

(1) பக்கங்களின் எண்ணிக்கை

(2) புதுக்கித் திருப்பிய நாள்

(3) ஆதாரம் குறிப்பவர் சுருக்கொப்பம்

தமிழ்நாடு ஆவணக் காப்பகம்.

தமிழ்நாடு அரசு

Law (Gen)

துறை

அரசாணை எண். 1919	அச்சகம்
மு. கோப்புத் தாள் எண்.	பலவகை
நாள் : 28-6-1934	199
28-6-1934	

16 அளவின்

மடிக்கவோ துண்டபடி கையாளவோ கூடாது.

பாதுகாப்பு பிரிவு
 செப்பனிருவர் பெயர் : டி.ஜி.சிவசுந்தரன்
 செப்பனிருவதற்காக எடுத்துக் 4/09
 கொள்ளப்பட்ட நாள்.
 செப்பனிரு முடித்த நாள். 5/09
 25/5/09 28/6/09 28/6/09
 சிபார்சுக் குழு சிபார்சுக் குழு சிபார்சுக் குழு
 முதல் முதிபாள 2ம் முதிபாள உதவிபாள
 கையொப்பம் கையொப்பம் கையொப்பம்

Jail DEPARTMENT.
 Received 19 Registered 19
 Subject.
 Jails - Presidency Jail for Women, Vellore -
 Female convict No. 212, Mahamayee - Petition for remission
 of sentence -

ENCLOSURES.
 No. 6
 Spare copies

No. G/. 687

Station Ootacamund. Dated the 18th May 1934.

From (Name) Major M.M.Khan, I.M.S.,
 (Designation) Ag. Inspector-General of Prisons.

To The Secretary to the Government of Madras,
 Law (General) Department.

Sir, Under Rule 448(2) Jail Manual, I have the honour to
 submit for the orders of Government, a petition for remission
 of sentence from the prisoner referred to above together with
 the following papers.

- (1). Nominal roll of the prisoner.
- (2). Copy of judgment in S.C.No. 84/25 on the file of the Sessions Court, Madras.
- (3). Copy of G.O.No. Ms. 2821, Law (General), dated 22-7-29, as amended by Government Memorandum No. 3269-A-1, Law (General), dated 2-8-1929.
- (4). Copy of recommendation made by the Board of Visitors on 26-4-1934.

I have the honour to be, Sir,
 Your most obedient servant,

Major I.M.S.,
 Ag. Inspector-General of Prisons.

VSS.

To

His Excellency The Governor and The Governor
General in Council,
Fort St. George,
Madras.

Through

The Superintendent, Presidency Jail for
Women, Vellore.

MAY IT PLEASE YOUR GRACIOUS EXCELLENCY

The humble memorial of Margaret female convict
NO. 212, confined in the Presidency Jail for Women,
Vellore, under Section 401 Criminal Procedure Code.

Your Excellency's penitent memorialist humbly
and respectfully begs to state, that while she was
barely 9 years old, and ignorant, she pushed a child
aged 4 years into a well, and the latter unfortunately
died.

She was tried by the Sessions Court of Madras
in S.C. No. 84 of 1925 for the said offence and senten-
ced to Transportation for life.

Being quite young and dreading the heavy sentence
imposed, she applied to Government for Mercy and they
however graciously reduced the sentence to one of 14
years simple imprisonment.

Your Excellency's memorialist has undergone 8
years out of the 14 years awarded and is very much
distressed mentally.

Your Excellency's humble memorialist submits
that she committed the offence, at a tender age, when
she had no sense of discrimination and was incapable
of realising the consequences of the action, which
she deemed a childish freak and committed.

That your Excellency's petitioner has now become
alive fully to the fact, that she feels sincerely to
the heinous act of her past and get reformed much to

6/1919

the fullest belief as a result of her sufferings
in undergoing imprisonment in jail.

Your Excellency's petitioner, humbly prays that
her mental distress, in addition to her being
helpless outside all this period of her sentence
may be sympathetically considered and she may
be set at liberty, by remitting of her un-
expired portion of sentence and thus giving
her an opportunity of beginning her life afresh.

For which act of grace and sympathy, Your
Excellency's petitioner will be ever grateful.

Left Thumb of
sick convict
No. 212.

Translated by me.

CHAVIN
Clout

Read over to the prisoner and acknowledged to be
correct.

✓
Sd, G. S. Gill,
Captain I.M.S.,
Superintendent.

True copy.

[Signature]
Captain I.M.S.,
Superintendent.
8-5-24.

