

(1) Number of pages 32
 (2) Date of repair 14.2.88
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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Revenue DEPARTMENT

G.O. No.	570	Press.
B.P. No.		Mis.
Dated	29.4.1880	197 .

21

Not to be folded or roughly handled

500
1.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

29th April 1880, No. 500.

No. 288. READ THE FOLLOWING PAPER :—

Petition from VANTARU KOTA REDDI, late Village Munsif of Brámha-nacraca, in the Kávali Taluk, Nellore District, now at Madras, dated 19th January 1880.

ABSTRACT.—Submitting in detail the circumstances under which the charge of embezzlement has been brought against him; prays that the report of the Collector with the record now in the Board's Office may be called for; the Head Assistant Collector's decision may be reversed; and petitioner's restoration to his former post may be ordered.

No. 289. ORDER THEREON, 29th April 1880, No. 500.

Miscellaneous.

No appeal lies to Government from decisions under Regulation IX of 1822, but the Board's Proceedings in peti-

tioner's case are irregular and should be revised.

2. Under Clause 2, Section 6, Regulation VII of 1823, the Board of Revenue are bound, in disposing of a duly admitted appeal from a decision under Regulation IX of 1822, to adopt one of three courses, viz. :—

- (1) to give the relief sought.
- (2) to report the case to Government for orders.
- (3) to reject the appeal by referring the appellant to "the established Courts of Adawlut;" but in the present instance they have simply refused to interfere, so that petitioner cannot, under Regulation III of 1832, go to the Courts as it seems very desirable that he should.

3. The Board will accordingly cancel their Proceedings so as to afford petitioner his legal remedy.

(True Extract.)

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

x To the Board of Revenue.
,, the Petition Department.

Per Secy Dep't 25/5

Exd. W. H. French.

40 Copies.

July 1879. When the same was...

Charles

22-1-92 ✓
14-8-83

Petition No. 149 of 1880 from the same party
Nathu, late Village Head of the same District -
Requesting observations on - and directing the
Board of Revenue to cancel their proceedings
as to the said petitioners and their property.

APRIL,
Nos. 285-287.

G.O. 20th April 1880. No. 201.

Recd. April 20th.
Dated May 7th.

THE BOARD OF REVENUE.

REVENUE.

Subl. of 1880] 20th April.

Prepared

Revenue Department.

Mis No. 81.

Proceedings of the Board of Revenue.

Dated 7 January 1880.

Read the following letter from
J. Lyse Esquire, Collector of Bellary to the
Secretary to the Board of Revenue &
Bellary Collector's office 28th November 1879
No. 4191.

I have the honor to reply to the
Board's Endorsement on petition No. 1940
21st & 22nd of 1879.

2. The petitioner is the late Village
Munsiff of Brahmanahalli a Village
in the Kaveri Taluk. He appeals against
a judgment of the late Asst. District
Collector, Mr. Moore, passed under Section
2 clause 3rd Regulation IX of 1822 which
finds him guilty of embezzling Rs. 1301-8-0
of public money & sentences him under
Section 5 clause 1 to a fine of Rs. 2000
and also against the consequent order dis-
missing him from the post of Village
Munsiff.

3. It is admitted that on the 6th
July 1879, when the Tahsildar, Basika
Charles

Charles visited the village, a large amount of Collections made by the Village ~~officers~~ ^{officer} was in the hands of the Munsiff (Petitioner). Petitioner says the Tahildar ordered him to bring this money at once, that he brought Rs. 1240 and gave them to the Tahildar & that the Tahildar refused to give him a receipt and has embezzled the money. On the other hand, the Tahildar says that on his arrival in the Village he told petitioner to bring him the amount of the Collections up to date, the amount lit & next morning, that when the next morning came, it was found that Petitioner had absconded and that the amount of Collections he then had with him viz Rs. 1301-8-4 has been embezzled by him. The sum named Rs. 1301-8-4 is made up as follows:-

Rs. 1240 which petitioner says was all he had, & Rs. 57, Rs. 9-8-0 and Rs. 2 which the 3rd, 6th and 15th witnesses for the prosecution respectively depose that they had paid to petitioner.

