

(1) Number of pages 66
(2) Date of repair 24.2.86
(3) Initials of the Referencer lcw

TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Revenue. DEPARTMENT

G.O. No.	570	Press.
B.P. No.		Mis.
Dated	21.5.1980	197

Not to be folded or roughly handled

570
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GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

21st May 1880, No. 570.

No. 142. READ THE FOLLOWING PAPER:—

Proceedings of the Board of Revenue, dated 13th April 1880, No. 483.

ABSTRACT.—Requesting sanction of Government for the prosecution of Chenchuramiah, the suspended Sub-Magistrate of Addanki, in Nellore District, for falsely charging his Registration Gumastah with tearing up parts of the Registration Indices.

No. 143. ORDER THEREON, 21st May 1880, No. 570.

Miscellaneous.

THE Government do not consider that the charge against S. Chenchuramiah is one in which it is desirable that

Government should institute a prosecution.

2. But they are satisfied that S. Chenchuramiah is quite unfit to be entrusted with magisterial powers and resolve to direct his immediate reduction to a post in which he will not be required or able to use them.

3. The petitioner will be referred to the Collector.

(True Extract.)

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

To the Board of Revenue, with four enclosures
„ the Judicial Department.
„ the Accountant-General.
„ the Petition Department.

Exd. J. W. Fischer.

60 Copies.

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No. 483.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 13th April 1880.

Read the following letter from J. GROSE, Esq., Collector of Nellore, to C. A. GALTON, Esq., Acting Secretary to the Board of Revenue, dated 24th March 1880, No. 1,020:—

WITH reference to Board's Proceedings, dated 3rd March 1880, Miscellaneous No. 2,500, I have the honor to submit copy of the Acting Sub-Collector's letters, No. 93, dated 20th February 1880, and No. 111, dated 3rd March 1880, and to request that the prosecution of Chenchuramiah, suspended Sub-Magistrate of Addanki, for falsely charging his Registration Gumastah with tearing up parts of the Registration Indices, may be sanctioned. The question whether he should be dismissed from the public service need not be decided until that case is tried, but there is abundant evidence both in the Sub-Collector's letter and in the previous history of Chenchuramiah to show that he ought never again to be allowed to occupy the position of a Sub-Magistrate.

2. The previous history of the man has been before the Board* in connection with a charge of bribery brought against him at Kota. That charge was false, but the particulars which came out then combined with previous observations con-

* Board's Proceedings, 1st May 1878, No. 1,155.
G.O., 5th October 1878, No. 1,611.

vinced me that Chenchuramiah was a poor Sub-Magistrate and very injudicious. I knew his peculiarities were such that charges, true or false, were likely to be made against him at Kota so frequently as to interfere with public justice, and I removed him to Addanki where I thought he might turn over a new leaf and establish a better reputation.

3. The result shows that he has been no better at Addanki than he was at Kota.

4. When I was in charge of the Sub-division last year, matters connected with Chenchuramiah made a serious inroad on my time, and after Mr. Hardinge took charge they gathered force till he found it necessary to go to Addanki last February and hold an inquiry. The letters I now submit are the result.

5. On receiving the first, I was not convinced that Chenchuramiah had had sufficient opportunities of defending himself, and addressed the Sub-Collector accordingly. In reply, Mr. Hardinge submitted papers 1—32, which showed that Chenchuramiah had had such opportunities abundantly except as regards an entry in his diary said to be false, and the issue of certain warrants alleged to be illegal. Mr. Hardinge had forwarded a copy of the part of his letter which referred to these matters to Chenchuramiah and directed him to submit any explanation he might have to give within a week.

6. In the meantime, Chenchuramiah had come to Nellore, and on the 15th instant, he addressed me stating that Mr. Hardinge's order had only just reached him; that he was ignorant of the allegations against him; and that he had only given explanation before the Sub-Collector on one unimportant point. He accordingly asked for a copy of Mr. Hardinge's letter.

7. As most of the points in Mr. Hardinge's letter are based on the Sub-Magistrate's own reports or on completed records, and as his explanation on three points is amongst the papers submitted by Mr. Hardinge (Nos. 4, 10, 20), I did not think it necessary to give a copy of the letter, but I sent him a complete list of the allegations against him, and required him to submit any new explanation he might wish me to consider on or before the 20th. It is now the 24th, but no explanation has been submitted, and I see no reason to delay my report longer.

V. G. Grose

Col. of 1880) Addanki.

REVENUE.

To THE BOARD OF REVENUE,

Dated May 21st.

Printed 25th.

G.O. 21st May 1880, No. 570.

MA Y.

NO. 112743.

S. Chenchuramiah — suspended Deputy Sub-Magistrate of Addanki, Nellore District. — Considering that the charge against him is one in which it is not desirable that Government should institute a prosecution; and that he has been entrusted with magisterial powers, and residing in a post in which he will not be required or able to use them; and directing that the petitioner be referred to the Collector.

