

Judicial (1895.) Department.

ORDINARY MS.

G.O., No. 2458.

Dated 27th Nov 1895.

INDEXED.

[Despatch Abstract.]

APPEALS FROM CONVICT UNDER SENTENCE OF DEATH.

Declining to forward to the Government of India and to Her Majesty the Queen-Empress the appeals from convict No. 223 Pothaya Tevan under sentence of death and directing that the law shall take its course.

md

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

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

[illegible]

Theraps

၁၂၁၁ ခု ဇန်နဝါရီလလယ်က
 ဘီအိုင်အေ ဝန်ထမ်းချုပ် ဦး
 ဦးအောင်နှင့် ဦးအောင်
 ဦးအောင် အဖေတို့ နှစ်ဦး
 ဦးအောင် အဖေတို့ နှစ်ဦး
 ဦးအောင် အဖေတို့ နှစ်ဦး

Miss Lawrence
West Boston Mass

Sheweth, That the petitioner gave Rs. 100 to the Head Constable and Rs. 5 to the Desser on their saying that they will enquire into the Complaint previously given by the petitioner re: the disturbances which took place in his sheep fold and charge the offenders. These they failed to do. Afterwards the Police Inspector and the Desser taking from the opposite party Rs. 310 and 50, respectively, instructed the deceased to file the statement that he had been stabbed by Pothaya Iwan and charged accordingly the petitioner. Then the Magistrate taking a view of the scene of murder questioned them why the previously given Complaint of the petitioner had not been enquired into and the offenders charged.

Therapy

Thereupon Rs. 300 was given to the
Magistrate and after taking this money
he (the Magistrate) without taking
any notice of the petitioner's complaint,
above referred to, began to enquire
into the murder case. Then the pe-
titioner asked the Magistrate why
had he not enquired into his com-
plaint. He replied and said to the
petitioner that he will speak to his
brother, Dattaya Dyer, who is employed
in the Sessions Court and make ar-
rangements to get him (the petitioner)
acquitted and also to hold an en-
quiry into his complaint regarding
the disturbances took place in his
sheep fold. The petitioner's deposition
as well as those of his witnesses were
not taken in the Sessions Court. The
details of this case will come to
light if either the Madama Lower Jus-
tice or the Joint Magistrate
be eyewitnesses the scene of
murder. Sikkaya Gondan was
the man who stabbed and Mayand
Dewan the petitioner's elder brother
the one who cut. The petitioner
suffering in addition to the blows
received for running on being
in the sheep fold. Such an
injustice

injustice has taken place in the
British Government. The murder case
will clearly prove of itself if the peti-
tioner's complaint regarding the
disturbances in the Sheep fold was
first enquired into. The petitioner
got the sentence of death through
the Head Constable, the Police In-
spectors, the Magistrate, and the
Doctors.

2. The poor petitioner therefore hum-
bly beseeches the Government of India
to be gracious enough to hang him
after making enquiries into these
matters. - mark of Pothaya Dewan

(True translation)

Madama
22nd December 1895

Chun Lanning
and Dargam
for Superintendent of Jail

Enclame

Nominal Roll of convict No. 223, Potkaya Tevan.

Crime.	Sentence.	Date of Sentence.	Adjudicating Courts.	Age.	State of Health.	Conduct in Jail.	Result of the Appeal to High Court.	Remarks and previous convictions if any and remarks.
	Death.	29 th July 1895.	Sessions Judge Madras.	38 years, 3 months, and 24 days.	Good	Good.	Sentence confirmed.	
								W.C.

Madras Jail office,
No. 4595.

Superintendent of Jail.

Appeal for mercy from
condemned prisoner No.
223, Potkaya Tevan, stating
that his complaint re-
-garding the disturbances,
which took place in his
sheep fold, was taken no
notice of, that he was
charged for murder, of
which he had been quite
innocent, on account of
the bribes given by his ene-
mies to the several of-
ficials specified in the
petition, and that the Ses-
sions Court passed on him
the death sentence without
either taking his depo-
sitions or those of his wit-
nesses and beseeching,
consequently the Govern-
ment of India to cause
the desired investigations
to be made first and then
to hang him.

Dated 22nd } December 1895.
Received

No. 14.
5538

No. 2158

CURRENT NO. 5538

OFFICE OF SUPERINTENDENT OF JAIL
MADURA 11 November 1895

From

Surgeon Major F. C. Treener

SUPERINTENDENT OF JAIL,

MADURA.

To

THE CHIEF SECRETARY TO GOVERNMENT,
FORT SAINT GEORGE.

