Revenue (1898) Department.

MISCELLANEOUS SERIES.

G.O., No. 4525

DATED 19th November 98

[Despatch Abstract.]

Stating that the Govt. sees no reason t
interfere, in behalf of K. Minakshi Sundaram
Pantulu, Sub-Inspector, Salt, Abkari &
Customs Deptt, in the matter of his
Suspension

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 (1898) Department.

CURRENT No. 5887

8/12/19 xi.98

From
The Secretary to the Commissioner of Salt, Abkari and Separate Revenue, Madras.

Order Mis No 4525 7/19th Nov 1898

The Government sees no reason to interfere on the petitioner's behalf. f/o.

Mis. **No.** 3215.

Dated 13th August 1898

Received 22 "

Registered 23 "

Enclosures 27 of which 1 to 27 sent separately

Spare copies

Kllr 19.11.98

Rev. 22.11.98

To the Board of Rev., Sep. Rev.,
with encls (Nos 2 to 28 - also petn d 21.12.98 subsequently obtained from the Collr)

Copy to the petr.

PK 16.11.98

SUBJECT.

Submitting to Government, with remarks, petition from R. Minakshi Sundram Pantulu fifth Grade Sub-Inspector, Iskapalle Circle, appealing against the order of the Deputy Commissioner, Central Division suspending him for six months.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

To

His Excellency The Right Honorable

The Governor-in-Council,

Fort St. George,

MADRAS.

The most humble petition of R. Minakshi-sundaram Pantulu, a 5th Grade Sub-Inspector of the Salt, Abkari and Customs Department, Isakapalli Circle

MOST RESPECTFULLY SHEWETH,

That your Excellency's humble petitioner begs leave to submit this appeal for the reasons given in paras 8 and 9 *infra* against the orders of the Board of Revenue rejecting as time-barred an appeal preferred to it against the orders of the Deputy Commissioner, Central Division, suspending the petitioner for 6 months on a report of the Inspector Salem Circle, on a charge of having on 9th April 1896, hushed up a case of possession of fermented toddy by a licensed vendor in an unlicensed place.

The facts are briefly these.

2. On the 9th April 1896 while the petitioner was engaged in detecting an Abkari case in a tope in the village of Toppapatti, information reached him at 7 A. M., of the possession by two men in the village of fermented toddy. He sent off two of his peons immediately to watch the houses until he should be able to go there himself. He reached the place at 10 A. M. One of the houses was first searched but nothing was found there. The petitioner then proceeded to the next house. The owner, a licensed vendor, was not there. The peon (Pacha by name) who was watching the house informed the petitioner that something was destroyed. The petitioner then went into the house with the Village Munsiff and some others and, after taking statement from the peon that something (he could not say if it was fermented toddy or unfermented sweet juice) was destroyed, the petitioner examined the pots and the wet ground near, but found no smell of fermented toddy. The Village Munsiff and others gave the same opinion, but it was only suspicious that simple Padani should have been destroyed. The petitioner handed the pots over to the Village Munsiff for production when necessary and made a report in his diary of the facts as they occurred to the Inspector soliciting orders for guidance. The Mahazar and statement taken were also submitted therewith.

The Inspector remarked thereon that there was no case and that the petitioner wasted his time. The diary, however, was recorded by the Inspector. It is this case the petitioner is said to have hushed up.

3. At the beginning of July 1896, the mother of the informant in the above case was charged by the petitioner for unlicensed sale, and during her enquiry before the Inspector she presented a petition that she was maliciously charged by the petitioner for refusing to suppress the case above referred to in which her son was the informant and that that case was hushed up by the petitioner. The Inspector charged her before the Magistrate and she was convicted in Calendar Case No. 269 of 96 on the file of the 2nd Class Magistrate of Rasipur, Salem District. By this time (17th May 96) the Petty Officer, subordinate to the petitioner, had presented a petition to the Inspector alleged to have been given to him by Pacha, the peon who was directed to guard the house, stating that the case was hushed up by the petitioner.