Juvenile Mahamayee - Sentence of transportation for life
reduced to simple imprisonment for ^{seven} ~~fourteen~~ years - Removal from the
Madras Children's Aid Society to the Penitentiary - Ordered. 4
1919

G.O.No.Ms.2821, Law (General), dated 22nd July 1929.

In exercise of the powers conferred by section 55 Indian Penal Code and 402 of the Criminal Procedure Code, 1898, and in modification of the orders passed in G.O.No.Ms.2178, Law (General), dated the 3rd July 1926, the Governor in Council hereby commutes the sentence of transportation for life passed on Mahamayee by the Sessions Judge, Madura in S.C.No.84 of 1925 to one of simple imprisonment for fourteen years. The convict shall forthwith be transferred to the Penitentiary, Madras from the Madras Children's Aid Society.

Law (General) Memo.No.3269-A-1, dated the 2nd August 1929.

Convict - Juvenile - Mahamayya - Sentence of transportation for life reduced to simple imprisonment for fourteen years - G.O.No.2821, Law (General), dated the 22nd July 1929 - Amendment of - abstract.

For the words "seven years" in the abstract to G.O.No.2821, Law (General), dated 22nd July 1929 read "fourteen years".

/True copies/

H. S. S. S. S.
for Inspector-General of Prisons.

8
1919

The Board of Visitors recommend to Government
the cancellation of the unexpired portion of sentence
of the convict Mahamayee No. 212 whose sentence of
transportation for life was reduced to simple imprison-
ment for fourteen years in Government Memorandum
No. 3269 A dated the 2nd August 1933. (E)

Sd. Hilton Brown
Collector of North Arcot.

Sd. L. Rangasami

Sd. C. Lobo.
District Education Officer.

Sd. M. Tamzuddin.

Sub Divisions Magistrate.
Vellore.

26.4.34.

True Copy.

[Signature]
Captain I.M.S.
Superintendent Presidency Jail for
Women, Vellore.
8-8-1934.

Ordinary FORM No. 52.
(See Rule 879, Jail Manual.)

Female

Nominal Roll of Male * Convict No. 212

Name

Kalamangy 270

Residence Village, Taluk and

District) Madras Palani Caste Abasi

Present Age 20 years, Occupation unemployed

Section and Code under which imprisoned.	Original sentence of order and date.	Adjudicating Court number of case.	Unexpired term of sentence after deducting remission earned.	Present state of health and fitness to undertake a journey.†	Result of appeal (if any).	Conduct in Jail.	Remarks.
Section 303 I.P.C for life	12-4-1926	S.C. No 84/95 Sessions Judge Madras 12-4-1926	5 1 8	IH	(no litig. cond.) Sentence reduced to 14 (fourteen) years S.O. in g.o. No. Ms 2821 dated 22nd July 1929. No 3269-A-12 2-8-1929.	good	Remission earned up to end of preceding month days 295 V
							Also Prisoner was released by 6586/1 from punishment by Madras on 21-6-1930

* Strike out and add "Female" when necessary.

† After the prisoner's number, add his class A or B, according as he is classed as a Casual (and whether Star) or Habitual, respectively, and after the letter, add the number of previous convictions, thus—

No. 3712 B-2.

‡ When a journey is about to be undertaken by a prisoner, the roll is to be signed by the Medical Officer.

Note—Personal and descriptive marks are to be given on the reverse when (1) rolls accompany prisoners transferred, (2) police assistance is sought for the recapture of any escaped prisoner.

Supdt. Madras

11-8-1929

12-4-1926

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12-4-1926

PERSONAL AND DESCRIPTIVE MARKS.

- 1) a tiny mole about 2" from left ear.
- 2) a tiny mole on the right cheek
- 3) a scar on the outer end of right upper lip

IN THE SESSIONS COURT OF MADURA.

PRESENT:—S. BURN, ESQUIRE, I.C.S., SESSIONS JUDGE.

Monday, the 12th day of April, 1926.

Sessions Case No. 84 of 1925.

(Committed by Mr. G. R. Samuel, Sub-Magistrate of Palni).

Accused:—Mahamayee—Undefended.

Charge:—Murder, punishable under Section 302, I.P.C.

Caste of the { 1st Assessor:—Mudaliar,
2nd Assessor:—Muhammadan,
3rd Assessor:—Konar,
4th Assessor:—Kalla.

Opinions of the Assessors:—

1st Assessor:—The accused is guilty.

2nd Assessor:—The accused is guilty.

3rd Assessor:—The accused is guilty.

4th Assessor:—The accused is guilty.

Finding of the Judge:—Guilty.

Sentence:—Transportation for life.

JUDGMENT.

