

21-4-09 ✓

[D. D.]
42
1,000-10-8-95.

Pension (1896) Department.

ORDINARY MS.

G.O., No. 1174

DATED 9-12-96.

[Despatch Abstract.]

Sanctioning an extraordinary family pension of Rs. 4 only p.m. to A. Mungamma widow of the deceased 1st class. Caus. A. Dharmayya No 185 of the Godavari D^o -

BACK PAPERS.

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

FURTHER PAPERS.

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

Pension (1896) Department.

CURRENT No. 1252

Order

From Mr. Hammick Esq. J. Esq.
Super. Genl of Police
Madras

No. 4299.

Dated 2d November 1896.

Received

Registered

Enclosures 3

Spare copies

SUBJECT

Submits an application for the
grant of an Extraordinary pension
to Alitereddy Kingammah, widow
of Durmayya. Late 1st class Const No
185 of the Godavari District.

BACK PAPERS.

G.O.	No.	Department.	Date.

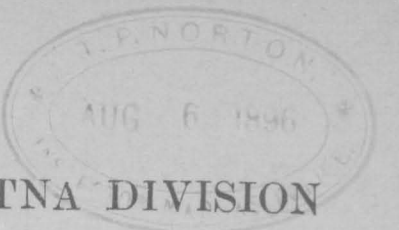
FURTHER PAPERS.

G.O.	No.	Department.	Date.

Form No. 90,

Defaulter Sheet of Late Constable Name A. Shanival Rank 1st class No. 186-

Brief description of offence.	Date when committed.	PUNISHMENT.		By whom ordered.	Date of order.
		Black Marks.	Other Punishments.		
Not going on beat when ordered	25-10-77		2 days pay stopped	By Supd	1
Absent without leave for 7 days	7-1-81		Fined 4 days pay	do	2
do for 3 days	10-3-82		do 3 days pay	do	3
do for 6 days from 9 th to 14 th April/85	9-4-85	1	do 6 days pay	do	4
Absent from Treasury Guard on the night of 9-9-85	9-9-85	1	do 8 as	do	5
Absent from duty on Treasury guard on 28-2-86	28-2-86	1	do 1 Rupee	do	6
Absent without leave for 4 days from 16/4/88 in returning from Rajahmundry when sent with prisoners escort & for stating falsely that he was sick when he was not really so	14-4-86	1	Fined 4 days pay & Extra fine of 8 as	do	7
Absent without leave on - - - - -	4-3-87	1	Fined 4 as	do	8
Or going to Magistrate Court when drunk	21-2-87	1	do 1 Rupee	do	9
Or not proceeding to Gollapalem on the morning of 8/3/88 as ordered	8-3-88	1	do 1 days pay	do	10
Or absence from Treasury Guard - - - - -	20-1-89	1	do	do	11
Not clearing his waist-belt - - - - -	11-6-89	1	do	do	12
Not having his coat signed as directed by Superintendent	6-4-90	1	do	do	13



IN THE COURT OF SESSIONS, KISTNA DIVISION
AT MASULIPATAM.

SESSIONS CASE No. 5 OF 1896.

(Preliminary Register Case No. 2 of 1895 on the file of the 2nd Class Stationary
Sub-Magistrate of Tanuku, Godavari District).

Prisoner's Name :— Ayyagari Atchutaramayya.
(Defended by Mr. C. Rangachari B. A, B. L.)
Offence :— Murder under section 302 I. P. C.
Opinion of the Assessors :— Not Guilty.
Finding of the Court :— Guilty.
Sentence :— Transportation for life.
Prosecution Witnesses :— Assessors :— Defence Witnesses :—
1. Manthena Subbarazu. 1. Gajjala Viraraghavaswami 1. Nanduri Viyyanna.
2. Sayyapu Mangayya. (Komati). 2. Adagarla Ramachen-
3. Ambula Mangadu. 2. Varada Venkatarreddi drudu.
4. Vaddi Subbarayudu. (Komati). 3. Nanduri Ramalingayya.
5. Kommula Subbayya. 4. Pannasi Jagapothi.
6. Kommula Venkayya. 5. Chittala Naganna.
7. Cherukumalli Sivaramayya.
8. Kandula Ramayya.
9. Abdul Khadir.
10. Chandrakanta Venkata Subbayya.
11. Yaragarla Papayya.

