M.R.O. 1—10,006—28-2-50

(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. / B.P. No.	1253	Press / Mis.	Original
Dated	9-5-	1874	

Not to be folded or roughly handled

Proceedings of the Madras Government, Public Works Department, 9th May 1874.

No. 226. Read the following letter from Lieutenant-Colonel J. H. M. SHAW STEWART, R.E., Consulting Engineer for Railways, to Colonel G. W. WALKER, R.E., Secretary to Government, Public Works Department, dated Madras, 20th April 1874, No. 236 :—

Proceedings Government dated 24th January 1874, No. 156.

In continuation of my letter dated the 10th December 1873, No. 662, I have the honour to lay before Government, for their information, two letters* from the Agent of the Madras Railway Company, from which it will be seen that a man named Ungammah Reddy, head of the village of Thodary, was committed for trial at the Sessions Court at Bangalore upon a charge of having placed stones upon the rails at the 169th mile of the Bangalore Branch upon the 29th November 1873, with intent to cause injury to the train and passengers. The case was tried upon the 10th February, and it will be seen that the prisoner was acquitted chiefly on account of the prosecution having failed to obtain direct evidence of his having been seen in the act of placing the stones upon the rails. A copy of the record of proceedings of the trial is also submitted for the consideration of Government.

2. It is much to be regretted that the prosecution failed to establish the prisoner's guilt. In such a case it is almost impossible to procure direct evidence, and the circumstantial evidence of the man's guilt seems to have been unusually strong.

* No. 57 dated 20th January 1874.
,, 157 dated 18th February ,,

No. 227. ORDER THEREON, 9th May 1874, No. 1,253.

RAILWAY, No. 32.

COMMUNICATED to the Judicial Department in continuation of G. O., No. 156, dated 24th January 1874.

(True Extract.)

Colonel, R.E.,
Secretary to Government.

To the Judicial Department.
,, Consulting Engineer for Railways.

Exd. S. T. Austin.
Spare Copies

From T. H. GOING, Esq., Acting Chief Engineer, to R B. ELWIN, Esq., Agent and Manager of the Madras Railway Company, dated Madras, 19th January 1874, No. 53.

CONSULTING Engineer's docket, No. 28, dated 10th instant.

I forward herewith copy of a letter from the Resident Engineer, (No. 32, dated 17th instant,) stating that the headman of the village of Dodderee has been arrested on the charge of placing stones upon the line at 169th mile 11th telegraph post, Bangalore Branch, on the 29th November last, and that the case has been committed to the Sessions Court at Bangalore.

2. The result of the trial will be reported in due course.

From F. F. MILLETT, Esq., Resident Engineer, to T. H. GOING, Esq., Acting Chief Engineer of the Madras Railway Company, dated Bangalore, 17th January 1874, No. 32.

YOUR No. 71 of 13th instant.

I beg to inform you from inquiries I have made that Jungumreddy, the headman of the village of Dodderee, has been arrested on the charge of placing stones upon the line at the 169th mile 11th telegraph post, Bangalore Branch Line, on November 29th, 1873.

2. It is asserted that he did so out of spite to the watchman, with regard to certain private affairs, in order to get the man into trouble.

3. The watchman, who I understand was taken into custody at the time, was released on bail, but has been removed from his post.

4. Mr. Carpenter, my Inspector, informs me that another person was apprehended at the same time, but that he turned Queen's evidence in the case, probably with the hope of getting the reward.

5. The case has now been committed to the Sessions Court at Bangalore, so I cannot furnish you with further particulars until I hear the decision of that Court, the case having not yet come on.

No. 57.

FORWARDED to the Consulting Engineer for Railways for information.

MADRAS,
20th January 1874.

(Signed) R. B. ELWIN,
Agent and Manager.

From R. B. ELWIN, Esq., Agent and Manager of the Madras Railway Company, to Lieutenant-Colonel J. H. M. SHAW-STEWART, R.E., Consulting Engineer for Railways, dated Madras, 18th February 1874, No. 157.

