M.R.O. 1—20,000—15-12-58.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 804 Press ~~Mis.~~

66-67

Dated 10-6- ~~19~~ 1859

Not to be folded or roughly handled

No. 61. Read the following letter from J. J. COTTON, Esq., Session Judge of Masulipatam; to T. PYCROFT, Esq., Chief Secretary to Government in the Judicial Department, Fort Saint George, dated 3rd June 1859, No. 218.

1. I have the honor to forward herewith under the provisions of Act No. IV of 1849, translation of a special verdict given in by the Jurors in a case lately tried before the Session Court, in which the accused was placed on trial for attempt at murder, but which act was committed by the accused when in an unsound state of mind, not wilfully caused by himself.

2. From the evidence there is no question of the commission of the act charged, viz., that the prisoner seized a woman round the body at 11 o'clock in the day in her own court-yard and threw her down a well, whence she was taken out without much injury. Prisoner himself in confessing the offence stated before the Court that he did so by orders of His Excellency the Commander-in-Chief.

3. The prisoner is a 2nd Dresser attached to the Civil Dispensary at this station, and has for some time exhibited symptoms of being irrational and insane, indeed his case had been brought to the notice of Divisional Head Quarters, and also of the Officer Commanding the station, by the Acting Civil Surgeon, and he had been placed under the personal surveillance of 2 Sepoy Orderlies only the day previous to that on which having evaded them he committed the act with which he stands charged.

4. As soon as the defence of the prisoner was closed, I directed the Acting Civil Surgeon to place him under observation and Medical treatment, and after a time to report on his state of mind and body. I beg to forward Doctor Johnston's letter of the 1st Instant stating that the prisoner had recovered and was restored to soundness of mind.

5. From the evidence of this Officer who was well acquainted with the accused, there seems little question that the offence was committed by the latter when he was irresponsible for his acts. The affections from which the prisoner suffered were apparently of a temporary nature, and he appears now to have recovered from their effects entirely.

6. The case under all the circumstances seems to be one for the favorable consideration of Government, as provided for in Section V of the Enactment referred to.

CASE No. 22 OF 1859.

Masulipatam Session Court's File.

The Session Judge having heard the evidence against the prisoner and all that he had to adduce in his defence, put the following question to the Assessor.

To the Assessor Y. Bolliah.

Q.—Is the charge of the Government Vakeel proved against the prisoner or not?

A.—On a perusal of the record of this case, it appears that the prisoner committed this crime from unsoundness of mind and not intentionally; I am therefore of opinion that prisoner is not liable to punishment.

2nd June 1859. (Signed) Y. BOLLIAH, *Assessor.*

To the Assessor Mohammad Khandur Oodeen Hoosain Saheb.

Q.—Is the charge of the Government Vakeel proved against the prisoner or not?

NOTE.—*The 1st Assessor was concurred in by this Assessor.*

From W. JOHNSTON, Acting Civil Surgeon, to the Civil and Session Judge, Masulipatam; 1st June 1859, No. 31.

In accordance with the instructions conveyed in your letter of the 21st Ultimo, I have the honor to inform you that in my opinion 2nd Dresser Seeraam is now sane. Further I beg to suggest that the 2nd Dresser should be sent to the Presidency where, in the General Hospital, he would be under surveillance while doing duty there.

Proceedings of the Madras Government, Judicial Department, from 1st to 10th June 1859.

No. 67. ORDER THEREON, 10th June 1859, No. 804.

Referred to the Judges of the Foujdaree Udalut, through whom, it is to be remarked, the case ought to have been submitted to Government.

(Signed) T. PYCROFT,
Chief Secretary.

Ed. P. Carlisle

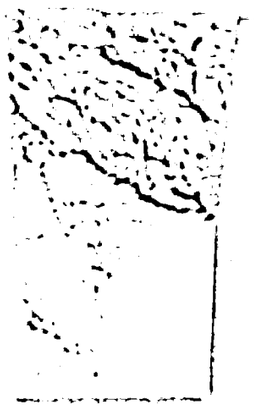
No. 804.

