

Revenue (1898) Department.

PRESS SERIES.

G.O., No. 326

Dated 2nd June 1898

[Despatch Abstract.]

Poligar Pension

Sanctioning the continuance of a reduced allowance of Rs. 150 per annum in the name of Pedda Mallapa Naidu, the eldest son of Krishnamaraju, political pensioner, Kurnool Dt, with effect from the date of the latter's conviction.

G.O.	No.	Department.	D.S.	G.O.	No.	Department.	Date.

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

CURRENT No. 10080.

From E. A. E. Thom Esq
of Collector of
Kurnool

Dis. No. 3510 of 1897
General

Dated 12-11-97

Received 22 '—

Registered 28

Enclosures 3

Spare copies

SUBJECT

SUBJECT.

Reporting that Krishnarajaramaraju has been convicted and sentenced to undergo rigorous imprisonment for 7 years and recommending that a compassionate allowance of Rs 15 per mensem may be granted to Krishnarajaramaraju's son, if Government decides to withhold his pension.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

In the High Court of Judicature at
Madras.
Friday the twenty ninth day of
October
One thousand eight hundred and ninety
Seven.

Present :-
The Honorable Sir Arthur J. H. Collins Kt.
Chief Justice
and
The Honorable Mr. Justice Benson.
Criminal Appeal No 21 of 1897
(Criminal Revision Case No 322 of
1897)
Taken up No: 28 of 1897.

And
Criminal Revision Case No 354 of 1897
(Criminal Revision Petition No 196
of 1897)

In Criminal Appeal No 21 of 1897

1. Kristanna Raju
 2. Appara Chappavagadu
 3. Mella Masum Sahib
 4. Guntakal Mastan
 - and
 5. Mallappa
- } Appellants
(Nos. 1 to 5 - Prisoners)

Appeal against the Sentences of
the

The Court of Session of the Harbour
Division in Case No. 34 of the Calendar
for 1897.

In Criminal Revision Case No. 322 of 1897.

(Taken up No. 28 of 1897)

1. Kristuama Raja,
 2. Appara Rangaswami
 3. Malla Masum Sali
 4. Jantakal Mastan
 5. Mullaappa
- (1st to 5th Accused
in C. No. 34
of 1897 on the
file of the Sessio
Court of Harbour.)

In original Revision Case No. 354 of 1897
(Criminal Revision Petition No. 196
of 1897)

The Public Prosecutor Petitioner

Petitioner under Sections 435
and 439 of the Criminal Procedure
Code praying the High Court to
enhance the sentences passed upon
the 1st to 5th accused in C. C. No. 34
of 1897 on the file of the Sessio
Court of Harbour.

This appeal and the Revision

Cases

Cases coming on for hearing after
service of notice on the accused in
the Criminal Appeal and in Revision
Case No. 322 of 1897, upon perusing
the petition of appeal and the
petition for Revision and the
record of the evidence and proce
dure before the Court of Session
and upon hearing the arguments
of the Public Prosecutor on behalf
of the Crown in all the Cases, the
Court delivered the following
judgment:—The accused have

been convicted by a jury or legal
evidence and there is no mistaking
We have therefore no power to inter
fere with the Court's sentence. As to the
sentence, the law provides that an
offence punishable under section
397 or 398 of P. C. the appropriate
sections in this Case shall be punished
with rigorous imprisonment for
not less than seven years.

The Sessions Judge has imposed
a sentence of only eighteen months
rigorous

rigorous imprisonment on the
 1st accused and nine months on each
 of the 2nd, 3rd, 4th and 5th accused.
 The Sessions Judge had no power
 to impose a sentence less than the
 law directs. Following the prevailing
 distrust, there is reason to think the
 penalty prescribed by law proper
 on the offenders with undue severity.
 The remedy lies with Government
 which is invested with the right in
 the exercise of its clemency to pardon
 offences in whole or in part.

He must therefore, in the exercise
 of his powers of revision, pass such
 a sentence as the law directs.

He accordingly modify the sentence
 of the Sessions Judge and direct that each
 of the accused Nos. 1 & 5 be imprisoned
 rigorously for seven years.

ordered accordingly
 (Sd) P. Gidispie
 Deputy Registrar
 Appellate side

(True M)

Kurnool
 12-11-1897
 13/11

For collection

In the Court of Session of the Kurnool Division.

Wednesday, the 7th day of July 1897.

PRESENT:

F. DU. P. OLDFIELD, ESQUIRE, Acting Sessions Judge.

Session Case No. 34 of 1897.

Preliminary Enquiry No. 2 of 1897 committed by Mr. K. Vijia Raghavachariar, Deputy Magistrate of Nandial in the Kurnool District.

No.	Name of accused.	Father's Name.	Caste or race.	Occupation.	Residence.	Age.
1	Kristnama Raju.	Bojjappa Naidu.	Golla.	Cultivation & Govt. political pensioner.	Maddikera.	42
2	Uppara Sanjivigadu.	Hanumanna.	Uppara	Cultivation.	Do	35
3	Mulla Masum Saib.	Mastan Sahib.	Mahomedan.	Inams.	Do.	40
4	Guntakal Mastan.	Timmanna.	Do.	Farm servant.	Do.	30
5	Mallappa.	Gunnayya.	Kuruba	Weaving.	Do.	45
6	Seshanna.	Hanumappa.	Golla.	Cooly.	Do.	48
7	Ramigadu.	Ranganna	Washer man.	Washer man.	Do.	55
8	Hanumadu.	Sanjappa.	Boya.	Vegetable seller.	Do.	32
9	Anjanigadu.	Hanimigadu.	Do.	Cultivation.	Do.	45

Date of:

1. Occurrence—15-11-96.
2. Complaint—15-11-96.
3. Arrest or appearance—17-11-96.
4. Commencement of trial—2-7-97.
5. Close of trial—7-7-97.
6. Explanation of delay—Nil.

- Jurors:—
1. Ameermiyya Sahib, a Mahomedan by caste & trader by profession (Foreman.)
 2. Katakam Barayya, a Komati trader.
 3. Jutur Chelamayya. Do.
 4. Pendekanti Yellayya. Do.
 5. Poola Virupayya, a Baliya by caste & cultivator by profession.

Accused were defended by Mr. M. B. Vardayyangar, a 1st Grade Pleader of this Court.

Offence:— { Dacoity armed with deadly weapons punishable under Section 397 I. P. Code.

Plea:—Not guilty.

Verdict of Jury:— { 1, 2, 3, 4 and 5 accused guilty, rest not guilty, as the accused 6-9 simply assisted the 1st accused to remove the grain.

Sentence:— { The 1st accused was sentenced to 18 months rigorous imprisonment and the 2,3,4 and 5 to 9 month's rigorous imprisonment each under Section 397 I. P. Code.

Heads of Charge to the Jury.

