

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 1157

Dated 29 May 1895

INDEXED.

[Despatch Abstract.]

COMUTATION OF SENTENCE.

Commuting the sentence of transportation for life passed upon Moluchinti Lingarva in Bellary Sessions Case No. 3 of 1895 to one of rigorous imprisonment for five years.

BACK PAPERS.

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

FURTHER PAPERS.

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

837 of 25-4-95

3134 7-9-12-94

2710 of 7-11-94

CURRENT NO. 2331

Judicial {1895} Department.

No.

FROM

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

Dated 3rd May
Received 8th do
Repd 9th do

{1895}

No. 10535

Enc. (with record)

Enc. no. 1, 2 & 3 to C.O. 1771 retd.

Informing that the Hon. the
Judges are of opinion that
5 years rigorous imprisonment
would be a sufficient punish-
ment for the convict in Criminal
appeal no. 86/95 & returning
the records.

CHIEF SECRETARY
GOVERNMENT OF MADRAS
8 MAY 1895

By
13-2-86, no 404
11/5/95

IN THE HIGH COURT OF JUDICATURE AT MADRAS.

Wednesday, the *third* — day of *April*,
One thousand eight hundred and ninety-five.

PRESENT:—

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

CRIMINAL APPEAL No. *86* — OF 1895.

Neelachinti Linganna — Appellant.
(Prisoner.)

Appeal against the Sentence of the Court of Session of the *Bellary*
Division in Case No. *3* — of the Calendar for 1895.

after service of notice on the Appellant & Public Prosecutor
This Appeal coming on for hearing, and Counsel not appearing on
behalf of the Appellant: Upon perusing the Petition of Appeal, and the record
of the evidence and proceedings before the Court of Session, *the Court delivered*

the following

Judgment. — We agree with the Judge
in finding the Appellant guilty of the
murder of her newborn child.

With reference to G. O. No. 404, Judicial,
dated 13 February 1884, the record will be

forwarded to Government for their con-
sideration as to the propriety of mitigating
the sentence.

The appeal is dismissed.

Ordered accordingly.

(Signed) D. Bowie,
Ag. Registrar,
App. Side.

(A true copy)

H. T. Forbes.

Dy. Registrar
App. Side.

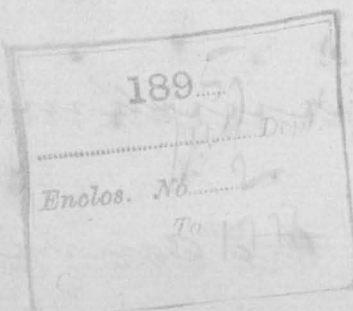
M
6/6
W
6/6

L#073874/85

Enclosure II to the High
Court's letter dated 3^d

April/95 No. 820

Judicial.



No 1053^{3rd} L.

High Court of Judicature,
Madras, 3^d May 1895.

From

CURRENT NO. 2331

D. W. G. Cowie Esquire,
acting Registrar, High Court,
Appellate side, Madras.

To

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

Honourable Sir,

With reference to G. O. dated
25th April 1895, No 857, Judicial,
I am directed to state that the
Honourable Judges who decided
Criminal appeal No 86 of 1895
are of opinion that five years'
rigorous imprisonment would
be a sufficient punishment
to meet the crime of the convict
Molachintu

Molachinti Lingappa.

2. The records received with the reference are returned.

I have the honor to be,

Honourable Sir,

Your most obedient servant,

A. Fort.

Dy Registrar,
Appellate Side,

[G.]
25.

000-3-3-95.

Ind. DEPARTMENT.

C. No. 2331

FOR ORDERS.

Forbit

W

20/5/95

The sentence was reduced

to 5 years rig. imp.

W

23 May

28

22/5

Attention is invited to the notes & orders in S.O. of 25 April 95, No 857. The High Court recommended a sentence of five years rigorous imprisonment

W

16-5-95

W

17/5/95

Cs

Order of 29th May 1895 No 1157

under S. 55 of the I.P.C. The Govt

replied to commute the sentence

of transportation for life passed upon

Molachinti Lingappa in Bellary

Sessions Case No. 3 of 1895 to

rigorous imprisonment for a term of

five years

Forbit

W. DESPATCH

The Hon. the Dy. Secy. to Govt.
The S.S. of Prison Dept.

*The reduction of sentence
in a case of infanticide*

FOR ORDERS.

H. M. & Co

*Es
Geo*

When given for copying _____
When copied _____
When examined _____
When signed _____

189

READ AGAIN G.O., No.
189

DATED

CURRENT No.

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS 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.

*e 18/5 C2315
22/5 R275*

*Ked
4/5*

4
91 R#
163/91

To

H. E. THE RIGHT HON'BLE

BEILBY LAWLEY, BARON WENLOCK, G.C.I.E.,

Governor in Council,

FORT ST. GEORGE, MADRAS.