JUDGMENT.

The accused, a brahmin aged 25 years, is charged with the murder of one Abbireddi Dharmayya, a police constable attached to the Cocanada Station, at Tamarada in the Godavari District on 19th May 1895.

2. The case was tried by the Godavari Sessions Court one year ago and resulted in an acquittal, but Government preferred appeal 673 of 1895 to the High Court and obtained an order for a retrial by this Court.

3. The accused pleads not guilty.

4. Eleven witnesses have been examined for the prosecution.

5. Prosecution 1st witness, Mantena Subbarazu, is a cultivator of Vadali. His wife was enticed away more than 2 years ago by the accused who lives at Ramannapalem, a mile off. Witness brought her back a few days after, and has since been living with her as usual. When enticed away, the woman had jewels worth Rs. 300 on her person, but when brought back, she was without them, as the accused had retained them. A complaint in respect of the jewels was laid against the accused before the Coconada Sub-Magistrate. The police failed to make an arrest in spite of the issue of 2 or 3 warrants. Witness' wife thereupon again applied to the Magistrate, and on 15th May last year a fresh warrant was issued and handed for execution to the deceased Dharmayya, who had already been employed in the case. Witness and Dharmayya at once started from Coconada, spent 16th May in travelling to Vadali and the following day at Vadali making enquiries as to where the accused was, and on 18th May came to Irigavaram, at a distance of a few miles, where the accused was

Brief description of offence.	Date when committed.	PUNISHMENT.		By whom ordered.	Date of order.
		Black Marks.	Other Punishments.		
2 days absence on 28 th 9-9-96 1/4/90	28-4-90	1	forfeit 2 days pay & remand for 2 weeks under P.O. 74	29-4-90	18.
for being absent from school for one night of 9-4-94 at 9-80 am.	9-4-94	1	remand / 2 days pay & 14	14	
Making false declaration against schoolmaster	9-4-94	1	remand for 2 weeks	15	
for being thievish and hiding stolen articles on duty at Post Railway Station Coconada	6-10-94		remand	14	

(True copy of original)

Dist. Secy. Masulipatam

working with a survey party. They caught the accused in the morning in a house rented by the Survey Department, but allowed him sometime for taking his meals on his undertaking to come with them afterwards. Meanwhile they remained on the pial of the house. As the accused did not return, they at length entered the house, and learned that he had escaped by climbing over a wall. It was then afternoon. The 2 men after making some enquiries set out for Vadali. At Cherukuvada on their way they heard that the accused might have gone to the house of a dancing girl at Tamarada, a village in the neighbourhood. On approaching Vadali, they met one Mangayya, who was a witness in the case against the accused, carting bamboos, and persuaded him to accompany them in their search. They took their evening meal very late at Vadali, where Dharmayya left his uniform coat and trousers to be washed. After meals they proceeded by way of Ramannapalem to Tamarada, which they reached after midnight. They proceeded towards the dancing girl's house, and met her in the street. She at first denied knowing anything about the accused's whereabouts, but on being cautioned said that he was in the palm leaf veranda of one Kommula Subbayya close by. The 3 men went up to the veranda. Mangayya struck a match, and the accused was seen to be there. Dharmayya called to the accused to come out, and he came as far as the entrance. Dharmayya thereupon caught hold of him by the hair, and enquired why he had run away. Mangayya then cried out that the accused was stabbing Dharmayya, and witness saw him give 3 stabs, one on each shoulder, and a third in the throat. Dharmayya succumbed to the last stab. Witness wrested from him the knife, with which he was stabbing. The knife before the Court, exhibit A, is that knife. It has been with the accused for several years. Witness saw him wearing it at his waist 2 or 3 times, and once when the accused came to his house had an opportunity of examining it. When Dharmayya fell to the ground, witness and Mangayya called out, but only one person, Vaddi Subbarayudu, then came up. Mangayya handed the knife, which witness had told him to secure, to this man, but he would not take it, as it was covered with blood, and Mangayya then gave it to the dancing girl. Witness left the place, and went to the village magistrate, and reported what had occurred. There was then some light in the east. The village magistrate and he afterwards came to the spot, but the corpse was there alone. Witness went off to his village and did not return to Tamarada that day. He knows nothing about the holding of an inquest. Dharmayya at the time of his death was wearing the uniform turband and sandals, Exhibits B₁ and B₂ and the blood stained cloths, Exhibits D₁ and D₂. He had a small packet under his arm. Witness has not been on speaking terms with the accused for 2 years.

