Revenue (1878) Department.

PRESS SERIES.

G.O., No. 326

Dated 2nd June 1878

[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

BACK PAPERS.

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

FURTHER PAPERS.

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

Revenue

Local & Munl. (1897) Department.

CURRENT No. 10080.

SECRETARIAT
22 NOV 97
REV. DEPT.

From E. A. Elwin Esqr
Collector of
Kurnool

Dis No. 3510 / Local of 1897.

Dated 12—11—97

Received 22 "

Registered 23 "

Enclosures 3

Spare copies

SUBJECT.

Reporting that Krishna-
maraju has been convicte
and sentenced to undergo
rigorous imprisonment
for 7 years and recommend-
ing that a compassionate
allowance of Rs 15 per mens
may be granted to Krish
maraju's son, if Govern-
ment decides to with-
hold 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 421 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 421 of 1897

1. Krishnama Raju
2. Appara Sanyasigadu
3. Malla Masum Sahib
4. Gurtakal Mastan
and
5. Mallappa

} Appellants (1st to 5th Accused).

Appeal against the Sentences of the

The Court of Sepoys of the Karnool 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. Krishnama Raju,
2. Appara Raju
3. Malla Narasimhulu
4. Jantakal Narayana
5. Mallappa

(1st to 5th accused in C.C. No 34 of 1897 on the file of the Sepoys Court of Karnool.)

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

The Public Prosecutor — Petitioner.

Petition under Sections 435 and 439 of the Criminal Procedure Code praying the High Court to enhance the sentences passed upon the 2nd to 5th accused in C.C. No: 34 of 1897 on the file of the Sepoys Court of Karnool.

This appeal and the Revision Cases coming on for hearing after the return 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 proceedings before the Court of Sepoys and upon hearing the arguments of the Public Prosecutor on behalf of the Crown on all the cases, the Court delivered the following

Judgment:— The accused have been convicted by a jury on legal evidence and there is no misdirection. We have therefore no power to interfere with the Conviction. As to the sentence, the law provides that an offence punishable under Section 397 or 398 I.P.C. the appropriate Sections in this case, shall be punished with rigorous imprisonment for not less than seven years.

The Sepoys 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. If owing to the prevailing dearth, there is reason to think the penalty prescribed by law is severe on the offender, with undue severity, the power lies with Government which is invested with the right of the exercise of its clemency to pardon the crime in whole or in part.

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

We 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) R. Gillespie
Ag: Deputy Registrar
Appellate side

(True Copy)

Kurnool
10-2-1897

Fr. Copyist

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	Washerman.	Washerman.	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 appearence—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 Balija 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. Unfortiunately 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 descrepancies 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 Tèkur 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. 17-11-96	Deposition made by Palakur Seshayya (P. W. 4) before the Stationary Sub-Magistrate of Pattikonda.
III 3-2-97	Deposition made by Palakur Seshayya (P. W. 4) before the Committing Magistrate.
IV. 26-2-97	Deposition made by Chelamappa (P. W. 9) before the Committing Magistrate.
V. 3-2-97 & 5-2-97	Deposition made by Padiga Hanumanna (P. W. 11) before the Committing Magistrate.
VI. [illegible] & [illegible]-97	Deposition made by Chinna Madanna (P. W. 13) before the Committing Magistrate.
VII 4-2-97	Deposition made by Abbas Khan (Court 1st witness) before the Committing Magistrate.

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

(10)

Printed at the Victoria Press:—Kurnool.

EXTREME DEPARTMENT.
189—

Mallikarjuna Naidu
(original grantee)
Pension conferred on him was
Rs 49-3-6.

Bojjappa nayudu
Half pension Rs 49-3-6
was registered in this
man's name conjointly with his mother
in Cor no. 804 of 28th June 1813

Ramappanayudu
(family extinct)

Krishnamaraju
(family extinct)

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

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

Yadavaraju

Ramaraju
(pensioner)
(24-9-9
Continued in
the name
of this man
B. P. no 474
of 12-2-85

Ramachandra raju.

Jagannadha raju

Jaya rama raju

Pedda mallappa nayudu
(age 18 years)

Vasanta nayudu
(16 yrs)

Chinna mallappa nayudu
(12 yrs)

Linganayudu
(7 years)

Kurnool
12-11-97

13/11

Ft. Dy. Collector

No. Kurnool District Collector's Office,
12-11- 1897.

