

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 136	Press ~~Mis.~~
16-17	
Dated	6-2-1857.

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136
copy

Fort St. George, Judicial Consultation, 6th February 1857.

No. 16. Read the following letter from GEORGE ELLIS, Esq., Register to the Court of Foudaree Udalut; to T. PYCROFT, Esq., Chief Secretary to Government, dated 24th January 1857, No. 7.

SIR,

1. Adverting to the Provisions of Act IV of 1849, I am directed by the Judges of the Court of Foudaree Udalut to transmit, for the consideration and orders of the Right Honorable the Governor in Council, copy of a letter from the Acting Session Judge of Calicut, dated the 27th Ultimo, submitting the Proceedings in Case No. 53 of 1856, in which the Prisoner Padinharevittle Chattoo Coorooopoo, was charged with the murder of one of his brothers, and severely wounding another by biting them, but was acquitted by the Acting Session Judge in concurrence with the Futwah of the Law Officer, on the ground of insanity.

2. The Judges beg to recommend that the Prisoner be detained in custody, and placed under the charge of the Zillah Surgeon, in order that a report of his state of mind may be made, for the information of the Right Honorable the Governor in Council, at the expiration of 6 months.

3. It is requested that the Proceedings may be returned, when no longer required.

From H. D. COOK, Esq., Acting Sessions Judge of Calicut; to G. ELLIS, Esq., Register to the Court of Foudaree Udalut, dated 27th December 1856, No. 339.

SIR,

1. I have the honor to forward the Proceedings held before me, and other portions of the Record in Sessions Case No. 53 of 1856.

2. The Prisoner is charged with having on the night of 7th September 1856, in the Division of Eringaloor, Talook and Zillah of Calicut, feloniously, and of his malice aforethought, killed and murdered one Odena Coorooopoo, by biting him.

3. He is further charged with having with intent to do grievous bodily harm, inflicted a severe wound on the middle finger of one Imbichy Coorooopoo, 1st Witness, by biting him.

4. The 1st Witness, the Prisoner's younger brother, deposes that he and the Prisoner with their younger brother, Odena Coorooopoo, (deceased) slept on a couch, and during the night he was awoke by the Prisoner biting him on the cheek, and on pushing him off, he bit him on the middle finger of the left hand, that on crying out, the deceased Odena came to his assistance, and got the Prisoner to let go, by introducing his fingers into the Prisoner's nose, that the deceased Odena Coorooopoo, then cried out that the Prisoner had bitten him also, that Odena died some fifteen days after from the effects of the wound, that no enmity existed between them and the Prisoner, that they lived harmoniously in the same house, managing the family property. He also deposed that insanity is in the family, and that two of his maternal uncles are at present insane.

5. This evidence is fully corroborated by the evidence given by the 2nd Witness, the Prisoner's uncle, and by the 3rd Witness also, a brother of the Prisoner.

6. The other Witnesses depose to the wound.

7. In his defence the Prisoner pleaded that he did not remember having bitten Odena Coorooopoo, and the 1st Witness, that Odena Coorooopoo was not dead.

8. We have here therefore 3 brothers on brotherly terms with each other going quietly to sleep on the same couch, at midnight the 1st Witness is awoke by his brother biting his cheek, and from the details given by him, the conduct of the Prisoner appears to have been that of a man suddenly possessed with a devil, in fact, a sudden phrensy must have come upon him, and when under its influence, he must have committed these otherwise unaccountable acts.

9. The Medical Officer reports that he is now *sane* and has been since his arrival in Hospital, and in his Deposition he gave the same opinion. Admitting the opinion to be correct, still I hold from the nature of the acts committed and from the evidence adduced, that the Prisoner must at the time have been mad and incapable of judging of his own acts.

10. I can detect nothing of malice aforethought on the part of the Prisoner, no bad feeling existed between the brothers at the time, and they went quietly to sleep, the Prisoner being between the 1st Witness and the deceased.