6. Prosecution 2nd witness, Sayapu Mangayya, is a cultivator of Ramannapalem. He was carting bamboos about sunset on a certain day. It might have been on the night of the same day, or of the following day, that prosecution 1st witness and Dharmayya came to him, woke him up, and took him to Tamarada to help them find the accused. This witness bears out what prosecution 1st witness says as to the events that occurred at Tamarada up to the point at which the knife was handed to the dancing girl. Prosecution 1st witness, the dancing girl, and he then remained along with the accused and the corpse at the scene of offence for a few minutes. Then prosecution 1st witness went to make a report to the village magistrate and the dancing girl, and Vaddi Subbarayudu also, left the spot. The accused threatened witness, and he got afraid, and came away. The police held an inquest at 9 A. M. the same day, and witness was examined. The knife, exhibit A, is the weapon, with which Dharmayya was stabbed. It belongs to the accused, who has been in the habit of wearing and using it.

7. Prosecution 3rd witness, Ambula Mangadu, is a dancing girl. The accused had been on terms of intimacy with her for 3 years, but had ceased visiting her one year

previous to Dharmayya's death. She had lent him some jewels worth Rs. 600 for his marriage, and he had not returned them, and hence a misunderstanding between them. On the night of Dharmayya's death—a star light night—the accused had come to her, told her that a warrant was out for his arrest, and begged for a loan of Rs. 10. She could not give the loan, and they were talking together in the space between the houses of Kommula Subbayya and Venkayya. As they were talking, some persons were seen going along the street. She went to see who they were, and found prosecution 1st and 2nd witnesses and Dharmayya. They wanted to know where the accused was, and after some hesitation and on being assured that there was no danger, she told them that he was in Kommula Subbayya's veranda. Dharmayya entered the veranda, and prosecution 2nd witness struck a light, and called out that the accused was there. Dharmayya thereupon seized the accused from behind by the hair with his 2 hands, dragged him from the veranda, and struck him with his knee on the back. The accused was thrown to the ground. Witness cried for help, but no one but Vaddi Subbarayudu came, as the other male neighbours were in their fields. She ran some 30 yards into the village for help, and then returned. Dharmayya was falling to the ground. Prosecution 1st and 2nd witnesses, who had stout sticks, and the accused were seated close by. Prosecution 2nd witness handed a knife, which is the knife, exhibit A, to Subbarayudu, but he threw it down, and prosecution 2nd witness picked it up and gave it to witness. Kommula Subbayya and Venkayya came up. After sometime witness went away, leaving prosecution 1st and 2nd witnesses and the accused sitting there. She returned a little before sunrise, and found the corpse alone. She gave up the knife to the police at the investigation held some 3 hours after sunrise. Prosecution 1st witness and the accused were present then. Owing to lapse of time she cannot remember whether she then said that the accused had stabbed Dharmayya.

8. Prosecution 4th witness, Vaddi Subbarayudu, is a cultivator of Mullaparru. On the night of Dharmayya's death he was staying at his mother-in-law's house at Tamarada. He was aroused from sleep by some noise, and got up and proceeded to the spot some 20 yards off, whence it came. He saw Dharmayya's corpse lying there, and prosecution 1st and 2nd witnesses and the accused sitting by it. Prosecution 3rd witness was standing at a little distance. Prosecution 2nd witness held out the knife, exhibit A, to witness, but he would not take it, as it was covered with blood, and came away being afraid.

9. Prosecution 5th and 6th witnesses Kommula Subbayya and Venkayya are cultivators of Tamarada. They saw prosecution witnesses 1st and 2nd and the accused sitting near a body that was lying on the ground. They appear to have been afraid and left, after merely glancing at the persons. In the morning the police came, and held an investigation.

