M.R.O. 1—39,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 61 Press ~~Mis.~~

50-51

Dated 18 – 6 – ~~19~~ 1959

Not to be folded or roughly handled

Fort St. George, Judicial Consultation, 18th January 1859.

No. 50. Read the following letter from the Honorable D. ARBUTHNOTT, Magistrate of Kurnool; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 30th December 1858, No. 32.

SIR,

1. With reference to the Extract from the Minutes of Consultation, under date the 3rd May 1851, I have the honor to forward the translations of the Record of a trial held in the Court of the Nabob of Bungumpully, in which the prisoner is charged with murder and wounding; in having at about an hour before day-break on the morning of the 26th Moharum of Hizeree 1275, corresponding with A. D. 6th September 1858, wilfully, maliciously and deliberately inflicted wounds with a sword on the persons of his (prisoner's) wife and mother, which instantaneously caused their death.

2. And with having at the same time and place, wounded with the same sword, his, (prisoner's) grand-mother, his son and one Chotah Hoossainee (witness) who came to their rescue.

3. From the evidence in the case, it appears that about an hour before day-break of the morning in question, the prisoner who is the husband and son of the two deceased females, wilfully and maliciously, whilst they were grinding Jawaree at the mill, inflicted wounds with a sword on the persons of the deceased, which instantly caused their death. Prisoner gives as his reason for this awful crime that he suspected that they were leading unchaste lives and that they had mixed medicines in his food with the intent to make him sick and mad and eventually to make away with him. It further appears that the prisoner wounded with the same weapon, his grand-mother, because he suspected her to be in league with his wife and mother, his son because he came to the aid of his mother when she was being killed; and Chotah Hoossainee, because he came to the rescue of the victims.

4. The prisoner confessed the crime and his guilt is otherwise clearly established by the evidence. The Cauzee of the Nabob's Court in [illegible] Futwah given by him in the case, declares the prisoner guilty, but urges that the sentence of Kissaass is debarred as the deceased Jainabee's other son Gows Saib, who is the surviving heir, pardons the prisoner for the murder of his mother, and deceased Mohideenbee having left two sons by the prisoner Kissaass is again debarred, and states that he (prisoner) is only liable to pay a certain sum of money for the shedding of blood, but that the poor circumstances of the prisoner which are universally known, plead much in his favor.

5. Gows Saib in his statement does not pardon the prisoner, but on the contrary, urges that the Circar is competent to investigate the case, which means that he wishes justice to be done. On what ground the Cauzee says so, is not specified; and as there are no extenuating circumstances to justify a recommendation for a mitigation of punishment, I am of opinion that he should be sentenced to suffer death.

No. 51. ORDER THEREON, No. 61; dated 18th January 1859.

The Sunnud granted* to the Nabob of Bungumpully provides, that sentence of death shall not be inflicted upon criminals, without the sanction of the Government. The prisoner in this case has been convicted of the murder of his wife and mother, and with attempting the murder of three other individuals. He has confessed his guilt and appears to have acted from motives of jealousy.

2. The Governor in Council sees no reason to interfere with the sentence pronounced in the Nabob's Court, which may be carried out accordingly.

(Signed) T. PYCROFT,
Chief Secretary.

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* Extract Minutes Consultation, Revenue Department, dated 4th July 1848.

Exd. F. Cartledge.

and

1st
Prosecutor
Huzeemoodeen

Deposition given on the 26th Mohorum of Hizeree 1275 corresponding with A.D. 6th September 1858 by Huzeemoodeen son of Abdool Kadur alias Kadur Hoossain aged about 11 years inhabitant of Banagampilly of the Mohomedan caste.

Q. State what you know regarding the murder by your father of your mother Mohideen Bee and grand mother Jamabee with a sword and the wounding of you and Hoossain Bee?

A. During the night my mother self and others bolted the door of our house and fell asleep an hour before day-break of the 26th Mohorum my father came in and was striking my mother her noise aroused me, when I saw my grand-mother lying wounded near the mill stone, perhaps she and my mother were grinding flour, seeing my father knock down and strike my mother I attempted to lay hold of his hand, when my mother said "what can you do go outside

and

1st Prosecutor Huzeemoodeen Continued

and raise a cry" when I was going out my father followed and dealt me a blow with the sword on my neck, I opened the door and was going out when he gave me 3 or 4 cuts, my mother also who was wounded was coming out when my father intercepted her and cut her again on which she came out and fell down senseless and died, Mundoolah Chinna Hoossainse heard the noise and came to our house my father wounded him also, when he, Ceddah Hoossainee, Cassim ally Shaw and others apprehended him, I felt weak and sat down near the body of my mother which was lying at the door of the house and commenced crying, I don't know how my father Abdool Kadur alias Kadur Hoossain entered the house but he unprovokedly murdered my mother and grandmother Jainabee and wounded Hoossainbee and me, your honor is competent to enquire into the case-

Q. Was your uncle Gows saib in
the

1st Prosecutor Huzeemoodeen Continued

the house or not?

A. My uncle Gows saib went to Kurnool about 10 or 12 days ago to bring my Aunt-

Q. Hear whether the deposition you have given is correct?

A. Yes it is correct-

Mark of Huzeemoodeen

written by Moonshee Kristnarow

2d Prosecutor Mohamed Gows

Deposition given on the 27th Moharum of Hizree 1275 corresponding with A.D. 7th September 1858 by Gows saib son of Ally saib aged about 25 years inhabitant of Banagaupilly and of the Mohomedan Caste-

2d Pros:

Q. State your complaint regarding the murder with a sword by your elder brother Abdool Kadur alias Kadur Hoossain, of your mother Jainabee and his wife Mohideenbee, and the wounding of his son Huzeemoodeen and your grandmother Hoossainbee on the 26th Moharum?

