

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 2603.

Dated 17th Dec 1895.

INDEXED.

[Despatch Abstract.]

SENTENCE OF DEATH.

Declining to interfere with the -- passed on convict No. 2148, Karuppan Gounden, in Coimbatore Session Case No. 98 of 1895, and directing that the law shall take its course.

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	6031		1895				

deput 101545

FORM No. 53.

Nominal Roll of Convict No. 2148. *Kamppah Gounder*

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.
Murder. Section 302. S.P.C.	To suffer death subject to confirmation by the High Court.	7th October 1895.	Sessions Judge, Secunderabad.	24 years.	Good.	Good.	Sentence confirmed on appeal by the High Court of Madras.	

Copy kept at
Central Jail Office,
10th December 1895.

P. 000-9-91.

Rules 701 and 704.

C.H.

A. J. S. S. S.
Superintendent of Central Jail.

Appeal by the Prisoner against the said Sentence.

This case coming on for hearing, the Court delivered the

following

Judgment: — Apart from the confession

it may be that there would not

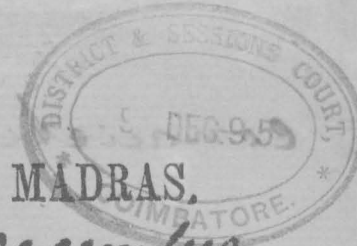
be sufficient evidence to justify
the

BACK PAPERS.

No.	Department.	Date.	G.O.	No.	Department.	Date.
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de 10/545

Duplicate



IN THE HIGH COURT OF JUDICATURE AT MADRAS.

Madras day, the *fourth* — day of *December*,
One thousand eight hundred and ninety-*five*.

PRESENT:—

The Honourable *Mr Justice Shephard*,
and

The Honourable Mr. Justice *Daniel*.

Referred Trial No. *80* of 189*5*.

Leo
2148 *Carupiah Goundan* — Prisoner.

Trial referred by the Court of Session of the *Committal* Division
for confirmation of the sentence of death passed upon the said Prisoner in Case
No. *98* of the Calendar for 189*5*.

CRIMINAL APPEAL No. *589* of 189*5*.

Appeal by the Prisoner against the said Sentence.

This case coming on for hearing, *the* Court delivered the

following

judgment: — Apart from the confession

it may be that there would not

be sufficient evidence to justify
the

the conviction. But there are several circumstances which go to corroborate the confession. There is the fact that the prisoner was on bad terms with his father, that he quarrelled with him that night at the hut, that he is the last person known to have been with him and that when told of the finding of the body the next morning he behaved in a manner indicative of guilt. There is also the fact that he pointed out two things belonging to the deceased - a bag and earrings - in separate places.

We

We see no reason under these circumstances to disbelieve the confession.

We must dismiss the appeal and confirm the conviction and sentence.

By the Court.

C. Goddard
Dy: Registrar,
6.12. App: side.

To

The Superintendent, Central Jail, Coimbatore,
for information and communication to the
Prisoner, with one spare copy of judgment.

Sessions Judge.
Coimbatore
9.12.95

M
6/12

Kal 6/12

19¹⁰/₉₅ 2nd

Sessions Court, Coimbatore,
7th October, 1895.

FROM

T. WEIR, Esq.,
SESSIONS JUDGE,
COIMBATORE.

TO

D. W. G. COWIE, Esq.,
ACTING REGISTRAR,
HIGH COURT,
APPELLATE SIDE,
MADRAS.

SIR,

In forwarding the record in Sessions Case 98 of 1895, in which I have felt it my duty to pass sentence of death (subject to the confirmation of the High Court) upon the accused Karuppah Goundan, I think it necessary to add only the following remarks in supplement of the judgment recorded at the close of the trial.

2. The provocation which was of a peculiar kind and which is spoken to by the first 5 witnesses was certainly neither grave nor sudden provocation.

3. The witnesses were, in my opinion, reliable witnesses and appeared to have no prejudice whatever against the accused.

4. The fact that the first three witnesses were the mother, brother and uncle respectively of the accused, gave unusual weight to their testimony.

5. Although the accused had, according to the evidence, threatened the deceased on previous occasions and in similar terms, the fact that, on the night in question, the accused took a knife (aruval) and followed his father to the field, appeared to indicate a deliberate intention of committing murder.

The 3rd witness says the deceased himself carried fodder to the fold. If this is reliable, there was no necessity for the accused to take the knife for the (alleged) purpose of cutting fodder at the field.

I have the honor to be,

SIR,

Your most obedient servant,

(SIGNED) T. WEIR,

Sessions Judge.

9-12-95

4

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4
3855

In the Sessions Court,
Coimbatore Division.

THE 7TH DAY OF OCTOBER, 1895.

PRESENT:

THOMAS WEIR, Esquire,
Sessions Judge.

SESSIONS CASE No. 98 OF 1895.

