

Revenue (1899) Department.

MISCELLANEOUS SERIES.

G.O., No. 1844 - 44A

Confidential No 63

Dated 20th May 1899

[Despatch Abstract.]

Addressing the Govt of India on the
Subject of the grant of a pension to the
family (widow & sons) of the late T. C.
Lundaresa Aiyar, Tahsil Dar of Andrapur

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
Cris 4284 of 77							

Revenue (1897) Department.

CURRENT No. 1014

conf no 24

From

The Secretary, Board of Revenue
(Land Revenue) Madras.

Order

No. 472 Misc.
Conf No. 28.

Dated 7th February 1899

Received 9th do

Registered 9th do

Enclosures 1

Spare copies

SUBJECT.

Submitting to Government a copy of
the decision of Sessions Judge in
the Hindupur murder case and

See

Please see pp 10+11 of the A
note for order with G.O. 49408 14/2/98

Of the four matters to be taken into consideration whether a pension should be granted to the family of the deceased Tahsildar & if so of what amount, we have now sufficient information on the pecuniary circumstances of the family of the deceased Tahsildar will be submitted on receipt of a reply from the Collector of Tanjore.

- (1) His character & past service; (largely satisfactory)
- (2) The nature of the risk & his conduct in accepting it; (Sahadnam, not very satisfactory)
- (3) The nature & extent of the injury; (death)

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Confidential

Proceedings of the Board of Revenue

(Land Revenue)

Dated 7th February 1899

NO.472 Misc
Confdl.NO.28.

Read the following letter from Bannatyne Macleod Esquire, M.A. Barrister-at-Law, Collector of Anantapur, to the Secretary to the Commissioners of Land Revenue, Madras, dated 26th January 99, Ref on Pet.NO.1980.

With reference to Board's Proceedings NO.3611 Mis , dated 16th December 1898, I have the honour to submit herewith a copy of the decision of the Sessions Judge in the Hindupur murder case and to state that the detailed report on the pecuniary circumstances of the family of the deceased Tahsildar of Hindupur will be submitted on receipt of a reply from the Collector of Tanjore.

Resolution.

The copy of the decision of the Sessions Judge in the case of the murder of the late Tahsildar of Hindupur, received with the Collector's letter read above will be submitted to Government with reference to the concluding sentence of para 2 of Government Order NO.4940 Revenue, dated 14th December 1898.

2. From the judgment, the Board observes that the Tahsildar merely did his duty in circumstances where a weaker man would have shrunk from taking immediate steps to find out the ring-leaders in the riot which took place in the afternoon of the 26th October last. As events shewed, the risk he underwent was great and there is no reason to suppose that he was responsible for the circumstances which led to his murder. From the evidence of the 2nd and 3rd Prosecution witnesses in the case, it appears that it is possible that the janapas including the 19th accused bore ill-feeling to the Tahsildar, but the Board considers that it was clearly his duty as a plague official which caused his death and that his conduct in the matter was unexceptionable.

3. The Collector promises to submit the detailed report called

for regarding the pecuniary circumstances of the family of the deceased
Tahsildar, on receipt of a reply from the Collector of Tanjore. The sub-
mission of this report should be expedited.

(True Copy and Extract)

Lonel Davidson

Acting Secretary

R.D.

To the Secretary to Government with copy of the decision of the Sessions
Judge.

Copy
to the Collectors of Anantapur and Tanjore. (*Page 3*).



In the Court of Session of the Bellary Division.

The 17th day of December 1898.

Present:—**Lewis Moore Esquire, Sessions Judge.**

SESSION CASE No. 87 of 1898.

Preliminary Enquiries Nos. 2 and 3 of 1898 on the file of Mr. Bannatyne
Macleod, District Magistrate of Anantapur.

Assessors ... { 1. R. Subrahmanya Iyer, Brahman.
2. Kuresula Naidu, Balija.

1st to 26th accused defended by Mr. K. Srinivasa Rao.

27th accused defended by Mr. C. S. Subrahmanyam Iyah appointed by the Court.

Offences ... { Against all the prisoners { (1) Rioting, under section 147, I. P. C.
(2) Rioting armed with deadly weapons,
under section 148, I. P. C.
Against prisoners Nos. 1 to 9, 11, 13, 17, 18, 19, 23, 24, 25, 26 and 27. { (3) Murder, under section 302, I. P. C.

Plea ... Not guilty.

Opinion of Assessors. { 1st assessor. Prisoners 1 to 8, 11, 12, 17 and 26 guilty under sections 147 and 148 and abetment of murder;
Prisoners 13 and 19 guilty under section 302;
Prisoners 9, 10, 18, 20, 21, 23, 24, 25 and 27 guilty under section 147;
Prisoners 14, 15, 16 and 22 not guilty under any head.
2nd assessor. Prisoners 1, 8, 13 and 19 guilty under section 302;
Prisoners 2 to 7 guilty of abetment of murder;
Prisoners 10, 11, 12, 17, 25 and 26 guilty under section 148;
Prisoners 9, 18, 20, 21, 22, 23, 24 and 27 guilty under section 147, I. P. C.
Prisoners 14, 15 and 16 not guilty under any head.

Finding of Court ... Prisoners 1 to 8, 11, 13, 17, 18, 19, 23, 24, 25, 26 and 27 guilty under sections 147, 148 and 302, I. P. C.
Prisoners 9 and 12 guilty under sections 147 and 148, I. P. C.
Prisoners 10, 20 and 21 guilty under section 147, I. P. C.
Prisoners 14, 15, 16 and 22 not guilty under any head.

for regarding the pecuniary circumstances of the family of the deceased Tahsildar, on receipt of a reply from the Collector of Tanjore. The submission of this report should be expedited.

(True Copy and Extract)

Lonel Davidson

Acting Secretary

R.D.

To the Secretary to Government with copy of the decision of the Sessions Judge.

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Plea ... Not guilty.

Opinion of Assessors. { 1st assessor. Prisoners 1 to 8, 11, 12, 17 and 26 guilty under sections 147 and 148 and abetment of murder;
Prisoners 13 and 19 guilty under section 302;
Prisoners 9, 10, 18, 20, 21, 23, 24, 25 and 27 guilty under section 147;
Prisoners 14, 15, 16 and 22 not guilty under any head.
2nd assessor. Prisoners 1, 8, 13 and 19 guilty under section 302;
Prisoners 2 to 7 guilty of abetment of murder;
Prisoners 10, 11, 12, 17, 25 and 26 guilty under section 148;
Prisoners 9, 18, 20, 21, 22, 23, 24 and 27 guilty under section 147, I. P. C.
Prisoners 14, 15 and 16 not guilty under any head.

Finding of Court ... Prisoners 1 to 8, 11, 13, 17, 18, 19, 23, 24, 25, 26 and 27 guilty under sections 147, 148 and 302, I. P. C.
Prisoners 9 and 12 guilty under sections 147 and 148, I. P. C.
Prisoners 10, 20 and 21 guilty under section 147, I. P. C.
Prisoners 14, 15, 16 and 22 not guilty under any head.

Sentence and order... Prisoners 8, 13 and 19 each sentenced to death subject to the confirmation of the High Court.
 Prisoners 1 to 7, 11, 17, 18, 23, 24, 25, 26 and 27 each sentenced to transportation for life.
 Prisoners 9 and 12 each sentenced to rigorous imprisonment for (3) three years.
 Prisoners 10, 20 and 21 each sentenced to rigorous imprisonment for (2) two years.
 Prisoners 14, 15, 16 and 22 are acquitted and directed to be set at liberty.

No.	Name of accused.	Father's name.	Caste or Race.	Occupation.	Residence.	Age.
1	P. Yerrappa	Yenganna	Kapa	Cultivation.	Samalapalli	40
2	Guddampalli Sunjeevadu...	Guddanna	Do.	Do.	Lalepalli	50
3	Kapa Chowdappa	Nanjanna	Do.	Do.	Do.	30
4	Badiga Ramanna	Babanna	Baliya	Do.	Do.	40
5	Toorpuseema Mallappa	Mallappa	Kapa	Do.	Do.	35
6	Kurakula Baligadu	Ramanna	Baliya	Do.	Do.	35
7	Somaghatta Sunjeeva.	Ramanna	Kapa	Do.	Do.	40
8	Golla Baliga	Musalanna	Golla	Do.	Do.	60
9	Jowkula Kondappa	Babayya	Kapa	Do.	Do.	45
10	Wudde Dasigadu	Sunjeevanna	Wudde	Do.	Do.	34
11	Bitati Narayana	Venkatanna	Kodithakapa	Do.	Samalapalli	30
12	Nesaimatamvadu Chowdappa...	Naranappa	Weaver	Do.	Do.	24
13	Kuruba Timmappa	Naganna	Kuruba	Do.	Do.	55
14	Mangala Babigadu	Papanna	Barber	Do.	Chilamattur	40
15	Bogannagari Narappa.	Adeppa	Sadari	Do.	Do.	45
16	Golla Asadi Buddanna	Ganganna	Golla	Begging...	Do.	40
17	Suttai Sahib	Rasul Sahib	Muhammadan	Bandy driver...	Do.	23
18	M. Iswarigadu	Kalloji	Mahrati	Mason	Do.	44
19	Janapa Chinna Rangadu...	Chowdappa	Janapa	Cooly	Do.	40
20	Janapa Gorika Chowdigadu...	Chinnappodu	Do.	Kambli weaving and cooly	Do.	35
21	Janapa Munigadu	Chowdappa	Do.	Do.	Do.	30
22	Sunnapuralla Vemanna...	Adenna	Baliya	Chunam seller...	Do.	35
23	Dada Sahib	Rasul Sahib	Muhammadan	Bandy driver...	Do.	28
24	Kodandappagari Subbayya...	Ramappa	Brahmin	Begging...	Do.	35
25	Mandalapalli Narasingadu...	Ramanna	Idiga	Do.	Samalapalli	35

No.	Name of accused.	Father's Name.	Caste or Race.	Occupation.	Residence.	Age.
26	Gandla Narasigadu	Narasanna	Gandla	Oil-monger	Maravakottapalli.	30
27	Veera Mallappa	Veeraswamy	Brahmin	Pujari and Inams...	Chilamattur	22

DATE OF

1. Occurrence ... 26-10-98.
2. Complaint ... 26-10-98.
3. Arrest or appearance ... { 26-10-98.
30-10-98.
13-11-98.
4. Commencement of trial ... 8-12-98.
5. Close of trial ... 15-12-98.
6. Explanation of delay ... Nil.

JUDGMENT.

The 27 prisoners in this case are all charged with having, in Kodur village, Hindupur Taluk, Anantapur District, committed the offence of rioting on the 26th October last (section 147, Penal Code) and also with having, at the same time and place, committed the offence of rioting armed with deadly weapons (section 148, Penal Code). There is a further charge against prisoners Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 13, 17, 18, 19, 23, 24, 25, and 27 that they, at the aforesaid time and place, committed murder by causing the death of T. G. Sundaresa Iyer, Tahsildar of Hindupur (section 302, Penal Code).

2. The evidence in this case shows that the late Tahsildar of Hindupur having received instructions to construct what is called a plague frontier camp within the limits of Kodur village, Hindupur Taluk, close to the boundary between the Anantapur District and the Mysore territories, sent an order to the Village Magistrate of Kodikonda, Kodur and Chilamattur to be present at Chilamattur on the morning of the 26th October with the subordinate members of their village establishment. In this order (Exhibit F) no mention is made of the object of the Tahsildar's visit to Chilamattur. It is further shown that, early on the morning of 26th October, a Hindupur contractor named Pir Sahib (18th prosecution witness) arrived in Chilamattur with eight carts laden with bamboos, mats and other articles which, it was intended, should be used in the erection of Plague sheds on the confines of the Mysore territory. It is also in evidence that early on the same morning the Revenue Inspector of Boodali *firka* (4th prosecution witness) and a Minor Irrigation Overseer (7th prosecution witness) went to Chilamattur with certain peons and subordinates. It is further shown that on the morning of the same date a number of people collected close to the *chavadi* in Chilamattur and informed the Revenue Inspector, the Overseer and the village officers who were with them that they objected to the erection of Plague sheds anywhere in or near the villages to which they belonged. It is also proved that at about noon a number of people

collected at the house of a Karnam Mirasidar (9th defence witness) who once held the post of Karnam of Chilamattur village but was dismissed some years ago, that the Reddi of Chilamattur (2nd prosecution witness) was present at this meeting and that a certain amount of discussion then took place regarding the construction of sheds. It appears to be clear that the villagers, who assembled at this meeting, expressed very strong disapproval of the erection of sheds and that they were in a somewhat excited state of mind on the subject.

3. The Tahsildar appears to have arrived in the village at about 2 o'clock in the afternoon, and it is stated that the Revenue Inspector, the Overseer and the village officers informed him of the objections that had been raised by the people to the erection of Plague sheds. Shortly after his arrival in Chilamattur, the Tahsildar, the Revenue Inspector and the Overseer, with a number of village officers and others went to a place called Tangepalli Gutta which is close to the boundary separating the Hindupur Taluk from the Mysore territories. The carts which had brought the materials for the erection of sheds were halted there, and after the Tahsildar had selected a place which he considered would be suitable for the erection of sheds, he told the Revenue Inspector, the Village Magistrate and the other subordinate officials who were present, to unload the materials that were in the carts and to have lists made of the several articles so that the contractor might be paid for them on the following day at Kodikonda and then to remain at the Gutta till his return. The Tahsildar on that left with the Overseer and drove in a bandy to Bagepalli, a village in the Mysore territories, his intention being to have an interview with some of the Mysore authorities who, he understood, were there and to ascertain from them what was being done by them in the way of carrying out the Plague regulations. When, however, he arrived in Bagepalli he found that these officials were not then in the village, and he accordingly after inspecting some sheds which had been erected there started to return to the Gutta.

4. It is shown that, not very long after the Tahsildar and the Overseer had left the Gutta, a large crowd of men principally from Chilamattur village assembled at the place. They told the Revenue Inspector and the village officials who were present that sheds should not be erected in their village, and began to lift up from the ground the bamboos, mats and other articles which had been taken out of the carts and proceeded to reload the carts with them. The Revenue Inspector and the village officials appear to have protested against this action on the part of the members of the mob, but as they were a small body and as the mob was a large one they were unable to take any active steps to prevent the carts being reloaded, and they appear to have sat down quietly and awaited the return of the Tahsildar. Not long afterwards a second crowd of villagers, many of whom appear to have been armed with sticks, arrived on the scene principally from Lalepalli and other hamlets of Chilamattur village. The members of the second crowd joined with the members of the first, and they jointly reloaded the carts and had them driven off. The Revenue Inspector sent a verbal and afterwards a written message to the Tahsildar informing him of what had happened. At about 7 o'clock, the Tahsildar and the Overseer returned in a cart and found that the carts together with the materials intended for the erection of the sheds had been driven off during their absence. The Tahsildar appears to have found fault with the Revenue Inspector and the Village Magistrate of Chilamattur for not having taken down the names of the ringleaders in the mob that had driven off the carts, and to have ordered the 2nd prosecution witness to have a list of the names prepared at once, and the 2nd witness accordingly dictated some five names to the Karnam (3rd prosecution witness)

who wrote them down (Exhibit E). It is also shown that, under the orders of the Tahsildar, the Karnam at the same time took down in writing (Exhibit D) the names of the Village Magistrates, *taliaris*, *vettis* &c. who were then present with the Tahsildar, and that all these men were ordered by the Tahsildar to go at once to Kodikonda so that he might take statements from them there on the following day.

