

Pension (1897) Department.

ORDINARY MS.

G.O., No. 3/3

DATED 23rd April 97

[Despatch Abstract.]

Regretting that no pension is admissible ^{under the rules} to the family of the late D. Kondappa,
formerly 1st grade H^d. Con - Pedavari. who was killed in the execution of his duty

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 (189)) Department.

CURRENT No. 304

From Mr. Mammuk Ensign. Des.
Superintendent of Police
Madras.

Order

No. 1057

Dated 24 March 1897

Received

Registered

Enclosures 2.

Spare copies

SUBJECT.

Submitting an application for the
grant of an Extraordinary Pension
to Dogabo Suthamma. Widow of
O Kondayya late a 1st Lt No 982
who was shot dead whilst performing
his office work.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Enclosure No. 1

To letter No. 1057/24-3

affix 542

App. from Inspector-General of Police for an extraordinary pension for the family of late 1st Grade Head Constable No. 982 Dagala Kondappa, shot dead by 2nd class leucist No. 258 J. Venkataswamy in Amalapuram Station -

Submitted by the Superintendent of Police, Godavari Dist.

Description of Claimant

1. Name and residence showing village and pergunnah - Dagala Seethama, Kovur, Gernagodem Taluk.
2. Age - 26 years.
3. Height - 5 ft. 3 inches.
4. Race caste or tribe - Telaga, Vishnavite.
5. Marks for identification - Burnt mark on forehead. Wart on the left side of the nose - Scar (big) on the lower part of the left knee joint.
6. Present occupation and pecuniary circumstances - No living.
7. Degree or relationship to deceased - The lawful wife of the deceased.

Description of deceased

8. Name - Dagala Kondappa.
9. Occupation & Service - 1st Grade H. Con. No. 982 of the Godavari Police.
10. Length of Service - 18 years 10 months & 22 days.
11. Pay when killed - Rupees. 25-00.
12. Nature of injury causing death - Gun shot.

13. Amount of pension proposed - Rs. 6-00 (Six)
14. Place of payment - Lallapur, Gernagodem Taluk, Godavari Dist.
15. Date from which pension is to commence - From date of death (ie) 6th January 1897 -
16. Remarks - Vide letter enclosed.

Recommendation
Date: - 11th February 1897

Dist. Superintendent of Police
Godavari

	Name	Date of birth by the Christian era -
Sons -	None	
W. Dows -	Dagala Seethama	30 th June 1871 -
Daughters -	None	
Father -	None	
Mother -	None	

Enclosure No. 2
To letter No. 1057/24-3-97
From Inspector-General of Police.



In the Court of Sessions, Godavari at Rajahmundry.

CRIMINAL SESSIONS, FEBRUARY 1897.

SESSIONS CASE NO. 14 OF 1897.

Present :—H. MOBERLY Esq.,

Sessions Judge.

Regina.

Vs.

Takasi Venkataswamy, defended by Mr. N. V. Ranganadham Pantulu appointed by the Court.

Offence.—Murder under Section 302, I. P. C.

Opinion of Assessors.—Guilty.

1. Nallamilli China Padmanabhudu Garu—Bhumanchiredi.
2. Rekapilli Narisimham Garu—Telaga.

Finding of Judge.—Guilty.

Sentence.—To be hanged by the neck till he is dead, subject to the confirmation of the High Court.

JUDGMENT.

The prisoner, who is a constable attached to the Amalapur Police Station, is charged with having on the night of 6th January last shot Degala Kondayya, the Station House Officer of Amalapur who was temporarily in-charge of the Division.

2. It is abundantly proved that at 6 P. M. on 6th January last the accused went on sentry duty at the Amalapur Taluk office relieving Constable No. 889 (1st Prosecution witness). Whilst witnesses 1, 2, 3, 5, 6, 10, 11 and 12 were sitting in the station, where the deceased was sitting before a table dictating an order to the 5th witness, the 1st witness looked up and saw the prisoner standing at the eastern door of the station with his gun at his shoulder aiming at deceased. First witness called out "Babu." At once prisoner fired. The ball hit deceased on the left side of the throat just above the collar bone, severed the carotid artery and jugular vein, then smashed the 1st dorsal vertebra, and lodged close to the right shoulder blade. The Hospital Assistant (4th Prosecution witness) proves the course of the bullet and that death was due to a gunshot wound.

