Judicial (1895) Department.

ORDINARY MS.

G.O., No. 1084

Dated 20th May 1895

INDEXED.

[Despatch Abstract.]

PETITION FOR MERCY.

Declining to interfere with the sentence of death passed on convict Anapalligadu in Cuddapah Sessions Case No. 11 of 1895.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	2617		95				

Appeal for Mercy
"Urgent"

From
The Superintendent
District Jail
Cuddapah

To
Judicial Dept.

CURRENT No. 2361

The Chief Secretary to
Government
Stone House Hill

V.E

No. 255

Dated 9th }
Received 10th } May 1895
Rep. 11th

Enclosures 5

Subject.

Forwards petition for mercy from convict No. 8496 Mapulleyadu under sentence of death.

List of Enclosures to letter No. 255 dated 9 May 1895

1. — Telugu petition of condemned prisoner
2. — English translation of the above.
3. — Copy of judgment of the Sessions Court
4. — Judgment of the High Court
5. — Nominal roll of the prisoner.

1005
Ind.
Enclos. No 1
To
C. No 2366.

Enclosure No 1 to letter No. 255 dated 9' May 1895

No. 35

[illegible] 8496 [illegible]

1 [illegible] 1895 [illegible] 11 [illegible]

2. [illegible] 10 [illegible]

3. [illegible]

4 [illegible]

5. [illegible]

[illegible]

6. [illegible]

7. [illegible]

Mark of Anapulligadu

Cuddapah District Jail
9th May 1895

Admitted
Officer in charge of Jail
Cuddapah

1895
Jud. Dept.
Enclos. No 2
To
O. No 2366.

No 35

To His Excellency the Governor in Council
Fort Saint George
Madras

The humble petition of Convict No. 8496 Anapullegadu

Humbly showeth:—

1 That your petitioner was sentenced to death by the Sessions Judge, Cuddapah, in Calendar case No. 11 of 1895 and on appealing to the High Court of Judicature at Madras, the sentence was confirmed.

2- Your petitioner had married the deceased some 10 years ago and since she was leading an adulterous life, her mother was underhand in the affair. The deceased had 4 paramours between whom there existed enmity, your petitioner a year ago had arranged before the village munsiff and his caste men not to have any dealings with his wife, they then seperated, this, the villagers were aware of and since there were no communications between your petitioner and the deceased.

3 Your petitioner one month before the occurrence of the crime left his village Chintharajupalle and went away to Palaconda, Gadicotta &c places for grazing cattle for cooly. The Police 3 months after the occurrence of the crime had apprehended your petitioner at Kalluru Culavoy while he was grazing cattle.

4 Your petitioner is not aware which of her paramours had murdered her through some misunderstandings, your petitioner who was an innocent was brought into this miserable state by the deceased's paramours by bribing his mother in law Nagi who was naturally ill disposed towards your petitioner

5 The High Court judges confirmed the sentence of death without fully enquiring into the real facts of the case. It is said in the copy of judgment that only Nagi the mother of the deceased witnessed the

Enclosure No 2 to letter No 257 dated 9th May 1895 the crime and no body else, when the crime had been committed on the dawn of day it is strange that no-body else of the village passing by the way had heard the cry and seen the crime but her mother

6. Your petitioner's mother in law and her people through grudge that your petitioner quitted the deceased have trumped up this case against your petitioner

7. Trusting that your Excellency in Council will take the trouble to enquire with the aid of copies of judgment and render justice by sparing the life of your petitioner who was unjustly sentenced to death.

(Marked) Anapalliyah

(True Translation)

Cuddapah District Jail
9th May 1895

Officer in charge of District Jail
Cuddapah.

1895
Jud
Enclos. No 3
To
G. No. 2366.

For Prisoner

136
8-5-95

Enclosure No 3 to letter No 255 dated 9th May 1895

ASSESSOR CASE.

CALENDAR CASE No. 11 *of* 1895, *on the file of the Sessions Court of Cuddapah.*

(Preliminary Register Case No. 6 of 1895, on the file of the 2nd class Magistrate of Sidhout).

