Judicial (1895) Department.

ORDINARY MS.

G.O., No. 1607.

Dated 31st July 1895

INDEXED.

[Despatch Abstract.]

SENTENCE OF DEATH.

Declining to interfere with the----passed on convict Patteda Bade Sahib alias Bellary Bade Sahib in Bellary Sessions S Case No. 5 of 1895.

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	3794		95				

+ mark of Babe Sahib

6B. Bellary Dt. Jail
19th July 1895.

Surgeon Major
Ag Superintendent of
Jail

Subject

Vernacular appeal petition from the condemned prisoner No: 7147. Patteda Bade Sahib alias Bellary Bade Sahib confined in the District Jail at Bellary

J.

His Excellency the Right Hon'ble
The Governor in Council
Fort Saint George

The humble petition of Convict no 7147, Patteda Bade Sahib alias Bellary Bade Sahib confined in the District Jail Bellary, under Sentence of death in Session case no 5 of 1895 on the file of Sessions Judge Bellary Dn -

I did not murder these persons, with a deliberate intention. While I was returning home from my field at 10 o'clock, I discovered both of them together in the act of adultery, grew vexed and committed an unjust offence of this nature. I did not murder them in his (Chinna Bade Sahib's) house.

I have already stated, in detail in my appeal to the High Court, whom ever I had to represent. I therefore most humbly pray that your Excellency, at least, will be graciously pleased to call for the records in my case, peruse them with deep and kind consideration to set me at liberty.

X mark of Bade

(True Translation)

Bellary Dt Jail
19th July 1895

Surgeon
Ag. Superintendent

Subject.

Translation of the Vernacular petition of the Convict No: 7147 Pattada Babe Sahib alias Bellary Babe Sahib to the Revd. Mr. Pattison Bellary

Form No. 7 (Revised in the District Jail Rc: 7/1895 Bellary.

Sketch of Petition

MISCELLANEOUS FORM No. 7. 53.

Nominal Roll of Convict No. 7147 Pattada Babe Sahib alias Bellary Babe Sahib

Crime.	Sentence.	Date of sentence.	Adjudicating court.	Present Age.	State of health.	Conduct in Jail.	Result of the appeal to the High Court.	Remarks and previous convictions.
Sec 302 I.P.C.	death.	20-4-95.	Sessions Judge Bellary	24-1-5	good	Indifferent	dismissed	"

Bellary District Jail,
19th July 1895.

J. Mears Surgeon Major
Ag Superintendent of Jail.

Subject

Nominal Roll of the condemned prisonier No. 7147. Patteda Bade sahib alias Bellary Bade Sahib confined in the District Jail at Bellary—

5
Jail
3
3476

Nominal Roll of Convict No. confined in the District Jail Bellary.

JUDICIAL DEPARTMENT.

Miscellaneous Form No.

IN THE COURT OF SESSION OF THE BELLARY DIVISION.

The 20th day of April 1895.

SESSION CASE No. 5 OF 1895.

Preliminary Enquiry No. 10 of 1894, on the file of the Stationary Sub-Magistrate of Hospet Taluk, Bellary District.

No.	Name of accused.	Father's name.	Caste or Race.	Occupation.	Residence.	Age.
1	Patteda Bade Sahib *alias* Bellary Bade Sahib.	Honnur Sahib ...	Muhammadan.	Cultivation.	Kampli.	26

Date of

1. Occurrence... ... ... 2—12—94.
2. Complaint ... ... 2—12—94.
3. Arrest or appearance ... 2—12—94.
4. Commencement of trial ... 18— 4—95.
5. Close of trial ... ... 20— 4—95.
6. Explanation of delay ... ...

Assessors ... ... 1. Soleti Lutchmayya, Komati.
2. M. Hanumantappa, Komati.

Accused defended by Mr. Kolar Venkoba Row appointed by Court.

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

Plea ... ... Not guilty.

Opinion of Assessors ... 1st Assessor—Not guilty, under Section 302, I. P. C., but guilty, under Section 304, I. P. C.
2nd Assessor—Guilty, under Section 302, I. P. C.

Finding of Court ... Guilty, under Section 302, I. P. C.

Sentence ... ... Death, subject to the confirmation of the High Court.

SESSIONS COURT,
BELLARY,
Dated 20th April 1895.

No. 1113.

FROM,

LEWIS MOORE, ESQUIRE,
Sessions Judge,
Bellary.

To,

D. W. G. COWIE, ESQUIRE,
Ag. Registrar of the High Court,
Appellate Side, Madras.

SIR,

I have the honor, under Section 374 of the Criminal Procedure Code, to forward herewith the records in Session Case No. 5 of 1895 in which I have sentenced the prisoner Bellary Bade Sahib to death subject to the confirmation of the High Court.

2. The prisoner is charged with having committed murder by causing the death of one Chinna Bade Sahib on the 2nd December 1894 (Section 302 of the Penal Code) and also with having on the same day committed murder by causing the death of his wife Hussain Bi (Section 302). On the charge having been read to the prisoner he admitted that he had killed Chinna Bade Sahib and also his wife and that he was guilty of murder. As, however, it was necessary to ascertain accurately the circumstances under which the prisoner killed these two persons so that I might be able to decide what legal offences he committed when he put an end to their lives and what punishment should be inflicted on him, I directed that a plea of not guilty should be recorded and proceeded to examine the witnesses.

3. Laudamma (1st witness) states that, on the 2nd December at about 9 o'clock in the morning as she was going home from her sister's house, she remarked Hussain Ma, the sister of Chinna Bade Sahib (3rd witness), walking in front of her. Hussain Ma went into the prisoner's house, and, almost immediately afterwards, the prisoner rushed out of that house, gave the witness a blow with a dagger in her back and went on towards the Pettah. Very shortly after that, Hussain Bi (4th witness), the wife of Chinna Bade Sahib, and a woman named Muktumma went into the prisoner's house crying. She further states that when the prisoner stabbed her she remarked that his jacket was stained with blood.

4. The 2nd witness is a little girl of eight years of age named Alla Bi. She states that, on the morning on which Chinna Bade Sahib was killed, she was seated on the pial of the prisoner's house playing with a child. The prisoner came there with Chinna Bade Sahib, and they both went into the prisoner's house, and the door

was closed. Sometime after that, she heard Chinna Bade Sahib cry out from inside the house. She went at once to the house of her grandmother Muktumma and told the people there what she had heard.

