

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. 1393
from

Medical history file
445: 28.2.95 } present
2975: 6.12.94 }

The District Magistrate
Tanjore

To,

The Chief Secretary
to Government

For orders
21.3.95

Judicial Department
Madras

Dated 16.3 }
Despatched } March 1895
Received 20.

Ref on cur No. 1731 of 95
map

DESPATCHED
19 MAR 95
Enclosures 8

Submitting for orders under
Sec 417 or 471 C.E.P. the case
of a criminal lunatic
Sivasubramanija Aiyar
accused in C.C No 537 of 94
on the file of the 2nd class Magis-
trate, Kumbakonam Town

CURRENT 1393
Tanjore District Magistrate's
Office, Camp Trivallur, 16th
16th March 1895.

Ref. No. 1731
mag

From,

J. Thomson Esqre.,
A. District Magistrate,
Tanjore.

To,
The Honourable Mr. J. F. Price,
Chief Secretary to Govt
Judicial Dept^{ts}
Madras.

Sir,

I have the honour to submit
for orders under Sec: 471 C.P.C.
the case of a criminal lunatic
Sivasubbramania Aiyar alias
Sundrappier concerned as accused
in Cal: Case 537 of 1894 on the
file of the 2nd class Magistrate
Kumbakonam town.

2. The accused was charged

with having on 23rd September 1894
committed theft of a small single
bullock cart and a bull valued
at Rs 38 punishable under sec: 379
I. P. C.

3. During the inquiry, the
Sub Magistrate found the
accused to be of unsound
mind and sent him for observation
to the Civil Apothecary, Kumba-
Konam, under sec 464 C. P. C.

This officer kept him under observation
from the 1st to 5th November
1894 and reported on the 6th
Idem that he was then of
unsound mind. His report
was also supported by a
statement made by him before
the Magistrate on 10th Idem.

The Sub Magistrate instead of
postponing further proceedings
as required by Section 464 C. P. C.,
proceeded with the trial, placed
the accused on his defence,
recorded an order of acquittal
under Section 470 C. P. C
and transmitted the records
to me through the Joint Magistrate
on 14th December 1894 for the
orders of Government being
obtained in the matter under
Sec: 471 C. P. C.

4. The Medical officer having
certified as to the accused's
unsoundness of mind during
the trial of the case when he
was presumably incapable
of understanding the proceedings
against him, the Magistrate
proceeding with the trial and

acquitting the accused after framing a charge, was clearly illegal.

5. On the reference to me I directed the accused to be detained in the District Jail under observation of the District Medical officer in my Proceedings No. 365 dated 17th December 1894. The District Medical officer reported in his letter dated 11th January 1895 No. 3 that the accused was of sound mind during the period he was under observation from the 2nd to 11th January 1895.

6. In these circumstances I addressed the High Court to set aside the order of acquittal as being contrary

to law and to direct further inquiry under Sec: 439 C.P.C; but it declined to exercise its powers of revision in this case. Copies of my reference to the High Court Ref: on No. ¹⁷³¹magh. dated 9th February 1895, and its order thereon dated 26th February 1895, are herewith forwarded for perusal.

7. There is virtually little evidence on record in support of the fact that at the time of committing the offence, the accused was by reason of unsoundness of mind incapable of knowing the nature of his act.

I beg that Government will
either instruct the Government
Pleader to prefer an appeal
in the case under Sec. 417
C.P.C, or will now pass orders
as regards the prisoner as a
Criminal Lunatic under
Section 471 C.P.C. The
records are forwarded.

I have the honor to be,
Sir,

Your most obedt. Servant

Wm. M. B. B.
Ag Dist Magistrate

DEPARTMENT.

250-12-12-93.

No.

1593

From

Det. Mag. - San Francisco

Dated

16 March 1895

FOR ORDERS.

This is not on the whole
a appeal. Let the
man be sent to
the Lunatic Asylum
for the present.

BS
28/3/95

The facts of the case are clearly &
concisely stated in the covering letter
& the question for decision is whether
an appeal should be made against
the judgment of acquittal, or whether
orders should issue directing the
man's incarceration in the Lunatic
Asylum or his release with or
without security.

1. The High Court's judgment (marked
with red tape) is not very easy to
understand; it reads as if the Court
thought it could not interfere with a
judgment of acquittal, but there can be
no question that S. 439 of the C.P.C.
gives the Court authority to direct
a retrial or further enquiry as requested
by the Dist. Mag. The concluding sen-
-tence of the section precludes the
High Court from converting an ac-
quittal into a conviction, but with that
exception the Court can exercise its
revisionable powers it has on appeal.
It is hardly possible that the Hon.
Judge could have made a mistake in
law, where the section is so clear,
so it must be presumed that he
considered the irregularity immaterial
& that an appeal will fail on the
same ground (C.P.C. S. 537)

I submit that it would be time thrown

away to appeal. 23. 3. 95
The Hon. Magistrate will say so.

Case of a Criminal Lunatic

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

Judicial Department



PROCEEDINGS OF THE MADRAS GOVERNMENT.

READ the following letter from the District Magistrate, Tanjore
No. 1393/95.

ORDER—dated 5 April 1895, No. 729

UNDER the provisions of Section 471, Criminal P. C.; it is directed that criminal lunatic Siva Subramania Aiyar alias Sundarappa Aiyar 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 District Jail at Tanjore will forward criminal lunatic Siva Subramania Aiyar alias Sundarappa Aiyar at once to his destination and intimate the despatch to the Superintendent of the Asylum by letter accompanied by all necessary papers.

(True Extract)

(From order)

D
24.95 4/4/95

Under Secretary.

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

8 APR 95
Pto
IN M.S.

18.4.95

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

189

REAS 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.

N.B.

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

Tamper
20/200/2

17

See reference to the same

Tamper

Tamper

(Tamper)

Tamper

17

See reference to the same

17