Judicial (1895) Department.

ORDINARY MS.

G.O., No. 1131

Dated 24 May 1895

INDEXED.

[Despatch Abstract.]

CRIMINAL APPEAL.

Accepting, on re-consideration, the District Magistrate's recommendation, and instructing the Advocate General to assist the Government Pleader in upholding the conviction and sentence passed in Tanjore Sessions Cases Nos. 11 and 21 of 1895.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	992		11-5-95				

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
G.O.	1131		24/5/95				
	3497		95				

[G/8]
2,000—23-1-95

G.O. 768: 12·4·95 Not
G.O. 303: 13·3·95 Ris + paps

Current No. 2056

Judicial DEPARTMENT.

Telegram

From Saminada Pillai
Vakil for Singapuram alias Abdulrahiman & Gulamsa 1st & 2nd Prisoners in 53 of 1894 on the file of the Tanjore Sessions Court & convicts in the Tanjore Dt. Jail.

No. –

Dated 25th } April 1895
Received 25th }
Regd. 26th }
Enclosures 1 (Pass for Return)

SUBJECT.

Stating that the Sessions Judge has convicted the accused as abettors and awarded sentence of death and praying that the issue of final orders on petition to India Govt. may be delayed till the appeal is disposed of.

Reg. under

The following telegram will be desp'd to the D. Magistrate of Tanjore:—

No— Please obtain and forward copy of judgment called for in G.O. of 28 ultimo 374.

JH
26/4/95

To wait a few days from C.S. orders.
D
26·4·95

F. N.
No. 0030

Local No. 1412
(of R. P. Telegram.)

Government Telegraph Department.

Name and Date Stamp of Booking Office.

Pass for a Reply Paid Telegram.

The sum of Rupees (in words) Two only Annas nil has been deposited for a reply to this telegram. The reply may be sent from *any* Telegraph Office at any time within 30 days of this date, *provided this authority be attached to the telegram form.* This Pass may also be used for any Inland telegram sent by any person within the above period, whether it be a reply to the original telegram or not.

PARTICULARS OF THE TELEGRAM.

I. Office at which DEPOSIT was made.
Tanjore City

II. Date and Time of Telegram.
April 25 | 18 Hrs

III. Name of Addressee.
Madras

Should the cost of the reply exceed the sum deposited, the difference must be paid by the sender of the reply. Should the cost of the reply be less than the amount deposited, no refund will be given for the amount not availed of; but if the Pass be not used, the amount which has been deposited will be refunded upon application to the Check Office, Calcutta, if made within 30 days of date of issue. The application must be supported by this Pass, without which no refund will be granted.

Name and Date Stamp of Office of Issue.
OOTACAMUND 25-4-05

W. B. Mason
Signature of Telegraph Officer in Charge.

NOTE.—In cases where this Pass is for a reply to a foreign telegram, see Service Regulations printed on the back of this form.

2056

64 Word Form.

Extract from Foreign Service Regulation LI.

This Pass entitles the addressee to send a foreign telegram within the limits of the amount prepaid to any destination whatever. When the charge for the telegram franked by this Pass exceeds the value of the Pass, the difference must be paid in cash. But when the contrary case occurs, the difference is refunded to the depositor of the prepaid amount if he applies for it.

The Pass remains in force for six weeks only counting from its date, after which it is considered to have lapsed. When the addressee does not make use of the Pass the money deposited for the reply is refunded if the following procedure be adopted, namely, the addressee must, before the expiration of three months from the date of issue, return the Pass to the office which delivered it accompanied by a request for the amount to be refunded to the sender (*i.e.*, the depositor of the reply prepaid amount).

1895
Jud. Dept.
Enclos. No. 1
To
O. No. 2056

CURRENT NO. 2056

Code Class. } X. P. **INDIAN TELEGRAPHS.** Monthly Number. } 1412

To (Office) Ootacamund
From (Office) Tanjore City

Words.	Day.	Hour.	Minute.	Official Instructions.
66 · 10	25	18	Hrd	Wrgt. Rp Two Rupees

To (Person) Madras S.

From (Person) Saminada Pillai Vakil for Singapuran alias Sabdulrahiman and Gulamsa 1st And 2nd Prisoners in 53 Of 94 Tanjore Sessions Court + Convicts in the Tanjore District Jail

25-4-95
8.30 pm
[illegible]

E) Put up papers
S
26-4

Sessions Judge convicted abettors and Sentenced death evidence rotten Convictions sure to be quashed in appeal pray delay final orders on petition to india Government till appeal disposal petition follows

W. B. Mason
for Telegraph Master.

Recd. from LN.
At Hrs. Mts. by
Sent to LN.
At Hrs. Mts. by

64 Word Form.

F. 62.

O. G. P.—No. 228 T—17-8-93-20,000.

F.A.

Class.
(in full.)

Number.

INDIAN TELEGRAPHS.

Receipt for an Inland Telegram.

To
(Office)

Date Stamp of Post Office.

	Rs.	As.
Extra charges Reply, Delivery, &c.	Rs.	As.

Initials of Postmaster, &c.

Above particulars, giving full cost, to be filled up when the Telegram is paid for, PARTLY or WHOLLY, in Postage Stamps or Reply Passes.

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N.B.—When Telegraph Stamps form only PART PAYMENT, the entire stamps must be fixed lengthways BELOW the dotted line.

Telegraph Stamps are accepted at all Offices. Postage Stamps are only accepted at Post Offices and when telegrams are posted to a Telegraph Office for transmission.

For INLAND TELEGRAMS *only*.

Stamps cut, torn or in any way defaced cannot be accepted.

SPACE FOR LOWER HALVES OF TELEGRAPH STAMPS OR FOR ENTIRE POSTAGE STAMPS.

N.B.—Stamps may be affixed along this line up to the left of the form, and continued on the corresponding space on the back, if necessary.

Code Class.	*No.*	*Words.*	*Day.*	*H.*	*M.*	*Official Instructions.*

NOTHING TO BE WRITTEN BY THE SENDER ABOVE THIS LINE EXCEPT, HIS OFFICIAL INSTRUCTION.

To
(Telegraph Office)
(Person)
(Address)
(in full)

ADDRESS FREE

From
(Telegraph Office)
(Person)

Here write whether your telegram is State *or* Private. *Unless classed* State *by sender, it will be sent as* Private, *and no change or refund is afterwards admissible.*

Here write whether your telegram is to be sent URGENT, ORDINARY *or* DEFERRED.

NOTHING TO BE WRITTEN ON THE BACK.—CONTINUE ON ANOTHER FORM.

Sent to *LN.*
At *Hrs.* *Mts. by*

Sender's Signature and Address or Designation. *(Not signalled.)*

nanni of

Singapuram and

The *ACCURACY* of telegrams is not guaranteed: the sender must accept *ALL RISKS* arising from non-delivery, errors or delays.

Address any complaint regarding this telegram to the Telegraph Check Office, Calcutta, within two months from the date of the telegram, enclosing this receipt.

For detailed rules, see the Telegraph Guide (price 4 annas.)

ADDITIONAL SPACE FOR STAMPS.

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No Stamps to be affixed below unless spaces allotted are insufficient.

C. G. P.—No. 404 T -2!-11-93-12,00,000.

CURRENT NO. 2144

CHIEF SECRETARY
30 APR. 1895
GOVERNMENT OF MADRAS

To,

His Excellency the Governor in Council

May it please your Lordship,

Singapuran alias Abdul Rahiman and Gulamsa 1st and 2nd prisoners in C C 53 of 1894 on the file of the Sessions Court of Tanjore and now Convicts in the District Jail of Tanjore — } Petitioners

The humble petition of Mahammed Kanni of Nachiarkovil on behalf of the said Singapuran and Gulamsa most respectfully Sheweth:—

1. That the sentence of death passed on the petitioners in C C 53 of 1894

On the file of the Sessions Court of Tanjore and Confirmed by the High Court of Madras in Referred Trial No. 62 of 1894 has been Suspended by the order of the Government dated ———— pending the result of the trial of the Case against the alleged abettors of the Crime

2. That the abettors have been found not guilty by the assessors in CC. 21 and 11 of 1895 on the file of the Sessions Court Tanjore

3. That the Sessions Judge has disagreed with the assessors and passed sentence of death upon the abettors also

4. That the sentence of the Sessions Judge cannot become final till the High Court thinks fit to Confirm it

Judicial Deptt

c/o No 2569/95 [illegible]

5. That the evidence of the prosecution has been shewn to be thoroughly unreliable

6. That the judgment of the Sessions Judge is faulty in many respects and has been appealed against by the condemned prisoners in that case to the High Court

7. That the petitioners feel confident that the High Court will find that the case has been concocted from the beginning and

8. That the petitioners therefore pray that the Government will be pleased to expend the suspension time till the High Court gives its final decision in the case

His mark Mahammed Kasim
Elder brother of Gulamsa

28 April 1895
Tanjore

Judicial Dept.

Ct No 2056/95 paper

2144

From, Mahammed Kanni
of Nachiarkovil,
Tanjore

No. -

Dated 28th apl
Recd 30th apl
Repd 1st May } 1895
Enc: 2

Subject

Praying on behalf of Singapuran alias Abdul Rahiman and Gulamsa, 1st & 2nd prisoners under Sentence of Death in C.C. No. 53 of 1894 on the file of the Sessions Court of Tanjore, to suspend execution until the appeal to the High Court by the above convicts is decided.

Preliminary Register No. 1 of 1895

BEFORE M. R. Ry. C. Viswanatha Row

2nd CLASS MAGISTRATE OF Kumbakonam Division

TANJORE DISTRICT.

