

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1433	Press
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Dated	6-9-	18.67

5455

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*Proceedings of the Madras Government, Judicial Department,
6th September 1867.*

Read the following papers :—

No. 54. From the Magistrate of Kurnool, to the Acting Chief Secretary to Government, Fort Saint George; dated Kurnool, 1st July 1867, No. 46.

I have the honor to submit, in accordance with Extract of Minutes of Consultation, dated 8th August 1856, Revenue Department, No. 480, herewith, a copy of the Register of Preliminary Inquiries held by Deputy Magistrate Sudarshana Row, in which Vooravakonda Venkoba Row, Police Inspector of Nundial, is alleged to have tortured several persons, to force them to confess to having committed a dacoity.

2. The case will come on for trial during the present Session. When it is decided, I will do myself the honor of reporting the result.

REGISTER of Preliminary Inquiries held before A. Sudarshana Row, Deputy Magistrate of Nundial.

REGISTER of Preliminary Inquiries held before A. Sudarshana Row, Deputy Magistrate of Nundial.												
1	2	3	4	5	6	7	8	9	10	11	12	13
Number of the case.	Name of the accused.	Substance of the complaint.	Name of complainant.	Names of witnesses for the prosecution.	Names of witnesses for the defence.	Summary of the facts proved or confessed.	Result of the inquiry.	Date of complaint.	Date of apprehension or appearance.	Date of closing inquiry.		
4	(1). Voovarankonda Venkoba Row.	1st.—That he, on the 7th day of May 1867, at Panyem in Nundial Taluk, caused hurt to Rungiah (2nd witness), by doing an act, that is to say, by pushing and tying him and wounding him, with the intention of causing such hurt, and for the purpose of extorting a confession from him, or information which might lead to the detection of an offence, and has thereby committed an offence punishable under Section 330 of the Indian Penal Code, and within the cognizance of the Court of Sessions of Nundial.	1. Captain Reid. 2. Oupporra Rungiah. 3. Talary Chennu. 4. Talary Venkate Gaudoo. 5. Talary Naugaboo. 6. Padula Nayakulu. 7. Chendensing. 8. Saib Khan. 9. Dada Saib. 10. Dhoramgee. 11. Laul Khan. 12. Gulam Hoossain. 13. Mahdeen Saib. 14. Talary Venkate Gaudoo. 15. Yelloo Gaudoo. 16. Gorantla Gaudoo. 17. Police Constable Janaul Saib. 18. Goolam Hoossain.	1. Venkata Reddy. 2. Peojari Narsiah. 3. Venkojee. 4. Gorantla Gaudoo. 5. Yelloo Gaudoo. 6. Heel Constable. 7. Bawa Singh. 8. Boolla Nalick. 9. Daulai Saib. 10. Talary Venkata.	I. The Police Superintendent, Panyem. 2. Captain Reid, who took the case before him. 3. The 2nd witness, Rungiah, who was taken into the Police Station-house at Panyem, and beaten there by the prisoner, and by Venkojee, servant of the prisoner, in the presence of the prosecution, and by the Village Magistrate, Talary, and several Police Constables, and that, as the prisoner kicked him at his back, at the same time he fell down on the stones that	The prisoner Venkoba Row is committed to the Court of Sessions at Nundial, under the Code of Criminal Procedure, with the charge, and with the evidence is this:— I. With regard to the 1st count the evidence is this:— II. The 2nd witness Rungiah states that he was taken one night to the Police Station-house at Panyem, and beaten there by the prisoner, and by Venkojee, servant of the prisoner, in the presence of the prosecution, and by the Village Magistrate, Talary, and several Police Constables, and that, as the prisoner kicked him at his back, at the same time he fell down on the stones that	27th May 1867. 27th May 1867. 31st May 1867.					

were on the ground and his forehead hurtled thereby. He further states that the wound thus caused was bleeding.

V. The 3rd witness supports the statements of the 2nd witness generally, and states that the prisoner kicked at the 2nd witness; but he cannot say whether it took effect or not; and that he saw at the same time a fresh wound which was bleeding on the forehead of the 2nd witness.

VI. The 4th witness states that the 2nd witness was taken into the Police Station-house at Panyem during the night, while the prisoner, Village Magistrate, and others were there, and that he heard, or in Telugu "శ్రీకృష్ణ" "Oh Ammah!" "Alas!" "Mother!"