8. I will give list of charges which I sent to Chenchuramiah—

- (1.) That he reported the Sub-Collector's Head Clerk with much stronger language than was necessary or proper in a letter to the Sub-Collector, dated 23rd January 1880, No. 31.
- (2.) That in a report, dated 23rd July 1879, No. 273, purporting to give the result of an inquiry into a petition bearing the name of one Inturu Jangam, he made accusations against Subba Row, Acting Sheristadar, to the Sub-Collector, and nearly all his immediate subordinates, including specially Jogiah, the Registration Gumastah, which are based on such utterly inadequate grounds, that malice must be presumed.
- (3.) That in letters to the District Registrar, dated 30th July 1879, No. 34, and 5th August 1879, No. 36, he falsely accused Jogiah of tearing off part of the Registration Indices.
- (4.) That in a letter to the Sub-Collector, dated 22nd December 1879, No. 441, on insufficient grounds charged Jogiah with having written a certain anonymous petition, and alleged that Subba Row must have had a hand in it.
- (5.) That in convicting Sunderaramiah, Stamp Gumastah, of theft of a record, he showed undue bias and introduced into his judgment statements as to facts which were not in evidence, which were irrelevant, and which were untrue, and that he thus caused gross injustice.
- (6.) That in a report, dated 25th October 1879, No. 361, on a complaint made by the Stamp Gumastah about a delay which had occurred in supplying stamps, he made untrue assertions and attacked his Head Gumastah maliciously, saying, amongst other things, that one of the Gumastah's assertions which afterwards turned out to be true was a "perfect lie."
- (7.) That he tried and punished the Village Munsif of Tallapalem for an offence in which an official report from that Munsif showed the Munsif had acted in a magisterial capacity, and to cover this action without jurisdiction he concealed and made away with that report.
- (8.) That afterwards when the same Village Munsif was about to charge him with bribery before the Joint Magistrate, he proceeded against the Village Munsif for theft, entering in his diary that the complaint had been presented on the 19th December, whereas it was not made till the 23rd December.
- (9.) That he unjustly convicted one Nilamraju Venkatroyudu of theft of a document and sentenced him to six months' imprisonment after proceedings which were harsh, improper, biassed and illegal.
- (10.) That he delayed submission first of the calendar and afterwards of the record of this case most improperly.
- (11.) That in a wood theft case (Veliparla) he issued warrants illegally against Gopalakrishnaiah and Muvvalakotiah.

9. The Sub-Collector recommends that Chenchuramiah should be prosecuted criminally as regards charges (3) falsely stating that a Registration Gumastah had torn up part of the Registration Indices, (8) making a false entry in the diary, and (11) wrongful arrest and confinement.

10. As regards charges 8 and 11 I cannot support the recommendation. I believe the entry in the diary was false, but do not think it could be proved that the Sub-Magistrate made it with the intent to deceive. I also believe that the Sub-Magistrate improperly issued warrants for P. Kotiah and Gopalakrishnaiah on mere suspicion which had been disproved rather than confirmed by the Police, but it is possible the Sub-Magistrate thought he had power to issue the warrants under the last paragraph of Section 141, and I doubt if *malafides* could be proved.

11. With regard to charge 3, I, as I have already stated, support Mr. Hardinge's recommendation, and think a prosecution should be ordered. Papers 24—32 relate to this case. I will detail the circumstances.

12. One part of the inquiry which resulted in the report which forms the subject of charge (2) related to the taking of bribes by Jogiah, the Registration Gumastah. When it was proceeding, Jogiah first asked for eight days' leave and then resigned and went away. Chenchuramiah says he did so with the most disrespectful behaviour in open Court. Jogiah says he did so, because Chenchuramiah threatened him with imprisonment and other disgrace. On the 21st July 1879, Chenchuramiah submitted the resignation to the District Registrar, and recommended that it should be refused and dismissal recorded. On the 30th July, Chenchuramiah reported to the District Registrar that he had examined the Registration Indices and found the part for June and July destroyed by Jogiah, and requested sanction for paying a man to write up the Indices out of money due to Jogiah by Government which had not been paid. It is to be observed that Chenchuramiah seems to have considered the seriousness of the destruction of the Indices to have depended only on the necessity for getting the destroyed parts rewritten. The destruction itself, however, appeared to the District Registrar a very criminal act, and he called for the Indices. After examining them carefully, he found that there had been no destruction of parts already written, but that the parts alleged to have been destroyed had never been written at all. The facts on which this decision is based are detailed in Mr. Hardinge's letter. I have examined some of the Indices myself and verified these facts. Further, the District Registrar found that the Indices had not been written up completely for February, March, April, and May, as well as June and July. Now, Chenchuramiah had reported at the end of each month that the Indices were kept up to date. On this, the District Registrar called for an explanation. Chenchuramiah replied that Jogiah had torn up the parts of the Indices referring to the months of February—May also, and then partly rewritten them. As the entries thus said to have been torn up are very numerous, so that the labor of rewriting them, or any considerable portion of them, could not have been contemplated, as the sheets of paper fastened together to form the Indices had not been torn anywhere (though the first of the missing entries ought in many cases to have been in the middle of a page), and as Chenchuramiah when he reported the destruction of the parts for June and July and asked for funds to get them rewritten had said nothing about the months February—May. Chenchuramiah's explanation is clearly fallacious. It follows that his monthly certificates were untrue, and that knowing this he made a false charge against Jogiah to screen himself. The District Registrar under instructions from the Registrar-General has reported this matter to me, requesting me to take such notice of Chenchuramiah's conduct as I think proper. There seem to me to be no redeeming points about Chenchuramiah's criminality, and I think he should be put on his trial under Sections 182 and 500, Indian Penal Code.

13. As regards the other matters, Mr. Hardinge has gone into such detail that I need do no more than say that his conclusions seem to me to be warranted by the facts and that they appear to show conclusively that Chenchuramiah is unfit for the position of a Sub-Magistrate.

14. I submit* papers 1 to 32 forwarded by Mr. Hardinge, and a true copy of the appeal judgment alluded to in charge 9 where the Sub-Magistrate's procedure is described as harsh, improper, biassed and illegal (No. 33).

* English papers submitted with translations, to be returned.

ENCLOSURES Nos. 1 and 2.—Sub-Collector's letters.

ENCLOSURE No. 3.—Records.

ENCLOSURE No. 4.—Appeal Judgment.

THE Board agree with the Collector that it is unlikely a conviction would be obtained if the Sub-Magistrate were prosecuted on charges 8 and 11.

2. The circumstances of charge 3 are however very different, and the Board will recommend Government to sanction Chenchuramiah's prosecution on this charge.

(A true Copy and Extract.)

