13-3-06 ✓
12-3-07 ✓

	For what purpose.			Initials of clerk taking the paper or of attender.	Date returned.	Initials of attender.
...en out.	Department.	C. No.	Year.			

C.F. Old No. 73, New No. 24—563,834—20-10-59.

Paper taken out of the Records f

Press / Miscellaneous / Routine No. _____, dated _____

Date taken out.	For what purpose.		
	Department.	C. No.	Year.

[J / 63]
1,000—25-7-95.

Judicial (1895.) Department.

ORDINARY MS.

G.O., No. 614.

DATED 25th Mar 1895.

INDEXED.

[Despatch Abstract.]

PETITION FOR MERCY.

Declining to interfere with the sentence of death passed on convict Hanumagadu in Bellary Sessions Case No.81 of 1894.

13-3-06

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	536		12-5-95				

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
80	743		8-4-95				

Enclosure to letter
No 938/19.3.95

Garden. The village Magistrate issuing

Petition for Mercy

Bellary District Jail

Petition of condemned Prisoner No 7095 Hanumagadu, praying for mercy.

Dated. 19.3.95.

Encls. No 2 to letter No [illegible]

19.3.95

His Excellency the Right Honorable the Governor in Council, Fort Saint George

The humble petition of convict No: 7095, Hanumagadu, now confined in the District Jail, Bellary under Sentence of death in Cal: Case No 81 of 94, on the file of the Sessions Court, Bellary:-

I am not guilty of the offence with which I have been Charged.

On the day of occurrence of this offence, at 2. P.M, I went out to ease myself, where my garden is situated near the village; there, a buffaloe and two young ones, had been grazing the crops and destroying them. I saw, and took them into the village in order to have them confined in the cattle pound. The Village Magistrate, Naga Reddi, was sitting near the Chavadi. He asked me "Why have you brought them here?" I used abusive language, saying that some Cattle, the owners of which I did not Know, were grazing in the Garden. The Village Magistrate having

using Obscene languages, said "you, fellow; the cattle belongs to me. Why do you abuse me thus? I will beat you with my shoes," and was about to carry out his threat. In the meantime, Jaffi Reddi, the father of Naji Reddi, interfered and said, not to beat. When I told him, "See, Sir, Your Son is about to beat me thus, unjustly"; he replied "Well, all right, You can send the cattle to the pound when you see them again in your garden." I took his advice, and went out to ease myself. When I returned again, Mahanandi, his Son, Venkataswami, and Naji Reddi, these 3, were sitting near the chavadi. Mahanandi had a carbine in his hand. Venkataswami and Naji Reddi had spears in their hands. Seeing that these 3 were armed, and suspecting that they might beat me, if I advanced, I stood about a chains' distance from the chavadi. The Village Magistrate, Naji Reddi, using obscene language said, "he is standing there alone,

alone, and not coming forward". Mahanandi replied "You need not cry out;- Be quiet; he is coming this way". And hearing this, I said "Mahanandi, I have nothing to do with you, neither do I want to argue with you; there exists enmity between you and myself, my younger brother has already been murdered; You have come now to kill me at the instance of the Village Magistrate; You had better not approach me", so saying I prostrated at their feet. When Naji Reddi told Mahanandi that I was using abusive languages all the while, but that, now, I prostrated at their feet, and that he cared not even to lose 1000 Rs, and that I should be killed as my younger brother was. Mahanandi and his son Venkataswami used obscene languages and said "Kill him, he murdered our uncle, and having undergone 20 years transportation for the same, is come back". Knowing that they were forming an opinion in their minds and preparing

to kill me, I determined that I should not pass by that road and was going home by a different route. They turned back, and intercepted me from proceeding further. On seeing them, I said "Mahanandi, I have nothing to do with you. Guided by the advice of the Reddi, why do you come upon me? I am an old man; and you should not beat me" and prostrated again at their feet. The Village magistrate told Mahanandi to shoot at me and that he did not care for losing 1000 Rs. Mahanandi took the carbine and fired. There was a small wall there. I took shelter behind it. The shot missed. Seeing that, if I went home, they would kill me, I ran to the house of my younger brother. While I was running, Naji Reddi and Mahanandi's Son, Venkataswami, these two, came running after me. As my brother's house was drawing near, I took courage, and saying all along "here, I am throwing stones at you", entered my brother's house. When I entered and was bolting the door, fearing that they would kill me, Naji Reddi and Mahanandi's Son Venkataswami, came rushing and pierced me with spears; but they came in contact with the door and did not hurt me, the door having been fastened. When these two men were pushing the door, I said "I would kill you, if you should come in, and you had better not enter." Mahanandi came from behind. The three managed to unfasten the door and got into the house. There was a pial attached to the threshold of the house. I got up the pial and took hold of an axe which was there and said "Mahanandi, don't come, don't come;" when Mahanandi took the carbine and shot at me. There was a granary there. While I took shelter behind this, the shot missed, and did not affect me. I showed them the axe, thinking that they would quit the place; they did not do so, but were coming towards the place where I was, in order to pierce me with their spears. I killed him (Mahanandi) because my life

life, lest they would kill me. When Naji Reddi and Venkataswami got frightened and were about returning with their spears, they left the spears behind them in my house, as they were prevented from being removed, by the walls of the door way and by the pillars inside. The offence has been committed in this manner. At 4 o'clock the Police appeared and yielding to the ill-advice of the Reddi, arrested four of us, namely, myself, Redda Thippagadu, Chinna Thippagadu and Rangappa, saying that we had committed the offence of murder.

Three days after the occurrence of this offence, the Police Inspector, Head Constable and the Police came to the said village and yielded to the words of the village Magistrate, took bribes from him, and collected false evidence from those who are in favor of the Village Magistrate, Naji Reddi, and bribed them, and framed false charge against us that we went to the

de-

Defendants house, cut him there and brought the body here. All the Prosecution witnesses deposed at the instigation of the Village magistrate. I did not kill in the public street, nor in the forest. As I have already undergone 20 years Imprisonment and having now become an old man of 70 years, I had had no idea of Committing such a grave crime. As they were teasing me in this manner and with a view to save my life I killed him; but I did not kill him in his house. Although it is proved by my defence witnesses that they had come to my house and shot at me with the carbine, yet the Learned Judge has not at all taken my case into consideration, but fully relying on the records of the Police, sentenced me to death.