The 11*th day of February* 1895.

PRISONER :—ANAPALLIGADU,

(defended by Mr. T. M. Munisawmi Aiyer, Pleader appointed by Government).

	Name.	Caste.
Assessors :—1.	Ajjugatta Pedda Kondayya,	Kapu.
2.	Butchappa Naidu,	Balija.

Offence :—Murder, Section 302, Indian Penal Code.

Opinion of Assessors :—Guilty.

Finding of the Judge :—Do.

Sentence :—Death.

Serial No.		Calendar Case No. 11 of 1895.
Description of the accused.	Name.	Anapalligadu.
	Father's Name.	Kadirigadu.
	Caste.	Madiga.
	Age.	35 years.
	Occupation.	Cooli.
	Residence.	Chintarazupalli, Sidhout Taluk.
Date of	Offence.	19—9—1894.
	Complaint.	20—9—1894.
	Apprehension.	14—1—1895.
	Commencing trial.	7—2—1895.
	Closing trial.	11—2—1895.
Explanation of delay.		

Prosecution witnesses :—

1. Vannepalli Nagi.
2. Varla Gangadu.
3. Silar Sahib.
4. Paidipalli Pitchivadu.
5. Abbisetti Somanna.
6. Saginala Kadirigadu.
7. Said Khan, Police Constable No. 965.
8. Guntur Venkata Subbayya, Police Constable No. 426.
9. Silar Sahib, Police Constable No. 914.

Defence witnesses :—None.

Exhibits :—

A. Medical Evidence before Lower Court.

B. Examination of accused before the Committing Magistrate.

JUDGMENT.

Before entering into the merits of this case I should like to call the attention of the Committing Magistrate to a few points and request a little more care in future. The name of Sayid khan is entered in the Preliminary Register but he was not examined and it is not clear why he was sent up. The Magistrate speaks of the 8th prosecution witness as the Head Constable of Wontimitta. He is the Civil Apothecary of Sidhout. Head Constable Venkata Subbayya was examined but his name finds no place in the list of witnesses. The Magistrate writes of wounds testified to by the 7th witness. That witness is a Police Constable a most proper official in his right place, but that is not in a hospital. Gangadu is styled the 5th, he is the 6th witness. Silar Sahib is styled the 6th whilst he is the 7th witness. Third is put for fourth and second for third. The reasons for committal are very sketchy. But the Preliminary Register is not wholly bad. It is written in a very clear hand.

2 The accused Anapalligadu stands charged under section 302 Indian Penal Code with the murder of his wife Kutali at Chintarazupalli early in the morning of 19th September 1894. He has been absconding and was only arrested on 28th December 1894 at Kallur Jungle Atmakur Taluk Nellore District. He appears not to have been living on very good terms with his wife. Her mother the first witness Wonnepalli Nagi deposed that Kutali came to her door before dawn

the day in question, and accused Anapalligadu stood behind her. She said her husband was taking her to Mandapampalli to buy a chira. They went away on the road to that village. She heard her daughter cry out 3 or 4 times "'Oh Ama' I die" It was a dying cry. She ran to the spot. The accused had thrown Kutali on the ground and was stabbing her with a knife. She could not see if it was large or small. She seized Anapalligadu by the waist. He threw her on her back saying he would stab her also, and ran away to the East. Kutali said her husband had stabbed her. She was not dead. Witness went home and returned with two Madigas Kadirigadu and Gangadu. Deceased had then a little life but she was dead when the Reddi came at meal time. The wounds were very severe as stated by the 7th witness Police Constable Saiyid Khan. He found the intestines protruding. The Civil Apothecary of Sidhout hospital Narainasami Naidu deposed before the Committing Magistrate that death was caused by incised wounds in the right and left lungs and the liver and intestines caused by a pointed cutting instrument. Deceased had also an incised wound between the thumb and fore-finger of her right hand. There had been a very severe struggle as deposed to by this Head Constable. He stated that he was at the time Station House Officer of Wontimitta. He found the stones scattered about and blood on them. On the other side of the vanka from where the body lay there was blood on the trees and ground. There were broken bangles and marks of blood to where the body lay. It may be added in this place, as this witness need not be referred to again, that he stated that he searched for accused the whole time he had charge of the Wontimitta Station and could not find him.

