

- (1) பக்கங்களின் எண்ணிக்கை 10
 (2) புதுக்கித் திருப்பிய நாள் 11/91
 (3) ஆதாரங்குறிப்பவர் சுருக்கொப்பம் 10/91

தமிழ்நாடு ஆவணக் காப்பகம்.

தமிழ்நாடு அரசு

PWD துறை

(87)

அரசாணை எண். மு. கோப்புத் தாள் எண்.	1210	அச்சகம் பலவகை
நாள் : 11-4-1892	199	

மடிக்கலோ கண்டபடி கையாளலோ கூடாது

5 Sheets

DM

ஆவண. கா-1-18,006-25-6-37.

In the Court of the Head Assistant Magistrate Kistna
 Case no 39 of 1891.

Judgement

Name of the accused 1 Manchala Balu. 12th/1
 2 Tadapalli Ramaswamiyadu
 3 Singamsetty Subbadu.

Offence Mischief by causing damage by fire
 to Telegraph huts, posts and wires
 punishable under sec 25 act III of 1885

Finding 2nd & 3rd Guilty

Sentence 1st Discharged under sec 253 C.P.C.
 2nd & 3rd are sentenced to undergo
 each two (2) years rigorous imprisonment

Description of accused.						Date of					Explanation of delay.		
Serial Number	Name	Father's name	Caste or race	Occupation	Residence	Age	Occurrence	Complaint	Apprehension	Commencement of trial		Close of trial	
1	Manchala Balu	Sayamoli	Pariah	Horn Keeper	Neyyenda	30	7-9-91	7-9-91	17-10-91	7-1-92	15-1-92		
2	Tadapalli Ramaswamiyadu.	Pichiyadu		Cooly	Neyyenda	20	7-9-91	7-9-91	17-10-91	10-12-91	7-1-92	15-1-92	
3	Singamsetty Subbadu	Apparu		Cooly	Ellore	10	7-9-91	7-9-91	17-10-91	10-12-91	7-1-92	15-1-92	
Prosecution Witnesses						Defence Witnesses.							
1	Mr J. E. Rosemeyer					1 Catherine Hanson							
2	Kannala Venkatarathnam					2 Christine Gilligan							
3	Bafalli Thammayya					3 Murudappa Ramudu.							
4	Pandraya Parayanaswami					4 Rachapala Chintadu							
5	Palatta Maridy					5 Sudula Nagadu.							
6	Chintalapudi Appalaraswami					6 Singamsetty Apparu							
7	Palle Polhala					7 Muthyala Chinasathiyadu.							
8	Gopisetty. Venkata Subbadu												

- 1 In this case the three accused are charged with having committed an offence under sec 25 of the Telegraph Act by setting fire to the Telegraph houses on the Beznada hill at about 7 P.M. on September 7th 1891.
- 2 The 1st and 8th witnesses prove that three telegraph houses were burnt, one was charred, and three of the ~~houses~~ wires spanning the Kistna River were disconnected as well as three of those leading from the hill to the Beznada Telegraph office. The 1st witness estimates the damage done at about Rs 1420.
- 3 On the morning of September 8th these witnesses went up the hill and found near the houses a Pilsener beer bottle half full of Kerosine oil, a tar pot with charcoal in it, a bag containing sawdust and fanja, a tin pot shaped so that it may be used as a lamp, some burnt wicks and matches and an iron rod shaped like a walking stick. Outside the house which had been charred and outside another house which was uninjured they found charcoal and sawdust had been placed on the ground apparently for the purpose of setting fire to the houses.
- 4 The second witness says that on September 7th he went up the Beznada hill to get a medicinal plant and as he was returning at about 5.30 P.M. about half way down the hill he met the 1st accused going up and the 2nd and 3rd accused following the 1st accused about 30 yards behind him. He says that he went within 20 yards of the accused; that the first accused was carrying a bottle, similar to the Pilsener beer bottle; that the second accused had a bundle on his shoulder and that the 3rd accused was carrying a pot like the tar pot. This witness did not speak with them to any of the accused. but he says that he knew the 1st accused previous to the occurrence and had seen the 2nd and 3rd accused in the Bazar.

- 5 The third witness says he went to a latrine at the foot of the hill in the afternoon at about 5 P.M. and as he was leaving it, he saw the 2nd and 3rd accused going towards the hill about 15 yards from the witness. This witness saw another man going towards the hill about 100 yards in front of the 2nd and 3rd accused. but he could not identify him. When this witness saw them the 2nd accused had a bundle on his shoulder and the 3rd accused had wrapped a cloth round his body reaching from his head to his thighs. The 3rd witness did not speak to these two accused; he had previously seen them in the bazaar. $\sqrt{2}/\sqrt{2}$
- 6 The fourth witness deposes that at about 2 P.M. on September 7th he filled a bottle, like the Pilsener beer bottle, with kerosine oil in the bazar for the second accused who came to the shop with the 3rd accused. This witness says that these two accused used to come to his shop frequently for cigars and that on this occasion he sold the oil and took the money (a n.) on behalf of his neighbour who was busy at the time.
- 7 The sixth witness was coming from the Bairagi Muttam at 2 or 3 P.M. on the same day and in the same yard surrounding the Muttam he saw the third accused collecting sawdust. This witness asked the 3rd accused why he was doing so; the third accused said he was going to use the sawdust for a 'cumpati'. The 3rd accused went out of the saw yard just in front of this witness and joined the 2nd accused at the entrance. Thence these two accused went together down the street. This witness has been accustomed to write letters for the third accused; he wrote one some 20 or 25 days previous to.

to the fire and on that occasion the third accused was accompanied by the second accused.