(REGISTER CASE No. 5 OF 1895,
Committed by the 2nd Class Magistrate, Avenashi,
Goimbatore District).

Coimbatore 21/48.

QUEEN EMPRESS OF INDIA VERSUS—Karuppah Goundan—Defended by
Mr. Ramakrishna Iyer, Pleader.

OFFENCE Murder, § 302, I. P. C.

OPINION OF ASSESSORS { 1 Brahmin. } ... Guilty.
 { 1 Mudaliar. }

FINDING OF JUDGE Guilty.

FINDING OF JUDGE Guilty.

SENTENCE Death, subject to the confirmation
of the High Court.

JUDGMENT.

The evidence against the accused is convincing.

His own mother and brother as 1st and 2nd witnesses prove that accused had a quarrel with the deceased on the night in question and that he then threatened the deceased, his father, that he, accused, taking an aruval followed his father who had gone to the fold and that deceased was never afterwards seen alive.

wards seen alive.

2. On the same evening, the accused and his father were again heard quarrelling at the fold and the accused again made use of threats (4th and 5th witnesses' evidence).

3. Next morning deceased's murdered body was found in the well—at one field's distance from the fold.

The accused's conduct, when questioned by the men who had discovered the corpse, 6th, 7th and 8th witnesses, was indicative of guilt.

4. His (accused's) person was also noticed to have marks of blood—and the cot and hut at the fold were found stained with blood—(3rd, 6th, 7th, 8th and 9th witnesses' evidence).

5. Accused on the next day (Thursday) gave up the earrings which the murdered man is said to have worn—also a piece-cloth said to have been worn by the deceased, and also the weapon (aruval) with which the murder is said to have been committed (3rd, 7th, 8th and 9th witnesses' evidence).

6. Finally the accused fully admitted his crime before the Committing Magistrate after the examination of the witnesses (Exhibit C) and several material circumstances mentioned by him in his confession are spoken to by the witnesses, *e.g.*, the marks of blood on the pulley of the well, and the ploughing of the ground of the fold by the accused.

7. The accused in no way explains the evidence and on the evidence, as a whole, there can, I think, be no reasonable doubt of accused's guilt.

8. The offence was a murder of a most atrocious character—the murderer being the son of the deceased—and the provocation which, no doubt, probably was given, was of an inconsiderable character.

9. I, accordingly, for the reasons above stated, find the accused, Karuppah Goundan, guilty of murder—and I sentence him—subject to the confirmation of the High Court, to be hanged by the neck until he is dead.

Note.—The accused is told to appeal to the High Court within seven days.

Pronounced in open Court, this 7th day of October, 1895.

(SIGNED) T. WEIR,
Sessions Judge.

To

The Registrar, High Court, Appellate side, Madras.

„ District Magistrate, Coimbatore, with () spare copies.

„ Superintendent of Police, Coimbatore, with () spare copies.

„ Prisoner.

/ True Copy /

*By order
Amulataam
Head Clerk.
18/10*

2nd Copy.

Enclosure No 2.

To

*His Excellency,
The Governor in Council,
Fort Saint George.*

The most humble petition of convict No. 2148 Karuppah Goundan, under sentence of death in Coimbatore Session Case No. 98 of 1895 and confined in the Coimbatore Central Jail.

I appealed to the High Court of Madras against the sentence of death passed on me unjustly. The Honorable Judges of the High Court confirmed the conviction and sentence passed on me and dismissed my appeal on the ground that I confessed before the Committing Magistrate, that I produced certain property and on some other reasons.

I confessed in the Court of the Committing Magistrate on account of the Police torture. I did not confess in the Sessions Court. I took the property from the place shown to me by the Police. I did not produce the property. They are no witnesses to say that I took the property from the particular place. The evidence of the witnesses who said that I produced the property should not be taken into consideration as these witnesses were brought by the Police and shown the property after it was produced.

Your Excellency in Council will consider whether I will murder my father on account of enmity. My mother and brother gave evidence against me fearing the Police. The witnesses have given evidence against me on account of enmity. There existed enmity between myself and witnesses. Avunashi Goundan and

and Karuppah Goundeen on account of the interest
on the debt due by them.

There are no eyewitnesses in the case. If I had
committed the murder, I would not have the boldness
and strength to carry the dead body two fields away
and throw it there.

As I have been unjustly condemned, I most
humbly pray Your Excellency's Council to graciously
consider the case and to release me from Jail.

Mark of Karuppah Goundeen.
Covvict No. 2148.

(Translation)

Received at the Central Jail
10th December 1895.

A. J. A. J.
Superintendent of Jail.

C. K.

Enclosure No. I

புதுச்சேரி மாவட்டம் காவலர் அலுவலர்
புதுச்சேரி மாவட்டம் காவலர் அலுவலர்.

