

20-11-11
14-7-16

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 2165

Dated 24th Oct. 1895

INDEXED.

[Despatch Abstract.]

SENTENCE OF DEATH.

Declining to interfere with the---passed on convict No. 3947,
Sonti Pichaya, in Kistna Sessions case No. 21 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.
C	5128		1195				

Enclosure No 1.

"Petition for Inocency" "Urgent"

హి జు రు క్కు న్ని తొ త్రి శనక యి
ది గ వ శ్చ ర్ణి క్క వు న్ని క్క మ త్రా సు వా
స ము ల్ల క్కు న్న కు -

శాసనముం ద్రాసెం ద్రాసె జేయబడినదినున్నది కిక్కిరివెలిం
పబడినదినున్నది 3947 శాసనముపై చూడవలెను
కేరళాశాసనసభలోనున్నది ద్రాసెం ద్రాసె జేయబడినదినున్నది

నేను నా బాల్స్ ను నంపలేదు. నా బాల్స్ యే
లాగు నచని పోయినది నాకు తెలియదు. నేను నా తో
టంబు కేల్లు గో సుకాను చుండగా నన్ను పోలేసు వాడు పట్టు
కొని తీసుకొని వెళ్ళినాడు. నా మీద యీసేరము త్ర
న్నారెరుము గావట్లు నాడు. నా త్రోవూ మలను బలవం
తపట్టు నా మీద తబద్ధ పుస్తాక్షరము పోలేసు నాను
యెప్పించినాడు. నా బామయిన సేర స్తుతినే ను గానకేతనా
మీద యీసేరము ను కల్పించినాడు. కొబట్టు తమయన్న
వెన్నియినక వ్రన్నిలు నాయందు కడుగించి నారకాడు
బ్రత్యగించి నాకు నానాయము చేయించినను బ్రోలు సుం
డి వాడు దలవేయటకు వ్రత్యరు వ్రయిచ్చుటకు ప్రార్థించు
చున్నాను.

ಕಾಂಪುಂಡಿಂಗ್ ಟ್ರಸ್ಟಿಗಳು
ದಿ 7th ಆಕ್ಟೋಬರ್ 1895. } ನಾಗರಾಜ್ ಮೈಯ್ಯಾಂ.

Myuna
Superintendent Central Jail

"Petition for Mercy"
"Urgent"

From
Sonti Pichaya
Condemned prisoner No 3947
Central Jail, Rajahmundry.

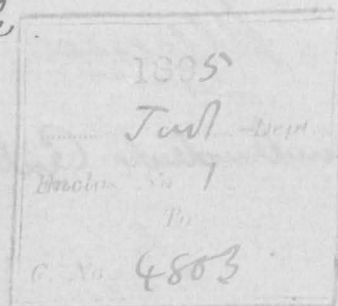
To
His Excellency the Right
Honourable the Governor
in Council, Madras.

Dated 7th October 1895

Received

No. 348.

Prays for mercy and release
from jail as he did not kill
his wife.



To

"Petition for Mercy" "Urgent"
His Excellency the Right Honourable
the Governor in Council,
Madras.

The humble petition for mercy presented by
Condemned prisoner No 3947 Sonti Pichaya of the
Central Jail, Rajahmundry.

I did not kill my wife. I do not know how
my wife came by her death. I was arrested by
the Police in my shop where I had been drawing
toddy and escorted by them. I was unjustly convicted
of this offence. The Police compelled my father-in-law
and mother-in-law to give false evidence against me.
The real culprit not being found out the case was
concocted against me. Therefore I beg that your
Excellency in Council will be pleased to go through
my record of the case and do me justice by ordering
my release from jail.

Rajahmundry Central Jail }
7th October 1895 } Sonti Pichaya.

M. M. M.
Superintendent Central Jail

Enclosure to 2.

"Petition for mercy"

"Urgent"

From Sonti Pichaya
Condemned prisoner No 3947
Central Jail, Rajahmundry.

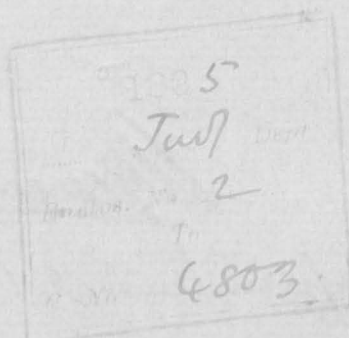
To His Excellency the Right
Honourable the Governor
in Council, Madras.