1. Name of accused. Thippirajapuram Ramasami Aiyar

2. Name of complainant. Regina Indiae Imperatrix

3. Witness for prosecution.
1. Govindappa Naick.
2. Ramiah
3. Packirisamy
4. Santhanaalwan
5. Renganadaalwan
6. Venkatachary
7. Ramasami alwan
8. Lingaram
9. Kumbalingachetty
10. Jaganna Pandith
11. Rajarow
12. Aiyasami Aier
13. Krishnamachari
14. Subramania Pillai
15. Vaithinada Iyer
16. Veeraragava Naick
17. Ramasamy Iyer
18. Varadiah Nayadu

4. Witness for defence. 72 as per list enclosed

5. Result of enquiry. Committed to the Court of Sessions.

6. Date of offence. Between 20th September and 1st October 1894 Nachiarkovil

7. Date of complaint. 2-10-1894

8. Date of arrest or appearance. 1-3-95

9. Date of closing enquiry. 28-3-95

10. Explanation of delay. ~~Vide separate sheet attached~~

11. Substance of complaint or charge. That on the first day of October 1894 at Nachiarkoil Singapooran alias Alevil (Rahiman) Gulamsa and Kuppusami were committed murder of Emperumal naik of Nachiarkoil and that you Thippirajapuram Ramasami aier with two others abetted the said Singapooran and others in the commission of the said murder which was committed in consequence of ~~which~~ the said abetment

12. Facts proved or admitted.

This is the third and last portion of the Nacharkoil murder case; the accused is the Tippirajapuram Ramasami Aier who according to the evidence in the former cases, (Register cases nos 5 and 7 of 1894 on file of this court) took part in the conspiracy in pursuance of which Emperumal naik of Nacharkoil was murdered.

2. Eighteen witnesses have been examined for the prosecution in the present case. They were witnesses either in the one or other of the two former cases alluded to above on the file of this Court. As in Register Case No. 7 of 1894 the witnesses in the present case have been examined in chief only and their evidence has not been put to the test of cross examination. Their evidence in the present case does not in any way differ from the evidence they have delivered in the former cases.

3. The evidence of the prosecution first witness Govindappa naik, (1st witness in Register Cases nos 5 and 7 of 1894) is to the effect that he saw his deceased son Emperumal last alive at 25 or 26 naligis after sunrise on the 1st October, 1894 and his corpse

at

2/

at 6 or 7 naligais after sunrise on the 2nd idem with severe cut wounds on it. The 10', witness Jeenaimal Pandit is the village magistrate of Nacharkoil and the 18' witness Varadaiyanayadu is the Station House officer of the Police Station at the place. These two witnesses and the 1st witness prove the inquest held on the dead body of Emperumal on the 2nd October, 1894.

4. The 2nd witness Ramiah is the approver in Session court calendar case No. 53 of 1894 and the 3rd witness Packirisami chetty was the fourth witness in the said case and the 16" witness in Register case No. 7 of 1894 on the file of this Court. They both distinctly prove that the deceased Emperumal was hacked to death by Singapooran Gulamsa and Kuppusamy Prisoners in calendar case No 53 of 1894 on the file of the Session Court early on the night of the 1st October 1894.

5. The evidence of the 2nd witness Ramiah and the 18' witness Varadaiya naik Station House officer and of the remaining witnesses relate to 3 points:—

(1) The friendship that existed between the present accused Thippirajapuram Ramasami Iyer and Ramiah and the other conspirators; the state of that friendship the ill-feelings that prevailed between the accused and the deceased, and the

bitterness of the same,

(2). The causes and the circumstances which led to the conspiracy mentioned above and

(3) The conspiracy itself

6. On the first point we have the evidence of the marginally noted witnesses — witnesses 4, 6, 7, 8 swear to the existence of a faction — Witnesses 4, 6 and 7 say that one side of it comprised Emperumal, Vencatachar Ramasami alwan and a few others and the other side, Ramiah Canthasami Pillai Ramasami Reddy and Thippirajapuram Ramasami Aier (accused) and a few others. The 8th witness Singaram in describing the members of Ramiah's side of the faction does not make mention of the ~~name of~~ accused Ramasamy Iyer's name.

4. Santhana alwan 11th witness in Register case No. 7 of 94
5. Renganada alwan 15th witness in Do.
6. Vencatachari 12th witness in Do.
7. Ramasami alwan 3d witness in Do.
8. Singaram 10th Do in Do.
14. Subramania Pillai
18. Varadaiya naidu 23d witness in Session Case No. 53 of 1894.

7. The evidence of the 6th witness Venkatachar and the 7th witness Ramasami alwan discloses how on account of dancing girl Ponni Ramiah and Venkatachar became enemies, how by instituting a civil suit against Ratnam Venkatachari excited illfeelings ~~of the~~ in the mind of

3/.

her paramour the present accused, and how afterwards the illfeelings were becoming bitterer and bitterer every day, and Ramasami alwan preferred a complaint against Ramiah and the latter aided by Singapootan Gulamsa and others tried to beat the former and Emperumal.

8. Renganada alwan the 5th witness proves Exhibits C, D and E which are the accounts of the paddy &c trade of Canthasami Pillai and which prove that the accused Tippirajapuram Ramasami Iyer has had dealings with Canthasami Pillai and speaks to the existence of friendship between the accused and the dancing girl Ratnam. It is further proved by this witness and by the 14th witness Subramania Pillai that on one occasion 14th Vyasi of the year Jaya half a dam of lamp oil was sold to dancing girl Ratnam and the payment of the price thereof was debited to the accused's account.

9. The 18th witness Varadaiya naik proves the Exhibit I his report dated the 16th July 1894 in which is stated that in consequence of Thippirajapuram Ramasami Iyer (accused) loving dancing girl Ratnam and Khoja Vencatachari (6th witness) loving the said Ratnam's sister Ponni, a faction had formed and that to fortify his side of the

faction Vencatachar had sent for Mohammad Kanni.

10. The 9th witness Kumbalingam Chetty is called evidently to speak to the effect that the accused Thippirajapuram Ramasami Iyer is a close friend of Canthasami Pillai; and that both Candasami Pillai and the accused paid for the Expenses of the defence of Rudramsa and Singapooran in their trial before the Session Court but the witness denies knowing who the Ramasami Iyer is that has been named by him in his Evidence in Register Case No. 7 of 1894. He denies having seen Canthasami Pillai or the accused pay for the Expenses above-mentioned.

11. The Evidence of the 4, 5, 6, 7, 8, 14 and 18th witnesses as it is goes to show that the accused was the paramour of the dancing girl Ratnam; that in connection with it he fell foul with Khooja Vencatachari; that Ramaiya took up Vencatachari's place in the affections of Ponni and that there was a faction each side of it trying to attack the other.

12. The Exhibits K. M. N. O. P. Q are petitions addressed to the Nacharkovil temple authorities containing allegations against Ramiah calculated to prejudice the minds of those temple authorities against him, and contributed to his ruin by causing his removal from

the

the influential post of the temple service he then held. The witnesses 7, 11, 12, 15 and 17 prove that those petitions are in their handwriting and were written and delivered by them to Emperumal at his (Emperumal's) request. The 13th witness Krishnamachari is the head clerk of the Devastanam Committee office and it is proved by him that the Exhibits M. P. Q were in the records of that office and were put into the hands of the Police Inspector of Thirumidamarudur Range by him. It is stated by him that Exhibit R is yadast No. 214 sent to the trustees of the Nacharcovil temple, forwarding with it copies of Exhibits M and P. and calling for a report from them on those petitions. Exhibit S (Kathalai) and the Evidence of the 16th witness Veeraraghava naik the Devastanam office peon show that yadast No. 214 was placed in the hands of the trustees of the Nacharkovil temple on the 14th September 1894.

13. On this date it is that Ramiah began to take a serious view of his position and wanted to get rid of Emperumal who was in his way and invoked the help of Candhasami Pillai to attain his end.

The above are the circumstances that led to the Conspiracy.

14. As to the Conspiracy itself we have the Evidence of the only witness Ramiah. It is the same as

hat detailed in paras 20 to 25 of the Preliminary Register in case No. 7 of 1894. It will be seen from a perusal of those paragraphs that the accused Ramasami Aier was present only in two of the five meetings at which the perpetrators of the murder were instigated to commit it.

15. The first meeting in which the accused was present was of the 20' September, 1894. He was brought to it by Canthasami Pillai and he had no notion of the object of the meeting before. It is besides stated by Ramiah that at this meeting he was not for taking away the life of Emperumal but was for a mere beating; but his words to that effect were not heeded. He however joined his friends Canthasami Pillai and Ramasami Reddi afterwards and agreed to pay up the whole amount of the murder money. The second meeting the accused was present at was of the 29' September, on which day an amount of Rs 200 was paid to the assassins.

16. We have as stated in para 26 of the said preliminary Register the evidence of Singaram in support of the statement of Ramiah of the presence of the accused at the meeting of the 20' September, 1894

5/

and the evidence of the witnesses Santhana Alwan and Renganada Alwan supporting Ramiah's evidence of the accused's presence at the meeting of the 29' Idem.

17. The accused say he would lay before the Seſsion Court the defence he has to make and file the list of witnesses tomorrow. I have nothing to add to the opinion I have given of the evidence of these witnesses in the former preliminary Registers and it is clear from Ramiah's evidence the truth of which I see no reason to question that the accused took part in the conspiracy in pursuance of which the murder was committed. I therefore commit Ramasami Aier to take his trial before the Court of Seſsions at the April Sessions for the offences punishable under ss 109 and 302 I.P.C

18. The prisoner will be sent in custody to the district jail Tanjore to be placed before the Seſsion Court on the 5' April 1895 with reference to its proceedings of the 12' March 1895 No. 175 and whenever called for afterwards. The prosecution witnesses will be ~~summoned~~ bound over to appear before the Court of Seſsion on the said 5' April and the witnesses for the defence on a list thereof being filed tomorrow will be

summoned to appear also on the
5th april 1895.

