Archives 1—10,000—6-10-78.

(1) Number of pages 22.

(2) Date of repair 9-10-84

(3) Initials of the Referencer

TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Revenue DEPARTMENT

G.O. No. / ~~B.P. No.~~	1969	Press. / ~~Mis.~~
Dated	6-12-1878	197 .

Not to be folded or roughly handled

1969
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GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

6th December 1878, No. 1,969.

Read the following paper :—

No. 78. Proceedings of the Board Revenue, dated 3rd December 1878, No. 3,234.

Read the following letter from A. CRUICKSHANK, Esq., Collector of South Arcot, to C. A. GALTON, Esq., Acting Secretary to the Board of Revenue, dated Cuddalore, 25th November 1878, No. 486 :—

THE Joint Magistrate reports that Mr. Dique, the 2nd-Class Magistrate of Tindivanam, has been accused of taking a bribe of 50 Rupees in a magisterial case before him, and requests that he be suspended and sanction obtained for his prosecution.

2. One Kundasawmy Pillai was accused of assault, to answer which charge he was summoned. He presented petitions both to the Joint Magistrate and to me requesting to have his case transferred to some other Court, on the ground that Mr. Dique bore him no good-will on account of some former proceedings. The Joint Magistrate having declared that he saw no need to interfere, I also declined to transfer the case. Future proceedings go to show that the application was not altogether ill-founded. The accused, in his endeavours to have the case transferred, failed to attend at the time fixed in the summons. Warrant was accordingly issued for the arrest of the accused, and it did not give the accused the opportunity of giving bail or security for his appearance. The accused was arrested and taken before the 2nd-Class Magistrate, but even then he was still kept in custody. Considering the nature of the alleged offence, I think it would have been sufficient if he had been required to bind himself to appear when required, but not only was he not allowed to do so, but the two sureties whom he produced were rejected. It seems to me that Mr. Dique's reasons for rejecting them are not such as any one is likely to give much weight to. He says he knew the two presented well, and they might be men of substance, but so far as his experience of them went they were not of good character, and were capable of doing any deceit. He mentions what each is worth, but it strikes me that this information, even if it be correct, was obtained after he saw what had taken place. The accused says that notwithstanding he offered to pay cash as security, he was still kept in confinement. One Sundara Moodelly, who was one of the sureties originally offered, says he went with 50 Rupees to give as bail. Mr. Dique said if he gave that money he would release the accused on Saturday. He besought him to let him go that day that he might return for the Deepavali to his village. This Mr. Dique refused. The accused was released on Saturday owing to the non-appearance of the complainant it is said. Considering the severity with which the accused was at first treated, and the way in which the case at last collapsed, viz., for default, I think there are grounds for supposing that the charge against Mr. Dique is not altogether groundless, and he should be put on his trial. I do not think that the case is such as to require his immediate suspension, but I have the honor to request that sanction for his prosecution may be accorded.

3. The papers* in the case are herewith forwarded, and I hope an early reply will be given, so that if the case is really a good one it may not be spoiled by delay.

* The joint Magistrate's letter, No. 260, dated 19th November 1878, with its enclosures in original (to be returned).

ENCLOSURE No. 1.

From C. A. BIRD, Esq., Acting Joint Magistrate, to A. CRUICKSHANK, Esq., District Magistrate of South Arcot, dated Tindivanam, 19th November 1878, No. 260.

I HAVE the honor to forward, herewith, a complaint made by one Kundasawmy Pillai accusing the 2nd-Class Magistrate of Tindivanam, Mr. F. Dique, of receiving a bribe of 50

charge

Rupees, together with the records connected with the original case against the complainant and the depositions taken from him and his two witnesses.

2. The complainant was accused of a petty assault, and as, instead of appearing on being summoned, he chose to present petitions to this Court and to that of the District Magistrate objecting to be tried by the 2nd-Class Magistrate, Mr. Dique very rightly issued a warrant for him.

3. Here, however, commenced conduct on the part of the Magistrate which seems to show that the allegations of the complainant that he had enmity against him may have some foundation.

4. It would have been sufficient for so petty an offence to have issued a bail warrant, but this was not done.

5. Again, on his being produced it would have been sufficient to have caused complainant to have entered into personal recognizances to appear when required, but instead of this being done, bail, which appears to me to be good and sufficient, was refused and the complainant was remanded to jail.

6. The complainant alleges that he heard that the defendant, Mr. F. Dique, received a bribe on the 25th ultimo and promised to release him, and that in accordance with what he heard he was called upon the next day and discharged under Section 208, Criminal Procedure Code, for default of the prosecutrix.

