Judicial (1895) Department.

ORDINARY MS.

G.O., No. 1154

DATED 29th May 1895

[Despatch Abstract.]

CRIMINAL LUNATIC.

Directing that ---- Karuppayee alias Meenakshi confined in the Madura District Jail, be sent to the Lunatic Asylum at Madras for safe custody and treatment.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

CURRENT NO. 2572

1895

Judicial Department

From

The Session Judge,
Madura

To

The Chief Secy to Govt
Madras

Dated 20th May 1895
Despatched 21st.
Recd 23d.

No. 341

Enclosures Two only
with 3 spare
copies of Judgment
in Section No 1

(Lunatic) Prisoner tried on a charge of Murder

CHIEF SECRETARY'S GOVERNMENT OF MADRAS
23. MAY. 1895

Reporting for the orders of Govt under Section 471 Cr. P.C the case of a ——— and acquitted on the ground of insanity at the time the offence was committed

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In the Sessions Court of Madura

Session Case 33 of 1895

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Examined and certified to be complete

Manger
for Head Clerk

In the Sessions Court of Madura

Session case 33 of 1895

Charge.

Karuppayee alias Meenakshi – Accused.

That you on or about the 21st day of March 1895 on the high sea between Colombo and Pamban threw your male child, Sattan, 5 or 6 months old, overboard the Brig Mahomed Bux and caused its death and that you have thereby committed murder, an offence punishable under Section 302 of the Indian Penal Code and within the cognizance of the Court of Sessions.

14th May 1895. (Signed) W. Drummond
Sessions Judge

Sess. case 33 of 1895

Prisoner's plea:

I threw my child into the sea as I was giddy owing to excess of bile.

Madura
1. 5. 95

/Signed/ W. Drummond
Sess. Judge.

Prisoner is defended by Mr. M.S. Sundram Aiyar.

/Signed/ W. Drummond
Sess. Judge.

In the Sessions Court of Madura

Wednesday the 1st day of May 1895

Sess. case 33 of 1895

Name of the accused

Karuppayee alias Meenakshi

The charge under Section 302 of the Indian Penal Code having been read and explained to the accused she pleads not-guilty.

Mr. M. S. Narayanasamy Aiyar, the Public Prosecutor, conducts the prosecution. Accused is defended by M. S. Sundaram Aiyar.

Assessors { Nattamanai Venkata-royalu chetty (Weaver) Y. Gnanamuthu Vathiyar (Christian)

Pl. witness for the prosecution

Name: Muthiah

Father's name: Karuppan

Village: Usilampatty adjacent to Keelavai Kalli attached to Paduketta

Occupation: Coolie
Caste: Vallamba
Age: About 30.

having made the prescribed Solemn affirmation, saith: The prisoner's name is Kanappayee. She is my wife. I married her 7 or 8 years ago, in my village Keelaneelly, in Pudukotta territory. We had 2 sons. The elder who has come here is 5 or 6 years old. The younger was 4 months old when he died. I and my wife went to Ceylon to earn our livelihood. We went there when my wife was in child with my elder son. We both worked in a garden called Meenakshi garden near Kandy. Then we both started for our village and came to Colombo to embark.

We

We reached Colombo on a Monday - 30 or 35 days ago. We stayed there Tuesday, as no ship sailed on Monday. My wife told me on Wednesday that a ship was about to sail and we might go. Then all the people started and we too started and embarked at 5 p.m. on Wednesday. There was no wind that day. So the ship did not sail. We stayed the whole night in the ship. The ship sailed at 5 a.m. on Thursday. We were in the ship the whole of that day. We were sailing in the ship on Thursday and Friday. I felt giddy on Thursday evening and I was sea sick. I had a bag containing betel and money and jewels under my arm. I was leaning on the bag. My wife said to me "you are very sea sick.

