M.R.O. 1—77,000—8-6-37.

(1) Number of pages 46

(2) Date of repair 21—2.40.

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MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 386	Press Mis.
39-41.	
Dated 21-3-	1874.

Not to be folded or roughly handled

Read the following papers:—

No. 39. From J. F. PRICE, Esq., Acting District Magistrate of Salem, to the Hon. W. HUDLESTON, Chief Secretary to Government, Fort St. George, dated Uttengeri, 7th February 1874, No. 39.

I have the honour to bring to the notice of Government the conduct of the police officers marginally noted, with a strong recommendation that the Constables should receive a reward of Rupees 50 each, and that the Inspector of Police, Mr. Leonard, should be promoted from second to first class.

Mr. Leonard, Inspector of Police.
No. 229, second-class Constable Mahomed Booden.
,, 580, ,, ,, Gopaulrajoo.

2. The circumstances under which I make this recommendation, in which I am supported by the Session Judge and Superintendent of Police, copies of whose communications are enclosed, are as follow.

3. In January 1871, one Bawker Sahib *alias* Umer Sahib was suspected of having made away with a young man named Kadiriappah. He was taken to the then Inspector of Police of Oossoor (Kartikesa Pillay), and whilst a peon had gone to bring Bawker Sahib's mistress, with a view to testing the accuracy of the account which he gave of himself, he managed to slip away and was not found for two years. His mistress, one Anni, the widow of a Police Peon, who, I have not the slightest moral doubt, was poisoned by her and Bawker Sahib disappeared shortly afterwards. Mr. Leonard succeeded Kartikesa Pillay, and was unflagging in his efforts to trace Mahomed Bawker. The man's brothers and other relations reside in Oossoor, and they, in answer to repeated inquiries, denied all knowledge of his whereabouts. Mr. Leonard, however, managed to learn that he was at Hyderabad, and sent people there. Bawker Sahib seems to have been kept well informed of everything and to have moved thence. He was next heard of at Bombay, but the men sent there could not get tidings of him. He was then traced to Poonah, and there our news of him ceased for nearly a year. We subsequently found that he had been to all three places, and having got wind of the inquiries being made regarding him, had moved on. Mr. Leonard remained on the look out, and towards the end of 1872, Anni returned to Oossoor with a quantity of Mussulman property in her possession. She was questioned regarding Bawker Sahib, but denied all knowledge of him and declared that she had acquired all that she had by working as a cooly. She admitted, on being asked where she had been, that she had visited Hyderabad, Bombay, and Poonah. Mr. Leonard came to me as soon as she arrived, and I then told him to examine everything that the woman had. We found that she possessed several articles of property from the Bombay side, and putting this and the previous intelligence of Bawker Sahib together we made sure that she knew, as it afterwards turned out that she did, where he was. Mr. Leonard's view was that Bawker Sahib being a bad character had got into jail, and that Anni had brought the property back to Oossoor, in order to await his release. In looking at her things, he found amongst them a blank stamp paper with a Canarese endorsement upon it. The name of the town mentioned in it was not known to any one at Oossoor. He concluded from this that, if Bawker Sahib was in jail, he was either in Canara, or else in the Mysore territory or Coorg. Two constables, the men alluded to in paragraph 1 of this letter, and who knew Bawker Sahib well, were

then sent to Bangalore with the stamped paper, the descriptive-roll of the man wanted, and a letter to the Superintendent. After seeing all the prisoners they returned saying that Bawker Sahib was not there. Mr. Leonard decided upon trying Mercara next, and though Bawker Sahib was not in the jail there, the constables ascertained from the authorities, who rendered every assistance, that the stamped paper had been bought at Veerajapett, in the Coorg country. The two men then started off to this village dressed as lascars, and passed themselves off as attendants of a recently-appointed Taluq Overseer. Arrived there, they went to the stamp vendor, and found that the person who had bought the paper was the servant of a Mussulman living in the town, and by quietly making inquiries, they ascertained that he had had a man living with him who was a stranger to the place. They also heard of another stranger who was said to be an Oossoor man, but on going to him, he turned out to be an individual, whose name having been rather freely mentioned in connexion with a burglary case, which had occurred at Oossoor some time ago, thought it better to leave British territory for a while. On his being asked about Bawker Sahib, he admitted that he had been at Veerajapett with the master of the purchaser of the paper, but alleged that he had gone. One of the constables then went with the warrant, which had been endorsed, to the authorities, and the other remained with the Oossoor suspect. On assistance coming, they went to the Mussulman's house and questioned him. He replied that there was no such man as Bawker Sahib with him, but upon being told that there was proof that the man had been with him and that he was suspected of being there yet, he admitted that he had a man named Umer Sahib who was a foreigner in his house. The constables went with him, walked into the eating room and there found their man at dinner. They immediately seized and handcuffed him, a courageous thing to do, as they were unarmed, and did not know whether he—a noted athlete and swordsman—was or not. Having arrested the prisoner, they took him to Oossoor, a journey of nearly a fortnight, and during that time one or the other of the men was handcuffed to him day and night.

4. After Bawker Sahib's arrival at Oossoor, Mr. Leonard had to work up each link of the chain in the evidence against him, had to search for witnesses whom after a lapse of two years it was very difficult to trace, and, finally, after some four months' hard work put together the best circumstantial evidence case that I have seen since I have been in India.

5. I committed Bawker Sahib to the Session Court, where he was convicted of the murder of Kadiriappah and condemned to death—a sentence which was confirmed by the High Court, but which, upon a petition to Government, was commuted to transportation for life.

6. He has now been sent to the Andamans. The Superintendent of the Jail personally told me that latterly he was very troublesome and had to be kept in confinement on account of his seeking to get up an "emeute" amongst his fellow-prisoners.

