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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Judicial DEPARTMENT

G.O. No.	100-101	Press.
B.P. No.		Mis.
Dated	19-1-1876	197.

A.K

Not to be folded or roughly handled

Lunatics.

No. 79. Read the following letter from Major T. WELDON, Senior Magistrate of Police, Madras, to the Hon. W. HUDLESTON, Chief Secretary to Government, Fort St. George, dated Madras, 10th January 1876, No. 8:—

*Regina v. Abdul Rhymon,
Calendar No. 11285 of 1875.*

One Abdul Rhymon was charged before me with having, on the night of 19th December 1875, committed theft of a quantity of planking from two bazaars in Triplicane.

2. Having reason to doubt the prisoner's sanity, I remanded him for observation. The Medical Officer in charge of the Penitentiary has deposed to the prisoner's insanity and granted the usual certificate. I therefore, on the 10th January 1876, directed the prisoner to be forwarded to the Lunatic Asylum for safe custody and treatment, pending the orders of Government, which I have now the honor to request.

3. There appears to be some difficulty as to the disposal of criminal lunatics who may be tried in the Presidency Police Courts. The Code of Criminal Procedure not being in force in the Presidency Towns, Act IV. of 1849 furnished the necessary authority, until the passing of Act X. of 1875 (High Courts Criminal Procedure Act), but this latter Act (X. of 1875) has repealed the whole of Act IV. of 1849, and the contemplated Presidency Police Magistrates Bill not yet having become law, the Police Courts are left without any provision for dealing with persons who have committed offences but who are found to be insane. The only course left appears to be to discharge such persons on the ground of insanity, and then deal with them as ordinary lunatics under the Lunacy Act XXXVI. of 1853. It is probable that when the High Courts Criminal Procedure Act was passed it was intended to pass simultaneously a similar Act to regulate the Procedure of the Police Courts. Government may, perhaps, think proper to represent the difficulty now brought to notice with a view either to expedite the passing of the Presidency Police Magistrates Bill, or limiting the repeal of Act IV. of 1849 to cases tried in the High Courts.

4. The special judgment passed in the case of the said Abdul Rhymon is attached, a duplicate of which, together with the usual medical certificate and papers, has been forwarded with the prisoner to the Superintendent of the Lunatic Asylum at Madras.

In the Egmore Police Court of Madras.

Calendar No. 11285 of 1875.

Town of Madras to wit.—Be it remembered that on the 10th day of January, in the year of Our Lord one thousand eight hundred and seventy-six, before me, Thomas Weldon, Esq., a Magistrate of Police and one of Her Majesty's Justices of the Peace in and for the Town of Madras aforesaid, *Abdul Rhymon of Madras*, laborer, is charged for that he the said *Abdul Rhymon* on or about the nineteenth day of December, in the year of Our Lord one thousand eight hundred and seventy-five, in Triplicane of Madras aforesaid, committed the offence of theft punishable under

*Proceedings of the Madras Government, Judicial Department,
19th January 1876.*

Section 379 of the Indian Penal Code, and having heard the evidence for the prosecution against the said *Abdul Rhymon*, as also the evidence of *A. L. Hackett*, Surgeon in Medical charge of Her Majesty's Penitentiary, I do give special judgment that the said *Abdul Rhymon* committed the act as aforesaid so charged against him being then of unsound mind, so as to excuse him according to law.

And I thereby adjudge that the said *Abdul Rhymon* be kept in safe custody in the Lunatic Asylum at Madras until the pleasure of Government in the premises may be known.

Given under my hand and the seal of the Court at Madras aforesaid this 10th day of January 1876.

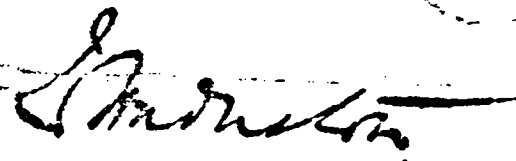
(Signed) T. WELDON, Major,
Senior Magistrate of Police.

No. 80. ORDER THEREON, 19th January 1876, No. 100.

The Governor in Council directs that the prisoner *Abdul Rhymon*, whose case is submitted for orders in the above letter, be kept in safe custody in the Lunatic Asylum at Madras, and that reports on the state of his mind be submitted periodically, as in the case of criminal lunatics under the provisions of the Criminal Procedure Code.

2. Ordered that copy of Major Weldon's letter be submitted to the Government of India in the Legislative Department, in view to its being considered in connection with the Presidency Police Magistrates Bill now before the Governor-General's Council.

(True Extract.)


Chief Secretary.

To the Senior Magistrate of Police, Madras.
.. Surgeon-General, Indian Medical Department.
.. Superintendent, Lunatic Asylum, Madras.

N^o 8 of 1876

Egmore Police Court
Madras - 10th January 1876.

From
Major T. Weldon
Senior Magistrate of Police.

To
The Honorable W. Audleston
Chief Secretary to Govt.
Fort St. George

Regina v Abdul Khymon
Calcutta N^o 11285 of 1875

Sir
Our Abdul Khymon was charged
before me with having on the night of 19th December
1875 committed theft of a quantity of planking from
two barges in Triplicane.

2. Having reason to doubt the Prisoner's
sanity I remanded him for observation. The medical
officer in charge of the Detentary has deposed
to the Prisoner's insanity and granted the usual
certificate. I therefore on the 10th January 1876 direct-
ed the Prisoner to be forwarded to the Lunatic Asylum
for safe custody and treatment pending the Orders
of Government which I have now the honor to request.

3. There appears to be some difficulty as to the
disposal of Criminal Lunatics who may be tried
in the Presidency Police Court:—The Code of Criminal
Procedure not being in force in the Presidency Town, the
act IV of 1849 furnished the necessary authority, until
the passing of Act X of 1875 (High Courts Criminal Pro. act),
but—

GOVT. OF INDIA
JUDICIAL.