4. The Inspector began to enquire into the allegation himself in the month of August. The peon Pacha denied all knowledge of the petition. He admitted his signature to it but said he put it in the house of the P. O. at his instigation, as he gave him to understand that it was a complaint by peon Chinnasamy (the writer of it) who was beaten by Murugan. In fact, if the peon had really any complaint against the petitioner as to what occurred on the 9th April, it is strange that no complaint of the sort was made when the Inspector was in the range on the 26th, 27th and 28th April 96 and invited complaints, if any, from everybody including the peon and P. O. A kind perusal of para 8 of the Appeal to the Board herewith attached will convince your Excellency of the motive for this complaint against the petitioner, and how he has been prejudiced in the enquiry of the Inspector.

The evidence as to the nature and quality of the liquid poured out (setting aside your petitioner's personal observation) is that of the following witnesses viz: (1) Peon Pacha, (2) Peon Nabi, (3) Village Munsiff Nalliya Goundan, (4) Ara Moopan, (5) Chetti Nayakan, (6) Kolandavelu Goundan, (7) Sellakkal, (8) Periya Kathan, (9) Ranga Moopan, and (10) Chinna Palani Goundan. Of these Pacha cannot say whether the liquid was toddy or Padani. Witnesses 2 to 6 are sure that the stuff was Padani. It is only witnesses 7 to 10 that give evidence that toddy was destroyed.

These four witnesses are: (7th), the female convicted on a charge brought by the petitioner, (8th and 9th), her two sons both of whom are Known Deprevators, and each of whom contradicts the other as to his and their mother's presence on the scene, and (10th), a blind old man who says clearly "*Ara Moopan and others brought up a case against my son. It is on account of this injustice that I have come to give evidence.*"

The case was never brought home against the alleged possessor even by the Inspector and he was never pronounced legally guilty of the offence.

5. On the strength of the evidence of these four persons the Inspector comes to the conclusion that your Excellency's petitioner had reason to suppose that an offence had been committed.

The Inspector's chief argument is that there was no need for a Shopkeeper to pour out Padani. The petitioner submits that this was the very point which aroused his suspicion and though brought to Inspector's notice and his orders specially solicited he did not order a prosecution on the strength of that circumstance.

The other considerations on which the Inspector lays stress as misleading are:—

(1) That the petitioner's diary showed that Muthumari's house was *inspected* the proper word *searched* not having been used. The petitioner is unable to see how this could have mislead the Inspector, and he is not to this moment aware what he could have written in the diary more than he has done.

(2) That P_1 report was not made and the information not noted in P_{12} register.

This may be an omission but the Deputy Commissioner himself does not press this saying that it may be accounted for by the petitioner being new to the Department. At any rate the facts were brought to notice in the diary and cannot be said to have been concealed.

6. On the strength of the conclusion thus arrived at, the Inspector recommended the petitioner for departmental punishment. The petitioner was thereupon recommended by the Assistant Commissioner for dismissal. The Dy. Commissioner first in his proceedings No. 4788 dated 29—9—96 reduced him to a clerk's place but by a subsequent change of intention cancelled the original order and suspended him for 6 months in Pro. No. 5219 dated 31st October 1896.

7. This was the result of the Inspector's enquiry into the case against the licensed renter of a toddy shop alleged to have possessed toddy *in his house two yards away from his shop.* The petitioner was present during the examination of but a few witnesses. Neither the Inspector the Assistant Commissioner nor the Deputy Commissioner who found occasion to punish the petitioner gave him an opportunity to explain any charge they had to make against him. In fact he was condemned unheard and was not aware of any steps taken against him till the receipt of the order reducing him.

