Scott. II.-27—23,606—24-12-32.

Law (Genl) (1934) Department.

1
2604

Ms SERIES.

G.O. No. 2604.

DATED 13-9-34

[Despatch Abstract.]

Convict — Release on M
grounds — Rule 514 A Jail
— Unconditional — No. 45
Betarani, Presidency Jo.
Velbore — Sanctioned

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

FURTHER PAP

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

பாதுகாப்பு பிரிவு -1

செய்யவேண்டியவர் பெயர் : உயர் அதிகாரிகள்

செய்யவேண்டியதற்காக எடுத்துக்கொள்ளப்பட்ட நாள். 4/09

செய்யவேண்டிய முடித்த நாள். 5/09

15/6/09
சரிபார்க்கும் முதல் முதியவர் கையொப்பம்

18/6/09
சரிபார்க்கும் 2ம் முதியவர் கையொப்பம்

5/8/6
ஆராய்ச்சி உதவியாளர் கையொப்பம்

C.F. 38.

Jail **DEPARTMENT.**

Fpnl: 1103 A
10.3.34

GOVERNMENT OF MADRAS
15 MAR 1934

Received ..... 19 *Registered* 19

2/2604

Subject.

Jails - Presidency Jail for Women, Vellore - Female convicts Nos.450, Brundi Beharari and 1261, Pammu - Removal to the Government Pentland Hospital, Vellore for operative treatment -

ENCLOSURES.
No. 4.
Spare copies.....

No. G/. 316

Station Ootacamund. , *Dated the* 8th March 19

From (Name) Major M.M.Khan, I.M.S.,
(Designation) Ag. Inspector-General of Prisons.

To The Secretary to the Government of Madr

Law (General) Depa

Mp 457

Sir,

In submitting, herewith, the nominal rolls o
case sheets of the two female prisoners referred
have the honour to report that the Superintendent
Jail for Women, Vellore removed them under Rule 5
Manual to the Government Pentland Hospital, Vello
3rd March 1934 for operative treatment in antic
sanction of Government. I request that his acti
approved.

Mp 2-34

2. The dates of their discharge from the
readmission into the jail will be reported in du

I have the ho
Sir
Your most obed

Ma
Ag. Inspector-Gener

vss.

Medical Case Sheet of life convict
No. 450 Brundi Baherari.

Life convict No. 450 Brundi Baherari is in this jail for the past 3 years. She was suffering very badly on and off from internal Haemorrhoids and was detained in Hospital all the time for rest and nourishment. ~~All of a sudden~~ About 2 months ago she developed a Tumour about the side of a Citron in the left Iliac Fossa. It is very tender and the patient is getting debilitated on account of this. She needs immediate Surgical interference, ~~is it may be a Peri-orchitis Tumour, or a Psoas Abscess.~~ I am sending here to the Government Pantland Hospital, Vellore, for treatment and proper nursing as there are not facilities here. Provisional diagnosis: psoas a

Mrs. Cruickshank.

Presidency Jail for Women,
Vellore 3rd March 1934.

Major I.M.S.
Superintendent.

3/ 3A/2604

Medical Case Sheet of life convict
No.1261 . Pammu.

Life Female convict No.1261 Pammu is in this jail for the past 2 years. She gives a history of vomiting daily a few hours after meals for the rest one year and a history of vomiting blood for the past 3 months.

She was detained in Hospital for observation and is diagnosed as Gastric Ulcer, with peptonic ulcerosis ~~at the Pylorio end~~.
As she needs immediate Surgical treatment and proper nursing I am sending her to the Government Pentland Hospital as there are no proper facilities here.

Presidency Jail for Women,
Vellore 3rd March 1931.

Major I.M.S.,
Superintendent.

Jodl. (Jail-II)-27—14,292—20-6-31.

Received by transfer from Central Jail Cannanore on 25-11-1932.

FORM No. 52.

(See Rule 879, Jail Manual.)

Nominal Roll of ~~Male~~ Female * Convict No.† 1261, Name Pannoni d/o Taukara, Residence (Village, Taluk and District) Kannavaram, South Kanara Kasargode, Caste Hindu, Present Age 32 years, Occupation Domestic work

Section and Code under which imprisoned.	Original sentence of order and date.	Adjudicating Court and Calendar number of case.	Unexpired term of sentence after deducting remission earned. Y.	M.	D.	Present state of health and fitness to undertake a journey.‡	Result of appeal (if any).	Conduct in Jail.	Remarks.
Section 302 I.P.C	Transportation for life 13-7-28	Sc No. 4/28 Sessions Judge, South Kanara 13-7-28	13	6	9	Fit vide medical Case Sheet attached	Dismissed	Good	Remission carned up to end of preceding month days. 300

* Strike out and add "Female" when necessary.

† After the prisoner's number add his class A or B, according as he is classed as a Casual (and whether Star) or Habitual, respectively, and after the letter, add the number of previous convictions, thus—No. 3742 B-2.

‡ When a journey is about to be undertaken by a prisoner, the roll is to be signed by the Medical Officer.