The accused are charged with committing dacoity using deadly weapons. Dacoity is committed when 5 or more persons use force in order to dishonestly remove the property from the possession of another. The prosecution case is that on the 15th November last the accused under the direction of the 1st accused came armed with battle-axes, pistols and swords and opened the grain pit of one Seshiah (P. W. 4) and in doing so wounded a Constable on the back. The accused admit that they opened the grain pit on that date. The 1st accused alleges that the pit was his, that he had filled it with grain, and that no force or dangerous weapons were used. I shall take these two points first and afterwards make some remarks on the case as a whole. As regards the ownership of the pit the witnesses say that there are many pits in this place and you must consider whether there is any definite ownership of these pits or whether the first comer uses any pit he finds vacant. The defence case is that the 1st accused opened the pit, that it was his own and that Seshiah has a totally distinct pit. Several prosecution witnesses gave evidence that Seshiah had a pit, and that grain was put in it by his people. For the defence other witnesses give evidence that the 1st accused had a pit and that he had grain put in it. Regarding the prosecution evidence no definite reason for disbelieving it has been shown, except as to the 16th witness. The 16th witness gave evidence here differently from that in the Lower Court. He says that he did so owing to Seshiah's threats ten days after the occurrence. He was however examined by the Sub-Magistrate two days after the occurrence. Considering this you may either absolutely disregard his evidence or if you think that you can accept the evidence before the Lower Court, you must then consider him with the rest of the witnesses. This appears to be the only definite objection to belief in any of the prosecution witnesses on this point. The defence evidence on the point and on the point of filling of the pit by the accused is given by persons over whom the 1st accused has influence. This influence arises through his being the head of their caste, through their being his servants or through their relationship to him. You must also notice that most of these witnesses were not present at the dispute, and only knew which pit was disputed because the 1st accused told them. Their evidence appears practically put into their mouths by the 1st accused. For the prosecution there is the distinct evidence of the Karnam and the Munsif that the disputed pit is that used by Seshiah.

Regarding the filling of the pit by 1st accused you must notice that he has not called his son, who is the person who chiefly managed the business.

There is also the evidence of some Komatis of the fact that shortly before this occurrence he was trying to borrow grain. No *alibi* or other evidence has been adduced by the accused to rebut this, but the accused simply denies it. If you believe this evidence it will show that at that time the 1st accused seems to have been in want. If you believe this it will supply a motive for this offence, and will also discredit his assertion that he had a store of grain in his pit. On this evidence you have to find whether the 1st accused's story is true, that the pit was his, and that he filled it with grain.

Coming to the actual occurrence on that day it is in evidence that the Tahsildar was in the village. Unfortunately the Tahsildar is dead. He cannot

be called. We have therefore to rely on the information which the Sub-Magistrate received from the Tahsildar when he saw him there. We find that the Tahsildar thought it worth while to get the Sub-Magistrate to come over. There is distinct evidence that the Tahsildar was there. The prosecution evidence is that early in the day he even told the accused that he must leave the pit alone till matters were settled. At all events there is the evidence of the talaries who were put to guard the grain pit. There is evidence that the 1st accused and the other accused came to the pit again with arms in their hands. The accused absolutely deny all this. No important discrepancies have been pointed out in the prosecution evidence. The chief point which must be discussed is the assertion that the Constable was wounded. You saw that he had no marks of wounds on his back when he came here. You must consider that all this happened six months ago and that therefore the wounds would very probably leave no marks. The Constable says that he went to the Hospital for two days. You must consider whether the defence could not have produced evidence from the Hospital books or Police registers to the falseness of this. They have not done so. You must consider whether the Constable would go to the Hospital except for good cause at the time when he knew he would come under the observation of the Inspector and the Superintendent. You must consider the evidence regarding the use of weapons and the actual opening of the grain pit in the light of these probabilities.

You must remember that the absolute denial of a disturbance by the defence was exceedingly indefinite and necessarily so the cross-examination by either side elicited no discrepancies on the actual facts of any great moment. On the general probabilities of the evidence you must note first that the defence allegation is that the whole case is concocted by the Village Munsif. You must consider whether the motive alleged is sufficient. The motive is said to be that the 1st accused presented a petition against the Village Munsif and that the allegations made in it were not made out. You must consider whether this is a sufficient motive for concocting a case of this nature and magnitude. You must remember that the Village Munsif is apparently a man of fair character who has not been punished for the last 12 years on his own statement. You must consider next whether it is probable for in a false case so many persons would be induced by the Village Munsif to conspire together. The Tahsildar was in the village on the day when the offence is said to have happened. Several Officers took part in the case the Tahsildar, the Inspector, the Salt Sub-Inspector, the Sub-Magistrate and the District Superintendent. You must also consider whether there is evidence that any attempt was made by those concerned to hush up the enquiry. You must then consider whether this plea of concoction is made out.

There is next the evidence that the 1st accused resisted for a considerable time when attempts were made to arrest him. You must consider why. You must decide first whether 1st accused had a right to open this grain pit and remove the contents. If you find that he had not, then you must decide whether these weapons were used and whether force was used. If you find that they were you must convict the accused.

I forgot to mention that there is the evidence of certain Komaties that they shut their shops on this day and telegraphed to the Collector that they were afraid that they would be looted. There is some evidence for the defence that the shops were not shut. You must consider which is true. There is also the evidence of the Salt Sub-Inspector that he ordered the liquor shops to be shut. He reported this to his superiors in his diary. If you think that the merchants and the liquor shop-keepers were compelled to close their shops you must consider whether they would do so except for strong reasons. If you find that there was strong reason and find that there was disturbance this evidence is very relevant regarding the defence contention that there was no disturbance at all. I must tell you that as regards the other accused who did not carry any weapons you must consider whether they can be held to have had the same intention as the other accused. You must consider whether men whose intentions are peaceful and regular would knowingly come and join with a number of others carrying with them deadly weapons. You must consider that the mere fact that they had no weapons in their hands

would not exculpate them from the offence. If you find that they were present and assisted by removing the grain their conduct must be viewed in the same light as that of others.

—:(o):—

The jury after retiring for consideration returned a unanimous verdict of guilty with regard to 1st, 2nd, 3rd, 4th and 5th accused and of not guilty as regard the 6th, 7th, 8th and 9th accused.

—:(o):—

The 1st accused is a Government pensioner and I consider the probable result is that he will lose his pension, in passing sentence. I also consider that he is a man of good family. Considering the season, I inflict a deterrent sentence of 18 months' rigorous imprisonment. I sentence the remaining accused who appear to have been under his influence and to be ignorant men to 9 months' rigorous imprisonment each.

SESSIONS COURT
KURNOOL,
7th July 1897.

F. DU. P. OLDFIELD,

Acting Sessions Judge.

—:0:—

Session case No. 34 of 1897.

1. The following witnesses were examined for the prosecution.

1. R. Narasinga Row, Stationary Sub-Magistrate of Pattikonda.
2. Venugopal Row, Circle Inspector.
3. Karnam Kristappa of Maddikera in Pattikonda Taluk.
4. Palukuri Seshayya of do. do.
5. Talari Timmadu of do. do.
6. Narasadu of do. do.
7. Syed Mustappa, Police Head Constable of Tekur in Ramallakota Taluk.
8. Sheikh Nasarammad, Police Constable of Maddikera in Pattikonda Taluk.
9. Karnam Chelamappa of Maddikera in Pattikonda Taluk.
10. Mustan Saib of do. do.
11. Padiga Hanumanna of do. do.
12. Narasappa of Bojjinipetta in Pattikonda Taluk.
13. Chinna Maddanna of Meddikera in Pattikonda Taluk.
14. Bade Saib of do. do.
15. Kesanna of do. do.
16. Nettakallu of do. do.
17. Lakshmayya of do. do.
18. Chinnayya of do. do.
19. Yella Reddi, Village Magistrate of Maddikera in Pattikonda Taluk.

The following witnesses were examined for the defence:—

1. Gundappa of Maddikera in Pattikonda Taluk.
2. Tirumala Reddi of do. do.
3. Jollapuram Timmanna of do. do.
4. Daud Saib of do. do.

5. Madhavayya of Maddikera in Pattikonda Taluk.
6. Gudur Mallayya of do. do.
7. Komma Giddayya of do. do.
8. Gundappa of do. do.
9. Venkataswami of do. do.
10. Venkatigadu of do. do.
11. Sunkadu of Maddikera in Pattikonda Taluk.
12. Chinna Maddanna of do. do.
13. Narayana of do. do.
14. Karrigadu of do. do.
15. Sanjappa of do. do.
16. Virayya of do. do.
17. Gaddam Gavurappa of do. do.
18. Kuruba Karranna of do. do.

