Judicial (1895) Department.

ORDINARY MS.

G.O., No. 2233.

Dated 4" Nov 1895.

INDEXED

[Despatch Abstract.]

SENTENCE OF DEATH.

Declining to interfere with the --passed on convicts No.9292 Sabapathi Pathan and No.9293 Govindan in Tanjore Sessions case No.40 of 1895.

Mh.

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	5290		95				
	5315		95				

FORM No. 53.

Nominal Roll of Convict No. 9292 Sabapathi Pathan

Crime.	Sentence.	Date of Sentence.	Adjulicating Court.	Present age.	State of Health.	Conduct in Jail.	Result of the Appeal to Appellate Court.	Number of previous convictions if any and remarks.
Murder	Death	13 August/95	Sessions Court of Tanjore	30	Good	Good	Sentence confirmed by the High Court	Remarks Nil P.C. Nil

Tanjore Dt. Jail Office,
29 October 1895.

,000—9—94.

Rules 701 and 714.

Superintendent of District Jail. Tanj

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His Excellency the Governor
in Council
Fort St. George.

The humble petition of Sabapathi Pathan who was Sentenced to Death by Court of Sessions Tanjore in Calendar Case No 40 of 95 which Sentence was confirmed by the High Court in Criminal appeal No 453 of 95 and now a prisoner No 9292 in the District Jail Tanjore.

Most humbly & respectfully Sheweth.

That there was enmity between Petitioner and the Mahamedans of Nagore. It was reported to the Police on several occasions. Inspite of petitioners reports the Mahamedans with the assistance of the Police assaulted petitioner when he was inside his house suffering from Measles. Petitioners sister complained of this to the Police and finding that the Police had taken no steps she abused them. Your petitioner went again to the Police Station and presented a complaint with the list of witnesses. The Police received it and said that they would enquire into the complaint the following day

day. They did not do so. Two days afterwards at about 7 P.M. some persons in disguise entered petitioners house tied petitioner beat him and all had connection with petitioners sister in his presence and afterwards ran away. Petitioners sister with the greatest difficulty got up from her bed and released your petitioner and your petitioner is conscious of having come out of the house and nothing more. On the following Sunday your petitioner reported in person to the Head Asst Magistrate of what had occurred in his house. If a reference is made to the H. Asst Magistrate he will speak to this fact. It was proved in the Sessions Court by the defence witnesses that petitioners sister was ravished Your petitioner does not know the 2nd accused of this case. Your petitioner therefore humbly prays to learn the true facts of the case and to order his release from the Jail. For this act of charity Your petitioner humbly prays for His Excellency's long life & prosperity.

(Signed) Sabapathi Pathan

(True translation)

Supt of Jail

To

His Excellency
the Governor in Council
Fort St. George

Dated 29 October/95
Recevd.

Urgent

No. I/61

Appeal for Mercy

Petition of convict No 9292 Sabapathi Pathan sentenced to Death by the Court of Sessions Tanjore praying to peruse the records of his case & to order his release from the Jail.

சென்னபட்டணம் [illegible] கவர்னர் துரையவர்கள் சமுகத்திற்கு.

தஞ்சாவூர் செஷன் கோர்ட்டு 1895 ம் வருஷம் 40 நெ. [illegible] [illegible] ஹைகோர்ட்டு 1895 ம் வருஷம் 453 நெ. கிரிமினல் அப்பீலில் [illegible] இப்போது தஞ்சாவூர் ஜெயிலில் 9292 நெ. சபாபதிபத்தன் [illegible] எழுதிக்கொண்ட பெட்டிஷன்.

[illegible] ஆகையால் [illegible] போலீஸ் டேஷனில் [illegible] போலீஸ் [illegible] அடித்து [illegible] போலீஸ் டேஷனில் [illegible] அடித்து [illegible] போலீஸ் டேஷனில் [illegible] [illegible]

ராமையும் [illegible] கொண்டுவந்து,
[illegible] 7 [illegible]
[illegible] என் வீட்டுக்குள் புகுந்து
என்னைக் கட்டி [illegible] அடித்து [illegible]
[illegible] என் நகைகளையும்
எல்லாவற்றையும் [illegible]
[illegible] போய்விட்டார்கள். உடனே
என் நகைகளை [illegible] உடன் எழுந்து
[illegible] எழுந்து [illegible]
[illegible] என்னை அடித்து விட்டனர்
உடனே நான் [illegible]
[illegible] வந்து நான் என்னைக் [illegible]
[illegible]
[illegible]
[illegible] போய் [illegible]
[illegible] என் [illegible]
[illegible]
[illegible] உதவியாக
[illegible] அவர்களே தான்
சொல்லிக் கொண்டு உண்மையைச்
சொல்வார்கள். அப்படி [illegible]
[illegible]
என் நகைகளை [illegible]
[illegible]. என்னுடன்
[illegible]
என்னை [illegible]

ஆகையால் தாங்கள், [illegible] ஏழை
யாகிய என்மேல் தயவு செய்து, இந்த
கேசின் உண்மையை அறிந்து என்னை
ஜெயிலிலிருந்து விடுதலை செய்யும்படி
[illegible] செய்ய [illegible] கேட்டுக்
கொள்ளுகிறேன் —

இப்படிக்கு

Tanjore Dt. Jail office
29th October 1895

Superintendent of Jail

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Vol 6
5729

FORM No. 53.

Nominal Roll of Convict No. 9293 Govindan

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.
Culpable Homicide amounting to murder	Death	13-8-95	Sessions Court Tanjore	24	Good	Good	Sentence confirmed by the High Court	Previous Convictions Nil Remarks Nil

Tanjore Dt. JAIL OFFICE,
29th Oct 1895.

Superintendent of District Jail. Tanjore

Rules 701 and 704.

5,000—8—94.

To

His Excellency the Governor
in Council
Fort St. George.

The humble petition of Govindan who was sentenced to Death by the Court of Sessions Tanjore in Calendar case No 40 of 95 which sentence was confirmed by the High Court in Criminal appeal No 454 of 95 and now a prisoner No 9293 in the District Jail Tanjore

Most humbly & respectfully sheweth.