NOTE.—Personal and descriptive marks are to be given on the reverse when (1) rolls accompany prisoners transferred, (2) police assistance is sought for the recapture of an escaped prisoner.

Cannanore JAIL, 3-3-1934

Superintendent.

12-7-48
3-3-34
7-4-14
9-6-13

ordinary 'C'
Mixed

FORM No. 52.

Jodl. (Jail-II)-27—14,292—20-6-31.

(See Rule 879, Jail Manual.)

Female / Benna Behara

Nominal Roll of ~~Male~~ * Convict No. † 450, Name Bhundi Beharari D/o, Residence (Village, Taluk and District) Ganjam, Berhampur Caste Hindu, Present Age 27 years, Occupation Household duties

Section and Code under which imprisoned.	Original sentence of order and date.	Adjudicating Court and Calendar number of case.	Unexpired term of sentence after deducting remission earned. Y.	M.	D.	Present state of health and fitness to undertake a journey.‡	Result of appeal (if any).	Conduct in Jail.	Remarks.
Section 302 I.P.C	Transportation for life 12-1-31	S.C.No1/1931 Sessions Judge, Berhampur 12-1-31	16 15	4	10	H M vide medical Case Sheet attached	Dismissed	Good	Remission earned up to end of preceding month days. 178

* Strike out and add "Female" when necessary.

† After the prisoner's number, add his class A or B, according as he is classed as a Casual (and whether Star) or Habitual, respectively, and after the letter, add the number of previous convictions, thus—No. 3742 B-2.

‡ When a journey is about to be undertaken by a prisoner, the roll is to be signed by the Medical Officer.

NOTE.—Personal and descriptive marks are to be given on the reverse when (1) rolls accompany prisoners transferred, (2) police assistance is sought for the recapture of an escaped prisoner.

Berhampur JAIL, 30 January 1931.

11-1-31
3-3-34
8-10-15
28 5
10-4-15

Superintendent.

PERSONAL AND DESCRIPTIVE MARKS.

PERSONAL AND DESCRIPTIVE MARKS.

8/123

b / 6/2604

Law (General) Department

Memorandum No. 1103 A-1 Dated 12-3-34

Convicts No. 460, Kundi Belarari alias no. 28, Panama - Presidency Jail for women, Vellore -
Removal to hospital - Reference -
I.G. of Prisons letter No. G-316 dated 8th March 34.

The action of the Superintendent, Presy Jail for Women, Vellore in having removed the above mentioned convicts to the Govt. Pentland Hospital, Vellore for operative treatment in anticipation of the sanction of Government is approved.

2. The report as to the dates of the convict's discharge from the hospital and readmission into the jail, is awaited.

10/3/34

To

The I.G. of Prisons.

C.F. 30.

Jail **DEPARTMENT.**

Received ..... 19 *Registered* 19

Subject.

Convict No.1801, Pammu- Presidency Jail for Women, Vellore - Death in the Government Pentland Hospital, Vellore- Reported - Ref:-Government Memorandum No.1105-A-1, Law (General), dated the 12th March 1934 -

ENCLOSURES.
No. .....
.....
Spare copies .....

No. G/. 472.

Station Ootacamund. *Dated the* April 19 34.

From (Name) Major I.M.Khan, I.M.S.,

(Designation) Ag.Inspector-General of Prisons.

To The Secretary to the Government of Madras

Law (General) Department.

Sir,

I have the honour to report that the female prisoner referred to above died in the Government Pentland Hospital, Vellore on the 2nd April 1934. A copy of letter No.800.551-C, dated the 3rd April 1934 from the Superintendent, Pentland Hospital, Vellore is enclosed.

2. Convict No.459, Barundi Beharri has not yet been discharged from the hospital.

I have the honour to be,
Sir,
Your most obedient servant,

Major I.M.S.
Ag.Inspector-General of Prisons.

P.T.O.

Letter No. POC.551-34 dated the 3rd April 1934
From the Superintendent, Pentland Hospital, Vellore
to the Superintendent, Central Jail, Vellore.

--

Prisoner No.1361, Pammu died in the hospital last night at 9-30 P.M.

/True copy/

for Inspector-General of Prisons

Jail DEPARTMENT. C.F. 30.

Rec

Law / Genl: 2224A 26.5.34 C.F 98.

Department.

Branch.

REMINDER.

To The Inspector-General of Prisons

The undersigned ~~has the honour to invite~~ is directed to invite ~~invites~~ attention to the communication noted in the margin and to request that this reminder may be returned at once with information as to—

~~(1) the stage at which the matter now is;~~

~~(2)~~ the date by which the Report ~~a reply~~ may be expected, ~~and~~

~~(3) the circumstances which have caused the delay~~.

~~2. It is requested that the reply to this reminder may be sent not later than~~

Office Law Dept

Station Fort St. George

Dated

Signature.

Asst Secy. to Govt.

Designation.

SUBJECT: 5.34.

Leonard - No. 450, Barundi Kelasani, Prsnr - Jail for women, Vellore - Removal to Hospital. Further report.