5. Hussain Ma, the sister of Chinna Bade Sahib (3rd witness), states that she was pounding paddy together with her brother's wife Hussain Bi and her mother Muktumma on the 2nd December last and that Chinna Bade Sahib was also in the house measuring rice. The prisoner came in and called Chinna Bade Sahib saying that he would sell him some paddy. A short time afterwards the little girl Alla Bi came to the house crying out that the prisoner had taken Chinna Bade Sahib into his house and was beating him. The witness went at once to the prisoner's house and opened the door. As she did so, the prisoner came out. She went into the house and saw her brother lying dead in the *padisala*. Shortly afterwards, her brother's wife Hussain Bi and Muktumma came there, and they all sat down close to the body crying. Hussain Bi, the widow of Chinna Bade Sahib (4th witness), gives similar evidence.

6. The 5th witness one Imam Boo, who lives opposite to the prisoner, states that, on the morning of the day on which Hussain Bi and Chinna Bade Sahib were killed as she was standing in front of her house, she heard some one cry out from inside the prisoner's house. She knocked at the door of the house and called out, but no one answered. Shortly afterwards, the prisoner opened the door and rushed out of the house with a dagger in his right hand. As he passed the witness he hit her a blow on the back with his left hand. She states that she did not remark any stains of blood on his hands or cloths.

7. The 6th witness is Alla Ma, the mother of Hussain Bi, the prisoner's wife. She states that her daughter was married to the prisoner about eight years ago. They never lived happily together, as the prisoner kept a concubine and was in the habit of beating his wife. Her daughter consequently remained with her husband but for a short time and then went back to her mother's house. Last July, however, the prisoner came to the house of the witness and promised not to beat or ill-treat her daughter again, and on that the witness made her go home with her husband. Alla Ma states that, from that time up till her daughter's death, the prisoner and she lived quietly together. On the morning of the 2nd December her daughter came to house, took some food and then went back to her husband's house. Some little time after that, people came and told her that there was a disturbance in front of her son-in-law's house. She went there and saw the body of Chinna Bade Sahib lying in the *padisala* of the prisoner's house. The 3rd and 4th witnesses and Muktumma were seated crying near the body. She then opened the door leading from the *padisala* into the cook room and there found her daughter Hussain Bi lying dead.

8. The 7th witness Abdul Rahiman is the Station House Officer of Kampli. He states that as he was in the Police Station at about 10-30 A. M. on the 2nd December 1894, the prisoner came there with a dagger in his hand. The dagger had been drawn out of the sheath, and the man was holding the weapon in one hand and the sheath in the other. The dagger was covered with fresh

blood. He was wearing a jacket and a waist cloth, and both these garments were stained with blood. The Head Constable asked him what had happened, and he said that he had killed his wife and Chinna Bade Sahib in his own house. The Head Constable told him to place the dagger on the ground, and he did so. He then asked him if he had any other weapon, and he on that took another dagger which was in its sheath out of his waist cloth and handed it to the Head Constable. This weapon was not stained with blood. The witness then searched the prisoner's person, took possession of the two daggers and confined him in the lock-up. He asked the prisoner why he had killed his wife and Chinna Bade Sahib, and he said that he had heard that there was sexual intimacy between his wife and this man and that when he went to his house that morning he found them both there and killed them. The witness took down what he had stated in his note book. The prisoner added that he had found his wife and Chinna Bade Sahib together in his house, that he then fastened and locked the door of the house, took two daggers out of a box which was there, put one in his waist cloth and with the other killed Chinna Bade Sahib in the *padisala* and afterwards killed his wife who was hiding in the cook room off the *padisala*. The Head Constable deposes that the prisoner did not tell him that he found his wife and Chinna Bade Sahib having sexual intercourse, but merely that he found them together in his house. He further stated that he saw the 1st prosecution witness close to his house and that he stabbed her with his dagger, but gave no reason to the Head Constable for striking the woman. The Head Constable then went to the prisoner's house and there found the body of Chinna Bade Sahib lying in the *padisala*. He noticed blood on the floor where the body was lying and also on some paddy which was in the room and on the walls. He then discovered the body of the prisoner's wife Hussain Bi lying in the cook room and observed blood stains on the floor of that room. There was no blood on the ground between the place where Chinna Bade Sahib's body was found and that where Hussain Bi's corpse was lying.

9. The 8th witness Karadappa states that his shop is close to the Police Station. At about 10 o'clock on the morning of the 2nd December he saw a crowd of people at the Police Station and went to see what had happened. The prisoner was sitting there, and the witness remarked that there were stains of blood on his clothes. The Head Constable took two daggers, one of which was stained with blood, out of a box and showed them to the witness. The prisoner did not make any statement to the Police while the witness was present, but on the witness questioning as to what had happened he said that when he returned home from his field he found his wife and Chinna Bade Sahib together. The witness deposes that the prisoner did not appear to be excited, that he cannot say if he was intoxicated or not and that he spoke clearly. It having been pointed out to the witness that what he had stated before the Committing Magistrate was that the prisoner had told him that he found Chinna Bade Sahib and his wife sitting and talking together he said that that was correct.

10. The 10th witness is a Constable attached to the Kampli Police Station. He deposes that he was in the Station when the prisoner came there, that he had a

dagger stained with blood in one hand and the sheath in the other. The prisoner did not appear to be intoxicated. The Head Constable questioned him as to what had happened, and he said that he had killed his wife and a man in hishouse. He did not say that the man whom he had killed was his wife's paramour. He did not mention what his wife and the man were doing when he discovered them. He did not say that the man and his wife were together when he killed them or that they were talking together or that they were lying down together. He also added that he had stabbed "the pimp", but he did not mention her name.

11. The 11th witness states that, on the morning of the 2nd of December as he was passing the prisoner's house, he called him and asked him to write a document for him. As he was talking with him his wife came up from a lane opposite. The prisoner asked her where she had been, abused her and called her a whore. The witness is of opinion that the prisoner had been drinking alcohol at the time but that he was not intoxicated. At 8 o'clock he went home. About half an hour afterwards he heard a great disturbance and on looking out of his house saw the prisoner going down the street with a dagger in his hand and remarked that there were stains of blood on his clothes. This witness states that the prisoner's wife had been living in his house for only a month or two before her death and that previous to that she used to live with her parents. He states that the prisoner sent her away to her parents because he had lost his house, fields and every thing, that it was due to his being in the habit of drinking and keeping concubines that he lost all his money and that he did not send his wife to her parents because he suspected her of being unfaithful to him. The witness adds that on one occasion there was a dispute between the prisoner and a dancing girl whom he kept, that he was called in to settle the dispute, that he had seen the prisoner quarrel with his wife but that he never saw him beat her and that he never heard that there was any improper intimacy between the prisoner's wife and Chinna Bade Sahib.