The accused is charged with murder (Section 302, I.P.C.). She is a child of 10 or 11 years of age and the case is that on the 14th of November last she threw into a well a little child aged about 3. There is unfortunately no doubt whatever about the facts, and there is no doubt about the intention of the accused. First she stole from the child a silver waist-cord, with the idea of selling it, and then she threw the child into the well in order to prevent her from disclosing to her parents who had stolen the waist-cord. This is proved by the evidence of a younger sister (P.W.2) of the accused. This child though only 7 years old is remarkably intelligent and gave evidence in a most convincing manner. It is also proved by the admission of the accused herself, in her statement (Exhibit E) before the lower court.

2. Besides P.W.2, the only eye-witness, I have recorded the evidence of ten witnesses. P.W.1 is the Medical Officer Palni who conducted a *post mortem* examination on the body of the drowned child. P.W.10 is the Sub-Inspector of Police who investigated the case and held the inquest. P.W.11 is the constable who took the corpse from the place of inquest to the hospital. P.W.9 is the mother of the deceased child. P.Ws. 3 and 4 are two persons to whom this accused, after throwing the child into the well, offered the waist string (M.O.I) for sale. P.W.5 is a woman who saw the accused and P.W.2 playing near the well. P.W.7 is a relative of the deceased child who helped to search for her when she was missing, and who on 15th November reported to the Village Magistrate (P.W.8) the finding of the body in the well. The Village Magistrate reported the matter to the Police (Exhibit B) and to the Sub-Magistrate. P.W.6 is a Head Constable who speaks to the production of the waist string (M.O.I) by the accused from a place in her house where she had hidden it.

3. The accused admits the act and her own statement shows that although she is so young she knew what she was doing and that it was wrong. She was in fact well aware of the nature and consequence of her act. The Assessors are unanimously of opinion that the accused is guilty of the offence of murder with which she was charged. That is the only possible conclusion. She has caused the death of the child Kamsalai by doing an act with the intention of causing the death of the same child, and her offence is certainly one of murder. I convict the accused of the offence of murder with which she was charged, and as a capital sentence is impossible, I sentence her to transportation for life.

(Sd.) S. BURN,
Sessions Judge.

The accused has been handed over to her father to be produced when required, pending the receipt of orders from the Local Government remitting the punishment on certain conditions.

(Sd.) S. BURN,
Sessions Judge.

The following witnesses were examined for the prosecution:—

1. Mr. E. A. Varada Ayyar, Assistant Surgeon,
2. Parvathi,
3. Thayappa Chetti,
4. Palaniammal,
5. Andiakkal,
6. Muthuramalingam Pillai, Head Constable, 1010,
7. Sithanatha Pandaram,
8. Shanmuga Mudaliar, Village Magistrate,
9. Alagammal,
10. Mr. T. A. Manickam Pillai, Sub-Inspector of Police,
11. Kesavan Nair, Police Constable, 123;

for the defence:—None.

The following exhibits were filed

- for the prosecution:—
- | | | |
|-----|----------|--|
| A | 15-11-25 | post mortem certificate, |
| B | do. | Village Magistrate's report to Police, |
| B-1 | do. | Village Magistrate's report to Sub-Magistrate, |
| C | do. | inquest report, |
| D | do. | sketch, |
| E | 17-11-25 | statement of accused in lower court; |
- for the defence:—None.

Material Objects exhibited.

M.O.1 a silver waist-cord.

(Sd.) S. BURN,
Sessions Judge.

Madura Sessions Court,
Dated 12th April 1926.

10/1919
Law (Genl), Dept.

Memo. m: 2111A-1 dated. 31.5.34

Female Convict. m. 212,
Uthamamaye - Presy. Jail
for Women, Vellore - Remission
of Sentence - Ref: Letter from
the Chief Inspector of Certified Schools
m. G. 528 D/L. 6.29 and S.G.
of Prison's letter m. G. 687 D/18.5.34

The S.G. of Prison
is requested to forward to
Govt. at an early date,
a report on the Convict's
mental condition.

The S.G. of Prison

Recd 1926

30.5.34.
cm
30/5

SI/5

note: The convict was reported to
be a mental defective in 1929. Under
para 1-3 of M. When the life sentence
was commuted to 14 years S.D. by Govt.
it was observed that the Administration
would take action if her condition
improved in the meanwhile. She

Q. 2221/11 (M)
22-7-29
p. 89 (M)

73

Board of Directors have now recommended the remission of the unserved sentence. The S.G. has not forwarded any report on the convict's present condition of mind. It is seen from Col. 6 of the nominal roll on p. 84 that the prisoner's general health is good. It appears desirable to obtain a report on the convict's mental condition before recommending the sentence.

pref

2/1/34

I H - pref.

vide A on p. 2 of (M)

20.5.34.
cm
30/5

Jail DEPARTMENT

1919 A
2629 A
21.6.34

Received 19 Registered 19

91 JUN 1934

Subject.