REPLY.

To The Secretary to Government,
Law (General) Department

Returned.

2. Convict No.450, Barundi Beharari of the Presidency Jail for Women, Vellore is still undergoing treatment in the Government Pentland Hospital, Vellore.

Personal Assistant
to the Inspector-General of Prisons

No. G/. 730.
Ootacamund,
Dated 24/5/1934.

C.G. Dept.

Asst. Secy. for perusal
The report as to the date of the convicts discharge from the hospital & readmission into the jail may be awaited.

26.5.34.

Law DEPARTMENT. Ll 2703 A 6.34 O.P. 98. 9/2604

General Branch.

REMINDER. REPLY.

To THE Inspector General of Prisons

To THE Secretary to Government,
Law (General) Department.

The undersigned ~~has the honour to invite~~ is directed to invite attention to the communication noted in the margin and to request that this reminder may be returned at once with information as to—

~~(1) the stage at which the matter now is,~~

~~(2)~~ the date by which a reply may be expected, ~~and~~

~~(3) the circumstances which have caused the delay.~~

~~2. It is requested that the reply to this reminder may be sent not later than~~

No. 1103A1 dated 12-3-34 & 24-5-34
No. G-730

Office Law Dept.
Station Fort St. George
Dated

Signature.
Asst. Secy. to Govt.
Designation.

SUBJECT. 11.634.
Convict no 450, Barundi Beharari Prsny. Jail for Women, Vellore - Removal to hospital - Further report.

Returned.

2. Convict No.450, Barundi Beharari is still undergoing treatment in the Head quarter Hospital, Vellore.

Personal Assistant
to the Inspector-General of Prisons.

No.G/.896
Ootacamund,
Dated 26/6/1934.

V. Rsvd 29/6
Law (Genl) Dept.

A.C

2. Subject for remind at the date of the prisoners re-admission into the jail may be awaited till 20-7-34.

28-6-34

29/6

C. F. 98

13

Law DEPARTMENT.
General Branch.

Hmd: 3208A
9.8.34
10
2604

REMINDER.

To THE Inspector-General of Prisons.

The undersigned ~~has the honour to invite~~ is directed to invite ~~invites~~ attention to the communication noted in the margin and to request that this reminder may be returned at once with information as to—

~~(1) the stage at which the matter now is,~~

~~(2)~~ the date by which a reply may be expected, ~~and~~

~~(3) the circumstances which have caused the delay.~~

~~2. It is requested that the reply to this reminder may be sent not later than~~

Office Law dept.
Station Fort St. George.
Dated 23.7.34.

Signature.
Asst. Secy. to Govt.
Designation.

SUBJECT. Convict No. 450, Barundi Behanari Prsn. Jail for women, Vellore - removal to hospital - further reports.

REPLY.

To THE Secretary to Government,
Law (General) Department.

9 AUG 1934

Returned.

2. Convict No.450, Barundi Behanari is still undergoing treatment in the Government Pentland Hospital, Vellore.

Personal Assistant
to the Inspector-General of Prisons.

No.G/.1106
Ootacamund,
Dated 7-8-1934.

Law (Gen'l) dept.

Submitted for permsn.

2. The I.G. of Prisons may again be reminded on 20.8.34 if necessary.

9/8/34.

15 V.a V.11 11/2604

C.F. 30.

Jail DEPARTMENT.

2g 3607AA

Received 10 SEP 1934 19

Registered 10 9 19 34

11.9.34

Subject.

Jails- Presidency Jail for Women, Vellore- Convict No.450 Barundi Beharani- Release on medical grounds under Rule 514 A Jail Manual- ...

Enclosures.

No.

Spare copies

No. G.1216.

Station Mt. Road, Madras, Dated the 8th September 1934

From (Name) Lieut-Col.M.M. Khan, I.M.S.,

(Designation) ag. Inspector General of Prisons

To The Secretary to the Government of Madras,

Law (General) Department.

Sir,

Under Rule 514-A Jail Manual, I have the honour to submit for the orders of Government, the following papers relating to the convict referred to above:-

1. Nominal roll p.17 infra.
2. Medical case sheet p.18. infra
3. ,, certificate p.19. infra
4. Letter L.Dis.No.6540/34 dated the 28th August 1934 from the District Magistrate, Ganjam.
5. Copies of judgments of the Lower and Appellate courts.

M.20-21 infra
M.22-30 infra

2. The prisoner is still in the Government Pentland Hospital, Vellore undergoing treatment. In this connection

16/

please see Government Memorandum No.1103 A-1 Law (General) dated the 12th March 1934.

3. The conduct of the prisoner has not been noted in her nominal roll. The same has been called for and will follow.

Vide P. 5 ante for Conduct & Work done in Jail.

I have the honour to be,

Sir,

Your most obedient servant,

Personal Assistant
for Inspector General of Prisons.

Tsv.

Jail. (Jail-II)-27—14,292—20-6-31.

FORM No. 52.

(See Rule 879, Jail Manual.)

