

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 1875

Dated 7th Sept. 1895

INDEXED.

[Despatch Abstract.]

SENTENCE OF DEATH.

Declining to interfere with the ----passed on convict No. 176
Mookkun in Madura Sessions case No. 40 of 1895, and directing that the
law shall take its course.

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	4349. 4356.		} no year marked				

Enclosure - 1

IN THE SESSIONS COURT OF MADURA.

SESSION CASE XL OF 1895.

(JULY SESSIONS).

Committed by the 2nd Class Magistrate of Madura Town (R. C 10 of 1895).

Prisoner :—Mookkan (Defended by vakil Mr. R. Annasami Aiyer, B. A. B. L.).

Charge :— { (1) Murder, Section 302 I. P. C.
(2) Attempt at suicide, Section 309 I. P. C.

Opinion of :— { 1st Assessor—Reddi.
2nd do. —Vellala.

Opinion of Assessors :—Guilty.

Finding of the Judge :— Do.

Sentence subject to confirmation by the High Court. { Prisoner, Mookkan, to be hanged by the neck until he is dead, under Section 302 I. P. C.

JUDGMENT :—The prisoner is charged under Section 302 I. P. C. with having murdered his wife Sinnammal in Madura on the night of the 13th May 1895, and he is also charged under Section 309 I. P. C. with having at the same time and place attempted to commit suicide.

2. The corpse of Sinnammal, the prisoner's wife, was received at the hospital in Madura at 2 A. M. on the 14th May 1895 and was examined by the Assistant Surgeon who is the 5th witness. There were four wounds on the corpse. One was in the right cheek and penetrated into the cavity of the mouth. Another was on the right side of the front of the neck and had partially severed the jugular vein. The third wound was below the left arm-pit, the 8th rib was broken and the upper lobe of the left lung was punctured. The fourth wound was on the right side of the back and the upper portion of the right kidney was punctured, the puncture corresponding exactly with the point of a knife which was produced at the hospital with the corpse. The Assistant Surgeon also examined the prisoner on the morning of the 14th May and found a superficial incision on the front of his throat.

3. The prisoner admits that he inflicted the wounds which caused his wife Sinnammal's death. He also admits that after stabbing his wife, he attempted to cut his own throat and there is no dispute as to the following facts which are proved in evidence.

4. Sinnammal, who was a widow at the time, married the prisoner about 9 years ago and she and the prisoner, being Oddars by caste, lived in a hut surrounded by other Oddar huts in the Tahsildar's tope in Madura. Two or three months before Sinnammal's death, the prisoner suspected her of criminal intimacy with a koravan named Alagan and referred the matter to a panchayat of Oddars. They found that his suspicions were groundless and fined him Rs. 3 for making the charge against his wife. After this, the prisoner and Sinnammal continued to live together amicably in their hut. On the night of the 13th May they lay down to sleep in the verandah of the hut, their three children sleeping inside the hut, while Mookkan, the son of the deceased by her first husband, slept outside in front of the hut. The prisoner habitually, for a year and a half past, slept with a knife in his waist cloth and about 11 P. M. Mookkan, who is the 1st witness for the prosecution, heard his mother scream out "He is stabbing me, he is stabbing me". He ran to the hut, whereupon the prisoner threatened to stab him also. The prisoner then stabbed Sinnammal on the right cheek with his knife and Sinnammal, extricating herself from him and rushing out of the verandah naked, went to the adjacent hut occupied by Venkitti, the 2nd prosecution witness and saying her husband had stabbed her, asked for a cloth to cover herself with. Venkitti gave her a cloth and enquired why the prisoner had stabbed her, but Sinnammal made no reply and tying the cloth round her, went to the next hut and roused Vellaichami, who is the 3rd prosecution witness and Venkitti's son. As she was telling Vellaichami that her husband had stabbed her, the prisoner came and saying "What, you are going and telling every one, are you?" stabbed her with his knife in the back. Sinnammal turned round and the prisoner stabbed her on the right side. Vellaichami asked the prisoner why he was stabbing his wife and the prisoner said he would stab him too if he interfered. Sinnammal then moved towards her hut but fell down fainting. On seeing this the prisoner said "My wife is dying! let me die too" and drew the knife he had in his hand across his throat. Having done this, he flung the knife on the ground and sat down in front of his hut. Mookkan, the 1st prosecution witness, then went and brought a constable who is the 7th prosecution witness from the toll gate on the Tiruparangunder road. By the time he returned with the constable his mother was dead. After this Mookkan went to the police station and made a complaint (exhibit A) to the Station House Officer who is the 8th prosecution witness. The Station House Officer came to the Oddar huts, sent Sinnammal's corpse to the hospital, sending with it the knife which the prisoner had used and which the constable had secured, and arrested the prisoner who had remained sitting in front of his hut.

