

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 506.

DATED 8th Mar: 1895.

INDEXED.

[Despatch Abstract.]

PETITION FOR MERCY.

Declining to interfere with the sentence of death passed on
convict Potireddi Venkatayya in Cuddapah Sessions Case No.2
of 1895.

Mich

BACK PAPERS.

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

FURTHER PAPERS.

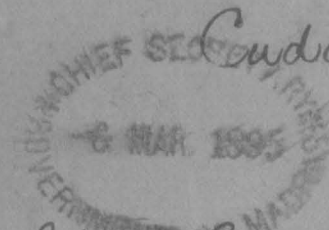
G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Petition for mercy

1088

From

The Superintendent,
District Jail,
Cuddalore.



The Chief Secretary to
Government,
Fort St. George,
Madras.

Dated 5th }
Received 6 } March 1895

No. 132

Enclosures - 54

Subject

Forwards Petition for mercy
from a convict under
sentence of death.

List of Enclosures to letter No. 132 dated
— 5th March 1895. —

- Enclosure No. 1. Petition for Mercy in Telugu
 — do — No. 2. English Translation of the above
 — do — No. 3. Nominal Roll of Council
 — do — No. 4 Copy of Judgment of Sessions Court
 — do — No. 5 — do — High Court

మనోహర తవ విం చన చం న పట్టి గు న వ న ర్థిం ర గాంతి
దివ్య నమః కృతైః కర్తృ తస్మై క యో జే యు య్నా ముత్తే ౧౪౧౮
సంప్రదాన ముత్తమ యు. సాగ యుత్తమ. ప్రేమియే యాదాత సమూహ్య
వి దిషం త్రామ క గాయం

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— అంక: ౧ వోల్క్స్ ట్రే. ౩వ అక్షరం

Cusdapat District Jail
4th March 1895

J. Pereira
by Superintendent of Police

His Excellency the Governor in Council
Fort Saint George
Madras.

The humble petition of Council No 8455 Potireddi
Venkataraya

Humblly sheweth:—

That your petitioner was sentenced to death
by the Sessions Judge, Cuddapah, in case No 2 of 1895 and
on appealing to the High Court of Judicature at Madras
the sentence was confirmed.

2. That your petitioner has no connection whatever
with the deceased Karammah, who should he keep Naras
ima when he had his wife and children. The deceased
Karammah was a woman of very bad character, she
had keeping one Venkareddi the brother-in-law of the village
Magistrate, another his servant Vadda Karyadu and
another Vadda Ellengadu, they disagreed with each other
through hatred, your petitioner does not know, which
of the above murdered Karammah, when the murder
had taken place your petitioner was in his fields sowing
but he had to admit at first the committing of the offense
being unable to bear the afflictions caused by the Police,
when your petitioner was not in his senses.

3. That your petitioner made no confession either
before the Sessions Judge or in his appeal to the High
Court. He is a poor man, the village Magistrate being
a rich and influential man, bribing the Police to impose

Enclosure No 2 of letter No 132 dated 5th April 1895

ASSESSOR CASE.

CALENDAR CASE No. 2 of 1895, on the file of the Sessions Court
of Cuddapah.

(Preliminary Register Case No. 9 of 1895, on the file of the Stationary
Sub-Magistrate, of Royachoti).

The 8th day of January 1895.

PRISONER :—POTIREDDI VENKATAYYA,

(defended by Mr. C. Narasimha Charlu B. A. B. L.
appointed by Government).

Name.	Caste.
Assessors:—1. Kristnam Venkata Subbayya,	Komati.
2. Araveti Chelamayya Chetti.	Do.

Offence :—Murder, Section 302, Indian Penal Code.

Opinion of Assessors :—Guilty of murder.

Finding of the Judge :— Do.

Sentence :—Death.

