

[$\frac{J}{68}$]
1,000—25-7-96.

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 222

DATED 13th Feb. 1895

INDEXED.

[Despatch Abstract.]

PETITION FOR MERCY

Declining to interfere with the sentence of death passed on
convict Gopalsing in Bellary Sessions Case No. 69 of 1894.

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
Go	363		18-2-95.				

Quinto de
no. 100 no. 28.1.95

MISCELLANEOUS FORM No. 7. 53

Nominal Roll of Convict No. 7908

Crime.	Sentence.	Date of sentence.	Adjudicating court.	Age.	State of health.	Conduct in Jail.	Result of the appeal to the High Court.	Remarks and previous convictions.
Section 302 I.P.C.	death	27-11-94	Sessions Judge Bellary Dist.	40. m. d. 35 - 2 - 2	Good.	Good.	confirmed	

Bellary District Jail,
24th January 1895. }

Wm
Surgeon Major
of Superintendent of Tail.

1895

Bellary District Jail

Miscellaneous Form No. 7.

From The Superintendent
District Jail
Bellary

JUDICIAL DEPARTMENT.

Nominal Roll of Convict No.
confined
in the District Jail Bellary.

Dated 28th January 95

Nominal Roll of Convict
No 17008 Gopal Sing confined
in the District Jail Bellary

Encls: no 11

to Letter no 276
28.1.95

To

His Excellency

The Right Honble Mr. Governor
in Council

Fort St. George

The Humble petition of
Gopal Sing, Prisoner, District
Jail, Bellary.

To
Jensimed Naigal
21st Regt. M. V. S.

Most respectfully sheweth,

Petitioner was convicted by
the sessions judge of Bellary
in sessions case no 69 of 1894
for the murder of Redda
Narasamma and that the
High Court of Madras have
in Referred trial no 63 of 1894
Confirmed the sentence of death

passed upon him by the sessions
Judge of Bellary.

2) Petitioner had served in
the Cabul war and the Bur-
mese war and had been awarded
2 medals for service in the
said wars. Besides petitioner
had all along borne a good
character.

3) The evidence against
the petitioner is most un-
trustworthy. The evidence of
the girl contradicts the
evidence of her mother and
the theory for the prosecution.
The evidence of the girl in
regard to the actual witnessing
of the murder is most un-
probable. Except baldly stating
that she saw prisoner ~~stabbing~~
cutting the throat of the deceased

3 The Fifth is only 6 hrs

She is not able to depose
to the necessarily attendant
circumstances. Taking ^{this}
part of her evidence with her
other statements it is least
likely that she was a witness
to the offence. As this is
the only evidence against peti-
tioners the case for the prosecution
falls to the ground.

4) The statement alleged to
have been made by petitioners
before the Submagistrate
of Gooty has been relied
upon, but as petitioners was
in the custody of the police
immediately before he gave
the said statement your
Excellency will please consider
petitioners' explanation for
the same and consider

whether his explanation is not
true. Prisoner had made
evidently a tutored statement
before the Stationary Magistrate
on the first occasion.

5 There is no motive for
the deed. There is no probability
of his prisoner suspecting
his wife when she was eight
months pregnant. And that
is not the time when any
woman would go astray.
While it is clear that there
could not have been any
misconduct on her part
how is it probable that
prisoner should have become
jealous and murdered her
as is alleged by the prosecution.

6 Petitioner did not do the deed,
he had no motive to

In Consideration of the
above circumstances
petitioner most respectfully
prays that Your Excellency
may be graciously pleased
to grant the Royal prerogative
of mercy towards a man
who had served his Queen
and the Government truly
and well.

Bellamy St Jail

28th January 95 } G. Swath
Jailor

Wm
Surgeon Major
Adj: Superintendent of Jail

Petition for mercy

1895.

Bellary District Jail.

Dated. 28th January 95

Petition of prisoner No
7008 Gopal Sing under
sentence of death in Sess.
case no: 69/94 on the file
of Sessions Judge Bellary
praying for grant of mercy

5
Jail
3

357

Duplicate

Encls: No 3

to letter No 276

28.1.95

IN THE HIGH COURT OF JUDICATURE AT MADRAS.

Tues day, the fifteenth — day of January,
One thousand eight hundred and ninety-~~four~~ five.

PRESENT:—

The Honourable Sir Arthur J. N. Collins, Knight, Chief Justice
and

The Honourable Mr. Justice Parker.