That your petitioner went from Nagore to Vanjur through the Toll Gate & returned about 9-30 P.M. Your petitioner saw the first accused coming from Nagore towards the Toll gate. Your petitioner also saw 13th Prosecution witness Abdul Khader near the bridge. There the 1st accused stabbed Abdul Khader. Abdul Khader immediately ran away terrified and the 1st Accused followed him. At the same time one Subramanian and Govindan were coming from Nagore towards the Toll gate. The 1st Accused stabbed them also. They fell down on the spot. Your petitioner then got afraid and ran home. But on the way home went to the Police Station and found no one there. That is all your petitioner knows. The following day your petitioner went to his relations house at Rettigudi with the object of Storing up provisions for his sisters wedding. After storing up all the required provisions for the marriage your petitioner returned to Eagore, only then your petitioner came to know through his sister that the Police had Searched for him. Your petitioner immediately presented himself at the Station. The Police Inspector asked your petitioner whether he knew any thing of the late disturbance. Your petitioner being the only member in the family to prepare for his sisters wedding and being afraid that the Police will take him as witness and thus the marriage would be postponed, said he knew nothing. The Police Inspector again asked your petitioner whether it was true as the people were saying that the disturbance occurred while your petitioner was returning from Vaiyur. Your petitioner said that he did not know anything as he had been to the Village on marriage affairs. The Police bearing this enmity in their mind implicated your petitioner in the case and kept him in the Sub Jail on remand. The Police concocted evidence and got your petitioner committed to the Sessions. Nothing was proved against your petitioner at the Sessions Court. The Pleader that was engaged to defend petitioner neither cross examined the Masalchee nor permitted your petitioner to cross examine him. Therefore the Judge believed the evidence of the Masalchee and Sentenced your petitioner to Death. The Assessors found your petitioner not guilty. Your petitioner filed a list of defence witnesses in the lower court but in the Sessions they were not examined. The evidence that was discredited in the Sessions Court must have been accepted as satisfactory by the High Court and hence the sentence was confirmed. The prosecution witnesses who deposed to the death of Subramanian and Govindan also deposed that your petitioner did not Strike them. The Civil Surgeon certified that the bodies of the deceased bore marks of stabbing but not of striking. There is no relationship between the 1st accused and the petitioner. Your petitioner therefore begs His Excellency to send for all the records of the case peruse them and order his release for which act of charity your petitioner humbly prays for his long life and prosperity.

(Signed) Govindan

(True Translation)

Supt of Jail

To

His Excellency
the Governor in Council
Fort St. George

Dated 29 October/95

Recd

No T/62

Urgent

Appeal for Mercy

Petition of Convict
No 9293 Govindan
Sentenced to Death
by the Court of Sessions
Tanjore praying to
peruse the records
of his case & to order
his release from the
Jail.

ஸ்ரீ [illegible] மேன்மை தங்கிய கவர்னர் துரையவர்கள் சமுகத்திற்கு.

திருச்சிராப்பள்ளி செஷன் கோர்ட்டு 1895ம் வருஷம் 40 நெம்பர் கேஸில் மரண தெண்டனை விதிக்கப்பட்டு ஐகோர்ட்டு 1895ம் வருஷம் 454 நெ. கிரிமினல் அப்பீலில் கன்பர்ம் செய்யப்பட்டு திருச்சிராப்பள்ளி ஜில்லா ஜெயிலில் 9293 நம்பர் கைதி கோவிந்தன் மிகுந்த வணக்கமாய் எழுதிக்கொண்ட விண்ணப்பம்.

நான் [illegible] டோல் கேட்டுப் பக்கமாய் வந்து கொண்டு போய்விட்டுத் திரும்பி வந்தேன். அப்பொழுது ராத்திரி சுமார் 9½ மணியிருக்கும். அப்பொழுது வழியில் [illegible] டோல் கேட்டுக்குச் சமீபமாய் வருகையில் கண்டேன். அப்பொழுது [illegible] யென்கிற 13 வயது [illegible] [illegible] பால [illegible] [illegible] [illegible] 1 வருஷம் [illegible] [illegible] [illegible]. [illegible] அவன் [illegible] கொண்டு [illegible]. 1 வருஷம் [illegible] அவனை [illegible] கொண்டு [illegible]. [illegible] கொண்டு [illegible] [illegible], கோவிந்தனென்று

[illegible] நாகனில் இருந்து போல் கொண்
டுவந்தார்கள். பிறகு யெதிரி அவர்
களுடைய [illegible]. [illegible]
அவர்கள் [illegible] விட்டார்கள்.
நான் பயந்து கொண்டு [illegible] யென்
வீட்டுக்கு ஓடினேன் - ஒரு பொழுது
ம் பேசினில் போய் பார்த்தேன். அப்
பொழுது அங்கே ஒருவருமில்லை. நான் [illegible]
யென் வீட்டுக்குப் போய்விட்டேன். [illegible] நான்
நடந்தபோது [illegible]. பிறகு நான் காலையில்
யெழுந்து யென் தங்கை வீட்டு [illegible]
சாமான்கள் சேகரிக்கிறதற்காக [illegible]
[illegible] யென் பக்கத்து வீட்டுக்குப்
போய்விட்டேன். அவிடத்தில் [illegible]
[illegible] வேண்டிய சாமான்கள் சேகரித்து
விட்டபிறகு [illegible] வந்தேன்
உடனே யென் தங்கை போலீஸ்காரர்
கள் வந்து யென் [illegible]
சொன்னாள் - சொன்னவுடன்
ம் பேசினில் போய் [illegible] னேன்
[illegible] யென் [illegible]
[illegible] தெரியுமா வென்று கேட்டார்
யென் தங்கைக்கு [illegible]
போய் [illegible] தெரிந்து [illegible]
[illegible] நானே [illegible]
வேண்டியவனாயிருந்தேன்.

