

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 2011

Dated 27 Sept. 1895

INDEXED.

[Despatch Abstract.]

CRIMINAL LUNATIC.

Directing that-----Narayanaswamy, confined in the Madras Penitentiary, be sent to the Lunatic Asylum, 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. 4441

201865-D5.9.95.
J.L.R. xxii Cal.

From
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C. R. Jones Esq.
Chief Resy Magt.
Madras

To
The Chief Secretary to Govt.
With the Governor Madras.

No 242

Saleb
depts
Recd
Ref? 19/9
Subject.



Submitting papers regarding
the man Varamadaway
tried at the last Criminal
Sessions of the High Court.
Madras.



In the Presidency Magistrates' Court,
Egmore, Madras.

Calendar No. 16107 of 1895.

CHARGE.

I, the undersigned Presidency Magistrate for the Town of Madras,
hereby charge you

Narayanabawmy Naidoo
as follows:—

That you on or about the 18th day of June
1895 at Pursawakam — of Madras aforesaid

Committed culpable homicide amounting
to murder, by causing the death of your child
named Shoyaramah alias Mooneamah by
dropping a large granite stone on her head
while asleep with the intention of causing the death
of the said child, and that you have thereby
committed an offence punishable under Section
302 of the Indian Penal Code and within the
cognizance of the High Court of Judicature at
Madras.

And I do hereby direct, that you the said
Narayanabawmy Naidoo, be tried by the
said Court on the said charge.

Dated at Madras this 22nd day of June 1895.

/sd/ *B.R. Jones*
Chief Magistrate

Be made to / True copy/

Statement of the case of Narraiahswamy tried
at the last Session of the High Court.

The prisoner having been away for 3 or 4 days returned home on the evening of 17 June 1895 and slept inside his room. His wife with a child on each side of her slept in the inner verandah close to the door of the room. The wife was aroused about day-break by the noise of a thump near her head and starting up saw her husband standing over her with a large stone curry chaffer roller in his hands. A co-tenant sleeping in the opposite verandah was also aroused and saw the prisoner with the stone. He and the wife raised a cry; the prisoner quickly put down the roller and went into the room where he remained. His wife picked up the elder child, about 6 or 7 years old, whose head was completely smashed in and who was quite dead. She thumping more they heard must have been caused by the prisoner dropping the stone on the child's head. The Police came in a short time and arrested the prisoner inside the room. The points that might denote unsoundness of mind are:

1st The entire absence of motive.

2nd The statement of the wife and co-tenant that since the eldest son ran away a few months before the prisoner has been in a melancholy and morose state.

Points tending to show that he was not insane are:

1st When his wife was aroused he made no further attempt against her, he might easily have dashed the stone on her head, but did not; evidently knowing what he was about he quietly put it down and went in.

2nd Since his arrest and during the long time he was awaiting trial from 25 June he has not shown a trace of insanity. Even if the jury were right in finding that he was unaccountable for his acts at the time, the release of this man would subject his wife and child to the chance of being killed during his next morose fit, if it is true he has such fits.

A very similar case is reported in the Indian Law Reports of 1895 Calcutta Series volume XXII, Page 17, but having been tried without a jury, the Sessions Judge convicted the accused and sentenced him to transportation for life.

OR Dms

Chief Presidency Magistrate

No. 242

CURRENT No. 4441

Presidency Magistrates' Court,

Egmore, Madras, 17 September 1895.

FROM

C. R. Jones, Esq.

Chief Presidency Magistrate,
Madras,

TO

The Honble Mr. J. F. Price,
Chief Secretary to Government,
With the Governor's House Hill

Sir,

In obedience to Government Order No. 1865, Judicial Department, dated 5 September 1895, I have the honor to submit a medical history sheet of the man Karraindaway and a copy of the order committing him for trial before the High Court.

2. As the man is not insane and has not been so since his arrest some of the headings of the medical history sheet are of necessity left blank. It is true the jury found that he was insane at the time of the murder but I do not know upon what evidence or for what reasons they did so.

3. The order of commitment only shows the single charge which I framed and which the jury found ~~to be~~ ^{for} the other charges ~~found~~ ^{indicted} ~~morose~~ ^{morose} ~~fit~~ ^{fit} Clerk to the Crown.

were added by the Crown Prosecutor. No reasons for commitment were recorded as that is not required under Section 213 Criminal Procedure Code.

4 - I fear these two documents will not afford Government much information upon which to pass orders. I have therefore appended a short statement of the facts of the case, as they appeared at my preliminary enquiry, but the records of that enquiry were sent in to the High Court.

I have the honor to be,

Sir,

Your most obedt servant,

OR Dms

Chief Presidency Magistrate

[J.]
10.
300-12-12-94.

Judicial Department.



PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read again 5.0 45 Sept 95, No 1865-8.
READ the following letter from the District Magistrate, C No 4441

ORDER—dated 27 Sept 1895, No. 2011.

UNDER the provisions of Section 47, Criminal P. C., it is directed that criminal lunatic *Narayanaswamy* 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 *H. H. S. Penitentiary* Jail at *Madras* will forward criminal lunatic *Narayanaswamy* at once to his destination and intimate the despatch to the Superintendent of the Asylum by letter accompanied by all necessary papers.

(True Extract.)

28
25/9/95
26/9/95

Under Secretary.

24/9/95

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

24/9/95
5/10/95
30/9

Given for copying _____
Copied _____
Examined _____
Signed _____ } 189 .

MAIN 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.

Director of Police, _____
Inspector-General of Jails, _____
Min. _____