A. I left for Kurnool 12 days previous to
that

2d Deposn
Examined &c
Continued

that date to bring back my wife, only my mother and others were in the house, I was not in the village when my brother murdered his wife and my mother, and wounded the others, I dont know how he came and committed the Murder, I was at Sankalapooram near Yemoboy on my way to Banganpilly when a messenger told me that my brother had killed with a Sword his wife and my Mother and wounded his son Huzeemooddeen and my grandmother Hoosainbee, I came on immediately and arrived here 2 or 3 hours after day break and on enquiry was told that my brother Abdool Kadur alias Kadur Hoosain descended the steps and came into the house last night about an hour before day break and killed with a Sword his wife Mohideenbee and my Mother Jainabee who were grinding Jawaree at the Mill, and wounded his son Huzeemooddeen and Hoosainbee.

As

2d Deposn
Examined &c
Continued

As he murdered the women during my absence from the village and without a cause, the Cirkar are competent to investigate the Case.

Q. What is the cause of your brother the prisoner killing his wife and your Mother with a Sword?

A. He was in the habit of coming to the house every day and quarrelling with his Mother, wife and me, saying that we had spent all his Money on the house, and used to be in a state of discontent, he used to take his Meals and sleep at home at times, and used to give it out falsely that Medicines were mixed in his meals none of us ever interfered with him I don't know what state of mind he was in on that day that he should have committed the Murder.

Q. Your deposition will be read to you see if it is correct?

A. It is correct.

(Signed) by Gows Saib
Written by Moonshee Kistnarow

Deposi

3d Prosecutor Hoopainbee

Deposition given on the 26th Moharum of Hizeree 1275 corresponding with A.D. 6th September 1858 by 3d Prost Hoopainbee widow of Jamorahakhan aged 80 years an inhabitant of Bunaganpilly and of the Mahomedan caste.

Q. State what you know regarding the Murder by your grandson with a sword of your daughter Jainabee and granddaughter-in-law Mohideenbee and wounding of his son Huzeemooddeen and yourself?

A. About an hour before day break of the morning of the 26th Moharum my granddaughter Jainabee and granddaughter-in-law Mohideenbee were grinding the mill, being blind I was lying a side. The door was bolted, and the Prisoner's son Huzeemooddeen was also lying asleep, when the Prisoner who probably descended by means of the steps came into the house and was cutting my daughter and granddaughter-in-law with a sword

3d Prosecutor Hoopainbee continued

sword, the sound of which I heard the Prisoner's wife called out that he was striking her as my daughter did not cry out I concluded she was dead. Huzeemooddeen having called out "Father why do you strike me" I was making towards him when the Prisoner advanced and cut me with the sword on the shoulder after which I could not move. I heard Huzeemooddeen and Mohideenbee going out making a noise the Prisoner followed striking them I was lying senseless. By this time it had dawned and the people of the Town and the Cirkar people came and saw my daughter and Prisoner's wife lying dead and Huzeemooddeen and me wounded. I heard that the Cirkar people had apprehended and taken Prisoner away, the Prisoner entered the house and unprovokedly murdered my daughter and his wife and wounded me and others, the Cirkar is competent to investigate this Case.

Prosecutrix Hoosainbee Continued

Q. What is the reason of the Prisoner murdering your daughter and his wife and wounding Huzeemooddeen and you?

A. The Prisoner used to come to the house whenever he liked and eat food and quarrelled with my daughter ~~[illegible]~~ Jainabee, his mother his wife and me, I dont know what for. None of us used to meddle with him he murdered them and wounded us unprovokedly.

Q. This deposition will be read to you see if it is correct?

A. Yes it is correct.

Mark of Hoosainbee
written by Moonshee KristnaRow

Prisoner Abdool Kadur alias Kadur Hoosain

Deposition given on the 26th Moharum of Hizeeree 1275 corresponding with A.D. 6th September 1858 by Prisoner Abdool Kadur alias Kadur Hoosain son of Ally Saib aged about 40 years an inhabitant of Banagunpilly and of the Mahomedan Caste.

Q. State what actually occurred when you killed with a sword your wife

Prisoner Abdool Kadur alias Kadur Hoosain Continued.

wife Mohideenbee, and mother Jainabee, and severely wounded your son Mahomed Huzeemooddeen and grandmother Hoosainbee on the morning of the 26th Moharum?

A. I killed with a sword my wife Mohideenbee & mother Jainabee and wounded with the same weapon my Son Mohomed Hazeemoodeen and grandmother Hoosainbee.

Q. What is the Cause of your killing with a sword your wife & mother?

A. I killed my wife with a sword because she was given to bad habits and because she used to abuse me, besides this she told us both yesterday and the day before me to remain in the house as a Karawa (procurer) or that she would kill me with starvation, I therefore killed her with the sword. I killed my mother because she wanted to deprive me of the house which was bought with my earnings, together with the money my father left and of and of the remainder of my earnings, and give it to my younger brother, and because she made me mad by mixing medicines with my meals to prevent me from Complaining to the Circar and getting back my rights, and because she was given to bad habits and taught my wife the same, and lastly because they both meditated murdering me -

Prisoner
Abdool Kade
alias Kade
Hoosaine
Continued

Q. Have you any witnesses to prove what you stated above -?

A. It being Connected with my private affairs it Could not be known, and even if it was known to the neighbours they will not reveal it -

Q. How did you know that medicines were mixed with your meals -?

A. Having become mad I Concluded that medicines must have been mixed with my meals -

Q. What is the cause of your wounding your son with a sword?

A

Prisoner
Abdool Kader
alias Kader
Hoossain
Continued

A - He having come to his mothers aid when I was killing her I wounded him also -

Q - What is your sons age -?

A - About 11 years -

Q - What is the Cause of your wounding your grandmother Hoosainbee -?

A - Because she had joined my wife and mother -

Q - What is the Cause of your striking Imamdoola alias Hoosainee -?