VII. The 5th and 6th witnesses knew nothing about this count. Their evidence relates to the 2nd count.

VIII. The 7th witness, who is Deputy Constable, states that the 2nd witness was taken one night into the Police Station at Panyem and beaten there, in the presence of the prisoner by the 8th and 9th witnesses for the prosecution, and by Venkojee, servant of the prisoner; that he heard then the prisoner asking the 2nd witness to tell what he knew while he was being beaten; that he saw then a fresh wound on the forehead of the 2nd witness, and that the said Venkojee told him that the prisoner kicked the 2nd witness so as to fall down, and that thereby the forehead of the 2nd witness was injured.

IX. The 8th witness states that he came out of the Station-house as soon as Rungiah (2nd witness) was brought there before the prisoner; that he heard, while standing outside of the Station-house, the 2nd witness lawling out in a sad tone that he knew nothing, or in Telugu "శ్రీకృష్ణ" "Oh Ammah!" "Alas!" "Mother!" and that he observed a fresh wound on the forehead of the 2nd witness some time after this, and that he was informed by the 7th witness that the wound was caused by the 2nd witness falling on the ground.

X. The statement of the 9th witness is almost similar to that of the 8th witness.

XI. The 3rd witness states that he heard, one night, sitting outside of the Station-house, the sound of blows inside of it, and some one saying "I know nothing," and the Police Inspector threatening him "tell, tell."

XII. The 11th witness states that the 2nd witness was taken into the Police Station-house in the night by the 8th and 9th witnesses, and by the servant of the prisoner, by showing him when the Police Inspector (prisoner) was present there.

XIII. The 12th witness states that he saw actually the 2nd witness being beaten by the prisoner, by the 8th and 9th witnesses, and by Venkojee (servant of the prisoner) in the Station-house, and that he observed, some time after this, a fresh wound on the forehead of the prisoner, which was bleeding.

XIV. The 13th witness states that the 2nd witness was taken into the Station-house, by pushing and shoving by the neck, by the 8th and 9th witnesses, and by Venkojee, servant of the prisoner, and beaten there; that the Police Inspector (prisoner), who was present, kicked the 2nd witness, to make certain disclosures in the ducey case committed recently; and that the 2nd witness had a fresh wound on his forehead in the night.

XV. The 14th, 15th, and 16th witnesses knew nothing about the 1st count.

XVI. The 17th witness states that he saw when the 2nd witness was struck by the 9th witness and others, in the presence of the prisoner.

XVII. Prisoner pleads not guilty.

XVIII. The evidence of the 2nd, 3rd, 7th, 12th, 13th, and 17th witnesses clearly shows that the prisoner had tortured the 2nd witness by beating, and pushing and kicking him, for the purpose of extorting confession in the ducey case recently committed between Panyem and Tammaraipally. The 1st witness is not an eye-witness, and the 2nd witness is a sufferer. The 3rd, 7th, 12th, 13th, and 17th witnesses are eye-witnesses: they saw the 2nd witness being tortured by, and in the presence of, the prisoner. The evidence of the 4th, 8th, 9th, 10th, and 11th witnesses also goes to establish the guilt of the prisoner. The 4th witness states that he heard, while standing out of the Station-house, the 2nd witness lawling out "Alas!" "Mother!" "Oh Ammah!" "Alas!" "Mother!" The 8th and 9th witnesses support the evidence of the 4th witness. This shows that the 2nd witness was suffering something. It is clear that the 2nd witness was not on sick bed in the Station-house. He lawled out only in consequence of torture. The evidence of the 10th and 11th witnesses also is of some importance. The 10th witness states that he heard the sound of blows inside of the Station-house, and some one telling "I know nothing," and the prisoner threatening some one "tell, tell." The 11th witness states that the 2nd witness was taken into the Station by shoving, &c. On the whole, the evidence of the witnesses of the 1st count, viz, 1st, 2nd, 3rd, 4th, 7th, 8th, 9th, 10th, 11th, 12th, 13th, and 17th, is in support of each other. There are some slight discrepancies in the evidence of the witnesses. I attribute them to the confusion that must naturally take place while a man is being tortured. Some, it is true, view tortures in the light of "tamasha" or fun. On the other hand, it creates great confusion in the minds of others. When a person was beaten by four men, it is impossible for any honest eye-witness to say who beat first, and who beat next and so on. The 8th and 9th witnesses and several others knew well the whole story, and they are the persons who tortured the 2nd witness, but they are afraid, I find, to reveal the whole truth out, by reason that they had a share in the offence. Venkojee was not inquired,

because he will not reveal the truth out, being prisoner's servant. The Village Magistrate had a share in the offence, as he was present when the 2nd witness was tortured.

XIX. I am really sorry to find that torture system is still in existence as the old noted system of corruption. I do not think it will require Police to detect crimes if the system of torture is to be observed.

