

Judicial (1895.) Department.

ORDINARY MS.

G.O., No. 626.

DATED 26th Mar 1895.

INDEXED.

[Despatch Abstract.]

PETITION FOR MERCY.

met.

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

No. 73, New No. 24-563,834-25

Paper taken out of the Records 1

dated

Press
Miscellaneous No.
Routine

FOR WHAT PURPOSE.

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	1575		1895				

N^o 167

From

To

145 Cuddapah District Jail Office
22^d March 1895

Surgeon Captain F. C. Pereira
By Superintendent, District Jail
Cuddapah

The Chief Secretary to Government
Fort Saint George
Madras

Is

I have the honor to forward the enclosed
petition for mercy from convict No 8489. Wadda
Sannabari Poddappodu alias Venkateswari
under sentence of death in this jail.

2. The prisoner was sentenced to death in Calcutta
case No 9 of 1895 on the file of the Sessions Judge, Cuddapah
which sentence has been confirmed on appeal by the
High Court of Judicature at Madras.

3. The Copy of judgment of the Sessions Court,
the judgment of the High Court confirming the sentence
and the nominal roll of the convict are herewith
attached.

4. I hereby certify that the sentence will not be exe-
cuted until a definite reply is received from Government.

I have the honor to be

Yours most Obedt. Servant
F. C. Pereira

By Superintendent of Jail

List of Enclosures accompanied letter
No. 167 dated 22 March 1895.

1. - Petition from convict sentenced to death.
2. - English Translation of the above petition
3. - Copy of judgment of the Sessions Court
4. - High Court judgment confirming the sentence
5. - Nominal roll of the convict.

...యలు వాడ నాకై ప్రాణాదుకాను
 యు నానుకూలమై నుగిసె. కి నాకై యుగ్మద్రాక్షిణి
 యుకాదు. కాని ద్రాక్షిణి నుం యుకల. వాల నాకై
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[illegible][illegible]

Enclosure No 1 of letter No 16

మనస్సుగలవఁగాను నర నర నర

నర నర నర నర నర నర నర

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Enclosure No 1 of letter No 167 dated 22 March 1896

J. Cheneira
by Superintendent of Sale
Cud Duple

h31.

His Excellency the Governor in Council
Fort Saint George
Madras

The humble petition of Louis N. 8489
 Woods Samakuri Seddappadu alias Vundati
 : gadu
 Humbly sheweth:-

That your petitioner was sentenced to death by the Sessions Judge, Cuddalore in case No 9 of 1895 and on appealing to the High Court of Judicature at Madras, the sentence was confirmed.

2. That there was no enmity existing between your petitioners and the deceased Bathulu Venkateswara. Two years ago a quarrel took place between the deceased and Chappatholla Surawada by beating each other with shoes, this was the cause of enmity between them.

3. There was an illfeeling between your petitioner and Kamba Krishna Rao who gave evidence against your petitioner for the last 10 years regarding lands. One Lingala Nagireddi who also gave evidence against your petitioner was keeping your petitioner's wife for about 2 years your petitioner seeing them both together speaking abused them two or three times. By the influence of Lingala Nagireddi your petitioner's wife ran away to her mother's house, this was the cause of bad feeling between your petitioner and Lingala Nagireddi. The above said Kamba Krishna Rao and Lingala Nagireddi conjointly caused this offence through Vupputholla Guruswami who

Enclosures No 2 of letter No 167 dated 22^d March 1895

Sentence :—Death.

Calendar Case No. 9 of 1895.		Serial No.
Wodde Samakari Peddappodu <i>alias</i> Venkatigadu.		Name.
Nalla Ramudu.		Father's Name.
Woddar.		Caste.
28 years.		Age.
Cooli.		Occupation.
Singamvandlapalli, Vayalpad Taluk.		Residence.
20—12—1894.		Offence.
20—12—1894.		Complaint.
22—12—1894.		Apprehension.
5—2—1895.		Commencing trial.
6—2—1895.		Closing trial.
		Explanation of delay.