A - He having joined my females in mixing medicines with my meals to deprive me of manhood, and because he came to the rescue of my wife when I was killing her I wounded him on the head with the sword -

Q - Have you any witnesses to prove that Goudbee Hoosainee was in league with the women -?

A -

Prisoner Abdool Kader alias Kader Hoossain Continued

A. I have no witnesses and even if it was known to any one they will not reveal it -

Q. To whom does the sword belong with which the murder &c was committed -?

A. It belongs to Bana-mookalah Oomurkhan Boosazee son of Sillumkhan -

Q. How did you get that sword -?

A. It was suspended from a peg in Oomurkhan Boosa-zee's house I left the scabbard there and brought away the sword -

Q. Did not the people of the house prevent you carrying away the sword -?

A.

Prisoner Abdool Kader alias Kader Hoossain Continued -

A - There was no one in the house to prevent it -

Q. Did not any one question you on the road when carrying away the sword -?

A - No one saw me on the road -

Q. How did you effect an entrance into the house to commit the said murder?

A. I came to the house with sword in hand & called several times to open the door, but having received no reply I ascended the steps of the mosque situated to the south of my house, got on the roof thereof, came on the roof of my house and descended by the steps of my house and Committed the murder &ca the said 2 females were grinding Jawaree at the time –

Q. Look at the 2 pieces of a sword now before the Cutcherry where are they from –?

A – This is the sword I Committed the murder &ca with –

Q – How was the sword broken?

A – I made a cut at my wife when she came out of the house and fell, it must have hit the wall or something else and broken –

Q – Hear your deposition and tell me if it is correct –?

A – Yes it is Correct –

(Signed) Abdool Kadur alias
Kadur Hoossain –
Written by Moonshee Vistnah Row

Witnesses
(Sigd) Vasoodavoodoo Cummum of
Cusbah Bunganpully
(") Muhammady reddy of Do. – Do. –

Deposition

1st Witness
Mundoola
Chinna Hoossai:
:nee –

Deposition given on the 26th Mohorum of Hezeeree 1275 Corresponding with A.D. 6th September 1858 by Mundoola Chinna Hoossaince son of Yellapah aged about 50 years an inhabitant of Bunganpully and Caste Mundoola –

1st Witn.

Q. What do you know regarding the murder with a sword of Jainabee mother and Mohideenbee sister-in-law of Sowsaib by his brother Abdool Kadur alias Kadur Hoossain on the 26th Moharum –

A. I live in the neighbourhood of prisoner's house towards the East, when my brother Pedda Hoossaince & I were seated on the pial near our house at dawn of the morning of the 26th Moho:rum we heard as if the door of Prisoner's house had been suddenly opened and the sound of something having fallen, we got to the Corner and looked in that direction we saw prisoner Abdool Kadur alias Kadur Hoossain standing with a piece of a broken sword in his hand, and a person was lying on the ground

I

1st Witness
Immudoola
Chinna
Hoosainee
Continued

I went up saying "you have pitylessly killed" when he said you take this" and Cut me on the head with the broken sword, I cried out that he had cut me and took hold of his right hand at the rist, when my brother Pedda Hoosainee came up and laid hold of Prisoners arm, I immediately wrenched away the piece of sword from the prisoner's hand and Fakeer Cassimally Shaw also laid hold of him by the arm, we three then took the prisoner to a tree near our house and tied him to it with a rope, I then wiped away the blood and went and told the Nawab the above Circumstances who told me to go to Kalapa and have the wounds dressed — I went home and did so — The Tahsildar &ca went to the prisoners' house and were enquiring into the cause of the murder of prisoners' mother and wife, the prisoner himself murdered the above mentioned two females and wounded me & others, I have stated what I know:—

Q

1st Witness
Immudoola
Chinna
Hoosainee
Continued

Q. Where was Hazeemoddeen the son of prisoner—?

A. He was seated near his mother who was lying outside the door, he also was wounded —

Q. What is the cause of Prisoner murdering his mother and wife & wounding his son and others?—

A. I do not know neither do I know why he wounded me also —

Q. Were deceased Jainabee & Mohideenbee women of good or bad characters—?—

A. They being of the Mohomadan caste they never came out of the house neither have I been in their house, I therefore do not know their Character —

Q. This deposition will be read to you see if it is the same you gave—

A. It is Correct—

(Signature) of Immudoola Chinna
Hoosainee—

Written by Moonshee Kistnarow—

Deposition

2d witness
Buddah
Hoossainee

Deposition given on the 28th Mohorrum of Hezeeree 1275 Corresponding with A. D. 6th Sept. 1858. by Mundoola Pedda 2d wits Hoossainee son of Yellapah aged 55 years an inhabitant of Bungaupully and of the Mundoola Caste —

Q- What do you know regarding the murder with a sword of Jainabee mother, and Mohideenbee sister-in-law of Gowssaib by his brother Abdool Kadur alias Kadur Hoossain on the 28th Mohurrum —?

A- I live to the East of prisoner's house, on the morning of the 28th Instant at dawn while my younger brother and self were seated on the pial in front of our house the prisoner opened the door of his house suddenly, and we heard something fall; my brother went to the Corner and looking in the direction of prisoner's house said "why have you so pitylessly killed" and immediately Called out to me saying he was struck, when I went up my brother had hold of the wrist of the prisoner's right hand-

I

2d witness
Buddah
Hoossainee
Continued-

I laid hold of the prisoner's arm in when Hoossainee wrenched away the piece of a Sword from his hand, in the mean time Fakeer Cassimally-shah came and laid hold of the prisoner's arm and we three took and tied him with a rope to the margosa tree that is in front of our house; on Duffadar Ameenbeg and peons came and took prisoner away to the Fort, the Tahsildar &c. then went to the prisoner's house and were inspecting the bodies & investigating the case, I was engaged in dressing my brother's wound, I have stated what I know —

Q. As soon as your brother Called out you went near the prisoner's house, did you see the corpse that was lying at the door ?

