

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 2422.

Dated 23rd Nov 1895.

[Despatch Abstract.]

CRIMINAL LUNATICS.

Issuing a warrant for the removal of prisoner No.1606 K.Ra-
man from the Central Jail at Cannanore to the Lunatic Asylum at Madras.

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BACK PAPERS.

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

FURTHER PAPERS.

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

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24-10-8-8-95.

ORDINARY, MS.

<i>Judd</i> DEPARTMENT. G.O., DATED 23. 11. 95 No. 2422
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INDEXED.

When given for copying.

[Despatch Abstract.]

Issuing a Warrant for the
removal of prisoner No 1606
K. Raman from the Central
Jail at Cannanore to the Lunatic
Asylum, Madras.

17-2-05 ✓
9-8-06 ✓
18-2-07 ✓
31-8-07 ✓
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14-2-12

of 189

OF 189

ENCLOSURES.

CURRENT No.

STATEMENT WITH DITTO.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL (not paged).

N.B.—

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

Nominal Roll of Convict No: 1606 K Baman

[illegible]

March 20 1894

dream of out there
for life

5. 9. 1875

Account Book
of
South Carolina

27

2nd of Nov

Good

not applied

me

Occidentail Tail Pinnace
 1st Nov 1895

Left from side
representing
Central Hall
Garrison

IN THE SESSIONS COURT OF SOUTH MALABAR.

THURSDAY, THE 5TH DAY OF SEPTEMBER 1895.

PRESENT:—J. A. DAVIES ESQ., *Sessions Judge.*

CALENDAR CASE No. 30 OF 1895.

Queen Empress *Vrs.* ... Raman.

[Defended by Mr. Karimpatta Krishna Menon, High Court Vakil, engaged by the Court under G. O. dated the 17th December 1884, No. 3273 Judicial.]

Offence Murder (Section 302 I. P. C.)

Opinion of the Assessors. (1. C. Krishna Menon—Nair and 2. K. Avulla—Mopla) Guilty.

Finding of the Judge ... Concurred with the Assessors.

Sentence or Order Transportation for life.

Judgment.

1. The Prisoner is charged with having murdered his wife Kunji, a young woman of 22, by chopping off her head. He belongs to the Tandan caste in which the custom of polyandry obtains, and the deceased Kunji was not his wife only but the wife of his two younger brothers Chami and Vellappen also. The three brothers all lived together in the same house with their common wife Kunji, and their mother Choronna. On the morning of the 3rd July last, the date of offence, the Prisoner's brother Chami and mother Choronna went out early to work in the fields leaving the Prisoner and Kunji at home (Vellappen the other brother being away at the time at some distant place on cooly work upon a road). They had not been out long before they heard that Kunji had been murdered, and they hastened home and found her lying on the verandah, where their kitchen was, close to the hearth, with her head nearly severed from her body and her infant child of 2 months old lying by her feet crying. Nobody else was in the house. Shortly afterwards the Police arrived bringing the Prisoner who had delivered himself up at the Kongad Police Station two miles from his house.

2. That the Prisoner was the person who had killed Kunji is established by the following simple facts. (a) He was the last person seen with her alive as proved by the Prisoner's brother and mother, 1st and 2nd witnesses. (b) He was seen running towards the Police Station with blood marks on his person and cloth by the 3rd witness Sankaran Nair, to whom he said that he had cut and murdered his wife Kunji, and was going off to the Police Station. (c) At the Police Station he made a statement to the Head Constable Raman, 5th witness, who thereupon took him into custody. He then had blood on his chest and on his waist cloth which the

Head Constable took off and secured and now shows. He was promptly taken to the scene of offence, and there took out from the grass to the south of his house the chopper belonging to his family with blood upon it now produced in Court. (d) In his statement to the committing Magistrate and before this Court the Prisoner does not deny his commission of the act, but pleads that he was out of his senses at the time, and does not know or remember what happened.

3. The fact of the murder as spoken to by the 1st and 2nd witnesses is corroborated by the 3rd witness Sankaran Nair who went and saw the corpse of Kunji after the Prisoner's communication to him, by the Village Adigari the 4th witness who took part in the inquest held at the place (Exhibit A), by the Head Constable 5th witness, also present at the inquest, and by the medical evidence of the Assistant Surgeon MacDonald who conducted the post mortem examination on the body. The 1st and 4th witnesses also corroborate the 3rd and 5th as to the blood marks on the Prisoner's person and his production of the chopper. So that it is established that the murder was committed, and that Prisoner was the person who committed it.