Camp Kumbakonam }
Dated 28th March 1895 } (Signed) C. Visvanatha Row
2nd Class Magistrate

(True copy)

Camp Kumbakonam }
3rd april 1895 }

C. Visvanatha Row
2nd Class Magistrate

List of defence witnesses in Register Case No 1 of 1895 on file of the 2nd Class Magistrate of Combaconam Town

1. Singapooran alias Abdul Rahiman
2. Gulamsa
3. Kuppusamy
4. Mr Nagaratnamudaliar
5. Govindappanaikan
6. Ramanuja naikan
7. Ammaloo
8. Rathnam
9. Rajammal
10. Govindapoosary
11. Muthukumara Pillai
12. Magirah Muhamad Rowthan
13. Desiga Aiengar
14. Packiri Mattoonan
15. Chinnasami Chetty
16. Seetharama Nayankaran
17. Nagammal
18. Sellan
19. Mahomed Kanni Rowthan
20. Thiaga Pillai
21. Venkataramaier
22. Saminathaier.
23. Vaithinathaier
24. Venkataramaier
25. Krishnasastry
26. Sami Sastry
27. Mahalingasastry
28. Ramasami Aier
29. Sami Aier alias Venugosamy Iyer
30. Sundarappier
31. Krishna Chetty
32. Thambi Mudaly
33. Seshan Chetty
34. Ponnusami Pillai
35. Rengasamy Iyengar
36. Govindasami Naik
37. Srinivasa Pillai
38. Govinda Iyer

39. Dorasami Chetty
40. Sakkara alwan
41. Muthusami aier
42. Sabapathy Pattan
43. Dhanukodi Pattan
44. Amirdalinga Pattan
45. Veembu aier
46. Marunda Padzachy
47. Somasundarappier
48. Vaithinatha Iyer
49. Srinivasa Iyengar
50. Umathapurneswara Iyer
51. Ramachandrier
52. Parattaya Pillai
53. Vencataramier
54. Srinivasa Iyengar
55. Kasthoori Iyengar
56. Renga Pillai
57. Saminatha Pillai
58. Venganamya Pillai
59. Amada Padzach
60. Kuppusami Aier
61. Renga alwan
62. Sambasiva Iyer
63. Vengappier
64. Thiagaraja Iyer
65. Wife of Pakkirisamy
66. Vasudevaregunadaraja Iyer
67. Saminada Iyer.
68. Ramasamy Iyer
69. Mr. S. A. Saminathier
70. Ganapathy Iyer
71. Saminatha Iyer
72. Venkataranga Iyer.

Enclos: 2

In a letter

From

The Ag Dist Magte
Tanjore

To

The Chief Secretary
to Govt J.D. Madras

D/ 28.4.95 No. 403/Magl

DESPATCHED
28 APR. 95

Copy of Preliminary Register in Case No. 1 of 95 on the file of the 2d Class Magte Kumbakonam town.

1895
Jud. Dep.
Enclos. No. 2
To
O. No. 2145.

SESSIONS COURT, TANJORE.

JUDGEMENT IN CASES Nos. 11 AND 21 OF 1895.

Cases committed by the 2nd Class Magistrate of Kumbakonam Town.

PRESENT:— T. M. HORSFALL ESQUIRE,
Barrister-at-Law, Sessions Judge.

IN CASE No. 11 OF 1895.

REGINA Versus 1. Kanthasami Pillai defended by Vakil A. Muthusami Pillai.
2. Ramasami Reddy defended by Vakil T. K. Annasami Iyer.

IN CASE No. 21 OF 1895.

REGINA Versus 3. Ramasami Iyer defended by Vakil The Hon'ble K. Kalianasundram Iyer.

Offence:— Abetment of culpable homicide amounting to murder Sections 302 and 109 I. P. C.

Opinion of Assessors:—(a Brahmin and a Sudra) Not guilty.

Finding of the Judge:—Guilty.

Sentence:—The Prisoners are sentenced to death.

In Calendar Case 53 of 1894 on the file of this court two Musulmans and a Hindoo, all of Nachiarkoil, a large village 6 miles from Kumbakonam, and called respectively Singapuran, Gulam Sâ and Kuppusami, were tried for murdering one Emperumal Naik on the evening of 1st October last. They were all convicted and sentenced to death. The High Court confirmed the convictions in the case of all three, and the sentences of death in the case of the two Musulmans, but commuted the sentence in the case of Kuppusami to transportation for life (Referred Trial 62 of 1894).

2. The evidence taken at that trial went to show that the murder was the result of a conspiracy between the above two Musulmans, a Bramin Temple Accountant of Nachiarkoil called Ramiah, a paddy merchant of Nachiarkoil called Kandasami Pillai, a mirasdar called Ramaswami Reddi, and a mirasdar called Ramaswami Iyer. Ramiah was according to that evidence actually present at the murder; and the two Musulmans were described as hired assassins being paid by one of the other three men on behalf of all three to murder Emperumal Naik, against whom Ramiah, Kandaswami Pillai, Ramaswami Reddi, and Ramaswami Iyer had strong feelings of enmity, such feelings being exacerbated by the friendship subsisting between these four men. The former 3rd prisoner Kuppusami was present at the murder as the servant of present 1st prisoner, at the request of the two musulmans. Ramiah confessed the murder and the conspiracy and was taken on as an approver.

3. The above trial was thus concluded and the three men Kandasami Pillai, Ramaswami Reddi, and Ramaswami Iyer have now been tried for abetment of the murder; or in ordinary language for having hired Singapuran and Gulamsah to murder Emperumal.

4. I think it best to give a summary, in chronological order, of the prosecution version of the events leading up to and immediately following the murder, bringing in as occasion offers the witnesses who speak to the particular facts.

5. The deceased Emperumal Naik lived in Nachiarkoil, separately from his father (1st Prosecution witness). Though a married man he was given to ganja smoking and associating with prostitutes; and his intrigues with them led to enmities. One of his enemies was the approver, a young Bramin called Ramiah (2nd Prosecution witness). This man had for 6 or 7 years been accountant (and apparently also manager, or head ministerial officer) in the Nachiarkoil Srinivasaperumal temple on Rs. 6 a month.

6. There are in Nachiarkoil two prostitutes, sisters, called Ratnam and Ponnammal, who live together. One Venkatachari (7th Prosecution witness) a friend of deceased, kept Ponnammal; but was, temporarily at least, displaced by approver Ramiah. 3rd prisoner, who lives in Tipparajapuram near Kumbakonam and is very rich, kept Ratnam and used to get things in 1st prisoner's shop for Ratnam and allow them to be debited against him in 1st prisoner's shop books (Vide account books C, D, E, F and evidence of 5th and 6th Prosecution witnesses). This 1st prisoner is a well-to-do shopkeeper of Nachiarkoil and was a friend of the approver, because he dealt with the temple, and, as above shown, was a friend of 3rd prisoner. Now 1st prisoner kept one Sivagnanam, who was visited also by deceased and his chum Ramaswami Alwan (8th Prosecution witness). (*Vide* also evidence of 2nd, 7th, 12th, and 13th Prosecution witnesses). 2nd prisoner, who is a rich mirasdar of a village near Nachiarkoil, had become friendly with the approver through staying with him in 1892 at a time when there was a dispute about lands in Matur near Nachiarkoil. So early as December 1892 (*vide* Z) this fact was noted by the Station House Officer (22nd Prosecution witness). And 3rd prisoner had also repeatedly stayed with the approver; and Venkatachari (7th Prosecution witness) had filed a suit against 3rd prisoner's keep, Ratnam; and in that case deceased had tampered with 3rd prisoner's witnesses.

7. The intrigues concerning these women resulted in a fracas in the Nachiarkoil temple in May 1894. It had gradually in 1894 become a custom for deceased and deceased's chum Ramaswami Alwan (8th Prosecution witness), though Sudras, to eat in the Bramin eating place in the temple. Orders were issued by the trustees against the continuance of this practice; and in May 1894 the approver's attempt to carry out this order led to a fight, in which deceased and Ramaswami Alwan on one side exchanged blows with the approver and one Govindan and one Singaran (9th Prosecution witness) on the other. Thereupon Ramaswami filed a complaint (L) in the Kumbakonum Sub-Magistrate's Court against the approver and the two others, naming as his chief witness his friend Emperumal, and the case remained pending for a good while. This case led to the formation of two definite factions; namely on the one side Emperumal, Ramaswami Alwan, Vencatachari (7th Prosecution witness) and two or three other minor men; and on the other the approver, and the present 3 prisoners, the members of each side being actuated against those of the other by the usual mixed motives of friendship for their own men and hatred of the others. And each side engaged in the approved fashion of the Southern Districts one or two professional Musalman "fencers" *id est*, bullies or swashbucklers. For the deceased one Mahomed Kanni was engaged (*vide* 7th Prosecution witness, 11th Prosecution witness and 21st Prosecution witness), and on the 16th July 1894 the Nacharkoil station House officer (22nd Prosecution witness) reported (W) that Mahomed Kanni had come to Nacharkoil to help Venkatachari in his dancing girl disputes with present 3rd prisoner. The other side took the already convicted Singapuran and Gulamsah, who live in Nachiarkoil and were friends of the approver. These latter 2 bullies had once before been professionally engaged by 1st prisoner, namely to help him in a dispute about lands which he had taken on lease in Mattur. In that matter 1st prisoner paid Rs. 35 (*vide* account C). The money was paid for Singapuran to his cousin Nattarsah (11th Prosecution witness), Rs. 75 being the full amount agreed on and the balance being payable after work done.

8. To return to the magisterial case about the fight in the temple. During the pendency of this case there were several consultations between the approver and 2nd prisoner having for their object a beating of Emperumal at Kumbakonam, but they came to nothing, and two deliberate plans to beat him and 8th Prosecution witness at Nachiarikoil by the approver one Govindan (brother to Kuppusami), Singapuram and Gulamsa also were both accidentally defeated (*Vide* evidence of 2nd Prosecution witness and 8th Prosecution witness). A casual meeting on the road between 2nd prisoner and deceased also nearly ended in a fight (*Vide* 12 and 13 Prosecution witnesses).

