M.R.O. 1—39,000—16-10-23.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 534 Press ~~Mis~~

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Dated 9.4.1863. ~~H~~ .

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Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,
9th April 1863.

No. 50. Read the following letter from E. B. FOORD, Esq., Acting Magistrate, Kistna District; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Judicial Department, Fort Saint George, dated Masulipatam, 25th March 1863, No. 104.

With reference to the provisions of Section 394 of the Code of Criminal Procedure, I have the honor to submit herewith copy of my decision in Case No. 14 of 1863 on my file, and request that you will be pleased to obtain the orders of Government as to the place where the Lunatic therein alluded to should be kept in custody.

CASE No. 14 of 1863.

Mr. W. Sharkey.

versus.

Mahomed Kyratee.

Summary of facts proved or confessed.

The evidence shows that the prisoner having threatened to set fire to a shed, used during the celebra[illegible]e Mohoram feast, in the village of Goodiwadah, the prosecutor in the execution of his [illegible] Police Inspector, went to the spot, when the prisoner seized one of his own children an[illegible]ted to strangle it, and upon the prosecutor's attempting to rescue the child, prisoner seized him by the throat, and pushed him down to the ground.

He was with difficulty secured by some Constables who came up to the Inspector's assistance. As it appeared to the Magistrate from the behaviour of the prisoner in Court, when first brought up for trial, that he was of unsound mind, he was sent to the Civil Surgeon for treatment. After treating prisoner for two months in the Jail, that Officer deposes as follows:—

"I am of opinion that he is of unsound mind, and subject to frequent attacks of Mania, during which he attacks all around him in the most violent manner, and attempts self-destruction.

He has been on a former occasion under my treatment in the Jail, when he exhibited the same symptoms of insanity, I have therefore no hesitation in giving a decided opinion in his case."

Finding and Sentence.

The Court finds that Mahomed Kyratee has committed the act charged, viz., that Mahomed Kyratee has used criminal force to a public servant in the execution of his duty; but the Court, under Section 84 of the Indian Penal Code, acquits the said Mahomed Kyratee, on the ground that at the time he committed the said act, he was, by reason of unsoundness of mind, incapable of knowing that he was doing wrong.

As the act charged would, but for the incapacity proved, have amounted to an offence punishable under Section 353 of the Indian Penal Code, the Court orders Mahomed Kyratee to be kept in safe custody in the Zillah Jail, pending the final orders of Government, to whom a report of the case will be made, under Section 394 of the Code of Criminal Procedure.

(True copy.)

23rd March 1863. (Signed) E. B. FOORD,
Acting Magistrate.

No. 51. ORDER THEREON, 9th April 1863, No. 534.

His Excellency the Governor in Council directs that the Lunatic prisoner Mahomed Kyratee referred to in the foregoing letter be detained in custody in the Zillah Jail at Masulipatam.

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

Exd. T. McMeotry.

No 534

Dated 18 28/04

No 534. Oahu 163.

His Excellency the Governor in Council directs that the Lunatic prisoner Mahomed Kyrutee referred to in the foregoing letter be detained in custody in the Zillah Jail at

by Magistrate
Krishna Dutt
Supt Gaol of Jails
Sessions Judge of Moorshedabad

dupd

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