M.R.O. 14—5,450—22-10-25.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 668 Press ~~Mis.~~

338. 337

Dated 20 — 3 — 1867.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 20th March 1867.

No. 338. Read the following Proceedings of the Board of Revenue, dated 8th January 1867, No. 100 :—

Read again Govt. Order, dated 7th August 1866, No. 1,988, Revenue Department.
Do. do. 3rd September ,, ,, 2,315 do.
Do. do. 4th October ,, ,, 2,650 do.
Do. do. 8th November ,, ,, 3,044 do.

Read also the following letter from the Collector of South Arcot, to the Secretary to the Board of Revenue, dated Cuddalore, 3rd December 1866, No. 250.

As requested in the Proceedings of the Board, dated 30th ultimo, No. 7,851, I have the honor to forward, as per list,* the whole of the records in the case of the late Salt Superintendent and Shroff of Mercanum, tried by my Head Assistant.

* From my Head Assistant.

Read also Petition from C. BASHICARLOO CHARLOO, dated 5th December 1866, No. 4,387.

1. Ordered that the foregoing letter from the Collector of South Arcot, with its enclosures, be submitted to Government, with reference to the previous correspondence above cited.

2. In the Government Order of 7th August 1866, Mr. Reade was directed to submit a full report on the case of embezzlement of Government salt at Mercanum, therein referred to, together with the record of the case, and information as to the antecedents of the defendants.

3. The latter information was submitted with the letter recorded in Government Order, dated 4th October 1866. The record of the Session Court's Proceedings was submitted with the letter recorded in Government Order of 8th November. The record of the proceedings before the Head Assistant Magistrate accompanies the present letter.

4. Mr. Reade in his letters of 7th September and 1st October has observed that he has his "own views" on the trial and its result before the Head Assistant, "and that there are reasons which seem to support the conclusion at which he has "arrived that Bashika Charloo was guilty rather of great negligence than of crimi-"nal connivance at the offence attempted by the Shroff;" but he has not fully stated these views, or the reasons which induced him to adopt them, nor has he furnished the full report on the case desired by Government.

5. The Board regret that they are unable to concur in the general opinion which the Collector has expressed on the case, as it affects Bashika Charloo.

6. The Proceedings of the Session Court of Cuddalore, dated 20th September 1866, contain a full and clear *resume* of the facts of the case, and are printed at foot of these Proceedings for facility of reference.

7. Briefly it may be stated here that the Shroff at Mercanum was charged with attempting to defraud Government of the sale proceeds of certain salt, amounting to Rupees 84-6-0 or thereabouts, and that Bashika Charloo, the Superintendent of the Salt Pans, was charged with abetting the Shroff's offence; that both were found guilty by the Head Assistant Magistrate, and sentenced to imprisonment for nine and fifteen months, respectively; and that on appeal the Session Judge affirmed the

conviction of the Shroff, but annulled that of the Salt Superintendent, on the ground that though he had sanctioned and connived at irregularities, and thereby raised against himself grave suspicion of complicity in the Shroff's guilty attempt, the evidence was insufficient to establish connivance at, or abetment of, the attempted fraud. "The acts of the prisoner after the recall of the Shroff are compatible "with an ignorance of the Shroff's attempt to misappropriate the Government "money, though they are certainly not those of an upright public servant, whose "duty it was to safeguard the interests committed to his charge."

8. The rules for the guidance of salt servants prescribe that—

"Parties desirous of purchasing salt shall pay the price to the Shroff, who, 'after entering it in his chittah with the necessary particulars, shall grant them a "receipt." "The entries of the receipt will be filled up with reference to the "chittah. The receipt shall then be attested with the signature of the Shroff and "made over to the purchasers. This receipt shall be produced to the officer "conducting the sale. After the salt is measured and delivered, the receipt shall "be forwarded to the Huzur by each day's post. The account sale of salt shall be "kept by the Navisendar, who, on the production of the receipt described in the "previous paragraph, shall make the necessary entries in this account, and then "deliver the quantity to the receipt-holder."