7. Two witnesses, those who were refused as bail, were examined, and they depose that they were so refused, and that afterwards they took Rupees 50, which was paid to the defendant. The evidence of the witnesses is such as induces me to give some credit to it; and as the accusation is so far confirmed by the conduct and explanation of the accused, I think he ought to be put on his trial.

8. If you concur with me I request that you will obtain sanction for the prosecution of Mr. Dique and in the meanwhile order his suspension.

ENCLSURES Nos. 1 to 11.—Records.

THE sanction of Government is requested for the prosecution of Mr. F. Dique, 2nd-Class Magistrate of Tindivanam Taluk, on a charge, under Section 161 of the Penal Code, of having accepted an illegal gratification of Rupees 50 paid on behalf of one Kundasawmy Pillai. The District Magistrate considers that there are sufficient grounds for putting the 2nd-Class Magistrate on his trial. Pending sanction for the prosecution by Government it is unnecessary to suspend him.

(True Copies and Extract.)

(Signed) D. BUICK,
Acting Sub-Secretary.

No. 79. ORDER THEREON, 6th December 1878, No. 1,969.

Miscellaneous.

THE Government are not prepared to bar the private prosecution of the 2nd-Class Magistrate, Mr. Dique, and accordingly sanction the receipt of the charge and enquiry.

(True Extract.)

(Signed) L. A. CAMPBELL,
Under Secretary to Government.

To the Board of Revenue, with ten enclosures.

Exd. A. F. Goodall.

Revenue Department

1878 / 1965

No. 3234

Proceedings of the Board of Revenue
Dated 13 December 1878

Read the following

No 436

From

A. Cruickshank Esqr
Collector of South Arcot

To

C. A. Galton Esqr
Ag Secretary to the
Board of Revenue
Madras.

Sir,

The Joint Magistrate reports that Mr Dique the 2d Class Magistrate of Tindivanam has been accused of taking a bribe of fifty rupees in a Magisterial case before him and requests that he be suspended and sanction obtained for his prosecution.

2 One Kundasawmy Pillai was accused of assault to answer which charge

charge he was summoned. He presented petitions both to the Joint Magistrate and to me requesting to have his case transferred to some other Court on the ground that Mr Digne bore him no good will on account of some former proceedings. The Joint Magistrate having declared that he saw no need to interfere I also declined to transfer the case. Future proceedings go to show that the application was not altogether ill-founded. The accused in his endeavours to have the case transferred failed to attend at the time fixed in the summons. Warrant was accordingly issued for the arrest of the accused and it did not give the accused the opportunity of giving bail or security for his appearance. The accused was arrested and taken

before the 2d Class Magistrate but even then he was still kept in custody. Considering the nature of the alleged offence I think it would have been sufficient if he had been required to bind himself to appear when required, but not only was he not allowed to do so but the two sureties whom he produced were rejected. It seems to me that Mr Digne's reasons for rejecting them are not such as any one is likely to give much weight to. He says he knew the two presented well and they might be men of substance, but so far as his experience of them went they were not of good character and were capable of doing any deceit. He mentions what each

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is worth but it strikes me that this information even if it be correct was obtained after he saw what had taken place. The accused says that notwithstanding he offered to pay cash as security he was still kept in confinement. One Sundaram Moodelly who was one of the sureties originally offered says he went with Rs. 50 to give as bail. Mr. Digne said if he gave that money he would release the accused on Saturday. He besought him to let him go that day that he might return for the Deepavali to his village. This Mr. Digne refused.

The accused was released on Saturday owing to the non appearance of the complainant it is said. Considering the severity with which the accused was at first treated and the way in which the case at last collapsed, viz for default- I think there are grounds for supposing that the charge against Mr. Digne is not altogether groundless, and he should be put on his trial. I do not think that the case is such as to require his immediate suspension but I have the honor to request that sanction for his prosecution may be accorded.

3. The papers in the case are herewith forwarded and I hope an early reply will be given so that if the case is really a good one it may not be spoiled by delay.

I have &c.
(Sd.) A. Cruickshank
Collector.

Collector's Office
Cuddalore
25th Nov. 1878

The sanction of Government is requested for the prosecution of Mr. F. Digne 2nd class Magistrate of Tindivanam Taluq on a charge under Section 161 of the Penal Code of having accepted an

* The joint Magistrate's letter No. 260 dated 19th Nov. 1878 with its enclosure in original (to be returned)

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1965/5

are illegal gratification of Rs50 paid on behalf of
one Kundesamy Pillay. The District Magis-
trate considers that there are sufficient grounds
for putting the 2nd class magistrate on his
trial. Pending sanction for the prosecution by
Government it is unnecessary to suspend him.

