

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 1338

Dated 22 June 1895

INDEXED.

[Despatch Abstract.]

SENTENCE OF DEATH.

Declining to interfere with the---passed on convict No.
8714, Somala Huddu Gowdu in Vizagapatam Agency Session Case No. 4 of
1895.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.
96	1259		94			

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
?	3138		95				

Duplicate.

Sub 5

IN THE HIGH COURT OF JUDICATURE AT MADRAS.

Third day, the *Sixth* day of *June*,
One thousand eight hundred and ninety-five.

PRESENT:—

The Honourable *Mr. Justice Shephard*,
and

The Honourable Mr. Justice *Subramania Aiyar, C.J.E.*

Referred Trial No. *34* of 1895.

Somara Faddu Gowdu ——— Prisoner.

Trial referred by the Court of Session of the *Vijayapattanam Agency* Division
for confirmation of the sentence of death passed upon the said Prisoner in Case
No. *4* of the Calendar for 1895.

CRIMINAL APPEAL No. *192* of 1895.

Appeal by the Prisoner against the said Sentence.

This case coming on for hearing, the Court delivered the

following
judgment:— There is no question
that the Prisoner murdered
his wife. We cannot accept
the suggestion that the crime
may be reduced owing to the

Provocation supposed
to have been received.
We see no reason to
interfere and therefore confirm
the conviction and sentence
by the Court.

Madamamangam
for Dy Registrar
Appellate Side.



Communicated to
the Superintendent of
the District Jail Vizag
Palem for information
a separate copy
to the Prisoner &
hereby forwarded
for delivery to him

Attest
Registrar
M. V. R.

Encl 4

In the Court of Session (Agency Division) Vizagapatam District.

The first day of April One Thousand Eight Hundred and Ninety Five.

PRESENT.

F. D'A. O. WOLFE-MURRAY ESQUIRE, ACTING AGENT TO THE GOVERNOR.

SESSION CASE No. 4 OF 1895.

JUDGMENT.

Imperatrix.

Versus

Somara Haddu Gowdu.

Offence.—Murder under Section 302 I. P. C.

Opinion of Assessors.—Guilty of culpable homicide not amounting to murder.

Finding of Judge.—Guilty of murder.

Sentence.—To be hanged by the neck till he is dead, subject to confirmation by the High Court.

Committed by M. R. Ry. P. Nageswararao Pantulu, Second Class Magistrate, Malkanagiri.

JUDGMENT.

The accused is proved to have beat his wife so severely on the head with a thick bamboo stick that she died forthwith. Before the Lower Court he pleaded guilty, but here retracted the same and was defended by vakil.

2. The case is quite clear. The witnesses, one of whom is Prisoner's own child daughter, prove that Prisoner beat his wife on the head, it seems that he asked her for money to buy drink with, that she refused it, and said she had none to give him. This made him angry, and inflamed, as he was probably and as he first confessed, with drink, he killed her on the spot. The 2nd witness saw this and reported to the 3rd, the head of the village, who went to the Police; they came that evening, held an inquest on the corpse, which was where it fell with three bloody wounds in the head, the woman was far gone in pregnancy also. There being no doubt as to the cause or caused of the death the body was then buried, the stick which was used and is produced with stains on it was lying near the corpse covered with blood.

3. There is no doubt about the matter, the Prisoner had no defence at all. The Assessors think it does not amount to murder. I differ, find the prisoner guilty of murder and sentence him to be hung by the neck till he is dead subject to confirmation by the High Court. Prisoner has been told if he wishes to appeal he must do so within seven days.

(Signed) O. Wolfe Murray
Ag. Agent to the Governor.

(True Copy)

Date of apprehension
for copy to - 5-95
Copy ready.

Copy sent
[V. C. P. 3-4-95-18.]

For Agent to the Governor

Nominal Roll of convict No. 8714 Sannara Haddu Gada of the
District Jail Vizagapatam

Crime.	Sentence.	Date of Sentence.	Adjudicating Court.	Age.	State of Health.	Conduct in Jail.	Result of appeal to High Court.	Remarks and previous convictions.
1	2	3	4	5	6	7	8	9
see 302 IPC	To suffer Death	1-4-1895	appt to the Governor Vizagapatam		Good	Good	appeal was dismissed	

Encl 3

District Jail Vizagapatam,
5 June 1895

Surgeon Major,
Superintendent District Jail

M. S. Srinivasulu

original judgment



Nominal Roll



Encl. 2

To

The Right Honorable
The Governor in Council
Fort Saint George

The humble appeal for mercy from Court
No. 8714 Somana Haddu Gonda in Cal. no 4 of
1895 on the file of the Court of the Agent to
the Governor in Vagapattam.