9. The suspicions of the Police had been roused by irregularities which had been observed, and on 28th June, they made arrangements for bringing the matter to a definite issue, and the course of events appears to have been as follows:—The Shroff noted down on a piece of loose paper the names of the intending purchasers, and the amount paid by each, instead of entering them at once in his chittah, as required by the rules, and gave this paper to the Superintendent who, with reference to it, ordered the salt to be weighed out and delivered to the parties. The Police had arranged to record the quantities delivered. The sales closed at 4 P. M., and the Shroff then took back the paper from the Superintendent and proceeded to prepare the chittah, receipt, and pass, which were taken to the Superintendent to be signed. The pass was made over to the Police, who found that it covered only 577 maunds of salt, while their notes shewed that 627 maunds had been delivered, the difference being 50 maunds of salt of the value, at the monopoly price, of Rupees 84-6-0, at Rupees 1-11-0 per maund.

10. The Shroff, meanwhile, was leaving the place of sale with the money that had been paid, and the chittah and receipt, when the Police called on the Superintendent to investigate the discrepancy which they had detected. The Shroff was recalled. The money and chittahs were examined, and it was found that only 577 maunds were entered in the chittah and in the receipt, corresponding with the quantity entered in the pass, while the amount of money corresponded with the price of 627 maunds, of which the price of 50 maunds, or Rupees 84-6-0, had been placed in a separate bag.

11. It was clear that an elaborate fraud, which would have robbed the Government of the price of 50 maunds of salt, had been detected; and there is no reason to doubt that this attempt was merely one of many which had proved

12. The Superintendent's conduct after the detection, as detailed by the Police, was a prolonged effort to shield the Shroff, while admitting the grossly fraudulent irregularity to have been committed. He endeavoured to induce the Police to receive a second pass for the additional 50 maunds. He attempted to withdraw the chittahs which evidenced the fraud. He offered the Police money, if they would consent to hush the matter up. He complained to the Deputy Collector in charge of the Salt, as to the interference of the Police, and their attempt to convert into a criminal offence what was merely a clerical error. In short, as stated in the Proceedings of the Session Court, his conduct was anything but that of an honest public servant, anxious to guard the interest committed to his charge.

13. The case was forthwith brought by the Police under the investigation of the Sub-Magistrate on the spot; was in due course reported to the Magistrate, and by him was referred to the Head Assistant Magistrate for inquiry with the result already stated.

14. It is unnecessary for the Board to make any comments on the case as it affects the Shroff, who has been clearly convicted and sentenced.

15. In regard to the Superintendent, it is to be observed that his neglect to enforce strict observance of the rules which gave the opportunity for this fraud was in itself a most serious dereliction of duty; and as the breach of rules was evidently systematic, it is not to be credited that he failed to perceive the facilities which it afforded for peculation and embezzlement of public revenue. The Board agree in opinion with the Court, that there is no direct proof of complicity before the fact on the part of the Superintendent; but they conceive that it was incumbent on the Superintendent to rebut the strong presumption of connivance which rested on him from his neglect to enforce adherence to that course of proceeding which was laid down to prevent fraud. Had he required the completion of the chittah before beginning the deliveries, the fraud could not have been perpetrated in the manner it was, and his neglect appears to the Board to be proof of connivance, unless he could shew the contrary, which he has not done. The other circumstances of the case strengthen the suspicion against him, and the Board are decidedly of opinion that he is unworthy to be retained in the public service.

Proceedings of the Session Court of Cuddalore, dated 20th September 1866.

Read Calendar in Case No. 52 of 1866, before the Acting Head Assistant Magistrate.

Read also records in the above case.

Read also Petitions presented by T. Chellapa Pillay and Janakeram Puntaloo, Vakeels on behalf of the prisoners in the case.

1. These are appeals from the sentence of the Acting Head Assistant Magistrate, convicting the second prisoner of attempting to commit criminal breach of trust, and the first prisoner of abetting the second prisoner in the said attempt.

2. Certain technical objections to the conviction of the first prisoner were taken "in limine" by his Pleader; they were—

First that the indictment was defective in not specifying the Section of the Penal Code under which the offence, the commission of which is alleged to have been abetted, fell.

Secondly that the offence, the commission of which the first prisoner is said to have abetted, had not been established; and,

Thirdly, that the first prisoner's Counsel before the Acting Head Assistant Magistrate was ot allowed to cross-examine the witnesses for the prosecution.

3. A consideration of the very comprehensive indictment in the Calendar is, the Court is of opinion, a sufficient reply to the first objection; the second is disposed of by explanation 2, appended to Section 108 of the Penal Code; and the third, the Pleader for the first prisoner before the Session Court has qualified by stating that the prisoner's Counsel before the Acting Head Assistant Magistrate was not *prevented from cross-examining the witnesses altogether*, but that he was not allowed to do so, until the case for the prosecution had been closed. As the Acting Head Assistant Magistrate in conducting this case appears to have followed the course prescribed in Section 252 of the Code of Criminal Procedure, the Court is of opinion that this last is not a valid objection.