Nominal Roll of Male* Convict No. †_____, Name _____

District) _____ Caste _____, Present Age _____ years, Occupation _____, Residence (Village, Taluk and

Section and Code under which imprisoned.	Original sentence of order and date.	Adjudicating Court and Calendar number of case.	Unexpired term of sentence after deducting remission earned. Y. M. D.	Present state of health and fitness to undertake a journey.†	Result of appeal (if any).	Conduct in Jail.	Remarks.
Sec 302 IPC	Transportation for life. 12.1.31.	Sessions Judge Cawnpore Sessions case 1/31					Remission earned up to end of preceding month _____ days.

* Strike out and add "Female" when necessary.

† After the prisoner's number, add his class A or B, according as he is classed as a Casual (and whether Star) or Habitual, respectively, and after the letter, add the number of previous convictions, thus—No. 3742 B-2.

‡ When a journey is about to be undertaken by a prisoner, the roll is to be signed by the Medical Officer.

Note.—Personal and descriptive marks are to be given on the reverse when (1) rolls accompany prisoners transferred, (2) police assistance is sought for the recapture of an escaped prisoner.

JAIL, _____ 193

Superintendent.

18

13/2604

Case notes of Convict No. 450 Barundi Beharani.

Admitted in the Vellore Women's Jail hospital on 4-1-34 for tumour in the left side of abdomen. Transferred to Government Pentland Hospital on 3-3-34.

On admission in the Government Pentland Hospital she gave a history of having had pain in the left hip joint and in the back from 2 months ago. She noticed a swelling in the left iliac region also and had inability to extend her left thigh. On examination a hard mass felt in the left iliac region of abdomen extending almost up to the middle line. It is tender and not moveable.

7-3-34-operated on under spinal analgesia. A rectroperitoneal abscess found in the left iliac region- Drained with trocar and cannula- Creamy tubercular pus evacuated- Injected Ichthyol and glycerine- Rubber drainage tube stitched in. Since then patient has been running a hectic temperature going up to 102 or 103 in the evening and has been steadily getting thinner and thinner.

Present condition. Very emaciated and anaemic There is a sinus opening in the left side of the anterior abdominal wall and discharging large quantities of pus. A tumour, probably another chronic abscess is felt in the right lumbar region of the abdomen. Both sacroiliac joints show deluxation and angular deformity, the joints projecting backwards. The deformity is slowly and steadily increasing. All treatment and attempts at immobilisation of the joints have been of no avail. The patient is bed ridden for the last five months.

Superintendent,
Government Pentland Hospital,
Vellore.

19 14/2604

Office of the District Medical
Officer, Vellore, dated 13-8-34.

Certificate.

I, P. Sanjiva Pai, hereby certify that Convict No. 450

Name Barundi Behareri is, in my opinion, in danger of death from

sickness not due to infectious disease. There appears to be no chance

of her recovery within or without the jail.

13/8

District Medical Officer,
North Arcot Dt.,

H.L. 13-8-34.

C.F.32 (a).

In reply, please quote number, date and short title."

Revenue DEPARTMENT.

15/2604

Received *Registered*

From (Name) A.F.W.Dixon Esqr., I.C.S.,

(Designation) District Magistrate, Ganjam

Post Box , (Station) Chatrapur

Telegraphic Address

1 SEP 1934 6326.

To

The Superintendent,
Presidency Jail for women, Vellore.

L.Dis. No. 6540/34, *dated* 28-8-34 *19* .

Sir,

Prisoners - Premature release on medical grounds convict No.450 - Brundi Beharani.

Ref:- Your letter No. F.G.1375 dated 17-8-34

The convict Berundi Beharani may be released - on medical grounds without injury to the community. Her father, Bennu Behara of Kumbhara Nuagam in Ichapur taluk

ENCLOSURES

SPARE COPIES

2/

is willing to take care of her as she is his only daughter

B.O

H.C. for Dt. Magistrate

29-8-34

G.J. 29-8-34

22

16/2604

6102

Ganjam Sessions Court.

Monday, the 12th day of January 1931.

PRESENT:—

A. C. Happell Esquire, I. C. S.,

Sessions Judge.

Sessions Case No. 1 of 1931.

(Committed by Mr. H. Bhole, Sub Magistrate, Sompeta, in R. C. No. 4 of 1930 on his file).

REX INDIA IMPERATOR.

Versus:—

Accused—Brundi Beharani. } Defended by Mr. N. M. Patnaik, Pleader, appointed by the Court.

Charge:—Murder, punishable under Section 302, I. P. C.

Opinion of Assessors:—

1st Assessor Haribandu Behara, Bolidiya. }
" Haribandu Sahu, Alia, } Not guilty.
" Ananda Sahu, Alia, }
" Damodara Podhano, Tohoria. }

Finding of the Judge:— Accused is guilty of murder, punishable under Section 302, I. P. C.

Sentence:— The Accused is sentenced to transportation for life.

J U D G M E N T.

1. The Accused is charged with the murder of her mother-in-law Savitri Beharani on the 28th of September 1930 at Vikramapur. She pleads not guilty.

