

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 739.

Dated 8th Apr 1895.

INDEXED.

[Despatch Abstract.]

PETITION FOR MERCY.

Declining to interfere with the sentence of death passed on convict No.3282 Varingam Kotigadu alias Kotappa in Godavari Sessions case No.5 of 1895, and directing that the law will take its course.

incl.

BACK PAPERS.

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

FURTHER PAPERS.

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

Enc. 1.

హింజుయన్సెన్స్ డిరెక్టరీ ఆఫ్ ఇండియా
ప్రచురించిన కవున్సెలు మద్రాసు వారి ది వన్స్
మల రు సరు.

రాజమహేంద్రవరం సెంట్రల్ జైలులో ఉరిశిక్ష విధింపబడి
వుండి నం. 3282 రు బయటి వరింగంకెగిలు గాడు తి సెకె
ఉప్పు తనను కరుకెంచ గలండులకు ప్రార్థిస్తున్నాను
న్న పి డి క్ష ను తిన్న పలులు.

నేనుకే వలము నిర్దేశించి. యింకం నేనెరము బరు గుటకు పూర్వ
ము ర మారము సంతకము నకు పూర్వము నాభార్య నన్ను విడిచి
వెళ్ళినది. నాంత్రాగారు దంప బడిన ప్రామము త్ర ముండును. తి
చప్పుడు కుండు శాఖలు త్రావే విడిచి వెళ్ళా నాను. నన్ను తిమల
పురంబు పాని వసు వారు పట్టుకొన్నారు. యింకం నే విషయము నన్ను
పాని వసు వారు పట్టుకొనే వరకు నాకు తెలియదు. దేని పాని వసు వారి వద్ద
నుండి సమయము లున్న ప్రాపి కుండు ను తరపు కెండు, మూడు నాకు
లు మామిళ్ళ, గురప్ప, తానెయ్యన్ త్రాప్త నె తొంగి వింపవేసె నని
యింకెరము ను చేసి, నేను నేరము బరిగించినానని నా మామగారితో
పిల్వడు చేసినారు. పాని వసు వారి ఆ బి మతము ద్రికారము నేను
నేరము చేసి నానని మే బిట్టె లతో వేప్పవరకు నన్ను పాని వసు వారు
కొట్టు నారు. పాని వసు వారు కొట్టు తి తి ను నేను బిట్టె వా గొల
ములు ని బిట్టె మద్రాసు త్రాగి న్న వారు నన్ను, నామే గాని దాతరి
బిట్టె గా పున బిట్టె తార వారు విధించిన పురి నెట్టె ను బా యు పరిచి
నారు. కొబట్టు నాకు నానాయము చేసి నన్ను జైలు నుండి విడుదల చే
యుటకు ప్రత్యే రువులు బిట్టె కు ప్రార్థి స్తు చేస్తాను.

రాజమహేంద్రవరం సెంట్రల్ జైలు } వరంగల్ జైలు
ది 30 మార్చి 1895 }

K. S. S.

Superintendent, Puttali Jail

Alankaravathi
Coch. Tailor 38th.

Petition for Mercy

From
 Varingam Kottigadu
 alias Kottappa.
 Condemned prisoner N° 3282
 Central Jail
 Rajahmundry.

To
 His Excellency the Right
 Honorable the Governor in
 Council, Madras.

Dated 30th March 1895.

Received

N° 341

Prays for mercy on the ground that
 he is innocent and that the confessions
 made by him before the Sub Magistrate
 were due to Police oppression and
 that the murder must have been
 committed by the 2nd & 3rd Prosecution
 witnesses who were at the time with
 the deceased.

Enc. 2

To

His Excellency the Right
 Honorable the Governor
 in Council, Madras.

The humble petition for mercy presented
 by Condemned prisoner N° 3282 Varingam
 Kottigadu alias Kottappa of the Central Jail
 Rajahmundry.

I beg to state that I am quite innocent. My
 wife left me about a year prior to the date on which
 the murder was committed. I left Artamur where
 my mother-in-law was murdered, two days previous to
 her death. I was arrested by the Police at Amalapur.
 I did not know about this murder until I was arrested
 by the Police. The 2nd and 3rd Prosecution witnesses
 Mamilla and Gurusamma who were at the time with
 the deceased must have committed the crime, in
 order to rob her of her things, and reported to my
 father-in-law that I had committed the crime. The
 Police beat me until I told the Magistrate,
 according to their wish, that I committed the crime.
 The High Court of Madras believed those confessions
 which were made by me, having been beaten by the Police,
 and confirmed the sentence of death passed upon me
 by the Sessions Judge, Godavari. Therefore I
 humbly pray that Justice may be done to me and
 my release from jail ordered.