A- There was a person lying at the door and the prisoner's son also was seated there he was wounded —

Q.

2d witness
Buddah
Hoossainee
continued

Q - You live near the prisoner's house, what is the cause of prisoner murdering his mother and wife and wounding his son and others - ?

A - I do not know -

Q - What was the character of those two women ?

A - They were women of good character and always kept within doors -

Q - Hear this deposition and see if it is correct - ?

A - Yes -

(Signed) by Chinna Hoossainee
with the consent of his brother
Mundoola Pedda Hoossainee -

Written by Moonshee Kistnarow -

3d witness
Cassimally
Shaw

3d Witn Shaw

Deposition given on the 26th Moharum of Hijeeree 1275 corresponding with A. D. 6th September 1858 by Cassim:ally Shaw son of Kayum Shaw aged about 45 years an inhabitant of Banganpully & of the Mohomedan Caste -

Q

3d witness
Cassimally
Shaw continued

Q. As you are a neighbour of 2d Pros: Gows Saib state what you know regarding the murder of his mother Jainabee & Sister in:law Mohideenbee with a sword by his brother Abdoolkader alias Kadur Hoossain on the 26th Mohorum -

A - As I was standing on the above date before day break near the well at the mosque in the vicinity of my house I heard Mundoola Chinna Hoossainee who was at the corner of his house say he was struck, I thought there was something up and made tow:ards the spot, and saw him wounded on the head from which blood was flowing, I looked round the corner and saw the prisoner Abdool Kadur alias Kadur Hoossain standing near his house with a broken sword in his hand, I was about apprehending him when Hoos:sainee wrenched the sword from his hand which caused a disturbance; Hoossainee's brother Pedda Hoossainee also came there, we three apprehended and tied up the prisoner, and on in looking towards his house saw his

wife

3d witness Cossimally continued

wife Mohideen bee lying dead on the ground at the door covered with sword cuts, by this time there was a great disturbance, and Duffadar Ameenbeg came to the spot, inspected the body and entered the house into which I followed him and saw prisoner's mother Jainabee lying dead near the mill stone covered with wounds, and her mother was also wounded, the Duffadar tied and took the prisoner to the cutchery this is all I know —

Q. Where was Mohomed Nuzee:moodeen prisoner's son -?

A- He was wounded also and seated near his mother at the door-

Q. You live in the house near the Mosque which is near prisoner's house, do you know the cause of him killing his wife and mother?

A. I know nothing about their private affairs-

Q. Where Jainabee & Mohideen bee (deceaseds) women of good or bad Character-

A- They were women of good character and lived very chastely the prisoner falsely accuses them-

Q Your deposition will be read to you see if it is as you stated-

A- Yes it is Correct

mark of Cossim ally Shaw —

Written by karkoon Venkatarow-

Deposition

4th witness Mmudoolah Gavanah

Deposition given on the 26th Mohorum of Hizeree 1275 Corresponding with A.D. 6th September 1858 by Mmudoolah 4th witts Gavanah son of Venkatah aged about 40 years inhabitant of Banganpully and of the Mohomedan Caste-

Q As you are a neighbour of Gowsaib state what you know regarding the murder of his mother Jainabee and Sister-in-law Mohideen bee with a sword by his brother Prisoner Abdool Kadur alias Kadur Hoossain on the 26th Moharum?

A- While I was standing near my house before day break on the 26th Instant, Sibbundy peon Sillar Mohomed came and told me that Prisoner Abdool Kadur alias Kadur Hoossain had wounded with a sword my younger brother Chinna Hoossanee, I was passing by the prisoner's house to go to my brothers when I saw a dead body near the door of prisoner's house. I saw my brother standing at the corner of his house and on asking him he said that the prisoner had killed with a sword his wife &c and wounded him, he had a wound on the head I then went and told the Nawab this

who

6th Witness
Mundoolah
Gavanah
Continued

who sent Duffadar Ameenbeg he came and took the prisoner who was seized to the circar I did not enter the prisoner's house, a short time afterwards the Tahsildar went to the prisoner's house and was investigating the case this is all I Know.

Q As you live near the prisoners house Can you tell the reason of prisoner Killing his wife and mother?

A- I am not aware of their private affairs I merely heard the prisoner say that the people in his house did not give him his meals &ca regularly.

Q- What were the character of (deceaseds) Janabee and Mohideenbee?

A- Both those women were in the habit of Keeping within doors and leading a chaste life.

Q Hear the deposition which you have given is it correct?

A Yes it is as I stated.

(Signed) Mundoolah Gavanah

Written by Moonshee Kistnarow.

5th Witness
Goolamee Saib

Deposition given on the 26th Mohorum of Hizeree 1275 corresponding with A.D. 6th September 1858 by Goolamee Saib son of Syed Hoossainee aged about 50 years an inhabitant of Banagampully and of the Mohomedan caste.

5/10/13

5th Witness
Goolamee Saib
Continued-

Q What do you Know regarding the murder with a sword of Jainabee mother and Mohideenbee sister in-law of Gowsaib by his brother Abdool Kadar alias Kadur Hoossain on the 26th Mohorum?

A Before day break of the morning of the 26th Instant I left my house with the intention of going to the Mosque to pray, I saw a croud near the prisoner's house on Enquiry I was told by the people that prisoner Abdool Kadar alias Kadur Hoossain had committed murder in his house, I went to the Mosque and after prayers I went towards the prisoner's house Mundoola Chinna Hoossanee being a neighbour of Prisoner's I asked him what was up, he replied that prisoner had murdered his (prisoner's) mother and others and wounded him also, the Duffadar and Peons had tied the Prisoner and were taking him to the Cutchery, a corpse of a female was lying in front of the house, on asking who she was I was told that she was Mohideenbee wife of the prisoner I went into the house

Jainabee

5th witness
Goolamee Saib
Continued

Jainabee prisoner's mother was lying dead near the Mill Jainabee's mother Hoossambee also was lying near the Mill wounded - When I came out the Tahseldar was investigating the case I have stated what I Know -

Q Where was Mohamed Huzeemooddeen the prisoner's son?