2. The Accused is the wife of one Roghunatho Behara (P.W. 1), an inhabitant of Vikramapur. The prosecution case is that Roghunatho Behara, his wife (the accused) and his mother were living together in one house in Vikramapur. P.W. 1 left his house at dawn on the 28th of September 1930, and went to a neighbouring village –Jollantra Godo– in order to sell earthen pots there. He was returning at about 3 p. m., and on the outskirts of his own village learned that his mother had been killed. He went to his house, and there the Accused told him that she had killed her mother–in–law in a fit of anger because she had grumbled at her. Meanwhile the Talayari of the Sankudi group –P.W. 5– to which Vikramapur belongs had gone to Vikramapur on the morning of the 28th on census business, and there he had heard of the murder. He returned at once and reported the matter to the Village Munsif of the Sankudi group. The Village Munsif, P.W. 2, the Karnam, P.W. 4, P.W. 5 and others went immediately to Vikramapur, and entered P.W. 1's house. There they were told by the Accused that she had killed her mother-in-law, and saw the body under a guava tree in the backyard of P.W. 1's house. They also saw marks of blood on the outside of the tatki

door leading from a small back room in P.W. 1's house to the backyard of the house. A report -Exhibit A -was drawn up and taken by the Karnam-P.W. 4- to the Police at Sompeta. The Sub-Inspector of Police P.W. 10 went to Vikramapur on the 29th and investigated the case. In the course of his investigation the Accused produced and handed to him M. O. 1 – a heavy curved knife about 2 feet long apparently used as a woodchopper. An inquest was held- Exhibit E- and the body was sent for *post-mortem* examination. The *post-mortem* certificate is Exhibit D, and the Sub Assistant Surgeon, Sompeta, who conducted the examination says that he found four injuries on the body (1) a big wound on the right cheek bone (2) a wound on the right side of the lower jaw (3) a big wound on the back of the neck mostly on the right side- this wound had cut through the muscles of the spinal column and severed the spine itself. It was not inflicted by a single blow but consisted of three separate gashes, (4) an injury on the left shoulder. M. O. 1-the chopper–was sent to the Chemical Examiner and human blood stains–were found on it. M. Os. 2 and 3—portions of the tathi door—were also sent and human blood stains were also found on them. Ex. F is the report of the Chemical Examiner, Madras, and Ex. G is the Imperial Serologist's report.

3. The Accused has examined no witnesses in her defence. Before the Committing Magistrate she made no statement and said that she would say what she had to say before the superior Court. In this Court she made the following statement 'I had gone away to the fields to remove weeds, leaving my children at home. After I returned from the fields my husband told me that my mother–in–law was dead.' He said 'We don't know who has done this deed. Listen to my advice. The Police will make us accused and take us away. I am on bad terms with my husband's brother P.W. 9, he might have done it. I had then been pregnant seven months and was with difficulty able to stand up or sit down. I know nothing about the murder. I did not do it.'

4. Before examining the prosecution evidence in detail it will be as well to deal with some points relating to the admissibility of evidence adduced which were raised. Ex. C is a statement made by the Accused and recorded by P.W. 2; Ex. C-1 is a statement made by P.W. 1 and recorded by P.W. 2, the Village Munsif. These statements were let in because in cross examination P.W. 2 was asked whether he had taken statements. He replied 'Yes' and the line taken in cross-examination was that he had not in fact done so. The statement, Ex. C, I hold, is evidence that a statement was taken but cannot be used for any other purpose. A Village Magistrate is not authorised to take confessional statements under Section 164 Cr. P. C, and in fact village officers are expressly prohibited from doing so. Ex. C-1 is no doubt admissible, as P.W.1. is not an accused person, but it adds nothing to the oral testimony and does not, in my opinion, strengthen it. The remaining point relates to the production of M. O. 1 and Ex. B the report drawn up when the Accused produced it. Under Section 27 of the Evidence Act when any fact is discovered in consequence of information supplied by the Accused so much of such information as relates distinctly to the fact thereby discovered may be proved. Here, however, the Accused handed M. O. 1 to the Sub-Inspector of Police. The statement with which the Accused is said to have accompanied the action of handing the knife over did not lead to the finding of the knife. It amounts simply to a confession to the Police, and so is not admissible. I hold, as regards this transaction, that the only fact admissible in evidence is that the Accused handed the Sub-Inspector the article M. O. 1.