Referred Trial No. 63 of 1894.



Gopal Sing ——— 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. 69 of the Calendar for 1894.

CRIMINAL APPEAL No. 4 of 1895.

Appeal by the Prisoner against the said Sentence.

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

Judgment:— We see no reason to
doubt that prisoner killed Pedda
narasamma — the woman he had
been keeping — by cutting her throat
with a dagger. The evidence appears
quite

quite conclusive on the point, and the
prisoner when examined by the
magistrate on the very day of the
occurrence - admitted his guilt.
It is true that the next day he
retracted that confession, - alleging
that he was "whimsical" - and
could not recollect what he had
said under the influence of fear
and confusion. We are asked to
infer from the apparent absence
of adequate motive for the crime
that prisoner was not in his
right senses when he committed
the act, - but we do not see our
way to accept this suggestion. The
motive first alleged by the prisoner
was

3

was jealousy, - but from his own
account he really had no reasonable
ground for suspecting that the woman
was unfaithful to him. The man
he suspected was an entire stranger
whom he met in the train and his
paramour was pregnant at the time
and very near her confinement. The
prisoner in his later statements accused
her of infidelity - but before the
Sessions judge he stated he had no
suspicion on that ground. We
cannot but believe that prisoner
gave way to a fit of jealousy for
which there ~~is reason~~ seems to
have been no sort of foundation

We must confirm the conviction
and

And Sentence and dismiss the appeal.

By the court

At Fort St. George.
Deputy Registrar,
Appellate Side.

N^o 158.

To,
The Superintendent of Jail
Bellary

Sessions Court
Bellary
21st January 1895

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58
2/12

Encls: no 4
Letter No 276
28.1.95

IN THE COURT OF SESSION OF THE BELLARY DIVISION.

The 27th day of November 1894.

SESSION CASE No. 69 of 1894.

Preliminary Enquiry No. 5 of 1894, on the file of the Stationary Sub-Magistrate of Gooty, Anantapur District.

No.	Name of accused.	Father's name.	Caste or Race.	Occupation.	Residence.	Age.
1	Gopal Sing	Laghu Sing	Kshatriya	Pension	Peravali	34

Date of

- 1. Occurrence ... 10-10-94.
- 2. Complaint ... 10-10-94.
- 3. Arrest or appearance ... 10-10-94.
- 4. Commencement of trial ... 21-11-94.
- 5. Close of trial... 22-11-94.
- 6. Explanation of delay

Assessors ... { 1. Madiri Setti, Desayi Setti.
2. Divakarappa, Brahman.

Accused defended by Mr. C. S. Subramaniam Iyah appointed by Court.

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.

Ind
2
357

17-1-95
17/1

SESSIONS COURT,
BELLARY,

Dated 27th November 1894.

No. 2370

FROM,

LEWIS MOORE, ESQUIRE,

Sessions Judge,

Bellary.

TO,

H. W. FOSTER, ESQUIRE,

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 69 of 1894 in which I have, subject to the confirmation of the High Court, sentenced one Gopal Sing to death for the murder of his concubine Pedda Narasamma.

2. Chinna Narasamma (1st witness), the younger sister of Pedda Narasamma, deposes that she lives in Gooty as the concubine of a peon named Bola Sing, the younger brother of the prisoner, while her sister lived as a concubine with the prisoner in Peravali. About the 8th October last the prisoner and Pedda Narasamma came from Tirupati to Gooty and stopped in the house of Pulamma, the prisoner's sister. At about 7 o'clock on the morning of the 10th October, the witness states that she left her house to go to a well that is not far off in order to draw water. As she was leaving the house, the prisoner and her sister entered it. On her return with the water, her daughter Iramma (2nd witness), a little girl of about six years of age, whom she had left in the house, came running towards her crying and stated that her uncle (prisoner) had cut her aunt's (Pedda Narasamma's) throat. Just then, the witness saw the prisoner come out of her house and remarked that his cloth was stained with blood. The witness and her daughter remained at the door of their house crying. Shortly afterwards, a Constable (5th witness) came up, and the witness then told him what had happened.

3. The 2nd witness is Iramma, the daughter of the 1st witness. She is very young, not more than six years of age, but she has given her evidence clearly and in a most intelligent manner. She says that as she was eating food inside her house, the prisoner and Pedda Narasamma entered the house and went into the cook room. The prisoner took out a dagger that he had in his waist cloth, threw the woman down and cut her throat. The witness got up and went to the door of the cook room as she wanted to see what had happened. Pedda Narasamma did not cry out.