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11. The Mahomedan Law Officer in his Futwah finds the crime of murder has been brought home to the Prisoner, but he acquits him on the ground of insanity when he bit the deceased, and the 1st Witness, and as I am of opinion also that the Prisoner was under the operation of sudden phrensy at the time he committed the acts, which resulted in the death of Odena Coorooopoo, he cannot be held accountable for the act (which under other circumstances would have been murder.) I have the honor to refer the Case, for the consideration and orders of Government under the Provision of Act IV of 1849.

12. The Prisoner in the mean time is kept under surveillance.

(True Copy.)

(Signed) GEORGE ELLIS,

Register.

ZILLAH CALICUT.

Wednesday, 26th November 1856.

SESSIONS COURT, No. LIII ON THE CALENDAR.

Present.

H. D. COOK, Esq., Acting Judge.

SEYED GHOLAM HOOSSAIN, Moofly.

Trial for the crime of "Murder and severe Wounding."

Prosecutor.

Prisoner.

Amboo Pothwal, Government Vakeel.

Padinhareevittle Checkoo Coorooopoo.

PROCEEDINGS OF THE COURT.

Trial commenced and closed on the 26th November 1856.

The Court of Sessions having attentively perused and considered the Documents received from the Sub-Criminal Court, (Nos. 1 to 8) in this Case, proceeds with the trial of the Prisoner.

The Prisoner is brought into Court by the Officiating Nazir.

The Government Vakeel also attends.

ARRAIGNMENT.

Prisoner.

Padinhareevittle Checkoo Coorooopoo.

Attend! You stand at the Bar charged by

the Government Vakeel, Amboo Pothwal, residing at Satrom, in the Calicut Talook, with having on the night of 7th September 1856, in the Division of Eringaloor, Talook and Zillah of Calicut, feloniously and of your malice aforethought, killed and murdered one Odena Coorooopoo, by biting him.

2nd. You are further charged with having with intent to do grievous bodily harm, inflicted a severe wound on the middle finger of one Imbichy Coorooopoo, by biting him.

Question.

Answer.

How say you, Padinhareevittle Checkoo Coorooopoo, are you guilty or not guilty?

I am guilty. I did not do so with my right senses.

The Vakalutnamah furnished to Amboo Pothwal, the Government Vakeel, and the Prosecution thereon having been read and recorded, the examination of the 1st Witness proceeds as follows.

1st Witness, Imbichy Coorooopoo, Wednesday, 26th.

First Witness, Poodiawittil (Padinhareevittle) Imbichy Coorooopoo, nephew of Oonyperrah Coorooopoo, Hindoo, Shooder, aged about 38 years, cultivator, inhabitant of Eringaloor Deshom and Umshom, in the Calicut Talook, having been caused to make the solemn affirmation required by Act No. V of 1840, and the admonition prescribed by Clause Fifth, Section XVIII, Regulation VII, A. D. 1802, having been read over to him, the following examination takes place.

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Questions.

Answer.

1. What is your name?
2. Do you know the Prisoner?
3. What do you know regarding this Case?

Imbichy Coorooopoo.

The Prisoner is my elder brother.

One night in Chingom, (August September) last, I, the Prisoner, and our younger brother, Odena Coorooopoo, (deceased), slept on

a couch in our house. The Prisoner slept in the midst of us. While asleep, the Prisoner bit on my cheek, and I warded him off with my hand, when he bit on the middle finger of my left hand. I then cried out that the Prisoner had bitten me, on which Odena Coorooopoo (deceased) came and introduced his fingers into the Prisoner's nose, and he left off biting me. Odena Coorooopoo (deceased) likewise cried out, saying, that the Prisoner had bitten his finger also. I then opened the door and went out. Odena Coorooopoo (deceased) also came out afterwards. The Prisoner was inside. We closed the door from outside. Odena Coorooopoo was bitten on his ring finger. Hearing our cries, the 2nd and 3rd Witnesses came, Native Doctors were sent for, and they treated our wounds. Odena Coorooopoo (deceased) died from the effects of his wound nineteen days afterwards. I did not go and see the corpse in consequence of my indisposition. Although I am somewhat recovered, yet I lost the free use of that hand. No enmity existed between us and the Prisoner. We lived in one and the same house, managed the affairs jointly and were in good harmony. He acted in this manner from insanity. He commenced to bawl out afterwards from inside and broke the windows with the plank of the couch. We did not observe any symptoms of insanity in the Prisoner on that night up to the time we went to sleep, but only afterwards. There was no light in the room. The Prisoner did not say any thing. Our fingers were not severed from the bite.