IN continuation of my endorsement, No. 57 of the 20th ultimo, I have the honour to inform you that Jungumreddy, the headman of the village of Dodderee, was tried at the Sessions Court at Bangalore on the 10th instant on the charge of placing stones upon the line at the 169th mile 11th telegraph post, Bangalore Branch, on the 29th of November 1873, when, in the absence of direct evidence that he was seen placing the stones on the rail, he was acquitted, although the circumstantial evidence of his guilt was very strong.

2. The trial of the case lasted for two days, the prosecution being conducted by the Government Prosecutor, Mr. Nepean Smith, of Bangalore.

IN THE SESSIONS COURT OF THE NUNDIDOORG DIVISION.

SESSION CASE No. 2 OF JANUARY 1874,

Government vs. Jungumreddy,

9th February 1874.

1st Witness for Prosecution.—James Thomas Davis having been sworn saith :—I am an engine-driver in the service of the Madras Railway Company. I was the driver of the train from Bangalore to Jollarpett ; on the night of Saturday, the 29th November 1873, on coming to the 169th mile at the 11th post, between Kolur and Coopum, I heard the engine strike something, and the sand as ballast was thrown up over the engine. I immediately stopped the train and got down from the engine. I proceeded back to the spot and discovered five granite stones of the same size and appearance as those in Court close to the rail. Two large stones were between the rails and one large stone outside. I observed some slight marks on one or two of the stones. I put them into the guard's van and took them on to Coopum, where they were delivered to the station-master. When the train stopped, the watchman, whom I don't know and am unable to identify, came up from the 169th mile, 7th post, and showed the "all-right" signal. The concussion of the engine against the stones knocked the life-guard (an iron plate which protects the wheel) off, and if any further stones had been placed on the line the train might have been thrown off the rails and have endangered the safety of the persons travelling in the train. From further inquiry, not being done, I suppose that the stones must have been placed together in a heap and the first blow pushed them all aside.

Cross-examined by Prisoner's Pleader.—The watchman who showed the "all-right" signal was stationed about 400 yards from where the stones had been placed. It was a bright moonlight night and about 10-15 P. M. The watchman was taken on to Coopum, because he had exhibited the "all-right" signal. I did not notice any one except the watchman in the vicinity of the place where the accident occurred. It was at the entrance of an embankment. A person standing there might be seen from about 150 yards off.

By the Court.—Stones similar to those in Court were lying to one side of the line which had been originally blasted when the cutting was made. The line was straight for about three-quarters of a mile back.

Read to the witness in English and admitted by him to be correct.

(Signed) W. HILL.

2nd Witness for Prosecution.—William Henry O'Bryan having been sworn saith :—I am a guard in the employment of the Madras Railway Company. I was the guard of the night train on the 29th November last from Bangalore to Jollarpett. I felt a slight shock as the train passed the 11th telegraph post on the 169th mile about a quarter after 10 P.M. The moon was rising then. The train was brought to a stand-still at the 5th telegraph post, or 600 yards on. On going back to the spot where the shock had been felt, I found three large stones and two small stones on the line ; one large stone was on the right-hand side about a foot from the rail, and the others between the rails. They were put into the brake-van and taken on in the van to the Coopum station, where they were made over to the station-master. They were of the same size and appearance as those in Court. I noticed at the time that two out of the three bolts of the life-guard in front of the engine had been broken, and the largest stone in Court had also the appearance of having been broken. I find that two of the small stones in Court dove-tail into it. Had the life-guard not turned the stones off the rail a serious accident might have occurred, as the train might have been thrown off the rails. The train was then going at the rate of 25 miles in the hour. A person standing near the stones could be seen 200 yards off. The man shown to me in Court (Paupa) was the watchman who exhibited the white "all-right" signal to us as we passed the gate 500 yards beyond the place where the stones had been placed. I took him in charge to the station at Coopum, because I was afraid he might run away.

Cross-examined.—The moonlight was rather dim. With the exception of the hand-lamp carried by the watchman and those on the train there was no other light. I assisted in stopping the train by putting on the brake after feeling the shock. I inquired from the watchman if he had seen anything on the line, and he replied in the negative. I took him to Coopum as I thought that he was in fault. When the watchman saw the stones he said it must have been the act of an enemy. He spoke in Tamil. I understand the language well. The watchman mentioned no one's name.

Read to witness in English and admitted by him to be correct.