9. On the 19th July Ramaswami Alwan withdrew his complaint, in which he had been assisted by deceased and 7th Prosecution witness (*Vide* evidence of 7th and 8th Prosecution witnesses) and in which Ramiah had been actively assisted by 2nd prisoner (see 8th and 9th Prosecution witnesses). But Ramasami Alwan's side did not remain inactive. The deceased sent petitions to the Devastanam committee complaining of various irregularities committed by Ramiah as accountant (Vide Exhibits B, N, O, P, Q, R and evidence of 8th, 14th, 15th, 16th, and 17th Prosecution witnesses) with the connivance of his uncle Narainsami Iyer, who is one of the trustees. These petitions were sent to the trustees for report (*Vide* 18th and 19th Prosecution witnesses and Exhibits S, T). Ramiah heard of this fact on the 1st or 2nd September. On the 5th September Ramiah was discharged and replaced by one Vengu Alwan. This meant ruin for Ramiah and on the 9th September he spoke to 2nd prisoner about it. On the 15th and 16th September he confided his troubles to Singapuram and Gulamsa respectively and said what a pity it was that Emperumal had not had a good beating during the pendency of the magisterial case. They both agreed it was. On the 16th evening Ramiah had a consultation with 1st prisoner; and about the 18th with both 1st and 2nd prisoners. The advisability of getting Singapuran and Gulamsa to beat Emperumal was again discussed and it was decided that Emperumal was a nuisance and a regular consultation should take place with 3rd prisoner.

10. This general meeting (about 20th or 21st September), like the preceding discussions, took place in the approver's house. It was at 23 or 24 naligais and all the conspirators were present, namely the 2 Musalmans, the approver and the 3 prisoners. Singapuran openly said that a mere beating was no use, that he should be killed, and he wanted Rs. 1000 to do it. After some discussion this was agreed to; but Gulamsah and Singapuran wanted to see the colour of their money, reminding 1st Prisoner that when in the Mattur case they

had worked for him they had been promised Rs. 75 and had only got Rs. 35. 3rd prisoner however promised they would be really paid and (he being a very rich man) the two bullies said they would trust him. All separated, it being agreed that Ramiah should be the person to bring Emperumal to the spot desired.

11. Now Ramiah heard that one Pakkirisami of Nachiarkoil (3rd Prosecution witness) and deceased were great friends; so about 28th September, he went to him and represented how he had been ruined through Emperumal's petitions, and asked Pakkirisami (who is a ganja drug compounder and trader) to intercede for him. 3rd Prosecution witness agreed.

12. On the 29th September (Saturday, Solar Eclipse day) 1st and 3rd prisoners, the approver and Gulamsa and Singapuran again met at 2nd the approver's house. 1st prisoner paid Rs. 200 cash down and the Musalmans took it and went away. After they had gone one Santhana Alwan (4th Prosecution witness) came there and brought some milk for 1st prosecution witness for his midday tea. 1st and 3rd prisoners fussed a while with a lathe in the approver's house and went away with him to the bazaar. There 1st prisoner gave a bell metal goglet to 3rd prisoner, which 3rd prisoner had that morning ordered in his village. This transaction was duly entered against 3rd prisoner in 1st prisoner's shop accounts (*vide* E and 5th Prosecution witness.)

13. On Monday morning 1st October the approver ordered 4th Prosecution witness to bring him milk at about midday. He went at noon and saw Pakkirisami and reminded him and then returned home. 1st prisoner and Gulam Sah and Singapuran and Kuppusami all came to the approver's house and it was agreed that the 2 assassins should come at 4 nalies after sunset. Whilst these men were in the house 4th Prosecution witness came bringing milk and heard some talk about money and went away. Later on Singapuran insisted that Kuppusami should be joined with them and 1st prisoner agreed to this and it was arranged that the approver should go to Pakkirisami (3rd Prosecution witness) and bring Emperumal to the Ramanadan tank, which is at the west end of Nachiarkoil and about a furlong from the approver's house (*vide* plan Y). Yet a little later the approver went to the temple and there saw 4th Prosecution witness and 1st prisoner and Kuppusami; and the approver told 1st prisoner that the Musalmans wanted Kuppusami to be with them. 1st prisoner gave orders accordingly.

14. At 4 nalies after sunset the approver went to look for Pakkirisami and found him in the street and the approver insisted that the promised reconciliation between him (approver) and deceased should take place without delay, but that it could not be in the street as he (approver) wanted to fall at deceased's feet and he could not do that in public being a Bramin. Pakkirisami demurred, saying he wanted first to go to stool, but the approver insisted and Pakkirisami agreed. So Pakkirisami fetched deceased and told him. These two went round the Ramanadan tank to the ganja mutt on the northern bank but not finding the proper ganja man there, they did not smoke but went on round the tank to the south western corner where Ramiah was waiting. By this time it was quite dark, it being 2nd day after new moon. There the approver fell at deceased's feet and begged his forgiveness (having a minute or two before seen Gulamsah and Singapuran and Kuppusami and sent them on ahead west to be ready for the murder). Deceased on being thus addressed in the most humble way by Ramiah said it would be all right, and byegones should be byegones and he (deceased) would arrange to get the petitions dismissed. Then these 3 men went about 100 yards west along a channel, the ground on either side of which seems to be used for answering calls of nature. About 120 yards along that channel, Gulamsah, Singapuran and Kuppusami were waiting. As soon as deceased came along followed by witnesses 2 and 3, Gulamsah and Kuppusami seized deceaseds hands, and Gulamsah cut him in the neck with an aruval handed by Kuppusami. Kuppusami let go. Singapuran seized the arm thus set free and also hacked at Emperumal. Pakkirisami, who had thus unconsciously acted as a decoy for the murder of his friend, exclaimed in horror and fled, being threatened by Singapuran (who is a very truculent looking man) that his life would be forfeit if he dared to tell anything. He was followed by the approver who stayed only long enough to see deceased fall off the channel bund into the field.

16. After running away 3rd Prosecution witness eased himself (as he had all along wanted to do) and then went to the house of one Sadayapathan on the eastern bank of Ramanadan tank and there smoked ganja with him. While these men were there Singapuran's voice was heard outside calling Sadayapathan. [These events are much more fully detailed in the former case than in this for the reason that they are less important in the present case, *vide* former prosecution witnesses 5 to 8.]

17. 3rd Prosecution witness was very much afraid, partly on account of the threats of the murderers and partly because he was (as most ordinary natives in such case would have been) afraid of being "entangled" in the case. So he absconded to Shakottai, and Kumbakonam, Mayaveram and Chidambaram. But he began to pluck up courage by Thursday 4th October and returned to Kumbakonam. On Friday he was arrested in Kumbakonam and on his arrival at Nachiarkoil gave his story as he has all along given it in the various Courts which have dealt with this case.

18. The dead body of the murdered man was found lying in the place where he was murdered, early in the morning of the 2nd October, by the Nacharkoil station House Officer (22nd Prosecution witness) who went along the channel to ease himself and came across it. Probably he was the first person to see it that morning. He at once sent for the Village Munsif (21st Prosecution witness), who was soon on the spot. Deceased's father (1st Prosecution witness) was called, and a mazar (A) was taken. The body bore numerous wounds, chiefly on the head and neck, and part of the hair had been cut and was lying on the spot. There were jewels on the body. The corpse was sent for post-mortem examination to the Kumbakonam Hospital and was there examined by the Hospital Assistant (20th Prosecution witness) who gave a post-mortem certificate (U). The body bore several wounds more than sufficient by themselves to cause death and was otherwise healthy and the wounds were all clean cut.

19. Suspicion from the first fell on Ramiah the approver, on Gulamsah and Singapuran and on the present 1st prisoner, partly in consequence of the information given out at 10 A. M. at the Police station by deceased's friend Venkatachari (7th Prosecution witness). [For this see evidence of 21st Prosecution witness,

the Village Munsif and of 22nd Prosecution witness]. Ramiah's house was searched at Midday on 2nd October, 1st Prisoner's house was searched at 12 or 1, and Gulamsah's and Singapuran's houses that afternoon; but nothing definite was found. On the 4th petition B was got from deceased's house. When on the 5th Pakkirisami had been found and had given his story, Ramiah, Singapuran, Gulamsah and Kuppusami were arrested. And this is quite natural; for it will be remembered that Pakkirisami had no knowledge of the conspiracy but only of the actual perpetrators.

20 After the result of the trial of Gulamsah Singapuran and Kuppusami was known (early in December) all the present prisoners absconded. The 2nd prisoner was not to be found till the 13th December. The 1st prisoner absconded with a man who occasionally helps him in business (10th Prosecution witness). These two men went to Madura, Tinnevelly, back to Madura, Sholavandan, Batlagundu, Ramnad, then to various places in this District. Eventually they got to a place not far from Nachiarkoil and 1st prisoner was arrested on the 20th January by the Nachiarkoil Station House Officer (22nd Prosecution witness). The 3rd prisoner also ran away and was ineffectually searched for all in a great number of places in this Presidency. Eventually a proclamation was published (12th February). On the 1st or 2nd March (that is not until 1st and 2nd prisoners had already been committed to this Court) he at last surrendered himself to the Magistrate.

21. The prisoners made no defence in the Lower Court, and (after 6 months) have made no definite defence in this Court, except denials of the absconding and alibi pleas for Saturday the 29th September, the solar eclipse day, which it will be remembered the Prosecution gives as the date of the last meeting of the chief conspirators. The 1st prisoner has no explanation to offer regarding the fact of his bandyman being alleged to have taken a prominent part in the murder. The 1st and 2nd prisoners who cited 50 defence witnesses have not examined any. The 3rd prisoner who cited 72 defence witnesses has examined 6. I shall deal presently with the various suggestions and insinuations put forward for the prisoners by their Vakils on the case as a whole, and shall now first take up the defence on the only definite points on which there is any defence, *viz.*, the above general and special alibi pleas.

22. Now as regards the absconding, that of 1st and 2nd prisoners is practically admitted. I will not dwell much on 2nd prisoner for he disappeared for only about 5 days after the former trial. But the 1st prisoner made a clean bolt, as shown in para 20. It is true his companion (10th Prosecution witness) has tried to make out they went to Madura for trading purposes. But this witness has like several other prosecution witnesses turned hostile (a point I shall discuss at length further on, *vide* para 35 sqq.); and even he has to admit that they went only for fun to all the places except Madura. It is hard to see what could attract a Nachiarkoil man to places like Ammanaikenoor and Batlagundu, which are dull enough. And besides, the 1st prisoner's own accounts contain no corroboration of the trade in Madura, and the Station House Officer (22nd Prosecution witness) who described how he hunted for 1st prisoner in Madura and all sorts of places was not even crossexamined on the point.