A. B. Pij
Acting Sub-Secretary.

To the Secretary to Government, Revenue Department, with four original enclosures to be returned, and copies of Board's Proceedings, dated 20th February 1880, Miscellaneous No. 2,012, and 3rd March 1880, Miscellaneous No. 2,500.

" Collector of Nellore.

Exd. A. Grubert.

Chenchuramiah, the Suspended Sub-Magistrate of Addanki, in the Nellore District. — Requesting sanction of Government for the prosecution of — for falsely charging his Registration Gunstah with tearing up parts of the Registration Indices.

No. 483.

APRIL.

PROCEEDINGS, 13TH APRIL 1880, No. 483.

Dated April 13th.
Printed in "

Received 14th
— 30th

to

THE SECRETARY TO GOVT.
REVENUE DEPARTMENT.

MADRAS.

Board of Revenue.

1880.

Revenue No. 2266/

To

The Most Noble His Grace the Duke
of Buckingham and Chandos, G.C.S.I.

&c., &c., &c.

GOVERNOR IN COUNCIL, FORT ST. GEORGE.

The humble Petition of SARVEPALLI CHENCHU RAMIAH,
Deputy Tahsildar and Sub-Magistrate of
Addanki in Nellore District, now under
suspension.

MOST HUMBLY SHEWETH—

That Petitioner is the Deputy Tahsildar and Sub-Magistrate of Addanki in the Nellore District, and is ex-officio Sub-Registrar of Addanki.

2. That all on a sudden Petitioner received a Takid from the Sub-Collector of Nellore, on the 13th February 1880, intimating his suspension from office and directing him to hand over charge of the office to the Head Gunstah at once.

3. That Petitioner now learns that, on the recommendation of the Collector, the Hon'ble the Board of Revenue have applied for the sanction of Government to prosecute Petitioner criminally for one out of the 3 charges, which were chosen by the Sub-Collector from among eleven as fit ones for proceeding criminally against Petitioner.

4. That Petitioner will not here address your Grace on the unjustifiable and harsh course taken by the Sub-Collector in suspending your Petitioner on mere surmises and vague assertions and in expectation of charges being proved against him, nor on the utter worthlessness and unsubstantial nature of the charges made against him, which, if opportunity be allowed, he is able to prove are all unfounded, untrue and untenable, but Petitioner will confine himself to an attempt to show that the charge which it is now proposed Petitioner should be tried for is entirely unfounded and unsustainable, and he most earnestly prays that your Grace will not decide his case simply on the proposals and letters of the Collector and Sub-Collector, which are one-sided and liable to much correction and exception, but will heed the simple prayer contained herein and then dispose of the case as your Grace thinks fit.

5. That Petitioner will endeavor to convince your Grace that this is not a fit case for Sanction being accorded for criminal prosecution however much plausible it may appear on the statements contained in the above letters, (a) by referring to the fact of Petitioner not being allowed that say which is the privilege of every accused, especially of a person in the Government Service, (b) by showing the hollowness of the charge and the improbability of its being true, by an argument based merely on the wording and substance of charge, Petitioner being in utter ignorance of the reasons for fixing any guilt on him (c) by setting forth upon the few facts now known to Petitioner the legal aspect of the case, and the consequences resulting from a failure to carry the prosecution to a successful issue, and (d) by briefly accounting why such a charge is insisted on.

6. That Petitioner feels at very great disadvantage in having to make the semblance of a defence in entire ignorance of the assumptions made and the arguments advanced by the Sub-Collector, and the Collector in submitting their several proposals, and he has to trouble Your Grace with this preliminary petition to be allowed to submit an answer after being acquainted with the grounds with which it is sought to sustain the charge against him, simply because, neither of those authorities nor even the Board of Revenue has accorded to him the barest and most elementary justice, and have acted in contravention of all law and rule, and notably of the recent Government Order No. 1401 of 15th September 1879, which was specially recorded to prevent such mis-carriage of justice. And Petitioner submits that there can be no valid objection either in Law or in reason to acquaint Petitioner with the line of argument, and the stock of facts which go to support, in the opinion of the said officers, the hypothesis that he is *prima facie* an offender and a guilty one, and that it is unfair to dart shafts of censure on his back, and assume that they are deserved without placing him in a position to meet them.

7. (a) That the first occasion when Petitioner received intimation of the charge on which he learns it has been recommended that he should be tried was on the 16th March 1880 when the Proceedings of the Collector dated that day was put into his hands communicating to Petitioner eleven charges against him, requiring his explanation within 3 days, and declining to give him a copy of the Sub-Collector's letter which Petitioner had applied by his letter dated 15th March 1880 on his receiving from the Sub-Collector an extract containing only 3 detached paragraphs of his long letter to the Collector, and relating solely to 2 other charges which now seem to have been dropped, but not containing a single word about any of the other charges or the particular charge now in question.

8. That Petitioner here begs to point out that the noble Collector was pleased to communicate the said charges *verbatim* simply because he was convinced they had not been previously intimated to Petitioner and that Petitioner's explanation ought to be obtained before taking further action on the matter, for, the order of suspension above referred to, which came on, as a thunderstroke, upon your Grace's Petitioner, simply stated that "several" complaints had been preferred against him without specifying any and how many. And Petitioner may here add that he learns that on receiving the original recommendation from the Sub-Collector, the Collector entertained certain doubts about the correctness of some of the Sub-Collector's premises, and directed him also to furnish Petitioner with a full statement of the charges against him and a copy of the Sub-Collector's letter to the Collector, but that it was in defiance of the said direction, that the Sub-Collector sent to Petitioner the extract of only 3 paragraphs as stated above.

9. That Petitioner immediately on receiving the said communication from the Collector, addressed to him a Petition dated 17th March 1880 expressing his inability to offer any explanation on the charges, in the absence of a copy of the Sub-Collector's letter showing the reasons for fixing any guilt on Petitioner.

