M.R.O. 1—77,000—8-6-37.

(1) Number of pages_____

(2) Date of repair_____

(3) Initials of the Referencer_____

MADRAS RECORD OFFICE.

Government of Madras.

Public works DEPARTMENT.

G.O. No. 688 Press Mis.-

118-20

Dated 7 3 1869.

Not to be folded or roughly handled

Proceedings of the Madras Government, Public Works Department, 7th March 1867.

No. 118. Read again Endorsement from the Consulting Engineer for Railways, No. 27, under date the 4th, and recorded in Miscellaneous Proceedings of the 18th idem.

From the Agent and Manager of the Madras Railway Company, to the Deputy Consulting Engineer for Railways, dated Madras, 2nd February 1867, No. 45.

1. I have the honor to report, for the information of Government, that a man named Kondadu has been sentenced by the Session Judge of Cuddapah to five years' rigorous imprisonment, for placing a stone on the rails near the Yerragoodpaud bridge, North-West Line, on the night of the 21st December 1866.

2. A friend of this man, named Basireddy, was also sentenced to six months' rigorous imprisonment and to pay a fine of Rupees 50, or in default to undergo six months' additional rigorous imprisonment, for endeavoring to rescue the prisoner Kondadu from the custody of the line watchman, who apprehended him.

3. I regret that the circumstance of a stone having been placed on the line, &c., &c., was not reported by the Resident Engineer at the time, but he has been cautioned to act in accordance with rule in future.

No. 119. Read also the following letter from the Magistrate of Cuddapah:—

Submitting copy of the Calendar of the Session Court at Cuddapah of the case of the man named Kondadu who was sentenced to five years' rigorous imprisonment for placing a stone on the rails of the North-West Line of Railway on the night of the 21st December 1866. } (Here enter No. 6, dated 25th February 1867.)

No. 120. ORDER THEREON, 7th March 1867, No. 683.

RAILWAY, No. 10.

Ordered to be recorded.

(True Extract.)

(Signed) CHARLES A. ORR, Colonel, R. E.,
Secretary to Government.

To the Consulting Engineer for Railways.

Exd. S. T. Augustin.

Agent and Manager

No. 115.

MADRAS RAILWAY COMPANY.

AGENT AND MANAGER'S OFFICE.

Madras, 2d February 1867.

From

R. B. Elwin Esqre,

Agent and Manager of the M R Co.

To

Major Genl D. Prendergast, V.C. R.E.

Deputy Consulting Engineer for Railways.

Sir,

1. I have the honor to report, for the information of Government, that a man named Kandadu has been sentenced by the Sessions Judge of Cuddapah, to five years rigorous imprisonment for placing a stone on the rails near the Yerragoadpaud Bridge, S.W. Line, on the night of the 21st December 1866.

2. A friend of this man, named Basireddy was also sentenced to six months rigorous imprisonment, and to pay a fine of Rs 50, or in default to undergo six months additional rigorous imprisonment, for endeavouring to rescue the prisoner Kandadu from the custody of the line watchman, who apprehended him.

3. I regret, that the circumstance of a stone having been placed on the line 28th, 29th was not reported by the Resident Engineer at the time, but he has been cautioned to act in accordance with rule, in future.

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

Robt B. Elwin
Agent and Manager

S

No. 24.

Submitted for the information of Government. with reference to
G. O. dated the 25 ultimo N°257 - -

Approved

Consulting Engineer's Office,
Madras, 4 February 1864.

Lt Consg. Engr. for Railways.

To

The Secretary to Government,
Public Works Department,
Fort Saint George.

1364

MADRAS RAILWAY.

From

The Agent and Manager.

To

The Consulting Engineer

for Railways

Recd 2 Feb 1864

Dated 2nd February 1864.
Recd 4 : —

No. 45.

Reporting the punishment inflicted upon a Mr Convicted Coolie for placing an obstruction on the rails, near the Veracoodapaud Bridge on the night of the 27th December last, and upon Passenger who endeavored to rescue Coolie from Custody.

Recorded -

W

W

Should be sent a copy of the Calendar of the Case in the Sessions Court. & Coolie produced & Mem°. to the Mag.

2 C E per Rly

RAILWAY DEPARTMENT.

From [illegible]

To

The Consulting Engineer
for Railways,

The Secretary to Government,
P. W. Department,
Fort St. George.

Dated 4 February 1867
Received 5 " "

No. 24.