4. Before proceeding to consider the facts of the case, it is necessary to notice the course laid down in the Salt Manual, in regard to the sale of salt (the first prisoner being the Salt Superintendent, and the second the Shroff), this is contained in paragraphs 27 and 28 of the Manual, page "32. Parties desirous of purchasing salt shall pay the price to the Shroff, *who, after entering it "in his chittah* with the necessary particulars, shall grant them a receipt which should be attested "with the signature of the Shroff, and *made over to the purchasers;*" this receipt should then be produced to the officer conducting the sale; on the production of this receipt, the salt is ordered to be weighed out to the purchaser to whom a pass is then delivered specifying his name, the amount of salt sold, its cost, and the number of bandies in which it is being conveyed; on presentation of this pass to the police on guard at the Salt Depôt, the salt thus purchased is allowed to leave the platforms. The above is a brief abstract of the *proper* course to be followed in connection with the sale of salt.

5. So far as may be gathered from the records in the case, the following are the facts elicited by the evidence:—

On the 28th June last, salt was being sold at the Mercanum Salt Pans; the first witness, a Deputy Constable, was on duty at the salt platform; having on the two preceding days noticed grave irregularities amounting, in his opinion, to actual fraud, he determined to watch narrowly this day's proceedings, and instructed the second and third witnesses (Police Constables also on duty at the platform) to remain near the Shroff, while the purchasers paid their money for the salt, and to note the amount each purchaser paid for, while the first witness would remain where the salt was being weighed out.

6. These precautionary arrangements made, the proceedings of the day, as remarked by the Acting Head Assistant Magistrate in his summary of the evidence commenced, (as the summary referred to contains what the Court is of opinion is a correct account of what took place, a repetition is not necessary). It is sufficient to state that finally a pass (document A) for Maunds 577 of salt, after being signed by the Salt Superintendent, was given to the Shroff, and by him to the Deputy Constable, (first witness.) The Shroff then left, taking with him the chittahs, while a Peon (first witness for the defence) carried the money collected contained in two bags.

7. Inasmuch as the amount entered in the pass did not tally with the account kept by the second witness, the first prisoner was informed thereof by the first witness, who insisted on counting the proceeds of the day's sale; according to this witness' evidence, the first prisoner at first objected to this, but ultimately having consented, the Shroff was recalled, and was observed to be carrying a small bundle under his arm.

8. From the evidence for the prosecution, the inference has been drawn that the Shroff, second prisoner, endeavoured to give this bundle to the first prisoner in such a manner as to escape the notice of the Deputy Constable, and that the first prisoner connived at this endeavour. The bundle, after some contest between the first witness and first prisoner, was put into one of the money bags; the money in the larger bag counted and found to amount to 849 Rupees; the bundle was then untied, a rupee taken from it, and added to the sum of Rupees 849; (later in his deposition this witness says six Annas was also taken from the bundle by the Shroff and Superintendent,

but the evidence in this point is not very clear, as to whether this was the joint act of one or of both the prisoners.

9. The Superintendent, first prisoner, then proceeded to examine the chittahs, (Clerk's and Shroff's,) and in both the sale of 577 maunds only was found to have been entered. The Shroff, second prisoner, on being called upon for explanation, stated that it was a mistake, and begged that he might be pardoned. The Superintendent is then stated to have requested the Police to desist from pressing the matter, and to have asked the Deputy Constable for the pass first given. He then, it is said, took two blank papers from a cover which, the witness says, were a receipt and a pass, and proceeded to write something on the pass, the Deputy Constable insisted on nothing more being written, and took away the ink bottle.

10. The second witness' account of this part of the transaction differs from that of the first, and in an important point, for, he states that the *Shroff, second prisoner, took from out of a bag* in which were passes and receipts *a pass and a receipt*, which he handed to the first prisoner, who wrote something in the pass, and asked the Deputy Constable to return the pass already given, which he (Deputy Constable) refused.

11. A report of what had occurred was then sent to the Police station; all parties left the salt platform; the chittahs, passes, receipts, and money were finally impounded by the Police, and produced before the Sub-Magistrate of Merkanum. On their way from the platform it is alleged that the Superintendent, first prisoner, and the Shroff offered bribes to the Police to hush up the matter, though all the three witnesses who speak to this differ as to the amount offered.