7. I enclose a copy of Preliminary Register No. 1 of 1873 on my file. The case having been before Government, it is not necessary for me to go into the particulars of it. Suffice for me to remark that, being intimately acquainted with them, and with the antecedents of Bawker Sahib, I consider him a ruffian of no ordinary

calibre. I myself would have hesitated from what I knew of him to have arrested him in the courageous way in which the constables now recommended for rewards did. It is not often that one meets with such "pluck" on the part of natives, and I think that the conduct of the Police in this instance, both as regards the tracing and arrest of the accused and putting together against him a case, which I trust has rid the country of him for ever, is worthy of commendation and reward.

8. I would have made this reference sooner, had I not first wished to see the result of the petition to Government, and afterwards been asked by the Superintendent of Police to detain it, as Mr. Leonard had got into a scrape regarding the escape of some dacoits who were in custody. Recently, however, Captain Hodges told me that he would not object to my recommendation going on.

Proceedings of the Court of Session of the Salem Division, dated Salem, 13th August 1873, *No.* 140.

Read letter, dated 8th instant, No. 80, from the Acting District Magistrate of Salem, requesting to be favoured with the observations of this Court upon the manner in which the Session Case, No. 40 of 1873, wherein one Bawker Sahib *alias* Umer Sahib was convicted of murder and sentenced to death, was handled; and whether in its opinion the Police deserve reward for their conduct in detecting the case.

The Session Judge observes that if, as he concludes, it is intended by the Acting District Magistrate to call for an expression of his opinion on the conduct of the Police in the detection of this murder case, as the Judge who presided at the trial and convicted and sentenced Bawker Sahib, which sentence has been confirmed by the High Court, he is decidedly of opinion that it was a masterly piece of detection, evincing skill, patience, and acuteness, and reflecting great credit, not only upon Mr. Leonard, the Inspector of Police, but more especially on the Police Constables who executed the warrants of arrest of the said prisoner. The Session Judge fully endorses the opinion of the Acting District Magistrate that the Police are deserving of a reward on this occasion for their services.

(Signed) E. F. ELIOTT,
Session Judge.

From Captain W. H. HODGES, Superintendent of Police, Salem, to J. F. PRICE, Esq., Acting District Magistrate of Salem, dated Salem, 16th August 1873, No. 397.

I have the honour to acknowledge the receipt, this day, of your letter, No. 280, dated 8th instant.

2. I consider the conduct of the Police in working out the whereabouts of Bawker Sahib to be very satisfactory, and I quite agree with you in considering that all the officers concerned are worthy of reward; Mr. Inspector Leonard showed a very great amount of patience and perseverance in the manner he held on the case, and would not leave it under the most discouraging circumstances, although the clue which eventually he did obtain was so slight that many Inspectors would have despaired of working it out. That he was fortunate in his selection of constables sent by him to work out his idea is due to the fact that he knew how to select his men. I consider that, as recommended by you, the bestowal of a step in promotion would be the most acceptable manner of rewarding him for his exertions; there is no vacancy for a first-class Inspector at present in this district, as Mr. Fullerton has been posted here from Vizagapatam, but that officer is an Acting Assistant Superintendent of Police, and his joining this district as an Inspector is I believe doubtful, and I have no doubt but that, under the peculiar circumstances of the case, were you to address the Inspector-General of Police on the subject, he might take the matter into consideration and would perhaps be able to provide elsewhere for Mr. Fullerton.

3. The names and numbers of the constables who were employed in this case are as follow :—

No. 229, second-class Constable Mahomed Booden.
,, 580, ,, ,, Gopaulrajoo.

Register of Preliminary Inquiry held before J. F. PRICE, Esq., *Acting District Magistrate of Salem.*

Col. 1. *Number of the Case*—I. of 1873.
,, 2. *Name of the Accused*—Umer Sahib *alias* Bawker Sahib, Mussulman cooly.
,, 3. *Substance of the Complaint*—That you, on or about the 10th day of January 1871, within the limits of Perandapalli, in the Taluq of Oossoor, committed culpable homicide amounting to murder, causing the death of one Kadiriappah, and thereby committed an offence punishable under Section 302 of the Indian Penal Code, and within the cognizance of the Court of Sessions.
,, 4. *Name of Complainant*—Regina.
,, 5. *Names of Witnesses for the Prosecution*—1, Narasimhada; 2, Umer Sahib; 3, Moonigadu; 4, Venketasamy Naidoo; 5, Venketa Ramadu; 6, Gopal Razu; 7, Mahomed Booden; 8, Thimmadu; 9, Nunjundadu; 10, Karthikesa Pillai; 11, Munaver Sahib; and 12, Mean Khan Sahib.
,, 6. *Names of the Witnesses for the Defence*—None.
,, 7. *Summary of the facts proved or confessed*—The first witness states that he had a son named Kadiriappah, who was murdered about two years and one month before the 28th February last; that he does not know who murdered him; that one Tuesday evening the prisoner whom he knew before by sight came and hired his cart to take himself and a lame friend to Oossoor; that the second man got into the cart at dusk; that as he was going to drive the cart and bullocks, which are those produced before the Court, and in which the prisoner and the other man, whose features he could not see, were then sitting, to Oossoor. Kadiriappah came and told him to go home, and himself drove the cart away; that he waited on the Wednesday, and that on the Thursday morning he went out to meet his son, and walked on to Oossoor, where he saw the cart and bullocks at the stand and learned from the toti that the prisoner had left them there, and that the missing man had not come; that in consequence of what he heard he went to the authorities; that the prisoner was sent for by the Inspector and questioned, when he alleged that he knew nothing, as he had been ill and had not quitted Oossoor for fifteen days, and that, whilst a witness to prove this was being sent for the prisoner escaped; that next day he was sent for and saw the corpse of his son about quarter of a mile from the road with three wounds inflicted by a bill-hook on the head, and with his cloths and jewels around and upon him. He admits that neither the murdered man nor he had ever quarrelled with the prisoner, but says that there was a quarrel between his son and one Appajee with regard to the sister of the former.

