

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. <i>1970</i>	Press ~~Mis.~~
<i>34-35</i>	
Dated <i>5.12.1862.</i>	

Not to be folded or roughly handled

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*Proceedings of the Madras Government, Judicial Department,
5th December 1862.*

No. 34. Read the following letter from J. ROHDE, Esq., Inspector General of Jails; to A. J. ARBUTHNOT, Esq., Chief Secretary to the Government of Fort Saint George, dated Ootacamund, 12th November 1862, No. 578.

I have the honor to submit for the consideration of His Excellency the Governor in Council that, in cases of acquittal of prisoners, who have committed homicide, on the ground that they were of unsound mind, it will be well that the order for the detention of the prisoners at the Lunatic Asylum, or elsewhere, should restrict the Officer in charge from releasing the prisoner on recovery without special order from Government.

2. Under orders worded as in No. 1,689, 13th October 1862, I should fear that such persons may inadvertently be released.

No. 35. ORDER THEREON, 5th December 1862, No. 1,970.

In the order to which Mr. Rohde refers it was directed, under Section 394 of the C. of C. P., that a Criminal Lunatic in the Rajahmundry Jail should be kept in custody in the Jail until accommodation could be provided in an Asylum. The Governor in Council presumes that the Session Judge, or other Officer in charge of the Jail, has sufficient acquaintance with his duty, and with the provisions of the enactment quoted, to preclude the possibility of his prisoner being inadvertently set at liberty.

2. When opportunity offers for the Lunatic's removal to an Asylum it may perhaps be advisable to caution the Superintendent that an express order from Government is indispensable for his release. At present it appears sufficient to inform the Officer in charge of the Presidency Asylum, that the only Criminal Lunatics who may be discharged from custody without an express order from Government or a commission specially appointed, are persons confined under Section 396 of the C. of C. P., after the expiration of the term of imprisonment to which they may have been sentenced. To such cases the provisions of Section IX, Act XXXVI of 1858 are made specially applicable.

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

1940 5th December 1882

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(T.O.)

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To such cases the provisions of
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To the Supr. Genl. of Sails 3 dupd
" Supr. Genl. of Sails 3 dupd
" Secy. of the Navy 3 dupd