

[ 2 ]  
1,000-85-7-94.

# Judicial (1895) Department.

ORDINARY MS.

G.O., No. 2041

DATED 3<sup>d</sup> Oct. 1895

INDEXED.

---

[Despatch Abstract.]

SENTENCE OF DEATH.

Declining to interfere with the-----passed on convict No. 6472, Venkatachala Mudali, in North Arcot Sessions Case No. 31 of 1895, and directing that the law shall take its course.

# BACK PAPERS.

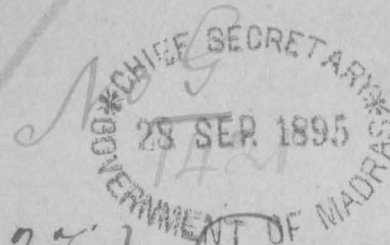
| G.O. | No. | Department. | Date. | G.O. | No. | Department. | Date. |
|------|-----|-------------|-------|------|-----|-------------|-------|
|      |     |             |       |      |     |             |       |

# FURTHER PAPERS.

| G.O. | No.  | Department. | Date. | G.O. | No. | Department. | Date. |
|------|------|-------------|-------|------|-----|-------------|-------|
|      | 4757 |             | 1895  |      |     |             |       |

Current No. 4567  
The Superintendent  
Central Jail  
Vellore.

To the Chief Secretary  
to Government  
at St George.



Date of 27 } September 1895  
Received 28 }  
Regd - 30

Enclosures to  
PETITION FOR MERCY.

Subject.  
Submits a petition for mercy  
from convict no 6472 Sen.  
Katahala Mudali praying  
for release.

| Serial Number. | DESCRIPTION OF ACCUSED. |                | DATE OF        |             |
|----------------|-------------------------|----------------|----------------|-------------|
|                | Name.                   | Father's Name. | Caste or race. | Occupation. |
| 1              | Venkatâchela Mudali.    |                |                |             |
| 2              | Pacheappa Mudali.       |                |                |             |
| 3              | Vellala.                |                |                |             |
|                | Trade.                  |                |                |             |
|                | Chittoor.               |                |                |             |
|                | 30.                     |                |                |             |
|                | 15-7-95.                |                |                |             |
|                | 15-7-95.                |                |                |             |
|                | 15-7-95.                |                |                |             |
|                | 6-8-95.                 |                |                |             |
|                | 8-8-95.                 |                |                |             |
|                | Nil.                    |                |                |             |

## ASSESSORS.

1. Subramania Sastri, Brahmin, Pleader, Vellore.
2. Anantha Reddi, Kapu, ryot, Appalayagunta in Pattur Division.

### Prosecution-Witnesses:—

1. Tândraya Mudali.
2. Murugan.
3. Mangatâyammâl.
4. Tâymmâl.
5. Velliammâl.
6. Murugésa Mudaliar.
7. Mohâmbara Mudali.
8. Akbar Sahib.
9. Dr. Thummon Singh.

### Exhibits:—

- A. Complaint.
- B. Deposition of Murugesu Mudaliar (Prosecution 6th witness) before the Committing Magistrate.
- C. Mahazar.
- D. Post-mortem Certificate.
- E. Statement of the prisoner before the Committing Magistrate.

The defendant, Venkatachela Mudali, is charged with murdering his mother-in-law, Amirthammal, on the 15th July, by striking her on the head with a stone (section 302 I. P. C.)

2. The story for the prosecution is that Venkatachela Mudali and his wife live in the house of his father-in-law, and that the deceased often found fault with Venkatachela Mudali. On July 15th Venkatachela Mudali went with deceased and two other women, to all of whom he owed money, to get some paddy due to him in the village of Mâsâpalli in order to give it in discharge of his debts. On the way, defendant suddenly knocked down the deceased and then smashed her head with a heavy stone. He came back and said deceased had killed herself with a stone.

3. The defence is that it is not proved that the deceased was murdered, and that the evidence that it was defendant who struck her is not worthy of belief.