A. He also was wounded and was at first seated near his mother crying out "Lord, Lord" I told him not to be afraid and went into the house -

Q You are a neighbour of the Prisoner's what is the cause of him killing with a sword his mother and wife?

A I don't Know I am not acquainted with his family affairs -

Q Were Jainabee and Mohideenbee women of good or bad character?

A Mohideenbee the prisoner's wife was a woman of unquestionable character I Know nothing about the character of his mother Jainabee -

Q This deposition will be read to you see if it is correct -

A - It is correct -
(Signed) by Goollamee Saib
Written by Moonshee Kistnarow

Deposition

6th witness
Oomur Khan

Deposition given on the 26th Moharum of Hizeree 1275 corresponding with A.D. 6th September 1858 by Oomur Khan Boozy aged 35 years inhabitant of Banaganpully and of the Mahomedan caste -

Q. To whom do the 2 pieces of a sword now before the Court, belong state what you know?

A. I have seen, the sword before the Court it is mine -

Q: How did prisoner Abdool Kadur alias Kadur Hoossain came by it?

A - Abdool Kadur alias Kadur Hoossain came to my house 2 hours before dusk on the evening of the 25th Moharum and told me he had a pain in his belly and asked permission to go into my privy to answer the calls of nature, I desired him to go, after he had done so he sat talking to me for some time - At meal time in the evening I asked him to partake of some food as I was about doing so, he declined, after I had partaken of food, the prisoner asked me if he could sleep in my house, I said he might and come and slept in the sofa or verandah, he bolted the door from within and slept, while I was a sleep he took away my sword leaving the scabbard and the dagger suspended from a peg where I had left them, I do not Know when he had done so, I have said all I Know, when I had left my sword suspended from the peg in my house it was whole, it must have been broken after he had taken it, the sword is mine -

Q After you awake in the morning

did you see your sword?

A. When I entered my house in the morning the scabbard of the sword was behind the dagger and I thought the sword was there also, after a little time I heard that the prisoner had committed murder in his house I went and looked at the scabbard I found the sword missing the bare scabbard was there.

Q. Did the prisoner sleep alone in your house that night or were there any one else with him?

A. He slept there alone, when my brother Moosakhan is in the village he used to sleep in the house I always slept in the sofa so I slept there that night also if my brother was at home he would have slept in the house.

Q. Did the prisoner come to your house that day for the first time or was he in the habit of doing so?

A. He used to come to my house once in 8 or 10 days and ask for food and eat it, he used to go to the houses of other people in the village also and ask for food and eat it.

Mark of Oomurkhan Boxozy

Written by Moonshee Kistna Row

Defence

1st witness
Oomurkhan
Continued

Prisoner
Abdool Kadur
alias Kadur
Hoosain

Defence of Prisoner Abdool Kadur alias Kadur Hoosain given on the 20th Rubbeesanee of Hegeeree 1275 Corresponding with A. D. 27th November 1858.

Q. You have heard the statements made by the complainants and those of the witnesses in regard to the murder by you with a sword of your wife Mohideenbee and your mother Jainabee on the 26th Mohurrum last state what you have to say in your defence—?

2d Pros:

A. My brother having set up my decd wife, decd mother and grandmother they mixed medicines with my meals to make

me

Prisoner Abdool Kadur alias Kadur Hoossain Continued

me mad, and to kill me eventually, they did this with a view to gain possession of the house which was purchased with the money I sent from Hyderabad, and of my Enam lands, and my Decd mother & Decd wife were leading a very bad life, and my Decd mother lent out my money and enjoyed the interest herself without giving it to me, for these reasons I killed those persons and not for anything else —

(Signed) Abdoolkadur alias
Kadur Hoossaine

Witnesses —

(Signed) Cheluiah Curnum
of Cusbah Banganpully —

(") Koona Chetumberum
reddy of Do. Do. —

Written by Kistna Row Moonshee

Futwah

Futwah No. 1 of the Cauzee of Banganpully on a Case of Murder Committed at Banganpully on the 25th Mohorum of Hezeeree 1275. Corresponding with A.D. 6th September 1858

Prosecutors.

1. Mohomed Hazeemoodeen
2. Mohomed Gows.
3. Hoossainbee

Prisoner

1. Abdool Kadur alias Kadur Hoossain —

The Prisoner killed with a sword Jainabee his mother, and Mohideenbee his wife, and wounded with the same weapon his grandmother, son and Gandhee Hoossainee — The particulars of which is mentioned in detail in the Proceedings held in the Case —

The 1st Prosecutor Mohomed Hazeemoodeen states that on the night of the 25th Mohorum of Hezeeree 1275 his mother grandmother and he (deponent) were sleeping in the house with the door shut, that an hour before daybreak his father Abdool Kadur entered in and wounded his mother with a sword, that she raised a cry which awoke him, that his mother and grandmother were grinding Jawaree at the mill, that his grandmother was lying near the mill in a state of insensibility; that his father had knocked his (deponent's) mother down and was inflicting wounds on her, that he made an attempt to Seize prisoner by the hand, that his mother Said "what are you able to do, go outside Call out and make a Complaint" that he accordingly made towards the door, that the prisoner followed him and inflicted a wound on him (deponent) also, that he (deponent) opened the door to go out when the prisoner inflicted 3 or 4 more wounds on him, that his (deponent's) mother made an attempt to Come out, that the prisoner inflicted 2 or 3 wounds on her also that She Came out of the house and fell on the ground and gave up the ghost, that gandhee Chotah Hoossainee heard the noise and Came to the house that Prisoner inflicted a wound on his head also, that Chotah Hoossainee Budda Hoossainee & Duraeish Cassimally shaw Seized

