

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 2159

Dated 24 Oct. 1895

INDEXED.

[Despatch Abstract.]

SENTENCE OF DEATH.

Declining to interfere with the----passed on convict No. 7821
Koruba Nagadu, in Bellary Sessions Case No. 54 of 1895, and directing
that the law shall take its course.

BACK PAPERS.

[illegible]

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
C	5204		1895				

[illegible]

Seh X mark of Kumbha Nagadu

Bellamy St Tail 2
9 October 1895 }

Pharmaceutical
Tailor  & Co.

Wm
Surg. Major
ag supd of Tail

Vernacular petition

of the condemned prisoner
No: 7821. Kumbha Nagadu
now confined in the Bellary
District Jail -

His Excellency the
Right Honorable
The Governor-in-Council
Fort Saint George

The humble petition of Convict
No: 7821. Kumbha Nagadu, now
Confined in the Bellary District Jail
under sentence of death, in Session
Case No: 54 of 1895 on the file of the
Sessions Court of the Bellary Division

I am not guilty of the offence
with which I have been charged.

I did not murder the deceased
Mallamma. I had no connection
whatever with her. We were not on
bad terms too. The complainant
Mallappa and (the deceased) Mallamma
used to quarrel with each other
occasionally. She was a debaucher-
ous woman. The Complainant had
broken two of her teeth. This mur-
der might have been committed
by him. He being an influen-
tial man, the Police have re-
ceived bribes from him, and
have

have unjustly charged me with
this case in order to screen him.

The witnesses in this case are people
interested in the Complainant's
behalf.

I therefore most humbly
pray that your Excellency may
be kindly pleased to peruse the
records with mature considera-
tion and pardon me.

mark of Thumba Nagadu

True Translation

Bellary District Taluk

9 October 1896

Accepted of Taluk

Philakumam
Tailor

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mark of Thumba Nagadu
True Translation

Bellary District Taluk
9 October 1896
Accepted of Taluk

Philakumam
Tailor

Nominal Roll of Convict No. 7821. *Lwuba Nagadu.*

John W. Weymouth
Superintendent of Jail.

Bellary District Jail,
9. October 1895.

Enclosure No. 3 to
Letter No. 3200

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Tud
3
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Nominal Roll of
with no 7821. Kuruba
Nagadu now confined
in the Bellary Jail.

in the District Jail, Bellary.
confined

Nominal Roll of Convict No.

JUDICIAL DEPARTMENT

Form No. 53.

7821

59. 5/8

IN THE COURT OF SESSION OF THE BELLARY DIVISION.

The 8th day of August 1895.

SESSION CASE No. 54 of 1895.

Preliminary Enquiry No. 3 of 1895, on the file of the Second Class Magistrate of Uravakonda, Anantapur District.

No.	Name of accused.	Father's name.	Caste or Race.	Occupation.	Residence.	Age.
1	Kuruba Nagadu	Mallanna	Kuruba	Weaving	Velpumadugu.	32

Date of

1. Occurrence ... 4-6-1895.
2. Complaint ... 4-6-1895.
3. Arrest or appearance ... 4-6-1895.
4. Commencement of trial ... 7-8-1895.
5. Close of trial ... 8-8-1895.
6. Explanation of delay ...

Assessors ... { 1. K. Siddaya, Oil-monger.
2. Basavana Gowd, Lingayet.

Accused defended by Mr. K. Runga Row.

Offence ... Murder, under Section 302, I. P. C.
Plea ... Not guilty.
Opinion of Assessors ... Guilty.
Finding of Court ... Do.
Sentence ... Death, subject to the confirmation of the High Court.

No. 1830.

SESSIONS COURT,
BELLARY,
8th August 1895.

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. 54 of 1895 in which I have sentenced one Nagadu to death, subject to the confirmation of the High Court for committing murder (Section 302, Penal Code) by causing the death of one Mallakka.

2. The 1st witness, Mallugadu, the husband of Mallakka, states that, on the morning of the 4th of June at about 8 o'clock, his wife brought him some food as he was looking after his sheep in a field at some distance from his village. She got some milk from him and started to go back to her village.