4. The body of the deceased was found lying at the foot of a low ghaut, on the way to Mâsâpalli, with the bones of the head and face broken and the skull crushed. The Civil Surgeon says that the crushing of the skull could not have been done by the deceased herself. The ornaments deceased wore were not removed; one of them is a gold ear-ornament which is crushed and flattened. This shows that deceased's head must have been lying on the ground when the blow on the side of the head crushing it was struck. No one could commit suicide in such a position with the stones produced. The blood and hair found on these stones lying by the body shows that they were the stones used.

5. The deceased's brother, Murugesu Mudali, gave evidence. His manner (as noted on his deposition) showed that he was not a very willing witness against defendant. He says however, that defendant came to him in Chittoor at 3 P. M. on July 15th, and said that Amirthammal was dead and had killed herself with a stone. Defendant then took Murugesu Mudali and two Police-Constables along the way to Mâsâpalli (some part of which is a mere jungle-track) to point out where the body was. The body was found there and deceased had evidently been killed by a stone.

6. The defendant must therefore have been present when the deceased died. He could not otherwise have known the manner of her death and where the body lay.

7. He now denies that he went with her at all that day or said that she had killed herself with a stone. There is evidence quite beyond question that he did give the first information of deceased's death and of the manner and place of it. (See evidence of Valliammal and Mohambara Mudali, the Mahazar C signed and taken by the Stationary Sub-Magistrate and containing defendant's statement to him, as well as the evidence of Murugesu Mudali). This information was, beyond doubt, false since defendant said that deceased had killed herself which the nature of the injuries shows to be impossible.

8. The defendant's explanation that he gave this false account because the Police told him to do so is absurd. The statement was made not only to the Sub-Magistrate on the 16th (see Exhibit C) but to Murugesu Mudali, deceased's brother, and Valliammal, deceased's mother, before the occurrence was known to the police at all.

9. This conduct on defendant's part is strong evidence against him. He also showed the Sub-Magistrate two blood-stained cloths thrown into a prickly-pear bush on the way back from the place where deceased's body lay to defendant's house and said they were his and he had put them there. He now says that the cloths were not his and he did this also because the police told him. It is, in the circumstances, quite impossible that the police could have had two blood-stained cloths ready in the prickly-pear bush to be produced by defendant; nor is there the smallest likelihood that the defendant who was not in custody would put himself in such tremendous danger at the mere bidding of the police.

13. Except by the false story of deceased's suicide, defendant has not explained how his cloths came to be blood-stained and why he threw them away.

11. There is, finally, the evidence of the two women Tâymmâl and Mangatâyammâl who say that they accompanied defendant and deceased, and that when they got to the place where the body was afterwards found, defendant knocked down deceased and took up a stone to strike her. When they remonstrated, defendant threatened them and they ran away in great terror and saw no more. That these women did go with deceased and defendant is confirmed by Murugan who saw the party pass him and take the road to Mâsâpalli.

12. No doubt there are some difficulties about the story told by these women. They say they did not get home till dark. Yet defendant got back by about 3 P. M. The women explain that there was no path and they did not know the way, were terribly frightened, and lost themselves.

Enclosure

4

Then it appears that when they got home they did not at once tell what they had seen. Their explanation is that they found, on getting home, that the matter was already known and so they said nothing; the Sub-Magistrate examined them on the 17th and they then told their story as they do now.

13. I do not think such conduct impossible. The Assessors who are men of intelligence and followed the case with close attention say they believe these witnesses.

14. It does, no doubt, seem improbable that defendant should murder the deceased with these women looking on, and should then come back and actually refer to them to corroborate his story of suicide. If their evidence had stood alone, I should have refused to act upon it. But the defendant's conduct supplies the strongest corroboration of the women's story. And it would appear that defendant really thought that his story that deceased committed suicide would be accepted. It was only after the Civil Surgeon had given his evidence before the Magistrate and stated that the deceased's injuries could not have been caused by herself, that the defendant retracted the whole of his previous story.