Dated 7th October 1895.

Received.

No. 348.

Prays for mercy and release from
Jail as he did not kill his wife.



IN THE COURT OF SESSION OF KISTNA DIVISION.

SESSIONS CASE No. 21 OF 1895.

Prisoner's Name:—

Sonti Pichaya [Defended by Mr. Bh. Sriramulu].

Offence:—

Murder under section 302, Indian Penal Code.

Opinion of the Assessors:—

Not guilty.

Finding of the Court:—

Guilty.

Sentence:—

To suffer death, subject to confirmation by the High Court.

Prosecution Witnesses:—

Assessors:—

Defence Witnesses:—

1. Rajulapati Achamma.

1. Tadikonda Narasimham

None.

2. " " Viraswami.

[Banian].

3. Sravanam Venkataratnam.

2. Ghantasala Jagannadham

[Banian].

4. Darapureddi Pandurangam.

5. Tirumalasetti Narayanaswami.

6. Skeik Davood.

7. Sonti Subbama.

The accused, Sonti Pichaya, is charged with murder of his wife Lakshmaya on the 20th of July last, under section 302, Indian Penal Code.

2. The Prosecution 1st witness, Rajulapati Achamma, and the Prosecution 2nd witness, Rajulapati Viraswami, are the mother and father of the deceased respectively. They prove that the deceased was married to the accused about 3 years ago, that she attained puberty a few months ago and that the usual ceremonies, which are celebrated on the occasion of the consummation of a marriage, were performed about a month prior to the offence. The accused and the deceased on that occasion cohabited for some days in deceased's parents' house; deceased then went and stayed for a short time at her husband's house and returned again to her parents. On the night of the offence the accused arrived at his father-in-law's house after dark. He was given a separate room to retire to with his wife. The Prosecution 1st and 2nd witnesses slept in a hut a few yards from this room [vide the plan Exhibit D]. Sometime after they retired, the Prosecution 1st witness says, she was awakened by hearing her daughter [deceased] crying out "Amma!" The Prosecution 2nd witness is a deaf old man. He did not hear the cry, but his wife awoke him and they both went to the door of the room to which the deceased and accused had retired. The Prosecution 1st witness went in front of her husband and called out the accused's name. He came out of the room, dropping the sickle now produced on the ground, and brushed past the Prosecution 1st witness and ran away, without saying anything. On going inside the Prosecution 1st witness felt her daughter and found her neck covered with blood. She was faintly crying "Amma!" but expired very shortly. The Prosecution 2nd witness fetched a light and it was then discovered that the deceased had been murdered by having her throat cut. The blood-stained sickle, which, Prosecution 1st witness says, she saw the accused throw down just as he left the room, was on the floor near the corpse. The waist cloth, which the accused had been wearing on the previous night, was also found stained with blood lying near the deceased.

3. The Prosecution 1st and 2nd witnesses raised an alarm, but their only near neighbours, the residents of the Malapalli, did not apparently come to their assistance. The 1st Prosecution Witness says that one man did come eventually and that he was sent to fetch her son from the main village, which was a little distance off. The son came and then he and the father went and fetched the village Munsif.

4. The Prosecution 3rd witness is the Village Munsif. He proves that the Prosecution 1st witness reported the murder to him at 1 A. M. and told him then that it was the accused who had done the deed. He went to the scene of the offence, saw the dead body and sent the reports, Exhibit A and B, to the Police and the Magistrate. The former report is marked as having reached the Police at 3 A. M. The Police came at 5-30 A. M. and held an inquest over the corpse. An inquest report, Exhibit C, was prepared. The Munsif sent men to look for the accused but he was not to be found prior to the arrival of the Police. The Prosecution 4th witness is the Station House Officer of Gudiya. He says that as soon as he received Exhibit A, he and the Inspector went to the accused's house [which is in a village adjoining that in which the offence was committed] to see if he had gone home after the murder. He was not at home and his relatives said he had left home the previous night to go and see his wife. The Prosecution 7th witness is the accused's mother. In the Lower Court she corroborated the Prosecution 4th witness as to her having told him that the accused had gone to see his wife on the evening prior to the offence [Vide her deposition in Lower Court marked as Exhibit F]. In this Court she denies having made any such statement to the Police. She says that on the evening in question the accused left home saying that he was going to sleep in his fields as he frequently does. The Prosecution 5th witness proves that, after a long search for the accused, he arrested him at 4 P. M. on the day of the offence among some bushes in a lonely place about 1½ miles from the scene of the offence and a mile from accused's own village.