I will take care of the bag. I gave it to her. She kept it. At 10 or 11 p.m. she got very sea sick. My elder son was also sea sick. My younger son was in my wife's arms. There was a large crowd there. She could not put the child down. Then somehow she dropped the child into the sea when she was vomitting. She did not throw the child into the sea. It dropped in accidentally. I was lying down unable to get up. My wife cried out that the child had fallen into the sea and was looking into the sea holding on to the bulwarks. I seized my wife and pulled her back. When I seized my wife and pulled her, my elder son also came there. My wife seized my elder son by the hair saying her younger child

had dropped into the sea and the elder might also fall in. My wife fell over an old woman who was there and said "My child has fallen into the sea. My husband and I are sea sick: please make room for us." I don't know if my wife's teeth bit that old woman when my wife fell on her. The old woman falsely complained that my wife had bitten her. Those that were there went and told the Masters of the ship. He came and saw my wife and tied her and kept her in the ship saying she was raving like a mad woman saying she had lost her child. The ship came to anchor at Pamban 4 days afterwards. We went ashore. I was

wounded on my right forearm but I don't know if it was caused by my wife's teeth or by firewood when I pulled her back. The bag in which I had kept betel and jewels and money disappeared. I don't know what became of it whether she dropped it into the sea when she dropped the child or in the ship and the people picked it up. My wife did not snatch it from me and throw it into the sea. My wife was never insane. I did not tell the master of the ship that my wife had thrown the child into the sea. I did not tell the Magistrate that my wife kil- Me -

(Deposition made by the witness before the Committing Magte on 27-3-95 filed as Exhibit A under Section 288 C.P.C.).

Cross examined: My wife used to get inspiration once a year or so - I did not tell the Magte that we came to Colombo on Wednesday. The people that were there said the ships were going. My wife looked as if she had an inspiration and suddenly cried out that a ship was sailing. We were in the eating house then. We ate hastily and went to embark. My wife also ate. My wife did not cry out before my child was thrown into the sea. She cried out only afterwards. She did not cry out before my child was thrown into the sea as if she had an inspiration. I and my wife and my children were among the other passengers. She did not say before the child fell into the sea "they

are come. They ~~took~~ ask for it." My wife did not say any thing before the child fell, but after it fell, she raved through sea sickness. I did not tell the Magistrate as now read out from my statement recorded on the 23rd March that my wife said "Those that have come there ask for it." and took up the bag with the things in it and threw it into the sea and also took up the child and threw it into the sea. Nor did I say, as now read out that my wife subsequently asked where my elder Son was and searched for him and I being afraid she was looking for him in order to throw him into the sea, kept him behind me and kept her off.

(Deposition filed as Exhibit I 23-3-95).

My wife had married another man before she married me. He divorced her. Then she married me. We used to earn 4 or 4½ annas a day in Ceylon. We were not able to earn even that amount in our native place and so we went to Ceylon. We were deck passengers. There was no covering over-head. My wife's menses were suppressed since the birth of her second child.

No re-examination.

Madura 1-5-95 } [Signed] W. Drummond
Asst. Judge.

2nd witness for the prosecution.

Name. Kuppai
Father's name. Syed Mahomed
Village. Kedakaraai

Tulug. Kammad.

Occupation. Tindal of Muhamad Bux.

Caste: Muhammadan.

Age: About — 50.

having made the prescribed Solemn affirmation saith:- I sailed a ship from Colombo to Pamban. I am the tindal of the ship, which is called Muhamed Bux. It is a cargo and passenger ship. Passengers are carried between decks. There was no cargo in the ship there and the passengers could come on deck. I took the passengers into the ship at — 6 p.m. on Wednesday 30 or 40 days ago. There were about 120 passengers going to Tondi. We sailed from Colombo at 2 Kaligais before day-break on Thursday. The prisoner and her husband came

came in the ship. They brought 2 children on board — one 7 or 8 years old and the other an infant. At — 11 or 12 p.m. on Thursday I was sleeping in my cabin on the poop. A man came and roused me and said that a woman was biting the passengers. I came out with a lantern and saw the prisoner and another woman pulling each other by the hair on the deck of the ship. The passengers all said that the woman was mad and was biting. That woman is the prisoner. The passengers on deck said so. I separated the women and tied the prisoner's hands and tied her by the waist to an iron ring on the deck. I asked the prisoner's husband who was there

and he said his wife had
thrown a child and ~~her~~ his money
bag into the sea. Then I reported
the occurrence to the authorities
on reaching Pamban. Pamban
is on the way to Tondi. The
authorities took charge of the prisoner
and her husband. We reached
Pamban on Saturday morning at-
10 a. m. The place where the
child was thrown into the sea is
15 miles from the coast of Ceylon
and 70 or 80 miles from Pamban.
All the passengers were between
decks when I saw them in the
evening. The prisoner who had
the child in her arms said
there was no air there. I don't-
know when she went on deck.
The bulwark is 8½ feet high.

