

Judicial (1895) Department

ORDINARY MS.

G.O., No. 1984

Dated 24th Sept. 1895

INDEXED.

[Despatch Abstract.]

SENTENCE OF DEATH.

Declining to interfere with the-----passed on convict No. 6591,
Chapala Naganna, in Cuddapah Sessions Case No. 25 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.
	4615		1895				

Petition for Mercy

[illegible]

x Markof Chapala Saganna

Signed in my presence.

16 September 1895 }
Central Tail. Yellow.

C. Adams
for superintendent

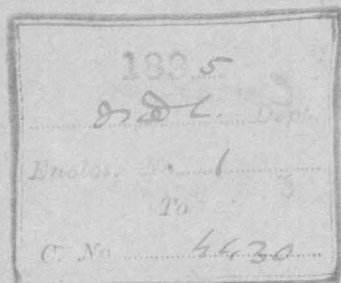
Petition for Mercy

From *Thapala Naganna*
Convict No 6591
Central Jail, Vellore.

To His Excellency the Governor
- in Council
Fort Saint George.

Dated 16 }
Received } September 1895

No 28



Subject

Praying for release as
he has not committed
the offence of which he
is convicted.

To,

Petition for Mercy

His Excellency

The Governor in Council,

Fort Saint George.

The humble petition of *Thapala Naganna*
who was sentenced to *Death*
in case No. 25 of 1895 on the file of the court
of Session, *Uddapah* which
sentence was confirmed by the High Court of Judicature at
Madras in Criminal appeal No. 404 of 1895. and
now Convict No. 6591 in the Central Jail, Vellore.

I am not guilty of the offence
of which I am convicted. On the
day of the alleged murder, I have
been in my house from 7 P.M. until
I was called out by the Police. There
are witnesses for it; but they were
not examined. I could not
have attempted such an open
murder in a public street. It
was also urged by the Judge
how an old man of 60 like myself
could have managed to stab a
strongly built man like the deceased.
A perusal of the depositions will
show that the evidence differed

in as much as the 2nd witness
a servant of Rama Rao deposed
that he called the deceased at the
instance of his master and that
he followed him, but on the way
your petitioner stabbed him;
while his master deposed that
his servant informed him that
the deceased followed him but
stopped at his son-in-law's house
to leave by his grandson and that
he would be coming presently.

It is known throughout the
village that Chodam Venkatapati
and Konda Venkatapati the
deceased were mortal enemies
being heads of 2 factions.
Thus it is that the deceased
must have been stabbed
by some other than myself
at the connivance of Chodam
Venkatapati

Venkatapati and being a
poor man, the guilt was laid
at my door.

I therefore pray that your
Excellency in Council will be
graciously pleased to peruse
the records and order my re-
lease.

(Translation)

x Markop (Kopala Nagamma)

Signed in my presence

16 September 95
Central Jail, Bellona

C. Adams
for Superintendent

Per

Petition for release

Tellone Central Jail

1895
Jude
3
C. No. 4430

Communal Roll of con-
demned prisoners No
6591 of Chapala Nagamma

Subject
An English translation
of his petition praying for release as he has
not committed the offence
of which he is convicted.

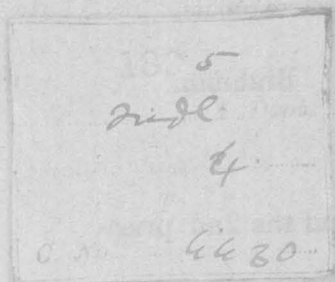
1895
Jude
2
C. No. 4430

I hereby certify that convict
No 6591 of Chapala Nagamma will
not be executed until a definite
reply is received from Government.

16 September 1895
Central Jail
Tellone }
C. Adams
for superintendent
Shu

Yellow Central Jail

Dated 16th September 1895



*Certifying that Convict
No 6591 Chapala Naganna
will not be executed
until a definite reply
is received from Govern-
ment.*

144

ELFCAVENDISH
14 SEP 95
SUPERVISOR

ASSESSOR CASE.

CALENDAR CASE No. 25 of 1895, on the file of the Sessions Court
of Cuddapah.

