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MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

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Dated 18.10.1871 19-

41/42

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No. 70. Read the following letter from JAMES INNES MINCHIN, Esq., Acting Magistrate of Kurnool; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 25th September 1861, No. 22.

1. With reference to the Extract from the Minutes of Consultation under date the 3rd May 1851, I have the honor to forward a translation of the record of a trial for murder held in the Court of the Nawab of Bunganapilly.

2. The following are the facts of the case: On the morning of Tuesday the 30th July 1861, the trunk of a human body with a wound on the right chest, without head, arms and legs, was found by the Tannadar of Bunganapilly in a stream called the Jooravagoo outside the Fort. The Ameen (10th witness) of the town at once proceeded to the spot, and caused the water to be dragged, when he found a bundle containing the arms and legs and a pot containing the head, which was at once recognized as that of an individual named Mastan (deceased.) The skull was fractured, and the brains protruding.

3. On enquiry it was found that the deceased had been in the habit of frequenting the house of one Fakooroo (2nd prisoner), and on proceeding there, drops of blood were found along the road leading to the house from a distance of four chains, while a room inside the house was freshly plastered with cowdung, and drops of blood were visible sprinkled on the wall.

4. Fakooroo (2nd prisoner) was at once apprehended, and stated that the deceased had been murdered on the previous night by one Mahomed Hoossain (1st prisoner) in his own presence, and that after cutting up the body, they had thrown the trunk and limbs into the Jooravagoo.

5. Mahomed Hoossain (1st prisoner) was then apprehended in the town, and the two at once brought to trial.

6. The 1st witness Hoossain Ma, mother of the 2nd prisoner Fakooroo, a midwife by profession, stated that on the night of the murder while sitting up with a patient, she heard from the privy of the house, her son the 2nd prisioner inducing the deceased Mastan to go to her house, to which he consented. She had been previously informed by her son that Mahomed Hoossain (1st prisoner) would some day kill Mastan (deceased) in her house, on account of the familiarity that existed between him and Mahomed Hoossain's (1st prisoner) wife and sister-in-law. A short time previously Mahomed Hoossain (1st prisoner) had left his wife under her charge, and at that time she had herself noticed the improper familiarity that existed between her and Mastan (deceased.) On the above account she was alarmed at hearing her son invite Mastan (deceased) to her house, and in about an hour went there to see what was going on. She returned to the back entrance, from which, there being a lamp in the room, she saw the deceased lying on the floor, and Mahomed Hoossain (1st prisoner) throw a stone on his head, on which he groaned, and Mahomed Hoossain (1st prisoner) then sat on his chest, and cut his throat. She then called to her son who was present, but did not answer, and she then returned to the house of her patient, where she past the night. In the morning she returned to her house and found her son, the 2nd prisoner, plastering the floor with cow-dung, to efface the stains of blood; shortly afterwards they were apprehended by the Police.

7. The 2nd and 3rd witnesses a brother and sister who reside in the house next to that in which the murder was committed, stated that about 8 o'clock on the previous evening the 1st prisoner Mahomed Hoossain came to their house, saying that he had sent Fakooroo the 2nd prisoner for some goodak, who had not yet brought it: shortly afterwards Fakooroo (2nd prisoner) joined him, and the two went into the 1st witness' house, and shut the mat of the front door. After the witnesses had been asleep about an hour, they were roused by a noise in the neighbouring house, and the 2nd witness called to Fakooroo the 2nd prisoner, asking what it was. He replied it was the cats, but the 1st prisoner Mahomed Hoossain told them angrily to mind their own business, as they were masters in their own house. The witnesses then slept through

the night, and in the morning heard that some one had been murdered and cut to pieces, when seeing 2nd prisoner plastering the room with cowdung, they suspected that the crime had been committed there.

8. Neither of these witnesses saw the deceased enter the house, to which there is a back door.

9. The 4th witness the keeper of the Fort Gate, deposed that the 1st prisoner a peon of the guard, left the gate about 7 P.M., on the evening of the murder, returned there with the 2nd prisoner about 11 P.M., when the two slept there together on a cumly, and that both left in the morning during the time he was absent, at 5 A.M., to get the keys of the large gate.

10. The 5th witness deposed to his wife having sold lamp oil to the two prisoners about 10 P.M., on the night of the murder.

11. The 7th witness deposed to having given a light to the 2nd prisoner from his house, about the time of the first watch on the night of the murder. He did not see the 1st prisoner.

12. The 8th witness, brother to the 1st prisoner, deposed to the familiarity that existed between the deceased and his brother, the 1st prisoner's wife, and that his brother had rebuked his wife in consequence, and sent her to her mother's house. The 1st prisoner did not as usual sleep in his house, on the night of the murder.

13. The 10th witness the Ameen of the town deposed to the discovery of the mutilated body in the channel, to the drops of blood along the road leading to the 1st witness' house, and to the state of the room therein, the floor of which was freshly plastered with cowdung while the walls were sprinkled with blood.

14. The 2nd prisoner made a full confession of the whole facts connected with the murder. He stated that on the previous day Mahomed Hoossain (1st prisoner) asked him to induce Mastan (deceased) to go to deponent's house, by telling him that Mahomed Hoossain's (1st prisoner) sister would join him there at midnight, Mahomed Hoossian (1st prisoner) having determined to murder him there. That Mastan (deceased) accompanied him accordingly to the house, where Mahomed Hoossain (1st prisoner) was concealed, and that after he and Mastan had been asleep for about three native hours, that Mahomed Hoossain (1st prisoner) roused him, and on his going out, Mahomed Hoossain (1st prisoner) killed Mastan (deceased) by dropping a big stone three times on his head, and finally gagging him. That deponent's mother came up while the stone was being dropped the third time, and called him by name, but he was unable to answer, she then went away. That the neighbours, the second and third witnesses, were roused by the sound of the stone falling, and the second witness asked what it was, and he answered it was the cats, and Mahomed Hoossain (1st prisoner) told them they were masters in their own house. That after the murder, deponent assisted Mahomed Hoossain (1st prisoner) to carry the body further into the room, when Mahomed Hoossain (1st prisoner) produced a knife, and cut it in pieces, forcing the deponent to hold the limbs. The limbs were tied up in the drawers of the deceased, the trunk in his cloth, and his head and the bloody mat were put into a large pot. They then washed the blood from their hands and legs, and Mahomed Hoossain (1st prisoner) carried the bundle containing the limbs of the deceased, and threw it into the Jooravagoo. He then washed himself afresh, and went to the guard at the Fort Gate, directing the deponent to call him after a short time. He did so, they purchased some oil, got a light, and returned to the house, when they removed the remaining portions of the body, Mahomed Hoossain (1st prisoner) carrying the trunk, and the deponent the pot which contained the head, and threw them both into the channel. They again returned to the house, having bought some goodak on their way, took their meal, and smoked their hookah. They then went and slept at the Fort Gate, and about 5 A. M. the next morning, Mahomed Hoossain (1st prisoner) sent him to plaster the room with cowdung, after which he was apprehended.

15. The first prisoner denied the charge, but stated that he had past the evening and night with the second prisoner, as detailed by him, and proved by the witnesses. He acknowledged that a bloody knife, and cloth before the Court were his own, and accounted for the blood on the cloth by his having cut himself by scraping a still on that morning.

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16. The 9th witness called for the prosecution stated that the 1st prisoner was at the still on that morning, but did not scrape the boiler, nor mention to the witness that he had cut his finger.

17. The Futwah of the Law Officer found the second prisoner guilty on his own confession, of abetting the crime of murder, and consequently liable to Tazir.

18. There not being two eye-witnesses of the murder, he found the penalty of Kisáas against the 1st prisoner barred, but left his punishment to the discretion of the authority.

19. The case having been forwarded to me by the Nawab, I requested him to take additional evidence as to where the bloody knife and cloth, acknowledged by the 1st prisoner to be his property, were discovered, as well as the stone with which the second prisoner stated that the murder was committed.

20. From the additional evidence it appears that the bloody knife and cloth were found on the person of the first prisoner, on his apprehension, about noon on the day after the murder.

21. The stone with which the murder was committed, was pointed out by the 2nd prisoner, concealed in a heap of stones in front of the wicket of the house and was stained with blood.

22. The whole evidence is conclusive as to the guilt of both prisoners, and considering the horrible circumstances connected with the case, there is no doubt that both deserve to suffer capital punishment.

In consideration however that the confession of the 2nd prisoner appears to have been complete, and voluntary, that the crime has occurred in a Mussulman territory, and that the Mussulman law does not rank the guilt of an accessary before the act, the same as that of a principal, I would recommend that the first prisoner only be condemned to death, and that the 2nd prisoner be imprisoned with hard labour for life in the Jail of the Bunganapilly Nawab.

I consider that the whole conduct of the enquiry reflects credit on the Police and Criminal Jurisdiction of the Nawab.

No. 71. ORDER THEREON, 18th October 1861, No. 1,271.

Preamble. Act XXV, 1848, authorized the restoration of the Jagheer of Bunganapilly, "to be holden, by the Jagheerdar, subject to the same conditions and reservations as heretofore."

