

Pension (1899) Department.

ORDINARY MS.

G.O., No. 109.

DATED 16-2-99.

[Despatch Abstract.]

Granting an Extraordinary — gratuity pension of Rs. 30/- per mensem to *Boya*
Chennammah — late whose husband *Mastanigadu*,
late Shat Talivar, Basinapalli Village, was killed in the performance
of public duty.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	483	Pen	17-8-88				
	917	do	11-8-88				

FURTHER PAPERS.

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

[R. E.]
46.
1,000 - 10-8-06.

Pension (1898) Department.

CURRENT No. 1022

From

The Acctt. Genl.

Order

16th Feb 1899 No 109.

Under arts 482 & 487 C.S.R. H.E. the Governor

in Council is pleased to grant to Boya Chennammah an extraordinary gratuity of Rs (30) Thirty only payable at Gooty in consideration of her husband Mastanigadu, late Shant Talagari, Basinaputti Village, ~~having met his death~~ ^{was killed} in the performance of public duty.

No. JAE
544

Dated 16/12/98

Received 17/12

Registered do

Enclosures 3

Spare copies. Nil.

SUBJECT.

Submitting an application for the grant of an extraordinary family gratuity to the widow of the deceased Mastanigadu, late Shant Talagari, Anantapur Dt. who was murdered for giving information of a theft case to the Police.

To
The A.G.
Sd/- of Police

11/2/99

11/2/98

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

$\frac{D}{4}$ 1,000-8-4-97.

Revenue Department.

No. 1022.

From The Insp^r. Genl. of Police. 8/27. Oct. 1898 No. 4044.
 Acctt. Genl. 8/16 Decr. 1898 No. 544

Dated

189

FOR ORDERS.

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

Mastanigadu was a ghaat Talayari of Basinapalli village, Gooty Taluk, Anantapur District, and on the evening of the 20th February 1898 one Laleppa and 3 others (long-standing enemies of Mastanigadu) attacked him, beat him severely, and killed him.

The circumstances under which the deceased talayari met his death & the nature of the injuries received by him are detailed in the copy of judgment of the Sessions Court Bellary-Flagged A.

The

The Inspector General recommends that the widow of the deceased may be granted an extraordinary gratuity of Rs. 60. He also says that "the grant by the Government of this gratuity will show the people of a particularly unruly neighbourhood that the State is determined to support its servants and to treat them with liberality."

Under Art. 732 C.S.R. a wound or extraordinary pension or gratuity can be granted only when the injury or death is met in the performance of a duty attended with extraordinary bodily risk, while no claim can be recognised on account of loss of life or bodily injury resulting from an ordinary accident. The Accountant-General says that if the Government considers that the case falls under this art: the widow may be granted an extraordinary family gratuity of Rs. 30 equal to 6 months' pay of the deceased talayari under art. 732 & 737 C.S.R.

From the copy of judgment forwarded it is observed that the talayari was

FOR ORDERS.

(but this was according to the I.C.P. letter signed by the (meritorious) of his police duties)

5/2

Aug B.

27 Oct 88

(1) H.M.
(2) H.E.

killed, owing to private enmity^x by Lalappa & 3 others; and the case does not therefore seem to fall under the rules which govern the grant of extraordinary family gratuity. In a similar case disposed of by G.O. No. 917 Pension dated 11th August 1888, the Government of India declined to grant an extraordinary pension.

16.1.99

See

The I.C.P. letter would seem to show that the post of ghat talayari in Bassani falli was attended with peculiar danger. In the circumstances it will seem admissible to grant a gratuity of Rs. 30.

17.1.88

H.M.

yes: I think this is a case for the gratuity proposed.

5/2 (18/4/9)

19.1.99
R. 10-2-99

I find it somewhat
difficult to affirm that
the deceased Taliari met
his death "in the performance
of his duty" -

One Vemugadu had taken
refuge in the deceased's
house, & the deceased
endeavoured to prevent the
assailants from following -
One of them bore deceased a
grudge for having reported
him for sheep stealing, &
being assisted by the deceased
from pursuing Vemugadu,
they set upon him deceased
& killed him -

The Inspector Genl of Police says
he was killed "in consequence
of the assistance he gave the
police" - This is not quite
the same thing as "in the
performance of his duty",
but I think we may stretch
a point & grant the small
gratuity of Rs 30 to the

widow HRS -
20-1-99 -

J. Munro.

A. G. H. 9.2.99

Please draft order on the current.

26/11/97

Recy M
18/12/88

Judicial (1898) Department.

CURRENT No.