XX. It is universally stated by all the witnesses that a wound was visible on the forehead of the 2nd witness soon after he was tortured, and that it was bleeding. I believe the statement of the 2nd witness, that it was caused by the kick given to him by the prisoner.

XXI. Under these circumstances, it is in my humble opinion that the 1st count, to which the foregoing remarks relate, may be tried by the Session Court.

XXII. Particulars of the 2nd count are as follow:—

XXIII. The 1st witness, who is Police Superintendent, complains that the prisoner tortured the persons named Paupi Gaudoo, Yelloo Gaudoo, and Gorantla Gaudoo, of Pinnapuram of Ramalakotah Taluq, "by having sticks tied tightly at the back of their knee joints, and their feet doubled backwards and tied up against the hips, so as to give pain", for the purpose of extorting confession in the dacoity case committed recently.

XXIV. The 2nd witness is not a witness in this count.

XXV. The 3rd witness states that he saw the prisoner and others taking the persons named Paupi Gaudoo, Yelloo Gaudoo, and Gorantla Gaudoo, to the Fort in Panyem, in the night, and torturing Yelloo Gaudoo, "putting a thick stick behind his knee joint, and tying his heels up to his hips", and making him to kneel upon it. He further states that he saw Paupi Gaudoo and Gorantla Gaudoo being beaten; that these men were tortured and beaten to make certain disclosures in the dacoity case recently committed; and that the said Yelloo Gaudoo made certain disclosures.

XXVI. The 4th witness states that the persons named Paupi Gaudoo, Yelloo Gaudoo, and Gorantla Gaudoo were taken one night by certain Taliars of Panyem, in the direction of the Fort in Panyem, while the prisoner was sitting in front of the Station-house at Panyem.

XXVII. The 5th witness states that the prisoner and others took the night, Paupi Gaudoo, Yelloo Gaudoo, and Gorantla Gaudoo behind the Station-house at Panyem, and threatened the prisoner, and others took Paupi Gaudoo, Yelloo Gaudoo, and Gorantla Gaudoo being tortured by the Station-house at Panyem, in the night, and inquired them about the dacoity case recently committed, and that these three men confessed their guilt.

XXVIII. The 6th witness states that the Inspector Constable, states that he saw the said Paupi Gaudoo, Gorantla Gaudoo, and Yelloo Gaudoo being tortured by the house at Panyem in the night, and inquiring sticks behind their knee joints, and tying their heels up to their hips; that he heard the prisoner and others telling them to make certain disclosures in the dacoity case, and Paupi Gaudoo making certain disclosures.

XXIX. The 7th witness, who is Deputy Constable, states that he saw the said Paupi Gaudoo, Yelloo Gaudoo, and Gorantla Gaudoo being taken to the Station-house at Panyem, in the night, and inquired them about the dacoities committed recently, and that Paupi Gaudoo made certain disclosures.

XXX. The 8th, 9th, and 10th witnesses are not witnesses of the 2nd count.

XXXI. The 11th witness states that the Inspector (prisoner) took Paupi Gaudoo, Yelloo Gaudoo, and Gorantla Gaudoo behind the Station-house at Panyem, in the night, and inquired them about the dacoities committed recently, and that Paupi Gaudoo made certain disclosures.

XXXII. The 12th witness is not a witness in this count.

XXXIII. The 13th witness states that Paupi Gaudoo, Yelloo Gaudoo, and Gorantla Gaudoo were taken to the Fort in Panyem, in the night, by the prisoner, and that he does not know what was done to them there, as he was in the Station-house.

XXXIV. The 14th witness states that Paupi Gaudoo was taken behind the Station-house in the night by the prisoner and others, and inquired there about the dacoities committed recently, and that Paupi Gaudoo made certain disclosures. He further states that he was not present from the beginning, and so he cannot say what passed in his absence.

XXXV. Yelloo Gaudoo and Gorantla Gaudoo, the 15th and 16th witnesses, state that they were neither tortured nor beaten by the prisoner and others.

