

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 173

DATED 25th Jan. 1895.

INDEXED.

[Despatch Abstract.]

CONVICT TYAMIAL

Informing the Honourable the Judges of the High Court that, after due consideration of the case, the Government is not prepared to mitigate the sentence passed on -- .

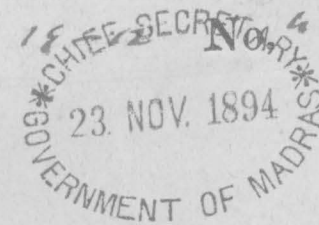
BACK PAPERS.

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

FURTHER PAPERS.

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

Jud
Judicial {189 } Department.
1220



FROM THE REGISTRAR OF THE HIGH COURT OF JUDICATURE AT MADRAS, APPELLATE SIDE.

Dated 16th November } 1894.
Received 23/11
Recd 23/11

No. 3045 Judl.
Enc Four

Forwarding records in South Arcot Sessions Case No. 25/94 together with the High Court Judgment in Criminal Appeal No. 503/94 for considering whether the sentence should not be mitigated.

DO that go of 79 all Inf. release 23/11 Put up 23/11

4.10/10/79 No 75-76 S.E. Judl
Criml appl: refer H.C.
Mitigation of sentence

6235

Judl Dept

H. M. + Circ.

For orders

Docket
The High Court recommends a mitigation of sentence without assigning special reasons for its recommendation.

The grounds of the recommendation of the H.C., are apparent from the judgments of the Sessions Court. *JS*
30/11/94.

I don't see what we can do but enquire if the woman is at all out of her mind - If so, she should be transferred to the Lunatic Asylum - If not, she is continuing to any reduction of sentence.

MS
3/12/94

agm
CS. 28/10/12 And J W

Order 19 Dec 1894 R No 1220 13 Dec
The J.P. of Prisons will be requested to report whether Jayammal who was sentenced to transport for life in South Arcot S.C. No 25 of 1894 has shown any signs of insanity since his incarceration. The J.P. of Prisons should report by 1/12/94.

IN THE HIGH COURT OF JUDICATURE AT MADRAS.

Thursday, the fifteenth day of November,
One thousand eight hundred and ninety-four.

PRESENT:—

The Honourable Justice Sir J. Muttusami aiyar, K.C.J.
and
The Honourable Mr. Justice Bead

CRIMINAL APPEAL No. 503 of 1894.

Jayammal ——— Appellant.
(Prisoner.)

Appeal against the Sentence of the Court of Session of the South Arcot
Division in Case No. 25 — of the Calendar for 1894.

after service of notice on the appellant
This Appeal coming on for hearing, and Counsel not appearing on
her behalf of the Appellant: Upon perusing the Petition of Appeal, and the record
of the evidence and proceedings before the Court of Session, and upon hear =

ing the arguments of the Public Prosecutor
in support of the Conviction; the Court deli =
vered the following

Inducement:- Appellant admits that she threw
her children as well as herself into the

well

well and that the Children died in
consequence and that her object was
that she and the Children should die.

She has therefore been properly convicted
of murder and the sentence of transpor-
tation for life passed upon her by
the Judge is the most lenient that
could be legally passed.

We think, however, the case is one
that should be brought to the notice
of Government with a view to the sen-
tence being mitigated if the Govern-
ment Council thinks fit.

ordered accordingly.

At Fort St. John.
Deputy Registrar,
Appellate Side.

To
The District Magistrate,
through the Sessions Judge,
South Arcot.

18/10/11

Enclosure I to the High
Court's letter dated 16th
November/94 No. 3075
Judicial.

IN THE COURT OF SESSION OF THE SOUTH ARCOT DIVISION.

Monday, the 1st day of October, 1894.

PRESENT:—W. F. GRAHAME, ESQUIRE, Session Judge.

Calendar Case No. 25 of 1894.

Name of the accused	...	...	...	...	Tayammal.
Offence	...	...	...	...	{ Murder and attempt to commit suicide—Sections, 302 and 309, I. P. C.
Finding of the Judge	...	...	...	...	Guilty on Prisoner's own plea.
Sentence	...	...	...	...	Transportation for life.

JUDGMENT.

The prisoner has pleaded guilty on the two heads of charge, of having murdered her three children, and having attempted to commit suicide. There can be no doubt that she understood what she said when she pleaded guilty, because, on my questioning her, she said that she threw the children into the well intending that they should die and that she threw herself in after them, with the intention that they should not survive her and that she should not survive them. I see no reason why I should not accept her plea of guilty, or why I should not act upon it.

