

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 42

DATED 10th Jan. 1895

INDEXED.

[Despatch Abstract.]

PUNISHMENT OF A CONVICT FEIGNING INSANITY

Informing the Inspector-General of Prisons that the Government does not consider that it is legally empowered to cancel the jubilee remission once granted to Girudakara Raman who escaped from the Madras Lunatic Asylum, but stating that he should be warned that he would be liable to deprivation of the benefit of the remission rules on any repetition of his previous behaviour.

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
C 471			95				
Cms 2670/92	1030		19-7-97				

JUDICIAL.

JAIL (1894) DEPARTMENT.

From

THE INSPECTOR-GENERAL OF JAILS,

To

THE CHIEF SECRETARY TO GOVERNMENT.

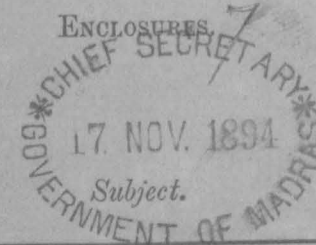
Dated

Despatched

Received

Recd 19th

No. 9/1684



Submitting report, called for in G.O. 21st August 1894 No. 2020, on the case of a convict named Roman, appellant in criminal appeal No. 309 of 1894 on the file of the High Court.

2020: 21-8-94
1939: 13-8-94
2195: 10-10-93
1997: 17-7-93
907: 26-4-87

Descriptive Roll of one Male and Female Convicts transferred from cellar for by Inspector Prison Jail.

See the 1204 at 15th Sept 1894, to the

Register number.	7684
Name.	Sham
Caste and Religion.	Hindu. Brahmachary
Occupation prior to imprisonment.	Agot
District and Taluk.	Dachinofly, Dodroo Taluk
Village.	Dachin
Present age.	32
Height.	5-6
Measurements under Bertillon system, peculiarities of appearance and marks.	Complexion & Eyes Fair Build Medium Black Two scars on each thigh near the groin on inside the right. From another outbreak of left leg. A small tumour near left elbow.
Particulars of previous convictions, if any.	None
Whether classed as Habitual or not	"
Offence.	Dracody
Calendar case No.	514-8 August 1883
Sentence.	1 year 9.8
Sentencing authority.	Ag. S. P. Judge, Madras
Date of sentence.	8th August 1883
Date of release.	7th August 1890
Education.	(No) Neither reads nor writes
Health.	Good
Weight (1) on first admission to Jail, (2) on transfer.	No 1 = 120 lbs No 2 = 120 lbs
Whether he has petitioned Government and, if so, result.	Applied for discharge on 1st of 1883. 30-11-83 in C. J. No 201 of 1883. Refused.
Whether he has petitioned Government and, if so, result.	Refused. Applied for discharge on 1st of 1883. 30-11-83 in C. J. No 201 of 1883. Refused.
Conduct in Jail.	Generally obedient, works steadily, and makes a great number of very useful articles. 12 cuts.
How did he come of.	Transferred to the Female Prison Madras on the 22nd July 1884.

Trichinopoly
22nd September 1894

Father's name Grou. Son of a Dancing girl, the
mother's name is Thangam.
He was admitted in to the Jail on 5.3.84 by
order of the Prison Officer.

R. Subbuel
Superintendent of Trichin Jail.

Descriptive Roll of *male* Male and Female Convicts transferred from *we* on the *San Francisco* *Sept. 8-15* *Sept. 1894*, to the

called for by the Inspector General of the Jail,

[illegible]

Superintendent of

To

The Superintendent of the Jail, Madras.

Whereas at the Sessions held before me on the 15th day of September 1886 Kirudakara Ramar, 4th prisoner in case No. 64 of 1886 of the Calendar at the said Session has been duly convicted of the offence of Dacoity, an offence punishable under Section 395 and 75 of the Penal Code, and sentenced to transportation for the term of his natural life being an old offender. This is to require and authorize you, the said Superintendent of the Jail, to receive the said prisoner Kirudakara Ramar into your custody in the said jail together with this Warrant and him there keep as by law is required until he shall be delivered over by you to the proper authority and custody for the purpose of his undergoing the punishment of transportation under the aforesaid sentence. Given under my hand and the Seal of the Court this 15th day of September 1886.