12. The Civil Apothecary in charge of the Kampli Hospital, in his deposition given before the Committing Magistrate, which has been filed here as Exhibit I, states that he made a *post-mortem* examination of the bodies of Chinna Bade Sahib and Hussain Bi. On the body of Chinna Bade Sahib he found six incised wounds. These were a perpendicular wound two inches long, three quarters of an inch broad, four inches deep extending downwards from the middle of the left clavicle; another wound two inches long, half an inch broad and three inches deep in the left part of the chest, two inches from the left nipple; a large gaping wound on the right and lower part of the chest, four and a half inches long, two inches broad and four inches deep, four inches below the right nipple; another wound an inch long, quarter of an inch broad and one and a half inches deep, half an inch to the left of the 3rd wound; a 5th wound an inch below the 4th, which was an inch long, quarter of an inch broad and an inch deep and a 6th wound on the right side of the back which was an inch long, quarter of an inch broad and two and a half inches deep. The heart and the liver were seriously injured. The Civil Apothecary further

deposed that he found seven incised wounds on the body of Hussain Bi. The left lung had been pierced through by a sharp instrument, and the stomach had been ruptured in two places. These were the more serious wounds. He also examined the 1st witness Laudamma and found that she had received an incised wound on the back, two inches long, half an inch broad and one inch deep.

13. On the conclusion of the examination of the witnesses for the prosecution, the prisoner stated that it was true that he had killed his wife and Chinna Bade Sahib and that he killed them because he had caught them in the act of having sexual intercourse. He also admitted that he had stabbed the 1st witness. The Pleader who has appeared for the defence has not called any witnesses.

14. The 1st Assessor gives it as his opinion that the prisoner is guilty not of murder, but of culpable homicide not amounting to murder on the ground that when he killed his wife and Chinna Bade Sahib they had been found by him engaged in the act of copulation. The 2nd Assessor states that he is of opinion that the prisoner is guilty of murder. He does not consider that it has been shown that the prisoner's wife and Chinna Bade Sahib were found by him in the act of having sexual intercourse. I agree with the 2nd Assessor in holding that the prisoner must be convicted of murder. The evidence given in this case coupled with the prisoner's confessional statements show that he killed Chinna Bade Sahib and Hussain Bi by stabbing them in several places with the sharp pointed dagger which has been produced before this Court. The only question that has to be considered is as to the motives which led the prisoner to the commission of these two crimes and as to whether it can be held that he received such grave and sudden provocation and was so completely deprived of the power of self-control that, under the provisions of Exception I attached to Section 300 of the Penal Code, his offence should be held to be not murder, but culpable homicide not amounting to murder.

15. If the evidence put forward on behalf of the prosecution is accepted as true throughout, it is impossible to conceive what the prisoner's motives for taking the lives of Chinna Bade Sahib and his wife can have been. The prosecution witnesses say that, on the morning of the 2nd of December as Chinna Bade Sahib was engaged with some of his relatives measuring rice, the prisoner came for him and enticed him to his house under the pretext of selling paddy to him and that he then murdered him without, as far as can be seen, having received any provocation and that, after he had killed him, he proceeded to murder his wife for reasons regarding which there is no evidence. It appears to me that it is impossible to accept this evidence as true throughout and that it is difficult to resist the conclusion that these witnesses, many of whom are relations of the two persons who have been murdered, have purposely kept back a portion of the truth. It is difficult to believe that the prisoner enticed Chinna Bade Sahib, his first cousin, into his house on the pretext of selling him paddy and then murdered him without any motive or provocation. It is quite possible that he suspected that the man had been too intimate with his wife, and it is also possible, although there is no evidence in support of the theory, that he found him in company with his wife on the morning of the 2nd December.

The prisoner's statement as to this is that on his return from his field he found his wife and Chinna Bade Sahib together. If, however, the 11th witness Venkatasami is to be believed, and there do not appear to me to be any grounds for discrediting his evidence, it would appear that the prisoner was in his house at about 8 o' clock, that Venkatasami, whom he had known for years, was called by him to write a document for him and that he sat on the pial of the house and did what he was requested. As they were together the prisoner's wife came to the house, and, if the evidence of the 6th witness is to be believed, there can be no reasonable doubt that she was then returning from her mother's house where she had been taking some food. Venkatasami says that the prisoner on seeing his wife abused her and called her a whore. The woman passed on into the house, and the witness shortly afterwards left the place and went home. The murder must have been committed shortly after he left the prisoner's house. If, therefore, his evidence is to be accepted as true, it is impossible to believe the prisoner's assertion that he on coming unexpectedly from his field found Chinna Bade Sahib and his wife together.

16. As far as can be ascertained from the evidence, it would appear that from the time of his wife's return from her parent's house till he went to Muktumma's house to fetch Chinna Bade Sahib the prisoner did not leave his house. It is urged on behalf of the defence that the story of the prisoner having gone over to Muktumma's house and enticed Chinna Bade Sahib to his own house on the pretext of selling him paddy is on the face of it most improbable. Granting, however, what there appears to be good reason to believe, that the prisoner was actuated by motives of jealousy and that he suspected that there was improper intimacy between his wife and Chinna Bade Sahib, it does not appear to me that there is anything incredible in the story told by the witnesses for the prosecution to the effect that he enticed the man into his house on a false pretext and then murdered him. The Head Constable states that when he went up to the prisoner's house immediately after recording his statement in the Police Station he found a number of female relatives of Chinna Bade Sahib sitting round the body in the *padisala* of the prisoner's house crying. He at once took statements from them which he duly recorded in his note book, and it is shown that they then gave exactly the same account as they do now of the prisoner having come over to Muktumma's house and called Chinna Bade Sahib to go to his own house on the pretext of selling paddy to him. The Head Constable deposes that these statements were given to him between 11-30 A. M. and 12 noon, that is to say, less than two hours after the commission of the murders. I do not think that there are any grounds for suspecting that in this brief interval the relatives of Chinna Bade Sahib who, it is shown, were all sitting crying round his body, concocted a false story as to the enticing of the deceased into the prisoner's house.