Extract Minutes of Consultation 4th July 1848, *No.* 714. 2. In the Sunnud issued by this Government, it was stipulated that, in the administration of Criminal Justice within the Jagheer, the Jagheerdar should abstain from the punishment of mutilating Criminals, and should not sentence capitally, or execute persons capitally convicted without the sanction of Government previously obtained. All cases appearing to him to call for such punishment were to be referred for the consideration and Orders of the Governor in Council.

3. In Extract Minutes Consultation, 31st May 1851, No. 268, it was directed that the reference should be made through the channel of the Agent of Kurnool, and this Officer was instructed to call for further evidence, if in his judgment it were necessary, and when the proceedings were completed, to submit the record of the trial with such remarks as he might see occasion to offer. The Magistrate has acted under these orders in bringing before Government the trial, referred to in his letter, held at Bunganapilly.

4. According to his own admissions, the 2nd prisoner, Fakuru, had inveigled the deceased Mastan into his house. He was an eye-witness of the murder, and aided in dismembering the corpse, and effecting the removal of the trunk, head, and limbs to a stream of water, and the evidence in the case establishes the guilt of the 1st prisoner, Mahomed Hussain, as the actual perpetrator of the deed. The Futwah declares the 2nd prisoner liable as an abettor to Tazeer, but

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demurs to the infliction of the penalty of Kissaas on the 1st prisoner, on the ground of his denial of the charge, and the absence of two male witnesses.

5. The Magistrate recommends that the first prisoner be condemned to death, and the second prisoner to imprisonment for life with hard labor in the Jail at Bunganapilly. The Governor in Council directs that the sentence advised be carried out.

(Signed) J. D. SIM,
Secretary to Government.

Exd. F. Cartledge.

(1).

Prosecutor
Fakeer Khaye.

Deposition given on the 21st Moharam of Kijery 1278, corresponding with A.D. 30th July 1861, before Syed Gulam ally Khan Bahadur Dalgoy Nawaabsuddowla Bahadur, the Nawab of Bunganapilly, by Heechu Khaye son of Reshum Sahib, a Mussulman of Sunni sect, aged 45 years, an inhabitant of Banganpilly and by occupation a Coolie Sedulie

Q. It is known that, your son Mastan was on the night of Monday the 29th of July murdered, and his hands, legs, and head were cut into pieces and thrown into the water of Jurravagu Madugu. Whom do you Prosecute of this act?

A. My son Mastan was in the habit of frequenting the house of Mahomed Hussain a Pean and an inhabitant of Kaveta and having heard that familiarity existed between the said Mahomed Hussain's sister-in-law and my son, I directed the latter not to resort to the house & the former also sent word to Bijamma the Brother of Mahomed Hussain requesting her to prevent my son's access to her house,

yet

yet she allowed him to come to her house. Prosecutor Mahomed Hussain had, out of enmity Kutchu Khaye that he, fraudulently excited between Contd. his sister-in-law and my deceased son, killed my victim on the above-date, cut his legs, hands and head and thrown off in the water of Perravégum and charged him with the act.

2. Listen to the deposition given by you?

A. I have heard it. It is correctly written according to my statement.

Mark of Kutchu Khaye.

Witnesses

/Signed/ Kavaba Curunum Chelamiah

do do Vissodamiah

Chetty Christna Row Moonshee

of the Salem.

Deposition

1st witness Hussain Mia

Deposition given on the 22. Moharam of the Hijeri 1278, corresponding with A.D. 31st July 1861 before Syed Gulam ally Khan Bahadur Dalguy Mainoodaddowla Bahadur the Nawab of Binagampilly by Hussain Mia a Mussalman of Shaik Cast, aged 60 years, an inhabitant of Banagampilly and by occupation a Tailor

12. It is known that Mastan the deceased son of Kutchu Khaye Prosecutor was on the night of Monday the 29th of July killed in your house by cutting his hands, legs, and head and thrown in the water of Perravégum - State the truth as to the above circumstance?

A. On the evening of Monday I went to the house of Khatib Kasim Saheb in order to sleep with the woman who was lately delivered and after the Coumps were lit, whilst I was seated in the privy of his house, I heard my son Thakuru and Mastan deceased speak behind the wall, when my son called Mastan deceased to go to my house to which the latter said "come let us go", which I heard and I thence came out and

considered

considered for a short time as to the cause of my 2nd Pris[r] son taking the deceased to my house at night time, and 3 or 4 Ghadiyas afterwards I returned to my house, having locked by the kind gate, I found a lamp in the room situated at 5 Yards distance from the place where I stood and Mastan deceased was lying down in the entrance thereof. Mahomed Hussain having thrown a stone on the deceased's head he groaned thereby and the former seated on the chest of the latter and cut his throat. I having then called my 2nd Pris[r] son by his name, he did not answer me, and I do not know whether he heard me or not. I then feared and my hands and legs trembled and immediately went back to the house of Khatib Kasim 8th Witness sahib slept there that night and on the following morning i.e. on Tuesday I went to my house and having inspected, I found the whole place in the room where the deceased was lying was plastered by my son 2nd Prisr Hakim and stains of blood were here

1st Witness Hussain Ma Cont[d].

1st Witness Hussain Ma Cont[d].

here and there visible on the walls. I then said to my son "what such "an act is committed in our house that "if the Circar understand of the clue or "traces of the act, it will seize us "and deprive us of our lives". I then beat my head (with my hands) and was sorry in my house. Shortly after=wards, 10th Witness Kaja Sahib Amin, Duffadar, Peons and others came to my house, made a search in it, inspected the place in the room where it was plastered and also the blood, and took with them to the Circar my son 2nd Prisr Hakim and myself. Therefore, I caused the whole circumstance that took place in my presence and was seen by me to be written.

Q. On what suspicion did you go to your house. Your son 2nd Prisr Hakim deceased having only taken Mastan to your house?

A. Previous to a long time since, I had heard that deceased Mastan had an illicit intercourse with the wife and sister in law of Mahomed Hussain 1st Prisr. One day my son

"son told me that Mastan had an illicit
"connexion with the sister-in-law of Mahomed
"Hussain; that the latter entertained hatred
"against the deceased and he will kill
"him; that consequently he, Mahomed Hussain
"brings the deceased every day to our house
"and that he will one day or other kill
"him by whatever pritence". I desired
the deceased not to come to my house.
In my conversation having mentioned
the above circumstance to Mahomed
Hussain, he replied to me saying that
I had heard false circumstance and
that he will never commit such an
act. Subsequently, during the com-
mencement of Moharram (last) I do
not know of any quarrel had taken
place in the house of Mahomed &
Hussain, but he brought and left
his wife in my house for 9 days, and
during that interval, Mastan the
deceased used every day to resort to my
house, and speak to & laugh with her.
I told that woman that it was unbecom-
ing in her to speak to, and laugh with
strangers during the absence of her husband.
Consequently, I suspected of the above
circumstance

1st Witness
Hussain Mia
Cont.

1st Witness
Hussain Mia
Cont.

circumstance and there being no cause
that why my son Hakeem should
leave the house at night time, during
my absence from it, and he having
taken Mastan, I suspected, then went
and saw and found Mahomed Hussain
slain the deceased when I feared and
ran off.

3 Q. Had Mahomed Hussain intended
to kill Mastan, why should he murder
him in your house instead of taking
to his own?

A. My daughter-in-law is from the
village and I was not in the habit of
sleeping in my house during night
time. My son being an effeminate he
was enticed, and at such a time as
above stated the crime was perpetrated.

4 Q. You have personally seen
Mahomed Hussain killing the
deceased, but why did you not
immediately inform the Cutcherry of this?

A. Being a female, and having
ceased by witnessing the murder
I omitted to make immediate report
to the Cutcherry. I now caused to be
written what I have seen.

We

52. We will have the deposition given by you read over to you. Listen to it.

A. I have heard it. It is correctly written according to my assertion.

Mark of Hussain Mia

Witnesses
(Signed) Kasiba Carnain Chalamya
do Vásudeviah

Examined Kistna Row Moonshee of the Salook.

Deposition given on the 23rd 2nd Witness of Moharram of Khjeny 1275, or 1st August 1861 before Syed Gulam Alli Khan Bahodur Dalying Mansoor addowla Bahodur the Nuwab of Banganpilly, by Issuf sahib 2nd Prisoner son of Mahomed alli a Muscalman of Sheik sect, aged 60 years, an inhabitant of Banganpilly and by occupation a Cooly.

1st Witness Hussain Mia Cont.

2nd Witness Issuf Sahib Cont.

1. On the night of Monday the 29th of July, it is known that A. Mastan deceased was killed in the dwelling room of Fakurn 2nd Prisr and Hussain Mia 1st Witness situated in the Fakurns 2nd Prisr house in which you

2nd Witness Issuf Sahib Cont.

are residing. State the particulars into the cause of the murder you are acquainted with any?