Endorsement to the file of the Sessions Court No. 102 dated 5th March 1895

1895
Jul
3
1886

Calendar Case No. 2 of 1895.		Serial No.
Potireddi Venkatayya.	Name.	DESCRIPTION OF THE ACCUSED.
Achanna.	Father's name.	
Baliya.	Caste.	
30 years.	Age.	
Cooly.	Occupation.	
Galivedu, Rayachoti Taluk.	Residence.	DATE OF
3rd December 1894.	Offence.	
3rd December 1894.	Complaint.	
5th December 1894.	Apprehension.	
8th January 1895.	Commencing trial.	
8th January 1895.	Closing trial.	Explanation of delay.

Prosecution Witnesses :—

1. Chikati Bommayya.
2. Do. Bommakka.
3. Karimireddi Bodenna.
4. Do. Gangayya.
5. Vodde Bodigadu.
6. Kondreddi Ramireddi, Village Magistrate of Galivedu.
7. Darji Kondayya, Police Constable No. 696.

Defence witnesses :—None.

Exhibits filed for Prosecution :—

- A. Inquest Report.
- B. Village Magistrate's Report to the Taluk Magistrate.
- C. Medical evidence only the portion marked with blue pencil.
- D. Confessional statement of the accused before the Committing Magistrate dated 5-12-94.
- E. Statement of the accused before the Committing Magistrate dated 21-12-94.

Exhibits filed for Defence :—

- I. Bommakka's deposition before the Committing Magistrate.

JUDGMENT.

The accused Potireddi Venkatayya of Galivedu has been committed on a charge of murder Section 302 Indian Penal Code. That there has been a terrible murder there is no doubt and the only question is whether the accused is the guilty person or not. The deceased woman Sekkati Naramma has had her head completely severed from her body. The accused after making a very full confession, which was recorded in proper form by the Rayachoti Stationary 2nd class Magistrate on the 5th December 1894, has denied all knowledge of the crime. The prosecution show that P. Venkatayya cut off the head of the deceased S. Naramma for being unfaithful to him. It was done in the most deliberate manner if the prosecution is to be believed and there are no circumstances to reduce the crime to one of culpable homicide not amounting to murder. He selected a day when the village was empty and an hour when all persons would be at work. There was a cock-fight at Tarampalli which carried away the idle people and the hour selected was 4 P. M. when the people of deceased's caste would be in the fields.

2. The 1st witness is Cheekati Bommayya the husband of the deceased woman. He was away at the cock-fight and returned on what he heard from one Vemayya. In the morning he had left his wife in good health. When he got home he met accused P. Venkatayya who was shouting and brandishing a sickle. He had on three cloths which were drenched with blood. Witness went to his house where he found his mother sitting by the corpse of his wife. He ran away home as the accused chased and frightened him. The 2nd witness Cheekati Bommakka is the mother of Bommayya, and also grand mother of the deceased Naramma. She was in the hut where the murder took place. She stated that Naramma was baking and she grinding curry stuff. She heard a cry of "Oh amah" and looking saw the accused cutting Naramma. She abused him. He lifted a sickle and gave three cuts to Naramma. She cried out fearing she too would be killed. One Bodenna came running along the street. This man Bodenna is the 3rd witness and carries on the tale. He did not go to the cock-fight and hearing a cry went to the east of the Village where he found 2nd Prosecution witness Bommakka crying and beating her mouth and with her hands she showed the corpse. So he went and peeped into the house and saw Venkatagadu (accused) cutting Naramma's neck with a sickle. He ran as far as a tamarind tree and met Gangayya and spoke to him and then ran on to the Cusbah Galivedu and told the Village Magistrate and Station House Officer. The 4th witness Gangayya also deposed to meeting the accused in the street covered with blood flourishing a sickle and shouting "Kobali" A Wodder Bodègadu also gave similar evidence.

