

Judicial (1895.) Department.

ORDINARY MS.

G.O., No. 2493.

Dated 29th Nov 1895.

INDEXED.

[Despatch Abstract.]

CONDUCT OF THE POLICE IN THE NAGORE CASE.

Transmitting to the Honourable the Judges of the High Court for perusal copy of letter from the Inspector-General of Police submitting a report as regards the--where two persons run amuck and a copy of the Proceedings of the Deputy Inspector-General, Southern Range, punishing the Police who were involved.

and

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
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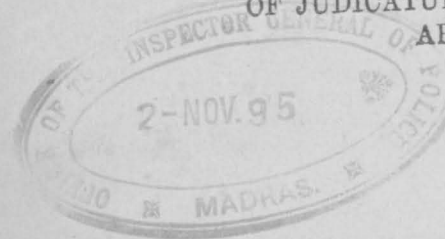
CURRENT NO 5005

Judicial { 189 } Department.

No.

FROM

THE REGISTRAR OF THE HIGH COURT
OF JUDICATURE AT MADRAS,
APPELLATE SIDE.



Dated 18th October 1895
Received 23rd " "
Recd 24th "

No. 2084 Judl.
Enc Two.

Forwarding copies of Judgments
in R. J. 62/95 on the file of the
High Court and Trial no 40 of 1895
on the file of the Tanjore Sessions
Court and inviting the attention
of Government to the remarks of
the Sessions Judge and the Hon.
the Judges of the High Court—
respecting the conduct of the
Nagore Police.

MR 22/10

Endowment No. 2614 d/1-11-95

Referred to the Inspector
General of Police for report.

31/10/95 (By order)

Colonel Davidson
Ag. Under Secretary.

To The Inspector General of Police.

MR 28/7/95



(over)

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 gestæ* 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 Muslims 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 Muslim 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 Muslim (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 Srirangam, 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 Srirangam 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.

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."

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 trustworthy 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 C₁₄ and C₁₆ 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. }

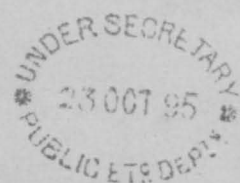
T. M. HORSFALL,
Sessions Judge.

A true Copy.

dwg. Comie

Ag. Registrar
Appellate side

Enclosure II to the High
Court's letter dated 18th
October 1895 No. 2084,
Judicial.



1895
Ind. Dept.
Enclos. No. 2
To 5005

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 | } | 1st and 2nd Prisoners. |
| and | | |
| 2. Govindan | | |

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.

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.

(sd) C. G. T. d. Hunter.
Dy. Registrar,
Appellate Side.

Examined by T. Ramakrishna Pillai.

A true Copy.
Dy. Registrar,
Appellate side.

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,

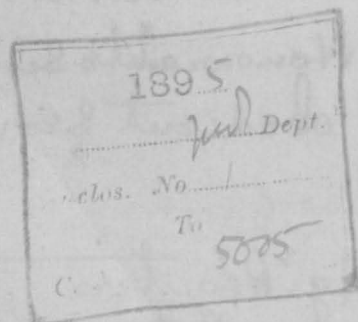
Dated 9th October 1895.

Sent

Enclosure I to the High
Court's letter dated /8

October 1895 No. 2084

Judicial.



CURRENT NO.
No 2084 Judl.

5005
High Court of Judicature,
Madras: /8 October 1895.

Enclosure No.....
To letter No.....
From, Inspector-General of Police.

From,
D. W. G. Lewis Esquire,
Ag. Registrar,
High Court, Appellate side.

To

The Honourable Mr. J. F. Price C.S.I.
Chief Secretary to Government,
Fort St. George, Madras.