4. Is it hereditary in your family for persons to become insane?

Yes. Two of our maternal uncles are at present insane, and two died before from insanity. No female relatives were subject to mental derangement.

5. How was the Prisoner's behaviour subsequently to this?

He used to say something and exhibit symptoms of insanity until he was sent up to the Court which was 3 or 4 days afterwards.

Memo. The Prisoner puts no question.

Mark of I. COOROOPOO.

Solemnly affirmed before me in open Court, this 26th November 1856.

(Signed) H. D. COOK,

Acting Sessions Judge.

2nd Witness, Padinharewittil Oonyperrah alias Chandoo Coorooopoo, Wednesday, 26th.

Second Witness, Padinharewittil Oonyperrah Coorooopoo alias Chandoo Coorooopoo, Hindoo, Shooder, nephew of Oony Chena Coorooopoo, aged 60 years, inhabitant of Eringaloor Deshom and Umshom, in the Calicut Talook, having been caused to make the solemn affirmation required by Act No. V of 1840, and the admonition prescribed by Clause Fifth, Section XVIII, Regulation VII, A. D. 1802, having been read over to him, the following examination takes place.

Questions.

Answers.

1. What is your name?
2. Do you know the Prisoner?
3. What do you know regarding this Case?

Oonyperrah alias Chandoo Coorooopoo.

The Prisoner is my sister's son.

One night in Chingom, (August September) last, the Prisoner, the 1st Witness and Odena (deceased,) slept as usual in one room. At midnight, hearing the 1st Witness' and Odena's

(deceased) cries, I, and the 3rd Witness hastened there and found them both standing in the verandah, and blood was issuing from their hands. They said that the Prisoner had bitten them. The door of the room was closed. Native Doctors were sent for, and they afforded medical treatment to them. Next day the Prisoner commenced to bawl out from inside and strike at the door. The wound on Odena, (deceased,) suppurated and brought on swelling, and he died 17 or 18 days after

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The 4th and 5th Witnesses treated the wound. The Prisoner, the deceased, and the 1st Witness were on good terms. The Prisoner bit them from insanity. He was not insane before that. It is hereditary in our family for some persons to be insane. Two of our relatives, who are older than the Prisoner, are now subject to mental disorder, and two individuals died from insanity Odena (deceased) had no other sickness. He spoke up to his death.

Memo. The Prisoner puts no question.

Mark of CHANDOO COOROOPOO.

Solemnly affirmed before me in open Court, this 26th November 1856.

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

3rd Witness, Chandoo Cooropoo, Wednesday, 26th.

Third Witness, Puddinharevittil Chandoo Cooropoo, Hindoo, Shooder, nephew of Oonyperah Cooropoo, aged 33 years, a Kolkar attached to the Abkary Farm, inhabitant of Eringaloor Deshom and Umshom, in the Calicut Talook, having been caused to make the solemn affirmation required by Act No. V. of 1840, and the admonition prescribed by Clause Fifth, Section XVIII, Regulation VII, A. D. 1802, having been read over to him, the following examination takes place.

Questions.

Answers.