From

H. A. Stuart Esq. J.C.S.,
Ag. Inspector General of Police,
Madras.

Order

No. 4044

Dated 27 October 1898.

Received

Registered

Enclosures one.

Spare copies.

SUBJECT.

Requesting that Government
may be pleased to sanction the
grant of a compassionate gratuity
of Rs 10 to Chennamma, the widow
of a Taliari Mastanigadu under
the circumstances stated within.

20/11/98
4509

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Enclosure No. 4
Letter No. 4044 of 27.10.98
From Inspector-General of Police.

Sept 14 of 98
Crime Regd No 390

In the Court of Session of the Bellary Division.

The 16th day of June 1898.

Present:—Lewis Moore Esquire, Sessions Judge.

SESSION CASE NO. 22 OF 1898.

Preliminary Enquiry No. 2 of 1898 committed by Mr. C. Srinivasa Rao,
Stationary Sub-Magistrate of Gooty, Anantapur District.

Assessors. ... { 1. Mr. Cruise, Native Christian.
2. Adoni Bheemasenappa, Komati.

1st and 2nd accused defended by Mr. K. Venkata Rao, Pleader.

3rd and 4th accused defended by Mr. C. S. Subramaniam Iyah, Vakil appointed
by Court.

Offences. ... { 1. Murder, under section 302, I. P. C.
2. Voluntarily causing grievous hurt by dangerous
weapons, under section 326, I. P. C.

Plea. ... Not guilty.

Opinion of Assessors. { 1st prisoner guilty, under sections 304 and 326, I. P. C.
Prisoners 2, 3 and 4 not guilty.

Finding of Court. ... { All the prisoners guilty, under sections 302 and 326,
I. P. C.

Sentence. ... { 1st prisoner sentenced to death subject to the confirma-
tion of the High Court and the 2nd, 3rd and 4th
prisoners sentenced to transportation for life.

No.	Name of accused.	Father's Name.	Caste or Race.	Occupation.	Residence.	Age.
1	Para Laleppa	Tippanna	Golla	Cultivation.	Basinepalli	40
2	Para Kadirappa	Do.	Do.	Do.	Do.	22
3	Para Latchenna	Ramanna	Do.	Do.	Do.	30
4	Para Nagappa	Rangamma	Do.	Cooly	Do.	20

DATE OF

- Occurrence ... 20—2—98.
- Complaint ... 20—2—98.
- Arrest or appearance ... 22—2—98.
- Commencement of trial ... 13—6—98.
- Close of trial ... 16—6—98.
- Explanation of delay ... Nil.

8
3
1022

His Dis No. 1041 of 1898

2

SESSIONS COURT, BELLARY,
16th June 1898.

FROM,

LEWIS MOORE ESQUIRE,

Sessions Judge,
Bellary.

TO,

A. L. HANNAY ESQUIRE,

Registrar of the High Court,
Madras.

SIR,

I have the honour to forward herewith, under section 374 of the Criminal Procedure Code, the records in Session Case No. 22 of 1898 in which I have sentenced Para Laleppa (1st prisoner) to death subject to the confirmation of the High Court for the murder of Mastanigadu on the 20th February last at Basinepalli Village, Gooty Taluk, Anantapur District. I have also in the same case convicted the said Laleppa of an offence under section 326 of the Penal Code on the charge that he, at the same time and place, voluntarily caused grievous hurt with dangerous weapons to Vemugadu, and I have further convicted Para Kadireppa (2nd prisoner), Para Latchenna (3rd prisoner) and Para Nagappa (4th prisoner) of the murder of Mastanigadu (section 302, Penal Code) and of voluntarily causing grievous hurt with dangerous weapons to Vemugadu (section 326, Penal Code) and sentenced them to transportation for life.

2. The 1st and 2nd prisoners are brothers. The 3rd prisoner is married to the sister of the 1st and 2nd prisoners, and the 4th prisoner is the son of the sister of the 1st prisoner's wife. The prisoners live separately but close together, and their houses are at no great distance from the house where the deceased Mastanigadu lived. It is shown that there has been ill-feeling between the 1st prisoner and his relations and Mastanigadu and his relations for some time back. The 1st witness for the prosecution Nettekallu, the brother of the deceased Mastanigadu, states that at about noon on the 20th February last as he and Vemugadu (12th prosecution witness), the son-in-law of Mastanigadu and one Fakhirugadu, were sitting together on a pial close to the witness' house the 1st prisoner came in a state of intoxication from the direction of a toddy shop with a stick in his hand. He spat on as he came near the witness. Vemugadu asked him what he meant by acting in such a manner, and he then abused Vemugadu and lifted up his stick as if to strike him. Vemugadu on that snatched the stick from his hand, rushed at him, threw him down and gave him four or five blows with his closed fist. The 1st prisoner then left the place saying that he would complain to the Reddi. Vemugadu took with him the stick that he had snatched from the 1st prisoner and they all went home.