XXXVI. Yelloo Gaudoo and Gorantla Gaudoo, the 17th witness is not a witness in this count.

XXXVII. Prisoner pleads not guilty.

XXXVIII. All the witnesses state in one and a single tone that Paupi Gaudoo, Yelloo Gaudoo, and Gorantla Gaudoo, were taken to the Fort behind the Station-house in the night, inquired there by the prisoner about the dacoity committed recently, and that Paupi Gaudoo made certain disclosures. It is not to be taken to the accused in the Fort, which is a depopulated place, particularly in the night, and inquire them there. Several of the witnesses say that Paupi Gaudoo made voluntary disclosures. It is a known fact that a very few make disclosures without the use of torture, &c. It is doubtful whether Paupi Gaudoo made voluntary confession. If he had made a voluntary confession, he would have adhered to it from the beginning to the end. The 3rd witness states that he saw Yelloo Gaudoo (15th witness) being tortured by "putting a thick stick behind his knee joint, and tying his heels up to his hips," and Paupi Gaudoo and Gorantla Gaudoo being beaten. Perhaps he never saw Paupi Gaudoo and Gorantla Gaudoo being tortured like Yelloo Gaudoo. The 7th witness states that he saw Paupi Gaudoo, Yelloo Gaudoo, and Gorantla Gaudoo being tortured by the prisoner and others, by "putting sticks behind their knee joints and tying their heels up to their hips." I think that the evidence of the 3rd and 7th witnesses is trustworthy. The other witnesses support the evidence of the 3rd and 7th witnesses by saying that Paupi Gaudoo, Yelloo Gaudoo, and Gorantla Gaudoo were taken to the Fort behind the Station-house in the night, and inquired there about the dacoities, and that they made certain disclosures. Yelloo Gaudoo and Gorantla Gaudoo (15th and 16th witnesses) state that they were not tortured. They are afraid to reveal the truth out. They seem to be under impression that the prisoner and others will arrest him again for certain disclosures they made. Paupi Gaudoo never appeared till after the inquiry was closed.

N. B.—The 1st, 2nd, 3rd, 4th, 5th, 7th, 11th, 12th, 13th, and 17th witnesses were directed to appear before the Session Court on the 1st July 1867. The defence witnesses also were directed to appear in the Court on the said date. The prisoner, who is on bail, is directed to appear before the Session Court on the 1st July 1867. The evidence of the other witnesses for the prosecution is considered unnecessary; hence, they were not directed to attend the Court. The witnesses named by the prisoner are those who assisted him in committing the offence; hence, I thought it unnecessary to inquire them here.

NUNDIAL,
1st June 1867.

(Signed) A. SUDARSHANA ROW,
Deputy Magistrate.

No. 55. From the Collector of Kurnool, to the Acting Chief Secretary to Government, Fort Saint George; dated Kurnool, 25th July 1867, No. 58.

I have the honor to forward Calendar of Case No. 19, on the file of the Session Court, to show Government the result of the charge of torture against Police Inspector, Vooravakonda Venkoba Row, as promised in my letter, No. 46, dated 1st instant. The Inspector has been sentenced to nine months' simple imprisonment, and to a fine of 200 Rupees, or, in default, to six months' further imprisonment.

2. I beg also to forward Calendar of Case No. 20 on the file of the Session Court. In this case, torture was committed in the Koilgoontla Taluq, the three first prisoners are cultivators, and the 4th a Talari. They were each sentenced to two years' rigorous imprisonment. My reason for reporting this second case is the fact of the 4th prisoner, Maddigadu, being a Talari, and therefore a Government servant.

CALENDAR of persons tried before Louis Forbes, Esq., Session Judge of Nundial, in July 1867.

