M.R.O. 1—80,000—16-10-23.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1716 Press ~~Mis.~~

13-15

Dated 2.11.1863 ~~19~~ .

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Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, 2nd November 1863.

Read the following papers :—

No. 13. From F. S. CHILD, Esq., Session Judge of Cuddapah ; to A. J. ARBUTHNOT, Esq., Chief Secretary to Government, Madras, dated Cuddapah, 29th September 1863, No. 400.

I have the honor, under Clause 3, Section 395 of the Criminal Procedure Code, to forward for the consideration of His Excellency the Governor in Council, the case of Criminal lunatic Budun Saib, referred to in the letters to and from the Surgeon in charge of the Lunatic Asylum, Madras. I have also the honor to forward a copy of the Calendar showing the nature of the offence committed by the lunatic. From the evidence produced on the trial, it was proved that Budun Saib was at that time a lunatic of the most dangerous description, but the Surgeon seems now to be of opinion that he is in such a state as to be physically incapable of committing injury in future. As to his not having manifested any disposition to violence since his admission into Hospital, I attach no importance whatever to that feature in his case, as it was proved in Court that his madness was of long standing and no recent attack only. Besides which I have known cases in this country especially one in Tirnavelly in which a Criminal lunatic, after behaving in the most exemplary and intelligent manner for nearly one year, on the very first opportunity that occurred, attacked and killed a patient in the Jail Hospital with whom he accidently found himself alone for a few minutes.

Therefore, unless Budun Saib is in such a state as to render him physically incapable of committing injury, it would, I think from his antecedents, be highly dangerous to permit his release.

The Act and Section quoted in the Surgeon's letter is not the one applicable in the present instance.

From F. S. CHILD, Esq., Session Judge of Cuddapah ; to Assistant Surgeon S. MASON, Lunatic Asylum, dated Cuddapah, 22nd September 1863.

With reference to the enclosed translation of a petition addressed to me by one C. Budun Saib, I have the honor to request you will be good enough to inform me whether the patient alluded to is now sane, and whether he can, with safety, be given into the charge of the petitioner, who is his brother, as requested. Should the insane party have permanently recovered, I will then refer his case for the decision of the Governor in Council as he was found to have committed a most serious act of violence, having severely wounded four persons.

(True Copy.)

(Signed) F. S. CHILD,
Session Judge.

From Assistant Surgeon S. MASON, Lunatic Asylum ; to F. S. CHILD, Esq., Session Judge of Cuddapah, dated Madras, 26th September 1863, No. 188.

In reply to your letter, dated 22nd instant, I have the honor to inform you that Budun Saib, the patient therein referred to, continues insane ; but he has not manifested any disposition to violence since his admission into the Asylum, he is fast lapsing into a state of fatuity and has quite lost the use of his lower extremities from Paralysis. From the helpless state he is now in, he may, in my opinion with safety, be entrusted to the care of his relatives under the provisions of Section X, Act XXXVI of 1858.

(True Copy.)

(Signed) F. S. CHILD,
Sessions Judge.

Referred to the Principal Inspector General of the Medical Department for his opinion.

FORT SAINT GEORGE,
7th October 1863.

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

Proceedings of the Madras Government, Judicial Department,
2nd November 1863.

No. 14. From ROBERT COLE, Esq., Principal Inspector General Medical Department, Fort Saint George; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Judicial Department, Fort Saint George, dated 20th October 1863, No. 222.

With advertence to letter, as per margin, from the Civil and Session Judge, Cuddapah, referred for my report, under date the 7th instant, and taking into account the condition of the lunatic as described by the Medical Officer of the Lunatic Asylum, I am of opinion that he cannot long survive, and that he will not be able to use violence in future. Under these circumstances I see no reason why the man should not be given up to the care of his relatives, if they undertake to be responsible for his safe custody.

No. 400 of 29th September 1863, (herewith returned.)

No. 15. ORDER THEREON, 2nd November 1863, No. 1,716.

Under Section 397 of the Code of Criminal Procedure, His Excellency the Governor in Council directs that the prisoner, Budun Saib, be sent back from the Lunatic Asylum to Cuddapah, and that, on his arrival, he be made over by the Magistrate to his brother, who has applied for his release.

2. The Magistrate will arrange for a due surveillance being maintained over the lunatic.

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

Exd. T. McMootry.

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letters—

From the Sessions Judge of Cuddapah — Dated 30 Septemr. '63 No. 400

" the Principal Inspector Genl., Medl. Dept. — 20 Oct. — 222

Order — 2d November 1863 No. 1716.

Under §397 of the Code of Criminal Procedure, H. E. the Governor in Council directs that the prisoner, Budun Saib, be sent back from the Lunatic Asylum to Cuddapah, & that, on his arrival, he be made over by the Magistrate to his brother, who has applied for his release.

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2. The Magistrate will arrange for a due surveillance being maintained over the lunatic.

The Sessions Judge of Cuddapah – With Calendar pet^{d} 3

" Principal Inspector Genl., Medl. Dept. 3 desp^{d} 7 th "

" Inspector Genl. of Police. 1/3

" Magistrate of Cudapah. 3

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Judicial 1863. Department.

No. 1716

PROCEEDINGS *of* GOVERNMENT.

Dated 2 November 1863.

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