

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 1837

Dated 3^d Sept. 1895

INDEXED

[Despatch Abstract.]

ILLEGAL RELEASE OF A CRIMINAL LUNATIC.

Passing orders on letter from the District Magistrate of North Arcot reporting a case in which the Stationary Sub-Magistrate of Gudiyattam illegally released a criminal lunatic.

BACK PAPERS.

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

FURTHER PAPERS.

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

Judicial Dept.

CURRENT NO. 3942

From

The District Magistrate
North Arcot.

To

The Chief Secretary
to Government

Judicial Dept.

Dated 15th August 1895

Recd 18th }
Repd 19th } do

Encl. 2

By Order No 834 of 95
Mag



Subject

Submitting for the orders
of Government Calendar
no C.C. 248 of 95 on the file
of the Judge at North Arcot
and the explanation of
the Magistrate for releasing
the accused contrary to the
provisions of S. 470-471
C.P.C.

Recd 1/95

H.M.

under
Min

See record
draft
12/9
3/9/95

The Court Pleader will be
requested to move the High
Court to revise the District
Magistrate's decision refd to.

2. Due notice should be taken
of the conclusions of the
District Magistrate.

22-8-95

To the Court Pleader (H.M.)
D. Magistrate, North Arcot (N.A.)
Note for order

The above draft is submitted for approval
The District Magistrate's action is altogether
irregular and betokens either great
carelessness or complete ignorance
of the law & procedure in regard
to the trial of insane criminals.
The duration is now at large &
it would have been better if the
D. Magistrate had himself moved
the High Court in the first instance
under Sec 438 to revise the District
Magistrate's decision and then reported
the case to Court with his recommen-
dation. It is not clear on what
point the D. Magistrate wants to have the
order of Court. As the accused is now
at large it is very desirable to have
early steps taken to secure his removal
to a lunatic asylum. It is suggested to ask the Court
Pleader to move the High Court direct

Tintani Division 2 Class Magistrate's
Court

District 4 495 Dated 12. 8. 95
Camp. Tintani

To
The District Magistrate
North West.

Honored Sir,

With reference to your Honor's
Order dated 7th August 1895 Cur
No 834 of 95, I respectfully beg
to submit that the Case in question
was enquired into by my predecessor
Mr R. T. R. Dibbasamappa and adjourned
to 5th July 95 for examining the defence
witnesses. If it were not for the
fact that I relieved him that very
evening he should have examined
the defence witnesses and disposed
of the Case that day. There was no
allegation before him that the
man was insane at the time the
Complaint was lodged and I find
from the records that it must

have been brought to his notice
that the man was suffering from
temporary insanity only when the
1st witness was cross examined. He
however, proceeded with the enquiry
as he must have evidently found
the man sane and capable of
making his defence at the trial.
This belief is strengthened by the fact
that the accused was released
on bail by him and the accused
also gave a statement which shows
that at the trial he was sane beyond
all doubt. My predecessor therefore
called on him to enter upon his
defence and he also summoned
the witnesses for the defence. I
also found when examining the
defence witnesses that the man was
sane and the circumstances as
presented above showed me that
the man was sane at the trial.
I did not make any special

enquiries regarding the point as
I did not know that I must do so.

2 As to my releasing the accused
contrary to provisions of Secs 470 &
471. I beg to submit that through
oversight I lost sight of the provisions
when writing the judgment and let
off the man as I found him
perfectly sane and harmless. I
beg that I may be excused this once.

3 In this connection I respectfully
beg to submit that during the past
two years that I have been
a Submagistrate I was not
found fault with for any
such irregularity and I
sincerely regret that I have
done so this time.

4 The records of the case received
from the Submagistrate of Pudukottam are
herewith submitted. I beg to
submit that I have
2d V. Narasinga Rao
2nd Class Magistrate
For Dist. Magistrate
Copy to
Copy to

By on Cur No. 834 of 1895.
mag

Magistrate
North Arcot, Collector's Office,

Author 15 August 1895.

From

S. H. Nymre Esquire

DESPATCHED.

16 AUG. 95

Collector and District Magistrate,

North Arcot.

To

The

Chief Secretary to
Government.

CURRENT NO. 3942

Sir,

I have the honor to forward the
Calendar in C. C. 248 of '95 on the
file of the Lyndigatam Stationary Sub-
Magistrate and the Explanation of the
Magistrate. Having acquitted the accused
on the grounds of insanity at the time
he committed offences under sections 379
or 408 I.P.C. he set him at liberty con-
-trary to the provisions of Secs 470. 471
C.P.C.

2 Only the High Court can set aside
the order of release, but I do not consider
that I should move that Court in
revision without laying the case
before Government. I request therefore
that Government will pass orders in the
matter.

(1) Theft.
(2) Criminal
breach of trust
by a clerk or
servant.

X under Sec 438
C.P.C.

5
Tried
2
3942

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

Alfred J. Jones

For District Magistrate.

Copied by J
Confidential

[G.]
[25.]
6.10-25-95.

DEPARTMENT.

C. No.

FOR ORDERS.

The Sub Magistrate's order
of course be painted out
of the current. I agree with
him, but I agree with
the C.S. that it is not
worth while to move the
H.C. in the matter. It is
simply be throwing money
away. Why the D.C.
Magistrate should have come
up at all I can't think

BN

28/8/95

Please see note on the back
of the current.

D
12/8/95

The Sub Magistrate's action was clearly
illegal and the case was one which
the D.C. Magistrate should have referred
to the High Court on this point.
There was as far as I can see
no need for a reference to Court.
The accused was judging from the
evidence undoubtedly insane when
he shot the trees. The case was
a very one and it seems a
question whether it is worth while
to pursue the matter any further.
The man being now sane could
be sent to a lunatic
Asylum

BN

27/8/95

Re the illegal release
of a criminal lunatic

FOR ORDERS.

CS
H. J. M.

nos 8 3^d Sept 1895, No 1839.

His

The Court agrees with the D. Magistrate
in holding that the Sub Magistrate's
action was illegal but does not
consider the case to be of sufficient
importance to justify a reference
to the High Court. It is not clear
why the matter was reported
to Court as the case was one
in which the D. Magistrate himself
could have referred to the High
Court if he thought fit. **DESPATCH**

2. The Sub Magistrate should be warned
to be more careful in future.

(From orders.)

To the D. Magistrate, A. P. S. } 2/5/96
with 1/2/96 }
9/5/95 }
The Sub Magistrate
has been warned to be
more careful in future
and he has admitted it in his explanation
20/1/95

When given for copying
When copied
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When signed

189

When again G.O., No.
189

DATED

CURRENT No.

ENCLOSURES TO G. 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.—

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