MPR. G. 1—92,000—14-10-20.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 530

Press
Mis.

69—20

Dated 12 – 8 — 19 1857

Not to be folded or roughly handled

Fort St. George, Judicial Consultation, 12th May 1857.

No. 19. Read the following letter from GEORGE ELLIS, Esq., Register to the Court of Foujdaree Udalut; to T. PYCROFT, Esq., Chief Secretary to Government, dated 29th April 1857, No. 18.

SIR,

With reference to Act IV of 1849, I am directed by the Judges of the Court of Foujdaree Udalut, to forward, to be laid before the Right Honorable the Governor in Council, the accompanying copy of Calendar in Cases Nos. 19 and 20 of 1857 on the file of the Session Court at Guntoor, in which the Prisoner Sheik Amud was charged with having wounded his wife by pressing a clasp knife upon her throat, and with having inflicted a wound on his own throat, but was acquitted on the ground of his having committed the offences during a temporary fit of insanity.

2. As the Judges of the Court of Foujdaree Udalut are of opinion that it would be unsafe to set the Prisoner at liberty, they beg to recommend that he be kept in confinement under the observation of the Zillah Surgeon for 6 months, and that a further report on the Prisoner's state of mind be made after the expiration of that period.

3. A copy of the Zillah Surgeon's Deposition is annexed.

(Signed) GEORGE ELLIS,
Register.

Deposition given by F. FLETCHER, Esq., Zillah Surgeon, Guntoor.

Q. 1. The person by name Sheik Amud, now before the Court, has been some little time under your observation, what do you know about him, and have you observed any thing peculiar in his conduct and behaviour or in his state of health?

A. The man named Sheik Amud has been under my observation since the 19th February 1857, on which date he was admitted into the Hospital with a wound of the throat, inflicted by himself. During this period, I have not noticed any alienation of mind or peculiarity of manner or conduct. He is however subject to epileptic fits, and he may also at intervals be subject to attacks of insanity.

Q. 2. The person before the Court is charged with wounding his wife and then himself, and from the evidence of the Prosecutrix (his wife) and the other Witnesses, it is alleged that the man has, for some years been at certain periods, out of his mind, abusing people, talking to himself, &c., &c., and on some occasions he has been obliged to be tied up, and that during a fit of insanity, he committed the crime for which he stands charged and that he is accustomed to have epileptic fits, and that consequently he does not know at times what he is doing, &c. If therefore, what the Prosecutrix and Witnesses say be true, regarding the conduct of this man for some years past, do you not consider that their inferences may be just, as to the unsoundness of the man's mind at certain periods or at the time when he committed the deed?

A. Yes, his conduct shows that he is at intervals subject to insanity and at such periods might unconsciously commit injury upon himself or others.

Q. 3. Do you not consider it possible that a person might at one time be unable to control himself or his actions from temporary insanity, and at another time be apparently of sound mind?

A. I am of opinion that such is possible.

(Signed) F. FLETCHER,
Civil Surgeon.

Solemnly affirmed before me in open Court, this 11th April 1857.

(Signed) T. ONSLOW,
Acting Session Judge.

(True Copy.)

(Signed) GEORGE ELLIS,
Register.

FORM A.

Report of persons apprehended in Zillah Guntoor, and delivered to the Session Judge in the month of March 1857.