17. The 1st Assessor is of opinion that the prisoner found his wife and Chinna Bade Sahib in the act of having sexual intercourse. It does not appear to me that it is possible to accept this view of the case. I believe the evidence for the prosecution to the effect that Chinna Bade Sahib was brought into the house on a false pretext by the prisoner and cannot accept the prisoner's statement

that he himself on his return from the field found the man and the woman together. It also appears that, although the prisoner went at once after committing these murders to the Police Station, admitted what he had done and gave up the blood-stained dagger, he did not state to the Head Constable when he surrendered himself that he had found Chinna Bade Sahib and his wife engaged in the act of copulation. The Head Constable states, and the entries in his note book and in the occurrence report (Exhibit E) written by him at the time corroborate his assertion, that what the prisoner told him was that he found the man and the woman together, not that he found them engaged in the act of sexual intercourse. The prisoner is a Muhammadan as also is the Head Constable and they spoke together in Hindustani. Such being the case, it appears to me to be impossible that the Head Constable could have misunderstood the expression that the prisoner used, and there are no grounds for supposing that the Head Constable has not given his evidence on this point truthfully.

17. Having, therefore, now for the second time gone through the evidence in this case, the only conclusion that I can arrive at is that the prisoner killed Chinna Bade Sahib and Hussain Bi by giving them repeated blows with a dagger, that it is impossible to say what his motive was, that it is very probable that it was a suspicion that his wife had been unfaithful to him that led him to commit these two murders, but that there is no evidence of any value that such was the case and that there is an absolute want of proof that he found them either engaged in committing the act of copulation or under such circumstances as would lead to the inference that they had met for that purpose or that he received from either of them anything that could be called grave or sudden provocation. Under these circumstances, it appears to me that the prisoner must be convicted of murder of Chinna Bade Sahib and Hussain Bi and, as it is shown, that these two murders were committed by him in a most barbarous and brutal manner, I have, in my opinion, no option but to sentence him to death, subject to the confirmation of the High Court.

I have the honor to be,
Sir,
Your most obedient servant,
(Signed) LEWIS MOORE,
Sessions Judge.

Note.—The prisoner in this case was on the 15th January 1895 sentenced by me to death for the murder of Chinna Bade Sahib and Hussain Bi, but a re-trial of the case was directed by the High Court in their order, dated the 6th March 1895 in Referred Trial No. 10 of 1895 (Criminal Appeal No. 71 of 1895).

(Signed) LEWIS MOORE,
Sessions Judge.

Printed at the Scottish Press, by Graves, Cookson & Co., Madras.

"True Copy"

Copy applied for 23 April
copy ready 2 may
copy sent " "
1895.

Shirastadar

To,
The Superintendent of Jail,
Bellary

Duplicate

IN THE HIGH COURT OF JUDICATURE AT MADRAS.

Wednesday, the tenth day of July,
One thousand eight hundred and ninety-five.

PRESENT:—

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

DISTRICT & SESSIONS COURT
Regd. 15 us
17 JUL. 95
BELLARY.

Referred Trial No. 39 *of* 1895.

Patteda Bade Sahib alias Bellary Bade Sahib — *Prisoner.*

Trial referred by the Court of Session of the Bellary *Division for confirmation of the sentence of death passed upon the said Prisoner in Case No.* 5 *of the Calendar for* 1895.

CRIMINAL APPEAL No. 263 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 doubt but that the prisoner killed his wife and Chinna Bade Saheb, and the only question is whether he discovered them together in the act of adultery, as in that case

500—6-2-95.

Suspicion against his wife's fidelity. He appears to have been himself a drunken and dissipated character and it is quite possible such suspicion may have been generated in his mind without adequate cause.

We have no option but to confirm the conviction and sentence and dismiss the appeal.

By the Court.

A. Forbes.
Dy: Registrar
Appl: Side

Jail Dept.
Budget No. 5
No. 3476

CURRENT NO. 347

No. 2162

OFFICE OF SUPERINTENDENT OF JAIL,

Bellary, 19th July 1895.

FROM Surgeon Major J. W. Evans

Ag ~~THE~~ SUPERINTENDENT OF JAIL,

BELLARY.

To

THE CHIEF SECRETARY TO GOVERNMENT,

FORT SAINT GEORGE.

SIR,

Enclosures
1. Petition
1. Translation
1. Nominal Roll
1 Judgment of the Sentencing Ct.
1. Judgment of the H.C.

I have the honor to forward the enclosed petition from Prisoner No. 7147 Patteda Bade Sahib alias Bellary Bade Sahib in C. C. No. 5 of 1895 on the file of Sessions Court, Bellary, whose sentence has been confirmed by the High Court.

2. The Nominal Roll as required by para ~~704~~ 701 of the Jail Code, is herewith forwarded.

3. The Prisoner will not be executed until a definite reply is received to the enclosed Memorial from Government.

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

J. W. Evans
Surgeon Major
Ag Superintendent of Jail.

Petition for mercy
"Urgent"

From

The Superintendent
District Jail
Bellary

To

The Chief Secretary
to Government
Fort Saint George

CURRENT NO. 347

VE

CHIEF SECRETARIAT
22 JUL 95
MADRAS

Dated 19.
Despd 19. } July 1895
Recd 22nd

No. 2162

Enclosures: 5

Subject:

Submitting a petition from Condemned prisoner No. 7147 Pattedar Bade Sahib alias Bellary Bade Sahib in S.C. No. 5/95 on the file of the Sessions Court, Bellary, with necessary papers—

Go. 1259. 24.5.94 &c.

189 .

BELLARY DISTRICT JAIL.

From

THE SUPERINTENDENT
OF JAIL,
BELLARY.

To

THE CHIEF SECRETARY
TO GOVERNMENT,
FORT ST. GEORGE.

Dated

Received

No.

Enclosure

Submits a Petition from Prisoner No.
in C. C. No.
on the file of Sessions Court, Bellary, with the usual Nominal Roll.

100—22.2.94.

7th Refer 7.41785
Habeas

[G/69]
1,000—18-3-95.

Jud. Department.

CHIEF SECRETARIAT
MADRAS.

Memorandum.

Read the following

Order
Desp. Telegram to { The Hon. the L. J. of
The Hon. the C. J.

