Revenue (1897) Department.

ROUTINE SERIES.

G.O., No. 218

DATED 1st Febry 1897

[Despatch Abstract.]

Informing Ibrammi Reddi late village munsiff of Aspari Alur taluk that no appeal lies to Govt.

Telg 4/

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department	Date.

Revenue (1897) Departmen

CURRENT No.

Bp 1726-97

SECY. GOVT. MADRAS
26 JAN 97
REV. DEPT.

Order R No. 2187 18th Febry 1897

The petr is informed that under section 234 of Act III of 1895, no appeal lies to Govt.

24-1-97.

Lit

To the petr thro' Board dd. } Des. 4-2-97

R.
28 Jan 97

W
4/1/97

From The Secretary to the Commissioners of Land Revenue Madras.

No. 282 Mis

Dated 22nd January 1897.

Received 25th

Registered 26th

Enclosures three.

Spare copies

SUBJECT.

Submitting to Government R. D. with remarks the memorial of Thammi Reddi, late village magistrate of Asperi. Alur Taluk, Bellary Dt., regarding his dismissal from Office.

26/1/97

BACK PAPERS

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

3170

BOARD'S PETN No 3170
LAND REVEN
Encs. Recd

BOARD OF REVENUE
22 DEC. 96
MADRAS.

DES ED
21 DEC. 96

COLLECTOR'S OFFICE
No.
16 DEC. 6
BELLARY

To,

His Excellency the Right
The Governor in Council
of Fort Saint George
Madras.

Dis No 4786
21.12.96

Forwarded, through the Board of Revenue. The appeal is liable to summary rejection under Rule 5 (6) of the Madras Government Petition rules

28/12

18/12

The humble petition of the
Reddi late Village Magi
Of Asperi Village Alur ta
Bellary District - - -

No 20/12

Most Respectfully Sheweth,

1 - This is an appeal against the or Of the Board of Revenue Contained in their Proceedings No 4667 dated 14th October 1896, dismissing Petetion appeal to the said Board of Reven against the order of the Collector of Belle dismissing Petetioner from Service for a alleged forgery said to have been Committe by him in his diary of 1878-

2- Petetioner Considers it necessary to briefly narrate here the facts of the Case in order that His Excellency the Governor may see if, at least Simple justice was metted out to petetioner in his Case-

3- In 1882 one Pappayyah of Asperi Village lodged a Complaint of Crimin intimidation against Petetioner, and the Case was taken on the file of the Deputy Magistrate of Adoni, as Calendar Case No 19 of 1882, and Petetioner tried -

During the enquiry of this Case, peterits
in support of his statement that on the een
December 1878 he had reported some
prosecution witnesses to the higher au
in his capacity as village Magistra ol
having joined a gang of decoits who
gone to commit dacoity in Kurnool
filed, as an exhibit, his Diary for
year. Mr. Subbarayadu Pantulu, the
Magistrate of Adoni who [illegible] the
Convicted petetioner for assault und
Section 352 of the Indian Penal Co
In his judgment the Dy. Magistrate ob
that the entries from the 27th to 31st in De
Diary of 1878 produced by petitioner ie
have been forged for the purpose of his
defence and doubted their genuinness.
the receipt of the judgment in this case
the District Magistrate ordered the
Deputy Collector to hold a Departmen
enquiry in regard to the genuineness o
certain entries in the Diary produce
by petitioner. Petitioner was therefor
called upon to prove the entry of the
28th December 1878, as this entry was
specially commented upon as suspicious
He then produced two witnesses to
speak to the truth of the entry in his
Diary but the Deputy Collector refused
to accept the oral evidence and insisted
upon the production of some documentary
evidence. Petetioner thereupon produced
a Certificate Copy of the abstract of
his report submitted to the Taluk
Magistrate. The Deputy Collector,
Mr. Ramu Iyer believed the entry
to be genuine acquitted him and
made a report accordingly. The