அதற்கு உடைய [illegible] தெரியுமென்று சொன்
[illegible] போலீஸ்காரர் என்னையும் அதனால்
விவரங்கள் [illegible] போய்விடுமென்றும்
பயந்து யென்க்கு [illegible] தெரியாதென்று
சொன்னேன். அதற்கு இன்ஸ்பெக்டர்
[illegible] இருந்து வரும் பொழுது இந்த
[illegible] நடந்ததாகச் சொல்லு [illegible]
[illegible] உனக்கு [illegible]
[illegible] சொல்லென்று கேட்டார்
யென்க்கு [illegible] தெரியாது. நான் காலையில்
[illegible] போய்விட்டேன்
யென்று சொன்னேன். அதன் பேரில்
[illegible]
கொண்டு யென்னுடைய [illegible]
[illegible] யென்று
[illegible] போல் [illegible]
[illegible].
யென்க்கு [illegible] யென்று
[illegible] செய்துவிட்டு யென்று
[illegible] செய்துவிட
டார்கள். பிறகு யென்று [illegible]
கோர்ட்டில் [illegible] பொழுது.
[illegible] யென் பேரில் [illegible]
[illegible] நாகனா [illegible]

[illegible] சாக்ஷி

[illegible] கொண்டு என்று [illegible]

வக்கீலும் என்னைப் பேச வேண்டாம்

என்று [illegible] விட்டுப் போய்விட்டான்

இதைக் கேட்டு [illegible] சாக்ஷியை [illegible]

[illegible] செய்யவில்லை. இந்த சாக்ஷி [illegible]

[illegible] கொண்டு [illegible]

[illegible] என்று [illegible]

[illegible] விட்டார்கள். அச்சமயத்தில் என்னுடைய

[illegible] இல்லை என்று சொல்லியிருக்

கிறேன். என்னை இந்த சாக்ஷி

[illegible] என்று [illegible]

[illegible] செய்திருக்கிறேன்

[illegible] என்

[illegible] இல்லை. [illegible]

[illegible]

[illegible] செய்த [illegible] கொண்டு

[illegible] என்று [illegible]

[illegible] பொருந்தியவர்களைக் [illegible]

[illegible] விட்டார்கள். [illegible]

என்று [illegible] கொண்ட சாக்ஷி [illegible]

[illegible]

[illegible] இல்லை என்று சொல்

லியிருக்கிறேன். எல்லாப் [illegible]

[illegible]

[illegible] இல்லை என்று டாக்டர்

டாக்டர் [illegible]

[illegible]

[illegible] இல்லை. [illegible]

[illegible] இல்லை.

ஆகையால் [illegible]

[illegible] என்று [illegible]

[illegible] என் [illegible]

[illegible]

[illegible] உன் [illegible] என்ன

[illegible] செய்யும்

[illegible] செய்து

[illegible] கொள்ளுகிறேன்.

மன்னிக்க வேண்டிக் கொள்ளுகிறேன்.

[illegible]

Tanjore Dt. Jail office
29th October 1895

Superintendent of Jail

1895
Jud Dept.
Enclos. No 4
To
O. No 5725

H. E. UPSHON.
27 AUG. 95

SESSIONS COURT, TANJORE.

Judgment in case No. 40 of 1895.

(Case committed by the Stationary 2nd class Magistrate of Negapatam)

PRESENT:—T. M. HORSFALL ESQUIRE, I. C. S., BARRISTER-AT-LAW,
Sessions Judge.

REGINA VERSUS:—1. Sabapathi Pathan (Defended by Vakil Mr. T. M. Seturam Row.)

2. Govindan (Defended by vakil Mr. S. Ramachendrier.)

3. Rengasami Pathan (undefended.)

Offence :— Against 1st and 2nd accused 1. Murder, section 302 I. P. C. and 2. Attempt to commit murder, section 307 I. P. C. Against 3rd accused. Attempt to commit murder, section 307 I. P. C..

Opinion of Assessors:— (Brahmins)

1st Assessor:— All prisoners not guilty.

2nd Assessor:— 1st and 2nd prisoners guilty as charged and 3rd prisoner not guilty.

Finding of Judge:— Concurred with the 2nd Assessor.

Sentence:— The 1st and 2nd prisoners are sentenced to death.

The 3rd prisoner is acquitted and discharged.

This is the first case of undoubted "running amuck" which has come to my notice in South India. The case against the first two prisoners is, briefly, that they together ran amuck in Nagore on the 27th May last for about 20 minutes between 9 and 10 P. M. and killed 6 men and wounded 13 others, the 3rd prisoner joining them only in two cases of wounding towards the close. Following the procedure in a somewhat analogous case, which was approved by the High Court (Criminal Appeal 159 of 1895) the Public Prosecutor selected as against prisoners 1 and 2, three of the murders and three of the woundings and as against 3rd prisoner, his alleged two woundings, and charged these cases formally; evidence on all, or nearly all, of the other cases being however let in incidentally as forming part of the *res gestœ* and as showing that prisoners were running about armed and with murderous intent at the exact time and place named in the formal charge.

2. The prosecution case is as follows. 1st prisoner is both a goldsmith and a professional athlete, a boxer and teaches others to box. His favourite pupil is 2nd prisoner and they are constantly together. Both are Nagore men; 1st prisoner has however also been repeatedly in the Malay peninsula, viz., Penang, Singapore etc. 3rd prisoner is 1st prisoner's brother, and lives partly in Nagore and partly in Karikal. These facts are not very seriously contested. They are fully proved by the evidence of 14th, 19th, 20th and 25th Prosecution witnesses. The Negapatam Police Inspector Bartels (25th Prosecution witness) lives at

Kadambadi, midway between Negapatam and Nagore. In the afternoon of the 25th May prisoners 1 and 2 (whom he knew very well) came to him at his house. 1st prisoner had a bloody nose and a bandaged hand and complained that Musulmans of Nagore had dragged him out of his house and beaten him. The Inspector told them to go back to the Nagore Police Station and followed himself at once and there told the Station House Officer to register the case though it was not a Police case (there being a Hindu-Mahomedan faction at Nagore). But the Station House Officer never registered it and 1st prisoner's complaint, according to this Inspector, has never been inquired into in any way. These facts are no doubt strictly speaking almost irrelevant; but I permitted them to be proved as giving the only clue to a motive for the astonishing events of the 27th which is known to the Police.

