

MADRAS RECORD OFFICE.

Government of Madras.

General DEPARTMENT.

G.O. No. 1838	Press ~~Mis~~
<i>210-211</i>	Dated 21-11-1918

Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
21st November 1866.*

Read the following papers:—

No. 210. From the Magistrate of North Arcot, to the Chief Secretary to Government, Fort Saint George; dated Chittoor, 16th October 1866, No. 58.

I have the honor, with reference to Section 394 of the Code of Criminal Procedure, to report, for the orders of Government, that an incurable lunatic, named Attoo Saib, was tried before the Sub-Magistrate of Arnee, on a charge of having, on the 25th July last, been found in possession of stolen property, worth Rupees 3-11-0. The property belonged to Mr. Lennox, a European Pensioner residing at Arnee, and was missing from his house on the day previous to its being found in the possession of accused, who was accordingly charged and tried for theft, under Section 380 of the Indian Penal Code.

2. There is no direct evidence to prove that the accused was the real thief, and as he is, by reason of unsoundness of mind, incapable of making a defence, he has been detained in custody, pending receipt of the orders of Government.

3. This lunatic is reported to be a harmless creature, and has a mother who promises to take care of him.

4. The deposition of the Medical Officer, under whose professional observation the accused was placed, is enclosed.

V. Kanakasami Naik, son of Pensioned Subadar Vira Ragava Naik, aged 55, of Vellore, a Vanniya, 1st Dresser in Government employ, who, on solemn affirmation, saith—

The prisoner now before the Court is not in a sane frame of mind. I had him under my observation in the Hospital for some time. I consider that he is not responsible for his acts. I cannot state, with any certainty, as to when he may recover, if he recovers at all. He talks like an idiot.

Read over to this witness in Tamil, which he understands, and acknowledged by him to be correct.

Taken down with my own hand, this 28th September 1866.

(Signed) R. W. BARLOW,

Joint Magistrate.

No. 211. From the Magistrate of North Arcot, to the Secretary to Government, Fort Saint George; dated Chittoor, 12th November 1866, No. 67.

Agreeably to the requisition contained in your Official Memorandum, dated 3rd instant, No. 350, I have the honor to forward translation of the Calendar of the Case connected with the trial of the lunatic, named Attoo Saib, therein referred to.

E. J. H.

Magistrate

Proceedings of the Madras Government, Judicial Department,
21st November 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 complaint.	Date of apprehension or appearance.	Date of commencing trial.	Date of sentence.	Explanation of delay.
73	Attoo Saib, residing at the Pensioners' Lines, Arnee.	The prisoner is charged with having on the 26th July 1866, stolen from the prosecutor's house, situated within the Arnee Fort, a carpet and other property, worth Rupees 3-11-0, and has thereby committed an offence punishable under Section 380 of the Indian Penal Code, and within the cognizance of the Sub-Magistrate.	Stephen Lennox, a son of the prosecutor, residing at Arnee.	1. George Lennox, Police Constable. 2. Veerasamy. 3. Jaganathan, Talia.		Verbal evidence. At 6 1/2 p. m. on the day mentioned in the charge, I went out of my bungalow, committed by the prisoner in the Arnee Fort, leaving the doors, &c. unfastened, and he was open. On my return, I found my property of the nature of the property gone. The next day I was informed that he was wrong or contrary to law, the Sub-Magistrate directs that he be discharged, under Section 393, Criminal Procedure Code.	As the crime mentioned in the charge appears to have been committed by the prisoner, when, by reason of his unsoundness of mind, he was incapable of knowing the nature of the property gone, I find that he is charged, or that he was wrong or contrary to law, the Sub-Magistrate directs that he be discharged, under Section 393, Criminal Procedure Code.	26th July 1866, before the Police.	Apprehended, 23rd July 1866, before Sub-Magistrate.	25th July 1866.	28th July 1866.	4th August 1866.	

that my carpet and other stolen articles had been found in possession of the prisoner. The articles, Nos. 1 to 6, now before the Court, belong to me.

The 1st witness corroborates the statements of the prosecutor.

Second witness.—I saw the prisoner at the bazaar on the 25th instant, with the articles Nos. 1 to 6 in his possession. I arrested and took him to the Police station, suspecting that he, being a mad man, could not have come by them legally. On inquiry, I was told that the prosecutor's things had been stolen, and that those found in prisoner's possession were the same.

The 3rd witness corroborates the statements of the second.

No defence could be taken from the prisoner, who is mad, and unable to speak intelligently.

OPINION.

All the articles lost were found in possession of the prisoner the day after the crime occurred, and no satisfactory explanation is given as to how he came by them. There is, therefore, sufficient evidence to establish the crime of theft against the prisoner. It appears that he became insane about two years ago. This is certified to by the Civil Surgeon of Vellore, who further states that the prisoner cannot be held responsible for his acts.

No Memorandum of evidence is herewith sent, as the depositions were taken down by the Sub-Magistrate himself.