Seized and tied up prisoner, that he (deponent) having felt faint from the effects of the wounds he sat by his mothers corpse and Commenced to Cry, that he does not know how the prisoner effected his entrance into the house when the door was locked, that the prisoner unprovokedly killed his (deponent's) mother & grandmother with a Sword and wounded him and his great grandmother, and that the Circar is Competent to investigate the case —

The 2d. Prosecutor Mohomed gows brother of Prisoner states that he arrived at Bunganpully from Kurnool the day after the murder, that he does not wish to have him (prisoner) executed but that he should be imprisoned for life as he will seek his (deponent's) life also if he (prisoner) was released —

This is not in her deposition

The 3d. Prosecutrix Hoossainbee prisoner's grandmother states that the fatal event took place early in the morning, that 2 people were killed and 3 wounded, that her daughter herself, and others were sleeping in the house with the door locked, that an hour before day break her (deponent's) daughter Jainabee and Prisoner's wife Mohideenbee were grinding Jawaree at the mill, that the prisoner who probably entered the house by means of the steps of the Cooking apartment came and inflicted wounds with a sword on her daughter Jainabee and his (prisoner's) wife Mohideenbee, that she heard the sound, that the prisoner's wife then raised a cry, that she did not hear her daughter make a noise, that she concluded therefore that her daughter was killed, that Fuzee:mooddeen then cried out "oh father why do you strike me" that she arose on hearing the noise, that the prisoner inflicted a wound on her also with the sword, that she fell down senseless, that, she heard Mohideenbee and Fazeemooddeen going towards the door making a noise, that prisoner also followed them; that it had dawned when the Circar people came and saw the murdered and wounded & tied and took away the prisoner, that prisoner unprovokedly killed two persons

persons and wounded 3 and that the Circar are competent to investigate the case.

After some time the prisoner was apprehended and brought who states, that he came to his house on the night of the indictment from the place he had slept and found the door locked, that he ascended the steps which lead to the roof of the mosque of Mohideen Saib son of Karee Moostand and came on the roof of his house and descended by the steps of his house and killed his mother with a sword, that his wife being wounded went out of the house, that he killed her also by inflicting another wound on her with the sword, that he wounded his grand mother with the sword, that he wounded his son also because he came against him, that Ghandhee Chotah Hoossainee made a noise and came forward, that he inflicted a wound on his head also with the sword and that the circumstance which actuated these crimes is mentioned in the proceedings.

1st Witness Chotah Hoossainee ..

(Ghandhee)

(ghaudhee) states that his house is near
prisoner's house, that before sun rise
on the said day his brother and he were
seated on the pial of his house, that the
door of Prisoner's house was opened suddenly,
that a noise also was heard, that he got
up and looked & saw some one lying
on the ground, that prisoner Abdool Kadur
was standing by with a broken sword in
his hand, that on seeing this he cried out
he killed Causelessly" that prisoner said"
you take this" and wounded him on the
head with the sword, that his (deponent's)
brother came near him, that fakeer
Casimally Shaw also came there, that
they 3 seized and tied prisoner with a
rope to the margose tree that is in front
of the house, and that he went and
told the Nawab all that had taken place—

2d. Witness Buddah Hoossainee
Corroborates the statement of witness
Chotah Hoossainee—

3d. Witness Cassimally Shaw states
that he was standing on the said date
near the well that is in front of the
Mosque

Mosque and heard Chotah Hoossainee
Call out that the murderer had inflicted
a wound on him also that he went up to
the place and saw his (Hoossainee's) head
bleeding, the remainder of this witness's
statement agrees with those of the 2 former
witnesses—

4th Witness Ghaundhee Ghavanah
states he was standing near his house
on the said date at dawn, that Sibbundy
peon Lillamohomed came and told
him, that Abdool Kadur had inflicted
a sword wound on his (deponent)
Caution Chotah Hoossainee, that he
was going to Chotah Hoossainee's house,
that when passing the prisoner's house
he saw the Corpse of a women lying
at the door, that Hoossainee was
wounded and standing at the Corner
of his house, that he asked him
what happened and went to the
Circar and mentioned it, that the
Ameen, Duffadar and others being
ordered went and tied & brought
prisoner, and that he (deponent)

did not enter the prisoner's house -

5th Witneſs Goolamee Saib son of Kazee Moosthand states that when he Came to the Mosque to pray on the morning of the said day he saw a Mob at the door of prisoner's house, that he enquired of the Cause and learned from the bystanders all particulars, that he went to the prisoner's house after he had read prayers, that he saw all that was to be seen at the door and went into the house and saw what was there also and learned more particulars -

6th Witneſs Oomurkhan Boosayee states that prisoner abdool Kadur Came occasionally to his house and partook of food, that prisoner Came to his house on the evening of the 25th Mohurrum about 2 Indian hours before sun set and said he had a pain in his belly and requested permiſsion to pass the night in his (deponents) house, and that he would leave in the morning, that he gave him permiſsion and went out of the house and slept.

that

that the prisoner shut the door and slept in the house, that he (deponent) had left his sword suspended from a peg in the house, that he is not aware of the time the prisoner took away the sword leaving the scabbard in its place, that he saw the empty scabbard in the house the following morning, and that the broken sword before the Cutcherry is his property -

The prisoner is questioned - You admit that you killed your mother and wife with a sword and wounded your grandmother son and Chotah Hoosseinee & you have heard the Complaints preferred and the evidences adduced by the witneſses, state what you have to say in defense?

