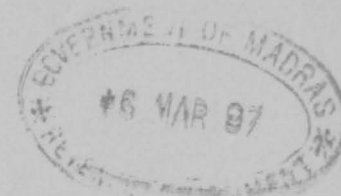


Pension
Revenue

(1897) Department.

CURRENT No. 200



From the Secretary to the Commissioner
Salt, alkali and Separate Revenue
Madras

Ins No. 809

Dated 2nd March 1897

Received 8th — do —

Registered 8th — do —

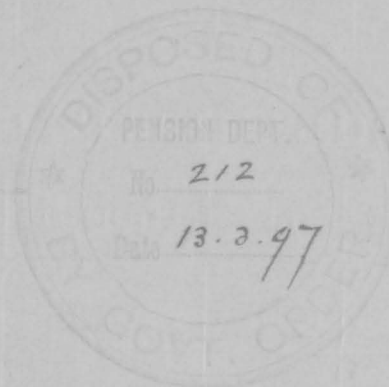
Enclosures /

Spare copies

SUBJECT.

Submitting to Government
a Copy of the judgment of the
Tinnevely Sessions judge in
Connection with the murder of
a certain peon of the Tinnevely
circle and an application
for an extraordinary pen-
sion of Rs 3-80 p^{rs} mensum
on behalf of the widow of the
deceased peon.

FCN 260/97



List

Order, 13th March 1897, No. 212

Recorded, pending receipt of the pension

papers from the Acett fund

12.3.97

13.3.97

PETITIONER.

BACK PAPERS.

G.O.	No.	Department.	Date.
"	2069	Rev.	6-11-96
Co.	263	Pen.	30-3-97

FURTHER PAPERS.

G.O.	No.	Department.	Date.
Co.	263	Pen.	30-3-97



Proceedings of the Board of Revenue

(Separate Revenue.)

Dated 2nd March 1897.

Mis No. 809

Read letter from the Deputy Commissioner Southern Division, No 5946 dated 5th December 1896, reporting that the accused concerned in the case of the murder of the Timneully peon was set free, the judgment pronounced being not guilty, and requesting the grant of Consideration to the widow of the deceased, and Board's reference thereon to the Assistant Commissioner, Timneully Sub-Division, ^{dated 5th January 1897} requesting him to submit an application for an extraordinary pension of Rs 3-8-0 on behalf of the widow of the deceased peon.

Read also letter from the Assistant Commissioner Timneully Sub-Division No C14 dated 16th February 1897, submitting the pension application as requested.

Resolution

The Board begs to submit, in continuation of its Proceedings Mis No 442 ^(S.R.) dated 24th October 1896,
 2069
 6-11-96

a copy of judgment in Tirunelveli Sessions Case
83 of 1896.

In those proceedings a full report of the murder
of the Salt peon, Inuthusami Naidu was sent.
A brief account, gathered from the above judg-
ment, is however now submitted for easy reference.

In consequence of the prevalence of liquor
smuggling in the village of Velayuthapuram, on
the frontier of Travancore, a special party
was told off to watch the village and prevent
the smuggling. The murdered peon was one
of this party, which was of course very un-
popular in the neighbourhood.

On the evening before the murder the party
searched some paltars, but found no contraband
and then. These men who were relatives
of the accused threatened the party, saying
"a time will come. You will see what will
happen." Next day the peon Inuthusami was
directed to take the report complaining of
this threat to the Sub-Inspector at Kadaiya-
nallur. He never delivered the report but was
found battered to death on the road.

The accused person was put on his trial
and was acquitted for want of evidence.
He

^{peon}
The ^{peon} has left behind him a widow and
two children and the Board recommends
that under Section 789 (iii) of the Civil
Service Regulations, an extraordinary
pension of 3½ Rupees a month, may be
granted to the widow, as the peon was un-
doubtedly engaged in the discharge of his
duty, when he met his death, and there
is ^{very} little doubt but that the murder was
the paltars' revenge for the preventive
work done by the party. The peon Inuthu-
sami Naidu, had served for 16 years, 3
months and 18 days, in the Department
and was drawing at the time of his death
a salary of Rs 7 a month.