I, therefore, pray that His Excellency may be graciously pleased to send for the records of my case and peruse them with deep consideration

and

Encls: 1 to 3 to letter no 938 19.3.95

FORM No. 53.

Nominal Roll of Convict No. 7095 Hanumaigadu

Crime.	Sentence.	Date of sentence.	Adjudicating Courts.	Age. (Present)	State of health.	Conduct in Jail.	Result of the appeal to High Court.	Remarks and previous convictions.
Section 302 I.P.C.	Death	22-12-94	Sessions Judge Bellary & Co	70 yrs. 2 mos.	Good	Good.	Dismissed	Murder, in 1874.

Bellary District Jail,
19th March 1895.

Surgeon Major
Ag Superintendent of Jail.

Ag.

Heard and known unto me at Kurnool
mark of Hanumaigadu
in Telugu

(True Translation)

Bellary 20 Jail
19 March 1895

Surgeon Major
Ag Superintendent Jail

Taylor

1895
Jail
4

Form No. 53.

JUDICIAL DEPARTMENT.

Bellary District Jail

Nominal Roll of Convict No. confined in the District Jail, Bellary.

Nominal Roll of Convict no 709 5 Hanumagadu now confined in the Dt Jail Bellary

Dated 19. 3. 95

Encls. No 4 to letter No 938 19. 3. 95

Duplicate

IN THE HIGH COURT OF JUDICATURE AT MADRAS.

Wednesday, the twenty-seventh 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

DISTRICT & SESSIONS COURT Reg: No: 592 4 MAR 95 BELLARY.

Referred Trial No. 6 of 1895.

Hanumagadu ——— Prisoner.

Trial referred by the Court of Session of the Bellary — Division for confirmation of the sentence of death passed upon the said Prisoner in Case No. 81 of the Calendar for 1894.

CRIMINAL APPEAL No. 62 OF 1895.

Appeal by the Prisoner against the said Sentence.

This case coming on for hearing, on Wednesday the 20th instant and having stood over for consideration till this day, the Court delivered the following

Judgment:- It is not denied that the prisoner caused the death of Brahmanda by striking him on the neck with an axe, - but it is contended that the blow was

Jud Dept. No. 3 To 1410

was struck in self-defence when Mahanandi was endeavouring to force his way into the house of prisoner's late brother and after Mahanandi had himself discharged his musket at prisoner inside the house. We entirely agree with the Sessions Judge that the story set up by the defence is altogether incredible. It is inconsistent with the medical evidence and it entirely fails to account for the terrible way in which the corpse was hacked, and it fails to account for the marks of blood in Mahanandi's own house and for the tracks of blood from his house to that of Peddagadu. No bullet has been found, and it is not shewn that Mahanandi was in possession of ammunition or bullets. Moreover, it is certain that the attack upon

upon Mahanandi's house was reported at Gooty to the Police Inspector and Stationary Magistrate between 1 and 1-30 P.M by two different persons who ran to Gooty unconnected with one another. There had been no time to ~~collect~~ Concoct a false story, - hor if the attack upon Mahanandi had had its origin in the seizure of a buffalo was there the least reason why the true cause of quarrel should not have been stated.

It is urged that the alleged origin of the disturbance - viz the negotiations of the prisoners with a Komati receiver of stolen property - was altogether unconnected with

with Mahanandi, and that the
story has been concocted. We cannot
see reason for the concoction of such
a story and it adds no weight to the
prosecution. The Inspector deposes that
the Jaliari Sanjeevadu brought
him the information about noon, and
it is of course possible that the
prisoners believed it was their ene-
-mies who had spied the village
munsif upon their track and
given information against them.
We are not able to agree with the
Sessions Judge that the Police must
have been at Latchannapalle
for two hours before the Inspector
and Sub-Magistrate arrived.
Sanjeevadu's information was
not given to the Inspector till ~~~
noon

noon and he then sent the Jaliari
on to the Station with orders for the Sta-
-tion-House officer to go out with four
Constables. It was then midday and
would take some little time to collect
the men to make a start. Meanwhile
Rangaya (8th witness) had come in
with news about the attack on
Mahanandi's house, and this
information was given about
1 or 1-30 P.M. He was followed
by Venkatasami (1st witness) who
met the constable near the Munro
Choultry and turned back with
them, - but the Inspector and
Magistrate who came on horse-
-back would have come much
quicker

quicker and joined them just as they entered the village.

Nor do we see any reason to view with suspicion the evidence of witnesses 9 and 10. They belong to other castes and seem quite disinterested witnesses. Moreover, the principal evidence against the 2nd & 3rd Prisoners as to his return to Mahanaudi's house, smearing over the blood marks and taking away the gun and two spears - was brought out as much in Cross-Examination as by the prosecution. The evidence as regards all the accused persons may not have been satisfactory - but as regards some of them we fear there has been a failure of Justice.

The

The evidence against the prisoner appears quite conclusive. No doubt there has been a long and bitter feud between the two families, and it is possible that prisoner may have had some reason to suspect members of Mahanaudi's family of participation in the murder of his brother Peddagadu in October 1893. But this is the second time that prisoner has been convicted of murder. His first victim was the brother of Mahanaudi: the sentence was commuted to transportation for life, and the prisoner was only released in 1892 after

after 18 years at the Andamans. Another brother has now been his second victim. Under these circumstances we cannot but confirm the conviction and sentence of death and dismiss the appeal.

By the Court.

R. Stokes.
Deputy Registrar
Appellate Side.

28/2

1895 Jud. Dept. Enclos. No. 2

Enclosure no 5
of letter no 938
19.3.95

No. 21

IN THE COURT OF SESSION OF THE BELLARY DIVISION.