5. When the taking down of these names was finished it must have been about 7-30 P. M. It will be found on reference to the Calendar that on the 26th October the sun set at 5-34 P. M. It will also be found that the moon rose at 3-14 that afternoon. According to the evidence it was a fairly bright moonlight night, but it is also stated that clouds were passing across the sky. It appears to have been represented to the Tahsildar that, as it was rather dark, it was not advisable for him to remain there having lists of rioters written down and that it would be safer and better to have such lists prepared quietly in Kodikonda. The Tahsildar seems to have agreed to this and to have prepared to start for that village. The Overseer got into the bandy first, but when the Tahsildar was about to follow him the bullocks took fright and bolted for a distance of between one and two furlongs down the high road. The animals were caught and stopped after a slight delay, and the Tahsildar, Revenue Inspector, Overseer, the Village Reddis and other village subordinates walked up to the place where the cart had been stopped. Just as the Tahsildar was about to get into the bandy a large crowd of men to the number, as it is stated, of some 400 or 500 assembled at the place. The members of the crowd cried out that they had something to say to the Tahsildar. The Tahsildar, a constable named Mastan Sahib (16th prosecution witness) who had joined the party, the Revenue Inspector and the Village Magistrates appear to have told the members of the crowd that they should stand back at some distance and represent what they had to say to the Tahsildar. The men, however, the leaders of whom appear to have been armed with sticks, did not listen to what was said, and without making any attempt to state to the Tahsildar what their grievances were or what they had to complain of, rushed on with their sticks and dealt the Tahsildar a number of severe blows. It is shown that the Tahsildar attempted to run away, but that he was pursued, knocked down and severely beaten. The Revenue Inspector having received slight injuries managed to escape. The Overseer also ran off, and in fact all the members of the Tahsildar's party escaped from the place as fast as they possibly could. Shortly after the Tahsildar had been beaten to the ground, the Head Constable in charge of the Police Station at Kodikonda (17th prosecution witness) with a few constables arrived on the scene. Under the orders of the Station House Officer, two of the constables fired their carbines in the air. This appears to have frightened the rioters who dispersed rapidly. The Tahsildar was found to have been very severely injured, and to be on the point of death. He was lifted up and carried by the Head Constable and others to the *chavadi* at Kodikonda. After he had been brought there he seems to have been just able to articulate a request for water, but with that exception he said nothing up to the time of his death which took place within a couple of hours.

6. The common object of the members of the two crowds, who assembled at the Gutta on the afternoon of the 26th October, is proved to have been to prevent by force and violence the erection of Plague sheds there. It is clearly shown that the members of the crowds forcibly prevented the Revenue Inspector, a public servant, the cartmen, *Vettiyaans*, *taliaris* &c. from finishing the work of unloading the carts, that they reloaded the carts, forcibly took the bullocks from the cartmen, yoked

them to the carts and drove the carts off. Every one, who is shown to have been a member of these crowds, must be held to have been guilty of rioting. I do not consider that it can be held that, up to the time that the carts were driven away, there was any deliberate intention on the part of the members of the mob to kill or indeed to injure the Tahsildar. As to the time at which this idea was first started it is impossible on the evidence to come to any very definite conclusion. It appears to be clear that, although the carts were driven off, they were not taken to any great distance and that the rioters remained with them and at no great distance from the Gutta waiting for the Tahsildar's return. The 27th prisoner stated before the Magistrate, and it is I consider most probable that his statement is true, that when the rioters, who were lingering at no great distance, heard that the Tahsildar was getting the names of the rioters written down, they became alarmed fearing criminal prosecution and that they accordingly seized the bamboos that were in the carts and rushed to where the Tahsildar was and prepared to attack him. However this may be, it is quite clear that the common object of all the men, who joined the attack on the Tahsildar, must have been to kill him. They were told to stand back and say what they had to say, but they never hesitated for a second and rushing at the Tahsildar beat him to death. Every man, who is shown to have taken part in this attack, must in my opinion be held to be guilty of murder.

7. The foregoing is a brief account of the riot that took place in Kodur on the 26th October, and of the manner in which the Tahsildar was murdered. I shall now give in some detail an abstract of the evidence on which this account is based and shall then consider that evidence in detail in so far as it tells for or against the several prisoners who are prosecuted in the present case.

8. The 1st witness, Dr. Charlesworth, the additional Medical Officer at Anantapur states that the body of the Tahsildar Sundaresa Aiyar, was brought to him on the 28th October by a Police Constable and that he held a *post-mortem* examination. He found the following injuries on the body:—

A contused incised wound from the eyebrow reaching up the forehead; a contused incised wound along the vertex of the skull and two contused wounds at right angles to this last mentioned injury penetrating down to the bone; a lacerated and contused wound at the side of the right eye; a contusion on the left shoulder, another on the left arm and a third on the left fore-arm; a lacerated wound between the 2nd and 3rd fingers; a contusion on the right wrist; contusions on the left buttock and thighs. On removing the scalp, he found a quantity of blood under the scalp. On opening the skull, blood was found lying underneath the brain on the floor of the skull. There was a fracture of the right side of the base of the skull. There was also a fracture of the external plate of the frontal bone. The cause of death was the injuries to the head. The deceased had received four serious wounds on the head, each of which must have been caused by a distinct blow. The witness was unable to say how many blows, in addition to these four, must have been received on the head, nor was he able to give any idea of the number of blows inflicted on the body, but his evidence is to the effect that the Tahsildar had been struck a very considerable number of blows on the head and also all over the body.

9. The Village Magistrate of Chilamattur (2nd P. W.) deposes that, on the morning of the 26th October last, 8 carts containing bamboos, mats etc., were driven to his village under the charge of a contractor named Pir Sahib (18th P. W.) The Revenue Inspector of the division and a Minor Irrigation

Overseer arrived at the village at about the same time. Shortly afterwards a large number of the villagers assembled at the village *chavadi* and stated that they objected to Plague sheds being erected in their village. The Reddi deposes that on this he read out to the people, a Plague circular which had recently issued under the order of the Government, and explained to them that the erection of sheds would cause no trouble or inconvenience to the villagers. This Plague circular has been filed here as Exhibit H and reference will be made to its terms later on in this judgment. The witness further states that he told the people that the intention was to erect sheds on the frontier of the Mysore territories, but that they would be used solely for the purpose of detaining people coming from the Mysore province, who might be found to be suffering from the Plague, and he adds that on hearing this the villagers appeared to be satisfied and went away. In cross-examination this witness further deposes that, at about noon, he was sent for to the house of Karnam Mirasidar Vasudevappa (9th defence witness) and that he went there and found a crowd of 70 or 80 people assembled. The 24th prisoner was one of that crowd, but the witness cannot say if any of the other prisoners were present. When he went to the Karnam's house, the people there asked him why he was doing nothing to prevent the erection of Plague sheds and he then sent for a copy of Exhibit H and got his son, who knows English, to read it out to the people and explain it to them. He also told the men that they would get into trouble if they opposed Government. The people, who were present, told him that they would prevent the sheds being erected, and he deposes that he understood them to mean that they would forcibly prevent their erection. He adds that when his son explained the circular to the people they appeared to be satisfied.

10. The Tahsildar arrived at the village at about 2 o'clock, and he and the witness and others started at once with the carts for Tangepalli Gutta, a small hill close to the Mysore frontier. They got there at about 3-30 or 4 P. M., and as soon as they had arrived, the Tahsildar selected the place in which sheds were to be erected and then informed the Revenue Inspector, witness and others that he would go on to Bagepalli in the Mysore territory and see how the sheds had been erected there. He directed the Reddis to have the carts unloaded, to give receipts to the cartmen for the articles that had been unladen and to wait there till he returned from Bagepalli. The witness and the others proceeded at once to carry out the Tahsildar's orders. As they were doing so a crowd of about 100 or 150 men came up from Chilamattur village and said that they had come to prevent sheds being erected as they would cause them much inconvenience. Karnam Mirasidar Venkataramanappa was then given a copy of Exhibit H in Telugu, and he read the circular out to the members of the mob. The witness deposes that on this some of the men kept quiet, while others began to reload the carts with the materials that had been taken out of them. Among the men who objected to the erection of sheds, the witness identifies prisoners Nos. 17, 18, 19, 20, 21, 23, 24, and 27 together with others not now in custody. He also states that prisoners Nos. 17, 18, 19, 20, 21, 23 and one Biram Sahib were the men who set to work to reload the carts. Information was sent to the Tahsildar of what had happened and also to the Police Station at Kodikonda. While the Revenue Inspector was engaged in writing a note to be sent to the Tahsildar, a second crowd came up consisting of men from Lalepalli, Samalapalli, Kottasamalapalli, Sanjivarayanapalli and Kottapalli hamlets of Chilamattur. Most of the men had sticks in their hands. The witness states that from Lalepalli prisoners Nos. 2 to 9 came, and from Samalapalli, prisoners Nos. 11, 12, 13, and 25 with other persons not now before the Court. The 26th prisoner came from Kottapalli, and the 1st prisoner

from Kottasamalapalli. All these men loaded the carts with the materials, yoked the bullocks to the carts and drove them towards the North along the high road. It was then about 5-30 or 6 o'clock in the afternoon. The Revenue Inspector, this witness and others sat down at a distance while all this was going on.

11. The 2nd witness further deposes that, after the carts had been driven some distance and before the return of the Tahsildar, prisoners 23, 25, 26 and 27 and some other persons came to him and the Revenue Inspector and said "If you have any desire to be alive be on our side. If not you can side with the Government." The witness told them that he would not dispute with them. When the Tahsildar arrived the witness informed him of what had happened during his absence, and the Tahsildar directed him to make a list of the names of those that had carried off the carts and the materials. The witness told the Tahsildar that the place was a jungle, that it was dark and that if they returned to Kodikonda it would be possible to get a list properly prepared. The Tahsildar said that there was light enough and that the witness should write the names. The witness then dictated some names to the Karnam (3 P. W.) who wrote them down. While this list was being prepared the witness heard some one say that a man, who had been hiding not far from where they were, had been seen to run off. The witness on that told the Tahsildar that it was not safe to remain there any longer, and the Tahsildar agreed that they should leave the place and went towards the Overseer's cart. As soon as the Overseer had got into the cart the bullocks took fright and ran off down the road for a distance of about two furlongs. The Tahsildar, the witness and those who were with them went to where the cart was, and by the time that they had got to the place, a crowd of 200 or 300 people came from the North along the Kodur road and said that they had something to represent to the Tahsildar. The witness and the others with him told them that they should stand back. As they were facing the men and talking to them some men suddenly rushed at the Tahsildar and struck him from behind. Other people then came up from all sides and surrounded the Tahsildar. The witness identifies the following prisoners among the men who surrounded the Tahsildar:—Nos. 1, 2, 3, 4, 5, 8, 11, 12, 13, 19, 25 and 26. The 19th prisoner struck the Tahsildar from behind being the first person to hit him. As he struck he said "You poisoned and killed a woman of my caste in Hindupur. Have you come here to kill us also?" The 8th and 13th prisoners on that struck the Tahsildar. Constable Mastan Sabib and the witness told the rioters to keep back. The Tahsildar and the witness then ran towards the East, and as they were running away the 3rd prisoner cried out "The big men are running away! What are we doing here!" All the men then ran after the witness and the Tahsildar. The witness told the men not to beat the Tahsildar. The 26th prisoner then rushed at the witness with a sickle in his hand on which he turned and ran in another direction. The 3rd prisoner struck the Tahsildar with a stick and all the other men then attacked him. Of these men 16 were armed with sticks, and they were prisoners 1, 2, 3, 4, 5, 8, 11, 12, 13, 17, 19, 25 and 26 and three other persons not now before the Court. All these 16 men pursued the Tahsildar and struck him with sticks. The witness hid himself for a time in some aloe bushes and afterwards escaped and returned to his own village. He further deposes that, in addition to the 16 men whom he saw strike the Tahsildar, the following persons were present in the crowd:—prisoners 6, 7, 9, 18, 23, 24 and 27 and two others not now in custody. On the following morning the witness sent a report of what had happened to the Sheristadar Magistrate at Hindupur and also to the Police (Exhibits B and C).

12. It is strongly urged on behalf of the defence that the evidence of this witness is not worthy of credit. It is pointed out that in Exhibits B and C he does not mention the names of any of the rioters, and it is pleaded that the excuse that he there gives that he could not remember names till his mind had time to become composed is absurd. It is further maintained that whether the evidence given for the defence to show that the Village Magistrate summoned the villagers by beat of tom tom to assemble and object to the erection of the sheds be believed or not it is clear that he from first to last sympathised with the rioters and was in all probability more to blame for the disturbance than any one else in the village. It is pointed out that the assertion made in Exhibits B and C that he was in great fear of being murdered by the villagers is incredible as is shown by the fact that when the Tahsildar was killed he escaped scot free. It is further urged that it is in evidence that a number of Brahmins and Komatis assembled at the Gutta and objected to the erection of the sheds, but that few of such men have been prosecuted the bulk of those proceeded against being low caste and poor men. In all this there appears to me to be a great deal of truth. For the reasons given by me in discussing the defence evidence I do not believe that the Village Magistrate summoned the men to the Gutta by beat of tom tom, but I think that it is most probable that he sympathised with the villagers in their objections to the erection of the sheds, and that he urged them to hinder the officials in getting them put up. I also consider that the evidence shows that, when the final attack was made on the Tahsildar, the Village Magistrate did little or nothing to keep back the rioters or to assist the Tahsildar, and in fact bolted off as fast as he could to his village thinking of but little but his own safety. That he did not in Exhibits B and C name any of the ringleaders is clear proof to my mind of an anxiety on his part to do as little as he could towards assisting the authorities in getting the rioters and murderers convicted. All this, however, does not appear to me to be a sufficient reason for rejecting the story told by him as being in the main true or for discrediting his evidence where he identifies this or that man as having been seen by him taking part in the riot. He, no doubt, may have omitted to mention the names of well-to-do villagers who were present, but I cannot find any grounds for holding that he has given evidence against any of the men that he now names from improper motives. His identifications may, I am of opinion, be accepted as accurate on the whole although he very probably does not give the name of every one that he saw in the crowd.

13. The Karnam of Chilamattur (3rd prosecution witness) in his evidence corroborates in all main particulars the evidence given by the Village Magistrate (2nd witness) and identifies prisoners 17, 18, 19, 20, 21, 23, 24 and 27 as having been among the crowd of 100 or 150 men, who came up from Chilamattur, and objected to the unloading of the carts containing the materials for the Plague sheds. He states further that, as soon as the members of this crowd arrived, they commenced to put the materials back again into the carts and that when a number of people afterwards came up from the several hamlets attached to Chilamattur they joined with the first crowd, yoked the bullocks to the carts and drove them off towards the North. This witness identifies prisoners Nos. 1, 2, 3, 4, 5, 6, 7, 8, 11, 12, 13, 25 and 26 as having been members of this second crowd. They had sticks in their hands and said that they would drive the carts beyond the limits of Chilamattur village. The witness adds that on the return of the Tahsildar at about 7 p. m. he and those with him told him what had happened in his absence and that he directed a list to be prepared of the names of the principal men who had driven the carts. The witness on that wrote down five names at the Reddi's dictation in

the Overseer's note book (Exhibit E). He also wrote another list (Exhibit D) containing the names of the village officers who were present. It was then decided that it was safer to leave the *Gutta* at once. The Tahsildar was about to get into the Overseer's cart when the bullocks took fright and ran a distance of about two furlongs down the road. The witness, the Tahsildar and others followed, and just as they got up to the cart a crowd of 100 to 150 men assembled there. The 2nd witness, the Karnam and others told the people to stand back and not come near. The men said that they had come to speak to the Tahsildar. They were directed by the witness and others to stand at some distance and represent what they had to say. The members of the mob did not listen, and some of them who were in front struck the Tahsildar with sticks. The witness states that the men who first struck the Tahsildar with sticks were prisoners Nos. 8, 13 and 19. Prisoners Nos. 1, 2, 3, 4, 5, 11, 12, 17, 25 and 26 were standing close to prisoners Nos. 8, 13 and 19 at the time that the latter attacked the Tahsildar. The witness adds that he received a blow on the hand, but he cannot say who struck this blow. Constable Mastan Sahib came there and told the men to stand back, and on that all the men rushed at the constable and attacked him. The Tahsildar then ran towards the East. The witness, Pir Sahib and the Overseer ran off to Kodikonda, remained there that night and on the following morning went back to Chilamattur. The witness deposes that when the Tahsildar was beaten he fell down, but he cannot say who struck him after he had fallen. The witness adds that as the 19th prisoner struck the Tahsildar he said "You poisoned and killed a woman of my caste in Hindupur. Have you come here to trouble us also?"