(Signed) W. HILL.

3rd Witness for Prosecution.—Michael Carpenter having been sworn saith :—I am a Permanent-way Inspector in the employment of the Madras Railway Company. I know the watchman Paupa. His beat extends for a mile and a half from the 169th mile stone to the 170½. He is on the permanent establishment, and does night work each alternate month. I have known him since last June, twelve months. He bears a good character, and I have had never occasion to find fault with him. The duty of the watchman is to go along the line before each train is due about half an hour before to see if the line is clear. The line is straight about the 169th mile. The spot where the stones had been placed was about 100 yards from the cutting where stones had been blasted. There were some lying nearer, about 30 yards off, about the same size, some larger, and some smaller.

Cross-examined.—I go along the line once a day and sometimes oftener. I am in charge of the line 38 miles from Maloor to Coopum, and visited the spot where the stones were placed the day before the accident. There is a village about 300 yards from the gate, and another village (Dodderee) 500 yards off. There are as many as twenty telegraph posts in one mile and as few as 16. I cannot tell how many there are in the mile in question. The place where the stones had been put were four telegraph posts distant, or 800 to 1,000 yards from the gate where the watchman stands when the train passes. There are about ten houses in the nearest village. The watchmen have a good idea of the time of night and meet and show the caution, a "green light," when the train is expected. I have noticed people working in the village close to the line in the day time as I passed along the line.

Re-examined.—I think on the mile in question there were eighteen telegraph posts, which would give on an average about 100 yards between each, but some posts have greater distances between them than others. The watchmen's duties are also to run in front of trollies, and to see the keys tightened and sufficient bolts on, and to prevent cattle and people trespassing.

Read to the witness in English and admitted by him to be correct.

(Signed) W. HILL.

4th Witness for Prosecution.—Kurbur Paupa having been solemnly affirmed saith :—I am a permanent watchman on the Madras Railway, and have been employed for the past five or six years ; my beat extends about a mile and a half ; it commences from the 109th mile perhaps, but I don't know exactly. My duty is to go along and inspect the line twice or thrice a day, and if there is anything dangerous to show the danger signal. I went along the line at 6

Company

P.M. on the night of the 29th November last on each side of the gate. My beat extends a mile from the gate in the Coopum direction and half a mile in the Bangalore direction. I inspected the line again at 8 o'clock, first visiting the half mile in the Bangalore direction. As I returned, the train from Bangalore came up; I showed the white light as I thought all was right. The train stopped a few yards off. Three gentlemen came off it and up to me, and desired me to accompany them along the line. After going the distance of five telegraph posts, I observed three large stones and two small ones on the line, two large stones were between the rails; one about two yards off to one side; one of the two small pieces was near the rail, and the other small one was about 4 yards away. I can identify the two small stones in Court, and the other stones are the same, though I cannot describe where each of them were. The smallest stone appears to have been broken off the biggest stone. The stones were put into the train with me, and I was taken on to Coopum. I inspected the spot where the stones were found an hour or an hour and a half before the train came up. The line was perfectly clear then. I have known the prisoner Jungumreddy for the past five or six years ago. We were on good terms with each other till about a year, when we had a difference about an armlet which I was to get made up for him by goldsmith Sreerama Charry, at Pootursonamhully; but though I paid him the 5 Rupees he put me off for a year, though one day I confronted the prisoner with him but to no purpose. On another occasion, about twenty days before the stones were found on the line, the prisoner stopped me on the road to Kumashundur, near the raised platform at Dodderee, in the presence of Chennapa, Sreerama Charry, and Mareana and demanded the return of the ornament or the money, and as Sreerama Charry did not return it we had words, and he threatened to get me punished by making me spend Rupees 100. I desired those present to bear witness. The prisoner had not been on speaking terms with me for three months then. It was 9 or 10 in the morning when we had the last dispute.