A. At about 2 or 3 Ghadiyas on the night Monday, Mahomed Hussain 1st Prisoner came to my dwelling house and told me "that he had sent Fakurn 2nd Prisoner to get "him "Gudák" or smoking stuff and "that he did not return at this late;" and I then replied him stating that "Do not you know of his negligence? Shortly afterwards, Fakurn 2nd Prisr came there, and both of them went into Hussain Mia's 1st Witness house and closed the Satt to it. I slept in my house. 2 or 3 Ghadiyas afterwards a noise having proceeded from the house into which both of them had gone, I awoke, called out Fakurn 2nd Prisr by his name, and asked him about the cause of the noise, to which he said that Cats were making the noise and Mahomed 1st Prisoner Hussain told angrily saying that "we are Masters "of our house; what do you care be quiet." I then slept in my house, and on the following morning, when I came out, I heard by a rumour that some one was killed by cutting his hands, and legs and thrown in the Channel "Vágu".

I

I then saw 2d Prisoner Thakurn gádu plastering the floor in the room, and kept myself quiet thinking that the crime might have probably been perpetrated by these men. Five Ghadiyas afterwards Amin Khaja 10th Witness Sahib and Peons and others came there, made a search in the houses of Hussain Mia 1st Witness myself. Inspected the ground where it was plastered in the room of Hussain Mia 1st Witness and also stains of blood on the walls; and asked 2d Prisoner Thakurn and Hussain Mia 1st Witness on the subject. Who admitted that Mahomed 1st Pris. Hussain had Killed Mastan deceased in their room, cut his hands, legs and head and threw them off in the river. when both of them were taken to the Cutcherry.

2 Q. At what time on the night of the above date did the deceased Mastan go into the house of 2d Prisr Thakurn?

A. I did not see Mastan deceased when he came to 2d Prisoner Thakurn's house. There is also a kind gate to the house.

3 Q. Listen to the deposition now read to you?

A. I have heard. It is correctly written

2d Witness Isuf Sahib Contd

2d Witness written agreeably to my statement.
Isuf Sahib
Contd

Mark of Isuf Sahib.

Witnesses
(Signed) Kasaba Cumum Chelamiah
do Vasudaviah.
Cd Kistna Row Moonshee Sukok

3d Witness Madar Bhee

Deposition given on the 23d Moharrum of Hizry 1278 or 1st August 1861, before Syed Gulam alli Khan Bahodur Dafjang Munsoor addowla Bahodur Nawab of Bungan-pilly, by Madar Bhee 3d Witness a Mussulman aged 50 years the younger sister of Isuf Sahib 2d Witness and an inhabitant of Bunganpilly.

12. On the night of Monday the 29th July 1861 it is known that Mastan deceased was killed in the room resided by 2d Prisr Thakurn and Hussain 1st Witness Mah. and situated in the said 2d Prisr Thakurn's house in which you are dwelling. State the particulars regarding the cause of the murder if you are acquainted with any?

A. On Monday at about 2 or 3 Ghadias in the night, Mahomed 1st Prisoner Hussain stood in the hall in my house, called my elder brother Isuf Sahib 2d Witness by his name and told him that he sent 2d Prisr Thakurn to fetch "Goodak" smoking stuff and that he did not as yet

yet return at this late, to which he (2d Witness Sayd Saheb) replied stating "that are you not aware of his negligence". Shortly afterwards 2d Witness Hakeem returned and both of them went into Hussain Mia's house and shut the Latch. I slept in my house. Two or three Ghadias afterwards, on hearing a noise proceeded from the house in which they both were Kept, my brother awoke, called 2d Prisoner Hakeem by his name, and having asked him about it he replied that Cats were making the noise. Mahomed 1st Prisoner Hussain had with a loud voice said "that we are masters of our house," "what you care about," and "you better Keep quiet" My brother and myself then slept in the house. Next morning it is spread out by a rumour that some one was killed, and his hands and legs were cut and were thrown off in "Zurravingu" Channel. Shortly afterwards, Amin 10th Witness, Duffadars and Peons came there made a search in the houses of 1st Witness Hussain Mia and myself. It appearing that, the ground as if plastered and there being stains of blood on the walls, 2d Prisoner Hakeem and 1st Witness Hussain Mia were seized and taken.

I

3d Witness Madár Bhaye Cont.d.

know nothing else.

Q. On the night in question, did you see Mastan go into the house of 2d Prisoner Hakeem?

A. There is also a Pandal gate to the house of 1st Witness Hussain Mia and know not when Mastan Deceased came there.

Q. We will have the deposition given by you read over to you. Is it correct?

A I have heard it. It is correctly drawn up according to my statement

Mark of Madár Bhaye

Witnesses

/signed/ Casale Cumaun Chelamia

/do/ — do — Vasudawia

Cp.d Alisha Dow Moonshee

4th Witness Cithar Kaniyad Darvan Bahadur Kulby.

Deposition given on the 23d Moharrum of Kizeri 1278 or the 1st August 1861 before Syed Gulsum Alli Khan Bahadur the Nawab of Bangampilly by Cithar Kaniyad 4th Witness Darvan Bahadur Kulby aged 50 years.

Q. On the night of Monday the 29th July and what time did the Peon Mahomed

1st Prisoner

Mahomed Hussain go to his house for meals and when did he return for the sleeping?

4th Witness Cirkar Thangiah Dasavan Bahadur Tully. Cont.

A. On Monday night he went at 7 Clock and returned at about 8 11.

2 Q. Did Mahomed Hussain alone come, or any one else come with him?

A. Mahomed Hussain and Fakum both came and slept on a Cumbly in the gate "Darvaza".

3 Q When did Mahomed Hussain and Fakum came the place?

A. At 5 P.M. that night I opened the door of the back gate, and by the time I returned from "Devidy" where I had been to get the Keys of the large gate, both of them went away.

4 Q Was Fakum in the habit of sleeping with Mahomed Hussain in the gate at any time?

A. Fakum did not at any time sleep with Mahomed Hussain in the gate. Only on the night of Monday he slept with Mahomed Hussain.

4th Witness Cirkar Thangiah Dasavan Bahadur Tully. Cont.

5 Q It is known that on the night in question, previous to Mahomed Hussain and Fakum came there to sleep the former was at the gate, and the latter took the former to take his meals. What is this?

A. I know nothing of it.

Mark of Dasavan Bahadur Tully.

Witnesses

Signed Cavalia Caramam Chelvanna

do do Vasudavia

Ex. Krishna Row Inspector of the Salaam.

5th Witness C. Sidella Venkatramudu

Deposition given on the 23rd Mohurrum of Nigeri 1278 or the 1st August 1861 before Syed Gulam Alli Khan Bahadur Daljay Mansoor-ud-dowla Bahadur the Thanah of Bangarpilly by Chidella Venkatramudu son of Vencatapatty, of Comaty caste, cross mark religion aged about 32 years, an inhabitant of Bangarpilly, and by occupation a Merchant.

1 Q On the night of Monday the 29th of July did both Mahomed Hussain and Fakum come to your house for lamp oil?

A. At about 9 or 10 o'clock on the night of Monday. Ron Mahamed Hussain and Hakum came to my house and they wanted Lamp oil for 2 Pice. My wife took a dub or a piece of 1 Pice from Hakum, gave him oil for 2 Pice which she put in the bottle first brought by him and returned him the remaining 2 Pice. When they both went away.

/Signed/ Chidella Venkatamma

Witnesses

/Signed/ C.C. Chelamia

/ do / do — Vasudavia

Ex^d Richard Ron — Moonshee Talook Sergeant

Deposition given on the 21st Muharram of Sizri 1278 on the 2nd August 1862 before Syed Rukun Alli Khan Bahadur C.S. Talyang Mansoor-ud-dowla, Bahadur Ramth of Wangapilly by Tirrapiah Ron Chala a Catholic Ron of Ramy Vargam aged 32 years.

D. It is known from examination that on the night of Monday the 29th of July Prisoner Mahamed Hussain took

5 witnesses Chidella Venkatamma

Tirrapiah

C.C.

Con^d

6 witnesses took from you a quarter anna Piece for Tirrapiah

C.C.

Con^d

time. At what time in the night and who took the coin?

A. At 10 o'clock in the night Mahamed Hussain 1st Prisoner came from in the room to the gate and said upon the pinial. He having desired me to let him have a quarter anna Piece for purchasing tire, I gave it to him, but no one with him at that time and he was alone. He afterwards went away.

7 Q. Did you see, at what time in the night and if any one followed the Prisoner when he came to the gate in the night?

A. I was asleep and so, I do not know when and with whom he came there Dorvan Bahadur Kully being a man that attends at the gate, he should be examined on the subject.

8 Q. Listen to the deposition given by you - Is it correct?

A. I have heard - It is correctly drawn up according to my statement.

Mark of T. Venkatigadu

Witnesses

/Signed/ C.C. Chelamia

/ do / do — Vasudavia

Ex^d Richard Ron Moonshee of the Talook

Deposition

Deposition given before the Honorable [illegible] Esq. Commissioner of Bangalore on the 25th Mohurrum Ul Haram of Fuzeer 1279 corresponding with the A.D. 3rd August 1869 by Venkatasawmy son of Lonnah Bangaroo, aged about 18 years of the Reddy Caste a Bazaarman and an inhabitant of Bangarapilly.