The Collector then Called for the its
of Taluq Office from which the een
produced by petitioner had
made. The Register disappea
The genuineness of the entry in the re
was then for the first time Called and
question. Enquiry was then he on
regarding the disappearance
the Register in the Taluq Office,
And the Deputy Collector (Mr. S
reported to the Collector that Ch
Naidu the Record Gumastah of the
Taluq Office was Connected wi
disappearance of the Register. There
the Conduct of another Clerk n tal
Gundu Row was open to susp
He recommended the dismissal
Chellapathy Naidu and the trial
of Gundu Row. As the Deputy
Collector was Competent to deal
finally with the matter, the Colle
returned the papers to him for
disposal. At this time Mr. Mad
Hossain Saib succeeded Mr. Ram
Iyer and the papers in this matt
were disposed of by him. This offi
recorded a proceedings in which
while he finds Gundu Row guilty
he is of opinion that Chellapathy
Naidu is innocent. He therefore Cancelled
Chellapathy Naidu's Suspension
and directed his restoration
to office with arrears of pay

Date.

alt [illegible] its
and Suspended petitioner for 6 [illegible]
When the period of Suspension seen
about to expire and petitioner
to join office, the Collector's proceed
(Enclosure A) dismissing petitio. The
the two others reached him -

4- Petitioner with much deference
to submit that there has been a Con
failure of justice in his Case as His
Excellency will find from the follow
paragraphs-

5- The Grounds Of Mr. Subbaraj
Santulu the Deputy Magistrate
who tried the Case of criminal
intimidation against petition
in which the Diary was produce
to suspect the genuiness of the Di
entry were:-
(a) that all the entries from the 27
to 31st- December (both days inclu
Seemed from the Comparative fresh
of the ink as if made all at on
and recently and (b) that the
entries were at the end of the writ
portion of the Diary-

6- Petitioner begs to reproduce here,
for the Consideration of His Excellency,
the observations of the Dy: Collector
Mr: Ramu Iyer who held a depart-
-mental enquiry regarding the
genuineness of the entry in the Diary

The

Date.

after his prosecution and before its
production. Duly paged and seen
the pime salug b Magistrate. The en
for the year 1878 Commence on ol
page and Close on the 64th. The
about which the suspicion is hel
in the 63rd. page. The first line on
63, relates to the Diary of the 25
and it closes the Diary of that d,
From the Colour of the ink, I have no d
that the portion of Diary of the 26
which is on page 62 and one line
which is on page 63, were written a
the same time with the same ink. There
is no reason therefore to suspect that
the leaf on which the suspected entries
occur has been newly introduced.
Nor am I inclined to think that
the Reddi had then made entries upto
27th and made no further entries
with the object of making false entries
for the subsequent dates at some
future date. I believe, therefore, that
the entry appearing against 28th is
genuine - - - - - - - - - - - - - -

I therefore find no reason to think
that the Diary entry is a forgery
intended to support the Contention
of the Reddi in the Criminal Charge
brought against him (Vide Enclosure B,
Proceedings of the Dy: Collector of Adoni Division
dated

after his prosecution and before its
production. Duly paged and seen
the same day by Magistrate. The en
for the year 1878 Commence on
page and Close on the 64th. The
about which the suspicion is hel
in the 63rd page. The first line on
63, relates to the Diary of the 25
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that the Diary entry is a forgery
intended to support the Contention
of the Reddi in the Criminal Charge
brought against him (Vide Enclosure B,
Proceedings of the Dy. Collector of Adoni Division

after [illegible] the question
genuineness of the same entry [illegible] it's
Diary Mr: Madhi Hussain Sahib between
Succeeded Mr: Ramu Iyer and [illegible]
disposed of the papers finally obs not
thus:" The Diary was produced before the [illegible]
Deputy Magistrate on the 21st Octr,
1892. The paleness of the ink which they
then observed continues so even to [illegible]
day after a laps of 3 years. The Colour
of the ink in certain places in the suspected
entry tallies with that of the undisputed
entry (of the 26th December) on the same
page. This shows that the ink used from
the 27th to 31st December was the same
as was used the previous day but
made thinner by the addition of water
as is generally done by the villagers.
The Diary books of the same village
Magistrate for 1877, 78, 80, 81, 91, 93,
and 94, are found in the records.
In these several entries, with similar
differende in the Colour of the ink
are noticeable.

The village Magistrate produced
his Diary of 78 in 92 as soon as
he was prosecuted. If he had
forged the entry, it must have been

after his prosecution and before its production. The interval between the forgery and the production of the forged entry could not be long.

