M.R.O. 1—39,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. 385	Press ~~Mis.~~
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Dated 2-3-3	~~19~~ 24

Not to be folded or roughly handled

No. 1. Read the following letter from C. F. CHAMIER, Esq., Register to the Court of Foujdaree Udalut; to T. PYCROFT, Esq., Chief Secretary to Government, dated 10th March 1859, No. 3.

SIR,

With reference to Act IV of 1849, I am directed by the Judges of the Foujdaree Udalut to forward the accompanying copy of a letter from the Session Judge of Calicut, dated the 28th Ultimo, with its enclosures, reporting the case of a prisoner in No. 9 of 1859, who was charged with murder, but acquitted on the ground of unsoundness of mind at the time the crime was committed; and as the Zillah Surgeon is decidedly of opinion that it would be "unsafe to release the prisoner under any circumstances," the Judges beg to recommend that he be detained under the surveillance of the Medical Officer, and that a further report be made after the expiration of 6 months.

From H. D. COOK, Esq., Sessions Judge of Calicut: to C. F. CHAMIER, Esq., Acting Register to the Court of Foujdaree Udalut, Fort Saint George, dated 28th February 1859.

SIR,

1. In submitting the Calendar in case No. 9 of 1859, I have the honor to state that the prisoner who stood charged with having in the day-time of 29th January 1859, feloniously and of his malice aforethought killed and murdered one Govinda Panikar, by cutting and wounding him with a mudwal knife, was acquitted on the ground of unsoundness of mind at the time the crime was committed, which fact has been satisfactorily established by the evidence of the witnesses, and the deposition of the Medical Officer, a copy of which and of the Certificate granted by that Officer are herewith forwarded.

2. The prisoner has throughout admitted that he murdered the deceased Govinda Panikar, pleading in his defence that he killed him while under the delusion that the deceased was an animal.

3. The 1st witness (father of the deceased) depose to the death of his son who had been placed with the prisoner to be edûcated, adding that the prisoner was insane when he committed the act and was labouring under a delusion.

4. The 2nd and 3rd witnesses also depose to the murder of the deceased G. Panikar, adding that the prisoner told them he had killed the deceased, thinking that he was an animal.

5. Both these witnesses depose that for some time back the conduct of the prisoner was strange, that he became silent and abstracted muttered to himself and refused to take his meals regularly, in fact shewed symptoms of incipient madness.

6. The evidence of the 6th, 7th and 8th witnesses tends to shew that although the prisoner betrayed no violent symptom of madness since his introduction into Jail, still his conduct was strange, silent and reserved.

7. The Civil Surgeon cannot depose to the prisoner being at present in an insane state, but with reference to the evidence adduced by the witnesses and after personal observation, he is of opinion that the prisoner committed the act under mental derangement, the absence of motive showing that he was under a delusion.

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8. A careful consideration of the evidence adduced and of the demeanour of the prisoner during the trial satisfies me that the prisoner is not in a sane state of mind. He exhibits an abstracted air and there is much unsteadiness in the expression of the eye. He appears incapable of keeping his attention fixed, and although not under any species of phrensy at present, it is clear that at any time he may be subject to a return of active madness. With reference to these facts and to all the circumstances in evidence, I am of opinion that the prisoner killed the deceased G. Panikar while suffering under mental hallucination. There was no motive to impel the prisoner to kill the deceased who was his pupil, no bad feeling; in short, from the account given on all sides, it is clear, that the prisoner was under a delusion, and that he committed the act under the firm impression that the deceased was an animal.

9. A delusion of this nature is consistent with some degree of sanity, and it is quite possible that recovery may take place in a person suffering under such a delusion, but there is no security against the recurrence of such a dangerous delusion, and as it is shown that the delusion took place after certain premonitory symptoms of madness, I think it cannot be said that the prisoner even now is altogether *sane*, although at this time capable of knowing the difference between right and wrong. At all events there can be no doubt that he was insane when the act was committed.

10. It will be observed that the Civil Surgeon is decided in his opinion of the inexpediency of allowing the prisoner to be set at liberty.

11. The Law Officer convicts the prisoner, but acquits him on the ground of insanity, and as I concur in this opinion, I have the honor to submit the case for the consideration and final orders of Government, under the provisions of Act IV of 1849.

12. The prisoner in the meantime is placed under surveillance.

Examination of E. S. CLEVELAND, Esq., Civil Surgeon of Malabar.

