

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 2293.

Dated 11th Nov 1895.

INDEXED.

[Despatch Abstract.]

APPEAL FROM CONVICT UNDER SENTENCE OF DEATH.

Declining to forward to the Government of India the appeal from convict No. 9992 Narayana Bhatta under sentence of death, and directing that the law shall take its course.

incl

BACK PAPERS.

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

FURTHER PAPERS.

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

FORM No. 53.

Nominal Roll of Convict No. *9992 Naraina Batta*

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.
<i>Murder</i>	<i>To Suffer</i>	<i>14th March 1895</i>	<i>Sesim Court South Canara</i>	<i>45 yrs</i>	<i>Good</i>	<i>Good</i>	<i>Sentence confirmed by High Court</i>	<i>Petition for mercy to the Madras Govt on 28 Oct 1895</i>

*ST JAIL OFFICE,
Mangalore
2nd Nov 1895.*

5,000—0-94.

Rules 701 and 704.

Donovan
Superintendent of *St.* Jail.

2

His Excellency the most Honble
Viceroy and Governor General in Council

Humble petition of 2nd prisoner
Karaia Partha, sentenced to suffer
Death in South Canara Prison case No
38/94. dated 2nd November 1895.

Most humbly sheweth

That your Excellency's petitioner
was sentenced to death in the above
case and the said sentence was confirmed
by the High Court in criminal appeal
N^o 478/95 and his petition for Mercy to
the Madras Government was rejected
as per Order dated 28th October 1895 N^o 2185.

That from the High Court's Judgment
and from the petition for Mercy already
submitted to the Madras Government
it is evident that your Excellency's
petitioner is quite innocent and that
the case against him is of a most
doubtful nature.

That in addition to what has been
said already, your Excellency's petitioner
now submits the following additional

Last statement for Your Excellency's
Kind Consideration.

1. That your Excellency's petitioner
has not committed the alleged murder
2. That he did not go and stop in the ^{Everyone concerned here}
house of the deceased on the alleged ^{held that this is clearly}
night. ^{fact}
3. That he is related to the deceased. ^{Though the 1st accused - Not}
^{the connection was so remote that}
^{deceased & pet. did not know}
^{one another}
4. That there is sheer enmity between
him and the other members of the
deceased's family, as your Excellency's
petitioner was the person who circulated
their Guru's orders excommunicating
the deceased and his family.
5. That your Excellency's petitioner did
not attend the "Grahapravesh" ceremony
held in the ~~deceased's~~ deceased's house
on account of the above said excommunication.
6. That on account of the enmity pointed
out above the deceased relations have
concocted false evidence against
your Excellency's Petitioner.
7. That hereby your Excellency's petitioner
declares his innocence and your
Excellency's petitioner suffers the
ignominious death quite innocently

This seems to be true -
But if it is not matter
newly come to light since
the trial - If it were true
it could have been pro-
ved at the trial.
W

Your Excellency's petitioner therefore
most humbly prays that your
Excellency will be graciously pleased
to show mercy towards an innocent
and poor subject under your
Excellency's Government.

Wittachan
- Sailer

Signature of
Nagina Batta

Dowran
Surj. Capt. H.S.
Superintendent of Jail

Urgent. No 320

District Jail Office
Mangalore 2 November 1895

From Surgeon Captain C. Donovan
Superintendent of Jail
Mangalore

To

The Chief Secretary to Government
Fort Saint George

Sir,

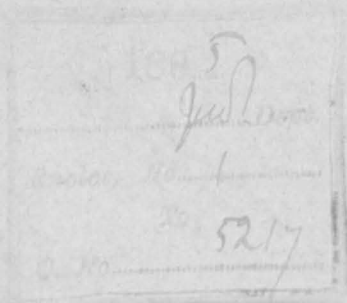
With reference to para 1 of Rule 1022 of the Jail code, I have the honor to forward herewith, a petition for mercy to the Government of India on behalf of 2nd prisoner Naraina Batta sentenced to suffer death in South Canara Session Case N. 38 of 1894.

2. With reference to para 2 of the above rule, I have the honor to inform you that the execution of the sentence has been fixed for Saturday the 16th of November 1895.

I have the honor to be,

Sir,

Your most Obedient Servant
C. Donovan
Surp. Capt. &c.
Superintendent of Jail



CURRENT NO. 5217

From

The Superintendent of Jail
Mangalore

To The Chief Secretary to
Govt. Fort St. George

Dated 2nd } November
Despt 2nd } October 1895
Recd 6 }

CHIEF SECRETARY
GOVT. OF MADRAS
6 NOV. 1895
Encls two

Forwarded petition for
mercy to the India
Govt on behalf of
condemned prisoner
Marina Batta in Session
No. 38/94

2185: 28 10 95
579: 15 3 95 St.
670: 2 4 95 Aba.
1259: 24 5 95 St

J.
41.

There is in this petn no
new matter, that is, matter
which has come to light since
the trial - I think it should
be withheld as usual.

I imagined that looking
into the judgments again has
but confirmed my opinion of
the Petn's guilt.

MS
7/11/95

The impression made upon my
mind by the papers about Mr.
Holmes who have been laid before
me since petn was submitted
has induced me to look
more fully into the judgments very
carefully again. Mr H's
defects could not have had
much influence on the case
& he seems to have decided
rightly as regards petn. I agree
with Messrs Shepherd & Paton -
namely I am that there can
be no doubt that what
murder was committed, that
petn was an accomplice in the murder
& took an active part in
the murder, the petn contains
nothing likely to induce the

JUDICIAL DEPARTMENT

Current Number 5217 95

FOR ORDERS.

PETITION FOR MERCY to His Excellency the
Viceroy and Her Majesty the Queen Empress
from Convict No. 9992 Narayana
Bhatta under sentence of
death in S. Canara Sessions Case No. 38
of 1894, which sentence has been confirmed
by the High Court.

The Convict's appeal to this Government
was rejected in G.O., dated 28. 10. '95
No. 2185

The Superintendent of the Mangalore
Jail states that the execution
has been fixed for the 16 inst.

This commn was not marked as such
as it should have been. This will be
pointed out to the Supl.
6/11/95. MBurgs

I of I to take a view of the
case different from that
of the Local Govt. & I
think it should be withheld.

I agree to
Thos
7/11/95

PETITION FOR MERCY TO VICEROY
AND HER MAJESTY THE QUEEN.

VERY EMERGENT.

Hon'ble Member and Circulation.

(FOR ORDERS.)

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

JUDICIAL DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

READ again G.O., dated 28. 11. 95. No 2185

Read also the following

C205217.

ORDER—dated 11 Nov 1895, No. 2293

Under the discretion vested in the local Government by the Government of India, His Excellency the Governor in Council declines to forward to that Government the appeal from Convict No 9992 Narayana Bhatta under sentence of death, and directs that the law shall take its course.

2. It is observed that the Supt's letter was not marked 'Urgent' ^{on the packet} and should have been sent ^{sent 11/11/95}

3. The following telegram will be despatched to the Supt. of the S. Jail, Mangalore. —
"No 6914 yms 320. Whitem from condemned prisoner 9992 Narayana Bhatta withheld & law must take its course. Chief Secretary."

(From rules).

To
The Petitioner through Superintendent of the

8/11/95. Mangal
Jail. Mangalore Despatch 11/11
Copied & 22
8/11 8/11/95

When given for copying _____
 When copied _____
 When examined 1 _____
 When signed _____

189

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.

N.B.

- A = Copy in full.
- B = Not to be copied.
- P = Copy abstract only.
- Q = Copy heading only.