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MADRAS RECORD OFFICE.

Government of Madras.

Public works **DEPARTMENT.**

G.O. No.	132	Press
261-262		Mis.
Dated	15 - 1 -	18 43 .

Not to be folded or roughly handled

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*Proceedings of the Madras Government, Public Works Department,
15th January 1873.*

No. 261. Read the following letter from the Consulting Engineer for Railways, to the Secretary to Government, Public Works Department, dated Madras, 26th December 1872, No. 714:—

In further reference to the Order of Government, dated the 25th November 1872, No. 2,771, and to my letter of the 19th instant, No. 703, I have the honour to submit, for the consideration of Government, a letter* from the Agent of the Madras Railway Company, giving the result of the trial of Pointsman Govindapah, who was charged before the Head Assistant Magistrate of Cuddapah with being absent from his post on the night of the 28th September 1872, and thereby committing an offence punishable under Section XXVII. of the Madras Railway Act.

2. It will be seen that the pointsman was acquitted, there not being evidence sufficient to prove the charge against him; and that the Head Assistant Magistrate has ordered Engine Driver Young to be prosecuted for "culpable homicide not amounting to murder," under Section 304 of the Indian Penal Code.

3. With reference to this, the Agent suggests that I should call Mr. Atkinson's attention to the previous order* of Government, in order to show that His Excellency the Governor in Council has already expressed his concurrence in the conclusions arrived at by the Committee of Railway Officers who investigated the circumstances; but it seems to me more advisable to submit these papers for the further consideration of Government, inasmuch as the evidence taken before the Magistrate at Cuddapah has thrown additional light upon the case, and the Government will probably desire to await the result of the prosecution which has been instituted against Engine Driver Young.

From the Agent and Manager of the Madras Railway Company, to the Consulting Engineer for Railways, dated Madras, 21st December 1872, No. 947.

With reference to paragraph 3 of your letter, No. 995, of the 29th ultimo, I have the honour to inform you that the pointsman named Govindapah, who was concerned in the accident that occurred at Ballypully on the 28th of September last, was put upon his trial on the 12th instant, charged, under the 27th Section of the Railway Act, with neglect of duty. The case was adjourned until the 17th instant, when the prisoner was acquitted.

2. I enclose, for your information, a report* on the case made by the Company's Superintendent of Police, from which you will learn that, in the opinion of the Acting Head Assistant Magistrate of Cuddapah, by whom the case was tried, the Engine Driver Young is to blame, and that he has taken steps to prosecute him.

3. I have this morning received from Mr. Brecks Atkinson summonses for the attendance of the officers and servants of the Company named in the margin at the proposed trial of Young. These summonses I shall of course cause to be served; but in the meantime you will probably consider that Mr. Atkinson's attention should be at once called to Order of Government, No. 2,771, dated the 25th of November 1872, from which he will learn that the evidence in this case has been carefully considered by His Excellency the

Dr. vanSomerén.
Mr. Smith.
Bauliah.
Venkataroyaloo.
Ponniiah.
Guard Reid.
Guard Divine.

57.

*Proceedings of the Madras Government, Public Works Department,
15th January 1873.*

Governor in Council, who has expressed his concurrence in the conclusions arrived at by the Committee of Railway Officers in regard to the Engine Driver, Fireman, Under Guard, the Station Master at Coodoor, and the Pointsmen at Ballypully.

From the Acting Superintendent of Police of the Madras Railway Company, to the Traffic Manager of the Madras Railway Company, dated Madras, 19th December 1872, No. 114.

Prosecution of Pointsmen Govindapah.

Accident at Ballypully Ghaut, 28th September 1872.

With reference to your C 2877, under date the 3rd December 1872, regarding the prosecution of the abovesaid pointsman, I have to report, for your information, that I lost no time in bringing the case to Court, and the first hearing of the case was on the 12th December 1872 at Cuddapah, before the Head Assistant Magistrate Mr. Atkinson, and again adjourned to the 17th December.

The prisoner Govindapah was charged by the Company under Section 27 of the Madras Railway Act for being absent from his point on the night of the 28th September 1872 at Ballypully, and has thereby committed an offence punishable under the abovementioned section.