23. And the absconding of 3rd prisoner is also well proved. His one witness (6th defence witness), a Bramin like himself, and a co-mirasdar of his, tries to make out that the whole of last Margali (about 15th December to 14th January) 3rd prisoner was in a lonely chattram in a hamlet 10 miles from 3rd prisoner's village, supervising harvest. But this allegation is itself very like an admission of concealment; the man admits he saw 3rd prisoner only 4 times in the month; and the evidence does not account for 3rd prisoner not having appeared till March: that is, it ignores 6 weeks or more of the absconding. The evidence of 6th Defence witness is absolutely worthless and the absconding of this prisoner also after the former trial and its result is clear.

24. I would not lay so very much stress on the absconding but that it has been vehemently denied (vide crossexamination of 2 or 3 of the prosecution winesses). As the defence presses the point I state that it has been fully proved by the prosecution.

25. Then, as regards the meeting of the 29th September. The prosecution does not allege that 2nd prisoner was present at this meeting. But it says prisoners 1 and 3 were present. Prisoners 1 and 3 have consequently alleged an alibi for this day. The 1st prisoner says he was in Budalur on business with his servant Kumbalingam (10th Prosecution witness). I have already in para 22 *supra* characterized this man as a hostile Prosecution witness. His Budalur alibi is as false as his denial of absconding. For the 1st prisoner's own very neatly kept accounts, which were seized by the Police (Exhibits C, D. E, F) and his own accountants (5th and 6th Prosecution witnesses) prove that this 10th Prosecution witness and 1st prisoner did not go to Budalur for trade and that 10th Prosecution witness was never paid any salary as clerk or trade assistant to 1st prisoner. And the 5th Prosecution witness was a very good witness, and he and his accounts were in no way shaken in crossexamination.

26. The alibi for 3rd prisoner on the eclipse day (29th September) is equally worthless. 3rd prisoner has now (after 6 months of incubation) set up a boil or ulcer (his witnesses vary as to which it really was) in a delicate part of his body at that time, incapacitating him from moving about. His 5th defence witness who speaks to this point is a poor bramin purohit of his village and admittedly quite dependent on a few very rich men like 3rd prisoner for his livelihood; and the evidence of his 4th defence witness is equally worthless. This man, a matriculate, who seems to have gained a smattering of medicine in Madras (though he has passed no medical test) pretends he treated 3rd prisoner for an ulcer about the time in question; but though he has an account book for medicines he has carefully abstained from bringing it to Court. There remains, as to this alibi, the 3rd defence witness, a relative of 3rd prisoner at 3rd prisoner's village. He speaks of a "boil" on 3rd prisoner on the eclipse day. He admits he and 3rd prisoner do not live together and he did not see 3rd prisoner regularly. I fear he has perjured himself to try to save his relative; and the Judgment Forgery Case is an example that Bramins of even higher social position than this 3rd defence witness will not stick at a perjured alibi to save a Bramin found accused of a grave crime.

friend

27. On the other hand there is, apart from the approver and other witnesses, good evidence to show that 3rd prisoner *was* quite well and in Nachiarkoil on the eclipse day, namely that of his friend the 1st prisoner's accounts and the accountants (*vide* para 12 *supra*). These accounts, the genuineness of which is undoubted, and which are very neatly and fully kept, show that on the 29th September

the 3rd prisoner sold 72 kalams of paddy to 1st prisoner and was also on that day debited with the price of a brass goglet, bought for him that day by 5th Prosecution witness under orders of 1st prisoner. This transaction was discovered through the approver; and 5th Prosecution witness shows in detail how it happened and he gave his evidence in a very satisfactory way.

28. The clear failure of all this positive defence evidence affords in my opinion, considerable corroboration to the prosecution evidence.

29. This is a convenient place for dealing with the remainder of the defence evidence. The Honourable Mr. Kalyanasundram Iyer examined for his client (3rd prisoner) the two men already under sentence of death, who said they had not been paid to murder deceased nor had they murdered him. I need only say that these men have obviously nothing to lose by these statements and everything to gain, for I apprehend that their execution has been deferred pending disposal of this case. Singapuran (1st Defence witness) went so far as to deny having known Emperumal, which as they lived in one not large village, seems very improbable indeed. The denial was not made in his own case. The only other defence evidence is that of 3rd Defence witness, who tried to make out that this case might have been got up by a trustee of the Nacharkoil temple out of enmity because of a dispute about the trusteeship. The cross-examination of this witness shows that 3rd prisoner had nothing to do with this business, beyond being a relative of 3rd Defence witness; and the dispute itself is very stale, being nearly 10 years old; and the cross-examination has otherwise discredited this man.

30. My comment on all the defence evidence is that it is very notably weak and worthless; and the great vehemence with which the prosecution story has been attacked shows the consciousness that the only possible hope for the prisoners lies in discrediting the prosecution evidence sufficiently to leave a loophole of escape. It was in the first place said that almost every stage of the Prosecution case is improbable and absurd; that human beings would never have acted and spoken as the conspirators from first to last are said to have acted and spoken; and that therefore the prosecution story, apart from alleged discrepancies and contradictions, is itself an unbelievable story. As examples, it is said that the conversations between Ramiah and prisoners are bald and improbable; that the scene of murder is improbable; that the deceased need not have received nearly 20 cut-wounds; that the time is improbable; that the employment of hired assassins is improbable; that the conspirators would never have met in the approver's house; that deceased would not have lain dead as he is said to have lain dead, and many more remarks to this effect. I am very well aware of the great importance of this case and of the necessity for dealing at sufficient length with the prosecution evidence; but it seems to me it would be an idle and useless prolongation of my Judgment to dwell on all these points. Most of these can scarcely call for any serious comment and I will only pick out the chief of them.

31. That Pakkirisami ran away and even at first absconded, though himself quite innocent is, as I have shown in para 17 *supra*, quite in accordance with native character. That he did not help his friend, seeing that he was unarmed and was alone with 4 assassins, of whom two were very truculent looking Musalmans armed with knives and quite prepared to kill him also, if necessary, is also quite natural. It was said that Pakirisami having done his duty in bringing deceased to the bridge should have been told to go home and not allowed to come on. This would have been a very foolish thing to do; for Pakirisamy's and deceased's suspicions would have been certainly aroused and the murder would most likely not have taken place at all. Nor is there any reason why the scene of the conspiracy, namely Ramiah's house, should be considered improbable. On the contrary, it is by far the most likely and probable place. As temple accountant he had some control over the dancing girls with whom the chief conspirators consorted; he was a Bramin and unmarried; he was of sufficient social status; and he lived in Nachiarkoil, whereas prisoners 2 and 3 live elsewhere.

32. Again both that deceased did not cry out very loudly or repeatedly and received about 20 wounds is quite in accordance with the prosecution story. For it is clear he was taken quite by surprise and was practically a dead man before he had quite realized what was going to be done to him. And as for the wounds, the night being pretty dark, and the place close to topes, it is obvious the assassins could not be sure that the first few cuts had killed him, and so hacked away at him till they were satisfied that life was extinct.

33. So, again, the fact that Kuppusami, who probably had no motive *per se* in joining the murderers, should have cheerfully gone with them at 1st prisoner's request is decried as absurd. This argument ignores the prosecution story. It is not in evidence that Knppusami knew he was to help in any murder. On the contrary, the evidence is that he believed till he got at least to the bridge, that he was going to help merely to give deceased a good beating.

34. And finally as to all the main items of the prosecution story, *as a probable story*, I am quite justified in appealing to the unanimous opinion of Mr. Sewell and the High Court that it is a quite believable and provable story; and after hearing the whole case again at much greater length and on the whole in greater detail and more skilfully defended, I quite agree with those authorities.

35. I now come to a class of admissions made in crossexamination by several of the prosecution witnesses, which, if bona fide admissions no doubt detract considerably from the value of the prosecution evidence. And as this is an important point and much capital has been made of it by the defence I must be pardoned for dwelling on it at some length.

36. First, as to the approver Ramiah (2nd prosecution witness). He said in cross examination:

(*a*) that deceased was not a prominent witness in Ramaswamy Alwan's magisterial case, but merely an ordinary witness like the others therein named.

(*b*) that his (the approver's) dismissal did not affect him much, that his successor Venga Alwan was only temporarily put in and that he (approver) expected to revert.

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(*e*) that he had no reason to seek 1st prisoner's assistance in beating deceased.

(*f*) that the 1st general meeting of the conspirators (on 20th or 21st September) was at 20 or 21 naligais.

(*g*) that the prisoners never actually consented that deceased should be murdered.

(*h*) that on the morning of Saturday the 29th (solar eclipse day) he went away to Kumbakonam to bathe and ordered milk in Kumbakonam from 4th prosecution witness.

(*i*) that one Dorasami Mudali came to the Subjail during the preliminary inquiry.

(*j*) that he (approver) and deceased just before the murder went to stool in a tope.

(*k*) that he (approver) once had a tussle with a relative of 1st prisoner in the temple.

(*l*) that it was in Pakirisami's backyard that he met Pakirisami at mid-day on Monday 1st October.

37. Now these admissions are not of course to be found all in a lump in his crossexamination but are very ingeniously scattered about and dovetailed with the other bona fide parts of the crossexamination. That they are however dovetailed; that there is a splicing quite visible to a careful scrutiny; that they are false, and not admissions but assertions; that all they prove is that the approver has been tampered with by the prisoners, and that in reality they damage the defence instead of favoring it, I shall now proceed to prove.

38. With reference to them all, the first proof lies in the demeanour of the approver. I have had long service in the southern districts of this Presidency and much of it in Tanjore itself. And I do certainly assert that all this part of the crossexamination of the approver was no bona fide crossexamination. The answers containing all the above "admissions" were made in such a way as to convince me that the witness was prepared for the questions and prepared with his answers. He spoke like a witness who had been tampered with since his appearance before the Magistrate, and not at all like a witness out of whom damaging replies were wrung with difficulty.