The following witness was examined on behalf of Court:—

1. Abbaskhan, Police Constable, Kurnool.

The following exhibits were filed for the prosecution:—

- | | | | | |
|---------------------------|--|-------------|-----|-----|
| A.
17-9-96 | Statement made by Kristnamaraju (1st accused) before the Stationary 2nd class Magistrate of Pattikonda. | | | |
| B.
22-11-96 | Diary of Sub-Inspector of Salt and Abkari Department for the week ending 21-11-96. | | | |
| C.
15-11-96 | Report sent by the Village Munsiff of Maddikera to the Station House Officer of the same village informing him of the occurrence of the crime. | | | |
| D.
18-11-96 | Mahazar. | | | |
| E.
17-11-96 | Deposition made by Nettekallu (P. W. 16) before the Stationary 2nd class Magistrate of Pattikonda. | | | |
| F.
3-2-97 | Deposition made by Mahomed Saib before the Committing Magistrate. | | | |
| G.
18-3-97
&20-3-97 | Statement made by the 1st accused before the Committing Magistrate. | | | |
| H.
18-3-97 | Statement made by the 2nd accused before the Committing Magistrate. | | | |
| I.
18-3-97 | Statement made by the 3rd accused before the Committing Magistrate. | | | |
| J.
18-3-97 | Do. | 4th accused | Do. | Do. |
| K.
18-3-97 | Do. | 5th accused | Do. | Do. |
| L.
18-3-97 | Do. | 6th accused | Do. | Do. |
| M.
18-3-97 | Do. | 7th accused | Do. | Do. |
| N.
18-3-97 | Do. | 8th accused | Do. | Do. |
| O.
18-3-97 | Do. | 9th accused | Do. | Do. |
| P.
18-3-97
&19-3-97 | Deposition made by Davud Sahib (D. W. 4.) before the Committing Magistrate. | | | |

Q.
18-3-97
& 19-3-97

Deposition made by the Venkatigadu (D. W. 10) before the Committing Magistrate.

The following exhibits were filed for the defence:—

- I. A copy of telegram sent to the Police Inspector of Pattikonda by the Tahsildar of the same Taluk.
- II. Deposition made by Palakur Seshayya (P. W. 4) before the Stationary Sub-Magistrate of Pattikonda.
- III. Deposition made by Palakur Seshayya (P. W. 4) before the Committing Magistrate.
- IV. Deposition made by Chelamappa (P. W. 9) before the Committing Magistrate.
- V. Deposition made by Padiga Hanumanna (P. W. 11) before the Committing Magistrate.
- VI. Deposition made by Chinna Madhanna (P. W. 13) before the Committing Magistrate.
- VII. Deposition made by Abbas Khan (Court 1st witness) before the Committing Magistrate.

F. D. P. OLDFIELD,
Acting Sessions Judge.

Printed at the Victoria Press.—Kurnool.

100
REVENUE DEPARTMENT.

Mallikarjuna Varadar
(original granted)

Pardon conferred on him was
Rs 49-3-6.

Bojjaappa nayudu
Half pension Rs 49-3-6
was registered in this
man's name conjointly with his wife
in Cor no 804 of 28th June 1873

Arichanna
raja (now convicted)
Half pension viz Rs 24-9-9
granted to this man, the other
half being conferred on his
uncle Boja raja in G.O.
no. 624 dated 16-5-76.

Ramappa nayudu
(family attach)

Arishannaraja
(family attach)

Bojaraja
Half pension granted
to this man, the other
half being conferred
on his nephew Arish
namaraja G.O. no 624
dated 16-5-76

Petta molappa
nayudu
(age 18 yrs)

Vasanta
nayudu
(16 yrs)

Chinna
molappa
nayudu
(12 yrs)

Leingarayudu
(7 yrs)

Ramaraja
(24-9-9)
continued in
the name
of this man
B. P. no 474
of 12-2-85

Ramachandra
raja.
- nashha
raja
raja

Kurnool
12-11-97

13/11/97

For apc collector

No. *Kudub* DISTRICT COLLECTOR'S OFFICE,
12-11-1897.

FROM *E. A. E. hui* Esq.,
Collector of the *Kudub* District,

To *chief*
THE SECRETARY TO GOVERNMENT,
REVENUE DEPARTMENT,
Madras.

SIR, Adverting to Government Order
2517 *mis*. I have the honour to report
that ¹⁷⁻⁵⁻⁹⁷ *Holigar* pensioner *Krishna*
maraju of *Maddikera* was con-
victed by the Sessions Court under
S 397 I.P.C. and sentenced to un-
dergo rigorous imprisonment for
18 months. The High Court subse-
quently upheld the conviction and
enhanced the sentence to rigorous
imprisonment for 7 years. Copies
of the judgments of the Sessions
Court and High Court in
case dated 7-7-97 and 29-10-97
respectively are herewith sub-
mitted for the information of

1897
REVENUE DEPARTMENT.
Enclosure No. *3*
Office No. *1007*

of Government.

2. The question of the continuance or otherwise of the pension of Rs 24-9-9 per mensem hitherto enjoyed by Krishnamaraju has now to be considered. The order of Government conferring the pension on the first holder is stated in para 1 of the Government Order under reply not to be forthcoming, and the terms of the original grant are not therefore known. It is possible that some information on the point might be obtained from a register containing particulars as to the nature of the pensions granted to certain poligars, which is mentioned in Board's Proceedings⁷³⁹¹ 12-11-64 disposed of in Government Order³⁰³ 13-2-65. It is presumed that this register is to be found in the Government

A search has been made in the old Revenue Office & the Register is not forthcoming. Please see.

Government Office. What can be said about Krishnamaraju's pension is that it has probably been hereditary in his family (Board's Proceedings⁵²⁰⁷ 15-12-59 disposed of in Government Order²⁶ 5-1-60) and appears to have been granted in perpetuity (B.P. ⁴⁷⁴ 12-2-85). I have reported in my letter R.C. no. ⁴⁵⁴ Eng of '97 dated 17-4-97 that Krishnamaraju's family is in a state of destitution, and I therefore beg to recommend that, if Government decides to declare the pension forfeited, a small compassionate allowance, say Rs 15 per mensem, may be granted for the maintenance of himself and his 3 brothers to Krishnamaraju's eldest son, Peda Mallappa Nayudu.

3. A genealogical tree is appended.

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

P. J. [Signature]

18/11/97

FROM

THE COLLECTOR OF THE

District,

To

THE SECRETARY TO GOVERNMENT,

DEPARTMENT,

Madras.

Dated

Despatched

189

Received

No.

ENCLOSURES.

SUBJECT.

[Poll.]
7
1,000-25-11-96.

Political (1896) Department.

CURRENT No. 1528.

From

The Judicial Officer

Order

No. 27.

Dated 16 February 1898.

Received 21

Registered 22

Enclosures/

Spare copies

SUBJECT.

Accepting Mr. Aldfield's explanation as to the circumstances under which an illegal sentence was passed by him in Kurnool Session Case No. 34 of 97 & directing that sentence passed by the District Court on appeal on the accused etc. in that case be reduced to one of years rigorous imprisonment, the first and of 3 years rigorous imprisonment as well as the

1898

REVENUE DEPARTMENT

No. 1

BACK PAPERS.

G.O.	No.	Department.	Date.
		General Secretariat	4/8/98 3/12/97

FURTHER PAPERS.