The witnesses for the prosecution, namely, Fireman Young, Venkataroyaloo, Baliah, and Section Maistry Ponon on oath stated that there was only one pointsman on the night in question, and that one was Bacha Meah; but on cross-examination by the prisoner's Vakeel, Mr. Elliott, it turns out that the prisoner was never sought for, or any inquiries made regarding him by any of the witnesses, and I was then bound by the Court to produce Pointsman Bacha Meah; to my surprise Bacha Meah in his statement said that the prisoner was present, and it was he who let the train on the main line, and Bacha Meah goes to say further in his statement that when the train came to the platform it backed three times before the wagons could be unhooked, and the third time it backed sharply, and it was then unhooked and the engine proceeded for two joints, after which it was observed by Baliah that the wagons ran down the ghaut. The driver and he then tried to stop the wagons from running: he by getting on the brake on one of the wagons that was running down, and the driver by throwing sand under the wagon wheels, but all this was to no purpose. Under these circumstances, the Magistrate in summing up the case observed that there was not evidence to prove the charge against the prisoner, but that there was sufficient evidence to prove he was present at his post, and the accident did not occur through the prisoner, and therefore acquitted him; but, on the other hand, Driver Young was amenable to the law, and a warrant for his arrest has been ordered to put him on his trial under Section 304 of the Indian Penal Code, "culpable homicide not amounting to murder." I herewith attach notes taken by me during the trial of this case for your information.

CUDDAPAH, 12th December 1872.

T. Madramootoo Pillay, Deputy Inspector of Madras Railway.—On the evening of the 28th September Pointsman Govindapah was absent from his station, Ballypully, siding 97th mile, on the North-West; his absence caused an accident. I wish to have him prosecuted. *Cross-examined by Mr. Elliott.*—Pointsman Inspector Syed Ebram details work at Ballypully to the pointsmen; his head-quarters at Cuddapah. I do not know if Syed Ebram was present. I was not present when the accident took place, but I went up in November. I received instructions on the 6th December to proceed with the case. Govindapah is under suspension. I do not know who details work at Ballypully; as Syed Ebram is Pointsman Inspector, I suppose he does.

John William Young.—I lived at Ghooty. I know the defendant by sight for a year or so. I saw him at Ballypully, being a pointsman there, when driving the trains from Tiruputty to Cuddapah. I drove the mail train on the 28th September from Tiruputty; there was an accident at the Ballypully ghaut. After the inquiry I have been reduced in consequence, but still in the employ of the Railway, working from Ghooty to Bellary as fireman. I left Tiruputty at 5-35 p. m. on the 28th September; my train is due at 6-45 at Coodoor; it does not stop at Ballypully, but usually passes the station about 6 or 6-10 p. m. I missed the prisoner at Ballypully on that night. I

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15th January 1873.*

usually see two there; the prisoner was not there on that night. There are two points, one on the Madras and the other Cuddapah side, attaching to the main line. I usually see one at each point. I do not know they always stop at the same point. I found the man on the Madras side a pointsman, a Mussulman. The plan that you show me is near enough. I could not get over the Ballypully ghaut, so I had to break my train at the bottom. I carried up four wagons, a horse-box, and a covered goods wagon, and I halted my train at the end of the platform towards Cuddapah side. When coming up I whistled four sharp whistles to the pointsman to let me into the siding; he did not let me in, but left me on the main line; as soon as I stopped at the platform the Madras pointsman, the Mussulman Bacha Meah, came up to me. I asked him why he did not put me on the siding when I whistled for it; he told me "what can I do," I am the only pointsman here; how can I manage three points, and no lights on a night like this. This conversation was in tamil; the night was very dark and raining without much wind; when I stopped I put the brake down with the assistance of the fireman, uncoupled the engine. My intention was to leave the wagons that I had brought, take the engine round down to the remaining part of the train; the horse-box had no brake. I unhooked my engine, leaving my fireman in charge of the wagons, and moved towards Cuddapah, and when I got there I found no pointsman; the section maistry was on the engine; he got down and called for Bacha Meah, but he did not come there. There was a flash of lightning, and I saw the wagons that I left at the platform had gone. I left my engine with first fireman, took my lamp and went down the line. I met Bacha Meah, he said the wind had blown the train away. I then took my engine to the foot of Ballypully ghaut and went back to Coodoor. I am positive that Bacha Meah was the only pointsman at Ballypully that night. From the foot of the ghaut I drove alone and brought wagons from Coodoor to Ballypully. I swear that on the three trips Bacha Meah was the only man there, and on my second trip I stopped at Ballypully and spoke to Bacha Meah. I never mentioned that the other man was not present to any one. Next morning I was ordered back from Coodoor to the wreck. On passing Ballypully I saw the prisoner at the Cuddapah point. Second or third day after the accident I first of all mentioned to the Railway authorities what Bacha Meah had said to me, namely, that he was alone, and had no light. I never mentioned about the prisoner not being there. When there was an investigation I was called and then said that the prisoner had not been on duty that night. The section maistry and my first fireman heard Bacha speak to me.