புதுச்சேரி மாவட்டம் காவலர் அலுவலர்
புதுச்சேரி மாவட்டம் காவலர் அலுவலர்.

புதுச்சேரி மாவட்டம் காவலர் அலுவலர்
புதுச்சேரி மாவட்டம் காவலர் அலுவலர்.

புதுச்சேரி மாவட்டம் காவலர் அலுவலர்
புதுச்சேரி மாவட்டம் காவலர் அலுவலர்.

புதுச்சேரி மாவட்டம் காவலர் அலுவலர்
புதுச்சேரி மாவட்டம் காவலர் அலுவலர்.

Bhrami Bhala Bhagavati
yathina nam. Bhala. Bhrami Bhala
Bhagavati Bhagavati
Bhagavati Bhagavati

J. A. Anderson
 Superintendent of Jail.
 Crim. & Central Jail.
 10th December 95.

"Appeal for Mercy"

To
His Excellency
The Right Honorable,
The Governor in Council,
Fort Saint George.

The humble petition of convict No. 2148
Kamuprah Gounden under sentence
of death in the Coimbatore Central
Jail.

Date 10th December 1895.

Prayer.

Prays for a consideration of his
unjust case and for his release from
Jail.

5853

No. 3075

Office of the Central Jail, Coimbatore
10th December 1895.

CURRENT NO. 5853

From

E. H. Gadsden Esquire,
Superintendent, Central Jail,
Coimbatore.

To

The Chief Secretary to Government
Fort Saint George.

Enclosures Three.

Sir,

I have the honor to submit for orders of His
Excellency, The Governor in Council, a petition for
Mercy from convict No. 2148. Kamuprah Gounden under
sentence of death in Coimbatore Sessions Case No. 98 of
1895, confirmed by the High Court of Judicature, Madras.

2. Copies of Judgments of the Sessions and High Courts
and Nominal Roll of the prisoner are submitted.

3. The sentence of death passed upon this prisoner
will not be carried into execution until a definite
reply is received from Government to this petition.

I have the honor to be

Sir,

Your most obedient servant.

E. H. Gadsden
Superintendent of Jail.

Per. Secy.

URGENT NO. 5853
Appeal for Mercy
Jail (1895) Department

From
The Superintendent, Central Jail,
Cochin.
To
The Chief Secretary to Government,
Fort Saint George.

Dated 10th
Despatched 10th
Received 12th } December 1895.

VE
No. 3075

Enclosures - five.

Subject.
Forwarding for orders of Govt, a
petition for Mercy from Convict No.
2148, Kariappah Sundara, under
sentence of death in Coimbatore
Session Case No. 98 of 95 confirmed
by the High Court of Judicature,
Madras.

J
43. 20-21-5-95

JUDICIAL DEPARTMENT.

Current Number. 5853

FOR ORDERS.

APPEAL for mercy from Convict No. 2148
Kariappah Sundara under sentence
of death in Coimbatore Sessions Case
No. 98 of 1895, which sentence has been
confirmed by the High Court.

The Superintendent of the Coimbatore
Central Jail certifies that the sentence
will not be carried out until a definite reply from
Government has been received.

I can see no ground
for interference - The pet.
confessed - He says that his
confession was due to Police
torture but of this there does
not seem to have been even a
suggestion, much less any proof,
before the Sessions; and, as the
H.C. says, the confession is
corroborated by evidence -
The pet. should be dismissed

12/12/95
Yes, this case is fully provided.
W
15 Dec

12/12/95
12/12/95

PETITION FOR MERCY.

VERY EMERGENT.

Hon'ble Member and Circulation.

(FOR ORDERS.)

[J.]
[16.]
1,000-5-2-94.

Judicial Department.



PROCEEDINGS OF THE MADRAS GOVERNMENT.

READ the following letter, dated 10th Dec 95, No 3075, from the Superintendent of the Central Jail at Coimbatore, forwarding petition from Convict No 2148 Karuppat Sundar under sentence of death in Coimbatore Session Case No. 98 of 1895, 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, 17th Dec 1895, No. 2603.

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 No 2148 Karuppat Sundar.

2. The law will take its course.

(True Extract.)

(From records)

Chief Secretary 16/12/95

To the Superintendent of the Central Jail, Coimbatore
for communication to the Prisoner.

Inspector-General of Jails. Mums

Hon'ble the Judges of the High Court, with papers returned.

The C. J. with C. L.

16/12
17/12

C 12/12
R 16/12

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.

PAPEES NOT PILED UP, BEING MEANT FOR DESPATCH
 IN ORIGINAL.

N.B. -

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

Judicial (1895) Department.

ORDINARY PRINTED.

G.O., No 2604

Dated 17th Dec: 1895

INDEXED.

[Despatch Abstract.]

INDIAN ARMS ACT.

Communicating to the Commissioner of Police and others, rulings
of the Government of India regarding the importation of rifles under
the----.