5. In addition to the evidence for the prosecution already summarised the evidence of two other P.Ws. has to be considered. These are P.W. 11, an inhabitant of Vikramapur, and P.W. 9 the brother of P.W. 1 and brother-in–law of the Accused. P.W. 11 says that he saw the Accused at about 11 a. m. on the 28th of September going towards the river (from the plan Ex. H the river is about 70 yards from the Accused's house). It does not seem to me that any inference unfavourable to the Accused can be drawn from this man's evidence. P.W. 9 says that on the morning that his mother was killed he was in his house, which is two houses away from the house in which the Accused lives. He heard a child crying in the backyard of the Accused's house, and went round to see what was the matter. When he got to the backyard he saw the Accused dragging the body of his mother. She dragged it as far as the guava tree and threw it down there. The witness says that he then fainted, and when he came to himself returned to his house. He did not speak to the Accused, did not try to find P.W. 1 and made no report either to the Village Munsif or the Police. For the defence it is urged that it is quite inconceivable that P.W. 9 would have acted as he did if he had really seen the Accused dragging the dead body of his mother. I agree that his story of fainting is nonsense; and it seems incredible that he would not have spoken to the Accused. The rest of his action, however, seem to me natural, if not proper, in a man of this class who would be dumfounded at the discovery that his brother's wife had murdered his mother. He has no doubt not given the whole truth, but there does not seem reason to doubt the main part of the evidence that he saw Accused throw down the dead body of his mother. Apart, however, from his evidence I think that the prosecution have made out a case which, if unrebutted, shows that the Accused killed her mother-in–law. The principal witnesses are the Accused's husband P.W. 1 the Village Munsif, P.W. 2, the Karnam, P.W. 4, and P.W. 6, a man of some standing who states that he generally lives in Vikramapur. Some discrepancies in their evidence have been elicited in cross-examination, but these seem to me unimportant. They gave their evidence well, their demeanour was unembarassed, and there is no reason at all why they should try falsely to fix responsibility for this murder on the Accused. Except for the oral confessions it seems unnecessary to show further that the facts to which they speak may be accepted as true. As regards the oral confessions no doubt statements that oral confessions have been made should be accepted only with the greatest caution. In this case, however, there is no suspicion of bias or ill will, and the testimony of the two village officers is supported by the quite disinterested testimony of P.W. 6. Further I do not think that the evidence of P.W. 1 can be ignored. In this Court he gave evidence with obvious reluctance against his wife. He stated that he did not know whether the village officers questioned the Accused. This is certainly not true. He must have known. But he did say that his wife admitted to him that she killed her mother-in-law. It seems to me that this can only be false if

P.W. 1 is trying to shield himself. There is no reason to believe that he has any need to do so. It is true that there is only his own evidence that he was away from the village at the time the murder was committed, but he has not given his evidence like a guilty man or a man who is afraid, and I have no doubt from all the circumstances of the case that his *alibi* was not further enquired into because it was perfectly well known in the village that he was not in his house when the crime was committed. It has then been established by the prosecution that the deceased Sabitri Beharani was murdered in P.W. 1's house; that at the time the Accused and Sabitri Beharani were the only persons in the house, that the murder was committed with the chopper M. O. 1 (P.W. 1 says that M.O. 1 may be his but clearly knows that it is his), and that the dead body was dragged into the backyard and left there. Further the prosecution has established that the Accused said it was she who killed Sabitri Beharani. The evidence for the prosecution if unrebutted proves therefore that the Accused killed her mother-in-law Sabitri Beharani.

6. The Accused says that P.W. 1 told her to keep quiet and that P.W. 9 might have committed the crime. As regards P.W. 9, if the Accused did make an oral confession then P.W. 9 could not have committed the crime for it is incredible that she would make a confession to shield him. And even if she did not make a confession, it is incredible that she and P.W. 1 would not have known that suspicion attached to P.W. 9 and have mentioned it. As regards P.W. 1, he could only have told the Accused to say nothing either to save her or to save himself. There is no evidence and no probability that he himself either committed or had a part in the commission of the crime.

7. All the Assessors are of opinion that the Accused is not guilty. The reasons given by the 1st Assessor, and concurred in by the others, are that a woman could not have committed this terrible crime when the mere sight of the dead body caused P.W. 9 to faint, and that there was no eye-witness of the crime. These seem to me inadequate grounds on which to rest the conclusion reached by the Assessors, and for the reasons already given I am unable to agree with them.

8. I find the accused guilty of murder. On the question of punishment I think I may properly take the circumstances of the case and the Accused's physical condition into consideration. The murder was a brutal one, but there is no evidence of premeditation and it was undoubtedly committed in a fit of extreme exasperation. The Accused is now in an advanced state of pregnancy and had been pregnant for nearly six months at the time the crime was committed. In the circumstances I think I am justified in not sentencing her to death. I sentence her to be transported for life.

The Accused is committed to the Presidency Jail for women at Vellore.

(Sd.) A. C. HAPPELL,
Sessions Judge.

The following witnesses were examined

for the prosecution:—

1. Raghunatho Behara (Husband of the Accused).
2. Gokarla Saradhi (Village Karji).
3. P. Rama Rao (Sub Assistant Surgeon).
4. Syamo Santra (Village Karnam).
5. Durlobho Naiko (Village Talayari).
6. Nityanando Panigrahi.
7. Ch. Subramanyam (Clerk, Sub Magistrate's Office, Sompeta).
8. Shaik Farid (Constable No. 376).
9. Horibandhu Behara (Brother of P.W. 1).
10. S. M. Mahaboob Ali (Sub-Inspector of Police).
11. Brunda Behara.

for the defence:—None.