3. At about an hour before sunset on the same evening as Mastanigadu and Vemugadu were seated on the pial in front of the house of the former, the four prisoners came up from the direction of their houses, prisoners Nos. 1, 2 and 3 armed with rice pounders and the 4th prisoner with a stick. They were using very abusive language. Vemugadu on seeing them rushed into Mastanigadu's house and took shelter there. Mastanigadu got up and advancing towards the 1st prisoner asked him why he and the others had come to beat them. Vemugadu's

3

wife and Mastanigadu's wife then came out of their house. The 1st prisoner began to abuse Mastanigadu and said that he had got the Police to search his house on the pretext that he had stolen a sheep. He on that struck Mastanigadu on his head with a rice pounder. As Mastanigadu was falling the 2nd prisoner struck him another blow with a rice pounder on the head. He fell to the ground and all the four prisoners then struck him with the weapons which they had in their hands, as he lay on the ground. The people who were there cried out and Vemugadu rushed out of the house with a sword. As he came out, the 1st prisoner struck him with a rice pounder on the head and on that Vemugadu struck the 1st prisoner twice on his hand with his sword. The 2nd prisoner struck Vemugadu on the right cheek with his rice pounder and he fell to the ground. As he was lying on the ground the 3rd prisoner struck him across the mouth with a rice pounder so that blood flowed from the wound. The four prisoners then went off towards their own houses. At the time that Vemugadu rushed out of the house with a sword Mastanigadu was already dead. The witness and his wife went at once to Gooty to complain to the Police. On their way they met Head Constable Kondappa near Gooty Hospital and told him what had happened. They then returned to the village. By the time that they had got back there the Police Inspector and the Reddi of the village had already arrived there and an inquest was held on the body that night.

4. The 3rd prosecution witness Ramakka, the daughter of Mastanigadu and wife of Vemugadu, deposes that on the evening on which this quarrel took place she was lying down in her house as she had been confined of a child about 9 days previously. Her husband (12th witness) and the deceased were sitting outside on a pial in front of the house while her mother was in the cook room. She heard the 1st prisoner calling out to her husband and others and abusing them. Vemugadu then came rushing out of his house and the witness and her mother went out to see what had happened. She saw her father trying to prevent the 1st prisoner from coming into their house. The 1st prisoner abused her father saying that he had brought a Police man to search his house on a charge of theft, and on saying that, struck him on the head with a rice pounder. As soon as the 1st prisoner struck the blow his turban fell on the ground and the witness picked it up. The 2nd prisoner then struck her father on the head with a rice pounder and he fell down. All the prisoners surrounded her father and beat him. The witness and her mother cried out and Vemugadu came rushing out of the house with a sword in his hand. As he came out the 1st prisoner struck him on the head with a rice pounder, but on his raising the pounder to give a second blow Vemugadu struck him with his sword. Vemugadu fell to the ground on his back and the 3rd prisoner struck him on the mouth with his rice pounder. The 2nd, 3rd and 4th prisoners then beat him as he lay on the ground. Chennamma (4th prosecution witness), the widow of Mastanigadu, gives similar evidence. Obalamma (5th prosecution witness) whose house is next to Mastanigadu's house and who was also present when this quarrel took place, gives an account of what happened similar to that deposed to by the other witnesses. She is further corroborated by Pedda Lalemma (6th prosecution witness) who also was present during the quarrel.

5. The 7th witness Tippakka, wife of the 1st prosecution witness, states that her house is close to that of Mastanigadu. She was cooking food on the evening on which Mastanigadu was killed. The 1st witness, Vemugadu and Mastanigadu were seated in front of their house when the four prisoners came up to the place abusing the deceased. The witness saw what was going on and gives an

account of the manner in which Mastanigadu was killed which is similar to that deposed to by the other witnesses. She is further corroborated by the 8th prosecution witness who was also present during the quarrel. Honnurappa (9th prosecution witness) states that on the evening of Mastanigadu's death he was seated in the house of the 5th prosecution witness. At about an hour before sunset the four prisoners came in front of Mastanigadu's house. On seeing them Vemugadu rushed into the house. The deceased told the prisoners that they should not enter his house. On that the 1st prisoner struck him on the head with a rice pounder. The witness gives an account of the quarrel similar to that which has been narrated by the other witnesses. The 10th prosecution witness who was also present during the quarrel gives similar evidence as to the manner in which Mastanigadu met his death. The 11th witness, Timma Reddi, who lives in a house close to Mastanigadu, deposes that on the evening on which this quarrel took place he was on the roof of his house spreading out oil seeds. Hearing a disturbance he came to the corner of the roof to see what had happened, and he then describes the quarrel in a manner similar to that narrated by the other witnesses.