(Signed) Lewis Moore

Ag. Sessions Judge.

I hereby certify that out of the sentence of transportation for Life passed on Kirudakara Ramar by the Court of Sessions, Madras, in case No. 64 of 1886 - Months 26 days have been

Seal

* Convicted and sentenced to
transportation for life
in Sessions Case 51 of 1883 on the
file of the Sessions Court of Madras
under Section 395 Indian Penal Code.

been duly executed and that the said Kirindakara Ramen has this day been transferred from this Jail to the Central Jail Trichinopoly.

(Signed) R. P. Pantony Tailor
(Signed) H. Carruthers
Maddura } Ag. Superintendent of Jail.
11th October 1886 }

Certified that the within named prisoner was received into the Central Jail Trichinopoly on the 11th October 1886 from the District Jail Maddura.

(Signed) W. O'Hara
Surgeon Major
Superintendent, Central Jail,
Trichinopoly.

I hereby certify that out of the sentence of transportation for life passed on Kirindakara Ramen by the Court of Session, Maddura, in case No. 61 of 1886 - 7 months and 24 days have been duly executed and that the said Kirindakara Ramen has this day been transferred to the Lunatic Asylum, Madras.

Central Jail } (Signed) Jno. Perkins. Tailor
Office }
Trichinopoly }
9th May 1887. } (Signed) W. Goodrich
Superintendent
Central Jail.

Admitted into the Government Lunatic Asylum, Madras on the 10th May 1887.

Ind. 2
To 6/45
(True Copy) (Signed) H. Armstrong
Surgeon
Superintendent, Government
Lunatic Asylum
A. G. Cardew
Inspector General of Prisons.

certified to be true, signed again on
10. 1684

Prison
OFFICE OF THE INSPECTOR-GENERAL OF JAILS;

Dated 12th Nov. 1894.

From

A. G. CARDEW, Esq., M.A., J. C. S.

INSPECTOR-GENERAL OF JAILS, Prisons,

To

THE Honble Mr. J. F. Price. C. S. I.

CHIEF SECRETARY TO GOVERNMENT,

SIR,

7 Enclosure.

I have the honour to submit the following report on the case of a Convict named Ramen, appellant in Criminal Appeal No. 309 of 1894 on the file of the High Court, whose allegations were referred to me for report in G.O. 21st August 1894 No. 2020.

2. On the 8th August 1883, a prisoner named Ramen was sentenced by the Sessions Court of Maddura to 7 years' rigorous imprisonment for dacoity and was admitted into the Maddura District Jail. On the 5th March following he was transferred to the Trichinopoly Central Jail, and, being there certified by the Medical Officer to be of unsound mind, he was transferred by G.O. 15th July 1884 No. 1738 to the Lunatic Asylum, Madras. He escaped from that institution on 3rd May 1885.

3. On the 15th September 1886, one Girudakar Ramen

was tried for a dacoity committed on the 3rd December 1885. He was also expressly charged with having been previously convicted of dacoity on the 8th August 1883, and the Jury found him guilty on both counts. He was sentenced to transportation for life, and was admitted into the Madras District Jail. It will be seen that his identity with the Convict sentenced in 1883 was a direct issue at the trial, and was determined in the affirmative.

4. In a Letter No. 353, dated 20th September 1886, to this Office, the Superintendent, District Jail Madras recommended the transfer of Goundakara Ramon along with others, to a Central Jail, and observed that this prisoner had been formerly sentenced to 7 years' rigorous imprisonment and that he believed he had been sent to the Lunatic Asylum, Madras, and had escaped thence. He also made a note that the man "pretends to be insane". No action was taken in this Office except to order the Convict's transfer to Trichinopoly Central Jail, and to send the letter of the Superintendent, District Jail, Madras to the Central Jail Trichinopoly for perusal and return. (This Office No. 4370 dated 22 September 1886). No action was taken thereon at the Trichinopoly Central Jail.