It is clear therefore, that either

the Petitioner, the Village Munsiff or Brahmana Krutik, or Bharika Chetty, the Tahildar of Kavali, has embezzled at least Rs. 1240.

5. Before discussing the record, I will explain the circumstances which have made this extraordinary charge & countercharge possible, & review briefly the petitioner's statements as to the Tahildar's character & motives.

6. Brahmanna Krutik is a turbulent & litigious Village fruitful of Civil Suits & Criminal Charges both true and false. It is divided into two bitterly hostile factions (one headed by Petitioner & one by his uncle Varada Reddy) who are believed to regard perjury as a perfectly legitimate weapon. a false charge of Cattle-theft was brought against Petitioner in Angole by the opposing faction (Bharika Chetty is not proved to have had any thing to do with it) but I have no reason to believe Petitioner is any better than the rest of the villagers. Bharika Chetty, the Tahildar, though able, intelligent

and energetic is a wilful, obstinate and self-conceited man, with very strong likes and dislike - who is unpopular in his taluq and has been for some time under a cloud, whilst I have been investigating case after case in which he is more or less concerned. Moreover, he is believed to be a great friend of Varada Reddyji & to espouse his cause against petitioners. On his representation, Varada Reddy (who was a Mungar) has been made Village Munsiff & one of the witnesses for the prosecution a Taluq peon, since the case was decided. The inquiries I have been engaged in, have left a disagreeable impression on my mind, but have proved nothing against Bhasika Charlu to make it probable that he is capable of so heinous a crime, and one so subversive of the relations between Tahsilदार and Village officers which make their work possible, as that Petitioner charges him with. It is widely known that Mr. Van Agnew has a very bad opinion of Bhasika Charlu that Mr. C. G. Master recorded a severe order

Letter read in
B.D. Prop.
6th Nov 1876
N. 9522.

order about him, that Government removed him from the position of Canal Deputy Collector, during the famine for want of tact & that the District Munsiff of Karali and the Session Judge (on appeal) have decided a case contrary to evidence given by him, & this is not counteracted by the fact that Mr. Sharp thought well of him & that I have pronounced him to have done good service during the famine.

7. The peculiar circumstances of the case have made it necessary for me to go very carefully through the evidence and judgment - the grounds of appeal (excluding the assertions about the Tahsilदार's character & sensibility towards Petitioner) may be classed as follows:-

- (1) The appellant was never called on for his defence against what is called in the judgment the second charge viz the accusation that he collected and did not bring to account the items of Rs. 50 Ch. 9. & Ch. 2 mentioned above.
- (2) The improbability of the story of

of the prosecution is greater than that of the story of the defence.

(3) The witnesses for the prosecution are of such a character & their evidence is so full of discrepancies that they are unworthy of credit - On the other hand, the evidence for the defence is reliable.

(4) For reasons given, certain witnesses ought to be examined or reexamined.

(5) Certain arguments in the judgments are without foundation.

8. As regards the first point, the facts are that when Appellant was called upon for his defence he was asked the following question -

"You are charged with the embezzlement of Rs. 1301-8-4 collected by you xxx from the 2^d May to the 6th July last. What do you say in your defence?" In his answer he says "I delivered Rs. 1240 to the Tahsildar on the 6th July last - I did not collect anything more during that period." The sum mentioned in the question, viz Rs. 1301-8-4 includes both the Rs. 1240 here - stated in the first sentence of the answer

& the other items which Odhigier, was charged with having collected, which he must have alluded to in the second sentence. Moreover, he closely cross examined the witnesses who deposed regarding these items. Hence the fact that the Head Anti Collector found it convenient in his judgment to review separately the evidence as regards the Rs. 1240, and that as regards the remainder of the Rs. 1301-8-4, & called these matters two charges, cannot have misled or prejudiced Appellant.