The 22nd day of December 1894.

SESSION CASE No. 81 OF 1894.

Preliminary Enquiry No. 7 of 1894, on the file of the Stationary Sub-Magistrate of Gooty Taluk, Anantapur District.

No.	Names of accused.	Father's name.	Caste or Race.	Occupation.	Residence.	Age.
1	Hanumagadu ...	Thippanna ...	Boya ...	Cultivation...	Latchanapalle.	60
2	Pedda Thippugadu ...	Peddanna ..	do. ..	do. ...	do. ...	24
3	Chinna Thippugadu ...	do. ...	do. ...	do. ...	do. ..	22
4	Rangadu *alias* Yerrodu	do. ...	do. ...	do. ...	do. ...	20
5	Venkatigadu ...	do. ...	do. ...	do. ...	do. ...	27
6	Galigadu	Hanumanna ..	do. ..	do. ...	do. ...	35
7	Rangadu	do. ...	do. ...	do. ...	do. ...	32
8	Thippugadu ...	do. ...	do. ...	do. ...	do. ...	14
9	Peddugadu ..	do. ...	do. ...	do. ...	do. ...	26

Date of

1. Occurrence ... ... 28—10—94.
2. Complaint ... ... 31—10—94.
3. Arrest or appearance... ... ... 31—10—94.
4. Commencement of trial ... ... 13—12—94.
5. Close of trial ... ... 17—12—94.
6. Explanation of delay ... ...

Assessors ... ... 1. B. Surya Narayana Row, Brahman.
2. Vadamalai Pillai, Vellala.

1st, 2nd, 3rd, 4th, 5th, 7th and 8th accused defended by Mr. T. Drapes, Barrister-at-law and 6th and 9th accused by Mr. K. Venkata Rao.

Offence	...	Murder, under Section 302, I. P. C.
Plea	...	Not guilty.
Opinion of Assessors	...	1st prisoner guilty, under Section 302, I. P. C. The rest not guilty of any offence.
Finding of Court	...	Do. do.
Sentence ...	...	1st prisoner sentenced to death subject to the confirmation of the High Court. All the other prisoners, acquitted and directed to be set at liberty.

SESSIONS COURT,
BELLARY,
Dated 22nd December 1894.

No. 257

FROM,

LEWIS MOORE, ESQUIRE,
Sessions Judge,
Bellary.

To,

H. W. FOSTER, ESQUIRE,
Registrar of the High Court,
Appellate Side, Madras.

Sir,

I have the honor to forward herewith, under Section 374 of the Criminal Procedure Code, the records in Session Case No. 81 of 1894 in which I have sentenced the 1st prisoner Hanumagadu to death for the murder of one Mahanandi (Section 302 of the Penal Code) subject to the confirmation of the High Court.

2. It is shown that for many years past there has been bitter enmity between Mahanandi and his family on one side and the prisoners who are all relations and their family on the other side. In 1874, the present 1st prisoner Hanumagadu was sentenced to death (Session Case No. 80 of 1874) for the murder of the brother of Mahanandi. On Appeal, the High Court (Criminal Appeal No. 337 of 1874) commuted the sentence to one of transportation for life. Hanumagadu was sent to the Andamans whence he returned in 1892. In October 1893 Peddugadu, the brother of the 1st prisoner Hanumagadu and the father of the 2nd, 3rd, 4th and 5th prisoners, was murdered and the evidence of the Gooty Police Inspector (4th prosecution witness) and also a petition (Exhibit III) sent in by the 2nd prisoner to Govern-

ment which has been filed on behalf of the defence show that the members of Peddugadu's family suspected Venkatasami (1st prosecution witness) son of Mahanandi and also Mahanandi's sister's son of having been the murderers of Peddugadu. The 1st prisoner is the elder brother of Peddugadu who was murdered in October 1893. The 2nd, 3rd, 4th and 5th prisoners are sons of Peddugadu. The 6th and 9th prisoners are sons of the 1st prisoner's sister and the 1st prisoner's daughter is married to the 6th prisoner. The 7th and 8th prisoners are the sons of the 1st prisoner.

3. Venkatasami (1st prosecution witness), son of Mahanandi, states that at about 10 A. M. on the 28th October last the Village Magistrate (2nd prosecution witness) sent for him by means of a Taliari named Sanjeevadu and told him that he wanted to see him. Venkatasami accordingly went to the Village Magistrate whom he found sitting on a platform which had been constructed on a branch of a margosa tree in a field belonging to him. On his arrival the Village Magistrate told him that some *Boyas* and a *Komati* were moving about in a suspicious manner and that he believed that a theft had been committed by these men and that they were then engaged in dividing the stolen property. The Village Magistrate then sent Taliari Sanjeevadu to Gooty which is at a distance of two miles to tell the Police Inspector that he suspected that a theft had been committed and to bring the Police. Venkatasami sat down at the foot of the tree on which the Village Magistrate was. The Village Magistrate told him that he saw the 1st, 2nd, 3rd, 4th and 7th prisoners moving about in what he thought was a suspicious manner. A little later on he said that he saw the *Komati* moving towards a well that was there and asked Venkatasami to go with him and seize hold of the man. The Village Magistrate then advanced towards the place where the men were. Venkatasami followed him and as they were going they met Chinna Nagi Reddi and Anjanayya (7th prosecution witness) a brother of Venkatasami. These two men joined them and they went on in the direction of the well close to which the *Komati* was seated. As the Village Magistrate came up, the 5th prisoner asked him what he wanted, and the Village Magistrate on that went up to the *Komati* and took a pair of scales and some vegetable leaves out of a bag that the man had with him. He also attempted to pull out a bundle that was in the bag. The 5th prisoner abused him and turning to the 7th prisoner said "come on! bring sticks!" The 1st witness remarked to the Village Magistrate that it was evident that something was wrong and that they had better leave the place. On that the 5th and 7th prisoners together with the 1st, 2nd and 4th prisoners, who had been concealed among some cholum, ran off towards the village. The 1st witness then told his brother Anjanayya to run on to their father's house. He did so and the Reddi and Venkatasami walked together towards the village.