14. The Revenue Inspector (4th prosecution witness) states that Kodikonda village is in his jurisdiction, but not Chilamattur. Tangepalli Gutta is on the frontier but within the British territory. He left Hindupur on the night of the 25th October to go to Kodikonda in order to choose a site on the frontier for a Plague camp which was intended to be used to detain plague cases from the Mysore territories. He deposes that he got to Chilamattur at about 6 o'clock on the morning of the 26th October. As soon as he got there he saw a crowd of people collected near the *chavadi*. They said that they had been frightened at hearing that Plague sheds were going to be built near their village. The witness had a copy of Exhibit H with him and he read it out to them in Telugu and explained it, and on that the people appeared to be satisfied and dispersed. The Tahsildar came to Chilamattur at about 2 p. m. riding on a pony. Shortly before his arrival, the 2nd witness was sent for to the village, and he returned in about half an hour and said that a number of people had gathered at Karnam Vasudevappa's house and were objecting to the erection of the sheds, but that he (2nd witness) had induced them to disperse. The Revenue Inspector (the witness) and others went with the Tahsildar to Tangepalli Gutta, a distance of about 4 miles, and selected a site for the sheds. The Tahsildar told them to unload the carts and then went with the Overseer to Bagepalli to see the Plague sheds constructed there. Pir Sahib and the others who were there set to work to unload the carts, but by the time that the greater part of this work had been done at about 5 o'clock a mob came up from Chilamattur along the road and shouted out that they would not allow the sheds to be built there and that they would remove the materials out of their village limits. Among these men the witness identifies prisoners Nos. 3, 13 and 27. The members of this crowd put back the materials into the carts and he then sent a *Madiga* to the Police Station at Kodikonda and another man to the Tahsildar to tell him what had happened. Shortly after that another crowd of men about 200 in number came up from Lalepalli, most of them armed with sticks and drove off the carts with the

materials intended for the sheds. After the carts had been driven off some of the men returned and asked the 2nd witness if he would assist the Government or the people, and he replied that it would not be safe for him if he made them all his enemies. The rioters at about 6-30 p. m. disappeared out of sight with the carts.

15. The Tahsildar returned at about 7 p. m., and after ascertaining from the Karnam what had occurred during his absence, asked the 2nd witness for a list containing the names of the ringleaders. The witness took down five names in the Overseer's note book, but by the time that he had done so Pir Sahib pointed out to him that a man who had been hiding not far from where they were was running away. The Tahsildar sent two of the village subordinates to catch the man who was running, but they returned saying that they were not able to do so. The witness and others told the Tahsildar that there was danger, that the mob would return and that it would be better for them to go at once to Kodikonda. The Tahsildar wanted another list containing the names of the village officers &c. present, and the 3rd witness wrote what was required. The Tahsildar then went to the bandy, but as soon as the Overseer got into it the bullocks took fright and ran off down the Kodur road. The witness, the Tahsildar and others walked on to where the cart was standing, but by the time they had got to the place a large crowd advanced towards them. The witness and those who were with him asked the men what they wanted, and they said that they had a request to make to the Tahsildar. On that they were told to stand back, but they took no notice of what was said and rushed at the Tahsildar armed with sticks and closed in all round him and his party. Some one shouted out "Why do you keep quiet! Go on! Beat him!" They all on that beat the Tahsildar with sticks. The witness ran off towards the East and some of the rioters pursued him, caught hold of him and beat him with their fists and with branches of the shrub known as Tangedu crying out "Kobali Kobali". He cannot identify any one of those who struck him. After a little time the men who had beaten him left him and ran off towards the Tahsildar. The 27th prisoner, he states, tried to rescue him as he was being beaten, and he adds that the 13th prisoner lifted up a stick as if to hit him when he was on the ground, but that some men intervened and rescued him. This witness is a native of Salem District and has not been long in Anantapur. He states that he had never visited Chilamattur before this riot, and although he is able to identify a certain number of the men who joined in reloading the carts and also a few of those who were present in the serious riot that took place that night, he cannot identify any one of the prisoners as having been among the men who actually joined in beating the Tahsildar.

16. The 5th witness, a *taliari* of Chilamattur, was one of those who went with the Tahsildar to Tangepalli Gutta. He states that he drove the cart in which the Tahsildar was, from Tangepalli Gutta to Bagepalli. When they arrived at Bagepalli the Tahsildar visited the sheds erected there, remained for a short time and then started back. By the time that they got to Kottavudumu *taliari* Babanna of Kodikonda (9th prosecution witness) met them and told the Tahsildar that the people of Chilamattur and other villages had come to the *Gutta* and having reloaded the carts with the materials which had once been unloaded, had driven them away. The Tahsildar on hearing this returned at once with the Overseer to Tangepalli Gutta and did so walking by a foot-path. This witness also gives evidence with respect to the final attack on the Tahsildar. He states that, as the men assembled, he was standing in front of the bullocks that were yoked to the Overseer's cart and identifies prisoners Nos. 1, 2, 3, 4, 5, 8, 11, 12, 13, 17, 19 and 26 as having passed the cart and advanced to attack the Tahsildar. He further deposes that he saw prisoners 8, 13 and 19 attack the Tahsildar with sticks.

the Overseer's note book (Exhibit E). He also wrote another list (Exhibit D) containing the names of the village officers who were present. It was then decided that it was safer to leave the *Gutta* at once. The Tahsildar was about to get into the Overseer's cart when the bullocks took fright and ran a distance of about two furlongs down the road. The witness, the Tahsildar and others followed, and just as they got up to the cart a crowd of 100 to 150 men assembled there. The 2nd witness, the Karnam and others told the people to stand back and not come near. The men said that they had come to speak to the Tahsildar. They were directed by the witness and others to stand at some distance and represent what they had to say. The members of the mob did not listen, and some of them who were in front struck the Tahsildar with sticks. The witness states that the men who first struck the Tahsildar with sticks were prisoners Nos. 8, 13 and 19. Prisoners Nos. 1, 2, 3, 4, 5, 11, 12, 17, 25 and 26 were standing close to prisoners Nos. 8, 13 and 19 at the time that the latter attacked the Tahsildar. The witness adds that he received a blow on the hand, but he cannot say who struck this blow. Constable Mastan Sahib came there and told the men to stand back, and on that all the men rushed at the constable and attacked him. The Tahsildar then ran towards the East. The witness, Pir Sahib and the Overseer ran off to Kodikonda, remained there that night and on the following morning went back to Chilamattur. The witness deposes that when the Tahsildar was beaten he fell down, but he cannot say who struck him after he had fallen. The witness adds that as the 19th prisoner struck the Tahsildar he said "You poisoned and killed a woman of my caste in Hindupur. Have you come here to trouble us also?"

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materials intended for the sheds. After the carts had been driven off some of the men returned and asked the 2nd witness if he would assist the Government or the people, and he replied that it would not be safe for him if he made them all his enemies. The rioters at about 6-30 p. m. disappeared out of sight with the carts.

15. The Tahsildar returned at about 7 p. m., and after ascertaining from the Karnam what had occurred during his absence, asked the 2nd witness for a list containing the names of the ringleaders. The witness took down five names in the Overseer's note book; but by the time that he had done so Pir Sahib pointed out to him that a man who had been hiding not far from where they were was running away. The Tahsildar sent two of the village subordinates to catch the man who was running, but they returned saying that they were not able to do so. The witness and others told the Tahsildar that there was danger, that the mob would return and that it would be better for them to go at once to Kodikonda. The Tahsildar wanted another list containing the names of the village officers &c. present, and the 3rd witness wrote what was required. The Tahsildar then went to the bandy, but as soon as the Overseer got into it the bullocks took fright and ran off down the Kodur road. The witness, the Tahsildar and others walked on to where the cart was standing, but by the time they had got to the place a large crowd advanced towards them. The witness and those who were with him asked the men what they wanted, and they said that they had a request to make to the Tahsildar. On that they were told to stand back, but they took no notice of what was said and rushed at the Tahsildar armed with sticks and closed in all round him and his party. Some one shouted out "Why do you keep quiet! Go on! Beat him!" They all on that beat the Tahsildar with sticks. The witness ran off towards the East and some of the rioters pursued him, caught hold of him and beat him with their fists and with branches of the shrub known as Tangedu crying out "Kobali Kobali". He cannot identify any one of those who struck him. After a little time the men who had beaten him left him and ran off towards the Tahsildar. The 27th prisoner, he states, tried to rescue him as he was being beaten, and he adds that the 13th prisoner lifted up a stick as if to hit him when he was on the ground, but that some men intervened and rescued him. This witness is a native of Salem District and has not been long in Anantapur. He states that he had never visited Chilamattur before this riot, and although he is able to identify a certain number of the men who joined in reloading the carts and also a few of those who were present in the serious riot that took place that night, he cannot identify any one of the prisoners as having been among the men who actually joined in beating the Tahsildar.

16. The 5th witness, a *taliari* of Chilamattur, was one of those who went with the Tahsildar to Tangepalli Gutta. He states that he drove the cart in which the Tahsildar was, from Tangepalli Gutta to Bagepalli. When they arrived at Bagepalli the Tahsildar visited the sheds erected there, remained for a short time and then started back. By the time that they got to Kottavudumu *taliari* Babanna of Kodikonda (9th prosecution witness) met them and told the Tahsildar that the people of Chilamattur and other villages had come to the *Gutta* and having reloaded the carts with the materials which had once been unloaded, had driven them away. The Tahsildar on hearing this returned at once with the Overseer to Tangepalli Gutta and did so walking by a foot-path. This witness also gives evidence with respect to the final attack on the Tahsildar. He states that, as the men assembled, he was standing in front of the bullocks that were yoked to the Overseer's cart and identifies prisoners Nos. 1, 2, 3, 4, 5, 8, 11, 12, 13, 17, 19 and 26 as having passed the cart and advanced to attack the Tahsildar. He further deposes that he saw prisoners 8, 13 and 19 attack the Tahsildar with sticks.

17. The 6th witness, a *vetti* of Chilamattur, was one of those who went with the Tahsildar to Tangepalli Gutta and who after the Tahsildar had gone to Bagepalli, was employed in taking the materials out of the carts. He gives an account of the riot and of the attack on the Tahsildar which is similar to that given by the other prosecution witnesses and states that among the men who came up from Chilamattur in the first crowd he recognized prisoners Nos. 3, 13 and 19. He states that 16 men advanced towards the Tahsildar with sticks in front of the mob and joined in the assault on him, and of these he identifies prisoners Nos. 1, 2, 3, 4, 8, 12, 13 and 19.

18. The 7th prosecution witness Vidianatha Iyer, Minor Irrigation Overseer Hindupur Taluk, deposes that when he arrived with the Revenue Inspector and others at Chilamattur on the morning of the 26th October, a crowd of about fifty people met them as they were coming to the village and stated that they were frightened at seeing the materials that had arrived in the village for the construction of sheds and at the idea of sheds being erected near their village. The witness explained to them the circular issued by the Collector (Exhibit H) and told them that there was no need for their being apprehensive with respect to the erection of sheds. The men appeared to be satisfied and went away. The Tahsildar arrived at the village at about 2 p. m. and the witness and others went with him to Tangepalli Gutta. He afterwards went on to Bagepalli with the Tahsildar starting for that village at about 4-30 p. m. As the Tahsildar and the witness were returning in a cart from Bagepalli in the evening, they met a *taliari* who told them that he had been sent by the Revenue Inspector to say that a mob of two or three hundred people had reloaded the carts with the materials and driven them away from the Gutta, and that the Tahsildar should come at once. The witness on that went on with the Tahsildar to the Gutta. On their arrival there the Revenue Inspector told them what had happened in their absence. The Tahsildar then ordered the Village Magistrate of Chilamattur (2nd witness) to prepare a list of the ringleaders of the crowd. The witness handed his pocket book (Exhibit E) to the Karnam (3rd witness) who wrote down five names in it. As they were writing these names, Pir Sahib said something to the Revenue Inspector. The Tahsildar asked the Revenue Inspector what had happened, and he said that Pir Sahib had pointed out a man running off in the direction in which it was believed that the mob had gone. The Tahsildar on that sent two *taliaris* to catch the man, but they came back saying that there was nothing there but the shadow cast by a tree. The 2nd witness on that suggested that it was not safe to remain there any longer and that they should go to Kodikonda. They started to do so, and when they had gone a little distance a crowd of about 500 men came from the direction of Kodur armed with sticks and advanced towards the Tahsildar. They said that they wanted to make a request of the Tahsildar, but when they were asked to stand at a little distance and say what they had to represent, they rushed forward and attacked the Tahsildar and his party. This witness then deposes as follows:—"I cannot identify the men who actually struck the Tahsildar. I saw the 2nd prisoner in the crowd with a stick in his hand. As I was running away I saw the 27th prisoner in the mob. As I was running off a man struck me on the neck two or three severe blows with his hand. He is not now here. I could identify him if I saw him. I ran off and got to Kodikonda at about 7-30 p. m." He further states that on his way to Kodikonda a mob of about 50 men attacked him near the village of Morampalli, and asked him if he was one of the Tahsildar's men, and that he told them that he was not, but that he was a salt peon and that they on hearing that allowed him to escape.

19. The 8th witness, the son of the Village Magistrate of Kodikonda, states that his father was ordered by the Tahsildar to go to Chilamattur on the 26th October, but that as he was suffering from stomach ache he sent the witness in his place. He took with him *Taliari* Babigadu, *Nirganti* Chinnigadu and *Madiga* Kadirigadu. He went with the Tahsildar and others to Tangepalli Gutta to select a place for the erection of sheds, and he gives an account of what happened after the Tahsildar had left similar to that deposed to by the 2nd and 3rd prosecution witnesses. He identifies prisoners 8, 9, 17, 18, 23 and 24 as being among the crowd of men who objected to the sheds being erected and reloaded the carts. As regards the attack on the Tahsildar he states that about 300 men advanced towards him of whom about 30 were armed with sticks. They told the Tahsildar that sheds should not be built there. The Tahsildar replied that he was acting under the orders of Government and would build the sheds. The villagers then said that if that was done they would remove the sheds. The Tahsildar ordered all the village servants present there to stand in front of him, and the mob on that at once rushed on the Tahsildar and his party. The Tahsildar ran off and the villagers pursued him. As soon as the Tahsildar had gone in one direction the witness ran off in another and did not see the Tahsildar struck. He identifies the 18th prisoner as one of the men who pursued the Tahsildar.