1. What is your name? Chandoo Cooropoo.
2. Do you know the Prisoner? The Prisoner is my brother.
3. What do you know regarding this Case? On the 24th (7th) of last Chingom, (September) at night, I, and the second Witness slept in the verandah, the Prisoner, the 1st Witness and Odena Cooropoo, (deceased) in the western room. At 15 narighas (12 o'clock,) of the night, hearing the 1st Witness and Odena Cooropoo's (deceased) cries, I, and the 2nd Witness hastened there, and they said that the Prisoner had bitten them. I brought a light and saw a wound on the ring finger of Odena's (deceased), right hand, and one on the middle finger of the 1st Witness' left hand, occasioned by the bite of human being, and they were bleeding. The Prisoner was put inside and the door closed. He commenced since the following day to bawl out and strike at the door. He did not take his meals for one or two days. The wound on Odena Cooropoo, (deceased) suppurated, and he died 19 days afterwards, in consequence thereof. He had no other sickness. I was near him up to his death. He spoke till that time, the 4th and 5th Witnesses afforded him medical aid. It is hereditary in our family for some of the male relatives to become insane. There are now two insane persons in our family. I never saw the Prisoner insane before. No enmity existed between the Prisoner Odena, (deceased), and the 1st Witness, they were on good terms.

Memo. The Prisoner puts no question.

Mark of C. COOROOPOO.

Solemnly affirmed before me in open Court, this 26th November 1856.

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

4th Witness, Oony Tamoo, Native Doctor, Wednesday, 26th.

Fourth Witness, Oony Tamoo, Hindoo, Vellan, son of Chundoo, aged 45 years, a Native Doctor, inhabitant of Eringaloor Umshom, in the Calicut Talook, having been caused to make the solemn affirmation required by Act No. V of 1840, and the admonition prescribed by Clause Fifth, Section XVIII, Regulation VII, A. D. 1802, having been read over to him, the following examination takes place.

Questions.

Answers.

1. What is your name? Oony Tamoo, Native Doctor.
2. Do you know the Prisoner? I have known the Prisoner for 10 years.
3. What do you know regarding this Case? I examined the wounds of Odena Cooropoo (deceased,) and the 1st Witness, and treated them. I was sent for the same night on which the wounds were inflicted. Odena Cooropoo, (deceased) had a wound on the ring finger of the right hand, and the 1st Witness had a wound on the middle finger

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of the left hand, occasioned by biting. The fingers did not sever from the hand. The wound on Odena Cooropoo, (deceased) suppurated, and he died within 20 days from the effects thereof. He had no other sickness. He died in consequence of the wound having suppurated. The 1st Witness' wound is somewhat healed at present.

Memo. The Prisoner puts no question.

Mark of OONY TAMOO.

Solemnly affirmed before me in open Court, this 26th November 1856.

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

5th Witness, O. Ittoony Ramon Menon, Wednesday, 26th.

Fifth Witness, Oolatil Ittoony Ramon Menon, Hindoo, Shooder, nephew of Tacha Menon, aged 75 years, Native Doctor, inhabitant of Veleyanad, Deshom and Umshom, in the Calicut Talook, having been caused to make the solemn affirmation required by Act No. V of 1840, and the admonition prescribed by Clause Fifth, Section XVIII, Regulation VII, A. D. 1802, having been read over to him, the following examination takes place:

Questions.

Answers.

1. What is your name? Ittoony Ramon Menon, Native Doctor.
2. Do you know the Prisoner? I do not know the Prisoner.
3. What do you know regarding this Case? I saw Odena Cooropoo, (deceased,) and the 1st Witness on the 7th of last Kany, (21st

September). The former's right hand and the latter's left one, were entirely swollen. The wounds were occasioned by the bite of human being. I was called in order to ascertain whether they were poisonous. The bite of a human being is poisonous, and I am skilled in extracting poison. I directed to administer antidote to them. I mentioned the name of the medicine also and got their relatives to prepare it. Death will ensue by the bite of human being.

Memo. The Prisoner puts no question.

Mark of ITTOONY RAMON MENON.

Solemnly affirmed before me in open Court, this 26th November 1856.