1	2	3	4	5	6	7	8	9	10	11	12	13	14
Number of the case.	Name and description of the accused.	Copy of the charge or substance of the complaint.	Name of complainant.	Names of witnesses for the prosecution.	Names of witnesses for the defence, if any.	Statement of the evidence and grounds of conviction.	Finding and sentence.	Date of offence.	Date of complaint.	Date of apprehension or appearance.	Date of commencing trial.	Date of sentence.	Explanation of delay.
19 of 1867.	Vooravakonda Venkoba Row, Brahmin, and Police Inspector.	Count.—That the prisoner Vooravakonda Venkoba Row, on or about the 10th May 1867, at Panyem, voluntarily caused hurt to 2nd witness Rungiah, for the purpose of extorting a confession from him, or information which might lead to detection of an offence, and that he thereby committed an offence punishable under Section 330 of the Indian Penal Code, and within the cognizance of the Session Court of Nundial.	Regina	2. O. Rungiah. 3. T. Chennoo Gaudoo. 4. T. Venkate Gaudoo. 5. T. Nangadoo. 7. Chendunsing. 11. Laulkhan. 12. Gulam Hoossain. 13. Mahodeen Saib. 17. Janaul Saib.	1. Venkata Reddy. 2. P. Narsiah. 3. Venkojee. 4. Gorantla Gaudoo. 5. Yelloo Gaudoo. 6. Bhawansing. 11. Captain Reid.	The evidence in this case has become much attenuated in so far as the passage from the prisoner's lower Court, several of the witnesses have-Row is guilty of the offence specified in the first count of the indictment, namely, that he voluntarily modified their original statements, namely, that he	The Court, differing from the Asses- sors' findings, that the prisoner Vooravakonda Venkoba Row is guilty of the offence specified in the first count of the indictment, namely, that he voluntarily modified their original statements, namely, that he	7th and 10th May 1867.	22nd May 1867.	27th May 1867.	24th June ..	5th July 1867.	16th July 1867.
count, the more serious of the two, the whole case rests upon the hurt to one Rungiah, for the purpose of unsupported testimony of the 7th witness. Two of the parties extorting a confession, or information stated to have been tortured positively deny that they were sub- which might lead to detection of an offence, and the third was not called. offence, and that he thereby committed an offence punishable under Section 330 of the Indian Penal Code, and the Court 3. The following is the evidence upon the first count. The of the Indian Penal Code, and the Court Inspector (prisoner), and questioned regarding a then recent case Venkoba Row be kept to (9) nine months' of highway robbery, and that, on his denying all knowledge of it, simple imprisonment, and pay a fine of he was thumped and bullied to compel disclosures. He was at Rupees 200, with (6) six months' similar first a little incoherent in his narrative, and even seemed unable to remember the imprisonment in default. The Court, concurring with the Asses- to state precisely who it was that struck him, but he implicates the 7th, 8th, 9th, 13th, and 17th witnesses, as having all taken assors, finds that the prisoner Vooravakonda Magistrate of Nundial.													

part in what went on. Supposing the case to be a true one, all the Police present would probably assist more or less directly. Venkoba Row is not guilty of the offence and it really, so far as this case is concerned, matters very little who the most prominent were, so long as the main witnesses indicted, namely, that he voluntarily facts are established, and the prisoner's connection with what occurred is clearly shown. The 7th and 13th witnesses, namely, that he voluntarily corroborate the 2nd witness' story in the main, pointing to the 8th and 9th witnesses and one Venkojee (3rd defence caused hurt to Panpi Gaudoo, Yelloo Gaudoo) as those who took the leading part, and they concur in stating that the prisoner was present, putting questions, and Gaurantia Gaudoo, for the purpose to the 2nd witness and standing close to him, while violence was being used. The 13th adds that the Police acted under of extorting a confession, or information the orders of the Inspector. The 4th witness deposes that, while standing in front of the Station-house, he saw 2nd which might lead to detection of an witness taken inside to the prisoner, and shortly afterwards heard exclamations, as from one in pain or fear, proceeding offence, and that he thereby committed from the interior. The 3rd and 12th withdraw the statements they made before the Committing Magistrate, and say an offence punishable under Section 330 of the Indian Penal Code, and the Court they witnessed nothing improper.

4. The first three and the 6th witnesses for the defence state that they were present, and that nothing in the shape directs that the prisoner Venkoba Row be acquitted on this count.

of ill-treatment or intimidation occurred.

5. It may be assumed, I think, that 2nd witness would not bring a *false* charge unless he had a definite motive—an end to serve, or a grudge to pay off—or unless he were acting under the influence, and at the instigation, of others. Had he been placed upon his trial, and had any statement made by him before the Police been produced as evidence against him, one could perfectly understand his asserting that it had been extorted from him by violence or threats. But he had admittedly made no criminal statement, there was no present or obvious danger of his being again arrested, and I cannot, therefore, perceive what object he could have in perjurying himself. He is a poor illiterate Ooppara man, dependent for his livelihood upon his daily labor, and no specific ground of ill-feeling between him and the prisoner is pleaded. Then, is there any one who could have an interest in getting up a false charge and disgracing the prisoner? The very intelligent Vakeel who defended him pressed strongly upon the Court the fact that, with one exception, none but Police Officers have been called. But is not this the very class of persons who would naturally be eye witnesses, and would it not have afforded ground for suspicion if outsiders had been brought forward? Again, is it likely the Police would dare to do this? Putting aside their *esprit de corps*, and their unwillingness to make an enemy of one so high in authority as an Inspector, would it not occur to them that by charging him they would indirectly criminate themselves? Is not the supposition that it is a conspiracy by the Police rebuffed by the fact that they are, most of them, distinctly implicated by the 2nd witness? Another point much relied upon is the fact that the 7th, the most important of all the corroborating witnesses, was silent until after his suspension by the Superintendent of Police. I note, however, that the cause of his suspension was his backwardness in accounting for the remission of the Police in not following up a clue which had been obtained in connection with the robbery case. I cannot see that there was any natural connection between the cause of the Superintendent's displeasure and the information subsequently given regarding the ill-treatment of the men under examination. Doubtless, the desire to propitiate the Superintendent's displeasure and the information subsequently given regarding the ill-treatment of the men under examination. Doubtless, but it is too much to assume that it would lead to his trumping up, or giving his support to, a *wickedly false* charge against his Inspector.