The second witness states that three days before he heard of the murder he met Kadiriappah (Kadrigan) one bright moonlight night driving his cart into Oossoor; that it was then about midnight; that he was taking his cart out to Shulagherry; that he stopped and talked to the murdered man whom he knew and gave him some snuff; that Kadiriappah then told him that he was taking Bawker Sahib and another man into Oossoor, and that he himself saw the prisoner, whom he knew by sight before, sitting in the cart.

The third witness, who is the bandy-stand toti, deposes that two years ago he saw the prisoner, whom he has known for seven or eight years drive the cart and bullocks, which he knows well, into the bandy-stand, about 2 A.M.; that on his calling out whose the bandy was, the prisoner said that it was that of Kadiriappah, with whom he (witness) was well acquainted, and added that Kadiriappah had gone to his mother-in-law's house; that the prisoner came again at 10 A.M. and fed the animals, and that the morning after first witness came, when he told him what had occurred; that he was present when the Inspector questioned the prisoner, who replied that he knew nothing, and had not quitted Oossoor for fifteen days, as he had been sick; that whilst a witness was being sent for the prisoner jumped over a wall and escaped. He further says that the day after this he saw the corpse of Kadiriappah at the Manguttai on the Shulagherry road (between six and seven miles from Oossoor), and that it had wounds on the head.

The fourth witness identifies the Mahazar marked A, and states that he examined the corpse alluded to therein; that there were three wounds on the head caused by a sharp heavy instrument, one of which over the left eye had caused a fracture of the skull and brought about almost immediate death.

He is of opinion that death must have occurred about two or three days previous to that mentioned in the Mahazar, and says that the body was easily capable of recognition by any one acquainted with the deceased.

The fifth witness deposes that some three days before he heard of the death of Kadiriappah he saw one Appajee with a man whom he believes to have been the prisoner at a well in Shulagherry. He cannot positively swear to the identity of the accused.

The sixth witness says that the prisoner, whom he has known for twenty years, was taken by him to the Inspector some two years ago in connexion with this murder; that he went and brought the prisoner from the District Munsifs' Court; that the prisoner denied when questioned by the Inspector knowing anything, and that when a witness was being sent for the prisoner escaped from the Inspector's backyard and could not be found again, and that Appajee also disappeared at the same time, and has not since been seen.

The seventh witness deposes that he is well acquainted with the prisoner; that his name is Bawker Sahib, and that he arrested him at Verajapett, in the Coorg country, where he was then passing under the name of Umer Sahib.

The eighth witness, who was the younger brother of Kadiriappah, corroborates the first witness with regard to the prisoner's having hired the cart and bullocks outside the Court on the night of the Tuesday, and to Kadiriappah having driven them towards Oossoor with the prisoner and another man, whose face he did not see, as passengers.

The ninth witness says that three days before he heard of the murder of Kadiriappah he saw the prisoner and Appajee loitering about the Shulagherry bazaar, and in the evening saw them going towards the first witness' house. He swears most positively to the prisoner's identity.

The tenth witness, who is the late Inspector of Police of Oossoor, states that, on the 12th January 1871, he on a complaint preferred by the first witness sent for the prisoner and questioned him; that the prisoner alleged that he had for eight days previously been ill, and had not left the town; that he (witness) sent for the prisoner's concubine to test the truth of the statement, and that the prisoner, who was seated in the outer yard, in the meantime escaped, and though immediate search for him was made was not recaptured. He states further that the prisoner denied all knowledge of the first witness or Kadiriappah, as also that he had been in Shulagherry anywhere about the 10th of January. He denies having held an inquiry, and told the prisoner that he might go home.

The eleventh and twelfth witnesses prove that the prisoner resided at their village Veerajapett in Coorg for some four or five months before he was arrested, that he

Still the law does not require that motive should, in a murder case, be proved. Evidence on this point is of course highly desirable, but it is not essentially necessary, and the question in this case is one which can only be a matter for conjecture.

There is one important witness whose evidence I have not been able to procure, and she is the late wife of the bandy-stand toti, who also saw the prisoner drive in Kadiriappah's cart and bullocks. She has eloped with some one else, and though efforts to trace her have been made, they have proved unavailing. The prisoner having admitted the use of another name in Coorg, and his having stated that he came from Vellore, I do not consider it necessary to bind over the witnesses who prove this point and who live in the other side of the Continent, to appear before the Sessions Court.

Col. 8. *Result of the Inquiry*—The Court considers that the evidence adduced before it is sufficient to justify it sending the accused Umer Sahib *alias* Bawker Sahib to take his trial before the Session Court for the offence specified in the charge, and the Court commits the said Umer Sahib *alias* Bawker Sahib to stand his trial accordingly.

,, 9. *Date of Offence*—10th January 1871.

,, 10. *Date of Complaint*—14th January 1871.

,, 11. *Date of Apprehension or Appearance*—28th February 1873.

,, 12. *Date of closing Inquiry*—16th April 1873.

,, 13. *Explanation of Delay*—The delay between the date of complaint and appearance was caused by the accused having absconded. He was arrested at Coorg beyond British territory, and produced on the 28th February. The Police then obtained a remand in order to collect the witnesses, one of whom had to be brought from the Mysore territory, and others from Coorg, distant eleven days' journey from Oossoor. The witnesses from Coorg appeared during the Easter holidays, and the case was closed upon the first office day afterwards.