Rajahmundry Central Jail } (Signed) Varingam Kottappa
 30th March 1895 }

Alukutla Anish
 Asst. Tailor 3rd flr.

Superintendent Central Jail

Petition for mercy

From Varingam Kotigadu
alias Kotappa
Condemned prisoner N^o 3282
Central Jail
Rajahmundry

To
His Excellency the Right
Honorable the Governor in
Council, Madras.

Dated 30th March 1895

Received

N^o 341

Prays for mercy on the ground
that he is innocent and that the
confessions made by him before the
Sub-Magistrate were due to the Police
oppression and that the murder must
have been committed by the 2nd & 3rd
Prosecution witnesses who were at
the time with the deceased.



In the Court of Session, Godavari at Rajahmundry.

CRIMINAL SESSIONS, FEBRUARY 1895.

SESSION CASE No. 5 OF 1895.

Present:—G. T. MACKENZIE, Esq., Ag. Sessions Judge.

Regina

Vs.

Varingam Kotigadu alias Kotappa.

The prisoner is defended by Mr. C. V. L. Narayana Rao.

Offence:—Murder under Section 302, I. P. C.

Opinion of Assessors:—1st Assessor.—Guilty.

2nd Assessor.—Not guilty.

1. Mr. Tanjavoori Subbarao Pantulu (Brahmin).

2. Mr. Satyavolu Lakshminpathi (Brahmin).

Finding of Judge:—Guilty.

Sentence:—To be hanged by the neck till he is dead, subject to confirmation by the High Court.

Judgment.

In this case the accused, who is a wandering beggar, has been charged with the murder of a woman named Mahalakshmi, the mother-in-law of the accused, who is also a wandering beggar.

2. The evidence shows that he had been married to the daughter of Mahalakshmi, but that she for a year past had left him and was living with her parents. There was some disagreement about this, and, on the morning of the 18th December 1894, the accused is said to have lodged a complaint with the Monegar of Attamur as the parents would not give back his wife.

3. Several of these beggars were put up in the *chatram* or rest-house which is about the distance of twenty yards from the village. There seems to be compartments provided by the pillars. The father-in-law of the accused went away to Ramachendrapur, taking his daughter on a begging expedition, but left the mother-in-law Mahalakshmi in the rest-house. She occupied one compartment, in another compartment was the accused with his little daughter, and the third compartment was occupied by a mother and son, who are also wandering beggars. Their evidence is that, on the night of the 18th December, they were awakened by the cries of Mahalakshmi, and by the light of the rising moon they saw the accused stabbing her. After stabbing her he tied up her legs, cut her ear, throat and hand and broke her arm with a stone and then went back to his compartment of the *chatram*. On the next morning he departed with a *kavadi* and his little daughter. Their story is they were afraid to approach the prisoner during the night, and that they hid themselves behind the pillars until dawn and then placed a mat over the corpse of Mahalakshmi and giving no information in that village they went off six miles to Ramachendrapur to tell the husband of the murdered woman.

4. The 1st witness, the husband, on hearing the news brought by Mamilla and Guramma, the 2nd and 3rd witnesses, on the morning of 19th December went at once to the rest-house and saw the corpse of his wife. He then went and gave information to the Monegar, the Munsiff not being in the village.

5. The Monegar is the 5th witness. He says that he received this oral information from the husband of the deceased woman at 1 o'clock. He says that he went and saw the corpse. After seeing the corpse he sent for the Curnam to write a report, and that he sent off his report which he got written at once to the Mandapet station, three miles from Attamur.

6. The Police received this information at half past five and arrived in the village at dusk and held a panchayet by torch light. The evidence of the three witnesses was taken. The body was sent to the hospital that night. A knife with a cloth handle and blood stains on it was picked up and was sent to the hospital. The accused was arrested on the 28th December, and on the 31st December and again on the 18th January 1895 he made confessional statements before the Magistrate, and he was committed for trial. He now withdraws these confessional statements and says he was beaten by the Police who forced him to make those statements. He calls no witnesses for his defence.