2. The reason for the rash acts of the prisoner seems, according to the record, to have been a quarrel or dispute with her husband. She wished her mother to come and live with them, because the mother was in very destitute circumstances. The husband refused to allow the mother to come and live with them, because he said she was not of a good character. The prisoner seems to have brooded over this matter for three or four days. Then she rose early one morning and took her three children to a well near her house. She threw the children into the well and then leaped in herself. Some considerable time afterwards she was seen floating on the surface of the water in the well. She was got out and after some time was restored to consciousness. The children also were got out but they were dead.

3. The story is a pitiful one. I have no doubt that thinking over her mother's state, and her husband's unkind remarks about the mother, and his refusal to have

the mother to live with them disturbed her mind very much, so that in a moment of great grief the prisoner was impelled to the rash acts with the commission of which she now stands charged, and which she has admitted.

4. In the circumstances I do not see my way to sentencing the prisoner to the extreme penalty of the law. On her own plea of guilty I convict the prisoner *Tayammal* of murder and of an attempt to commit suicide. The sentence of the Court is that the prisoner *Tayammal* be transported for life.

(Signed) W. F. GRAHAME,
Session Judge.

High Court of Judicature at Madras,
16 November 1894.

No 3075 Judl.

From,
A. W. Foster Esquire,
Registrar, High Court, Appellate Side.

To,
The Honorable Mr. J. F. Price, C. S. J.,
Chief Secretary to Government,
Fort St. George.

Honorable Sir,
I am directed to forward
herewith for the consideration of His
Excellency the Governor-in-Council, the
records in Calendar Case No 25 of 1894
on the file of the Court of Session of the
South Arcot Division, together with
a copy of the judgment of this Court,
in Criminal Appeal No 503 of 1894,

Confirming

Confirming the Sentence of Transpor-
tation for life passed on the Prisoner
Jayanmal, and expressing the
opinion that the case is a proper
one for consideration whether the
Sentence should not be mitigated.

I have the honor to be,
Honorable Sir,
Your most obedient servant,

H. M. L.
Registrar.

No. 157.

103
Colacamund.
OFFICE OF INSPECTOR-GENERAL OF JAILS,
Dated 9 January 1895.

From

A. G. CARDEW, Esq., M.A.,

INSPECTOR-GENERAL OF JAILS, Prisons.

To

THE CHIEF SECRETARY TO GOVERNMENT.

SIR,

Enclosures.

In reply to G.O. dated 19 December 1894
R. No. 1220 Judicial, I have the honour to state
that the Superintendent and Medical officer of
the District Jail Cuddalore reports under date
the 2^d instant that female convict Jayammal
has not shown any signs of insanity during
the period of her incarceration.

I have the honor to be,

Sir,

Your most obedient Servant,

A. G. Cardew

103

R1220: 19. 12. 94.

JUDICIAL.

JAIL (1895) DEPARTMENT.

From

THE INSPECTOR-GENERAL OF JAILS, Prisons

To

THE CHIEF SECRETARY TO GOVERNMENT.

Criminal - ~~Prisoners~~
Appeal - Mitigation of Sentence

For orders

With effect to 9:0:
of 19th Decr: 94 N^o 103

10/11/95

Dated 9
Despatched
Received 12 } January 1895.

No. 157
CHIEF SECRETARY
GOVERNMENT OF MADRAS
12 JAN 1895
ENCLOSURES.

Subject.

Stating in reply to G.O. 1220 Jnd
d/19.12.94 that the Medical Officer
Cuddalore Jail reports that fe-
male convict Jagammal has not
shown any signs of insanity
during her incarceration.

DEPARTMENT.

Papers to be read in Proceedings:-

Again G.O., dated 18, No.
Again G.O., dated 19 Decr 1894, No. 1220
Current No. of 18, dated from

Current No. 103 of 1895, dated 9 Jan 95 from the J.G. of Prisons
~~Order. In the case of Jagammal in the Court of Sessions, the J.G. is not prepared to interfere on behalf of the convict Jagammal (from orders) 2/1~~

Order 25th Jan 1895 No 173
The J.G. the Hon. the Judges will be informed that the Govt. is not prepared to mitigate the sentence passed upon the convict Jagammal. (from orders) 2/1
24/1/95 21-1

after due consideration of the case

The Hon. the C.J. with C.H. look up to the High Court re. 375-10 DEPT. SECRETARY
The draft is in the file IN M.S.

Reduction for substance

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

ADAMS G.O., No.
189 ,

DATED

ST No.

CS
(from order)

CLOSURES 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.
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