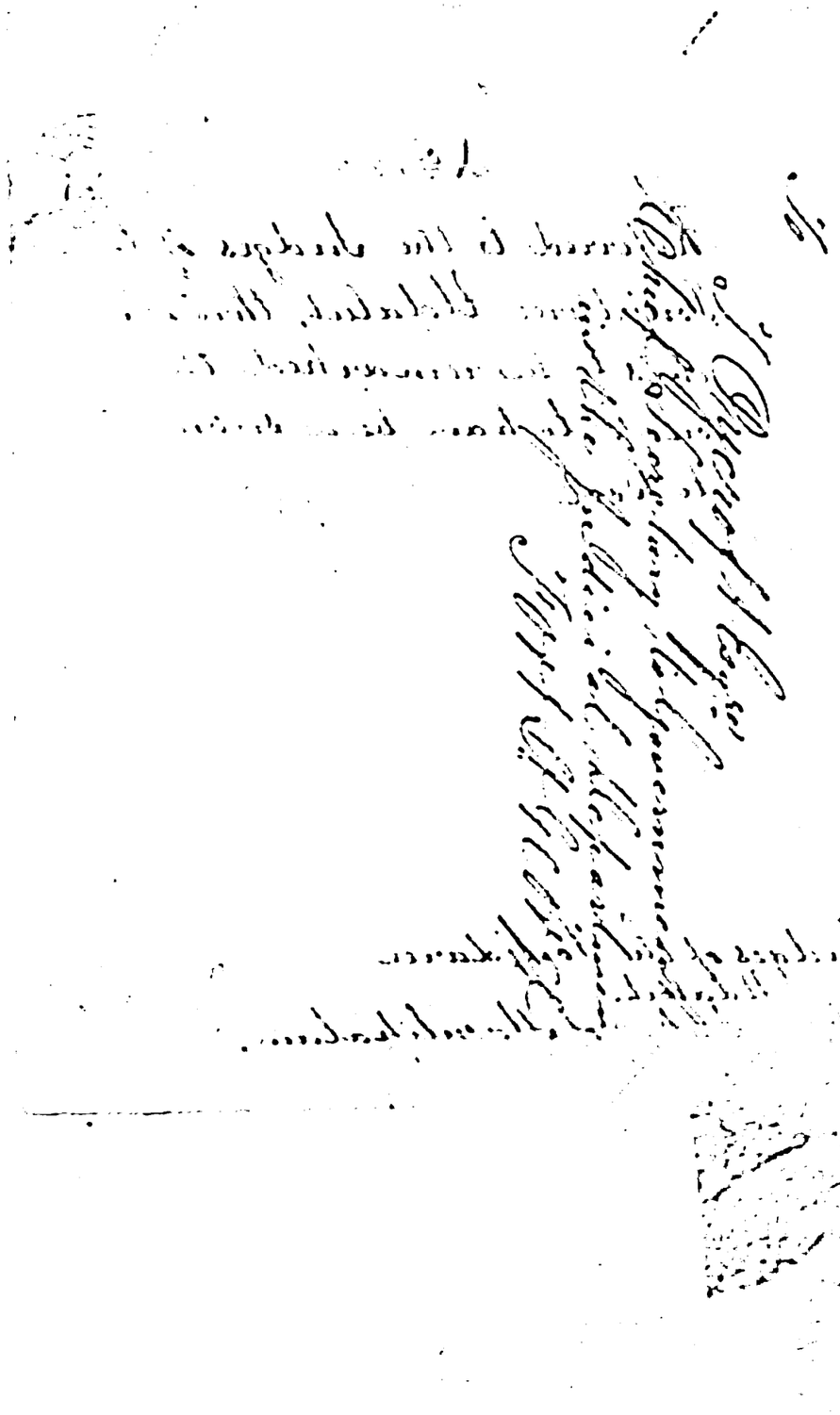
Referred to the Judges of the Foujdaree Udalut, thro' whom, it is to be remarked, the case ought to have been submitted to Govt

Fort St George, 10 June 1859.

J P

The Judges of the Foujdaree Udalut.
" Sessions Judges of Masulipatam } Circd. &c.





Lith. F. Cartelge