3. The 2nd witness is a Madiga Warla Gangadu. He went out early morning and saw accused stabbing the deceased. He was too frightened to go to her assistance. Even when he went to the body with the other villagers he did not dare look on it. Silar Sahib, 3rd prosecution witness, states that he was coming along at early dawn and found Kutali lying by the road groaning. She told him that Anapalligadu had knocked her down and asked him to tell her mother. He went and found Nagi crying in her house. She said she knew her daughter had been stabbed. The 4th prosecution witness Paidapalli Pichivadu stated that he was returning at dawn to the village when the accused ran across his path panting with his duppati round him and something in his hand. Later in the day accused was met by Abisetti Somanna further a-field between Yepala Mitta and Gandikota. In reply to a question about the weather he said he had not been in his village for 6 days. The eighth witness is Head Constable Guntur Venkata Subbayya, the permanent Station House Officer of Wontimitta. He deposed to having kept a strict search for the accused and not being able to arrest him until the 28th December 1894.

4. The accused stated before the Committing Magistrate that he lived in Virapalli. Narappa Reddi said that if he remained he should be deceived. "You had better put in a petition". He feared to do so as he might be accused of the murder of his wife. He would be reprimanded if his wife had her paramour in her house and he told the Village Magistrate. Before he was reprimanded by the Village Magistrate when he told of his wife. Nagi is vexed with him. Before this Court he decisively said his wife was a prostitute and he never lived with her and that he did not take her out the morning she was killed.

5. The evidence of the 2nd witness is certainly suspicious and must be rejected. As to the events of the early morning there is the dying statement of Kutali, the evidence of Nagi her mother, and Silar Sahib the third witness who found the deceased lying in the road. As to the absconding which would accentuate their evidence we have the evidence of 4th prosecution witness P. Pitchivadu who saw accused at dawn running and panting, Abbisetti Somanna who met him the next day when accused said he had not been in his village for six days and the Head Constable Venkata Subbayya who had been trying to capture the accused. The intention to cause death was proved by the Hospital Assistant, whose evidence shows that the wounds were terrible, and Police Constable Sayid Khan who showed the violence of the struggle. As to the conduct of Kutali, Nagi declined to state anything about her. This is perhaps natural. The 6th witness Kadarigadu stated that accused had complained to him of his wife's unfaithfulness. This is not a hostile witness and if anything favoured the accused. This contradicts accused's statement that he had nothing to do with his wife. In despite of accused's denial I must take it that he had commerce with his wife and there is nothing improbable in his taking his wife to buy her a Chira-

6. There can be no doubt on the evidence that the accused is guilty of murder and I concur in the finding of the Assessors. There was no sudden provocation but there was grave provocation in the conduct of the wife. But here we are met by the fact that the accused by contrivance and design accomplished his end He beguiled his wife out on the plea of buying her a Chira, and there can be no doubt that he intended to make way with her. The only doubt I have is whether under the circumstances of the faithlessness of the woman a mild sentence is allowable by law. On the whole I am of opinion that it is not. A man cannot be allowed at any time to waylay or beguile a defenceless if guilty woman.

7. The Court accordingly agrees with the Assessors and finds Anapalligadu guilty of murder punishable under Section 302 Indian Penal Code and the Court sentences Anapalligadu to be hanged by the neck until he be dead subject to confirmation by the High Court.

8. The accused was warned that if he wished to appeal to the High Court he should do so within seven days. He stated his intention of appealing.

W. G. UNDERWOOD

Sessions Judge

(True copy.)