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

Memo. The evidence of the 6th and 7th attesting Witnesses appearing unnecessary, the Court dispenses with the same.

Memo. The evidence for the Prosecution being closed, the Prisoner is addressed by the Court as follows:

You have heard what the Government Vakeel and the Witnesses for the Prosecution have stated against you. If you have anything to urge in your defence, this is the time. The Prisoner answers that he has, and states as follows:

Prisoner Padinharevittil Checkoo Cooropoo, Wednesday, 26th.

Defence of the Prisoner Padinharevittil Checkoo Cooropoo, Hindoo, Shooder, nephew of Oonyperah Cooropoo, aged 35 years, cultivator, inhabitant of Eringaloor Deshom and Umshom, in the Calicut Talook.

I do not remember having bitten Odena Cooropoo, (deceased,) and the 1st Witness. Odena (deceased) is in existence, he is not dead. I have no Witness to cite. I have nothing further to represent.

Taken before me in open Court, this 26th November 1856.

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

Fort St. George, Judicial Consultation, 6th February 1857.

Wednesday, December 24th.

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

Questions.

1. You have perused a translation of the Depositions recorded in Sessions Case No. 53 of 1856, relative to the offence committed by the Prisoner Padinharevittil Checkoo Coorooopoo, now at the Bar, also the statements made on various occasions by the Prisoner himself before different Authorities. Be so good as to favour 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?

2. What opinion have you formed of the Prisoner's state of mind, and what was his general conduct and demeanour been during the period he has been under your observation?

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?

Answers.

Having carefully read the Depositions recorded in the Sessions Case No. 53 of 1856, and duly considered the statements made on various occasions by the Prisoner at the Bar, and regarding hereditary predisposition as a very common cause of madness, I am of opinion that the inference drawn as to the Prisoner being of unsound mind, is perfectly just, but I do not consider the Prisoner at the Bar, is of unsound mind now.

The Prisoner at the Bar has on two occasions been under my observations, his conduct has been at all times reasonable, rational and orderly, and I have failed to remark any thing to prove that he is insane.

It is my belief that the Prisoner is not insane as above shown and having had him under close observation and repeatedly examined him and feeling satisfied that he is not of unsound mind, I would not consider it necessary that he should be further detained in Hospital nor do I think it would be unsafe to permit his release from custody.

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

Taken before me on oath this day, the 24th December 1856.

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

(True copy and translations.)

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

This is to Certify that Padinharevittil Checkoo Coorooopoo, Prisoner in No. 144 of 1856, has been kept under strict observation since the 4th October 1856. His conduct has been perfectly to be insane.

Calicut, }
19th November 1856. }

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

(True Copy.)

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

Fort St. George, Judicial Consultation, 6th February 1857.

Prisoner P. Checkoo Coorooopoo.

Examination of the Prisoner Padinharevittil Checkoo Coorooopoo, Hindoo, Shooder, nephew of Oonyperah Coorooopoo, aged 35 years, cultivator, inhabitant of Eringaloor Deshom and Umshom, in the Calicut Talook, taken on the 12th Kany 1032, or 26th September 1856, before Koyapatoo-doogail Mamod Cootty, the Sub Officer, deputed under Section III, Regulation IV, of 1821.

Questions.

1. You are charged with having wounded Padinharevittil Odena Coorooopoo, (deceased,) and Imbichy Coorooopoo, (1st Witness,) by biting them, and the former died in consequence thereof. What have you to state in answer?

2. Has your Deposition &c.?

Answers.

Odena, (deceased) and Imbichy, 1st Witness, are my younger brothers. I do not remember having wounded them by biting. It is reported that I bit them and that Odena Coorooopoo, (deceased,) died in consequence. I cannot say that I did not act in this manner. I am sometimes subject to mental disorder, and I do not know if I did any thing on those occasions. This is the truth. I have nothing further to state.

Yes.

Mark of Prisoner,
Signature of the Sub Officer, MAHMUD COOTY.