9. As regards the second point, the story of the defence is that the Tahsildar on coming to the village shortly before sunset went straight in to the house where he was going to pass the night & took Rs. 1240 from Appellant before several people (there are 4 witnesses. One mentions 3 "and others", another "20 or 30 people", another 10 people inside the house, the fourth 2 whom he names inside & 5 or 6 names outside), that he promised to give a receipt for it when his gumastahs (not then present)

Came

Came, that he afterwards went out to
the scene of a distraint case & stayed
there till about 9 P.M., that when he return-
ed to the house appellant again asked
him for a receipt & that he then refused
angrily & had appellant pushed out before
several people (there are two witnesses, one
says no one was in the house but the
Tahildar & Varada Reddy, but he
heard and saw the whole affair from
outside & several people were there; the
other witness says that there were several
people with him outside) I agree with
the Head Assistant Collector that it is
very improbable that the Tahildar would
commit so heinous a crime in so public
a manner. Even supposing him to be so
unscrupulous & so eager to ruin appellant
as appellant asserts, it would have been
more congenial to such a nature to
have got villagers to allege payments &
forge receipts as appellant says, has been
done in this case - that alone would have
involved

involved appellant in great danger and
if appellant had denied the receipt and
the receipt had been proved (as it is held
to have been proved by the Head Assistant
Collector) much have resulted in appel-
lant's condign punishment & dismissal,
whilst the Tahildar would have run
no risk - The story of the prosecution
is that the Tahildar came to the village
shortly before sunset, & that without
going into the house where he was
to spend the night he went straight
to the scene of the distraint case; that
after the enquiry about the distraint
was finished, he went to his lodging,
that before going in, he told appellant
to bring the collection money &c. next
day, & that he then retired & the crowd
who were with him dispersed. The
improbability alleged by appellant
relates chiefly to the statement
that the Tahildar did not enter
the house where he was going to spend
the night, before proceeding to the scene
of

of the distraint case. It does not seem to me extraordinary that the Tahildar took advantage of the little day light that was left & went straight to the place he had to inspect - the amount of preparation needed before a house is ready for a native gentleman to spend the night in is not great. Tahildars visit their Chief villages often & generally sleep in the same house on each successive

occasion, so that they know all about it before hand - to sum up, the story of the defense seems to ^{me} be improbable & the story of the prosecution does not -

10. As regards the 3^d, 4th & 5th points, I have set out in Enclosure 4 appellants' objections & the extent to which they seem to me to be confirmed by the record and to affect the judgment.

11. The general result is that many of the appellants' most cogent assertions turn out to be overstrained or false, that the Head Assistant Collector's arguments remain

remain unweakened in all vital points & that I am of opinion that the judgment & sentence should be confirmed.
12. I submit the Record of the case.

The petitioner will be informed that the Board have received a report on his case and see no reason to interfere in his behalf.

(True Copy & Extract)

(Sd) J. Sturrock

Asst Secy

The Collector of Melne.

(True copy)

W. C. Sturrock
Asst Secy

Enclosure
H

Appearing against the enclosed
endorsement of the Board of Revenue
of 10th January 1880, declaring to inter-
fere with the sentence passed against
petr by the Dist. Sift. Coll. Mr.
Mone under Sec 2 Clause 3 of Reg. 9
of 1822 to a fine of Rs. 2000 on a
false charge of Embezzlement, states
that thro the instigation of one
Varda Reddi of the said village &
K. Baskichay the then Tahsildar
of the Taluq. petr's enemies, petr
was dismissed on concocted evi-
dence of prosecution witnesses whom
the Tahsildar rewarded for giving
false evidence against petr and
the said Varda Reddi a notorious
old offender was appointed
through ^{formerly} a charge of theft the
Joint Magistrate Mr. Hardinge,
after enquiring, reversed the judgment
and pronounced petr to be perfectly
innocent and reinstated him as
village Munsiff; that the Tahsildar
& Varda Reddi embezzled Rs. 1240
& throw the blame upon petr, that

The case is a very
ordinary one. But
there is no appeal to
Govt. from decisions
under Act: 9/22.