CAMP THALLY,
25th April 1873.

(Signed) J. F. PRICE,
Acting District Magistrate.

Referred to the Inspector-General of Police for his remarks.

FORT ST. GEORGE.
13th February 1874.

(Signed) W. HUDLESTON,
Chief Secretary.

No. 40. From Lieutenant-Colonel C. S. HEARN, Inspector-General of Police, to the Hon. W. HUDLESTON, Chief Secretary to Government, Fort St. George, dated Madras, 24th February 1874, No. 754.

With reference to your endorsement on a letter from the District Magistrate of Salem (herewith returned with enclosures), I have the honour to state that I shall be glad if the Government see fit to bestow the reward proposed for the two Police Constables who acted with skill and courage.

2. Mr. Inspector Leonard's claims to promotion will of course be duly considered when a vacancy occurs; but I do not think it advisable that an absolute promise of promotion should be made. I would suggest a pecuniary reward to Mr. Leonard also for the acumen and perseverance displayed by him in this difficult case.

No. 41. ORDER THEREON, 7th March 1874, No. 386.

The Governor in Council sanctions the proposed reward of Rupees 50 each to the two Constables. The Inspector will receive a reward of Rupees 100, the question of his promotion being left to his superior officers.

2. Copy of the correspondence will be furnished to the Inspector-General of Jails for communication to the Superintendent of the Andamans, agreeably to the expressed desire of the Government of India that the character and antecedents of all convicts sent to that settlement should be fully reported.

(True Extract.)

Acting Chief Secretary.

To the District Magistrate of Salem.
,, Inspector-General of Police.
,, Inspector-General of Jails.
,, Accountant-General.

Edx. J. Wright.

x.dja. Samuel. Southern Records.
cl: 229.22 c. 2. Published London.
p—880—p—Goldsmayer.

No. 39

Salem District Magistrate's
Office Camp, 28th January
7th February 1874.

From

The Asst. Magistrate,

To

The Chief Secretary
to Government

Fort Saint George.

Sir,

I have the honor to bring to the notice of Government the conduct of the Police Officers employed in the following recommendation that the services should receive a reward of Rs. 50— each, and that the Inspector of Police, Mr. Leonard should be promoted from the 2nd to 1st Class.

2. The circumstances under which I make this recommendation in which the murder was perpetrated by the Chetties Landlord are as follows:—

And Inspector of Police, Coimbatore

Extract from the Fort St. George Gazette of {1874} Madras.

JUDICIAL.

DISTRICT MAGISTRATE of SALEM,

&c., &c., &c.

Dated 7th March, 7th.

Read. Read.

G.O., 7th March 1874, No. 386.

MARCH.

Nos. 39—41.

Salem Police.—Rewards of Rupees 100 to Mr. Inspector Leonard and of Rupees 50 to each of two constables for their conduct in the detection of a murder case mentioned, and copy of the correspondence ordered to be forwarded to the Superintendent of the Andamans whither the murderer has been transported.

whose communications are enclosed, are as follows:-

3. In January 1871, one Bawker Saib alias Umr Saib was suspected of having made away with a young man named Kadiriappah. He was taken to the then Inspector of Police of Cossoor (Karlikesa Pillay) and whilst a Peon had gone to bring Bawker Saib's Mistress with a view to testing the accuracy of the account which he gave of himself, he managed to slip away and was not found for two years. His mistress, one Ammi, the widow of a Police Peon, who, I have not the slightest moral doubt, was poisoned by her and Bawker Saib disappeared shortly afterwards. Mr. Leonard succeeded Karlikesa Pillay and was unflagging in his efforts to trace Mahmud Bawker. The man's brothers and other relatives reside in Cossoor and they

in answer to repeated enquiries, denied all knowledge of his whereabouts. Mr. Leonard, 132
however, managed to learn that he was at Hyderabad and sent people there. Bawker Saib seems to have been kept well informed of everything and to have moved thence. He was next heard of at Bombay, but the men sent there could not get tidings of him. He was then traced to Poonah and there all news of him ceased for nearly a year. We subsequently found that he had been to all three places, and having got wind of the enquiries being made regarding him, had moved on. Mr. Leonard remained on the look-out and towards the end of 1872, Ammi returned to Cossoor with a quantity of Mussalman property in her possession. She was questioned regarding Bawker Saib, but denied all knowledge of him and declared that she

had

had acquired all that she had by working as a Cooly. She admitted, on being asked where she had been, that she had visited Hyderabad, Bombay and Poonah. Mr. Leonard came to me as soon as she arrived, and I then told him to examine everything that the woman had. We found that she possessed several articles of property from the Bombay side and putting this and the previous intelligence of Bawker Laib together, we made sure that she knew, as it afterwards turned out that she did, where he was. Mr. Leonard's view was that Bawker Laib being a bad Character had got into jail and that Ammi had brought the property back to Bejapore in order to await his release. On looking at her things, he found amongst them a blank stamp paper with a Canarese endorsement upon it. The name of the town

15.