Honourable Sir,

I am directed to forward
Copies of the Judgments of the High Court in
Referred Trial No. 62 of 1895 dated the 9th day of
October 1895 and of the Session Court of Tanjore
in Trial 40 of 1895, and to invite the attention
of His Excellency the Governor in Council to
the remarks of the Sessions Judges of the Honourable
the Chief Justice and Mr. Justice Parker, respecting
the Conduct of the Police at the Nagore Police
Station

I have the honour to be,
Honourable Sir,
Your most obedient servant

D. W. G. Lewis
Ag. Registrar
Appellate side.

M
W. J. K. 24/10
21-10-95

High Court of Judicature
Calcutta: October 1872

James, Esq. R. W. R.
Ap. Registrar
High Court of Judicature

The Honorable Mr. J. F. Price J. J.
Chief Secretary to Government
Fort St. George

Honorable Sir,

I am directed to forward
copies of the judgments of the High Court in
reference to the trial of 1872 dated the 2nd day of
October 1872 and of the Session Court of Judicature
in trial No. 18 of 1872 and to invite the attention
of the Excellency the Governor in Council to
the remarks of the Session Judge of the Honorable
the Chief Justice and the Justice Clerk relating
the conduct of the Police at the Chapeau Rouge
Station

I have the honor to be,
Sir, your obedient servant,
James, Esq.

James, Esq. R. W. R.
Ap. Registrar
High Court of Judicature

The Honorable Mr. J. F. Price J. J.
Chief Secretary to Government
Fort St. George

Honorable Sir,

I am directed to forward
copies of the judgments of the High Court in
reference to the trial of 1872 dated the 2nd day of
October 1872 and of the Session Court of Judicature
in trial No. 18 of 1872 and to invite the attention
of the Excellency the Governor in Council to
the remarks of the Session Judge of the Honorable
the Chief Justice and the Justice Clerk relating
the conduct of the Police at the Chapeau Rouge
Station

N^o 483.

Enclosure No. 1

To letter No. 5540.78-11-95

From Inspector-General

Proceedings of the Dy. Inspector General
of Police, Southern Range, dated 21 October
1895.

Read.

1. Judgment in Tanjore Sessions Case,
No 40 of 1895, with the remarks of the
Inspector General of Police thereon.
2. Minute, No 248 and 249, dated 16 July
1895, of Assistant Superintendent of Police,
Tanjore.
3. Minute No 210, dated 6 July 1895 of do-do.
4. Two Punishment Rolls, dated 4 July 1895
against 2^d Grade Head Constable 621
Narayanadaswami Pillai.
5. Punishment Roll, dated 8 July 1895, against
2^d G^d Head Cons. No 621 Narayanadaswami Pillai
4th " " 741 Subbaya Desigar.
1st Class Cons. No 609 Olaganatha Pillai
2nd " " 461 Appaswami Pillai
2nd " " 1086 Chinna Pillai
2nd " " 1096 Appavoo Pillai
2nd " " 453 Ratnaswami Pillai
2nd " " 777 Shanmugam Pillai
2nd " " 455 Ibrahim Sahib, do
3rd G^d Head Cons. 1208 Sentharam Rao

6. Statement showing duties of Constables and officers at Nagore on 27.5.95 when Murder case No 2/60 occurred.
7. Defence of 2^d Gde Head Cons. 621 and Constables 907, and 917 and of Constables, Nos 609, 455, 1096, 453, 461, 1086, 777 and Section officers Nos 741 & 1208.
8. Negapatam Inspector's Special Report dated 1-6-95.
9. Negapatam Inspector's diaries for 27 to 31.5.95, 1 to 6, 10, 11, 13, 19, 20, 22, 24 & 29.6.95, 2, 5 & 9.7.95 and 6 to 10.8.95.
10. Nagore Station House Reports for 27 to 31.5.95, 1 to 6, 8, 10, 12, 13, 20 & 24.6.95 and 9.7.95.

