M.R. O. 1—32,000—16-10-23.

# MADRAS RECORD OFFICE.

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## Government of Madras.

Judicial DEPARTMENT.

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|---|---|---|
| G.O. No. | 581 | Press ~~Mis.~~ |
| 155-156 | | |
| Dated | 18-4- | No 1863. |

6/6

***Not to be folded or roughly handled***

No. 155. Read the following letter from the Magistrate of Malabar, to the Chief Secretary to Government, Fort Saint George; dated Calicut, 28th March 1866, No. 35.

I have the honor to inform you that a female named Therava Kalathil, *alias* Pariengat Padinjarapat Itti Madavi, who was tried on a charge of murder at the Session Court of Calicut, and acquitted on the ground of insanity, is now detained in the Jail here.

2. The Inspector General of Jails having reported to me that the woman was sane, and has not shown any symptom of insanity for the last six or eight months, and that her brother was desirous that she should be delivered over to his care, I personally examined her and her brother, and see no objection to making her over to him.

Kuttini Paniker.

3. I have called upon Kuttini Paniker to furnish security, under Section 397 of the Criminal Procedure Code, which he accordingly has done, and a translation of the Security Bond executed before me by the surety* is herewith submitted. Sanction is therefore requested for making over the woman to her brother on the Security thus given.

* Chachunni Nair.

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*Translation of a Security Bond executed by Chachunni Nair, to Her Majesty's Government of India.*

I, Poothrott Patingara Kalathil Chachunni Nair, of Kotpat Deshom, in the Amshom of Pooyacatari, Walluvanad Taluq, hereby execute this Security Bond, and, in virtue thereof, stand security for the female named Therava Kalathil, *alias* Pariengat Padinjarapat Itti Madavi, who was tried on a charge of murder before the Session Court of Calicut, but was acquitted on the ground of insanity, and who is now present before this Court.

2. I hereby bind myself to take proper care of Itti Madavi; to take measures to prevent her doing any injury to herself or to others; and to subject her to the inspection of such Officers as the local Government shall think necessary to appoint, and at such occasions as such Government shall direct. I further bind myself to forfeit to Her Majesty the sum of Rupees 100, if it should appear that I have in any way violated the terms of this Bond. In witness whereof, I affix my signature to this, in the presence of the two witnesses undersigned, on this the 27th day of March, in the year 1866.

(Signed) CHACHUNNI NAIR.

*Witnesses.*
1. Daloyet Cheik Ahmed.
2. Constable Veimaly.

(Signed) G. A. BALLARD,
*Magistrate.*

(True Translation).
(Signed) G. A. BALLARD,
*Magistrate.*

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No. 156. ORDER THEREON, 18th April 1866, No. 581.

Before passing orders regarding the disposal of the woman referred to in the foregoing letter, the Governor in Council desires to be furnished with a copy of the

*Proceedings of the Madras Government, Judicial Department,*

18*th April* 1866.

Report from the Inspector General of Jails, alluded to in paragraph 2, and to be informed, if the Report does not show it, whether that Officer's opinion was based on the opinion of the Medical Officer. A copy of the Calendar of the trial should also be furnished.

(True Extract).

*Chief Secretary.*

To the Magistrate of Malabar.
" Inspector General of Jails.

Exd. J. H. Burns.

Transcribed

Under Section 394 of the Criminal Procedure Code the Party in question has been retained in jail in consequence of a criminal charge upon which she was acquitted on the ground of insanity while she was proved that she committed the act.

In conformity with the provisions of Section 396 Clause 1 the prisoner was visited by the Inspector Genl of Jails and afterwards by the Magistrate within the period contemplated by the Law after due enquiry the Inspector has delivered his opinion to the Magistrate that the prisoner is now of sound mind, the father of the prisoner has executed a Security bond providing for her future conduct

pending the construction of the proposed Lunatic Asylum at Calicut.

[illegible] of Malabar
[illegible] of Jails

and the Magistrate has given his opinion that the prisoner ought to be set at liberty.

Under these circumstances the following alternatives present themselves to the Local Government. They can either direct the prisoner to be confined, under certain provisions, in a lunatic asylum or they can order her to be discharged.

The Inspectors Report is not before us and we do not know which course he would recommend for the adoption of the Board. There seems however little doubt of the course which it is expedient to pursue.

There is only one Lunatic Asylum in the Presidency that of Madras. Under

I am much misinformed if that institution is not already constituted and often overcrowded. The Prisoner if committed to the Asylum would be far removed from the solicitude of her relatives and would have no compensating or discriminating affectionate treatment. She would more probably go mad again than be restored to reason. Towards this end

The Proposal to discharge the Prisoner appears, therefore, to be far preferable.

The Suggestion embodied in the Draft order viz: to retain the Prisoner for an indefinite and perhaps prolonged period in jail pending the construction of a Lunatic Asylum at Calicut does not

pending the construction of the proposed Lunatic Asylum at Calicut.

Exd. J. H. Burns.

appear to be in conformity to the terms of the Law at all, unless those terms be modified by subsequent provisions such as here submitted.

The circumstances of the case may impress upon Government the necessity of accelerating the construction of humane asylums as well as the enlargement and reformation of that which exists in the capital.

Exd. J. H. Burns.

Order 581.

Judicial Department.

## PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter from the Magistrate of Chingleput Dated 28 March 1866 No 357

Order thereon

As the prisoner named in the foregoing letter was tried on a charge of murder and though acquitted, on the ground of insanity, of the crime was proved to have committed the act The Governor in Council + + + Nº

+ [illegible]

Rule 1 of Standing Minute. Nº

The Magistrate of Chingleput
" Inspector of Asylums

As the prisoner named in the foregoing letter was tried on a charge of murder and committed of the Crime, the Governor in Council considers that he would not be justified in sanctioning her release, and directs accordingly under Section 394 of the Criminal Procedure Code, that she be kept in safe custody in her present place of confinement pending the construction of the proposed Lunatic Asylum at Calicut -

PROCEEDINGS OF GOVERNMENT.

Dated

No

186 . Department.

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Judicial Department.

*PROCEEDINGS of the MADRAS GOVERNMENT.*

Read the following letter
from the Magistrate of Malabar
Here enter 28 March 1866 No. 35

Order thereon. 18 April 1866 No. 581.

Before passing orders
regarding the disposal of the
woman referred to in the foregoing
letter the Governor in Council
desires to be furnished with a
copy of the report from the
Inspector General of Jails
alluded to in para 2 and to be
informed, if the report does not
show it, whether that Officer's
opinion was based on the
opinion of the Medical Officer.
A copy of the Calendar of the
trial should also be furnished

To the Magte of Malabar
— Inspector Genl of Jails dated 21/4

Judicial 1866. Department.

No. 584.

PROCEEDINGS OF GOVERNMENT.

Ft. 1030.

Dated 18th April 1866.

Press No. 4266, G. M.—12-4-66—500.

~~157-162.~~
155-156.