Vencataroyaloo, Fireman.—I know the prisoner for the last four years, pointsman at Ballypully. I worked in the mail train for the last year and a half with Mr. Young. About two or three months ago an accident took place; the train was stopped owing to the engine being unable to draw up, the driver whistled four times to go on the siding; the Pointsman Bacha Meah came up; the driver told him that "I whistled and why did not you let us in the siding," but Bacha Meah said I am alone. The driver spoke in tamil. We stopped near the point, but no pointsman at Cuddapah side; then the driver went near the wreck. I only saw Bacha Meah. *Cross-examined by Mr. Elliott.*—Bacha Meah came from the point and told the driver that he was alone; the driver did not take Bacha Meah to the point; we went up to Cuddapah side, thinking Bacha Meah would come; he would have come if we whistled for him, but driver did not whistle. The driver was on the engine. I did not look out for Govindapah after the engine stopped. It was too dark to see any one. I swear that Govindapah was not present; the driver whistled four times. None of us spoke to Bacha Meah when we passed the point.

Baliah.—I live at Tiruputty. I am a fireman. I know the Pointsman Govindapah for the last year or two. I see him at Ballypully when my engine goes. I remember going with Mr. Young, Driver, only once in my life. On that day the train was smashed; it was unhooked at the foot of the ghaut, and the engine went up to Ballypully. Mr. Young whistled four times and pulled up on the Ballypully side, and Bacha Meah came up; the brakes were put on to the wagons, and the engine went on; the wagons began to slip. Bacha Meah and myself held on to the brakes. The wagons ran down to the incline. I did not see Govindapah all that night. I do not know any conversation that took place between Bacha Meah and the driver. I did not see Bacha Meah at the wreck nor Govindapah either. I saw the maistry, but not at the point. I did not see anybody at the Madras

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point where the wagons ran down. I never went to Cuddapah point. I did not hear any conversation between Mr. Young and Bacha Meah. *Cross-examined by Mr. Elliott.*—When I left Tiruputty I did not expect to remain at Ballypully; the rails were slippery; my engine could not drag up the whole; went extremely slow; it was too dark to see a man unless he had a light. I saw Bacha Meah only when I came alongside; he had no light. I then knew he had not put me on the siding. When the last carriage was on the point, I could not stop. I could have spoken to him when I passed him; the siding points were opened to the main line. The lay-bye are open to the siding. Bacha Meah came up and opened the Cuddapah points. I could have my train on the sidings. I cannot say whether it would have laid between the lay-bye side, or Cuddapah side. I did not like to do any shunting on a rainy night. I secured the wagons, and the brakes were put. I do not know where the prisoner lives. I did not ask Bacha Meah anything about the other pointsman.

Poonien.—I am Section Maistry employed in the Railway. I know the prisoner Govindapah; he lives at Ballypully, and is the pointsman at the 97th mile. I got out of the 2nd class and got on the engine, and stopped at the platform before the engine came to the point; the driver whistled twice to put the pointsmen on the alert. The engine was unhooked after the driver and head fireman got down. I stopped on the engine; it was pitch dark. I spoke to Bacha Meah as we passed his point and told him to go to Cuddapah point and open the siding after the driver got, he took the engine to Cuddapah point and stopped. Bacha Meah was at the Madras point; his own point is the Cuddapah point, and that is why I told him to go there; when I found Bacha Meah at the prisoner's point, I thought he was looking after both that night. The driver told me to call the pointsman to put him on the siding; there was no pointsman there, so I called out for Bacha Meah; he did not come. I heard no conversation between the driver and Bacha Meah. I saw Govindapah (the prisoner) at the wreck. Baliah and myself ran to the accident when the engine was going to Coodoor. Bacha Meah and Govindapah came down the line together to the accident; they asked me for some oil, but I gave them none. Govindapah's point is a mile from his house; the scene of the accident is between his house and Ballypully; his house is a mile and a half from the main line; the place is called "Yodogoppah." I heard Bacha Meah tell, what can I do for I am alone. *Cross-examined by Mr. Elliott.*—Bacha Meah's name came first. I know it is Govindapah's point. I see them on duty; they never change as far as I know; it was about 6-30 when the accident happened; about 9 o'clock I saw Govindapah and Bacha Meah at the wreck. I do not know when they came. No villagers came to assistance. I did not mention to any one that Govindapah was absent that night.

CUDDAPAH, 17th December 1872.

Syed Ebram.—I am Pointsman Inspector. I know the prisoner; he is a pointsman at Ballypully on the Madras side. I instructed him to the work. I appointed him at the Madras point at Ballypully. Bacha Meah also I appointed at Cuddapah side point; the prisoner's appointment was made two or three years ago; there is no custom to change points without permission.

Cross-examined by Mr. Elliott.—I have received information that it is usual for tigers to pass the Cuddapah side point. Two or three months ago one of the pointsman informed me that a tiger passed. I swear I never sanctioned Cuddapah pointsman to Madras point. I do not know that such is the practice.