3. The next thing known is the actual running amuck. It began at the Nagore bridge, which is about 350 yards North of the Nagore Police Station and is connected with the station by the main street of Nagore. All the murders were in this main street. At about 9-30 P. M. a young Musulman of Karaikal (13th Prosecution witness) happened to be passing by that bridge when he saw people running as if afraid. So he ran himself to the toll shed south of the bridge (vide plan G) and just as he reached it prisoners 1 and 2 ran up and 2nd prisoner knocked him down with a stick. As the 13th Prosecution witness got up again 1st prisoner stabbed him in the side with a dagger. All this was seen by the toll collector (14th Prosecution witness) who was in the toll shed at the time. Then he ran away. These two prisoners then ran along the main street southwards and passed a man standing on his "alodi" at the street side (1st Prosecution witness). Just a little further on, two men called Govindan and Subramaniam were lighting their cheroots at a shop which is opposite Sivankoil North street (see plan). This shop belongs to 2nd Prosecution witness and he was in it at the time. The prisoners 1 and 2 ran up and asked who was standing there. Govindan said, "it is I, Govindan." 1st prisoner said, "Then take this," and stabbed him through the lungs, and immediately after he stabbed Subramaniam, killing him at once. Govindan also died on the spot shortly after. These two murders were also witnessed (in addition to prosecution witnesses 1 and 2) by a Municipal lamplighter (3rd prosecution witness) who was just then going his rounds.

4. The next victim was one Ramu Pillai, who was one of a group of 3 men (the other two being prosecution witnesses 5 and 7) who were standing gossiping together at the corner of Sivankoil north street and the main street. They had noticed the Musulman (13th Prosecution witness) running south crying out that stabbing was going on. As prisoners 1 and 2 came up to this group of 3 men 1st prisoner asked the foremost of them (Ramu Pillai) who was there. Ramu Pillai said: "why?" Whereupon 1st prisoner stabbed him with such force through the chest that the dagger point came out at his back. 1st Prisoner pulled out his dagger and all 3 men bolted into Sivankoil north street, not apparently being followed. But they had not gone more than 50 yards when Ramu Pillai fell down dead in that street.

5. The next man attacked was a young fellow sitting in a shop about 100 yards further down the street nearly opposite the car (21st Prosecution witness). Prisoners 1 and 2 ran up and 2nd prisoner hit him on the head with a stick and when the witness tried to run 1st prisoner stabbed him twice in the arm

which witness was holding up to guard his face (vide certificate C14)

6. We now come to a series of murders and attempts to murder at a spot exactly 200 yards north of the Police station. At this spot is a "Bajana Madam" or place where in the evening religious songs are chanted; and that evening the madam was full of people singing or listening; and outside others were listening also. There was so much indiscriminate stabbing and beating here on the part of prisoners 1 and 2 that the sequence of events is rather obscure; but roughly, I take it to be this, according to the prosecution version.

7. A chetty (8th Prosecution witness) had shut up his shop and was going home with his brother Sirangam, who had recently come on a visit to him from Vilupuram; and they were being followed by their brother-in law (9th Prosecution witness) who had also shut up his shop and was going home. When these people had got a little North of the "Bajana madam" they met prisoners 1 and 2, and 2nd prisoner beat Srirangam. Then 1st prisoner stabbed 8th Prosecution witness in the neck and again in the upper lip. Then he stabbed Srirangum in five places (vide certificate C4) one of the stabs piercing the heart and lungs and killing him on the spot. A few yards further south another party of chetties was going home, consisting of 10th and 11th Prosecution witnesses, one Radakrishna Chetty, and one Venkatesa Chetty. They were met by prisoners 1 and 2 just south of the Bajana madam near Pasupathi Chetty's house (vide plan). Then 1st prisoner stabbed Venkatesa Chetty in the neck, and he fell down dead (C 5). 2nd prisoner was brandishing a stick. Then 1st prisoner stabbed Radakrishna Chetty through the lung. 10th and 11th Prosecution witnesses then ran away. Radakrishnan however went inside the Bajana madam to get a light in order to see if Venkatesan was dead.

8. It is probable that at this juncture prisoners 1 and 2 disappeared for a few minutes. The next we hear is that prisoners 1 and 2 again came along the street at this spot, this time with 3rd prisoner and attacked a chetty who was listening outside the Bajana madam (18th Prosecution witness). This man says 2nd prisoner beat him with a stick on his wrist and head, and 1st prisoner stabbed him in the side, and 3rd prisoner stabbed him in the forearm.

9. Then prisoners 1 and 2 entered the Bajana madam, which as I have above stated, was full of people, and in which Radakrishnan had just got a lamp to go and see Venkatesan. The people in the madam had heard cries in the street and were in an expectant attitude in the yard in front preparing to leave, and fearing there was a riot, when these 2 prisoners entered. 1st prisoner rushed at 17th witness saying "what is all this crowd here for? what is all this humbug?" and stabbed him in the left shoulder. Then 1st and 2nd prisoners beat 15th witness with a stick, and 1st prisoner also stabbed him in the left arm (C 16); and also stabbed this witness' brother (16th Prosecution witness) twice in the chest, and 2nd prisoner poked him in the chest with a stick (C17). Both these men fell down badly wounded in the madam. The prisoners 1 and 2 then left the madam and just outside it they met a man (20th Prosecution witness) who had been told by the lamplighter (3rd Prosecution witness) of the murder of his (20th Prosecution witness's) nephew Govindasami and who was turning over the corpse of Venkatesan to see if that was his nephew and had noticed a lantern (no doubt that brought by Radhakrishnan) on the ground near that corpse. 1st prisoner

stabbed this man in the chest and 2nd prisoner threatened to beat him, but did not actually do so. Sixty yards south of this spot is 1st prisoner's house. His next door neighbour is one Palaniayee (19th Prosecution witness). She was just taking her children into the house for the night when all 3 prisoners came up and stabbed her in her doorway in the neck, shoulder and thumb. Just here the 3rd Prosecution witness was lighting his last municipal lamp. While he was on the ladder 2nd prisoner broke the lantern with his stick and 3rd Prosecution witness climbed on a house roof and escaped. Ninety yards further south again, and quite close to the Police Station is a shop in which 22nd Prosecution witness was sitting with 2 lights burning. This man gives a graphic account of what happened. He says 1st and 2nd prisoners came and 2nd prisoner asked for betel leaf, whilst 1st prisoner who was covered with blood, stared at him (22nd Prosecution witness). The witness, in terror and amazement, stared back. Suddenly the 1st prisoner thrust at the witness' face with his dagger. The witness lifted both his arms to protect himself and the dagger passed through both wrists (C10). 1st prisoner had a stick like a Constable's baton hanging from his left shoulder by a loop and with this he then knocked over a lamp in the shop. Then 22nd Prosecution witness ran and 2nd prisoner aimed a blow at him with a stick as he went. The prisoners then disappeared altogether.