Prosecution Witnesses:—

1. Battula Ellappa.
2. Battula Elli.
3. Battula Ellugadu.
4. Samikari Elli.
5. Kemba Kristna Rau.
6. Lingala Nagi Reddi.
7. Samikari Timmi
8. Imam Sahib, Police Constable No. 998 G.

Defence Witnesses:—None.

Exhibits filed for Prosecution:—

- A. Panchayetnama held on 22nd December 1894.
- B. Medical Evidence before Lower Court.
- C. Statement of the accused before the Committing Magistrate.

Exhibits filed for Defence:—

- I. Kadirirayalcheruvu Village Magistrate's Report to the Taluk Magistrate of Vayalpad 48/20-12-94.
- II. Nadimicherla Village Magistrate's Report No. 6/25-12-94 to the Taluk Magistrate of Vayalpad.

JUDGMENT.

The murdered man in this case was done to death by two fearful cuts by a sickle on the top of the head. The Civil Apothecary has stated that the skull between has nearly been cut out. These blows were the cause of death, the body being in a very healthy condition.

2. The two chief witnesses against the accused, Samakari Peddappodu, are a small boy and girl Ellugadu and Elli. As spontaneously remarked by the 1st Assessor they had no appearance of having been tutored. The learned Vakeel defending the accused had laid much stress on this fact and it was the sum and substance of the defence. There are contradictions in their evidence. But there was an intelligent and eager attempt to state what they knew. They had gone to the field Rallakuntamadi, where Battula Venkatigadu was working, with his food, a mile from Kadirayacheruvu where they lived.

3. B. Yellappa says that the deceased was his brother and they cultivated the field Rallakuntamadi on koru. He was called to the field and found his brother dead. The 2nd witness is Elli daughter of Battula Venkatigadu. She went with Ellugadu with her father's food to Rallakuntamadi field at about 10 A. M. She was washing her hands and her brother (son of senior paternal uncle) was holding the plough. Peddapodu came behind and killed him with a bill-hook. He hit him across the top of the head. Being afraid she and Ellugadu ran away one way and accused another. She told her aunt Elli and the villagers, and they ran to the spot. She did not see the accused coming nor whence he came. He was 3 or 4 yards off when she saw him and Ellugadu 5 or 6. He came up slowly. She did not see him strike. After her father fell they ran home. He came slowly and walked off slowly whilst they ran away. They could not be seen by Peddapodu. He could see them but they could not see in that direction. He had a sickle in his hand when he went away. There are undoubtedly contradictions in the abstract given above, but they are not those of a tutored witness. The girl is only 9 and was naturally terrified. I believe she has tried to state accurately what she saw. The carrying away of the sickle is confirmed by subsequent evidence. Any how she raised the village and the corpse was at once found and she gave her statement along with Ellugadu the same day to the Village Magistrate and Police.

4. The 3rd witness is the boy Ellugadu who went with Yelli to the field. He said that the deceased was eating his food facing east. Accused came behind and they did not see him. They saw him when Venkatigadu cried out. They saw blood when Peddapodu raised the sickle. Venkatigadu fell and died. Fearing that accused would kill them, they ran and told the villagers and their aunt Elli. The accused had not threatened them though he saw them. He saw accused give two cuts. This is affirmed by the Medical Evidence. The 4th witness Elli, the mother of the accused denied that the children reported Venkatigadu's death. It may have been an error of the children. Her evidence otherwise is only important as identifying the bill-hook before the Court as her sons. The 5th witness Kembha Kristna Rao is the Village Magistrate of Kadarayacheruvu. He deposed to having searched for Peddapodu directly after the murder on 20th December 1894. He was not found until 22nd December in some Kanuga trees west of Manganagari-palli, a hamlet of Sarimadugu two miles from his village and from information that Peddapodu gave they took him to Mallallabanda Kondah where he showed his bill-hook which then had blood and hair on it. The evidence of the 6th witness Nagi Reddi Village Magistrate of Nadimicherla is identical. It was urged that this witness contradicted himself as he had reported that accused was arrested in a house. But it was explained that this was only where the accused had had food and accused (whether he had heard the Police were coming or not is not proved) had got out a short distance to hide. The last witness is Police Constable Imam Sahib and his evidence is only formal and proves that the post-mortem was held on Venkatigadu's body.

