

Result of Appeal convictions and remarks.

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 223

DATED 13th Feb. 1894.5

INDEXED.

[Despatch Abstract.]

PETITION FOR MERCY

Declining to interfere with the sentence of death passed on convict
Anthony Nadan in Tinnevely Sessions Case No.81 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.
C	604		1895				

No. 53

Crime.	Sentence.	Date of Sentence.	Adjudicating Court.	Present Age.	State of Health.	Conduct in Jail.	Result of the Appeal to Appellate Court.	convictions and remarks.
Murder Section 302 of Penal Code	Death	15th November 1894	Sessions Judge Trivellore	45	Sufficient	Good	Conviction and sentence confirmed	nil

Valamottah District Jail Office
27th January 1895.

K. Sanyal
Superintendent of District Jail,

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Marked in my presence this 27th day of January

1895

Ke Sanjana
Sungem Mafor
Superintendent of Jail

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His Excellency the Governor in Council
Fort St George
Madras

The humble petition of Anthony Nadas
prisoner sentenced to death by the Sessions
Judge Simeonelly in C.C. No 81 of 1894 and
convict No 1277 in the District Jail Palamcottah
Most respectfully sheweth

I. That the petitioner appealed against the
sentence to the High Court of Madras which
has confirmed it.

II. That when the petitioner was in sound
health, he used to climb Palmyra trees and
thus obtain livelihood for himself and his
wife sufficiently, but that he fell down
from a Palmyra tree about six months ago
and from that time he was unable to
climb such trees. He was compelled, then
to have recourse to easy work to obtain
livelihood such as the cutting of leaves
Sale to cultivators for manuring the

petitioner earned
one anna per day which enabled him
to buy the articles of diet just enough to
give him and his wife half meals a day

III. That the petitioners wife became incensed
at this short income, and from the day the
petitioner fell down from a Palmyra tree his
wife was scolding him almost every day
in the presence of their neighbours and
relatives, using most vulgar & reproachful
words and even on the night of the occur-
rence of murder she dealt with the petitioner
the same way. This made the petitioner suddenly
get out of temper and kill his wife as he
could not control himself & was unanswerable
for his actions.

IV. The petitioner committed the deed, therefore
under the superlative degree of Anger which
is short madness or insanity

In conclusion the petitioner implorers His
Excellency the Governor in Council to send all
records of the case from the Sub-
strates and Session Courts, to peruse
and give a sound consideration to the
same & set forth for the Commission of Murder
in this

in this petition

prerogative of Mercy which is only vested
in His Excellency by ordering the release of
the petitioner from the Jail.

(marked) Anthony Dasan

True Translation

Palamu Sub District Jail office

27th January 1895

K. S. Anjuna
Sergeant Major
Superintendent Jail



H. E. UPSHON.
23 NOV. 94

JUDGMENT IN

TINNEVELLY SESSION CASE NO. 81 OF 1894.

Committed by M. Kanthimathy Pillai, Stationary 2nd Class Magistrate of Nanguneri.
Prisoner.

EMPRESS. V. ... Anthoni Nadan. (Defended by Pleader Kanthimathinatha Pillai).

OFFENCES. ... Murder and attempt to commit suicide under sections 302 and 309, I. P. C.

ASSESSORS. ... One Vellala and one Brahmin.

OPINION OF ASSESSORS. ... Guilty.

FINDING OF JUDGE. ... Do.

SENTENCE. ... To be hanged by the neck until he is dead.

The accused in this case is charged with having murdered his wife and with having tried to commit suicide afterwards.

2. Six witnesses have been examined for the prosecution. The first is the grandmother of the deceased woman. She states that the accused and his wife were sleeping inside the house with the door fastened on the inside while she was sleeping on the pyall outside. There was nobody else in the house at the time. Towards morning she heard cries inside the house and asked what the matter was. There was no reply at first but soon afterwards the accused opened the door and came out. His clothes were covered with blood and he was bleeding from a wound on his neck. The witness went inside and found her grand daughter lying on the cot dead with wounds on her neck and back. A blood stained bill-hook was found under the cot. The second and third witnesses came up on hearing the alarm and saw the accused and the dead body. The accused admitted that he had killed his wife and that he had attempted to kill himself.

3. The fourth witness is the Village Munsif and the fifth is the Police Constable who took the corpse to the Hospital.

4. The accused admits having killed his wife but states that he did so in a fit of insanity.

5. The sixth prosecution witness is the mother of the deceased woman. She states that the accused never suffered from fits of any kind and never showed any symptoms of insanity. All the other prosecution witnesses who were acquainted with the accused give evidence to the same effect.

6. The accused was under the observation of the Civil Apothecary of Nanguneri for fourteen days. The Apothecary has certified that he could find no

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signs in the accused of unsoundness of mind.

7. No motive for the murder has been suggested.

8. The defence is that the accused was suddenly seized with a fit of homicidal mania under the influence of which and when he was no longer responsible for his actions he killed his wife and attempted to kill himself afterwards.

9. I am unable to believe that there is any truth in the defence theory. The wound which the accused inflicted on himself does not seem to have been very severe and I do not believe that he really made any serious attempt to take his own life. The fit of homicidal mania which he is supposed to have had is said to have come on without any premonitory symptoms and to have passed away without leaving any traces behind it. The action of the accused in calmly announcing shortly after the event that he had killed his wife in a fit of madness does not seem to me like the act of a mad man.

10. It is of course impossible to say what transpired behind the closed doors of the house on the night of the murder. It is probable, however, that the accused had a quarrel with his wife and that he killed her in a fit of passion. His own words in the Sessions Court indicate that this is the correct solution. When called upon to plead to the charge of murder he said "I murdered my wife—She spoke disgracefully and so I killed her".

