M.R. O. 1—32,000—16-10-23.

# MADRAS RECORD OFFICE.

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## Government of Madras.

Judicial **DEPARTMENT.**

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|---|---|---|---|
| G.O. No. | 1729 | Press / Mis. | |
| 21-22 Dated | 2 - 12 - | 19 | 1864 |

3/4

***Not to be folded or roughly handled***

No. 21. Read the following letter from Captain G. N. JOHNSTONE, Cantonment Joint Magistrate, Bellary; to the Chief Secretary to Government, Madras, dated Bellary, 17th November 1864, No. 377.

Adverting to my letter, No. 294 of 21st September 1864, to your address, and Proceedings of Madras Government, Judicial Department, 30th September 1864, No. 1434, I have the honor to report, for the information of Government, that the officer in Medical charge of the Zillah Jail, Bellary, has reported to the Sessions Judge, as per original copies of correspondence,* that the lunatic referred to in my letter under notice is now of sound mind, and to request the orders of Government under the provisions of Clause 3, Section 395 of the Code of Criminal Procedure.

* Is herewith forwarded.

From R. DAVIDSON, Esq., Acting Session Judge, Bellary; to Captain G. N. JOHNSTONE, Cantonment Joint Magistrate, Bellary, dated 12th November 1861, No. 584.

I have the honor to forward two letters from the Acting Zillah Surgeon, certifying that the lunatic Papah is now of sound mind, in view to your adopting the course laid down in Clause 3, Section 395 of the Criminal Procedure Code.

From Surgeon Major J. K. OGILVIE, M. D., in Medical charge of Jail; to R. DAVIDSON, Esq., Session Judge, Bellary, dated 11th November 1864, No. 34.

I have the honor to acknowledge receipt of your letter, No. 578, regarding the name of a woman confined in Jail. I beg to state that she is sometimes called 'Papamah,' and sometimes 'Madoorah.'

From Surgeon Major J. K. OGILVIE, M. D., in Medical charge of Jail; to R. DAVIDSON, Esq., Session Judge, Bellary, dated Bellary, 8th November 1864, No. 33.

I have the honor to report that the individual named in the margin, who was under treatment for insanity, is now of sound mind, and beg to recommend that she may be released.

Madoorah.

No. 22. ORDER THEREON, 2nd December 1864, No. 1729.

The Governor in Council directs that it be pointed out to the Cantonment Joint Magistrate of Bellary that it was the object of the Order of the 30th September last, No. 1434, to dispense with further reference to the Government in regard to the lunatic in question. By that order her case was exempted from the operation of the Code of Criminal Procedure. Her detention in the Zillah Jail must be considered to have been under the authority of the Joint Magistrate acting under Sections 4 and 18, Clause 2 of Act XXXVI of 1858, and, in the absence of the functionaries required by Section 9, the Magistrate, guided by the report of the Zillah Surgeon, should give the order for discharge. This is the course prescribed in Section 10 of the Act, when any relative or a friend applies for the discharge of a lunatic.

(True Extract.)

*Chief Secretary.*

To the Cantonment Joint Magistrate of Bellary.
" Magistrate of Bellary,
" Sessions Judge of Bellary,
" Inspector General of Jails,
} with No. 1434 of 1864.

Ext. J. Tulloch.

Proceedings of the Madras Govt.

Read letter from the Cantonment Joint Magistrates of Bellary. ——— Enter 27th Nov.r 64 No. 377.

Order — 2nd December 1864 No. 1729.

Mr. [illegible] in Criminal Circuit Stewardship be pointed out to the Cantonment Joint Magistrates of Bellary that it was the object of the Order of the 30th Sept.r Last No. 1434, to dispense with further reference to the Govt. in regard to the lunatics in questions. By that Order her case was exempted from the operation of the Code of Criminal Procedures. Her detention in the Zillah Jail must be considered to have been under the authority of the Joint Magistrate acting under §§ IV & XVIII, Clause 2, of Act XXVI -58, & in the absence of the functionaries required by § IX, the magistrate, guided by the report of the Zillah Surgeon, should give the order for discharge. This is the course prescribed in § X of the Act, when any relatives or friends applies for the discharge of a lunatic.

The Cantonment Joint Magistrate of Bellary. } dest 27/12
" 1st Magistrate of Bellary. } with No. 1434
" Officiating Judge of Bellary. } of 64.
" Inspector Genl. of Hospitals.

1864. Department.

No. 129.

PROCEEDINGS of GOVERNMENT

Dated