

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1760	Press
		Mis
85-86		
Dated	7-12-1864	

12/12

Not to be folded or roughly handled

1760
1760
1760

*Proceedings of the Madras Government, Judicial Department,
7th December 1864.*

No. 85. Read the following letter from V. H. LEVINGE, Esq., Magistrate of Madura; to J. D. SIM, Esq., Secretary to Government, Fort Saint George, dated Madura, 19th November 1864, No. 399.

I have the honor to submit for the orders of Government, under Section 394 of the Criminal Procedure Code, a case* in which a prisoner was charged with an offence falling under Section 324 of the Penal Code, and acquitted by the Assistant Magistrate at Paumben, on the ground that at the time at which he was charged to have committed the offence he was, by reason of unsoundness of mind, incapable of knowing the nature of the act charged.

- * 1. Calendar.
- 2. Statement of Evidence.
- 3. Notes.
- 4. Medical Certificate.
- To be returned.

2. He is kept in safe custody pending the orders from Government.

No. 86. ORDER THEREON, 7th December 1864, No. 1760.

Under Section 394 of the Code of Criminal Procedure, the Governor in Council directs that the lunatic, Ram Doss, be removed to the Lunatic Asylum at Trichinopoly to be there detained until further orders.

(True Extract.)

Chief Secretary.

To the Magistrate of Madura.
" Magistrate of Trichinopoly.
" Inspector General of Jails.

Exd. J. Tulloch.

No. or the Case.	2	3	4	5	Names for the
	Name & description of the accused.	Copy of the Charge or Substance of the Complaint.	Name of Complainant.	Names of witnesses for the Prosecution.	
13 of 1861	Ram Dass Gowda brahmin or about the Beggar	That he on 31 st day of Oct. 1864 at Ramapuram voluntarily caused hurt by a dangerous weapon to the Person Prayaguram & that he has thereby committed an offence	Prayaguram	1. Venuvanadachari 2. Appanoo	

to of Purnell

6	7	8	9	10	11	12	13	14
witnesses defence.	Statements of the evidence and grounds of conviction.	Finding and Sentence.	Date of Offence.	Do. of Com- plaint.	Do of ap- prehension or appearance	Do of Com- mencing trial.	Do of Sentence. Explan- ation of delay.	
		The Court finds that the prisoner Ram Dass is not guilty of the offence specified in the charge, viz that he voluntarily caused hurt to the prosecutor by a dangerous weapon and has thereby	31 st Oct 1864	31 st Dec 1864	31 st Dec 1864	8 th Nov 1864	12 th Dec 1864	

This Prisoner was committed to the Asst
Magt on the 2nd Inst^t & reference was made
to the District Magt & answer received on
6th the Prisoner was examined, found to
be of unsound mind & ordered to be sent
to the Medical Officer whose certificate
was received on the 11th & the case was
disposed of on the 12th
Pur.

to of Pa

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witnesses
defence.

dangerous.

then,

The Prisoner in this case
is a Hindoo fakir with no regular
place of residence. He has been
staying for about two months at
Ramesuram living it would seem
on charity and putting up in one
of the public chattrams in that
Town or about the 31st October 18
he was charged with committing
an offence punishable under section
324 of the Indian Penal Code in
wounding the prosecutor by striking
him on the back, ear, and head
with an iron instrument. causing
wounds of a superficial nature but
pronounced not grievous by the
Medical authority. The prosecutor's
story is that he was proceeding
to the jungles with a calf, that

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witnesses
defence.

to of 6. this animal lay down in front
of a chattrum, in the verandah
of which the prisoner was standing.
That the prisoner asked him for
something to eat, and on his replying
that he had nothing, and while
he was stooping down to lift up
his calf, the prisoner struck him
on the back with an iron instrument.
He again struck him on the left ear,
and on his then attempting to seize
the prisoner the latter hit him a
third blow on the head. The prisoner
was immediately taken in charge by
the Police. The prosecutors charge
is corroborated by the evidence of
his two witnesses. The prisoner
when called upon for his defence
simply denied the whole circumstance,
and says he has no witnesses to
call. The court is of opinion that the
prisoner committed the offence
with which he is charged, but

under section 393 criminal Procedure
code acquits him because it is of
opinion that he is a lunatic and
was in an unsound state of mind
when he committed the offence.
His appearance and conduct during
the investigation leading the court
to consider him a lunatic he was
sent to the Medical authority
in Pambhoo, who after examining
him pronounced him to be of
unsound mind.

Pambhoo
12th November
1864

Signed / G. M. Payne Captain
Assistant Magistrate

(A true copy)

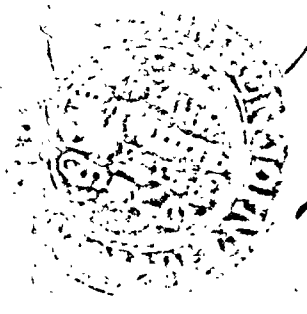
G. M. Payne Captain
Assistant Magistrate

to of
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witness
defence.