3. The sixth witness is Kondareddi Ramireddi the Village Magistrate of Galivedu. On receiving information he stated that he went to the Police Station and obtaining the assistance of Hussain Beg a Head Constable and two Police Constables he went to the hamlet of Karimreddivaripalli. They met the accused covered with blood and waving a sickle. The Head Constable after a little induced him to throw down the sickle which was secured by the 7th Prosecution witness a Police Constable. The Head Constable secured the accused and they went and examined the body of the deceased Naramma. The evidence of the Apothecary Poonen was read at the trial as far as it was admissible. The Magistrate had used it to get in what was practically a long confession by the accused. This was not read to the assessors. It scarcely needed skilled evidence to prove the cause of the death of the poor woman. The 7th witness Darsi Kondayya is Police Constable 696 L who picked up the sickle. He had been told off for duty at Parampalli for the cock-fight. But from information he got he proceeded to Karimreddivaripalli and was by fair means inducing the accused to proceed to the Police Station when he was met by the Village Magistrate, Station House Officer and the 2 Police Constables. This is shortly the evidence for the prosecution save as to the motive for the crime.

4. The accused Venkatayya made a long statement accusing the Village Magistrate Kondareddi Ramireddi 6th Prosecution witness of enmity arising from his refusal to work and alleges that the case is concocted against him. This amounts to accusing the Village Magistrate of committing a murder to get him into trouble or at all events trying to murder the accused on a false charge. As urged by the learned Vakil Mr. Narasimhachari B. A. B. L. the accused is not bound to show who was the actual murderer. I ceased to question the accused after I ascertained that he denied all knowledge of the offence. But he has not shown his whereabouts on the day of the event. Nor has he accounted for his presence with a sickle and his body and cloths soaked with blood. To these facts there is overwhelming evidence. The enmity of the Village Magistrate is only borne out by the unsupported statement of the accused "He is so terrible in the Village that a child does not drink milk". To me the Village Magistrate seemed an intelligent inoffensive rayat and as far as I could judge was not inclined to unduly press the case. The learned vakil for the defence has urged all that can be. There is undoubtedly a variation in the evidence of Bomakka the 2nd Prosecution witness. But I was satisfied with her as a witness. She is old and was undoubtedly upset. She certainly allowed that accused was in the habit of visiting her house which she denied before the Magistrate. But this will be dealt with on the question of motive. It is urged that Bodenna 3rd Prosecution witness could have collected the villagers. His conduct was not heroic. But he could not have got the villagers together as they were away and he had difficulty in finding any one. I cannot accept the argument that the old lady Bomakka's screams would not be heard. She went out of the hut and in her terror would raise a considerable uproar. Then it is urged that there would not have been time for two witnesses to witness the murder. We have it in evidence that the deceased's head was hacked and a sickle is not so sharp that a human being's head can be severed in the swift manner that it would be by a professional executioner. The learned vakil urged that the accused would not risk his life by behaving so frantically before witnesses in the village. The evidence shows however that in his excitement he was even proud of his cowardly deed. As it left on the minds of the Assessors so does the evidence leave on my mind no doubt but that Venkatayya was guilty of the murder of Naramma.

5. From his confession it appears that Naramma though married to Bomayya carried on an intrigue with Venkatayya. She seems also to have involved herself with one Narigadu. And Bomakka's contradiction in her evidence is accounted for by her wish to conceal her grand-daughter's misbehaviour. The accused resented the introduction of a third person to her favours. This is borne out by the cries of the accused when he passed through the village crying "Kobali Kobali" when he declared he would not give up his sickle until he had Narigadu's life. Bomayya and Bomakka though they fenced somewhat with the questions

practically allowed that they knew an intrigue was going on. One can hardly feel too much contempt for Bomayya the husband. He seemed to feel no pity for his wife but only for himself. "My wife was cooking for me and Venkatayya has unjustly taken my bread". "I did not suspect he would kill my wife and take my bread as I am unable to work. He has made me a helpless bird". I could see no reason why Bomayya should not earn his livelihood. He appeared strong and healthy. He prefers however the pleasures of life ^{as} represented by cock-fighting. It is not proved but is possible that he was living on his wife's wages of sin. He confessed that he suspected his wife but never reprimanded her.