10. Hours passed, but the Police of the Nagore Police Station made no sign. The only persons who attended to the dead and wounded were some of their relatives, who helped to take home those still alive. The dead men lay all night where they had fallen. It does not appear that any Police officer showed himself until probably about 2 or 2. 30 A. M. when some people brought the wounded youth Tiruvengadam (17th Prosecution witness) to the station and stirred up the Police. This boy and 22nd Prosecution witness were then at about 3 A. M. put into a jutka and sent to the Inspector at Kadambadi. They reached him, with the 1st Police Report at 4 A. M. The Inspector saw them and sent them on to the Negapatam Hospital and got to Nagore himself at 4. 25 A. M. There he found the 5 corpses of Subramaniam, Govindasami, Ramu Pillai, Strirangam and Venkatesan. He held inquests till 8 A. M.; sent the remaining wounded men to Hospital and examined them and a number of the present witnesses till midday. A Constable (24th Prosecution witness) took the 5 corpses to Negapatam. The Inspector then went to the Negapatam Hospital, where the Magistrate was examining the wounded men; and next day he examined many more witnesses. Prisoners 1 and 2 were searched for but could not be found for some time. The Negapatam Civil Surgeon (6th Prosecution witness) made *post mortem* examination of all the corpses and gave certificates for the wounded men.

11. Radhakrishna chetty died on the 1st June in Hospital. On the 29th May he made a dying declaration to the Magistrate, in which he said that 1st prisoner had stabbed him and that another man whom he could not well see was with the 1st prisoner at the time.

12. Before discussing the prosecution evidence I shall briefly state the defence. In the Lower Court all 3 prisoners made simple denials of guilt and 1st and 2nd admitted the deceased were no enemies of theirs. In this Court 1st prisoner made a rambling statement to the effect that about the 23rd May some Musulmans had beaten him (query; 25th ?); and that again at 7 P. M. on the 27th, when he was ill with smallpox the Musulmans came again and beat him and he ran away and wandered off to Sikkal, and then "felt ashamed" and then went to his relations at Sangamangalam and then surrendered himself. His two defence witnesses said he was assaulted on the evening of the 27th in an ordinary way by some Musulmans. But their story is clearly false; for they describe him as very ill with smallpox at the time and unable to walk without assistance; whereas 1st prisoner admits he wandered about for many miles by himself directly afterwards and the Civil Surgeon denies that 1st prisoner had smallpox. The 2nd prisoner called no witnesses. The 3rd prisoner called a man who had been originally cited as a prosecution witness, and who said he did not see 3rd prisoner when Ganapathi (18th prosecution witness) was wounded. His other defence witnesses were called to prove an alibi, but failed him.

13. Now returning to the prosecution evidence, it is necessary to picture to oneself the scene and the time and the surroundings if one wishes to make a fair estimate of the value of the statements made by the witnesses. The evidence discloses a street on a dark night sparsely lit by 2 or 3 straggling municipal lamps and a light or two in the few shops that had not already been closed. Here and there were peaceful chetties going home, or men smoking an evening cheroot. Suddenly two men rush down the street and stab and beat every one they meet with scarcely an exception. Every one who could use his legs, whether wounded or not, ran as hard as he could to some place of safety, and left every one else, whether brother, friend, or stranger to shift for himself. Not for a good time after did any one venture out to see to the dead and wounded and the next day the whole street was still demoralized with fear. This is the prosecution story and no fancy picture. It naturally follows that the cut and dried stories now told by the witnesses cannot in many cases be implicitly trusted; and that much of the evidence purporting to be direct is mere inference from things really witnessed or even absolute falsehood.

14. That this conclusion is correct can I think be shown without difficulty. Thus the 8th prosecution witness, who began by stating that he had seen the blow struck which killed his brother Strirangam, admitted afterwards he did not actually see it but that it was only an inference, however natural. Some of the other witnesses were not so honest; but their accounts are even less valuable; for 8th Prosecution witness did certainly see the attack on himself. Thus, I doubt if 1st prosecution witness really saw who stabbed Govindan and Subramaniam. He was a good way off: some 70 or 80 feet. He told the Magistrate he saw a running crowd. Here he denies it. He said he knocked at Ramu Pillai's door at 10 P. M. to say that Ramu Pillai was dead. Ramu Pillai's son (4th Prosecution witness) says it was not till 2 A. M. This is a much more probable story. And 1st prosecution witness who professes he went at 10 A. M. to rouse the people in Ramu Pillai's house can give no reason why he did not go to the houses of Govindan and Subramaniam. On the other hand the Police examined him on the 28th; so it is probable he saw something. I fancy he saw killing; but could not then recognize the killers. He has in fact improved his knowledge since.

2P.

15. Then there is the lamplighter (3rd Prosecution witness). He has differed as to whether prisoners 1 and 2 ran in front of him or behind him. And he certainly only told the 20th Prosecution witness that "some one" had killed Govindasami. Here he pretends to know exactly who it was. I doubt if he even

saw the killing, for he says he went on quietly lighting lamps as if nothing had happened. And for several days he was not available as a witness.