G.O.	No.	Department.	Date.

[G. 53]
2,000-5-1-98.

Judicial Department.



PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following paper:—

From the Registrar of the High Court, Madras, No. 2908 J, dated 29th October 1897, forwarding for the consideration of His Excellency the Governor in Council a copy of the judgment of the High Court in Criminal Appeal No. 421 of 1897 and Criminal Revision Cases Nos. 322 and 354 of 1897.

From the Sessions Judge, Kurnool, No. S, dated 13th November 1897.

From the Sub Collector and Joint Magistrate of the District Kistna, Dis. No. 3382/Rev. of 1897, dated 1st December 1897:—

With reference to your No. 2496, dated 23rd November 1897, I have the honour to offer the following:—

1. I desire first, with reference to the judgment of the High Court to respectfully disclaim any intentional disobedience to the provisions of the Code in the matter of sentence. The offence of dacoity armed with a deadly weapon is one of the very few for which a minimum term of imprisonment is prescribed and the case under reference was the first under section 398 I.P.C., which has come before me during my service. I regret that an incorrect sentence should inadvertently have been imposed.

2. I pass to the facts of the case, and to the advisability of a reduction of the sentence of 7 years rigorous

imprisonment by His Excellency the Governor in Council. I con-
cur fully in the finding of the jury which, I have no doubt, was
correct. The offence, however, was committed on the 15th November
1896. The accused were not committed for trial till the 5th
April 1897, the delay occurring through the transfer of the case,
and through slow progress in recording the large amount of evidence
in the committing Magistrate's Court. The further interval was due
to a vacation. After so long a time, heavy punishment must lose
something of its deterrent effect, and become pro tanto less neces-
sary.

The state of the season, and the distress then prevail-
ing in Kurnool are known to Government.

3. The considerations affecting the 1st accused are his
position, as head of his caste, and man of family, and as a Govern-
ment pensioner. The question of reduction of his sentence will
doubtless be considered by Government in connection with the termi-
nation of his pension. I may state that my sentence was passed before
the recent orders of Government on the subject were received. His
~~attention~~ ^{showed} action no doubt serious contempt for law and order: he is
however comparatively young (42). The punishment of 7 years rigorous
imprisonment would be exemplary. ~~How far an exemplary.~~ How far an
example is called for, my short stay in Kurnool District does not
permit me to estimate.

4. The remaining accused are ~~are~~ ignorant men of no position,
and in my opinion acted under the influence of 1st accused, not as
his independent associates. The prevailing scarcity would be a
strong incentive. The punishment of 7 years rigorous imprisonment is,
as compared with these frequently awarded in other cases, in which
~~far more~~ ^{a more} serious disturbance, and injury to person and property,
occur, in my opinion, heavy, and I consider that it may, without
danger, be substantially reduced.

5. The record is returned.

From the Revenue Department, No. 5, dated 17th January 1898.

O R D E R: - No. 277, dated 16th February 1898.

The Government accepts Mr. Oldfield's explanation as to the
circumstances

circumstances under which the illegal sentence was passed.

With regard to the question whether any reduction of the
sentence imposed by the High Court is called for, the Govern-
ment observes that the position, pension and respectability
of the first accused, which are put forward by Mr. Oldfield
as for clemency, should have operated in preventing partici-
pation in a grave crime and therefore constitute a reason
for a heavy and not for a light sentence. Considering all
the circumstances His Excellency the Governor in Council con-
siders that the interest of justice will be sufficiently
served by the imposition of a sentence of five years rigorous
imprisonment on the first accused Kristnama Raju and of sen-
tences (of three years rigorous imprisonment on each of the
others) and under section 401 Criminal Procedure Code the
present sentences will be reduced accordingly.

(True Extract)

Adhikari

for Chief Secretary.

To the Hon. the Chief Justice of the High Court (with C.L.)
,, District and Sessions Judge, Kurnool.
,, F.D.P. Oldfield Esq., I.C.S.
Copy ,, Revenue Department (with Rev. Dept. C. No. 10080 & file of
papers ret'd.)
,, ,, Inspector-General of Prisons.
,, ,, Police.
,, ,, District Magistrate of Kurnool.

Register for allowances granted in lieu of ransomed captives or prisoners

Names of the Grants	Age	Sex	Former situation of the grantee	Nature of the office or privilege held by the grantee	Date of the commutation of the service or resumption of the privilege	Abstract of the cause of commutation or resumption	Hereditary	Not Hereditary	Monthly amount of compensation	Annual amount of compensation	Remarks
Family of Julla Ransomed Kaid	...	...	...	...	...	...	...	...	...	...	...
Ransomed Kaid	44	M.	...	...	30. 1. 1811	...	...	...	41 30 520	...	...
Ransomed under of Aste Madam	61	F	...	...	1. 1. 1801	...	...	...	56 11 20 635	...	...
Copelande Clime Kulla Ralli	39	M.	...	...	...	...	...	...	10 120	...	...
do Rana Kulla Rallie	312	M.	...	...	1. 1. 1801	...	...	...	10 120	...	...
Ransomed	61	F	...	...	...	...	...	...	2 14 25 14 8	...	...
Ransomed Rallie under J...	...	...	...	...	...	...	...	...	198 8 16 2318 8 32	...	...
Chinial Vankatragan Rany	40	M.	...	...	...	...	...	...	532 12 6314 1 14	...	...
Copellor Ransomed Ralli	41	M.	...	...	1. 3. 1802 & 14 2 24 Sep. 1813.	...	...	...	23 19 58 231 11 20	...	...
Rallie Rallie	51	M.	...	...	...	...	...	...	4 6 54 10 35 8	...	...
do Alun	41	M.	...	...	...	...	...	...	2 11 20 2 1	...	...
Ransomed Rallie	32	M.	...	...	1. 3. 1801	...	...	...	4 12 64 51 49 16	...	...
Ransomed Rallie	40	M.	...	...	...	...	...	...	2 38 11 34 16 1	...	...
do Family of Ransomed Rallie	46	M.	...	...	...	...	...	...	935 40 1114 30	...	...
do Ransomed Rallie	...	M.	...	...	10. 11. 1813	...	...	...	16 30 250	...	...

During the period of the war, the following grants were made in lieu of ransomed captives or prisoners

Date of the Grant. Name. Remarks.

...

Pampa Grass	50
Grasshopper Grass	35
Orange Grass	40
Wheat Grass	35
Verget Redd	55
Grass	50
Tipple Grass	35
Grasshopper Grass	22
Grasshopper Grass	40
Verget Grass	45
Verget Grass	70
Verget Grass	40
Verget Grass	25
Verget Grass	50
Verget Grass	35
Verget Grass	50
Verget Grass	25
Verget Grass	16

Grasshopper	50
Grasshopper	35
Grasshopper	40
Grasshopper	55
Grasshopper	50
Grasshopper	35
Grasshopper	22
Grasshopper	40
Grasshopper	45
Grasshopper	70
Grasshopper	40
Grasshopper	25
Grasshopper	50
Grasshopper	35
Grasshopper	50
Grasshopper	25
Grasshopper	16

Grasshopper	50
Grasshopper	35
Grasshopper	40
Grasshopper	55
Grasshopper	50
Grasshopper	35
Grasshopper	22
Grasshopper	40
Grasshopper	45
Grasshopper	70
Grasshopper	40
Grasshopper	25
Grasshopper	50
Grasshopper	35
Grasshopper	50
Grasshopper	25
Grasshopper	16