The prisoner's husband showed me
his right arm and said his
wife had bitten it. I saw a
wound there; it looked like a
bite. The old woman who was
struggling with the prisoner also
had a bite on her head and
a bite on her hand. The prisoner
was raving when I saw her
that night. She was all right-
before. Two or 3 of us seized the
prisoner and held her down.

Cross examined:- The prisoner and
her husband are coolies. The other
passengers were coolies also. The head
Constable came to the ship. I
showed him the general parts
and he prepared the plan. I
pointed out to the head constable
the various places in which I and
the prisoner and others were sleeping.

I did not tell the head constable that the prisoner and her husband had been sleeping in the place marked A in this plan and that all the other passengers slept in the place marked B.

No re-examination.

By court: The Muhammad Bux is 166 tons. The weather was stormy for a jamaan or so before the Child was thrown over-board.

Madras 1-5-95 } (Signed) W. Dumergue
Sess: Judge.

3rd witness for the prosecution.

Name: Syvan
Father's name: Muhamad Asane Levai
Village: Keelakarai.
Taluq: Ramnad.
Occupation: Lascar in Muhamed Bux.
Caste: Muhammadan
Age: About 25. having

having made the prescribed Solemn affirmation, saith:- I came in the Muhamed Bux from Colombo to Pamban. I am a lascar in that ship. The prisoner and her husband came in that ship. I was on the look out in the bows. I heard a cry from the passengers on deck "She Dada has thrown the child into the sea". I ran and brought a light and went to the place. The prisoner was biting a woman. We seized and tied her. Her husband was there. I asked him and he said she had thrown her child into the sea. I asked him if she had ever been possessed before. He would not tell us. I saw a bite on the prisoner's husband's arm.

No cross examination.

Madras 1-5-95 } (Signed) W. Dumergue
Sess: Judge.

4th witness for the prosecution

Name: Ramanjalan Naidu

Village: Pambam

Occupation: Hospital Assistant.

having made the prescribed solemn affirmation saith:— The prisoner was under my observation from the 23rd to the 24th March for 2 days. She was in sound mind then. I can't say what the state of her mind may have been a day or two before that. I examined the woman's husband and found an injury on his right forearm. It was a bite from human teeth. I also examined the old woman named Karuppayee and found two ~~fractured~~ punctured wounds at the base of the right index finger and one

on the vertex of the skull. They were ~~bitten~~ bites with human teeth.

Cross-examined: Suppression of menses after child's birth for four months would never produce insanity. Nor would it produce monomania. It might produce hysteria. It would not produce temporary insanity. I have never been in charge of a lunatic asylum. I have never made lunacy a special study.

No Re-examination.

Madras 1.5.95. } [Signed] W. Dumergue
Sessions Judge.

The Committing Magistrate has failed to bind over the 2nd, 4th and 6th witnesses for the prosecution examined by him, on the ground that

they live in Pudukotta territory.
He adds that he has asked the
Divisional Magistrate to have them
bound over, as they live in foreign
territory. They have not been bound
over by the Political agent. The
deposition of the 2nd witness Raman
is filed as Exhibits II and II a
23.3.95 27.3.95
under Section 33 Indian Evidence Act.

Madura } (Signed) W. Dumergue
1-5-95 } Sess. Judge.

Statement of the accused Karuppayee
alias Meenakshi:-

Question. Is the Statement which has
now been read out the one
you made before the 2nd class
Magte of Pamban on the 28th
March 1895 and is it true?

Answer. Yes. It is true.

Q. Is the statement now read out
the one you made before the 2nd
class Magistrate of Pamban on the 27th
March 1895 and is it true?

A. Yes. I made this statement also.
and it is true. The truth is I let the
child slip into the sea from excess of like.

Q. Do you wish to say anything else?

A. That is all I have to say.

(marked) Karuppayee.

Certified that the foregoing examination
was taken in my presence and hearing and
contains accurately the whole of the state-
ment made by the accused person.