one at Bejapur. He concluded from this that if Bawker Laib was in jail, he was either in Canara or else in the Mysore Territory or Coorg. Two Constables, the men alluded to in para 1 of this letter, and who knew Bawker Laib well, were then sent to Bangalore with the stamped paper, the descriptive Roll of the man wanted and a letter to the Superintendent. After seeing all the prisoners, they returned, saying that Bawker Laib was not there. Mr. Leonard decided upon trying Mercara next, and thought Bawker Laib was not in the jail there, the Constables ascertained from the authorities, who rendered every assistance, that the stamped paper had been bought at Virajendrapett in the Coorg Country. The two men then started off to this village dressed as Canarese and passed themselves off as attendants of a recently abstconded Salem Overseer driving

there, they went to the Stamp Vendor and found that the person who had bought the paper was the servant of a Muscalman living in the Town and by quietly making enquiries, they ascertained that he had had a man living with him who was stranger to the place. They also heard of another stranger who was said to be an Coffoor man, but on going to him, he turned out to be an individual, whose name having been rather freely mentioned in connection with a burglary case, which had occurred at Coffoor some time ago, thought it better to leave British Territory for a while. On his being asked about Bawker Saib, he admitted that he had him at Verapapett with the master of the purchaser of the paper, but alleged that he had gone. One of the Constables then went with the warrant, which had been endorsed, to the authorities and

the other remained with the Coffoor suspect. On assistance coming, they went to the Muscalman's house and questioned him. He replied that there was no such man as Bawker Saib with him, but upon being told that there was proof that the man had been with him and that he was suspected of being there, he admitted that he had a man named Umer Saib who was a foreigner in his house. The Constables went with him, walked into the dining room and there found their man at dinner. They immediately seized and handcuffed him, a courageous thing to do, as they were unarmed and did not know whether he was a noted attack and desperate man or not. Having arrested the prisoner, they took him to Coffoor, a journey of nearly a fortnight and during that time, one or the other

of the men was handcuffed to him day and night.

4. After Banker Saib's arrival at Cossoor, Mr. Leonard had to work up each link of the chain in the evidence against him, had to search for witnesses whom after a lapse of two years it was very difficult to trace, and finally after one four months hard work put together the best circumstantial evidence case that I have seen since I have been in India.

5. I committed Banker Saib to the Sessions Court, where he was convicted of the murder of Kadiriappah and condemned to death, a sentence which was confirmed by the High Court, but which, upon a petition to Government, was commuted to transportation for life.

6. He has now been sent to the

5

personally told me that latterly he was very troublesome and had to be kept in confinement on account of his seeking to get up an "emeute" amongst his fellow prisoners.

7. I enclose a copy of Pros. Register No. 10 of 1873 on my file. The case having been before Government, it is not necessary for me to go into the particulars of it. Suffice for me to remark that, being intimately acquainted with them, and with the antecedents of Baker Saib, I consider him a ruffian of no ordinary calibre. I myself would have hesitated from what I knew of him to have arrested him in the courageous way in which the Constables now recommended for rewards did. It is not often that one meets with such "pluck" on the part of natives. I think that the conduct of the Police in this instance both as regards the tracing

and arrest of the accused and putting together against him a case, which I trust has rid the County of him for ever, is worthy of commendation and reward.

8. I would have made this reference sooner, had I not first wished to see the result of the petition to Government and afterwards been asked by the Superintendent of Police to detain it, as Mr. Leonard had got into a scrape regarding the escape of some decoits who were in custody. Recently, however, Captain Hodges told me that he would not object to my recommendation going on.

I have the honor to be
Sir
Your Most Obedt. Servt.
Kidnie Rees.

No 140. 6 3rd

Proceedings of the Court of Session of the Salem Division, Salem 13th August 1873.

Bailiff

Dr Clarke -
Have taken
notice
Adv. Gen'l
proclamation
Head Council
with certain
Reference Sept.
of Chesapeake 1446
where the pole cabins
settled. HJ - 30-5-77

letter dated 8th Instant
seeking District Magistrate
ing to be favored with
this Court upon the
the Session Case No 140
Banker Saib alias
victed of Murder and
was handed, and whether
Police deserve reward
in detecting the Case

for their conduct

The Sessions Judge observes that if as he concludes, it is intended by the seeking District Magistrate to call for an expression of his opinion on the Conduct of the Police in the detection of this Murder Case, as the Judge who presided at the trial and convicted

Sentenced

Letter from Dist. Magistrate Salem dated 8th Instant

Forwarding Petition of Banker Saib alias Ramaswamy Chettiar convicted of Murder and sentenced to Death by the Sessions Court Salem in Session Case No 140 of 1873 praying that he may be favored with a copy of the proceedings of the Court in the said case and that reward may be granted to the Police who detected the case

Petition of Banker Saib alias Ramaswamy Chettiar convicted of Murder and sentenced to Death by the Sessions Court Salem in Session Case No 140 of 1873 praying that he may be favored with a copy of the proceedings of the Court in the said case and that reward may be granted to the Police who detected the case

Petitioner

Received 13 Aug 1873

Referred to the Chief Secretary for favorable consideration

Received 14 Aug 1873

Forwarded

C-26-2-74
21/11/74

sentenced Bantler said, which sentence
has been confirmed by the High Court,
he is decidedly of opinion that it was
a masterly piece of detection, evincing
skill, patience, and acuteness, and
reflecting great credit not only upon
Mr Leonard the Inspector of Police,
but more especially on the Police
Constables who executed the Warrants
of arrest of the said Prisoner. The
Sessions Judge fully endorses the
opinion of the Acting District Magis-
trate that the Police are deserving of a reward
on this occasion for their services.

(signed) E. F. Elliott
Sessions Judge

(True Copy)

Fredk Nicholls
Acting District Magistrate

Encl No 13

No. 397 Salem 16th August 1873.

29

From

The Superintendent of Police
Salem.

To

The Magistrate of the District
Salem.

Sir,

I have the honor to acknowledge the receipt this day of your letter No. 280, dated 8th Instant.

I Consider the Conduct of the Police in working out the whereabouts of Bankar Srick to be very satisfactory, and quite agree with you in considering that all the Officers concerned are worthy of reward. Mr Inspector Leonard showed a very great amount of patience and perseverence in the manner he acted on the Case and would not leave it

under

I have a letter from the Superintendent of Police of Salem to the Chief Constable of Yercaud Requesting Orders for Stamping 1/- Stamps.