The prisoner answers - My Mother grandmother and wife mixed medicines with my food on many occasions at the instigation of my brother Gows Saib, by this means they made me sometimes sick and at other times mad, and finally they intended taking my life, the reason for which is to gain possession of the money I sent from Hyderabad and of the Enams that are in my name, my mother used to enjoy the interest on my money and give me nothing, my mother & wife were leading a bad life, my grandmother was double tongued, for these reasons I killed those two and not for any other cause -

The Circumstances urged by the prisoner is utterly false, he admits having killed & wounded, and the statements of the Complainants and the witnesses prove the fact; Nuzee:moddeen and Remoomeyan two Sons of the prisoner by his deceased wife being alive the sentence of Kissass for the murder of his wife is debarred according to Hiddaya, Fataleeya, Cauzy :Khan, Falaseya Vull Vull, Zeeak &ca but prisoner should pay a certain Amount for being the cause of the flow

flow of blood, but the prisoner is poor which all the inhabitants of this place well know -

Mohamed Gows is the Son of deceased Jamalee he having pardoned the prisoner for the murder of his mother, Kissass and the paying of money are debarred according Ma:thasurolsfee Futhaneaslerazee, Hush:hahwoonazayer &ca -

God knows -

(Signed) Kathaumb Woolwal
Goolama Dhusthageer
Cauzy of Bunganpully

Bunganpully
22d Rubbeesanee
of Hezeeree 1275
Corresponding with
29th November 1858.

(True Translation)

A R Arbuthnott
Magistrate

Mazurnamah given by the undersigned on the 26th Moharum of Hizeeree 1275 Corresponding with A.D. 6th September 1858.

Tahsildar Sashagery row, Sheristadar Shreekararow and ameen Kajah Saib having taken us to inspect the 2 dead bodies of women and 2 wounded people in Lows Saibs house, situated to the north of Karee Noosthand's Mosque, in Cusbah Bungaupully we saw as follows.

1. The dead body of a women lying at the entrance door of Lows Saib's house with the head to the South, with a sheet covered over it & lying on its back it had the following wounds.

1. Sword wound on the chest 4 in inches long 2 inches broad & 1 inch deep.

1. Do. on the back of the head 4 inches broad 6 inches long & 2 inches deep.

1. Do. above the left ear 2 inches broad 3 inches long and one inch deep.

1. Do. on the crown of the head 1/2 inch broad 3 inches long & 1/2 inch deep.

1

1- Sword wound in palm of left hand 2 inches long 2 inches broad & ½ inch deep-

2- Do on left side of the back 6 inches long 4 inches broad & 2 inches deep-

This women is about 35 years old was sister in law to Complainant Gows Saib and wife to prisoner, her name was Mohideenbee-

1- Dead body of a women lying near the mill stone in the hall of Gows Saib's house, has on a petty coat, and a sheet covered over, and is with the head towards the north, it had the following wounds-

1- Large sword wound on the left side of the neck 6 inches long 2 inches deep and 5 inches broad-

1- Sword wound on the left shoulder 3 inches broad 3 inches long & 1 inch deep-

1 Do on the head near the left ear 4 inches long 1 inch broad & 1 inch deep-

1- Do on the left shoulder about 3 inches below the other 6 inches long 3 inches broad and down to the bone-

1

1- Sword wound under the left ear 3 inches long ½ inch broad and ½ inch deep-

This women is about 60 years old and was mother to prisoner Abdool Kadur alias Kadur Hoossain and Complainant Gows Saib, her name was Jainabee-

1. The following wounds was inflicted on the person of Hoossain bee mother of Jainabee deceased aged about 80 years-

1. Sword wound on the right shoulder 3 inches long 1 inch broad and 1 inch deep-

1. The following wounds were a inflicted on Mohamed Huzeenuddeen Son of the prisoner aged about 11 years-

1. Sword wound on the left side of the head 4 inches long ½ inch broad and ½ inch deep-

1. Do on the crown of the head, towards the left, 2 inches long ½ inch wide and ½ inch deep—

1

1. Sword wound on the right side of the face from the chin to the ear 4 inches long 1 inch broad & 1 inch deep -

1. Do under the lower lip on the left side 2 inches long ½ inch broad & ¼ deep -

1. Do on the right shoulder 2 inches long 1 inch broad & ½ inch deep =

The prisoner Abdoolkadur alias Kadur Hoossain has committed himself wilfully & the 2 former died from the effects of the wounds inflicted on them as they were very severe.

There does not appear to be any fear of the lives of Hazeemoodeen and Hoossainbee from their wounds.

