

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT

G.O. No. 1689

Press
Mis.

114-115

Dated 13-10-1882

4/4

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,

13th October 1862.

No. 114. Read the following letter from L. C. INNES, Esq., Session Judge of Rajahmundry ; to T. PYCROFT, Esq., Chief Secretary to Government, Judicial Department, Fort Saint George, Madras, dated 23rd September 1862, No. 48.

1. Under Section 394 of the Code of Criminal Procedure, I have the honor to forward for the final orders of the Government the following report of a case in which Nēkkanti Subbanna has been acquitted on a charge of murder on the ground that the act of violence which caused the death of Latchmidēvi, with whose murder he is charged, was done under the influence of such insanity as legally excuses him.

2. From the evidence of Cherukuri Sarafarayudu 4th witness, and Nēkkanti Dzangam 5th witness, respectively father-in-law and nephew of prisoner, it appears that prisoner has been insane for more than a year, and that in January last, an enquiry was made by the Sub Magistrate on the information of 5th witness into an assault made by him upon his wife with a stick.

3. The enquiry so held was not regularly concluded, but the prisoner was given over to the care of 4th and 5th witnesses on the understanding that they should secure him against committing similar acts of violence, and agreements to that effect were entered into by them.

4. The letter of the Magistrate, dated 7th April 1862, in reply to proceedings of the Court, dated 3rd April 1862, No. 24, also confirms this statement of facts. The attacks of madness were periodic as stated by the above witnesses. Whenever symptoms of their approach were exhibited, prisoner was confined to a room of his house which was secured by a bolt on the outside.

5. They further state that on the date of the offence (1st March 1862) prisoner had been 3 days in confinement, and was very violent. He managed as they conclude to lift the door in such a manner as to unfasten the bolt, and so at 6 P. M., effected his escape ; 4th witness hearing him coming took refuge in another room, 5th witness saw him leave his place of confinement with a kattuva, (or pointed wooden spade,) in his hand and rush down the street.

6. 1st and 2nd witnesses (the former of whom is a daughter of the deceased Latchmidēvi), state that they were standing that evening with deceased at the door of her house, when they saw prisoner coming rapidly down the street carrying a kattuva. 2nd witness exclaimed " the " madman is coming," and disappeared over a low wall close by. Latchmidēvi ran into the house, and 1st witness ran away down the street. Hearing soon afterwards that Latchmidēvi had been beaten by prisoner, they returned and found prisoner in custody of the Police, and Latchmidēvi lying with her left leg broken below the knee, and with a wound on the outer part of the leg. She stated that prisoner had pursued and struck her with the kattuva and broken her leg.

7. 6th witness the Native Doctor who attended deceased says he was sent for at about $\frac{1}{2}$ past 7 on the evening of the date of the offence, and found Latchmidēvi lying with the shin-bone of her left leg broken. There was a wound also on the outer part of the leg. Witness set the leg and dressed the wound, but Latchmidēvi died from mortification of the wound 9 days afterwards.

8. 1st, 2nd and 3rd witnesses (of whom the last was the husband of deceased) likewise testify that Latchmidēvi was in perfect health before the injury, but did not rise from her bed after it, and that her death on the 9th day clearly resulted from it.

9. A declaration was taken from Latchmidēvi before her death ; but unfortunately it was not ascertained from her that at the time she dictated it she believed herself to be in danger of approaching death, and it is not therefore admissible in evidence against prisoner. There can be not the slightest doubt however from the evidence that the injury to Latchmidēvi of which she died, was inflicted by prisoner.

10. There was also strong reason for concluding from the evidence so far, that prisoner was not in his right mind at the time he struck the blow ; but I considered that it would be more satisfactory to ascertain by observation the nature of prisoner's periodic madness ; and the degree of control over his actions possessed by him when under the influence of these attacks.

*Proceedings of the Madras Government, Judicial Department,
13th October 1862.*

11. I therefore requested the Zillah Surgeon to keep him under observation in the Jail. The evidence of the Zilla Surgeon, 7th witness, and the Jailor, 8th witness, show that on the 22nd August last, an attack of mania came on which lasted until the 30th idem.

12. During this attack he did not sleep for several days and nights, created a great and constant disturbance in the Jail, and was so violent that ~~to~~ prevent injury to himself and others it became necessary to restrain him with irons.

13. Prisoner when called upon for his defence showed by his answers that he clearly understood the charge and evidence. He stated that he was quite unaware of what he had done, had borne Latchmidévi no ill-will, and must have been out of his senses at the time he struck her.

14. The testimony of 1st, 2nd, 3rd, 4th and 5th witnesses shows that the act of prisoner cannot be referred to any pre-existing ill-feeling towards Latchmidévi; and this circumstance when considered in connection with the fact that prisoner had just previous to inflicting the blow broken loose from a place in which he had been secured on account of madness, and in connection also with the features of the attack of madness in Jail, which show that prisoner is at such periods not a responsible agent, has led me to concur in opinion with the assessors in acquitting the prisoner on the ground that he did the act charged, being at the time, by reason of unsoundness of mind, incapable of knowing that he was doing what was wrong.

15. I have ordered him to be kept in custody in the Jail until the pleasure of the Government in regard to his future disposal shall be made known.

No. 115. ORDER THEREON, 13th October 1862, No. 1,689.

Under Section 394 of the Code of Criminal Procedure, the Governor in Council directs that the prisoner, Nékkanti Subbanna, be kept in the Zillah Jail of Rajahmundry, until he can be accommodated in the Lunatic Asylum at Madras, or in any such institution that may hereafter be established in the Provinces.

(Signed) T. PYCROFT,
Chief Secretary.

Order 13th Oct^r 1862 No 1689
Under Sec 394 of the
Code of Criminal
Procedure, the Governor
in Council directs that
the prisoner, Nékkanti
Subbanna, be kept
in the Zillah Jail
of Rajahmundry, until
he can be accommodated

in the Lunatic Asylum at
Madras, or in any such
institution that may here-
after be established in the
Provinces.

114-115

The Deputy Judge of Rajahmundry

Inspector General of Police

Principal Inspector Genl. Medl. Dept.

28/11/88

Approved by
1888

From the
to the

to the
to the

to the
to the

to the
to the

to the
to the

to the
to the

Feb 21/88
2304