20. The 9th prosecution witness Babigadu, a *taliari* of Kodikonda, identifies prisoners 14, 18, 19, 21 and 24 as having been among the men who assisted in reloading the carts. He makes a mistake as regards the names of the 19th and 20th prisoners, but he appears to know the men well by sight. The 10th witness, a *vetti* of Kodikonda, identifies the 18th prisoner as one of the men who took part in reloading the carts. He was sent to Kodikonda to fetch the Police, and he accordingly went there, gave his message to the Police, told them to go to the Gutta and remained himself in Kodikonda. The 11th witness, a *Nirganti* of Kodikonda, states that he was one of the men who accompanied the Tahsildar from Tangepalli Gutta to Bagepalli. He identifies the 18th prisoner as one of the men who took part in the attack on the Tahsildar. He states that two or three men struck him with sticks and stones. This witness knows the 18th prisoner well by sight as he lived in his village about 5 years ago.

21. The 12th prosecution witness, the acting Village Magistrate of Kodur, was one of those who were present at Tangepalli Gutta when the mob assembled and reloaded the carts and among the men who took part in this he identifies prisoners Nos 14, 15, 18 and 24. After the Tahsildar had returned from Bagepalli, a mob of about four hundred or five hundred people, came up to where he was. The Tahsildar told the men who were with him to ask the members of the mob who they were and what they had come for, and they replied that if the sheds were erected, it would cause them trouble. The Tahsildar said that he was putting up the sheds under the orders of Government. The men on hearing this rushed at the Tahsildar and his party. The witness adds that he was hit a blow with a stick on the left side, that the crowd then pursued the Tahsildar and that, as he was afraid he should be beaten, he ran off.

22. The 13th witness, a *Nirganti* of Kodur, identifies prisoners Nos. 16, 18, 21, 22 and 24 as having been among the men who assembled and reloaded the carts. He was holding the bullocks belonging to the Overseer's cart at the time that the final attack was made on the Tahsildar, and cannot identify any of the persons that struck him. The 14th witness is the *ghaut taliari* who keeps watch in a hut near Tangepalli Gutta. He deposes that after the return of the Tahsildar

from Bagepalli on the evening of the 26th October, a crowd of people came up towards the Tahsildar from the direction of Kodur. The witness asked the men why they had come, and they replied that they wanted to beat the Tahsildar. He asked them why they wanted to assault the Tahsildar, and on that the 4th and 7th prisoners hit him. The 4th prisoner struck him with his closed fist on the neck while the 7th prisoner kicked him, when he was standing not far from the Tahsildar. As he was afraid of being seriously injured he ran off in the direction of Kodikonda to fetch the Police. He met the Head Constable and four constables not far from his *ghaut* and returned with them to the place where the Tahsildar had been beaten.

23. The 16th prosecution witness, Mastanappa a Constable attached to the Kodikonda Police Station, deposes that, on the 26th October, information having been received at the Police Station of the riot that had taken place at Tangepalli Gutta, the Head Constable told him to go at once to the spot. The Head Constable and four Constables, two of whom had carbines, left the station first, while the witness started about quarter of an hour after them and went by a foot-path direct to the Gutta. He was not armed. As soon as he got to the Gutta he saw the Tahsildar standing with the 2nd, 3rd, 4th and 7th witnesses and some *taliaris*. A crowd of men came up from the direction of Kodur and said that they wanted to represent to the Tahsildar that sheds should not be built there. Some one in the crowd cried out "Why do you look at this man? Strike him!" The Tahsildar told the witness to keep back the men, and he was able to do so for some little time. The men, however, advanced and the Tahsildar then tried to run away. The witness identifies prisoners Nos. 3, 4, 5, 6, 7 and 10 as having been among those who attacked him, and states that they gave him a beating and then tied him up to a tree. When this had been done, some one cried out "What do we care for this man? Let us run after the Tahsildar." They then pursued the Tahsildar and shortly after that the 14th prosecution witness came up and untied the witness. He then saw the Head Constable and four Constables who had just at that moment arrived at the place and joined them. The Head Constable asked the witness what had happened to the Tahsildar, and on the direction in which he had gone having been pointed out they all went there and saw a number of men surrounding him and beating him. Two of the Constables fired off their carbines in the air, and the crowd of men who had surrounded the Tahsildar on that ran off. The Head Constable seized hold of the 1st prisoner as he was running. The Tahsildar was found lying on the ground in a very exhausted condition. He was carried to a *chattram* in Kodikonda. All that he was able to say was that he had been beaten and he died at about 11 o'clock that night. In cross-examination this witness states that prisoners Nos. 3, 6 and 10 actually beat him while Nos. 4, 5 and 7 were standing close at the time, but did not actually strike him.

24. The 17th prosecution witness, the Station House Officer of Kodikonda, deposes that at about 6 o'clock on the evening of the 26th October the 10th witness came to him and told him that the Tahsildar had ordered the collection of materials at Tangepalli Gutta for the purpose of erecting sheds, that certain people had objected to the construction of the sheds, that the Tahsildar had gone to Bagepalli and that he should bring some Constables armed with carbines to the Gutta to preserve order. He accordingly started with four Constables armed with two carbines and twenty ball cartridges and went along the road to Bagepalli intending to meet the Tahsildar on his return from that village.

He did not see the Tahsildar on the road and returned in the direction of Tangepalli Gutta along the Bangalore high road. When he got to the tope near the Gutta he met the 14th and 16th witnesses who told him that the Tahsildar was being beaten, and he and the Constables then went at once to the spot where the Tahsildar was said to have been assaulted. When he got to the place he saw a crowd of 500 or 600 men of whom eight or ten were beating the Tahsildar while the rest were standing round. He told the Constables to fire off their carbines in the air, and as soon as they did so, the men ran away. He seized the 1st prisoner as he was trying to escape. The witness and the other Constables went to the place where the Tahsildar was lying and found that he had been very severely wounded, that he was unconscious and that his clothes covered with blood. He was not able to speak. The witness told the Constables to lift him up and carry him to the Police Station at Kodikonda, and he then said "I am dying! water!" They took him to a *chattram* in Kodikonda where his wife was stopping and there he died that night.

The 18th witness, the contractor who supplied the materials which were taken to Tangepalli Gutta for the purpose of erecting sheds, gives an account of the reloading of the carts, similar to that given by the 2nd and 3rd witnesses and adds that the 27th prisoner was taking a prominent part in directing the men to reload the carts and was shouting and making a considerable noise.

25. The following is an abstract of the statement made by the several prisoners before the Committing Magistrate and here.

On the 11th November the 1st prisoner before the District Magistrate said that he was told by the women in his house on the 26th October that it had been ordered by beat of tom tom that a man should go from each house to Tangepalli Gutta to remove the sheds, that were being erected there, that others had gone and that he followed lest he should be found fault with. When he got to the tope near the Gutta there was no one there, but saw six or seven people whom he joined. There was a large crowd at a little distance, but he did not attach himself to it. The Police arrested him as he was in the small group just mentioned. He knew nothing about the attack on the Tahsildar except that he saw him lying wounded in a *vanka*. The Police fired a gun and the people ran off. Before this Court he admits that he was arrested close to the place where the Tahsildar was knocked down and that he went to the place where the sheds were to be erected as he was ordered by beat of tom tom to do so.

26. The 2nd prisoner on the 30th October stated before the District Magistrate that the people of Chilamattur, Seenampalli, Tumalakunta, Sanjivarayanipalli, Samalapalli, Chinanapalli, Lalepalli, Kotapalli and Ajanapalli were ordered by the Village Munsif to send a man from each house on pain of punishment to prevent the erection of sheds by the Tahsildar, that he went with others to Tangepalli Gutta, that when he got there he was told that the Tahsildar had gone to Bagepalli, that he sat down waiting for sometime, that eventually as the Tahsildar did not return he went home, that he did not know what had happened afterwards and that he was arrested on the 30th October in his village. Before this Court he admits the correctness of the statement made by him before the Magistrate except that he denies having made mention of Tangepalli Gutta in that statement. He alleges enmity between him and the Village Munsif and Karnam of his village, and adds that he was not present when the carts were reladen, that the members of the crowd were standing and sitting about the place doing nothing and that he returned home before the Tahsildar came back from Bagepalli.

27. The 3rd prisoner on the 30th October stated before the Magistrate that, under the orders of the Reddi and Karnam of Chilamattur, he went with others to Tangepalli Gutta to object to the erection of sheds, that when he got to the place he saw five or six cart loads of bamboos, mats &c., that he was told that the Tahsildar had gone to Bagepalli and that when he returned home about 200 men were present. Before this Court he admits the correctness of the statement taken down by the Magistrate and states that he went to the place where the sheds were to be erected, that nothing was done while he was there, that the men present were standing and sitting quietly doing nothing, that no attempt was made to reload the materials and that the carts were still there with the materials when he left.

The 4th prisoner before the Magistrate stated that he heard nothing about the men of his village having been ordered to go to the Gutta and that he did not go there and knew nothing about what had happened at the place. He makes a similar statement here.

The 5th prisoner before the Magistrate stated that under the orders of the Village Magistrate he and a number of others went to Tangepalli Gutta to object to the erection of sheds, that when he got there the Tahsildar was absent, that a number of people who had assembled there reloaded the carts with the materials which had been taken out of them and drove them away, that he and others followed along the road with the carts in the direction of Lepakshi, that the people all said that the carts should be driven as far as Lepakshi, but that he left them and returned home and that he did not know what happened afterwards. Before this Court, he admits the correctness of the statement given before the Magistrate, but denies having seen the carts driven away. He admits that he went to the place where the sheds were to be erected and met a large crowd of people there and carts laden with materials, but asserts that nothing was done while he was at the place and that he left before the Tahsildar came back.

28. The 6th prisoner before the Magistrate stated that having been summoned by beat of tom tom he went to the place where the sheds were to be erected, that he saw carts laden with materials being driven from Tangepalli Gutta followed by a large crowd, that some accident happened to one of the carts and quantities of materials fell out and that as he was assisting with others in reloading the carts he heard that the Tahsildar had been beaten on his return from Bagepalli. He went back to his village Lalepalli. Before this Court he admits the correctness of his statement before the Magistrate, and states that he met a crowd of men with carts at a distance of two or three miles from his village. The men were running and he ran with them. He went towards the village and the others followed him. It was then dark.

The 7th prisoner stated before the Magistrate that having received an order from the Reddi that he should go and object to the erection of sheds he went to the Gutta at 4 P.M., that after he had gone there, he was told that the Tahsildar had gone to Bagepalli and that as it was getting dark he returned home. Here, he admits the correctness of the statement recorded by the District Magistrate and adds that when he went to the Gutta a number of people were there standing and sitting about the place doing nothing, that he went away before the Tahsildar had returned and that the materials were in the carts and that no one attempted to unload or reload them till he left the place.

The 8th prisoner stated on the 30th October that he was one of those asked to go to the Gutta, but that as he was an old man he did not go. Before this Court he makes a similar statement.

29. The 9th prisoner stated on the 30th October that having heard that all the people of his village had gone to the Gutta, he went there too. Certain officials had come there to put up sheds. The Tahsildar was being beaten in a Vanka, and as it was sinful to beat a Brahmin he took the Tahsildar's hand to protect him. The Tahsildar cried out and said "Don't beat me. I have come under the orders of my superiors." They, however, continued to beat him. The prisoner advised the Tahsildar to get up and go away. A man of Chilamattur, whose name he does not know, threw a large stone on the Tahsildar. K. Nanjadu gave the Tahsildar two blows on the head, and he on that became insensible. The prisoner then ran off to his own village. He states further that the Tahsildar was killed because the people did not like sheds being put up near their villages. The crowd was a very large one, some had sticks and there was great excitement. Before this Court he admits that he gave the statement recorded by the Magistrate, but states that it is not all correct, that he did not see the Tahsildar beaten, that he did not tell the District Magistrate that he saw the Tahsildar beaten. He did not go to the Gutta, but met the carts as they were being driven at a distance of about half a mile from the tope and followed them as far as the path leading to Kodikonda and then went back to his own village. He went to the Gutta because the 2nd witness had ordered that a man should go there from each house.

30. The 10th prisoner before the Magistrate stated that having been told by the females in his house that the 2nd and 3rd witnesses had ordered by beat of tom tom that a man should come from each house to Tangepalli Gutta to object to the erection of sheds he went there. A crowd assembled there and the members reynoked the bullocks to the carts and drove them away a distance of a mile. He followed the carts and cannot say what happened afterwards. Here, he admits that he made this statement before the Magistrate, but denies that he then stated that he had seen the carts being driven away. He adds that he went to the tope near the Gutta, that the carts were not there and that he could not say whether they had been driven away or not. The 2nd and 3rd prosecution witnesses had ordered that a man should go from each house to object to the building of the sheds and so he went.

The 11th prisoner stated on the 30th October that the 2nd prosecution witness had ordered him and all the others in his village to go to the Gutta to object to the sheds being erected, that the people of his village and also of Sanjivarayanipalli and Kottasamalapalli went there and that he followed them. The Village Magistrate went to bring the people of Chilamattur and some Brahmins and Komatis joined with them. The Reddi took money from the well-to-do people and omitted their names when he gave his statements reporting only the poor people. He did not see the Tahsildar beaten. There was a disturbance and he went away. Some carts which had been laden with bamboos and other materials were driven away as the people objected to the construction of sheds. He followed the carts. Before this Court he admits that he made the statement before the Magistrate, and says that he went with the other people to the Gutta. The Tahsildar had gone to Bagepalli and he left the place and went home. He adds that when he left the Gutta the carts were there with the materials on them, and that no attempt was made to unload them.

31. The 12th prisoner stated before the Magistrate that he went to the *Gutta* with others from his village, under the orders of the village officers, to object to sheds being built there. There was a crowd and carts were also there laden with materials. The people put the materials that had been unladen back in the carts and drove them away. He followed the carts as far as the path leading from Kodikonda to Lalepalli. The people cried out that the Tahsildar had returned from Bagepalli. They then stopped the carts. There was also a rumour that the Tahsildar had been knocked down. He remained with the carts for some time and then ran home to his own village. Before this Court he admits that the statement given by him before the Magistrate is correct, and says that he went to the place where the carts were. The people were lifting up the materials that had been taken out of the carts and reloading the carts with them. When the carts were driven away he followed them for some distance and then returned to his village.

32. The 13th prisoner told the Magistrate on the 30th October that he was not one of those who went to the *Gutta* and that he knew nothing about what occurred there. He makes a similar statement before this Court.

The 14th prisoner pleaded not guilty before the Magistrate. Here, he makes a similar plea and states that he did not go to the place where the carts were and that he was in Kodur when the riot took place.

The 15th prisoner states that he was working in his sugar-cane garden close to his village on the day of the riot and that he was not present at the *Gutta*.

The 16th prisoner states that on the day of the riot he was going round the villages begging and that he was not present at the scene of the riot.

The 17th prisoner says that he went to Chinnobalapuram on the day of the riot and that he knows nothing about the disturbance that took place.

The 18th prisoner states that he was in his house the whole day on the 26th October and that he does not know what happened at the *Gutta*.

The 19th prisoner says that he did not go to the scene of the riot on the 26th October, but that he was making gunny bags in his house.

33. The 20th prisoner asserts that he did not go to the *Gutta* on the 26th October and that he was employed during that day in collecting fibre.

The 21st prisoner says that he also was collecting fibre in a *Vanka* on the day that the riot took place.