16. The 5th witness had a very nervous and unsatisfactory manner. He was not examined as a witness till the 4th June. The man who pretends to have been with him (7th Prosecution witness) admits he gave no evidence for several days and his reason for being present at the murder of Ramu Pillai did not on cross examination seem satisfactory. The 9th Prosecution witness differs from the 8th as to whether 8th Prosecution witness' little brother was with him or not; he also differs as to the place of killing Strirangam and was not examined by any one till the 13th June. I altogether discredit this man. Then again, the 10th and 11th witnesses who are now quite positive the man with 1st prisoner was 2nd prisoner, and who knows 2nd prisoner quite well, simply told the Magistrate there was "another" man with 1st prisoner. Similarly the 11th witness is not to be trusted about the identity of 2nd prisoner. Again though it is true the Police examined 13th Prosecution witness on the 28th May, he did not know 1st and 2nd prisoners before, and his identification is therefore doubtful. There are, further, some discrepancies in his evidence. Again the 20th Prosecution witness, though he now says it was prisoners 1 and 2 who attacked him, and though he knows them very well, told the Head constable the next day his assailants were "two men whom he could identify."

? not

17. It will therefore be seen that much of the very positive present testimony must be largely discounted if we wish to know what was really seen that night. There remains however a goodly residue of really trusthworthy evidence. Thus, I consider 2nd Prosecution witness' account of the murder of Subramaniam and Govindan open to no valid objection. His evidence was available next morning. He knows the prisoners 1 and 2 well. Again, I believe the lamplighter (3rd Prosecution witness) saw prisoners 1 and 2 at the last lamp near 1st prisoner's house. The 8th witness certainly saw 1st prisoner stab himself and was close to his brother when latter was stabbed by some one, and he saw 2nd prisoner with 1st prisoner. The 10th and 11th witnesses (who were both examined by the Police on the 28th) are to be trusted about 1st prisoner killing Venketasan and Radhakrishnan and certainly saw *some one* with 1st prisoner. Their story is strongly supported by Radhakrishnan's dying declaration. I also see no reason for distrusting the account of the tollgate keeper (14th Prosecution witness), who knows prisoners 1 and 2 very well and saw them attacking 13th Prosecution witness. Again I would specially mention the two brothers 15th and 16th Prosecution witnesses, who are intelligent and respectable men, as giving a very satisfactory account of what happened in the Bajana madam. Both moreover know prisoners 1 and 2, and positively identify them as attacking them with a dagger and a stick respectively. Both were examined by the Police on the 28th. Their evidence is corroborated by that of 17th witness. I lay no stress on the stories of Palaniyayee (19) and Ganapathi (18) as regards 3rd prisoner because the rest of the evidence rather tends to show that 3rd prisoner was not there, and Palaniyayee has a grudge against 1st and 3rd prisoners. But the evidence of 21st Prosecution witness is open to no objection. He speaks positively to both men and he was well acquainted with them. Finally the 22nd Prosecution witness' account was so good and graphic that I am bound

to believe it though he does not seem to be on good terms with 1st prisoner. His story moreover was on paper on the night of the 27th itself.

18. It is thus seen that even after all possibly doubtful testimony is eliminated there remains a good residuum of really trustworthy direct evidence, implicating prisoners 1 and 2 in the 3 murders specifically charged, viz those of Govindan, Subramaniam and Radhakrishnan. The attempts to murder Palaniyayee, at any rate, and Govinda Chetty, of the three charged, are also well proved against prisoners 1 and 2.

19. It must not be forgotten that the circumstantial evidence in the case is very strong. It has been abundantly proved that prisoners 1 and 2 jointly ran amuck with dagger and club respectively. Certificates C_{14} and C_{16} and other evidence show that even the club inflicted severe wounds. It has been abundantly proved that 1st prisoner wounded and killed a number of persons. It is also proved that all the incised and penetrating wounds inflicted that night could have been inflicted by one and the same weapon. There was no riot or other disturbance; and those killed and wounded were of various castes and occupations. The inference arising, namely that those killed and wounded at the same time and place concerning whom the direct proof is not clear, *were killed and wounded by the same persons*, is therefore very strong, I may almost say conclusive.

20. I have already indicated my opinion that the evidence against 3rd prisoner cannot safely be acted upon. It is no doubt possible that he did join his brother and 2nd prisoner towards the end of the affair and helped them. But there is only the doubtful evidence of Palani Ayee and Ganapathi Chetty (19 and 18) to that effect. There is counter evidence, and the whole tenor of the prosecution evidence is that there were only two (see also evidence of 3rd and 22nd witnesses.)

21. It is not of course to be supposed that there are no discrepancies in the evidence of even the more trustworthy prosecution witnesses. For instance they differ a little as to 1st prisoner's dagger. They differ as to the size and length of 2nd prisoner's stick. They differ as to whether 1st prisoner had also a stick. The last discrepancy is I think explained by the evidence of 22nd prosecution witness who says that 1st prisoner had a sort of baton slung from his left shoulder. This might easily escape notice in the dark. I consider these discrepancies unimportant and a sign that the evidence is not concocted. It is suggested by the defence that the murders may have been committed by Musulmans and the case concocted against prisoners. The theory is on the facts absolutely untenable. There is nothing whatever to support it and overwhelming evidence against it. For the defence the want of any apparent motive for prisoners 1 and 2 to kill and wound so many persons is of course also dwelt upon. The prosecution is no doubt unable to prove any motive. None of the wounded persons can suggest one. I would remark that when a case is clearly proved the motive may very well be left to take care of itself. But in this case there are some indications, however slight, of the cause of this running amuck, which I give for what they are worth. 1st prisoner is a professional fighter; he has often been in the Malay peninsula and has I dare say heard of or seen cases of running amuck. He had possibly been assaulted by Musulmans 2 or 3 days before the 27th. It is suggested for the prosecution that he

nursed his wrath, took some drug or other to give him courage, and joined by his faithful friend and pupil the 2nd prisoner resolved to introduce the Malay custom on this side of the water. This is possible, but no more can be said.

22. As for the crime of the 2nd prisoner it is certainly murder. The evidence is clear that he was present with 1st prisoner from 1st to last, aiding, abetting and encouraging him, running with him from one murder to another, and using his club here and there with effect. I can see no reason why he should not be sentenced to death for his share in this dreadful crime. I accordingly sentence both 1st and 2nd prisoners to death subject to the confirmation of the High Court. They have been informed that if they wish to appeal they must do so in 7 days. The 3rd prisoner is acquitted and discharged.