1st May 1895. (Signed) W. Dumergue
Sessions Judge

(Statement recorded by committing
Magistrate on the 23rd April 1895
filed as exhibit B)

(Statement made before the
committing

22

committing Magistrate on the 27th March 1895 filed as exhibit B')

Madura
1-5-95

(Signed) W Dawes Segue
Sessions Judge.

Case for prosecution closed

No witnesses for defence.

(Initialled) W.D.
Sessions Judge.

recorded

March 1895 and is it true?

Answer. Yes. It is true.

IN THE COURT OF the 2nd CLASS MAGISTRATE OF Jaffna.

Preliminary REGISTER CASE NO. 1 OF 1895.

DEPOSITION OF 1st WITNESS FOR prosecution

Name	... ...	Muthayan
Father's name	...	Karuppen
Village	... ...	Vaitampatti near Keeriemallikottai
Taluk	... ...	in Pudukottai territory
Caste	... ...	Vallambea caste
Calling	... ...	Coolly
Religion	... ...	Sivite
Age	... ...	about 30.

Date 27 — 3 — 1895.

Solemnly affirmed in accordance with the provisions of Act X of 1873 on the 27th March 1895.

Last Wednesday, we came to Colombo in order to get into the ship and go to Thondi and thence to our village. We were all doubting if the ship had already sailed or not. My wife Karuppayee the prisoner, used to get inspirations. She had an inspiration that day and said "The ship has not yet sailed; start soon"; but I said we might go with the others and we went to eat in the eating house. There the keeper of the eating-house also said

"Yes. The ship will start now. Start soon." We therefore ate a little and came and got into the ship at 5 P.M. that day. There was no wind then and so the ship did not sail at once. The ship sailed at 5 A.M on the next day, ie Thursday. She did not exhibit any signs of biliousness then; ie she was not mad. She was not mad before that. Then at 10 or 11 P.M on Thursday last my wife, the prisoner who had been quiet till then, cried out and asked where the keteb-bag was. I thought she was already giddy and raving and she might become worse if I gave her keteb. She took up the keteb-bag and threw it into the sea and began to throw into the sea our child aged 5 or 6 months. I went and obstructed and she bit my right hand above the wrist.

She

She then asked where our elder son Periyakaruppen, 8 or 9 years old, was and searched for him. I said "Oh! she wants to throw him too overboard" and obstructed her, ie I pulled him behind me. Then my wife bit an old woman who lay down near her on her head and on her finger. Then one of our fellow-passengers ran and called the tindal of the ship. He came bringing a lamp and looked. Then he seized and tied her. The person that did so is my wife, the prisoner. She did so as she was giddy owing to excess of bile. The other passengers were asleep. We all lay on the deck. There was a boat near the bulwark on the deck. I and my wife and my children slept near the boat.

I

I married the prisoner 25 years ago. There is no enmity between me and her. We went to Colombo 3 or 3½ years ago. There we worked in the Greenatchi garden belonging to Mr. Huddles in Navalpatti.

marked Muthayan

X his mark

Read over to the deponent and acknowledged by him to be correct.

signed P. Easwaresavalingam
Vellai
2nd Class Magistrate

A25

Ex: A

Session Case 33/95

Exhibit A

Evidence to Magistrate

dated 27-3-95.

Camp: Bamban

Ex: B

27

33

(SESSIONS CASE OF 1895. SESSION COURT, MADURA.)

Register Case 1 of 1895. on the file of the 2nd Class Magistrate of Bamban

Statement of the — Accused.

Name. Karuppayee

Father's Name. Karuppiah

Village. } Thullambatty, Kilava Nelli Taluq

Taluq. } Pudukotta Territory.

Occupation. Coolly

Caste. Vallambu

Age. About 30

Examined on 23rd March 1895.

