M.R. G. 1—30,000—16-10-99.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 574	Press ~~Mis.~~
4/42	
Dated 4th — 8 — ~~18~~ 1887	

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Fort St. George, Judicial Consultation, 19th May 1857.

No. 41. Read the following Extract from the Proceedings of the Foujdaree Udalut, under date the 1st May 1857, No. 22.

Read again Calendar of Case No. 21 of 1856, submitted by the Session Judge of Trichinopoly.

Read again Calendar of Case No. 27 of 1856 of the Session Court of Trichinopoly.

Read also Return, dated 10th February 1857, from the Session Judge of Trichinopoly, to the Precept of the Foujdaree Udalut, under date the 29th January 1857, directing the transmission of the record in Case No. 27 of 1856, on the file of the Session Court.

Read also Return, dated 27th February 1857, from the Session Judge of Trichinopoly, to the Precept of the Foujdaree Udalut, under date the 24th February 1857, directing the transmission of the whole of the original record, in Case No. 21 of 1856, on the file of the Session Court.

Read also Return, dated 31st March 1857, from the Session Judge of Trichinopoly, to the Precept of the Foujdaree Udalut, under date the 24th March 1857, calling for certain explanation relative to Calendar of Case No. 27 of 1856, and directing the release of the Prisoners.

1. A Petition of Appeal, having been presented on behalf of the Prisoners in Case No. XXVII, from the sentence of the Session Judge, the Court of Foujdaree Udalut, on a consideration of the whole record of the trial were of opinion, that the evidence adduced was not sufficient to justify the conviction of the Prisoners; the Court accordingly directed their immediate release, and called upon the Session Judge, for such explanation as he might have to offer as to the extreme carelessness with which the trial had been conducted.

2. The foregoing Return contains the required explanation, which the Court of Foujdaree Udalut consider most unsatisfactory. The evidence, if true, would doubtless be sufficient for conviction, but the Session Judge has altogether failed to explain how he could receive such very suspicious evidence as true, without taking the trouble to test its truth by cross examination, as well as by comparing it with the different statements given by the Prosecutor and witnesses, and with the rest of the record of the case.

3. As this is the second instance, in which the Court of Foujdaree Udalut have found it necessary to remark on the excessive negligence displayed by Mr. Harris, in the disposal of a Criminal trial, they resolve, under Section XXIV, Regulation VIII of 1802, to bring the Session Judge's proceedings to the notice of Government, for such record of its opinion as will in future secure from Mr. Harris, that strict attention and care in the conduct of Criminal trials which is the imperative duty of every Sessions Judge to afford.

Calendar No. 21 of 1856.
Do do 27 of do,
Foujdaree Miscellaneous Petition, No. 175 of 1856.
Translation of the Report of the Village Moonsiff and Tyne Peon made to the Head of Police of Toriore in Trichinopoly.
Calendar case, No. 21 of 1856.
Record in case No. 21 of 1856.
Do in do No. 27 of 1856.
Extract from the Proceedings of the Foujdaree Udalut, dated 24th March 1857.
Return from the Session Judge of Trichinopoly, dated 31st March 1857.

Ordered that Extract from these Proceedings, together with copies of the papers marginally noted, be forwarded to the Chief Secretary to Government, for the purpose of being laid before the Right Honorable the Governor in Council.

Ordered also, that copy of these Proceedings, be forwarded to the Session Judge of Trichinopoly, for his information.

(True Extract.)

(Signed) GEORGE ELLIS,
Register.

Calendar of persons committed for trial before the Session Court of Trichinopoly, by the Principal Sudder Ameen of Trichinopoly, for the year 1856.