5. On the 14th May the prisoner made a confessional statement before the committing Magistrate and repeated it, with some additions and slight variations, on the 23rd May. The memorandum attached to each of these statements (exhibits D and D1) does not show that they were read over to the prisoner, but as he has adhered to them in this Court and as they contain not only his confession but his defence, I think they are admissible in evidence. According to these statements, the deceased continued her intimacy with the koravan even after the decision of the panchayet to which reference has already been made, refused to let the prisoner have connection with her, and kicked him when he pressed her to do so on the night he killed her. That

the prisoner still suspected his wife of infidelity is shown by the evidence of Mookkan, the 1st witness, who deposes that before he went to sleep on the night in question, he heard the prisoner abusing Sinnammal and saying she was keeping a korava fellow. But the prisoner had tried and had failed to prove the truth of his suspicions and mere morbid jealousy is no excuse for, or palliation of, the crime of murder. Nor can it be held that, if the prisoner's wife, with whom he had cohabited since the decision of the panchayet, refused him access to her and spurned him on the night he stabbed her, such conduct afforded him any reasonable ground of provocation. On the other hand the evidence shows that he pursued his wife, after she had once escaped from him, and stabbed her to instant death expressly because she complained to the neighbours that he had already stabbed her. The 3rd witness says the prisoner was drunk when he came to his hut in the evening but does not think he was drunk when he killed his wife. When he was arrested, the prisoner did not appear to have been drinking and even if he had been drinking, that circumstance is no defence, since it is not suggested that he was intoxicated without his knowledge or against his will.

6. In my opinion the prisoner, who admits that he killed his wife, killed her without any just or lawful excuse and concurring with the assessors I convict him under Section 302 I. P. C. of murder. Upon his own admission and upon the evidence he must also be convicted under Section 309 I. P. C. of having attempted to commit suicide. I am unable to see any extenuating circumstance in the case and am therefore constrained to sentence the prisoner, under Section 302 I. P. C. to be hanged by the neck until he is dead. This sentence is subject to confirmation by the High Court and the prisoner is informed that if he wishes to appeal he must do so in seven days.

No sentence is recorded against the prisoner under Section 309 I. P. C.

Madura
22nd July 1895

W. DUMERGUE,
Sessions Judge.

(True copy)

Madura Sessions Court }
12th August 1895 }

Shangroo
for head clerk.

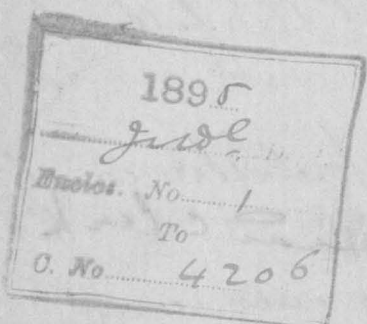
To

The Superintendent of Jail
Madura

2-8-95
12/11

(2nd copy) for delivery to the prisoner Mookkan
176

Serial Number	DESCRIPTION OF THE ACCUSED.						DATE OF.					Explanation of delay.
	Name.	Father's name.	Caste.	Occupation.	Residence.	Age.	Occurrence.	Complaint	Apprehension.	Commencement of trial.	Close of trial.	
1	2						3					4
S. C. 40 of 1895.	Mookkan.	Raman.	Oddan.	Cooly.	Madura.	32.	13-5-95.	13-5-95.	14-5-95.	17-7-95.	17-7-95.	



Duplicate

Enclosure 2

IN THE HIGH COURT OF JUDICATURE AT MADRAS.

Thurs. day, the *twenty-second* day of *August*,
One thousand eight hundred and ninety-five.

PRESENT:—

The Honourable *Mr. Justice Parker*.

and

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

Referred Trial No. *51* of 1895.

Mookkan

Prisoner.

Trial referred by the Court of Session of the *Madurai* Division
for confirmation of the sentence of death passed upon the said Prisoner in Case
No. *40* of the Calendar for 1895;

CRIMINAL APPEAL No. *353* of 1895;

Appeal by the Prisoner against the said Sentence.

This case coming on for hearing, *the Court delivered the following*

Judgment.— It is urged that the condi-
tion of mind in which the prisoner was
should be considered, and that the insults
offered to him by his wife provoked him to
make the attack upon her which resulted in
her death.

It seems clear that though prisoner had suspected his wife of an intrigue with a Koraver the caste people held the accusation was not proved and prisoner took his wife back to live with him. According to his own statement the infidelity (if any) had been condoned and it is clear that prisoner's real grievance was that his wife refused him access. He says it was not the first time she had done so and it appears that it was her resistance that provoked his anger. Even accepting prisoner's own account of the matter we cannot hold there was any grave and sudden provocation which would reduce the offence to less than murder.