Inst. 343/74

C-26-2-74

under the most discouraging circumstances, although the Clue which he eventually he did obtain, was so slight, that many Inspectors would have despaired of working it out. That he was fortunate in his selection of Constables employed by him to work out his idea is due to the fact that he knew how to select his men. I consider that as commended by you the Removal of a step in promotion would be the most acceptable manner of rewarding him for his exertions, there is no vacancy for a 1st class Inspector at present in this District as Mr. Fullerton has been posted here from Virginia Park, but that Officer is an acting Assistant Superintendent of Police and his forming this District as an Inspector is I believe doubtful, and I have no doubt but that under the peculiar

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peculiar Circumstances of the Case, I wish you to address the Inspector General of Police on the Subject, he might take the matter into Consideration and would perhaps be able to provide elsewhere for Mr. Fullerton.

The names and Nos. of the Constables who were employed in this Case are as follow.

No 229 2nd C.C. Mohamed Boodoo
" 580 - do - Gopalrajoo.

I have &c.
(Signed) W. H. Hodges Lieutenant
Superintendent of Police

(Private)

Dear Sir,

Cy. District Magistrate

Comm. P.S.

Register of Preliminary Enquiry held before J. F. Price Esquire, Acting District Magistrate of Salem

Date of Offence	Date of Complaint	Date of Apprehension	Date of Commitment	Explanation of Delay
9	10	11	12	
1871 Jan. 7	10 Jan. 71	14 Jan. 71	28 Feb. 73	16 Mar. 73

Name of the Accused	Substance of the Complaint	Names of witnesses for the prosecution	Names of witnesses for the Defence	Summary of the facts proved or Confessed.	Result of the Enquiry.
1	2	3	4	5	6
Umur Sahib alias Baker Sahib Mussalman Coolly of Perandapalli	That you on or about the 10th day of January 1871, within the limits of Pergunnah Oossoor, committed Culpable homicide amounting to Murder, Causing the death of one Hadrijaffan, and thereby Committed an offence punishable under Section 302 of the Indian Penal Code, and within the Cognizance of the Court of Sessions.	1 Narasimhadu 2 Umur Sahib 3 Moonigadu 4 Venkatasamy Naidu 5 Venkata Ramadu 6 Gopal Razu 7 Mahomed Bader 8 Rimmadu 9 Munjunda.du 10 Karthikesa Pillai 11 Munaar Sahib 12. Mian Khansahib	None	The 1st Witness states that he had a son named Hadrijaffan, who was murdered about two years and one month before the 28th February last; that he does not know who murdered him; that one Dhasdar warning, the prisoner whom he knew before by sight came and hired his Cart to take himself and a Lascar friend to Oossoor; that the 2nd man got into the Cart at dusk, that as he was going to drive the Cart and bullocks, which are those produced before the Court, and in which the prisoner and the other man, whose features	The Court Considers that the evidence adduced before it is sufficient to Justify it sending the accused Umur Sahib alias Baker Sahib to take his trial before the Sessions Court for the offence specified in the charge and the Court Commits the said Umur Sahib alias Baker Sahib to stand his trial accordingly.

Explanation of Delay: Prisoner absconded and could not be apprehended sooner.

Read over and explained to the accused in Tamil and he admitted the correctness of the above Register.

(Sd.) J. F. Price
Acting District Magistrate

features he could not see, were then sitting, to Cossoor Kadriappa came and told him to go home and himself drove the Cart away that he waited on the Wednesday and that on the Thursday morning, he went out to meet his son, and walked on to Cossoor, where he saw the Cart and bullocks at the stand and learned from the Poly that the prisoner had left them there, and that the missing man had not come; that in consequence of what he heard, he went to the Authorities; that the prisoner was sent for by the Inspector and questioned, when he alleged that he knew nothing, as he had been ill and had not quitted Cossoor for 15 days, and that, whilst a witness to prove this was being sent for, the prisoner escaped; that next day he was sent for and saw the Corpse of his son about ¼ of a mile from the road with three wounds inflicted by a bill hook on the head and with his cloths and jewels around and upon him. He admits that neither the murdered man nor he had ever quarrelled with the prisoner, but says that there was a quarrel between his son and one Appaji with regard to the sister of the former.

The 2nd witness states that three days before he heard of the murder, he met Kadriappa (Kadrigan) one bright moonlight night, driving his Cart out to Shilaghery; that he stopped and talked to the murdered man whom he knew, and gave him some snuff; that Kadriappa then told him that he was taking Baker sahib and another man into Cossoor, and that he himself saw the prisoner, whom he knew by sight before, sitting in the Cart.

The 3d. Witness, who is the Bandy stand Tota, deposes that, two years ago, he saw the prisoner, whom he has known for 7 or 8 years drive the Cart and Bullocks, which he knows well, into the bandy stand, about 2 A.M. that on his calling out whose the bandy was, the prisoner said that it was that of Kadriappa, with whom he partners, was well acquainted and added that Kadriappa had gone to his mother-in-laws house; that the prisoner came again at 10 A.M. and fed the animals and that the morning after the witness came, when he told him what had occurred; that he was present when the Inspector questioned the prisoner, who replied that he knew nothing, and had not quitted Cossoor for 15 days, as he had been sick; that whilst a witness was being sent for, the prisoner jumped over a wall and escaped. No further

and Appaje loitering about the Shilagherry Bazar and in the Evening saw them going towards the 18½ witness' house. He swears most positively to the prisoners identity.