10. Prosecution 7th witness is the village magistrate of Tamarada. He received intimation from prosecution 1st witness at 4-30 A. M. or 5 A. M. on 19th May 1895 that the accused had stabbed Dharmayya with a knife. Prosecution 1st witness said that the murder had been committed about 3 A. M. and that he, prosecution 2nd witness, and the accused had been sitting for some time near the corpse. Witness went to look at the corpse, found that it had been stabbed, and at once wrote reports exhibits E and F, and despatched them to the police and Magistrate. Penugonda police station is 3 miles from his village. The police came before noon, and held an inquest. Prosecution 3rd witness gave up the knife, exhibit A. Witness signed the inquest report, exhibit G, in which the wounds found on the corpse and other matters were correctly entered. The accused was not present. Prosecution 1st witness attended the inquest of his own accord, and was examined.

11. Prosecution 8th witness was police station house Officer of Penugonda at the time of Dharmayya's death. He received the village report, exhibit E, at noon on 19th May, and at once went to Tamarada 5 miles off. The corpse was lying there with 9 wounds on it, the chief one being in the throat. Prosecution 3rd witness gave up the knife, exhibit A, of her own accord. Witness held an inquest examining prosecution witnesses, 1, 2, 3, 5 and 6 and drawing up the inquest report, exhibit G. In the afternoon after the inquest was over, he sent the corpse, knife, turband, sandals, and cloths to the Tanuku hospital. The accused was arrested at 4 P. M. the same day at Ramannapalem, half a mile from Tamarada. Witness prepared a plan of the scene of offence. Exhibit H is that plan. The veranda of prosecution 4th witness, in which the accused was discovered, has but one entrance.

12. Prosecution 9th witness was police station house officer of Coconada about the time of the offence. The police had referred prosecution 1st witness' wife's complaint against the accused to the Sub-Magistrate as not proved, and released the accused on his giving bail to appear when called upon. The complainant, however, moved the Magistrate to enquire into the case and a date was fixed for hearing. The accused did not appear on the fixed date, and the complainant represented to the Magistrate in witness' presence that the Penugonda police would not arrest the accused, as they were on friendly terms with him, and that the accused would be apprehended, if a warrant were issued to the Coconada police, and entrusted for execution to constable Abbireddi Dharmayya, who had previously been engaged in the case. The Magistrate, thereupon, sent the order, exhibit N, to witness, telling him that Dharmayya should be employed in the matter, and enclosing a warrant for the accused's arrest, exhibit J, and a notice in duplicate to the person, who had stood surety for him when he was released on bail, Exhibits K₁, K₂. Witness immediately endorsed exhibit J to Dharmayya, and handed it and Exhibits K₁ and K₂ to him. He also furnished him with a passport authorizing him to leave the station, Exhibit L₁ and a challan in which to show the places visited by him, Exhibit L₂. Dharmayya left Coconada on 15th May last year. (Note.—Exhibits J, K, K₂, L₁ and L₂, were forwarded to the High Court with an anonymous petition. It is not known where or by whom they were found, but it is presumed that they were contained in the packet that prosecution 1st witness says Dharmayya had under his arm at the time of his death.)

13. Prosecution 10th witness is the constable of Penugonda station who took the corpse &c., to the Tanuku hospital.

14. Prosecution 11th witness is the hospital assistant in charge of the Tanuku hospital. Prosecution 10th witness brought him the corpse, the knife, Exhibit A, and the articles of dress worn by the deceased, at 8 P. M. on 19th May last year. Witness held a postmortem examination the next morning, and gave the certificate, Exhibit O. He found 9 wounds, the chief being a punctured wound on the left side of the throat 4 inches deep, and a similar wound on the right shoulder 3 inches deep. The wounds could not all have been self-inflicted. Great force must have been used in causing the wound in the throat, for the great vessels of the windpipe were divided and the right lung was pierced. Death must have resulted from the wounds, which had been caused by a pointed and sharp cutting instrument, possibly by the knife Exhibit A. This knife exactly fitted the wound in the throat. The deceased appeared to have been a healthy man. There was undigested rice in his stomach, which might have been eaten one hour before death. Rice digests in 3 or 4 hours, but if the person eating it was in an excited state and on the point of performing some important work, digestion might be retarded.