10. That the Collector who was originally inclined to adopt all legal course necessary, as your Grace might perceive from the earlier correspondence in the matter, however, declined to furnish Petitioner with a copy of the Sub-Collector's letter or a statement of his reasons, and seems to have recommended to the Board for Sanction on the one charge on which Petitioner is now addressing your Grace, after abandoning two other charges which were also suggested by the Sub-Collector.

11. That Petitioner was entirely ignorant of the reasons wherewith the Collector supported his recommendation, and consequently addressed a petition on the 1st April 1880 to the Honorable Board, but has not been up to this day favored with any communication or reply from them.

12. (b) That Petitioner finds the charge to be stated by the Collector thus:—
"3. That in letters to the District Registrar, dated 30th July 1879, No. 34 and 5th August 1879, No. 36 he falsely accused Jogiah of tearing off part of the Registration indices."

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Petitioner is unable to know on what grounds the accusation is concluded to be false. Petitioner stated what appeared to him and he believed to be the truth, and it is for the person discrediting the statement to show why the accusation should be supposed to be false. Does Jogiah come and say that Petitioner's accusation was false? No. He does not. He dare not. For the following reasons:—

13. That Petitioner was ex-officio Sub-Registrar of Addanki as stated above, and Jogiah was his only clerk in respect of Registration duties.

14. That as clerk it was Jogiah's duty to copy documents into the Register prepare the nominal and descriptive Indexes, prepare the Returns, draft the routine correspondence, and fair copy all letters, papers and Returns despatched from the office.

15. That by the Rules of the Registration Department the Indexes should be prepared as the documents are being registered, and should always be brought up complete at the end of the month in duplicate, one copy being kept in the Sub-Registrar's Office and the other despatched to the District Registrar's office at the end of the year, that in consequence a return had to be sent up at the beginning of each month to the Registrar certifying that the Indexes of the previous month had been completed, to ensure despatch of work and prevent arrears.

16. That according to the usual monthly certificates had been sent up showing that the Indexes for all the months up to June 1879 inclusive, had been prepared the said certificates having been in the first instance prepared by the said Jogiah himself and signed by Petitioner after satisfying himself of the correctness of the return.

17. That while so, Jogiah having suddenly stopped away from work on the 21st July 1879 for reasons which will be stated below, Petitioner had to satisfy himself that he had brought up the work to the latest day and on examining the Indexes found to his amazement one copy of Indexes I and II wholly missing for the month of June and also, that in the other copy the Indexes had not advanced beyond the month of February 1879 while, as the certificates above recited would disclose, both copies had been brought down to the 1st July.

18. That it was then that Petitioner, knowing as he did that the original certificates prepared by Jogiah *himself* were true, and that the said Clerk Jogiah had the opportunity, and was then in a mood, and had a motive to tamper with the Indexes and believing in good faith that Jogiah had done it, and feeling it a matter of duty on his part to represent the matter to his official superior who had the power to remove or suspend the said Clerk for misconduct communicated to the District Registrar what had occurred in the office.

19. That that officer thereupon directed the examination of Jogiah who did not however choose to explain his conduct, and after simply cursorily glancing at the Index sheets submitted a report to the Inspector-General and finally seems to have written on the matter to the Collector in November 1879, the substance of his communication and conclusion being unknown to Petitioner.

20. That Jogiah who was accustomed to write Indexes could have tampered with the particular sheets in the manner he chose will be apparent from the following considerations.

(a) The sheets when first written are only loose sheets, and are bound after the formation of a book of considerable size only at the end of each year or of two years as the case may be (vide Registration Rule No. 44 Under Act No. III of 1877.)

(b) That the Index sheets are not written page after page, continuously as in a Register, but separate sheets being allotted to different initial letters, the written matter would be very little, and not commensurate with the size of the volume when bound.

(c) That the office being so small that only about 50 Registrations take place in a month and the Indexes for them could be made in about 6 hours, at the highest and could be copied in a much shorter time.

(d) That the removal of one or more sheets is not and will not be perceptible as they are paged and bound only at the end of a year or so as aforesaid and will not at all show any disfigurement or displacing or tearing off in the books or parts of the book.

(e) That Jogiah was inimically disposed towards Petitioner and bore him a grudge in the matter of a bribery case enquired by Petitioner against him under the orders of the late Sub-Collector Mr. Cumming and in which Petitioner in the course of duty expressed strong opinion of his guilt.

21. That these are all the matters Petitioner can refer to as meeting possible argument against him, but cannot definitely prove the incorrectness of any premises or the fallacy of any argument as he is not aware what they are, and that he hopes to satisfy Your Grace of the truth of his complaint about Jogiah if all the necessary papers are put into his hands.

22. That one important circumstance to be noted which is irrebuttable proof of this charge being resorted to as the last resource to bring Petitioner to grief is the fact that the District Registrar's letter (assuming it to be unfavourable to Petitioner) communicating the matter to the Collector was dated so far back as November 1879 and nothing was done upon it, and no step was thought worth to be taken upon it as against Petitioner till more than 3 months afterwards, till the general complaints swell into "several" in number, till this one could be added to ten other charges which are all finally dropped.

23. (c) That as regards the offence for which it is sought to prosecute Petitioner what does it amount to? That he made a report against his clerk to his superior, which is supposed to be false. And who complains? The Clerk does not complain! He does not come forward and allege that he was brought to risk in consequence of that report, or has suffered in reputation or has been otherwise injured. Even if Jogiah were to say that he has suffered in reputation the 8th Exception to Section 499 of the Indian Penal Code would save Petitioner. But Petitioner has not furnished any false information to the risk or injury of any person in a manner which would constitute the action an offence. He merely made an official report which may be correct or incorrect. It is only if Jogiah comes forward and makes any accusation under any of the Sections of the Penal Code (and it is difficult to find a Section for this supposed offence) and it is only if on such accusation Jogiah is tried and acquitted that the matter could be taken in hand and before the court. There has been no such trial and acquittal of Jogiah. Further this is not a case in which the Government or persons on behalf of Government could institute the charge. It would be a very dangerous principle if for every incorrect report the head of an office furnishes to the head of the department he were to be criminally prosecuted. And what criminal intention is shown here? And that is what Petitioner wants to know. How is any motive attributed to him to injure Jogiah why should any presumption be made in favor of Jogiah and against Petitioner? If he is acquainted with the reasons for assuming or inferring any such motive let the reasons be given out to him, and he will endeavor to show that they are unfounded or illogical. But that opportunity has not been yet afforded to him. And that is what he most earnestly prays for, before any ill-advised proceedings are taken.