Grasshopper	50
Grasshopper	35
Grasshopper	40
Grasshopper	55
Grasshopper	50
Grasshopper	35
Grasshopper	22
Grasshopper	40
Grasshopper	45
Grasshopper	70
Grasshopper	40
Grasshopper	25
Grasshopper	50
Grasshopper	35
Grasshopper	50
Grasshopper	25
Grasshopper	16

Grasshopper	50
Grasshopper	35
Grasshopper	40
Grasshopper	55
Grasshopper	50
Grasshopper	35
Grasshopper	22
Grasshopper	40
Grasshopper	45
Grasshopper	70
Grasshopper	40
Grasshopper	25
Grasshopper	50
Grasshopper	35
Grasshopper	50
Grasshopper	25
Grasshopper	16

Grasshopper	50
Grasshopper	35
Grasshopper	40
Grasshopper	55
Grasshopper	50
Grasshopper	35
Grasshopper	22
Grasshopper	40
Grasshopper	45
Grasshopper	70
Grasshopper	40
Grasshopper	25
Grasshopper	50
Grasshopper	35
Grasshopper	50
Grasshopper	25
Grasshopper	16

Grasshopper	50
Grasshopper	35
Grasshopper	40
Grasshopper	55
Grasshopper	50
Grasshopper	35
Grasshopper	22
Grasshopper	40
Grasshopper	45
Grasshopper	70
Grasshopper	40
Grasshopper	25
Grasshopper	50
Grasshopper	35
Grasshopper	50
Grasshopper	25
Grasshopper	16

Grasshopper	50
Grasshopper	35
Grasshopper	40
Grasshopper	55
Grasshopper	50
Grasshopper	35
Grasshopper	22
Grasshopper	40
Grasshopper	45
Grasshopper	70
Grasshopper	40
Grasshopper	25
Grasshopper	50
Grasshopper	35
Grasshopper	50
Grasshopper	25
Grasshopper	16

Encl X
In No 297.

Mr Rosier 218.2.34

Mr Rosier
Rosier

218.2.34
218.2.34

Furnished, to be kindly
returned when no longer
required

K. S. Wamkannu

18-19-8

Asst Secy

Board of Rev. Mr

Received
with 2 mls
by
M. J. J.

Accounting Bureau
Sent to J. J.
20/1/98.

By The Acting
Under Secretary to Govt
Rev. Deptt with
Enclosure X of 21. 2. 1874
& a printed copy of the
Old Bellary Records.

Office Note No. 5 dated 17th January

The Revenue Department papers (C No 10086 and connected papers) relating to the question of the determination of the Poligar pension enjoyed by Krishnamarazu of Maddikera are herewith forwarded for reference and return

As requested, The current has not yet been disposed of as the papers relating to the original grant of the pension are not forthcoming and a requisition has been sent to the Board of Revenue for Mr. Ross's Register referred to by the Collector and some other papers.

Fort Saint George
17th January 1898

(Sd) H. C. Margot Banks.
Ag. Asst. Secy to Government



MEMORANDUM

Required for reference the under-mentioned papers:—

For C. No. 10180 of 1897.

- (1) Mr Ross's Register X dated 21st February 1814. referred to in para 2 of Board's Proceedings No 7391 of 12.11.64.
- (2) Sir Thomas Munro's report dated 20th March 1802 on Poligar pensions of ceded Districts.

GOVERNMENT OFFICE,
Revenue Department,
15 Jan 1897

To
The
Secretary to the Board of Revenue
Madras

With Secretary
ag. Asst. Secy to Govt.

W. H. G.

Letter 15th Jan 1898

Revenue (1898) Department.

*Awaiting papers
into Secy. Mr. 7/5*

CURRENT No. 3044.

From The Accountant General
Madras.

Order

P. S. S.

No. *Letd*
108

Dated 21 April 1898

Received 22 -

Registered 23 -

Enclosures

Spare copies



SUBJECT

Requesting to furnish the
orders of Govt if any passed
on Revenue Pensioners Krishna-
maraj to whom a pension of
Rs 295-5- per annum has
been granted under G. O. No. 624
dt. 16 May 76 and who requests
that during ^{the period of} his imprisonment
the arrears of the pension
due to him may be paid to his
son Mallikarajulu Naidu.

Reg
25/4/98

BACK PAPERS.

G.O.	No.	Department.	Date.
624	216-5-76.		
2517	2-7-5-77		

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Pension

DEPARTMENT.

FORT ST. GEORGE,

Accountant-General's Office,

21 April 1898.

No. I.A.D.
108

1310

From

T. Hesketh Biggs Esq.,

ACCOUNTANT-GENERAL TO THE

GOVERNMENT OF MADRAS,

To

THE Secretary to Government,

Revenue Department.

SIR,

I have the honour to state that Revenue pensioner Krishnamaray, to whom a pension of Rs 295-5-0 per annum has been granted under Government Order No. 624 dated the 16 May '76, has preferred a Petition to me through the Superintendent of Prisons for the Town of Madras, requesting that during the period of his imprisonment, the arrears of his pension from March 1897, as well as the amount of pension due to him in future may be paid to his son Mallikarjuna Nayudu. On enquiring the Collector of Kurnool states that the report on his case called for in para 3 of Government Order No. 2517 Mis. Rev. Department dated 17 May 1897, was submitted to Government on the 12 November 1897. I request that the orders of Government, if any, passed thereon may be communicated to this office together with instructions as to whether the arrears of pension should be paid, and if so, to whom, and under what conditions.

I would add that the pension is described as hereditary in the List of Money allowances of the Kurnool District furnished

furnished by the Board of Revenue.

I have the honor to be,
Your most obedient servant,

W. M. T. P.
Accountant General.

20/14

Item No 49 in page 6 of the money
allowance list in B. P. 3381 H.
14.12.85

K

L

C 25/5/98.
12/7/5/99

Read again L.P. 2517

17.5.97

C No 10,080 of 1897

O. M. No 54 of 17.1.98

C No 1528 of 18.98

Judl No 277 of 16.2.98

For orders.

The paper
read above relate to the
question of the Continuance
of a poligar pension of
Rs 295-5-0 per annum
which was enjoyed by one
Krishnanna Razu of Maddi-
Kera. Kurnool District, who
has been convicted of
dacoity under sec 397 of
the Indian Penal Code. The
Sessions Judge Mr. Oldfield
who tried the case sentenced
~~and~~ the accused to eighteen
months rigorous imprison-
ment but the High Court
on revision, enhanced the
term to seven years on the
ground that the latter
period was the minimum
prescribed by law for the
offence. The Govt.,
however

11.12.97

11.12.97

furnished by the
receipt of Mr.
is explanation of the
sentence passed
him, has reduced the
sentence to five years,
under sec 403 of the Cr. P. Code.

Judl. G.O. $\frac{277}{16.2.98}$ M

2. When the case of
dacoity in which the pen-
sioner Krishnamarasu parti-
cipated was reported to
Govt in the Judicial Dept
in November 1896, the
Chief Secretary remarked
that the Collector should
report the case after the
trial was over as 'in the
'event of conviction, the
'pension may have to be
cancelled.' Accordingly
the Collector was asked
in G.O. No 278 dated the
18th January 1897, to state
whether under the terms of
the original grant, the
pension was continuable
only during good behaviour.
No papers, however, relating
to the original grant of the
pension were forthcoming
either

G.O. 278 & 18.1.97. R.

I

G.O. 2517 $\frac{17.5.97}{X}$ the
notis thereunder.

letter d 12.11.97.

Y.

either among the ^{the} in G.O. 2517
the Collector's office, 17.5.97
in the Govt office, of 1897
Govt, in the meantime, 1.98.
timed payment of the pens-
to Krishnamarasu up to the
close of the trial and direct-
ed that in case of conviction,
further payment should be
stopped and the matter
again reported for orders.
The Hon^{ble} member then
observed that 'even if he
'is convicted there is nothing
'before us yet which will
'warrant our not continuing
'it to his son?'