The following documents were filed

for the prosecution:—

A/28-9-30	Report sent by P.W. 2 to the Police.
B/29-9-30	Mediators' report prepared when the accused produced M.O. 1.
C/28-9-30	Statement of the Accused recorded by P.W. 2.
C-1/28-9-30	Do of P.W. 1 by do.
D/30-9-30	*Post-mortem* certificate given by P.W. 3.
E/29-9-30	Inquest report.
F/8-10-30	Report of the Chemical Examiner, Madras.
F-1/20-10-30	Covering letter from the Chemical Examiner, enclosing Exhibit F.
G/16-10-30	Imperial Serologist's report.
H/ nil	Plan of the scene of offence prepared by P.W. 10.
J/30-9-30	Memorandum sent by P.W. 10 to the Committing Magistrate.
K/28-11-30 & 29-11-30	Statement of the Accused before the Committing Magistrate.

for the defence:—

I/1-11-30	Portion marked in the deposition of P.W. 4 before the Committing Magistrate.
II/1-11-30	Do of P.W. 9. do.

The following material objects were exhibited:—

M. O. 1. Knife (Chopper).
M. O. 2. Thathi door.
M. O. 2. a. Portion of thathi door.

BERHAMPUR,
Dated 12-1-1931.

(Sd.) A. C. HAPPELL,
Sessions Judge.

"TRUE COPY"
(By order)
GANJAM DISTRICT AND SESSIONS COURT
Sheristadar.
To
The

To, The Superintendent, central Jail, Vellore
with reference to his letter no 1368 A/ 17-8-34.

A3.4096
20.8.34.

27

28

19/2604

In the High Court of Judicature at Madras.

Thursday, the sixteenth day of July.

One thousand nine hundred and thirty one.

Present:--

The Honourable Mr.Justice W a l l e r.

and

The Honourable Mr.Justice Krishnan Pandalai.

Criminal Appeal No.128 of 1931.

Brundi Beharani. ... Appellant. (Prisoner).

Appeal against the order of the court of Session of the Ganjam Division in Case No.1 of the Calendar for 1931.

This Appeal coming on for hearing on Monday Wednesday the 13th day of July 1931 after service of notice on the Appellant and Counsel not appearing on her behalf, upon perusing the Petition of Appeal and the record of the evidence and proceedings before the Court of Session and upon hearing the arguments of the Public Prosecutor on behalf of the Crown and the case having stood over for consideration till this day, the court delivered the following:--

(The Judgment of the court was delivered by Waller J:-)

Judgment:-- We feel no doubt as to the correctness of the conviction. It seems clear that the woman was murdered in her son's house, that, at the time, she and her daughter-in-law were alone together and that the latter admitted the crime, when questioned later. As we understand the appellant's statement in the Sessions Court, her story is that she confessed because her husband advised her to do so. That, at any rate, is how we interpret the words "Better do as I say". There is a further suggestion that her brother-in-law (P.W.9) might have committed the crime, but it is incredible that she would have confessed in order to shelter him. We are satisfied that she did confess and see no reason whatever to conclude that she did so in order to screen her brother-in-law's

29/2604

or any one else. Nor do we see any reason to suspect her husband. The Sessions Judge who had the advantage of seeing him and hearing his evidence, was satisfied with his manner and demeanour and there seems to be no room for doubt that he was away from his house when his mother was killed. That being so, he had no ~~motive~~ motive whatever for giving false evidence against his wife, as the Judge points out, he gave his evidence with obvious ~~xxxx~~ reluctance.

We confirm the conviction and sentence and dismiss the appeal.

Sd/-.S.Andisundaresahari,
Dy.Registrar,A.S.

(True Copy).

Ag.Sub Asstt.Registrar,A.S.

To

1.The Sessions Judge,Ganjam at Berhampore in duplicate
(with records).

2.The District Magistrate,Ganjam through the Sessions Judge.

3.The Inspector-General of Police, M a d r a s.

4.The Public Prosecutor, M a d r a s.

5.The Superintendent of the Presidency Jail for women,
Vellore.

CMK.

30/. 21/2604

Dated 16/7/1931.

170

Criminal

450

Judgment.

Criminal Appeal No.128

of 1931.

Communicated.

Dismissing the appeal of the prisoner (accused) in Ganjam Division Sessions Case No. 1 of 1931.



Supdt.
27.7.31.

31

22/2604 Laws (Jail) Sepo.