39. Secondly, many of the "admissions" were shown in re-examination to be false. The Public Prosecutor here had a difficult task; for the approver did not venture to vary the main, (though detailed) story he had repeated 6 or 8 times in various Courts since his first confession of the 26th October last. To vary that story might, as he well knew, cost his neck. So that all he could hope to do was by making "admissions" on new points, to help the defence as much as he dared. But in spite of this difficulty, and the further difficulty that on many points the approver is the sole witness, the Public Prosecutor succeeded, I consider, in dislodging him from nearly all of the above statements. These remarks apply generally to the re-examination on the "admissions." One of the "admissions" (j) is simply a quite new story, which if true would most certainly have been given long before, e. g. at the former trial. Admission (a) is quite absurdly false and had to be fully retracted in re-examination and there is plenty of other evidence to show that it is false. The same same remark applies to (b). Here the splicing is plain. For the prosecution storyp roves nothing if it does not prove that the approver had been seriously injured by deceased and set the whole conspiracy in motion. Admission (e) is inconsistent with another part of the defence, which is that Ramiah was a very poor man and unfit for prisoners 2 and 3 to associate or conspire with. If he be so raggedly poor whence came the money for hiring assassins? And that hired assassins did the murder, I presume no one will now doubt. Admission (g) similarly overshoots the mark, and is in complete conflict with the rest of the approver's story.

40. Some plausibility is afforded to admission (c) by a statement in Exhibit O, which is one of the petitions against the approver, that he had kept Ratnam. The prosecution says, and it is possible, that this a mistaken assertion by an ill-informed man, who was misled by the fact of Ponnammal (who *was* kept by the approver) living in the same house with Ratnam. But even if he ever did keep Ratnam, it is a fact quite newly introduced in this case that there was any ill-feeling between him and 3rd prisoner on that account. There is not a shred of other evidence to support it and it conflicts with the whole tenor of the case. Admissions (i) and (k) are both quite new assertions, both equally bald, equally undetailed and equally unsupported by any other evidence or probability. Admissions (c), (i) and (k) are in my opinion simply introduced to afford a foothold for a false defence theory. With this aspect of the case I shall deal again further on. Finally, as to (h). This is quite newly introduced in order to dislodge 4th Prosecution witness. What the defence wants to make out (Vide Singaram 9th Prosecution Witness) is that the approver stayed all that Saturday in Kumbakonum. But the approver cannot go this length without seriously disturbing the prosecution story; and this he is afraid to do. He therefore falsely pretends he was in Kumbakonum on Saturday morning and returned to Nachiarkoil before midday. The corresponding alibis of prisoners 1 and 3 for this important day have been shown to be false in paras 25 to 27 supra.

41. I have already dealt with the "admissions" of 10th Prosecution witness Kumbalingam in para 25 supra, and have shown that they are wilfully false and made to help the defence. This witness has also been tampered with.

42. The following are the chief false "admissions" of 7th Prosecution witness Venkatachari.

(*a*) that he had no ill-feeling against Ramiah about Ponnammal.

(*b*) that it is not certain that 1st prisoner kept Sivagnanam.

(*c*) that he (7th Prosecution witness) did not help much in the magisterial case.

(*d*) that he (7th Prosecution witness) and 3rd prisoner had no ill-feeling about Ratnam.

(*e*) that swashbuckler Mahamad Kanni was not brought to help deceased but to help about Mattur lands.

(*f*) that deceased kept Pakkirisami's wife.

(*g*) that on this account deceased was found with his Kudimi cut.

(*h*) that Ramiah had a boil which hindered him from walking.

(*i*) that 3rd prisoner never absconded.

43. And the chief false "admissions" by 8th Prosecution witness Ramaswami Alwan are :—

(*a*) same as (a) for 7th witness.

(*b*) that there were no petitions against Ramiah except Exhibit B.

(*c*) that he (8th Prosecution witness) went to Kumbakonum on the eclipse day (29th September) and stayed there all day with 4th Prosecution witness.

(*d*) that when 2nd prisoner came to Kumbakonum in the magisterial case he did not really help Ramiah.

(*e*) that there was no real attempt to beat him and deceased in the river.

44. The general observations I have already made as to demeanour apply equally to these two witnesses. But in proportion to the lower intelligence and peculiarity of the position of the men entrusted with the double-edged task of damaging their own case at this stage, it becomes easier to expose the fraud.

45. As regards the position, I refer to the overwhelmingly proved friendship between the deceased and these two witnesses and the strong animosity which existed formerly between them and the present prisoners. For such men now to turn round now, and not until now, and make statements tending to show that all along they and prisoners were on at least fairly good terms is in itself a very suspicious circumstance. And "admissions" (*a*) to (*e*) of 7th Prosecution witness and (*a*), (*c*) and (*e*) of 8th Prosecution witness were thoroughly exposed as false in re-examination. And here again, as in the case of the approver, the defence has overshot the mark. For "admission" (*e*) of 7th Prosecution witness is exposed as false by Exhibit W (which is certainly genuine and written long before the murder); "admission" (*i*) of 7th Prosecution witness is contrary to the whole prosecution story and has been positively proved to be false in para 23 supra. Similar remarks apply to (*h*) of 7th Prosecution witness. Thus, also, "admission" (*b*) of 8th Prosecution witness is transparently false, for there are numerous other undoubted petitions, among which O is actually relied on by the defence, as above shewn. And as to the story by 7th Prosecution witness about deceased having kept Pakkirisami's wife and his kudimi having therefore been cut off I need only say that this is a brand new story, unsupported by a shred of other evidence and contradicted not only by Pakkirasami, but by all the probabilities. And the kudimi was not even cut off, but only part of it and of other head hair was cut off by several of the numerous slashes dealt at deceased's head. This is merely one among several wild suggestions to account otherwise for facts plainly proved by the prosecution. Indeed in making "admission" (*c*) the 8th Prosecution witness betrayed the fraud for a moment. For when asked where he had been on the eclipse day he first said truly "at NachiarKovil;" and then recovering himself he told the false tale about bathing at Kumbhakonam.

46. As for 9th Prosecution witness Singaram, a mere perusal of his evidence will show that he has clearly been tampered with since he gave his true evidence before the Magistrate.

47. To give up the results of preceding paras 35 to 46. Nearly all the above "admissions" were of a character such as would certainly not have been made if the witnesses had not wished to damage the prosecution whilst pretending to favor it; they were made in a manner which showed clearly that the crossexamination on these points was a sham; they were nearly all overthrown in re-examination. Many are opposed to undoubted facts and proved positively to be false. I unhesitatingly say that they were not the bonafide and reluctant admissions of false witnesses shaken in cross examination but were the cunningly inserted false statements by witnesses otherwise speaking the truth and are due to these witnesses having been tampered with. And, as such, they are not merely worthless; they distinctly damage the defence and *pro tanto* strengthen the prosecution case.

48. I now turn to certain *bona fide* discrepancies and weaknesses in the prosecution evidence. They are neither numerous nor important; but I do not ignore them. The postmortem certificate (*U*) and the medical evidence (20th Prosecution witness) shew that deceased must within an hour before death have eaten a small quantity of rice; and there is no evidence to show how or where deceased got it. Considering that deceased's widow was not examined in the present case, this strikes me as a point of no importance. It seems clear he had not had supper when he was killed. It is possible he ate a little rice either at home or elsewhere to stay his appetite pending supper. Then it was said that deceased's father did not know his son had enemies and that this showed there was no enemy. Deceased's father is a quiet old man and his son was a debauchee; and they did not live together. The "faction" was a rather private matter, and that even the police had only inkling of it and of its cause in July 1894 is shewn by Exhibit W. No doubt the mazar also says no suspicion fell early on the 2nd October on any one. That might well be; but it is a significant and undoubted fact that by 2 P. M. that day suspicion had already fallen not merely on Ramiah, Gulamsa, and Singapuran, but also already on present 1st prisoner; and the houses of all these people were searched that very day.

49. Then it is true that whereas Pakkirisami has said the rendezvous was appointed at the culvert at the south-west corner of the tank, Ramiah has all along said the exact place was not specified. This discrepancy came to the fore at the former trial and was treated by Mr. Sewell as strengthening the prosecution story and as shewing that the two chief witnesses had not been tutored. I agree. It is highly probable that the place of rendezvous was *understood* to be at the culvert, because Pakkirisami wanted to go to stool and Ramiah also wanted to go to a secluded spot in order not to be seen clutching deceased's feet, and that was the way to go; and so Pakkirisami thought it had been actually mentioned.

50. Again the 12th and 13th witnesses, who speak to a former quarrel between deceased and 2nd prisoner on the road seem to have told the Magistrate that at the time deceased "unyoked" the bullocks of the cart. They now say all he did was to *go to unyoke*. Considering that these witnesses have not otherwise been at all shaken, the discrepancy seems to me unimportant.

51. Finally, in this connection, there is 4th Prosecution witness Sandana Alvan, who speaks of the meetings of 29th September and 1st October. This man in the Lower Court, in the preliminary enquiry of the former case, certainly said he had been to Ramiah's house before the Monday; but the approver in his con-

fession of 26th October and his evidence of 5th November did not mention this, nor did Sandana Alvan mention it in the former trial in this Court; and he seems once to have said the former day was Friday and not Saturday. This witness impressed me not unfavorably; but Mr. Sewell did not fancy him; and as I am quite willing to give every bonafide doubtful point in favor of the prisoners, I will characterize this man's evidence, at any rate as to the Saturday, as being of doubtful value. In my opinion it is the only weak spot in the prosecution case; and this, under the circumstances, speaks much for the truth of the prosecution story. It will thus be seen that the list of real weaknesses and discrepancies is very short.