The prisoner turned and saw her and she then got frightened and ran out of the house to meet her mother who had gone to fetch water. She told her mother all that had happened.

4. Constable Sheik Mohiuddin Sahib (5th witness) states that at about 7-30 on the morning of the 10th October he saw the 1st and 2nd witnesses crying outside their house. He went up to them and asked them what was the matter. The little girl told him that her uncle had stabbed her aunt with a dagger and gone off. The witness started at once to try and find the prisoner. When he had gone a few yards' distance, he met Head Constable Peer Ahmed (6th witness) and told him what had happened. They went back to the house of the 1st witness, entered it and saw the body of Pedda Narasamma lying inside a room in the house. The woman's throat had been cut, and life was entirely extinct. They then came out of the house and started at once to look for the prisoner. They met the 3rd witness and he joined them. They went to the house of one Runganna where they had heard that the prisoner was and asked who was there. The prisoner came out. The Head Constable questioned him and asked him where the dagger was with which Pedda Narasamma had been killed. The prisoner at once went to a dung-heap near the house, took a dagger out of it and gave it up to the Head Constable. It appeared to have been stained with blood. The 3rd and 6th witnesses corroborate the evidence of this witness as to the giving up of the dagger by the prisoner. This weapon has been produced in Court. The 4th witness states that on the morning on which Pedda Narasamma was killed, he saw the prisoner come out of the house of his brother Bola Sing. There were what appeared to be stains of blood on his cloth. He had a knife or dagger in his hand which resembled the weapon now before the Court.

5. The Gooty Stationary Sub-Magistrate (7th witness) states that he received a report regarding this offence at about 9-30 A. M. on the 10th October. He went at once to the house of Bola Sing. He saw the body of Pedda Narasamma lying inside the house in a pool of blood. The inquest was then held, and the 1st and 2nd witnesses were examined. The dagger now before the Court was shown to the Magistrate, and he states that it appeared to him to be stained with blood. He then questioned the prisoner near the place where the body was lying, and he made a statement (Exhibit D). The Magistrate deposes that this statement appeared to him to have been made voluntarily. No Constables were present when it was recorded. It was read over to the prisoner, and he acknowledged it to be correct. On the following day (11th October) the preliminary enquiry was commenced, witnesses were examined and the prisoner made a further statement (Exhibit E.)

6. The Assistant Surgeon in charge of the Gooty Hospital made a *post mortem* examination of the body of Pedda Narasamma. In his deposition, made before the Magistrate and filed here as Exhibit C, he states that he found a wound on the right side of the throat about four inches long and an inch broad. The right carotid artery had been cut in two. There was another wound on the right upper arm about an inch long and also a wound about three inches below that wound which was about $\frac{3}{4}$ inch long. There was a wound in the abdomen about four inches long and three inches wide from which a portion of the bowels were protruding. There was also a

wound in the right arm-pit. The woman was about eight months pregnant, and the child in the womb was found to be dead. He was of opinion that all the wounds on the woman's body had been caused by means of some sharp instrument.

7. The prisoner has pleaded not guilty. He states that on his arrival at Gooty from Tirupati he went to his sister's house, while his concubine Pedda Narasamma went to the house of her sister, the 1st witness. On the morning on which Pedda Narasamma was killed, a number of Constables came to the house where he was, seized hold of him and gave him a beating. He asked them why they were treating him in such a manner, and they told him that they were beating him because he had killed his concubine. He denied having done so. He adds that he does not suspect any one of having been too intimate with the woman. Before the Magistrate on the 10th October he (Exhibit D) acknowledged that he had killed Pedda Narasamma because he suspected that she had sexual intercourse with a man who had travelled with them in the train to Gooty. On the 11th October he (Exhibit E) denied having killed the woman. He stated that the dagger before the Court did not belong to him and that he knew nothing about it. He acknowledged that a blood-stained cloth shown to him was his, but explained the blood-stains by stating that he had sores on his legs from which blood occasionally flowed. He added that he suspected that a man who had travelled with him into Gooty by train had had intercourse with the woman and said that some of her paramours must have killed her. The Pleader who has appeared for the prisoner has called no witnesses.