The 22nd prisoner says that he was grazing his asses on the day of the riot.

The 23rd prisoner asserts that he was in Chalivendala village on the 26th October and that he did not go to the *Gutta*.

The 24th prisoner says that he lives by begging and that he was in his village on the day of the riot attending to his mother who was ill.

The 25th prisoner alleges that he was going round the villages begging on the 26th October and that he did not go to the *Gutta* on that day.

The 26th prisoner states that the Village Magistrate and the Karnam of his village ordered by beat of tom tom that all the men should go to the *Gutta*, that he also went there, that a number of men were there, that the Tahsildar was absent and that he went home before the Tahsildar's return. He adds that some carts were there laden with materials intended for the erection of sheds and that when he left the *Gutta*, the carts were still there with the materials on them.

34. The 27th prisoner stated on the 20th November before the District Magistrate, that the 2nd prosecution witness had proclaimed by beat of tom tom that a man from each house should assemble at the *Gutta* and that he and others went accordingly there to protest against the building of Plague sheds. The Reddi's son Ramappa asked him to go to the place and he accordingly went with him there. When he arrived at the *Gutta* he heard that the Tahsildar had gone to Bagepalli. Some 1800 to 2000 men had assembled there from his village and other hamlets and also from Kodur and Kodikonda, and they reloaded the carts with the materials and drove them away. The Tahsildar returned after sunset, and on his arrival found fault with the Reddi and the Karnam for not having taken down the names of the rioters. The Tahsildar was very angry and the Karnam under his orders wrote down some names in a note book. The 2nd prosecution witness sent one Narasigadu to inform the members of the mob that had assembled that they would be brought into trouble as the Tahsildar was getting their names written down. The members of the mob on that got bamboos from the carts and ran to the place shouting "Kobali". Then the Revenue Inspector, the prisoner and others tried to stop the members of the crowd who, without listening to them rushed on the Tahsildar and began to beat him. A Constable was also beaten. The three Reddis then bolted, and the Revenue Inspector and the Tahsildar also ran to the East for a distance of two furlongs. The members of the mob pursued them and beat them there. Some of the men gave the Revenue Inspector also a beating, but the prisoner and one Sunku Subbanna rescued him. Later on, he saw a number of people coming from the place where the Tahsildar had been knocked down towards the road. They cried out that the Tahsildar was dead and the crowd then began to disperse. He with some others assisted the Revenue Inspector to Chilamattur and left them at the house of the 2nd prosecution witness. This prisoner stated further that he was at Chilamattur on the 27th October, and that on the 28th he went to the Penukonda Munsif's Court to file certain documents. He then heard that his brother was ill at Lokoipalli in Kadiri Taluk. He went to see him and was arrested there on the 13th November.

35. Before this Court this prisoner makes the following statement. He pleads not guilty and admits that he made the statement which has been recorded by the District Magistrate and that it is correct. He says further that he was in Chilamattur on the 27th October, that he then informed the 2nd witness of all that he has now stated and that the 2nd witness did not tell him to go to the inquest, and so he did not go there. He gave no information to the Police as they did not ask for any. He went to Penukonda on the 28th October, returned to Chilamattur on the 30th and left for Lokoipalli on the 1st November as his brother was ill. He adds that he has lands in two or three villages in Kadiri Taluk and that he went from village to village to see these lands, travelling about up till his arrest on the 13th November. He asserts that it is not true as stated by many of the prosecution witnesses that he induced the men to reload the carts at the *Gutta*.

36. For the defence 15 witnesses have been examined. Their evidence cannot possibly be held to be of much importance. Of these witnesses Nos. 1 to 13 with the exception of No. 5 are produced for the purpose of showing that, on the morning of the 26th October, it was proclaimed by beat of tom tom in Chilamattur Village and also in its hamlet Lalepalli that Plague sheds were about to be erected at Tangepalli Gutta near the Mysore frontier and that one man from each house should assemble in order to meet the Tahsildar and protest against their erection. These witnesses further state that, in the afternoon of that day in obedi-

ence to the order which has been issued by their Village Reddi, they and other people assembled at the *Gutta*, that when they came there they were told that the Tahsildar had gone to Bagepalli and that they after waiting for his return for some time returned home. They all depose that carts were at the *Gutta* laden with materials which it was believed were intended for the erection of sheds, but they assert that no attempt was made to unload these carts or to reload them again during the time that they were there, and that although a number of people had assembled, they did nothing whatever of any description during the whole time that these witnesses were present. As regards the evidence put forward to the effect that the 2nd prosecution witness directed the people of Chilamattur and the adjoining hamlets by beat of tom tom to be present at the *Gutta* and to protest against the construction of sheds, it appears to me that, although it is most probable that the 2nd witness sympathised with the villagers in their opposition to the erection of sheds, yet that it is very doubtful if he would have dared to have publicly by beat of tom tom ordered the people to come and prevent the building of sheds. If he wished to take any such action, I think that he would have communicated his wishes quietly and not in such a public manner. I find it impossible to believe that, as is deposed to by these witnesses, a public proclamation was made by beat of tom tom in Chilamattur village sometime after the Revenue Inspector and the Overseer had arrived there, to the effect that the men should meet the Tahsildar and object to the sheds being erected. It appears to me to be perfectly incredible that the Village Magistrate would have dared to make such a proclamation in the village at a time that the Revenue Inspector and the Overseer were there.

37. The rest of the evidence given by these witnesses does not appear to me to be of great importance. It is perfectly certain that a large number of people assembled at the *Gutta* from Chilamattur and the surrounding hamlets, and it is quite possible that the witnesses, who have come forward now on behalf of the defence and who state that they went to the *Gutta* and then returned quietly, are telling the truth, but even supposing this to be the case, it would avail the prisoners nothing. There can be no doubt that a number of men collected, reloaded the materials on the carts, drove away the carts and afterwards murdered the Tahsildar, and the fact that certain persons have come forward to state that they left the place without taking part either in the rioting or in the murder of the Tahsildar cannot affect the question as to the guilt or innocence of the prisoners before the Court. Most of these witnesses have to admit that they are at present being prosecuted themselves before the District Magistrate of Anantapur on a charge of obstructing public servants in the discharge of their duty.

38. The 14th and 15th defence witnesses give evidence of what appears to be intended to be an *alibi* on behalf of prisoners Nos. 2, 5 and 8. This evidence, however, it is impossible to reconcile with the admissions of the 2nd and 5th prisoners both before the Committing Magistrate and this Court to the effect that they were present at the *Gutta* on the afternoon on which this riot took place. The evidence of these witnesses may be excluded from consideration as being worthless. The evidence of the Station House Officer of Kalyandrug (5th defence witness) is merely to the effect that, some years ago in connection with a charge of theft which had been preferred, the 24th prisoner accused the 2nd prosecution witness of having taken a bribe. This evidence is also of no importance. 119 witnesses were summoned for the defence, but of these only 15 were eventually examined by the pleaders who defended the prisoners. Many of the prisoners in their statements raised an *alibi* as their defence, but no attempt was made to prove the plea thus set up.

39. I now proceed to give my decision as regards each prisoner after consideration of the evidence against or in favour of him, and the opinions arrived at by the Assessors. As regards the 1st prisoner, the 1st Assessor is of opinion that he is guilty under sections 147 and 148 of the Penal Code, that he is not guilty of murder, but that he is guilty of abetment of murder. The view that, as I understand, this Assessor takes of the case is, that this prisoner was present when the Tahsildar was killed, but that as he has not been shown by the evidence to have been one of those who actually struck the Tahsildar, he should be found guilty not of murder but of abetment of murder. It does not appear to me that such a distinction can be drawn. If the evidence for the prosecution is to be believed, and the 1st Assessor appears to accept it, it must be held that the common object of the crowd who came up to attack the Tahsildar after his return to the *Gutta* was to kill him, and such being the case under the provisions of section 34 of the Penal Code, it must be held that every person who joined in that crowd and who assisted in carrying out the common intention of its members must be found to be guilty of murder equally with those who are proved actually to have themselves inflicted blows on the Tahsildar. Attention may also be drawn to section 109 which provides that whoever abets an offence if the act is committed in consequence of the abetment and no express provision is made in the Code for the punishment of such abetment (section 109) shall be punished with the penalty provided for the offence, so that the distinction raised by this Assessor disappears. The 2nd Assessor is of opinion that this prisoner is guilty of murder. I agree with him in the view that he takes of the case as against this man. The evidence against him is in fact stronger than against almost any one of the other prisoners in this case. It is briefly as follows. The Village Magistrate (2nd prosecution witness) identifies him as one of the crowd who came up with a stick to the *Gutta* and assisted in reloading the carts, and the same witness states that he was one of those who surrounded the Tahsildar when he was knocked down and killed. He is also identified by the Karnam (3rd witness) as having been close to the Tahsildar at the time of the attack, and he is further identified by the 5th and 6th witnesses. The 14th witness saw him running off from the mob and was present when he was arrested. The 17th witness actually arrested him quite close to the Tahsildar almost immediately after the Tahsildar had been beaten. The prisoner himself admits that he was present. Considering the whole evidence I cannot feel any reasonable doubt that he was one of those who joined in the forcible reloading of the carts at the *Gutta* and afterwards joined in the final attack on the Tahsildar. It is shown that he was armed with a stick, but it is not actually in evidence that he struck the Tahsildar. For the reasons I have already given he must be found guilty of murder, but in consideration of the fact that he was not one of those who actually inflicted a fatal blow on the deceased, I think that I am justified in not sentencing him to death and accordingly direct that he be transported for life.

40. The 1st Assessor's opinion as regards the 2nd prisoner is the same as that given by him with respect to the 1st prisoner, and the 2nd Assessor is of opinion that this prisoner is guilty not of murder, but of abetment of murder. I am of opinion that he must be convicted of murder. The 2nd witness identifies him as one of the men in the crowd who were present at the *Gutta* armed with a stick and assisted in reloading the carts. The same witness further identifies him as one of those who came back to him from the crowd after the carts had been driven away to a slight distance and advised him if he wished to save his life, to side with the people and not with the Government. He is also picked out by the 2nd witness as having been one of those who surrounded the Tahsildar at the time

ence to the order which has been issued by their Village Reddi, they and other people assembled at the *Gutta*, that when they came there they were told that the Tahsildar had gone to Bagepalli and that they after waiting for his return for some time returned home. They all depose that carts were at the *Gutta* laden with materials which it was believed were intended for the erection of sheds, but they assert that no attempt was made to unload these carts or to reload them again during the time that they were there, and that although a number of people had assembled, they did nothing whatever of any description during the whole time that these witnesses were present. As regards the evidence put forward to the effect that the 2nd prosecution witness directed the people of Chilamattur and the adjoining hamlets by beat of tom tom to be present at the *Gutta* and to protest against the construction of sheds, it appears to me that, although it is most probable that the 2nd witness sympathised with the villagers in their opposition to the erection of sheds, yet that it is very doubtful if he would have dared to have publicly by beat of tom tom ordered the people to come and prevent the building of sheds. If he wished to take any such action, I think that he would have communicated his wishes quietly and not in such a public manner. I find it impossible to believe that, as is deposed to by these witnesses, a public proclamation was made by beat of tom tom in Chilamattur village sometime after the Revenue Inspector and the Overseer had arrived there, to the effect that the men should meet the Tahsildar and object to the sheds being erected. It appears to me to be perfectly incredible that the Village Magistrate would have dared to make such a proclamation in the village at a time that the Revenue Inspector and the Overseer were there.

37. The rest of the evidence given by these witnesses does not appear to me to be of great importance. It is perfectly certain that a large number of people assembled at the *Gutta* from Chilamattur and the surrounding hamlets, and it is quite possible that the witnesses, who have come forward now on behalf of the defence and who state that they went to the *Gutta* and then returned quietly, are telling the truth, but even supposing this to be the case, it would avail the prisoners nothing. There can be no doubt that a number of men collected, reloaded the materials on the carts, drove away the carts and afterwards murdered the Tahsildar, and the fact that certain persons have come forward to state that they left the place without taking part either in the rioting or in the murder of the Tahsildar cannot affect the question as to the guilt or innocence of the prisoners before the Court. Most of these witnesses have to admit that they are at present being prosecuted themselves before the District Magistrate of Anantapur on a charge of obstructing public servants in the discharge of their duty.

38. The 14th and 15th defence witnesses give evidence of what appears to be intended to be an *alibi* on behalf of prisoners Nos. 2, 5 and 8. This evidence, however, it is impossible to reconcile with the admissions of the 2nd and 5th prisoners both before the Committing Magistrate and this Court to the effect that they were present at the *Gutta* on the afternoon on which this riot took place. The evidence of these witnesses may be excluded from consideration as being worthless. The evidence of the Station House Officer of Kalyandrug (5th defence witness) is merely to the effect that, some years ago in connection with a charge of theft which had been preferred, the 24th prisoner accused the 2nd prosecution witness of having taken a bribe. This evidence is also of no importance. 119 witnesses were summoned for the defence, but of these only 15 were eventually examined by the pleaders who defended the prisoners. Many of the prisoners in their statements raised an *alibi* as their defence, but no attempt was made to prove the plea thus set up.

39. I now proceed to give my decision as regards each prisoner after consideration of the evidence against or in favour of him, and the opinions arrived at by the Assessors. As regards the 1st prisoner, the 1st Assessor is of opinion that he is guilty under sections 147 and 148 of the Penal Code, that he is not guilty of murder, but that he is guilty of abetment of murder. The view that, as I understand, this Assessor takes of the case is, that this prisoner was present when the Tahsildar was killed, but that as he has not been shown by the evidence to have been one of those who actually struck the Tahsildar, he should be found guilty not of murder but of abetment of murder. It does not appear to me that such a distinction can be drawn. If the evidence for the prosecution is to be believed, and the 1st Assessor appears to accept it, it must be held that the common object of the crowd who came up to attack the Tahsildar after his return to the *Gutta* was to kill him, and such being the case under the provisions of section 34 of the Penal Code, it must be held that every person who joined in that crowd and who assisted in carrying out the common intention of its members must be found to be guilty of murder equally with those who are proved actually to have themselves inflicted blows on the Tahsildar. Attention may also be drawn to section 109 which provides that whoever abets an offence if the act is committed in consequence of the abetment and no express provision is made in the Code for the punishment of such abetment (section 109) shall be punished with the penalty provided for the offence, so that the distinction raised by this Assessor disappears. The 2nd Assessor is of opinion that this prisoner is guilty of murder. I agree with him in the view that he takes of the case as against this man. The evidence against him is in fact stronger than against almost any one of the other prisoners in this case. It is briefly as follows. The Village Magistrate (2nd prosecution witness) identifies him as one of the crowd who came up with a stick to the *Gutta* and assisted in reloading the carts, and the same witness states that he was one of those who surrounded the Tahsildar when he was knocked down and killed. He is also identified by the Karnam (3rd witness) as having been close to the Tahsildar at the time of the attack, and he is further identified by the 5th and 6th witnesses. The 14th witness saw him running off from the mob and was present when he was arrested. The 17th witness actually arrested him quite close to the Tahsildar almost immediately after the Tahsildar had been beaten. The prisoner himself admits that he was present. Considering the whole evidence I cannot feel any reasonable doubt that he was one of those who joined in the forcible reloading of the carts at the *Gutta* and afterwards joined in the final attack on the Tahsildar. It is shown that he was armed with a stick, but it is not actually in evidence that he struck the Tahsildar. For the reasons I have already given he must be found guilty of murder, but in consideration of the fact that he was not one of those who actually inflicted a fatal blow on the deceased, I think that I am justified in not sentencing him to death and accordingly direct that he be transported for life.