6. The 12th witness, Vemugadu the son-in-law of Mastanigadu, states that at noon on the 20th February as he, Mastanigadu and Fakhirugadu were sitting on the pial behind Mastanigadu's house the 1st prisoner came from the direction of the toddy shop with a stick in his hand. He spat at the witness and abused him lifting up his stick as if to strike him. He was very much intoxicated at the time. The witness rushed at him, threw him down and snatched his stick from him. He fell on his face and the witness struck him a blow with his closed fist. The 1st prisoner then left the place and the witness handed the stick which he had snatched from the 1st prisoner to his wife. On the evening of the same day, about an hour before sunset, as the 12th witness, the 1st witness and Mastanigadu were seated in front of their house, the four prisoners came there. The 1st, 2nd and 3rd prisoners had rice pounders in their hands while the 4th prisoner was armed with a stick. The witness on seeing them rushed into the house and took shelter being afraid that he should be beaten. Mastanigadu asked the prisoners why they had come to the house, and the 1st prisoner answered that the deceased had tried to get him arrested in connection with a sheep-theft case. The witness then heard blows struck and his wife and mother-in-law cry from outside that Mastanigadu had been killed. He on that took up a sword which was inside the house and rushed out. Mastanigadu was lying dead and the women were surrounding him and crying out. The 1st prisoner struck the witness a blow on the head with a rice pounder and tried to hit him a second time on which the witness struck him on the right hand with his sword. The 2nd prisoner struck the witness on the mouth with his rice pounder and some of his teeth were knocked out. The 3rd prisoner then struck him on the mouth with his rice pounder, and the witness on that fell down and became unconscious. He did not recover his senses till he was in the Hospital at Gooty. The Sub-Magistrate examined him in the Hospital and he then gave the statement which has been put in evidence here as Exhibit C. This statement is dated 3 A. M. on the 21st February and is as follows:—"Yesterday at about 5-45 P. M. when I and my father-in-law were at our house, Para Laleppa, his younger brother Kadireppa, his brother-in-law Latchenna and one Nagappa of Basinepalli came there. Laleppa was holding a rifle in his hand, Kadireppa, a hunting axe, Latchenna, a cudgel and a bill-hook and Nagappa, a sickle. The four came together and first of all attacked my father-in-law. Laleppa hit him on the head with the butt end of the rifle. Kadireppa, Latchappa and Nagappa surrounded and beat him.

My father-in-law died in consequence of the blow inflicted on him by Laleppa. I then advanced opposite to them and said 'What! you have beaten him and killed him'. Nagappa on that hit me on the head with his sickle saying 'May your wife be ravished! who are you!'. Afterwards Laleppa hit me on the mouth with the butt end of the rifle. Some of my teeth fell out and my lower lip is slit. Kadireppa hit me on the left arm with the cudgel and I fell down as soon as I was hit. Afterwards I became unconscious". Vemugadu then adds that the four prisoners were very much intoxicated when they made this attack on Mastanigadu and himself, and also states that about a month before the date of this offence, as Laleppa had stolen a sheep and killed it, he caused him to be arrested by the Police.

7. Taliari Obanna (13th prosecution witness) deposes that, on the evening of the 20th February hearing that Mastanigadu had been killed, he went at once to the Reddi and told him that the 1st, 2nd and 3rd prisoners had killed Mastanigadu. He did not himself go to the deceased's house and make an enquiry, but merely repeated to the Reddi what had been said in the village. The Reddi gave him two reports which he handed to the Sub-Magistrate and the Police at about 8 in the evening.

8. The 14th prosecution witness, the Village Magistrate of Chetnepalli, deposes that on the evening of the 20th February, as he was in his village which is about $1\frac{1}{2}$ miles from Basinepalli, the 13th prosecution witness came and told him at about 7 P. M. that the 1st, 2nd and 3rd prisoners had killed Mastanigadu. He at once sent reports to the Sub-Magistrate (Exhibit E) and to the Police (Exhibit D). He then went to Basinepalli getting there at about 8 P. M. He saw Mastanigadu lying dead in front of his house. He had been severely injured on the head and blood was flowing from the wound. The 12th witness Vemugadu was also lying close to him severely wounded, and the women were beating their mouths and crying out. The witness asked Vemugadu who had beaten him and he replied that he had been attacked by the four prisoners. He appeared to be suffering great pain and spoke with difficulty. The witness did not question him further, but as it was getting dark went, for a light, to the house of one Venkatappa. As soon as he got there, some one came and said that the Inspector had arrived. He at once returned to Mastanigadu's house and finding that the Inspector had gone to the 1st prisoner's house followed him there.