52. I now finally come to a class of arguments based on Police documents and Police action in the case. As to Police action it is said that it was very improper not to have charged this and the former case together. The argument seems to me entirely baseless. The dates are these. The murder was 1st October. The first bonâfide and solid evidence was that of Pakkirisami on the 5th. Pakkirisami, be it well remembered, was quite ignorant of the conspiracy. Afterwards some evidence leaked out about it, though not much. On the 26th October Ramiah confessed, and the case against the actual murderers was committed on the 10th November. Not only was the present case not then ready; but the other case *was* ready. Delay in such cases is greatly to be deprecated, and I think the Police were not wrong in awaiting the result of the 1st trial. Whether the Police would not have been wiser to arrest present prisoners on the approver's confession and to get them remanded till the case was ready is a point I am not concerned to discuss. I can imagine arguments both for and against such a course. But that any sinister motive underlay the course they took is not proved and not at all probable. And the further argument that it is a suspicious thing that in this present case all the evidence of the former case, e. g. the evidence of Sattan Pillai, Muthu Pattan, Appavoo Pattan, Sadaya Pattan etc., was not repeated is one of the many arguments in this case the absurdity of which goes to show how hard put the defence is to find any real solid defence at all. No sort of useful purpose would have been served in this case by such a course; and if the defence had liked, they could have called not only these people but also Sivagnanam and many others; but they have preferred not to do so. As it is, ample evidence has been let in of the murder; the charge now is of abetment and motive, of which those men know nothing. Then it was said that Exhibit B was forged or got up after the murder. This is a purely gratuitous assertion. There is nothing to support it. And the prosecution rests not only on B but on a number of other petitions, which have been conclusively shown to be genuine. The writers of these petitions were not at all shaken in crossexamination.

53. Then as to the arguments arising out of Police documents. Here a great superstructure has been attempted to be built on a very flimsy foundation with, as I hope to show, the usual result of collapse. Nearly all the arguments are based on Exhibit VII. This is an occurrence report written by a Station Writer and signed by the Nachiarkoil Station House Officer (22nd Prosecution witness) shortly after Pakkirisami had told his story to the Police. The defence wishes the prosecution to be pinned down to the exact words of this occurrence report and not only that; but says all evidence over and above its contents is an obvious subsequent concoction. Now this occurrence report is admittedly written by an ordinary

Constable and is admittedly not original but is based onthe original notes of Pakkirisami's evidence as taken by the Station House Officer, and does not even purport to be exhaustive. And in very nearly every case, the inaccuracies and deficiencies of the occurrence report are supplied by the original notes. Thus that Ramiah came to Pakirisamy on Monday midday (or after noon) is not in Exhibit VII. It is in the notes. Consequently all the elaborate argument that the Monday midday meeting and the *arrangement where to meet in the evening* never took place is baseless. Exhibit VII says that deceased and Pakirisami on their way to the ganja mutt ate "ganja legiam." That this is an error of the station writer is shown by Pakirisamy's present evidence and the notes, which show that what they ate was another kind of "legiam." The writer, seeing that Pakirisamy, a ganja eater, was on his way to a ganja mutt, evidently thought the legiam they ate must have been a ganja legiam. Exhibit VII says that deceased, Pakirisamy, and Sattan Pillai left the mutt together and went on the west bank together and then Sadaya Pattan stayed behind. The notes say that Sadaya Pattan followed them and stayed behind at the north west corner of the tank. I see no serious descrepancy here, indeed barely any. The occurrence report omits to say that Ramiah clasped deceased's feet. The note book contains this. Finally it was said that Singaram could not have fetched 2nd prisoner because that fact is not given in the abstract of his evidence in the charge sheet (Exhibit VIII). The answer is that the abstract in the charge sheet is always quite short and not at all exhaustive. Met with these arguments the defence falls back on the cheap assertion that the note books are forged. There is no reason to suppose this. To me they have every appearance of genuineness. One of them has been on the record from the 30th October and was then initialled by the Magistrate. Indeed the defence has been inconsistent, for whenever it thinks the notes support the defence, it relies on them.

54. Last of all, it was argued that no one of the present prisoners had any sufficient motive to kill deceased and that there is no proof of any overt acts on their part against him. If by this latter phrase is meant that prisoners are not proved to have scoured the country with daggers and bludgeons looking for deceased it must be admitted there is no such proof. Had there been such evidence it would have run counter to the whole tenor of the case, which is, and always has been, that present prisoners had been latterly very careful to keep in the background and were the concealed motive power to the actual assassins. But that every one of the prisoners had a strong motive for hating Emperumal has been well proved. 1st prisoner kept Sivagnanam, and was ousted by deceased. 3rd prisoner dealt with 1st prisoner and kept Ratnam and deceased was her enemy. 2nd prisoner was a great friend of Ramiah and helped Ramiah in the magisterial case; and 1st prisoner had once before nearly come to fisticuffs with deceased and was in the habit of settling his disputes by hiring Singapuran and Gulamsah as professional bullies. The presence of his own bandyman at the murder is undoubted. And it is quite in keeping with the whole story that 2nd prisoner, who had no special reason for hating deceased except that of being a great friend of Ramiah, should not take so active a part in the conspiracy as the others, but attended only 2 meetings (on the 18th or 19th and 20th or 21st September). Nor is it at all necessary to suppose that each member of the conspiracy should be individually thirsting for the blood of deceased. To argue like this is to argue on a case never put forward. Ramiah and the prisoners had a strong

feeling against deceased. But for weeks and even months no one proposed more than a beating. Even as deceased's activity grew greater it took a complete outsider (Singapuran) to suggest that it was really useless to have half measures, and that he should be made away with; and the suggestion once made found support in the minds of the others simply because all were assembled and morally supported each other. The prosecution thinks that Singapuran made the suggestion as he himself was hard up for money to sue his own father; and it seems a probable theory. I can only repeat that the whole conspiracy seems to me a coherent and probable story, as a story, and quite as probable as the story of the actual murder; and it is hard, if not impossible, to sever one from the other.

55. I have already stated in para 21 supra, that the prisoners made no defence in the lower Court and that their positive counter allegations (alibis and denials of absconding) as set up in this Court have failed. I expected of course to have some suggestions from their Vakils to account for the murder, and some reasons as to who, if this elaborate story of an elaborate conspiracy of the prisoners is a pure concoction could have devised it, and why Ramiah should have lent himself to it. I have however been favored with no suggestions or reasons worthy of the name. The suggestion that Pakkirisami murdered Emperumal is as wild and absurd as another that Emperumal poisoned himself and then was cut about after death. That Ramiah had any motive against 1st or 3rd prisoner is, as shown in para 40 supra, highly improbable; and it is not even pretended that he could have any grudge against 2nd prisoner. As for possible enemies in the background the very vaguest and quite unproved insinuations are made as regards 1st prisoner about one Dorasami Mudaliar; an unfounded and stale trustee dispute is put forward for 3rd prisoner; and no one is even suggested for 2nd prisoner. That the finest professional skill in the District, with 6 months leisure, can evolve nothing better than this to meet this particular charge is to my mind a most significant fact; and that the prisoners have to fall back on corrupting some of the prosecution witnesses, and on a few petty discrepancies in the prosecution story, is equally significant. A defence in the proper sense of the word,—a defence such as would certainly be forthcoming if there were a *concocted* case—does not exist at all.

56. After giving this important case my most anxious and careful consideration, I feel no doubt at all in my mind that the story as from the first told by the approver is in all essential points absolutely true; and that the prisoners are guilty of hiring Gulamsah and Singapuran to murder the deceased Emperumal. I am sorry the assessors do not agree with me; but under all the circumstances I feel no surprise. For my own part I see my duty clear before me; and that is to sentence the prisoners to death, subject to confirmation by the High Court. For the crime of the present prisoners is in no way less than that of the actual assassins.

T. M. HORSFALL,
Sessions Judge.

The prisoners have been informed that if they wish to appeal they must do so in 7 days.

T. M. HORSFALL
Sessions Judge.

22nd April 1895.

"THE POORNA CHANDRODAYA PRESS." TANJORE

[illegible]

Sessions Judge
Tanjore

The Chief Secretary
Fort St G
Madras

23-4-95

No 423
Crl

[illegible]

Enclos: 1

In a letter

From

The Ag Dist Magte
Tanjore

To The Chief Secretary
to Govt J.D.
Madras.

D 28. 4. 95

No 403/Magl

Copy of the Judgment of the Sessions Court Tanjore in C.C. Nos. 11 & 21 of 95 on its file

1895
Jud Dept
Enclos. No 1
To
C. No 2145.

No. 403/Magl

District Magistrate's
TANJORE, ~~COLLECTOR'S~~ OFFICE,

CAMP, Vallam. 28th April 1895.

CURRENT No. 2145.

FROM

J. Thomson ESQUIRE,
Ag. District Magistrate ~~COLLECTOR~~,
TANJORE,

TO

The Chief SECRETARY TO GOVERNMENT,
Judicial DEPARTMENT,
MADRAS.

SIR,

Adverting to Government Order No. 374 R dated 28th March 1895. I have the honor to submit herewith a Copy of the Preliminary Register in Register Case No. 1 of 1895 on the file of the 2nd class Magistrate Kumbakonam Town and a Copy of the Judgment of the Court of Sessions in Calendar Cases No. 11 and 21 of 1895 on its file received yesterday.

I have the honor to be
Sir,
Your most obedient Servant
Thomson
28.4.95
Acting District Magistrate

6/5/95

6/5/95

Jud/ Judicial Deptt.

CURRENT NO. 2145

C. No 2056/95 papers

G.O. 579/95 Jc.

Précis

CHIEF SECRETARIAT
30 APR. 1895
GOVERNMENT OF MADRAS

The news was mentioned by [illegible] by the D^t Magte

From

The Ag Dist Magte
Tanjore

To

The Chief Secretary
to Govt J.D.
Madras

Dy 28. 4. 95
Recd 30. 4. 95
Regd 1. 5. 95

No 403

DESPATCHED
28 APR. 95

Magl

Enc: 2

Subject

The letter was not marked [illegible]
Not urgent [illegible]

Submitting copy of Preliminary Register in Case No. 1 of 1895 on the file of the 2d Class Magte Kumbakonam town & of the Judgment of the Sessions Court Tanjore in C.C. No. 11 & 21 of 95 on its file

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[G./25.]
600—8-3-95.