(Preliminary Register Case No. 4 of 1895, on the file of the Stationary Sub-Magis-
trate of Jammalamadugu).

The 26th day of July 1895.

PRISONERS :—1. CHAPALA NAGANNA.

2. VENKATA DASARI.

The 1st defended by Mr. T. Appa Row, Vakil, appointed by Government.
The 2nd defended by Mr. G. P. Johnstone, Counsel.

Name.	Caste.
Assessors :—1. Vankadari Machayya,	Komati.
2. Kambam Venkata Subbayya,	Brahmin.

Offence :—Murder, Sec. 302, I. P. C.

Opinion of Assessors :—1st Assessor :—The 1st prisoner Guilty and the 2nd pris-
oner Not Guilty.

2nd Assessor :— Do. do.

Finding of the Judge :— Do.

Sentence :—1st prisoner sentenced to Death.

2nd prisoner acquitted and discharged.

Calendar Case No. 25 of 1895.		Serial No.	DESCRIPTION OF THE ACCUSED.					DATE OF				Explanation of delay.	
		Names.	Father's Names	Caste.	Age.	Occupation.	Residence.	Offence.	Com-plaint.	Appre-hension.	Commen-cing trial.		Closing trial.
1. Chapala Naganna. 2. Venkata Dasari.													
1st. Vankatachalam. 2nd. Chanti													
1st. and 2nd. Togata.													
1st. 55 and 2nd. 25 Years.													
1st and 2nd Weavers.													
1st and 2nd Veparala.													
6th May 1895.													
8th May 1895.													
8th May 1895.													
24th July 1895.													
26th July 1895.													

Prosecution Witnesses.

1. Kunda Subbarayadu.
2. Sadamala Venkata Reddi *alias* Papanna.
3. Palla Chennappa.
4. Kunda Abbayya.
5. Gadiyaram Venkata Chelamayya.
6. Tankasala Rama Row.
7. Bellala Kondappa.
8. Chakala Baligadu.
9. Chowdam Padigalu.
10. Murti Lakshmi Reddi.
11. Chittiboyina Gurappa.
12. Vennalaganti Narasimhulu.
13. Obulamma.
14. Hussen Sahib.

Defence Witnesses :—None.

Exhibits.

- A. Dying declaration of the deceased Konda Venkatapati.
- B. Village Magistrate's report.
- C. Statement of the deceased recorded by the Police Inspector and Village Magistrate.
- D. Plan of the scene of offence.
- E. Chemical Examiner's report.
- F. Medical Evidence before Lower Court.
- G. & H. Examination of the accused 1 and 2 before Lower Court.

JUDGMENT.

The medical evidence leaves no doubt but that the deceased Konda Venkatapathi met his end by violent means. The only questions for decision are whether the accused Naganna and Venkata Dasari had a hand in the affair and with what intentions they acted. The Apothecary Venkatasubbayya stated that he examined the deceased at 11 P. M. on the night of 6th May 1895. He found a wound $2\frac{1}{2}$ inches long cutting through the walls of the abdomen and injuring the

bowels. The wound ran into the abdominal cavity on the left side. Five feet of the bowels protruded through the opening. He also had two wounds on the left arm. Deceased was under treatment until 1 A. M. of 8th May when he died and a postmortem was held. The cause of death was rupture of the bowels caused by a sharp cutting instrument. Naganna had very trivial wounds.

2. The accused pleaded "Not Guilty" and say they were in their houses. They do not call evidence however. The deceased Venkatapathi made a dying declaration. He stated that he was going to Rama Rao's house. Venkata Dasari seized him by the neck and Naganna stabbed him with a dagger. They fell and rolled over together. He had left his grandson at his daughter's house and then passed Naganna's house. He had had Naganna fined. So he did not usually pass his house. Chellamayya, his servant and Abbayya were present. He was taken to the Hospital on a cot.