8. The petitioner had therefore no information to draft his petition to the Board and so had to send up a mere formal appeal against the Deputy Commissioner's order suspending him, in the absence of copies of records applied for but had not been received. The suspension order reached him at 8 P. M. on 23rd November 1896; and not knowing what to do in utter darkness of what transpired, put in a formal appeal to the Board on 21st December 1896 which reached that office on 23rd idem. In that appeal the petitioner promised to submit a supplemental one on receipt of the necessary papers. This appeal was returned by the Board by B. P. Sub No. 92 dated 8—1—97 for submission through the Deputy Commissioner, but the papers applied for not having been received even then the petitioner had to submit the same through the Deputy Commissioner. The supplemental appeal to Board was submitted on 2nd April 1897 through the Deputy Commissioner the last of the copies having been received on 3rd March 1897. The Deputy Commissioner directed the petitioner through proceedings No. 1965 dated 15—4—97 to submit Rs. 16—8—0 worth of Court Fee stamps for affixing to the public copies. This order reached him on 11—7—97 and the stamps were submitted immediately on 15—7—97.

9. Unfortunately, Board's Proceedings Mis. No. 3766 dated 27th August 1897 rejected the appeal as time-barred, and the copy of the order reached the petitioner on 5—10—97. A review petition was put in on the 27th October 1897

pointing out that the petition was within time enclosing the acknowledgment postal receipt (herewith submitted) showing that the 1st petition reached the Board on 23rd December 1896 *i. e.*, on the 30th day after the receipt by the petitioner of the order of the Deputy Commissioner suspending him. This petition was declined to be considered (Vide B. P. Mis. No. 5193 dated 25th November 1897). It is against these orders of the Board that the petitioner now appeals to your Excellency's Government.

10. Your Excellency's petitioner is sure that if the Honorable Board should only be pleased to go into the merits of the case justice will not be denied him, but unfortunately the appeal has been rejected on *a mere technical objection of limitation.* In fact in the present case the appeal petition reached the Board within 40 days allowed and was therefore not barred. The supplemental petition was only due to want of necessary papers showing the nature and evidence of the charges to be met with without which he could not urge argument in support of his defence. The humble petitioner, therefore, in leaving his destiny in the hands of your Excellency's Government in the full confidence that matters will be thoroughly sifted and justice done to him inspite of the machinations of enemies whom a faithful discharge of duty necessarily creates, most submissively invokes mercy of your Excellency's Government in submitting that the dismissal of his appeal on this *technicality* has greatly prejudiced him, and prays your Excellency will graciously be pleased to admit the petition and only dispose it of on its merits.

18th April 1898.

Your Excellency's most humble and obedient petitioner.

R. Minakshi Sundram Pant.

INSPECTOR OF SALT & ABKARI REVENUE. 20 APR.93 ISKAPALLE CIRCLE.

Submitted thro' The Department and The Board.

PRINTED BY C. EKAMBARA GURUCKAL AT HIS VICTORIA PRESS :—NELLORE. 14—4—98.

1898 REVENUE DEPT. Encl. No. 1 Cor. No. 5887

1,000 19-4-98.

REVENUE BOARD OFFICE MADRAS

Proceedings of the Board of Revenue

(Separate Revenue),

Dated 13th August 1898.

Mis. No. 3215.

Read endorsement of J.H.Merriman Esquire., Deputy Commissioner, Northern Division No. 1457, dated 4th May 1898, on - petition dated 18th April 1898 from R.Minakshi Sundram Pantulu, fifth Grade Sub-Inspector, ~~Arni~~ Iskapalle Circle, and

Board's reference thereon No.311, dated 10th June 1898, requesting the Deputy Commissioner, Northern Division to obtain and forward certain authenticated copies of records connected with the petition of R.Minakshi Sundram Pantulu, fifth Grade Sub-Inspector, Iskapalle Circle.

Read also letter from the same officer No.2029, dated 20th June 1898, submitting authenticated copies of certain records called for.

Read also letter from the same officer No.2380, dated 12th July 1898, submitting an authenticated copy of A.13 connected with the petition of R.Minakshi Sundram Pantulu.