3. In the first of the
~~above~~ currents read above,
the Collector of Kurnool
reported the conviction of
the ~~pensioner~~ pensioner
~~and~~ ^{but} as regards the question
of the continuance of the pension
he stated that the terms
of the original grant were
not known as the original
order sanctioning the pension
was not forthcoming. ~~and~~
never

linear is 1.11.97
2597 170
11.11.97

25/1/77
 17.5.1891
 of 1891
 1.1.98

information
 might possibly
 obtained from a regis.
 containing particulars
 as to the nature of the
 pensions granted to certain
 poligars to which reference
 was made in B.P. No 7391
 dated 12.11.64 and that
 the register was presumably
 to be found in the Govt.
 Office. The Collector also
 at the same time, added
 that the pension had pro-
 bably been hereditary in
 Krishnamararu's family
 and appeared to have
 been granted in perpetuity;
 and in view of the desti-
 tute condition of ~~Krishnamararu~~^{the} ~~mararu's~~ family, he
 recommended that if
 Govt should ~~decide to~~
 declare the pension
 forfeited, a small
 Compassionate allow.
 of Rs 15 per mensem
 granted to
 his eldest
 son

* page flagged H in L^o No 303
 15.2.64

son, for the
 himself and the records of
 4. Mr Ross's ^{ice} or those
 of pensioners to which ^{and} the
 Collector referred was were
 found in the old records
 of the Govt office and a
 requisition was sent to the
 Board of Revenue. In the
 meantime the Judicial Dept
 having
 asked for the papers in
 connection with the question
 of the reduction of the sentence
 passed on them, ^{pensioners} ~~as~~ they
 were accordingly forwarded
 to that Dept with O.U. No
 587.288.
 5. Mr Ross's register
 which has since been
 received from the Board of
 Revenue contains a list of
 certain
 poligar pensioners and in
 Column 9 thereof there is an
 entry to the effect that
 the pensions are hereditary
 'so long as during good
 behaviour to lineal de-
 scendants only'. The
 pension now in question

D

1. Mar 1891
 lineal
 5907
 old records

however does not find
a place in that register
and its history, so far
as the records available
show, is as follows:-

In 1813, the Collector
of Bellary reported the
death of the original
grantee of the pension,
Mallikarjun Nair and

recommended the continu-
ance of his pension in
the name of his eldest son
and widow. In his

letter to Govt the Collector
referred to the origin of
the pension in question

as follows:- "Before
the Cession of the Bellary

Province, these persons
(Mallikarjun Nair and

one Leechinappa Naik)

under the Conditions of

Military Service and on

payment of a certain

tribute enjoyed villages

yielding a large

annual revenue. The

lands were resumed

by

Bo: letter 810.6.1813 C.

Go. 26 B.
5.1.60

" by the British Govt and
in lieu thereof Mallikarjun
Nair obtained a pension
of Pagodas 14-2-65.

" per mensem." The Govt.
accordingly in E.M.C No
266 dated 25.6.13 sa

timed the continuance of
the deceased's pension in
the name of his son Bhojappa
Naik and his widow.

Bhojappa Naik died in
1858 and the Board of
Revenue which recommended
the renewal of the pension

in the name of his eldest
son observed as follows
" The order of Govt abo

" quoted (E.M.C No 25.6.13
" does not explain the ter-
" of the grant but as the

" pensions of the Ceded
" Districts are general-
" of a hereditary charac-

" the report of the Coll-
" of Bellary that this a-
" is a hereditary is
" has been observed" per
" 5.1.60

does not find

The Govt accepted the Board's opinion and sanctioned the continuance of the pension in the name of Bhojappa's eldest son, Krishna mara (G.O. No. 160). Subsequently in G.O. No 624 dated the 15th May 1876, the Govt ordered that the allowance should be divided equally between Krishna mara and his uncle, and the former was in receipt of his share till the date of his Conviction.

It ~~will~~ thus ^{be seen} ~~appear~~ that from the papers relating to the continuance of the pension in question, the exact terms on which it was granted do not appear.

The general question however, as regards ^{relative of the} Poligar pensions of the Ceded Districts was raised in 1827 and the Govt then desired the Collector of Bellary and

Board's letter d 26.4.1830
No 208.

A3

para 2 of B.P. 2.8 A3
26.4.30

had been given at any time to the parties that their allowances were to be hereditary. The Collector of Bellary thereupon reported that he could not discover that any actual pledge had been given to the above effect but that a passage in Colonel Mauro's letter reporting the death of a poligar pensioner showed clearly enough his opinion that the pensions were hereditary and that it seemed therefore reasonable to conclude that he would have impressed similar belief upon the minds of the poligars.

para 3 of do.

The Collector of Bellary also stated that no pledge appeared to have been given to the poligars, but that Ross who prepared a list of pensioners in 1814 described them as 'hereditary during good behavior'.

in Ross's Regit.

does not find

to notice the fact that the words 'during good behaviour to lineal descendants only' were added by Mr Ross himself in the column headed 'hereditary' as he understood that such was the intention of Govt, and that the Govt of the day having raised no objection thereto when the register was submitted to it, it might be fairly presumed that Mr Ross was right.

From these reports the Board of Revenue concluded that there was no doubt that "it was the intention of Govt: that the pensions of the Ceded Districts should be 'hereditary during good behaviour to lineal descendants' and in this inclusion the Govt also concurred in G.O. No 4598-14-5-1830.

and his eldest son

The pension now in question was, it will be seen, granted in lieu of land & privileges resumed in the Bellary District and this is apparent by the reason why it did not appear in Mr Ross's register which related to Cuddapah ⁱⁿ which the words 'during good behaviour' were expressly added.

This cannot, however, make any difference and evidently the Poligar pensions of the Ceded Districts must be treated all on the same footing. It may be noted that Mahikhan allowances granted to the Rajahs & Chieftains in the Malabar Districts on the assumption of the Crown by the British, have been declared perpetual on 'during good conduct' (para 5 of G.O. No 5198-30-5-57.)

It is therefore submitted that it is in lineal

does not find

date of his conviction, although precedents for adopting this course in the case of these political pensioners are not traceable.

Mr

29/4/98. Sir

There seems no reason why the general rule as to political pensioning, viz, that they are hereditarily during good behavior, should not apply to this case, though the object of this particular grant is obscure.

The question arises then whether the pension should be confiscated to the holder of the pensioner with them (more than 5) or whether he should be open a 1/2 mile pit. This was "sacred" which the minimum sentence was 7 years. He held the preceding pensioner's eldest son

Continuing the pension to the son with a much the same thing practical as continuing it to the convict.

In consideration of the distressed state of the district which no doubt was the cause of this outbreak I submit leniently may be shown & the pension reduced say to Rs 150 per annum & continued to the name of the son.

Mr
6558

Please put up Arbitration Memoirs Vol I & II

8/2/578

Submitted
Mr 7/5798

Have no doubt that the general rule affects this grant & that good behavior is a line

does not find

may be of various kinds, but the misconduct wh. ~~is~~ is ordinarily ~~also~~ counted as working a forfeiture, is disloyalty or ^{some} serious offence connected with the public peace. Dacoity is one of the most serious offences in the latter category: if Govt pleases the pension may be resumed. But considering the cir. perhaps the K's suggestion may be adopted, & a part resumed & remainder being continued in the name of the convict's son: & the amt may be Rs 150.

S. H. 1578

Please see draft order put up on separate sheet below for approval.