3. The 1st witness is deceased's brother Subba Rayadu. He came and saw his brother lying between the pials of Chellamayya's house. He was alive but his bowels were protruding. Many were present and he took his brother to Jammalamadugu. The Magistrate took a statement from the deceased. The deceased had been at enmity with Naganna for 7 or 8 months and used to avoid him. There are 3 factions in the village. He did not see the accused at the scene of the crime. It was a cloudy but moonlight night. The 2nd witness Venkata Reddi stated that he summoned the deceased at Rama Rao's instance. He went to Pada-gallu's house and left his grandson whilst witness remained on the pial of Chellamayya's house. As he went witness heard a noise, turned and saw 3 persons struggling. He saw Naganna raise a dagger on Venkatapathi and being afraid witness ran into Rama Rao's cattle shed. The 3rd witness Chennappa said that he saw accused and deceased struggling and Naganna stabbed Venkatapathi with a dagger. He went and informed Subbarayadu. Deceased's bowels were protruding. He did not hear deceased say anything. It was cloudy and drizzling. The fourth witness is Abbayya, uncle of Venkatapathi. He was lying in Fakirappa's verandah and came out on hearing a noise. He saw Naganna go off with a dagger and Venkatapathi lay there. He only saw two persons struggling. Chellamayya is the 5th witness and it was in front of his house that the struggle occurred. He only saw Naganna and Venkatapathi fighting. Deceased only accused Naganna of assaulting him. The 6th witness is Rama Rao. He deposed to sending for Venkatapathi. He went out of his house and met Naganna going with a dagger. Kondappa the 7th witness deposed to picking up deceased's turban and duppati in the street. The 8th witness is a Dhoby, Baligadu, who identified the jacket and walli before the Court as Naganna's. He did not notice bloodstains. Padigallu deposed that deceased brought his grandson to witness's house. He did not stay a minute. He then saw him lying before Chellamayya's house. He accused both of the prisoners. The 10th witness is the Village Magistrate, Murthi Lakshmi Reddi. He proved the dying statement made by Venkatapathi. The 11th witness Gurappa is Chellamayya's servant. He stated that he saw Naganna and Venkatapathi struggling. Naganna

ran away. The 12th witness is a Head Constable who put in a plan of the scene of offence. He arrested the accused at 2 A. M. in the morning. The 13th and 14th witnesses' evidence is not material.

4. I agree with the assessors in thinking there is some doubt as to whether Venkata Dasari was present at the scene of the crime. He most probably was; but the witnesses vary as to him and he should undoubtedly be given the benefit of any doubt. The Court agreeing with the assessors finds that Venkata Dasari "Not Guilty" of Murder punishable under Section 302, I. P. C. and the Court orders him to be set at liberty. The evidence against Chapala Naganna is overwhelming and I see no reason to distrust it. The use of a dagger shows that accused's intention was to cause death seeing the dangerous part of the body in which Venkatapathi was stabbed. There was no sudden nor grave provocation given. So I agree with the assessors and find Chapala Naganna guilty of Murder punishable under Section 302, I. P. C. and the Court orders that Chapala Naganna be hanged by the neck until he be dead. The accused was informed that 7 days were allowed him to appeal to the High Court and he declared his intention of appealing.

(Signed) W. G. UNDERWOOD,
Sessions Judge.

(By order)

Shunstadar

To

The Superintendent, Central Jail,
Vellore

With reference to his letter No. 1320 dated 10.9.95

IN THE HIGH COURT OF JUDICATURE AT MADRAS.

Wednesday day, the *fourth* - day of *September*,
One thousand eight hundred and ninety-five.

PRESENT:—

The Honourable *Sir Arthur McColvin, Kt.* Chief Justice,
and
The Honourable Mr. Justice *Parker.*

CLERK OF THE COURT
9 SEP 95

Referred Trial No. *53* of 1895

SUPD OF JAIL

Chapala Rajanna, ¹⁸² Prisoner.

Trial referred by the Court of Session of the *Cuddapah* Division
for confirmation of the sentence of death passed upon the said Prisoner in Case
No. *25* of the Calendar for 1895

CRIMINAL APPEAL No. *404* of 1895.

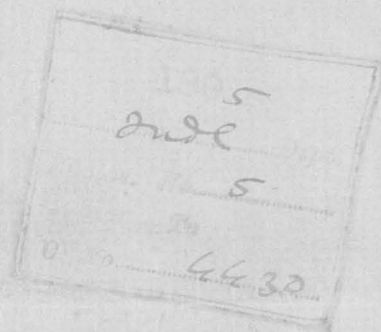
Appeal by the Prisoner against the said Sentence.