No. 47 Please cause transmission copies of original Judgment Bellary Sessions Case file of 1895 and High Courts order thereon in Referred Trial 10 of 1895

22/7/95

Jd.
22/7/95

CURRENT NO. 3555

Judicial {1895} Department.

No.

FROM

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

Dated 23 July
Received 25th } 1895.
Reg. 26th }

25 JUL 95

No. 1327 Jud.
Enc Two

Forwarding Copies of Original Judgment in Bellary Sessions Case No 5/95 & the order of the High Court thereon in R.J. 10/95

7th Rep. 7.4.1885
Papers
17 Dec 1884 No 3277
Rs 579/95

IN THE COURT OF SESSION OF THE BELLARY DIVISION.

The 15th day of January 1895.

SESSION CASE No. 5 OF 1895.

Preliminary Enquiry No. 10 of 1894, on the file of the Stationary Sub-Magistrate of Hospet Taluk, Bellary District.

No.	Name of accused.	Father's name.	Caste or Race.	Occupation.	Residence.	Age.
1	Patteda Bade Sahib *alias* Bellary Bade Sahib.	Honnur Sahib ...	Muhammedan	Cultivation...	Kampli ...	26

Date of

1. Occurrence ... ... 2—12—94.
2. Complaint ... ... 2—12—94.
3. Arrest or appearance ... ... 2—12—94.
4. Commencement of trial ... ... 14— 1—95.
5. Close of trial... ... ... 15— 1—95.
6. Explanation of delay ... ...

Assessors ... ... 1. Chitambara Pillai, Vellala.
2. Poppati Basappa, Lingayet.

Accused defended by Mr. P. Rama Row appointed by Court.

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

Plea ... ... Not guilty.

Opinion of Assessors ... Not guilty, under Section 302, I. P. C., but guilty, under Section 304, I. P. C.

Finding of Court ... ... Guilty, under Section 302, I. P. C.

Sentence ... ... Death, subject to the confirmation of the High Court.

SESSIONS COURT,
BELLARY,
Dated 15th January 1895.

No. 185.

FROM,

LEWIS MOORE ESQUIRE,
Sessions Judge,
Bellary.

To,

H. W. FOSTER, ESQUIRE,
Registrar of the High Court,
Appellate Side, Madras.

SIR,

I have the honor, under Section 374 of the Criminal Procedure Code, to forward herewith the records in Session Case No. 5 of 1895 in which I have sentenced the prisoner Bellary Bade Sahib to death subject to the confirmation of the High Court.

2. The prisoner is charged with having committed murder by causing the death of one Chinna Bade Sahib on the 2nd December 1894 (Section 302 of the Penal Code) and also with having on the same day committed murder by causing the death of his wife Hussain Bi (Section 302). On the charge having been read to the prisoner he admitted that he had killed Chinna Bade Sahib and also his wife and that he was guilty of murder. He went on to state that he heard that Chinna Bade Sahib was in the habit of visiting his wife and that the 1st witness Laudamma acted as his go-between and arranged for their meetings. He, however, added that he did not believe that this was true, but that on the 2nd December, on returning home from his field and entering his house, he found Chinna Bade Sahib and his wife lying together engaged in the act of copulation and that he on that stabbed them both with a dagger. As he came out of the house he saw Laudamma standing there and stabbed her also. He then went to the Police Station and gave information as to what he had done. As it appeared to me to be clear that the prisoner did not intend to plead guilty of murder but merely admitted that he killed Chinna Bade Sahib and his wife, maintaining that he had done so under circumstances which, to his own mind, rendered his action justifiable, I directed that a plea of not guilty should be recorded and proceeded to examine the witnesses.

3. Laudamma (1st witness) states that, on the 2nd December at about 9 o'clock in the morning as she was going home from her sister's house, she remarked Husain Ma, the sister of Chinna Bade Sahib (3rd witness), walking in front of her. Husain Ma went into the prisoner's house, and almost immediately afterwards, the prisoner rushed out of that house, gave the witness a blow with a dagger in her back and went on towards the Pettah. Very shortly after that, Husain Bi (4th wtiness), the wife of Chinna Bade Sahib, and a woman named Muktumma went into the prisoner's house crying. She further states that when the prisoner stabbed her she remarked that his jacket was stained with blood.

4. The 2nd witness is a little girl of eight years of age named Alla Bi. She states that, on the morning on which Chinna Bade Sahib was killed, she was seated on the pial of the prisoner's house playing with a child. The prisoner came there with Chinna Bade Sahib, and they both went into the prisoner's house and the door was closed. Some time after that, she heard Chinna Bade Sahib cry out from inside the house. She went at once to the house of her grandmother Muktumma and told the people there what she had heard.

5. Husain Ma, the sister of Chinna Bade Sahib (3rd witness), states that she was pounding paddy together with her brother's wife Husain Bi and her mother Muktumma on the 2nd December last and that Chinna Bade Sahib was also in the house measuring rice. The prisoner came in and called Chinna Bade Sahib saying that he would sell him some paddy. A short time afterwards, the little girl Alla Bi came to the house crying out that the prisoner had taken Chinna Bade Sahib into his house and was beating him. The witness went at once to the prisoner's house and opened the door. As she did so, the prisoner came out. She went into the house and saw her brother lying dead in the *padisala*. Shortly afterwards, her brother's wife Husain Bi and Muktumma came there, and they all sat down close to the body crying. Husain Bi, the widow of Chinna Bade Sahib (4th witness), gives similar evidence.

6. The 5th witness one Imam Boo, who lives opposite to the prisoner, states that, on the morning of the day on which Husain Bi and Chinna Bade Sahib were killed as she was standing in front of her house, she heard some one cry out from inside the prisoner's house. She knocked at the door of the house and called out, but no one answered. Shortly afterwards, the prisoner opened the door and rushed out of the house with a dagger in his right hand. As he passed the witness, he hit her a blow on the back with his left hand. She states that she did not remark any stains of blood on his hands or cloths.

