

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1884	Press
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Dated	4 - 10 - 19	1886

40-41

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1884

Proceedings of the Madras Government, Judicial Department,

4th October 1866.

No. 40. Read the following letter from the Session Judge of Guntoor, to the Chief Secretary to Government, Fort Saint George; dated Guntoor, 17th September 1866, No. 119.

With reference to the provisions of Sections 393 and 394 of the Code of Criminal Procedure, I have the honor to forward herewith a copy of the Calendar in Case No. 50 of 1865, on the file of this Court, for the consideration and orders of Government.

Proceedings of the Madras Government, Judicial Department,
4th October 1866.

A.
CALENDAR of persons tried before W. HODGSON, Esq., Session Judge of Guntoor, in the year 1866.

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 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 apprehension or appearance.	Date of commencing trial.	Date of sentence.	Explanation of delay.	
No. 50 of 1865.	Penumaka Viradu, Chuckler, and a Cooly of Ravi-cherla.	That he did, at about 4 o'clock a. m., on the 20th August 1865, cause the death of his father, Penumaka Piradu, by striking him with a ploughshare on his head, from the effects of which he died a few hours afterwards, and that he has thereby committed an offence punishable under Section 302 of the Indian Penal Code.	Regina.	1st. K. Survadu. 2nd. DeGurradu. 3rd. P. Suroy. 4th. A. Venkanna. 5th. F.O.B. Withier, Zillah Surgeon.		1. The Prisoner first pleaded "guilty," then "not guilty," and then said he was not aware whether he committed the Act charged or not; he knows that while a ceremony was being performed in his uncle's (1st witness) house, he and his father were present and his father was murdered by some one; and that he (prisoner) was	The Court, differing from the Assessors, finds that the prisoner, Penumaka Viradu, is guilty of the offence of murder, and has thereby committed an offence punishable under Section 302 of the Indian Penal Code, but the Court acquits him of the said offence on the ground of insanity, under the provisions of Sections 393 and 394 of the Code of Criminal Procedure.	20th August 1865.	20th August 1865.	16th November 1865.	13th September 1866.	The prisoner, an insane, has been under Medical treatment.	
	Committed by T. Venkatachellum, 1st Class Sub-Magistrate of the Nuzid Division.												

2. The Assessors acquit the prisoner not on the ground of unsoundness of mind, but as not being the person who committed the act charged against him, as there was no eye witness to its commission.

3. The 1st witness states that, about a year since, the prisoner was suffering from mental derangement and was brought by his father to witness' house in order that he might be placed under Medical treatment. On the night of the 19th August 1865, witness and his son (2nd witness) were sleeping in the same apartment as the prisoner and his deceased father, and on hearing a noise got up to see what was the matter, when they found the prisoner with a heavy ploughshare in his hand, with which he has fractured his father's skull. The father died next day at about 10 o'clock, but never spoke after receiving the fatal blow.

4. The 2nd witness entirely corroborates the evidence of the 1st witness.

5. The Zillah Surgeon gave the following depositions on the 16th November and 5th December 1865, and 11th July 1866 :—

" 16th November 1865.—I have examined the prisoner at the bar. During the time he has been under my observation, I have observed nothing either in his speech or manner indicating that he is deranged. It is possible that this is a lucid interval. I should say his mental powers are more deficient than deranged. He has a vacant look in his face at times, which gives me this impression. I have seen him daily in the morning for about ten days, had been watched by the Dresser and the Jailor. I should wish to have a further opportunity of having the man under observation before giving a very decided opinion, and I should like to know something of his previous life and habits.

" 5th December 1865.—I have had the prisoner under close observation since my last examination before the Court, and I am still of opinion that his mental capacity is deficient, or has been impaired from some cause or other, possibly in consequence of an attack of severe illness, or more probably in consequence of an attack of mania, a worse form of insanity; and that his present condition is what we should call dementia. He is not altogether in his right state of mind. I do not consider him capable of judging of the consequences of his own actions.

" 11th July 1866.—Penumaka Viradu, the prisoner at the bar, has been under my observation for several months. My further observation confirms my former opinion of him, that he was of unsound mind at the time of the commission of the offence; he is now a great deal better, in fact almost well. I should have thought him quite well but for his treatment of his mother two or three days ago; he won't have a word to say to her; won't even look at her."

6. The prisoner in his defence said he was never married, but on hearing his mother tell the Court that he was married admitted that he was, but did not know where his wife was to be found. He said that persons of all castes, Mohomedans, Chucklers and Banians tied him down to a cot while he was suffering from fever, and carried off his father to sacrifice him to a goddess, and imagining that Survadu (1st witness) had murdered his father, he (prisoner) struck Survadu with the ploughshare produced.

7. The Assessors' acquittal for the reason given, is wholly unwarranted by any thing disclosed in evidence. The 1st and 2nd witnesses, father and son, were sleeping in the doorway of the room in which the prisoner and his late father were occupying the same cot, and then and there seized the prisoner with the formidable weapon in hand with which he had just split open his father's skull. There is not the slightest pretext for supposing that this murder was committed by any other person than the prisoner, or that it was in any way abetted by the witnesses or any one else.

8. The Session Judge, unable to concur with the Assessors, finds that the prisoner committed the act charged, but acquits him under Section 393 of the Code of Criminal Procedure, it appearing from the evidence of the Zillah Surgeon that, at the time of its commission, the prisoner was, by reason of unsoundness of mind, incapable of knowing the nature of the act, or that he was doing what was wrong or contrary to Law; and resolves, under Section 394 of the same Code, to order that the prisoner be kept in safe custody pending a reference to Government, to whom a copy of this Calendar will be forwarded, as the report of this Court on the prisoner's case, for its orders.

GUNTOR SESSION COURT,

17th September 1866.

(Signed) W. HODGSON,

Session Judge.

Proceedings of the Madras Government, Judicial Department,
4th October 1866.

*Proceedings of the Madras Government, Judicial Department,
4th October 1866.*

No. 41.

ORDER THEREON, 4th October 1866, No. 1554.

The Governor in Council directs, under Section 394 of the Code of Criminal Procedure, that the Prisoner Viradu be detained in custody in the Zillah Jail.
(True Extract).

Secretary to Government.

To the Session Judge of Guntoor,
„ Inspector General of Jails.

Ed. J. H. Burps.

21 October 1866 No. 1554.

The Governor in Council
directs under Section 394 of
the Code of Criminal Procedure
that the Prisoner Viradu
be detained in custody in
the Zillah Jail.

To the Session Judge, Guntoor
Inspector General of Jails
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