2nd Q. It appears that Pirooney Hakeem called at your house on the night of Monday the 29th Mohurrum and asked for some fire, and that you said there was none. On that you would give him a rag lighted, and gave it to him, at what hour did he call, state the truth?

A. On Monday night about the first watch time, Hakeem having come to my house and asked for fire, I told him there was none but gave him a rag which I lighted at the lamp, which he took away.

2 D. Was Hakeem Pirooney alone or was any one with him?

A. Hakeem Pirooney came alone. I did not see any one else with him.

Witnesses / Signature of Lonna Veyaumah
Signed / Cholamiah Cannah
de / Vasuswamy do
Cd Tickin Rowa Moonshee of the Zillah.

5th Witness Hussainsah

Deposition given before the Honorable [illegible] of Bangarapilly on the 21st Mohurrum of Fuzeer 1279 corresponding with the A.D. 22nd August 1869 by Hussain Sahib son of Meddai Sahib, aged about 18 years of the Mahomedan Caste, occupation unknown, and an inhabitant of Bangarapilly.

1 Q. Did you and your brother Mahomed Hussain live together or separately?

A. We lived together.

2 Q. Used deceased, Mastan, frequent your house?

A. Yes.

3 Q. Did he frequent your house for friendship sake or were you related?

A. We were not related but friends.

4 Q. Do you know the cause of deceased Mastan's Murder, who committed it, state what you know?

A. When deceased Mastan came to my house he used to laugh and talk with my brother Mahomed Hussain's wife, my brother saw this and chastised her on one or two occasions, and about ten or twelve days ago took her to her mother's house,

he used to come to my house night and day he did not come to my house on Monday night being the one on which the Murder was committed. Therefore I think that he must have killed Mahomed on account of his intimacy with his wife.

5 Q. Your deposition will be read to you, is it correct?

A. It is correct.

Signature of Hassim Sahib

Witnesses

(signed) Cheliania Carnum

" " Vasudavia do

Ep? Krishnadow Moonshee

of the Talook.

Deposition given before the Nawab of Bunganpilly on the 23rd Moharram of Hizeri 1278 corresponding with the A.D. 1st August 1861 by Hassim Sahib Hajee father's name unknown aged about 30 years, of the Mahomedan Caste, a Doctor, and an inhabitant of Bunganpilly.

12 Q. Prisoner Mahomed Hussain states that he cut his finger with a knife when

(2)

scraping off the wheat flour that was sticking to the boiler of a still on the 30th July (Tuesday) and that you are aware of it what do you know about it?

A. All is true that Prisoner Mahomed Hussain near near the still on Tuesday last, scraped off the wheat flour that was stuck to the boiler with my knife, and not he neither did he tell me that he cut his finger nor did I see it. Therefore do not know any thing about it.

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

A. I have heard it and it is correct.

Mark of Hussain Khaja

Witnesses.

(signed) Cheliania Carnum

" " Vasudavia do do

Ep? Krishnadow Moonshee

of the Talook.

Deposition

Deposition given before the Honorable 10th Section
of Bangampilly on the 31st Moharram Reja Cole
of Hejeri 1278 corresponding with the 2d
1st August 1861 by Kája Cahile (father's
name unknown) age unknown of
the Mahomedan Caste, the Queen
and an inhabitant of Bangampilly.

Q. Upon have apprehended
and presented Thakuru son of Hussain
Kája on the plea that the murder
and subsequent mutilating and
immersion in the Jeruvagu on
the night of Monday the 29th July 1861
of Mastan son of the deceased Ibrahim Chayee was
committed in his house, on what
grounds did you do so?

A. Having learned on the morning
of Tuesday the 30th July 1861 from the
Toradar that the stump of a man
without legs, hands and head was
floating in the Jeruvagu, I went
with others and saw it and having
had the pond dragged found a bundle
containing the hands and legs and a
pot containing the head on instituting
an examination it was ascertained that the

deceased was Mastan son of the
Late Ibrahim Chayee, after the Madrazurnamah
had been got up, learned that the
deceased used to frequent Thakuru's
house, and about the distance of
4 Chains from the house drops of blood
were discovered, the track was follow-
ed up to the wicket of Thakuru's
house and on going inside found one
of the rooms Condemned, and some
others saw spots of blood on the
walls of the room and concluding
that the floor was Condemned with
a view to hiding the blood that was
spilled there, I caused Thakuru to be
apprehended and asked him of the
cause of the appearances of blood
when he said that Prisoner
Mahomed Hussain had killed
deceased Mastan in that room,
and cut off his hands and legs and
head and threw them all into
the Vágu, I therefore apprehended
and brought him before the
Cirkar.

You

2d Your deposition will be read to you see if it is correct?

A. Yes it is correct.

Signature of Raja vahila

Mr Mr Mr

Witnesses

Signed & Subscribed (India Canna

/ de / Vasudevin &c. &c.

Sworn by Krishna Row Moonshee

of the Talook.

Deposition given before the Cawal of Bangapilly on the 11th September 1861 or 5th Rabbee Awal Azizie 1278 by Suttaie sing a peon of the Talook Establishment.

11th Witness Suttaie sing

2. From what place you and others have brought the rocky stone which the Prisoner Mahomed Hussain appears to have thrown on the head of Deceased Mastan the Complainants Son and committed ow murder. State what really passed.

A. At the time of examining the Prisoner

11th Witness Suttaie sing Contd

Prisoner Fakurun before the Cutcherry, he was asked to shew the place where the stone was with which prisoner Mahomed Hussain had committed Prisoners murder. he replied that Mahomed Hussain had kept the same near (his) Fakuruns house and that he will shew it. according to Cirkar order, I and Mahomma Shaffee the 13 yrs. Sibbendy peon, took the Prisoner and went to his house at about 2d 3 Oclock in the daytime. Prisoner Fakurun having showed the bloody stone which was kept concealed in a heap of stones lying in front of the Cutcherry. We have brought the Prisoner with that rocky stone before the Cutcherry.

Q. Hear the deposition you have given?

A. I heard and it is correct as I deposed.

/signed/ by Suttaie sing

Witnesses thereof

Signature of Vasudevah Casubah Cannun

de of Ramasawmy Cannun of Iwala Sooram.

Comp[t] Krishna Row Talook Moonshee.

Deposition

Deposition given before the Nawab of Banganpilly on the 5th Rabbeelawal Fazie 1278 corresponding with 11th September 1861 by Ameenulla Baig a Mussalman of about 30 years of age and a peon of the Talook Establishment.

12th Witness Ameenulla Baig.

Q. You have brought the 1st Prisoner Mahomed Hussain the knife called Battaie and the Handkerchief stained with blood, where was the Prisoner apprehended and at what place were the knife and the handkerchief kept. State what really passed?

A. Immediately after the afternoon Sirja 5th hour Fakeem the 2nd Prisoner sahib the Ameen sent for me at about 12 Clock from the house of 2nd Fakeem and told me that Mahomed Hussain the 1st Prisoner is in the Fort and that I should apprehend and bring him. Before my reaching the Fort

12th Witness Ameenulla Baig Con'd.

1st Pris'r Fort, Mahomed Hussain the above-mentioned Prisoner was coming towards to me. Being alone I could not approach him, I held a conversation with him regarding some business and when I came near the gate of the Cutcherry, 1st Pris'r Hussain said, Sibbindy peon being there present, me the peons both joined, apprehended Mahomed Hussain the Prisoner and brought him before the Cutcherry together with the knife called Battaie which was in his waist and the Handkerchief stained with blood on his person. the knife called Battaie and the Handkerchief were then stained with blood.

Q. Hear the deposition you have given? 2
A. I heard and it is correct as I have deposed.

Mark of Ameenulla Baig

Witnesses thereof

1 Signature of Vasudeviah Casabe Cummum
1/2 do of Ramasawmy Cranumm of Iwalapooram

Comp'd Kistna Row Talook Moonshee.

Deposition

Deposition given before the Nawab of Bangampilly on the 5th Rabbeelawal Kizizi 1278 corresponding with the 12th 11th September 1861 by Mahomma Shaffee a Peon of the Salook Establishment.

13th Witness Mahomma Shaffee

Q. From what place have you and others brought the rocky stone which the Prisoner Mahomed Hussain appears to have thrown on the head of deceased Mastan the complainant's son and committed murder. State what really passed.?

A. At the time of examining Prisoner 2d Fakeen before the Cutcherry he was asked to shew the place where the stone was with which Prisoner 1st Mahomed Hussain had committed murder. he replied that Mahomed Hussain had kept the same near his 2d Prisoner Fakeen's house and that he will shew it. According to Corkar order, I and 11th Witness Hattia Sing the Sibbendy peon took the Prisoner and went

13th Witness Mahomma Shaffee Cont.

went to his house at about 3 Clock. Prisoner 1st Fakeen having shewed the bloody stone which was kept concealed in a heap of stones lying in front of the wicket. We have brought the Prisoner with that rocky stone before the Cutcherry.