6. There are one or two considerations in connection with the evidence for the defence that deserve notice. In the first place, it is obvious that three out of the four witnesses who speak upon the point are in a measure interested in the matter. One of them is prisoner's private servant, and is specifically pointed out as one who, with the 8th and 9th witnesses, took a leading part in the acts of violence. The evidence of the Village Magistrate also (1st witness) can hardly be regarded as disinterested or reliable. He could not be expected to be very communicative of what he witnessed if any one was guilty of violence or intimidation, for he would naturally shrink from avowing what would subject him to the risk of being indicted. The 6th says the examination occupied 'an hour, or, perhaps, half an hour,' and, further on, he adds that it lasted from about 6 to 7, an unreasonably long time, considering that from the very first the man denied all knowledge of the robbery. What was going on in all that time? It is seen from the evidence of the 7th, 12th, and 13th witnesses, and the admission of the 6th defence witness, that 2nd witness, while in the Station-house, fell, and cut his forehead. One of the bystanders tore up a rug, reduced it to ashes, and applied the latter to the place to staunch the bleeding. Such a circumstance could not well escape either the notice or remembrance of those present. Yet the defence witnesses, with one exception, declare they saw nothing of this—afraid, apparently, that this hurt, though received by accident, may be made the ground of a substantive charge. It seems also that the 2nd witness, on reaching the station, positively refused to enter—a significant fact, if it only indirectly shows what he

looked for when fairly in the hands of the Police.

7. I have given the case my anxious consideration, and have arrived at the conclusion that the evidence justifies a conviction upon the 1st count. It does not require that the prisoner should personally have been guilty of violence, or even that what occurred should be proved to have been done by his order. It suffices that it was he who questioned the man, and that violence was used in connection with that questioning, and with that view of compelling disclosures, he being then present and not interfering, either by word or act, to prevent it. The act of one, in such a case, is the act of all. The case is not an aggravated one of its kind. It does not appear that the Police proceeded beyond the length of knocking and punching the witness with their fists. But the fact that the prisoner is high in authority, and that if a man in his position is unscrupulous in matters of the kind, his subordinates will not be slow to improve upon the example, renders the case one not to be lightly dealt with. I have, however, thought it fair to take into account the consideration that the prisoner loses his post (for I presume he will be dismissed), and is not likely to be again employed under Government.

SESSION COURT OF NEDIAL,

KURNOOL, 16th July 1867.

To the Magistrate of Kurnool, for information.

(Signed) L. FORBES,

Session Judge.

CALENDAR of persons tried before Louis Forbes, Esq., Session Judge of Nundial, in July 1867.