Cross-examined.—The place where the last dispute occurred was about 4 yards from the houses in Dodderee. Chennappa belongs to Bowringpett which is four or five miles off. Marega belongs to Pootursonamhully. There were no Dodderee men present. All were on the road to the market. I live at Dodderee. The prisoner came up as the other three passed. I was starting for the fair with no companions; the three persons named came from the direction of Sonanhully, and the prisoner who lives at Dodderee came up from the south of the village. There are ten houses in the village. I called out to the three persons named and stopped them. I did not go with them to the market, but followed a little after. I did not see the prisoner at the fair. I know Wudder Venkatagadoo. He lives at Govalahully attached to Dodderee. I have had no communication with him concerning the prisoner, though he gave evidence in the Taluq Cutcherry. We are not on visiting terms. As I was being taken to the Taluq Cutcherry by the Duffadar, I met Moonsadu in front of Pootursonamhully, and I gave information to the authorities relative to what he told me about the prisoner. I saw the prisoner about half-past eight on the night the stones were placed on the line when he as usual went to his field with his uncle Goormana and passed through the gate. I used to see him frequently before, but not since as I was taken to the Cutcherry. The gate is self-acting. People make use of it between Dodderee and other villages by day and night. I saw no one else pass that night through the gate. I had to go on my beat. Goolhully is within earshot of the spot where the stones were found. There are four or five houses. People work in the fields close to the line. It was clear moonlight that night. People were not watching their crops on the other side of the gate, but on the near side of the gate where they had been reaped. When there is moonlight I can see clearly the distance of two telegraph posts along the line. There are numerous stones like those in Court to be found close to the line. Muniappa, Goormana, Venkatagadoo, Gowd Mooniappa, Chilkadu, and Mooneakah were all brought to the Marmootal Police Station, and were detained there for two or three days and then released. I was released on bail. I have not seen the prisoner speak to Sreerama Charry. I don't know Tamil, and had no conversation with Mr. O'Bryan when they took up the stones into the train.

Read to the witness in Canarese and admitted by him to be correct.

(Signed) W. HILL.

5th Witness for Prosecution.—Venkatagadoo having been solemnly affirmed saith:—I am a Wudder residing at Govalahully and hold lands. I know the prisoner Jungumreddy who lives at Dodderee. One Friday evening, about two months ago, two days before I heard of the stones being put on the Railway, the prisoner came to my field as I was tying my raggy into sheaves. He said to me that watchman Paupa owed him 5 Rupees which he would not return; that he wished to place some stones on the railroad to make the watchman spend Rupees 100, and asked my assistance. I declined, saying that I was alone in my house and had children; the next Tuesday I asked him to assist me in stacking the raggy, and he came for the purpose about 7 the following morning. I questioned him about the stones placed on the road, and who had assisted him: to which he replied that his uncle Goormana had helped him; at the same time he warned me not to disclose anything to the Killedar, and the gentlemen who were coming there in the evening.

Corrected below.

About six days after I was sent for by the Killedar to Marmootal, and on being examined told all I knew.

Cross-examined.—No one was present at the conversations between the prisoner and me. I was aware that some inquiry was afoot when the second conversation took place. I know watchman Paupa. He lives at Dodderee, but I did not tell him of the conspiracy against him. The prisoner's fields are near the railroad and mine are nearer, and nearer too to the place where the stones were found. Though an earth Wudder I don't follow that profession, but cultivate lands now. I was kept for four days in the Marmootal Police Station to trace the case. The first day I was afraid to speak, but the second day disclosed everything. The third day I was examined by the Amildar. I never spoke to any one about the matter before. I was detained in the Police Station till I was taken before the Amildar, when I was released with a peon over with me. He was twenty days in charge of me at Bowringpett, after which I gave my deposition to the Amildar and was released. The prisoners Goormana and Muniappa were with me in the lock-up in one room. The door was closed on us at night. I was not tortured by any one when in Police custody.

Re-examined.—I was taken up by the Police the day I had the last conversation with the prisoner. I was in Police custody till my evidence was recorded on the 18th December, eight days after I had told what I knew to the Killedar, who did not take any deposition from me. No threats were used towards me by the Police or promises held out.

Read to the witness in Telugu and he admitted it to be correct.

(Signed) W. HILL.