This our Mazoornamah is correct -

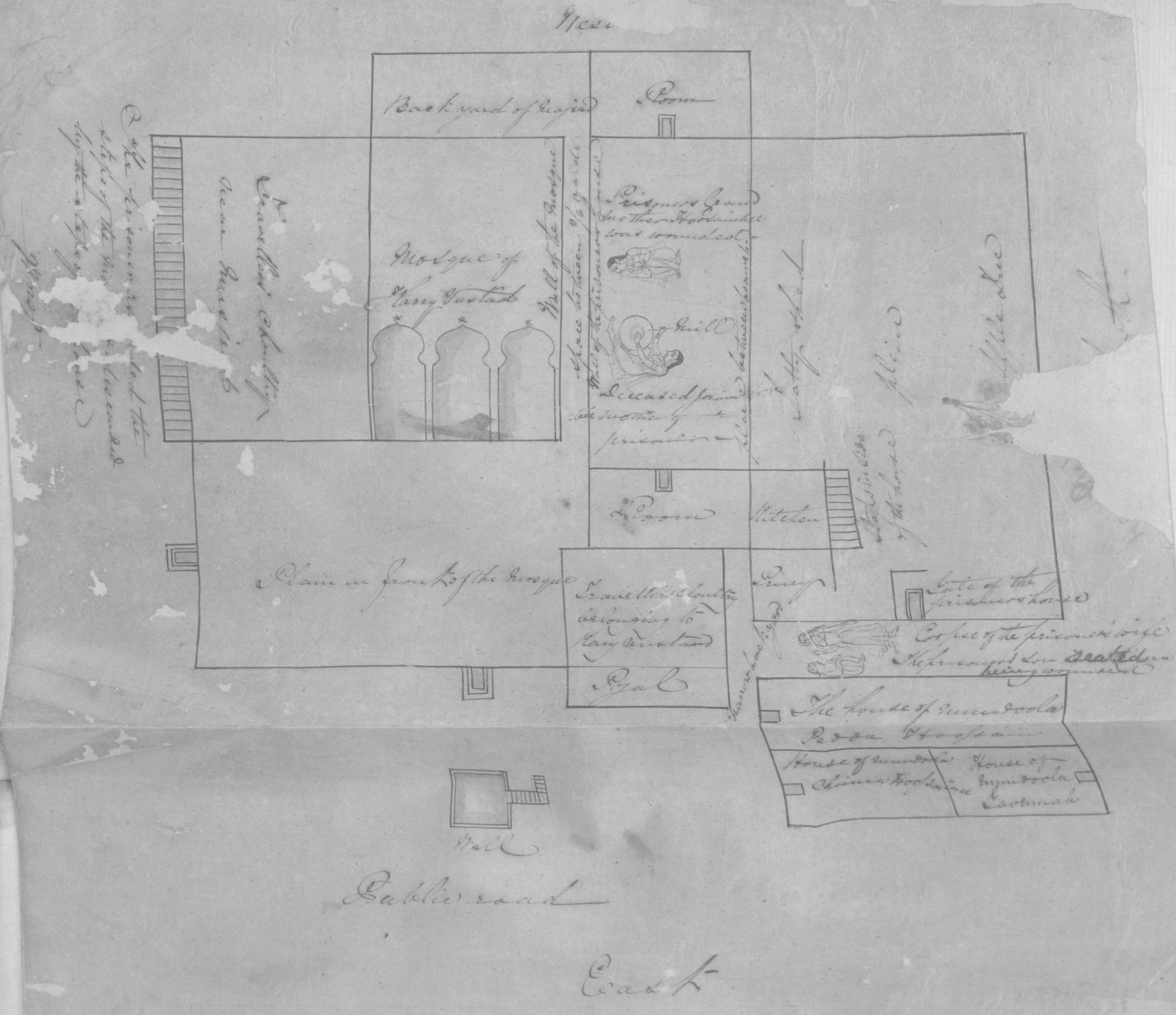
(Signature) of Vustand Goollamee Saib
(Mark) of Cassim ally Shaw
(Signature) of Vausoodavo Curnum of Cusbah Bunganpally
(") of Chelluiah Do Do
(Mark) of Khaluk Saib
(Signature) of Nezam Saib
(") of Sashageeroor Havuldar Talook Cutcherry
(") of Sreekaradoo Sheristadar Do
(") of Mundoola Chinna Hoossainee
(Mark) of Pedda Hoossainee

Signature

(Signature) of Mundoola Gaulemiah
(Mark) of Eeragala Mahammudy Eddy inhabitant of Cusbah Bunganpally
(Signature)
(") of Setty Heebaray Polvo Setty
(Mark) of Autar Mohideen Saib
(Signature) of Quaza Saib Ameen of Cusbah Bunganpally
(Mark) of Noor Mohammud Duffadar
(") of Aumeenbeig Do

(True Translation)

A Arbuthnott
Magistrate


West
Back yard of Masjid
Room
Travellers' Choultry near Masjid
& The prisoner ascended the steps of the Mosque & descended by the other steps
South
Mosque of Hany Vustad
Wall of the Mosque
Space between 3/4 yards
Wall of the prisoners house
Prisoners Grand mother Hoosainbee was wounded
Mill
Deceased former wife mother of the prisoner
Place between rooms
Paddy shed
plain
Ollee tree
2 Room
Kitchen
Stairs inside of the house
Plain in front of the Mosque
Travellers' Choultry belonging to Hany Vustand
Pyal
Privy
Narrow back yard
Gate of the prisoners house
Corpse of the prisoner's wife
The prisoner's son seated on being wounded
The house of Ummdoola Peera Hoosain
House of Ummdoola Chinna Hoosaine
House of Ummdoola Laotunnah
Well
Public road
East

Magistrate

58

Judicial Depart.

No 4

From the Magistrate of Kurnool

Dated 30th Decr. 1858

For Orders.

If this man is not mad. there is little doubt of his guilt. or of his deserving the utmost punishment.

This is a case of the senseless jealousy so often met with in Native Society.
The sentence sho. be carried into effect.

The sentence of death should be carried out.

Jud^l. ~~Political~~ Dep^t. C.
No. 61
Ext. D/ 18 January 1859.

Read following letter from the Magistrate of Kurnool. } Here enter No. & D/ 30th Dec^r/58.

× Ext. Rev. Dep^t. d/ 4th July /48.

The Sunnud× granted to the Nabob of Bunganpilly provides that sentence of death shall not be inflicted upon Criminals, without the sanction of the Govt. The prisoner in this case has been convicted of the murder of his wife & mother, & with attempting the murder of three other individuals. He has confessed his guilt & appears to have acted from motives of jealousy.

2. The G. in C. sees no reason to interfere with the sentence pronounced in the Nabob's Court, w^h may be carried out accordingly.

N.B. The translate of the record is not to be printed.

D G. 11/1-59.

JP

To the Magistrate of Kurnool — Desp^d. 21^st

In Cons: 18 January
Judicial 1859 Departt.

No. 61.

Extract Mins: of Cons.

D/ 18 January 1859
P.T. No. 208-

Govt. see no reason
to interfere with the
Sentence pronounced
on the murder case
in the Nabob's Court
at Bunganapilly, which
may be carried out
accordingly.-

50 051