8 The Bairagi Mattam is not far from the 4th witness's shop.

9 The 5th witness says he saw the three accused on September 7th sitting talking to one another at about 10 AM on the road near the Traveller's Bungalow. He did not speak to them. There was a tin lamp like the one found on the hill in front of them.

10 The seventh witness says the third accused had been in the habit of using an iron walking stick like that found on the hill.

11 The Evidence against the first accused is that of the first witness who saw him going up the hill at 5-30 PM. and of the 5th witness who saw him in company with the 1st and 2nd accused. at 10 AM.

This is insufficient to warrant his conviction and he is discharged under sec 253 C.P.C.

12 In defence the second accused pleads that at the time of the occurrence he was at Muzvid and he cites three witnesses.

13 The first of these witnesses is Catharine Hanson whose house in Beypada adjoins the second accused's house. She says that in September some of the second accused's relations took him to Muzvid; That the accused was not in Beypada when the fire occurred that is about a week after his departure for Muzvid.

14 From this witness's evidence it would appear that she did not see the second accused after August 31. She says that if he had returned to Beypada after that date she must have seen him. The second accused himself says he returned to Beypada on September 17th or thereabouts. As he was in Beypada on September 17th without the witness's knowledge; he may also have been in on September 7th without her knowledge.

15 The 3rd and 4th Defence witnesses are Malas of Muzvid; the fourth is the second accused's brother-in-law. They say that on the festival of Vinayakasavithi (i.e. 7th Sept.) the second accused was with him at Muzvid.

I cannot place much reliance on their evidence as it appeared to me that they did not know of what day they were speaking in mentioning the Vinayakasavithi or Udralla festivals; the 5th and 6th defence witnesses who are Malas of Beypada know nothing of the festival; the 4th defence witness appeared to be unable to distinguish the ceremonies of this festival from those of any other.

16 The third accused in defence pleads that on September 7th he was ill and unable to leave his bed. He cites four witnesses.

half full of kerosine oil which the 2nd and 3rd accused had purchased on the 7th; sawdust similar to some which these accused had taken out of a saw yard on the 7th; and an iron stick which the 3rd accused was in the habit of using

22. I find the second and third accused guilty of having committed an offence under sec 25 act 13 of 1885 and sentence them each to undergo rigorous imprisonment for two years

23. The property produced before the court will be destroyed after the expiry of appeal time

15.1.92
(True copy) (sd) F. C. Parson
M. H. and Magistrate

Parit nagar
Head of hill
Head and colon & magister office
Belwada



51
P. 3167/92

For Judd 969/92

L 2c. (1/2 foolscap).

GOVERNMENT TELEGRAPH DEPARTMENT.

INDEX No.

OF 189 -9

FROM

THE SUPERINTENDENT,
East Coast Division,

TO

The Under Secretary to Govt
P. M. D. Madras

No.

15

Dated

2nd April 92

(Place)

Vijayapattanam

Encs.

Recd.

ABSTRACT.

PRECIS.

SIR,

G.O.

With reference to your letter No. 992, dated the 25th of March 1892, I have the honour to return herewith as requested the judgement in case N° 39

of 1891 on the file of the Head Asst Magistrate

Kistna.

1210/5

I have the honor to be,

Sr.

Your most obedient servant,

F. C. Parson
Superintendent

PA

17 The second defence witness says that at 9 or 10 P.M. on September 7th the 3rd accused's mother came crying to the witness' house and said the third accused was ill. The next morning this witness visited the third accused who appeared to be out of his senses. The witness does not know when the third accused was taken ill. On the morning of the 8th she says he was able to get up and walk about.

18 There appears to be nothing in this witness' evidence which is inconsistent with the evidence of the prosecution. If he set fire to the Telegraph houses he may have returned home at 9 or 10 P.M. and it is possible that his illness was caused by gajra to enjoy with which appears to have been one of the objects of the culprits in ascending the hill. The third accused says he was unable to move for 15 days after the festival; the witness contradicts this.

19 The 5th, 6th and 7th defence witnesses give contradictory evidence which does not favour the defence set up by the 3rd accused. The 5th defence witness says the 3rd accused was ill one day but it was not the day when the fire took place. The 6th defence witness says the 3rd accused was ill on the Vinayakavanti festival but he does not.

not know if the fire took place on that day though he was in Bezwada.

The 7th defence witness says that the third accused went to work the day after his illness.

20 There are no reasons for distrusting the evidence of the prosecution witnesses.

The third accused suggested that there was enmity between him and the 7th prosecution witness but it was not proved.

It has not been in any way suggested that the other prosecution witnesses are interested in giving evidence against the accused. In what these witnesses state there is nothing improbable, except perhaps the 5th witness' statement that as he was going along the road, he saw a small tin lamp on the ground. I do not attach much importance to this statement.

21 On September 7th the second and third accused were seen together on different occasions by five persons between 10 A.M. and 6 P.M. When last seen they were going up the Bezwada hill carrying a pot which was found at the scene of offence early in the morning of September 8th.

A man was going up in front of them carrying a bottle which was similarly found the next morning. The fire took place at 7 P.M. At dawn on the 8th near the burnt huts were found a bottle half.

No. 882. D 27.14.9.91

" 1857. W 27.10.91

" 992. W 25.3.92

Recd: 8.6.92

(4)

No. 1210 W 11 April 92

Recorded.

out

9.6.92

Sgn

C.S.

5/18/4

J.C. 12/4