6th Witness for Prosecution.—Moonsadu having been solemnly affirmed: I am the toty of Pootursonamhully. I know the prisoner Jungumreddy. On Saturday evening as I was returning from Boodicotta with some oil I met the prisoner at the small gate on the righthand side going to Bangalore. He was crossing the line when I met him. It was supper time then; and the train passed when I reached Purpunhully a mile of. I asked the prisoner for some betel-nut, but he said he had none. I saw the prisoner just as I came up to the gate coming across the line from the opposite side facing me. He was near to my gate. I did not see him at the opposite gate or crossing the rails.

Cross-examined.—The first statement that I made that I saw the prisoner coming across the line is incorrect, as I saw him only near the gate. No one was with me or him. I did not see the watchman Paupa that night. I did not notice anything peculiar in the prisoner's manner. He did not mention what he was doing there then. I purchased the oil from one of the five shopkeepers at Boodicotta, but I cannot give the name of the shopkeeper. I had not seen him before. My village is 4½ miles from Boodicotta. I went there late, and consequently returned late. I cannot identify the shopkeeper from whom I bought the oil. I have never made such late purchases before or since. I know Sonanhully Marega who lives in my village. I have gone on errands for him, as I receive fees in grain from him as from other ryots. There are three roads leading from my village to Boodicotta, but the road from Dodderee is shortest; the large gate near Dodderee is the one most used; but there are no villages by that road. I did not mention my having met the prisoner to any one till three days after when I saw the watchman Paupa under

the custody of a peon, when I told him of the fact. The road takes a bend as it reaches the gate, but it is on level ground with no obstruction, such as bushes or rocks. There is an aloe hedge on both sides of the gate higher than my head. I cannot even point out the shop from which I bought the oil. Nothing else was sold in it; it was in the street. I bought 6 annas worth (answered after some consideration) one seer (mamdum) and took it away in an earthen pot. I make oil myself, but bought it that day as I had no seeds. I never borrow oil from my neighbours. It was "hurlenna," castor oil. There was no light in my house till my return.

Read to the witness in Canarese and admitted by him to be correct.

(Signed) W. HILL.

It being 6 P. M. the Court adjourns till to-morrow the 10th instant at 12 noon.

(Signed) W. HILL.

10*th February* 1874.

The Court having re-assembled proceeds with the examination of the witness for the prosecution.

7th Witness for Prosecution.—Sreerama Charry having been solemnly affirmed saith :—I am a goldsmith living at Patra Somanahully in the Baithmungaloo Taluq. I know watchman Paupa and Jungumreddy; the latter is an ordinary ryot living in Dodderee. About eight months ago, Paupa gave me Rupees 4 in coin and 1 Rupee in silver to make up an armlet; but as I was ill I was unable to make it up. About three months ago Paupa came with the prisoner to my house at 8 in the morning; when I heard that the ornament was for the prisoner I explained that I would have it ready in eight days. Paupa asked me to return the 5 Rupees, on which I told him that the ornament was half ready. The prisoner accused Paupa of having cheated him and then they left. About noon of Thursday, twenty days previous to the stones being found on the railway, as I was going from Pootursonamhully to the Kumashundur market, as we had just passed the village of Dodderee, watchman Paupa called me and asked me for the return of the ornament. I said it would be ready in eight days. Jungumreddy, the prisoner, then demanded it, and caught hold of Paupa's cloth of having cheated him, and threatening him to make him pay Rupees 100 for the 5 Rupees he had lost, twisting his moustaches at the time. Paupa desired me to bear witness, and told Jungumreddy that he might lodge his complaint with the authorities. I have got the money still with me.

Cross-examined.—I have kept a woman named Mooneakah of the Reddy Caste, but she is not a relation of the prisoner. The prisoner is on friendly terms with me. Paupa had the dealing direct with me, because I have made up ornaments for him and to save delay. Jungumreddy (the prisoner) is a friend also of the watchman Paupa. I am better acquainted with the former, and would have made up the ornament for him if I had been asked.

By the Court.—After the dispute we went on to the market, but I did not see the prisoner there that day. The reason for my not making up the ornament for so long was owing to illness from which I was then suffering.

Re-examined.—I have kept the woman Mooneakah for thirty years or so. I don't care what the prisoner thinks of it.

Read to the witness in Telugu and admitted by him to be correct.

(Signed) W. HILL,
Sessions Judge.