4. The Medical Officer of the Sub Jail (Assistant Surgeon J. Strinivasagam Pillai) where the Prisoner was confined pending his trial by this Court having reported that the Prisoner showed symptoms of insanity, I made special enquiry first as to whether he was by reason of unsoundness of mind incapable of conducting his defence, and secondly as to whether he was insane at the time he killed the deceased Kunji. I found there was no ground for either hypothesis. I examined the Assistant Surgeon and he could not say the Prisoner was really insane without making further observation, and all that he had seen was that the Prisoner had acted strangely on one occasion when questioned by him. The Prisoner even did so before us when in the dock, throwing himself about stamping his feet and howling for a short space of time, after which he subsided into quietness. It might well have been shamming, for he was otherwise quite rational. That he was capable of making his defence I was perfectly satisfied. He had already stated what it was before the committing Magistrate, that is unconsciousness of what he did through divine influence, and he adhered to the same story in this Court. He knew what he was being tried for, and answered the questions put to him rationally. Moreover he was defended by a Pleader appointed by this Court who was of course acquainted with the facts against the Prisoner. As regards the other question, the state of his mind at the time he committed the act, there was no reason whatever to doubt that he was not well aware of the nature of his act and that it was wrong. That he knew this is manifest from his conduct in confessing to the 3rd witness what he had done and then delivering himself up to the Police knowing them to be the public avengers of wrong done. Further it was proved by his brother, by his mother, by the 3rd witness who had known him for 18 years, and by the Adigari of his village, that he had never shown any signs of madness before the killing of Kunji—on the contrary they had always treated and regarded him as an ordinary sane man. It is true that as the worshipper at a shrine of Bhagavati that he as a

religious minded man kept up in his own compound he occasionally got "inspired" and spoke as an oracle with trembling and jumping fits, but these did not unduly interfere with the pursuit of his usual avocations, although the evidence of his people is that he was a bit of an idler, and did not work as well as he might. If he had been troubled with a homicidal mania, he would probably have killed the baby as well as its mother. There was therefore no ground for holding that he was of unsound mind when he killed Kunji. It may be that since then through remorse or otherwise his mind has become affected, but that is an immaterial matter so far as this trial is concerned excepting of course in regard to the question whether he was thereby rendered incapable of making his defence which I have already shown he was not. He must therefore be held responsible for the crime of murder that he committed.

5. As to the motive, there is little on record to judge what it was. His brother and mother prove that he was disliked by Kunji his wife. She did not care for him and did not treat him with respect. It may have been in a fit of jealousy, or on some provocation as he told the Head Constable that he took her life. One thing only is certain and that is that his act was not premeditated. He had never been heard to threaten the deceased and there was no quarrel between him and her before the mother and brother left the house that morning. In these circumstances, and considering that the evidence on which he has been convicted is evidence of his own making against himself, I do not think the capital sentence is called for and accordingly sentence him to the alternative punishment of transportation for life under section 302 of the Penal Code.

(Signed) J. A. DAVIES,
Sessions Judge.

Case committed by Mr. K. R. Narayana Aiyar, Stationary 2nd Class Magistrate of Palghat.

(True copy)

J. A. Davies
Sessions Judge.

*Forwarded to the Superintendent of Central Jail, Cannanore,
with reference to his letter No. 905 dated 17th October 1895.*

CURRENT NO.

5385

Camp Bellary Prisons
OFFICE OF INSPECTOR-GENERAL OF JAILS,
Dated 12th November 1895.

No. C-1646.

From

A. G. CARDEW, Esq., M.A.,
INSPECTOR-GENERAL OF JAILS, Prisons.

To

THE CHIEF SECRETARY TO GOVERNMENT.

SIR,

7 Enclosures.

Under Rules 1080-81 of the Jail Code, I have the honour to submit the marginally noted papers relating to Convict No 1340 V. Kattappa and No 1606 K. Raman confined in the Central Jail, Cannanore who are certified to be lunatics and to request that under section 31 Act V of 1871 as amended by Act X of 1886 the Government will be pleased to issue warrants for their removal to the Lunatic Asylum, Madras.

