(0)—5-3-98.

Revenue (1898) Department.

MISCELLANEOUS SERIES.

G.O., No. 3023

DATED 19th June 98

[Despatch Abstract.]

Coming to the Rd. of Rev. Pros. of the Judicial Dept. directing that Diwan Baha dur K. V. Lakshmana Rao, late Dy. Rajas Rabe of Kumaragudi, and now of Cochin be informed that he has incurred the serious displeasure of Govt. & that he is severely reprimanded for his conduct in connection with the disposal of C. C. No. 17 of 1897 on the file of this Court.

Revenue 1898 Department

Government {1898} of Madras.

JUDICIAL.

BACK PAPERS.

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

FURTHER PAPERS.

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

Recd. 15 July } 1898. Enclosures

Regd. 15 " } Spare copies

G.O., No. 990, 25th June 1898.

G.O. Mis. no 3023 d/19th July 98

Recorded
Communicated
to the Board of Rev:

Mlle 19/7/98

JUNE.

Ckpd to the Board of Rev.
L.A. 22-7-98

Diwan Bahadur K. V. Lakshmana Rao.

Directing that —, late Deputy Magistrate of Mannárgudi, and now of Cochin, be informed that he has incurred the serious displeasure of Government and that he is severely reprimanded for his conduct in connection with the disposal of C.C. No. 17 of 1897 on the file of his court.

Memo under 19.VII.98 will be entered in the Register

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

Read—again the following papers:—

G.O., No. 1518, Judicial, dated 23rd October 1897.

Abstract.—Requesting the Government Pleader to present an appeal to the High Court against the order of acquittal in C.C. No. 17 of 1897 on the file of the first-class Sub-Divisional Magistrate, Mannárgudi, Tanjore district.

G.O., No. 1805, Judicial, dated 18th December 1897.

Abstract.—Communicating to the District Magistrate of Tanjore, with remarks, letter from the Government Pleader reporting the result of the appeal preferred to the High Court against the judgment of acquittal in C.C. No. 17 of 1897 on the file of the first-class Deputy Magistrate, Mannárgudi division.

Read—also the following papers:—

From the District Magistrate, Tanjore, dated 23rd February 1898, No. 145-Magl.

Abstract.—Submitting, with remarks, the explanation of the Deputy Magistrate, M.R.Ry. K. V. Lakshmana Rao Avargal, with reference to the strictures passed by the High Court in Criminal Appeal No. 695 of 1897 on its file.

From the District Magistrate, Tanjore, dated 19th April 1898, No. 345-Magl.

Abstract.—Forwarding a copy of judgment in C.C. No. 121 of 1897 on the file of the Joint Magistrate, Tanjore.

Order—No. 990, Judicial, dated 25th June 1898.

In October last the District Magistrate of Tanjore brought to the notice of Government certain unsatisfactory features in the trial by M.R.Ry. Diwan Bahadur K. V. Lakshmana Rao, Deputy Magistrate of Mannárgudi, of C.C. No. 17 of 1897 on his file. On application to the High Court the order of acquittal passed in the case was set aside, and a new trial by another Magistrate was ordered. The court in its judgment commented severely upon the Magistrate's conduct of the trial.

2. The details of the case to which attention was thus attracted were briefly these. The complainant, an emigrant recruiter, stated that he had been waylaid and beaten by the station-house officer of Thagattur and two other constables, and that the accused took him to the police station where he was kept in confinement till he paid Rs. 7 for his release. The complaint was laid before the Deputy Magistrate on December 17th, 1896. Contrary to the orders of Government which had directed that the investigation into such matters should be conducted by Divisional officers themselves, it was referred to the Superintendent of Police for enquiry. After various delays the case came on for hearing, but it was not till the 28th of May 1897 that the evidence of the prosecution witnesses was completed and the statements of the accused taken. The Deputy Magistrate then summoned four court witnesses, the offences mentioned in the summons being under sections 342 and 384 of the Indian Penal Code. These witnesses when examined were unable to give any information as to what took place within the police station; their evidence did not, therefore, affect the case of extortion under section 384, Indian Penal Code. Nevertheless when the

charge was framed on June 23rd, that offence, which as late as May 28th was quoted in the summons, was omitted, the offences named being only those under sections 342 and 323, Indian Penal Code. A few days later a petition of compromise was put in, and as the offences mentioned in the charge are compoundable, it was accepted.

3. On receipt of the orders of the High Court the case was reheard by the Joint Magistrate of Tanjore and the accused were acquitted. The result of the retrial cannot, however, be taken as a proof of the correctness of the Deputy Magistrate's previous finding, seeing that the complainant and two of the original witnesses were absent, while the lapse of time rendered discrepancies in the evidence of the remaining witnesses practically certain.

4. Looking to the various incidents in connection with the case, its reference to the police for inquiry, the great delays during the hearing, the dropping of the charge of extortion whereby the case was rendered compoundable, the subsequent compromise, the omission from the calendar statement of any reference to the fact that the accused were police officers, and the failure of the Deputy Magistrate to bring the matter to notice with a view to a departmental inquiry, the District Magistrate concluded that the object of the Deputy Magistrate was to screen the police, and that he deliberately harassed the complainant into a compromise. The High Court, too, found the conduct of the case unsatisfactory, more particularly in the dropping, without reasons recorded, of the charge of extortion. The Deputy Magistrate in his explanation denies that there was any avoidable delay. The District Magistrate, however, shows that this is not the case. The Deputy Magistrate also sets forth his grounds for disbelieving the charge of extortion, and urges that there is no provision of law under which he was bound to record his reasons for omitting that offence from the charge. Granting that there was no actual infringement of the law, and accepting the view of the matter most favourable to the Deputy Magistrate, His Excellency the Governor in Council finds that M.R.Ry. K. V. Lakshmana Rao was dilatory and indifferent, and that his conduct of the inquiry was altogether perfunctory.

5. With regard to the reference of the complaint to the Superintendent of Police in contravention of the orders of Government in G.O., No. 1807, Judicial, dated 14th November 1896, it appears that the order in question reached the Deputy Magistrate on December 19th, 1896. The complaint which had been received two days previously was not actually endorsed to the Superintendent of Police till the 23rd December. The Deputy Magistrate's explanation that the order of Government only reached him after he had referred the complaint to the police is therefore incorrect.

6. It is observed that in two previous instances the District Magistrate of Tanjore had occasion to censure M.R.Ry. K. V. Lakshmana Rao for evading his duty when confronted with cases of a more than usually troublesome nature. It is unnecessary now to re-open those cases. It is sufficient that they confirm the conclusion which Government has formed from the present correspondence that the Deputy Magistrate deliberately neglected his duty, and failed to make any real efforts to get to the bottom of a very serious charge against the police. Such an attitude on the part of a Divisional officer of long service is matter for grave dissatisfaction, and His Excellency the Governor in Council directs that M.R.Ry. K. V. Lakshmana Rao be informed that he has incurred the serious displeasure of Government and that he is severely reprimanded for his conduct.

(True Extract.)

A. D. Macpherson.

for *Chief Secretary.*

To the District Magistrate, Tanjore.
" Hon'ble the Chief Justice of the High Court, with C.L.
" Inspector-General of Police.
" Revenue Department.

Ed. A. F. Eccleston.

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READ AGAIN G.O., No. DATED
189 ,

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT	A	A	A	A	A	A	A	
LETTER OF GOVERNMENT.								
STATEMENT WITH DITTO.								
PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH IN ORIGINAL.								

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