From E. A. Ehrin Esq.,
Collector of the
Kurnool District,

To The Chief Secretary to Government,
Revenue Department,
Madras.

Sir, Adverting to Government Order 2517 Mis. 17-5-97 I have the honour to report that Polygar pensioner Krishna nayaju of Maddikera was convicted by the Sessions Court under S 397 I.P.C. and sentenced to undergo rigorous imprisonment for 18 months. The High Court subsequently upheld the conviction and enhanced the sentence to rigorous imprisonment for 7 years. Copies of the judgments of the Sessions Court and the High Court in case dated 7-7-97 and 29-10-97 respectively are herewith submitted for the information of

1897
REVENUE DEPARTMENT.
Enclosure No 2
In Original No

of Government.

2. The question of the continuance or otherwise of the pension of Rs 24-9-9 per mensem hitherto enjoyed by Krishnamanayaru 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 Proceedings No. 7391/12-11-64 disposed of in Government Order No. 303/13-2-65; it is presumed that this register is to be found in the Government

A search has been made in the Old Record Office of the Register's Office but forthcoming

Government Office. What can be said about Krishnamanayaru's pension is that it has probably been hereditary in his family (Board's Proceedings 5207/15-12-59 disposed of in Government Order 26/5-1-60) and appears to have been granted in perpetuity (B.P. 474/12-2-85). I have reported in my letter R. C. No. 454 Emg of '97 dated 17-4-97 that Krishnamanayaru'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 Krishnamanayaru's eldest son, Peda Mallappa Nayudu.

3. A genealogical tree is appended.

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

[illegible]

15/11

18/11/97

FROM

THE COLLECTOR OF THE

District,

To

THE SECRETARY TO GOVERNMENT,

DEPARTMENT,

Madras.

Dated

Despatched 189 .

Received

No.

ENCLOSURES.

SUBJECT.

1892

RECEIVED DEPARTMENT

No. 1

[Poll. 7]
1,000—25-11-96.

Political (189) Department.

CURRENT No. 1528.

From The Judicial Dept.

Order

No. 277.

Dated 16th February 1892.

Received 21 "

Registered 22 "

Enclosures/

Spare copies

SUBJECT.

Accepting Govt. Oldfield's explanation as to the circumstances under which an illegal sentence was passed by him in Kurnool Sessions case No. 34 of 97 & directing that the sentences passed by the Asst. & Comm. on appeal on the accused Nos. 1 to 5 in that case be reduced to those of 2 years rigorous imprisonment the first and of 3 years rigorous

BACK PAPERS.

G.O.	No.	Department.	Date.
		General Judicial Dept.	4/8/98
			2/12/97

FURTHER PAPERS.

G.O.	No.	Department.	Date.

[G. / 53]
2,000—5-1-98.

Judicial Department.

1170

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 off 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 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 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 necessary.

The state of the season, and the distress then prevailing 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 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 ~~attention~~ action no doubt showed 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 ~~ige~~ 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 ~~none~~ 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.

ORDER:-No.277, dated 16th February 1898.

The Government accpets 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 ~~for clemency~~ grounds, 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 Kristnama Raju 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)

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 retd.)
,, ,, Inspector-General of Prisons.
,, ,, ,, Police.
,, ,, District Magistrate of Kurnool.

Register for allowances granted in lieu of Renumd offices or Privileges.