40. The 1st Assessor's opinion as regards the 2nd prisoner is the same as that given by him with respect to the 1st prisoner, and the 2nd Assessor is of opinion that this prisoner is guilty not of murder, but of abetment of murder. I am of opinion that he must be convicted of murder. The 2nd witness identifies him as one of the men in the crowd who were present at the *Gutta* armed with a stick and assisted in reloading the carts. The same witness further identifies him as one of those who came back to him from the crowd after the carts had been driven away to a slight distance and advised him if he wished to save his life, to side with the people and not with the Government. He is also picked out by the 2nd witness as having been one of those who surrounded the Tahsildar at the time

of the attack, and he is further identified by the 3rd, 5th, 6th and 7th witnesses. He admits that he was present at the *Gutta* at or about the time that this riot took place. It appears to me that in consideration of this evidence there can be no doubt that this man was one of those who in the first instance joined in reloading the carts and driving them away with the materials and was also one of those who took part that evening in the murder of the Tahsildar. I must, therefore, convict him of murder, but as he is not shown to be one of those who actually struck the Tahsildar, I consider that I am justified in sentencing him not to death but to transportation for life.

41. The 1st Assessor is of opinion that the 3rd prisoner is guilty of abetment of murder and the 2nd Assessor arrives at a similar conclusion. My view is that this prisoner must be convicted of murder. The Village Magistrate deposes that he was one of those in the second mob who came up armed with sticks and reloaded the carts, and also as one of the men who came up later in the afternoon after the carts had been driven away to some distance and advised the 2nd witness not to side against the villagers. The 2nd witness further identifies him as one of the men who surrounded the Tahsildar when he was beaten to death. The Revenue Inspector (4th witness) identifies this prisoner as having taken part in the riot as also do the 3rd, 5th and 6th witnesses. The 16th prosecution witness states that this man hit him. He admits that he was present at the riot. He must be convicted of murder as I can feel no doubt that he was present and took a prominent part among the members of the crowd who beat the Tahsildar to death, but in consideration of the fact that he is not proved to have actually struck the Tahsildar, I sentence him not to death but to transportation for life.

42. Both the Assessors find the 4th prisoner guilty of abetment of murder. My own view is that he should be convicted under section 302. The 2nd witness identifies him as one of the second crowd who came up to the *Gutta* armed with sticks and assisted in reloading the carts. He is further identified by the same witness as having surrounded the Tahsildar when he was beaten to death. Similar evidence is given by the 3rd prosecution witness as well as by the 5th and 6th witnesses. The 14th witness deposes that this man struck him with his fist, and the 16th witness says that while he was beaten this prisoner was standing close to him encouraging those standing who attacked him. He does not admit that he was present, but the evidence to show that he was at the *Gutta* and joined in the riot and in the final attack on the Tahsildar is irresistible. I, therefore, find him guilty of murder, but in consideration of the fact that he is not shown by the evidence to have himself struck the Tahsildar, I sentence him to transportation for life and not to death.

43. The 1st Assessor is of opinion that the 5th prisoner should be found guilty of abetment of murder and the 2nd Assessor is of the same opinion. My own view is that this man should be convicted of murder. The 2nd witness identifies him as one of those in the second mob who came up to the place where the carts were, armed with a stick and also as one of the men who surrounded the Tahsildar when he was finally beaten and killed. He is further identified by the 3rd and 5th prosecution witnesses, as also by the 16th witness as being one of those who were standing close to him and who beat him. He himself admits that he was present during the riot. The evidence against him appears to me to be overwhelming. I, therefore, convict him under section 302, Penal Code, but in consideration of the fact that he is not proved to have actually beaten the Tahsildar, sentence him to transportation for life.

44. Both the Assessors are of opinion that the 6th prisoner is guilty of abetment of murder. I consider that he must be convicted of murder. The 2nd witness identifies him as one of those who came up in the second crowd armed with sticks and joined in reloading the carts, and the same witness further states that he was one of the men in the crowd who surrounded the Tahsildar at the time of the assault. Similar evidence is given by the 3rd witness. The 16th witness picks him out as one of those who attacked him. He admits that he was present. As I can feel no doubt that he was one of those who attacked the Tahsildar, I find him guilty under section 302, but in consideration of the fact that he is not proved to have actually beaten the Tahsildar, sentence him to transportation for life.

45. The Assessors find the 7th prisoner guilty of abetment of murder. I, however, convict him under section 302. The 2nd witness identifies him as one of those in the second crowd who came up to the *Gutta* with sticks and took part in reloading the carts. The same witness gives evidence that he was one of the men who finally attacked the Tahsildar. Similar evidence is given by the 3rd witness. The 14th witness deposes that he hit him, and the 16th witness states that when he was beaten this prisoner was standing close by. He admits that he was present at the scene of the riot. The evidence appears to me to prove beyond all reasonable doubt that this man joined in the riot and also in the final attack on the Tahsildar. I find him guilty of murder, but in consideration of the circumstance that he is not shown to have actually struck the Tahsildar, I sentence him to transportation for life.

46. The 1st Assessor thinks that the 8th prisoner should be found guilty of abetting the commission of the murder, while the 2nd Assessor is of opinion that he should be convicted of murder. The 2nd witness states that this prisoner was one of the men in the 2nd crowd armed with a stick, and that he joined in reloading the carts and also that he was included among those who surrounded the Tahsildar when he was finally beaten to death, and both the 2nd and 3rd witnesses depose that they saw him hit the Tahsildar. He is further identified by the 5th, 6th and 8th witnesses as having been present. He denies that he was present, but has not been able to produce any evidence on his behalf. I can feel no reasonable doubt that this man was present at the riot and took a prominent part in the final assault on the Tahsildar. He is an elderly man and appears to have been one of the leading men among those who took part in the commission of this offence. There is clear and distinct evidence that he was seen to strike the Tahsildar. I, therefore, find him guilty under section 302, and under all the circumstances of the case feel that I have no option but to sentence him to death subject to the confirmation of the High Court.

47. The 1st Assessor is of opinion that the 9th prisoner should be found guilty under sections 147 and 148, Penal Code, and that he should not be convicted of abetment of murder. The 2nd Assessor is of similar opinion. The 2nd witness states that this prisoner was in the second crowd armed with a stick and that he joined in reloading the carts. The same witness deposes that he was present in the crowd which took part in the murder of the Tahsildar. He is further identified by the 8th witness and the man himself admits that he was present. That this prisoner took part in the riot armed with a stick, there can be no reasonable doubt. I am, however, not disposed to refuse to accept the finding of the two Assessors to the effect that the evidence to show that he was one of those who joined in the final attack on the Tahsildar cannot be held to be sufficient. I

consequently find him guilty under sections 147 and 148 of the Penal Code and sentence him to undergo rigorous imprisonment for three years.

48. The 1st Assessor is of opinion that the 10th prisoner should be found guilty under section 147, and the 2nd Assessor is of opinion that he should be convicted under sections 147 and 148. This prisoner is not one of those charged with murder. He is clearly proved by the evidence of the 16th witness to have been present among those who took part in the riot and to have assaulted this witness, and he himself admits that he was present. The evidence against him is not strong but coupled with his own admission of presence at the scene of the riot, I consider that there are no grounds for refusing to accept the opinion of the Assessors to the effect that he was one of the rioters. I am not satisfied that he was armed with a deadly weapon, and I consequently convict him under section 147, Penal Code and sentence him to undergo rigorous imprisonment for two years.

49. The 1st Assessor is of opinion that the 11th prisoner should be found guilty of abetment of murder. The second Assessor thinks that he should be convicted under section 148. My own opinion is that he should be convicted of murder. The 2nd witness identifies him as one of those who came to the scene of the riot armed with a stick and joined in the riot. The same witness deposes that he was one of those in the crowd who surrounded the Tahsildar at the time that he was beaten to death. The 3rd witness gives similar evidence, and he is further identified by the 5th witness. He himself says that he was present at the scene of the riot. I convict this prisoner under section 302 of the Penal Code, but in consideration of the fact that he is not shown by the evidence to have actually struck the Tahsildar, sentence him not to death but to transportation for life.

50. The 1st Assessor is of opinion that the 12th prisoner is guilty of abetment of murder. The 2nd Assessor considers that he should be convicted under sections 147 and 148. My own view is that he should be found guilty under sections 147 and 148 only. The 1st Assessor appears to have made a mistake in the case of this man, as he has not been charged with murder. The evidence for the prosecution shows that he was one of those who joined in the riot armed with a stick and assisted in reloading the carts. This is proved by the 2nd, 3rd, 5th and 6th witnesses. He admits that he was present at the riot. I sentence him to rigorous imprisonment for three years convicting him under sections 147 and 148, Penal Code.

51. The 1st Assessor finds the 13th prisoner guilty under section 302 and the 2nd Assessor is of the same opinion. I agree with them. The evidence against him is that the 2nd witness states that he was one of those who assembled in the crowd armed with a stick and joined in the reloading of the carts. The 2nd witness further deposes that he struck the Tahsildar. Similar evidence is given by the Karnam (3rd witness). The Revenue Inspector (4th witness) says that this man was one of those who came forward to beat him. The 5th witness states that he saw this prisoner strike the Tahsildar, and he is corroborated by the 6th witness. The prisoner denies that he was present. There appears to be no reason to doubt that this man took a prominent part in the final attack on the Tahsildar and also actually struck him. I convict him under section 302 and considering the evidence against him, have no option but to sentence him to death subject to the confirmation of the High Court.

52. Both the Assessors are of opinion that the 14th, 15th and 16th prisoners should be acquitted as the evidence against them is meagre. I agree with them, acquit these prisoners and direct that they be set at liberty.

53. The 1st Assessor is of opinion that the 17th prisoner is guilty of abetment of murder, and the 2nd Assessor thinks that he should be convicted under section 148. My own view is that this man must be convicted of murder. The 2nd witness states that he saw him among those who reloaded the carts and that he also joined in the crowd who finally attacked the Tahsildar and beat him to death. Similar evidence is given by the 3rd witness, and he is further identified by the 5th and 8th witnesses. He does not admit that he was present at the scene of the offence. I consider that in view of the evidence against him I have no option but to find that he was one of those who took part in the riot, but in consideration of the fact that he is not shown to have actually struck the Tahsildar, I sentence him to transportation for life.

54. Both the Assessors find the 18th prisoner guilty under section 147. I am of opinion that he must be convicted under section 302 of the Penal Code. The 2nd prosecution witness states that he is one of those who assisted in reloading the carts and also that he was one of the crowd who surrounded the Tahsildar when he was beaten to death. He is also identified as having taken part in this disturbance by the 3rd, 8th, 10th, 11th, 12th and 13th witnesses. The 8th witness mentions him as having been seen by him striking the Tahsildar. There appears to me to be no doubt that he was one of those who took an active part in the final attack on the Tahsildar which resulted in his death. I convict him of murder and sentence him to transportation for life.

55. Both the Assessors are of opinion that the 19th prisoner is guilty of murder. I agree with them. The 2nd witness deposes that this man was one of those who took part in reloading the carts. Later on, he was one of the crowd who joined in the attack on the Tahsildar, and this witness says distinctly that he saw the man hit the Tahsildar. The 3rd witness gives similar evidence and states that he was one of those who actually struck the Tahsildar and took a prominent part in committing the murder. The 5th witness corroborates these two witnesses and adds that he saw him hit the Tahsildar. He is further identified by the 6th and 9th witnesses, although it appears that the latter witness makes a mistake about the name of this prisoner. He does not admit that he was present during the riot. There can be no doubt that this man was present and took a leading part in the commission of this crime. I, therefore, convict him under section 302 and have no option as I conceive but to sentence him to death subject to the confirmation of the High Court.

56. The 1st Assessor is of opinion that the 20th prisoner is guilty of rioting, and the 2nd Assessor is of the same view. I agree with them. The 2nd, 3rd, and 9th witnesses prove that this man was present and took part in the riot, and I accordingly convict him under section 147 and direct that he do undergo rigorous imprisonment for two years.

Both the Assessors find the 21st prisoner guilty of rioting only. I agree with them. He is identified by the 2nd, 3rd, 9th and 13th witnesses as having assisted in reloading the carts. I convict him under section 147 and sentence him to undergo rigorous imprisonment for two years. The 1st Assessor thinks that the evidence against the 22nd prisoner is not sufficient to convict him under any section, and the 2nd Assessor finds the man guilty under section 147. My own view is that the evidence is not sufficient to justify the conviction of this man. He is not identified by any one except the 13th witness, and none of the witnesses of his own village have identified him. I am not satisfied that he actually took part in this riot. I, therefore, acquit him and direct that he be set at liberty.

57. The 1st Assessor is of opinion that the 23rd prisoner should be found guilty of rioting only and the 2nd Assessor arrives at the same opinion. My own view is that he must be convicted not only of rioting but also with having joined in the final attack on the Tahsildar. He is, therefore, convicted of murder. The 2nd witness identifies him as having been one of those who joined in reloading the carts and also as one in the final crowd who were present surrounding the Tahsildar at the time that he was killed. He is further identified by the 3rd and 8th witnesses. I do not see any reason to discredit this evidence, and as he is clearly proved to have been one of the men who joined in the crowd and attacked the Tahsildar, I convict him under section 302, but in consideration of the circumstance that he has not been shown to have actually struck the Tahsildar, I sentence him to transportation for life.

Both the Assessors find the 24th prisoner guilty under section 147 only, but I think that he must be convicted under section 302. He is picked out by the Village Magistrate (2nd witness) as being one of those who formed part of the crowd and surrounded the Tahsildar when he was killed. He is also identified by the 3rd, 8th, 9th, 12th and 13th witnesses. The evidence against him appears to me to be satisfactory, and I can feel no doubt that he formed one of the crowd who beat the Tahsildar to death. I find him guilty under section 302 and sentence him to transportation for life.

58. Both the Assessors find the 25th prisoner guilty of rioting only. My view is that he must be convicted of murder. The 2nd witness proves that he was one of those in the second mob who came up armed with a stick and joined in reloading the carts. He also came back to the 2nd witness leaving the carts when they were at a short distance and advised him to join the people and not the Government. He is further identified by the 2nd witness as one of those who surrounded the Tahsildar when he was beaten to death. Similar evidence is given by the 3rd witness. He is also identified by the 13th witness. I can feel no reasonable doubt that this prisoner has been rightly identified as one of the crowd who joined in the murder. I convict him under section 302 and direct that he be transported for life.

59. The 1st Assessor is of opinion that the 26th prisoner should be found guilty of abetment of murder, and the second Assessor finds him guilty under section 148. I hold that he must be convicted of murder. He is identified by the 2nd witness as having joined in the crowd and assisted in reloading the carts armed with a stick, and that he also came back to him and advised him not to side with the Government. The same witness states that he was one of the men who surrounded the Tahsildar. The 2nd witness further deposes that this man rushed forward armed with a stick. The 3rd witness identifies him as one of the men who were present when the Tahsildar was killed, and the 5th witness corroborates the 3rd witness. I cannot feel any doubt from the evidence given that this prisoner was in the crowd that joined in killing the Tahsildar. I accordingly convict him under section 302 and sentence him to transportation for life.