12. Amongst the documents in the record are A., B., C., D., and E.; A. is a pass for 577 maunds, signed by the first prisoner: B. is a receipt signed by the Shroff, shewing the amount of salt sold, and its value; C. is a pass for 50 maunds of salt, signed by the first prisoner; and D. is a receipt similar in its nature to B., but for 50 maunds of salt with its value, both C. and D. containing the name of Kadar Saib as the purchaser of salt. E. is a pencil Memorandum, kept by the second witness in obedience to the instructions of the first; it contains the names of the parties who that day paid money to the Shroff for salt. These parties, according to E., were ten in number; the Pass, Receipt, and Memorandum, Documents A., B., and E., are subjoined; that is, so much of each of them as contains the name of the parties to whom salt is said to have been sold:—

A.

	Mds.
1 Ausoor Mooroogapah Nynar	63
2. Trecullore Rungapah Odyan	87
3. Manapady Mookoo Pillay	171
4. Mangalore Narraina Pillay	112
5. Poodoopaliem Veerapah Chetty	142
6. Areamootoo Padiachy	1
7. Appavoo Chetty	1
	577

B.

	Mds	R.	A.
Ausoor Mooroogapah Nynar	63	106	5
Trecullore Rungapah Odyan	87	146	13
Manapady Mookoo Pillay	171	288	9
Mangalore Narraina Pillay	112	189	0
Poodoopaliem Veerapah Chetty	142	239	10
Areamoottoo Padiachy	1	1	11
Appavoo Chetty	1	1	11
	577	973	11

	E.	Mds.
1. Mooroogapah Nynar	...	35
2. Kader Saib	...	78
3. Rungapah Odyan	...	52
4. Mookoo Pillay	...	171
5. Ramasamy Counden	...	35
6. Narraina Pillay	...	36
7. Thatha Naick	...	76
8. Veerapah Chetty	...	142
9. Areamootoo Padiachy	...	1
10. Appavoo Chetty	...	1
		672

13. The Court does not hesitate to accept E. as the correct account of the day's sale; indeed, this may be said to be admitted by the first and second prisoners, from the fact of the preparation of the second pass and second receipt for 50 maunds of salt; the amount, according to the Memorandum E., was 627, which is just 50 maunds in excess of the quantity entered in the Pass A., the Receipt B., and the Shroff's and Clerk's Chittahs L. and K. The Pass C. is in the name of *Kader Saib*, and the Receipt D. corresponds thereto; the entry therein is to the effect that he had purchased 50 maunds of salt at a cost of Rupees 84-6-0 (the actual cost of 50 maunds). Kader Saib's name is also in the Memorandum E., but the quantity of salt sold, opposite to his name, is entered as 78 maunds.

14. A reference is made in the first witness' deposition to a piece of country paper, which the Shroff is said to have taken to the Superintendent, first prisoner, on receipt of which the first prisoner called out the names of the purchasers and the quantity of salt to be weighed out; whether this is document B., or not, does not appear quite clear, but the Court does not consider this a matter of material importance, nor is it to be gathered satisfactorily when the Shroff, second prisoner, prepared the Clerk's and Shroff's chittahs; both, however, were prepared by him, and this is accounted for by the prisoner's pleaders, who assert that the rest of the Office were employed in making up the monthly accounts.

15. As the first prisoner is charged with abetting an attempt made by the second prisoner, it will be more convenient to dispose of second prisoner's appeal first.

16. It is evident from the deposition of the fifth witness, the Deputy Collector in immediate charge of the Salt Department, and from the perusal of the rules contained in the Salt Manual, that the course taken by the second prisoner was in the first instance grossly irregular, and in fact a tonal violation of the rules laid down. His chittahs, that is to say, the Clerk's and Shroff's chittahs, receipt, and pass, all written by himself, set out that only 577 maunds were sold; that a figure or so might have been erroneously entered or omitted the Court can understand, but that the omission of the name, of Kader Saib, and the quantity afterwards said to have been purchased by him should be omitted in *toto* the Court cannot be brought to admit; but the Court is also unable to admit that the Pass C. and Receipt D. actually represented the quantity sold to Kader Saib, and looks upon the Memorandum E. as the true account of the day's sales, and that A., B., K., L., do not correctly represent the day's transaction.