7. The 6th witnese is Alla Ma, the mother of Husain Bi, the prisoner's wife. She states that her daughter was married to the prisoner about eight years ago. They never lived happily together, as the prisoner kept a concubine and was in the habit of beating his wife. Her daughter consequently remained with her husband but for a short time and then went back to her mother's house. Last July, however, the prisoner came to the house of the witness and promised not to beat or ill-treat her daughter again, and on that the witness made her go home with her husband. Alla Ma states that, from that time up till her daughter's death, the prisoner and she lived quietly together. On the morning of the 2nd December, her daughter came to her house, took some food and then went back to her husband's house. Some little time after that, people came and told her that there was a disturbance in front of her son-in-law's house. She went there and saw the body of Chinna Bade Sahib lying in the *padisala* of the prisoner's house. The 3rd and 4th witnesses and Muktumma were seated crying near the body. She then opened the door leading from the *padisala* into the cook room and there found her daughter Husain Bi lying dead.

8. The 7th witness Abdul Rahiman is the Station House Officer of Kampli. He states that, as he was in the Police Station at 10-30 on the morning of the 2nd

December, the prisoner came there. He had a dagger, which has been produced before the Court (No. I), in his hand, and it was stained with blood. He was wearing a white jacket and a white waist cloth, both of which were stained with blood. The witness told him to give up the dagger, and he did so. He then asked him if he had any other weapon, and he, on that, took out another dagger No. 2 from under his waist cloth and gave it up to the witness. The Head Constable then went with the prisoner to his house and there found the body of Chinna Bade Sahib lying in the *padisala*. He noticed blood on the floor where the body was lying and also on some paddy which was in the room and on the walls. He then discovered the body of the prisoner's wife Husain Bi lying in the cook room and observed blood stains on the floor of the room.

9. The 11th witness states that, on the morning of the 2nd December as he was passing the prisoner's house, he called him and asked him to write a document for him He sat down on the pial of the house. As he was talking with the prisoner, the prisoner's wife came up from a lane opposite. The prisoner asked her where she had been and abused her. She did not answer him, but went into the house. The witness at about 8 A. M. went home. At about 9 o'clock he heard a disturbance and looking out from his house to see what had happened, saw the prisoner walking from his house with a dagger in his hand.

10. The Civil Apothecary in charge of the Kampli Hospital, in his deposition given before the Committing Magistrate which has been filed here as Exhibit B, states that he made a *post mortem* examination of the bodies of Chinna Bade Sahib and Husain Bi. On the body of Chinna Bade Sahib he found six incised wounds. These were a perpendicular wound two inches long, three quarters of an inch broad, four inches deep extending downwards from the middle of the left clavicle ; another wound two inches long, half an inch broad and three inches deep in the left part of the chest, two inches from the left nipple ; a large gaping wound on the right and lower part of the chest, four and a half inches long, two inches broad and four inches deep, four inches below the right nipple ; another wound an inch long, quarter of an inch broad and one and a half inches deep, half an inch to the left of the 3rd wound ; a 5th wound an inch below the 4th, which was an inch long, quarter of an inch broad and an inch deep and a 6th wound on the right side of the back which was an inch long, quarter of an inch broad and two and a half inches deep. The heart and the liver were seriously injured. The Civil Apothecary further deposed that he found seven incised wounds on the body of Husain Bi. The left lung had been pierced through by a sharp instrument, and the stomach had been ruptured in two places. These were the more serious wounds. He also examined the 1st witness Laudamma and found that she had received an incised wound on the back, two inches long, half an inch broad and one inch deep.

11. On the conclusion of the examination of the witnesses for the prosecution, the prisoner was asked if he had any further statement to make, but he said that he did not wish to add any thing to what he had said previously. The Pleader who has appeared for him has called no witnesses.

12. The Assessors are of opinion that the prisoner is guilty of culpable homicide not amounting to murder, but that he should not be convicted of murder on the ground that, when he killed his wife and Chinna Bade Sahib, they had been found by him engaged in the act of copulation. I regret I cannot agree with them in holding that the prisoner should not be convicted of murder, but only of the lesser offence of culpable homicide not amounting to murder. The evidence given in this case coupled with the prisoner's confessional statements show that he killed Chinna Bade Sahib and Husain Bi by stabbing them in several places with the sharp pointed dagger which has been produced before this Court. The only question that has to be considered is as to the motives which led the prisoner to the commission of these two crimes and as to whether it can be held that he received such grave and sudden provocation and was so completely deprived of the power of self-control that, under the provisions of Exception I attached to Section 300 of the Penal Code, his offence should be held to be not murder, but culpable homicide not amounting to murder. The prisoner states that he had reason to believe that Chinna Bade Sahib was carrying on intrigue with his wife and that the 1st witness Laudamma acted as a go-between and allowed them to meet in her house. There is no evidence in support of this contention. The deposition, given by Husain Bi's mother, shows that the prisoner and his wife did not live happily together and that he was in the habit of beating and ill-treating her, but there is nothing to prove that the woman was unfaithful or that the prisoner has any grounds for suspecting that Chinna Bade Sahib was carrying on intrigue with her. It is, however, not improbable that the prisoner had some grounds for jealousy.

13. If the evidence put forward on behalf of the prosecution is accepted as true throughout, it is impossible to conceive what the prisoner's motives for taking the lives of Chinna Bade Sahib and his wife can have been. The prosecution witnesses say that, on the morning of 2nd December as Chinna Bade Sahib was engaged with some of his relatives measuring rice, the prisoner came for him and enticed him to his house under the pretext of selling paddy to him and that he then murdered him without, as far as can be seen, having received any provocation and that, after he had killed him, he proceeded to murder his wife for reasons regarding which there is no evidence. The opinion given by the Assessors shows that they do not believe this evidence, and there are, in my opinion, good grounds for hesitating to accept it. It is difficult to believe that the prisoner enticed Chinna Bade Sahib, his 1st cousin, into his house on the pretext of selling him paddy and then murdered him without any motive or provocation. It is quite possible that he suspected that the man had been too intimate with his wife and it is also possible, although there is no evidence in support of the theory, that he found him in company with his wife on the morning of the 2nd December. His assertion, however, that he found them engaged in sexual intercourse is not supported by the smallest particle of evidence and seems to me very improbable. The Assessors appear to believe that the prisoner found the man and the woman together and murdered them then and there. If he did so and then dragged the body of the woman into the cook room leaving the man in the *padisala*, it appears to me to be only reasonable to assume that, considering the numerous wounds which had been inflicted on the woman, traces of blood would have been found leading from the *padisala* to the cook room.