I find after a careful perusal of the above papers and records that the punishments awarded have not been sufficiently severe and I therefore enhance them for the following reasons -

It is clearly proved in the judgment that accused 1 and 2 had, on the 25th May, complained to Inspector Mr. Bartels about being beaten by Mussulmans at Nagore. The Suspects went to the station and ordered the Station House officer, 2^d Grade Head Constable 621, Arayanaraswami Pillai to register the

matter, there being a Hindu. Muhammadan faction in Nagore. The Head Constable did not do as ordered or enquire, had he done so these murders would not have occurred.

The murders took place at 9.30 p.m. and the whole thing must have been over in 20 minutes. They commenced 300 yards to the north of the station, again many persons were stabbed within 200 yards and the 25th prosecution witness was stabbed, he being quite close to the station.

No Police officers showed up near the station till about 2 a.m. though in their defences several of the men furnished say they were searching for the murderers and some of them appear to have gone out in an aimless way in company with a body of Mussulmans.

The Inspector though living ^{only} 3 miles off in Kadambadi was not informed of what had happened till 4 a.m.

The 3^d batch were not relieved that night till 9 p.m. and so could scarcely have got well clear of the station when the row began. The following officers belong to it and have been punished by the Assistant Superintendent as below.

4th Gde Hd Constable 741 Subbayya Desigar
(Section officer) 1 Black mark and 2 Rs fine
1st class Constable no 609 and 2^d class Constables
nos 461, 1086 & 1096, 1 Rupu fine and
1 Black mark each.

The 4th watch relieved the 3^d at 9 p.m. only
1 man, Constable no 777, went on beat no 4
and he is clearly shown to have been far
away at the time the offence was committed.
Constable no 455 was the station watch and
evidently shot himself up in the station
and showed the grossest cowardice. For
this he was punished by the Assistant
Superintendent with suspension for 1 month.
I consider these punishments inadequate.

If 2^d Grade Head Constable 621,
Arayanadaswami Pillai had done his
duty as ordered on the 25th May these
murders would never have occurred
and the delay in taking active steps
and reporting to the Inspector after the
murder took place is largely due to
this Head Constable's apathy and cowardice.
I therefore cancel the order fining him
Rs 4 and reducing him to 3^d grade
Head Constable and I fine him Rs 4 and
reduce him to 4th Grade Head Constable.

See

In the case of Constable no 455 the punish-
ment is wholly inadequate. I order
his dismissal from the Force. In the
punishment of Head Constable 741 and
Constables 609, 461, 1086 and 1096 the
fines are enhanced. For Head Constable
741 from Rs 2 to Rs 5 and in the case of
each Constable from Rs 1 to Rs 3.

(sd) F. J. Bagshawe

Dy. Asst. Secy. of Police, S. P.

To The Superintendent of Police,
Sajore.

True copy forwarded to the Inspector
General of Police, with reference to his
remarks on Sessions Judgment in
Calendar case no 40 of 1895 of Sajore
District, herewith retransmitted.

(sd) F. J. Bagshawe

Dy. Asst. Secy. of Police, S. P.

(True copy)

M. S. S. S.

Asst. Secy. of Police

L No 210982/95

From

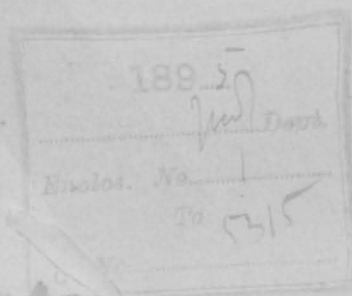
The D. Supd. of Polie.
S. Range

To

The Supd. of Polie.
Madras.

Subject

Forwarding true copy
of his Proceedings dated
21 October 1895, No. 183 with
reference to Supd. Genl's
remarks on Sessions
Judgment in Cal: Case No. 60
of 1895 of Tanjore Dt.



No. O. 42.

DEPARTMENT.

No.

CHIEF OFFICE OF THE INSPECTOR-GENERAL OF POLICE,

MADRAS,

November 1895.