1	2	3	4	5	6	7	8	9	10	11	12	13	14
Number of the Case.	Name and description of the accused.	Copy of the charge or substance of the complaint.	Name of complainant.	Names of witnesses for the prosecution.	Names of witnesses for the defence.	Statement of the evidence and grounds of conviction.	Finding and sentence.	Date of offence.	Date of apprehension or appearance.	Date of commencing trial.	Date of sentence.	Explanation of delay.	
Session Case, No. 20 of 1867.	1. Pedda Chowdappa, Gounden and cultivator. 2. Chinna Chowdappa, do. 3. Chinna Balanna, do. 4. Maddigadu, Hooya and Talari Merasi.	That the Prisoners (1) Pedda Chowdappa, (2) Chinna Chowdappa, (3) Chinna Balanna, and (4) Talari Maddigadu, on or about the 29th March 1867, at Kistipad, voluntarily caused hurt to 1st witness Volla Venkatigadu, for the purpose of extorting a confession from him, or information which might lead to the detection of an offence, and that they thereby committed an offence punishable under Section 330 of the Indian Penal Code, and within the cognizance of the Court of Session of Nundial.	1. Venkatigadu. 2. Narasaiya. 3. Venkatireddi. 4. Sarvasalo. 5. Nagi. 6. Venkati. 7. E. S. Mayley, Assistant Apothecary. 8. Dr. Andrews.	1. Kameswaraiya. 2. M. Naganna. 3. B. Timmadu. law being with him); that he was taken into a house, and tied by the neck to a beam, and by the waist and legs to posts behind in such a way that his feet were off the ground; and that the prisoners there tortured him, to compel him to disclose who were the perpetrators of a theft that had taken place in the house that night. His account before this Court corresponds with that given by him before the Committing Magistrate. He says the 1st prisoner tied him up by the neck, the 2nd applied a lighted torch to various parts of his person and burnt him severely, and also attempted to wound him in the face with a sword; the 3rd struck him with a pounding mallet and a stick, and, but for the interposition of the bystanders, would have wounded him with a spear; and the 4th punched him with his elbows and knees. His women he says, were prevented from entering.	1. Kameswaraiya. 2. M. Naganna. 3. B. Timmadu. law being with him); that he was taken into a house, and tied by the neck to a beam, and by the waist and legs to posts behind in such a way that his feet were off the ground; and that the prisoners there tortured him, to compel him to disclose who were the perpetrators of a theft that had taken place in the house that night. His account before this Court corresponds with that given by him before the Committing Magistrate. He says the 1st prisoner tied him up by the neck, the 2nd applied a lighted torch to various parts of his person and burnt him severely, and also attempted to wound him in the face with a sword; the 3rd struck him with a pounding mallet and a stick, and, but for the interposition of the bystanders, would have wounded him with a spear; and the 4th punched him with his elbows and knees. His women he says, were prevented from entering.	The Prosecutor deposes that he was stopped by the prisoners when on his way to the Savadi in the middle of the night (his wife, mother, and mother-in-law being with him); that he was taken into a house, and tied by the neck to a beam, and by the waist and legs to posts behind in such a way that his feet were off the ground; and that the prisoners there tortured him, to compel him to disclose who were the perpetrators of a theft that had taken place in the house that night. His account before this Court corresponds with that given by him before the Committing Magistrate. He says the 1st prisoner tied him up by the neck, the 2nd applied a lighted torch to various parts of his person and burnt him severely, and also attempted to wound him in the face with a sword; the 3rd struck him with a pounding mallet and a stick, and, but for the interposition of the bystanders, would have wounded him with a spear; and the 4th punched him with his elbows and knees. His women he says, were prevented from entering.	The Court, differing from the Assessors, finds that the prisoners (1) Pedda Chowdappa, (2) Chinna Chowdappa, (3) Chinna Balanna, and (4) Talari Maddigadu are guilty of the offence specified in the indictment, namely, that they voluntarily caused hurt for the purpose of extorting a confession, or information which might lead to the detection of an offence, and that they thereby committed an offence punishable, under Section 330 of the Indian Penal Code, and the Court directs the prisoners, (1) Pedda Chowdappa, (2) Chinna Chowdappa, (3) Chinna Balanna, and (4) Talari Maddigadu,	29th March 1867.	10th May do. 24th June do. 8th July do.	10th May do.	10th May do.		

Committed by Sadarshana Kow, Deputy Magistrate of Nundial.

Committed by Sadarshana Koor, Deputy Magistrate of Nundial.

she was prevented from following; that she was not present when he was ill-treated, and did not see, until the following morning, the injuries he had received. In cross-examination, she asserts that, standing at the entrance, some seven or eight yards off, she positively saw him tied up and tortured, admitting, however, that many persons were interposed between her and him, and that she did not see the rope round his waist, or that his arms were bound. It was exceedingly difficult to get this witness to distinguish what she actually saw from what she was told or presumed took place, and her answers were given so much at random, that it would not be proper to attach much weight to her evidence. At the same time, I must remark that her manner gave me the impression that she was not wilfully and wickedly lying. She was an impulsive foolish old body, much more taken up with her son's hurts, and her own family history, than with the questions put to her. Her son having admittedly been tied up, and there being much confusion and noise, it was hardly to be expected that she would give a very coherent or accurate account.

3. The mother-in-law, a quiet respectable looking woman, gave her evidence in a sensible and natural way, and I am the more disposed to rely upon her testimony, so far as it goes, because she does not profess to have witnessed the torturing. She corroborates the statement of the prosecutor, that he was taken in the street, and describes the injuries he received, as they appeared to her, when she saw him on the following morning at the Savadi.

4. The first three prisoners, who are brothers, assert that the prosecutor was caught red-handed as he was escaping from their house, after stealing a neck-lace from one of their women, and that, in the struggle, he received several hurts, the 1st prisoner also being injured in three places. They all, as well as the 4th, deny having in any way ill-treated their prisoner.