No such traces, however, were discovered. Taking the evidence and the prisoner's own statements together, the only conclusion that I can arrive at is that the prisoner killed Chinna Bade Sahib and Husain Bi by giving them repeated blows with a dagger, that it is impossible to say what his motive was, that it is very probable that it was a suspicion that his wife had been unfaithful to him that led him to commit these two murders, but that there is no evidence that such was the case and that there is an absolute want of proof that he received from either of them anything that can be called grave or sudden provocation. Under these circumstances, it appears to me that the prisoner must be convicted of the murder of Chinna Bade Sahib and Husain Bi and, as it is shown that these two murders were committed by him in a most barbarous and brutal manner, I have, in my opinion, no option but to sentence him to death subject to the confirmation of the High Court.

I have the honor to be,

Sir,

Your most obedient servant,

(Signed) LEWIS MOORE,

Sessions Judge.

"True Copy"

A. B. Rajagopalan
Sheristadar

To,

The High Court,

Madras

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Enclosure I to the High Court's letter dated 23 July/95 No. 1327

Judicial.

POLICE SECRETARIAT
25 JUL 95
GOVERNMENT

1895
5
Jud
Enclos. No 1
To
C. No 3555.

IN THE HIGH COURT OF JUDICATURE AT MADRAS.

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

PRESENT:—

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

Referred Trial No. 10 of 1895.

Patteda Bade Sahib alias
Ballary Bade Sahib — } Prisoner.

Trial referred by the Court of Session of the Ballary *Division for confirmation of the sentence of death passed upon the said Prisoner in Case No.* 5 *of the Calendar for* 1895.

CRIMINAL APPEAL No. 71 OF 1895.

Appeal by the Prisoner against the said Sentence.

This case coming on for hearing, Upon perusing the Petition of appeal, and the record of the evidence and proceedings of the said Court of Session, and upon hearing the arguments of Mr. M. Venkataramiah Chetty Vakil engaged for the defence under

500—6-2-95.

under G. O. dated 17th December 1884, No. 2273, provincial, and of the Public Prosecutor in support of the conviction; the Court made the following

Order:- The prisoner has been convicted by the Sessions Court of Ballary of the murder of his wife Hussain Bee, and of his cousin one Chinna Bade Sahib on the morning of December 2d 1894. The prisoner admits that he killed these two persons and the questions for consideration are the circumstances under which he killed them and what legal offence he has committed.

The

The case put forward by the prosecution was that on the morning in question the prisoner called Chinna Bade Sahib from the latter's own-house on pretence of selling him some paddy; that when they entered prisoner's house prisoner at once closed the door and stabbed him with a dagger in the padi-sala of the house after which he killed his own wife either in the padisala or cookroom, and then having opened the door he stabbed a woman Landamma who was outside. He then went to the police station with the dagger in his hand and surrendered

surrendered. The prosecution allege there was no possible motive for the crime.

The defence put forward by the prisoner was that on that morning he returned to his house from his field. On entering the house he found his wife and chinna Babe Lahib in the act of sexual intercourse which so enraged him that he took a dagger and stabbed them both. Observing Loudamma outside whom he believed to be the pimp he stabbed her also and then went to the police

police station and told what he had done.

It is clear that if the prosecution story be true, the prisoner must be found guilty of murder and that there are no extenuating circumstances. If, on the other hand, the defence story be true the prisoner ought not to have been convicted of more than culpable homicide. The prisoner called no witnesses, and as there was no one else in the house, he could call no one to speak as to what actually occurred. But the assessors accepted the prisoner's story and convicted him of culpable homicide only.

The

the Judge agreed with them so far that he did not accept the prosecution story that prisoner enticed Chinna Bade Lebbe into his house and murdered him without provocation but he did not accept the prisoner's statement that he found his wife and Chinna Bade Lebbe engaged in sexual intercourse, and then and there killed them. He observed that in this case there would have been traces of blood between the padisala and the cook-room which was not the case. He considered that

that suspicion of his wife might possibly have been the cause of the crime, but there was nothing to show such suspicion was well founded or that there had been any provocation. He therefore convicted the prisoner and sentenced him to death.

We are constrained to hold that the case has not been satisfactorily tried. The witnesses called by the prosecution, were very cursorily examined by the Government Pleader, the evidence not being given with anything like the same fullness as before the committing magistrate. The pleader appointed

to defend the prisoner hardly
cross-examined at all, and
with what we cannot but
describe as culpable care-
lessness he failed to bring
out points which might tell
in the prisoner's favor and
which appeared in the depos-
-itions given before the Committing
Magistrate, but which neither
he nor the Government Pleader
made evidence at the Sessions
trial. The most important
of these was the statement
made by the prisoner when
he first appeared at the Station
house, and which apparently
was

was made not only to the con-
-stables, but also in the presence
of other people. Bearing in
mind that prisoner has through-
-out admitted that he killed
these two persons, and has made
excuses for doing so, it was most
material to ascertain whether
these excuses were alleged from
the very first, - before there was
time for the concoction of false
excuses or whether those excuses
were a more after-thought.

Strange to say, neither the
Station house officer (7th witness)
nor the other constable (10th witness)
nor Karadappa (8th witness)
who

who was present at the police
station was examined on
this point at all, though they
had been so examined before
the Committing Magistrate
before whom the occurrence
report had been made as
evidence as Exhibit K. It
is possible that the Government
Pleader may have hesitated
to ask the question on the ground
that the prisoner was in custody
when the confession was made -
but even then the statement
might possibly have been
received under Section 27 of
of the Evidence Act, - but
no

no such excuse can be made
for the pleader appointed to
defend the prisoner. The prisoner
when called on to plead had
admitted that he had killed
his wife and Chinna Bade
Lahib, and the effect of pro-
-ving the confession would
have been to palliate and
reduce the offence. It was
certainly not excluded under
Section 25 of the Evidence Act,
and if through ignorance of
law the pleader did not
put it in we think the Judge
who must have read the
deposition should have
done so, seeing that the
issue

issue involved the life of the prisoner under trial.

There are other material points which have not been noticed in the judgment of the Sessions Judge. The testimony of Allamma, — prisoner's Mother-in-law, goes to show that her daughter had come to her house for a meal and had afterwards returned to her husband's house. This witness was also much more fully examined before the Magistrate. But her testimony, read in conjunction with that of Venkatasami

Might

might support the theory that prisoner resented his wife leaving home. On the other hand it might tell against the prisoner's story that on his return he found his wife and child Bade which together. It is impossible for us to form any definite conclusion upon this evidence, since it is very scanty nor has it been considered by the Court below.