Submitting for the information of Government the Proceedings of the Sessions Court of Cuddalore held on the 21st December 1866 relative to the Assaulting and Rescuing from Custody of a Prisoner on the Railway line.

Recd. 8th Feby 1867. D. Hill

Calendar of persons tried before the Sessions Court of Cuddalore.

1	2	3	4	5	6	7	8	9	10	11	12	13	14
No. of the case	Name and description of the accused	Copy of the charge or substance of the complaint.	Name of complainant.	Names of witnesses for the prosecution.	Names of witnesses for the defence, if any.	Statement of the evidence and grounds of conviction.	Finding and sentence.	Date of Offence.	Date of Complaint.	Date of Apprehension or appearance	Date of Commencing trial.	Date of Sentence.	Explanation of delay.
10 of 1867	1. K. Kondadoo, Caste Caste 35 years. Coolly. 2. B. Basireddy, Caste, Cultivator, Age 24. 3. T. Chinniah, Caste, Cultivator, Age 30.	That he, Kondadoo on the 21st December 1866, at Mandiga Venka in the Cuddalore Taluq, wilfully did an act intending or knowing by such act to cause the safety of persons travelling upon the Railway to be endangered and that he has thereby committed an offence punishable under Section 25 of Act No XVIII of 1854, & within the cognizance of the Court of Session. 2d Count. That they, Basireddy and Chinniah, at the same time and place, intentionally rescued one Kondadoo from Custody in which he was lawfully detained and who was charged with or for an offence punishable with transportation for life or imprisonment for a term which may extend to 7 years or rigorous imprisonment; and that they have thereby committed an offence punishable under Section 225 of the Indian Penal Code and within the cognizance of the Court of Session	Peiras	1. Kuruppadu 2. Chinniah 3. Kuruviamah 4. Muttoo 5. Chinnigadu	For 1st Prisr 1. Gunnadu For 2d Prisr 1. K. Kasegadu 2. Yarikaligadu.	The 3 Prisoners plead not Guilty — 1st Witness a watchman on the Railway was one evening when on duty examining the line. Seeing something white on the line he went up to the object and found it to be the 1st Prisoner, and on the Rail itself about a span from where 1st Prisoner stood, witness found the large stone	The Court differing with the Assessors finds that 1st Prisoner Kondadoo is guilty of the offence specified in the 1st Count of the charge, viz: that he wilfully did an act intending by such act to cause or knowing that he was thereby likely to cause the safety of any person travelling or being upon the Railway to be endangered and has thereby committed an offence punishable under Section 25 of Act XVIII of 1854 and sentences him to (5) five years rigorous imprisonment. The Court differing with the Assessors finds that 2d Prisoner Basireddy is Guilty of the offence specified in the 2d Count of the Charge, viz: that he intentionally (illegible) rescued or attempted to rescue Kondadoo from Custody in which he was law-	21st December 1866.	Ditto	23d Ditto 1866.	8th January 1867.	18th Ditto	

train.

That duty over he came back to where he had left the 2d witness and the Prisoner - witness met the 2d witness with a cloth and the stone, but the Prisoner was not with him - witness has only been a month at his present post, and the 1st Prisoner is an entire stranger to him -

The moon was up when he apprehended the 1st Prisoner and witness' lantern was not lighted - Prisoner's back was turned towards witness when witness came up to him -

2d Witness received the 1st Prisoner and the stone from 1st witness with a request that they might be taken to the Railway Inspector in the

may extend to 7 years rigorous imprisonment, and has thereby committed an offence punishable under Section 225 of the Indian Penal Code and sentences him to (6) six Months rigorous imprisonment and to pay a fine of Rupees (50) fifty in default to undergo (6) six Months rigorous imprisonment.

The Court Concurring with the Assessors finds that Ghenniah 3d is not guilty of the offence specified in the above 2d Count of the charge; and releases him accordingly.

