

[$\frac{J}{53}$]
1,000-36-7-86

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 78

DATED 12th Jan. 1895

INDEXED.

[Despatch Abstract.]

CRIMINAL LUNATIC

Sanctioning the delivery on certain conditions of -- Para Kila-
-Katchi to her uncle Vetti Kilaka and brother Kilaka.

A.

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. 300-28-9-92.

From

The Collector of

Chingleput

To

The Secy. to Govt.,

Judicial Dept.,

Madras.

Dated 20.

Received 21

December 1894.

Reference on No.

Enclosure

SUBJECT.

Submitting for the orders
of Government the case
of a criminal lunatic
under Section 466 of C.P.C.

27/1/95

The proposed lunatic
is a native - his name is
Laxmi Narayan.

60

60160-29-1-89

2733 : 12-11-94 (present
2224 : 13-9-94
all lunatics loose file)

78

12th Jan 1895

CHIEF SECRETARY
GOVERNMENT OF MADRAS

3
Security in the sum of Rs. 30 each on condition that she be produced once in six months before the joint magistrate, Chingleput.

6. The Submagistrate has embodied his finding in the form of a report to the joint magistrate instead of recording it formally in the record. He has been instructed against a similar omission in future.

7. The records of the case are submitted, as per enclosed list.

I have the honour to be,

Sir,

Your most obedient servant,

Amir
for Acting District Magistrate

all

CURRENT NO 6815

No.

ence on No. 1257 of 1894

Chingleput District MAGISTRATE'S OFFICE,

Station, Saidapet,

18 December 1894.

Dec 20

FROM

G. S. Forbes Esq.,

District MAGISTRATE OF

Chingleput.

TO

Chief
THE SECRETARY TO GOVERNMENT,

Judicial DEPARTMENT,

Madras.

SIR,

Under Section 466 of the Code of Criminal Procedure, I have the honour to report the following case of a female criminal lunatic for the orders of government.

2. Para Kilakatchi was accused before the Sub magistrate of Sriserumbadi with having on the 25th November 1888 committed murder, punishable under Section 302, I.P.C. In December ~~months~~ of that year, the Submagistrate found her to be of unsound mind and incapable of making her defence; and government directed her confinement in the Lunatic Asylum at Calicut. Vide G. O., No. 160 Judicial dated

dated 29th January '89. On the 8th September
1892, she was transferred to the Lunatic
Asylum at Madras. On the 1st September 94,
she was forwarded to the District Magistrate
by the Superintendent of the Asylum with
the certificate of the official visitors, dated
20th August 1894, to the effect that she
was sane and capable of defending herself.
She was ^{thereupon} ~~thereupon~~ at once sent to the Sub
Magistrate of Srirangapatna to be dealt
with as provided in Section 468, C. P. C.
She was unable to answer correctly the
questions put to her. He found her to be
unfit to stand her trial and forwarded
her to the Joint Magistrate whose office
was then in charge of a Deputy Magistrate. He
sent her to the Chingleput Subjail on
18th September 94 to be under the observation
of the District Surgeon. On my visiting
the Chingleput jail on the 13th November
last, I observed the woman and on
inquiry, discovered that she was detained
under a warrant that "authorized and
required" the jailor "to detain the said
Kilabatchi

11
"Kilabatchi in your custody till the District
Surgeon declares her to be in a fit state of
mind to stand her trial for the offence
with which she is charged." Assuming
the woman to be permanently insane, the
warrant practically authorized her
perpetual detention. The civil Surgeon was an
acting officer and unacquainted with the law,
but he admitted that he thought there
must be an error somewhere. The procedure
of the Deputy Magistrate was clearly erroneous
as he ought to have observed or rather
directed the Sub Magistrate of Srirangapatna
to observe the procedure laid down in
Sections 464-466 of the Criminal Procedure
Code. I directed the Stationary Sub
Magistrate of Chingleput, the officer in
charge of the Subjail, who had accepted
the warrant, at once to bring the
matter under the notice of Mr. Brodie,
the Joint Magistrate. Hence the present
reference.

3. The joint magistrate referred the case back to the Sub magistrate in order that the proper procedure might be adopted. The District Surgeon was accordingly examined and has given his certificate to the effect that the woman is of unsound mind and not in a position to make in her defence. He is also of opinion that she is quiet and inoffensive and may be released on security. During the two months she was in jail, she justified this opinion.

4. Two of her relations (1) Velli Kilaka, village Velli of Vadakkupattu, her uncle, and (2) Thilaka, a farm servant owning a house and a site in the village, her brother, offer themselves as her sureties. They are reported to bear a good character.

5. The case appears to be one in which the lunatic may be safely handed over to her friends, the two persons named in the preceding para on their furnishing security.

[J.]
[12.]
1,000-63-94

Judicial Department.



PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following paper:—

Cu. 6815/94.

From the

ORDER, 12 July 1895, No. 75

UNDER the provisions of section 475 of the Code of Criminal Procedure, His Excellency the Governor in Council sanctions the delivery of criminal lunatic *Sara Kilakatchi*

to ^{her} ~~his~~ uncle *Velli Kilaka* & brother *Kilaka*

on their furnishing security in the sum of Rs. 30/- each, that the

lunatic shall be properly taken care of, prevented from doing injury to himself or to any other person, and be produced once in every six months

before the joint Magistrate of *Chingleput* in the D. of *Chingleput*.

(Time Extract) $\frac{2}{11}$ 24/11

Note. She is charged with infanticide. She has been in confinement over 6 years. The Criminal does Under Secretary.

To The District Magistrate of *Chingleput*. Pto. DESPATCHED
,, Surgeon-General. Pto. 17 JAN 95
,, Inspector-General of Jails. Pto. IN M.S.

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

189 .

READ 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.—

- A = Copy in full.
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