24. That Petitioner forces only cost to Government and loss of money, and mental and physical suffering to Petitioner and a temporary triumph against him, if the prosecution so strenuously sought is sanctioned. But surely at the trial all the arguments pro and con will be heard and Petitioner will probably be honorably acquitted after an ignominious trial. And Petitioner most earnestly prays that all such trouble expense, and annoyance might be saved by acquainting Petitioner more specifically with the grounds of charge and proof against him and enabling him to offer an explanation, and if necessary to have the weight of his defence judged by an officer intimately connected with the working of the Registration Department.

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25. That Petitioner begs to submit that the chief reason why matters have proceeded to this length is that he has incurred the displeasure of the late Sub-Division Sheristadar which, he is afraid, has tended to the framing of eleven charges on the assumption of which he was suspended, and none else of which was substantiated nor was thought worthy of being brought for the consideration of Your Grace. And Petitioner craves leave to defer his explanation on the circumstances that led to the said displeasure and as to whether he can be deemed to be at fault as the said matter is more intimately connected with the other trumpery charges on which Petitioner is fortunately saved the unpleasantness of addressing Your Grace at present.

26. That Petitioner begs to submit that, after all, no heinous offence is charged against him, no act of corruption or extortion, as a public servant but simply having made a false report to the official superior regarding a subordinate clerk getting a per centage of 10 or 15 Rs. a month.

27. That however should Your Grace deem a trial necessary Petitioner prays that before sanctioning it Your Grace will allow Petitioner to offer an explanation on the charges preferred against him by showing him the grounds on which a probability of his conviction is built.

28. That Petitioner finally prays that Your Grace so well-known for strict impartiality, stern justice and benign Government will not pass the final order for Sanction which alone would carry the force of a conviction in the minds of the world be tribunals, but will accede to the solicitation above made.

For which act of kindness, Petitioner will as in duty bound,

WILL EVER PRAY.

MADRAS, TRIPLICANE, KOMATI COULTRY, }

16th April, 1880.

S. S. Ravi
of Tahsil
of Adilawki
now under
disfavour

N^o 483
Revenue Dept
Proceedings of the Board of Rs.
Dated 12th April 1880

Read the following
N^o 1020.

From J. Grose Esquire
Collector of Bellary.

To C. A. Galtan Esquire
Asy Secretary to the
Board of Revenue
Madras.

Sir,
With reference to Board's
Proceedings dated 3rd March
1880 Miscellaneous N^o 2500,
I have the honor to submit
copy of the Acting Sub Col.
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20th

20th February 1880 and No. III,
dated 3rd March 1880, and
to request that the prosecution
of Chenchuramiah suspended
Sub Magistrate of Addanki
for falsely charging his Regis-
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The question whether he should
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Collector's letter and in the
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2. The previous history
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Bd's. Pr. 1st
May 1878 & 1st
1155.
G.O. 5th Oct
1878 & 16/11

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3. The result shows that he has been no better at Addanki than he was at Sholah.

4. When I was in charge of the Sub Division last year.

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year, matters connected with Chenchuramish made a serious inroad on my time, and left Mr Hardinge took charge they gathered force till he found it necessary to go to Addanki last February and hold an inquiry. The letters I now submit are the result.

5. On receiving the first, I was not convinced that Chenchuramish had had sufficient opportunities of defending himself, and addressed the Sub Collector accordingly. In reply Mr Hardinge submitted papers

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6. In the meantime,
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Nellore

Nellore and on the ⁵⁷⁰~~15~~¹⁰ Instant,
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only given explanation before
the Sub Collector on one im-
important point. He accord-
ingly asked for a copy of
Mr Hardinge's letter.

7. Its most of the
points in Mr Hardinge's
letter are based on the Sub
Magistrate's own reports or
on completed records, and
as

as his explanation on three points is amongst the papers submitted by Mr Hardinge (Nos 4, 10, 20) I did not think it necessary to give a copy of the letter, but I sent him a complete list of the allegations against him, and required him to submit any new explanation he might wish me to consider on or before the 24th. It is now the 24th, but no explanation has been submitted and I see no reason to delay my report longer.

8. I will give list of charges which

590
11

which I sent to Chenchuramiah.

1. That he reported the Sub Collector's Head Clerk with much stronger language than was necessary or proper in a letter to the Sub Collector, dated 23rd January 1880 No 31.

2. That in a report dated 23rd July 1879, No 273, purporting to give the result of an inquiry into a petition bearing the name of one Inturu Jangam he made accusations against Subba Rao Ag. Sheristadar, to the Sub Collector, and nearly all his immediate subordinates including specially Jagiah the

the Registration Gumastah, which are based on such utterly inadequate grounds that malice must be presumed.

3. That in letters to the District Registrar dated 30th July 1877, No. 34 dated 5th August 1877 No. 36, he falsely accused Jogish of tearing off part of the Registration indices.

4. That in a letter to the Sub Collector dated 22nd December 1877 No. 441 on insufficient grounds charged Jogish with having written a certain anonymous petition and alleged that Subha Row must have had

570
12
had a hand in it.