6. The murder is a brutal one and I can see no reason to pass any sentence less than the extreme one allowed by law. The only mitigating circumstance I can find, and it will not hold, is the disposition of certain classes in this District. They look on women as chattels on whom to gratify their lust. They correspond with the people of the period when the Paisacha form of marriage existed, when as Mr. Mayne says they had the lusts of ourang outangs, or perhaps they more nearly are allied to the French nobility of the restoration if we are to trust Mr. Frédéric Souliés, contes in his confession généralé. They require the lessons of the school-master and missionary. But at present they are only taught by the Indian Penal Code.

7. The Court agreeing with the Assessors finds that Pothireddi Venkatayya of Galivedu is guilty of murder punishable under Section 302 Indian Penal Code and the Court orders that the said Pothireddi Venkatayya be hanged by the neck until he be dead.

8. The accused was informed that if he wished to appeal to the High Court his petition must be put in within 7 days. The accused Pothireddi Venkatayya declared his intention of appealing.

W. G. UNDERWOOD,
Sessions Judge.

(True Copy).

(By order)
[Signature]
[Signature]

Cudappa
Serris Comb
4.3.95

Duplicate IN THE HIGH COURT OF JUDICATURE AT MADRAS.

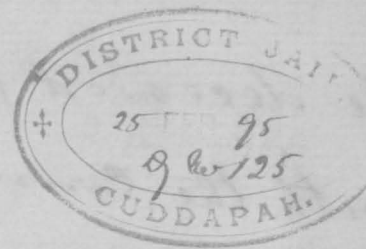
Wednesday day, the twentieth — day of February,
One thousand eight hundred and ninety-five.

PRESENT:—

The Honourable Sir Arthur, J. H. Collins, Kt., Chief Justice
and

The Honourable Mr. Justice Parker.

Referred Trial No. 5 of 1895.



Pothireddi Venkatayya — Prisoner.

Trial referred by the Court of Session of the Cuddapah Division
for confirmation of the sentence of death passed upon the said Prisoner in Case
No. 2 of the Calendar for 1895.

CRIMINAL APPEAL No. 41 of 1895.

Appeal by the Prisoner against the said Sentence.

This case coming on for hearing, the court delivered the following
Judgment:—The Prisoner has been con-
victed of the murder of the deceased.
Karamma on the clearest evidence
and two days after the event he made
a full confession to the 2nd Class Magistrate.
Though he retracts that statement now —
there

Yours most Obedient Servant
Mercia
 City Superintendent of Jail
Caddo Parish

Judicial
DEPARTMENT.

C. No.

1088 of 95

FOR ORDERS.

I can see no reason for interference
in the Petitioner's behalf. Not only are
there eye witnesses to the murder
but the Petitioner made a full confession
to the committing Magistrate.

W
6/3/95

The case is very clear the
law must take its course

I agree

W
7 Mar

25 6/3

Appeal for Mercy
from prisoner No 8455
Potireddy Venkatayya
under sentence of death
in the Cuddapah Sessions
Case No 2 of 95, which
Sentence has been
Confirmed by the High Court.

The Supdt of the Jail
Certifies that the execution
will not take place until
a definite reply is received
from Govt.

W
6.3.95

W
6.3.95

W
6.3.95

Mercy:
Appeal for
FOR ORDERS

VE

Hon & Co

Sent to
at 1/50 pm
6/2/95
1.5.5
22.4.5
1895-2.10 pm

Sent to
at 7/5 pm
6/3/95

C. 6/3. R 6/3
R 6/3 R 8/8

[J.
16.]

1,000-5-2-94.

Judicial Department.



VE

PROCEEDINGS OF THE MADRAS GOVERNMENT.

READ the following letter, dated 5th March: 95 N^o 132, from the Superintendent of the District Jail at Cuddalore, forwarding petition from Convict 7^o 8455: Potireddy Venkataraya under sentence of death in the Cuddalore Session Case No. 2 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, 8th March 1895, No. 506

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 7^o 8455: Potireddy Venkataraya

2. The law will take its course.

(True Extracts) (From notes)

8.3.95
Chief Secretary. 8/3/95

To the Superintendent of the District Jail at Cuddalore
for communication to the Prisoner.
Inspector-General of Jails.
Hon'ble the Judges of the High Court, with papers returned.

8/3/95

8/3/95

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.

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

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