M.R.O. 1—39,000—16-10-39.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No.	840	**Press** ~~Mis.~~
301-302		
Dated	30. 5. ~~19~~ 1866	

3/4

Not to be folded or roughly handled

840
66

Proceedings of the Madras Government, Judicial Department,

30th May 1866.

No. 361. Read the following letter from the Magistrate of Malabar, to the Chief Secretary to Government, Fort Saint George; dated Wandur, 3rd May 1866, No. 58.

As required in the G. O., dated 18th ultimo, No. 581, I have the honor to submit, herewith, the letter from the Inspector General of Jails, dated 12th March 1866, and a copy of the Calandar of the trial of the female named Thevara Kalathil, *alias* Pariengat Padinarepat Itti Madevi.

2. It would appear from the Inspector General's letter that his opinion was based on that of the Medical Officer.

From the Inspector General of Jails, to the Magistrate of Malabar, Calicut; dated Ootacamund, 12th March 1866, No. 876.

A female named Thevara Kalathil *alias* Pariengat Padinarepat Itti Madevi, was tried at the Session Court of Calicut for having murdered her three children on the 3rd December 1864, but she was acquitted on the ground of insanity, and Government directed that she should be detained in the Jail at Calicut, until the completion of the Lunatic Asylum at that station.

2. I am now in receipt of a letter from Dr. Pearse, Superintendent of the Jail, who states that the woman in question is at present apparently sane, and has not shewn any symptom of insanity for the last six or eight months. He further states that one Kittimi Paniker, the brother of the woman, is desirous that she should be delivered over to his care and custody, and is prepared to furnish security, according to the provisions of Section 397 of the Code of Criminal Procedure.

3. I have, therefore, the honor to request you will inform me whether, in your opinion, there are any objections to entertaining this proposal.

Extract from the Statement of cases disposed of by the Session Court, Zillah Calicut.

No. of the case.	Names of the prisoners.	Crime.	Sentence.
159 Sub-Magistrate of Walluvanad.	1. Thevara Kalathil *alias* Pariengat Padinarepat Itti Madevi Amah. 2. Peraga Paniker.	Murder, attempt at murder, attempt to commit suicide, and abetment of an attempt to commit suicide.	The Court, concurring with the Assessors, finds that 1st prisoner Thevara Kalathil *alias* Pariengat Padinarepat Itti Madevi Amah committed the offences specified in the charge, viz., that prisoner committed murder, attempt at murder, and attempt at suicide, and that she has thereby committed offences punishable under Sections 302, 307, and 309 of the Indian Penal Code, but that, when she did so, she was laboring under temporary insanity, and is therefore not legally liable for punishment. The Court, therefore, in acquitting her, directs that she be released, and placed under the surveillance of the Civil Surgeon, until the pleasure of Government be known. The Court, concurring with the Assessors, finds that the 2nd prisoner, Peraga Paniker, is not guilty of the offences specified in the charge, viz., that prisoner abetted the 1st prisoner to attempt to commit suicide, and that he has thereby committed offences punishable under Sections 109 and 309 of the Indian Penal Code, and the Court discharges the said prisoner accordingly.

(True Extract).

(Signed) G. A. BALLARD,
Magistrate.

5th January 1866.

Proceedings of the Madras Government, Judicial Department,
30th May 1866.

No. 302. ORDER THEREON, 30th May 1866, No. 840.

On referring to the statement of the circumstances of the case given in Mr. Cooke's letter of the 9th January 1865, and recorded in the Proceedings of Government of the 15th of the following month, the Governor in Council does not consider that he would be justified in permitting the woman referred to in the foregoing letter to be set at liberty.

(True Extract).

Chief Secretary.

To the Magistrate of Malabar, with enclosure, returned.
„ Inspector General of Jails.

Ed. J. H. Burns.

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter from the Magistrate of Malabar Here after 3d May 1866 No. 50.

Order 30 May 1866 No. 840.

On referring to the statement of the circumstances of the case given in Mr. Cooke's letter of the 9th January 1865 and recorded in the Proceedings of Government of the 15th of the following month, the Governor in Council does not consider that he would be justified in permitting the woman referred to in the foregoing letter to be set at liberty.

To the Magte of Malabar
Inspr Genl of Jails. } dea. 1/6

26-6-12
6-9-24

Judicial 1865. Department.

No. 840

PROCEEDINGS OF GOVERNMENT

Dated 30th May 1866.

301.302.