In Re: Vodde Subbigadu

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Court : Chennai

Decided On : Apr-22-1925

Reported in : (1925)49MLJ598

Appellant : In Re: Vodde Subbigadu

Judgement :

Krishnan, J.

1. In this case the accused Vodde Subbigadu has been convicted by the Sessions Judge of Anantapur under Section 302, Indian Penal Code, for the murder of one Vodde Madduleti and also under Section 325, Indian Penal Code, for causing grievous hurt to Madduleti's wife Venkatamma on the evening of the 21st February, 1924. In so doing the Sessions Judge rejected a plea of insanity which was put forward on behalf of the accused. The plea was not that he was insane at the time of the hearing but that he was insane at the time when the occurrence took place. On the evidence in the case which has been set out by the learned Sessions Judge and discussed by him carefully there can be no doubt that the accused did cause the death of Madduleti and also caused grievous hurt to his wife as the prosecution witnesses have deposed. It would seem that on the day in question the accused went to the place where Vodde Madduleti and his wife and some of the prosecution witnesses were working and asked for a drink of water. He was given a drink of water after some parleying by Venkatamma. He then seems to have sat at the place and behaved in a somewhat extraordinary manner

muttering to himself for quite a long time. He seems to have been saying ' Swami Narayanamurthi that man spoiled me, this man spoiled me '. In the evening after Madduleti and Venkatamma had finished their work and were returning home the accused seems to have gone behind Madduleti with two stones in his hand and to have attacked him and struck him on the head with those stones and inflicted serious wounds on him. Madduleti fell down when his wife ran up. She was also given a blow by the accused with the mud pot which she had on her head. She also fell down and lost her consciousness. These people were found subsequently by some witnesses and taken to the hospital but Madduleti died as the result of the wounds inflicted on him as soon as he reached the hospital. The woman suffered for some time but has recovered and is now examined as P.W. 9. Her evidence is corroborated as far as possible by the evidence of witnesses who were working with her that day, P. Ws. 10, 11 and 12. There is no reason to doubt the truth of P.W. 9's evidence in the case. We therefore agree with the Sessions Judge in finding that the accused did commit the crimes with which he is charged. But the important question in this case is whether the accused is entitled to rely upon Section 84 of the Indian Penal Code and be excused for the acts he had done because at the time he did them he was by reason of unsoundness of mind incapable of knowing the nature of his acts or that what he was doing was wrong or contrary to law. The learned Sessions Judge has discussed the question at some length but has taken a somewhat severe view of the matter. He has held that it is not proved that the accused was incapable of understanding the nature of the acts which he committed. After looking into the evidence carefully we are inclined to think that that is not a correct view. It would seem from all the circumstances of the case that at the time when he attacked the deceased and his wife he was really suffering from an impulse of homicidal mania and it was probably as the result of it he committed these offences. In the first place as the learned Judge himself remarks there is no kind of motive for the crime, or as stated in Queen-Empress v. Kadar Nasyer Shah ILR (1896) C 604. no apparent sane motive at all is alleged. That of course is one of the indicia of the act being done by some kind of insane impulse. The accused was behaving, as stated already, in an extraordinary manner just before the offence was committed. He was seated under a babul tree and was muttering something unintelligible, of

somebody having spoiled him. The learned Sessions Judge seems to think that his action showed a certain amount of deliberation and calculation. We do not think there is any evidence to show it except that he did not at once attack the deceased in the middle of the day. There is nothing to show deliberation at all. In fact the evidence is merely that he attacked them in the afternoon. There is no evidence to show that he actually followed them or how he came across them in the evening when he did attack. No doubt he took two stones in his hand but that, we think, is of no importance either way. It was not impossible that in the insane condition of his mind he thought that the deceased was one of the men who had spoiled him. We do not know anything more of the man's conduct at the time to draw any definite inference against the view we are taking. The learned Sessions Judge says he lay in wait in the open space near the house of P.W. 11 and followed P.W. 9 and her husband so as to attack them when they were by themselves. We do not think there is sufficient warrant for this inference from the evidence.

2. The accused was examined by the Assistant Surgeon, Mr. K. Govinda Menon, P.W. 8, about three weeks after this occurrence and his evidence is perfectly clear that the man was suffering from insanity at the time when he was under observation by him. Mr. Govinda Menon seems to have placed him under observation very soon after the occurrence, i.e., within three weeks of it and he gives his opinion that even before three weeks he would have been of unsound mind. It is true that the Head Constable, P.W. 6, who arrested him the next day says he was all right when he arrested him but he goes on to say that all the people of the village told him that the accused had become mad, and that juice was poured in his nostrils and that he had got no better. Taking all these circumstances into consideration and the fact that he seems to have acted altogether unaccountably, we think the inference is fairly strong that he acted when he committed these crimes in a fit of insanity without understanding what the real nature of the act he was doing was. The fact that long afterwards, when he was placed under the observation of the District Medical Officer, that officer did not discover any signs of insanity and thought he was of sound mind is not of much importance, because by that time the symptoms of insanity had passed off. The evidence of that Medical Officer is important only in connection with the trial. That

evidence shows clearly that the man was not insane at the time of the trial and therefore the trial was good. But it is of no importance for the purpose of deciding whether at the time these crimes were committed the accused was insane or not. The Public Prosecutor supports the case of the accused before us. We have therefore come to the conclusion that the proper inference in the case is that Section 84 applies to the accused and that he should be acquitted under that section of the offences charged against him ; and we accordingly set aside the conviction and sentence against him.

3. The next question is, what orders are we to pass in the case Sections 470 and 471 of the Criminal Procedure Code apply to the case. Under Section 471 we are required to say specifically whether the accused committed the act or not. We record a finding that he did commit the acts charged against him namely, he caused the death, by beating with a stone on the head of Madduleti, and he also caused grievous hurt to his wife Venkatamma. Under Section 471 we think the proper order to pass in this case is to direct that the accused be detained in safe custody in the Bellary Central Jail in which he is at present. He will be detained there not as a convict but in safe custody as required by Section 471. As he is not at present suffering from insanity we think it is better to keep him in jail rather than ourselves send him to the Lunatic Asylum. The papers will be sent to the Government with a report of the action we have taken under Section 471. It will be for the authorities concerned to take further action under Section 474 when it is thought necessary to do so.