4. As soon as the 1st and 2nd witnesses had got to the *korra* field which is in front of Mahanandi's house they heard a disturbance. The 1st witness states that he saw the nine prisoners and one Latchmigadu, who has not been arrested, surrounding his father's house. They threw stones at it and also at the 1st witness and the Village Magistrate as they stood in the *korra* field. A ladder was placed against the northern wall of the house and the 1st, 2nd, 3rd, 4th, 5th and 6th prisoners by means of it got up on the roof of the house shouting and throwing stones. They

got down into the house by means of a ladder which is usually kept in the inner court yard. The witness then left the place and ran off to Gooty in order to get the assistance of the Police. By the time that he got to the Munro choultry, which is close to Gooty, he met the Head Constable, four Constables and the Taliari Sanjeevadu. He told the Head Constable what had happened and went back with him and the Constables to his village, Latchanapalle. As they were on their way, the Police Inspector (4th witness), who was riding, overtook them and very shortly afterwards the Stationary Sub-Magistrate (5th witness) who was also on horseback, joined them. They all went together to Latchanapalle.

5. The Police Inspector (4th witness)states that at about noon on the 29th October Sanjeevadu came to him in his house in Gooty and informed him that the Village Magistrate of Latchanapalle suspected that a theft had been committed and that the stolen property was being divided in his village. The Inspector sent the man to the Police Station and told him to take the Station House Officer Peer Ahmed and four Constables with him and to go to Latchanapalle. At about one o'clock Rangaya (8th prosecution witness), the eldest son of Mahanandi, came to the Inspector and informed him that Peddugadu's sons, his brother and his brother's sons had surrounded his father's house and were attempting to murder his father. The Inspector on that wrote a report (Exhibit B) to the Deputy Magistrate asking him to come with him to Latchanapalle and went in person to the Stationary Sub-Magistrate (5th prosecution witness), to make a similar request. He then started for Latchanapalle and having on his way met the Stationary Sub-Magistrate, they went together to the house of Mahanandi.

6. The Stationary Sub-Magistrate gives the following evidence as to what was discovered in the village. He says that the Deputy Magistrate sent him Exhibit B and that he received it at 2-45 P. M. as is shown by an endorsement that he made at the time on the back of the letter. It was, he says, about 3 or 3-15 P. M. when he got to the village. The first thing that he did was to examine Mahanandi's house. He found a pool of blood in the yard at a distance of a few feet from the entrance gate and he observed that the blood had been smeared over with cowdung and water. He also saw some marks of blood on the inner part of the front wall of the court yard which faces the east and also on the door. He found marks of blood leading from the place where the pool of blood that has already been mentioned was discovered up to the house of Peddugadu which is to the north-west of Mahanandi's house. He then went to Peddugadu's house and found stones lying in front of the house. The door was shut and appeared to have been bolted on the inside. He called on the people inside to open the door. They refused to do so until the Collector or the Tahsildar came to the place. The witness then told them that he was the Sub-Magistrate and they, after a delay of some 20 minutes, opened the door. The 1st prisoner came out of the house with an axe which was covered with what appeared to be fresh blood, in his hand. The Magistrate ordered that every one who was inside should come out. The 2nd, 3rd and 4th prisoners with some women and children then came out of the house. The Sub-Magistrate and the Police Inspector entered the house and found the body of Mahanandi lying at a distance of three or four yards from the entrance door. The head had been almost completely severed from the body on which

a number of other wounds were discovered. There were marks of bood on the outside threshold of the door and there was also blood on the ground close to the head of the deceased. A gun had been placed on the right side of the body and two spears on the left. The thumb of the right hand of the corpse was missing. As the 1st prisoner came out of the house he said "Mahanandi came upon my house firing a musket against me. As he was getting into the house, he fired twice. I standing on a pial to the side cut him." The Police Inspector on examining the gun ascertained that it had not been recently fired. The Sub-Magistrate then proceeded to hold an inquest on the body.

7. The Assistant Surgeon in charge of the Gooty Hospital states that the body of Mahanandi was brought to him at about 9 o'clock on the night of the 28th October. He held a *post mortem* examination at 9-45 on the following morning. He found that the man had received a wound on the back of the neck extending from ear to ear almost separating the head from the body, a second wound on the right shoulder blade four inches long one and a half inches broad, a third wound below the last mentioned wound about five inches long and two and a half inches broad, a fourth wound on the back and lower part of the head about two inches long and one inch broad extending down to the bone, a fifth wound about an inch long and half an inch broad to the left of the last mentioned wound and reaching down to the bone, a sixth wound on the right side of the forehead about two inches long and half an inch broad extending down to the bone, a seventh wound over the right eye brow about an inch long and quarter of an inch broad reaching down to the bone and an eighth wound on the left side of the head about two inches long half an inch broad and cutting down to the bone. The first joint of the right thumb was missing and the first and second joints of the index finger on the right hand had been almost severed from the body. There was also a wound on the palm of the left hand and another wound on the back of the ring finger of the left hand. He was of opinion that all these wounds had been caused by sharp cutting instruments.

8. The following is an abstract of the evidence which has been given in addition to that of the 1st prosecution witness with regard to the attack alleged to have been made on Mahanandi's house by the prisoners. The 2nd witness, the Village Magistrate, after giving an account of what took place in his *korra* field, in corroboration of that given by the 1st prosecution witness, states that he and Venkatasami walked together from the field towards the village. When they had come to the *korra* field, which is in front of Mahanandi's house, they saw all the prisoners and Latchmigadu surrounding the house. They threw stones at the house and also at the witness and Venkatasami. A ladder was placed against the northern wall of the house and by means of it the 1st, 2nd, 3rd, 4th, 5th and 6th prisoners got on the roof. They had axes and bill hooks in their hands. The 7th, 8th and 9th prisoners remained on the ground close to the house and continued pelting stones. The men who got up on the roof descended into the court yard in the centre of the house by means of a ladder. The 1st witness then asked the Village Magistrate what he should do. He told him to go to the Police Station and give information. The witness then went home and cannot state what happened afterwards.