Applied	6.	5	95
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Copy ready			
Delivered			

By order of the Court

Chendshekhar

5
Jud.
4
2366

Duplicate

NS
8.5.95

IN THE HIGH COURT OF JUDICATURE AT MADRAS.

Tuesday, the thirtieth — day of April,
One thousand eight hundred and ninety-five.

PRESENT:—

The Honourable Sir Arthur J. H. Collins, Knight, Chief Justice.
and
The Honourable Mr. Justice Parker.

Referred Trial No. 17 of 1895.

Enclosure No. 4 to Letter No. 255 dated 9 May 1895

Anapalligadu ——— Prisoner.

Trial referred by the Court of Session of the Cuddapah Division for confirmation of the sentence of death passed upon the said Prisoner in Case No. 11 of the Calendar for 1895.

CRIMINAL APPEAL No. 116 of 1895.

Appeal by the Prisoner against the said Sentence.

This case coming on for hearing, on receipt of the further evidence called for in the order of this Court, dated 20th March 1895, the Court delivered the following judgment:— The additional evidence taken makes it clear that

that there has been no variation in Nagi's story and that her original complaint at 8. A. M on September 19th alleged the same facts as she afterwards deposed to. It is also shewn that Silar Sahib was named by her on the 19th and that he gave evidence at the inquest on the 20th. Under these circumstances we can see no ground for doubting the testimony of these witnesses.

It is then urged that the sentence may be commuted since the prisoner committed the murder believing that his wife was leading an adulterous life. This may possibly have been the case and apparently

there

there was an impression among the villagers to that effect, — but the prisoner is not able to shew any sudden provocation. On the contrary, he seems to have laid a trap for his wife and induced her to go out with him on pretence of buying her a cloth, so that the murder seems to have been deliberate and premeditated.

We must confirm the conviction and sentence of death and dismiss the appeal.

By the Court

A Foster.

Deputy Registrar,
Appellate Side

N.S.S.
1.5.

Nominal roll of Convict No. 8496 Anapalligadu.

Crime	Sentence	Date of Sentence	Adjudicating Court	Present age	State of Health	Conduct in Jail	Result of the appeal to High Court	Number of previous Convictions and remarks
Murder	Death	11th February 1895	Sessions Judge Cuddapah	38 years	Bad	Good	Confirmed	Previous Conviction: nil.

Cuddapah District Jail }
9th May 1895 }

Enclosure No 5 to letter No. 255 dated 9th May 1895

Officer in charge District Jail
Cuddapah.

5
Jud.
Enclosure No. 5
O. No. 2366

No 255 From

Cuddapah District Jail
9 May 1895

Assistant Surgeon J. S. Evers
Officer in charge District Jail
Cuddapah

CURRENT NO. 2366

To

The Chief Secretary to Government
with the Governor, Stone House Hill

Sir

I have the honor to forward the enclosed petition for mercy from Convict No. 8496 Anapullegadu under sentence of death in this jail.

2. The prisoner was sentenced to death in Calendar case No. 11 of 1895 on the file of the sessions judge, Cuddapah, which sentence has been confirmed on appeal by the High Court of Judicature at Madras

3. The copy of judgment of the sessions court, the judgment of the High Court confirming the sentence and the nominal roll of the Convict are herewith attached.

4. I hereby certify that the sentence will not be executed until a definite reply to this petition is received from Government.

I have the honor to be
Sir
Your most obedient Servant

Officer in charge District Jail
Cuddapah

[G/69]
1,000—13-3-95.

Jud! DEPARTMENT.

Con 2306

CHIEF SECRETARIAT, MADRAS.

Memorandum.

E

Read the following

Desp^d 11/5

/ Deferred.

Telegram to the High Court

276 Criminal appeal 116 of 1895. Please cause transmission of copies of High Courts order d 20 March '95 calling for further evidence and reply thereto.

1-5-95

St.
11/5/95

Jdn Refce No 276 d/ 11-5-95
G.O. 3273/84 Sc

CURRENT No. 2480

Judicial {189 5} Department.

G.O. 3273/84

No.