Q:— Say what happened

A. When we came to Colombo in order to embark last Wednesday, I said "The ship is about to sail; start soon;" but they all looked and mocked at me. I said to my husband that they were all mocking at me and asked him to start with our children to go to Thondi. He said that we might start with the others. We accordingly stayed, ate and started at about 5. P. M. that

Qpd 6

2346

that day and got into the ships. Then we all sailed in the ships. On the following night, ie on the night of [redacted]reday, the day before yesterday, I said a woman who was near me had an altercation with each other. Then at about 10 or 11 P.M. on the same night, I asked my husband to give me betel leaves. He said "you are now in mayakkam (ie giddy). You can't have betel now." Then I threw with one of my hands the betel bag with the money in it, into the sea; in the other hand I had my child aged five or six months. The God stood in the Heavens and asked me for that child. I threw the child into the sea, saying "Here is the child; take it" and the God took away that child. I was suckling

there

suckling that child at the time.
That child is not now in existence;
My husband did not throw that
child into the sea, nor did any of
the persons who came with us
take it. As it is now 5 or 6 months
since I gave birth to that child,
I have not been in menses since
then. As I have already told your
honor, none else took that child.
After I got into the vessel, I had
menses. As I was not in a
sound state of mind after I
took the child in my hands, I
cannot say what I did. I
have never been insane.
Subsequently, I bit my hus-
band's hands and then four
or five persons came and
seized and tied me.

/marked/ Karuppayee

Taken

30

Taken by me and contains
fully and accurately the whole
of the statement made by the
accused.

/Signed/ Kasiviswalingam
Pillai
Magistrate 2nd Class

Ex B

Session Case 33/95

Statement of the accused
dated 23 — 3 — 95.

Camp: Pamben

Ex B'

33

(SESSIONS CASE OF 1895. SESSION COURT, MADURA.)

Register Case 1 of 1895. on the file of the 2nd Class Magistrate of Pamben

Statement of the ~~accused~~ Accused.

Name. Karuppayee alias Meenakshi
Father's Name. Kaluppan
Village. Thallaimbeethy, Kilanoi Melli Taluq,
Taluq. Pudukotta Territory.
Occupation. Coolly
Caste. Vallambea
Age. About 30.

Examined on 27th March 1895.

Q:— Say what happened.

A. At about 5 P.M. on Wednesday last, we came to the ship in which we sailed. Previous to that, we had been waiting for a ship for two or three days at Colombo. Suddenly said then that a ship would be coming that day and that we should start. At about 5 A.M. on the following day ie Thursday, they set sail as soon as the wind began to blow. While we were sailing near Saudanamatha Coil

there

Coil, a thought came in my mind that I might throw both my children and my husband and then myself two into the sea. Immediately I threw the suckling child which I had in my arms into the sea and searched for my elder son. My husband concealed that son and they seized and tied me. I was married to a certain man when I was young. As we did not like each other he drove me off and married anew. I married the man who is my present husband at Colombo.

/marked/ Karuppayee

Taken by me and contains fully and accurately the whole of the statement made by the accused

/signed/ P. Kasiviswalingam Pillai
Magistrate 2nd Class.
15-4-95.

Q. You heard read out the charge framed against you under Section 302 I.P.C. that you on the night of the 21st ultimo on the high seas between Colombo and Tamben threw overboard the Brig Mahomed Bux, your male child aged five or six months with the intention of causing its death, or knowing it likely that you will thereby cause its death. The said offence is triable by the Sessions Court Madura. Do you plead guilty or not guilty.?

A. Owing to mayakkam (ie giddiness) on account of excess of toile I dropped my child into the sea.

Q. Have you witnesses?

A. No.

/marked/ Karuppayee

Taken by me and contains accurately the whole of the statement made by the accused.

/Signed/ Kasivisvalingam Pillai
Magistrate 2nd Class

Session Case 33/95

Statement of the accused
dated 27 — 3 — 95

100
Encles. No. 4
To
C. No. R346

IN THE COURT OF the 2nd CLASS MAGISTRATE OF Jaffna

REGISTER CASE NO. OF 189

DEPOSITION OF 1st WITNESS FOR prosecution

Name ... ... Muthayan
Father's name ... Karuppen
Village ... ... } Vasilampatti near Kachcheri Nallur
Taluk ... ... } Kottai in Pudukottai Territory
Caste ... ... Vallambea
Calling ... ... Coolie
Religion ... ... Hindu
Age ... ... About 30

Date 23 — 3 — 1895.

Solemnly affirmed in accordance with the provisions of Act X of 1873 on the 23rd March 1895.