9. The 6th witness, the concubine of Mahanandi, states that on the 28th October she left her house in order to carry her grandson to her daughter who was then playing near Peddamma's temple which is to the south-west of her house. When she came back she saw the nine prisoners and Latchmigadu standing outside her house shouting and also throwing stones at her son who was in a field opposite the house. They had axes and bill hooks in their hands. The witness cried out and asked the 1st prisoner why the men were throwing stones. He, on that, rushed at her with a bill hook. She took refuge in the house of one Narayana which is to the south-west of her house (Vide plan Exhibit D). She then saw the 1st, 2nd, 3rd, 4th, 5th and 6th prisoners get up on the roof of her house by means of a ladder. She heard Mahanandi scream out from inside the house. She also heard the men, who had by that time got down into the court yard in the centre of the house, cry out "Beat! Stab! Cut!". Shortly afterwards the door of the house was opened and the prisoners Nos. 1 to 6 came out of it half dragging and half carrying her husband's body. Immediately after they had come out of the house, her son Anjanayya also rushed out and ran away. Shortly afterwards, the 2nd prisoner entered her house with a large pot out of which he commenced to pour water on the blood marks in the house and leading from it to Peddugadu's house and to attempt to obliterate them by rubbing them with his feet. He afterwards went back again into the house and brought out from it a gun and two spears.

10. Anjanayya (7th witness) is a son of Mahanandi. He states that he joined his brother (1st witness) and the Village Magistrate as they were in a field belonging to the latter and that he was a witness of the dispute that took place between the 5th and 7th prisoners and the Village Magistrate in consequence of the latter's attempt to search the *Komati's* bundle. When the 5th prisoner called on the 7th prisoner to bring sticks, his brother (1st witness) told him that something was wrong and that he should run home. He accordingly did so and told his father, who was then the only person in the house, what had happened. Shortly afterwards, he heard a disturbance in front of the house. His father on that closed the outer door and bolted it and taking a spear stood in the yard in the centre of the house. The 1st, 2nd, 3rd, 4th, 5th and 6th prisoners shortly afterwards got down into this court yard by means of a ladder and surrounded his father. The witness on that took refuge in a small room which is close to the outer door. From inside this room he heard the sounds of blows being struck and also heard the men cry out "stab! cut!" but he could see what was going on. After a little time the men opened the outer door of the house and dragged out his father's body. He then rushed out of the room in which he had taken refuge and seeing the blood on the floor of the court yard became afraid and ran off to a field close to the village whence he did not return till after the arrival of the Sub-Magistrate and the Police Inspector.

11. The 8th witness Rangaya is another son of the deceased Mahanandi. He states that as he was working in a field belonging to his father he heard a disturbance in front of their house. He ran at once to see what had happened and stood in the *korra* field to the east of the house. He saw the nine prisoners and Latchmigadu in front of the house throwing stones. They had axes and bill hooks in their hands.

Prisoners Nos. 1 to 6 got up on the roof of the house, and the witness then being afraid that his father would be killed, ran off to Gooty and informed the Police Inspector of what had happened.

12. The 9th witness states that on the day on which Mahanandi was killed as he was working in a field he heard a disturbance in front of Mahanandi's house. He went to see what had happened and remarked the nine prisoners and Latchmigadu in front of the house throwing stones. The prisoners Nos. 1 to 6 placed a ladder against the wall of the house and got on the roof. They got inside the house, and immediately after that the witness heard Mahanandi cry out. A short time afterwards, the outer door of the house was opened, and the prisoners Nos. 1 to 6 carried out the body of Mahanandi. They dragged it as far as the house of Peddugadu which, according to the evidence of the Police Inspector, is about twenty-four yards distant from Mahanandi's house. Shortly afterwards, the 2nd prisoner came with a pot of water and began to pour water on the several blood stains which were to be found between Mahanandi's house and Peddugadu's and attempt to obliterate them by rubbing the ground with his feet. The witness then left the piace and cannot say what happened afterwards.

13. The 10th witness deposes that, as he was working in his paddy field, he heard a disturbance and ran towards Mahanandi's house to see what had happened. He saw the nine prisoners and Latchmigadu in front of the house throwing stones. The six prisoners (Nos. 1 to 6) got up on the roof armed with axes and bill hooks and got down into the inner court-yard of the house. Shortly afterwards, the outer door of the house was opened and the body of Mahanandi was carried from his house to that of Peddugadu. This witness states that he also saw the 2nd prisoner attempting to obliterate the blood stains with water. The 11th witness states that as he was returning to his village carrying a bundle of grass he saw the prisoners Nos. 1 to 6 come out of Mahanandi's house carrying his body which was taken by them to Peddugadu's house.

14. The prisoners have all pleaded not guilty. The 1st prisoner states that on the afternoon of the 28th October he found a buffalo and two calves grazing in his field. He drove them along intending to take them to the pound. As he was close to the village *chavadi*, the 2nd witness (Village Magistrate) who was there abused him and told him that he would get him killed in the same way as his brother had been killed. On that the prisoner also began to use abusive language and then went on towards the outside of the village. The sister and father of the Village Magistrate took away the buffalo that he was trying to take to the pound and drove it towards their house. The prisoner then went back into the village. As he passed the *chavadi* the Village Magistrate, Mahanandi and his son Venkatasami were seated there. Mahanandi had a gun in his hand, while the Village Magistrate and Venkatasami were armed with spears. The prisoner walked on and as he did so the 1st and 2nd prosecution witnesses jumped up and pursued him. He ran to the house of his deceased brother Peddugadu, took up a stone and threatened to throw it at the men who were chasing him. Mahanandi fired a gun in his direction. The prisoner then went into Peddugadu's house. The 1st and 2nd prosecution witnesses and Mahanandi advanced towards the house. The prisoner

half closed the door, but they ran their spears into the wood work and pushed it open. The prisoner got up on a pial inside the house and as he did so, Mahanandi pushed open the door and entered the building. The prisoner on that hit him on the back of the neck with an axe that he was holding in his hand. The 1st and 2nd prosecution witnesses entered the house holding spears in their hands. The prisoner threatened to kill them, and they ran off leaving the spears behind. All the other prisoners state that they were not present when Mahanandi was killed and that they have no knowledge as to how he met his death.