Bacha Meah sworn.—I know the Ballypully Pointsman, Govindapah. I have known him for the last three or four months; he is at the Madras side point. I am at Cuddapah side point. I remember the day at the Ballypully accident. Govindapah and myself came from the Madras side point about 5 o'clock. Govindapah remained at Madras side. I went to Cuddapah side. I stopped there about an hour and the train did not arrive at the usual time. I went back to the Madras end and asked Govindapah why the train did not come; it was raining and blowing very hard. As tigers pass at the Cuddapah point so I remained at the Madras point, and then the train arrived. I heard one whistle. Govindapah left the train on the main line. When the train passed, the Section Maistry Poonien was on the engine; he called me and I came up to the engine, which was then standing at the platform. Baliah got down to unhook the

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engine; the train was backed, the coupling was not unhooked. It was a second time it failed also, the third time it was backed sharply the buffers met, and Baliah unhooked the coupling. I got on the engine step and it moved about two rail joints. Baliah sung out the train was gone; the Engine Driver and I got down and ran. I got on to a brake, but the train did not stand; the driver put sand under the truck wheels. Baliah and myself put on the brakes; the trucks would not stop. I ran down towards Madras point and saw Govindapah sitting inside the sentry box holding point handle; the engine was brought slowly and moved down the ghaut. I went back to the Cuddapah side. My point is the Cuddapah point. I do not know why Govindapah did not come to render assistance; it was dark, and we could only see each when near. *Cross-examined.*—I have seen tigers pass the Cuddapah side and several others. Syed Ebram appointed me to the post. I never told Syed Ebram about the tigers, but I told the Assistant Traffic Manager, Mr. Sandy. I never received permission to go to Madras point, but we do so to assist each other; my point is the Cuddapah side. *Examined by the Court.*—I spoke to Driver Young that night; he asked me why I had no lantern. I told him that as the train runs during the day, the Coodoor Station Master refused to supply me with oil. Govindapah put the train on the main line. I did not touch the Madras side points at all. I state I heard only one whistle; if there had been more, I should have heard them; if I could hear one I could have heard the rest; it is usual to give only one whistle to warn us and put them on the main line. I went to the accident that night. Govindapah went with me after the engine had gone to Coodoor. I asked the section maistry for oil; he told me to ask the guard, and the guard gave me some; we had one lantern between us. I do not know the guard's name. Govindapah was with me when I applied for oil.

The prisoner Govindapah in defence states:—I live at Ballypully. I am a pointsman there. I was present at my point, Madras point. I heard one whistle, the usual whistle. I was sitting inside the sentry box and had hold of the points. I put the train on the main line as usual; if there had been more whistles, I should have heard them. I saw Bacha Meah standing next to the sentry box at the time I saw the train run away. I can't leave my point. I saw the engine follow the train down the ghaut; when the engine had gone back to Coodoor, I asked the section maistry for some oil; he told me to ask the guard and he gave me some; we had one lantern between us. Bacha Meah went with the lantern. I was holding the point and I could not move from there; if I was to leave my point, and if the engine came, I should catch it. Section Maistry called Bacha Meah, and he left his point.

The Magistrate in summing up the case observed that there was sufficient evidence to prove that the prisoner was present at his post, and the accident did not occur through the prisoner, and therefore acquitted him; but, on the other hand, Driver Young was to blame, and a warrant for his arrest is expected to put him on his trial under Section 304 of the Indian Penal Code, culpable homicide not amounting to murder.

No. 262.

ORDER THEREON, 15th January 1873, No. 132.

RAILWAY, No. 34.

His Excellency the Governor in Council will await the result of the prosecution which has been instituted against Driver Young.

(True Extract.)

(Signed) G. W. WALKER, Colonel, R.E.,

Secretary to Government.

To the Consulting Engineer for Railways.

Exd. S. T. Austin.

No. 947

MADRAS RAILWAY.

AGENT AND MANAGERS' OFFICE.

Madras, 21st December 1872.

From

The Agent and Manager, of the M. R. Co.

To

Lieut. Colonel J. H. Shaw Stewart

Consulting Engineer for Railways.

Sir,

With reference to paragraph 3 of your letter No 995 of the 29th ult. I have the honour to inform you that the pointsman named Govindappa who was concerned in the accident that occurred at Ballypully on the 28th of September last, was put upon his trial on the 12th instant charged under the 27th section of the Railway Act with neglect of duty. The case was adjourned until the 17th instant when the prisoner was acquitted.

2. I enclose for your information a Report on the case made by the Com-
pany's Superintendent of Police, from which you will learn that in the opinion of the Acting Head Assistant Magistrate of Buddappa, by whom the case was tried, the Engine Driver Young, is to blame.