3. Yellakka (5th prosecution witness), an old woman of about sixty years of age, deposes that, on the morning of the 4th of June, she went to the place where the sheep and goats belonging to the villagers were kept and asked for some milk. Mallakka was there and asked her to wait a little and go back together with her to the village. She got the milk and then started for her village (Velpumadugu) with Mallakka. The witness walked on a few yards in front of Mallakka. When they had gone some distance the prisoner came up from behind them and struck Mallakka a blow with a sickle. Mallakka cried out, and the witness turned round. She saw the prisoner hit Mallakka a blow on the shoulder and another on the head with the bill-hook which has been produced here before the Court. She cried out and told the man not to cut Mallakka. He on that threatened to cut her also if she did not go away, and she then left the place and walked towards her house. She met the Village Magistrate (6th prosecution witness) in front of the shop of one Hanumanthappa and told him what had happened. The prisoner, after he had attacked Mallakka with the bill-hook, went off towards the Madiga houses and got upon a rock which is on a hill there. The witness further states that at the time she was killed Mallakka was about nine months pregnant.

4. The Village Magistrate (6th prosecution witness) deposes that, at about 9 o'clock on the morning of the 4th of June as he was seated in the shop of one Hanumanthappa, the 5th witness came there crying. He asked her what was the matter,

and she said that the prisoner had cut Mallakka with a bill-hook and killed her near the tank bund of Nagalacheruvu. The Village Magistrate and a *taliari* went to the place at once being followed by a number of the villagers. The body of Mallakka was found lying on the road near the tank *calingula* at a distance of about two furlongs from the village. The woman was quite dead, and the Village Magistrate noted two serious wounds on the body, one on the right shoulder and one on the head. He left a *taliari* to watch the body and began to look for the prisoner. As he was doing so he heard a man cry out from the top of a rock on a small adjacent hill. He went at once towards the rock which he states is thirty feet high and situated at a distance of about three furlongs from the place where he found the body of Mallakka lying. A crowd had assembled round the rock, and the prisoner who was then on the top of the rock cried out "I have killed the wife of Mallugadu. Basappa (*i. e.*, 2nd prosecution witness) was not found. If he had been found I would have cut him too. My father had three sons. I am going, and only two will be left." He then turned to the people, made *salaam* and rolled over off the rock. He fell on a stone at the foot of the rock on his face. The Village Magistrate and others went up to him and lifted him up. He was unconscious and had a wound on the head and bruises in various parts of the body. He was taken at once to the *chavadi*. A man named Hanumanthugadu got upon the rock and there found the bill-hook which has been produced before the Court. It was stained with blood. On the following day an inquest was held on the body of Mallakka which was then sent to the Hospital at Uravakonda. The prisoner was also sent there. The Village Magistrate states that there has been enmity for some time between the 1st and 2nd prosecution witnesses and the prisoner, that they were not on speaking terms and that the quarrel was due to some caste dispute. He adds that a month or so before this offence was committed the 2nd prosecution witness came to him and complained that the prisoner had abused him. The Village Magistrate also states that it was commonly said in the village that the prisoner was in the habit of having sexual intercourse with the deceased Mallakka, but that he has no knowledge as to whether there is any truth in that rumour or not. The 1st prosecution witness, the husband of Mallakka, states that he never had any dispute with the prisoner and that his wife also had no quarrel with the man.