Q. Hear the deposition you have given?

A. I heard and it is correct as I deposed.

Mark of Mahomma Shaffee Peon

Witnesses there of.

1 Signature of Vasudavia Cauba Curunn

1 do of Ramasawmy Curunn of Irvalapooram

Comp.d Kistna Row Salook Moonshee

11th Witness Hussain Saib

Deposition given before the Nawab of Bangampilly on the 5th Rabbeelawal Kizizi 1278 Corresponding with the 12th 11th September 1861 by Hussain Saib a Peon of the Salook Establishment.

Q. You have brought the 1st Prisoner Mahomed

Mahomed Hussain, the Knife called Battaie and the Handkerchief stained with blood. Where was the Prisoner apprehended and at what place were the Knife and the Handkerchief kept. State what really passed.? A. Ameenoolla Baig Sibbendy Peon came to the gate of the Cutcherry at about 12 o'Clock talking with Prisoner Mahomed Hussain and made to me a sign. I and 12° Ameenoolla Baig both joined together, apprehended Mahomed Hussain and brought him (Prisoner) before the Cutcherry together with the Knife called Battaie which was in his waist and the Handkerchief which was stained with blood on his person. The Knife called Battaie and the Handkerchief were then stained with blood. 2 Q. Hear the deposition you have given? A. I heard what was read and it is correct as I have deposed. Mark of Hussain Saib witnesses signature of Ramasawmy Cash. Cummum Comde Hastings Row Select Moonsiff

1st Mahomed Hussain Saib C.T.P.

1st Prisoner

Declaration given on the 22d Moharram of Fusly 1278 on the 31st July 1861 before Syed Gouse Sahib Bahadur Dufdar Manseruddoula Bahadur the Nawab of Banaganapally by 1st Prisoner Mahomed Hussain, son of Madar Saib a Mussulman aged 24 years, an inhabitant of Banaganapally and by occupation a Servant

1 Q. It is known from the Prosecutor's Complaint that you have on the night of Monday the 29th of July killed one Mastan aged 22 years the son of Peer Sahib, the Prosecutor an inhabitant of Banaganapally and from the depositions given by 2d Pris. and his mother Hussainma that you have perpetrated the Crime in the 2d Prisoners Shakurs house state the truth regarding the above Circumstances?

A. I did not at all kill deceased Mastan nor do I know any thing of it

2 Q. Did you on the night of Monday go to 2d Prisoners Shakurs house or not?

A. On the night of Monday until 8 o'Clock I was attending at the Fort gate, I took quarter anna piece from Nandivargam &

Cutta lady, 1st Witness Tirichati Venkatigadu in order to purchase tire and went to Pakuru's house - Hussain when he was lying on a Cot, as I wanted food. &c" I then called him gave him the Quarter anna piece and desired him to exchange it and get me 3 Pice - He said 2nd Witness Pakuru having delayed, I told Insufsahib who is residing in the house that Pakuru did not return tho" he has gone long time since to which he replied stating that "are you not aware of his negligence" - Shortly afterwards Pakuru having brought 3 Pice, I took 2 Pice from him and both of us went to Idurusahib's house for purchasing food &c for a Pice - Pakuru having at first asked for "food = &c" one Insufsahib said loudly that "time is a fit night time". I then said that, it was not late in the night, that I should go on my guard and that therefore "food &c" be given him, when, a woman received a Pie from Pakuru and gave him "food &c" - Afterwards, both of us came to Pakuru's house, smoke "Ganja" and the latter having said that he will come with me to see it, I agreed to it

when

1st Prisoner Muhomed Hussain Cont[d]

when he locked the door of his room, I extend a salute to the door of his hall, and then went with me - It was 10 Oclock when we came to the Choultry and we immediately went and slept in the gate - I do not know when Pakuru left the place in the morning

3 Q. A. 6 Shadigas in the night a noise having proceeded in the room of Pakuru 2nd Witness house, and Insufsahib, who was residing in the house having asked him about it, what answer did you and Pakuru 2nd Prisoner give him?

A. Insufsahib did not ask us nor we give any answer.

4 Q. Look at the Cloth, and knife "Bathaye" "Churi" now present before the Catchery, whose property are they and what is the cause of their being stained with blood?

A. These two belong to me - There are no stains of blood on the knife - Having scratched the wheat flour plastered to a pot "Batty" or boiler my hand was cut and I wiped blood to the Cloth.

5 Q. Did any one know about your finger having cut near the boiler "Batty"

A. Gudsub Hayi a Physician of the Circar saw

saw it.

6Q. Prosecutor Tuckubhoyi Takuru & his mother Kussacumma caused to be written that the Crime had been perpetrated by you what is the Cause of their thus treacherous against you?

A. No enmity existed between them and myself and I do not know how they stated thus.

7Q. Takuru stated that you and himself have purchased Camphire from Chidella Venkataramudu for two fice & from Mahomed Saheb Poodala for a fice by exchanging the quarter anna fice obtained from Cuttoobady man - what is this?

A. Takuru & myself purchased Poodala for a fice by exchanging the Quarter anna fice received from Cuttoobady man; but we brought no Camphire from Chidella Venkataramudu and I do not know if he has brought any.

8Q. Has Mastan in the habit of resorting to your house or not?

A. He always used to come to my house and myself to go to his house.

(36)

1st Witness Mahomed Hussain Cast Sk.

2Q. Listen to the declaration given by you & see if correct according to your statement & if you have heard it it is correct.

Mark of Mohomed Hussain

Witnesses
C. Chalamaya
D. Tasudaiaya
Ep. Krishna Rao Mooniku

2nd Prisoner

Prisoner Prosecution given before the Nawab of Banaganapally on the 2nd Mohurum of Fusly 1278 Corresponding with A.D. 30th July 1861 by Takuru son of Kussacumma, Fathers Name unknown aged about 24 years, of the Mohomed Caste, Sect Shaik, a labourer and an inhabitant of Banaganapally

1st Prisoner Takuru

12Q. You are desired to state the exact Circumstances connected with the murder and subsequent Mutilation and immersion in the Surruvagoo of Mastan aged 22 years son of Tuckubhoyi of Banaganapally on the night of the 29th July 1861.

A. Yesterday Monday Evening Mohomed Hussain son of Madar Khan came to my

house and desired me to go and tell Mastan
son of Tuckubhoyi that his Prisoner Mohomed Hussain
sister said she would come to my house
at Midnight and asked me to call you. he
told me also that
as Mastan has Criminal intercourse with
his Sisterinlaw - he has been much disgraced
that he has picked a quarrel at home
and was determined to kill him in some
way or other. accordingly went to call him when
I saw him sitting in the Verina handla sate
& told him what Mohomed Hussain desired
me to say, who immediately accompanied
me to my house, Mohomed Hussain was
hiding behind the Tatte screen in the
hall near the fire place where we cook our
meals - Mastan & I went into the room
had a lamp and laid ourselves down on
a date mat with our heads towards the west
about 2 or 4 Ghadiyas after this we being
asleep Mohomed Hussain got a stick and
standing at the door of the room poked me on
my head I awoke & came and stood outside
the door of the room Mohomed Hussain went
out of the place by means of the wicket and
brought a stone & threw it on Mastans temple
while he was sleeping on his side, which

Indian house

2nd Prisoner Statement Cont'd

2nd Prisoner Statement Cont'd

broke his head the sound of which I heard
& Mastan turned, the stone was thrown a second
& third time on him by Mohomed Hussain,
there was a rattling in the throat and right
legs were moving, on which Mohomed Hussain
sat on his chest and gagged him, which deceived
me of life when the third stone was thrown my
mother who came to the wicket called me by
name of 2nd Prisr but as I could not Command
speech I did not answer Mohomed Hussain
said that the entrance of the room is getting too
much besmeared with blood and asked me
to assist him in moving the Corpse a little further
in, I accordingly went in and held the end
of the mat towards the legs of deceased Mohd
Hussain held it towards the head and we
moved the whole more into the room towards the
South after this he took out the knife he had
with him and removed the right arm from
the shoulder and divided it into two pieces &
removed the right leg from the hip and divided
it into two pieces, removed the left arm from
the shoulder and divided it into two pieces
removed the left leg from the hip and divided
it into two pieces & Cut off the head at the
throat when he was Cutting off the hands & legs
he called me to hold them but being afraid

I refused on which he got angry & threatened to kill me & Sheld them during the operation he said that he cut his finger he put the body into the jaconet cloth that was on the person of the deceased & bound it down with a piece of his/deceased's/ Turband & tore off the short drawers of deceased & tied the other pieces on it and bound it down with the remaining portion of the Turband. he then put the head with the bloody mat into a large pot after this we took water from my house and having washed off the blood from our hands & legs he took up the bundle which contained the hands and legs & put out the light, as there was no oil he desired me to accompany him with the oil pot he threw the load into the Jurreevagoe near Pittah Pond Pagoda and washed his hands and legs afresh he then took me near Shaik Sahib's Mulgee or shop and desired me to sit there for some time and then come and call him to take his meal from the fort gate whether he will repair and sit himself I waited there and went to the gate which I entered thro' the wicket, and seeing him seated on the pial and speaking to the Kuttoo lady, I called him as desired and he came with me after getting a new Coss per piece from the

