

[J]
63
1,000—25-7-96.

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 250

DATED 6th Feb. 1895

INDEXED.

[Despatch Abstract.]

APPEAL AGAINST AN ACQUITTAL

Referring certain papers to the Government Pleader, Madras, with the request that he will advise Government as to the probable result of an appeal against the acquittal in Kurnool Sessions case No. 25 of 1894.

A

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	3171		22-12-94				

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	829		1895.				

Dist. Magistrate
BELLARY COLLECTOR'S OFFICE.

Dated 24th January 1895.

FROM

H. Freeman Peere Esq.
Dist. Magistrate
COLLECTOR OF
BELLARY.

TO

THE Chief Secretary to Government
Judicial Department
Madras

SIR,

vide Govt. order

No. 2574
31-10-94

The Chagamar Murder has already attracted the attention of Government, who directed me to report what action had been taken regarding the Reddi, Cheron, by the evidence to have ordered the concealment of the corpses of the three murdered men.

vide this office
letter No. 257
7-12-94

3171
22-12-94

2. As I have already reported, he was prosecuted and committed to the Sessions and the case was transferred for trial in the Munsif Sessions Court. There he has been acquitted. On receipt of the judgment, as it seemed to me to require careful scrutiny, I called for copies of the material records, and they reached me 14th January. I have now gone through them and find that the judgment is of such a character that I am unable to recommend Government to accept it as final.

3. I have set forth my reasons fully in the enclosed memorandum. Therein

I show, as I believe, that

(a) the judgment is extremely inaccurate in its statements, for instance, the three contradictions recited in Para 6 simply do not exist. In other respects, the contradictions are only so slight as to be natural.

(b) the defence alibi, so far from being proved by ample evidence, is extraordinarily weak, depending solely upon the ability of the witnesses' memories to distinguish 11 months later between the 24th & 25th December 1893. The probabilities arising from conduct are against their story so far as it applies to the former date.

(c) the Sessions Judge has not taken account of the fact that the 8th defence witness is accused's brother-in-law and the 7th was his accomplice, having as Karam joined the accused in ordering the burial of the corpses.

(d) the Sessions Judge has not taken account of the fact that 8th Prosecution witness - the only man of the four persons attacked who escaped being murdered - has always given evidence as to the Reddi's presence in the village, directly contradicting the alibi.

(e) nor has he taken account of the facts that this man had no motive for falsely mentioning the Reddi

and that his story as well as that of the Madigas and Malas so far as it concerns the Reddi, was brought out only incidentally in the course of investigation into the murder case.

(f) the second charge should not have been held to fail for want of sanction; and being so held, it was inconsistent and illegal to acquit the accused upon it.

4. For these and the other reasons set forth in the memorandum, I have the honor to recommend Government to lay the papers before the Government Pleader, in order that, if he so advises, an appeal may be preferred against the acquittal.

* sent as per list accompanying, to be returned

I have the honor to be
Sir
Your most obedient servant
H. Tremere.
Ag. Dist Magist.

cc
m/1

ha

REVENUE DEPARTMENT.

FROM

THE COLLECTOR OF
BELLARY.

TO

THE Chief Secretary to
Government Judicial
Department
Madras
No. 35

Dated 24th

Despatched 25th

Received 26th

January 1895

Enclosures. *See enclosure*
Abstract. *(2nd copy to be made)*

Requesting to take steps
to prefer an appeal, on
behalf of Government
against the acquittal in
the case against the Reedy
of Changanur, Bellary Taluk

In order

Appeal against an
acquittal

H.O.

Order 6 July 1895 No 250

The papers will be referred
to the Govt. Pleader with the request
that he will advise Govt. as to
the probable result of an appeal
against the acquittal in Karaol
Sessions Case No 25 of 1894

The D.M., Bellary, 1.8.1895

The Govt. Pleader, 1.8.1895

Note for C.

Mr. Senechere makes out a
prima facie case. If C. approves the
draft order, perhaps the papers need not
go to H.O. until the Govt. Pleader's opinion
is obtained. - The date of judgment is
16th November - so there are 3 1/2 months
more within which to prefer an appeal.

It is a distinct case in my opinion
for an appeal & I have heard not
be troubled with it until we
know what the Govt. Pleader
has to say about it. This is another
of Mr. Senechere's blunder headed
decisions.

5/2/95

When given for copy *189*
When copied
When examined
When signed

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.

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