9. The 19th witness, the Police Inspector of Gooty, states that as he was in the bazaar close to the Railway Station he received information of this offence at about 7-30 P. M. on the 20th February last. He started at once for Basinepalli getting there at 8 P. M. He first went to the house of the deceased Mastanigadu and found his body lying dead in front of his house. Vemugadu was lying close to him unconscious, and some women were there crying and beating their mouths. He questioned Ramakka, Chennamma, Obalamma, Lalemma and Timmakka who all told him that the four prisoners had beaten the two men with rice pounders and a stick. Ramakka (3rd prosecution witness) gave him the sword, the stick and the lace turban which have been produced before the Court. She said that her husband Vemugadu had defended himself against the attack of the prisoners with the sword, that the turban had fallen off the head of the 1st prisoner during the quarrel and that the stick had been taken from the 1st prisoner at noon on the day of the murder. The witness then went to the 1st prisoner's house and arrested him. He had been wounded on the hand. The witness afterwards went to the houses of the 2nd, 3rd and 4th prisoners and arrested them also. The Head

Constable Kondappa (18th prosecution witness) then arrived at the place and an inquest was held at which witnesses Nos. 1, 3, 4, 5, 6, 7, 8, 9, 10 and 11 and the Village Magistrate were examined.

10. The 18th witness, the Head Constable in charge of the Gooty Police Station, deposes that on the 30th January last Vemugadu came to him and told him that the 1st prisoner had stolen a sheep and that Mastanigadu had sent him to give information to the Police. The witness with some other Constables went to Basinepalli, and when he got there, Mastanigadu told him that the wife of the 1st prisoner had concealed the flesh and skin of the stolen sheep in a ruined house. He went there, found the flesh and skin and took charge of them. He did not search the house of the 1st prisoner. On receiving the report from the Reddi in the present case at about 8 p. m. on the 20th February he went at once to Basinepalli, and when he was close to Gooty near the Hospital met the 1st prosecution witness and his wife. They told him that Mastanigadu was dead, that Vemugadu was about to die and that these two men had been beaten by the four prisoners. When he got to the village at about 9-30 p. m. the Police Inspector had already arrived there and the four prisoners were seated near the corpse. An inquest was held afterwards. He sent Vemugadu to the Gooty Hospital at about 11 o'clock at night and the 1st prisoner at 6 o'clock on the following morning. The body of Mastanigadu was also forwarded to the Hospital at 5-30 a. m. The witness was present when the houses of the 1st and 4th prisoners were searched on the morning of the 21st February and states that the three rice pounders and the stick produced before the Court were found in the house of the 1st prisoner.

11. The Civil Apothecary, who was in charge of the Gooty Hospital on the 20th February last (Mr. D'Prazer, 2nd prosecution witness), states that the body of Mastanigadu was brought to him at 7 or 8 a. m. on the 21st February. At about 10 a. m. he examined the body and found three contused wounds on the scalp. The skull had been extensively fractured and there was a small contused wound on the lower jaw. The skull cap came away in several pieces. The *dura mater* was found torn in three places. The brain was lacerated and obtruded through the *dura mater*. A small piece of bone was found embedded in the brain. The surface of the brain was much congested and some liquid blood was present. Injury to the brain was the cause of death. The deceased must have received three or more blows on the head. The injury on the jaw might have been caused by a fall. The injuries to the skull could, in his opinion, have been caused by blows struck with weapons such as the rice pounders produced before the Court. Vemugadu was brought to the witness on the night of the 20th February, and when he examined the man at 1-30 on the following morning he found a contused wound on the crown of the head about three inches long. The lower lip was cut completely through for about an inch. Three teeth had been knocked out and the left cheek was much swollen. There was also a contusion on the left collar bone and another on the left hand which was much swollen. Some days afterwards when the swelling went down he ascertained that Vemugadu had lost four teeth in addition to those already mentioned. When the Apothecary left Gooty to go to Madras on other duty on the 3rd March, Vemugadu was still an in-patient in the Hospital. The witness wrote and told the Magistrate that he ought to come and see the man as he appeared to be dangerously ill. The Magistrate accordingly came and took a statement from Vemugadu who at the time spoke with great difficulty.