A pension application in the proper
form together with a list of the names
and ages of the surviving relations of
the deceased peon, and his Service Book
and Last pay certificate will be sub-
mitted through the Accountant-General
Madras.

(True Extract)

Santhakrishnan

To the Secretary to Government, Revenue Department
Accountant General Madras. ^{with enclosure}

The 10th day of November 1896.

Sessions Judge.

Committed by M. Venkatasubbiah, Stationary 2nd Class Magistrate of Tenkasi.
(P. R. No. 13 of 1896).

OFFENCE. Murder, section 302, I. P. C.

OPINION OF ASSESSORS. ... Not guilty.

ORDER. ... Acquitted and set free.

Serial Number.	Description of Accused.						Date of.					
	Name.	Father's Name.	Caste or race.	Occupation.	Residence.	Age.	Occurrence.	Complaint.	Apprehension or appearance.	Commence-ment of trial.	Close of trial.	Explanation of delay.
1	Puthuperumal Kudumban.	Vannian.	Palla.	Cultivator.	Velayuthapuram.	25 5	24-9-96	24-9-96	25-9-96	6-11-96	10-11-96	...

JUDGMENT.

1. The prisoner is charged with murder, section 302, I. P. C., and pleads not guilty.

2. From the evidence it appears that the village of Velayuthapuram is largely inhabited by Pallars, who are addicted to the use of intoxicants. The village is close to the Travancore frontier. Liquor is cheaper in Travancore than in British India. Hence a good deal of smuggling goes on near the frontier, and the Salt Department has organised a patrol party near the village. Deceased and prosecution witnesses 2 and 3 were members of this party. They detected several cases, and so were in bad odour with the villagers.

3. On the evening before the murder, they stopped and searched four Pallars, relatives of prisoner, but found no contraband. The Pallars threatened the officers saying 'a time shall come, you shall see what happens', and second prosecution witness told them he would report their threat to his superior officer.

4. Next day, 24-9-96, Thursday, deceased was directed to take the report complaining of the threat, to the Sub-Inspector at Kadaiyanallur. He left the party at Velayuthapuram about 8 A. M. and was never seen again alive by them. He never delivered the report. When last seen by his comrades, he was going along the road, wearing his uniform coat but no other portion of his uniform. He should have returned to his petty officer, second prosecution witness, by noon. He did not. About 5 P. M. a man told the petty officer that some one had told him that a corpse lay in the Kadaiyanallur road. The salt officers went to the spot, and found their comrade lying dead, apparently killed by stick blows. The uniform coat and the report were missing.

5. The Munsif was sent for and eventually came, but there is some discrepancy about this part of the story, and the Munsif was not examined before me.

6. The medical officer found marks of seven severe blows on the head and upper part of the body. Death was due to those blows, especially to one on the left side of the jaw and neck. In his opinion it is improbable that the blows were inflicted while deceased had his uniform coat on.

7. Fifth prosecution witness says he overheard, on the evening before the murder, some Pallars saying in the public street, 'these salt people trouble us, we had better kill some of them'. Prisoner was not one of those men, but some of them were his relatives.

8. Sixth prosecution witness states that he saw, about 8 A. M. of the day in question, a peon, with a salt uniform coat on, going along the road soon after 8 A. M. About a furlong behind him went prisoner and another Puthu Perumal, and each had a stick. His evidence, even if true, does not help the prosecution much, as there is nothing strange in prisoner being seen near his own village with a stick.

