

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 146	Press Mis.
4-5	
Dated 1-2-1918	1868

3/3

Not to be folded or roughly handled

15/1/20

*Proceedings of the Madras Government, Judicial Department,
1st February 1866.*

No. 4. Read the following :—

To THE HONORABLE THE GOVERNOR IN COUNCIL,

Fort Saint George.

The humble Petition of RUNGASAWMY
NAICKEN, a Prisoner in Calendar Case
No. 129 of 1865, on the file of the Session
Court of Coimbatore,

HUMBLY SHEWETH,

That your petitioner, with five other persons, was charged with the murder of one N. Soobaroya Chetty, and has been convicted and sentenced to death for that offence, mainly on the evidence of two approvers, whose testimony, your petitioner submits, is incredible and utterly unworthy of belief, not only because it is uncorroborated, but because, on the face of it, it bears the stamp of a concoction. The story as detailed by these two approvers is, your petitioner submits, far too exact to be true, and must lead one to the conclusion that they had, for an object, implicated and drawn your petitioner into the case. Four other of the prisoners are spoken to by these approvers as being present at, and aiding them in, the commission of the murder, but they have been acquitted of the offence, and discharged, on the ground that there was more corroborative evidence against your petitioner than against those four prisoners; the fact being that there are no circumstances of corroboration against your petitioner, which are not perfectly consistent with his innocence as with his guilt—the chief evidence against him being that he wrote a letter, shortly after suspicion had fallen upon him, to Sawmy Avergul, wherein he stated:—“On Friday the 29th of Audy (11th August), when you came to Somawariputti to measure salt, I went with you on Saturday, Sunday, and on Monday evening we proceeded to Oodumalpettah—is it not? You are aware that on Tuesday morning I went to Mungalum, took my meals there, and returned to my village in the evening. Now to blame me, they have told to the Circar tales against me, and instigated the Inspector, Cooppanyengar. It is also talked of that I should be subjected to this investigation; I have therefore made known this to you. Sometimes it might happen to cite witnesses. I wish that you and our Peons, Coopa Naicken, Vullagoonda Naicken, Cosa Vencatachellum, you all should depose to the real facts. This you should know;”—and that he had pleaded an *alibi* before the Magistrate, to support which he had called before the Magistrate three witnesses to prove that, on the day on which the murder was alleged to have occurred, he was at Goodimangalum; and these witnesses on being examined before the Magistrate denied all knowledge of the point they were called to prove.

2. The High Court was very much influenced in their confirmation of the sentence by the fact that your petitioner had written the before mentioned letter, and had before the Magistrate pleaded this *alibi*, and had not called any of these witnesses before the Session Court.

3. Your petitioner submits that it is most unusual to convict in criminal cases, and particularly so for capital offences, because the defence is untrue, and he respectfully would ask, if his statement was untrue, whether he would ever have cited those witnesses. Your petitioner, therefore, most humbly prays that your Excellency in Council will be graciously pleased to send for the record of this trial, and, after perusal thereof, direct that your petitioner be pardoned for the offence of which he

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has been so found guilty and condemned to death. And your petitioner will ever pray.

(Signed) J. MILLER.
Barrister at Law, and Counsel for Petitioner.

No. 5. ORDER THEREON, 1st February 1866, No. 146.
The Governor in Council declines to comply with this application.
(True Extract).

A. J. ARBUTHNOT,
Chief Secretary.

To J. Miller, Esq., Barrister at Law and Counsel for Petitioner,
with two Enclosures returned.

Exd. J. H. Burns.

*Received 18th Feb 1866
J. Miller
Kangasammy Narikes
a. J. Arbutnot
Case No 129 of 1865 in the
file of the case sent off
Combatore*

Recd 1 Feb 1866

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*My brother contains
fact and request that
that the sentence passed
against him may be
reversed.*

with an order

Order thereon 1st February 1866 No 146

*Mr J. Miller to comply
with this application.*

2-7-66

*J. Miller Esq
Barrister at Law, and Counsel for Petitioner
Two Encs. ret'd*

[Signature]