Names of the Grantee	age	Sex.	Nature situation of the Grantee	Nature of the office or privilege held by the Grantee.	Date of the commencement of the annexation of renumt to the office	Object of the Grant or commutation or renumt given	Hereditary or for life	Yearly allowance or commutation	Amount of commutation	Remarks.
								Rs. F. C.	Rs. F. C.	
Family of late Buraipah Raid	...	Fem.	Poligar	of Bullapully &c 11 villages	1:4:1802	Vide remarks	Being declared Jagheer for life	41 30 -	500 - -	
Kundu Keshwapah Raid	41	M.	do	of Buranapur &c 9 villages	30:1:1811	do		10 - -	120 - -	
Venkatumah widow of Asoke Keshum Rauz	61	F	Zemindar	of Asoke &c 24 villages	1:1:1801	do		56 11 20	675 - -	
Gopalwada Chima Zulla Reddi	39	M.	...	—	...	...	...	10 - -	120 - -	
do Bura Zulla Reddies son	12	M.	Poligar	Gopalwar &c 10 villages	1:1:1801	— do —		10 - -	120 - -	
Komar Zulla Reddi										
Parvatammah	61	F	...	...	...	...		2 4 74	25 14 8	
Kursumah Reddies mother See-kumah	-	F	do	Kasamegida-lum &c 39 villages	do	do		198 8 16	2378 8 32	
Chitmul Venkatrayanen Rauz	40	M.	Zemindar & Hereditary	Whole chittmool Taluk	do	do		532 - 12	6384 1 64	
Gopulla Narsimma Reddi	41	M.	Poligar	Gopullur	1:3:1802 & 14 & 24 Sept. 1813.	— do —		23 19 58	281 11 20	
Kudrea Aslum Khan	51	M	of the family of jagdar	Kudrea &c 31 villages		do		4 6 56	54 35 8	
do Alum Khan	41	M	do	do		do		2 11 20	29	
Toolmul Yeasin Khan	32	M.	do	Toolmul &c 24 villages	13:7:1801	do		34 - -	408 - -	
Tulpul Abdoos Samud Khan	40	M	do	Tulpool &c 29 villages	— do —	do		4 12 64	51 29 16	
do Family of Himmut Khan	46	M	do	do	do	do		2 38 72	34 16 [illegible]	
Elliot Rayanaka Raid	-	M	Poligar	of Ghuttum &c 10 villages	10:11:1813	do		138 40 -	1662 - 30	* Date of the Govt. Letter.
2 (illegible) Balaveinkatadri	...	M	do			do		16 30	200 - -	do — Rents of the villages