It would have been material to consider how soon after the arrest of prisoner the prosecution story that he called China Bade Sahib to his house was put forward.

This

This is an essential element for consideration in judging of the truth of the story.

We regret to have to come to the conclusion that the case has not been satisfactorily tried, but on the evidence as it stands, we are not prepared either to confirm the conviction or to hold that the prisoner should only be convicted of the minor offence. We set-aside the conviction and direct that the accused be re-tried.

We would impress upon the

the Judge the necessity of choosing competent pleaders to conduct the defence of prisoners whom the State allows to be defended at the public expense.

By the Court.

Sgd/ A. J. Forbes
Dy: Registrar,
appellate side.

/True copy/

D. W. Lowe
ag: Registrar,
appellate side.

A.J.
24/7.

KLL 24/7

Enclosure II to the High Court's letter dated 23d July 1895 No. 1327 Judicial.

SECRETARIAT
25 JUL 95
JUDICIAL DEPARTMENT

Judl
2
C. No. 3635.

No 1327 Judl.

High Court of Judicature
Madras, 23d July 1895

CURRENT NO. 355

From

D. W. G. Lowis Esquire,
ag: Registrar, High Court,
Appellate Side, Madras.

To

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

Honourable Sir,

Adverting to your telegram No. 417 of the 22d instant, I have the honor to forward Copies of original Judgment in Bellary Session Case No. 5 of 1895 and the order of the High Court thereon in Referred Trial No. 10 of 1895.

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

D. W. G. Lowis
Acting Registrar
Appellate Side

24/7. 24/7

J
43. 200—21-5-95

JUDICIAL DEPARTMENT.

Current Number of 3476 & 3555

FOR ORDERS.

APPEAL for mercy from Convict No. 7149 Petitioner Bada Sahib alias Bellary Bada Sahib under sentence of death in Bellary Sessions Case No. 5 of 1895, which sentence has been confirmed by the High Court.

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

If seems one strong point against the Petr that, when the Head Constable got to the house, the relatives who were collected around the dead body of the man at once told the story now told as to the Petr having fetched him on pretence of getting him paddy. The H.C. has gone into the case very carefully & has failed to find that there was any evidence of such grave & sudden provocation as to reduce the offence from murder to manslaughter. At the same time, it is difficult to suppose that, rightly & reasonably, the Petr was not actuated by a suspicion of his wife's fidelity. I think it would be the safest plan to commute the sentence of death for one of transportation for life.

BB
27/7/95

The evidence shows that there was no immediate provocation, so the act committed was murder, but the circumstances leave no doubt in my mind but what the Prisoner was deprived of self-control by a belief that his wife was unfaithful to him with the Bada Sahib, at the first trial both the assessors thought the

JH
26/7/95

Prisoner was guilty of Culpable Homicide not amounting to murder & on the second case of two did not. On the whole I doubt if the Prisoner shd be hanged & therefore sentence may be commuted to Transportation for Life.

JG 27

I cannot find any evidence whatever of grave provocation, either immediate or remote to account for the petitioner's action in this case. My hon. colleagues are disposed to make allowance for him, and to give him the benefit of the doubt wh. exists in their minds as to the probable reasons for the murders wh. he undoubtedly committed. But I regret that I can not take the same view. The H.C. very properly on the first appeal pointed out the links that were missing in the chain of evidence against the man, and ordered a re-trial. They went into this most carefully on the second appeal, and considered that it was conclusively proved that the pet. who was not found in such a situation with the deceased woman as to justify the action taken by the pet. and also that the pet. had deliberately decoyed the man into his own house, & there & then murdered him. These facts to my mind clearly show that the murder was deliberately planned & executed, and I do not think that whatever suspicions the man may have had, that this action of his can be held to be anything but cold-blooded murder. The Sessions Judge - one of the Assessors - & two H.C. Judges - that is four out of the five persons who have thoroughly examined into the case, as it was laid before us, with all the doubtful points thoroughly sifted and inquired into, have come to this conclusion, and I must unhesitatingly say that to inflict any other than the extreme penalty of the law, would in this case, in my opinion, amount to a grave miscarriage of justice. It is very painful to me to differ with my hon. colleagues on such a subject as this, involving as it does the question of life or death to a fellow creature - but I am unable to follow them in the conclusions they have arrived at, or to allow the suggestion wh. they have advanced, without any evidence as far as I can see to support it, to outweigh the conclusions arrived at by judicial officers, after a remarkably full & exhaustive enquiry.

W
28 July

PETITION FOR MERCY.

VERY EMERGENT.

Hon'ble Member and Circulation.

(FOR ORDERS.)

On going through the papers again, after reading H.E.'s note, I have come to the conclusion that he is right. I imagine that what happened was that after the 11th Witness left the Prisoner, the latter went into the house & continued the quarrel he had already had with his wife & as a result thereof murdered her; and then went & called Chinna Nada Saheb & murdered him - This would account for the two murders being in separate places. I am afraid the petition must be dismissed

BH
30/7/95

On re-consideration I agree with my Hon'ble colleagues.

JS
30/7

C 26/7
R 29/7
C 31/7/95

[illegible]

[illegible]

Judl. Department.

[0. 25.]
500—21-5-95.

C. No.

FOR ORDERS.

Recirculated to the Hon'ble Members with reference to H.E.'s remarks.

29/7/95

BH
29.7.95

FOR ORDERS.

HON'BLE MEMBER.

[J. 16.]
600—5-2-94.

Judicial Department.

CHIEF SECRETARIAT MADRAS.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

READ the following letter, dated 19. July 95. No 2112, from the Superintendent of the D.. Jail at Bellary, forwarding petition from Convict Pattida Bade Sahib alias Bellary Bade Sahib, No 714 under sentence of death in Bellary Session Case No. 5 of 1895, confirmed by the High Court of Judicature.

Read also letter, dated 23. July 95, No 1327 from the Registrar of the High Court, Appellate Side, forwarding ~~the~~ certain record, ~~of the case.~~

ORDER THEREON, 31st July 1895, No. 1607

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 714) Pattida Bade Sahib alias Bellary Bade Sahib.

2. The law will take its course.

~~(True Extract.)~~

(Sd) H. A. Stuart
31/7/95
Chief Secretary.

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

When given for copying ____
When copied ____ } 189 .
When examined ____
When signed ____

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

CURRENT No.

ENCLOSURE TO C. 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.