No 114, 19 December
1872 in original
(to be returned)

blame, and that he has taken steps to prosecute him.

or Van Someren
Mr Smith
Bauliah
Venkatarajulu
Panniah
Guard Reid
Guard Dine

I have this morning received from Mr Brecks Atkinson summonses for the attendance of the Officers and servants of the Company named in the margin, at the proposed trial of Young. These summonses I shall of course cause to be served, but in the meantime you will probably consider that Mr Atkinson's attention should be at once called to order of Government No 2771 dated the 25th of November 1872, from which he will learn that the evidence in this case has been carefully considered by His Excellency the Governor in Council who has expressed his concurrence in the conclusions arrived at by the Committee of Railway Officers in regard to the Engine Driver, Fireman, Under Guard, the Station Master at Goodoor and the pointsmen at Ballypully.

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

J. W. Mellis.
for the Agent & Managers

N^o 114

19 December 1872

Madras

To

The Traffic Manager
Madras

Sir

Prosecution of Pointman Gopindepak
Accident at Ballipally about 28th September 1872.

With reference to Govt. No. 28871 under
date the 3rd December 1872. Regarding the prosecution
of the above said pointman. I have to report for
Govt. information that, I took notice in bringing
the case to Court. And the first hearing of the case
was on the 12th December 1872. at Cuddalore before
the District Magistrate Mr. Atkinson and again
adjourned to the 17th December.

The Prisoner Gopindepak was charged
by the Company under section 24 of the Madras
Railway Act for being absent from his post on
the night of the 28th September 1872 at Ballipally
and has thereby committed an offence punishable
under the above mentioned section.

The witnesses for the Prosecution viz
Jemai Goying, Venkataraylor, Boliak and Subbar
Maistry Ponu. on oath stated that there was
only

MADRAS RAILWAY.

From

The Agent and Manager.

To

The Consulting Engineer

for Railways.

Dated 21st Dec 1872
Recd. 23.

No. 947

stating that Pointman
Gopindepak who was
sent up for trial in con-
nection with the Balli-
pally accident and
arrested

11th Dec 1872

Only one pointsman on the night in question and that one was Backa Meek but on Cross examination by the prisoner Abel M^r Elliott it turns out that the prisoner was never sought for or any enquiries made regarding him by any of the witnesses and I was then bound by the Court to produce Pointsman Backa Meek to my surprise Backa Meek in his statement said that the prisoner was present and it was he who let the train on the Main line and Backa Meek goes to say further in his statement that when the train came to the Platform it backed three times before the wagons could be unhooked and the 3rd time it backed sharply and it was then unhooked and the Engine proceeded for two joints. After which it was observed by Balick that the wagons ran down the gang. The driver and he then tried to stop the wagons from running by getting on the brake on one of the wagons that was running down and the driver by throwing sand under the wagon wheels but all this was to no purpose under these circumstances the Magistrate in summing up the case observed that there was not evidence to prove the charge against the prisoner, but that there was sufficient evidence to

prove

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from he was present at his pool and the accident
did not occur through the prisoner and therefore
acquitted him. but on the other hand Driver
Young was amenable to the law and a warrant
for his arrest has been ordered to put him on his
trial under section 304 of the Indian Penal
Code, "Culpable homicide not amounting to
murder" I herewith attach notes taken by me
during the trial of this case for your information

Yours Obediently
R. Ross
Ag. Supt of Police
M. T. Company

Cuddapah 12.12.72.

I. Madramootor Pillay Deputy Inspector of Madras Railway On the evening of the 28th Sept. pointman Goomdappa was absent from his station Ballipalle, siding 97th mile on the Northwest his absence caused an accident which he has been prosecuted. I was examined by Mr. Elliott. Pointman Inspector for Syed Ibrahim details work at Ballipalle to the pointman his headquarters at Cuddapah I do not know if Syed Ibrahim was present or not present when the accident took place, but I went up in November I received instructions on the 6th December to proceed with the case. Goomdappa is under suspension I do not know who details work at Ballipalle as Syed Ibrahim is pointman Inspector I suppose he does:-

John William Young Sheriff at Gooty I know the defendant for a year or so I saw him at Ballipalle being a pointman there, when during the time from Timpethy to Cuddapah I drove the mail train on the 28th Sept. From Timpethy there was an accident at the Ballipalle ghaut. After the enquiry I have been reduced in consequence but still in the employ of the Railway working from Gooty to Bellary as foreman I left Timpethy at 5.35 P.M. on the 28th Sept. my train is due at 6.45 at Cuddapah it does not stop at Ballipalle but usually passes the station about 6 or 6.10 P.M. I missed the prisoner at Ballipalle on that night. I usually see two there the prisoner was not there on that night there are two points one on the Madras and the other Cuddapah side attaching to the main line. I usually see one at each point I do not know they always stop at the same point. I found the man on the Madras side a pointman a Mussulman. The plan that you show me is near enough I could not get over the Ballipalle ghaut as I had to break my train at the bottom. I carried up 4 Wagon a horse box and a covered goods wagon and I halted my train at the end of the platform towards Cuddapah side. When coming up I whistled 4 sharp whistles to the pointman, to let me into the siding, he did not let me.