3. After firing the shot prisoner lowered his gun and ran away. He was pursued by 2nd and 3rd witnesses. Near the entrance to the Taluk cutcherry compound 2nd witness seized prisoner. Prisoner gave 2nd witness a blow with his fist and ran away followed by 3rd witness. After going some distance 3rd witness seized prisoner. Prisoner at once drew his bayonet and stabbed over his shoulder at 3rd witness who was behind him and holding him round the body, and wounded 3rd witness in the lip. Second witness then came up and wrested the bayonet from prisoner. Prisoner was then thrown down. The Treasury Guard Head Constable (6th witness) and 12th witness then arrived with hand-cuffs. The prisoner was secured and taken to the Station.

4. The 7th and 9th witnesses, who are Kapus, were returning from their fields after sunset on 6th January. They saw prisoner running towards them with a gun and corroborate the evidence of the other witnesses as to prisoner stabbing 3rd witness with a bayonet and as to prisoner's capture.

5. The evidence that prisoner was the man who shot the deceased is overwhelming.

6. Prisoner denies his guilt. He says that he and the deceased were good friends; that the Treasury guard Head Constable (6th Prosecution witness) was on bad terms with the deceased and with himself; that the 6th witness must have got some other constable or person to shoot the deceased; that all the other constables in the Station are his (prisoner's) enemies; and that

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2
304

they have all conspired to make out that he shot the deceased. It is true that the Head Constable (6th witness), and witnesses 2 and 10 sent petitions against the prisoner; but there is also evidence that prisoner and deceased were not on good terms. The 8th Prosecution witness, a Village munsiff of one of the hamlets of Amalapur proves that 5 or 6 days before the occurrence prisoner came to him and complained of the way deceased was treating him, and that, on the morning of the day on which deceased was shot, prisoner said to him "Kondayya (i.e. deceased) is acting with malice. Life is no great thing. Something may happen." There is also evidence that deceased would not allow prisoner to avail himself of the leave that had been sanctioned and that deceased threatened to get prisoner dismissed. It is quite possible, nay probable, that deceased had behaved harshly to prisoner; but such conduct did not justify prisoner in deliberately shooting the deceased. Prisoner examined no witnesses. His defence cannot be believed, for it cannot be believed that the Constables of Amalapur Station who were on good terms with deceased would have connived at his death in order to get prisoner convicted of murder.

7. Both the Assessors have found the prisoner Guilty of murder, and they recommend him to mercy on the ground that he must have received grave provocation from deceased.

8. It is certain that the provocation, if any, which prisoner received was not grave and sudden. No doubt he was smarting under the treatment he had received at the hands of the deceased and under the threat that he would be dismissed. But when he fired the fatal shot he was not deprived of the power of self control by grave and sudden provocation. He fired the shot in the most deliberate manner, steadying himself against the door post, and his aim was unfortunately too accurate. I can find no mitigating circumstances and no reason why I should recommend the prisoner to mercy.

9. I therefore find the prisoner "Guilty of murder," and, subject to confirmation by the High Court, sentence him to be hanged by the neck till he is dead. The prisoner is informed that, if he wishes to appeal, he must appeal to the High Court within 7 days from this date.

H. MOBERLY,
Sessions Judge.

6th February 1897.

NOTE.—The case has been committed by Mr. C. Ayyappa Stationary 2nd class Magistrate of Amalapur.

Cocanada:—Printed by PATRICK E. RODRIGUEZ, at the Godavari Collectorate Press.

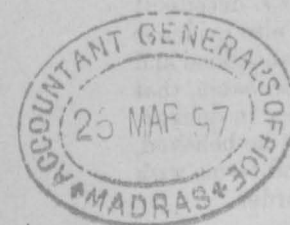
To
800
15-297
The Superintendent of Police, Godavari,
with two spare copies.

FROM

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

INSPECTOR-GENERAL OF POLICE,

Madras,



To

The Under Secretary to Government,

Pension Department,

thru' the Accountant-General,

SIR,

Enclosures.