5. Goundakara, or as the Superintendent District Jail Madras, spelt the name, Kirdakara, Ramon having been thus again transferred to the Central Jail Trichinopoly, was again there certified

certified to be insane, and was again ordered by G.O. 26th April 1887, No. 901 to be transferred to the Lunatic Asylum, Madras. On arrival there, he was recognized as being the prisoner who had escaped on the 3rd May 1885, but here again no action was apparently taken to prosecute him for his escape and he remained in the Asylum until his retransfer to the Trichinopoly Central Jail was ordered by G.O. 27th September 1893 No. 1997. His retransfer was carried out on 27th October 1893. Soon after his retransfer he asked to be allowed to appeal to the High Court, when he put forward the plea that he could not have committed the offence for which he was sentenced in 1886, because he was actually in Jail on the date of the offence.

6. The above facts prove that this plea is untrue, and that the Convict, whose ingenuity has succeeded in twice procuring his transfer to a Lunatic Asylum, has, on this occasion, made a mistake in drawing attention to his history and disclosing his own identity. As he escaped from the Lunatic Asylum on the 3rd May 1885, it is evidently possible that he could have participated in the crime of 3rd December 1885, and the Jury, which tried him in 1886, found that he did so participate. The ground of appeal referred to in the High Court's Order in Criminal Appeal No. 309 of 1894 is thus clearly shown to be false.

was tried in 1883. The Jury in 1886 actually found that he was the same man as was convicted in 1883, further proof on this point is hardly necessary. The enclosed Descriptive Rolls of the two Convicts, supplied from the Trichinopoly Central Jail, however, leave no further doubt on this point. A description freshly taken from the Convict is also enclosed and will be observed to tally closely with the description of the Raman convicted in 1883, the scars on the thighs, the tumour on the left elbow and the height being alike.

8. The extraordinary neglect of the authorities of the Madras District Jail, of this Office, of the Trichinopoly Central Jail, and of the Madras Lunatic Asylum in 1886-87 to trace the identity of this prisoner, and to see that his sentences were duly registered against him and that he was prosecuted for his escape calls for no further comment. From a copy (herewith enclosed) of the Warrant issued by the Sessions Court of Madras in Calendar Case No. 61 of 1886, it will also be seen that, though the sentence passed in 1883 could not possibly have expired, no direction was made as to the unexpired portion of that sentence.

9. It appears now to be necessary to recalculate the Convict's date of release with reference to his sentence of 1883. That sentence would in ordinary course have expired on the

the 7th August 1890, but as the Convict was at large from the 3rd May 1885 until the 15th September 1886, he did not complete his first sentence until the 20th November 1891. His life sentence, which is equivalent to one of 25 years, will thus not expire until 1916. As the Convict is said to be now about 46 years of age, he will be well over 60 before he can be released. In these circumstances it is submitted that it is unnecessary now to prosecute him for the escape from the Lunatic Asylum in May 1885.

X C
10. In my Letter No. 4440 dated 26th July 1894 this man was, however, recommended for the grant of 25 months' jubilee remission, which was sanctioned in G.O. dated 13th August 1894 No. 1939. The facts now brought to light, namely his escape in 1885, the feigning of madness on two separate occasions, coupled with his immediate return to crime after his escape, render him, it is submitted, an unfit object for the clemency of the Crown. If his history had been known in 1887, he would, doubtless, have then been excluded from Jubilee Remission, and if it had been known in July last, no recommendation would have been made on his behalf. I am of opinion that the Jubilee Remission granted him should now be cancelled.

war was tried of the persons who were tried together with Raman in Madura Sessions Case No. 61 of 1886 appealed to the High Court and in the Judgment on Criminal Appeal 487. 488. 494. 495 of 1886 the High Court set aside the Conviction and ordered a re-trial. On re-trial these persons were acquitted. No mention was however made by the High Court in its Judgment (copy of which is enclosed) to Raman, and presumably the facts of his case were fully considered by the Judge who disposed of Criminal Appeal No. 309 of 1894.