Resolution.

Submitted to Government.

2. The rules in force in the Department regarding the - submission of appeals are :-

(i) that an appeal petition to the Board should be submitted through the officer whose orders are appealed against,

(ii) that it should reach that officer within forty days from the date of receipt by the appellant of the Proceedings dealing with his case, and

(iii) that the said period of forty days is inclusive of the

time taken in obtaining copies of records.

About the beginning of April 1897 a practice sprang up of submitting what were called preliminary appeals which were in fact nothing but intimations of intention to appeal, the real appeals being submitted long after the time allowed as above. These the Board declined to recognize and hence the rejection of the petitioner's appeal without entry into the facts of the case.

3. As Government will observe, the petitioner was first reduced to a clerk's post on Rs.25 after hearing his explanation of the charges against him. This order of reduction was subsequently converted into one of suspension for six months on account of the difficulty the Deputy Commissioner experienced in finding a suitable place to post him to. This latter order was received by the appellant on 23rd November 1896. He was then in a position, if he thought he had been unjustly treated, to lay his own version of the affair before the Board at once. Instead of doing so, he submitted a petition on 21st December 1896 stating that he had applied for copies of some important papers which were necessary for his appeal and that he proposed to state his grounds of appeal in a separate memorandum. This memorandum covering ten pages of print was not submitted till more than three months afterwards, when the Board declined to consider it on the ground that it was out of time.

4. In case, however, Government should see fit to enter into the facts of the case they are stated below:-

On the 9th April 1896 while inspecting certain topes in the village of Thoppapatti appellant received information that two persons in the village had illicit toddy in their houses. He detailed two of his peons to go in advance and guard the houses and proceeded to search the houses after finishing the tope inspection. One of the houses was searched but nothing was found in it, and in regard to the other house he was told by the peon (Pacha) who had been deputed to watch it that some twenty gallons of toddy were poured out of pots in the backyard of the house and that he (the peon) having been forcibly held down could not prevent its destruction. There is evidence to show that one of the relatives of Ara Moopan (the person who poured out the toddy) took the appellant apart and requested him to hush up the case and this is borne out by the appellant's subsequent conduct. Appellant did not submit occurrence reports for the searched made by him although the orders are that they should be submitted whether the search is successful or not. Nor did he mention the occurrence properly in his diary for the day but couched it in such terms (vide exhibit E) as to make the Inspector believe that what was destroyed was sweet juice and not toddy. The Inspector therefore could not do more than remark that the action of the appellant under the circumstances in seizing the pot was illegal and that he (the appellant) had wasted his time. On the 10th May, however, while the Inspector was enquiring into another case the accused therein informed him that the appellant had detected a case in Thoppapatti and hushed it up. On this information the Inspector was instituting enquiries and shortly afterwards received a petition signed by peon Pacha to the same effect. The Inspector thereupon instituted an exhaustive enquiry and submitted a report to the Assistant Commissioner, Arcot Sub Division, to the effect that the appellant had really hushed up the case but that owing to lapse of time he could only be dealt with departmentally. The Assistant Commissioner who was fully convinced of the appellant's guilt recommended his dismissal but the Deputy Commissioner made some allowance for the fact that the appellant was new to the department and reduced him to a clerk's post on Rs.25 which punishment, as stated in para 3 supra, was subsequently converted into one of suspension for six months.

5. If the Board had entered into the facts of the case when it rejected the appeal petition as out of time it would probably have upheld the Deputy Commissioner's order.

(True extract)

20-8-98 Acting Secretary.

To the Secretary to Government, Revenue Department,

with petition and enclosures.

20/8/98

Revenue (1898) Department.

CURRENT No.

From
The Secretary to the Commissioner
of Salt, Abkari and Separate Revenue,
Madras.

Order

Mis. No. 4267.

Dated 29th October 1898.

Received 2 Nov 98

Registered

Enclosures 1

Spare copies

SUBJECT.