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

following

Document:—The only point
urged is that the deceased
may possibly have been
stabbed by some one in the
crowd;

*Fragment of the
session book/judicial
in Case No 25 of 95*



Communicated

crowd, and that the name
of Rajamma - who was an
enemy - may have been subse-
quently suggested to him. We
can see no reason why deceased -
if he really saw who stabbed
him, - should have accused
any other than the real person.
But the case does not depend
upon the dying statement
of Venkateipathi. There are
several eye witnesses to the
deed and the prisoner has
been accused from the
very first. As the Sessions
Judge observes the evidence
against him is overwhelming,
and

and we can see no palliating
circumstances - we must con-
firm the conviction and
sentence of death and dis-
miss the appeal.

By the Court.

C. Godhunder
Deputy Registrar,
S. A. Appellate Side.

Does the Convict
desire to petition
Govt?

S. M.

Yes. Sh. S.
10/9

12
5/9

12
5/9

No. 1358

From,

E. L. F. CAVENDISH Esq.

Superintendent, Central Jail,

Vellore.

To,

The Chief Secretary to Government
Fort St. George.

Sir,

I have the honor to submit for
the consideration of His Excellency the
Governor in Council, a petition for
mercy from convict No 6591, Thapala
Naganna, confined in this Jail
under sentence of Death by the fourth
of sessions and d. ap. in sessions
Case No 25 of 95.

2. The Nominal Roll of the convict
and an English Translation of the
petition together with copies of the
Judgment of the Sessions Court
and the order of the High Court
thereon and the usual certificates
are also forwarded.

I have the honor to be
Sir

Your most obedient servant

C. Adams
for Superintendent

Order of the High Court
in cri: ap: No 410 of 1895



THE SUPERINTENDENT.

CENTRAL JAIL,

VELLORE.

CURRENT No. 4430

2nd Sept

The Chief Secretary
to Government.
Mount St George

16 September 1895

No. 1358

ENCLOSURES. Six

CHIEF SECRETARY
18 SEP 1895
GOVERNMENT OF MADRAS

SUBJECT.

Submitting a petition
for mercy from condemned
prisoner No 6591 Chapala
Naganna.

Full up the
info for the
magistrate which
there is doubt
right at the
top of the
18/9

It will
be provided
in a memo
19/9/95

J
43. 200-21-5-95

JUDICIAL DEPARTMENT.

Current Number. 4430

FOR ORDERS.

APPEAL for mercy from Convict No. 6591
Chapala Naganna under sentence
of death in Cuddalore Sessions Case
No. 25 of 1895, which sentence has been
confirmed by the High Court.

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

The petn was made as
the person who stabbed the
deceased from the front &
there are several eyewitnesses.
I can see no room for doubt
as to his guilt. The petn shd
be dismissed.

Yes - the evidence is complete

I agree.
The Sessions Judge's summary up
is not very lucid.

W
21 Sep

19/9/95

19/9/95

PETITION FOR MERCY.

VERY EMERGENT.

Hon'ble Member and Circulation.

(FOR ORDERS.)

[J.]
16.
1,000-6-2-94.

Judicial Department.



PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following letter, dated 16. Sept. 95, No. 1358, from the Superintendent of the Central Jail at Villam, forwarding under petition from Convict No 6591 Chapala Rajanna under sentence of death in Criminal Session Case No. 25 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, dated 24th September 1895, No. 1984.

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 6591 Chapala Rajanna

2. The law will take its course.

(True Extract.)

(True Extract.)

23/9/95
Chief Secretary.

At.

23/9/95

To the Superintendent of the Central Jail, Villam
for communication to the Prisoner.
" Inspector-General of Prisons
" Hon'ble the Judges of the High Court, with papers returned.
The C. J. sent to C. L.

Desp'd
24/6

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

189

READ AGAIN G.O., No.
189

DATED

CURRENT No.

ENCLOSURES TO C. No

ORDER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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IN ORIGINAL.

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