5. The evidence of the Prosecution 6th witness shows that the corpse was taken to the Hospital and the evidence, before the Committing Magistrate, of the Assistant Surgeon who held a post-mortem on the body, is filed as Exhibit E.

6. The Medical evidence shows that death was caused by two deep gashes on the throat inflicted by a sharp instrument like the sickle produced in Court.

7. The evidence of the Prosecution 1st and 2nd witnesses leaves no doubt that the accused was the murderer. No reason whatever is assigned on behalf of the accused as to why they should give false evidence against the accused. No satisfactory explanation is offered as to how the deceased could have been murdered except by the accused.

8. The vakeel appointed by me to defend the accused could suggest no better defence than the following. The murder was really committed by some Malas for the purpose of stealing the deceased's necklace and the Police have concocted this case against the accused, not being able to find the real culprits. The vakeel in support of this theory relies on the statements made by the Prosecution 1st and 2nd Witnesses that the deceased's necklace was severed and that some of the beads in it were missing. This circumstance is fully explained by the Prosecution 1st, 2nd and 3rd Witnesses. They prove that when the corpse was taken out of the room, where the offence was committed, some of the gold beads of the necklace were found in a pool of blood and others were missing. The necklace of course was severed when deceased's neck was cut and some of the beads of the necklace may have been lost in the confusion. There is nothing to give rise to any suspicion that the missing beads were stolen. Again there was no object for a thief to commit murder. The evidence of the Prosecution 3rd Witness rebuts the suggestion that the Police concocted a case against a purely innocent man. Exhibits A and B show that the Munsif, long before the Police came to the spot, reported that the accused was the murderer. The accused produced no rebutting evidence. Before this Court he pleads not guilty and states that the Police have concocted the case against him. He makes no attempt to explain the evidence against him.

9. Under these circumstances, I have no hesitation in finding the accused guilty of murder under section 302, Indian Penal Code. The nature of the wounds inflicted and the

instrument used, leave no doubt that his intention was to kill. The burden of proving extenuating circumstances is, under section 105 of the Indian Evidence Act, on the accused. He has failed to prove any such circumstances.

10. I have purposely abstained so far from any reference to the statements recorded from the accused by the Committing Magistrate. The accused now repudiates this statement and, considering the very irregular way in which it has been recorded by the Committing Magistrate, I do not consider it should be used against him. The statement begins with the extraordinary question "What is your reason for killing your wife Lakshmaya?" This was a most improper question. It assumes the prisoner's guilt whereas all questions put by the Magistrate should have been directed towards giving the accused an opportunity of explaining anything adverse to him in the evidence for the Prosecution. Then in answer to the third question—"A charge has been framed against you under section 302, Indian Penal Code. What do you say?"—the accused is represented as having made a lengthy speech. I am convinced that this speech was never made by the prisoner in answer to the simple question above recorded. This is certain from the fact that at the end of his answer to the question I find that he is represented as having said—"I heard the statement read over to me by you. It is correctly recorded etc." How the statement came to be read over before the prisoner's answer to one of the questions was fully recorded, is mysterious. Evidently the Magistrate simply plied the prisoner with questions of all sorts, which he has not recorded as required by section 364, Criminal Procedure Code, and has represented the answers given to a severe cross-examination of the prisoner, in the approved French fashion, as an answer to a single question. I accordingly reject this statement as evidence against the accused, but I have referred to it to see if it contains anything which might be used in the accused's favor. He appears to have put forward the story that he killed his wife in a fit of passion because she refused to have connection with him. I cannot consider this, under any circumstances, to amount to grave and sudden provocation such as would deprive an ordinary man of the power of self control so far as to lead him to take the life of the person giving the provocation. There is no reason to suppose that the act was premeditated as suggested by the Committing Magistrate. The accused appears to have said that the thought of killing his wife suggested itself to him on previous occasions, but that he had put it away. He never admitted having premeditated the act murder committed on the night of the offence. The evidence of the Prosecution 2nd witness shows that there were several sickles, like the one used, in the room where the offence happened. The accused doubtless picked up one of these in the heat of passion without premeditation. Even admitting this, in the absence of provocation which was both sudden and grave and of such a nature as would make an ordinary man lose control over himself so far as to take another human being's life, I must find the accused guilty of murder and I see no reason for not imposing a capital sentence.