No. of the Case.	Names of the parties.	Abstract of the charge & date on which they were preferred	Date of Apprehension.	Date of Leaving the Talook.	Date of Arrival.	Names of the Prosecutor's Witnesses.	Abstract of the examination, grounds and date of Commitment for trial.	Names of the Prisoners held to bail.	Names of the Witnesses on the part of the Prisoners.	Remarks of the Session Court. Trial when commenced.	Trial when closed.	Futwah.	Sentence.	Date of Sentence.
21 Criminal Case No. 61 of 1856. Head of Police of Torriore.	Royappa Reddy, Prosecutor. *Versus.* Venyteetan, Prisoner.	Robbery by open violence. 1. The Prisoner is charged with having at mid-night of the 2d August 1856, in company with about 10 others armed with sticks, proceeded to the Prosecutor's house in the village of Coottypolyon in the Torriore Talook, entered it by removing the chain fastened to the door thereof and robbed therefrom brass utensils valued at Rupees 15-8. 2. He is further charged with having at the same time been found in possession of articles valued at Rupees 7 forming a part of the aforesaid plundered property, knowing the same to have been plundered. Date of complaint 2nd August 1856.	2nd August 1856.	10th do.	12th do.	1 Rungappa Reddy. 2 Jegunnada Reddy. 3 Sourymoottoo Reddy.	1. The Prosecutor deposes that on the night mentioned in the charge he slept in a hall in the front part of his house, the door of which he had fastened with a chain; that at mid-night he got up, being sick, to attend the calls of nature, and seeing the Prisoner, and some other robbers come from inside the house, he raised an alarm which attracted to the spot the Witnesses who succeeded in seizing the Prisoner with the brazen articles, Nos. 1 and 2, now before the Court, belonging to him. 2. The Prisoner pleads not guilty. 3. The 1st, 2nd and 3rd Witnesses depose to their having, on hearing the alarm raised by the Prosecutor at the hour mentioned in the charge proceeded to the Prosecutor's house, and there seized the Prisoner who with some other robbers came out of the house, with brazen articles, now before the Court, which the 2nd and 3rd Witnesses depose to belong to the Prosecutor. 4. The Head of Police reports that the Prisoner is a man of bad character. On the above grounds, the Prisoner is committed under Clause third, Section IX, Regulation X, of 1816, by Mr. John Gordon, Principal Sudder Ameen, to take his trial before the Court of Session.	None.	None.	26th August 1856.	Do.	The Mahomedan Law Officer is of opinion from the nature of the evidence that the crime is proved against the Prisoner and declares them liable to Ookoobut.	1. The Prisoner was apprehended on the spot and the brass vessels in question were found wrapped up in his cumbly. 2. The Prisoner stated before the Criminal Court there was enmity between him and the Prosecutor, before the Session Court he says the enmity exists between his employer and the Prosecutor, and that he was passing by the Prosecutor's house with a mamooty in his hand, at 6 of the evening in question, when he was unjustly apprehended. 3. The Futwah convicts and declares the Prisoner liable to Ookoobut. I concur in the conviction and have sentenced the Prisoner to 14 years' imprisonment with hard labor in irons, under Clause 3d, Section IV, Regulation XV, of 1803, but beg to recommend that the punishment be mitigated to 5 years, as the Prisoner is an old man, and no violence was used on the occasion.	28th August 1856.

Trichinopoly, Principal Sudr Ameen's Court, 19th August 1856. } 14th August 1856.
Trichinopoly Session Court, 28th August 1856. } (Signed) J. GORDON, *Principal Sudr Ameen.*

(True Copy.) (Signed) GEORGE ELLIS, *Register.*

(Signed) T. I. P. HARRIS, *Session Judge.*

Fort St. George, Judicial Consultation, 19th May 1857.

Calendar of persons committed for trial before the Session Court of Trichinopoly, by the Principal Sudder Ameen of Trichinopoly, for the year 1856.

No. of the Case.	Names of the Parties.	Abstract of the charge and date on which they were preferred.	Date of Apprehension.	Date of Leaving the Talook.	Date of Arrival.	Names of the Prosecutor's Witnesses.	Abstract of the examination, grounds and date of commitment for trial.	Names of the Prisoners held to bail.	Names of the Witnesses on the part of the Prisoners.	Remarks of the Session Court. Trial when commenced.	Trial when closed.	Futwah.	Sentence.	Date of Sentence.
Criminal Case No. 74 of 1856. XXVII. Head Police of Torriore.	Royuppa Reddy, Prosecutor. *Vers.* 1 Moottyen. 2 Maudaveyan. 3 Neerauny Mootooveerun. 4 Auttookara Veerun. 5 Maroodun, son of Palanyandy 6 Maroodun, son of Maury, Prisoners.	Robbery by open violence. 1. The Prisoners are charged with having at midnight of the 2nd August 1856, in company with the Prisoner in Criminal Case No. 61 or Session Case No. 21 of 1856, and about 5 others armed with sticks proceeded to the Prosecutor's house in the Village Cotty Polyom in the Torriore Talook, entered it by removing the chain fastened to the door thereof, and robbed therefrom brass utensils valued at Rupees 15-8. 2. The 4th Prisoner is further charged with having at the same time been found in possession of two brass Vutties valued at Rupees 8 forming part of the aforesaid plundered property. Date of complaint, 2nd August 1856.	17th August 1856.	30th do.	31st do.	1 Royuppa Reddy. 2 Jegunnada Reddy. 3 Savoorymootoo Reddy.	1. The Prosecutor deposes to the occurrence of the robbery in his house as stated in the charge, and to the Prisoners being part of those whose names he mentioned in the deposition given by him on a former occasion (Criminal Case No. 61 of 1856,) as perpetrators of the said robbery. He states that the two brass Vutties now before the Court belong to him and were thrown down by the 4th Prisoner when he ran away. 2. The Prisoners plead not guilty. 3. The 1st, 2nd and 3rd Witnesses depose to the Prisoners being six of those whose names they mentioned in the depositions given by them on a former occasion (Criminal Case No. 61 of 1856,) in reference to the robbery committed in the Prosecutor's house. They also depose to the 4th Prisoner having thrown down the two brass Vutties now before the Court as he ran from the Prosecutor's house; the 2nd and 3rd Witnesses further stating that those articles belong to the Prosecutor. 4. The Head of Police reports that the 1st Prisoner is a man of bad character. On the above grounds, the Prisoners are committed under Clause third, Section IX, Regulation X of 1816, by Mr. John Gordon, Principal Sudr Ameen, to take their trial before the Court of Session.	None.	For the 3rd Prisoner. 1 Moottoo-veera Reddy. 2 Vencata-rama Reddy. For the 4th, 5th and 6th Prisoners the above said Witnesses residing in the Terriore Talook.	8th September 1856.	15th do.	The Mahomedan Law Officer is of opinion that the crime of robbery is proved against the Prisoners and declares them liable to Ookoobut or punishment at the discretion of the Judge.	The Prisoners' names were all mentioned at the time but they evaded apprehension. They cited 2 Witnesses to prove they were absent 5 miles off previous to the night in question, the Witnesses thus cited differ very materially in their statements, and neither of them are acquainted with dates though speaking distinctly to the date on which they are cited to prove alibis. The Futwah of the Law Officer convicts the Prisoners and declares them liable to "Ookoobut," I agree in convicting them, and have sentenced them to 14 years imprisonment with hard labor in irons under Clause 3rd, Section IV, Regulation XV of 1803, but beg to recommend the punishment be mitigated to 7 years as no violence was used on the occasion.	16th September 1856.