But it was not only his wife's refusal of access to him which caused prisoner's attack, - but

but he resorted also her appeal for protection to the neighbours after he had wounded her, and it was the wounds which he thus inflicted ^{her} on (after she had run into the neighbouring hut) which actually caused his wife's death.

The attack was a brutal and savage one upon a defenceless woman, and we can see no mitigating circumstances which would in our opinion justify a commutation of the sentence.

The conviction and sentence must be confirmed and the appeal dismissed.

By the Court

(True Copy)

M
24/8

Madras
Session Court
28 August 1895

Session Judge

C. G. Odhams

Dy. Registrar,
App. Side.

KUN
24/8

28/8/95
M

(Duplicate) Enclosure 3

CONFIRMATION OF SENTENCE OF DEATH.

IN THE HIGH COURT OF JUDICATURE AT MADRAS.

Thursday, the twenty second day of August.
One thousand eight hundred and ninety-five.

PRESENT:—



Mr. Justice Parker.

Mr. Justice Subramania Aiyar, C.J.

Referred Trial No. 57 of 1895.

Maakhan Prisoner.

Trial referred by the Court of Session of the Madras Division
for confirmation of the sentence of death passed upon the said Prisoner in Case
No. 40 of the Calendar for 1895.

Criminal Appeal No. 353 of 1895.

Appeal by the Prisoner against the said sentence.

Order:—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. C. S. Sinaswami
Aiyar, Vakil — engaged for the defence under
G. O., dated 17th December 1884, No. 3273, Judicial, and of the Public Prosecutor
in support of the conviction; **it is ordered** that the sentence of death passed
upon the said Prisoner Maakhan —

be, and the same hereby is, confirmed, and his Appeal dismissed.

By the Court.

(Signed) G. A. Parker.

J. S. Subramaniam

Judge.

To

The Sessions Judge of the

Division.

(in duplicate.)

G. S. Sinaswami
Dy. Registrar,
Appellate Side.

(True copy)

N. B. This order is to be communicated to the Superintendent of Jail and to the Sessions Court.

Madras
Sessions Court
28 August 1895

W. D. ...
Sessions Judge

300-11.17.93.

1895
Jude
Encls. No. 2
To 4206

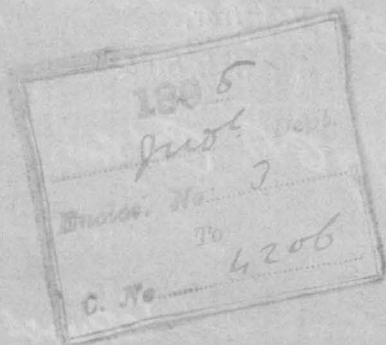
CONFIRMATION OF SENTENCE
OF DEATH.

Order of the High Court.

Referred Trial No. of 189 .

Confirming the sentence of death
passed on the prisoner in
Session

Case No. of 189 .



20.7

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Mathura
1 September 1895

FC Reeves
Superintendent of Jail

L

No. 7

Enclosure. T.

His Excellency the Governor in Council
Fort Saint George.

The humble pardon petitioners of
Covish No. 176, Mookkan confined
in the District Jail at Madras under
the sentence of death passed upon
him by the Sessions Judge Madras
in Calendar Case No. 40 of 1895.

Sheweth

That the petitioner came
in an intoxicated state to his house
and found Alaga Koravan, who had
been cohabiting with his (petitioner's)
wife inside, come out and run on
seeing the petitioner. He stabbed
his wife and also cut his own neck
by the knife in his possession, as
he had lost his sense under the
influence of toddy. He did not do
this intentionally. He committed
the act owing to his being ex-
cited and well drunk.

That the High Court confirmed
the sentence of death passed on
him by the Madras Sessions
Court.

That the petitioner

beseeches



beseeches the noble Government
to be gracious enough to give a
deep consideration to his case
and to protect him.

— Mark of Druskans

(True translation)

Madara }
1 September 1895 }

F. C. Reeves
Inspector General

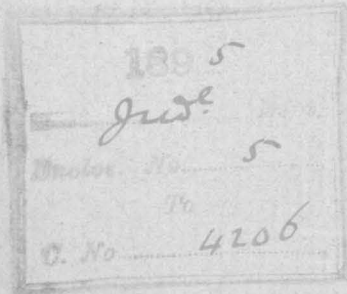
Superintendent of Soil

Appeal for mercy from
 Condemned prisoner No. 176
 Mookkam, beseeching the
 noble Government to be
 merciful enough to give
 a deep consideration
 to his case and to pro-
 tect his life inasmuch
 as his wife's murder
 was unintentional,
 the act having been com-
 mitted by him under
 excitement and excess-
 sive drink.