11. I find the accused guilty of murder and am unable to find any extenuating circumstances. He is sentenced to be hanged by the neck until he is dead under section 302, I. P. C.

12. The accused is informed that if he wishes to appeal he must do so within seven days. He notifies his intention of appealing.

15th November 1894.

(Signed) M. D. BELL,
Ag. Session Judge.

(True copy)

Shri Sadas

Date of application 17th November 1894

Application received 19th

Copy sent 22nd

1895
Jul
2
358

Duplicate.

IN THE HIGH COURT OF JUDICATURE AT MADRAS.

Tues day, the *fifteenth* day of January,
One thousand eight hundred and ninety-three. *five*.

PRESENT :—

The Honourable

Sir Arthur J. Hodder, Kt. Chief Justice.

and

The Honourable Mr. Justice

Parker.

Referred Trial No. *60* of 1894

Anthony Nadan — Prisoner.

Trial referred by the Court of Session of the *Trincomalee* Division
for confirmation of the sentence of death passed upon the said Prisoner in Case
No. *81* of the Calendar for 1894.

CRIMINAL APPEAL No. *584* of 1894

Appeal by the Prisoner against the said Sentence.

This case coming on for hearing, after receipt of further evidence called for in the order of this Court, dated 12th December 1894, the Court delivered the following Judgment:— There is no doubt that the prisoner killed his wife and the only question is whether

he committed the act under
the impulse of homicidal mania.

We adjourned the case in order
that further evidence might
be taken with regard to the
prisoner's state of mind,

and all the evidence taken
goes to negative the suggestion
that the prisoner has been subject
to any such attack of homici-
dal mania. It is of
course impossible to tell

what motive prisoner may
have had for committing
the crime. His statement
before the Sessions Court
that

that "she spoke disgracefully
and so I killed her" may have
had some foundation, but it
was not alleged at first and
may have been a mere after-
thought and an excuse.

We cannot see that any ground
has been shown either for holding
the prisoner to have committed
the murder during an attack
of insanity, or for mitigation
of sentence.

We must confirm the con-
viction and sentence and
dismiss the appeal.

By the Court.

At Test.

Sy. Registrar,
Appellate Side.

17/11/11
17/11/11

Communicated to court

No 1277 Anthony haden on

22-1-95.

Re Smythe

Supt Dist Jail
Dulacottah

1005
Ind. Dept.
Enclos. No. /
To 358

From

The Superintendent District Jail
Palamcottah

To
Urgent

The Chief Secy to Government
Madras

No 1

Dated 27 }
Jan 27 } January 1895

Petition for Mercy

Petition for Mercy from convict

No 1277 Anthony Nandan under

Sentence of death in Tinnivelly

Sessions Case No 81 of 1894.

No. 83

From

Surgeon Major K. C. Sanjana I. M. S.
~~H. E. UPSHON ESQUIRE~~

Superintendent, District Jail,

Palamcottah.

To,

The Chief Secretary to Government
Fort Saint George Madras

SIR,

I have the honor to submit herewith a
petition for mercy from convict No 1277 Anthony Nandan
under sentence of death in Tinnivelly Sessions Case
No 81 of 1894 and beg to inform you that the pri-
soners will not be executed until a definite
reply is received from Government.

I have the honor to be

Sir

Your most obedient servant.

K. Sanjana

Superintendent, Jail, *Surgeon Major*

1259 : 24-5-94

From
The Superintendent
District Jail
Palamcottah.

Warrant
To

The Chief Secretary to Govt
Madras

Dated 27
Despatched 27
Received 27 } January 1895

SECRETARY
29 JAN. 1895
DEPARTMENT OF MADRAS

Petition for Mercy

Subject.

Submitting a petition for
mercy from Convict N^o 1277
Anthony hadan under sentence
of death.

Journal
DEPARTMENT.

No. 358 of 95

From

Dated

FOR ORDERS.

189

The P^{et} admits the fact of the murder.
Before the Sess^l he pleaded a attack of
homicidal mania, of which there was no
evidence at all possible. Now he
says he lost his temper because
his wife abused him (she frequently
sentimentally does so) on the ground
of his failure (through an accident, he
says) to earn a sufficient income to
maintain them in decent comfort in
their humble way of life. There is no evi-
dence as to the accident, nor as to
the frequent abusiveness of the wife; but
admitting her abusiveness both before &
on the night on which he was killed
by the P^{et}, the question is whether there is
any reason for remitting the death penalty.
I think not. The object of hanging men
who kill their wives because they
are abusive & imitating is to prevent
other men from following their example.

30/1/95

I agree that there is no appropriate
ground for interfering with the ordinary
course of law

W
31 Jan

Appeal from Convict
N^o 1277 Anthony hadan
from the sentence of death
passed on him in the
Innerveilly Session Case N^o 81 of 94.
The sentence of death has
been confirmed by the
High Court.

The Supt^g of the Palamcottah
Jail states that the execution
will not take place until
a definite reply is received
from Govt.

29.1

29/1/95

29/1/95

Petition
for
Mercy

VE

tho
CS

In order

Judicial Department.



V.C.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

READ the following letter, dated 27th Jan'y: 95: 7^o 83: , from the Superintendent of the District Jail at Palamcottah, forwarding petition from Convict 7^o 1277: Anthony Nadan under sentence of death in Sinnerally Session Case No. 81 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, 14th February 1895, No. 223

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 7^o 1277 Anthony Nadan.

2. The law will take its course.

(True Extract.) (From order)
8
3/11

Chief Secretary.

To the Superintendent of the Palamcottah District Jail (papers) despatched 2/2/95
for communication to the Prisoner.
" Inspector-General of Jails.
" Hon'ble the Judges of the High Court, with papers returned.

3/11

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AD AGAIN G.O., No.
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DATED

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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.
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