5. That in convicting Sundarra-
ramiah, stamp Gumastah, of theft of a record, he showed undue bias and introduced into his judgment statements as to facts which were not in evidence, which were irrelevant and which were untrue and that he thus caused gross injustice.

6. That in a Report dated 25th October 1877 No. 361, on a complaint made by the stamp gumastah about a delay which had occurred in supplying stamps, he made untrue assertions and

and attacked his Head Gumastah maliciously, saying amongst other things, that one of the gumastahs' assertions which afterwards turned out to be true was a "perfect lie".

7. That he tried and punished the village Munsiff of Talia. pallew for an offence in which an official report from that Munsiff showed the Munsiff had acted in a Magisterial capacity & to cover this action without jurisdiction he concealed and made away with that report.

8. That afterwards, when the same

same village Munsiff ^{590/13} was about to charge him with Bribery before the Joint Magistrate, he proceeded against the village Munsiff for theft, entering in his diary that the complaint had been presented on the 19th December where as it was not made till the 23rd December.

9. That he unjustly convicted one Nilamraja Tukhetroy under a theft of a document and sentenced him to 6 months imprisonment after proceedings which were

were harsh, improper, biased
and illegal.

10. That he delayed submission
first of the Calendar and after-
wards of the record of this case,
most improperly.

11. That in a ^{wood} theft case (Veli
parla), he issued warrants il-
legally against Gopal Krishniah
and Muvvala Kothiah.

9. The Sub Collector
recommends that Chenchuramiah
should be prosecuted criminally
as regards charges (3) (falsely
stating that a registration in
Gumastah had torn up part
of the registration indices).

570/14
(8) (making a false entry in
the Diary) and (11) (wrongful
arrest & confinement).

10. As regards charges 8 &
11, I cannot support the re-
commendation. I believe the
entry in the Diary was false,
but do not think it could
be proved that the Sub
Magistrate made it with
the intent to deceive. I also
believe that the Sub Magis-
trate improperly issued war-
rants for P. Kothiah and
Gopala Krishniah on mere
suspicion which had been
disproved.

disproved rather than confirmed
by the Police, but it is possible
the Sub Magistrate thought
he had power to issue the
warrants under the last para
of section 141 and I doubt if
Mala fides could be proved.

11. With regard to charge
3, I, as I have already stated
support Mr Hardinge's re-
commendation and think a
prosecution should be
ordered. Papers 24-32 relate
to this case. I will detail
the circumstances.

12. One part of the
enquiry

570
enquiry which resulted in the
report which forms the subject
of charge (2) related to the
taking of bribes by Jogiah the
Registration Gumastah. When
it was proceeding, Jogiah first
asked for 8 days leave and
then resigned and went away.
Chenchuramiah says he did
so with the most disrespect-
ful behavior in open court.
Jogiah says he did so, because
Chenchuramiah threatened
him with imprisonment &
other disgrace. On the 21st July
1879 Chenchuramiah submitted
the

the resignation to the District
Registrar and recommended that
it should be refused and dis-
missal recorded. On the 30th
July Chenchuramiah reported
to the District Registrar that
he had examined the Registra-
tion indices and found the
part for June and July des-
troyed by Jogish, and re-
quested sanction for paying
a man to write up the in-
dices out of money due to
Jogish by Government which
had not been paid. It is

to

to be observed that Chenchuramiah ^{570/18}
seems to have considered the
seriousness of the destruction
of the indices to have de-
fended only on the necessity
for getting the destroyed parts
rewritten. The destruction, itself,
however, appeared to the
District Registrar a very criminal
act, and he called for the
indices. After examining them
carefully, he found that
there had been no destruction
of parts already written
but that the parts alleged
to have been destroyed had
never

never been written at all. The facts on which this decision is based, are detailed in Mr Hardinge's letter. I have examined some of the indices myself and verified these facts. Further, the District Registrar found that the indices had not been written up completely for February, March, April, and May, as well as June and July.

Now, Chenchuramiah had reported at the end of each month that the indices were kept up to date. On this, the District

570/17

District Registrar called for an explanation. Chenchuramiah replied that Jogiah had torn up the parts of the indices referring to the months of February - May also & then partly rewritten them. As the entries thus said to have been torn up are very numerous so that the labour of re-writing them or any considerable portion of them could not have been contemplated, as the sheets of paper were fastened together to form the indices, had not been torn anywhere (though the first of the

the missing entries ought in
many cases to have been
in the middle of a page,
and as Chenchuramiah when
he reported the destruction
of the parts for June and
July and asked for funds
to get them rewritten had said
nothing about the months February-
May, Chenchuramiah's explana-
tion is clearly fallacious. It
follows that his monthly
certificates were untrue and
that knowing this, he made
a false charge against Jagiah
to screen himself. The District
Registrar

570/18
Registrar under instructions
from the Registrar General
has reported this matter to
me requesting me to take
such notice of Chenchuramiah's
conduct as I think proper.
There seem to me to be no
redeeming points about
Chenchuramiah's criminality,
and I think he should be
put on his trial under sec-
tions 182 & 500 I.P. Code.
13. As regards the other
matters, Mr Hardinge has
gone into such detail that
I need do no more than
say

say that his conclusions seem
to me to be warranted by
the facts and that they appear
to show conclusively that
Chencheramiah is unfit for
the position of a Sub Magistrate.

14. I submit papers
to 32 forwarded by Mr Hardinge,
and a true copy of the appeal ^{English papers} submitted
Judgment alluded to in charge ^{with translations} to be
9 where the Sub Magistrate returned.
procedure is described as harsh,
improper, biased and illegal.

(No 33).
Kellore Collrs
Office 24th March
1880 } I have &c
(signed) J. Grose
Collector.

The Board agree with
the

590/19
the Collector that it is unlikely
a conviction would be obtained
if the Sub Magistrate were
Prosecuted on charges 8 & 11.