Dated 1st } September 1895
 Received

No. 7.

Enclosures 3.



Enclosure II

Nominal Roll of convict No. 176 Mookkam.

Crime.	Sentence.	Date of Sentence.	Adjudicating Court.	Age.	State of Health.	Conduct in Jail.	Result of the Appeal to High Court.	Number of. Remarks and previous convictions, if any, and remarks.
Section 302 IPC.	Death.	22 nd Aug 1895	Session Judge Madurai.	33 years, 1 month, + 10 days.	Good	Good	Sentence confirmed	Nil

Superintendent of Jail.

Madurai Jail office,
 September 1895.

OFFICE OF SUPERINTENDENT OF JAIL

MADURA 1st September 1895.

From

Surgeon Major J. C. Reeves
SUPERINTENDENT OF JAIL,
MADURA.

To

THE CHIEF SECRETARY TO GOVERNMENT,
FORT SAINT GEORGE.

Sir,

With reference to Rule ¹⁰¹⁹~~987~~ of Jail Code, I have the honor to forward the enclosed petition from condemned prisoner No. *176. Mookan* in calendar case No. *40 of 1895* on the file of Sessions Court Madura whose sentence has been confirmed by the High Court.

2. The nominal Roll as required by Rule ⁷⁰¹~~750~~ 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.

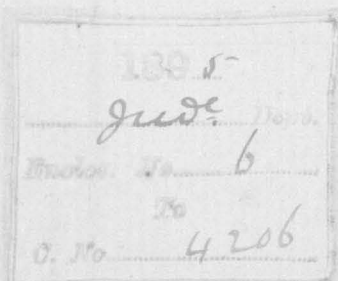
I have the honor to be,

Sir,

Your most obedient servant.

F. Reeves

Surgeon Major
Superintendent of District Jail.



Appeal for mercy.
URGENT.
CURRENT No. 4206
MADURA DISTRICT JAIL.

FROM

THE SUPERINTENDENT OF JAIL,
MADURA.

TO

THE CHIEF SECRETARY
TO GOVERNMENT,
FORT SAINT GEORGE.

Dated

Received

13 September 1895

No. 1602

Enclosure 2

Subject.

Submits a petition from condemned prisoner
No. 176, *Brookman*,
in calendar case No. 40 of 1895 on the file of
Sessions Court Madura together with the usual
Nominal Roll.

J 200-21-5-85.
434

JUDICIAL DEPARTMENT.

Current Number. 4206

FOR ORDERS.

APPEAL for mercy from Convict No. 176

Brookman under sentence

of death in *Madura* Sessions Case

No. 40 of 1895, which sentence has been

confirmed by the High Court.

The Superintendent of *The Madura*

L.P. Jail certifies that the sentence

will not be carried out until a definite reply from

Government has been received.

The pet. now tells quite a
new story about finding
his wife's paramour in the
hut when he came home -
There is no evidence of
this. I think the case is a
clear one - admitting that
the pet. & his wife may have
had a quarrel which ended
in his following her &
killing her after she had been
escaped. The pet. should
be dismissed

BS
4/9/95

There is no proof of immediate
provocation. The last, or death wound,
was inflicted some time after the
first wounds, out of mention at all
her killing the neighbours how they
were inflicted. The case is clear.
The law must take its course.

JG
4/9

I agree. The case is a clear one of
brutal murder.

W
5 Sep

AT
4/9/95

PETITION FOR MERCY. 426

VERY EMERGENT.

Hon'ble Member and Circulation.

(FOR ORDERS.)

[
16.
1,000-5-2-94.

Judicial Department.



PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following letter, dated 1. Sep. 95. No. 1602, from the Superintendent of the *L.P.* Jail at *Madurai*, forwarding petition from Convict *No 176 Mookkan* under sentence of death in *Madurai* Session Case No. 40 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, 7th September 1895, No. ~~1844~~ 1875.

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 176 Mookkan*.

2. The law will take its course.

(True Extract.) (From *order*)

5. 95
Chief Secretary. 619/95

5/9/95

To the Superintendent of the *L.P. Jail, Madurai* }
for communication to the Prisoner.
„ Inspector-General of Jails *Sum*
„ Hon'ble the Judges of the High Court, with papers returned.
The C.J. with C.L.

Recd 7/9

5/9/95
15/9/95

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

189

READ AGAIN G.O., No.
189

DATED

CURRENT No.

ENCLOSURE 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.