Female convict No. 212, Mahamayee - Presidency Jail for Women, Vellore - Remission of sentence - Correspondence ending with Government Memorandum No. 2111-A-1, Law (General), dated the 31st May 1934.

ENCLOSURES.	
No.	1
Spare copies	

No. 868.

Station Ootacamund, Dated the 19th June 1934.

From (Name) Major M.M. Khan, I.M.S.,
(Designation) ag. Inspector-General of Prisons.

To The Secretary to the Government of Madras,
Law (General) Department.

Sir,
I have the honour to submit, a certificate of the Medical Officer, Presidency Jail for Women, Vellore, as to the mental condition of the prisoner referred to above.

I have the honour to be,

Sir,

Your most obedient servant,

M. Khan
Major I.M.S.,
ag. Inspector-General of Prisons.

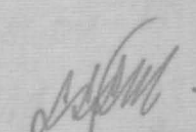
VSS.

1919
Law (General) Dept

13
1919

I hereby certify that I have carefully examined convict No. 212 Mahamayee and watched her for a long time. I can find no trace of insanity in her. On the other hand she is one of the most intelligent convicts we have in this jail. If at any time she did suffer from insanity- she is in my opinion, now thoroughly cured. She is very cleanly in her habits and has behaved well in this jail for about 4 years.

Presidency Jail for Women,
Vellore 11 the June 1934.


Captain M.M.S.,
Medical Officer.

19/10/29
13/10/29
Law (General) Dept

Female Convict - m. 212, Mahamaya
Presy. jail for women, Vellore - Remission
of sentence

pub C. 211A. From the D.G. of Prisons m. G. 687
dated 18.5.34.

pizif memo. to the D.G. of Prisons m.
211A-1 dated 31.5.34.

priv C. 2629A. From the D.G. of Prisons m.
G. 888 dated 19.6.34.

A.S.

pp 10-11 of

(M)

pp 7-8 of (M)

pub

The sentence of transportation
for life passed on female convict Maha-
maya in S.C. m. 84/25 on the file of the
Sessions judge, Madurai. was commuted
by Court. to one of simple imprison-
ment for 14 years in G.O. m. 2821 Law
(Genl) dated 22.7.1929. The prisoner
was reported to be a mental defective
in 1929 - vide pp 1-3 of (M). While the life
sentence was commuted, it was
observed that the Advisory Board
would take action earlier than the
due date, if her condition improved
in the meanwhile.

2. The Board of visitors

have now recommended the remission of the unexpired portion of the sentence ordered in G.O. No. 2821 A.G. 22-7-1929.

It is observed from the certificate of the medical officer, Mary jail for women, Bellare on the present mental condition of the convict, that there are no traces of insanity in her. In the circumstances it is subd. for orders whether the unexpired sentence may be remitted unconditionally. If so, the draft order subd. is for approval.

26/6/34
22/6
Draft approved
26/6

(M)

15th

60/246

DRAFT FOR APPROVAL.

19/1919

C.F. 16.

Law (Criml) Dept.

Date. Initials.

SUBJECT:-

When received for fair copying ..
When copied ..
When examined ..
When signed ..
When despatched ..

[Handwritten initials and marks]

Convict. Female No. 212, Mahomayee
Presidency jail for women, Bellare
Remission of sentence unconditional
Sanctioned

READ AGAIN (P) 2178 dt. I dated 3.7. 1926

(M) 2821 dt. II dated 22.7. 1929

READ ALSO:-

No. 2111A From the 26. of Prisoners, No. G. 887, dated 18.5. 1934.

2129A G. 888 .. 19.6. 1934.

Order Ms. No. 1919, dated 28/6/ 1934.
Resolution Front.

Note draft order on 13 of
G.O. 3028 dt. 15.8.32 (S)

(M)

In exercise of the powers conferred on him by Sec. 401 of the Code of Criminal Procedure, Act V of 1898, the Govr. in Council is pleased hereby to remit unconditionally the unexpired portion of the sentence of 14 years' simple imprisonment ordered on female convict No. 212, Mahomayee in G.O. No. 2821 Law (Criml) dated 22.7.29 in commutation of the sentence of transportation for life passed in S.O.

No. 84 of 1925 on the file of the sessions judge, Madras.

22/6/24
22/6

22/6

26/6/24

20

The D.G. of Prisons.

The Dist. Magistrate, Jail for women, Vellore.

The D. G. of Police
(With copy of nominal roll.)

The St. and Sessions Judge, Madras.

22/6/24