15. Six witnesses have been examined for the defence. The 1st witness is the *Komati* whom the Village Magistrate alleges that he suspected of having been concerned in some transaction relating to stolen property. He states that he was, in consequence of the Village Magistrate's complaint, tried for an offence under Section 411 of the Penal Code, but was acquitted. His evidence is of no great importance. The 2nd witness is the wife of the 1st prisoner. She deposes that on the morning of the day on which Mahanandi was killed, as she and her husband were in their garden, a buffalo belonging to the 2nd prosecution witness entered the garden and commenced to eat the crops. On that there was a dispute between her husband and the 2nd prosecution witness as her husband wanted to take the animal to the pound. The 3rd witness is the widow of Peddugadu, the brother of the 1st prisoner. She states that, on the day on which Mahanandi was killed, she and the 4th prisoner were alone in the house. At about 10 or 11 A M. as she was serving food to the 4th prisoner, she heard a report of a gun. She came out to the *padisala* of the house and then saw the 1st prisoner standing on a pial with an axe in his hand. Mahanandi attempted to enter the house, and as he did so, the 1st prisoner hit him with an axe on the back of the neck and felled him to the ground. The 1st and 2nd prosecution witnesses, who were then standing at the threshold of the house, threw down the two spears that they had in their hands and ran off.

16. The 4th defence witness states that he cultivates in his village, Yengilibanda, certain lands which belong to Peddugadu's family. On the 28th October, he went to Peddugadu's house in order to tell the inmates that the crops were ready for cutting and that they should send some one to be present during the reaping. When he got to the house the 3rd defence witness told him that her sons had gone to work in their fields. He then went and sat down close to the door of the 6th prisoner's house which is to the east of Peddugadu's house. Latchmanna, the brother-in-law of the 6th prisoner (6th defence witness) and Sanjanna (5th defence witness) who cultivates Peddugadu's lands together with the 4th defence witness sat down with him. After they had remained sitting there for some time, they saw the 1st prisoner rushing towards Peddugadu's house pursued by Mahanandi with a gun in his hand. Behind Mahanandi, the 1st and 2nd prosecution witnesses were running holding spears. The 1st prisoner rushed into Peddugadu's house. Mahanandi stood at the door. The 1st prisoner closed the door, and on that the 1st and 2nd prosecution witnesses struck with their spears at the door and forced it open. Mahanandi entered the house, and as he did so fired off a gun that he had in his hand. The 1st and 2nd prosecution witnesses also crossed the threshold in order to enter the house. The 1st prisoner

then lifted up the axe that he had in his hand and struck Mahanandi on the back of the neck with it. Mahanandi fell to the ground. On that, the 1st and 2nd prosecution witnesses threw away the spears they were holding in their hands and ran off. The 5th and 6th defence witnesses corroborate the evidence given by this man.

17. The Assessors are of opinion that the 1st prisoner should be convicted of the murder of Mahanandi, but that the evidence is not such as to justify the conviction of any other of the prisoners. I agree with them in the view that they take of the evidence in this case. It is impossible to attach the slightest credit to the story told by the 1st prisoner as to the manner in which Mahanandi was killed. The evidence shows clearly that Mahanandi was attacked and killed while in his own house and that his body was carried from it to Peddugadu's house. An absolutely incredible story has now been put forward for the purpose of showing that Mahanandi and the 1st prisoner in Peddugadu's house and attempted to murder him. A large pool of the 1st and 2nd prosecution witnesses were the aggressors and that they attacked blood was found in Mahanandi's house at the place where, according to the prosecution evidence, he was killed and marks of blood were found leading from this spot up to that where his body was afterwards found by the Sub-Magistrate and the Police Inspector in Peddugadu's house. The defence theory fails to account for this pool of blood in the house or for the stains on the path. A very clumsy attempt was made to obliterate the traces of blood leading from Mahanandi's to Peddugadu's house by smearing them over with water and cowdung. This effort, however, failed completely, and when the Sub-Magistrate examined the place, the marks of blood were clearly visible all along the path over which the body is said to have been carried. For the defence, it has been attempted to make out that Mahanandi fired off one or two shots with his gun when he was attacking Peddugadu's house, but the evidence of the Police Inspector shows that on examining the weapon he found that it had not been recently discharged. The 1st prisoner acknowledges that he struck Mahanandi a violent blow on the back of his head with an axe and this blow, there can be no doubt, killed the man. He attempts to make out that he was acting in self-defence at the time alleging that Mahanandi had followed him to his brother's house in order to murder him. This defence has, however, as I have already pointed out, completely broken down, and I can have, therefore, no possible hesitation in accepting the evidence for the prosecution to the effect that the 1st prisoner struck Mahanandi with an axe in his own house and killed him there. He must be convicted of murder, and as it appears that this crime was committed by him in a most brutal manner and not in consequence of any provocation that could be called sudden, I have no option but to sentence him to death subject to the confirmation of the High Court.