15. Before the committing Magistrate the accused pleaded an alibi. His story was that he was at Iragavaram till about 3 hours after sunrise on 19th May, that, that day

being Sunday, he then left for Ramannapalem, his native village, that as he came up to his house 2 police constables met him and told him to come to the head constable at Tamarada, and that he was subsequently charged with the murder of Dharmayya. He attributed the false charge to the enmity of the prosecution witnesses, and alleged that prosecution 2nd witness and the deceased Dharmayya having had illicit intercourse with prosecution 1st witness' wife, prosecution 1st and 2nd witnesses joined together and killed Dharmayya, and then threw the blame on him. He denied the ownership of the knife, exhibit A.

16. In this Court the accused adheres to his previous statement.

17. Five witnesses have been examined for the defence.

18. Defence 1st witness, Nanduri Viyyanna, was formerly employed in the Survey Department, as a deputy surveyor. On 18th May last year the accused, then a surveyor under him, was in his company all day, and spent the evening and night in the same lodging. Witness was checking the work of the accused, and some others. The accused was not arrested that day. On 19th May, a Sunday, the accused and some other surveyors went to their homes. Witness kept a diary showing the work checked by him, but he sent it away to the head surveyor, and does not produce it. He had 10 surveyors under him at the period of which he speaks. He cannot say on what dates he checked the work of each of them, and it is purely from memory that he says that he checked the accused's work on 18th May. He is now unemployed. His income is Rs. 100 a year derived from land.

19. Defence 2nd witness, Adigarla Ramachendrudu, a subordinate of defence 1st witness for 4 months in 1895, corroborates what defence 1st witness says as to the accused's presence in Iragavaram on 18th May. He kept a diary on rough papers, which were lost. He is now unemployed. His income is Rs. 80 a year derived from land.

20. Defence 3rd witness, Nanduri Ramalingayya, another surveyor also corroborates defence 1st witness' account. He used to keep a diary in a printed form, just as other surveyors, including defence 2nd witness, had to do, but he gave his diary to his superiors. He too is now out of employ.

21. Defence 4th and 5th witnesses, both cultivators of Ramannapalem, state that the accused was arrested at noon. Defence 5th witness says that the accused's brother is the village karnam.

22. It is urged for the defence that (a) the plea of alibi has been established by the evidence of defence witnesses 1, 2 and 3 (b) prosecution witnesses 1, 2 and 3, the only important witnesses against the accused are hostile to him, and cannot be believed. (c) if the accused really committed the murder, he would not have been allowed to escape from the scene of offence, prosecution 1st and 2nd witnesses would not have sat there doing nothing for a long time, instead of at once sending word to the village magistrate, and the accused would not have calmly waited at his own village to give the police a chance of arresting him. (d) the village report did not reach the police station, only 5 miles off, till 10 A. M., and there was time for the concoction of the case in the meantime (e) even granting that the accused killed Dharmayya, the offence would not be murder, but culpable homicide not amounting to murder considering the provocation given by Dharmayya in the rough method of the arrest.

23. With regard to the above argument, it must be pointed out that (a) no attempt has been made to obtain the production of the survey diaries, which might be expected to show how the accused was employed on 18th May. However, Tamarada is in the vicinity of Iragavaram, and it would be quite possible for a person working in the