7. The defence put forward in this case is that the story of the two eye-witnesses is most improbable and most unlikely because they have not given immediate information to some one on the spot. It is also contended that there was ample time to concoct the whole story against the accused before the papers reached the Magistrate, and it is pointed out that these confessional statements are not true because in his confessions he says he used a bone handled knife which was on him when arrested and not the cloth handled knife which was picked up near the spot.

8. In this case I see no sufficient reason to doubt the story told by the 2nd and 3rd witnesses. They are timid and unintelligent, but they seemed to me to be telling the truth. Even if that portion of their evidence which says that they saw the murder is not believed, there remains a strong case against the accused. It is certain that he was in the chatram that night that Mahalakshmi was murdered, and that he is the only person who had any motive to do it. He had quarrelled with her but no one else wished her harm. In these circumstances of strong suspicion against accused I give credit to his confessions before the Magistrate. It is true that much weight is not given to such confessions when withdrawn at the Sessions, but still the confessions are evidence and have some weight. In this case I believe the eye-witnesses, and I see no reason to distrust these confessions. There is nothing whatever to support the prisoner's present story that the Police beat him. The defence suggests that the murder may have been done by the 2nd and 3rd witnesses. I cannot think so. They had no motive, and their demeanour in the witness-box was that of innocent persons.

9. The 1st assessor finds the prisoner guilty and the 2nd assessor's opinion is that the case has not been proved against the prisoner.

10. I concur with the first assessor, and I see no reason why the extreme sentence of death should not be passed on the accused.

11. I, therefore, subject to the confirmation of the High Court, sentence the prisoner to be hanged till he is dead, and if he wishes to appeal he must do so within 7 days.

G. T. MACKENZIE,
Acting Sessions Judge.

7th February 1895.

Copy applied for 7.2.95.
Copy recd 18.2.95.
Copy despatched 18.2.95.

10299

To

The Superintendent, Central Jail, Rajahmundry
for delivery to the prisoner No. 3282.



Enc. 4.

Duplicate

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. B. Collins, Knight, Chief Justice*
and

The Honourable Mr. Justice *Parker*

Referred Trial No. *15* of 1895.

Varingam Kotigadu alias
Kotappa } Prisoner.

Trial referred by the Court of Session of the *Godavari* Division
for confirmation of the sentence of death passed upon the said Prisoner in Case
No. *5* of the Calendar for 1895.

CRIMINAL APPEAL No. *100* of 1895.

Appeal by the Prisoner against the said Sentence.

This case coming on for hearing, the Court delivered the follow-

ing

Judgment.— It is urged that if the

2^d and 3^d witnesses for the prosecution had
really seen prisoner in the act of killing

500-6-2-95.

his mother-in-law they would have in-
ferred to rescue her, or, if afraid to do
that, would not have stayed near
the chattram themselves. It is also
argued that had they really been eye-
witnesses to the murder they would
have given information in the village
which was only a few yards off, before
going to Ramachandrapuram to inform
the husband. We should have attached
weight to these objections had it not
been for the confessions of the prisoner
- himself. He was arrested at Anulapur

on December 28th and on the 30th he gave
before the 2nd Class Magistrate the state-
ment & in which he admitted that he
had killed his wife's mother with the
knife found in his possession. Nearly
three weeks later on January 18th he re-
peated the same confession before the
committing Magistrate giving minute
details of the manner in which he killed
his mother-in-law and his motive for
doing so. It is quite clear that his wife's
parents had objected to her returning to
him

him because he had diseased her. There
had been a quarrel on the subject
about two days previously at Tegurnipad
and the prisoner had followed his wife
and her parents to Artamur. On the
day on which the murder was committed
the prisoner's father-in-law had taken
away his wife with the rest of the party
to Ramachandrapuram on a begging
expedition leaving Mahalekshmi at
Artamur. The village Municip's evidence
shows that prisoner had that day
complained

complained to him of this conduct, but
the village Municip took no notice of the
complaint. Mahalekshmi was left in
charge of 2^d and 3^d prosecution witnesses
and it is not altogether surprising that
they should have thought their first duty
was to inform the husband of what had
happened. They were ignorant people -
mere wandering beggars and may pos-
sibly have been afraid that they them-
selves might have been suspected in a
strange village whereas they felt that

Kumaragiri

Journal of Criminal Proceedings No 3282. Ganigam Hotiyadu alias Hotiyadu

Crime	Substance	Date of Sentence	Judging Court	Prisoners Age	State of Health	Conduct in Jail	Verdict of the Appeal to Appellate Court	Previous Convictions. etc.	Remarks of previous convictions if any
Murder.	Death	7 th February 1895	Session Court, Godavari	40	Good	Good	Confirmed.		
Previous Convictions. etc.									