12. The Civil Apothecary examined the 1st prisoner at 8 a. m. on the 21st February and found that he had an incised wound on the back of the right hand extending from below the wrist to the joint of the little finger completely severing the bone of the ring finger and opening up the joint of the little finger. The wound opened into the palm of the hand and the witness was of opinion that this wound might have been caused by a blow from a sharp weapon such as the sword produced before the Court. The man was very ill from loss of blood when he was brought to the Hospital and continued to be an in-patient as long as the witness remained in charge.

13. The prisoners have all pleaded not guilty. Before the Magistrate the 1st prisoner said that he did not wish to give any statement, that if he then stated what his defence was, the Police and the Village Magistrate would spoil his case and that he would reserve what he had to say till he appeared before the Sessions Court. The other prisoners made similar statements. Before this Court the 1st prisoner states that on the day on which Mastanigadu was killed, at about 8 o'clock in the morning, he and his wife went to Gooty, remained there till 3 p. m. and got back to the village at 5 p. m. They then went to the toddy shop and drank toddy. Mastanigadu and Vemugadu were there and they also drank toddy. They all left the shop together disputing. When they had got close to Mastanigadu's house, Mastanigadu struck the 1st prisoner with a club and the latter retaliated and struck Mastanigadu with a club which he had in his hand. Mastanigadu fell down. Vemugadu then came up with a sword and struck the 1st prisoner with it, and on that the 1st prisoner struck him. Mastanigadu then got up and struck the 1st prisoner a blow on the head. The 1st prisoner again struck Mastanigadu and he fell down. Vemugadu on that came forward as if he intended to cut the 1st prisoner with the sword that he held in his hand, and on that the 1st prisoner struck Vemugadu on the mouth. The females then came and took Mastanigadu and Vemugadu to their house. The 2nd, 3rd and 4th prisoners state that they were not present when this quarrel took place and that they know nothing about it.

14. Six witnesses have been examined for the defence. The 1st witness deposes that on the evening of the 20th February last, the 1st prisoner, Vemugadu and Mastanigadu came from the toddy shop quarrelling and abusing one another. The 1st prisoner and Vemugadu had each a stick. Mastanigadu first struck the 1st prisoner who retaliated and struck the deceased. Vemugadu then went into the house and brought out a sword. Mastanigadu struck the 1st prisoner two or three blows and the 1st prisoner on that struck Mastanigadu two or three blows and he fell down. The 1st prisoner struck Vemugadu three or four blows and Vemugadu on that struck the 1st prisoner a blow on the hand with his sword. There were some men, women and children present at the time. The witness told the women to take the combatants off to their houses and they did so. The 2nd defence witness states that he was present during the quarrel and gives an account of what took place similar to that deposed to by the 1st witness and he is corroborated by the 3rd defence witness. All these witnesses state that the 2nd, 3rd and 4th prisoners were not present when this dispute took place. The 4th witness deposes that he saw the quarrel which took place between Mastanigadu, Vemugadu and the 1st prisoner who were all intoxicated at the time. When he got to the place, Mastanigadu had fallen on the ground and the 1st prisoner and Vemugadu were disputing. Vemugadu had a sword in his hand and with it struck the 1st prisoner two or three blows and the 1st prisoner hit Vemugadu two or three blows. The 1st prisoner was able to ward off all the blows struck by

Vemugadu with one exception. The 2nd, 3rd and 4th prisoners were not present during this quarrel. All these witnesses add that they never told the story which they now relate, to either the Village Magistrate or the Police or any person in authority till they gave it before this Court almost four months after Mastanigadu's death. The 5th witness, the wife of the 1st prisoner, states that on the day of Mastanigadu's death she and her husband went to Gooty at about 8 o'clock in the morning and did not return to the village till 4 p. m. Her husband then went to the toddy shop with the stick which he usually carried in his hand and shortly afterwards, Vemugadu, Mastanigadu and her husband came from the toddy shop intoxicated and quarrelling. She then gives an account of the quarrel similar to that given by the other defence witnesses, and she is corroborated by the 6th defence witness who is the mother of the 1st prisoner.

