

To Sir, Ishangir, George Rajah Lt. M.G. I.E.S. etc etc
Prinsep, Presidency Town. Calcutta

Dearsi,

It is common knowledge that in every petition of complaint, facts require to be so stated that the grievances of the complainant may appear to be true, as otherwise, the court will not take cognisance of the complaint. There is nothing to prevent the complainant from misrepresenting facts or making statements which are wholly or partially false, in order to support his allegations. It is for the court, now, to summon the accused to prove that these allegations against him are all untenable. I should consider this a fair dealing in as much as the accused will have an opportunity of exposing his opponents malafide and falsehood.

But what would you think of a complainant who after bringing a charge of defamation against a government servant approaches his departmental superior through the backdoor (i.e. without giving any notice to the accused), and requests him to take departmental action against his subordinate on the strength of the petition of complaint, while he himself gets the criminal proceedings dropped by compromising the case, but does not report this fact to the said departmental head?

The subject matter of the charge is a requisition signed by 11 Commissioners of whom I happened to be one, and even then I was not the head signatory. The gentlemen who led the subscription is an eminent criminal practitioner of the Local Bar and the second man is the Vice-Chairman of the Board and also a practising lawyer. My name stands sixth in order. What could be the reason then, ^{that} why of all these 11 men I was specially chosen to be prosecuted, unless it were for the fact that of them I alone was a government servant and as such could be an easy prey to departmental displeasure if things could be properly managed?

What, therefore, grieves me most is not so much the criminal prosecution that was launched against me, but the knowledge that my department without awaiting the receipt of the decision of the court, has moved in the matter at the instance of a person who rushed to present to it the petition of complaint but has not had the fairness to report my acquittal by the order of the presiding officer of the court dated 16-6-31.

The annexed copies of the courts ^{order} acquittal and the compromise petition will speak for themselves. (Exhibit A)

That Every one of the statements made by the complainant has been misrepresented can be easily proved by the very documents, he has cited ⁱⁿ this support, as also from the letter of the vice Chairman (Exhibit B). *

I have the honour to be,

Sir,

Your most obedient servant.

Hm. Bando Dutt Gupta

* The nature of the man himself - I mean the complainant Mr. S. K. Basu - may be very well judged from a perusal of the accompanying report of the Govt. Auditor, in which in which he (Mr. Basu) has been suspected of having been in league with the Accountant, overseer and the Contractor in tampering a public document viz. Measurement books - in making false entries of data - in removing the real replacing a pseudo tender form in the guard file etc - (Exhibit C)

H. C. Gupta