

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	<i>290</i>	Press Mis.
<i>30-31</i>		
<i>30-31</i>		
Dated	<i>4. 3. 186/</i>	<i>49</i>

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Not to be folded or roughly handled

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*Proceedings of the Madras Government, Judicial Department,
4th March 1861.*

No. 30. Heard the following letter from H. D. COOK, Esq., Sessions Judge of Calicut, to T. PYCROFT, Esq., Chief Secretary to Government, in the Judicial Department, Fort Saint George, dated 30th January 1861, No. 17.

• *Manhakalatingul Ally Ahmod.*

1. I have the honor to state that the prisoner* in case No. 3 of 1861, who stood charged with having on the night of 3rd January 1861, feloniously broken into the Pagoda of one Soobramanien Putter and Shangra Shastrigul in the Division of Vadakoomtawah, Taluq of Palghaut in Zillah Calicut, by removing the latch of the door and feloniously stolen, taken and carried away therefrom brass Lamps, Idols, cloths, &c., valued at Rupees 705-15-5, and further with having been found in possession of the above property, knowing the same to have been feloniously stolen, 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 is herewith forwarded.

2. The prisoner pleaded not guilty, and in his defence said he did not commit the theft in his senses.

3. The evidence of the 1st, 3rd and 5th witnesses proved the theft of the Idols, &c., from the Temple and the giving of them up by the prisoner.

4. The 5th witness also stated that the day after the theft was committed the prisoner came to him and told him that he had stolen the articles belonging to the Pagoda.

5. It appears from the record that the prisoner on two previous occasions shewed symptoms of insanity and was brought to the Taluq but was delivered over to his father at his request.

6. The 11th witness, Civil Surgeon, deposes that the prisoner was insane when admitted into Hospital and that from the papers he has perused on record he is of opinion that when the prisoner committed the theft he was not in a sound state of mind. He adds that the prisoner is now well and may be delivered over to his relatives.

7. It was evident from the prisoner's conduct in Court when put on trial that he was labouring under mental excitement, and although perfectly cognizant of what was said to him yet his reason was unhinged and excitement great. When brought up the second time after a short confinement in Hospital he appeared quite calm and expressed a desire to return home.

8. The Medical Officer states that there is no danger in handing the prisoner over to his relatives in his present state.

9. As however he has been insane on two previous occasions, I am of opinion that it would be expedient to keep him under the Medical Officer's surveillance for a short time in order to secure a more permanent recovery.

10. Under all the circumstances of the case, 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.

11. The prisoner in the mean time is under surveillance.

*Proceedings of the Madras Government, Judicial Department,
4th March 1861.*

No. 3 of 1861.

Examination of E. S. CLEVELAND, Esq., Civil Surgeon, Malabar, taken before the Sessions Court at Calicut.

Question.

1. You have perused a translation of certain papers connected with Sessions Case No. 3 of 1861, relative to the offence committed by the prisoner Manhakalatingul Ally Ahmod now at the bar. 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.

Answer.

I have read a translation of the papers referred to, in Sessions Case No. 3 of 1861, I am unable to form an opinion of the justness of the inference drawn by the Taluq Magistrate, whose remarks are unintelligible on this point.

In my judgment however the prisoner must have laboured under temporary insanity at the time the criminal act of which he was accused, was committed.

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?

The prisoner laboured under mental aberration on his admission into Hospital under observation. He was noisy and tore his clothes on the first day, but there was a marked improvement in his conduct on the second when he slept much, and perfectly quiet and rational in conversation and demeanour on the third, doubtless through removal from the exciting causes of his mental state and through treatment. He had his clothes restored to him on recovering from his excitement which he has since carefully preserved. He has I consider recovered his original tone of mind.

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?

I would recommend the prisoner should be entrusted to the care of his relatives who should be responsible for his future conduct.

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

Taken on oath before me this 23th day of January 1861.

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

(True copy.)

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

*Proceedings of the Madras Government, Judicial Department,
4th March 1861.*

No. 31.

ORDER THEREON, 4th March 1861, No. 290.

His Excellency the Governor in Council directs that the prisoner, Manhakalatingul Ally Ahmod, accused of theft, but acquitted on the ground of unsoundness of mind when the act was committed, be detained under the surveillance of the Zillah Surgeon of Calicut for a further period of three months, and that on the expiration of that time, should the Surgeon see no objection, he be made over to his friends.

(Signed) T. PYCROFT,

Chief Secretary.

Exd. F. Cartledge.

N^o 270 - 4 March 1861. u p

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36. & the Governor in Council directs that the prisoner, Manhakalatingul Ally Ahimod, accused of theft, but acquitted on the ground of unsoundness of mind when the act was committed, be detained under the surveillance of the Killah Surgeon of Calicut for a further period of three months, & that on the expiration of that time, should the Surgeon see no objection, he be made over to his friends.

The Sessions Judge of
Calicut.
" Magistrate of Malabar. 24-3-61

are a few principles I don't think that a man
who has committed a crime & been acquitted
on the ground of insanity should be let loose upon
society - in the present instance however
different object

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CELEST.
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Provic 1861 Sept

7th Div of State

at New York

the deposed subject

to

The Chief Secretary

to Government

Provic Department

to Mr. May

dated 30th January

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order of Government

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of Act 17 of 1861

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final orders of Govern.
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Sessons Court

Calicut

30th January 1861

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Your

E. C.