9. Seventh prosecution witness claims to be an eye-witness of the murder. He says he went to the garden of his cousin to get brinjals, to take as a present to his daughter at Vasudevanallur. As usual he did not get any. From a distance of about 80 yards he saw the deceased salt peon pass, along the Kadaiyanallur road,

followed closely by prisoner and another man. Each of them had a stout stick. Without any warning they struck deceased from behind. He uttered one cry 'ayo' and fell backwards. Then they beat plentifully. Witness became alarmed and ran away, not to his own village which was within a mile or so, but to his daughter's house, ten miles off. He told no authority that day. Next day he returned to his village, and late that night he was examined by the Sub-Magistrate. He admits that he saw the assailants leave the body and go away, yet he made no attempt to return and help the injured man, though he has been his acquaintance and near neighbour for a year. He cannot explain how the authorities discovered that he was an eye-witness.

10. Apparently the Kavalgars of that village are thought-readers, for before witness had finished telling his son the occurrence, while the words were still in his mouth, the Kavalgars arrived and said 'we hear from your son you know some-thing'. It will be seen that, as far as it goes, the medical evidence does not fit in with the story told by this witness, and he gave an answer, which to my mind pointed strongly to subsequent tutoring. A cloth, three cubits long, was found on the body. When asked what the peon was wearing, he replied 'a cloth three cubits long'. It is strange that he could accurately calculate the length of a cloth, wrapped round the shoulder of a man, 80 yards off.

11. Eighth prosecution witness is a shepherd. He says that from a distance of half a mile he saw deceased on the road, followed by prisoner and the other Puthu Perumal. He heard a cry 'kuve' and saw exchange of blows between them. He did not wait to see the end of the matter, and gave no information in his village. Again, the Kavalgars divined his knowledge a day afterwards. It will be seen that his account points to a struggle, and does not fit with that given by seventh prosecution witness.

12. In his first statement to the Sub-Magistrate, prisoner vaguely attempted to indicate that three or four other Pallars killed the peon. He did not admit he had seen the peon killed. Subsequently he withdrew this statement, and said he knew nothing and had been charged owing to faction among the Pallars. He adhered to this before me and decided to call no witnesses.

13. The whole case turns on the evidence of seventh and eighth prosecution witnesses. The Assessors said they did not believe them. As noted above, I found their evidence discrepant and unsatisfactory.

14. There is no doubt the unfortunate peon was murdered, but it is not proved that prisoner was one of his murderers.

15. Concurring with the Assessors, I find prisoner not guilty and direct him to be set free.

(Signed) R. D. BROADFOOT,

Sessions Judge.

(True copy)

This is the common name of the Kavalgar as a class

WITNESSES FOR PROSECUTION.

1. Seetha Lakshmi Ammal.
2. Subbiah Pillai Salt Petty Officer.
3. Sankaralingam Pillai Salt Peon.
4. Maduranayagam Pillai (Civil Apothecary).
5. Thirumalaiandi Kudumban.
6. Subba Kudumban.
7. Kuttalinga Kudumban.
8. Mada Kudumban.
9. Veerasami Naidu Constable.

WITNESSES FOR DEFENCE.

Nil.

EXHIBITS FILED ON BEHALF OF PROSECUTION.

- A Yadast of the Salt Petty Officer No. 140 to the Village Munsif 24-9-96.
- B Office copy of the report of Do. to the Salt Sub-Inspector 24-9-96.
- C Despatch Register.
- D Postmortem certificate 26-9-96.
- E Statement of the accused Puthu Perumal Kudumban before the Committing Magistrate 25-9-96.
- F Statement of the accused Puthu Perumal Kudumban before the Committing Magistrate 19 and 21-10-96.

EXHIBITS FILED ON BEHALF OF DEFENCE.

Nil.

(True copy).

Alphonse
Lesons Judge

To

~~The~~ Inspector of Salt and Abkari Revenue
Punnevely Circle,
with reference to his letter No 1336,
dated 10th November 1896.

R No 1447 7.86

TINNEVELLY SESSIONS COURT.

C. C. No. 83 of 1896.

JUDGMENT.

Printing Charge Rs

No. of Words, 1314