Names of the Zemindars	Age	Sex	Situation of the Zemindary with respect to the Sea or Inland	Other Lands which the Zemindar holds in the same Division	Date of the Commencement of the Zemindary in the Family	Whether the Zemindary is subject to the Payment of Peishcush or Quit Rent	Whether Inland or Sea Zemindary	Land Revenue payable by the Zemindar	Amount of Land Revenue	Remarks.
								Rs. A. C.	Rs. A. P.	
Tulpod Lukshmi Khan		M	Jagirdar	..	12:10:1813	Yes		25	300	Dan of the gost. Rs.
do Hakim Luccan		M	—do—		do	do		25	300	
Koonchalla Ramappah	12	M	Zamindar	Deamotay & Archaka Family of Cumbum alias Zamindar Stud.	12:7:1887	do		11 30 63	140 9 35	2s security for 2 of his villages.
Damal Subah Naid	40	M	Poligar	Damal &c 30 villages	..	do		69 9 48	830 24 77	4
Family of Kunna Vemulla Subah Naid		F	do	of Kunnam-vemulla &c 11 vill.		do		14 23 35	174 11 20	
Yejindapulli Venkatnarsoo	42	M	do	of Yejindapulli 9 vill.		do		4 42 45	59 15 65	Rents 1 of his villages.
Sodukaram Veeranah of Venkatadry poliem	40	M	do	of Venkatadry poliem &c 11 vill.	..	do		6 42 40	83 15 ..	
Chapulmuzu Bodichinnappah	42	M	do	of Chapulmuzu &c 6 vill.	..	do		7 19 40	89 8 77	2s security for one of his villages.
Podlucheruvu Kistum Naid	40	M	do	of Podlucheruvu &c. 4 vill.		do		4 44 21	59 36 17	Rents 1 & 2s security for 3 of his villages
Jungum vaty pulli Buchi Naid	60	M.	do	of Jungumvaty pulli	..	do		8 16 28	100 16 24	
Cokulkuntah Shachappa Naid	30	M	do	of Kakulkuntah		do		6 10 76	74 41 29	
Kullapulli Ramah Naid	65	M	do	of Kullapulli		do		2 40 74	34 41 15	2s security for 1 of his villages.
Koolalpad Rungappah Naid	80	M	do	of Koolalpad &c 8 vill.		do		41 30 ..	500	
Busummah wife of Rungaiah Do		F	do	Partner of the above vill.		do		13 40 ..	166 30 ..	
Narasimma Reddi of Kanapad	35	M	do	of Kanapad & 5 vill.		do		41 30	500	Rents 2 of his villages.
Kuppathy Reddi's aunt Venkatamal	60	F	do	Partner of the above vill.		do		17 16 20	204 15 ..	
Kammagoondum Akkamma	50	F	do	Kammagoondum villages Kalapad 22 Gurrapur 15 42		do		69 20 ..	833 15 ..	
Bodamma Boochamah	50	F	do	Bodamma		do		4 30 75	56 11 28	
2 Ollpilli Aburpally Ray.		M.	Relation to the Raja of Chitwel			do		3 32 40	44 30 ..	
Kunda Narayan Ray.		M.	do			do		3 32 40	144 30 ..	
Gobboor Timma Ray.		M	do			do		1 38 60	22 15 ..	
Kuttee Venkatapathy Ray		M	do			do		3 4 30	37 7 40	
Cudappa Ray Kandum Ray		M	do			do		1 38 60	22 15 ..	
Kundal Chinna obul Raja's son		M	do			do		1 38 60	22 15 ..	
Kuttee Rama Ray.		M	do			do		8 23 60	102 15 ..	
Gootty Gunty Chenchu Ray		M	do			do		8 23 60	102 15 ..	
Apanchinta Narain Ray.		M	Dewan Relation to the Raja of Chitwel			do		3 4 30	37 7 40	
Gobboor Shashum Ray		M	do			do		3 4 30	37 7 40	
Beede Venkatum Ray.		M	do			do		1 38 60	22 15 ..	
Kuttee Shashum Ray's wife		F	do			do		1 38 60	22 15 ..	
Gobboor Narsing Ray		M	do			do		3 4 30	37 7 40	
Apanchinta Chinnama Venkatapathy Ray's wife Chinnamal		F	do			do		1 24 55	18 26 20	
do Venkatram Ray.		M	do			do		1 24 55	18 26 20	
Poochoy Sooba Ray.		M	do			do		3 4 30	37 7 40	
Dewan Jungum Nandu		M	do			do		8 23 60	102 15 ..	
Kundal Venkatapathi Ray.		M	do			do		8 23 60	102 15 ..	
Apana Chintala Shashum Ray.		M	do			do		1 24 55	18 26 20	
1 do Venkatapathy Ray.		M	do			do		1 24 55	18 26 20	
Beede Seenum Ray.		M	do			do		1 38 60	22 15 ..	
Kuppathy Subah Ray.		M	do			do		1 24 55	18 26 20	
Pandalu Subah Ray.		M	do			do		3 24 20	41 30 ..	
do Chellum Ray.		M	do			do		1 30 ..	20	
2 Malawompow Tenniagaripally Rama			do			do		1 30 ..	20	

Illegible

| | | |

Statement showing the Land assessed for the year 1814

| | | |

Shelf X.
Nos 297.

Mr Rossi Ca, 8-1 8-2-94

Mr Rossi

Registered

~~Furnished~~, to be kindly returned when no longer required

L.D. Swamikannu
18-6-98

Asst Secy
Board of Rev. &R

Read in Council
with 2 encls
&
Ppr

Attending Despatch
Sent to Madras
20/6/98.

To The Secretary
Under Secretary to Govt
Rev. Deptt with
Enclosures X & 21. 2. 1814
& a printed Copy of the
Old Bellary Records.

Office Note No. 5 dated 17th January

The Revenue Department have (C No 10080 and connected papers) relating to the question of the determination of the Poligar pensions enjoyed by Shivaramaraya of Kandukūra and herewith forwarded for reference and return

As requested, The enclosed Minute will be laid before the Board of Revenue relating to the original grant of the pensions and the Commissioner's requisition for the Board of Revenue for Mr. Ross's Register X dated 21st February 1814 referred to in para 2 of Board's Proceedings No 7391 dated 12.11.64.

Fort St. George
17th January 1898

(Sd). H. G. Stuart
Ag. Asst Secy to Government

For C. No. 10080 B97.

MEMORANDUM.