Jud DEPARTMENT.

FOR ORDERS.

C. No. 2145, 2144 & 2056.

I don't think it would be safe to allow the execution of Singapuram & Ghulam Sa to take place until the H.C. has decided the appeal of the 3 prisoners now sentenced to death (for it may be assumed that they will appeal).

As regards the case of these 3 prisoners now convicted, Mr. Horsfall has been speaking to me. He says that the case has excited the keenest local interest, as well it might, & that plenty of money has been flying about, which * judgment, in cases against the abettors may well be the case; that the ~~case~~ evidence is ~~a~~ very complicated & intricate (the D/1.5 case took him a fortnight to try); & that in his opinion it is essential that the Govt. Pleader should be assisted by the Tanjore Public Prosecutor in upholding the conviction before the H.C. — He says further that the Tanjore Public Prosecutor, who has conducted both this & the former case, ~~[illegible]~~ and has done so very ably, has been proof against considerable temptation, & that he should therefore be liberally remunerated for appearing in the H.C. with the Govt. Pleader to support the conviction. I don't think we can suggest or order that the Tanjore Pub. Prosr. should be heavily paid but I think we might ask the D.M. whether it is not advisable that he should appear with the Govt. Pleader in the H.C., and, if so, what fee should be paid him. The D.M. knows the circs. no doubt, and will take them into account in proposing the amt. of the fee.

Mr. Horsfall says, by the way, that if this conviction is sustained and

NW
6/5/95

Please see G.O. Routine 303/13.3.95 deferring orders on petitions from Ghulam Sa Rowther & Abdul Raheman (to be found in G.O. 247/28.2.95 Routine) until the receipt of information as to the result of the trial of three abettors in the case. See C. No 2145. The Dt. Magistrate of Tanjore forwards a copy of the judgment in Sessions Cases Nos 11* & 21* of 95 and a copy of the Kumbakonam Town Sub Magistrate's order committing T. Ramasami Aiyar to take his trial before the Sessions Court.

All the prisoners have been found guilty by the Sessions Judge who has sentenced them to death, subject to confirmation by the High Court.

2. See C. No 2056 the Vakil for Singapuram alias Abdul Rahiman and Gulam Sa Rowther (prisoners in Tanj

6/5/95

Sessions Case No 53 of 94) whose ~~[illegible]~~ execution has been ordered to be postponed (Vide G.O. of 28 Feby. 95 No 242) prays that orders on their petitions to the Govt. of India may be held in abeyance pending the disposal of the appeal ~~to the~~ preferred to the High Court against convictions in Sessions Cases Nos 11 & 21 of 95.

In C No 2144 the elder brother of Gulamsa Rowter makes a similar request.

3. C. No 2145 was not marked 'Urgent' by the Dt. Magistrate as it should have been.

4. No petition for mercy has yet been received from the three abettors convicted in Cases 11 & 21 of 1895. They are said to have appealed to the High Court, & it is probable that H.M.'s will desire to postpone passing orders on the petitions of the principals Gulam Sa Rawther & Abdul Rahiman until the High Court judgment is received, but the papers are submitted now as no orders to that effect have been given

D
1.5.95. 1/5/95

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the convicts (one of them a Brahmin) hanged, he believes that the effect on the crime of the Tanjore ~~district~~ will be most favourable.

FOR ORDERS.

RS
2/5/95

I agree entirely. The communication which I may about the Govt. Pleader should I think be telegraphed

JS
2/5

I agree. Expedition is necessary. W 3 May

Dept. 6
3/5

Telegram to the Dist. Magte, Tanjore.

250 Please say if it is not advisable to depute the Tanjore Public Prosecutor to assist Govt. Pleader in High Court appeals against conviction in Sessions Cases Eleven and twenty one, & if so, what fee ~~should~~ ~~be paid him~~ would you propose; wire sharp.

D
3-5-95

3/5/95.

C 1/5
R 2/5

J.C 2056. 2144 - 2145 of 95
+ connected papers

[G/9]
2,000—23-1

Current No. 2243

Judicial DEPARTMENT.

Telegram

~~Subd to H. Ms with~~

From The District Magte.
Tanjore

No. -

Dated 3d
Received 4th
Regd. 6th } May 1895
Enclosures -

SUBJECT.

Regt. that Mr Wedderburn might be appointed to support the conviction & stating that he will send the Police Inspector & will endeavour to arrange tomorrow with the Tanjore Public Prosecutor.

NW
6/5/95

6/5/95

CURRENT No. 2243

293

INDIAN TELEGRAPHS.

Monthly Number.

Code Class. DS.

To (Office) Ootacamund

From (Office) Vallam

Words.	Day.	Hour.	Minute.	Official Instructions.
31	3		50	Dfd

To (Person) Madras.

From (Person) District Magistrate

CHIEF SECRETARY GOVERNMENT OF MADRAS -4 MAY 1895

Recd 7-10 4/5/95

Wedderburn might be appointe
to support the convection
I will send the police
Inspector and will
endeavour to arrange tomor
with the Tanjore public
prosecutor.

32 Word Form.

Recd. from LN. Sent to LN. Telegraph Master.

At Hrs. Mts. by

OOTACAMUND 4-5-95

[G.
25.]
600—8-3-95.

Jud.l DEPARTMENT.

C. No. 2243

FOR ORDERS.

Sub.d with reference to H.M. remarks on the note produced under cover of Reference by telegram of 3 inst., No 250.

The ~~Coll~~ —

The Govt. Pleader is Mr. E.B. Powell & it is not clear why the D.M. recommends that Mr. Wedderburn should support the appeal — perhaps (but ?) because he considers him more able than Mr. Powell. — He could hardly be appointed except to assist Mr. Powell.

D
6.5.95.

Mr. Wedderburn is performing his grant's duties. If the Pub Prosecutor Tanjore is sent up it would no doubt be enough.

6/5/95

6/5/95

I think so. But to make sure, you might ask whether he wants Wedderburn instructed in addn. to Powell & the Tanjore Public Prosecutor. His idea of sending the Police Supt. also is ~~[illegible]~~ good — Probably he knows as much about the case as anyone

HW
6/5/95

withheld
~~Desp. the telegram 7/5~~

n/

Telegram — Your telegram dated third. Do you want Wedderburn instructed in addition to Powell and Tanjore Prosecutor

(Jr. O.)

D
7.5.95

To the D.M. of Tanjore. (Ordinary)

No
HS

FOR ORDERS.

[G/9]
2,000—23-1-95

Current No. 2286

Judicial DEPARTMENT.

Telegram

From The ag: District Magistrate
Tanjore

No. -

Dated 6th } May 1895
Received 7th }
Enclosures "

SUBJECT:

Informing that the Tanjore Public Prosecutor accepts Rs 350 to assist the Govt. Pleader regarding High court appeals against Sessions cases 11 & 21 & requesting that the Advocate Genl. may be appointed if Mr. Wedderburn be not available.

INDIAN TELEGRAPHS Monthly Number. 526

CURRENT NO. 2286

Code Class. DS

To (Office) Ootacamund

From (Office) Vallam

Words 28/7 | Day. 6 | Hour. 20 | Minute. 35 | Official Instructions. DP

To (Person) Madras

CHIEF SECRETARY
7 MAY. 1895
GOVERNMENT OF MADRAS

From (Person) Ag. District Magistrate

Regarding high court appeals against Sessions cases 11 and 21 Tanjore public prosecutor accepts rupees 350 to assist government pleader if Wedderbu… not available advocate gene… may be appointed letter foll…

32 Word Form.

Recd. from LN. At Hrs. Mts. by

Sent to LN. At Hrs. Mts. by

W B Mason
Telegraph Master.

OOTACAMUND 7 5 95

G. B. P.—No 39 T—75-5-94-40,00,000

[25.]
600—8-3-95.

C. No. 2286

FOR ORDERS.

This later telegram from the Dist. Magte shews that he means Mr. Wedderburn to assist the Govt. Pleader: not to replace him. Orders are solicited as to whether

(a) Mr. Wedderburn, or the Advocate General may be appointed to assist Mr. Powell

(b) the Tanjore public prosecutor may be engaged for the fee proposed – Rs. 350/-

If assistance is required by the Govt. Pleader, it is customary to depute the Advocate General; to engage Mr. Wedderburn would seem a slight upon the Hon. Mr. Spring-Branson

D
7.5.95

AH.

FOR ORDERS.

[G. 24]
600-8-3-95.

DEPARTMENT.

Papers to be read in proceedings:—

Again G.O., dated 189 , No.

Again G.O., dated 11 – 5 – 1895, No. 992 Jud.

Current No. of 189 , dated from

Current No. of 189 , dated from

[D.O. dt/ 23-5-95 from the Hon. Mr. [illegible]]

{ Not read in the Order }

ORDER. dt/ 24th May 1895 No. 1131.

On reconsideration the Govt. resolves to accept the District Magte's recommendation. The Hon'ble the Advocate General will accordingly be instructed to assist the Govt. Pleader in ~~oppos~~ upholding the conviction and sentences passed in Tanjore Sessions Cases No. 11121 of 1895

(for orders)
D
23.V.95

23/5/95

Dist. Magte. Tanjore
~~Advocate G.~~
Govt. Sol.
} G.O.

Despd
24/5

GOVERNMENT OF MADRAS

UNDER SECRETARY
23 MAY 95
PUBLIC & C. DEPTS.

May 23 1895

My dear Davidson

Horsfall has been speaking to me again about that Tanjore murder case. It appears that Powell is sick – It will be safer, I think, to instruct the Adv. Genl. [illegible] we said before [illegible] not

Appointment of [illegible]
Genl. to offg. a
Civil Appre

G

[illegible] (Proceedings)

Copy & Dpch
Dolts

T. to copy and V. to examine

[illegible]
24/5

hen given for copying ______
hen copied ______
hen examined ______
hen signed ______
} 189 .

AD AGAIN G.O., No. 189 , DATED							
RRENT No.							
CLOSURES [illegible] No.							
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APERS NOT FILED UP, BEING MEANT FOR DESPATCH IN ORIGINAL							

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