We came to Colombo on Wednesday in order to embark and go to our village. There we were thinking that the ship had sailed. While we were thinking so, my wife Karuppayee, who is the prisoner, suddenly cried out and said "It is getting late. Started soon. The ship has not yet sailed. Come, we may all go". She used to get inspirations. Therefore we started to go and eat; we went to the eating house on the side of the boat which was in the harbour there

eating house and said "The s
is about to sail. Eat soon." We a
a few mouthfuls and started. The
keeper of the eating house came
with us, got us into the ship and
went. It was then 5 P.M. The ship
lay there as there was no wind
It sailed next morning, i.e Thurs
day morning. My wife did not
do anything but was quiet until
midnight on Thursday, the day
before yesterday. Then she cried out
I and my wife and our elder son
8 or 9 years old, and our infant
son, 5 months old; were on
one side with our things. While
we were there, my wife said
she wanted to chew betel and nut
and asked me to give her the
betel bag. I thought she was crying
out on account of sea sickness
and that if she used betel she would
become worse and s[illegible] to the
side of the boat which was in the
there

have come and they ask for it
nd she took up the bag and threw
with the things in it into the sea
nd also took up and threw the child
to the sea - ie she threw the infant
on who was five months old.
thought she was going to throw
e child too into the sea and therefore
seized her as soon as she took
p the child but she threw the child
into the sea and bit me on my
right hand above the wrist. Then
he asked where our elder son
was and searched for him. I said
"Oh! she is looking for him evidently
to throw him too into the sea" and
I kept him behind me and
kept her off. Then she bit an old
woman who lay near her on the
head and the finger. Immediately
- of our fellow passengers ran
- into the tindal of the ship.

He came with some lascars
lamps and seized and tied her
This was at 10 or 12 P.M on the
night of Thursday the day befor
yesterday. My wife, the prisoner
was never insane. My elder
son's name is Periyatkaruppe
The persons in the ship were lyin
down in mayakkam ie giddine
then. My elder son was asleep then

Cross-examination Nil

/marked/ Muthayan

Read over to the deponent and
acknowledged by him to be corre

/Signed/ P. Easiniovadigan
Magistrate 2nd Class

side of the boat which was in the

We all stayed in another part.
woman, who is the accused
the Court, again cried out a
we all abused her and then la
down. Then at about 10 or 11 P.
the accused's husband cri
out "Ayyo, my wife has
thrown away my bag with
money in it and my child
the sea." I at once got up, ra
roused the Tindal of the ship
and told him that a man
was crying out so and ask
him to give a lamp. I got the
light and went taking with
me the tindal and the lasca
The accused bit her husband
hand. He kept her off and went
aloof taking his elder son w
him. The accused bit an old
woman who lay near her

ead and in the hand. We all
t, seized the accused and tied
. I have not seen the infant
6 months old since then.
ship was sailing very fast
that time.

/marked/ Raman

Read over to the deponent and
knowledged to be correct.

/Signed/ Leasinicionalinigau

Magistrate 2nd Class.

Session case 33/95

Translation of Exhibit K

IN THE COURT OF the 2nd CLASS MAGISTRATE an old
OF Pamban ving
REGISTER CASE NO / OF 1895. The
DEPOSITION OF 2nd WITNESS FOR prosecution lit
ne

Name ... ... Raman.
Father's name ... Sokkan.
Village ... ... } Pudhupatty attached to Pudu
Taluk ... ... }
Caste ... ... Vallambea
Calling ... ... booly
Religion ... ... Sivite
Age ... ... About 25

Date 27 — 3 — 1895

Solemnly affirmed in accordance with the provisions of Act X of 1873 on the 27th March 1895.

At 10 or 11 P.M. on Thursday last, while we were all sleeping in the ship, a certain man cried out "Ayyo! Ayyayo! she has thrown my child and my bag into the sea". I husband worked in ent and garden. The Meenakshi garden wherein we worked is west of Vattavalai. The accused never behaved like a mad woman when we worked there

No 0
Jud Dept
Enclos. No 2
To
O. No. 2346

who is a female was biting an old woman in the finger, having already bitten her on the head. The name of the woman who so bit is Karuppayee and the name of the woman who was bitten on the head and in the finger is also Karuppayee. The man, who cried out, says that his name is Muthaya. Immediately we all seized the woman and tied her. We were working in the tea garden called Meenakshi garden belonging to Mr. Huddleo. Mr. Scott superintends that work. I and the accused and her husband worked in the same garden. The Meenakshi garden wherein we worked is west of Vattavalai. The accused never behaved like a mad woman when we worked

there

Session Case 33/95

Translation of Ex: II(e)

Opinion of Assessors.