8th Witness for Prosecution.—Marega having been solemnly affirmed :—I am a snake charmer and live at Pootursonamhully. I know the last witness Sreerama Charry, the prisoner, and watchman Paupa. On a Thursday morning about 10 A.M. as I was going with the first named and Chennappa to the Kumashundur fair as we had just passed in front of Dodderee, Paupa came and asked Sreerama Chary for the delivery of his armlet. He promised to return it in ten days. The prisoner who was with Paupa said it would not do, and caught hold of his cloth saying he would have either the armlet or the money; some high words then passed between them, and Paupa told the prisoner he might complain to the authorities. The prisoner replied for the loss of Rupees 5 it would be useless to complain; I shall make you pay Rupees 100 on account of it. The prisoner spoke in a loud voice and shook about his arms. Paupa desired me to bear witness.

Cross-examined.—Sreerama Charry has lent me grain which I have returned. I don't know if he lends out money. The prisoner is a man of family, by which I mean that he is a respectable man. We went on after the dispute to the fair. The prisoner and Paupa did not come there. Our party returned from the fair separately.

Read to the witness in Canarese and admitted by him to be correct.

(Signed) W. HILL,
Sessions Judge.

The record in the Lower Court containing the examination of the accused filed and marked It is put into Court by the Government Prosecutor. It is read out in Court.

The case for the prosecution is closed.

(Signed) W. HILL,
Sessions Judge.

The examination of Jungumreddy.—Question.—On what terms are you with watchman Paupa?

Answer.—Before I was taken into custody we were on good terms.

Question.—Had you any quarrel about the armlet?

Answer.—I did not quarrel, but I asked him fairly for it. I twice refused to go to Sreerama Charry's house, and at length accompanied him there first. Sreerama Charry put him off on the plea that it was not ready. I explained to Paupa that it was a year and a half since I had given the money, and that I would have back the armlet or the money. Sreerama Charry offered me the broken pieces of rupees which I refused. As I held Paupa answerable, I went away. I complained to the Potail and others. Paupa explained to them that the goldsmith and he were in fault.

Question.—Had you any words with the witness Paupa as Sreerama Charry and others were going to the market?

Answer.—No. I had no words. I know nothing about it. None of the villagers are said to be present, though they go to the market too.

Question.—Where were you on the evening in question?

Answer.—I was in my house from half past 6, awake till midnight, making ropes with Chennappa Reddy and Mooneacharry.

Question.—Did you see Moonsadu that evening or watchman Paupa?

Answer.—No. I did not.

Question.—Why were you making ropes at night?

Answer.—We commenced in the evening and it took us that time to make up the four ropes we required.

Question.—Have you anything further to state?

Answer.—I am an innocent and respectable man with a family and bear a good character. Sreerama Charry accuses me out of spite as he keeps my niece, and owing to that we don't speak to each other; he also is angry with me for demanding the delivery of the armlet. Totysada asked me for a fowl which I refused to give him, on which account he bears a grudge against me. Marega is indebted to Sreerama Charry, who lends him money. On a Wednesday I helped the witness, Venkatagadoo, to bind his corn. The Killedar took him into custody that day, also my brother and others. I returned to the village the same evening and was taken to the Cutcherry the following morning. We were all confined, including the Gowda and Toty of the village, for eight days, and were asked again and again by the Killedar to confess, but we denied everything. One evening Venkatagadoo was taken out and brought back at midnight. He was released the next day with a peon over him. I saw him at the Killedar every day as I was made to water the avenue trees in front of the Killedar's house. Watchman Paupa was also kept there.

Mark —— of Jungumreddy.

The examination of the prisoner was made in my presence and hearing and contains accurately the whole of his statement. It was read out to him in Telugu and he admitted it to be correct.

(Signed) W. HILL,
Sessions Judge.

Mooneacharry having been solemnly affirmed :—I am a goldsmith residing at Dodderee in which village the prisoner lives. On Saturday night after taking my supper at about 7 P.M. I went to the prisoner's house and remained there till midnight. I went there to pay him Rupees 3 for cutting my crop. I went there so late as I had missed him when I went the same day at noon, as he was out, and met Chennappa Reddy in the street. He lives close to the prisoner, and seeing me enter he went in with me. The prisoner was engaged then in making ropes. I twisted some hemp for him till it got late. Chennappa Reddy and I left together. The former, when in the house, was lying down complaining of the pain in his little finger which he had cut that morning. During the time we were in the house the prisoner never left it, neither did Chennappa Reddy nor I.