2nd Prisoner Statement Cont.d

2nd Prisoner Fracture Cont.d

2nd Prisoner Statement Cont.d

the Kuttoo lady saying it was for Curs 2 we went to Chedaila Venkataramudoo's bazar 5th Witness situated near Jennakundla gate whose wife having gone on the roof of her house to cover the aperture intended to let out smoke, I asked her to give some oil, when she took the new pice & gave me 3 pice worth of lamp oil in the pot and returned the other pie we returned to my house, wanting fire to light the lamp I went not examined to Soma rungu's house and asked him for some he said he had none but that he would light a rag and give it so I brought it and lighted the lamp and left it in the room he took the bundle that contained the body and desired me to take the large pot which contained the head & bloody mat we went with our loads to the Jerra Vagoe he put his down and cut the body through the cloth on the right side and cast the load into the water and sunk the pot I carried we then went to my house and washed our hands and feet, not examined we went to Bagaraman Edroosaib and asked him for one pie worth of Soodaks one Tagsooby × Tobacco pounded with Jaggery said angrily he comes at this hour and asks for Soodaks, say there is none and send him away 1st Prisoner Mohomed Hussain said it is not late and asked for it. when Edroosaib's wife gave the Soodaks &

through a chink in the door and took the pic
we went home took our meals & smoked the
Hookā, Mohomed Hussain said that they may be
blamed if they did not sleep at the gate, so we
went and slept there early in the morning about
5 o'clk. he told me to go home and Conduct the
place where the murder was committed lest
they should be blamed, so I went home and
did so.

2nd Prisoner Faheem Cont'd

2. Were any one else present besides
1st Prisoner
Mohomed Hussain and yourself when the mur-
der took place?

A. Yes

2nd Witness

2. Were Issufsaib and his sister who
occupy the next hall of your house at home or not
that night?

A. Yes, they were sleeping in their apartments
1st Prisoner
when Mohomed Hussain cast the stone on Mastan's
deceased
head Issufsaib heard the noise and calling me
2nd Witness
by name asked what noise that was in my part
of the house I said that a Cat was the cause of it.
1st Prisoner
Mohomed Hussain said we being owners of the
house we may do what we like and why do you
ask such question on which he kept quiet.

2. In what state was Mohomed Hussain?
1st Prisoner

A. He had taken off his jacket turband
and other Clothes and hung them on the lattice

2nd Prisoner Faheem Cont'd

* had a pancha tied round his loins and
hips and had his head exposed.

* Upper garment

2. I find your hands and feet now stained
with blood, what is the Cause?

A. The blood that was spilled when the
murder took place stuck to them when I
was Sweeping the room

2. Look at the knife before the Catchery
where is it from?

A. This is the knife that Mohomed
1st Prisoner
Hussain cut up the body with it is consequently
stained with blood.

2. Look at the red stone before the Cat-
cherry one Cubit long and 1 span high and 11
Puddia's and 2 seers in weight, where is it
from?

A. This is the stone that Mohomed Hussain
1st Prisoner
deceased
killed Mastan with and it is stained with blood.

2. Look at the bloody handkerchief before
the Court, whose is it?

A. It is Mohomed Hussains handker-
1st Prisoner
chief, he may have wiped his hands in it after
committing the murder.

2. When Mohomed Hussain told you that
1st Prisoner
deceased
he wanted to kill Mastan and asked you to
call him, how did you do so? why did you keep
quiet when prisoner was murdering him?

who

why did you not report the Circumstance to the Circar at once

A. Mohomed Hussain 2nd Prisoner having said "we not like younger and Elder brother, and "if I am disgraced will you also not be effected. "with it I will forfeit my life for yours" I called deceased on account of the friendship that existed between us and held my tongue when he was killing him and for the same reason did not inform the Circar - Now that I have been apprehended and examined I reveal every thing

Q. What is the Cause of 1st Prisoner cutting up Mastans deceased body after he had murdered him?

A. He said that if we Carried the Corpse we would be seen, that if it was cast into the water whole it would float and be the means of tracing the murder and that if it was cut up it would obviate all inconvenience and therefore did so -

Q. Your deposition will be read to you listen & see if it is your own

A. I have heard it, it is correct

1 Mark of Takum

Witnesses
Chelmia Cubah Cumum
Vasoodavia D. D:

(Signed) Rustum Rao Moonishee of the Talug

Enquest paper executed on the 9th Rahoodia or dark fortnight of the month Ashadah of the year Doormathee Corresponding with A.D. 30th July 1861. by the undersigned is as follows

The Tehsildar Sreekurpow and Ameen Rajah Cair having in our presence at 8 A.M. this day Caused to be taken out of the Serrowaro situated to the South of Vittal Pooi, Cassade in Pungaraiz pettah of Cudbah Banaganahally, the stump head and legs of a Man we found them in the following situations

In a bundle tied in cloth and found in the water near the dam in the Serrowaro was a stump with the legs Cut off to the hips, the head cut off at the throat, black small hair on the chest, the arms cut off to the shoulders, and about six fingers distance from the right breast was a wound 6 inches long and 2 inches wide inflicted with a knife -

about 8 yards under

In a bundle tied with jaconet cloth and found in the water about 8 Chains to the west of the above spot - were 2 hands Cut into 4 pieces & 2 legs cut into 4 pieces -

A shot found at about 2 yards
from and to the west the above shot on
head with its skull broken at the forehead
with a stone and the brain protruding and
a mat besmeared with blood - the head
had hair about 4 finger long on it. *about 2½ inches

On inspecting the body we found
it to be that of Mastan son of Proscentor
Pucherayi aged about 22 years and an
inhabitant of Panagana[illegible] and we come
to the conclusion that he must have been killed
by some one who owed him a grudge by
breaking his head with a stone as the
moth was far advanced. On Monday the 8th
Pokhollia or dark fortnight and cut off
the hands legs & head and cast them into the
Perrotiagoo as stated above

Signatures of
Chelmiah Cubah Tarnama
Maistry of Eragala Mahanundy
Maistry of Chidumbaram
Do M. Soobareddy
Do Siddu Venkatreddy
Inhabitants Mahanundy Chroff.
Moolla Venkata Row
Bungalla Condaspah
Mark of Sagoya

Venkatarow Cattai
Thapa Sail, Samen
Sreenivasa Row Tahsildar
Krishna Row Talug Moonshee
Soma Pungushpah
Mark of Moola Colevetty
Mark of Sankaraya Perry son of Venkanna
Conta Pucherlo
Mark of Coromandal Pucherayi
Do Pungalia Venkata
Subana Venkata Row
Mark of Casem Sail Duffadar
Pattasing Tunadar
Mark of Pavanoor Saib Tupsair
Do of Chinnamma Son
Do Chinnoolmadugu Sail shanmal
Do Cavalicar Sathunnah
Do Tunada Nekalasing
Do Do Tunmunnah
Do Shirif Sail Son
Do Tunadar Boodum Saib

Compared Tristan Row Moonsh. Talook

Future given by Cazy Mohomed Abbas.

No 1 of 1861 Corresponding with Fujiry
No 1278.

The Prosecutor Luckhoyee states that, in consequence of an illicit Connexion existed between his son Masian aged 22 years and the sister-in-law of Mohd Hussain the son of Madar Saib, the latter entertained hatred against the former and on the 21st of Mohurram had out of malice killed him, Cut his Head & legs and threw them off in the water of the River.

The 1st Prisoner denies having killed the deceased and declares he knows nothing of the Circumstance; but that he, at 8 O'Clock on the night of Tuesday borrowed of Venkata a Quarter anna piece for purchasing Fire, went to Fakurs house, and sent him to purchase goods &; that he 1st Prisoner informed Issufakib of the delay occurred in Fakurs returning; that the latter, returned in Company with the above individual, that he, (Prisoner) smoke "Ganjah" in his house;

that 2d Pris. Takurn then went with him (Prisoner) to sleep in the gate of the Fort; that he, 2d Prisoner Takurn, locked his room & fastened a tatt to his house when leaving it & that he, Prisoner, does not know when 2d Pris. Takurn left in the morning; 2d Wit. Issufsahib having asked about the noise & that 2d Pris. Takurn having brought lamp oil from 5th Wit. Kenkata ramudu's shop for a fire - He further declared that no enimity existed between, 1st Wit. Tucku, 2d Pris. Takurn 1st Wit. Hussain Mia & himself; but that the deceased always to resort to his house; that Kitchen and knife belong to himself; that the knife is not stained with blood, that owing to his finger being cut when he was scratching off the wheat flour put to the boiler, the cloth is stained with blood; and that 2d Wit. Hussain Khayee a Physician of the Circar saw his finger cut.