*The Humble Memorial of AGAPA NATESWARA PANDARA SANADHI,
residing at Tiruvalur, in the Negapatam Taluq, Tanjore
District, and also holding the dignity of Adinakarta of
Veylacoorchy Muthathipati, in the Tinnevelly District.*

MOST RESPECTFULLY SHOWETH,

I. That your Memorialist, by virtue of his rank and position of Pandara Sanadhi aforesaid, is a personage of considerable ecclesiastical and social importance in Southern India, but more especially in the Tanjore District, in which he exercises the function of a Guru over more or less five thousand followers.

II. That the Pandara Sanadhipship is a hereditary office, which Memorialist's ancestors for generations past have held before him, and which, by virtue of its being now vested in him, gives him spiritual and temporal dominion over the following important Devastanams in the Tanjore District, viz. :—

- (1) Tiruvaroor Devastanam Abishaka Katlai,
- (2) Do. do. Anadana Katlai,
- (3) Tirupoochaloore Devastanam,
- (4) Tiruchankatancoody Devastanam,
- (5) Tirumacheeoor Devastanam,

as well as the Kalladacoorchy Muttam and lands pertaining to it in the Ambasamoodrum Taluq of the Tinnevelly District.

III. That of these, the Tiruvaroor Devastanam, consisting of (1) the *Abishaka Katlai* and (2) the *Anadana Katlai*, is endowed with 500 velies of Nunjah and Poonjah lands distributed over 20 villages in the Negapatam and Tirutara-poondy Taluqs.

The *Tirupoochaloore Devastanam* with 200 velies extending over 19 villages in the Nanilam Taluq.

The *Tiruchankatancoody Devastanam* with 150 velies extending over five villages in Nanilam Taluq, and

The *Tirumacheeoor Devastanam* with 30 velies in one and the same village; while, so far as the Tinnevelly District goes, the Kalladacoorchy Muttam

owns 30 velies, thus making a grand total of 910 velies, yielding a net income of Rs. 60,000.

IV. That the lands aforesaid are, for the most part, leased out to somewhere about 2,000 lessees, against a fair proportion of whom Memorialist eventually has often to enforce his remedies in the Civil Courts of the District, having jurisdiction over the Devastanam lands, and the subject matter of dispute.

V. That it is in connection with the litigation so forced upon Memorialist that he respectfully approaches Your Excellency, in view to obtaining exemption from personal attendance as a witness in such courts.

VI. That as Your Excellency will doubtless realize Memorialist's high position, as well as the many urgent and pressing demands upon his time in connection with the discharge of his varied and numerous spiritual and temporal duties as Pandara Sanadhi, are too often taken advantage of by unscrupulous lessees to harass Memorialist by vexatious applications to examine him as a witness in suits, for the most part, of trifling pecuniary value based on, or connected with, such leases, the Courts being naturally reluctant to reject such applications, although they know them to be vexatious, inasmuch as, *prima facie*, a party to a suit has an inherent right to examine his adversary as and when he chooses.

VII. That Memorialist has never yet attended and given evidence in any Court of law, preferring rather, when subpoenaed, to compromise the particular suit, on terms more or less unfavourable to the interests of the Devastanams, than lose the time, and incur all the inconveniences of, more or less lengthy and tedious journeys to and from such Courts.

VIII. That on an average 100 to 150 suits have to be filed in the course of a year in connection with Devastanam lands in the Negapatam Sub-court, and the Munsiffs' Courts of Negapatam, Tirupatarapoondy, and Tiruvaroor, in addition to 50 or 60 summary suits under the Rent Recovery Act, so that opportunities for such vexatious applications are numerous.

IX. That, in order to show this is no mere matter of sentiment, Memorialist would specify his ordinary and daily routine duties. In the first place he has to begin the day by the usual ablutions and poojah, followed by meditation and prayers, extending altogether from about 6 A.M. to 10 A.M. Allowing a short interval for meals, Memorialist has next to attend to the temporal affairs of the Devastanams which take up a more or less indefinite period of time during each day, involving as they do such extensive interests, and the supervision of some five hundred temple servants, whose work and doings have to be constantly kept under close and unremitting observation.

That Memorialist trusts he has made it plain that, though his office is one of dignity and importance, it has also its corresponding duties and disadvantages.

That Memorialist would also venture to hope he has made it plain that his request is but a reasonable one, not only when judged by the light of the facts above set out, but also in consideration of the circumstance that others holding

corresponding positions, such as (1) Mahamud Manavar Khan Bahadoor, Prince of Arcot, (2) Rai Bahadoor Thirugna Sammandha Pandara Sannadhi Avl. Madura Siava Guru, (3) Sri Vidhiya Narasimma Bharathasami Avl. Pushpaghiri Madam, Kadappa Taluq, Kadappa District, have obtained the exemption which Memorialist respectfully craves at the hands of Government.

Memorialist therefore most respectfully prays that this his memorial may be complied with, and that early orders may issue under Section 641, Civil Procedure Code, directing his exemption from attendance as a witness before the Courts of law.

And Memorialist will, as in duty bound, ever pray.

M. S. G. S. S. S.

*Barrister at Law
& Counsel for Memorialist*

*Kotacamund
May 20th
1895*