23. Before closing this judgment I must add some remarks on certain matters connected with the trial. The 1st point is that the charge was amended. After the trial had begun the Public Prosecutor saw that the *direct* evidence as to Ramu Pillai's death was unsatisfactory. He proposed therefore to amend the 1st count by striking out that name and substituting for it that of Radhakrishna Chetty. The vakils did not object and clearly under the circumstances (the whole story of running amuck being gone through) there was no prejudice to the defence.

24. The next point is that the 1st prisoner gave a certain amount of trouble about his defence. He categorically informed the Committing Magistrate that he had means and that he would engage his own vakil and that Government need not appoint one. When the trial began he however had no vakil. He did not even then pretend he had no means; but said his relatives would engage a vakil and that a vakil would still possibly turn up. The first day (out of 4½ days spent on the trial) passed without his having a vakil. The morning of the next day, I heard he was still undefended. Mr. Seturam Row represented to me that 1st prisoner's people had engaged him but had paid only a fraction of his fees. Under these circumstances I exercised the discretion given by High Court Proceedings No. 2480 dated 28th October 1890 and asked Mr. Seturam Row to defend 1st prisoner on behalf of Government. This he did and the Prosecution witnesses hitherto examined were recalled and cross examined by him on the few points left untouched by 2nd prisoner's vakil. Again, when the case was closing Mr. Seturam Row advised 1st prisoner not to examine any defence witnesses. Prisoner however insisted they should be examined. He was not entitled both to have a vakil for nothing and to conduct the case himself. However, as a concession, I permitted defence witnesses to be examined as to the alleged beating of the 27th May. If prisoner was beaten and rendered incapable at 7 P. M. on the 27th evidence to that effect would be relevant to and fortify his defence of absolute innocence. But I declined to allow witnesses to be called to show he got a bloody nose by Mussulmans on the 25th. For that fact could only operate, if relevant at all, in favour of the Prosecution theory, and would certainly be wholly irrelevant to the defence set up by 1st prisoner. The proof of that matter therefore would not have helped him but rather the contrary. 1st prisoner's Vakil, as I have said, fully admitted this; and it was only 1st prisoner personally whom I had to overrule in this matter.

25. The last point has reference to the conduct of the local Police. The

evidence is that 5 people were killed and 13 wounded at about 9-30 P. M. in a main street close to a Police station; that the Police took no action until at about 2 A. M. one of the wounded men forced them to do so; and that the Inspector only 2 miles away got no news of the affair till 4 A. M. It is difficult to believe that the Nagore Station Police were quite unaware for so many hours of what had taken place so very near the station. The facts would therefore prima facie seem to point to a measure of cowardice and incompetency of those then in charge of the Police Station at Nagore which calls for stringent investigation at the hands of their superiors.

TANJORE }
13TH AUGUST 1895. }

T. M. HORSFALL,
Sessions Judge.

([illegible])

App to Tender 14-8-95 }
do received 16 do }
do Sent 26 do }

By order

Sheristadar

To

The Superintendent of District Jail
for delivery to prisoner No 2

PRINTED AT "THE POORNACHANDRODAYA PRESS" TANJORE.

1895
Jud Dept.
Enclos. No. 3
To
G. No. 5725

Serial No.	Description of Accused.						Date of					
	Name.	Father's name.	Caste or race.	Occupation.	Residence.	Age.	Occurrence.	Complaint.	Apprehension.	Commencement of trial.	Close of trial.	Explanation of delay.
1	2						3					
Calendar Case No 40 of 1895	1. Sabapathi Pattan	Narayana Pattan	Gold Smith	Gold Smith	Nagore Negapatam Taluq	25	27. 5. 95	27. 5. 95	1st Prisoner 2. 6. 95 2nd & 3rd Do. 3. 6. 95	6. 8. 95	13. 8. 95	
	2. Govindan	Pakkiri Pillai	Shepherd	Brick layer	Do	22						
	3. Rangasami Pattan	Narayana Pattan	Gold Smith	Ruby cutter	Karikal	32						

Sessions Court, Tanjore,
13 August 1895.

(True Copy)

By order
[illegible]
Sheristadar

(Signed) T. M. Horsfall
Sessions Judge.

300-11-94.

1895
Jud Dept.
Endlos. No. 2
To 5729

Duplicate

H. E. UPSHON.
24 OCT. 95

IN THE HIGH COURT OF JUDICATURE AT MADRAS.

Wednesday, the ninth day of October,
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. 62 OF 1895.

1. Sabapathi Pathan and 2. Govindan	*1st and 2nd Prisoners.*

Trial referred by the Court of Session of the Tanjore Division for confirmation of the sentence of death passed upon the said Prisoners in Case No. 40 *of the Calendar for* 1895.

Criminal Appeals Nos. 453 *and* 454 *of* 1895.

Appeals by the Prisoners against the said sentence.

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

JUDGMENT :—

We do not think it necessary to follow the Sessions Judge into a discussion of the evidence on all the charges on which the Prisoners have been tried. For the purpose of disposing of this reference we think it will be sufficient to consider the murders of Govindan and Subramanian only, and that we need not follow the history of the further progress of the Prisoners down the main street of Nagore on the night in question.

That Prisoners started in company on their murderous career from the toll-gate is sufficiently clear from the evidence of Abdul Kadir (13th prosecution witness). The Prisoners pursued this witness into the toll-gate shed—where there was a light—and there was another light outside so that there can be no question that identification was possible. The 1st Prisoner was armed with a knife and 2nd Prisoner with a thick stick, and they acted in concert from the beginning, attacking the same person at the same time.

This evidence is corroborated by the toll-collector (14th witness)] who had known both Prisoners for a long time. From the toll-gate Prisoners 1 and 2 then passed southwards down the street till they came to the two men who were lighting their cigars in front of Nagalingam's shop. There a similar scene occurred but with fatal results. Govindasami was first attacked, the 1st Prisoner stabbing him with a knife, and 2nd Prisoner beating with his stick. Subramaniam was the next victim, and both he and Govindasami were killed on the spot

The Judge accepts the evidence of the 2nd witness in its entirety and he also believes that 1st witness saw both these persons killed though he doubts whether he was near enough to identify their assailants.