17. The Pass C. and the Receipt D. are, as has been proved, not in the handwriting of the first prisoner, but are only signed by him. These, the Court is led to conclude, were prepared at some time of the day by the second prisoner, to be produced as occasion might require, and the pass was made to correspond with the amount that the second prisoner had determined upon misappropriating. But for the praiseworthy vigilance of the Deputy Constable, first witness, aided by the intelligence of the second witness, the Court is of opinion that this misappropriation would certainly have taken place; that the attempt was made, the Court after giving the prisoner's case a close and careful attention, considers to have been proved.

18. The Court will now proceed to deal with the case of the first prisoner. He certainly can plead no ignorance of the rules in force, in regard to the procedure to be observed in the sale of salt; and if the second prisoner's conduct was in the first instance grossly irregular, and a violation of the rules, the first prisoner's conduct gave it the sanction of superior authority. This sanction of irregularity has certainly raised a grave suspicion of the prisoner's complicity in the second prisoner's guilty attempt; and had the Court been satisfied that the preparation of the pass and receipt for the 50 maunds of salt originated with the first prisoner, the Court would have formed a strong presumption of the prisoner's guilt; but though holding this view the Court is not able to concur with the Acting Head Assistant Magistrate, that the evidence for the prosecution satisfactorily *established the abetment* by the first prisoner of the attempt by the second; there is the possibility, that though it may be said conniving at irregularities, he did not go so far as to connive at, or abet, the attempted fraud, and the evidence appears to the Court to fall short of this proof; the acts of the prisoner after the recall of the Shroff are compatible with an ignorance of the Shroff's attempt to misappropriate the Government money, though they are certainly not those of an upright public servant, whose duty it was to safeguard the interests committed to his charge.

19. The Court, therefore, while giving to the Acting Head Assistant Magistrate full credit for an investigation, which, so far as can be gathered from the records, displays much care and attention, is constrained to differ in opinion with him as to the first prisoner's guilt, and considering the same not to have been proved, resolves to annul the conviction from which he has appealed.

20. For the reasons stated in paragraphs 15 and 16, the Court affirms the conviction of the second prisoner, who is accordingly remanded to Jail, to undergo the remaining portion of his imprisonment. The recognizances entered into by boath prisoners are discharged.

Ordered that extract from these Proceedings be sent to the Magistrate and Acting Head Assistant Magistrate, South Arcot, for information, and that the records be returned to the latter Officer.

(A rrue Extract.)

(Signed) G. ELLIS,
Session Judge.

To the Magistrate of South Arcot.

(True Copy.)

(Signed) C. W. READE,
Magistrate.

No. 339. ORDER THEREON, 20th March 1867, No. 668.

Miscellaneous.

1. The Governor in Council has carefully considered the papers submitted by the Board of Revenue with these Proceedings, and the arguments adduced by Bhasika Charloo in petitions Nos. 199 A and 364 of 1867.

2. He considers it proved beyond doubt that Vasudeva Pillai was detected by the Police in the act of defrauding Government, and that the conduct of Bhasika Charloo shewed a deliberate attempt to screen him from punishment.

3. He accordingly resolves to prohibit the re-employment of Bhasika Charloo and Vasudeva Pillai in any department of the public service.

4. The Government observe that Bhasika Charloo complains of the refusal of the Head Assistant Magistrate, who tried the case, to allow him to cross-examine the witnesses against him until after the case for the prosecution had been closed and

that for the defence opened. This procedure was approved by the Appellate Court, which considered that it was sanctioned by Section 252 of the Procedure Code, but the Governor in Council considers it open to question, and the point is referred for consideration in the Judicial Department.

(True Extract.)

(Signed) W. HUDLESTON,

Secretary to Government.

To the Board of Revenue.
,, the Judicial Department.
,, the Accountant General.

Extd. S. T. Augustin

Rev - 1867. Department.
Proc of Govt for March

No. 69

PROCEEDINGS OF THE BOARD OF REVENUE,

Dated 8th January 1867.

No. 100.

Submitting with remarks, letters from Collector of South Arcot reporting on case of embezzlement of Government Salt at Merkanum by Salt Superintendent and Shroff at that station.

Capdeuil.

The point relating to the fees at the close of his Memo. relating to the Fiscal's fees, & allowing such examination of witnesses by the prisoners Counsel as the case shall require, is one of great importance. I can clearly state that in this Country the Fiscal's fees are small & moderate, and if an Inferior Court should exceed in the moderation of its fees, the error is one very seldom committed, & if any should attempt it the Court would soon check it on an application. I cannot say. JJ

Board Prs. 8th Sept 1800.