The 10th witness, who is the late Inspector of Police of Cojsoor, states that, on the 12th January 1871, he on a complaint preferred by the 18th witness sent for the prisoner and questioned him; that the prisoner alleged that he had for eight days previously been ill and had not left the town; that he (witness) sent for the prisoner's Concubine to test the truth of the Statement and that the prisoner, who was seated in the outer yard, in the meantime escaped; and though immediate search for him was made was not recaptured. He states further that the prisoner denied all Knowledge of the 18th witness or Hadriappah, as also that he had been in Shilaghery anywhere about the 10th of January. He denies having held an enquiry and told the prisoner that he might go home.

The 11th and 12th witnesses prove that the prisoner resided at their Village Veerajapett in Coorg for some 4 or 5 months before he was arrested, that he passed by the name of Umar sahib; was never known as Baker saib and represented that he had come from Vellore.

The prisoner pleads not guilty, alleges that the whole case against him has been got up. Calls no witnesses and admits that he did in Coorg call himself Umer sahib and say that he came from Vellore. The reason which he gives for this is that his right name is Umar sahib and that his people came from Vellore.

Grounds of Order

The prisoner is charged with murdering one Hadriappan more than two years ago. The evidence is entirely circumstantial, but I consider that it raises so very strong a presumption of the guilt of the

further says that the day after this, he saw the corpse of Kadriappah at the Mangattai on the Shulagiri road between 6 and 7 miles from Bejjavy and that it had wounds on the head.

The 4th Witness identifies the Mahazar marked A and states that he examined the Corpse alluded to therein; that there were three wounds on the head caused by a sharp heavy instrument, one of which over the left eye, had caused a fracture of the skull and brought about almost immediate death.

He is of opinion that death must have occurred about 2 or 3 days previous to that mentioned in the Mahazar and says that the body was easily capable of recognition by any one acquainted with the deceased.

The 5th Witness deposes that, some three days before he heard of the death of Kadriappah, he saw one Appaje with a man, whom he believes to have been the prisoner at a well in Shulagherry. He cannot positively swear to the identity of the Accused.

The 6th witness says that the prisoner, whom he has known for 20 years, was taken by him to the Inspector some 2 years ago in connection with this murder, that he went and brought the prisoner from the District Moniff's Court; that the prisoner denied, when questioned by the Inspector, knowing anything, and that, whereupon witness was being sent for the prisoner escaped from the Inspector's back yard and could not be found again and that Appaje also disappeared at the same time and has not since been seen.

The 7th Witness deposes that he is well acquainted with the prisoner; that his name is Baker said and that he arrested him at Virajpett in the Coorg Country, where he was then passing under the name of Umar Saib.

The 8th Witness who is the younger brother of Kadriappah, corroborates the 1st Witness with regard to the prisoner's having hired the Cart and bullocks outside the Court on the night of the Diss day and to Kadriappah having driven them towards Coorg with the prisoner and another man, whose face he did not see as passengers.

The 9th Witness says that three days before he heard of the murder of Kadriappah, he saw the prisoner and

the accused as to render it my duty to Commit him for trial. The evidence proves the following points.

On the day of the evening when Kadriappan was last seen alive, the prisoner was seen in the village of Shulagheri, where the deceased lived. He was then in Company with one Appasawmy, who has disappeared and never has been seen since that day. This Appasamy had quarrelled with Kadriappah, as is reluctantly admitted, on account of the latter's sister. About dusk of this day, the prisoner comes to the house of Kadriappah's father, with whom Kadriappah lives and hires a cart to take him and a lame friend to Oossoor. After the cart had been taken about for some time to different places, a man wrapped in a cloth hobbles up and gets into it. Who this man was has never been ascertained, though suspicion points to Appasamy. Just as the father is about to start, Kadriappah, unfortunately for him, comes and persuades the old man to let him drive the Cart, which then starts; Kadriappa driving and the prisoner and stranger sitting inside. On the road, the night being bright moonlight, a friend of Kadriappah driving a return bandy from Oossoor, meets him, stops for a while, learns from him that the prisoner, whom he then names, is one of his passengers, gives him a pinch of snuff and sees the prisoner and the unknown in the Cart. This man, who knew the prisoner who was at the time a proclaimed offender in the Oossoor District Munsiffs Court, which is near the bandy stand, is the last person who saw the deceased alive. Shortly before Cock Crow, the prisoner is seen by the Potti at the Oossoor bandy stand to drive in Kadriappah's Cart and bullocks. He knows the prisoner, the cart and bullocks and knew Kadriappa too. The prisoner states that Kadriappah had gone to his mother-in-law's house and had told him to leave the bullocks there. Kadriappa and the unknown man who had started from Shulagheri that evening were not with the Cart.

The prisoner comes again on the morning of the following day, gives the cattle some grass and goes away. This is on the 11th January. On the 12th Kadriappah's father gets anxious and starts in the morning to see his

his son. As he sees nothing of him, he goes on to Cojsoor and there sees at the bandy stand, which is the first thing which one passes on coming into Cojsoor, the cart and bullocks. He questions the Potti who sends for the prisoner. The prisoner denies all knowledge of the missing man and alleges that he had not been out of Cojsoor for a considerable time, owing to his being ill His paramour is named as his witness, and she is sent for, he being in the meantime told to sit down in the yard, whilst the Inspector goes on with his work. On the arrival of the woman, the prisoner is found to have disappeared and not to have made his exit by the doors of the yard.

His paramour disappears directly afterwards. The prisoner is not seen again for nearly two years, and then by means of a stamp paper he is traced to Coorg, where he is found living under an assumed name.

The flight of the prisoner leads to a careful search, and soon afterwards the body of Kadriappah is found at a short distance from the road from Shiálagheri to Cojsoor with wounds upon it, which leave no doubt whatever that he was murdered.

The Corpse is clearly identified not only by its appearance but also by the jewels and cloths, which are untouched.

It is evident that he was not murdered for his property.