15. I therefore agree with the Assessors in finding defendant guilty of murder.

16. There is no clear proof of defendant's motive. But the murder was a brutal one and there is no ground for suspecting provocation.

17. The defendant is sentenced, subject to confirmation of the sentence by the High Court, to death.

18. He has been informed that if he wishes to appeal against this sentence he should do so within seven days from this date.

19. The defendant was defended by a pleader appointed by the Court.

P. DORASAMI NAIDU,  
Ag. Head Clerk.

E. J. SEWELL,  
Ag. Sessions Judge.

(True Copy)

10<sup>th</sup> August 1895.

M. Balasubramanian  
Ag. Sheristadar.

To, The Superintendent of the Central Jail,  
Vellore, for delivery to the prisoner

|               |
|---------------|
| 1895          |
| To            |
| Enclos. No. 1 |
| To            |
| O. No. 4567   |

Chittoor :—Printed by M. Ramanujacharyulu at the Victoria Jubilee Press.

Copy to the Prisoner

IN THE HIGH COURT OF JUDICATURE AT MADRAS.

Tuesday, the twentieth - day of September,  
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. 58 of 1895.

Venkatachela Madali - Prisoner.

Trial referred by the Court of Session of the North Arcot Division  
for confirmation of the sentence of death passed upon the said Prisoner in Case  
No. 3/ of the Calendar for 1895.

CRIMINAL APPEAL No. 411 of 1895.

Appeal by the Prisoner against the said Sentence.

This case coming on for hearing, the Court delivered the

following

judgment :— There is ample  
evidence to justify the Conviction  
of the prisoner. Not only is there  
the direct testimony of the 3<sup>rd</sup>  
and

500-6-2-95.

and 4<sup>th</sup> prosecution witnesses  
as to the beginning of prisoner's  
attack upon his Mother-in-law,  
but it is also shown that he went  
back and gave to deceased's mother  
and brother a palpably false  
account of her death - which  
he said was due to suicide.

It is urged that the  
evidence of the two women  
(3<sup>rd</sup> and 4<sup>th</sup> witnesses) should not  
be believed since they did not  
at first come forward, but  
prisoner himself indicated them  
as having been present with  
him, and this fact is corro-  
borated by 2<sup>nd</sup> witness Murugan.

It

It is clear that prisoner was  
suspected from the first, the story  
told by him being so transparently  
untrue as to deceive no one.  
When asked by the police what  
he had done with his clothes  
he pointed them out concealed  
in a prickly pear bush over a  
mile away and they were found  
to be stained with what looked  
like blood.

We must confirm the Con-  
viction and Sentence and dismiss  
the appeal.  
By the Court.

Officially  
Deputy Registrar,  
Appellate Side.

Recd 24/9 24/9



x Markof. Venkatafala mudali

Executed in my presence.

*Ch. H. Caudwell*

27 September 1895  
Central and Yellow

Superintendent

Augustine  
Taylor

Enclosure No III

From Venkataphala Mudali  
Convict No 6472  
Central Jail. Vellore.

To His Excellency the Governor  
in Council  
Fort St George.

Dated 27<sup>th</sup> }  
Received } September 1895  
No 29

Petition for Mercy

5  
Tad  
3  
4567

Subject

Praying that his life may  
be spared as he had no in-  
tention to kill his mother-  
in-law.

To,

Petition for Mercy

His Excellency

The Governor in Council,

Fort Saint George.

The humble petition of Venkataphala Mudali

who was sentenced to death

in case No. 31 of 1895, on the file of the court

of Session, North Arcot

which

sentence was confirmed by the High Court of Judicature at

Madras in Criminal appeal No. 411 of 1895, and

now Convict No. 6472 in the Central Jail, Vellore.