FROM

M. HAMMICK, Esq., I.C.S.,

INSPECTOR-GENERAL OF POLICE,

Madras,

To

THE Chief Secretary
to Government,
Fort Saint George.

SIR,

Enclosures.

With reference to Endorsement, No. 2614,
dated 1st November 1895, on a letter from the
Registrar, High Court, dated 18th October 1895,
No. 2084 Judicial - subject - behaviour of the Police
at Nagore on 27th May last, when two men
ran amuck in the street at that place,
I have the honor to report as follows:-

2. On the original report of the Case,
I asked the Assistant Superintendent to
deal with the men in fault. On receipt
of the Sessions Court judgment, I asked
the Deputy Inspector General to call up
the records, and see if the men had been
punished, as I considered the Sessions Judge had shown
more leniency than at first appeared.

proceedings for the information of Government.
The following punishments have been awarded:-

- 2 Grade Headconst. 621, Karayanaidummi - Fined Rs. 4 and reduced to 4th Grade.
2nd Class Constable 455, Ibrahim Sahib - dismissed.
4th Grade Headconst. 741, Subhaya Redigar - Fined Rs. 5
1st Class Constable 609, Alagavatha Pillai
2nd " " 461, Appadummi Pillai } Fined Rs. 3
2nd " " 1086, Chinnia Pillai
2nd " " 1096, Appanna Pillai - }

3. On the night in question only one Constable was left in the Station Head which the murder took place. He no doubt showed cowardice and was dismissed. The Head Constable principally responsible for delay in communicating with the Inspector, whose neglect of orders moreover two days previous to the murder probably gave an opportunity for the murder was fined and degraded two grades. The other Constables who were away at the time the crime was committed, but who should have been on duty in reaching the spot afterwards and placing the Criminals have been fined and awarded black marks.

the Honorable the Judges of the High Court, I venture to point out that Constables on beat are not armed except with a baton, and that only one Constable is left in charge of a Station at night, the rest of the men being on beat. It therefore hardly represents the real state of affairs to say that "the police are at any rate well armed and ought at once to have made use of the means at their disposal to apprehend the murderers". One Constable had arms at hand and he certainly should have appeared. He has been dismissed. The remaining Police were absent on beat and probably could not have prevented the occurrence. They should however have been smarter in pursuing the murderers, and were much to blame. They have been punished.

I have the honor to be,
Sir,
your most obedient servant,

M. M. M.
Inspector General of Police

CURRENT NO 5315
Jud (189) DEPARTMENT.

2233 D 4. 11. 95

FROM
M. HAMMICK, Esq., I.C.S.,
INSPECTOR-GENERAL OF POLICE,
Madras,
To
THE
Chief Secretary to Government
Fort St. George

No. 5540.
Dated 8th }
Received 10 }
By 11" }
Number 1895.

Encl. C.P. 5005-41
CHIEF SECRETARY
10-NOV. 1895
GOVERNMENT OF MADRAS

Submits a report as regards the
conduct of the Police in the Nagore
case where two persons ran amuck,
and a copy of the proceedings of
S.I.G. Southern range, punishing
the Police who were involved.

11/11/95
16/11/95

W.D. 5005+5315/95
for orders.
The I.G.P. report is
submitted for personal orders.

16.11.95
R. S. Rangaswami
The offender appears to have been
let down rather easily

10
21/11/95
Yes, too lightly, I should say.
But I don't think it worth
while to interfere - The man who
requested to inquire has been
punished severely. The others c.
not have prevented the murders.

The report might be sent
to the H.C. for perusal

W
25 Nov
22/11/95

C.S.
order. 29 Nov 1895 No 249
Recorded. 19th letter
2. A copy of the report will
be forwarded to the Hon. the
Judges of the High Court for their
perusal. 11/26/95
To I.G. of Police
Hon. the Chief Justice with C.P.
not orig. enclosed to

When given for copying
When copied
When examined
When signed

189

READ AGAIN G.O., No.
189

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

FILES NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL.