

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 1608

Dated 31st July 1895

INDEXED.

[Despatch Abstract.]

APPEAL AGAINST ACQUITTAL.

Communicating to the District Magistrate of Anantapur,
letters from the Government Pleader stating that ^{the} Hon. Mr. Justice
Best and the Hon. Mr. Justice Subramanya Aiyar have dismissed the----
in Sessions Case No. 81 of 1894 on the file of the Sessions Court of
Bellary, and forwarding copy of the judgment in the same case.

BACK PAPERS.

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

FURTHER PAPERS.

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

the

556-12-3-95
334=14-295
SK

Form

The Collector and District Magistrate

Anantapur

To 556: 12-3-95
Spahes

The Chief Secretary

to Government,

Fort Saint George.

Dated 10 March 1895.
Received

ON Ref 1195 of 94
10-3-95



Submitting order of the
Stationary Sub magistrate, Gooty
His Preliminary Regr No. 7 of
894

✓ and No. 763-
11/22/3.

Forwarded original
to Government Revenue
Continuation of G.O. No 556 of 95
12 March 1895

By order
Joh. St. George, Local David
4 April 1895
29.3.95 (to be ret)

No. Ref on M.C. 1195/94
10-3-95
Enclosure

Anantapur Collector's Office,
Dated 10th March 1895.

From F.A.N.
The C
Nicholson Esquire,
Collector of and District Magistrate,
Anantapur.

To
The
Chief Secretary
to Government,
Fort Saint George.

Sir,
In Contin
dated 6th and 7th continuation of my letters No. 1195/94
to forward herewith March 1895. I have the honor
Magistrate's order a copy of the Stationary Sub -
in his Preliminary Enquiry.

I have the honor to be,
Sir,
Your most obedient Servant
J. J. J.
For District Magistrate.

80 123.95
10.556
ms.

PAPER

Judicial Dept

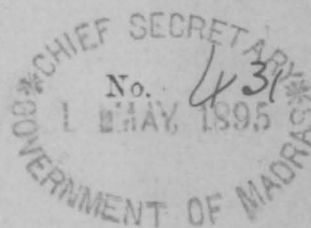
CURRENT No. 2172

418R of 4-4-95
2938 of 3-12-94
556 of 12-3-95 (abs)
334 of 14-2-95 (abs)

From

THE GOVERNMENT PLEADER,
Madras.

Dated 30-4-95
Recd. 1-5-95
Rep. 2-5-95



ENCLOSURES Nos 1339, 1178,
1174 + 1108, with Sec. ref.

3 copies stitched
10/5/56/12/3/95

Reporting the result in
sl appl No 126 of 1895 on
the file of the High Court.

Ref
Please see ...
appeal ...
magistrate ...
case ...
under ...

Respectfully,
The Secy.

This may be used pending
the receipt of the High Court's judgment.
The first accused concerned in the ...
... have been ...

CURRENT NO. 2172

Government Pleader's Office,

High Court,

No. 431

MADRAS, 30th April 1895.

From

E. B. POWELL, Esq.,

GOVERNMENT PLEADER,

Madras,

To

THE Chief Secretary to Govt.

Cotacaimund

SIR,

*enclosures returned
4-4-95
no 416*

In continuation of this office letter No. 306 of the 25th March last, I have the honor to state that the Chief Justice and Mr. Justice Parker having expressed a very strong opinion regarding the other accused in their judgment in *Hannan's case*? *Mahanad's* appeal, the appeal against acquittal, preferred to the High Court of the accused N. D. & Co in Bellary Sessions Case No. 81 of 1894, was sent by the Chief Justice to be heard by the Second Bench.

I regret to say that the judgment of the Second Bench is diametrically opposed to that of the Chief Justice and Mr. Justice Parker. Those portions of the evidence which the latter Judges considered to be above suspicion and especially worthy of credit are treated by Mr. Justice Best

and

and Mr Justice Subramania Iyer as not entitled to any credit whatever. The judgment is meagre and unsatisfactory evidence which weighed most heavily against the Prisoners and which I particularly relied on and pressed upon the Court has not even been referred to in the Judgment. The appeal has been dismissed against all the accused * on 29-4-95 without distinction. The result will no doubt surprise the Judges who dealt with ^{Hannayappa's} Mahanandis appeal quite as much as it will Government.

I have applied for a copy of the Judgment, which will be forwarded on receipt.

I have the honor to be,
Sir,

Your most Obedt Servt,

M. K. Govind

Government - Pleader

CURRENT NO. 3470

From

THE GOVERNMENT PLEADER,

Madras.

Dated

18-7-95

Recd.

20-7-95

No.

618



ENCLOSURE.

Forwarding a copy of the
Judt in let appl no 126
of 1895 on the file of the
High Court.

Ref

S.O. 12-3-95, no 536.

22/7/95

31st July 1895 No. 1608

(C. No 2172-A 3470.)

H. M.

mis

Cons. W. H. D. Inajit of

Anantapur in Conty of S.O.

4. April 95. No 418.

23-7-95

25/7/95

23/7/95

To the D. Inajit, Anantapur

(C. No 2172-A)

3470 - P

Capd

2/8

with me

31/7

12/10

the High Court at Madras
Monday, the twenty-ninth day of April.
One thousand eight hundred and ninety-five
Present:—
Honorable Mr. Justice Best
and
Honorable Mr. Justice Subrahmaniam,
C. J. C.
Criminal Appeal No. 128 of 1895.—
Public Prosecutor — — — Appellant.
Kuppugadu, 2. Chinna
Rao, 3. Rangadu alias Vroon,
Katigadu and 5. Galigadu } Accused.
Appeal under Section 417 of the Code
of Criminal Procedure against the judgment
passed on the accused in
our Case No. 87 of 1894 by the Sessions
Court of Bellary.
This Appeal coming on for hearing
on Monday, the 25th instant, as against
accused 2 to 6 as per order of this
Court dated 22^d March 1895 upon perusal
of the petition of Appeal and the record of
evidence and proceedings before the
Court of Session; and upon hearing
the Appellant, and upon hearing the
representations of Mr. G. S. I. Draper, Counsel
for the Accused; and having taken time
to consider till this day the Court delivered
the following
Judgment:— Having carefully considered
the evidence we are unable to say
that the Judge was wrong in declining
to allow the appeal.

The Honorable Mr. Justice Best
and
The Honorable Mr. Justice Subrahmaniam.
C. J. C.

Criminal Appeal No. 128 of 1895.

The Public Prosecutor — — — Appellant.

1. Pedda Kuppigadu, 2. Chinnna
Kuppigadu, 3. Rangadu alias vroom, } ed to 6th
4. Venkatigadu and 5. Galigadu } Accused.

Appeal under Section 417 of the Code
of Criminal Procedure against the judgment
of acquittal passed on the accused in
Sessions Case No. 87 of 1894 by the Sessions
Judge of Bellary.

This Appeal coming on for hearing on Thursday the 26th instant, as against the accused 2 to 6 as per order of this Court dated 22^d March 1895 Upon perusing the Petition of Appeal and the record of the evidence and proceedings before the Court of Session; and upon hearing the Appellant, and upon hearing the arguments of Mr. G. L. J. Draper, Counsel for the Accused; and having taken time to consider till this day the Court delivered the following

Findings - Having carefully considered the evidence we are unable to say that the profs was wrong in deciding to

convicting ~~any~~ ^{the} accused.

No doubt the witnesses all agree in the evidence given at the trial - but when this evidence is compared with the statements made at the inquest by each of them as were then examined they are found to be widely divergent, as pointed out in paragraph 9 of the judge's letter.

As to the 9th, 10th and 11th witnesses, it is observed that their names are not mentioned in the inquest paper. They were first heard of on the following day though the 9th witness states he was present at the inquest and has been actually examined by the Police.

The judge's suspicion, that the Head Constable and his party arrived in the village some little time before the Inspector and Sub Magistrate and that evidence of what was done during that time has been purposely kept back (see paragraph 2 of the judge's letter) seems not devoid of foundation.

There is also reason to think that the real facts which led to the killing

killing of Mahanandi by the 1st accused have not been disclosed.

As we agree with the judge in thinking that the evidence is not such as to justify a positive finding as to which (if any) of the other - accused joined with 1st accused in the assault on the deceased Mahanandi, we dismiss this appeal.

Ordered accordingly
Signed / A. J. Fisher
Deputy Registrar
Appellate Side

(Line Copy)

3d & last meet. S. Mahalingam
Superintendent

End T. T. Sundaram

65 words
Copied by
M.B.

Government Pleader's Office,

High Court,

MADRAS, 18th July 1895.

No. 618.

From

E. B. POWELL, Esq.,

GOVERNMENT PLEADER,

Madras,

To

THE Deputy Secretary to Government
Coloanund

SIR,

In continuation of my
letter No. 431 dated the 30th April last,
I have the honor to forward herewith a
copy of the judgment in criminal appeal
No. 126 of 1895 on the file of the High
Court.

I have the honor to be
Sir
Your most obedt Servt.

W. Brown

W. Brown

Judgment
Crl. app. 126 of 95.

1895
Ind. Dept.
Enclos. No. 1
To
C. No. 3470.

HIGH COURT, APPELLATE SIDE.
O. D. No. 1315/95.

Application made.....25-4-1895
Stamp papers called for.....189
Do. deposited.....189
Copy ready.....17-7-1895
Do. delivered.....18-7-1895

W. Brown
SUPERINTENDENT.

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

189 .

AGAIN G.O., No.
189 ,

DATED

PRESENT No.

CLOSURES TO C. No.

ORDER OF GOVERNMENT A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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

N.B.—
A = Copy in full.
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