Enc. 5.
 Rajakumudhy Central Jail
 30th March 1895

Superintendent Central Jail.

1st March

1. Komaragiri Sattappa would at once recognize their story as true.

We can see no good reason to doubt their evidence and it is confirmed by the deliberate statement of prisoner himself made on January 18th after all the prosecution evidence had been recorded.

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

By the Court

R. F. Jones.
 Dy. Registrar,
 Appellate Side.

28
 22/3/95
 18/3/95

5
 2
 1643

CHIEF SECRETARY
-2 APR. 1895
GOVERNMENT OF MADRAS

From

J. Tyrrell Esqr
Superintendent Central Jail
Pajalimundry.

To

The Chief Secretary
to the Government
of Madras

Dated 30th March 1895

Received

Enc. 5

Nominal Roll of Condemned
Prisoner No 3282 Varingam
Kotigadu alias Kotappa of the
Central Jail, Pajalimundry.

5
Jail
1643

N^o 464
J

CURRENT NO 1643
Pajalimundry Central Jail
30th March 1895

From

J. Tyrrell Esqr
Superintendent Central Jail
Pajalimundry

To

The Chief Secretary
to the Government of
Madras

Enclosures 5

Sir, I have the honor to forward a petition for
mercy presented by prisoner N^o 3282 Varingam
Kotigadu alias Kotappa of the Central Jail, Pajalimundry,
sentenced to death by the Sessions Judge
Godavari in Session Case N^o 5 of 1895 and confirmed
by the High Court of Judicature, Madras in Referred
Trial N^o 15 of 1895.

2. Copies of judgments of the Sentencing Court
and High Court, and a nominal roll of the
prisoner are herewith forwarded.

3. The prisoner will not be executed until a
definite reply is received from Government.

I have the honor to be,
Sir,

Your most Obedient Servant

J. Tyrrell
Superintendent Central Jail

CURRENT No. 1643
Petition for mercy

From

J. Tyrrell Esq.
Superintendent
Central Jail
Pozichumundry

To

The Chief Secretary
to the Government of
Madras.

Dated 30th } March 1895.
Despatched 30th
Received 2/4

No 464

Enclosures. *1*

Forwarding a petition for mercy
in vernacular, from a condemned
prisoner, together with its translation
in English and copies of judgments
and nominal of the prisoner.

[G.
25.]
60-8-3-95.

Just. DEPARTMENT.

C. No. 1643.

FOR ORDERS.

I can see no reason to inter-
fere. Independently of the evidence
of the two eye witnesses, which I see
no reason to distrust, the facts of
this case are confirmed to the 'magistrate'.
I would reject the petition.

BS

24/4/95

Yes - the case seems to be
clearly proved

JS
2/4

W
3 Apr

Appeal for mercy from Commis-
sioner 3282 Varigam Kotigadu
alias Kotappa under sentence
of death in Godavari Sessions
Case No 5 of 1895, which -
sentence has been confirmed
by the High Court.

The Supt of Rajahmundry
Central Jail certifies that
the execution will not take
place until a definite reply
is received from Govt.

3

JS

24/4/95

24/4/95

Petition for mercy

FOR ORDERS.

V. E.

A. M. & Co.

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

Judicial Department.



R.
V. E.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

C No 1643

Read the following letter, dated *20. March 95, No 469*, from the Superintendent of the *Central Jail at Rajahmundry*, forwarding petition from Convict *No 3282 Varinam Kotigadu alias K. Rappa* under sentence of death in *Gopavasi* Session Case No. *5* of 1895, confirmed by the High Court of Judicature.

Read also letter, dated *8 April*, from the Registrar of the High Court, Appellate Side, forwarding the record of the case.

ORDER THEREON, *8 April* 1895, No. *739*

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 3282 Varinam Kotigadu alias K. Rappa*.

2. The law will take its course.

(True Extract.)

(From order)

S.

4-4-95 Chief Secretary.

W.
4/9/95

12
8/4/95

Subscribed with
1000-5-2-94

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

Inspector-General of Jails, *Pran*

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

dispt 8/4/95
1000-5-2-94
4/4

22/4 10314

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.

N.B.

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