60. Both the Assessors consider that the 27th prisoner is guilty of rioting only. My own opinion is that he must be convicted of murder. There is a considerable mass of evidence against this prisoner. The 2nd witness has identified him clearly as having been one of those in the first crowd, and also states that he was present during the final attack on the Tahsildar standing close to him when he was beaten. He is further identified by the Revenue Inspector (4th witness) as

having been present at the death of the Tahsildar and as having assisted the Revenue Inspector to escape. He is also identified by the 3rd, 7th and 18th witnesses. He admits that he was present during this serious riot, but tries to make out that he was an innocent spectator and that in fact in so far as he took any part in what took place he assisted the Government authorities. It is perfectly impossible to accept this defence. There is clear evidence that he is one of those who took a prominent part in the riot that afternoon, and who was heard to give orders in a loud voice directing the reloading of the carts. He is also shown to have been a prominent member of the crowd who finally attacked the Tahsildar. The fact that he, a Brahmin, helped his brother Brahmin, the Revenue Inspector, to escape is in his favour, but this fact affords no grounds for acquitting him of the charge of having joined in the final attack in which the Tahsildar was killed. I can feel no reasonable doubt that he should be convicted under section 302. He appears to be a better educated and more intelligent man than most of the other prisoners, and such being the case he is the more to blame. I, therefore, convict him of murder and sentence him to transportation for life.

(Signed) LEWIS MOORE,
Sessions Judge.

List of witnesses and exhibits filed:—

1. The following witnesses were examined for the prosecution:—

1. George Charlesworth.
2. Rangappa.
3. Chennarayappa.
4. Narasimha Charlu.
5. Papigadu.
6. Narsigadu.
7. M. A. Vidianatha Iyer.
8. Kodikonda Hanumantha Reddi.
9. Babigadu.
10. Kadirigadu.
11. Chennigadu.
12. Rami Reddi.
13. Hanumanthugadu.
14. Kadirigadu.
15. Runga Reddi.
16. Mastanappa.
17. Muniappa.
18. Pir Sahib.
19. C. Adinarayana Rao.
20. R. Hussain Sahib.

2. The following witnesses were examined for the defence:—

1. Somaghatta Mallappa.
2. Tippanna.
3. Bagepalli Ramanna.
4. S. Adeppa.
5. Chendrabhan.
6. Gunta Ramanna.
7. Buddalla Mopuri.
8. Boya Venkatigadu.

V ₂₉ .	Statement of the 17th prisoner before the Committing Magistrate.
15-11-98.	
V ₃₀ .	Statement of the 18th prisoner before the Committing Magistrate.
15-11-98.	
V ₃₁ .	Statement of the 19th prisoner before the Committing Magistrate.
15-11-98.	
V ₃₂ .	Statement of the 20th prisoner before the Committing Magistrate.
15-11-98.	
V ₃₃ .	Statement of the 21st prisoner before the Committing Magistrate.
15-11-98.	
V ₃₄ .	Statement of the 22nd prisoner before the Committing Magistrate.
15-11-98.	
V ₃₅ .	Statement of the 23rd prisoner before the Committing Magistrate.
15-11-98.	
V ₃₆ .	Statement of the 24th prisoner before the Committing Magistrate.
15-11-98.	
V ₃₇ .	Statement of the 25th prisoner before the Committing Magistrate.
15-11-98.	
V ₃₈ .	Statement of the 26th prisoner before the Committing Magistrate.
15-11-98.	
V ₃₉ .	Statement of the 27th prisoner before the Committing Magistrate.
28-11-98.	
V ₄₀ .	Statement of the 27th prisoner before the District Magistrate.
20-11-98.	

4. The following Exhibits were filed for the defence :—

- I. Pro-note executed by P. W. 2 Rangappa to Jowkula Kondappa of
5-7-96. Lalepalli
- II. Deposition of the P. W. 5 Papigadu before the Committing Magistrate.
9-11-98.
- III. Deposition of the P. W. 6 Narasigadu before the Committing Magistrate.
9-11-98.
- IV. Deposition of the P. W. 9 Babigadu before the Committing Magistrate.
10-11-98.
- V. Deposition of the P. W. 12 Rami Reddi before the Committing Magistrate.
10-11-98.
- VI. Deposition of the P. W. 16 Mastanappa before the Committing Magistrate.
7-11-98.
- VII. Station report containing a statement of the 24th prisoner made to the
Station Officer of Kodikonda regarding the 2nd P. W. Rangappa.

(Signed) LEWIS MOORE,
Sessions Judge.

Confidential

Revenue (189⁹) Department.

CURRENT No. 1664
confd no 37

From

The Board of Revenue,
Land Revenue,
Madras.

Order

Routine No. 620/Confdl. 40

Dated 6th March 1899

Received 7th

Registered 8th

Enclosures -

Spare copies

SUBJECT.

Informing Government when the detailed report regarding the pecuniary circumstances of the family of M.R.R. T.G. Sundaresa Aiyar, the deceased Tahsildar of Hindupur, Anantapur District, will be submitted.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Confidential

1,000
17-1-00.



Proceedings of the Board of Revenue (Land Revenue).

NO.620 Routine/Confdl.NO.40,dated 6th. March. 1899.

Read the following Official Memorandum from Government, Revenue Department, NO.59/Confdl.NO.23,dated 24th February 1899.

"The Board of Revenue is requested to state when the detailed report regarding the pecuniary circumstances of the family of the deceased Tahsildar referred to in para 3 of its Proceedings, NO.472 Misc., dated 7th February 1899, may be expected."

,, and the Board's following Reference thereon, A NO.31, dated 28th February 1899.

"Forwarded to the Collector of Anantapur who is requested to state by return of post when the report referred to by Government may be expected in this office."

,, , also the following letter from Bannatyne Macleod Esqre., Collector of Anantapur, dated 2nd March 1899, Ref.on Petn.NO.1980 of 1898.

With reference to Board's Reference A NO.31(Confdl.NO.6) dated the 28th February 1899, I have the honour to report that the preliminary enquiry under the Article 797 (ii) of the Civil Service regulations held by the Collector of Madras was received only yesterday. A reference has been made to the Collector of Trichinopoly to enquire of the widow and father-in-law of the deceased Tahsildar about the value of jewels and other movable property left with the widow. As soon as the latter report is received from the Collector of Trichinopoly, the detailed report -

will be submitted.

Resolution.

In reply to the Memorandum from Government NO.59, dated -- 24th February 1899, the Board submits that the Collector of Anantapur reports that he has made a reference to the Collector of Trichinopoly to ascertain from the widow and father-in-law of the deceased Tahsildar about the value of jewels and other movable property left with the widow and -- that the detailed report called for by Government will be submitted on receipt of the necessary information from that officer.

2. The Collector of Trichinopoly is requested to expedite the report referred to by Mr. Macleod as Government particularly desires the early disposal of this question.

(True Copies and Extract)

Lancelotti

Ag. Secretary.

To the Secretary to Government, Revenue Department.

,, The Collector of Trichinopoly.

,, The Collector of Anantapur.

Confidential
Revenue (1899) Department.

CURRENT No. 2647
confd no 58

From

The Board of Revenue,
Land Revenue,
Madras.

Mis No. 1309/Confdl. 87

Order

Dated 18th April 1899.

Received 20th do

Registered 20th do

Enclosures a file

Spare copies

Please flag the up
SUBJECT *mark the file in the present*

Submitting to Government detailed report called for on the pecuniary circumstances &c. of the family of M.R. Py. T. S. Sunda esa Aiyar the deceased Tahsildar of Hindupur, Anantapur District and recommending the grant of an extraordinary pension to the family.

will be submitted.

Resolution.

In reply to the Memorandum from Government NO.59, dated -- 24th February 1899, the Board submits that the Collector of Anantapur reports that he has made a reference to the Collector of Trichinopoly to ascertain from the widow and father-in-law of the deceased Tahsildar about the value of jewels and other movable property left with the widow and -- that the detailed report called for by Government will be submitted on receipt of the necessary information from that officer.

2. The Collector of Trichinopoly is requested to expedite the report referred to by Mr. Macleod as Government particularly desires the early disposal of this question.

(True Copies and Extract)

W. Macleod

Ag. Secretary.

To the Secretary to Government, Revenue Department.

., The Collector of Trichinopoly.

., The Collector of Anantapur.

Confidential
Revenue (1899) Department.

CURRENT No. 2647
confd no 58

From

The Board of Revenue,

Land Revenue,

Madras.

Mis No. 1309/Confdl.87

Order

Dated 18th April 1899.

Received 20th do

Registered 20th do

Enclosures a file

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Please file the up
mark the
SUBJECT *file in the*

Submitting to Government detailed report called for on the pecuniary circumstances &c. of the family of M.R. By. T. C. Sundaresa Aiyar the deceased Tahsildar of Hindupur, Anantapur District and recommending the grant of an extraordinary pension to the family.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Confidential



Proceedings of the Board of Revenue (Land Revenue).

NO.1309 Mis./Confdl.NO.87,dated 18th April 1899.

Read again Board's Proceedings NO.3611 Mis./Confdl.NO.133 of 1898,dated 16th December 1898,Communicating to the Collector of Anantapur for information and guidance Government Order awaiting the receipt of certain reports and papers in the case of the late Tahsildar of Hindupur before the question of the grant of pension to his family is considered.

Board's Proceedings NO.472 Mis.,dated 7th February 1899.
also Board's Proceedings NO.620 Routine,dated 6th March 1899.
also letter from Pannatyns Macleod Esqre.,Collector of Anantapur,Dis.NO.3,dated 4th April 1899.

Resolution.

In its Reference NO.1364,dated 1st December 1898,the Board submitted proposals for the grant of a pension to the family of M.R.Ry.T.G.Sundaresa Aiyar who was killed in the execution of his duty as Tahsildar of Hindupur but no final recommendation was made in regard to the amount of pension to be granted to the family owing to the following circumstances.

(1) the formalities prescribed by the Civil Service Regulations had not been gone through by the Collector and that he had failed to notice the limitations prescribed therein;and (2) the enquiry in the criminal case pending against the late Tahsildar's assailants had not been concluded.

The Collector was therefore directed to hold a formal inquiry as prescribed by Article 794 Civil Service Regulations and to

*Q.O. 4940 N.
14-12-98*

*Order of the Bds'
14-12-98
4940 N.
14-12-98*

Draw up a report dealing specifically and in greater detail with the matters mentioned in article 785, viz.,

- (1) the character and service of the deceased;
- (2) the nature of the risk undergone and the conduct of the deceased in accepting it;
- (3) the nature and extent of the injury received;
- and (4) the pecuniary circumstances and prospects of the claimants.

From the information then available, the Board considered that a pension of Rs. 25 per mensem for 12 years under article 791 (b) II, Civil Service Regulations, instead of Rs. 67½ proposed by the Collector should be sufficient for the maintenance of the family consisting of two sons aged 15 and nine years respectively and a childless widow aged 19 and for the education of the sons. As the final decision of the case must necessarily -- take time the Board recommended the immediate grant by the Local Government either of a pension of Rs. 10 per mensem or a gratuity of Rs. 600 to be recovered from the pension ultimately to be sanctioned by the Government of India.

2. In its Order NO. 4940 Revenue, dated 15th December 1898, Government directed that the Collector should enquire more particularly into the pecuniary circumstances of the family ascertaining whether the late Tahsildar was a divided or an undivided member of it and desired that a copy of the decision of the Session Judge in the murder case should be sent as soon as it was issued.

3. The judgement in the murder case was submitted to Government with Board's remarks in Board's Proceedings NO. 472, dated 7th February 1899. The Board stated that the Tahsildar merely did his duty in circumstances where a weaker man would have shrunk from taking immediate steps to find out the ringleaders in the riot which took place in the afternoon of the 26th October last, that the risk he underwent as a Plague official was great and that there was no reason to suppose that he was responsible for the circumstances which led to his murder.

4. In the letter read above, the Collector submits the detailed report regarding the pecuniary circumstances of the family of the deceased Tahsildar, the character and service of the officer &c. and also forwards an application for pension to his family in the form prescribed in Article 793 of the Civil Service Regulations. As regards the character of the Tahsildar, the Collector states that during the two years which he served in the dis-

trict there was nothing which was ^{not} favourable to him. Prior to his transfer to Anantapur M.R.Ry.T.G. Sundaresa Aiyar was acting Deputy Collector in the Kistna District and the Government directed that he should revert to his permanent appointment of Tahsildar for having taken a loan from his shroff when he was a Tahsildar of Perambalur in the Trichinopoly District contrary to rules regulating the conduct of public servants (vide Government Order NO. 875 Rev., dated 2nd March 1896). Subsequently there appear to have been no complaints about the Tahsildar and the question of restoring him to the post of Deputy Collector was actually under consideration at the time of his death.

5. From the enquiries made by Mr. Macleod in communication -- with the Collectors of Tanjore, Trichinopoly and Madras, it appears that the Tahsildar was a divided member of his family and left assets and liabilities as shown below:--

Assets.

Life Assurance Policy	Rs. 6000
Silver vessels	50
Jewellery	950
Money lent on Promissory notes &c.	310
copper vessels.. ..	50
	<u>7360</u>

Paid up amounts in the chit fund of Rangaswami Aiyar in the Trichinopoly District	1116
(payable three years hence)	
Do. of Seshaiyar of Angarai	1339
(payable one year hence)	
	<u>9815</u>

Liabilities.

Debts to be paid	1500
------------------------	------

The total amount of the first chit is stated to be Rs. 3500 payable in 14 half-yearly instalments of Rs. 250 each. Sundaresa Aiyar had actually paid six instalments amounting to Rs. 1500 (Rs. 1500 -- the interest and sale profit due to his share). It seems that he was in default in regard to payment of the seventh and eighth instalments amounting to Rs. 329-1-2 due before his death. Six more instalments have yet to be paid and there is no probability of this being done. The Collector, however, considers that there is no fear of losing the paid up amount as it is re-

ported that the chit-holder is a man of substantial means and has executed a deed pledging 20 acres of his wet lands to the shareholders as security for the due fulfilment of his obligations and to be proceeded against by them if the fund should collapse. The other chit of Rs.2400 is almost fully paid up only two instalments amounting to Rs.350 being required to complete it. The elder son of the deceased has undertaken to pay up this amount out of the money lent out by his father (Rs.310 or Rs.40 short). If this is done the whole amount of Rs.2256 (Rs.2400 - Rs.144 for interest) may be realized in a year.

6. The ultimate proceeds of the chit funds being set off against the debts, funeral expenses &c., the Board considered that a sum of Rs.40 (or even Rs.60 with a less degree of safety) could be realized every month in the shape of interest on Rs.6000, the amount of Life Insurance Policy. The Collector now reports that such high rate of interest cannot be secured as the High Court while granting a certificate of guardianship to M.R.Py.G. Subrahmanya Aiyar, brother of the deceased Tahsildar, has ordered that the money left by the deceased should be invested in fixed deposits with Messrs Arbutnot and CO. The Collector points out that considering the rate of interest that is generally paid by that firm for deposits a monthly income of some Rs.20 alone will be received and that this will be quite inadequate for the maintenance of the surviving family even if the Government of India were pleased to sanction a pension of Rs.25 per mensem. Mr. Macleod accordingly adheres to his original recommendation as to the amount of pension (Rs.87½) laying stress on the facts that it will last only for a few years and that the pecuniary circumstances of the family are not the only consideration to be taken into account in granting a pension to the surviving members. He represents that Plague in the beginning was so much dreaded in the neighbourhood of Hindupur and the attitude of the people was so threatening that it required great courage and tact on the part of public servants to deal with the situation and that ~~xxx~~ Sundarasa Aiyar's courageous action resulted in the sacrifice of his life in the discharge of his duty. Mr. Macleod therefore urges strongly that his devotion to duty and self-sacrifice should be recognized and rewarded liberally, if only for example's sake.