REQUESTED for reference the under-mentioned papers :—

(1) Mr Ross's Register X dated 21st February 1814. referred to in para 2 of Board's Proceedings No 7391 dated 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 Rev:
Land Revenue

M. Narayanaswamy
ag Under Secretary to Govt

Mk 1571

Letter 2775 14-5

Mr Ross's Ca

Revenue (1898) Department.

awaiting papers with Secy. Mr 7/5

CURRENT No. 3044.

From The Accountant General Madras.

Order

No. 1st D 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 Pensions Krishnamaraj to whom a pension of Rs 295-8- per annum has been granted under G.O. No. 624 dt. 16 May 76 and who requests that during his imprisonment the arrears of the pension due to him may be paid to his son Mallikarjuna Naidu.

Reg
23.4.98

BACK PAPERS.

G.O.	No.	Department.	Date.
624	216-5-76.		
2517	1-7-5-97		

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Pension Department.

Fort St. George,
Accountant-General's Office,
21st April 1898.

No. I.A.D. 108

1810

From

T. Hesketh Briggs Esqr.,

ACCOUNTANT-GENERAL to the
GOVERNMENT OF MADRAS,

To

The Secretary to Government,
Revenue Department.

Sir,

I have the honour to state that Revenue pensioner Krishnamaraz, to whom a pension of Rs 295-5-0 per annum has been granted under Government Order No. 624 dated the 16th 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 Nayndu. On enquiry 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 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

furnished by the Board of Revenue.

I have thy honour to be,
Your Obdt. Obedient Servant,

Accountant General.

20/x

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

K

L

C 25/5/98.
R 27/5/98.

Read again G.O. 2517
17.5.97
C.to 10,080 of 1897
O.M. No 5 dt 17.1.98
C.to 1528 of 18.98.
Judl No 277 dt 16.2.98

For orders.

The papers 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 Krishnama Razu of Maddikera, 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 ~~the~~ the accused to eighteen months rigorous imprisonment 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

furnished by the

receipt of mr.

's explanation of the

al sentence passed

him, has reduced the

sentence to five years,

under sec 403 of the Cr. P. Code.

Judl G.o 277 / 16.2.98. M

2. When the case of

dacoity in which the pen-

sioner Krishnamarazu 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

G.o. 278 d 18.1.97. R.

Q.

I

Either

either among the in G.o. 2517

the Collector's offi 17.5.97

in the Govt office; of 1877

Govt, in the meantime, no. 1.98.

tioned payment of the pens. 98.

to Krishnamarazu 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 Carrents read above,

the Collector of Kurnool

reported the Conviction of

the petitioner pensioner

but

as regards the question

of the continuance of the pensi

he stated that the terms

of the original grant were

not known as the origina

order sanctioning the pensi

was not forthcoming a

however

G.o. 2517 / 17.5.97 X to the

notes thereunder.

letter d 12-11-97.

Y.

D.

Jud. Dep. 25/17.5.89 of 1898. 1.1.98.

information as it might possibly be 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 73** 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 probably been hereditary in Krishnamarazu's family and appeared to have been granted in perpetuity; and in view of the destitute condition of the Kasivaram family, he recommended that if Govt should declare the pension forfeited, a small Compassionate allowance of Rs 15 per mensem per annum be granted to ——'s eldest son

* page flagged H in Go No 303 15.2.64

son, for the himself and the records of 4. Mr Ross's office or those of pensioners to which 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 these pensioners they were forwarded to the Deptt with G.O. No 5 d 7. 2. 98.

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 for ever during good behaviour to lineal descendants only.' The pension now in question

D

D.

"lineal" D 5 9 97 1

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 continuance 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 Lakshmappa Naick) "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

Bds' letter d 10.6.1813 C.

"by the British Govt and "in lieu thereof Mallikarjun "Nair obtained a pension "of Pagodas 14-2-65.... "per mensem." The Govt accordingly in Em.c No 266 dated 25.6.'13 sanctioned the continuance of the deceased's pension in the name of his son Bhojappa Naick and his widow. Bhojappa Naick 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 above "quoted (E.M.c d 25.6.18 "does not explain the te "of the grant but as the p "pensions of the Ceded Di "Districts are generally "of a hereditary charac "the report of the Colle "of Bellary that this a "case [illegible] "[illegible]

Govt No 26 5.1.60 B.