SIR,

Rule 1022 of Jail Code

I have the honor under G. O., dated 2nd July 1889, No. 1184, Judicial, to submit here-
with the appeal petition of condemned prisoner No. 223, *Pothaya Suman*,
addressed to the Government of India together with his nominal Roll.

Referred in G. O. No. *2316, Sub*
dated *13 November 1895.*

2. The prisoner having expressed his
desire to submit this appeal petition to the
Government of India within 5 days after the receipt of the G. O. declining to interfere, he
will not be executed until a definite reply is received from the said Government.

3. *The date fixed for the execution of
the sentence is 3rd December 1895.*

I have the honor to be

Sir,

Your most obedient servant,

Thun Sany
Asst Superintendent
for Superintendent of Jail.

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Qul

5538

[illegible]

[illegible]

Madura }
22nd November 1895 }

7

no. 15

Her Majesty the Queen Victoria
Empress of India.

The humble petition of appeal for
mercy from convict no. 223, Pothaya
Sewam, now confined in the District
Jail at Madras under sentence of
death in Madras Session Case
no. 46 of 1895 which was confirmed
in appeals by the Madras High
Court and Government.

Sheweth,
That the petitioner gave
Rs. 100 to the Head Constable and
Rs. 5 to the Dresser on their saying
that they will enquire into the Com-
plaint previously given by the pe-
titioner regarding the disturbances
which took place in his sheep fold
and charge the opponents. Where
they failed to do. Afterwards the
Police Inspector and the Dresser
taking from the opposite party,
Rs. 310 and 50, respectively, in-
tended the deceased to give the
statement that he had been stabbed
by Potkaya Sevan and charged
accordingly the petitioner. I saw
the Magistrate taking a view of
the scene of murder and questioned
why the previously given
complaint

At P. M. & in the morning
20th Dec 1890

Complaint of the petitioner had not been enquired into and the offenders charged. Thereupon Rs. 300 was given to the Magistrate and after taking this money he (the Magistrate) without taking any notice of the petitioner's complaint, above referred to, began to enquire into the murder case. Then the petitioner asked the Magistrate why has he not enquired into his complaint. He replied and said to the petitioner that he will speak to his brother, Katesa Syer, who is employed in the Sessions Court and make arrangements to get him (the petitioner) acquitted and also to hold an enquiry into his complaint regarding the disturbances took place in his sheep fold. The petitioner's depositions, as well as, those of his witnesses were not taken in the Sessions Court. The details of this case will come to light if either the Madras Town Inspector or the Court Magistrate were to eye-witness the scene of murder. Sikkaya Gounden was the man who stabbed and Mayandy Sevan petitioner's elder brother was

one who cut. The petitioner got hanging in addition to the blows he had received for running on hearing a voice in the sheep fold. Such an injustice has taken place in the British Government. The murder case will clearly prove of itself if the petitioner's complaint regarding the disturbances in the sheep fold were first enquired into. The petitioner got the sentence of death through the Head Constable, the Police Inspector, the Magistrate, and the District.

2. The poor petitioner therefore humbly beseeches Her Majesty to be gracious enough to hang him after making enquiries into these matters.
- mark of Pothaya Sevan

Madras 22nd November 1890 } (true translation)
Munni Sanyal
Sect. Superintendent of Jail

Nominal Roll of convict No. 223, Pothaya Senu.

Crime.	Sentence.	Date of Sentence.	Adjudicating Court.	Present Age.	State of Health.	Conduct in Jail.	Result of the Appeal to High Court - -arguments.	Remarks and previous convictions, if any, and names.
	Death.	29 th July 1895.	Sessions Judge Madras.	38 years 3 months and 24 days.	Good	Good	Sentence confirmed.	
								<i>nil</i>

Sens. 395, 396, 397, and 302 S.P.C.

Madras Jail office,
November 1895

Superintendent of Jail.

Appeal for mercy from
condemned prisoner No. 223,
Pothaya Senu, stating that
his complaint regarding
the disturbances ^{which} took place
in his sheep fold was taken
no notice of, that he was
charged for murder, of
which he had been quite
innocent, on account of
the bribes given by his
enemies to the several
officials specified in
the petition, and that
the Sessions Court passed
on him the death sentence
without either taking his
depositions or those of his
witnesses and beseeching,
consequently, Her Ma-
jesty to cause the desired
investigations to be made
first and then to hang
him.

Recd 22 } November 1895
Received.

No. 15

2

5539

CURRENT NO. 5539

No. 2159

OFFICE OF SUPERINTENDENT OF JAIL
MADURA 22 November 1895.