latter place in the evening to be at the former by midnight and to return again by day break (b) prosecution 1st witness is no doubt hostile to the accused, prosecution 2nd witness is not shown to be so, while prosecution 3rd witness, though alleging the existence of a misunderstanding between herself and the accused, is evidently his best friend, as is shown by his resorting to her for help when in danger. There are no doubt some discrepancies in the evidence of these witnesses, but that must be expected having regard to the time that has elapsed since the events referred to took place. Prosecution 3rd witness seems to have originally stated that she saw the accused kill Dharmayya, and I believe that it is only with a view to assist him that she now professes to have left the spot, as soon as he was seized by Dharmayya. The little she does say against the accused is said with such evident reluctance that I consider that it forms important corroboration of the evidence of prosecution 1st and 2nd witnesses (c) the fact that prosecution witnesses 1 and 2 allowed the accused to go off from the scene of offence after sitting there with him for some time (the length of time is not certain) is no doubt, a weak point in the case. The prosecution explains this as due to their being temporarily stunned by the unexpected and sanguinary character of the deed that they had just witnessed. Prosecution 1st and 2nd witnesses are singularly simple and stupid cultivators, and there is probably something in this explanation. It cannot be said why the accused did not forthwith abscond, but it is in evidence that his brother was karnam of Ramannapalem and that the Penugonda police had on previous occasions not exerted themselves to arrest him, and he probably thought his native place as safe as any other. (d) there was no very great delay in informing the police, and there is no reason for suspecting the case to have been concocted. The accused's theory that prosecution 2nd witness and Dharmayya had illicit intercourse with prosecution 1st witness' wife and that prosecution 1st and 2nd witnesses killed Dharmayya is unsupported by evidence. (e) Dharmayya is admitted by the prosecution to have seized the accused by the hair, and judging from the plan, exhibit H, must have dragged him some yards to the spot where the offence was committed, Prosecution 3rd witness tries to make out still rougher treatment, but this is uncorroborated and has to be received with caution. I am not prepared to hold the provocation given by Dharmayya to have been grave and sudden enough to prevent the offence from amounting to murder.

24. Prosecution 9th witness clearly accounts for Dharmayya being deputed to arrest the accused. I believe that Dharmayya accompanied prosecution 1st witness to Iragavaram, on 18th May and prosecution 1st and 2nd witnesses to Tamarada in the small hours of the morning of 19th May. There can be no question that he was there stabbed to death about 3 A. M., and I fail to see, having regard to the prosecution evidence and all the surrounding circumstances, how any one but the accused, shown to be the owner of the knife with which the deed appears to have been done, could be the guilty person.

25. The assessors find the accused not guilty, but the reasons that they give for their finding are not convincing. These are:—

1st assessor. A brahmin will not carry a knife. The accused is young and weak, and unlikely to commit a murder, especially in the presence of others. Prosecution 1st and 2nd witnesses are hostile to him, and their evidence is uncorroborated.

2nd assessor. The accused is young and not strong. The deceased was a strongly built man. The case is false. Prosecution 1st witness is hostile to the accused, prosecution 2nd witness merely supports what prosecution 1st witness says, and prosecution 3rd witness is utterly unreliable (Note:— The accused is admittedly 25 years of age. He has been sick

since his re-arrest, but does not seem to be naturally particularly weak. There is nothing to show that he was in a bad state of health at the time of the alleged murder.)

26. Differing from the assessors, I find the accused guilty of murder and convict him under section 302 I. P. C. Taking into consideration the somewhat rough treatment that he met with at the hands of the deceased, and the consequent provocation that he must have received, I do not impose the extreme penalty of death, but sentence him to transportation for life.

10th July 1896.

E. A. ELWIN,
Ag. Sessions Judge.

*Obtained
29-7-96
The Superintendent of Police
Godavari District,
Rajahmundry
With 2 spares.*

CURRENT No. 2138 of 1896

Current No. 647 of 1896



No. O. 49.

DEPARTMENT.

No. 4299.

CHIEF OFFICE OF THE INSPECTOR GENERAL OF POLICE,
MADRAS, 2d November 1896.

FROM

M. HAMMICK, Esq., I.C.S.,

INSPECTOR-GENERAL OF POLICE,

Madras,

To

THE Under Secretary to Government,

Pension Department,

through the Accountant-General,

Fort St. George.

SIR,

Enclosures.

I have the honor to submit for the favorable consideration of Government an application for the grant of an extraordinary pension under articles 782, 789 (iii) and 791(a)(i) of the Civil Service Regulations to Abbereddy Mangammah, widow of late 1st class constable No. 185 Durmayya, of the Godavari District, who was stabbed while attempting to arrest one Ayyagari Atchutaramayya against whom a warrant was issued on the 15th May 1895.

2. The ^{deceased} constable served in the Police force for nineteen years eleven months and eight days and bore a fair character.

3. The claimant is eligible for a monthly pension of Rupees (4) four only payable at Peddapore from 19th May 1895

4. The circumstances under which the constable met his death and the nature of injuries received by him are detailed in the enclosed copy of judgment of the Sessions Court of Kistna. As regards the pecuniary circumstances of the widow, the District Superintendent reports that she has no means of support except by working as a cooly. She has no children. Her mother lives by cooly work and her brother

is

is a cripple and unable to work.