This is the Case.

There are against the prisoner the following points.

1st. That he was seen in Shiálagheri on the day of the evening on which Kadriappah was last seen alive.

2nd. That he hired the Cart and bullocks of Kadriappah's father and was seen to drive away with Kadriappah and another man unknown.

3d. That he was met on the road that same night in the Cart, which was then driven by Kadriappah's

time that he was last seen with the murdered man and his and to satisfactorily account for his being in possession only conclusion to which I can arrive is that he is one of

There is only one thing wanting and that his motive for has been adduced to show that the prisoner had any spite as an athlete and a bully, and he was seen shortly before committed in company with Appasamy, who has never since been with Paddriappah and his people on a subject, which only conclude that he was hired or plotted with Appasamy did not actually kill Paddriappah, he assisted in doing so.

Still the law does not require that motive should, in a murder case, be proved. Evidence on this point is of course highly desirable, but it is not essentially necessary, and the question in this Case is one which can only be a matter for conjecture.

There is one important witness whose evidence I have not been able to procure, and she is the late wife of the bandy stand Poti, who also saw the prisoner drive in Paddriappah's cart and bullocks. She has eloped with someone else, and though efforts to trace her have been made, they have proved unavailing. The prisoner having admitted the use of another name in Coorg, and his having stated that he came from Ellore, I do not consider it necessary to bind over the witnesses who prove this point and who live in the other side of the Continent to appear before the Sessions Court.

Salem District Magistrate's Office
Camp Dhally 25th April 1873

(signed) J. Frederick Price
Ag: District Magte
Magte 1st Class.

appearance in Dossoor with the Cart and bullocks, of these. This he has utterly failed to do, and the Murderers.

the Crime. Gain certainly was not and nothing against the deceased. But he is a man well known is at the bottom of 9/10ths of Indian Murders. I can to work out the latters revenge and that, if he

1 Pmk Copy
Fredk Price
Ag: District Magte

4° That Haddriaffpah was never again seen alive, but was subsequently found murdered not far from the road side.

5° That the prisoner, on the morning of same night, drove the cart and bullocks into the bandy stand at Oojoor without Haddriaffpah.

6° That he made a false statement to the Bandy stand Peti regarding the missing man.

7° That he gave the Inspector a false account of himself.

8° That, when enquiry as to the truth of his statement was being made, he availed himself of an opportunity to escape, and did not return to Oojoor until he was brought there in Custody nearly two years afterwards.

9° That he went away to a distant Country, passed under an assumed name, and stated that he had come from Vellore.

10° That he has never satisfactorily explained any part of his Conduct, and has made an allegation which is distinctly contradicted by the Inspector himself, and is at total variance with the subsequent action of the Police.

I must say that I consider the evidence very strong indeed. I quite believe it. It was not brought forward now for the first time. Part of it was previously recorded, and the names of other witnesses were obtained from entries made in the Police Registers at the time.

Haddriaffpah is murdered. The prisoner is one of two persons last seen with him when alive. He is seen again on the morning of the 11th January with the Cart and bullocks, which the deceased was seen to drive away in his Company. He tells two falsehoods about the matter and then absconds, though his home is at Oojoor, he has active employment in the Government Service, and his brothers are also in Oojoor. Notwithstanding all this, he never returns and his whereabouts is kept secret. The whole of his actions are those of a guilty person. It is incumbent upon him, in my opinion, to prove what he did between the

time

In a letter from the Dt. Magistrate of Salem to the Chief Secy. to Government Madras dated 7th February 1874 No 39

III

(3-Enc) vj

Recd 26-2-74
Rd 4/3/74

Recd 7th March 1874 in No 39

Jud. 343/74

Chief Office of the Inspector General of Police, 43

No. 754 Madras, 24 February 1874.

From

The Inspector General of Police,

To

The Chief Secretary to Government Fort Saint George.

Sir,

Enclosures Three

With reference to your Endorsement on a letter from the District Magistrate of Salem (Herewith returned with Enclosures) I have the honor to state that I shall be glad if the Government see fit to bestow the reward proposed for the 2 Police Constables who acted with skill and courage.

2. Mr Inspector Leonard's claims to promotion will of course be duly considered when a vacancy occurs but I do not think it advisable that an absolute promise of promotion should be made. I would suggest a pecuniary reward to Mr Leonard also for the acumen and perseverance displayed by him in this difficult case.

I have the honorable
Sir,
Your Most obedt Servant,

Inspector General of Police

Feb. 343.
Pro: 26th Dec. 1873 No. 190-1

Jud. 1874 Deptt.

From

The Inspector General
of Police.

To

The Chief Secy
to Govt
Fort St. Geo:

No 474

Dated 24 Feby. 1874

No. 754

Subject Submits remarks on a letter from the Distt. Magte. of Salem recommdg. rewards to certain Police Officers for their conduct in the detection of a murder case.

No. 40.

Mr. Secy. Sanctions the proposed reward of Rs 50 each to the two Constables. The question will be a remark of the Hon'ble ; the question of his promotion being left to his Superior Officers.

2. Copy of the correspondence will be furnished to the Auditor General for communication to the Accts & the Auditor, you will be enjoined to be more careful in future to observe the instructions of the Comrs not to submit unstamped papers.

25-2-74.

C. 26-2-74
R. 24/3/74

1874 Madras.

Judicial.

...ruli of Salem

Jan.

...ar. 1874. No. 386.

Nos. 39. 41.

...n Police - Rewards of Rs. 100
... Insp. Leonard & of Rs. 50 to
... of two Constables for Conduct
... detection of a murder
... Inspr. & Copy of the Corres-
...nce ordered to be forwd.
... Supt. of the Andamans
... the Murderer has
... transported.