As for the entries being at the end of the written portion of the book, they cannot but be so as they relate to the last days of the year. In 1878, the Village Magistrate could not have foreseen his prosecution in 1892, and left the Diary for those days unwritten. The Counterpart of the Sheet is intact and the writing on it is undisputed. There are therefore, no sufficient grounds to doubt the genuineness of the entry in question. (Vide Enclosure C, para 4, Proceedings of the Deputy Collector of Adoni Division, dated 3.12.95.)"

8 Petitioner ventures to submit that the observations of Mr: Ramu Iyer and Mr: Madhi Hussain Saib, reproduced above, touching the genuineness of the Diary entry, sufficiently prove that petitioner is innocent and that he had not forged the entry and that he was wrongly and

prosecase against him would be the same. If the entry in the Diary is forged for the purpose of the case why should petitioner cause that particular entry of that particular year (28th December 1878) to be forged. For this purpose, the forging of any entry in his Diary of any year would more than amply serve his object. Why should he have not therefore, forged any entry of any previous or subsequent years. Common sense suggests that unless the information of the dacoity was true it could not find a place in petitioner's Diary of that year. There has also been oral evidence of witnesses in support of this contention. There can, therefore, be no doubt about the genuineness of the entry.

11 — Since 1880, petitioner has been falling ill very often and has been availing himself of leave in consequence of his illness. This fact together with medical certificates he submitted during the Departmental enquiry,

will show that he had not been avoiding appearance for the purpose of Causing an entry in the Taluq Register to be forged for obtaining a Copy. If he could be said to have Colluded with the Record Gumastahs and Caused the forgery in 1894, why could he have not done the same in 1893 when the order was received by the Deputy Collector to hold a Departmental enquiry about the genuineness of the Diary. If he could influence the Office people in 1894, he could have done the same in 1893. It cannot be maintained that Chellapathy Naidu or any other Clerk of his position in a Taluq Cutcherry where they are miserably paid, would be above all temptation. It is absured to say therefore that he was avoiding appearance until Gundu Row was in Charge of the records. He could not have foreseen that Chellapathy Naidu would be Sent to Bellary and that Gundu Row would be placed in Charge of the records in order that petitioner may bring his influence to bear upon Gundu Row, for Gundu Row is said, out the unsoundness of the reasons in the order in which they are found in the Collector's Proceedings.

(a)- Petitioner Submits for Consideration Of His Excellency, a Takeed received by him from the Tahsildar of Alur, No 144, Enclosure D, dated 8.3.80 and trusts that this Takeed which is to the effect that Bemappa's Son Kesavappa, a prosecution witness in the Case against him and included in the report Submitted by petitioner to the Taluq Magistrate, should be appointed as Kurnam, as he had attained the age of 23, will Sufficiently Contradict the Statement of this Kesavappa that his age in 1892 when he was examined by the Deputy Magistrate, was only 25 or 26. Can this be one of the grounds to establish petitioner's guilt?

(b)- Petitioner promised to report further about the dacoity, if the information which he received was well-founded and if dacoity was Committed. As no dacoity was Committed, petitioner had no necessity to report further about it. He would have reported and also entered in his Diary, if anything was done by the gang of dacoits-

(c)- Petitioner's guilt ought to be inferred, if the reports sent by him to the Local Police Talug Magistrate, and the Police Inspector, are not forthcoming, as he cannot be responsible for this.

(d)- Petitioner begs to draw the attention of His Excellency to the observations of Mr: Madhi Hussain Saib contained in para 4 of his Proceedings which petitioner believes, will be enough to prove the unsoundness of the Collector's reason for holding petitioner guilty.

(E) This cannot be taken to prove conclusively petitioner's guilt. If the signature appended to the entry of 27th December 1878 differs from the previous entries and corresponds with petitioner's present style, the change should have taken place in a year, because the present style was adopted as the Collector says in 1880. It is needless for petitioner to point out, that the signature of even the most settled writer would appear different when written with different kinds of pen. The signature will also appear different when the state of the health of the person varies in consequence of illness, &c.

13- Regarding the arguments contained in clauses under para 5 of the Collector's proceedings, petitioner begs to deal with them as follows.