I have the honor to be,

Sir,

Your most obdt. servant,

M. M. M. M.

Inspector-General of Police.

Fort St. George,
Accountant General's Office,
13th November 1896.

N^o 122
385

Submitted to Government. Under Article 782 of the Civil Service Regulations, a wound or extraordinary Pension can be granted only when injury or death is met in the performance of a duty attended with extraordinary bodily risk while no claim can be recognized on account of loss of life or bodily injury resulting from an ordinary accident. Should Government under the circumstances reported by the Inspector General of Police, be pleased to admit the claim, the applicant can be granted an Extraordinary Family Pension not exceeding Rs 4-0-0 a month equal to half the pay of the deceased constable, under Article 782 and 789(iii) of the Civil Service Regulations. The pension, if granted, should be made payable until remarriage.

The application and the list referred to in Article 798 and 799 are herein enclosed.

M. M. M. M.

Offg. Accountant General.

To

The Under Secretary to Government,
Pension Department.

MR

[16]

The Honble Mr. G. S. S. S.

PENSION DEPARTMENT.

C. No. 1252

From The Insp. Genl. of Police

Dated 2^d Novr. — 1896, No. 4299

Acct. Genl. of 13th do No. 282
385

FOR ORDERS.

The Insp. Genl. of Police submits an application for the grant of an extraordinary pension to the family of the late Police constable Abbireddi Tharmayya, who is reported to have been killed in the execution of his duty. The deceased was a 1st Cl. Con. of the Godavari Dt. and was stabbed to death on the night of the 19th May 1895 while attempting to arrest one Akshubharamayya against whom a warrant was issued. For the circumstances under which the constable met his death please see copy of judgment of the Sessions Court, Kistna, flagged A.

Art. 782 C.S.R. says that an extraordinary pension can be granted only when death is met in the performance of a duty attended with extraordinary bodily risk, while no claim can be recognized on account of loss of life resulting from an ordinary accident. The Acct. Genl. certifies that, if, in the circumstances reported, the present claim be admitted, the widow of the deceased constable may be granted an Extraordinary Family pension of Rs 4 1/4 p.m. equal to 1/2 the pay of the deceased, under art. 782, & 789 (iii) C.S.R.

C. 2/12
R. 2/12

and that the pension, if granted, should be made tenable until remarriage

In this particular instance the duty was, as it turned out, attended with extraordinary bodily risk, though the deceased was not aware of it when he left the house; and the case therefore seems to fall under the rules applicable to extraordinary pensions

MS.
30.11.96. The judgment shows that the deceased provoked his murderer

by using unnecessary violence in effecting his arrest. - the case however may be held to fall under the rules, if it is thought that the constable's murder was due to his arresting the ~~man~~ ^{man} ~~not~~ to the assault which he committed. ~~This was the case taken by the judge~~

DS
1-12-96

H. W. J. C.

The case seems to be one in which an extraordinary pension is allowable & should be granted. Jg

3/12/96

FOR ORDERS.

[P. G.]
21
300-7-8-00.
cop

O. No. 1252.

Pension Department.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

READ the following paper :

From the Insp. Genl. of Police — dated 2^d Novr — 1896, No. 4299
— " — Acctt. Genl. 8/13-11-96. No. $\frac{9A2}{385}$

Lieut

Order, 9th Decr. 1896, No. 1174.

Under arts 782 & 789 (iii) of the C.S.R. 2^d Edition, H. E. the Governor in Council is pleased to grant to Abbireddy Mungammah, widow of the deceased 1st Cl. Con., Abbireddy Sharmayya, No. 185 of the Godavary Dt., an Extraordinary Family Pension of Rs 400/- Four only p.m. payable at Poddapur from 19th May 1895 in consideration of her husband Sharmayya having been killed in the execution of his public duty.

2. The pension is granted for the support of the family of the late Sharmayya, and ^{to} ~~with~~ under art. 791 (c) C.S.R. ~~and~~ of the widow marries again.

(From Orders) 11/12/96.
50
7.12

161
5.12.96

To
The Acctt. Genl. with Regd
" Insp. Genl. of Police