

- REG. V. HIRA' PUNJA'.

1868.
Aug. 5.*Sanity of Prisoner where doubtful—Course to be pursued.*

Course to be pursued when on the trial of a prisoner the Court may entertain doubts as to his sanity.

THE prisoner in this case having been found guilty by C. H. Cámeron, Session Judge of the Ahmedábád District, of the offence of murder, and sentenced to death, the records and proceedings were forwarded to the High Court, with a view to their confirming the sentence of death, under Sec. 22 of the Code of Criminal Procedure.

The Court, consisting of FORBES and WARDEN, JJ., on a consideration of the case, were of opinion that the District Judge, entertaining doubts as to the sanity of the prisoner had erred in the course he adopted to elicit information on this point; and they accordingly remanded the case to that officer, giving him instructions as to the proper course to be pursued, which are embodied in the following extract from the letter addressed by the Registrar of the High Court to the Session Judge of Ahmedábád:—

“The Honorable the Judges of Her Majesty’s High Court of Judicature find that on your entertaining doubts as to the sanity of the accused, you should not merely have put questions to him, but should have tried the fact of such unsoundness of mind by examining the Civil Surgeon or some other Medical Officer, and by taking such evidence as might have been procurable from the village at which the accused resides, with the view of ascertaining whether the accused had, at any time prior to the commission of the crime, exhibited symptoms of insanity. Their Lordships consider that full inquiry upon the point of the prisoner’s sanity is necessary.”