The circumstances of charge
3 are however very different
and the Board will recommend
Government to sanction Chencheramiah's
Prosecution on this
charge.

(True copy & extract)

H. B. Jeff
Sg. Secretary

To The Secretary to Government R.O.
with 11 original enclosures
to be returned and copies
of Bds Pro: dated 20th Feb'y 1880
No 2012 & 3rd March 1880
No 2500.

[Signature]
B

570/20
Revenue Department

Ms. No 2012.
Proceedings of the Board of Revenue
Dated 20th February
1880.

Read the following

No 84

From Shetty Subcollector of
Nellore

To J. Grose Esquire
Collector of Nellore

Sir, In continuation of my

addressed to letter No 22 dated the 12th Inst, the District Magistrate

I have the honor to inform you that I have just suspended Surnapalli Chenchu Ramayya, Deputy Tahsildar of Addanki, as several other complaints

Revenue No 1142
Proceedings of the
Board of Revenue

Dated 13th April 1880

Serial No 483

4000

Chenchu Ramayya, - Revenue

- Addanki - in Nellore Dist.

By sanction of Mr. J. Grose

Magistrate of Nellore

in the proceedings of the Board of Revenue

dated 13th April 1880

Revenue Department
Govt. No. 82, Nellore 1880

17570

Back No 142

119500

complaints have been preferred
against him.

2. The result of my enquiries
into his conduct in connection
with the complaints made will
be duly reported to you.

Sub
Collector
Vellore 13th July
1880. } I have
(signed) J. T. D. Hardinge
Sub
Collector

N^o 516.

(True copy)

Submitted for the informa-
tion of the Board of Revenue.

2. The Sub Collector's report
will be sent on without delay.

Vellore coll^r's
office 16th July
1880. } (Signed) J. G. Rao.
Collector

To The Secretary to the
Board of Revenue
Madras.

Recorded

Recorded. $\frac{570}{21}$

2. The nature of the
complaints should have been
stated.

(True copy) (signed) C. A. Galton
Asst. Secretary.

The Collector of Vellore.

(True copy)

B. B. Sugg
Asst. Secretary.

h
1880

Revenue Department

Mis: No. 2500.

57⁰/₂₈
Proceedings of the Board of Rev.
Dated 23rd March 1880

Read the following:

No. 689:

From J. Gore Esquire
Collector of Bellary.

To C. A. Gallan Esquire
Ag. Secretary to the
Board of Revenue
Madras.

Sir,

With reference to Board's
Proceedings dated 20th Instant,
No. 2012, I have the honor to report
that the Adilanki Subtha-
-gistrate is said to have made
malicious complaints against
many

2520
6

Enclosure in
Bd's Proceedings
to the Secretary
to Govt Bd. dated
13th April 1880
No. 453

Copy of Bd's
Proc. dated 20th
July 1880. 15.2012.
Encl. No. 2456/80

many of his subordinates
the Sub Division Sheristadar
to have made a false charge
against his registration qu-
mashah for which it seems
probable that he ought to
be put upon his trial cri-
minally, and to have often
exhibited bias harshness
and even illegality as a sub
Magistrate.

2. I submit copy of a
letter sent by me this day to
the Sub Collector which shows
that I shall not be able
to report finally on the subject
for

for some time longer - probably
a fortnight.

590/3
Nellore Collector's } I have &c
office 27th Feb 1880. } (signed) J. G. G. G.
Collector

Enclosure.

N^o 688

From The Collector of Nellore

To The Ag. Sub Collector
Nellore

Sir,
With reference to your
letter 20th February 1880, N^o 93,
I have the honor to request that
you will furnish Chenchu-
namish with a copy of your
letter and require him to sub-
mit any remark he may
wish

wish to be considered at the same time with it within a week.

2. When forwarding his defence I shall be obliged if you will explain why you consider the Sub Magistrate's action in the matter of the petition, which he considered forged (para 36) and in the matter of the warrants issued against M. Hotish and Gopalakrishna il-
legal, seeing that a Sub Magistrate can issue warrants on suspicion existing in his

57/24
his own mind (Criminal Pro-
cedure Code Section 140 clause
2)?

3. The evidence that Obula Setty's complaints as to theft of trees against T. Maramma was not made on the 19th December, seems to me to be inconclusive and I shall be glad if you will examine Obula Setty on the subject and report further.

4. The most important matters seem ^{to me} to be S. Chenchuramiah's complaint against the Registration gamastah and

and his proceedings in the case
in which V. Venkatabrayudu was
sentenced to six months im-
prisonment for stealing a do-
cument, and you reversed the
judgment on appeal. I shall be
obliged if you will forward
all papers connected with the
Registration Gumastah's case
including the indices said to
have been torn. I have the
records of Venkatabrayudu's case.
Please send me also copies
of the reports from Chenchuramiah
referred to in your letter.

At Morecott's
office 27th July
1880. } I have &c
(signed) J. Grose.
Collector. True

1 True copy

(signed) J. Grose
Collector

The Board await further
report.

1 True copy (nature)
(signed) C. A. Galton
Ag Secretary.

To the Collector of Bellary.

1 True copy

H. B. Pye
Ag Sub Secretary

~~True~~
C.D.

No. 2256 + Petition

From Board of Revenue dated 13 April 1880,
His No. 483.

Petition from Sarvepalli Chenchu Ramiah
Deputy Tahsildar and Sub-Magistrate
of Oddanahli in Mallare District, now under
suspension, dated 16 April 1880.

FOR ORDERS.

I don't think the
charge against Chenchu
Ramiah is one on
which it is fitting to
institute a Govt.
prosecution. But
I am sure you have
the man in question
in sight & he
is bound to be

The Acting Sub Collector
of Mallare makes a long
report regarding certain
illegalities and irregularities
on the part of S. Chenchu
Ramiah Sub Magistrate and
Deputy Tahsildar of Oddanahli
and recommends his pro-
secution on three charges:
(1) Making a false report
regarding his registration clerk.
(2) Making a false entry
in his magisterial diary.
Wangfal

Enclosure in
Bd's No. 483
13 April 1880
Memo: No. 483 to the
Secretary to Govt.
P.B.