(a+b) As had been pointed out, petitioner had no motive whatever to avoid appearance by evading service of summons. He was ill and consequently was not able to attend. It was in 1894, that he was called upon by the Deputy Collector to prove his entry by other records or witnesses. Petitioner chose to prove it by witnesses which is considered easy and less troublesome and which course is always resorted to by villagers and examined two witnesses to prove the entry-

(C) When the Deputy Collector told petitioner on 11-7-94 that he woul not accept oral evidence, the sheer necessity of proceedin some documentary evidence appeared to him and therefore the idea of applying for a copy and not the idea of committing double forgery, as the Collector observes, occurred to him. If the Deput Collector had not given him the option of proving it in the alternative, either by witnesses or documentary evidence and insisted upon the production of the documenta evidence at the outset of the enquiry, petitioner would have applied for a copy at once.

(d) — If the entry in the Diary not correspond with the abstract in the extract, can petitioner be held to have committed forgery? On the other hand, this fact proves that there was no forgery and that the entry in the Diary and the abstract in the extract are both genuine and if there had been forgery, the abstrac in the extract would be made exactly to tally with the entry in the diary.

(e) - Extract are not always a correct Summary of the reports.

(f) The fallacy of this argument is pointed out in paras 9 and 10 Supra. If the Karnam Kesavappa Colluded with Chellapathy Naidu and Gundu Row and Caused the disappearance of the Register, as hinted by Chellapathy Naidu in his statement in order that petitioner may be brought to trouble, Could the entry even then be said to be forgery? There is evidence that Karnam Kesavappah asked Chellapathy Naidu for the Register of the particular year 1878, and the bitter ill-feeling that subsists between petitioner and Kesavappah, which is admitted, will sufficiently explain the mysterious disappearance Of the Regis[illegible]. What necessity the Karnam had for the Register of that particular year 1878, about the time of this enquiry, petitioner fails to understand. This

14 - Petitioner therefore humbly submits that his complicity in the disappearance of the Register cannot even be inferred and much less proved by any evidence. In the absense of strict proof of his guilt, it is very unjust that petitioner, who is very respectable and pays about Rs. 400 as Kist to Government and whose service as Village Magistrate extends to nearly a quarter of a century should have been so severely punished by the Collector, especially when the opinions of the two Divisional Officers, regarding his innocence coincide.

15 - Regarding the entry in the Diary, both Messrs. Ramu Iyer and Madhi Hussain Saib hold that it is genuine. Suspicion as to the genuineness of the entry in the Diary was entertained for the first time only after the disappearance of the Register in the office and not before. Mr: Madhi Hussain, who finally disposed of the papers, suspended petitioner for 6 months not for any offence proved [illegible]

- Supposed Complicity in the transaction The Collector Chose to interfere with Mr: Madhi Hussain's order Contrary to all precedent and enhanced the punishment. Is this legal?

16- The Boards order dismissing Petitioner's appeal is grounded without any reason except the usual ground that it finds no reason to interfere. Petitioner Cannot therefore enlighten His Excellency the Governor with his explanation thereon and show that the Boards order is unjust and very unsound.

17- Under these Circumstances, petitioner most humbly and respectfully prays that His Excellency the Governor will be pleased, after perusing this petition and other papers Connected with this Case, to set aside the order of dismissal and to restore him to his office with all arrears of pay.

For this act of kindness and Charity your Petitioner shall as in duty bound, ever pray.

Bellary
11th [illegible]

500
25-11-95.

Proceedings of the Board of Revenue

(Land Revenue),

Dated 22nd January 1897.

~~Forest No.~~ 282 Miscellaneous.

READ — again Boards Proceedings dated 14th October 1896, No. 4667 Miscellaneous, dismissing the appeal petition of Thammireddi, late village magistrate of Aspari, P. V. Chelapati naidu, late Gumasta, Alur Taluk and P. Gurudu Row, late Gumastah, Kudligi Taluk, Bellary district, against dismissals from their respective posts.

Read petition from Thammireddi, late village magistrate of Aspari, Alur Taluk, Bellary District, dated 18th December 1896.

also [illegible] of the Collector [illegible]

Resolution

Forwarded to the Secretary to Government, Revenue Department.

2. The Collector's order under appeal deals with the case fully and the Board has no remarks to offer, except that under section 23, Act III of 1895, the Board's decision is final. For this reason the Collector points out that para 5 (6) of the petition rules applies to the case.

(True Extract)

Secretary.

To
The Secretary to Government
R. D.

with memorial and its enclosures.

DJ

When given for copying
When copied
When examined
When signed
189

Read again G.O., No. Dated
189 ,

Current No.

Enclosures to C. No.

Order of Government

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Not filed up, being meant for despatch in original.

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