Memo.

The case for the prisoners against the Memorialists & Chroff is very clearly put in the Board Prs. But the defence of the accused is very briefly alluded to in them, & is recorded nowhere, except in the petitions which the Superintendent has submitted to Govt. I have accordingly been obliged to go thro' the papers very carefully.

The Chroff admits that he did receive

the price of £ 627 mds of salt & the superintendent that he sold that quantity to purchasers

The first pass (or permit for salt to be taken from the pat pans) drawn up by the Chroffy (initialled by the superintendent) was for 577 mds only, issued in 48 carts.

The clerks, or accountants kept by the Chroffy, also speak of 577 mds only

The police had taken notice of the actual sales, & knew that 627 mds had been sold. Exactly the first pass was given to them they produced

the deficiency & pointed it out to the superintendent.

The Superintendent afterwards offered the police a second pass, in favour of Kachi Lahs, for 50 mds in 4 carts.

The evidence as to when or how this second pass was produced is not convincing. Dreams, like the first, to have been written on the usual stamped form by the Chroffy initialled by the superintendent. If, as the superintendent now says, (but the point is not in evidence) the forms of passes were numbered as well as stamped as

The hazzoor it would have been hazardous to produce the sounds after the pass had once been written, for the police forward the passes to head quarters daily.

The accused of course assert that the pass was prepared in due course, & that the corresponding amounts would have been entered in the chittas afterwards if the police had not interfered.

The evidence as to when it was prepared is, as I have said, inconclusive; but Mr. Hughes-Hallett disposes of the argument summarily. He says that the days accounts in the chittas had been closed & ruled off. In this, however, he is mistaken. When the chittas are closed for the day, the total of the last day is added to the previous day. In the present case the amounts corresponding to our pass had been added up, but that was all. There are many instances in the books where more than one pass has been issued & totalled on the same day, before the day's accounts were closed.

The question of the Chuffs guilt depends on whether the 50 rds of gelt, alluded to in the second pass, were really & bona fide

to Khadir Sahib, after the rest of the day's transactions were over or not.

A comparison between the notes of actual sales taken by the police & the Sheriff's chitta as shows that they substantially agree except in the following entries which are found at the top of both lists

1. Sheriff's chitta &
Anaoor Moroogappa Raman Mds 63
2. Police Notes
Moroogappa Raman Mds. 35
Khadir Sahib 78
113

Hence in proving the police notes to be true, as I believe they are, the Sheriff's chitta shows Contains as false entry as well as an omission

Khadir Sahib was directed to attend by Mr. Thomas but did not appear, & the prosecution (Capt Swanston) consented that the case should proceed without him.

If Mr. Hughes had summoned Moroogappa Raman & Khadir Sahib, & examined them as to the cause of such omission by them, the case would have been clearer. He considered it unnecessary to do so.

But even without further information on this point it appears to be clear that the police notes are true & that the Sheriff's accounts are false.

The fact that the two passes together covered 52 carts, while the real number of carts employed that day is admitted to have been 48 confirms this conclusion.

The next question, & the one which is now more directly before the Court is as to whether the superintendent attempted to screen the Sheriff or not.

It seems to me unsafe to trust the police accounts as to the suspicious behaviour of the superintendent & his offers to probe them, for such evidence is always forthcoming in any quantity, when a conviction is desired.

Still, with the facts before him that the second fuse was not discovered till a deficiency of 57 ozs had been discovered in the last fuse, that the second fuse was manifestly incorrect as to the number of cuts, & that the Sheriff's Child showed what was probably a false entry as well as omission, I am of opinion that the superintendent could not have helped suspecting that the Sheriff had been attempting to cheat the Court, & that his subsequent conduct in maintaining the truth of the second fuse, & defending the Sheriff, amounted to a deliberate effort to screen an offender

I propose to direct the attention the superintendent, Barker Chambers

held a high character
in P. Arcot. The Col
~~The~~ Collector ~~states in~~
~~a letter to~~ a Memo
~~addressed~~ which is
recorded amongst the
papers that he was
selected as Sub Su-
perintendent against
his own wish because
of the great confidence
the Collector reposed
in his integrity &
uprightness founded
on past experience.

Orders are requested
as to whether Baretha
charlos may be re-
employed in Govt
Service or not.