THE SENIOR MAGISTRATE OF POLICE
Madras.

Local Deputy Mag.
District
Court

CO. 104 of 1876 No. 100.

JANUARY.
Nos. 73-81.

The office—Jamaiah Abdul Khymon transferred
for trial to the Madras Asylum, and was
subsequently committed to the custody of a
prisoner held in the Presidency Town. The
Court, however, to the order of the Government
in this.

but this latter Act ~~IX~~ of 1875 has repealed
the whole of Act ~~IV~~ of 1849 and the contemplated
Ordinary Police Magistrate's Bill not yet having
become law, the Police Courts are left without
any provision for dealing with persons who have
committed offences but who are found to be
insane. The only course left appears to be to
discharge such persons on the ground of insa-
nity and then deal with them as Ordinary
lunatics under the Lunacy Act XXXVI. of 1858.

It is probable that when the High Courts Criminal
Procedure Act was passed, it was intended to
pass simultaneously a similar Act to regulate
the procedure of the Police Courts. Government may
perhaps think proper to represent the difficulty
now brought to notice with a view either to ex-
pedite the passing of the Ordinary Police
Magistrate's Bill or limiting the repeal of Act
IV of 1849 to Cases tried in the High Courts.

4. The special judgment passed in the
Case of the said Abdul Rahman is at-
tached, a Duplicate of which together with
the usual Medical Certificate and papers
has been forwarded with the Prisoner to
the

Superintendent of the Lunatic Asylum
at Madras.

I have the honor to be
Sir
Your most obedient servant
Dunoon
Senior Magistrate of Police

IN THE EGMORE POLICE COURT OF MADRAS.

CALENDAR NUMBER 11285 OF 1875.

285

He it remembered that on the 10th day of January in the Year of Our Lord One thousand eight hundred and seventy-five before me Thomas Widdowes Esquire a Magistrate of Police and one of Her Majesty's Justices of the Peace in and for the Town of Madras aforesaid,

Abdul Rhymon of Madras Laborer

is charged or that he the said Abdul Rhymon

on or about the nineteenth day of December in the Year of Our Lord One thousand eight hundred and seventy-five in the Town of Madras aforesaid

Committed the offence of Theft punishable under Section 377 of the Indian Penal Code, and having heard the evidence for the prosecution against the said Abdul Rhymon as also the evidence of A. L. Hackett, Surgeon in Medical Charge of Her Majesty's Conventary, I do give special judgment that the said Abdul Rhymon committed the act as aforesaid so charged against him being then of unsound mind, so as to excuse him according to law.

And I thereby adjudge that the said Abdul Rhymon be kept in safe Custody in the Lunatic Asylum at Madras until the

Regarding the Order of Government in the case of one Abdul Rhymon a criminal lunatic who has been sent to the Lunatic Asylum for safe custody & has been kept in the Asylum with such care in the Asylum after from the Asylum.

Enclined - 1/1

Received 12th January 1876

Chief Clerk to Court

Mr. W. H. Widdowes

Esquire

Mr. W. H. Widdowes

Esquire

1875/1876

the pleasure of Government in the premises
may be known.

Given under my hand and the
Seal of the Court at Madras aforesaid this
10th day of January 1876.



Mudson

Senior Magistrate of Police

L. M. D. 76

Justice Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter :-

From the Senior Magistrate of Police, Madras, dated
12th Jan 76, No. 6.

19 Jan 76, No. 118

The Govt in Council
directs that the prisoner Abdul
Rahman, whose case is submitted
for orders in the above letter, be
kept in safe custody in the duma.
The Magistrate at Madras, must
report on the state of his mind
be submitted periodically, as
in the case of criminal lunatics
under the provisions of the Crimi-
nal Procedure Code.

2. Ordered that copy of Major
Weldon's letter be submitted to
the Govt of India in the Sep. 1876.
The Magistrate, in view to its being con-
sidered in connection with the
Presidency Police Magistrates

Bill now before the Govt. Genl's
Council.

115

To the Senior Magistrate of Police, Madras 5 }
--- Surgeon Genl. & Sec. Dept. 6 }
--- Supdt. Criminal Registry - Madras 3 }
2/2/76

Sept 11/2

Sept. 11/2

No 101.
The Secretary to the
Govt of India,
Legislative Dept

Sir,

I am directed to submit
the accompanying copy of a letter
from the Senior Magistrate of
Police of Madras, dated 12 Jan^y/76,
No. 5, to be taken into consideration
in connection with the President's
Police Magistrate's Bill now before
the Govt. Genl's Council.

2. Major Weldon brings to notice
the difficulty that has arisen in re-
spect to the disposal of criminal
lunatics tried in the Presidency
Town Police Courts, in consequence
Act IV of 1849 having been entirely
repealed by Act II of 1875, and the
provisions of the Criminal Proce-
dure being inapplicable to the
Presidency Towns.

3. It may here be mentioned

2. 2. 15/2

that, in reporting on the expediency
of amending Act XXXII of 1856,
this Govt ~~Committee~~ ^{Committee} suggested
that all the several provisions re-
lating to lunatics, civil, military,
and criminal, might with great
advantage be collected and consoli-
dated in one Act; so that the whole
law affecting Lunatic Asylums
and their inmates ^{might} ~~may~~ be with-
in one provision, in which case no
further difficulty will be felt in
dealing with cases as they arise.
The para 7 of the Proceedings
of this Govt communicated to
the Home Dept with letter, in
this Dept, dated 4th Sept/75, 18
1950.



19 Jan 76

Letter-B

20

Dated 15th May
Recd.

1876, No. 100
101.

3007

11-5-11

[illegible]

77
C 18/1