No 13 of 1864 5

Prosecutor Prisoner
Myasa Ram Ram Dutt

Ram Dutt That he is about the
31st day of Oct 1864 at Ra-
m Dutt
1864
miserable voluntary caused
by a dangerous weapon
must to the prosecutor Myasa
Ram & that he has thereby
committed an offence
punishable under Section
324 of the I.P. Code & within
my cognizance.



For Magistrate
Court

Prosecutor Myasa Ram
an inhabitant of Ram Dutt
~~deposes~~ states that on or about
the 31st day of October 1864 at
about 7 am he was taking
a calf to the pinner. that the
animal lay down in front
of a hindman ^(the house) in the town of
Ram Dutt. The prisoner
was standing in the verandah
of the hindman & asked him
for something to eat. He replied
he had nothing to give him.

No 1

1864 Sept

No 2. Enclosure.

In a letter

from

The Magistrate of

Madras

To the Secretary to Govt.

Madras

Dated 19th Nov 1864.

No 399.

Copy of the

document of Ram Dutt

written before the

Magistrate of

Ram Dutt in Calcutta

Code No 13 of 1864.

No 13 of 1864

No 2428

with which he is charged, but

to of

6
witness
defence

when as he was stooping down to lift up his calf the prisoner struck him on the back with the ^{iron} instrument produced in Court. He then struck him on the left ear & when the prosecutor attempted to seize the prisoner, the latter hit him over the head: After which the prosecution seized the prisoner. A crowd then assembled, & seeing the prosecutor covered with blood from the blows, they were afraid to assist him. The prisoner then picked up some stones & threatened to throw them at the first person attempting to seize him - The Police came up shortly afterwards & ordered the prisoner to put the stones down. Thus he did when they took him into custody. He seized the iron instrument with which

6
the prisoner struck him upon which he ^{prisoner} took up stones. I have no connection with the Bawa Chattram. I have never seen the prisoner before nor do I know him.

Disuravada Lyan P^m witness for the prosecution states as follows. That on about the 10th Oct/88 at 7 am. He was returning to the town from a tank when he saw the prisoner leading a calf - He was standing over to lift up the calf in front of the Bawa Chattram. The prisoner was standing in the verandah of the said Chattram, and he saw him go down below & strike the prosecutor ^{on the back} with an iron instrument similar to the one produced in Court. He then struck him on the ear & on the head when the prosecutor seized him. A crowd assembled. The prisoner broke loose from the prosecutor & taking some stone in his hand got up to the verandah again.

Shortly after the police arrived on the spot & took the prisoner in custody. The iron instrument which the prosecutor had for hold of in the scuffle was handed over to the Police. I am not acquainted with the prisoner & have never seen him before.

Affirm inhabitant of Ramisrum & witness for the prosecution deposes as follows about 9 days ago at about 7 am he was taking a flock of sheep to the grazing ground west of Ramisrum, that when he was close to the Bara Hindran he saw the prosecutor in the arcafy - the prosecutor which it was trying to raise on its legs - that the prisoner who had been standing in the arcafy - that if the Hindran descended & struck the prosecutor with an iron instrument on the back. He then struck him in the ear & again on the head. The witnesses then went after him there & on returning saw

the prisoner standing in the Bara Hindran brandish with stones in his hand. The Constables arrived shortly afterwards & took him in custody - taking ⁱⁿ not a servant of the prosecutor.

Paul Pague
and May

The prisoner Ram Bois being called upon for his defence makes a rambling statement from which nothing can be clearly understood. He denies the charge, and has no witnesses. He seems to be in an unsound state of mind.

Paul Pague
and May

I do hereby certify that
 I have carefully examined Ram
 Dass, Byrangee, now under a
 charge of voluntarily causing
 hurt, and am of opinion, to
 the best of my judgement, that
 he is of unsound mind.

signed / Daniel Gallagher
 Assistant Apothecary
 11th November
 1864

(A true copy)

Captain
 Assistant Magistrate

1864 Oct 11

No 3 enclosure

In a letter

from

The Inspector of
 Prisons

To
 The Secretary to Govt
 Fort St George

Advt 193
 No 3
 3 Nov 1864

No 399

Notes of evidence
 taken by Mr. Scott
 Magistrate, Bangalore,
 in Calcutta cases
 No 13 of 1864
 No 2128

N^o 1760 of 7 Dec 84. 10
 Under § 394 of the Code of
 Criminal Procedure, the
 Governor in Council directs
 that the lunatic, Ram Das,
 be removed to the Lunatic
 Asylum at Trichinopoly
 to be there detained until
 further orders.

[Signature]

[Signature]

[Signature]

[Signature]

The Magistrate of
 Villadurga. }
 " Magistrate of }
 Trichinopoly. }
 " Inspector Genl. of }
 Prisons. }
 dec. 10/84

1884 Sept. 11
 No 4. Under Sec.
 in a letter
 from
 the Magistrate of
 Villadurga
 to the Magistrate of
 Trichinopoly
 dated 19/3/84
 No 399.
 Copy of the Certificate
 of the Assistant
 Surgeon at
 Villadurga
 dated 13/1/84
 on the file of the
 Prisons Department
 No 2428

603