05040

by J. W. Young

19 December 1872

Prosecution of pointman

Goomdappa, accident at Ballipalle

P. M. B. 1872

me in but left me on the main line as soon as I stopped at the plat.
from the Madras pointman the Mussulman. Bucha Meah came up to
me I asked him why he did not put me on the siding when I whistled first
he told me what can I do I am the only pointman here how can I
manage three points and no lights on a night like this, this conversation
was in Tamil the night was very dark and raining without much
wind, when I stopped I put the brake down with the assistance of the
fireman uncoupled the engine my intention was to leave the wagons
that I had brought take the engine round down to the remaining
part of the train the horse boy had no brake I unhooked my engine
leaving my fireman in charge of the wagons and moved towards
Cuddapah and when I got there I found no pointman the section
master was on the engine he got down and called for Bucha Meah
but he did not come there there was a flash of lightning and I saw the
wagons that I left at the platform had gone. I left my engine
with first fireman took my lamp and went down the line I met
Bucha Meah he said the wind had blown the train away I then took
my engine to the foot of Ballipully ghant and went back to
Cuddor I am positive that Bucha Meah was the only pointman
at Ballipully that night from the foot of the ghant I drove alone
and brought wagons from Cuddor to Ballipully I swear that on the
three trips Bucha Meah was the only man there, and on my 2nd
trip I stopped at Ballipully and spoke to Bucha Meah. I
never mentioned that the other man was not present to any one
Next morning I was ordered back from Cuddor to the wrecked on
passing Ballipully I saw the prisoners at the Cuddapah point
Second or third day after the accident I first of all mentioned
to the Railway authorities what Bucha Meah had said to me
viz. that he was alone and had no light. I never mentioned about
the prisoners not being there when there was an investigation I was
called and then said that the prisoner had not been on duty
that night The section master and my first fireman heard
Bucha speak to me.

19510
Venkatarayalar. Fireman. I know the prisoners for the last 4 years
pointman at Ballipully I worked in the Mail Train for the last
year and a half with Mr Young about two or three months ago an
accident took place the train was stopped owing to the engine being
unable to draw up, the driver whistled 4 times to go, on the siding
the pointman Bucha Meah came up the driver told him that
I whistled and why did not you let us in the siding but Bucha Meah
said I am alone, the driver spoke in Tamil. We stopped me the
point but no pointman at Cuddapah side, then the driver went
near the wreck I only saw Bucha Meah Cross examined by Mr Elliott
Bucha Meah came from the point and told the driver that he was
alone the driver did not take Bucha Meah to the point we went
up to Cuddapah side thinking Bucha Meah would come, he
would have come if we whistled for him but driver did not whistle
the driver was on the engine I did not look out for Govindappa
after the engine stopped it was too dark to see any one I swear
that Govindappa was not present the driver whistled 4 times
none of us spoke to Bucha Meah when we passed the point.

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Daliah. I live at Tiruputty. I am a
fireman. I know the points near Goundup-
ah for the last year or two. I see him at
Ballipully when my Engine goes. I remember
going with Mr. Young driver only once in
my life, and that being the train was smashed.
It was unhooked at the foot of the Spant
and the Engine went up to Ballipully Mr.
Young, whistled in times and pulled up on
the Ballipully side, and Bacha Meah
came up, the brakes were put on to the
wagons, and the Engine went on, the wagon
began to slip, Bacha Meah and myself
held on to the brakes, the wagons ran down
to the incline. I did not see Goundupah
all that night. I do not know any conversation
that took place between Bacha Meah and
the Driver. I did not see Bacha Meah at the
wreck near Goundupah either. I saw the
wreck but not at the point. I did not see
any body at the train point where the
wagons ran down. I never went to Goundupah
point. I did not hear any conversation between
Mr. Young and Bacha Meah. Cross Examined
by Cunn. Elliott. When I left Tiruputty
I did not expect to remain at Ballipully
the rails were slippery, my Engine could
not drag up the whole, went extremely slow
it was too dark to see a man unless he
had a light. I saw Bacha Meah only
when I came along side he had no light.
I then knew he had not put me on the siding
when the last carriage was on the point
I could not stop. I could have spoken

to him when I passed him. The siding
points were open to the main line. The
lay bye are open to the siding. Baicha
meah came up and opened the Buddapah
points. I could not have ~~seen~~ ^{been} in the
siding. I cannot say whether it could
have laid between the lay bye side, or
Buddapah side. I did not like to do any
shunting on a rainy night. I secured the
wagons and the brakes were put. I do not
know where the prisoner lies. I did not
ask Baicha meah anything about the other
pointman.