In No 25770/17.5.97, the Govt sanctioned the ^{payment} of the full pension to Krishnamararee ~~the~~ ^{the latter's} son. ^{the latter's} his trial is 7th son.

Under all the circumstances, the pension should be reduced to Rs 150 & continued to the son.

27/5/98

20/6/98

Go. $\frac{278}{18.1.97}$

Read again No. 2517 A $\frac{17.5.97$

C No 10080 of 1897. A

(Letter from the Collector of Kurnool)

D 12.11.97 No 3510

O. No 5817.1.98. Genl. E.

C No 1528 of 1898. A

(Proceedings of the Judicial Dept. No 2770 16.2.98)

C No 3044 of 1898. A

(Letter from the A.G. No 108. D 21.4.98)

Printed but not first to collect 2/6/98.

Order.

Order No 326 of 2nd June 1898.

After a careful consideration of all the circumstances of the case, H.E. the Governor in Council is pleased to sanction the continuance of a reduced pension of Rs 150 per annum in the name of Pedda Mallappa Nayudu, the eldest son of Krishnamararee, with effect from the date of his conviction.

26/6/98

(from order)

To the Collector of Kurnool.
To the A.G.

27/6/98

Government (1898) of Madras.
REVENUE.

Recd.

Enclosures

Regd.

1898.

Spare copies

G.O., No. 326, 2nd June 1898.

JUNE.

Poligar Pension.

Sanctioning the continuance of a reduced allowance of Rs. 150 per annum in the name of Pedda Mallappa Naidu, the eldest son of Krishnamaraju, political pensioner, Kurnool district, with effect from the date of the latter's conviction.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

Read—again the following G.O., Mis. No. 278, Revenue, dated 18th January 1897:—

Read—the following G.O., No. 1890, Judicial, dated 30th November 1896:—

Read—the following letter from the Collector of Kurnool, to the Chief Secretary to Government, dated 21st November 1896, No. 86-Eng.:—

I have the honour to report that a grain riot occurred at Maddikera, in the Pattikonda taluk, on the afternoon of the 15th instant.

2. Poligar pensioner Krishnamaraju and his household of eleven persons were reduced to such a state of poverty that on the 14th instant they were without a meal; he accordingly, with the help of some armed men, looted the grainpit of a Brahmin of 2,340 local seers of cholum.

3. The Taluk Magistrate was on the spot, but was powerless to restore order as there were only two carbines for the four constables at Maddikera and only two rounds of buck shot. He accordingly sent to Pattikonda for his Sub-Magistrate, Inspector and such Police as could be spared. On their arrival Krishnamaraju took up his post in his house and defied the Sub-Magistrate and Inspector when called on to surrender. He was supposed to have a large following in the house, some armed with matchlocks, swords, &c.

4. In the meanwhile telegrams were despatched to the District Superintendent of Police who wired to Guntakal for every available man and ten men arrived at 5 P.M. Next day the Superintendent (who started at ten minutes' notice without servants or saman) arrived and at 7-30 P.M. on the 16th, there were 31 Police in Maddikera. Owing to the ignorance of the topography and of Krishnamaraju's position and strength nothing could be done during the night except guard the exits.

5. At daylight on the 17th the Superintendent disposed his men and called on the supposed large band of dacoits to surrender. Krishnamaraju and three men armed with swords came out quietly and there were no more men in the house. Two of the axe-men were found in the village and the rest bolted during the night. It is expected that some of them will be caught soon. The six prisoners were sent off to Pattikonda as there was considerable local sympathy with them.

Order—No. 1890, Judicial, dated 30th November 1896.

Recorded.

(True Extract.)

(Signed) W. FRANCIS,
for Chief Secretary.

Copy to the Revenue Department,
with copy of the Chief Secretary's note for the necessary action.

Order—Mis. No. 278, Revenue, dated 18th January 1897.

Communicated to the Collector of Kurnool for report as to the nature of the pension drawn by Krishnamaraju, viz., whether under the terms of the original grant it is continuable only during good behaviour. The Collector's recommendation as to the continuance or otherwise of the pension should also be stated.

(True Extract.)

(Signed) LIONEL DAVIDSON,
Under Secretary to Government.

To the Collector of Kurnool.

Read—again G.O., Mis. No. 1503, Revenue, dated 18th March 1897.

ABSTRACT.—Furnishing the Collector of Kurnool with a copy of E.M.C. No. 266, dated 25th June 1813.

Read—again the following G.O., Mis. No. 2517, Revenue, dated 17th May 1897:—

Read—the following letter from E. A. ELWIN, Esq., Acting Collector of Kurnool, to the Secretary to Government, Revenue Department, dated Kurnool, 17th April 1897, R.C. No. 454-Eng.:—

Adverting to G.O., Mis. No. 1503, dated 18th March 1897, I have the honour to state that the Extract from the Minutes of Consultation forwarded therewith throws no light on the nature of the pension enjoyed by Krishnamaraju, and to request that I may be favoured with a copy, if available, of the prior Government Order conferring the pension on the original grantee, Mallikarjuna Naidu, as requested in my letter R.C. No. 454, dated 5th March 1897.

2. In his Proceedings, No. 2016, dated 26th December 1896, Mr. Mullaly directed that Krishnamaraju's pension should be disbursed to his brother Yadavaraju and his son Mallappa until the criminal case against the pensioner was disposed of, but the Accountant-General objects to this order being carried out on the ground that "payments should not be made while the pensioner is in jail without the fact being reported to Government and except upon its sanction thereto" (vide extract from objection register submitted).

3. From the wording of the objection the Accountant-General appears to think that the pensioner has been actually convicted, whereas, as a matter of fact, he is awaiting his trial before the Sessions Court. I think it is hard that the man's pension should be withheld before the result of the trial is known.

4. The family of Krishnamaraju are, moreover, reported to be in a state of utter destitution and during the few weeks that elapsed between the date of his arrest and that of Mr. Mullaly's order, i.e., from 17th November 1896 to 26th December 1896, the Superintendent of Police found it necessary to afford them gratuitous relief in the shape of a daily dole of grain and money, for which he has submitted bills amounting to Rs. 27-2-7. As, however, village relief has not even now been started anywhere in the district and at the time the dole was given there were no relief operations of any kind in the taluk, it appears that the charge cannot be admitted under the Famine Code, but should be recovered from the monthly pension by easy instalments.

5. In these circumstances, I request that the Government will be pleased to accord early sanction to the payment of Krishnamaraju's pension to his relatives named in Mr. Mullaly's proceedings above alluded to, until the question of its continuance or otherwise is finally settled.

Order—Mis. No. 2517, Revenue, dated 17th May 1897.

The document referred to by the Collector is not forthcoming in the Government office, and a copy therefore cannot be furnished.

2. The payment of the pension to Krishnamaraju up to the close of his trial is sanctioned.

3. In case of conviction further payment should be stopped and the matter again reported for the orders of Government.

(True Copy and Extract.)

(Signed) G. STOKES, Ag. Secretary to Government.

To the Collector of Kurnool, Accountant-General.

READ—the following letter from E. A. ELWIN, Esq., Acting Collector of Kurnool, to the Secretary to Government, Revenue Department, dated Kurnool, 12th November 1897, Dis. No. 3510-Genl.:

Adverting to G.O., Mis. No. 2517, dated 17th May 1897, I have the honour to report that poligar pensioner Krishnamaraju of Maddikera was convicted by the Sessions Court under section 397, Indian Penal Code, and sentenced to undergo rigorous imprisonment for eighteen months. The High Court subsequently upheld the conviction and enhanced the sentence to rigorous imprisonment for seven years. Copies of the judgments of the Sessions Court and High Court in case, dated 7th July 1897 and 29th October 1897, respectively, are herewith submitted for the information of Government.