Cross-examined.—It was an hour or an hour and a half after sunset when I took my meal. My house is next but one to the prisoner's. Chennappa Reddy's house is only four yards from the prisoner's. He rents the house, and uses it as a cattle-shed and place for sleeping. He returned there that night. I don't know how to make ropes. We had no conversation except that the prisoner showed me how to twist the hemp. As Chennappa Reddy came with me he stayed for my return. He lay down in the middle hall on his own cumbly. His own house is about 10 yards off. I have never seen Chennappa Reddy asleep in the cattle-shed, but I have seen him there moving about the cattle in the evening. Chennappa Reddy said the money paid to the prisoner within an Indian hour of my arrival. He put the money away in his betel bag. The moon was setting as I got home.

Read to the witness in Telugu and he admitted it to be correct.

(Signed) W. HILL,
Sessions Judge.

The other witness for the defence, Chennappa Reddy, who was served with a summons having been reported by the Amildar to be suffering from small-pox, Mr. Srenevas Charry, Pleader for the prisoner, dispenses with his attendance.

The case for the defence is closed.

(Signed) W. HILL,
Sessions Judge.

Opinion of the Assessors.—Nagappah is of opinion that the prisoner is not guilty because he had no motive for the crime.

Arana is of opinion that the prisoner is guilty because his plea of *alibi* has not been proved, as the witness whom he called is not to be credited. No one can believe that he would stay so long in the prisoner's house that night, or go there to pay the contract amount.

Shetty Moodannah is of opinion that the prisoner is not guilty as there is no direct evidence to show that he was the party who committed the offence, and the witnesses evidently speak from malicious motives.

(Signed) W. HILL,
Sessions Judge.

Charge.—That you the prisoner Jungumreddy on or about the night of the 29th November 1873 placed in the Madras Railroad near the 11th telegraph post at the 169th mile sundry stones with intent to cause injury to the train and passengers therein, and thereby committed an offence punishable under Section 25 Act XVIII. of 1854, and within the cognizance of the Court of Session.

(Signed) W. HILL,
Sessions Judge.
Nundidoorg Division.

Judgment.—It is clear from the evidence of the engine-driver and the guard that an attempt was made on the 29th November 1873 to throw the night train from Bangalore off the line near the 169th mile-stone from Madras by placing three large granite stones on the rail, and had not the concussion from the life-guard striking the heap caused the stones to be pushed aside serious loss to life and property might have been occasioned.

A strong supposition arise that the act was done by one who bore malice against the watchman in whose beat the offence was committed. The evidence which has been adduced shows clearly that the prisoner had a grudge against him on account of his failing to get an armlet made up, for which (he the prisoner) had advanced money, and that the prisoner had threatened to cause a loss to him of Rupees 100 in return for the loss to him of Rupees 5, which he had sustained through him. There is therefore good ground to suspect the prisoner of having had a hand in the matter; but as no direct evidence against him is forthcoming the point for determination by the Court is, whether the circumstantial evidence adduced is trustworthy and sufficient for fixing the guilt on the prisoner.

It consists directly of the evidence given by three witnesses : the watchman who states he saw the prisoner and his uncle cross the line at the gate about two hours before the arrival of the train, the toty who deposes that much about the same time, as he was returning from making a purchase of oil at a village some distance off, he saw the prisoner at the other side of the gate as he approached it, and the Wudder Venkatagadoo who deposes to the prisoner having asked his assistance and subsequently admitted to him that he had done the deed with the aid of his uncle.

Much reliance cannot be placed on such evidence. The watchman is an interested party as he has to clear himself from the charge of carelessness, and may be supposed to be desirous of fixing the blame on any one, and naturally on his enemy. He has failed to account satisfactorily for his presence at the gate at such a late hour. On cross-examination his story about the purchase of oil broke down altogether, and his inability to state the direction from which the prisoner came is noteworthy as he has himself admitted that the ground was level and that there was no obstruction in the way. The evidence given by the wudder is still more suspicious as he was under Police custody for three days before he spoke out : besides the probabilities of the case are against his evidence, for any one wishing to commit such an offence would be careful not to have any accomplices, and on any one selected refusing to join would not be likely to divulge to him afterwards what he had done. The Court, under these circumstances, is compelled to set aside the statements made by these witnesses as open to grave suspicion, and regards the evidence adduced as insufficient to warrant a conviction.