15. Both the Assessors are of opinion that the 1st prisoner should be found guilty of culpable homicide not amounting to murder in so far as the death of Mastanigadu is concerned and also of causing grievous hurt to Vemugadu. They are of opinion that the 2nd, 3rd and 4th prisoners should be found not guilty. I cannot agree with the Assessors in the view that they take of this case. The story told by the witnesses for the prosecution is consistent and also, as it appears to me, probable throughout. It is also identical with the statements that the several witnesses made when they were examined on the day of Mastanigadu's death at the inquest. The story that is told on the other hand by the witnesses for the defence is, in my opinion, most improbable, and it should be remembered that it was never told to any one in authority till it was deposed to in this Court almost four months after Mastanigadu's death. The medical evidence shows that Mastanigadu received a number of blows and also that Vemugadu was struck several times. As far as can be ascertained from the medical evidence, the 1st prisoner received one blow which was struck by Vemugadu with his sword in consequence of which his hand was severely injured. According to the story told by the witnesses for the defence, the 1st prisoner was by himself not assisted by any one and yet he was able to inflict several blows on Mastanigadu, killing him almost instantaneously and also to hit Vemugadu several blows and to injure him so severely that he was left unconscious and was for some days in a dangerous condition. Although the 1st prisoner alone was contending with two men Mastanigadu and Vemugadu, yet as has already been stated he received only one cut while he himself was able to inflict some seven or eight severe blows. It is said that he warded off with his stick the other blows which were struck at him, but it is scarcely credible that one man attacked by two could have been able to ward off all those blows struck with one exception while inflicting a larger number of blows himself on his two assailants. The story is one which cannot be credited for a moment. There can be no reasonable doubt that the 2nd, 3rd and 4th prisoners were present and that they assisted the 1st prisoner in his attack on Mastanigadu and Vemugadu as deposed to by the witnesses for the prosecution.

16. The witnesses for the defence have been utterly unable to explain why it is that if their story of what took place on the 20th February is true, they did not go to the Sub-Magistrate or the Police or to some person in authority and tell what they had to say as soon as possible after Mastanigadu's death. The evidence that has been put forward to show that the account given by the witnesses for the prosecution as to the quarrel that took place at noon on the 20th February is false also appears to me to be worthless. The 1st prisoner and his

wife assert that they went to Gooty at about 8 or 9 o'clock on the morning of the 20th February and did not return to the village till 3 or 4 o'clock in the afternoon. All they had to do in Gooty according to their own story was a little shopping, and they admit that they took no food there. It is absurd to suppose that they would have spent some seven to eight hours doing what they might have easily performed in half an hour. I see no reason to discredit the evidence given on behalf of the prosecution regarding the quarrel which took place at noon on the 20th February, and that quarrel was no doubt the immediate cause of the attack which the four prisoners made on Mastanigadu and Vemugadu on the evening of the same day.

17. It appears to me that there are no reasonable grounds for discrediting the evidence for the prosecution to the effect that the prisoners who are long-standing enemies of Mastanigadu, Vemugadu and their relations advanced on Mastanigadu's house on the evening of the 20th February armed with clubs and a stick, that on Mastanigadu asking them what they had come for they attacked him, beat him severely and killed him, that Vemugadu being afraid on seeing the four prisoners advance against his father-in-law fled into his house, that on hearing the women cry out that his father-in-law had been killed he rushed out of his hiding place armed with an old sword, that as he came out he was struck by the 1st prisoner, that he retaliated by cutting the 1st prisoner on the hand with his sword and that he was then surrounded and beaten almost to death by the 1st, 2nd, 3rd and 4th prisoners. This evidence must, it appears to me, be accepted as true and such being the case, I have no hesitation in holding that in so far as the death of Mastanigadu is concerned and also with respect to the grievous hurt inflicted on Vemugadu the 1st prisoner was the leader, and that as far as I can ascertain from the evidence, had it not been for him the other prisoners would not have molested either Mastanigadu or Vemugadu. Such being the case I have no option but to sentence him to death subject to the confirmation of the High Court.

18. Although the 2nd, 3rd and 4th prisoners must be convicted of murder, yet it appears to me that they are not so much to blame as the 1st prisoner who was the leader and the person that commenced the attack while the 2nd, 3rd and 4th prisoners merely aided and assisted him. I, therefore, convict them of murder, but under the circumstances of the case consider that I am justified in not sentencing them to death and accordingly direct that they be transported for life.

I have the honour to be,

Sir,

Your most obedient servant,

(Signed) LEWIS MOORE,
Sessions Judge.

"True Copy"

Subbalakshmi
Shri's Adar

Printed by D. V. Kristnan & Co. at the Rama Vilasa Press:—Bellary.

The Superintendent of Police
Anantapur
(with 3 spare copies)

Sir,
The High Court Judgment was forwarded
to the Supt. on 3.9.98.

acw
14/10/98.

No. O-49.

DEPARTMENT.