(Signed) W. de Havelley

Sessions Judge

Calendar in Case No

Dated 23 Dec 1884

Received

From the Session Jud

High Court

Depositions in the Trial of 23 Others

Village - 1st witness said he would follow after showing the light to the coming train - 2d witness had proceeded about ¼ of a mile towards the village when he was joined by 4th witness - After the train had passed two men joined the party - witness identifies the 2d & 3d Prisoners as those men - He is certain of the 2d Prisoner but not quite sure about the 3d Prisoner as his head was covered with a cloth - 2d Prisoner requested 2d witness would release 1st Prisoner and offered a Rupee to 2d witness, but 2d witness refused to let 1st Prisoner go - 2d Prisoner then said beat him - The 3d Prisoner struck 2d witness on the hand as witness stretched it out to ward off the blow - 2d witness managed to get hold of the stick with his left hand but at the same time 1st Prisoner escaped from 2d witness' right hand leaving his cloth now before the Court with witness - 2d witness shortly after met the 1st witness -

The 3d witness was with 2d witness her son from the time 1st Prisoner was delivered in to 2d witness' charge, to the time of his escape - She can identify the 2d and 3d Prisoners because they were so long in talking to 2d witness in the moonlight -

4th Witness joined 2d witness & speaks to the escape of 1st Prisoner and the assistance rendered by 2d & 3d Prisoners - As 3d Prisoner was about to strike 2d witness, he (3d Prisoner) removed his cloth from his head -

Witness has washed for 1st Prisoner for a year - He picks the cloth before the Court out of 6 other

[illegible] states it to be the property of 1st Prisoner -

1st Pris[illegible]

2d [illegible]

may extend to 7 years or some

Prisoner's 1st witness was with 2nd Prisoner on that night at a threshing floor. He heard 1st Prisoner call Railway people were molesting him. 2nd Prisoner was warned by the Railway people not- and therefore 2nd Prisoner desisted -

The 5th states to the same effect. On cross examination by the Public Prosecutor, these witnesses differ evidence as to when they respectively went to the threshing floor and as to who were there - depositions of the Prisoners before the Sub Magistrate are read and amount to a simple denial of the charge - only the 1st witness who can speak to the presence of 1st Prisoner and the stone on the Rail.

4th witnesses show that 1st witness had 1st Prisoner in his custody. The Vakil for the defence has failed to here was any bad feeling whatever between the 1st Prisoner and the witnesses for the prosecution. There last doubt that 1st witness & 1st Prisoner were until that night perfect strangers to one another. Under these es it is extremely difficult to find fault with the straightforward testimony of the 1st witness. That 1st Prisone

was in the neighbourhood of the line that night is shown by the evidence of his own witness -

There is little doubt that 1st Prisoner did escape from the 2nd witness' custody. The oral evidence on this subject is perfectly trustworthy, and the presence of the cloth of 1st Prisoner in Court is in favour of the story -

The evidence against the 2nd and 3rd Prisoners is identification. Against 2nd Prisoner the identification is good and is also supported by the evidence he brings in his defence, for his witnesses show that at any rate 2nd Prisoner was in the neighbourhood of the scene of the escape Whether he assisted in rescuing 1st Prisoner or not rests upon the credibility to be attached to the evidence for the prosecution and to the evidence of 2nd Prisoner's witnesses -

The witnesses for the 2nd Prisoner cannot agree in their statement. It looks as if one or the other were at the threshing floor that night, but not both of them. This doubt weakens the case of the 2nd Prisoner, whereas the evidence of the 2nd, 3rd & 4th witnesses for the prosecution nothing improbable or contradictory appears -

Against the 3rd Prisoner there is imperfect identification and nothing whatever to show that he was any where near the scene of the escape -

P. R. O.

No 683

Proceedings of the Madras Government
Under date the 7th March 67

Read again endorsement from the Consulting Engineer for Railways No 27 under date the 4th and recorded in Miscellaneous Proceedings of the 18th Idem.

Read also the following.

From

The Magistrate of
Cuddapah

Submitting copy of the Calendar of the Sessions Court at Cuddapah of the case of the man named Kondadu who was sentenced to five years rigorous imprisonment for placing a stone on the Rails of the S. W. Line of Railway on the night of the 21st December 1866.

R. C. No 6 dated 25th Feby 1867.

Ordered to be recorded.

To
The Consg: Engineer
for Railways

despd 8/3/67

5

P. R. O.
No 683

Sentence - Dacoity - Dacoity with murder

Sentence - Dacoity - Dacoity with murder

Sentence - Dacoity - Dacoity with murder

15

16

Pub: Works 1867 Department

Rec: of Govt for March

No 683

Rec: of the Madras Govt.

Dy 7th March 1867

Accident (Rail) Certain papers relative to the punishment of the man charged with placing a Stone on the S. W. Line of Railway, near the Yarras goods and bridge, on the 21st December last, recorded.

No. 118 & 120.