5. The series of facts proved conclusively connect the accused with the murder. There is the evidence of the eye-witnesses, and the immediate search for and absconding of the accused, his arrest and the finding of the blood-stained-bill-hook on his information. Practically to this he puts no defence but that the Police threatened to torture him. He stated to this Court "I was eating food in Errana's house. After eating food I came to the Village Chavidi at Kadarayacheruvu. I was going North. The Police, the Serjeant and the Reddi's came from the South and arrested me and took me to the Reddi's house at Kadarayacheruvu. The Police man Balayya and the Serjeant asked me if I had struck Venkatigadu. I said I did not. They kept the sickle and a cloth there and Balayya had a slipper. I said I had not seen (I know nothing)". It is not likely that two independent Village Magistrates one a Brahmin and the other a Reddi would combine. The sickle has been shown to be accused's by his wife and the witness Elli his mother. The girl also saw him leave the scene of offence with a sickle.

6. The evidence as to motive is confusing. The 1st witness Yellappa is elder brother of the deceased and accused is his elder Sister's son. And he gives the following explanation. Deceased carried on an intrigue with Gangi and made accused angry. Accused's wife went to her mother's house as he ill-treated her. Venkatigadu advised her to go, but to her brother's house. It is confessed that the intrigue on the part of the deceased had been settled on the evidence of the witness himself. And the witness adds that it was before the Panchayat settled the matter that he saw accused and deceased quarrel. Then Yellugadu stated that accused had food the morning of the offence in their house and his mother served the food. The accused frequently visited them. The wife of the accused, Timmi, the 7th witness, stated that deceased aided her and her husband in their quarrels. Her husband had turned her out. He remonstrated on her behalf with the accused. Unless there is something kept back it can only be surmised that Peddapodu is of a very vengeful spirit and was angry with any one who interfered with him after he had turned his wife out.

7. The Court agreeing with the Assessors finds that Samakari Peddapodu *alias* Venkatigadu is guilty of murder, punishable under Section 302 Indian Penal Code. Further the Court can see no grounds for passing any than the highest penalty allowed by law. The accused attacked Venkatigadu in a secret, cowardly manner. The nature of the wounds shows that he intended to cause death. The sentence of the Court is that Samakari Peddapodu *alias* Venkatigadu be hanged by the neck until he be dead.

8. The accused was informed that if he wished to appeal to the High Court he should do so within seven days. He notified that he would appeal.

W. G. UNDERWOOD,
Sessions Judge.

(True Copy).

(By Order of the Court)
Sheristadar

18-3-95
19-3-95
Sd/- V. Narayana

Copy for the Prisoner

IN THE HIGH COURT OF JUDICATURE AT MADRAS.

Wednesday, the thirteenth day of March,

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. 121 of 1895.

Modde Samakani Reddappa du alias
Veekatiyadu } Prisoner.

Trial referred by the Court of Session of the Buddapah — Division
for confirmation of the sentence of death passed upon the said Prisoner in Case
No. 9 of the Calendar for 1895.

CRIMINAL APPEAL No. 90 of 1895.

Appeal by the Prisoner against the said Sentence.

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

Judgment:— We see no reason to distrust
the evidence of the two children (2 and 3
prosecution witnesses). It is true that
their aunt (4 witness) denies that they

gave her information that prisoner com-
mitted the murder, but she is the pri-
soner's mother and naturally interested
on his behalf. The evidence of the village
Magistrate Naji Reddi shows that prisoner
himself pointed out the bill-hook with
which he had committed the crime. It
was concealed under a boulder and had
blood and hair upon it.