1st Assessor. I think the prisoner threw her child into the sea but was mad at the time.

2nd Assessor. I am of the same opinion.

Order:- The prisoner is to be brought up on Friday 3rd Instant for judgment.

Madura } (signed) W. Dunnegan
1-5-95 } Sessions Judge.

(True copies and translations)

W. Dunnegan.
Sessions Judge.

IN THE SESSIONS COURT OF MADURA.

SESSION CASE XXXIII OF 1895.

(SPECIAL SESSIONS—APRIL—MAY).

Committed by the 2nd Class Magistrate of Pamban (R. C. 1 of 1895).

Prisoner :— { Karuppayee *alias* Meenakshi { Defended by Vakil Mr. M. S. Sundramier, appointed by the Court.

Charge :—Murder, Section 302 I. P. C.

Caste of :— { 1st Assessor—Weaver.
2nd Do—Christian.

Opinion of assessors :— { The prisoner threw her child into the sea but was mad at the time.

Finding of the Judge :— { Prisoner did the act laid to her charge but was insane at the time.

Order :— { Prisoner acquitted on the ground of insanity. Ordered under Section 471 C. P. C. that she be kept in safe custody in the District Jail of Madura and that the case be reported for the orders of the Local Government.

JUDGMENT :—The prisoner is charged under Section 302 I. P. C. with having murdered her infant son, about 5 months old, on the high seas between Colombo and Pamban on the 21st March 1895 and there is no dispute as to the facts of the case.

2. The prisoner and her husband, the 1st prosecution witness, who belong to the Pudukotta state, went to Ceylon to earn their livelihood about 5 or 6 years ago. The prisoner gave birth to a son soon after arriving in Ceylon and gave birth to a second son about 5 months ago. Intending to return to their native place, the prisoner and her husband with their two children embarked at

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Colombo in a sailing vessel named the " Mohamed Bux " on Wednesday, the 20th March 1895. The ship sailed early next morning and the prisoner appears to have been violently sea-sick. About 11 P. M on Thursday night she asked her husband for betel and on his refusing to give it to her, as she was sea-sick, she flung the bag in which he carried betel, money and jewels into the sea. She then threw her infant into the sea and turning on her husband, bit him in the right arm. After this she attacked an old woman who was sleeping on deck and bit her on one of her fingers and on the head. The master of the ship was then called, secured the prisoner, tied her to an iron ring on the deck and handed her over to the authorities at Pamban when the 'Mohamed Bux' arrived there on the 23rd March.

3. The 1st witness for the prosecution, in his desire to exonerate his wife, has deposed in this Court that she did not throw her infant overboard but dropped it accidentally while she was sea-sick. This version, however, is totally opposed to the rest of the evidence and to the prisoner's own statements. The deposition given by the 1st witness before the committing Magistrate has therefore been filed as exhibit A; there is no doubt of its truth and it shows that the prisoner acted in the manner which has already been described.

4. The prisoner, in admitting twice before the committing Magistrate that she threw her child overboard, declared that she did so because the God, whom she saw in the heavens, required it. Her husband proves that she was subject to hallucinations or was possessed by a spirit about once a year and that she was so possessed the day she embarked on the 'Mohamed Bux'. This evidence is supported by the statements of a fellow passenger named Raman who was examined by the committing Magistrate and whose depositions (exhibits II and II*a*) have been filed under Section 33 Indian Evidence Act as he has not appeared in this Court and the circumstances of the case did not justify the delay which would be incurred in securing his attendance. According to these depositions, the prisoner began screaming on Thursday afternoon and looked so like a maniac that the other passengers moved away and left her alone. In addition to all this, it is proved by the 1st witness that the prisoner's menses have been suppressed since the birth of her infant. In *Regina versus Brixey* (Taylor Medical Jurisprudence, ii 564, Lyon p. 485) the prisoner, who killed a child, was acquitted on the ground of insanity probably arising from obstructed menstruation. In this case there is no doubt that the prisoner did the act laid to her charge, but I concur with the assessors in thinking that she was insane at the time. Hence while acquitting the prisoner on the ground of insanity, I direct, under Section 471 C. P. C., that she be kept

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in safe custody in the District Jail of Madura and that the case be reported for the orders of the Local Government.