18. There can be no reasonable doubt that the 1st prisoner did not commit this crime alone, but that he was assisted by others. The medical evidence is sufficient to prove this, for it shows that the deceased received a number of blows all over the body and the theory, which has been put forward here on behalf of the defence that the 1st prisoner having killed the man by a blow on the neck with his axe proceeded to chop and cut at his body, is one that I am not prepared to accept. All the prisoners Nos. 2 to 9 are close relations of the 1st prisoner, and they

are therefore the persons who are most likely to have assisted him in his attack on Mahanandi's house and in the murder of the owner. When, however, an attempt is made to weigh the evidence against each one of these prisoners, Nos. 2 to 9, and to decide whether it is such as to justify the conviction of all or any one of them on a charge of having joined with the 1st prisoner in the murder of Mahanandi, it will be found that that evidence is by no means of a satisfactory nature and is not such as to enable me to hold that any one of these men has been proved to have taken part in the attack on the house and in the murder. All the important witnesses for the prosecution who allege that they were eye-witnesses of the attack are relations of the deceased with the exception of the Village Magistrate (2nd prosecution witness) who, although not a relation, there can be no doubt, was a warm partisan on the side of Mahanandi. All these witnesses describe the attack in almost exactly the same words. They all say that the prisoners Nos. 1, 2, 3, 4, 5 and 6 got up on the roof and then descended into the house with bill hooks and axes and proceeded to murder Mahanandi. They also all state that prisoners Nos. 7, 8 and 9 remained below outside the house and continued to throw stones before the murder and during the time that it was committed. While, however, they are now unanimous in describing the part taken by each one of these prisoners, when they were first examined at the inquest their statements were widely divergent.

19. For examble, Venkatasami (1st witness) when examined at the inquest (Exhibit I) stated that the men who got up on the roof of the house were the 1st, 2nd, 4th, 6th, 7th, 8th and 9th prisoners. It will be remarked that here he does not mention the 3rd prisoner or the 5th prisoner as having got upon the roof, but that he states that the 7th, 8th and 9th prisoners did so, in flat contradiction to the deposition given by him before this Court. Papamma, the concubine of the deceased Mahanandi, like all the other prosecution witnesses, now says that the prisoners Nos. 1 to 6 were the men who got up on the roof and that the same men dragged the body of her husband from her house to that of Peddugadu. At the inquest, however, she stated (Exhibit IV) that the men who got on the roof of the house were the 1st, 2nd, 3rd and 4th prisoners and that all the nine prisoners now before the Court joined in dragging the body of her husband out of the house. Anjanayya, son of Mahanandi (7th prosecution witness(, now deposes that the men who went inside the house were prisoners Nos. 1 to 6. At the inquest, however, (Exhibit V) he stated that the 9th prisoner was also one of the men who entered the house. At the inquest, the Village Magistrate (2nd witness) said (Exhibit XII) that the men who entered the house were the 1st, 2nd, 3rd, 6th and 9th prisoners. It will be remarked that he then made no mention of the 4th and 5th prisoners who, he now states, were among those who entered the house and that he asserted that the 9th prisoner did so, while he now omits his name. Rangaya (8th witness) another son of Mahanandi now, like all the others, gives the names of prisoners 1 to 6 as having entered the house. At the inquest, however, (Exhibit VI) he stated that the men who got on the roof and thence into the house were the 1st, 2nd, 3rd, 4th, 5th and 9th prisoners. All this shows clearly that no very great weight can be attached to the statements of these witnesses as to the persons who took part in the attack on Mahanandi. As has been already pointed out, there can be no

question that the 1st prisoner was not alone when he committed murder and it is only reasonable to assume that he was assisted by his relatives and adherents and not by strangers. The evidence, however, given at the inquest almost immediately after Mahanandi's death when compared with that deposed to now, seems to me to render it most difficult to decide as to which of the prisoners really took part with the 1st prisoner in the commission of this crime.

20. There are also other certain matters connected with the evidence for the prosecution that satisfy me that the exact truth has not been told as to what took place in Latchanapalle village on the 28th October. The evidence as to the hour at which the Head Constable and the four Constables were sent, in the first instance, to Latchanapalle village by the Police Inspector and as to what they did on their arrival is most unsatisfactory. The Police Inspector (4th witness) states that Sanjeevadu told him at 12 noon that the Village Magistrate suspected that stolen property was being divided and wanted Constables to be sent to the village. He told Sanjeevadu to take the Head Constable Peer Ahmed and four other Constables at once and to go to Latchanapalle. If this order was obeyed, and there are no grounds for supposing that it was disobeyed, Peer Ahmed and the Constables must have arrived at the village at about 1 o'clock. Peer Ahmed, for some unexplained reason, has not been examined. None of the Constables who went with him to Latchanapalle have been put into the witness box, and there is therefore absolutely no evidence as to what they did in the village between 1 P. M. and the arrival of the Sub-Magitrate at $\frac{1}{4}$ past 3. This fact seems to me to be a suspicious one, and no attempt has been made to explain it. The 1st witness before this Court states that he met the Head Constable and the other Constables near the Munro choultry and turned back with them and that as they got to Latchanapalle the Police Inspector and the Sub-Magistrate overtook them and that they all entered the village together. It is impossible to believe this statement. If this witness turned back and went with the Head Constable, he must have reached the village long before the Inspector. It may be pointed out that Venkatasami's statement before this Court is not in accordance with what he stated on this point before the Sub-Magistrate on the 30th October (Exhibit A). What he then deposed to was that on his return to the village he went to his house with the Police (*i. e.*, Head Constable and Constables) remarked that there was blood on the floor and that the body of his father had been removed and that while he was telling the Police that his father must have been murdered and his body carried away, the Police Inspector and Sub-Magistrate arrived at the place. It is clear that evidence has purposely been kept back as to what the Head Constable found to be the actual condition of affairs when he arrived at the village and as to what he did in the two hours that intervened before the arrival of the Inspector and the Magistrate.

21. It does not appear to me that it would be safe to attach any importance to the evidence of the 9th and 10th prosecution witnesses, and if their depositions are excluded, the evidence to show that the prisoners Nos. 2 to 9 or any of them joined in the attack on Mahanandi's house rests solely on the statements given by the 1st, 2nd, 6th, 7th and 8th prosecution witnesses. Of these men, the 1st witness Venkatasami is a son of the deceased, the 2nd witness (Village Magistrate) is a partisan of his

family, the 6th witness is his concubine, while the 7th and 8th are his sons. The theory of the prosecution seems to be that certain of the prisoners were irritated at the conduct of the Village Magistrate and Venkatasami in attempting to search the person of a *Komati* who was in their company and that these men accordingly rushed off and having been joined by other members of their family proceeded at once to the house of Mahanandi, attaked it and murdered him. This does not appear to me to be a very probable story.