(True Copy and Extract)

Ag. Sub Secretary

To
The Secretary to Government R.D.
with 10 original Rules:
to the Ad. & copy of said Magistrate
letter.

1965/8

1965/8

REVENUE DEPARTMENT.

No. 5334

From Board of Revenue

Dated 3d December 1878.

FOR ORDERS.

I struck the Clerk's name off as unfortunable - but I am not prepared to sanction the further proceedings in the charges against

† agreed - for wt reason I will not sanction his promotion

D.S.T

J.A.

Papers in the case

Statement being annexed

unfortunable - but the case is open to further doubt & justify further

shielding him from severer

Rec'd 5334/78

Copy of letter from Collr of Chittagong to the Secretary to the Govt of Bengal, Revenue Department, dated 19th December 1878.

I.O.L. Collr's Ltr dated 1/12/78.

1965
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FOR ORDERS.

1969
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Copy to Sea
Depot R.F. Base Kent
Fund Naval Est
S. Coast H.Q.

R. 6 Dec 58
Sent to H.Q. Portsmouth 58
C. 4 Dec 58 R.S. Dec 58

Appd 29 Dec

Copy to Admiralty
Fund Naval Est
Sent by Post
Ent

South Arcot
Joint Magistrate's Office
Tindivanam 19/9
19 November 1870.

No. 2 to.

From

C. A. Bird Esqre
Ag. Joint Magistrate of
South Arcot

To

A. Cruickshank Esqre
Dist. Magistrate of
South Arcot

Sir,

I have the honor to forward herewith a complaint made by one Kundasamy Pillay accusing the 2nd Class Magistrate of Tindivanam viz. T. Dejee of receiving a bribe of fifty Rupees together with the records connected with the original case against the complainant and the depositions taken from him and his two witnesses.

2. The complainant was accused of a petty assault, and instead of appearing

n

on being summoned he chose to present petitions to this Court and to that of the District aforesaid objecting to be tried by the 2d. Justice aforesaid who Defendant very rightly issued a warrant for him.

3. That upon enquiry into the conduct on the part of the aforesaid which seems to show that the allegations of the Complainant that he had enmity against him may have some foundation.

4. It would have been sufficient for so petty an offence to have issued a bail warrant, but this was not done.

5. Again on his being produced, it would have been sufficient to have caused Complainant to have entered into personal recognizances to appear when required, but instead of this being done, bail which appears to me to be good and sufficient was refused and the complainant was commanded to jail.

6. The complainant alleges that he has been that the defendant & Justice Digue received a bribe on the 25th ultimo and promised to release him, and that in accordance with what he had he was called upon the next day and discharged under Section 208 C.C. for default of the prosecutrix.

7. Two witnesses those who were refused as bail were examined and they depose that they were so refused and that after

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afterwards they took Reasons so
which was paid to the defendant.
The evidence of the witness is such
as induces me to give some cre-
dit to it, and as the accusation
is so far confirmed by the con-
-duct and explanation of the
accused I think he ought to be
put on his trial.

I. If you concur with me
I request that you will obtain
sanction for the prosecution of
Mr Digne and in the meantime
order his suspension.

I have &c
Sigd C. A. Bird
Ag Insp Constabulary

True Copy.

D Bunbury
Secretary.

L Smyth
Chairman.

Revenue 1878 Despts

Prem Rlgs 5334

Board of Revenue

Dated 3rd December 1878

No 4 ——

Encl

10 0120

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No 1969 6 December

1878

Withdrawn

For orders

Reporting the sanction of Govt for the promotion of Mr H. Digue 2nd class Magistrate of Trichinopoly Rlg. S. Arcot Distt, and a charge under Sec 61 of the Penal Code of having received an illegal gratification of Rs 50 paid on behalf of one Thandavaraya Pillay.

No 1969 and 2nd enclosure

To the Secretary to Government of Fort St George. The Revenue Department

2nd Class Magistrate, Mr Digue, and accordingly I have the honor to request that charges under Section 161 of the Penal Code and

Rec'd 10 Dec 78
Sent to Govt 11 Dec 78
Rec'd from Govt 11 Dec 78
Sent to Board of Revenue 11 Dec 78
Rec'd from Board of Revenue 14 Dec 78

R 6 Dec/78
Sent to Govt 5/12/78.
C 4 Dec/78 R. 5 Dec/78