From

Surgeon Major J. C. Reever
SUPERINTENDENT OF JAIL,

MADURA.

To

THE CHIEF SECRETARY TO GOVERNMENT,
FORT SAINT GEORGE.

SIR,

Rule 1022 of Jail Code

I have the honor under G. O., dated 2nd July 1889, No. 1184, Judicial, to submit herewith the appeal petition of condemned prisoner No. 223, Pothaya Sevan, addressed to the Government of India together with his nominal Roll.

2. The prisoner having expressed his desire to submit this appeal petition to the Government of India within 5 days after the receipt of the G. O. declining to interfere, he will not be executed until a definite reply is received from the said Government.

3. The date fixed for the execution of the sentence is 3rd December 1895.

I have the honor to be

Sir,

Your most obedient servant,

Chinn Samy
for Superintendent of Jail.

3539

2316:13 11-95

3 appeals for mercy
CURRENT NO 5539
MADURA DISTRICT JAIL.

FROM

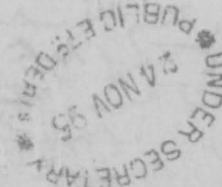
THE SUPERINTENDENT OF JAIL,
MADURA.

TO

THE CHIEF SECRETARY
TO GOVERNMENT,
FORT SAINT GEORGE.

Dated 22nd November 1895.
Received 24

Rep. 25



No. 2159.

Enclosure 2

Subject.

Submits a petition from condemned prisoner to the
Government of India No. 223, Pothaya Swam,
in calendar case No. 46 of 1895 on the file of
Sessions Court Madura together with the usual
Nominal Roll.

JUDICIAL DEPARTMENT

Current Number 5538 & 5539

FOR ORDERS.

PETITION FOR MERCY to His Excellency the
Viceroy and Her Majesty the Queen Empress
from Convict No. 223 Pothaya

Tenau — under sentence of
death in Madura Sessions Case No. 46
of 1895, which sentence has been confirmed
by the High Court.

The Convict's appeal to this Government
was rejected in G.O., dated 13. Nov. '95
No. 2316.

The Superintendent of the Madura
Jail states that the execution
has been fixed for the 3. Dec. '95

The P. Ct. now says that after he
had given bribes of Rs. 100 to the
Constable & of Rs. 5 to the "Dresser",
in order to induce them to bring
into the appay which took place in
the shopfold, the other side gave large
bribes to the "Dresser" in consequence
of which they induced the deceased
to stab him; that thereafter Rs.
300 were given (by whom not stated) to
the Magistrate, who afterwards told him (P. Ct.)
that he would make arrangements with
his father (a man employed in the Govt.
Ch) to get him off, & that the person
who really stabbed the deceased (Imp-
posed it in meant by accident in the
appay) was the 4th Person. Witness one
Sikkaya found. To ascertain what
this is new matter, in the sense that
it does not appear to have been previously
stated in the case. It is in the H.C. but
it does not appear to me to be new matter
in the sense in which the words would or
divinely be used in such a case as this,
that is, a matter or case brought to light,
since the conclusion of the trial; nor does
it seem to me that, if it were brought
to the notice of the J. of P. or of the
advisors of the Magistrate, it would cause
either to take a different view from
that already taken by this J. Ct. These
subsequent allegations of bribes given
by one side or the other to the Police
& Magistrate are common & are not
entitled to weight under the circumstances,
and the P. Ct.'s conviction did not depend
in any way on any statement said to
have been made by the deceased. I feel
I cannot find that the deceased made
any statement after he was taken to the
hospital. He would have been under the
impression that he would have been under the
impression of the Police Insp. & Dresser, who
at that time had not intervened in the
case.

I would withhold the petition

I agree

25/11/95 W
26 Nov

25/11/95

25. 11. 95

PETITION FOR MERCY TO VICEROY
AND HER MAJESTY THE QUEEN.

VERY EMERGENT.

Hon'ble Member and Circulation.

(FOR ORDERS.)

[J
17]
1,000-5-2-94.

JUDICIAL DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

READ again G.O., dated 13. June 95, No 2316.

Read also the following

C. Nos 5538 & 5539.

ORDER—dated 27 November 1895, No. 2458

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 223 P. Thiyagarajan
under sentence of death, and directs that the law shall take its course.

(True Extract.) (From records)

W. B. N. S.
26/11/95
27

Chief Secretary.

To The Petitioner through Superintendent of the Jail, Madras.

27/11

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.

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N
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