

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1054	Press Sis.
46-47	
Dated 4.7.1862.	10

9/10

Not to be folded or roughly handled

Exhibit 66
1862. Department.

No. 16571

PROCEEDINGS OF GOVERNMENT.

Dated 21 July 1862

Deciding the release from
imprisonment of the
Prisoner Endora Chetty.

46547

copy June
Recd

*Proceedings of the Madras Government, Judicial Department,
4th July 1862.*

No. 46. Read the following letter from C. W. READE, Esq., Magistrate of South Arcot; to A. J. ARBUTHNOT, Esq., Acting Chief Secretary to Government, Madras, dated 23rd June 1862, No. 30.

Section 394 of the Code of Criminal Procedure seems to require that I should submit the accompanying papers for the orders of Government.

These papers relate to the case of a man who was charged with Burglary about 3 years ago, and who while in custody on that charge effected his escape; he has only recently been forthcoming, and my Head Assistant Mr. Grose finds that at the time of his escape, the accused was of unsound mind, and he has been accordingly acquitted. I required Mr. Grose to inform me of the result of V. Thandava Chetty's trial in the substantive charge of Burglary, and in reply he states that the Sub-Magistrate tried the accused on that charge, and acquitted him in the absence of any evidence, before he was sent to the Head Assistant Magistrate for trial for the offence of escape.

2. I beg to recommend that "V. Thandava Chetty" be released altogether; and that he be made over to his relative and friends as authorized under Section 397 of the Procedure Code.

No. 47. ORDER THEREON, 4th July 1862, No. 1,054.

In the foregoing letter the Magistrate of South Arcot has submitted the case of the Prisoner named Tondava Chetty, who 3 years ago when in custody on a charge of Burglary effected his escape. The Prisoner having been recently apprehended on the charge of escape has been acquitted by the Acting Head Assistant Magistrate on the ground that he was of unsound mind when he effected his escape. He is now sane and the Magistrate recommends that he be released. He has been acquitted on the charge of Burglary.

2. Under the circumstances, the Governor in Council directs that the Prisoner Tondava Chetty be released from imprisonment.

(Signed) A. J. ARBUTHNOT,
Acting Chief Secretary.

Exd. F. Cartledge.

Charles Kent
Magistrate

acquitted by the Acting
Head Assistant Ma-
-gistrate on the ground
that he was of un-
-sound mind when
he effected his escape.
He is now sane and
the Magistrate re-
-commends that he
be released. He has
been acquitted on
the charge of Burglary.

2. Under the cir-
-cumstances, the
Governor in Council
directs that the
prisoner Kondana
Chetty be released
from imprison-
-ment.

W/K
To the Ag. Magt. of South Arcot. ^{5th July 1862.}

S. S. S.

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter
from the Magistrate
of South Arcot.

Received 23rd June '62
(12.30)

order thereon 4th July 1862 No 1034.

In the foregoing letter
the Magistrate of South
Arcot has submitted
the case of the pri-
soner named Vona-
dava chetty who
3 years ago when
in custody ~~for~~^{on} a
charge of burglary
effected his escape.
The prisoner having
been recently appre-
hended on the charge
of Escape has been
acquitted

will

He is the same as the
one who was in the
prison at 128 in
June 1862. No 30

The Magistrate of
South Arcot
No 134 June 1862

The following letter
from the Magistrate
of South Arcot
for the release of
Vondava chetty who
is a known prisoner
who effected his
escape from the
prison at 128 in
June 1862.

22nd June 1862
No 1244

ago & that at the time he was
so he was of unsound mind.
He is now, however, in full
possession of his senses, & I
think he may safely be
discharged.

Under Section
394 of the Procedure Code I
cannot myself detain him,
but must report the case
for the order of Government.
I am sending by Reg that you
will be good enough to
forward this communication
with its enclosures for
their consideration.

If there is any
objection to discharging the
man without taking security
under Section 397 of the Procedure
Code, friends are for the coming
in who will give it.