Baretha charlos
complains that he
was not allowed to

cross examine the
witnesses against him
until the case for
the prosecution had
been concluded, &
the speech for the
defence made.
Mr Hughes does seems
to have convinced him-
self town to have
persuaded the appel-
late court that this
course was correct.
It is obvious that
although Section 252
C C P taken by itself,
may seem to countenance
such a procedure,
a perusal of ~~Ss~~ Ss 243 &
194 shows that ~~Sec 252~~
~~is only to~~ cross examin.
cation only take
place in all cases before
the defence is entered
upon, & that Sec 252

Samuel Sundaram Pillai v Kanniammal
Madras Mail 18th Sept 1893 and
Weekly Notes 1893 p 192
Note Empress v Ramasamy Pillai
Chintoo Pr Mr Ramesh Chandra
Samad contra Mr Cargill and Pr
Mr Clark contra Mr Crumpton and
Mr Ryder contra Mr Bell
Ratan Chand v Khan
Bahadur Ghulam Ghaus v Abdul Karim
4 Mad H C Rep 65 = Mr Clark & Mr
Ghulam contra Mr Crumpton
Ramasamy Naicker v Venkatachala
Mudaliar 11 Mad 269 and Queen
Empress v Ramasamy Pillai 17 Mad
Weekly Notes 193

only confers the additional privilege of crossexamining after the defence has been entered upon, as well as before.

I hear the same mistake has been made by other magistrates but do not know whether it is worthwhile for Govt. to notice it or not.

J.S.

I concur [illegible] that an elaborate fraud was committed by the Sheristadar & that when it was detected the Supt. [illegible] & screen him instead of aiding the [illegible] in [illegible] & [illegible] the Govt. [illegible] [illegible] to them & the Salt Dept.

I think the [illegible] too.

The punishment of permanent exclusion from the public service is [illegible] a [illegible] punishment, but I think it is [illegible] [illegible] offence & [illegible] [illegible]

Jasper

[illegible] in the case of [illegible] offences, is the only chance of keeping the Salt Depart. in anything approaching [illegible]

L.G.

Jardine

The evidence on which the Salt Superintendent was convicted, has appeared to be trustworthy & credible, to the:

by Head Asst. Magte,
the Sessions Judge, and the
Board of Revenue –

Have myself gone through the whole of it with much attention, and am unable to believe, as the Salt Supt. endeavors to make out, that it was the result of a conspiracy to injure him.

The Sess: Judge has, I consider, taken a correct view of the matter as it affects the Salt Supt., and I do not hesitate to agree with the Bd. of Rev. that ~~the Salt Supt.~~ he is unworthy to be retained in the public service. I am further of opinion that an example is necessary for effectually suppressing the corruption [illegible] to prevail in the Salt department.

H H

N.

[illegible]

20th March /[illegible]

68

W. 668.

The Governor in Council has carefully considered the papers submitted by the Board of Revenue with these proceedings, & the arguments adduced by Bhashu Charloo in petitions dtd. 19th & 38 of 1867.

He considers it proved beyond doubt that Vasudeva Pillai was detected by the police in the act of defrauding govt. & that the conduct of Bhashu Charloo showed a deliberate attempt to screen him

Revenue 1867 Despte
Pro of Govt for 20 March

Copy in a Letter to Engd
1st Nov. No 65 of 1866 Mis

No 668

Pro of the Madras Govt
of 20 March 67
- From Collns of S. Arcot of 25th
January 68 C. No 343

The re-employment of Bhasitta Charloo & Vasudeva Pillai who were concerned in embezzlement of Salt &c. Mercantile prohibited -

No 338-339

from punishment.

He accordingly resolves to prohibit the employment of Bhasitta Charloo & Vasudeva Pillai in any department of the public service.

In Octr of 1866 Bhasitta Charloo complains of the refusal of the Head Assistant Magistrate who tried the case to allow him to cross examine the witnesses against him until after the case for the prosecution had been closed & that for the defence opened. He avers that this procedure was approved by the Appellate Court, but the Govt considers it open to question & the proceedings are referred for consideration under Medical dept of Jy.

Ste Chingleput

Copies to Collr of Chingl Dated 25th Jany 68
5 — " Judl Dept
6 — " Secty Govt
Order to Collr of Chingl for Bhasitta Charloo & Vasudeva Pillai
Fort St George Gazette of 29th Jany 1868