I have the honor to submit for the favourable consideration of Government an application for the grant of an extraordinary pension under articles 782, 789 (iii) and 791(a)(1) of the Civil Service Regulations to Dogala grade Seethamma, widow of late 1st Head Constable No. 982 Dogala Kondayya of the Godavari District who was shot dead in the station whilst performing his office work on the night of 6th January 1897.

2. The deceased Head constable served in the Police Force for 18 years, 10 months and 22 days and bore a good character.

3. The claimant is eligible for a pension of Rs. 10 per mensem under the rules but I recommend only Rs. 6 per mensem payable at Tallapudy from 7th January 1897. The widow has no body to support but herself. The latter sum seems sufficient.

4. The circumstances under which the Head 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 Godavari at Rajahmundry. The Superintend-

Superintendent reports that the grievances under which the accused constable, laboured were that he had not been sufficiently often employed on detective duty, that the deceased had rebuked him for mismanagement of cases, that he had been refused leave and that the deceased had taken a petition from the other constables of the station against the accused that he was admitting bad characters into the lines, and had amended the petition itself. This petition was reported on in the last diary the deceased wrote before he was killed.

5. As regards the pecuniary circumstances of the widow the District Superintendent reports that she has no means of obtaining her livelihood but that she has no body else to support but herself.

I have the honor to be,

Sir,

Your most obedt. servant,

McMunnell

Inspector-General of Police.

Exd. 10

Jac
5/3
Fort St. George,
Accountant General's Office,
2nd April 1897.

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. If the Government consider that the case comes within this article, the applicant may under Article 782 and 789 iii of the Civil Service Regulations be granted a pension of Rs 600 a month as proposed by the Inspector General of Police, which is within the maximum amount prescribed in Article 789 of the Regulations. The deceased Constable's total service under Government is stated to be 18 years 10 months and 22 days. The pension, if granted, should be made tenable until remarriage of the applicant.

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

Whistal
Offg. Accountant General.

To
The Under Secretary to Government,
Pension Department.



NR 2/4

(189) DEPARTMENT.

FROM

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

INSPECTOR-GENERAL OF POLICE,

Madras,

To

THE

No.

Dated

189

Received

SUBJECT.

The Honble Mr. G. S. C. E.

Recd C No. 304.

To Orders.

The Inspector General of Police forwards an application for an extraordinary pension to the family of the late D. Kondayya who is reported to have been killed in the execution of his duty.

The deceased was a first grade Head Constable in charge of Amalapur Police Station and on the night of the 6th Jan^y last he was shot dead in the station whilst performing his office duties, by a Constable employed in the same station under him.

The circumstances under which the Head Constable met his death & the nature of the injuries received by him are detailed in the copy of the judgment of the Sessions Court of Godavari, flagged A. The Inspector General recommends that the widow of the deceased H^d Constable may be granted an extraordinary pension of Rs 6 p. m. Under art. 782 C.S.R. 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. The Act. Genl. says that, if Govt. considers that the case falls under this article, the widow may be granted the sum proposed by the Inspector General. From the copy of the judgment forwarded, it

He was engaged in the ordinary duties of an S.H.O. M.C. 9.4.97

C12/4/97
213/4/97

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Seay
From order

Read C no 304

L.O. Min No 313 of 23rd April 1897.
Govt regrets that
no pension is admissible
to the widow under the rules

W.L.
16.6.97
12/4/97

L.O. Min 1.9 of 1897
" " A.G.

appears that the H^d Constable was killed, owing to private
animosity, by the constable who crouched under him, and the
case does not therefore seem to fall under the rule which
governs the grant of Extraordinary Pensions. In a similar
case disposed of by J.O. 974 Pension, the Govt. of India declined
to grant an extraordinary pension. For Orders.

84.97 The rules do not seem to admit
of pension being granted to the
widow. It is not a case of
Extraordinary hardship
for the woman is one who
can earn a living by
coolie work like a great
many others.

W.L.
9.6.97

The case does not seem to fall
within the purview of the rules.

10/4/97

Order 80
13/4/97

When given for copying _____
 When copied _____
 When examined _____
 When signed _____

189

READ AGAIN G.O., No.
 189

DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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