Questions.	*Answers.*
1. You have perused a translation of the depositions recorded in Sessions Case No. 9 of 1859, relative to the offence committed by the prisoner Chakroo Panikar, now at the bar, also the statements made on various occasions by the prisoner himself before different authorities. Be so good as to favor the Court with your opinion, as to the justness of the inference drawn by them, from the facts and circumstances deposed to, in regard to the state of mind of the prisoner, both before and at the time the criminal act of which he is accused was committed.	I have read the depositions of the witnesses in Sessions Case No. 9 of 1859, and I believe the inference drawn by the witnesses in this case to be just.
2. What opinion have you formed of the prisoner's state of mind, and what has his general conduct and demeanour been during the period he has been under your observation?	During the period the prisoner has been under my observation, his general conduct and demeanour has been rational, and in no way developed to lead to the presumption of his being of unsound mind, but regarding the depositions of the witnesses, and his own statement made at each of my interviews with him, I incline to the opinion that the prisoner was not of sound mind, when the act with which he is charged, was committed; from the facts that under a delusion he was actuated by an uncontrollable impulse, and motive was altogether wanting.
3. With your own opinion of the prisoner's present state of mind, would you, in the event of his being found guilty of the act of which he is charged, but acquitted on the ground of his imbecile state of mind, both formerly, and at the time the act was committed, recommend his further temporary detention in the Hospital, or that he may be safely entrusted to the care of relatives or others willing to take charge of him, or consider that it would be unsafe ever to release him out of custody?	In my opinion it would not be safe to release the prisoner under any circumstances.
4. Is the delusion under which the prisoner is said to have committed the act, consistent with a sound state of the mental powers?	I think, not at all times, but, I believe, the mental powers may recover their normal tone at any period.

(Signed) E. S. CLEVELAND, M. D.,
Civil Surgeon, Malabar.

Taken on oath before me, in open Court, this 25th day of February 1859.

(Signed) H. D. COOK,
Sessions Judge.

(True Copy.)

(Signed) H. D. COOK,
Sessions Judge.

I certify that Chakroo Panikar, prisoner in case No. 9 of 1859 on the Calendar, was admitted under observation on the 9th Instant, since which date he has betrayed no evidence of his being of unsound mind. It appears by the depositions of the witnesses in this case, that the criminal act with which he is charged was committed under a delusion. Finding by the prisoner's own statement at various periods that under that delusion he was actuated by an uncontrollable impulse, and the fact that motive was altogether wanting, I incline to the opinion that he was not of sound mind when the act was committed by him.

Calicut,
24th February 1859.

(Signed) E. S. CLEVELAND, M. D.,
Civil Surgeon, Malabar.

(True Copy.)

(Signed) H. D. COOK,
Sessions Judge.

(True Copies.)

(Signed) C. F. CHAMIER,
Register.

Judicial Department.

No. 385

Extract from the Minutes of Consultation.

Dated. 23rd March, 1859.

Read letter from the Fouj-
daree Adalut ——— Entered No. 3 - of 10th Inst.

With this letter, the Fouj-
daree Adalut forward
copy of a communica-
tion from the Sessions Judge
of Calicut reporting on
Case No. 9 of 1859 on the
File of his Court. The
prisoner, Chakroo Panikar,
was charged with having
feloniously & of his malice
aforethought killed & mur-
dered one Govinda Panikar,
by cutting & wounding him.
On this charge he was ac-
quitted on special judg-
ment, that he did the
act

act for which he stood indicted, being then of unsound mind, & he is now under the surveillance of the Civil Surgeon until the pleasure of Government is known.

2. In submitting the case, the Foujdaree Udalut recommend that the prisoner be kept in custody under the observation of the Zillah Surgeon for a period of 6 months, & that a report be made on him at the end of that time.

3. The Government are of opinion that the course suggested is not necessary. The prisoner, it has been proved, is at intervals subject to attacks of mania

+ some time prior to the commission of the act, was silent and abstracted and showed symptoms of

recipient madness - and was perpetrated under the conviction that he was an animal - & altho' he was not deluded in his own person now he is no longer that it was performed at the instigation of the same fatal result

mania, & from the violence of his conduct under one of these fits, it is obvious that he is quite unfit to be at large. They prisoner, therefore, under Section III Act IV of 1849 to direct that he be kept in custody for the term of his natural life.

JP

The Judges of the Foujdaree Udalut.
" Inspector of Prisons.

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