Convict — No. 450, Brundi Beharani
Presidency Jail for Women
— Release on Medical Certificate.
Rule 514 (1) Jail Manual.

p.1.Cf. C1103 A/34 From the S.G. of Prisons G.316 S. 3.34.
p.6.Cf. Memo 1103 A/1 Sgt. 12.3.34 to Board of Prisons
p.7.Cf. C1528 A/34 From the S.G. of Prisons G.422 S. 7.4.34
p.15-16.Cf. C3607 A/34. do — do — G.1216 S. 8.9.34

A.S.

p.1.Cf. On his letter at p.1.Cf. the S.G. of Prisons submitted for the approval of Govt. the action of the Supdt, Presidency Jail for women Vellore, in having removed female convicts No. 450 Brundi Beharani and No. 1261. Pammu. to the Govt. Pentland Hospital, Vellore, for operative treatment. Subsequently the S.G. reported that

p.7.Cf. the female prisoner Pammu (No. 1261) died in the aforesaid hospital on the 2nd April 1934: and that convict

p.7.Cf. No. 450, Brundi Beharani was still undergoing treatment in the same hospital (Vide p. 7. Cf.).

2 The S.G. has now submitted

for

32.

for the order of Govt. the case of the above-said Boundi Bharani for release on medical grounds under rule 514-A Jail Manual. (p. 15 cf.). pp. 15-16 Cf.

The necessary medical certificate and medical care sheet required under Rule 514-(A) (1) of the jail manual are at pp. 19 and 18 Cf. resply. — p 19 Cf. — p 18. Cf.

The D M., Ganjam, has no objection to the prisoner's release on medical grounds; and has also reported that the convict's father, Benna Behara of Kumbhari Nuagam in Ichapur Taluk, is willing to take care of her as she is his only daughter. The conduct of the prisoner in jail is reported to have been good (p. 5. Cf.). p 20 Cf. pp 20-21 Cf. p 5 Cf.

Submitted that the prisoner may be released unconditionally

Draft submitted.

11/9/34.
CAN
11/9

11/9

S

11/9/34

KNR
12.9.34. C3

Issue
12/9/34

(President)

SECRETARY TO GOVERNMENT
12 SEP 1934
LAW DEPARTMENT

Sectt. II-5 (a)

33 23/2604 Law (Genl) DEPARTMENT.

	Date.	Initials
When received for Fair-copying		
When copied ..		
When examined ..		
When signed ..		
When despatched ..		

Convict - Release on medical grounds - Rule 514 A. Jail Manual - unconditional - No. 450, Boundi Beharani, Presidency Jail for women, Vellore — Sanctioned.

READ AGAIN G.O. No. ....., dated ..... 19 .

, ... ,, ..., ,, ... 19 .

READ ALSO:—

p1 Cf. C No. 1103A/34 From the I. G. Prisons, No G. 316, dated 8-3- 1934

p7 Cf. ,, ,, 1525A/34 ,, —do— ,, G. 472 ,, 9.4- 1934.

p.15 Cf. ,, ,, 3607A/34 ,, —do— ,, G. 1216 ,, 8.9- 1934.

ORDER.

No. 2604 dated 13-9- 1934

MS.

In exercise of the powers conferred on him by Section 401 of the Code of Criminal Procedure 1898, the Governor in Council is pleased hereby to remit unconditionally the unexpired portion of the sentence of transportation for life passed by the Sessions Judge, Ganjam in S. C. No. 17/31 on his file on convict No. 450, Boundi Beharani, confined in the Presidency Jail for women Vellore.

Dpd. by Van / Post / Messenger

Dpr.'s initials.

Date 13/9 193 .

To

1. The I. G. of Prisons.
2. The Supdt. Presidency Jail for women, Vellore.
3. D M. Ganjam.
4. I. G. of Police (with S. Cs. of the order and nominal roll).

p. 17 Cf. (Only)

11/9/34. CAN 11/9

11/9

11/9/34

Law Department.

REMINDER.

General Branch.

REPLY.

Jml: 3895A/34 G.F. 22.

To The Inspector General of Prisons,

The undersigned is directed to invite ~~the honour of a reply~~ to the matter noted in the margin and to request that this reminder may be returned at once with information as to—

~~(1) the stage at which the matter now is,~~

~~(2)~~ the date by which a reply may be expected, ~~and~~

~~(3) the circumstances which have caused the delay.~~

~~2. It is requested that the reply to this reminder may be sent not later than.~~

Office Law Deptt

Station Fort St. George

Dated 4-9-34

Signature.
Assistant Secretary
Designation.
to Government.

SUBJECT. 4/9/34

Convict - No. 450, Barundi Beharari - Presidency Gaol for transfer, Vellore - Removal to Hospital - Under report.

ASSISTANT SECRETARY TO GOVT. 30 SEP 1934 LAW DEPT.

To The Secretary to Government,
Law (General) Department.

2. Convict No.450, Brundi Beharani was released on 15-9-1934 under Rule 514 of Jail Manual with reference to G.O.No. 2604/Ms., Law (General), ~~dated~~, dated the 13th September 1934. In this connection reference is invited to para 2 of my letter No.G.1216, dated 8-9-1934.

at/15/16/9

Personal Assistant
to the Inspector-General of Prisons.

G.J308-~~15~~3/16
No.G/~~15~~3/16,
Mount Road, Madras,
Dated 29/9/1934.

AS

May be lodged and
filed with thanks

3/10

2604

G/1643
679



Cyclostyled Records.

Please put up G.O. ordering the release of this female prisoner under Rule 514 A Jail.

IR
15/9