Submitting to Government the petition, dated 21st December 1896, submitted to the Board by Sub-Inspector R.Minakshi-sundram Pantulu.

Read 3/11/98
PK

Petition from R. Minakshisundaram Pantulu Sub-In-

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

1,000
10-4-98.

REVENUE BOARD OFFICE
MADRAS

Proceedings of the Board of Revenue

(Separate Revenue),

Dated 29th October 189 8

Mis.No. 4267.

Read Memorandum from Government, Revenue Department, for C.No.5887 of 98, dated 19th October 1898.

Resolution.

The petition referred to is herewith submitted.

(True extract.)

C. Gathemter
Acting Secretary.
1.11.98

To the Under Secretary to Government, Revenue Department.

Petition from R. Minakshisundaram Pantulu, Sub-Inspector, Salt-Abkari Deptt, appealing against his suspension.

D/4 1,000—8-4-97.

REVENUE DEPARTMENT.

C. No. 5887 of 1898.

From The Board of Revenue (Sep. Rev).

Mis. No 3215 Dated 13th August 1898.

FOR ORDERS.

Dy: Commr's Proceg. No: 4758 d 29-9-96 - ff. 66 to 69 of the file - and No: 5219 d. 31-10-96. p. 70 of the file.

Para 3 of B.P. 3215 d 13-8-98. R - the current

The petitioner, R. Minakshi Sundram Pantulu, a 5th grade Sub-Inspector, Salt, Abkari and Customs Department, was suspended for 6 months by the order of the Deputy Commissioner, Central Division, on a charge of having on the 9th April 1896 while in charge of the Rasipur Range, Salem circle, hushed up a case of illicit possession of fermented toddy. The Deputy Commissioner's order was received by the petitioner on the 28th November 1896 nearly a month later, viz: on the 21st December 1896, the petitioner submitted a petition to the Board stating that he had appealed for

FOR ORDERS.

for copies of some important papers which were necessary to his appeal and that he proposed to state his grounds of appeal in a separate memorandum. This memorandum was not submitted till more than three months afterwards; and the Board of Revenue declined to consider it on the ground that it was out of time, the rule in force in the Department being that an appeal petition to the Board should be submitted through the officer whose order are appealed against and that it should reach that officer within forty days from the date of receipt by the appellant of the proceedings dealing with his case. In a petition to the Board dated the 27th October 1894, the Sub-Inspector prayed for a review of the orders passed on his case; but the Board in its Proceedings No. 5193 dated

* Dated 2-4-97 - p. 83 of the file.

B.P. Nos: 3766 d. 27-8-97 - p. 86 file.

Para 2 of B.P. Nos: 3215 d. 13-8-95 - the current.

p. 88 of the file.

Pages 43 to 61 of the file.

† pp. 43-44 of the file.

× then in charge of the Rasipur Range

dated 25th November 97 declined to reconsider its order rejecting the petitioner's appeal as time-barred. The petitioner now comes up to Government.

2. The evidence on which rests the charge against the petitioner, viz. that he kept up a case of illicit possession of fermented toddy, will be found summarised and discussed in the letter from the Inspector of the Salem circle to the Asst. Commissioner, Arcot Sub-division, No: 1206 d. 18-8-96, an authenticated copy of which is among the papers produced by the petitioner. The facts of the case are these. In the diary for the week ending 11th April 1896 submitted by the petitioner to the Inspector of the Salem circle, the following remarks were made under date 9th April 1896: "... While I was in the tope

"Tope one Kattan told me that
"that he suspected one Muthu-
"swami Arai of Doppapatti
"village to possess toddy in
"the Kottois of their houses. I
"as I was busy in examining
"that part of the Tope where
"I had strong reason to believe
"illicit manufacture of the
"aforesaid liquid detailed
"Arabi Pacha to be closely
watching on the doings
"of the alleged persons respect-
"ively until my return. After
"inspection of the Topes I
"inspected the house of the
"alleged Muthuswami and
"found none in it. At
"Arai's house, Peria Pacha
"whom I had detailed
"to watch there stated
"that some toddy in the
"house had been destroyed
"in spite of his warning but
he could not say for
certain whether it was
"toddy or sweet juice.
With some Maharan people
I