No. 144 of 1856, on the Criminal File.

Examination of the Prisoner Padinharevittil Checkoo Coorooopoo, taken before the Sub Criminal Court.

Questions.

1.
2. You are charged with having feloniously and of your malice aforethought, killed and murdered Padinharevittil Odena Coorooopoo, (deceased.) Did you do so?
3. You are further charged with having with intent to do grievous bodily harm inflicted a wound on Odena Coorooopoo, (deceased) and one on Imbichy Coorooopoo, 1st Witness, by biting them. Did you do so?

I was sent here because I bit a person. I did not do so with the intent to cause his death. I bit Odena Coorooopoo, (deceased) and he died. I did not intend to do so. It was happened accidentally.

Mark of Prisoner.

Witnesses.

1. Signature of Mahomed Oossain, Court Peon.
2. Do. of Nochooly Kelloo Nair, do.

Before William Holloway, Esq., Acting Sub Judge, declared by the Prisoner, and taken down in writing by the Gomastah Ananda Naraina, and marked by the Prisoner in our presence.

Witnesses as above.
Taken &c., 2nd October 1856.

(Signed) WILLIAM HOLLOWAY,
Acting Sub Judge.

Question.
Have you any Witness to cite.?

No.
Mark of Prisoner.
(Signed) WILLIAM HOLLOWAY,
Acting Sub Judge.

(True translations.)
(Signed) H. D. COOK,
Acting Sessions Judge.

Fort St. George, Judicial Consultation, 6th February 1857.

No. 17.

ORDER THEREON, No. 136; dated 30th January 1857.

1. The Court of Foujdaree Udalut submit, with the letter recorded above, the Proceedings in Case No. 53 of 1856, on the file of the Sessions Court of Calicut; and recommend that the Prisoner, who was charged with the murder of one of his brothers and with severely wounding another, but acquitted by the Acting Judge on the ground of insanity, may be kept under surveillance for a period of six months.

2. From a consideration of the Proceedings in this Case, it appears clear that the act with which the Prisoner was charged was committed under the influence of insanity; it however seems unnecessary that he should be, for any time, under surveillance in view to a further report being made about him hereafter. Three Witnesses have deposed that there is madness in the family, and, under such circumstances and after such an act as he has committed, he never can be released with safety, whatever may be his apparent sanity. The Right Honorable the Governor in Council therefore directs, under the Provisions of Act IV of 1849, that the Prisoner, Padinharevittle Chattoo Cooropoo, be kept in custody for the term of his natural life.

(Signed) T. PYCROFT,

Chief Secretary.

Judicial Department

No 136

Extrait from the Minutes of Consultation
dated 30 January 1857

Read the following letter
from the Register of the Foujdaree
Udalut.

(Received 24 Jan 57 No 7)

1. The Court of Foujdaree Udalut
submit, with the letter recorded
above, the Proceedings in case
No 53 of 1856 on the file of the
Sessions Court of Calicut, and
recommend that the prisoner,
who was charged with the
murder of one of his brothers
and with severely wounding another,
but acquitted by the Acting
Judge on the ground of insa-
nity, may be kept under
surveillance for a period of
six months.

From

2. From a consideration
of the Proceedings in this case,
it appears clear that the act
with which the prisoner was
charged was committed under
the influence of insanity; ~~but~~
however
It seems unnecessary that he
should be kept, for any time,
under surveillance ~~as there~~

Three witnesses have deposed that
there is madness in the family,
and ~~there~~, under such cir-
-cumstances, never be released
+
with safety. The Right Honble
the Governor in Council therefor
directs, under the provisions
of Act IV of 1849, that the prisoner,
Padiuhareottle Chattoo Coorospoo,
be kept in custody for the term
of his natural life.

[Signature]

Copy to Lady Jane Abbott. Sept 2nd 1854.

in view to a further
report being made
about him ~~as hereafter~~

and after such an act
as he has committed he

+ whatever may be
his apparent
sanity

