M.R.O. 1—33,000—16-12-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 198	Press Mis.
1-2-	
Dated 1—6—	19= 1889

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Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,
1*st June* 1864.

No. 1. Read the following letter from G. S. FORBES, Esq., Agent to the Governor in Ganjam; to A. J. ARBUTHNOT, Esq., Chief Secretary to Government, Fort Saint George, dated Chetterpore, 13th May 1864, No. 81.

During the February Sessions, a Khond prisoner was tried on a charge of female infanticide and convicted, but as he belonged to a little known and secluded part of the country, and must be presumed to have been in ignorance of the law, and as he had acted in blind compliance with the brutal superstition of his tribe, it seemed sufficient, in the face of several severe examples in other and more culpable cases of a similar class, to sentence him to rigorous imprisonment for three years, thus punishing the offence as culpable homicide not amounting to murder. This course, however, as will be observed from the accompanying copy of a letter from the Registrar of the High Court in reply to my explanation of the circumstances under which such a sentence had been passed, was not legal, and it has been cancelled by order of the Judges and sentence of transportation for life recorded, with the reservation that the permission of Government should be sought to remit this punishment on condition of the prisoner undergoing rigorous imprisonment for three years; and I now solicit the extension of this clemency to the prisoner at the hands of the Governor in Council on the grounds above set forth.

Proceedings of the High Court of Judicature at Madras, 30th April 1864.

Read letter, dated the 15th instant, from the Agent to the Governor in Ganjam, submitting explanation of the circumstances which led to the sentence in Case No. 6 of 1864.

The Agent must pass the sentence required by the law. His course will then be to apply to the Executive who have power to pardon the prisoner on condition of his undergoing whatever imprisonment may be thought necessary.

2. The Agent would have erred in convicting of culpable homicide. The facts amounted either to murder or to nothing criminal.

(True Extract.)

(Signed) P. P. HUTCHINS,
Acting Registrar, Appellate Side.

To the Agent to the Governor in Ganjam.

(True Copy.)

(Signed) G. S. FORBES,
Agent to the Governor.

No. 2. ORDER THEREON, 1st June 1864, No. 798.

Under Section 55 of the Indian Penal Code, the Governor in Council is pleased to commute the sentence of transportation for life passed on the prisoner in Case No. 6 of 1864, on the file of the Agent in Ganjam, into rigorous imprisonment for three years.

(True Extract.)

Chief Secretary.

To the Agent in Ganjam.

Exd. J. Tulloch.

[redacted]

No: 798 — 1st June 1864.

Under § 55 of the Penal Code the Governor in Council is pleased to commute the sentence of transportation for life passed on the prisoner in Case No: 6 of '64 on the file of the Agent in Ganjam, to rigorous imprisonment for three years.

The Agent in Ganjam.

[redacted]