Please see G.O: No 2020 of:
The S.G. of Prisons reports
that on the 8th Aug: 83, a convict
named Raman was admitted
into the Madras Dist Jail, he
been sentenced by the ~~Secy~~
Judge ^{on the same day} to 7 years R.P.
having committed theft.
He was transferred ^(first to the District) to the
Asylum at Madras on the
July 84. As being insane,
the 3rd May 85 he escaped
from the Asylum.

man was tried
accordingly sentenced to transportation
life.

In his appeal to the High Court
he put forward the plea that
he had been sentenced to 4 years
in 1883, he was under
his sentence on the 3rd Decr: 85
So he could not have taken
part in the second dacoity.

His admission that he was
tried & sentenced to 4 years
for dacoity in 1883, clearly establishes
identity with the prisoner who
escaped from the L.A. on the 3rd May/86.
was therefore at large on the 3rd Decr/85
the second dacoity was committed.
he had
been sentenced to transportation
life, for the No steps were ^(apparently for that reason) taken
to prosecute him for escaping
from the L.A. in 85.

S. G. of Prisons now recommends
that as the convict will be with
30 years by the time he will be
red, ~~that~~ it is ^{and desirable} ~~unnecessary~~ now to
release him for his escape from the L.A.
he further recommends that ~~he~~
is not deserving of the further remission
months which was sanctioned
in 1889 of 13 d. 94. and that
the remission be cancelled.

This remission was granted
on 90. of 13 August 1894
A. T.

Ref. from H.C. Appeal
from Convicts

Hon. Member
(For orator)

[25 min the]
"grant of remission in 1887"
In making that recommendation
Mr. Carder assumed that the man
was really insane. It would never
have been made, if the fact that
he was an escaped convict who
had been feigning insanity had
known. As the remission was
granted under a misapprehension
of fact, there seems no objection
to cancelling it now.

D
H 5/12
8/12/94

Cancellation of
Jubilee Remission

No.

From

Dated

189

FOR ORDERS.

Please see H.M.'s note of 10th Decr.
Before noting on the current I
sent for the Jubilee Remission file
in order to find out if there was
any precedent for the cancellation of
such remissions of sentence. There
was no precedent directly bearing on the
question. Govt. has revised orders
granting remission in more than one
case but the revision has taken the
form of remitting more of the sentence
imposed.

2. H.M. doubts the legality of the
proposed cancellation. These Jubilee
Remissions are granted with reference
to the Govt. of India letter of 17th Decr.
telegram of 24.1.87 read in C.O.
of 31 January 1887 No. 188 Jd. India
therein directed Local Govts to remit
a certain number of sentences.
This executive order of India was
carried into effect by Local Govts
by the selection of individual convicts
& remission of the whole or portion of
sentences inflicted upon them.
Orders granting release & remission
not refer expressly to any provision
of the law but must, it is submitted,
taken to have been passed under

401 of the Criminal Procedure

Act of 1872.

H.M.
(for orders)

Cancellation of a Jubilee Remission

H. M.

For orders.

I don't think we can cancel the remission, nor, considering the man's age, do I see how that he shall be deprived of the benefit of remission under the ordinary rules. But it might be pointed out to the H. that if he is up to any more tricks this course may be adopted to any extent thought necessary; & the man himself should be compelled to the same effect.

21/12/94

This might be done: or keep the life as they are: the man has a long stretch of prison life before him.

19/12/94

[G.]
24

200-22-9-44

Judicial DEPARTMENT.

Papers to be read in Proceedings:—

Again G.O., dated

18 , No.

Again G.O., dated

18 , No.

Current No.

of 18 , dated

from

Current No. 6145 of 1894, dated 12 Nov. from the Inspector of Prisons

Order 10 Jan 1895 No 42

The Govt does not consider that it is legally empowered to cancel the remission ^{already} granted. However be pointed out to the Inspector General that it is within his power to punish the convict adequately by depriving him partially or entirely of the benefit of the remission rules. Considering the man's age the Govt not prepared to direct that this course should be followed but he should certainly be warned that he will be punished in this manner on any repetition of his previous behavior (from order)

7 Jan

1-4. Previous with Direct

from the Chief Justice, High Court

with receipt 15 JAN 95

DESPATCHED

15 JAN 95

14 M.S.

Purchase of a moiety
feigning insanity

C.S.

(from orders)

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

189 .

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.

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