11. I find the accused guilty under section 302, Indian Penal Code, of murder and, subject to the confirmation by the High Court, I sentence him to be hanged by the neck till he is dead.

12. The accused is informed that if he wishes to appeal he must do so within 7 days.

13. The Assessors found the accused not guilty. This is one of those perverse findings opposed to the evidence, which are not uncommon with Assessors and Jurymen of the type called on to serve in this District.

8th August 1895.

(Signature) F. H. HAMNETT,
Sessions Judge.

The Committing Magistrate, M. R. Ry. T. Vasudevamoorti Garu, Stationary Magistrate of Gudivada, will be called on to explain his irregular conduct in not recording the accused's statement properly as required by law.

8th August 1895.

Compd.
V. B.

187 F. H. HAMNETT,
Sessions Judge.

(True Copy)

Hammett, 2
20 August 1895-3 Sessions Judge

To

Sonti Pichaya (Prisoner)
through the Dept of Central Jail,
Rayachandry.

Date of application for copy - 12-8-95
application received - 16-8-95
Copy ready - 20-8-95
Copy despatched - 21-8-95

Just

3

4803

R/103414
27-9-95 Copy for the prisoner

27 SEP. 95
MAHARAJA

IN THE HIGH COURT OF JUDICATURE AT MADRAS.

27 day, 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. 59 of 1895.

Sonti Pichaya Prisoner.

Trial referred by the Court of Session of the Krishna Division
for confirmation of the sentence of death passed upon the said Prisoner in Case
No. 2/ of the Calendar for 1895.

CRIMINAL APPEAL No. 418 of 1895.

Appeal by the Prisoner against the said Sentence.

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

Judgment:- Apart from the
statements made by the accused
before the Committing Magistrate

the testimony of the 1st and 2nd prosecution witnesses is amply sufficient to bring home the charge against the prisoner. It is not suggested that prisoner was on unfriendly terms with his wife's father and mother, and no reason is suggested why they should falsely accuse him if the murder had in reality been committed by any one else. Though the Sessions Judge was right in expressing disapproval of the form of the question put to the prisoner by the committing magistrate

on

on July 23rd we observe that the questions he put on the 25th and 26th July are not open to the same objection, and in the answers to both of these questions prisoner assigned the same reason for killing his wife, viz that she refused to have connection with him. We see no reason why we should refuse to believe his statement that this was the real reason for the murder, and as a matter of fact it is a reason alleged and regarded by

by the prisoner as an extenuation
is not a justification of the crime.

We are altogether unable
to regard this, even if true, as
any sort of palliation. The
prisoner's wife was a little
girl of 13 who had only just
attained maturity and it
is evident from prisoner's
own statement that it was
more her extreme youth than
anything else which made
her unwilling to accede to
his requests. Instead of
showing consideration and
kindness

kindness to a child-wife under
such circumstances the prisoner
has hacked her to death with a
toddle drawer's knife with the
greatest brutality. We can do
nothing but confirm the Con-
-viction and Sentence and
dismiss the appeal.
By the Court.

C. Rodhams
Deputy Registrar,
23rd Appellate Side.

Normal Roll of Condemned Prisoners No 3947 Santa Fe Prison of the Central Jail, Paganmuduy.

Prisoners	Sanctions	Date of Sanctions	Appointing Court	Present Age	State of Health	Conduct in Jail	Result of Appeal to Appellate Court	Number of previous convictions if any and remarks.
Murder.								
Section 302 J.P.C.								
	Death							
		8 th August 1895						
			Sessions Judge, Kistna					
				35				
					Good			
						Good		
							Confined	
								Previous Convictions nil.

Paganmuduy Central Jail
7th October 1895

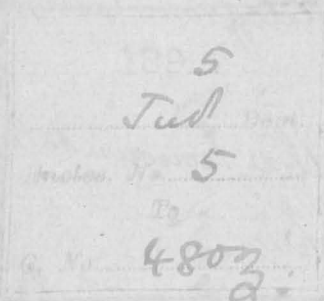
Superintendent Central Jail.

Enclosure No. 4

5
Tud
4
4803

Enclosure No 5.

Nominal roll of Condemned
prisoner No 3947 Souti
Pichaya of the Central Jail,
Rajahmundry.



No 1475

"Petition for mercy" "Urgent"
CURRENT NO. 4802
Rajahmundry Central Jail
7th October 1895.

