

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1550	Press
		~~Mis.~~
Dated	26-5-	1867

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Not to be folded or roughly handled

1867

*Proceedings of the Madras Government, Judicial Department,
26th September 1867.*

No. 270. Read the following letter from the Acting Session Judge, Guntoor, to the Chief Secretary to Government, Fort Saint George; dated Guntoor, 16th September 1867, No. 84.

With reference to the provisions of Section 394, Criminal Procedure Code, I have the honor to forward, herewith, a copy of the Calendar in Case No. 28 of 1867, on the file of this Court, for the consideration and orders of Government.

Proceedings of the Madras Government, Judicial Department,
26th September 1867.

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, if any.	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. 28 Mahomed Aniff, Mussulman, and a Police Constable of Repally.		1st Count.—That he, on the 4th April 1867, with intent to murder his wife Mira Bee, caused her to be killed by striking her with a sword, on various parts of her body, and that he has thereby committed an offence punishable under Section 307 of the Indian Penal Code, and within the cognizance of the Court of Sessions.	F. O. B. Wilher, Esq., Civil Surgeon.	1. Mira Bee. 2. Sahab Bee. 3. Mahomed Kasim, Constable, No. 210. 4. Sheik Mohadeen. 5. P. Venkataswami, Constable, No. 160. 6. Shaik David, Constable, No. 410.	 are of opinion that the prisoner committed the offence named in the 2nd count of the charge, but that, at the time he committed that offence, he was insane and did not know he committed a wrongful act.	The prisoner pleads not guilty. The Assessors, R. Subbaroydu and R. Narasimulu, are of opinion that the prisoner committed the offence named in the 2nd count of the charge, viz., that he has voluntarily caused grievous hurt to one Mira Bee, his wife, with a cutting weapon, an offence punishable under Section 326, Indian Penal Code, but that he was at the time of committing the offence, by reason of unsoundness of mind, incapable of knowing he was doing wrong, or what was contrary to Law. The Court, therefore, acquits the prisoner, Mahomed Aniff, but directs, under Section 304, Criminal Procedure Code, that he be kept in confinement in the Jail, pending the orders of Government.	The Court, concurring with the Assessors, finds that Mahomed Aniff has committed the offence named in the 2nd Count of the charge, viz., that he has voluntarily caused grievous hurt to one Mira Bee, his wife, with a cutting weapon, an offence punishable under Section 326, Indian Penal Code, but that he was at the time of committing the offence, by reason of unsoundness of mind, incapable of knowing he was doing wrong, or what was contrary to Law. The Court, therefore, acquits the prisoner, Mahomed Aniff, but directs, under Section 304, Criminal Procedure Code, that he be kept in confinement in the Jail, pending the orders of Government.	4th April 1867.	4th April 1867.	7th September 1867.	11th September 1867.		
3rd Count.—That he, at the aforesaid time, voluntarily caused hurt to the said Mira Bee, by means of a cutting instrument likely to cause death, and that he has thereby committed an offence punishable under Section 326 of the Indian Penal Code, and within the cognizance of the Court of Sessions.													
Committed by T. Kamaia Naidoo, 2nd Class Sub-Magistrate of Repally Talug.													

prisoner was under observation in this Jail, and the Medical Officer gave it as his opinion, when examined, that prisoner is of sound mind, and fit to be put on his trial. I was of the same opinion after a long examination of the prisoner, but I came to the conclusion that he was of a very excitable temperament. It is in evidence that, for some time before the wounding charged, prisoner was in some measure insane. He is said to have been in the habit of moving about the pots in the house aimlessly, piling them upon the cots, and various other things showing a great childishness, while, immediately after the same wounding, and while he was in the Station-house, he was very noisy and riotous, and is said to have been so insane that it was no use talking to him, as he could not understand or give coherent replies. After cutting down his wife and going out into the street, he returned to where his wife lay wounded in the house, and was there apprehended.

There is no motive whatever alleged for the commission of this crime, and prisoner and his wife were up to then on good terms; and this, combined with the evidence recorded of the prisoner's conduct after apprehension, leads me to the supposition that he was not at the time responsible for his actions. This is strengthened by the fact that he did not attempt to escape, but, after going about the town returned to the house in which his wife was, and was there apprehended. In his first statement to the Magistrate, also, he admitted that he had wounded his wife.

For these reasons I think the prisoner must be dealt with under Section 391, Criminal Procedure Code, and detained in custody pending the orders of Government concerning him.

GUNTOR SESSION COURT,
16th September 1867.

(Signed) G. D. LEMAN,
Acting Session Judge.

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26th September 1867.

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26th September 1867.*

No. 271. ORDER THEREON, 26th September 1867, No. 1550.

Under the provisions of Section 390 of the Code of Criminal Procedure, Governor in Council directs that the prisoner, Mahomed Aniff, be kept in cust in the Zillah Jail of Guntoor for three months, at the end of which period his will be reported upon by the Medical Officer in charge of the Jail.

(True Extract).

Chief Secretary

To the Session Judge of Guntoor.
" Inspector General of Jails.

Ed. J. H. Burns.

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No 1550 of 26 Sep 67.

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To the Session Judge of Guntoor.
- " Inspector General of Jails.