

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 849.

Dated 24 "Apr 1895.

INDEXED,

[Despatch Abstract.]

COMMUTATION OF SENTENCE.

Communicating the sentence of transportation for life passed upon convict No.1402, Shanmuga Gounden in Coimbatore Sessions case No.7 of 1895, and High Court referred trial No. 9 of 1895, to one of rigorous imprisonment for seven years, and declining to interfere with the sentence passed on convict No.1401, Arumuga Gounden.

Charles
Superintendent Central Jail.

Superintendent Central Jail.

BACK PAPERS.

FURTHER PAPERS.

Nominal Roll of Convict No. 1402 Name

Shawna L. Jones

Crime.	Sentence.	Date of Sentence.	Adjudicating Court.	Age.	State of Health.	Conduct in Jail.	Remarks and previous conduct.
Order see 302-116	for life	24-1-95	Leaving Judge 22 3/4		Good	Good	

Bombay Central Jail,

25th March 1895.

600 Copies 15-12-92.

Spencer
Superintendent Central Jail.

5
jul 4
1609

So

His Excellency the Governor -

- his Council

Fort St. George

Madras

The humble petition of No 1401

Arumuga Goundan and

1402 Shunmuga Goundan prisoners

Confined in the Central Jail
Coimbatore,

Respectfully Sheweth,

The Sessions
Court at Coimbatore passed
the sentence of death upon
us both. We appealed to
the High Court, thinking
that the Sessions Judges'

order

5
Jul

3

1609

order was unjust. The
High Court have
commuted the sentence
to transportation for life.

We know nothing of the offence.
To punish us for the death of
a person of whose death
we know not anything is not
lawful. A perusal of the
records in the case will
convince your Excellency
that we are not the culprits.
We pray that we may be
released from Jail.

(Signed) Aramap Gouaden

(Signed) Shunimpe Gouaden

(A True Translation)

Limbatal Tail
25 March 95

Ejaden
Supt. Central Jail

Then we began to sing
 and made a day 1401 to me &
 by the time it was over — exp. 1 - 1402
 and by the time it was over — exp. 2 - 1403
 and by the time it was over — exp. 3 - 1404
 and by the time it was over — exp. 4 - 1405

me - 7 (2d n m) 4 m 2
 my (2d m) - m 4 m 2 m 2 m 2
 (2d m) 4 m 2 m 2 m 2 m 2
 4 m 2 m 2 m 2 m 2 m 2

[The page contains several lines of handwritten text in cursive script, which appears to be bleed-through from the reverse side of the document.]

சுண்ணாம்பு

Epaxiden
(Combator C. Tail) } Supt. Central Jail
25th March 1895 }

CURRENT No.

From

Convicts Nos. 1401 Arumuga Gounder
and 1402 Shanmuga Gounder.
Central Jail Coimbatore

CURRENT No. 1609

No. 1755 Dated 27th March 1895

Submitted for the orders of Government.

Dated 25th March 1895.

Received 30

Apr 1/4

No.

ENCLOSURES. 4

Subject.

Praying for the remission of the sentence passed
upon in Coimbatore Sessions Case No. 7 of 1895.

[J
14]

1,000-5-2-94.

JUDICIAL DEPARTMENT.

CURRENT No. 1609 of 1895.

Application for remission of sentence from convicts, in the
Jail, Coimbatore

FOR ORDERS.

Name of the Convicts Arumuga Gounder

No. 1401 (1)

Shanmuga Gounder

No. 1402 (2)

Offence committed.

Murder, Sec 302.

Adjudicating Court.

Sessions Court;
Coimbatore

Sentence imposed.

Death.

Result of appeal to High Court.

Committed to transport
for life

Previous Convictions.

Nil

5-4-95

I see no reason to interfere in
the case of the ^{petitioner} ~~at~~ ^{Arumuga}, who
used the crowbar - He must
take the consequences of his act.
But I think harsher punishment
is necessary than is necessary
in the case of the 2nd pet. - He
began the attack, which no doubt
was concerted, it is true; but
the taking possession of the crowbar was
not part of the common plan, nor
do I think that he can fairly be said
to have "held the deceased down &
disabled him from defending himself".
The 1st pet. W.S. account is that the second
petitioner "caught deceased by the neck,
threw him down & was beating him with
his fist" & that, while he was doing
so (that is, while he was engaged in what
was at the time merely an ordinary, if
somewhat forcible, assault) the 1st pet. came
up & took over the crowbar - Techni-
cally, no doubt the H.C. is correct in
holding 2nd pet. guilty of murder as well
as 1st pet., but there is a vast difference
in the guilt of the 2 men. I wd. let
2nd pet. off with (say) seven years
rig. impr.

Circ

6/4/95

I agree. The H.C. have rightly
found that there is no proof that
murder was intended when the
assault was planned. The 1st &
2nd prisoners planned a cowardly

HT.

4/4/95

and severe assault. The 2^d man beat him and held him down whilst the 1st prisoner struck the fatal blow with a crowbar which was not in his hand when the assault commenced, but which he had picked up by accident afterwards. The circumstances are such that it is most probable that 2^d man ~~did not~~ had no notion either that the crowbar would be used or that death would be caused in any other way. I think 7 years rig. impr. will be enough for him.

PETITION FROM CONVICT

Direct
H. M. *Stone*

9/4

I agree.
It does not appear to me that the prisoner intended at first to do more than give the deceased a sound thrashing - and during the struggle the first prisoner went beyond his original intention, and taking up an instrument wh. lay ready to his hand inflicted a fatal blow on his unfortunate victim. He must accept the responsibility of his own act - but I do not think that under the peculiar circumstances of this case, that the same punishment sh^d. fall on both alike.

*performed J.H. with...
...
C 17/4
R 19/4
...
...
...
...*

Papers to be read in Proceedings:-

Again G.O., dated 18 , No.
Again G.O., dated 18 , No.
Current No. of 18 , dated from

Current No. 1609 of 1895, dated 27 March from the J. of Prisons order. D 24th April 1895, no. 849.
~~The J. of Prisons~~ order of the J.P.C. It is the order S. 55 of the J.P.C. It is the Governor-in-Council is pleased to commute the sentence of transportation for life passed upon convict no. 1402 Shan-maya Gaudan in Bombay Prison Case no. 7 of 1895, and H.C. Refound Trial no. 9 of 1895, to one term of ~~seven years~~ rigorous imprisonment for seven years.
His Ex^{ty} in C. sees no reason to interfere with the sentence passed upon the principal offender, convict no. 1401 Shan-maya Gaudan

(from orders)
D 22.4.95
23/4/95

The J. of Prisons (etc)
The Hon the C.J. with Ch. (1895)
Note

There appears no need to state reasons in the order. The case was one in which the Council had no power to impose a lighter sentence.

*Reduction
Remission of a Sentence*

T

CS

(From orders)

Issued

24/4

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189

READ AGAIN G.O., No.
189

DATED

CURRENT No.

ENCLOSURES TO G. No.

LETTER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITO.

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

N.B.—

A = Copy in full.

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