22. There has been, as already stated, for a long time bitter enmity between the families of Mahanandi and Peddugadu, and that enmity has led to the commission of at least three murders. Such being the case, it appears to me that the evidence of the sons and the concubine of the deceased Mahanandi to the effect that these prisoners Nos. 2 to 9, all of whom are close relatives of Peddugadu joined in the murder of Mahanandi, must be regarded with considerable suspicion. The Assessors, both of whom are men competent to weigh evidence, after a careful consideration of all the facts of the case, came to the conclusion that it was impossible for them to say definitely that any one of the prisoners 2 to 9 joined in Mahanandi's murder and having myself reserved judgment for some days and, having carefully gone through the evidence, I am not able to arrive at any conclusion except that, while I am certain that some of the relatives of the 1st prisoner and Peddugadu joined with the 1st prisoner in murdering Mahanandi, yet that I am not able, taking into consideration the many contradictions to be found between the statements given by the more important prosecution witnesses at the inquest and those deposed to by them now, to hold positively that any one of the prisoners Nos. 2 to 9 joined in the murder of Mahanandi. I have therefore no option but to acquit the prisoners Nos. 2 to 9 and direct that they be set at liberty.

I have the honor to be,

Sir,

Your most obedient servant,

(Signed) LEWIS MOORE,

Sessions Judge.

Copy applied for 8th January
Copy ready 30th do.
Copy sent. 31st do. } 1895.

"True Copy"

A Balajising
Sheristadar

To,

The Superintendent of Jail,
Bellary

PRINTED BY GRAVES, COOKSON AND CO., SCOTTISH PRESS, MADRAS.

1895
Appl
Jail No. 1
To 145

CURRENT No. 1215

OFFICE OF SUPERINTENDENT OF JAIL,

No. 938 *Bellary, 19th March 1895.*

FROM *Surgeon major J. W. Evans*
Ag ~~THE~~ SUPERINTENDENT OF JAIL,
BELLARY.

To

THE CHIEF SECRETARY TO GOVERNMENT,
FORT SAINT GEORGE.

SIR,

I have the honor to forward the enclosed petition from Prisoner No. 7095 *Hammagadu* in C. C. No. 81/94 on the file of Sessions Court, Bellary, whose sentence has been confirmed by the High Court.

2. The Nominal Roll as required by para ~~704~~ 701 of the Jail Code, is herewith forwarded.

3. The Prisoner will not be executed until a definite reply is received to the enclosed Memorial from Government.

Enclosures
1 Vern: Petition
1 Translation
1 Nom: Roll
1 H.C. Judgt
1 Sentence & Court's Judgt

I have the honor to be,

Sir,

Your most obedient servant,

J W Evans
Surgeon
Ag Superintendent of Jail.

S.S.

1895 1410

Petition for Mercy

From

The Superintendent,
District Jail,
Bellary.

To

The Chief Secretary
to Government,
Fort Saint George.

Dated 190
Despd 19 } March 1895
Receivd 21
Repd 22

No. 938

Enclosures 5

CHIEF SECRETARY'S
21 MAR 1895
GOVERNMENT OF MADRAS

Subject:-

Submits a petition from prisoner No 7095 Hanumagan Calender case no 81/94 the file of the Sessions court Bellary with the usual Nominal Roll.

100—22.2.94.

189 .

BELLARY DISTRICT JAIL.

From

THE SUPERINTENDENT
OF JAIL,
BELLARY.

To

THE CHIEF SECRETARY
TO GOVERNMENT,
FORT ST. GEORGE.

Dated

Received

No.

Enclosure

Submits a Petition from Prisoner No.
in C. C. No.
on the file of Sessions Court, Bellary, with the usual Nominal Roll.

[G. 25]
200—8-2-95.

C. No. 1410 /94

Judicial Department.

Hunter

ORDERS.

Petition for Mercy from prisoner No 7095 Hanumagan under Sentence of death in CC 81 of 94 on the file of the Sessions Court Bellary:-

The Sentence has been confirmed by the H.C.

The Supdt of the Dist Jail Certifies that the execution will not take place until a definite reply is received to the memorial:-

D
22. 3. 95

Ex
22.3.95

22/3/95

JS
2

I do not know why the H.C. modified the sentence of death passed on the hdr. 9 years ago — but [illegible]

The story the petr has told is substantially the same as that he told the Sessns. Ct. Its falsity is proved by the fact that the Police Supt, who with the Stat. Sub Magte visited the spot within an hour or two, found that Mahanandi had not been killed. Moreover there is abundant evidence, which could not have been controverted in the very brief period which elapsed between the Sub Magte & the Supts visit, that Mahanandi was killed in his own house as stated. The petn should be rejected.

BH
22/3/95

STATE[illegible] is clearly proved that the murder was committed in Mahanandi's house, the body was taken to Nagandi's house & that when he had not been discharged, the defence must be false and must take its course

JS
2

I have little doubt

1895. 1410

FOR ORDERS.

When given for copying ——
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} 189 .

[J. 16.]
1,000—5-2-94.

Judicial Department.

CHIEF SECRETARIAT MADRAS.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

READ the following letter, dated 19th March: 1895, from the Superintendent of the District Jail at Bellary, forwarding petition from Convict No. 7095: Hanumagadu under sentence of death in Bellary Session Case No. 81 of 1894, 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, 25 March 1895, No. 614

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. 7095: Hanumagadu.

2. The law will take its course.

(True Extract.)

(Illegible)
25/3/95

Chief Secretary.

1896. 1410

Pers for Burma

When given for copying ____
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When signed ____ } 189 .

AD AGAIN G.O., No. DATED
189 ,

IRENT 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.
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