No. 4044.

CHIEF OFFICE OF THE INSPECTOR-GENERAL OF POLICE,

MADRAS,

27 October 1898.



FROM

H. A. Stuart
M. HAMMICK, I.C.S., Esq., I.C.S.,

Inspector-General of Police,
Madras,

TO

THE Chief Secretary
to Government,
Fort Saint George.



SIR,

Thro' the Accountant General.

ENCLOSURES.

I have the honour to request that the Government will be pleased to sanction the grant of a compassionate gratuity of Rs 60 to Chennamma, the widow of a Taluk named Mastanigadu.

2. The deceased Talukari was a native of the village of Basinapalle in the Gooty Taluk of Anantapur District, a village containing a number of bad characters under the leadership of a notorious person named Para Haleppa. In 1894, a number of crimes were committed in this village and the police at last succeeded in getting a man of the Boya caste named Sanjivigadu to accept the post of Ghat Talukari for the purpose of keeping a special watch

over

over the criminals of this neighbourhood. Crime became less frequent after this, but Sujivigada then unfortunately died. His death was ascribed to Cholera, which was then prevailing in the village, but the deceased's relatives, subsequently heard that he had been given something to drink by Para Laleppa and it is possible that, as they believe, the man was poisoned. His post of Ghāt Talavri was then offered to, and accepted by, his father, Mastanigada, whose brother and son-in-law (Vennigada) used to assist him in the night patrols. Their vigilance was naturally obnoxious to Laleppa and his friends and they became doubly incensed when Mastanigada actually caught Laleppa bringing a sheep into the village. Mastanigada sent his son-in-law for the police and the house of Laleppa and a deserted house near by into which Mastanigada had seen Laleppa's wife enter, were searched by the Police, and the skin and in flesh of the sheep recovered. No one came forward to claim the animal, however, and apparently

no charge was brought against Laleppa. This was at the end of January 1898 and 20 days later Mastanigada was murdered and Vennigada, his son-in-law, seriously injured by Para Laleppa and three of his followers under the circumstances set forth in the copy of the Sessions Judge's report which I forward herewith. Mr. Hoar, the Sessions Judge, convicted all the prisoners of murder, and sentenced Laleppa to death and the other three to transportation for life. These convictions and sentences were confirmed by the High Court.

3. The deceased Mastanigada, left a widow named Chennamma, aged about 50 years, and some young children. I am informed that the widow is quite helpless and absolutely without property. She has lost a son and husband in six months and even if it is doubtful whether the suspicions as to the murder of the former are well founded, there can be no doubt that the latter lost his life in consequence of the assistance he gave the police. I trust, therefore, that His Excellency the Governor in Council

4. It seems to me that there were good grounds in this case for applying the provisions of Sections 109 and 110 of the Criminal Procedure Code. I do not know whether any attempt to do so was made, but I am bringing the matter to the notice of the Superintendent.

Your most obedt. Servt.

for Ag. Inspector General of Police

To The Secretary to Government,
Revenue Department.

FROM

M. HAMMICK, Esq., I.C.S.,
INSPECTOR-GENERAL OF POLICE,
Madras,

To

THE



To

THE Accountant General
Fort St. George

Dated

Despatched

Received

189

No.

ENCLOSURES.

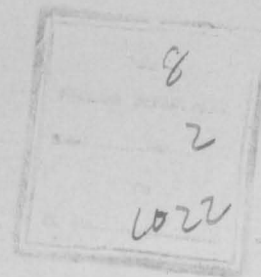
SUBJECT.

SIR,

with reference to your ^{letter} No. 480 dated 10th Novem-
ber 1898 I have the honour to forward an applica-
tion for compensation gratuity on behalf of a
Chennakavidow of Taliahy Maslangadu in the
form given in article 798 Civil Service Regula-
tions, together with the list prescribed in article
799 Civil Service Regulations.

I have the honour to be,
Sir,
Your most obedient servant

W. Robertson
For Ag. Insp^r-Genl. of Police



Ed. 16

(189) DEPARTMENT.

FROM *H. A. Stuart Esq.*
M. HAMMICK Esq., I.C.S.,
of INSPECTOR.-GENERAL OF POLICE,
To Madras,

THE
Chief Secy
J. S.

No. 4555

Dated *3d* December 1898.
Received

SUBJECT.

*Forwarding an application
for Compensation gratuity
on behalf of Chennamiah
Ardean of Talang Mastan
- gada of Anantapur Dist.*

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

189

By _____ G.O., No.
189

DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT

STATEMENT WITH DITTO.

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IN ORIGINAL.

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