Copy of Board's
No. 483 to the
Secretary to Govt.
No. 2500.
L.C. No. 2256/80

(3) Wrongful arrest of certain persons.

The Collector would only pass the (1)st to a criminal prosecution.

The facts are as follows.

2. The sub Magistrate is Sub Registrar. Documents are registered in books and indices to these books should be written up in duplicate three sheets monthly by month.

A report or certificate to this effect is submitted monthly by Sub Registrar and this Sub Registrar reported for March, April, May and June 1879 that the indices in his office were being prepared.

3. In July of the same year he and his clerk (Jogiah) quarrelled and the

Magistrate for
H. Dist. in
immediate end
of a portion
of which is
against or as
to the case the

MS

52/2
the latter resigned.

At the end of the month the sub Registrar reported that after the clerk's retirement he (Sub Registrar) had examined the indices and found that those "for June and July 1879 are not in the office. Some papers in the other months are missing. I am sure he (the clerk) had torn off the indices for June etc. after preparation (vide reports submitted with the monthly returns). A few days later he reported more exactly that "the indices as they now stand show that the original is indexed as far as the 22nd or 23rd May and the duplicate as far as a portion of February 1879." He then called attention to the fact that

that in the monthly re-
turns "it is clearly stated
"as far as April report
"that the indices both original
"and duplicate were com-
"pletely prepared and in
"the reports for May and
"June it is stated indefinitely
"that the indices were pre-
"pared" and said that there-
fore "Joziah must admit
"that either his report is
"false or that he has tam-
pered with the portions
of indices now missing."

The Registrar of the
District sent for and
examined the indices
and proved that no sheets
were missing but that
the indices had not been
written up. It was then
pointed

FOR ORDERS:

59/28

pointed out to the Sub Magis-
trate that he had reported
otherwise in his monthly
reports and he replied that
"It can clearly be inferred
that with so much gravity
he (Joziah) tore up the pre-
viously prepared indices
and again prepared in part."

The Collector is of opinion
such a proceeding would
have involved much labor
and ingenuity in arrange-
ment of materials. But
the Sub Magistrate in para 20
of his accompanying letter
thinks it quite feasible.

It will be seen from
the above that in his 2nd
report the Sub Magistrate
blamed Joziah for either
preparing false reports for
him to sign or for destroying
the indices

No doubt Josiah as registration clerk did prepare the monthly reports and to a criminal prosecution it would be a fair answer on the Sub Magistrate's part "as Josiah had practically stated the Indices had been prepared I could only presume he had tampered with them when I found them inaccurate. My report was not malicious."

5. This Sub Magistrate was, with the sanction of the Board, prosecuted in 1878 before the Sessions Court. The charges fell through and some of the chief witnesses were punished for perjury (see papers with Lt. Col. 5th Dec. 1878 No 1611)

It would therefore seem inexpedient to prosecute

570
29

him unless a conviction is probable.

6. But that the Sub Magistrate is unfit for his post would seem clear from the fact (1) of his having issued a general search warrant to the police to search any or all the houses in a particular village for some wood said to have been on Govt. land (para 3 of Sub Collector's report) (2) of his issuing warrants to arrest two respectable persons though the Police said the wood they had was probably their own (3) from the unquestioned bias he exhibits in his Magisterial Proceedings (see paras 21 & 22 of the Sub Collector's report) (4) from the apparently designed delay of about 3 weeks in

in submitting the record
of a case called for by the
Joint Magistrate (see paras
34 of Sub Coll's letter).

7. The Sub Coll^r goes at
considerable length into
charges preferred by this
Sub Magistrate against
the Sub division Sheristadar,
and infers that these were
false and malicious as
well as rash. The latter
spits that they certainly
deserve, but, except so far
as the facts go to show that
the Sub Magistrate lacks
the judicial mind, little
of importance is established.

It is submitted
that Sarvepalli Chen-
churamiah has
shown himself
so manifestly

SP.
130

unfitted for the
position of sub-
Magistrate that
if not dismissed
he should be re-
duced to a clerk-
ship or some sim-
ilar post. It is
just a question
whether the Col-
lector's recommend-
ation for his pros-
ecution in the
Registration Qu-
mabzlet case
should not be
acted upon. The
man Jogiah is
entitled to the
protection of Govt
when such a reck-
less charge is
brought against
him -

Yll

Handwritten text, possibly a list or notes, enclosed in a rectangular border.

Ob. 2206

Small handwritten text at the bottom right corner.

570
1/32

L.D. No. 570 2/21 May 1880

C No. 2256

Case of Chelchun Hamiah

D. T. & Submas 76

Adhanki

The Govt. do not consider that the charge against S. Chelchun Hamiah is one in which it is desirable that Govt. should institute a prosecution.

2. But they are satisfied that S. Chelchun Hamiah is quite unfit for

ON.

Unnecessarily Prolonged

Revenue Department.

The Most Noble the GOVERNOR.

His Excellency the COMMANDER-IN-CHIEF.

The Honorable W. HUDDLESTON.

The Honorable D. F. CARMICHAEL.

entrusted with
magisterial
powers & resolve
to direct his
immediate
reduction to a
post in which
he will not be
required or able
to use them.

J. de Petre
with he referred
to the collector.

La.

and copy

2017 Petre's in the ... 21 May

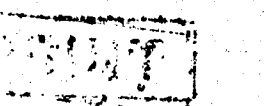
in ... Petre's

6 (...)

1 Petre's Report with petition

Sept 28/50

Yours from
order



24-5-80

Revenue Department
Chas. S. Gort; 821 College
N^o 570