5. The 2nd witness, Basappa, the brother of the 1st witness, deposes that there was ill-feeling between Mallakka and the prisoner and states that the cause of this was that for a year before the woman's death the prisoner had been trying to get her to go and live with him as his mistress but that she refused to do so. He also states that he heard the prisoner threaten to kill both Mallakka and himself if she would not go and live with him. He further mentions that, on the morning of the 4th of June as he was in the village, he heard the prisoner cry out from a rock which is on the top of a hill at no great distance from the village that he had killed Mallakka, but was unable to find Basappa. The witness went to see what had happened and met the Village Magistrate, Kurnam and *taliaries* of the village running towards the rock. When they were all at a distance of about 10 yards from it the prisoner slipped from the top and fell down receiving a slight wound on the head. The witness and a number of others then went to the place where the body of Mallakka

was lying and found that she was dead. The 4th witness gives similar evidence as regards the prisoner's conduct while on the top of the rock and states that for a year there had been disputes between the prisoner and Mallakka and the other members of her family regarding some caste matter. He deposes that on one occasion a quarrel took place in his presence and that a *punchayet* was held. He says that this happened three days before the woman was killed and that the prisoner and his brother were disputing with the 2nd prosecution witness and some ten or twelve others. He, however, does not know what the quarrel was about.

6. The 7th witness, a *taliari* named Marigadu, states that he was with the Village Magistrate when the 5th witness came and told them at Hanumanthappa's shop that the prisoner had attacked and killed Mallakka. They all went to the place where the body was lying, and the witness was left in charge of it. Shortly afterwards, two *Madigas* came up to the place, and he then handed over charge of the body to them and went towards the rock from the top of which he heard the prisoner shouting out. He could not hear what the prisoner said. As soon as he got to the place the prisoner rolled down from the top of the rock. He and a number of others went up to him, lifted him up and had him carried to the *charadi*. A *taliari* named Hanumanthugadu got up on the rock and brought down the bill-book produced before the Court which he found there.

7. The prisoner has pleaded not guilty. Before the Magistrate he denied that he had killed Mallakka and stated that having gone to the hills with his sheep he tried to catch hold of a sheep and having slipped, fell down from a rock and was injured. Before this Court he repeats his plea of not guilty, states that on the day on which Mallakka died he was in his house as he was suffering from fever and denies having seen Mallakka on the day of her death. Two witnesses have been put forward for the defence for the purpose, as it would appear, of showing that the prisoner has not been in his right mind recently, but their evidence is worthless.

8. The Hospital Assistant in charge of the Uravakonda Hospital in his deposition before the Sub-Magistrate (Exhibit C) states that, at about 2-30 P. M. on the 5th of June, the body of the deceased Mallakka was brought to his Hospital. He made an examination and found a large incised wound about eight inches long across the head extending from the top of the left ear to the right side of the head with fracture of the skull along the wound and protrusion of the brain, and another incised wound five inches in length between the right shoulder and neck extending downwards. This wound was two inches in depth, and the clavical bone was fractured in the middle. He was of opinion that death was caused by the former of these wounds. He found a fully matured male child in the womb and was of opinion that the woman must have been eight or nine months pregnant at the time of her death. The prisoner was also brought to the Hospital, and the Hospital Assistant found that he had received a number of bruises and contusions none of which, however, were of a serious character. He was of opinion that these wounds and injuries might have been caused by a fall from a height. The man remained under treatment till the 15th of July and was then discharged.

9. The Assessors are of opinion that the prisoner should be convicted of murder. I agree with them. There can be no possible doubt that the evidence given by the 5th prosecution witness is true and that, when she and the deceased Mallakka were returning from the cattle-pen to the village on the morning of the 4th of June, the prisoner came up from behind them and inflicted on Mallakka two very severe blows with a sickle in consequence of which she died almost instantaneously. It appears that, as soon as he had killed the woman, the prisoner, in the sight of a number of villagers who had assembled at the place, went to the top of a rock which is at a distance of about three furlongs from the spot where the woman was lying and there cried out that he had killed Mallakka and that if he had found her brother-in-law, Basappa (2nd prosecution witness), he would have killed him also. He then threw himself up from the rock and was arrested and sent to the Hospital. The bill-hook with which he had killed the woman was found on the top of the rock.