2. The delay in the submission of these papers was due to the non receipt from the Jail in the first instance of the nominal rolls of the Prisoners concerned & of a copy of the judgment in Sessions Case No 30 of 1895 and to these documents having in consequence to be called for.

I have the honor to be,

Sir,

Your most obedient Servant,

A. G. Cardew
Inspector-General of Jails.

Nominal Rolls — 2
Med. History Sheets — 2
Med. Certificates — 2
Judgment in C.C. No 30 of 1895
on the file of the Sessions
Court South Malabar

C. F. FEARNSIDE
25 OCT. 95
SURGN. CAPT.

105
Tul. D. 1
No. 1
To 5385

5385

Medical History file

JUDICIAL.

JAIL (1895) DEPARTMENT.

From

THE INSPECTOR-GENERAL OF ~~JAILS~~ Prisons

To

THE CHIEF SECRETARY TO GOVERNMENT.

Dated

12th

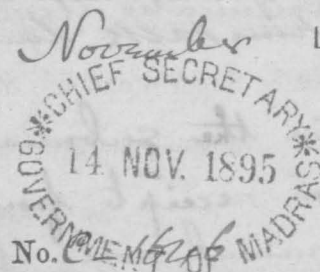
Despatched

13th

Received

14th

1895.



ENCLOSURES. 7.

Subject.

Submits Nominal Rolls of Convicts
No. 1340 V. Kattappa and No. 1606 K. Raman
confined in the Central Jail ~~at~~ ^{Cannanore}
are certified to be lunatics and requests
to issue warrants for their removal to
the Lunatic Asylum Madras.

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[9]

100-9-11-95.

WARRANT.

To

THE SUPERINTENDENT OF THE ~~Central~~ JAIL AT *Cannanore*

AND TO

THE SUPERINTENDENT OF THE LUNATIC ASYLUM AT MADRAS

WHEREAS Convict No. 1606 K. Raman
who is now undergoing imprisonment in the *Central* Jail at
Cannanore under a sentence of *transportation for life*
imprisonment from the 5th Sept. 95 passed upon him by
the Sessions Judge of Malabar is believed to be of

unsound mind; the grounds of such belief being *that he murmurs incessantly
that he does not seem to comprehend the gravity of his
offence & his punishment; that he talks slowly & at
random when questioned, & appears to be in sorrow at all
times & never answers to questions directly; that on occasion
ally he jumps up & down, uttering detached sentences & in some
cases crying that it is difficult to make him talk but when he does*

so he talks unreasonably This is to authorize and require you the said Superintendent of the
Central Jail at *Cannanore* to cause the said Convict
No. 1606 K. Raman to be removed

to the Lunatic Asylum at Madras, and you the said Superintendent of the Lunatic
Asylum at Madras to receive the said Convict No. 1606 K. Raman

into your custody in the said Lunatic Asylum, together with
this Warrant, and him there safely to keep, for the purpose of undergoing medical
treatment, during the remainder of his sentence, or if on the expiration of that term
it is certified by a medical officer under Section 31 of Act V of 1871 as amended by
Section 25 of Act X of 1886, that his further detention is necessary for his own
safety, or that of others, then until he is discharged according to law.

Dated the

day of

1895.

(By order of His Excellency the Governor of Fort Saint George in Council.)

18/11/95. Chief Secretary to Government.

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When

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280-15-6-98.

Judicial Department.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

READ the following letter from the Inspector-General of Prisons, dated
No 5385

ORDER, dated *23 Nov* 1895, No. *2422*

Ordered that the prescribed Warrant for the removal of prisoner No. *1606*
H. Ramu from the *Central* Jail at
Cannannur to the Lunatic Asylum at Madras be issued under

Section 31 (1) Act V of 1871, as amended by Act X of 1886, Section 25.

~~(True Extract.)~~

16/11/95

W. B. S.

18/11/95
for Chief Secretary.

To the Inspector-General of Prisons.

- " Superintendent of the *Central* Jail at *Cannannur* with Warrant
- " Superintendent of the Lunatic Asylum, Madras, M. H. S. & Form A.
- " Surgeon-General.

Depd 27/11
27/11

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

READ AGAIN G.O., No.
189

DATED

CURRENT No.

ENCLOSURES TO C. No.

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