I did not kill my wife. She died
naturally. She was, for a long time, suffering
from spleen. I tried several remedies,
but to no effect. The case was concocted
against me. I am innocent and
humbly pray that justice may be granted
by sparing my life.

may it please your Excellency,
Signed / Somana Haddu Gonda

[True translation /
Ch. appalamani
and j. n. g. j. n. l.

M. S. S. S. S. S.
Supt. Dist. Jail Vagapattam

[illegible]

విశాఖ జిల్లా లోని గ్రామాల కుటుంబ సంక్షేమ పుస్తకం
 ప్ర. 4/1895 జన కమిషన్ రిపోర్ట్ లో ఉన్న గ్రామాల కుటుంబ సంక్షేమ పుస్తకం
 ప్రకారం గ్రామాల కుటుంబ సంక్షేమ పుస్తకం
 రికార్డులు ఉన్నవి.

[illegible]

25 25000 25000
25 25000
 25 25000

14. 6.95

Mr. Traquair
Supdt: Duthart & Co. Agents

Encl 1
Appeal for Mercy

Telugu Petition from
 Condemned convict 8714
 Suresh Reddy Gaud
 stating that he desired
 kill his wife, but she
 died of spleen & that
 his case is commuted
 & hardly that his life
 be spared as his inmate

18
 1895
 Encl. No. 4
 293

1895
 Encl. No. 5
 2938

No. 81

Vizagapatam Jail Office,
 15 January 1895.

CURRENT NO. 2938

FROM
 THE SUPERINTENDENT, DISTRICT JAIL,
 VIZAGAPATAM.

To
 THE Chief Secretary to Government
 Fort Saint George

SIR,

Encl

English petition
 English translation
 Criminal Roll
 Original judgment
 Appellate do

I have the honor to forward
 appeal for mercy from convict
 No. 8714 in Cal. No. 4 of 1895 on the
 file of the Court of the Agent to the
 Governor in Vizagapatam.

The prisoner will not be executed
 until a definite reply is received
 to the enclosed memorial to
 Government.

I have the honor to be
 Sir
 Your most obedient servant

26 June

Judicial Dept.
Appeal for mercy
CURRENT No. 2938

To
The Superintendent,
District Jail,
Vizagapatam.

CHIEF SECRETARY
GOVERNMENT OF MADRAS
19 JUN. 1895

Chaffenday & Co
Lawyers

No. 51
Enclosures 5

Dated 15
Received 19 June 1895

Madras No. 2938

Subject.
Forwarding appeal for
mercy from condemned
convict No. 8714, Somara
Habbu Gondu under sentence
of death in Vizagapatam
Sessions Case No. 4
of 1895, which sentence has been
confirmed by the High Court.

Sp. 1257 24 57

200-21-5-95

JUDICIAL DEPARTMENT.

Current Number. 2938

FOR ORDERS.

APPEAL for mercy from Convict No. 8714

Somara Habbu Gondu under sentence
(agency)
of death in Vizagapatam Sessions Case
No. 4 of 1895, which sentence has been
confirmed by the High Court.

The Superintendent of the Vizagapatam
Jail certifies that the sentence
will not be carried out until a definite reply from
Government has been received.

The pte admitted before the
Sitting Magistrate that he killed
his wife. Before the Sessions
(Agents) could be pleaded
not guilty, but both the
Ses J. (Agent) & M.C. think
the case clearly proved, as
indeed it seems to have been.
Now, the pte says he did not
kill his wife; and no more.
I can see no reason for
interference

20/6/95

I see no reason to interfere.
The High Court came to the
conclusion that there was no
question about the prisoner's
guilt.

20/6

Tape
21 June

19/6/95
20/6/95

19/6/95

PETITION FOR WRIT

[J.]
[16.]

1,000-5-2-94.

VERY EMERGENT

Hon'ble Member and Circulation

(FOR ORDERS.)

Judicial Department.



Jr.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following letter, dated 15. June 95, No. 1, from the Superintendent of the Jail at *Vizag.*, forwarding petition from Convict *No 8714 Somiah Kattin Soudan* under sentence of death in *Vizag. Agency* Session Case No. 4 of 1895, confirmed by the High Court of Judicature.

Read also letter, dated _____ from the Registrar of the High Court, Appellate Side, forwarding the record of the case.

ORDER THEREON, 22nd June 1895, No. 1338

Having considered the circumstances of the case as set forth in the foregoing papers, the Right Hon'ble the Governor in Council sees no reason to interfere with the sentence of death passed on Convict *No 8714 Somiah Kattin Soudan*

2. The law will take its course.

(True Extract.) (From records)

[Signature]
Chief Secretary.

21/6/95