The truth in the case is as follows:—

My self and my mother-in-law lived in the  
same house. We used to go to villages and  
sell betel, but in exchange for grain.  
We had no ill feelings of any sort. One  
day, two women to whom my mother-in-law  
owed 2 Rupees came and asked her for it.  
She told them that I had left 2 Rs worth  
of grain at masapalli and if they should  
come along with her to the village she  
would, with my consent, give them the  
grain for the money. I was consulted  
and I agreed to go with them to the  
village. We all went and on the way,  
my mother-in-law said that she would  
take 1 Rupee worth of grain for herself.  
Since I owed her a rupee and the remain-  
der alone the other women should have.  
The women said "Why should you have  
not told us so at home, so that we

May not have given ourselves the trouble  
of going with you so far." They had a  
quarrel. My mother-in-law told me that  
she must have the one Rupee worth of  
grain and that I must manage to  
give the women their grain for 2 Rupees.  
I replied that I had only 2 Rs worth of  
grain in that village, that that may be  
given away to the women and that for  
my mother-in-law, I would give her, her  
due in another village where I had left  
some more grain, in case she would follow  
me thither. She persisted that she must  
have it before they are given. About  
this, there was a dispute, in the course of  
which my mother-in-law used very  
vulgar expressions. I would not  
bear it since they were used in the  
presence of some women without  
having any regard for a son-in-law.  
Your Excellency may not be aware of  
the indecent languages used by natives.  
I threw my basket as if to beat her,  
it fell upon her and she fell down.  
She began to abuse me the more and  
I took a stone threatening to throw it  
upon her. The two women came and  
tried to take the stone away from me  
in which action the stone slipped  
and fell upon my mother-in-law,

from the effect of which she died. This is  
the truth and God alone knows it. But the  
police have tutored the two women, and tutored  
me also to depose in the way I did before  
the Sessions Court assuring my safety.  
I had no intention to kill my mother-in-law,  
but the vulgar expressions used excited  
my anger and I took the stone and  
the women's interference made the stone  
slip. Since my life will be taken away  
let me die stating the truth and if God  
be pleased to save my life for my  
innocence let Him grant it and if  
Your Excellency in Council be convinced  
of the truth by Providence, I pray my  
life may be spared.

(A true translation)  
x Markos Venkatachala Thirudai

Executed in my presence.

27 September 1895 }  
Tello's Central Jail }  
Superintendent

A. H. Caudin  
S. J. C.

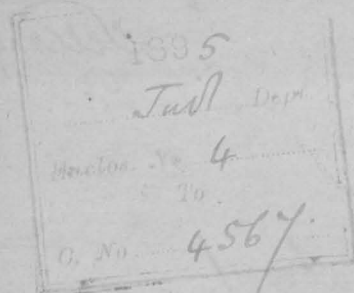
From, Venkataphala Mudali  
Convict No 6472  
Central Jail, Vellore.

To, His Excellency  
The GOVERNOR in Council,  
Fort Saint George.

Dated 27 September 1895.  
Received

Enclosures,  
No. 29

Petition for Mercy



Subject

An English translation  
of his petition praying for release as he had no  
intention to kill his mother-in-law.

FORM No. 53.

Nominal Roll of Convict No. 6472 Venkataphala Mudali

| Crime.                                 | Sentence. | Date of Sentence. | Adjudicating Court.           | Present Age. | State of Health. | Conduct in Jail. | Result of the Appeal to Appellate Court | Number of previous convictions if any and remarks. |
|----------------------------------------|-----------|-------------------|-------------------------------|--------------|------------------|------------------|-----------------------------------------|----------------------------------------------------|
| Sulphuric homicide amounting to Murder | Death     | 8 August 1895     | Judicial Sessions North Arcot | 30 years     | Good             | "                | Sentence Confirmed                      | 16                                                 |

Vellore Central Jail Office,  
27 September 1895.

5,000-9-94.

Rules 701 and 704.

