

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 3//

Press
~~Mis.~~

35.36

Dated

17 — 3 — 19 1857

Not to be folded or roughly handled

Fort St. George, Judicial Consultation, 17th March 1857.

No. 35. Read the following letter from GEORGE ELLIS, Esq., Register to the Court of Foujdaree Udalt; to T. PYCROFT, Esq., Chief Secretary to Government, dated 4th March 1857, No. 14.

SIR,

1. With reference to Act IV of 1849, I am directed by the Judges of the Court of Foujdaree Udalt to forward, to be laid before the Right Honorable the Governor in Council, the accompanying Record of Case No. 52 of 1856, on the Calendar of the Session Court of Calicut, in which the Prisoner, Illatha Parambil Moideen, was charged with having, with intent to do grievous bodily harm, feloniously inflicted two wounds on the Prosecutor's head, and one on the left toe with a knife, but was acquitted by this Court on the ground that he committed the act in question when in an unsound state of mind.

2. As the Prisoner is stated by the Zillah Surgeon in the accompanying copy of a Certificate, dated the 9th Ultimo, to be now in a sane state of mind, and is of opinion that he may be released with perfect safety to the community, I am directed by the Judges to suggest that he be accordingly released, provided his relations are willing to take charge of him, and give security to the amount of 100 Rupees, for his safe custody or peaceable conduct.

(Signed) GEORGE ELLIS,

Register.

This is to Certify, that Illatha Parambil Moideen, Prisoner in Criminal No. 92 of 1856, has now been eight months under my observation; he has shewn himself to be irritable and cunning, but appears naturally of a quiet, cheerful, and sociable disposition. I have failed to observe sufficient grounds to pronounce him to be of unsound mind, and consider that he may be released with perfect safety to the community

(Signed) E. S. CLEVELAND, M. D.,

Civil Surgeon, Malabar.

Calicut, 9th February 1857.

(True Copy.)

(Signed) GEORGE ELLIS,

Register.

No. 36. ORDER THEREON, No. 311; dated 14th March 1857.

1. With the foregoing letter is transmitted the Record of Case No. 52 of 1856, on the Calendar of the Session Court of Calicut, wherein the Prisoner has been acquitted by the Foujdaree Udalt on the ground that he did the act charged against him, when of unsound mind. The Zillah Surgeon has certified under date the 9th Ultimo, that the Prisoner is now "*sane and may be released with perfect safety to the community.*" The Register has been "directed by the Judges to suggest that he be accordingly released, provided his relations are willing to take charge of him and give security to the amount of 100 Rupees for his safe custody and peaceable conduct."

2. It appears that the late Prisoner, Moideen, on the 27th April last, wounded with a knife the Prosecutor Comoo. On this charge he was committed by the Tahsildar of Betutnaad on the 4th May. Arrived at the Zillah Station he was not brought at once before the Subordinate Judge, but detained for six months under the eye of the Surgeon in charge of the Jail. This Officer, on the 19th November, certified that he had "failed to observe sufficient grounds to pronounce him to be of unsound mind." The Government are not led to give great weight to this opinion. The Surgeon's statement in regard to the man's quiet, cheerful and sociable disposition appears to be contradicted by the previous remark that while under medical observation he had shewn himself to be irritable and cunning. It does not appear, further, whether Dr. Cleveland was made acquainted with the previous history of the Prisoner, or with his conduct as connected with the present case. It is stated by the village Officers in their report that Moideen "had suffered from aberration of intellect a year ago" and it is added by others that during such period he displayed great violence, and in particular that he severely assaulted one individual by biting him.

Fort. St. George, Judicial Consultation, 17th March 1857.

His demeanour too in the instance more especially under review is described by the witnesses and Prosecutor himself as decidedly mad. "From the enquiries I have instituted and from his appearance," writes the Adhigary "I find him to be of unsound mind; on asking Moideen, he answers various things, consequently his statement cannot be depended upon."

3. The Government would be reluctant without further enquiry, to direct the discharge of an individual, who is regarded by his neighbours and those intimate with him in such a light, and against whom two dangerous assaults, exhibitory of a strong homicidal tendency, have been established. They resolve therefore to call upon the Foujdaree Udalut to request the Magistrate of Malabar to institute a strict investigation into the former life and habits of the late Prisoner, whether he comes of a family any members of whom have been affected with insanity, and how far the hear-say statements of the witnesses as to his previous aberrations can be substantiated.

(Signed) T. PYCROFT,
Chief Secretary.

Judicial Department

No 311

Extract from the Minutes of Consultation
Dated 14th March 1857.

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

(Here enter 4th March 1857 No 114)

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is transmitted the Record of
Case No 52 of 1856, on the
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9th

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[Signature]

Copy to the Judges of the Court of Disps. 18th
with 2 Orig. Encl.

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as a body of a strong form.
which is not, and is not
- established -
Therefore to be
the character of the
to investigate the
- investigation -

At 22. 27 of 19 June
No 16 of 1857 June 22.

At 20 June 1857 of 1857
No 16 of 1857

At 22 June 1857 of 1857
No 16 of 1857

No 311

At 22 June 1857 of 1857

At 22 June 1857 of 1857
No 16 of 1857

No 22

Under circumstances that
are unwilling at once to
direct the release of the
prisoner. Call upon the
Judge to request the
Magistrate of Malabar
to institute a strict in-
vestigation into the former
life of the prisoner.

No 22