The story of the prosecution witnesses as to the further career of these two Prisoners down the street is certainly corroborative evidence both as to the identity of the murderers and the fact that they acted in concert,—but it is unnecessary to discuss in detail all the evidence which has been fully set out by the Sessions Judge.

The Prisoners had practically no defence. We must confirm the conviction and sentence, and dismiss the appeals.

The matter is under reference with I.G.P. vide G.O. d/1-11-85 No 2616 M.C. No 5085.

We think the conduct of the Police at the Nagore Police Station calls for the serious attention of the Local Government and of the Inspector General of Police.

It is in evidence that six persons were killed and thirteen others seriously wounded by the two Prisoners running amuck between 9 and 10 in the evening in the main thoroughfare of a crowded town, and that this murderous career which began about 380 yards from the Police Station was continued up to a spot within seventeen yards of the Police Station itself. Yet no policeman moved for hours afterwards, and the Sessions Judge points out that no Police Officer seems to have shown himself on the spot till between 2 and 3 A. M. That such an occurrence should have caused a panic in the bazaar street is easily intelligible,—but the Police at any rate were armed and ought at once to have made use of the means at their disposal to apprehend the murderers.

By the Court.

Dy. Registrar,
22.10 Appellate Side.

Examined by T. Ramakrishna Pillai.

To

The Superintendent
Of Jail, Tanjore

(with 2 spare copies for Prisoners)

PRINTED BY G. C. AND CO., SCOTTISH PRESS, MADRAS.

HIGH COURT OF JUDICATURE
AT
MADRAS.

JUDGMENT
IN
REFERRED TRIAL No. 62 of 1895,
Criminal Appeals Nos. 453 and 454 of 1895.
Sessions Court of the Tanjore Division,

Dated 9th October 1895.

Sent

1895
Jud Dept.
Enclos. No. 1
To
C. No. 5129

CURRENT NO. 5129

No. $\frac{1}{869}$ -

Tanjore District Jail Office,
29 October 1895.

From

H. C. Upshon Esqr

Superintendent of Jail, Tanjore.

To

The Chief Secretary
to Government
Fort St. George.

Sir,

I have the honor to submit two Appeal petitions for mercy from Convict No 9292 Sabapathy Pathan and No 9293 Govindan confined in this Jail under sentence of death together with the following.

2. English Translations
2 Nominal rolls
1 Copy of Judgment
in Calendar Case No 40 of 95
1 Copy of Judgment
in Criminal appeal
Nos 453 & 454 of 95

2. I beg to state that the prisoners Sabapathy Pathan and Govindan will not be executed until a definite reply is received from Government to the appeal now submitted.

I have the honor to be
Sir
Your most obedt Servt

Supt of Jail

CURRENT No. 5129

G.O. 1257 : 24·5·94 K

From

[illegible] The Superintendent, Jail

District Jail,

TANJORE.

H. C. [illegible] Esq

To

The Chief Secretary
to Govt.
Fort St. George

Dated 29 } October 1895.
Received 1-11

1/11/95

No. J 869

Enclosures.

Urgent

Appeal for mercy

Subject.

Submits petitions for mercy from prisoners Sabapathy Pathan and Govindan at present confined in the Dt. Jail Tanjore.

Ref.
Please see the concluding para. of the H. C.'s Judgt. The conduct of the Police is now under enquiry & the matter has been referred to the I.G.P. [illegible] of papers to [illegible] 31/10/95

J/43. 200—21-5-95

JUDICIAL DEPARTMENT.

Current Number. 5129 of 95

FOR ORDERS.

APPEAL for mercy from Convict No. 9292 Sabapathi Pathan & 9293 Govindan under sentence of death in Tanjore Sessions Case No. 40 of 1895, which sentence has been confirmed by the High Court.

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

1.11.95

The 1st Petr. tells what seems to be a new story — how certain disguised persons entered his house, tied him up & raped his sister; that his sister got up & ran away; that he released him & that he then came out of his house & remembers no more; & that he reported what had happened to the H.A.M. But this does not seem to have been supported by credible, if any, evidence; and even if it had been, I do not quite see how it could avail to help the Petr. against the abundant direct evidence as to his having committed the murders.

The 2nd Petr. says he saw the attack on the 13th Pros. W. & the murder of two of the deceased, but had nothing to do with them; & ran away. But the evidence against him also is abundant & direct.

Would dismiss both petitions

2/11/95

I agree. The case is clear

J G
2/11/95

I quite agree. It is a curious case - luckily rare in this part of the world. I am curious to hear what the Nagore Police have to say for themselves.

1/11/95.

The matter is under enquiry. Refer with I.G. & show the reply, when recd., will be circd. to H. G.

4/11/95

PETITION FOR MERCY.

VERY EMERGENT.

Hon'ble Member and Circulation.

(FOR ORDERS.)

Rg

Please put up this paper when the I.G.'s reply is recd With Refce on C No 5005.

4/11/95

C 1/11 | C 2/11
C 2/11 | L 4/11

[J. / 16.]
1,000—5-2-94.

Judicial Department.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following letter, dated 29. Octr 95. No 869, from the Superintendent of the D. Jail at Tanjore, forwarding ~~petition~~ petitions from ~~Convict~~ Convicts Nos 9292 Sabhapathi Pathan & 9293 Soundara under sentence of death in Tanjore Session Case No. 40 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, 4th November 1895, No. 2233

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~~ Convicts Nos 9292 Sabhapathi Pathan & 9293 Soundara

2. The law will take its course.

~~(True Extract.)~~ (From orders)

4/11/95

Chief Secretary.

4/11/95

To the Superintendent of the D. Jail, Tanjore
for communication to the ~~Prisoner~~ Prisoners.
" Inspector-General of ~~Jails.~~ Prisons
" Hon'ble the J~~udges of the High Court, with papers returned.~~ H. C. J. with C. L.

desp 4/11/95

Rg

Please put up this paper when the I.G.'s reply With Refce on C No 5005 is recd

4/11/95

When given for copying ______ }
When copied ______ }
When examined ______ } 189 .
When signed ______ }

READ AGAIN G.O., No. DATED
189 ,

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.

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