H. H. Handudish  
Superintendent of Central Jail,  
Vellore.

497

Enclosure  
Vellore Central Jail

1895  
Jail  
86  
4567

Dated. 27 September 1895

Nominal Roll of Convicts No  
6472 Venkataswala Mudali  
under sentence of Death

I hereby certify that  
Convict No 6472 Venkataswala  
Mudali will not be executed  
until a definite reply is received  
from Government.

J. H. Caudwell  
Vellore Central Jail } Superintendent  
27 September 1895

See

Enclosure No VI

From

His Superintendent  
Central Jail  
Vellore

To His High Secy to Govt  
Fort St George.

Date d 27 } September 1895  
Received }

|              |
|--------------|
| 1895         |
| Jail Dept    |
| Enclos. No 6 |
| To           |
| C. No. 4567  |

subject

certifying that Convict  
No 6472 Venkataswala  
Mudali will not be executed  
until a definite reply  
is received from Government

Vellore Central Jail  
27 September 1895

No 9  
1421

From

CURRENT NO. 4567

C. L. H. Cavendish Esquire  
Superintendent  
Central Jail  
Vellore.

To  
The Chief Secretary to Government  
Fort Saint George.

Sir,

I have the honor to submit  
for the consideration of His Ex.  
cellency the Governor in Council  
a petition for Mercy from Convict  
No 6472 Venkataswala Mudali  
condemned in this Jail under  
Sentence of Death passed on him  
by the Court of Sessions North  
Arcot in Calendar Case No 31  
of 1895.

2. The Nominal roll of the for-  
vick and an English Translation  
of.

of the petition together with  
copies of the Judgment of the  
Sessions Court and order of  
the High Court thereon as well  
as the usual Certificate are  
also forwarded.

I have the honor to be  
Sir  
Your most Obedient Servant

H. H. Rudolph  
Superintendent

J  
43. 200-21-5-95.

The pet. now tells a new  
story — that there was a quar-  
rel; that he threw his basket  
at the deceased and that it  
struck her & she fell down; that  
she abused him & that he then  
took up a stone and threw it  
at her; that the two women who were  
with them interfered & tried to  
take the stone away & that in  
the struggle it slipped & fell on  
the deceased & killed her. The  
evidence shows however, that  
the deceased's skull was "crushed"  
This can hardly have happened  
from the accidental slipping of  
the stone. The stone must have  
been thrown with force. I doubt  
whether the story now told &  
would dismiss the petition

1/10/95  
In, it is a clear case  
Jg 1/10  
Jape W  
2 Oct

Current Number. 4567

FOR ORDERS.

APPEAL for mercy from Convict No. 6472  
Vankatachala Guntak under sentence  
of death in N. Arcot Sessions Case  
No. 31 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.

5  
30-9-95

30/9/95

30/9/95

PETITION FOR MERCY.

VERY EMERGENT.

Hon'ble Member and Circulation.

(FOR ORDERS.)

[ 3. ]  
[ 18. ]  
1,000-5-2-94.



Judicial Department.

*Abstract sent to Madras  
for letters Mr. G. P. 10*

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following letter, dated *27. Sep. 95. No. 3/1421*, from the Superintendent of the *Central Jail at Vellore*, forwarding petition from Convict *No 6472 Venkatachalamubali* under sentence of death in *G. A. Act* Session Case No. *31* 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, *8 3-10-1895-189*, No. 2041

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 6472 Venkatachalamubali*.

2. The law will take its course.

*(From records)*

*(True Extract.)*

*2-10-95*  
*410/95*  
Chief Secretary.

*2/10/95*

To the Superintendent of the *Central Jail, Vellore*  
for communication to the Prisoner.  
" Inspector-General of *Jails*  
" Hon'ble the Judges of the High Court, with papers returned.  
*C. J. with C. A.*

*Despatch 3/10*

*0.379 R. 1/10  
R. 1/10 R. 2/10*

When given for copying \_\_\_\_\_  
When copied \_\_\_\_\_ } 189.  
When examined \_\_\_\_\_  
When signed \_\_\_\_\_

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.

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.