10. As to the motives which led to the commission of this offence, the evidence is not very clear. Some of the witnesses state that for some time back the 2nd prosecution witness Basappa and other members of his family had been on bad terms with the prisoner and his family in consequence of a caste dispute. The evidence as to this is not very satisfactory, and the nature of the caste dispute is not stated. There is also a certain amount of evidence to show that there was sexual intimacy between the prisoner and the deceased Mallakka and, if the evidence of Basappa is to be believed, the prisoner had, not long before the woman's death, been very much irritated with her because she refused to leave her husband altogether and live permanently with him. It may be mentioned that Mallugadu, the husband of the deceased, is a man of about fifty-five years of age, while the prisoner is about thirty-two.

11. An attempt was made on behalf of the defence to show that the prisoner was not in his right mind, but it failed completely. There is no evidence to show that the man is not in full possession of his senses. There appear to be strong grounds for suspecting that there was sexual intimacy between the prisoner and Mallakka, and it is very probable that it is due to some quarrel which arose out of this intimacy, perhaps owing to the woman having against the prisoner's wish tried to break off her connection with him, that the prisoner attacked the woman and killed her. However that may be, there can be no doubt that the prisoner on the morning of the 4th of June attacked Mallakka and killed her in a most brutal manner by inflicting on her two very serious blows with a bill-hook without, as far as the evidence shows, having received from her anything that can be called provocation. He is convicted of murder under Section 302 of the Penal Code and sentenced 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.

PRINTED BY GRAVES, COOKSON & CO., SCOTTISH PRESS—MADRAS.
True Copy

Copy applied for 17 August }
Copy ready 25 do } 1895
Copy sent do }

Malapalay
Sheikstada.

To,
The Superintendent of Jail
Borlaug

Copy to the Prisoner

IN THE HIGH COURT OF JUDICATURE AT MADRAS.

Wednesday, the *twenty fifth* day of *September*,
One thousand eight hundred and ninety-*five*

PRESENT:—

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

Referred Trial No. *61* of 189*5*.



Kuruba Nagadu 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. *54* of the Calendar for 189*5*.

CRIMINAL APPEAL No. *455* of 189*5*.

Appeal by the Prisoner against the said Sentence.

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

the following

*Judgment:— There is no
room for doubt upon the
evidence that the prisoner
murdered*

*Enclosure No: 14 D
Ctts No: 3200*

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murdered Meallakka with a bill-hook, and then took refuge upon the top of a rock some thirty feet high from which place he proclaimed what he had done. When the village munsif and villagers assembled he threw himself down from the rock and was taken up unconscious. He was then arrested.

The only suggestion that the Vakil for the defence finds it possible to make is that the prisoner may

may have been insane, and our attention is drawn to the Hospital assistant's evidence as to his condition when in hospital.

As to this we must observe that there is no sort of proof that prisoner shewed any symptoms of melancholia before he attacked Meallakka. The first witness was cross-examined on this point and said prisoner was a rational sensible man who made his livelihood by making Cumbles. The prisoner asked no questions on this point of his own village munsif.

Mumli (6th witness) or any other witness from his own village - but he called a man from another village who stated he had not been in his proper senses for 5 or 6 years and was said to be inspired by some goddess. In cross-examination however, this witness admitted up to the time he left prisoner's village prisoner was fairly well; that he had never employed prisoner, - had never gone to his house or had anything to do with him, and that he had only seen him now and then in the Kuruba

Kuruba quarters but had never spoken to him. This evidence altogether fails to establish that prisoner was insane before the date of the murder. As to his condition since the murder the medical evidence does no doubt show that when first brought to hospital he talked incoherently and was for a time melancholic and refusing to speak. But we think the evidence points to this condition being the result of

of the injuries received to his head in his fall from the rock rather than from any other cause, and in his statement before the Magistrate the prisoner only alleged that he was ill from that date. At the date of the trial he appeared perfectly sane.

If there be reason to believe that since the trial the prisoner has shown signs of insanity it would of course be the duty of the jail authorities to bring the fact to the notice of

of the Local Government. Upon the evidence before us there is no doubt that the prisoner committed a brutal murder of a woman with whom it seems he had been previously intimate, and we can only confirm the conviction and sentence of death and dismiss the appeal.

By the Court.