Poonian. I am section master employed
in the Railway. I know the prisoner
Gounduppa. He lives at Ballipully and
is the pointman at the 97th mile. I got out
of the second class and got on the engine
and stopped at the platform before the
engine came to the point. The driver
whistled twice to put the pointman on the
alert. The engine was unhooked after
the driver and head fireman got down. I
stopped on the engine it was pitch dark.
I spoke to Baicha meah as we passed his
point and told him to go to Buddapah
point and open the siding. After the driver
got, he took the engine to Buddapah
point and stopped. Baicha meah was
at the Madras point, his own point is
the Buddapah point and that is why I told
him to go there. When I found Baicha meah
at the prisoners point I thought he was

looking after both that night. The
driver told me to call the pointman
to put him on the siding. There was no
pointman there so I called out for
Baicha meah. He did not come. I heard
no conversation between the driver and
Baicha meah. I saw Gounduppa (the prisoner)
at the wreck. Baicha and myself went to
the accident when the engine was going
to Coonoor. Baicha meah and Gounduppa
came down the line together to the accident.
They asked me for some oil, but I gave
them none. Gounduppa's point is a
mile from his house. The scene of the
accident is between his house and Ballipully.
His house is a mile and a half from
the main line. The place is called Yodogappa.
I heard Baicha meah tell what can I do
for I am alone. Cross Examined by
Mr. Ellis. Baicha meah's name
came first. I know it is Gounduppa's
point. I see them on duty. They never
change as far as I know. It was about
6-30 when the accident happened, about
9 o'clock I saw Gounduppa and
Baicha meah at the wreck. I do not
know when they came. No villagers
came to assist. I did not mention
to any one that Gounduppa was
absent that night.

Cuddappah 17-12-72
Syed Ebusani. I am Pointman
Inspector I know the prisoner he is
a pointman at Kallipully on the
Madras side. I instruct him to the work
I appointed him at the Madras point at
Kallipully. Balha keah also I appointed
at Cuddappah side point, the prisoner
appointment was made two or three
years ago, there is no custom to change
points without permission.

Cases Examined by Mr. Elliott
I have received information that it is
usual for tigers to pass the Cuddappah
side point. Two or three months ago
one of the pointman informed me
that a tiger passed. I swear I never
mentioned Cuddappah pointman
to Madras point. I do not know that
with us the practice.

Balha keah sworn. I know the Kallipully
pointman Goundupphah I have known
for the last three or four months, he is at the
Madras side point. I am at Cuddappah side
point. I remember the day at the Kallipully
accident Goundupphah and myself came
from the Madras side point about 5 o'clock
Goundupphah remained at Madras side. I went
to Cuddappah side. I stopped there about
an hour and the train did not arrive at the usual
time. I went back to the Madras end and asked
Goundupphah why the train did not come, it
was raining and blowing very hard. As tigers
pass at the Cuddappah point, so I remained at the

Madras point, and then the train arrived
I heard one whistle Goundupphah left
the train on the main line, when the train
passed, the Section Master Poonier was
on the engine, he called me and I came
up to the engine, which was then standing
at the Platform. Balha got down to
unhook the engine, the train was backed,
the coupling was, not unhooked. It was
a second time it failed also, the third
time it was backed, chauply the buffers
met and Balha unhooked the coupling
I got on the engine step and it moved
about 2 rail joints Balha swung out
the train was gone the engine driver
and I got down and rain I got on to a
brake, but the train did not stand, the
driver put sand under the truck wheels
Balha and myself put on the brakes
the truck would not stop. I ran down
towards Madras point and saw Goundupphah
sitting inside the sentry box holding point
handle, the engine was brought slowly
and moved down the ^{side} ghant, I went back
to the Cuddappah ^{point} my point is the Cuddappah
I do not know why Goundupphah did not
come to render assistance, it was dark
and we could only see each other when near
each other. I have seen tigers
pass the Cuddappah side and several
others. Syed Ebusani appointed me
to the post I never told Syed Ebusani
about the tigers but I told the ass.
Inaffie Mander Mr. Sandy. I never

received permission to go to head-
point but we do not assist each other
my point is the Gondopah side examined
by the Court. I spoke to the Driver Young
that night he asked me why I had no
lantern I told him that as the train
runs during the day, the Gondoo Station
master refused to supply me with oil
Gounduppah put the train on the main
line. I did not touch the head-on side
points at all. I state I heard only one
whistle, if there had been more I should
have heard them, if I could hear one
I could have heard the rest, it is usual
to give only one whistle to warn us and
put them on the main line. I went to
the accident that night Gounduppah
went with me after the engine had gone
to Gondoo. I asked the Section Master
for oil he told me to ask the guard, and
the guard gave me some, we had one
lantern between us. I do not know
the guard's name Gounduppah was
with me when I applied for oil.