CHIEF SECRETARY
16 MAY 1895
GOVERNMENT OF MADRAS

From

THE REGISTRAR OF THE HIGH COURT
OF JUDICATURE AT MADRAS,
APPELLATE SIDE.

Dated 13 May
Received 16th do } 1895.
Regd 17th do

No. 1112 Judl
Enc Two

Forwarding copies of the High Court order in Cr app. No 116 of 1895 and the reply thereto received from the Sessions Judge Cuddapah.

IN THE HIGH COURT OF JUDICATURE AT MADRAS.

Wednesday, the twentieth day of March,
One thousand eight hundred and ninety-five.

PRESENT :—

The Honourable Sir Arthur J. H. Collins, Kt. Chief Justice.
and
The Honourable Mr. Justice Parker.

Referred Trial No. 17 of 1895.

Anapalligadu ——— Prisoner.

Trial referred by the Court of Session of the Cuddapah Division for confirmation of the sentence of death passed upon the said Prisoner in Case No. 11 of the Calendar for 1895.

CRIMINAL APPEAL No. 116 OF 1895.

Appeal by the Prisoner against the said Sentence.

This case coming on for hearing, Upon perusing the Petition of appeal and the record of the evidence and proceedings of the said Court of Session, and upon hearing the arguments of Mr. C. Ranga Charian, Vakil engaged for the defence under G. O

G. O. dated 17th December 1884, No. 3273, Judicial, and of the Public Prosecutor in support of the conviction, the Court made the following

Order:- The case for the prosecution depends mainly upon the testimony of deceased's mother Nagi and of the 3d witness Silar Sahib, the 2d prosecution witness having been discredited by the Sessions Judge. In order to test Nagi's evidence it would have been material to ascertain what her complaint was at first and for this purpose the Village Munsif should have been examined and the first report

sent

sent by him made evidence in the case. There should also have been evidence as to the precise spot where the body was found and the distance of that spot from Nagi's house should have been shewn. We observe that the Head constable stated Silar Sahib gave him information on September 20th, but the first statement taken by the Magistrate from this witness is dated December 10th. It would have been material to know whether Silar Sahib had been examined at the inquest and for this purpose the inquest report should have been put in and proved.

We will ask the Sessions Judge

to

to summon and examine the Village Munsif and take his evidence upon these points in the presence of the prisoner, submitting that evidence with his own opinion thereon for the information of the High Court.

By the Court.

(Signed) A. T. Forbes

Dy: Registrar,
appellate side.

(True copy)

A. T. Forbes.

Dy: Registrar,
appellate side.

Exd A.J. 13.5.95

ds 13/5.

Enclosure I **to the High**
Court's letter dated 13
May 1895 **No.** 1112.
Judicial.

5
Judl
1
2480

Cuddapah Session Court,
11th April 1895.

No. 60.

From

W. G. Underwood Esquire,
Session Judge of Cuddapah,

To

The Registrar of the
High Court of Judicature,
Appellate Side,
Madras.

Sir,

With reference to the order of the High Court in Criminal Appeal 116 of 1895 I have the honor to submit the statement taken from Poli Gangi Reddi, Village Magistrate of Mangampett, and also the Inquest Report (Exhibit G) on the death of Kuttali and the first reports made by the Village Magistrate on the case, Exhibit D to the Magistrate and Exhibit E to the Police.

2. From the Inquest Report it is clear that Silar Sahib was examined and stated but more shortly (or perhaps his statement was more concisely

recorded) what he said in the Session Court. The Village Magistrate stated that Nagi's house was 50 yards & under a hundred yards from where her daughter's body was found.

3. The Village Magistrate's report to the Police (Exhibit E) is that he got a complaint from Nagi at 8. A. M. in the morning. She said her daughter was stabbed and killed by her son-in-law by the vanka to the East of her house. The Magistrate went and inspected and found the dead body. He further reported that Ankalugadu had absconded. His report to the Stationary Magistrate is similar. So it appears that Nagi has not varied in any material manner in giving her evidence and her evidence is to be thoroughly relied on.