8. The Assessors are of opinion that the prisoner has been proved to be guilty. I agree with them. It is clearly shown that the prisoner and Pedda Narasamma were seen on the morning of the 10th October entering the house of the 1st witness as she was leaving it to go and get water and that they were together in the house for a short time, the only other persons there being the little girl Iramma and Pedda Narasamma's baby. Shortly after they had entered the house, Iramma came running out of it and told her mother that the prisoner had cut Pedda Narasamma's throat. Almost immediately afterwards, the prisoner was seen to leave the house, and it was remarked that his cloth was stained with blood. The child Iramma states that she saw the prisoner cut the woman's throat, and I have no hesitation in accepting her evidence as true. It is shown that very shortly after the murder had been committed the Station House Officer and a number of others went to the house where the prisoner was stopping and that he at once handed over to them the knife with which he had killed the woman. A few hours afterwards he voluntarily made a confessional statement to the Magistrate and acknowledged that he had murdered Pedda Narasamma. He, no doubt, retracted that statement on the following day and has here denied all knowledge of the manner in which the woman was killed. I believe, however, that that statement was given by him freely of his own accord on the 10th October and that what is there set down is true.

9. The prisoner is convicted of murder (Section 302, Penal Code). There is but little evidence as to his motives for killing the woman, but his own statements lead to the inference that he suspected that she was not faithful to him. The medical evidence shows that the man behaved with great brutality and inflicted several

severe wounds on the woman on various parts of the body. There is no evidence that he received any provocation worthy of the name. Under these circumstances, I have no option but to sentence him 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.

N^o 2370

True Copy

Copy applied for 30th December }
Copy ready 19th December } 1894.
Copy sent 20th do.

H. Balagasingh

Sheristadar

To,

The Superintendent of Jail,
Bellary

CURRENT NO. 357

No. 276

OFFICE OF SUPERINTENDENT OF JAIL,

Bellary, 28th January 1895.

FROM Surgeon Major J. W. Evans

Ag: THE SUPERINTENDENT OF JAIL,

BELLARY.

To

THE CHIEF SECRETARY TO GOVERNMENT,

FORT SAINT GEORGE.

SIR,

I have the honor to forward the enclosed petition from Prisoner No. 7008 *Gopal Singh* in C. C. No. 69/94 on the file of Sessions Court, Bellary, whose sentence has been confirmed by the High Court.

- Enclosures
- 1 Petition
 - 1 Nom. Roll
 - 1 copy of Jindg^h
of the Sentencing Court
 - 1 copy of Jindg^h
of the High Ct.
 - 4

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
Ag: Superintendent of Jail.

5
Jindg
357

Petition for Mercy
1895- NO. 357
Bellary District Jail

From The Superintendent
District Jail
Bellary
To The Chief Secretary
to Government
Fort Saint George

Dated 28th January 95
29 JAN 1895
No: 2876
Recd 29/1
Encls: 4
Subject

Submits a petition from
prisoner no 7008 Gopal Singh
in cal: case no 69/94 on
the file of Sessions Court
Bellary, with the usual
nominal Roll -

1259-24-5-94
1895-
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.

Judicial
DEPARTMENT.

No. 357 of 95

Dated

FOR ORDERS.

189 .

I can see no reason at all
for doubting the propriety of the
Petitioner's conviction. From his original
statement before the Magistrate it appears
that he suspected her of having been
unfaithful to him. That this does
not seem to be any reason to suppose
that this suspicion was warranted.
Even if it had been, ~~it~~ the fact
is that there was no excuse for this deliberate
murder - The petition should be
rejected -

30/1/95

This murder is clearly proved. The
law must take its course.

W
31 Jan

Appeal from
Convict No 7008 Gopal Singh
from the sentence of
death passed on him
in the Bellary Sessions
Case No 69 of 94: And confirmed
by the High Court:
The petitioner will
not be executed until a
definite reply is received
from Govt. by the Supd: of the Jail.

29.1.95

29.1.95

Petition for Mercy
Judicial Department.



PROCEEDINGS OF THE MADRAS GOVERNMENT.

READ the following letter, dated 28th Jan'y: 95 N^o 276, from the Superintendent of the District Jail at Bellary, forwarding petition from Convict N^o 7008: Gopal Singh under sentence of death in Bellary Session Case No. 69 of 1894, 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, 1st February 1895, No. 222

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 7008: Gopal Singh.

2. The law will take its course.

(True Extract.)

(From order)

8
31.6

Chief Secretary.

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

See
32/1

32/2/95

C29/1

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