The 2d Prisoner Takurn declares that on the evening of Tuesday 1st Prisoner Mohomed Hussain came to his house, told him that it is spread out that "familiarity existed between his sister in-law "and Mohomed Hussain; that he 1st Prisoner "and he the 2d were in the light of brothers "that Consequently 1st Pris. his disgrace was his 2nd "he was guarantee to my life; that he 2d "Prisoner should bring Mastan deceased "to his house under pretence that his 1st Priso- "ner's sister in law came there; that he having "that day quarrelled in his house he will am "now kill him deceased; the he, 2d Prisoner, as desired by him, 1st Prisoner brought deceased Mastan to his house whilst he was at the gate of Yanamdla, by informing him as above described; that when, Mohomed 1st Pris. Hussain was in the Cook room behind the tatt, that deceased Mastan and himself 2d Prisoner lighted lamp & in the room and slept there on a mat by placing their heads towards the west; that 3 or 4 Ghadiyas afterwards Mohomed 1st Pris. Hussain had beckoned him by clouds beating on his head with a stick in his 1st Prisoner's hand; that he 2d Pris. then got up and came to the gate of the room; that when Mohomed 1st Pris. Hussain took off his clothes; tied up a long cloth, took a red stone now present at the Cutcherry, stained with blood and weighing 11 Ghadiyams and Two Seers and a Cubit long and a Spanin length

and threw it on the temple of the deceased who was sleeping by aside, that the deceased's head broke thereby and stood up a little, that he again likewise threw the said stone upon his head twice that his 2d. Prisoner's mother called him, from the back gate, when 1st. Prisoner threw the stones the third time, that he did not answer her call, that the deceased moved about his legs and was groaning; that 2d wife aforesaid and his sister were sleeping in the other verandah; that the former asked him about the noise and he, 2d Prisoner, replied him stating "that" Cat made the "noise; to which and Mohomed 1st Prs Hussain told "that" he was owner of the house and there was no cause for the above question; that he then kept quiet; that the 1st Prisoner Mohomed Hussain sat upon the deceased's chest and stuffed a Cloth into his mouth; when he died; that Mohomed 1st Prs Hussain having said that the Corpse should be removed into the room because much blood will fall on the grounds if it left there, he lifted up the mat on which the Corpse was laid by holding towards the Corpse heads

(5)

head and myself towards its legs and carried it into the north direction of the room, that afterwards, Mohomed 1st Prs Hussain had with the knife present, stained with blood, cut the legs off from thighs and arms from their shoulders; that at time he 1st Prisoner called him the 2d; to hold the limbs of the deceased; but he being then struck with fear, told him cannot hold the limbs, to which he, 1st Prisoner having in a moment of great fury told him that he would kill him, 2d, if he did not assist him, the latter went and seized the deceased's limbs; that at that time Mohomed 1st Prs Hussain told him that the hand was cut; that the head of the deceased was removed from its neck; that the Cloth "Sayannathy" and turbands of the deceased were torn into two pieces each; that the body of the deceased was placed in a piece of Sayannathy Cloth and tied it with a piece of Turbands; and 8 pieces of limbs were placed in another Sayannathy piece and tied up with the other piece of Turbands; that his heads and the mat-

stained with blood, were kept in a pot and both the 1st & 2d. Prisoners washed their hands & legs; that Mohomed Hussain 1st Prisr lifted up the bundle containing limbs and told him 2d. to follow him with the pot; that the latter did so; that the 1st Prisoner conveyed the bundle and threw it in the water of the river near the Pagoda of Tittal Pai"; that he, 1st Prisoner, again washed his hands and legs there, and brought with him 2d Prisoner untied the top of the chatty and then told him the 2d that he should shortly afterwards call him the 1st for taking his meals as he will go and sit at the Fort gate; that, he 2d Prisoner, accordingly did so; that 1st Prisr Mohd. Hussain borrowed of Cullooadey Pedon a Spanish Anna piece and he & 1st Prisoner to Tencatarama reddis shop; purchased Camphor for two pice and received a pice back and returned home; that he went to Somal Paing's house for fire; lighted a piece of cloth and lit a lamp in his house; that afterwards 1st Prisr Mohd. Hussain carried the other bundle containing

the body of the Corpse and myself the pot containing heads and mat, and went towards the river; that 1st Prisr Mohomed Hussain there again cut the body in its side and threw it off in the river and he also threw off the pot that they, 1st & 2d Prisoners cut the remains into pieces because any one would see it when being carried & it will not sink under the water; that afterwards they 1st & 2d Prisoners washed their hands & legs came to the shop of Adurs Saib, purchased not examined sundaks of him for a pice & returned to his 2d Prisoner's house took their meals & smoked Tukka; that 1st Prisr Mohomed Hussain having mentioned that the Circar will punish him if he sleep there and he, 2d Prisr also should follow him to sleep in the Fort gate; the 2d Prisoner followed him the 1st & slept there; that early in the morning 1st Prisr Mohomed Hussain awoke him the 2d & told him that he should alone go to his house and, clean the ground &c. because the Circar will punish him if the Circumstance come to light; that he accordingly returned to his house,

plastered the ground with mud & Cow dung that his hands & legs are stained with blood when he plastered the ground whe the Crime was perpetrated; that no one besides the 1st & 2d Prisoners was present in the house at the time of the perpetration of the Crime, that the Kirchief of the 1st Prisoner now present might have probably been wiped off the bloodiness when the Crime was perpetrated that he called & brought the deceased and desired encouraged by the 1st Prisoner, but did not inform the Circar about the crime and he, on being questioned regarding the Crime he caused the whole Circumstance to be written.

The 1st Witness Fayzunnissa deposes that on the Evening of Monday she went to Khatib Kasims house in order to sleep there that when she sat to obey the calls of nature in the backyard she heard from behind the wall the voice of Kasim Fakeer & deceased Mastan; when Fakeer called deceased Mastan to come to his house to which the latter

said

said he will come accordingly; that the 1st Witness, on hearing above, waited there for 3 or 4 Ghadiyas Considering as to the cause of Kasim taking to his house the deceased, Mastan in the night; that 2d Prisoner Fakeer having mentioned to her that deceased Mastan had an illicit intercourse with Mohomed 1st Prisoner Hussain wife & his Sister in law & that Mohomed Hussain was about to kill the deceased, she questioned Mohomed 1st Prisoner Hussain on the subject to which, he said he will not commit such an act; that Mohomed 1st Prisoner Hussain had previous to the Moharram, brought his wife & placed her in the 1st Witness's house for 9 days that during the interval deceased Mastan used to repair to her house & laugh at and speak to his wife; that she, 1st Witness, prevented deceased Mastan to Come to her house & told Mohomed 1st Prisoner Hussain wife not to speak to him during the absence of her husband, that the first Witness then recollecting the whole of the Circumstances on Considering that her daughter-in-law & herself were from the house; that her son who is an effiminate boy was taking

deceased Mastan to her house and that 1st Prisr Mohomed Hussain might have caused her son to call the deceased to his house in order to kill him and went forthwith to her house, when she saw from the back gate, former the deceased lying at the gate of the room situated at 5 yards off; and a lamp also was there at that time; that when 1st Prisr Mohomed Hussain having lifted up a stone & thrown it on the deceaseds head, he groaned thereby; that afterwards 1st Prisr Mohomed Hussain sat upon the deceaseds chest and cut off his head; that she called her son, but she does not know if he had heard her or not but he did not reply to her call; that she being afraid returned to the house of Khatib 8th Accd Hasem Saib and slept there that night; that on the following morning she repaired again to her house, and saw her son plastering the ground where the deceased had slept, with cowdung and mud and marks of blood were visible on the walls; that she, 1st Witness, then told her son that the Crime was perpetrated in her house, and that they will have

to suffer death in case the Circar were to understands about the crime; that shortly afterwards Raja Saib Aumeen, 10th Accd Duffadar & others came there inspected the place & took 2d Prisr Fakuru herself; that she, being a female, and afraid, did not inform the Circar of it and that she now deposed all the circumstances witnessed by her personally.

The 2d Witness Insuf Saib deposed that at 2 or 3 Ghadiyas in the night of Tuesday 1st Prisr Mohomed Hussain came to his dwelling house, & told him that he sent 2d Prisr Fakuru desiring him to fetch Sodatie for him, & that he did not return although it was too late, to which, the 2d Witness replied stating that "Do not you know his laziness" that in the meantime 2d Prisr Fakuru returned; when 1st Prisr Mohomed Hussain & 2d Prisr Fakuru both got into the house of Hussainma, 1st Witness and fastened a Salli to the gate thereof; that he did not see Deceased Mastan come there - there being also another back gate to the house, that he then went and slept in his house, that two or 3 Ghadiyas afterwards, he heard

a noise; awoke, and asked 2d Pris. Takuru about the noise proceeded from his house and he said that it was of a Cat; that when, 1st Prisoner Mohomed Hussain being annoyed, told that he was master of his house and desired him - /2d Witness/ to keep quiet that he then again slept in his house; that when he came out of his house in the morning he heard that some one was murdered by Cutting off his head, arms, & legs which were thrown in the water of the river; that about that time, he saw 2d Pris. Takuru plastering the ground in his room and suspected him of the Crime; that 4 or 5 Chadias after wards Ameen 10th wit. Thaja Saib and others came there inspected my house and the house of 2d Pris. Takuru, and asking 1st wit. Hussainma about the marks of blood in the walls & the plastering the grounds in the room; who told that 1st Pris. Mohomed Hussain killed deceased Mustan, Cut his arms and legs thrown thereof in the water of the river; & that they seized these two persons & took them to the Cutchery.