7. While fully recognizing this aspect of the question, the Board fears however that there is little likelihood of the Collector's liberal recom-

mendation being accepted. As it understands the policy pursued in these matters, the Government only accepts the liability to preserve the family of a public servant killed in the discharge of his duty from actual want. If this view be correct it is improbable that the Secretary of State would sanction so large a pension as Rs.87½ per mensem. Nor could the Board itself recommend the grant of any pension in excess of the amount which the Government of India is itself competent to sanction, viz., Rs.25 per mensem for 12 years. On the view taken by the Board this amount should be sufficient to maintain the family and provide for the education of the two boys. For, against the debts due by the deceased and his funeral expenses may be set the proceeds of the chit funds and there will remain a monthly income of Rs.25 from the insurance amount invested with Messrs. Arbutnot and CO. Add to this the proposed pension and the total income of the family becomes Rs.50 per mensem of which Rs.10 might go to the maintenance of the widow, Rs.15 for that of the younger boy and Rs.25 for that of the elder who is now in his collegiate career; the shares of the two latter be transposed when the elder boy has taken his degree and becomes capable of earning his livelihood, and the younger is approaching the collegiate stage of his education. In 12 years' time both sons should have completed their education and the widow will have a claim on the estate for her maintenance.

8. The Board observes that the Collector recommends that a pension of not less than Rs.15 per mensem out of the amount to be granted to the family should be paid to the widow of the deceased Tahsildar separately. Under Article 791 (a) of the Civil Service Regulations, a pension granted for the support of a family is payable ~~xx~~ only to the eldest surviving son. The Collector points out that this rule will cause hardship as the son is not likely to pay any portion of the pension to the widow (second wife) who has been left uncared for. As according to Hindu Law, the widow is entitled to maintenance out of the family property, there seems, however, to be no necessity to depart from the rule in the Civil Service Regulations, except perhaps for the reason

that the grant of a separate allowance might save her from resorting to Civil Courts for procuring her maintenance allowance. The widow is now living with her father at Trichinopoly and from her father's deposition before the Town Deputy Tahsildar, it would seem that a piece of jewellery valued at Rs. 600 was taken away from her forcibly by the elder son on 14th November 1898 (after Sundaresa Aiyar's death) and ^{that} she has now in her possession jewellery valued at Rs. 350 only. If the grant of a separate allowance to the widow is not possible the Board would recommend that the whole allowance should be given to the son on condition that Rs. 10 per mensem be paid to the widow.

(True Extract)

Loael Davidson.

Ag. Secretary.

To the Secretary to Government, Revenue Department, with Collector's letter and enclosures in original to be returned.

Done 10.15.98

No. 59

Coups n° 23

OFFICIAL MEMORANDUM.

Rec'd 24/2/99

The Board of Revenue is requested to state when the detailed report regarding the pecuniary circumstances of the family of the deceased Tahsildar referred to in para 3 of its Pro. No. 472 dated 27 July 1899 may be expected.

filed 23/2/99

dy 24. 2. 99
sent 24/2/99

Done Board of Revenue (d.R.)

23/2/99

20/2/99

Current No. 1014
Coupt No. 24

From the Board of Revenue Land Rev:
No 472 Misc / Coupt No 28
Dated 7th February 1899.

FOR ORDERS.

To Secy

Please see pp 10 and
11 of the note for orders
with G.O. 4940 of 14th Dec:
1898. Of the four matters
to be taken into consideration
in deciding whether a pen-
sion should be granted to the
family of the deceased
Tahsildar and if so of
what amount, we have
now sufficient information
on three matters only vizt

- (1) His character and past
service; (^{wholly} ~~very~~ satisfactory)
- (2) The nature of the risk
and his conduct in accepting
it; (extraordinary risk and
unexceptionable conduct)
- (3) The nature and extent
of the injury; (death).

But

But the information on the
4th matter viz the pecuniary
circumstances of his family
is still incomplete and the
Board promises a further
report. This report must
presumably be awaited?

Sud WRM/10-2-89

If the report has not come
ask when it may be
expected JH 107-18

The Under Secretary

Please see O.M. to the Board submitted
below.

L.R.
23/2/99.

Mur

Levy

With the latest current R.P.
Mis No 1309 & 18.4-88 the
Bd submit a full
report on the case of
Palu. T. Sundaresa ^{Agar} ~~Murthy~~
who was murdered in
the execution of plague
dut. in Kodur in Anantapur
on the 26 Oct last.

FOR ORDERS.

The B.P. sets out the case
& previous correspondence
fully.

The only point on
which further comment
is needed is the matter
of the deceased Taluadar's
character & past service.

In para 4 of the R.P.
the Bd mentions that
T. G. Sundaresa Agar
was reduced to Tahs
when an ag Dy collector
for taking a loan from
his shop when Taluadar
of Perambalur in Pichay

C

G.O. 875 Rev & 2 March 96
but goes on to say
"Subsequently there

" appear to have been
" no complaints ^{about} ~~against~~
" the Taluadar & the
" question of restoring
" him to the post of Dy
" Collector was actually
" under consideration
" at the time of his
" death."

This is hardly puts
the matter correctly. Of

Amudarya Agari Collectors
Mr Shipley had a decided
had opinion of him
while Mr Macleod
thought well of him.
Govt was not disposed
to attach much weight
to Mr Macleod's opinion
& at the time of the Tahir
murder, the Bd was
arranging to transfer
him to work under
some other collector.

Anyway there seems
nothing to take exception
at in the Tahir's
conduct in the riot
which led to his death.

For order whether
India Shd be addressed to
franchise a pension of
Rs 25 per. for the support
of the family under
Art 789 of the C.S.R.
Under Art 791^(b) ii) C.S.R. the
pension is to be given to
the eldest son* for 12 years.

Seeing that the matter is
in the grace of Mr Govt
there seems to be no objection

Rule
notes
stopped
F.H. & I.

No: * this is the point
SH Mt.

* He being 16 years old

Hu Hui

to making it a condition
that Rs 10 per. shd be
paid to the childless
widow by her stepson.

He
21/4/88
Hu
SH 21/4/88

I should have liked to give
the family a pension of
Rs 50 a month -

Sec 791 -

Secs 789 & 791 C.S.R. are very
peculiar - It admits that the
pension of a female shd. be for
life or until marriage; but
provides that a family pension
must be given to the eldest surviving
son (if a major?); that it shall
be given to only one member; and
that if the said ^{male} member be above 50
& under 50 the pension shall run
for only 12 years -

I much doubt whether Sec 791 (b)
and (d) can be intended to apply
to family pensions -

Suppose the family consisted of
widow & daughters - The widow
would draw the pension for life -

Suppose the family consisted of
widow, daughters & infant son -

The pension wd. be in name of
son for 12 years only, & under
(d) if infant died the pension
must lapse -

childless -

I have written this because I think
the widow's pension should clearly
be for life - and I don't believe
the Rule is intended to prohibit this -

If it is thought
not worth while to go up to the
Sec of State, nor to raise the

question whether the childless widow is not eligible for a pension for life, then a pension of Rs 25 for 12 years is the max. which India can grant -

If a pension of Rs 25 is granted to the eldest son for the support of the family, & if the eldest son dies the following day the pension will lapse under 791(d)

which is absurd -

No reasonable construction can be put on art 791 -

I wd. therefore recommend to India

that the childless widow be granted a pension of Rs 10 for months for life, & the two sons a pension of Rs 15 for 12 years for their joint support

H.S.

24-4-99

I don't think there is any use in endeavouring to get a larger pension than the rules empower the Govt of India to grant, and Rs 25 seems to me sufficient. But the rules are puzzling & might work very harshly, and I agree with my hon. colleague as to the reference to India - they can at any rate explain the working of the rules, the hardship of which should be pointed out.

At 25.4.99.

Yours

F.H. 3.5.99

P. 20

Revenue Department

To the Under Secretary.

Please see draft submitted below

It appears that the letter should be addressed to the Govt of India in the Revenue & Agricultural Dept. It also appears that the application for pension in the form prescribed in article 798 of the C.S.R. should be submitted to India. The application submitted by the Collector needs

revision in the light of the recommendation now made by Govt.

It is not clear whether the application should be submitted for the widow at this stage. No mention is therefore made in the draft letter to India about these applications. They may be obtained & submitted if the Govt of India calls for them.

B.H.
10/5/99

article 1004(a)
of the C.S.R.

article 1004(d)

Reg W.

(Particulars as regards the husband's personal marks of identification are not available here.)

confidential

HM

H. E. the Governor
8/4/99

HM - 99
16-5-99
2.14
18.5.99

sent
20/5/99

conf. no 63

Revenue Department

Read again G.O. No. 4940 d/14-12-98
Read B.P. No. 472 mis d/7-2-99.
Conf. no 28
(CN: 1014 of 1899)

B.P. No. 620 sent d/6-3-99.
Conf. no 40
(CN: 1664 of 99)

B.P. No. 1309 mis d/18-4-99
Conf. no 87
(CN: 2647 of 99)

G.O. Misc No 1844 d/20-5-99
Conf. no 63
Ordered that the following
letter be despatched to the
Government of India.

13/4/99

Letter No 1844 A d/20-5-99
To The Secretary to the Govt of
India
Revenue and Agricultural
Deptt

Sir,

I am directed to request
that under articles 789 & 791 of the
Civil Service Regulations, the
Government of India will be

he pleased to sanction a pension of Rs 25 per mensem to the family of Mr. R. G. Sunderasa aiyar who was ^{murdered} ~~killed~~ on the 26th October last in the execution of his duty as Tahsildar of Hindupur in the Anantapur District.

2. The Circumstances ^{of the Murder} ~~which led to~~ ~~the murder of Mr. R. G. Sunderasa aiyar~~ are briefly these:-

The Tahsildar had orders to erect a Road Frontier Plaque Inspection Station on the confines of the Mysore territory. On the 26th October last, he proceeded with eight cartloads of bamboo & other materials to ^{the village of} ~~a place called~~ Tangepalleputta close to the boundary ^{between} ~~separating~~ the Hindupur taluk ~~from~~ the Mysore territory and, leaving there a Rev Inspector with orders to unload the carts, the Tahsildar proceeded to Bagapalle, a village in the Mysore territory, to consult with the ~~some~~ officials of the Mysore Govt. During his absence, a riotous crowd of about 500 men assembled at the place where the materials

Paras 2 to 5 of the Judgment
stitched with C.N. 1014/99 &

The numbers and excitement of the mob increased, and in spite of the efforts of the Tahsildar & his attendants to make the rioters stand back & listen to reason, some ~~a number~~ of them rushed on the Tahsildar and beat him with sticks & clubs till he fell insensible.

materials were being unloaded and, declaring that Plaque sheds should not be erected there, forcibly reloaded the carts and ~~drove~~ ^{drove} them ~~down~~ away. At about 7 P.M. on that evening the Tahsildar returned from Bagapalle and, learning what had occurred during his absence, directed the village officials to prepare at once a list of the ring leaders in the mob that had driven ^{away} ~~off~~ the carts. While this was being done, a large crowd of men assembled and ~~demanded an interview with~~ ^{remained an interview with} ~~and that they had~~ ~~something to say to the Tahsildar.~~ The Tahsildar made efforts to quiet them, but the mob got excited and finally rushing on the Tahsildar severely beat him with ~~the~~ sticks and clubs. The Tahsildar attempted to escape but was pursued and knocked down. A party of ~~police~~ ^{police} from the neighbouring station of Kodikonda arrived shortly afterwards and conveyed the injured Tahsildar to

to Kodikonda where he died two hours afterwards from fracture of the skull - His body was ~~within a couple of hours~~ covered with wounds & bruises -

3. The Tahsildar was in receipt of a salary of Rs 175 per mensem and had a pension of 22 years. The ~~appearance~~ ^{appearance} of the

Plague in the neighbourhood of Hindapur ~~caused~~ ^{excited} extreme dread. The ~~common people~~ ^{people} villagers assumed a most hostile attitude towards the plague officials; and

the situation ~~has~~ ^{has} called for the exercise of ~~great~~ ^{considerable} courage and tact on ~~the part of the police~~ ^{the part of the latter} servants. The death of

Eundarasa aiyar was undoubtedly due to his fearless conduct in facing a critical situation. ~~His Excellency~~ ^{His Excellency} the Governor in Council would therefore strongly urge that his devotion to duty and self sacrifice should be recognised and rewarded liberally.

4. The deceased Tahsildar has left a childless widow (Sellammal) aged about 20, two sons by his first wife (J. S. Jambunadan and

Application Plag. W.

At the subsequent trial of the rioters three persons were sentenced to death for the murder, fifteen to transportation for life, & five to various terms of imprisonment -

Para 9 of letter dy 4th April 99.

4. Antipathy to the measures taken to prevent spread of the plague has caused the villagers in many places to assume

For the entrancement of officials who may be placed in similar circumstances of difficulty and danger it appears just and necessary to make special provision for the family of an officer who ~~has~~ ^{thus} lost his life in the execution of his duty

was in receipt of a salary of Rs 175 per mensem & had a service of 22 years - He

Para 2 of the letter dy 14-11-98. Z

Para 7 of the letter dy 4-4-99. P.

and J. S. Anantaraman) aged 17 & 11 respectively and a married daughter about 15 years old. Of the two sons the elder is in his first year at College and the younger is at school. The widow who is not on good terms with her sons in law is now living with her father a clerk in the office of the Dy. Tahsildar of Trichinopoly. At the time of his death the Tahsildar was a divided member of his family & had no immovable property. From enquiries made it would appear that his moveable estate after payment of all debts and funeral expenses may be estimated at Rs 6000. His Excellency the Governor in Council recommends that the maximum pension of Rs 25 p.m. admissible under article 789 of the C.S.R. may be granted to the family of the deceased Tahsildar with effect from 27th October last. ^{5/} Article 791 of the C.S.R. lays down that a pension granted to the family

Para 5 of letter No. 1309 dy 18-4-99
CN. 2647/99.

NP. 5/

family of a Govt. officer killed in the execution of his duty shall be allotted ~~to the eldest surviving son~~ for the support of the family, failing sons to the eldest widow, failing ~~sons~~ both sons and widows to the eldest surviving unmarried daughter, failing these to the father and failing all others to ^{the} mother. It also lays down that in the case of males the pension shall ~~remain~~ ^{continue} if the pensioner is under six years of age till he is eighteen years old if above six and under fifty years for twelve years & if not under fifty years for life, that in the case of females the pension shall last for life or until marriage & that ~~the pension shall be given to~~ only one member of the family, no transfer of the pension to another member being permitted on its lapse either by the demise of the pensioner or for any other reason. ~~It is~~ doubtful whether clauses (b) & (d) of article 791 are intended to ^{apply to} family pensions.

The premature death of the eldest son would entail the lapse of the whole pension & leave the family in the same state of want which the pension was granted to alleviate.

x ~~Sethu~~

, who cannot re-marry &

⑧ J. S. Jeyarajam
J. S. Jeyarajam

It appears to Mr. E. An. Senic that the rules, if strictly interpreted, might work harshly in some cases.

~~In instance, if the family consists of a widow & daughters, the widow will draw the pension for life, if, on the other hand, the family consists of a widow, daughters and infant son, the pension will be in the name of the son till he is eighteen years old & should he die in the meantime the pension will lapse altogether. His Excellency the Governor in Council considers, therefore, that the childless widow ^{Sellammal} of Mr. Rly J. S. Sundaresa ^{anjan} should be granted a pension of Rs 10 per mensem for her life & the two sons a pension of Rs 15 per mensem for twelve years for their joint support.~~

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