"enquired the persons concerned
"they told me that they
"really had Pots and stood
"in two pots to manufac-
"ture jaggery, but seeing
"the Abkari officers pre-
"sence in the village they
"feared that they would
"be taken to task if the
"facts were found out as
"even sweet toddy would
"resemble thick fermented
"toddy after some hours.
"This might be probable, I
"it is impossible for a private
"individual to possess 20 gal-
"lons of fermented toddy
"and there is no proof that
"it was destroyed was nothing
"but fermented toddy.
"However I have taken the
"pots (2) from the possession
"of Rainan and Arai for
"further inquiry and report
"and have placed them in the
"custody of the V.M. to be
"produced when required. Peria
"statement and V.M's receipt
attached

x copy at p. 1 of the file.

attached hereto with Cs. the
village of Koppapatti is fav.
Kuntis for its notoriety and
factions, was evidence can
be had". From the tenour
of the respondent's evidence,
the Inspector concluded that
the petitioner was almost
sure that it was not fer-
mented toddy, but only
sweet juice, that was des-
troyed; and noted on the
diary that as no offence
had been committed the
seizure of the pots was
illegal and that the peti-
tioner had wasted his time.
On the 10th May 1898 while
the Inspector was inquiring
into a Abkari case, the
accused therein gave him
some information re-
garding a case which it
was alleged the petitioner
had detected in Koppa-
patti but which he had hushed up.
At the time the Inspector
merely made a note of the
complaint

f. 44 of the file.

f. 45 of the file.

f. 45 of the file

complaint and did not
connect it with the case
reported by the petitioner
in his diary. On the 17th
May 1898 the Petty Officer
belonging to the Rasipuram
Party (of which the petitioner
was in charge) handed to the In-
spector a complaint signed
by the pen Pacha (one of
the two pens mentioned in the
extract from the petitioner's
diary reproduced above), and
which the Petty Officer said
the pen had requested him
to forward to the Inspector.
It was alleged in the pen's
complaint* that on the 9th
April 1898 he was ordered
by his Sub-Inspector (the
petitioner) to guard the
house of one Ara Muppan
in Koppatti, that during the
petitioner's absence he was
seized by one Rama Muppan
and held down while Ara
Muppan destroyed two pots
containing fermented
toddy

* Copy at pp. 2 to 4 of the file.

toddy, that when the petitioner arrived on the spot he reported to him what had happened and showed him where the toddy was spilt, but that the petitioner after speaking apart to the accused and some others failed to report the case. The Inspector kept the complainant with him hoping to induce him to withdraw the case. The next visited the Rasipuram Range, but for one reason or another the proposed visit had to be put off indefinitely. In the meantime one Selakkal, a female accused in a case of illicit sale reported by the petitioner, complained during the Inspector's enquiry into her case that the petitioner had brought a false charge against her out of malice; and presented to the Inspector a petition* in which she

Page 45 of the file.

Page 46 of the file.

Page 46 of the file.

Page 46 of the file.

Page 46 of the file.

Page 47 to 53 of file.

she repeated the charge made by the peon Pacha against the petitioner and named certain witnesses in support of her statement. The Inspector visited the village of Dharapatti on the 27th July 1896 and on that and the following days held an elaborate enquiry in connection with the charge brought against the petitioner and took depositions from 16 persons including the petitioner and Arumugham, the person who it was alleged was guilty of illicit possession of fermented toddy. The depositions recorded by the Inspector with the formal summarised in paragraphs 4 to 9 of his report d. 18-8-96 on the petitioner's case. Taking the evidence and the probabilities of the case into consideration, the Inspector reported that he had no doubt that the petitioner knew that an offence

* Copy at pp. 5 to 7 of the file.

