M.R.O. 1—39,000—18-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1356

Press
~~Mls.~~

325-326

Dated 29—8— ~~19~~ 1866

9/8

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, *29th August* 1866.

No. 325. Read the following letter from the Agent to the Governor of Fort Saint George in Ganjam, to the Acting Chief Secretary to Government, Fort Saint George; dated Chetterpore, 10th August 1866, No. 87.

I have the honor to submit a copy of the Calendar in Case No. 12 of 1866, tried by me at the quarterly Sessions held at Russelcondah, on the 30th July last, and request that you will have the goodness to submit the same to the Right Honorable the Governor in Council.

2. To satisfy the requirements of the law, I passed sentence of transportation for life upon this woman; but I respectfully submit that the case is one to which the clemency of his Lordship in Council may properly be applied, under Section 54 of the Code of Criminal Procedure, in mitigation of the sentence passed upon the prisoner to one of temporary imprisonment.

Proceedings of the Madras Government, Judicial Department,
29th August 1866.

Calendar of persons tried before G. S. Forbes, Esq., Agent to the Governor of Fort Saint George in Ganjam.

1	2	3	4	5	6	7	8	9	10	11	12	13	14
Number of the Case.	Name and Description of the accused.	Copy of the charge or substance of the complaint.	Name of the complainant.	Names of witnesses for the prosecution.	Names of witnesses for the defence.	Statement of the evidence and grounds of conviction.	Finding and Sentence.	Date of offence.	Date of complaint.	Date of apprehension or appearance.	Date of commencing trial.	Date of Sentence.	Explanation of delay.
12 of 1866.	Dookkayi. Caste, goudo. Calling, laborer.	That she, on or about the 7th day of July 1866, at Mohungeri, committed murder, by causing the death of her infant son, aged two years, named Boodooloo, and that she has thereby committed an offence punishable under Section 302 of the Indian Penal Code, and within the cognizance of the Court of the Governor's Agent. *Committed by Pakala Sooria Narainrow, Sub-Magistrate of Oodiagheri.*	"Regina."	1. Rungo Jetika...	...	Prisoner pleads guilty. 1st Witness states that she did not witness the death of the prisoner's child, which was already in a sickly and almost dying state, but she saw prisoner seated by the corpse crying, and that, on asking her, she said that she had killed it, because it would die that day or the next. The Agent resolves to call the attention of the Judges to the peculiar and distressing circumstances, under the influence of which, the prisoner, a destitute and starving creature, without a relative of any sort, and unable either to feed her child or witness its sufferings from disease and hunger, struck it on the head with a stone and killed it. Sentence of transportation for life has been passed upon the prisoner, but the Agent has earnestly recommended the case to the consideration of the Right Honorable the Governor in Council, in view to a mitigation of punishment.	The Court, concurring with the assessors, finds that Dookkayi is guilty of the offence specified in the charge, viz., that she has committed murder, and has thereby committed an offence punishable under Section 302 of the Indian Penal Code; and the Court directs that the said Dookkayi be transported for life.	7th July 1866.	21st do. do.	24th do. do.	30th do. do.	30th do. do.	

GANJAM DISTRICT,
GOVERNOR'S AGENT'S OFFICE, CHETTERPORE,
10th August 1866.

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

(True Copy.)

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

Proceedings of the Madras Government, Judicial Department,
29th August 1866.

No. 326. ORDER THEREON, 29th August 1866, No. 1356.

The Governor in Council considers the circumstances of the case to be such as to call for a mitigation of the punishment awarded by the Agent, and resolves, accordingly, under Section 54 of the Code of Criminal Procedure, to commute the sentence to imprisonment for two years in the Zillah Jail.

(True Extract).

Secretary to Government.

To the Agent to the Governor of Fort Saint George in Ganjam.
,, Inspector General of Jails.

Exd. J. H. Burns.

Judicial

No. 1821.

From
The Agent to the Governor in Ganjam
d/10th August 1866.

For Orders.

I think that this a case for mitigation of punishment —

I would commute to say two years imprisonment — but have no objection to a more lenient sentence if my Mr Phillips is in favor of it

Though against the law of the land and the law of nature, I feel that the act of the Prisoner was in all probability an act of mercy — and agree that her punishment should be mitigated —

I think two years will be an adequate period of imprisonment

Draft for Council

Judicial Department

PROCEEDINGS *of the* MADRAS GOVERNMENT.

Read the following letter from the Agent to the Govr. in Ganjam.

(Here enter 10th Augt /66 No. 87)

No. 1356.

Order thereon 29th August 1866

The Governor in Council considers the circumstances of the case to be such as to call for a mitigation of the punishment awarded by the Agent and resolves accordingly, under Section 54 of the Code of Criminal Procedure, to commute the

the sentence to im-
prisonment for two 2 years
in the Zillah Jail

to the Agent to the Govr
of Fort St George in Ganjam } despd 3/9
Insp Genl of Jails —

Judicial 1866. Department.

No. 1356

PROCEEDINGS OF GOVERNMENT.

Dated. 29th August 1866.

325-326.