2. The question of the continuance or otherwise of the pension of Rs. 24-9-9 per mensem hitherto enjoyed by Krishnamaraju has now to be considered. The Order of Government conferring the pension on the first holder is stated in paragraph 1 of the Government Order under reply not to be forthcoming, and the terms of the original grant are not therefore known. It is possible that some information on the point might be obtained from a register containing particulars as to the nature of the pensions granted to certain poligars, which is mentioned in Board's Proceedings, No. 7391, dated 12th November 1864, disposed of in G.O., No. 303, dated 13th February 1865; it is presumed that this register is to be found in the Government office. What can be said about Krishnamaraju's pension is that it has probably been hereditary in his family (Board's Proceedings, No. 5207, dated 15th December 1859, disposed of in G.O., No. 26, dated 5th January 1860), and appears to have been granted in perpetuity (Board's Proceedings, No. 474, dated 12th February 1885). I have reported in my letter R.C. No. 454-Eng. of 1897, dated 17th April 1897, that Krishnamaraju's family is in a state of destitution, and I therefore beg to recommend that, if Government decides to declare the pension forfeited, a small compassionate allowance, say Rs. 15 per mensem, may be granted for the maintenance of himself and his three brothers to Krishnamaraju's eldest son Peda Mallappa Naidu.

3. A genealogical tree is appended.

Read—Office-note from the Revenue Department, No. 5, dated 17th January 1898.

ABSTRACT.—Forwarding to the Judicial Department, for reference and return, certain papers relating to the question of the determination of the Poligar pension enjoyed by one Krishnamaraju of Maddikera.

READ—the following G.O., No. 277, Judicial, dated 16th February 1898:

Read—letter from the Registrar of the High Court, Madras, dated 29th October 1897, No. 2908-J.

ABSTRACT.—Forwarding, for the consideration of His Excellency the Governor in Council, a copy of the judgment of the High Court in Criminal Appeal No. 421 of 1897 and Criminal Revision Cases Nos. 322 and 354 of 1897.

Read—letter from the Sessions Judge, Kurnool, No. 8, dated 13th November 1897.

Read—the following letter from the Sub-Collector and Joint Magistrate of the Kistna district, dated 1st December 1897, Dis. No. 3382-Rev.:

With reference to your No. 2496, dated 23rd November 1897, I have the honour to offer the following:—

(1) I desire first, with reference to the judgment of the High Court, to respectfully disclaim any intentional disobedience to the provisions of the Code in the matter of sentence. The offence of dacoity armed with a deadly weapon is one of the very few for which a *minimum* term of imprisonment is prescribed and the case under reference was the first under section 398, Indian Penal Code, which has come before me during my service. I regret that an incorrect sentence should inadvertently have been imposed.

(2) I pass to the facts of the case, and to the advisability of a reduction of the sentence of seven years rigorous imprisonment by His Excellency the Governor in Council. I concur fully in the finding of the jury which, I have no doubt, was correct. The offence, however, was committed on the 15th November 1896. The accused were not committed for trial till the 6th April 1897, the delay occurring through the transfer of the case, and through slow progress in recording the large amount of evidence in the committing Magistrate's Court. The further interval was due to vacation. After so long a time, heavy punishment must lose something of its deterrent effect, and become *pro tanto* less necessary.

The state of the season and the distress then prevailing in Kurnool are known to Government.

(3) The considerations affecting the first accused are his position, as head of his caste and man of family, and as a Government pensioner. The question of reduction of his sentence will doubtless be considered by Government in connection with the termination of his pension. I may state that my sentence was passed before the recent orders of Government on the subject were received. His action no doubt showed serious contempt for law and order; he is, however, comparatively young (42). The punishment of seven years rigorous imprisonment would be exemplary. How far an example is called for, my short stay in Kurnool district does not permit me to estimate.

(4) The remaining accused are ignorant men of no position, and, in my opinion, acted under the influence of first accused, not as his independent associates. The prevailing scarcity would be a strong incentive. The punishment of seven years rigorous imprisonment is, as compared with those frequently awarded in other cases, in which a more serious disturbance and injury to person and property occur, in my opinion, heavy, and I consider that it may, without danger, be substantially reduced.

(5) The record is returned.

Order—No. 277, Judicial, dated 16th February 1898.

The Government accepts Mr. Oldfield's explanation as to the circumstances under which the illegal sentence was passed.

With regard to the question whether any reduction of the sentence imposed by the High Court is called for, the Government observes that the position, pension and respectability of the first accused, which are put forward by Mr. Oldfield as grounds for clemency, should have operated in preventing participation in a grave crime, and therefore constitute a reason for a heavy and not for a light sentence. Considering all the circumstances, His Excellency the Governor in Council considers that the interest of justice will be sufficiently served by the imposition of a sentence of five

years' rigorous imprisonment on the first accused Krishnamaraju and of sentences of three years' rigorous imprisonment on each of the others and under section 401, Criminal Procedure Code, the present sentences will be reduced accordingly.

(True Extract.)

(Signed) A. R. KNAPP,
for Chief Secretary.

To the Hon'ble the Chief Justice of the High Court (with C.L.).

" the District and Sessions Judge, Kurnool.

" F.D.P. Oldfield, Esq., I.C.S.

Copy to the Revenue Department (with Revenue Department,
C. No. 10080 and file of papers returned).

" " Inspector General of Prisons.

" " of Police.

" " District Magistrate of Kurnool.

READ—also the following letter from T. HESKETH BIGGS, Esq., Accountant-General to the Government of Madras, to the Secretary to Government, Revenue Department, dated 21st April 1898, No. 108-J.A.D. (Pension Department):—

I have the honour to state that revenue pensioner Krishnamaraju, to whom a pension of Rs 295-5-0 per annum has been granted under G.O., No. 624, dated the 16th May 1876, has preferred a petition to me, through the Superintendent of Prisons for the town of Madras, requesting that, during the period of his imprisonment, the arrears of his pension from March 1897, as well as the amount of pension due to him in future, may be paid to his son Mallikarjuna Naidu. On enquiry the Collector of Kurnool states that the report on his case called for in paragraph 3 of G.O., Mis. No. 2517, Revenue, dated 17th May 1897, was submitted to Government on the 12th November 1897. I request that the orders of Government, if any, passed thereon may be communicated to this office together with instructions as to whether the arrears of pension should be paid, and if so, to whom, and under what conditions.

I would add that the pension is described as hereditary in the list of money allowances of the Kurnool district furnished by the Board of Revenue.

ORDER—No. 326, Revenue, dated 2nd June 1898.

Miscellaneous.

After a careful consideration of all the circumstances of the case, His Excellency the Governor in Council is pleased

to sanction the continuance of a reduced pension of Rs. 150 per annum in the name of Pedda Mallappa Naidu, the eldest son of Krishnamaraju, with effect from the date of the latter's conviction.

(True Extract.)

(Signed) G. STOKES,
Secretary to Government.

To the Collector of Kurnool.
" Accountant-General.

End. Shakti Karim.

10 Copies.

First copy sent to Press.

Returned for signature.

Despatched in print.

READ AGAIN G.O., No.
189

CURRENT No.

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT

STATEMENT WITH DUE

PAPERS NOT FILED UP, BEING WANT FOR DISPATCH
IN ORIGINAL

N.D.—

A = Print in full.
B = Not to be printed.
P = Print abstract only.
Q = Print heading only.

ORDER OF GOVERNMENT
LETTER ONLY
ORDER OF GOVERNMENT WITH DUE