M.R.O. 1—23,000—16-10-23.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 105 Press
-137-138 Mis.

Dated 24-1-1888

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Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, 24th January 1863.

No. 137. Read the following letter from J. RATLIFF, Esq., Session Judge of Bellary; to A. J. ARBUTHNOT, Esq., Chief Secretary to Government, Madras, dated Bellary, 6th January 1863, No. 1.

I have the honer to forward herewith copy of a Calendar of Case No. 241 of 1862, on the Session's Calendar, wherein the prisoner Burmavah was proved to have committed the offence laid to her charge, but acquitted on the ground therein specified, to state that under the provisions of Section 394 of the Code of Criminal Procedure, she has been ordered to be kept in safe custody in the Jail Hospital, to request that you will be pleased to obtain the order of Government as to the whereabouts of her future custody.

Calendar of persons tried before J. RATLIFF, Esq., Session Judge of Bellary.

1	2	3	4	5	6	7	8	9	10	11	12	13	14
No. of the Case.	Name of the accused.	Copy of the charge or substance of the complaint.	Name of Complainant.	Names of witnesses for the prosecution.	Names of witnesses for the defence.	Summary of the facts proved or confessed.	Finding and Sentence.	Date of Offence.	Date of Complaint	Date of apprehension or appearance.	Date of commencing trial.	Date of Sentence.	Explanation of delay.
241 of 1862.	1 Burmavah, (female.)	That the prisoner on the 19th day of October 1862, at the village of Yerrahal, Talook Hurponhully, Bellary District, attempted to commit suicide by throwing herself into a well, and that she has thereby committed an offence punishable under Section 309 of the Indian Penal Code. 2ndly. That the prisoner at the same time and place committed murder by causing the death of Sunna Basapah, her son aged 2 years, and that she has thereby committed an offence punishable under Section 302 of the Indian Penal Code. Committed by Sashageree Row, 2nd Class Sub-Magistrate of Hurponhully.	The Queen.	1. Seerappah. 2. Doda Babasapah. 3. Goolappah. 4. G. Barmapah. 5. A. Barmapah. 6. Burabo Basava. 7. Busvungowd. 8. Ambly Basapah. 9. H. Lingapah. 10. Surgeon Major J. M. Jackson.	.....	The evidence shows that the prisoner and the dead body of her child, were both taken out of a well into which there is every reasonable presumption that the prisoner had deliberately thrown herself with the latter in her arms. 2. As, however, it is also credibly established in evidence that the woman is and has long been mentally deficient, and unaccountable for her action, and as the Zillah Surgeon, as deponent on the point, declares her to be in his opinion a "harmless idiot," the Court has acquitted her, under provisions of Section 393 of the Code of Criminal Procedure.	The Court concurring with the Assessors, finds that Burmavah has committed the offences of "attempt to commit suicide and murder" specified in the charge and punishable under Sections 309 and 302 of the Indian Penal Code, but on the ground that at the time at which she is charged with having committed the said offences she was, by reason of unsoundness of mind incapable of knowing the nature of the acts charged, acquits her under the provision of Section 392 of the Code of Criminal Procedure.	19th October 1862.	20th October 1862.	2nd October 1862.	10th December 1862.	11th December 1862.	

SESSION COURT, BELLARY,
13th December 1862.

(Signed) J. RATLIFF,
Session Judge.

SESSION COURT, BELLARY,
6th January 1863.

(True Copy.)
(Signed) J. RATLIFF,
Session Judge.

Proceedings of the Madras Government, Judicial Department, 24th January 1863.

No. 138. ORDER of GOVERNMENT, 24th January 1863, No. 105.

Before passing orders regarding the disposal of the prisoner referred to in the letter above recorded, His Excellency the Governor in Council directs that the Magistrate of Bellary will report whether the relatives of the prisoner are willing to take charge of her, and whether they can be trusted to exercise a proper surveillance over her.

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

Ed. T. McMootry.

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No.

H. E. the Governor in Council directs that the prisoner, Burmavah, be made over to her friends, if they are willing to take charge of her.

The Sessions Judge of Bellary.

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Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter from the Sessions Judge of Bellary-

(Received 6th January 1863 No 1)

Order thereon 24th January 1863 No 105

Before passing orders regarding the disposal of the prisoner referred to in the letter above recorded His Excellency the Governor in Council directs that the Magistrate of Bellary will report whether the relatives of the prisoner are willing to take charge of her & whether they can be trusted to exercise a proper surveillance over her.

To the Sessions Judge of Bellary
" Magistrate of Bellary - 3 dupl 26

Pro. Cons

Jud. 186[illegible]. *Department.*

No. 135.

PROCEEDINGS OF GOVERNMENT.

Dated 24 January 63.

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