The prisoner Gounduppah in defence
states I live at Ballipully I am a pointman
there I was present at my point
head-on point I heard one whistle the
usual whistle. I was sitting inside
the Sentry Box and had hold of the points
I put the train on the main line as usual
if there had been more whistles I should
have heard them. I saw Bacha Meah

92⁵ 14
standing next to the Sentry Box at the time
I saw the train run away I can't leave my
point. I saw the engine follow the train down
the point, when the engine had gone back to Gondoo
I asked the Section Master for some oil he
told me to ask the guard and he gave me
some, we had one lantern between us.
Bacha Meah went with the lantern I was
holding the point and I could not move from
there if I was to leave my point, and if
the engine came I should catch it. Section
Master called Bacha Meah and he left his
point.

The Magistrate in summing up the case
observed that there was sufficient evidence
to prove that the prisoner was present at
his post and the accident did not occur
through the prisoner, and therefore acquitted
him, but on the other hand Driver
Young was to blame and a Warrant for his
arrest is expected to put him on his
trial under section 304 of the Indian
Penal Code. Culpable Homicide not
amounting to murder.

Railways Dept

Cons. Engrs Office

N^o 714

Sir,

Lieut Colonel J. M. M. How Stewart M.B.
Cons. Engrs for Railways
Madras

Sir,

Colonel C. W. Walker M.B.
Secretary to Government
Public Works Dept.
Fort Saint George

In further reference
to the order of Government dated
the 25th November 1872, N^o 2771,
and to my letter of the 19th
instant, N^o 703, I have the
honour to submit for the
consideration of Government
the

N^o 947 of 21st
December 1872. a letter from the Agents of
with enclosures
to be returned

File No 6440/72
M. P. W. S. R. 1872
15 Jan 1873

the Madras Railway Company,
giving the result of the trial
of pointman Lovendappa,
who was charged before the
Head Assistant Magistrate
of Cuddapah with being
absent from his post on the
night of the 28th September 1872,
and thereby committing an
offence punishable under section
XXVII of the Madras Railway
Act.

It will be seen
that the pointman was ac-
quitted, there not being evidence
sufficient to prove the charge
against him; and that the
Head Assistant Magistrate
has

has ordered engine driver Pyang
to be prosecuted for culpable
"homicide not amounting to
murder", under section 304 of the
Indian Penal Code.

With reference to
this the Agent suggests that I
should call Mr. Atkinson's
attention to the previous order
of Government, in order to show
that His Excellency the Governor
in Council has already ex-
pressed his concurrence in the
conclusions arrived at by the
Committee of Railway Officers
who investigated the circumstances.
but it seems to me more
advisable

Mr 2771 of
25th November 1872

advisable to submit these papers
for the further consideration
of Government, inasmuch as
the evidence taken before the
Magistrate at Buddapah
has thrown additional light
upon the case, and the Govern-
ment will probably desire
to await the result of the
prosecution which has been
instituted against engine driver
O'Connell.

I have the honour to be
Sir,
Yours Most Obedt Servt
Wm. Stewart Esq. M.P.
26 December 1872

Comr. Supr. for Railway

370

Handwritten notes in a different script, possibly Urdu or Persian, covering the right page of the document.

K. 132.

will await the result of the prosecution which has been
instituted against driver Zappig.

must wait for the results of the trial. If any one was to be convicted.

control by the C! ~~the~~ the

Ormer & Co. should have
been the persons I think - Who
does Mr. Koss' not wish it

Krochale's evidence. I gave with
page 8 of the ruling by the latter to
put of 2 hrs. 72? I know there has
been an attempt to put the

Dries Guard off at the entrance
of the Port Moresby - L.S.

132

C/2-6460
Govt. of 1873 Madras.
PUBLIC WORKS.

*To the Consulting Engineer
for Railways*

Dated

Recd.

Enc. 3

G. O. 15 Jan'y 1873.

Nos. 26 & 27

Trallypully Grant

Extent, Madras

Tray. Awaiting the

Result of the Proce-

duction of Dr. J. J.

Young in connection

with the Trallypully

Accident.

Up the River Mucun - L.S.