* Paras 10 & 11 of this report d. 18-8-96 pp. 55 & 57 of the file.

to offences should both be committed to and that they really should be up the cast of the Inspector; he, however, tives of opinion that owing to lapse of time the petitioner could not be dealt with only departmentally. The Assistant Commissioner, Arcot Sub-division, was fully convinced of the petitioner's guilt and recommended his dismissal. The Deputy Commissioner, Central Division, made, however, some allowance for the fact that the petitioner was new to the Department and reduced him to a Clerk's post on Rs. 25 per mensem. As his punishment was subsequently converted into one of suspension for six months, owing, it is stated, to the difficulty the Deputy Commissioner experienced in finding a suitable place to post the petitioner to.

As has already been stated the evidence in the case is summarised

*Para 14 of his report d 16-8-96 - p. 60 of the file.

Para 3 of the asstt. commr's letter d 9-9-96 - p. 65 of the file.

Dy. Commr's Proces. d 29-9-96 - pp. 66-69 of the file.

Dy. Commr's Proces. d 31-10-96 - p. 70 of the file.

Para 3 of B.P. No: 3215 d 13-6-96 - the current

Pages 47 to 53 of the file

Pages 47 to 48 of the file - copies of depositions at pp. 8-18 of the file.

Page 48 of the file - copy of deposition at p. 19 of the file.

summarised in paragraphs 4 to 9 of the Inspector's report. It is submitted that the evidence of the first four witnesses examined by the Inspector supports the view that Arumugam kept fermented toddy in his house, that after the [illegible] destroyed it, and that one of his relatives took the petitioner apart and requested him to hush up the case. The accused Arumugam who was then next examined by the Inspector, seeing that he could not be charged for the possession of "sweet juice" and that the admission that he poured away "sweet juice" would raise a strong presumption of guilt against him, took the only course possible to him under the circumstances, and asserted that what he threw away was water and not fermented toddy. As pointed out by the

~~the Inspector~~, the two witnesses cited by the Sub-Inspector in support of his statement contradicted each other in material points. The deposition of the Sub Inspector (the petitioner) has not been summarised by the Inspector, nor is there a copy of it sent with the papers now ~~before~~ Govt.

Page 49 of the file – The depositions of these witnesses will be found at pp. 20-26 of the file.

[illegible]

Para 7 of the Inspector's report – p. 50 of the file.

4. As has been stated above, the peon Paichai made a complaint to the Inspector to the effect that the petitioner had hushed up a case of illicit possession of fermented toddy. At the enquiry conducted by the Inspector, the peon, however, while admitting that he had signed the complaint in question, deposed that he put his name to it without knowing its contents and that he did so at the request of the Petty Officer belonging to the Rasipur party. It will however be seen that when on

Para 2 (page 7) supra.

Para 9 of the Inspector's report – pp. 51-52 of the file – Copy of the peon's deposition will be found at pp. 34-35 of the file.

Para 3 of the Inspector's report pp. 45-46 of the file – also pp. 52-53 of the file.

on the 28th of May 1896 his complaint was read out to him and he was confronted with the petitioner and was further warned by the Inspector to speak the truth, he in the most emphatic terms held to his complaint and asserted that he was prepared to prove the allegations made therein. There is also other evidence to show that the peon made the complaint voluntarily. From the above facts the Inspector came to the conclusion that the peon was persuaded by the petitioner to retract his complaint.

Statement of peon Chinnasami and Petty Officer Sanniasi – pp 36 & 38 of the file.

Page 52 of the file.

5. It is submitted that ~~apart from~~ independently of the evidence recorded by the Inspector at the inquiry held by him, the considerations urged by him in paragraphs 10 and 11 of his report as to the petitioner's conduct in connection with the

Pages 53-60 of the file.

the latter raise a strong presumption (1) that he knew he had reason to believe that an offence had been committed, and (2) that he hindered us the case I have considerations will be briefly set forth below:-

(1) The report in the petitioner's diary was couched in such terms as to lead the Inspector to conclude that it was not fermented toddy that was destroyed, but only "patta sutter sweet juice".

