

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 336

Dated 15th Feb. 1895

INDEXED.

[Despatch Abstract.]

PETITION FOR MERCY

Declining to interfere with the sentence ^{of death} passed on convicts Singe-
-puram alias Abdulrahiman and Gulemsa Rowthen in Tanjore Sessions case
No. 53 of 1894.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
R.	150		5-2-95				

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
So R 247			28-2-95				
So R 303			13-3-95				

IN THE HIGH COURT OF JUDICATURE AT MADRAS.

Wednesday, the twenty-third day of January,
One thousand eight hundred and ninety-five.

PRESENT :—

THE HONOURABLE SIR ARTHUR J. H. COLLINS, KNIGHT, Chief Justice,

AND

THE HONOURABLE MR. JUSTICE PARKER.

REFERRED TRIAL No. 62 OF 1894.

- | | |
|-----------------------------------|--------------|
| 1. Singapuram alias Abdulrahiman, | } Prisoners. |
| 2. Gulam Sa Rowten and | |
| 3. Kuppusami Pillai. | |

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. 53 of the Calendar for 1894.

Criminal Appeal No. 626 of 1894.

Appeal by the Prisoners against the said Sentence.

This case coming on for hearing on Tuesday, the 15th Instant, and having stood over for consideration till this day; the Court delivered the following

JUDGMENT.

That Emperumal Naik was most brutally murdered there can be no doubt. His body bore no less than 19 wounds, and from the fact that none of his ornaments had been removed it may be inferred that revenge and not robbery was the motive for the crime. We also agree with the Judge that the murder must have been committed at the place where the body was found.

There is ample evidence to prove enmity between deceased and the approver Ramiah. The known fact of that enmity caused the arrest of Ramiah on the afternoon of October 2nd—but as no evidence was then forthcoming against him he was discharged on the morning of the 3rd. Apparently it was from information given by Appavoo Pattan and Sadaya Pattan that enquiries were made for Pakkirisami who was found on Friday the 5th and on information obtained from him the three Appellants and Ramiah were arrested. After the statements of the accused had been recorded on October 29th a pardon was tendered to Ramiah and it is on his evidence and that of Pakkirisami that the case for the Prosecution depends.

The argument for the Defence is that Pakkirisami must have himself been an accomplice, and that he and Ramiah together may have committed the murder by themselves. It is urged too that the different wounds on the body of the deceased are inconsistent with the facts related by these two witnesses.

We do not attach much weight to this latter argument. The body was terribly hacked and it is of course impossible to tell in what order the different wounds were inflicted. Nor do we see the slightest reason for believing that Pakkirisami would have taken part in the murder. He was an intimate friend of the deceased and had no conceivable motive for wishing to make away with him.

It is further proved that Appellants 1 and 2 had obtained possession of precisely two such weapons as are described to have been used and that they afterwards returned them. They admitted that they had these weapons at one time though they afterwards withdrew that admission. We can entertain no doubt that Prisoners 1 and 2 were hired to commit the murder and that they executed their brutal task.

The case of the 3rd Prisoner stands on a somewhat different footing. It was not alleged that he was hired to do the deed like Prisoners 1 and 2, and it is urged upon us by the learned Counsel that 3rd Prisoner's name has been introduced into the case in order to support a subsequent charge against his master, Kandasami Pillai. We are not, however, prepared to accept that suggestion. 3rd Prisoner was undoubtedly named by Pakkirisami from the first and he was at once arrested. His statement on October 29th, may have been made in hopes of being made an approver and we think the Judge was right in not attaching weight to that. But his story was corroborated by Ponnusami Padayachi and we think the testimony of Pakkirisami and Ramiah is entitled to credit. We are of opinion however that 3rd Prisoner's guilt may be distinguished from that of Prisoners 1 and 2. He is a youth of only 25 years of age and might probably be overawed by the authority of his master. There is nothing to show that in the afternoon he was told the intention was to commit murder and he may have thought it was only intended to give Emperumal Naick a severe beating. When he reached the spot and saw the weapons, and was told to keep one in readiness—he can have had no doubt of the murderous intention of Prisoners 1 and 2. But he may then have been afraid to withdraw. This will not in law excuse the crime committed,—though we think we are justified in taking these facts into consideration in considering the sentence. We shall therefore confirm the conviction and sentence upon Prisoners 1 and 2—but we shall commute the sentence on the 3rd Prisoner to transportation for life.

By the Court.

(Signed) A. J. Forbes

Dy. Registrar,
Appellate Side.

Exd. A. Ramaswami Aiyar.

(True copy)

A. J. Forbes

*Dy. Registrar,
Appellate Side*

HIGH COURT OF JUDICATURE
AT
MADRAS.

JUDGMENT

IN

REFERRED TRIAL No. 62 of 1894.

Criminal Appeal No. 626 of 1894.

*(From Calendar Case No. 53 of 1894,
Sessions Court of Tanjore).*

Dated 23rd January 1895.

Sent

Enclosure I to the High
Court's letter dated 8th
February/95 No. 303.
Judicial.

N^o 303 Judl.

From

High Court of Judicature,
Madras 8th February 1895.

CURRENT NO. 664

H. W. Foster Esquire,
Registrar, High Court,
Appellate Side.

To

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

Honourable Sir,

I have the honor to
forward a copy of the High Court's
judgment in Referred Trial No 62
of 1894 (Criminal Appeal No 626 of
1894), as requested in the Proceedings
of the Madras Government, dated
the 6th Instant, R. No 150.

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

H. W. Foster
Registrar

1895
Judl. Dept.
Enclos. No. 1
To
O. No. 664

H. W. Foster

R 150: 6-2-95 J.D.

CURRENT NO. 664

Judicial { 189 } Department.

No.

11 FEB. 1895

FROM

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

Dated

8 February

Received

1895.

No. 303 J.D.

Enc one

Forwarding a copy of
High Court Judgment in

R. F. No. 62/94

Sub?

with a/c: 6/5

150: 2/6.2.95

[3.]
[16.]
1,000-5-2-94.

Judicial Department.



PROCEEDINGS OF THE MADRAS GOVERNMENT.

READ the following letter, dated 4th Feb. 95. N^o 123, from the
Superintendent of the District Jail at Tanjore, forwarding
petition from ~~Convict~~ the undersigned ~~Convicts~~ under
sentence of death in Tanjore Session Case No. 52 of 1894,
confirmed by the High Court of Judicature.

Read also letter, dated 8th Feb. 95. N^o 303, from the Registrar
of the High Court, Appellate Side, forwarding the record of the case.

N^o 8775: Singaparam alias Abdulrahiman
8776: Gulam Sa Rowten.

ORDER THEREON, 15 February 1895, No. 336

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 & Singaparam alias Abdulrahiman
and Gulam Sa Rowten (N^{os} 8775 & 8776) respectively.

2. The law will take its course.
3. The Superintendent submitted the order of the High Court instead
of the full judgment.

(True Extract.)

Chief Secretary. 15.2.95

To the Superintendent of the Jail for communication to the Prisoner
Inspector-General of Jails.
Hon'ble the Judges of the High Court, Madras.

DEPARTED

15 FEB 95

15 FEB 95

M.S.

M.S.

When given for copying _____
 When copied _____ 189
 When examined _____
 When signed _____

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.