Number of the Case.	Name of the Prisoner.	Abstract of the Crime or Charge.	Date of Apprehension.	Date of Leaving the Talook.	Date of Arrival.	Reasons for punishment or release, or date of Commitment.	Explanation of delay and Remarks &c.,
19 of 1857. Acting Session Judge.	Saikummud.	Assault with wounding. With having at 10 o'clock, A. M. of the 16th February 1857, inflicted a slight wound on the neck of Prosecutrix (his wife) by pressing a small clasp knife upon her throat, in his (Prisoner's) house at Taadeconda appertaining to the Talook of Mungalagherry in the Zillah Guntoor. This case was forwarded by the Head of Police of Mungalagherry Talook.	16th February 1857.	18th do.	5th March 1857.	1. Prisoner pleads not guilty, alleging that he does not know what happened. 2. The evidence goes to prove that the Prisoner when in a fit of insanity wounded his wife, and then himself, with a small hand knife. 3. The Prisoner when placed on his trial before the Court, was of sane mind, and during his confinement in the Hospital and Jail has shown no unsoundness of mind, but has had one fit. 4. The Witnesses assert that for some years past, Prisoner has not been of sane mind at all times, having periods or paroxysms of insanity, and subject to fits of an epileptic nature, and that occasionally at these times they have been obliged to tie his hands and feet to prevent his being violent, though it is alleged that this is the first instance of his acting so violently either wounding himself or others, generally only abusing others, talking to himself and such like. 5. The Court is of opinion that the Prisoner wounded himself and wife with whom he was on good terms, no enmity and no apparent cause existing during a temporary fit of insanity, which he is subject to, as well as to bad fits. The Jail Dresser deposes to being sent for during the night to attend Prisoner in one of these fits, and found him just recovering. 6. For these reasons, the Acting Session Judge does not consider it necessary to punish the Prisoner, not being legally answerable for his conduct at that time, but to place him in confinement until further orders, and to request the Zillah Surgeon to report from time to time regarding his state. 25th March 1857.	
20 of 1857. Acting Session Judge.	Saikummud.	Suicide, attempt to commit. With having, at 10 o'clock, A. M. of 16th February 1857, inflicted a wound on his own throat with a small knife in his house in the village of Taadeconda appertaining to the Talook of Mungalagherry in the Zillah of Guntoor. This case was forwarded by the Head of Police of Mungalagherry [Talook.	16th February 1857.	18th do. do.	5th March 1857.	Vide remark on the preceding case.	

(Signed) T. ONSLOW,

Acting Session Judge.

(True Copy.)

(Signed) GEORGE ELLIS,

Register.

Guntoor, Session Court,
25th March 1857.

No. 20.

ORDER THEREON, No. 530; dated 6th May 1857.

With this letter the Foujdaree Udalut forward the Calendar and excerpts from the record in Case No. 19 of 1857, on the file of the Sessions Court, Guntoor. The Prisoner, *Sheik Homed,* was charged with cutting and wounding his wife (intent not specified,) and further with having attempted to commit suicide. On both charges he was acquitted on special judgments, that he did the acts for which he stood indicted, being then of unsound mind; and he is now in confinement 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, and 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, and from the violence of his conduct under one of these fits, it is obvious that he is quite unfit to be at large. They resolve, therefore, under Section III of Act IV of 1849, to direct that he be kept in custody for the term of his natural life.

(Signed) T. PYCROFT,

Chief Secretary.

Exd. F. Cartledge.

Judicial Dept.

No. 30

Extract Min. Cons.

Dated 6 May 1857.

Read letter from the Register to the Fouj. Adawlut } Dated 29th April /57 No. 8

A

See below x

With this letter the F. A. forward the Calendar and excerpts from the record in Case No. 19 of 1857 on the file of the Session Ct., Guntoor. The Prisoner, Sheik Homed, was charged with cutting & wounding his wife (intent not specified), and further with having attempted to commit suicide. On both charges he was acquitted on special judgments, but he did the acts for which he stood indicted, being then of unsound mind; and he is now in confinement until the pleasure of Govt. is known.

2. In submitting the case, the F. A. 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 Govt. are of opinion that the course suggested is not satisfactory. The Prisoner, it has been found, is at intervals subject to attacks of mania, and from the violence of his conduct under one of these fits, it is obvious that he

is quite unfit to be at large.

They resolve, therefore, under Sect III of Act IV of 1849, to direct that he be Kept in Custody for the term of his natural life.

D.C.
30/4/57.

(Sigd) C. Maltby
Actg Chief Secy

Copy to the Court of Fouj. Udalut Dispd 11th

Judl. Letter to Court of Directors 20th Oct. of 1857 Para 26.

Refd. in No 5 of 1858

By Comm: 12th May
Judl. 1857 Dep.

No 530

Ex. Mins. of Cons.

Dd 16 May 1857

Resolved under circumstances stated that the Prisoner Sheik Hoome be kept in custody for the term of his natural life.

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