

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 399

Press

~~Mis~~

232 - 233

Dated

19-3-1864

Not to be folded or roughly handled

4/5

*Proceedings of the Madras Government, Judicial Department,
19th March 1864.*

No. 232. Read the following letter from R. G. CLARKE, Esq., Session Judge of Negapatam; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George, dated Tranquebar, 4th March 1864, No. 165.

I have the honor, under the provisions of Section 396 of the Code of Criminal Procedure, to state that a prisoner, named Bavahlungar, sentenced by the Acting Head Assistant Magistrate to four months' rigorous imprisonment on a charge of theft in a building used for the custody of property has, since his admission into the Jail, been certified by the Acting Civil Surgeon of Tranquebar to be a person of unsound mind, and one who ought to be taken charge of and detained under care; his behaviour generally being very quiet and inoffensive. The prisoner's father has appeared before this Court and offers to take charge of his son, Bavahlungar, if delivered over to him. Considering the quiet deportment of the individual while in confinement in the Jail, and the decided opinion expressed by the Acting Civil Surgeon, I have deemed it proper to submit the matter to Government for such orders as they may consider called for under the circumstances of the case.

2. I submit, enclosed, the certificate from the Acting Civil Surgeon, together with a copy of the Calendar No. 13 of 1864, furnished by the Acting Head Assistant Magistrate for the prisoner under notice.

I, the undersigned, John Murray, M. D., Acting Civil Surgeon of Tranquebar, hereby certify that I, on the 27th day of February 1864 at Tranquebar, did personally examine Bavahlungar, prisoner in case No. 13 of 1864 on the file of the Acting Head Assistant Magistrate of Tanjore, now in confinement in the Jail at Tranquebar, and that the said Bavahlungar is a person of unsound mind (though his behaviour generally is very quiet and inoffensive) and a proper person to be taken charge of and detained under care, and that I have formed this opinion on the following grounds, namely.,

- 1st. From facts indicating insanity observed by myself.
- 2nd. From personal observation for a period of upwards of a month.

TRANQUEBAR,
27th February 1864.

(Signed) J. MURRAY, M. D.,
Acting Civil Surgeon.

Proceedings of the Madras Government, Judicial Department,
19th March 1864.

1	2	3	4	5	6	7	8	9	10	11	12	13	14
No. of the case.	Name of the accused.	Substance of complaint.	Name of the complainant.	Names of the witnesses for the prosecution.	Names of the 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 inquiry.	Date of sentence.	Explanation of delay.
No. 13 of 1864.	Bavahlungar.	That the prisoner on or about the 13th January 1864, at Cusbah Nannilem, committed theft in a building used for the custody of property and that he has thereby committed an offence punishable under Section 380 of the Indian Penal Code and within my cognizance.	Sammavelu Pillay.	1. Ariyappan. 2. Hiroji Row. 3. Sellamuthu.		Prosecutor states that on the night of the 13th his horse was missing from his stable, that he sent witnesses 1st, 2nd and 3rd along the road by which the horse's foot-marks appeared to go, and they returned next morning with the horse and prisoner.	The Court finds that Bavahlungar is guilty of the offence specified in the charge, namely that Bavahlungar has committed theft in a building used for the custody of property and has thereby committed an offence punishable under Section 380 of the Indian Penal Code, and directs that Bavahlungar be kept to four months' rigorous imprisonment.	13th.	14th January 1864.	16th January 1864.	16th	16th	
the custody of property and that he has thereby committed an offence punishable under Section 380 of the Indian Penal Code and within my cognizance. Witness 1 is horse-keeper, and was sent with witnesses 2 and 3 by prosecutor, his master, along the eastern road, and at 6 miles' distance they found prisoner riding the horse. Witnesses 2 and 3 state the same as above, and describe the bridle that was on the horse, and that there was no saddle. The evidence of all three witnesses is clear and conclusive. Prisoner pleads guilty and says that he did it ignorantly. Father of prisoner tries to show that prisoner is an idiot, but the Court has taken the opinion of the Apothecary and can see no reason for supposing that prisoner is otherwise than in his full senses.													

TANJORE JOINT MAGISTRATE'S OFFICE,
NEGAPATAM,

18th January 1864.

(Signed) A. R. HUTCHINS,
Acting Head Assistant Magistrate.

(True Copy.)
(Signed) R. G. CLARKE,
Session Judge.

Proceedings of the Madras Government, Judicial Department,
19th March 1864.

No. 233. ORDER THEREON, 19th March 1864, No. 399.
The Sessions Judge in charge of the Jail at Tranquebar is authorized to make over the lunatic, Bavahlungar, to the care of his father.

(True Extract.)

Chief Secretary.

Tranquebar.
To the Sessions Judge of ~~Negapatam~~
Inspector General of Jails.

Exd. J. Tulloch.

N^o 399 - 19 March 1864

The Sessions Judge in charge
of the Jail at Tranquebar is
authorised to make over
the lunatic, Ravahlingar
to the care of his father.

The Sessions Judge of Tranquebar
Vegapattam. } des^{pt} 23/3
not sent of the

July 1864 Defunct

Prison

The Indian Judge
of Negotation

To
The Chief Secretary
to Government
— Port Moresby

Dated 4th March } 1864.
Per 10th Id.

— No. 159
Enclosures 2.

— No. 165.

Submitting the order of
Government in respect of
a Prison named Bawak.
Larger reported to be of importance
in mind.

With an Order

232-233.

12 March
R 18 "