I have &c
(Sd) W. G. Underwood
Session Judge.

(True Copy)

R. T. Forbes.
Deputy Registrar,
Appellate Side.

Exd- 13-5-95.
N.S. 13.5

Enclosure II to the High Court's letter dated 13 May 1895 No. 1112 Judicial.

1895
Judl. Dept.
2
Enclos. No
C. No 2480.

No. 1112 Judl.

CURRENT NO. 2480

High Court of Judicature,
Madras, 13th May 1895.

From

A. T. Forbes Esquire,
Dy: Registrar, High Court,
Appellate Side, Madras.

To

The Honourable Mr. J. F. Price,
Chief Secretary to Government
with the Governor,
Stone House Hill.

Honourable Sir,

With reference to your telegram No. 276 dated 11th Instant, I have the honor to forward copies of the order of the High Court calling for further evidence in criminal appeal No. 116 of 1895, and the reply thereto received from the sessions judge of Cuddapah.

I have the honor to be,
Honourable Sir,
Your most obedient servant,

A. T. Forbes.

Dy: Registrar,
Appellate Side.

A/14/5 wnd

[G.
25.]
600—8-3-95.

Jud? DEPARTMENT.

C. No. 2366 & 2480.

FOR ORDERS.

The petr. pleads alibi & says he doesn't know how his wife was killed, but suggests that the murder must have been one of her paramours, ~~He~~ and that his wife's mother was persuaded to throw the blame on him — It is not proved that the deceased woman had any paramours & if she had & was murdered by one of them it is in the last degree unlikely that her mother would accuse ~~the~~ the petr. rather than the real murderer. The evidence is, however, to my mind quite clear — Gov. dismiss the petn.

HS
18/5/95

The case seems to me fully proved.

J.G. 18/5

I agree
W
19 May

Appeal for mercy from convict No 8496 Anapalligadu under sentence of death in Cuddapah Sessions Case No 11 of 1895, which sentence has been confirmed by the High Court.

The Supt of the Cuddapah D. Jail states that the sentence will not be carried out until a definite reply from Govt is received.

JS
17/5/95.

JHS
17/5/95

Cur 2065
No 2480

Mercy

FOR ORDERS.

e 17/5
R 20/5

[J. / 16.]
1,000—5-2-94.

Judicial Department.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following letter, dated 9. May 95, No 255, from the Superintendent of the D. Jail at Cuddapah, forwarding petition from Convict No 8456 Anapalligadu under sentence of death in Cuddapah Session Case No. 11 of 1895, confirmed by the High Court of Judicature.

Read also letter, dated 13. May 95, No 1112 Jud from the Registrar of the High Court, Appellate Side, forwarding the record of the case.

Order thereon, 20th May 1895, No. 1084

Having considered the circumstances of the case as set forth in the foregoing papers, the Right Hon'ble the Governor in Council sees no reason to interfere with the sentence of death passed on Convict No 8456 Anapalligadu

2. The law will take its course.

~~(True Extract.)~~ (For orders)

D
20.5.95

Chief Secretary.

20/5/95

20/5/95

Send with fair to C.S.
20/5

To the Superintendent of the D. Jail, Cuddapah
for communication to the Prisoner.
" Inspector-General of ~~Jails,~~ Prisons
" Hon'ble the Judges of the High Court, ~~with papers returned.~~ with C.L.

Despd
21/5

F.cl. No. 26/7/95

G.O. 1084 / 20.5.95

When given for copying ______
When copied ______
When examined ______
When signed ______
189 .

READ AGAIN G.O., No. DATED
189 ,

URRENT No.

CLOSURES TO C. No.

ORDER OF GOVERNMENT .. .. .. A A A A A A A

LETTER OF GOVERNMENT.

TATEMENT WITH DITTO.

ERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL.

N.B.—
A = Copy in full.
B = Not to be copied.
P = Copy abstract only.
Q = Copy heading only.