The Exec^{ve} of the
Bd. of Edu. know
appear to me the
irregular & un-
dermined of the
H^{on}. approved to his
Legal remedy.
Under U.S. 16.6

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Prof. to the Reader

Decentury 6-9-20

John DeFord

Engel 1889 Dec 21

1795-1797-1798

Stating that
"While we are 'left alone'
throughout 'richmond' we
shall do all that we can
to prevent that the worst
that occurred a full
year in his case and
we do desire to en-
-deavour in his behalf
in regard to his
education."

the witnesses of the Tahsildar were
tutored to give false evidence
against Jatra & the defence wit-
nesses were honest and respectable
people; that during the late
Zamabandi the bad character
and wickedness of the said
Tahsildar was made known
to Mr. Grose the Collr by the
Dy Collr in Shavy Cases which
are now pending enquiry before
him.

Submitting in detail
the circumstances under which
the charge of embezzlement has
been brought against Jatra
prays that the report of the Collr
with the record now in the Bd's
office may be called for,
the Head Mftl Collr's decision
may be reversed and Jatra's
restoration to his former post
may be ordered.

Ref: 7/28 The Bd of Rev.
are bound in disposing
of a duly admitted appeal
from a decision under
R. 9/22. I adopt one
of three courses.
1. I give the relief prayed
2. I report the case for
orders.
3. I reject the appeal
as against the appeal: &
it is established for
advantage for Jatra.

They know simply
reports to his lordship
so that the Bd cannot
under R. 3/32 go to
the /5. as it comes
very desirable that the
Bd do. I do not think
the Bd should think

Hope to give
Jatra his legal remedy.
L.R.
13/4

Rev. 1880
Petition No. 149/80.
No. 2541.

GOVERNMENT OF MADRAS.

PETITION No. 149 of 1880.

From Vantaru Kota Reddi.

Occupation late village Munsiff

Village Brahmanakraka

Taluk Kavali

District Nellore now at Madras

Dated 19th January 1880

Received 19th " "
Recd 29th April 8 Enclosures

ABSTRACT.

Restoration.

REVENUE DEPARTMENT.

Petition No. 149/80.

From V. Kota Reddi, late Village Munsiff
Nellore District.
Dated 19 January 1880

FOR ORDERS.

Subject.

Praying to be
restored to his post.

This is a strange
case.

The Petitioner,
an educated young
man, who speaks
English well, was
appointed Village
Munsiff in November
1878. In July of the
following year the
Tahsildar went to
the village and
told the Munsiff
to bring him the
collections not yet
remitted to the
Taluk Treasury.

The Petitioner
says he brought
and

is was his 2^d
appointment.
was in the
3rd year of
his appointment
the Tahsildar
went to the
village and
told the Munsiff
to bring him the
collections not yet
remitted to the
Taluk Treasury.
The Petitioner
says he brought
and

C2/3.
R. 14/11
C 20.4.80
12244-

and made these
over to the Tahsil-
dar to the extent
of Rs 1240.

The Tahsildar says on
the other hand, that Petitioner
absconded and brought nothing.

The Petitioner did leave his
village but for
Nellore where he
immediately
complained to
the Head Assistant
Collector that the
Tahsildar had kept
the money and
would not give
him a receipt.

The Petitioner
was charged with
embezzling (1) the
above sum of Rs
1240 the collection
of which he at no
time disputed, and

(2) a

(2) a further sum of
Rs 61-8 collected
from the ryots who
produced receipts
which he repudiates.

The Head Assistant
Collector found the
offence proved, and
sentenced Petition-
er to pay Rs 2000
and remarked
"from what I hear
he will be able to
pay this amount."

This remark con-
flicts with another
in the judgment
where he says "It
seems strange at
first sight that
Defendant (Petitioner)
should have dared
to make so audacious
a

a charge but we
must remember
that he was com-
pressed to extremity.

FOR ORDERS.

The Petitioner
brought witnesses
to state that he
made the money
over to the Taksil-
dar but as usual
some at all events
were stating the fact
if a fact was beyond
their personal
knowledge.