The 3d Witness Madanbi, the sister of the 2d corroborates the evidence of the 2d and declares that the 1st Prisoner spoke to her brother; that the latter asked to know about the noise to which the 1st & 2d Prisoners replied & that his brother then kept quiet.

The 4th Witness Pakdurkully deposed that at 7 Oclock in the night of Tuesday 1st & 2d Pris. Mohomed Hussain went to house, returned at 11 in the night accompanied by 2d Pris. Takuru, & spread a Cambly at the gate & slept there; that at 5 Oclock in the morning he opened the back gate door went to Devoy for the keys of the Fort gate. that by the time of his return; they both left the place that 2d Pris. Takuru was not in the habit of sleeping with 1st Pris. Mohomed Hussain in the gate. and that he does not know when 2d Pris. Takuru called 1st Pris. Mohomed Hussain the night in question.

The 5th Witness Venkataramuda a banian deposed that 9 or 10 Oclock in the night of Tuesday both 1st Pris. Mohomed Hussain & 2d Pris. Takuru came to his house & wanted lamp oil for 2 pice & that his wife received a Scarlin anna piece gave to 2d Pris. Takuru lamp

oil for 2 pice & returned him a pice; when they both left the place.

The 6th Witness Tenkata a Cuttoobady person deposed that abt 4 in the night of Tuesday Mohomed Hussain 1st Prisr came into the Fort and sat upon a trial in the gate thereof; that he borrowed of him a quarter anna for butter-milk; that no one accompanied him at that time; that as he was sleeping he does not know when and who came with him when he returned to sleep in the gate; and that this Circumstance might be ascertained from Balduriully 4th Witness.

The 7th Witness Soma Tenga a banion deposed that at a gham in the night of Tuesday Fakuru 2d Prisr came lonely to his house and wanted some fire and that when he lighted a rag to the lamp and took it.

The 8th Witness Mohomed Cassim deposed that his brother Mohomed Hussain the 1st Prisoner, and himself are on terms that Mastan deceased owing to intimacy itself use to resort to his house; but he is not related to him; that whenever he came to the house, he used to laugh at exceedingly & speak

to to the wife of Mohomed Hussain his 1st Prisr 8th witness brother; that Consequently 1st Prisr Mohomed Hussain angried on his wife on one or two occasions on 10 or 12 days previously took his wife & kept her in her mother's house; but the 1st Prisr Mohomed Hussain was in the habit of Coming to his house both day & night; but that he did not as usual, Come to the house, the night on which the crime was perpetrated & that therefore, 1st Prisr Mohomed Hussain would have out of enmity that the deceased might have contracted friendship with his wife, killed him.

The 9th Witness Nasson a Medical man deposed that on Tuesday it is true that 1st Prisr Mohomed Hussain was near a boiler 'butty'; that he took off the wheat flour from the pot or boiler and not the 1st Prisoner nor did he mention to him about his finger having cut nor he saw it.

Q. To what penalty would the Prisoner be liable under the Mohomedan law?

The 2d Prisoner (Fakuru) admits that he, as desired by the 1st Prisoner, called the deceased in order to put him to death;

that he joined the 1st Prisoner, in cutting the arms, legs & head of the Corpse removing & throwing them off in the water. & that blood was visible in his house — Therefore he had abetted in the Commission of the Crime & Consequently he is liable to Tazir for discretionary punishment under the Mohomedan Law according to the doctrines laid down Futwai-Kazi-khan &c.

From some of the 1st Prisoners words & from the 2d Prisoner Tukuru's Confession it is established that the 1st Prisr committed the crime at 7 o'clock in the night.

The evidence of the 1st Witness shews that the 1st Witness saw the 1st Prisoner kill the deceased in the 2d Prisoners house at the time above specified: & that of the 4th & 6th Witnesses establish that the 1st Prisoner was not present at the Fort gate at 7 o'clock in the night — By the admission of the Prisoners & by the 4th Witness's evidence it is proved that both the Prisoners came & slept in the Fort gate at 11 o'clock the same night —

The Evidence of the 2d & 3d Witnessies shew that the 1st Prisoner came at 7 o'clock in the night to the house of the 2d Prisoner; and that the witnesses heard his voice that night by his speaking from in the house; The 5th Witness speaks that the Prisoners both were united that night — From the 2d Prisoners declaration it is known that the knife & the kirchief of the 1st Prisoner were stained with blood; that the 1st Prisoners finger cut also when the Corpse was cut off — From the evidence of the 9th Witness called for by the 1st Prisoner it is not proved that his finger cut with the boiler on Tuesday —

The 8th Witness a relation of the 1st Prisr spoke that he suspected the 1st Prisoner of the act — From the above reasons it is to be presumed that the deceased met with his death by the 1st Prisoner; but by his denial of the crime laid to his charge & the absence of Evidence i.e. two male witnesses for the penalty "Kissaas" or equal retaliation, according to the doctrines laid down in Mukhtasis Sikaya "Canzutha kayaka"; there is not sufficient evidence. Therefore it rests at

the

the discretion of the authority.

/Signed/ Mohomed Abbass Cazey.
9th Safar 1278 Hijry.

(True Translation)

/Signed/
Mayor's Office
25th September
1861

James Innes Ouchterlony
Acting Magistrate

Not included

Add 16.2.
No 1602

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read letter from the Magistrate of Tinnevelly ——— Dated 25th Sept. '51 No. 22.

Order ——— dated 15th Oct. 1851 No. 1271

Act XXV – '48 authorised the restoration of the Sagheer of Bungapilly, "to be holden by the Sagheerdar, "subject to the same "conditions & reservations as heretofore."

Preamble

2. In the Summud issued by this Govt, it was stipulated as that

Loc: Mins: Cons: 4th July '48 No. 714.

that, in the administration of Criminal Justice with in the Sagheer, the Sagheerdar should abstain from the punishment of mutilating criminals, and should not sentence capitally, or execute persons capitally convicted, without the sanction of Govt. previously obtained. All cases appearing to him to call for such punishment should be referred for the consideration

consideration and orders of the Governor in Council.

3. In Dsc: Mins: Cons; 31st May '57 No. 268, it was directed that the preference should be made thro' the channel of the Agent of Kurnool — & this officer was instructed to call for further evidence, if in his judgment it were necessary, & when the proceedings were completed,

to

to submit the record of the trials with such remarks as he should see occasion to offer. The Magistrate has acted under these orders in bringing before Court the 1st trial preferred to this letter, held at Bungamilly.

4. According to his own admissions, the 2nd prisoner, Fakuru, had inveigled the deceased Mastan into his house. Mastan was an eye witness of the murder, & aided in dismembering the corpses, & effecting the removal of the trunks, heads, and limbs to a stream of water, & the evidence in the case established the guilt of the 1st Prisoner, Mahomed Hussain, as the actual perpetrator of the deed. The Statute declares the 2nd prisoner liable as an abettor to Murder, but demurs to the infliction

infliction of the penalty of Diss-aas on the 5th prisoner, on the ground of his denial of the charge & the absence of two male witnesses.

5. The Magistrate recommends that the first prisoner be condemned to death, & the second prisoner to imprisonment for life with hard labor in the Jail at Bungaapilly.

The

The Governor in Council directs that the sentences advised be carried out.

Jnd

The Magistrate of Kurnool. 19/6

186 . *Department.*

No. 1271.

PROCEEDINGS *of* GOVERNMENT.

Fe. 1858.

Dated 18 October 1871.

Direct that the Sentence advised by the Magistrate of Kurnool on a trial for Murder held in the Court of the Nawab of Banganpally that the 1st Prisoner be Sentenced to Suffer death and the 2d Prisoner to be imprisoned for life in the Banganpally Jail be Carried out.

4360] Madras—Printed at the Government Press.

70-71.

Ind. 1851 Prov. Dep. No.
Department

From
The Sr Magistrate
of Ramos
The Chief Secretary
to Government
For Saint George
Dated 26th September
Received 5th Octr 1851

No. 1602 No. 22

Transmitting
Submitting translations
of the Record of a trial
for Murder held in the
Court of the Alcalde of Ramgan-
-pally and recommending
that the 1st Prisoner be sentenced
to suffer death
and the 2d Prisoner
to be imprisoned for
life in the Ramgan Gaol

Sir

I have the honor to acknowledge the receipt of your letter of the 26th ultimo with its enclosures

I have &c

Chief Secretary

Ind. 1851 Prov. Dep. No. 37–38
Ind. 4th July 1848 No. 37–38
Ind. 4th May 1767 – 4 Pages
Criminal 1 Sept 1851 – 2 Pages
2 Enclosures – 4 Pages
2d Enclosure – 4 Pages.

C. P. Ass
5/11
2/15