer Nevelan Ambalangarai's story was that, in consequence of and in order to bring to light a series of oppressions practised on him and his friends, and etalities exacted from them by the taluk officers for the benefit of themselves and of the Tahsildar, N. Gopal Iyengar, he murdered Taluk Gumsatab Amrangan Pillai, who was the principal agent in these transactions, and would have murdered the Tahsildar also had he not been a Brahman. The morning after the murder we heard from the Police Inspector what the murderer said (vide Occurrence Report, dated 29th September), and Mr. Sowell, who was in charge of the taluk, lost no time in taking the case out of the hands of the Town Magistrate and inquiring into it himself. The statement the murderer then made (filed as D in the Sessions Court) took nearly the whole day to take down. In the evening

Mr. Sewell came to me and reported the result. I instructed him to proceed immediately to the village with the General Duty Deputy Magistrate to examine the persons mentioned by the murderer as cognizant of the facts. This they did early next morning without announcing their intentions but taking pains to keep them secret. Whether the fact that they were going to the village to make inquiries in some manner leaked out, and whether, as Mr. Sewell heard from Mr. Paczensky and I heard from other quarters, the Tahsildar's emissaries were beforehand with them, I do not know, and see no means of ascertaining. But the most careful inquiry in the village produced no result. Every one named by the murderer denied all knowledge of the facts, except one of those who was concerned in raising the loan of Rupees 100 to give the Tahsildar. He could hardly deny it seeing Mr. Sewell had already secured the document by which the loan was secured.

4. In the meantime I had secured the accounts of Karuthan Chetty, whom the murderer represented to have received some money on account of the Tahsildar. These accounts did not confirm the statement of the murderer, though I now find that they showed that the Tahsildar was heavily indebted to Karuthan Chetty, a resident within his jurisdiction. I do not remember this circumstance being before brought to my notice. I will now call on the Tahsildar for any explanation he may have to offer. Karuthan Chetty's accounts appear from Mr. Sowell's remarks to have been tampered with, or, at all events, not to be trustworthy.

5. The above is the whole

5. The above is the whole case against the Tahsildar. I did not, and do not see what there is, even now, in the Tahsildar's statement as to the Ambalagarán's charges. It appeared both to Mr. Sowell and myself, and I believe I may say also to Mr. Glenn, who tried the murderer in the Sessions Court, that these charges were substantially true. Indeed, I think it will be impossible for the Members of Government to read the unfortunate man's statement* made to Mr. Sowell without believing it. In its simplicity and earnestness it carries the impress of truth on its very face. The terrible evidence of sincerity given by Nevelan Ambalagarán precludes, I think myself, the possibility of doubting the truth of his words.

6. But against the Tahsildar it cannot be said that there is any *proof*. Knowing that before recently the Board and Government scrutinize charges brought against public administrative officials of high position, and how difficult it is to procure their dismissal save upon absolutely certain and uncontrovertible *proof* of crime; feeling that it was possible that to persons unacquainted with Gopal Iyengar's well reputation throughout the district for corruption these charges might appear less probable in themselves and less certainly true than they do to us in the Madura District, who know the man and his infamous character; feeling also that my knowledge in this respect might have unconsciously influenced my appreciation of the truth of Nevelan Arumugavan's statements; and alive as I was to the injury which is done to the discipline of the public service in a district by the failure of charges brought by the Collector against a subordinate, I came to the conclusion at the time that it would be better to let the matter drop. Thinking over the matter again in a leisure which I did not enjoy at the time,

*Proceedings of the Madras Government, Judicial Department,
10th October 1876. No. 2093.*

when I was overwhelmed with work on account of the approaching visit of His Royal Highness the Prince of Wales, I think that I was altogether wrong, and that I should have reported the facts and left Government to decide on them. It was an error of judgment which I request Government will overlook.

7. My recommendation now is that Tahsildar Gopal Iyengar be summarily dismissed from the public service and his re-employment forbidden. I have not, it will be noticed, called on him for any explanation as to his oppressive conduct and receipt of bribes. This is because there is really nothing to call for explanation about in a case in which there is no evidence on one side or the other. Novalan Annabalaran makes certain charges. The Tahsildar will, of course, if asked, deny their truth. It is for Government, considering the circumstances, to say whom they believe.

8. In conclusion, I may mention that I have reason to believe that when in Mr. McQuhae's report on the working of the Police, &c., for the year 1874, he mentioned certain Magistrates as notoriously corrupt, on words to that effect, one of the Magistrates he had in his mind at the time was Gopal Iyengar. He certainly was one of those I had in my mind when I made a similar remark in the same report for 1875. There always are such men whom every one knows to be corrupt, but whom, as every officer of experience knows, it is simply impossible to *prove* to be corrupt. Gopal Iyengar, whether guilty in this particular case or not, is one of them.

105. *Governing Council, 10th Oct. 1876, No. 2093.*

The Governor in Council considers that from the circumstances of the case and the length of time that has elapsed it would be hopeless to attempt now to bring the charge of extortion and corruption to a legal issue, but he directs that steps be forthwith taken for removing the Tahsildar, N. Gopal Iyengar, to a distant district where he will be comparatively harmless as a stranger and where his conduct will be well watched.

2. The arrangements made with this object will be reported for the information of Government.

(True Extract.)

Chief Secretary.

To the Acting Registrar of the High Court, Appellate Side,

Acting District Magistrate, Madras.

Revenue Department.

with reserves

Ed. A. S. Rogers.

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