5. In opposition to this, we have the testimony of the Apothecary (7th witness) who examined the prosecutor within 10 or 12 days, and who specifies seven scars as having been caused by burning; the marks upon the abdomen right and left of the navel, and one of those upon the neck are by him attributed to abrasion. Three months have since elapsed, and a good many of them have disappeared, but there still remain scars—the back and below the right nipple (these very distinct) and 4 or 5 others more or less observable. The Civil Surgeon, whom I called as a witness, was naturally less positive than the Apothecary, the wounds having cicatrized. He, however, was decidedly of opinion that the scar near the nipple was caused by fire, and that those on the back were caused either by burning, or by the application of an irritant substance, and that none of them could have been caused in the way indicated by the prisoners.

6. The third and fourth witnesses state that, on their arrival at the house, they found the prosecutor bound to a pillar. They deny positively that anything improper went on. I note, however, that these men are both officials and would not even, if they were eye-witnesses of torture, be likely to avow it. It would naturally occur to them, that, by doing so, they would indirectly criminate themselves. The Village Magistrate, in particular, would feel that, even if he did not actively co-operate or direct the proceedings, his mere presence would be regarded as giving a sanction to all that went on. He showed the most marked desire to make light of the prosecutor's injuries, not even mentioning them when he reported his apprehension for the theft.

7. The witnesses for defence state that, hearing an alarm of thieves raised, they went to 1st prisoner's house, and saw the prosecutor pursued, and caught in the court-yard, as he was getting over the wall. They assert that the man was not beaten, burnt, or in any way ill-treated. I will just notice here that it is not likely that if these witnesses were awake as they say they were by the disturbance, they would arrive in time to see the man pursued and caught. They all admit that he had fresh wounds upon him.

8. The 1st prisoner, in answer to questions put to him at the close of the trial, stated that he had been told by some Mayalur people, whom he did not know, that prosecutor had told them he had been suffering from pain in the back, and had applied Chitramulam root as a blister, and he alleged that, in their struggle on the ground, the blisters had been torn away. He said nothing of this before the Magistrate, nor is the fact mentioned in the written defence put in by his Vakeel.

9. It is not impossible, perhaps not improbable, that the prosecutor was concerned in the theft, but I am inclined to think that he was caught, not in the court-yard, after a struggle, but in the open street, in the manner alleged by the 1st, 2nd, and 3rd witnesses. He had thirteen wounds in all, and in regard to at least four of these, as above stated, the medical witnesses concur in declaring that they could not have been received in an ordinary struggle, and that they were clearly caused either by fire, or by the application of a blistering substance. There is no getting over this.

10. The direct evidence is, no doubt, weak, but taken in connection with the admitted circumstances, and with the fact that there is no room for doubt on the score of identity, the prisoners all admitting they were present—the first three at the capture, and the fourth immediately afterwards—it affords, I think, sufficient grounds for convicting all four.

(Signed) L. FORBES,
Session Judge.

SESSION COURT OF NUNDIAL,
KURNOOL, 10th July 1867.
To the Magistrate of Kurnool.

6th September 1867.

Referred to the Inspector General of Police for his remarks.

FORT SAINT GEORGE,
5th August 1867.

(Signed) F. BRANDT,
Ag. Under Secy. to Govt.

No. 56. From the Inspector General of Police, to the Acting Chief Secretary to Government, Fort Saint George; dated Kotagherry, 8th August 1867, No. 1410.

I have the honor to reply to the reference of Government, dated 5th August 1867, on the subject of the conviction of V. Venkoba Row, late Inspector of Police in Kurnool, for using or being present while violence was used by the Police towards certain persons in custody for dacoity, with a view to extorting confession.

2. The Superintendent of Police learnt that something of the kind had occurred, and at once proceeded to the scene of the offence and made careful inquiry. He proceeded to prosecute the Inspector before the Deputy Magistrate; the case was committed; and the Judge has convicted the Inspector. I had doubts of the case on the report of it sent to me, and the Judge observes "the case is not an aggravated one of its kind."

3. Having been convicted, the Inspector has been removed from the Service, and all Police Officers connected with the offence will now be likewise removed.

4. The second case is one ordinary instance of torture by private individuals. The thief or burglar was either taken red-handed, or immediately after committing a theft, and was tortured by the persons who lost the property, to make him give it up. A Talari was present and took part, and has been convicted. He has likewise lost his service.

No. 57. ORDER THEREON, 6th September 1867, No. 1433.

To be recorded.

(True Extract).

R. S. ELLIS,
Acting Chief Secretary.

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St. Stephen, 6 of M. 1867

No. 57.

ORDER THEREON, 6th September 1867, No. 1433.

To be recorded.

(True Extract).

R. S. ELLIS,

Acting Chief Secretary.

Exd. J. H. Burns.