From J. E. Young Esq
Superintendent, Central Jail
Rajahmundry.

To

The Chief Secretary
to Government,
Madras.

Sir, I have the honour to submit for the
Orders of Government a petition for mercy, together
with the marginally noted papers from Convict No.
3947 Souti Pichaya sentenced to death in the
Kistna Sessions Case No 21 of 1895.

2. I certify that the prisoner will not be executed
until a definite reply is received from Government.

I have the honour to be,
Sir,
Your most Obedient Servant

M. Young

Superintendent Central Jail

Enclosures 5.

1 Petition in Vernacular
1 do. translations
1 Copy of Judgment of Sentencing Court.
1 do. High Court.
1 Nominal Roll.

Judicial Dept.
"Petition for Mercy"
"Urgent"
CURRENT NO. 4803

From
The Superintendent
Central Jail
Rajahmundry

To
The Chief Secretary
to Government
Madras.

UNDER SECRETARY
12 OCT 95
PUBLICITY

Dated 7th October 1895.
Received 12th 80
No 1475
Enclosures. 5.

Forwarding a petition for mercy
from a condemned prisoner of the
Central Jail, Rajahmundry.

[G]
9
2,600-15-8-06.

Current No. 4918 DEPARTMENT.

Telegram
From
Supt. Central Jail
Rajahmundry

No.
Dated 16-10-95
Received 16-10-95
Enclosures 19-10-95

SUBJECT.

Rept. on pet.
for mercy from Smti
Pichayya

MR 3 19/10
US 3

C N. 4803.

M E

Ref: Supt. (C)
19/10
Telegram
To

The Supt. Central Jail
Rajahmundry.

"N. 647 Smti Pichayya's
petition for mercy under consideration
order follows."
order will follow as
soon as possible

Note.

The pet. appears to have been sent
to H's camp under C's order: - no note
slip put up. Perhaps a telegram may be
sent to H's camp also?

MR
19.10.95

Cover

g.c. 4803

V.E.

NOTE FOR THE CHIEF SECRETARY.

Submitted to C.S. for favour of
orders. This is another case where the
2 Hms have passed orders but
H.C. has not.

Mm.
14/10

It must go to H.C.
14/10/95.

For the Lodge post
R

Code
Class.

INDIAN

TELEGRAPHS

Monthly
Number.

1103

To

From

(Office)

Office

Words.

Day.

Hour.

Minute.

Official

To

From

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110

32 Word Form.

Recd. from

LN.

Sent to

23

1175

Mts. by

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H r n

Bf t. 8. 1221

Telegraph Master.

U. G. P. - No 18 T-37-93 - 40,00,000

CONFIDENTIAL 16-10-95

55/01/41

13/10/90

7 апреля

4
20 Oct-

12/10/95

Current Number. 4803

FOR ORDERS.

APPEAL for mercy from Convict No. 3947

Conti Pichaya under sentence
of death in *Kishna* Sessions Case

No. 21 of 1895, which sentence has been
confirmed by the High Court.

The Superintendent of *The Rajahmundry*

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

12-11-95
13/10/95

12/10/95

Sessions Court
Before the committing Magistrate &
Subsequently the Petitioner denied
having murdered his wife - And
before the committing Magistrate he
admitted having done so, assigning
as his reason that she had refused
to follow him & have connection
with her. There is also ample &
unimpeached evidence of the murder,
independently of the Petitioner's admission -
In view of the fact that,
conceding the excuse alleged
by the Petitioner to be true, it affords
no palliation for the offence.
The petition should be dismissed.

MM

13/10/95

I quite agree. The law must
take its course.

14/10/95

I agree
20 Oct

PETITION FOR MERCY.

VERY EMERGENT.

Hon'ble Member and Circulation.

(FOR ORDERS.)

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

Judicial Department.



V E

PROCEEDINGS OF THE MADRAS GOVERNMENT.

READ the following letter, dated 7th October 1895 No. 1475, from the Superintendent of the Central Jail at Rajahmundry, forwarding petition from Convict No. 3947. Sonti Pichaya under sentence of death in Krishna Session Case No. 21 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, 24th October 1895, No. 2165

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. 3947. Sonti Pichaya

2. The law will take its course.

(True Extract) From Orders

24/10/95
Chief Secretary.

To the Superintendent of the Central Jail, Rajahmundry
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.

Despatched 24/10.
24/10.

C12/100 C 14/100
R 14/10
R 23/10

1-1-195

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

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.