(Signed) ARUNACHELLAI, Sub-Magistrate.

(Signed) J. D. ROBINSON, Magistrate.

Proceedings of the Madras Government, Judicial Department,
21st November 1866.

No. 212.

ORDER THEREON, 21st November 1866, No. 1838.

As it appears, from the Calendar submitted with the second of the letters above recorded, that the prisoner Attoo Saib has been acquitted by the Sub-Magistrate, under Section 393 of the Code of Criminal Procedure, and as he is reported to be harmless, the Governor in Council directs, under Section 397, that he be made over to his mother, on her giving the prescribed security.

2. The Government observe that the Sub-Magistrate of Arnee was wrong in having put on his trial the prisoner, who was of unsound mind, and, in consequence, incapable of making a defence. The course to be followed in such cases is clearly laid down in Sections 388 and 390. He was also wrong in directing the discharge of the prisoner, after finding that he committed the act.

3. The Joint Magistrate's attention should be drawn to the omission in the 1st Dresser's deposition of the name of the prisoner, the number of the case, or any thing clearly connecting the deposition with the prisoner.

(True Extract).

Chief Secretary.

To the Magistrate of North Arcot.

Exd. J. H. Burns.

[Signature]

Magistrate

What does
this mean?
Vanniya
court

37
P. Kanaka Sami Raik son of Pensioned Suba-
dar Vira Raghavannaik aged 55 of Vellore a -
+ Vanniya 1st Dress in Government employ
who on solemn affirmation saith -

The Prisoner now before the Court is
not in a sane frame of mind. I had
him under my observation in the Hospital
for some time. I consider that he is not
responsible for his acts. I cannot state
with any certainty, as to when he may recover
if he recovers at all. He talks like an idiot.

Read over to this witness in Tamil
which he understands and acknowledged
by him to be correct, taken down with
my own hand this 28th September, 1866.

Signed R. W. Barlow
Joint Magistrate
(True copy)

W. H. B. in me.
Magistrate

C. M.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letters
from the Magistrate of North
Bristol.

Here enter 16th Oct. and 12th Nov. 16.
Nov. 18 and 16/2.

Or Sov. № 1830 dated 21 Nov/14

As it appears from the
 calendar submitted with the
 second of the letters above
 recorded that the prisoner
 has been acquitted by the
 Sub Magistrate under
 Section 393 of the Code of
 Criminal Procedure, and as
 the Lunatic is reported
 to be harmless, the Governor
 in Council directs, under
 Section 397, that ~~the~~ ^{her} ~~shall~~
 be made over to his mother
 on her giving the prescribed
 security.

2 The Government
observe that the Sub-Magistrate
of

will be

See a letter from
the Secretary of the
to the Secretary
to Government that

Letter from Anton

16th Edition 1882 No. 20

City of Seattle

[illegible][illegible]

the 1990s, the number of people in the world who are under 15 years of age is expected to increase from 1.1 billion to 1.5 billion. The number of people aged 65 and over is expected to increase from 200 million to 400 million. The number of people aged 15 and over is expected to increase from 3.5 billion to 4.5 billion. The number of people aged 15 and over is expected to increase from 3.5 billion to 4.5 billion. The number of people aged 15 and over is expected to increase from 3.5 billion to 4.5 billion.

[illegible]

Ref. No 2315/1005

Nov 21st Nov 7/11 due to 210

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following
letter from the Magistrate of
N. Arcot.

Here enter 16th October 1866. 830

Order.

The Governor in Council
observes that if the Prisoner
has been charged under Section
300 only of the Indian Penal
Code (and not under Section
411 also) and there is no
evidence to prove the theft,
he is clearly entitled to an
acquittal and release. The
case would fall under
Section 394 of the Criminal
Procedure Code which the
Magistrate quotes, only if the
finding stated that the ac-
cused committed the act
charged and this does not
appear to be the case in
the present instance.

As the man seems
palpably an idiot,
and incapable of making
any defence, he should
never have been put up for
his trial at all - and
he cannot be tried under
S 300 C.P.C. as
has been followed -
Hence as he has been
tried and acquitted
if any appeal
to the Magistrate of North
Arcot
he may be made on this matter

of Arni was wrong in having
put on his trial the Prisoner
who was of unsound mind,
and in consequence, incapable
of making a defence.
The course to be followed
in such cases is clearly
laid down in Sections 300 and
390. He was also wrong
in directing the discharge
of the Prisoner after
finding that he com-
mitted the act.

The Magistrate
should have drawn the
attention of the
Magistrate to the
deposition of the
prisoner, the
number of the case,
or anything clearly con-
necting the deposition
with the prisoner.

If the Magistrate of N. Arcot desires

JPS
WOL

Judicial 1866. Department.

No. 1830.

PROCEEDINGS OF GOVERNMENT.

Dated 21 November 1866

Press No. 4966 G. M.—194-66—500.

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