..... 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 marar (G.O. No 665 1.60). B

Subsequently in G.O. No 629 dated the 16th May 1876, the Govt ordered that the allowance should be divided equally between Krishna marar and his uncle, and the former was in receipt of his share till the date of his Conviction. H2

It will thus be seen that [illegible] 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 the Poligar pensions of the Ceded Districts was raised in 1827 and the Govt then desired the Collectors of Bellary and

Board's letter dated 26.4.1830 No 208. A3.

by ..... eldest son

para 27 B.P. 2.8 26.4.30 A3

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 Munro'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 Cuddapah 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 behaviour'

In Ross's Regd

..... does not find

to notice the fact that the words 'during good behaviour to lineal desc. 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 poligar pensions "the ceded Districts "should be 'hereditary during "good behaviour to lineal "descendants.' and in this "conclusion the Govt also "entirely concurred in Go "Lre No 4598 of 14. 5. 1830.

C2

eldest son

4

The pension now in question was, it will be seen, granted in lieu of lands & privileges resumed in the Bellary District and this is apparent by the reason why it did not appear in Mr Ross's registers which related to Cuddapah &c 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 the Malikhana allowances granted to the Rajahs & chieftains in the Malabar Districts on the assumption of the country by the British have been declared perpetual on 'during good conduct.' (para 5 of Go. No 5190 of 30. 5. 57.)

It is therefore submitted that the [illegible] lineal descendants

C3

does not find

date of his Conviction. all things precedents for adopting this Course in the Case of these police pensioners are not traceable.

MK
29/4/98. Sec

There seems no reason why the general rule as to police pensions viz, that they are hereditary during good behaviour, should not apply to this case, though the objection to this particular grant is obscene.

The question arises then "whether the pension should be confiscated "to the holders use. "The pensioner with "them (more than 5) "wrongly broke open a "box. This was "larceny" "which the minimum "sentence was is 7 years. "altered the preceding "sentence to 5 years

confirming the pension of the son with a view the same being 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 Faulmith pensioner may be shown & the pension reduced say to Rs 150 per annum & continued to the mother of the son.

MK
6598

Please put up Agriculture Memo Vols I & II

S.I. 7/5/98

Submitted
MK 7/5/98

Hon.
I have no doubt that the general rule affects this grant & that good beha

linear

..... does not find

may be of various kinds, but the misconduct wh. is ordinarily counted as working a forfeiture, is disloyalty or some crimes offences 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 circs perhaps the suspension may be dropped, & a part resumed remainder being continued the name of the latter coparcenor in whose account may be R150.

S. Rm 1/5/98

26/5/98.

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

X

X

In Go No 2577 of 17.5.97, the Govt sanctioned the ~~continuance~~ payment of the full pension to Krishnama razu during the pendency of his trial in the 7th Sessions Court.

Under all the circumstances, the pension should be reduced to R150 & continued thereon.

JG
27/5/98

Go. A 278 / 18.1.97 I 75

Read again Go. 2517 A 17.5.97

C No 10080 of 1897. A

(Letter from the Collector of Kurnool
D 12.11.97 No 3570
O.M. 105 D 17.1.98. Genl. E.
C No 1528 of 1898. A

(Proceedings of the Judicial Dept
No 277 D 16.2.98)

C No 3044 of 1898. A

(letter from the A.G. No 148/108.
D 21.4.98)

Brief letters for consideration 2/6/98.

Order No. 326 / 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 Krishnamarazu, with effect from the date of the latter's Conviction.

2/6/98

(Proceedings)

2/6/98.

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

Mr 1/6/98.

Dispd 28.6.98

Government {1898} of Madras.

REVENUE.

Recd. } 1898. *Enclosures*

Regd. } *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. EWIN, 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.

Typd. Shaik Karim.

50 Copies.

First copy sent to Press.

Returned for signature.

Despatched in print.

Number of copies required: Order complete. Letter only. Order complete, with Letter.

Read again G.O., No. Dated 189

Current No.

Enclosures to C. No.

Order of Government

Letter of Government

Statement with D.D.'d.

Papers not filed up, being sent for despatch in original.

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