It may be noticed, in conclusion, that the defence offered by the prisoner is a total denial of the charge. While admitting that he had a dispute with the watchman, he denied having used threats to him, and brings forward one witness who speaks to his having been engaged in making ropes on the night in question. It is, however, unnecessary to determine the weight to be given to such evidence which must always be received with caution, as the case for the prosecution has, in opinion of the Court, not been made out.

Order.—I Major W. Hill, Sessions Judge, Nundidoorg Division, concurring with the majority of the assessors, find you, the prisoner Jungumreddy, not guilty of the offence specified in the charge, viz., that you have placed in the Madras Railroad sundry stones with intent to cause injury to the train and passengers thereon, and that you have thereby committed an offence punishable under Section 25 of Act XVIII. of 1854, and I direct that you the said Jungumreddy be discharged.

(Signed) W. HILL,
Sessions Judge.

Company

Madras Railway Cons Engineer's Office

No 236 13

From

Lieut Colo: J. H. M. Shaw-Stewart R.E.

Cons. Engr. for Railways

To

Colonel G. W. Walker R.E.

Secretary to Government

P. Works Department

Fort St. George.

Sir,

In continuation of

No: of Govt. letter
of 24th Jany: 1874
No 156. my letter dated the 12th Decr. 1873, No 662, I have the honour to lay before Govern-

No 57 of 20th Jany: 1874.
No 157 of 18th Febry: 1874 ment, for their information, two × letters from the Agents of the Madras Railway Company

Company from which it will be seen that a man named Linganmah Reddy, Head of the village of Thodary, was committed for trial at the Sessions Court at Bangalore upon a charge of having placed stones upon the rails at the 169 mile of the Bangalore branch upon the 29 November 1873, with intent to cause injury to the train and passengers. The case was tried upon the 10 February, and it will be seen that the prisoner was acquitted, chiefly on account of the prosecution

prosecution having failed to obtain direct evidence of his having been seen in the act of placing the stones upon the rails. A copy of the record of proceedings of the trial is also submitted for the consideration of Government.

It is much to be regretted that the prosecution failed to establish the prisoner's guilt as in such a case it is almost impossible to procure direct evidence, and the circumstantial evidence of the man's guilt seems to have been unusually strong.

I

P. W. 1894 Dept

No: 2405

From

The Controller for Rys

To The Secretary to Govt

P.W. Dept

Dated 20th April 1894

Rec'd 22

No 236

Budgeon 3

Submitting letters

from the Agent M.Ry

regarding the obstruction

placed on the 16 mile

S.I. Madras Ry on

29. Nov Last. As per

as a copy of the proceedings

of the trial of one Lingamuthu

Reddy who is said to have placed

the obstruction

Commissioners of the Public Works Department

Madras 20th April 1894

Sir

I have the honor to forward herewith for the information of Government a copy of the proceedings of the trial of one Lingamuthu Reddy who is said to have placed the obstruction on the line of the Madras Railway on the 29th November last.

2. I have the honor to request that the Government will be pleased to direct the Public Prosecutor to conduct the prosecution on behalf of the Railway Company.

3. I have the honor to be Sir Your most obedient Servant

Major General R.E.
Chief Engineer

To
The Secretary to Government
Public Works Department
Fort St. George

226-227

Sanctioned to Collector & Asst Sp

2405

Govt. of Madras.

PUBLIC WORKS.

To The Jud. Dept.

Dated 18

Recd.

Encl. 3.

G. O. 9th May 1874, No. 257

Nos. 221-227.

Branch in the 2d

Nov. 73 - Com-

the Judicial Dept.

Railway

Papers relating to the trial of a man named Ungamiah Reddy of the Village of Thodary at the Sessions Court at Bangalore upon a charge of having placed stones upon the rails at the 163d Mile Mile Bangalore