C. J. G. M. M. M.
Deputy Registrar,
Appellate Side.

30.9.

No 1425

To,

Sessions Court
Bellary
4. October 1895

The Superintendent of Jail
Bellary

KUL DP 26/9
26/9

CURRENT NO. 4832

OFFICE OF SUPERINTENDENT OF JAIL,

No. 3200.

Bellary, 10 October 1895.

FROM Surgeon Major J. W. Evans
THE SUPERINTENDENT OF JAIL,

BELLARY.

To
THE CHIEF SECRETARY TO GOVERNMENT,
FORT SAINT GEORGE.

Sir,

Enclosures:-

1. Vernacular petition
1. translation
1. Nominal Roll
1. copy of judgment of the Sessions Court
1. copy of order of the appellate Court

I have the honor to forward the enclosed petition from Prisoner No. 7821. Kuruba Nagam S. C. No. 54/95 on the file of Sessions Court, Bellary, whose sentence has been confirmed by the High Court.

2. The Nominal Roll as required by para 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
Superintendent of Jail.

1895
Jail Dept.
Bellary
To
No. 4832

APPEAL For MERCY

From *Judicial Dept*
The Superintendent
District Jail

Bellary

CURRENT NO 4832

The Chief Secretary
to Government
Fort Saint George

Dated 10th
Despd 10th
Recd 13th
Ryd. 14th } October 1895.

N^o 3200

Enclosures: 5

Subject

Submitting a petition
from convict No 7821
under sentence of death
Kuruba Nagadu in
S.C. No 54 of 1895 on
the file of the Sessions
Court of the Bellary Dist.

189

BELLARY DISTRICT JAIL.

From

THE SUPERINTENDENT

OF JAIL,

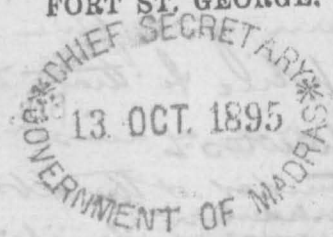
BELLARY.

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.

J
48
200-21-5-95.

JUDICIAL DEPARTMENT.

Current Number. 4832

FOR ORDERS.

APPEAL for mercy from Convict No. 7821

Kuruba Nagadu under sentence

of death in Bellary Sessions Case

No. 54 of 1895, which sentence has been

confirmed by the High Court.

The Superintendent of the Bellary

District Jail certifies that the sentence

will not be carried out until a definite reply from

Government has been received.

The petition contains nothing
as to the date of crime at
the time of the murder. The
petr now denies that he com-
mitted the murder & suggests
that the woman was killed by
her husband, also he says, is
a man of influence & has bribed
the police so that they have got up
this case against him (petr). But
the murder & the subsequent attempt
at suicide is clearly proved & the
H.C. has fully considered & has
disposed of the suggestion that the
petr was out of his mind at the
time. I would dismiss the petition.

M
14/10/95

I agree

17/10/95 and J.
W
20 Oct

M
14/10/95

M
14/10/95

PETITION FOR MERCY.

VERY EMERGENT.

Hon'ble Member and Circulation.

(FOR ORDERS.)

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

Judicial Department.



V.E.
h

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following letter, dated 10th October 1895, N^o 3200, from the Superintendent of the District Jail at Bellary, forwarding petition from Convict N^o 7521, Kuruba Nagadu under sentence of death in Bellary Session Case No. 54 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, 24 October 1895, No. 2159

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 N^o 7521, Kuruba Nagadu.

2. The law will take its course.

(True Extract.) (From orders)

22.10.95
Chief Secretary.

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

Chief Justice, with C.L.

Dec'd
24/10

12/10/95

C 14/10 24 C 15/10
R 11/10 B 23/10

7.

10. 10. 1891. 1891.
10. 10. 1891. 1891.
10. 10. 1891. 1891.

(10. 10. 1891.)

10. 10. 1891. 1891.

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

LETTERS OF GOVERNMENT

ASSUMPT WITH DITTO

WAS 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.