We see no contradiction between the
evidence and the report as to prisoner's
arrest. It appears that he had taken
food

food in the house of one Yerrana, and
that when the police traced him there he
was found hiding among some trees at
short distance from the house.

The murder was deliberately planned
and apparently revengeful, and we can
see no extenuating circumstances. We
must confirm the conviction and sentence
of death and dismiss the appeal.
By the Court

By
M
14/10

R. F. J. J.
Sy. Registrar
App. Side.

Journal of Court No 8489 Wadd Samakane Cuddapah alias Wuktagadi

Prison	Arrested	Date of Arrest	Prison	Prison	Prison	Prison	Prison	Prison	Prison
Arrested	Arrested	Arrested	Arrested	Arrested	Arrested	Arrested	Arrested	Arrested	Arrested
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Arrested	Arrested	Arrested	Arrested	Arrested	Arrested	Arrested	Arrested	Arrested	Arrested
Arrested	Arrested	Arrested	Arrested	Arrested	Arrested	Arrested	Arrested	Arrested	Arrested
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Cuddapah District Office
22nd March 1895

88

W. Pereira
Magistrate of District
Cuddapah

1454

26/7/95

petition for mercy
from No. 1454

The Superintendent
District Jail
Cuddapah

J
S

The Chief Secretary to
Government
Fort Saint George

No. 167.

Dated 22? }
Received } March 1895

CHIEF SECRETARY
GOVERNMENT OF MADRAS
MAR 1895
Enclosures. H

Subject.

Forwarding petition for mercy
from a convict under sentence
of death.

[G
25
500-20-0-94.

C. No.

1454 of 95

Judicial
DEPARTMENT.

FOR ORDERS.

The pet. now makes out that
the deceased was murdered
by another man with whom he was on
bad terms, & that the crime has been
fastened on him by two of the W's (the
V.W.s) who with whom he himself had
cause of quarrel. These two W's
are the V.W.s who deposed to his
picking up the hatchet, blood stained
with hair adhering to it. That I
~~do not see how we can get over~~
shall as to ~~the~~ story & I do
not see how we can get over
the evidence of the two children
who saw the murder committed.
The petition should be dismissed
& the pet. left to his fate.

RS
23/3/95

The case seems to me clearly
proved & the law must take its
course

JS 23/3

I agree.

It is most improbable that any person
would try & get a conviction fastened on
to an innocent man, through two
small children.

W
23 Mar

Appeal for mercy from Convict No
1454 of 95 ^{Peddapadu} under sentence of
death in CC No 9 of 95 on the file of the S.P.
Cuddapah, which sentence has been confirmed
by the H.C.

The Supdt of the Jail certifies
that the execution will not take place
until definite reply is received from
Govt:-

JS 23/3/95

JS
23/3/95

26/3/95

VK
 Copy for [unclear]
 Hunt & Co
 (for order)

sent to [unclear]
 at 5 pm
 9/5

[Stamp]
 1,000-5-2-1

Judicial Department.



CN^o 1454 of 95

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following letter, dated 22nd March 1895, from the Superintendent of the District Jail at Cuddalore, forwarding petition from Convict No 8289: Wodde Samakani Poddappan under sentence of death in Cuddalore Session Case No. 9 of 1895, confirmed by the High Court of Judicature. alias Venkatasami

Read also letter, dated [unclear] from the Registrar of the High Court, Appellate Side, forwarding the record of the case.

ORDER THEREON, 26 March 1895, No. 626

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 8289: Wodde Samakani Poddappan alias Venkatasami

2. The law will take its course.

(True Extract)

(from order)
 8
 28 3 55

Chief Secretary

(True copy by [unclear])

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

26 MAR 95

23/3 1895
 25/3 1895

26/3/95

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

READ AGAIN G.O., No.
 189 ,

DATED

MENT No.

URES TO C. No

BER 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.

Hon'ble the

26/9/95