Enclosures.

Enclosures.

- 1 Translation of Muttu Chetty's
deposition in the case of
Rajia v. Sundara Chetty.
- 2 Translation of Tyed
Rath's deposition in the same case
- 3 Copy of finding & sentence
of the Magistrate in the same case.

J. R. R. R.
1 Sipra / J. R. R.
Magistrate

1 True copy /

Charles Read
(Magistrate)

Srinanaray
13th June 1862.

Mr, J. G. E. Esq
13th June 1862.

Mr, C. W. P. Esq
13th June 1862.

Sir,
I have the honor to
enclose a copy of the finding
of sentence rendered by me in
the case of Rajin Ven, Sandana
Chetty for escape from lawful
custody, as well as translations
of deposition taken from
2 witnesses in that case.

It appears that
Sandana Chetty escaped from
lawful custody about 3 years
ago.

He is a letter from the
English to the
and dated 25 June
1862 No 30

He is a letter from the
English to the
and dated 25 June
1862 No 30

1862 No 30
1862 No 30

the jail of a certain Kaikew-house,
whose name I have forgotten I was
that night taken ill of fever and
gave the Prisoner in charge to the
Patrol Pious Esanda Kait & Sobram he
& Officer sawing a piece of his Magistrate.
I do not know whether the Prisoner
was well guarded by them or not.
at about 12 o'clock in the same night
I became thirsty & on getting up, found
that the prisoner was missing immediately
informed the Patrol Kait & others, they
searched for him in different places
but could not find him I did not
see the Prisoner again until a fortnight
ago when I saw him in the Chugam
Sub Magistrate's office at the time of his
escape the prisoner was suffering from
some belious disease & was not sound
in mind I have heard that for 3 years
before he was suffering ^{from} the said
disease when I first apprehended
him he gave no proper answer to the
question proposed to him & spoke
like a mad man.

/ Signed Syd. Kather
True Translation

/ Signed J. Grace
1 True copy / J. Grace
Magistrate

12 June 1862

1st Witness Mullachetty (continued)

about 3 years ago at the time of Sundara Chetty committing robbery he was sometimes mad some times sound in mind. After his escape from the custody of the Prison for the space of 3 years he was wandering to & fro and living in his house and as I was acquainted with him. about a month ago he was apprehended & was examined at the time of his committing robbery he was a shop keeper, but he was sometimes sound in mind and sometimes not.

Witness Mullachetty
2^d Witness Eyed Witness.

about 3 years ago I was a peon at the Sanad of Perambalur, I know the Prisoner who is now present I was directed by the Police Officer of Chingam to arrest this Prisoner as he was charged for theft by the Prosecutor (Mullachetty) Kaprethandi and brought him before the said Officer Catekery on the 3^d day & on the 4th day the Prisoner was taken to Bruma Bandam in order that his shop there might be searched at night & he was kept in my custody.

an

On a letter from the
Prisoner to the
Court dated 23rd June
1862 No 50

Copy of finding
of the Court in
Sundara Chetty
Case

and 2/62 &
no 1244

Case No. 25

Wajna Tewa Sandara Chetty
escape from lawful custody
& Act of Violence

The evidence of 2^d Witness confirmed
by the 1st & 3^d and by the admissions of the
Prisoner proves that he escaped from
lawful custody, but the 1st & 2^d Witness
also give evidence to the effect that at
the time of his doing so, he was of
unsound mind. This is the plea which
is brought forward by the Prisoner.

Finding and Sentence

The Court finds that Sandara Chetty
has escaped from custody in which he
was lawfully detained on a charge of
burglary, and that he has thereby committed
the act described in Section 224 of the
Indian Penal Code, but the Court
also finds that at the time of doing
it, he was incapable by reason of
unsoundness of mind of knowing the
nature of the act.

Signed James Brooke

J. P. Magistrate

Trinomially
12th June 1862

/ True copy,

Signed James Brooke

/ True copy, J. P. Magistrate

Charles R. R.
Magistrate