Madura
3rd May 1895.

W. Dumergue.
Sessions Judge.

Serial No.	Description of the accused.						Date of.					Explanation of delay.
	Name.	Father's name.	Caste.	Occupation.	Residence.	Age.	Occurrence.	Complaint.	Apprehension.	Commencement of trial.	Close of trial.	
1	2						3					4
S C. 33 of 1895.	Karuppayee alias Minakshi.	Karuppiah.	Vallamba.	Cooly.	Thallambatti, Kilavoinelli Taluk, Pudukotta Territory.	About 30.	21—3—95.	23—3—95.	23—3—95.	1—5—95.	1—5—95.	

S.C. - 33 of 1895.

Copy of Judgment.

Enclosure I

In a letter from the Session Judge of Madura dated 20 May 1895 No 341

COLLECTOR ANT. MAG. CTRT. TRICHINOPOLY

1895
Jud Dept.
Enclos. No 1
To
O. No 2572

The material part of the Session Record in Session Case 33 of 1895.

Jud Dept.
Enclos. No 1
To
O. No 2346

CURRENT NO 2572

Madura, Sessions Court
20th May 1895.

No. 341/1895.

From,

J. W. F. Dumergue Esquire
Sessions Judge, Madura

To,

The Honorable J. F. Price Esquire C.S.I., I.C.S.
Chief Secretary to
Government.
Madras.

Honorable Sir,

I have the honor to report for the orders of Government under Section 471 of the Criminal Procedure code the case of one Karuppayee alias Meenakshi who has been tried by me in Calendar case No. 33 of 1895 on the file of this Court on a charge of murder punishable under Section 302 I.P.C and acquitted on the ground that She was insane at the time She committed the act laid to her charge.

X Record sent herewith

2. I forward herewith copies and translations

translations of the proceedings and also the usual Medical history sheet containing such information as I have been able to gather from the proceedings.

3. Pending the orders solicited, the accused has been ordered to be kept in safe custody in the Madura District jail.

I have the honor to be,
Honorable Sir,
your Honor's most Obedt. Servt.

W. Dumbrell.

Sessions Judge

When given for coming

[J. 10.] 300—12-12-94.

Judicial Department.

CHIEF SECRETARIAT. MADRAS.

&c

(No 2572.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

READ the following letter from the District Magistrate,

ORDER—dated 29th May 1895, No. 1154

UNDER the provisions of Section 471, Criminal P. C., it is directed that criminal lunatic Kanappayee alias Meenakshi be sent to the Lunatic Asylum at Madras for safe custody and treatment; the usual periodical reports being made of the state of his mind.

2. The Superintendent of the D.J. Jail at Madura will forward criminal lunatic Kanappayee alias Meenakshi at once to his destination and intimate the despatch to the Superintendent of the Asylum by letter accompanied by all necessary papers.

3. It was unnecessary to ~~forward~~ send (True Extract.) all the records in this case. The heading of the Med. History sheet should have been amended with respect to para 2 of G.O. of 13 Sept. 94, No. 2112

Under Secretary.

28/5/95 D 25.5.95

To the District ~~Magistrate~~, Sessions Judge, Madura
" Superintendent, Lunatic Asylum, Madras with ~~papers.~~
" Surgeon-General.
" Inspector-General of Police.
" Inspector-General of ~~Jails~~ Prisons

DESPATCHED 3 JUN 95 IN MS

Paras 1 & 2

Copy 28/5.

4/6/95.

Put for N.b.
The records may be retained as they are not in my f.

When given for copying _____
When copied _____
When examined _____ } 189 .
When signed _____

READ AGAIN G.O., No 189 . DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT.	A	A	A	A	A	A	A	
LETTER OF GOVERNMENT.								
STATEMENT WITH DITTO								
PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH IN ORIGINAL.								

N.B.—
A = Copy in full.
B = Not to be copied.
P = Copy abstract only.
Q = Copy heading only.