(2) The petitioner admitted that he was informed that something like toddy was destroyed. As there exists a great difference between the smell of fermented toddy and that of sweet juice, the petitioner could readily have satisfied himself as to the nature of the liquor destroyed by an examination of the pots in which the liquid was kept and the ground on which it was poured out.

(3)

Page 54 of the file.

Page 54 of the file.

Page 54 of the file.

(3) It must have struck the petitioner that there was no reason why "sweet juice" should have been poured away. The accused in the case was a toddy shopkeeper, and it was very unlikely that he was ignorant that the possession of sweet juice was no infringement of the Abkari laws. It was not credible that he would have destroyed "sweet juice" while he could easily have explained that what was in his possession was not fermented toddy.

Page 56 of the file.

(4) The petitioner reported the matter only in his diary but failed to submit a separate report for the searches made by him, although the departmental orders required that they should be submitted whether the search was successful or not. The petitioner

t
t petitioner explained this
h failure was due to his ig
h violation of the rules.

w (5) The petitioner, in asserting
l in his diary that it was
a impossible that private per-
t sons could possess in their
o homes 20 gallons of toddy,
e failed to check that the in-
d discriminate seizure was a
f shopkeeper [illegible]

(6) Two houses were searched by
the petitioner. In the case of
the house first searched
nothing was found in it. It
was with regard to this search
alone that the petitioner was
informed that some liquid had
been destroyed. In the case
of the second house the peti-
tioner thought it necessary
to take a statement from
the peon sent in advance to
guard it that something
was destroyed, but that he
did not know whether it
was fermented toddy or
"sweet juice". The petitioner
did

Page 57 of the file - Vide extract from the pet's diary at p. 5 supra.

Vide extract from the pet's diary at pp. 3-6 supra.
Pages 58-59 of the file.

did not think it necessary to take a statement from the peon on guard at the other house. The Inspector observes that the procedure followed by the petitioner of taking a statement from a peon is unusual, and concludes that the fact that he took a statement from only one of the peons shows (1) that there must have been circumstances to raise a strong presumption in his mind that something was wrong, and (2) that he was eager to protect himself in the event of a disclosure.

Pk.
13.10.98.

Seen

The details of the case are set forth above fully in case it be thought worthwhile to go into the merits of the case.

But this 2nd appeal is from the Board's order rejecting the 1st appeal

...ge the petitioner that it is doubt...
...ful if time could again...
...hear to reconsider this rejection...
...would the petitioner rep...
...put in a preliminary ...
...appeal certainly and ...
...intimation that he ...
...his grounds of appeal...

This course was adopted ...
...for Patna Cases. The regular ...
appeal was presented out ...
of time & the Bd rejected ...
it to stop this practice ...
of evading the limitation ...
rule for appeals at this ...
Sub-Registrar's Office ...

Submitted that ...
the Bd's action may be ...
upheld. On the merits, ...
there seems to be no ...
ground for interference

Mly
19.x.98

Mark the original petn & the Board's

S.R.
19/10/98

Order
Reh Bd for order. It is not ...
in the file

Mly
19.x.98

There is no ground for interference.

A.A 26.11.98

To the Under Secretary.

The petition referred to has been obtained from the Board, and is put up below - flagged C.

P.L.
3.11.98

Secy
Mly
4.xi.98

H.M.

This does not seem to be a case in which the Govt. of Bd. interfere. He was suspended for 6 months in 1896 for having set up an illicit case.

S.R. 11/11/98

To the Under Secy.

Please see the draft order submitted on the docket of C. No: 5887 of '98.

P.L.
18.11.98

Secy
Mly
19/xi/98

To the Under Secretary

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

N.B.—

A = Copy in full.
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