On the other hand
there is only the
Taksildar's word.

Ordinarily such
a statement against
a Taksildar ~~is~~
would not be
made

made unless ^{it}
could be substan-
tiated, and if
made would be
regarded as in-
credible, but in
the present case
there was sufficient
against this Tak-
sildar coupled
with a known
friendship and
partizanship of
Petitioner's uncle
who is his enemy.
to make Mr. Gosse
hold inquiries
which he says ~~can~~
"have left a dis-
agreeable impress-
ion on my mind,
but have proved
nothing against
Bhasika Phachu,
the

the Tahsildar,
to make it pro-
bable that he
is capable of so
sordid a crime"

At the same
time he notes
that Petitioner's
uncle and opponents
has since on the
Tahsildar's recom-
mendation, been
made Village
Munsiff (though
he was once in
jail), while one
witness for the
prosecution has
been made a taluk
peon and the son
of another made
an acting batta
peon

peon. 9/3

It is very strange
that nothing more
like the truth was
arrived at by the
Head Assistant.

Neither the evidence
recorded by him nor
his judgment have
the impression
of the inquiry having
been either vigorous
or searching, and
it might be well
to have a fresh in-
vestigation made
by the collector him-
self or some experi-
enced officer.

A very curious
thing is that the
amount due by
Petitioner was not
apparently

found out by the
Tahsildar as in
the regular ac-
counts had not
been written up,
but was stated
by Petitioner
who produced
a rough chittah
of his own. On the
Tahsildar's own
showing the
Petitioner did
work with him
(the Tahsildar)
the day of his
arrival, but if
he had embezzled
so large a sum he
would probably
have kept out of
the

the way ^{if} he
could make it
good, and would
not have produced
evidence against
himself.

Party feeling
the collector states,
runs very high in
Petitioner's village,
so that any num-
ber of persons would
be ready to give
evidence unfavour-
able to Petitioner.
And as a matter
of fact some of those
cited by the Tahsildar
had so given evidence
against Peti. in the
false case of theft,
while one of the
others are brothers
of Varadareddy the
Peti. (admitted) being
attention is invited

P. H. S.

to para 6 of Mr.
 Fraser's letter in B.D.
 since Nov 7 Jan 80.
 and to the fact
 that the District
 Commisr & Sessions
 Judge (on appeal)
 thought so little
 of this Salvidar's
 evidence that they
 decided to uphold
 a case in opposition
 to it. There is much
 in what Petr. says
 as to his case against
 the Salvidar not
 being investigated.

His statement was
 taken as his defence
 not as a complaint.

Had the Salvidar
 been in the position
 of Defendant & not
 allowed to remain
 in the village
 after Petr's complaint
 getting up evidence
 things might
 have gone differently.

See

11-10-80
 J. O. 10

11-10-80
 J. O. 10

2046

Back No 288

9/15

11-10-80

J. O.

Peto 149 of 80.

Back No 289

his appeal lies
 before from decisions
 under Reg: 18 of 22
 but the Boards
 Ref: in Petr. case
 are irregular &
 should be revised.

2. Under Cl: 2.
 § 6 Reg VII of 28
 the Bd of Revenue
 are bound in
 disposing of a duly
 admitted appeal
 from a decision
 under Reg: 18 of 22

to adopt one of
three courses.

1. To give the
Relief sought.

2. To report the
case to the Court for
order.

3. To reject the
appeal ^{by} referring
the appellant

to a ^{the} established
court of ^{the} Admiralty.

But in the
present instance
they have
simply refused
to interfere so
that Petrs. cannot
under Reg. III of
1832 go to the
Court as it seems
very desirable

that he should
do. ²⁰/₁₆

3. The Board
will accordingly
cancel their
Orders: so as to
afford Petitioners
his legal remedy
The

Imp. Secy. ^{all}
29 April 1832.

1. To the Board of Admiralty } cap. 10/100
1. Petitioners' appeal

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S.O.
Case of V. H. Hall

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Revenue Department
Pro: Court: 29th April 80
No 500.