Trichinopoly, Principal Sudr Ameen's Court, 5th September 1856. } 4th September 1856.
Trichinopoly, Session Court, 16th September. } (Signed) J. GORDON, *Principal Suder Ameen.*

(True Copy.) (Signed) GEORGE ELLIS, *Register.*

(Signed) T. I. P. HARRIS, *Session Judge.*

Fort St. George, Judicial Consultation, 19th May 1857.

To the Judges of the Court of Foujdaree Udalut, Madras.

The humble Petition of Poravey, on behalf of Mootien, Mahadavyan, Neerany Mutuveeron, Antoo Caraveeron Murden, and Murden, Prisoners in Case No. 27 of 1856, residing at Cotapoliem of the Torriore Talook, Trichinopoly Zillah.

Respectfully Sheweth,

I beg respectfully to bring to the notice of your Honorable Court, that on the 2nd August last, the Prisoner Veneethethan, in Case No. 21, and the aforesaid Prisoners were falsely accused of having committed Gang robbery in the house of Royapa Reddy, at Cotapolliem, and that Veneethethan was apprehended immediately, which circumstances it will appear that it is false by the foregoing statement, viz.

1st. That the enmity existing between Royapa Reddy and the said Prisoners will be known by the complaint preferred to the Magistrate of this Station and other authorities, and when Veneethethan came to the bazar at 10 o'clock at night, the Prosecutor Royapa Reddy and his witnesses not only made an uproar that a robbery was committed by the Prisoners, but placed 2 brass vessels for eating rice on the ground, and stated that the 4th Prisoner in No. 27, threw it down while running, and took up the Prisoner in No. 2 before the Head of Police Officer as being caught during the robbery, and sent him to the Principal Sudr Ameen's Court and the Session Court without properly examining into the records, sentenced the said Veneethethan to 14 years' imprisonment with labor in irons and recommended the case to your Honorable Court to mitigate the sentence to 11 years, and your Honorable Court was pleased to sanction the same. After this a Warrant was obtained from the Head Police, and the Prisoners in No. 27 were apprehended and sent upon a false charge. The Session Court not strictly looking into several parts which were falsely brought up, tried and sentenced the whole of them to 14 years' imprisonment, &c., and applied for 7 years mitigation.

2nd. The Head Police Officer in his Deposition stated that the Prisoners in the said No. entered the Prosecutor's house by opening the door and its lock, and robbed it of brass vessels valued 15 Rupees, and that the Prosecutor saw it by torch light, and that the witnesses surrounded the gate, when the Prisoners forced their way, and that the 4th Prisoner alone threw 2 brass vessels of 8 Rupees value and ran, and the Prisoner in No. 21 alone was apprehended, but never explained how the lock of the door at the inner side was opened, nor did the Court also put the question, nor did the authorities find out the falsehood how the witnesses could have distinguished the 4th Prisoner to have taken the brass vessels when it was a dark night.

3rd. The 3 witnesses state that they heard Prosecutor make a noise on the night the robbery was committed, and they immediately hearing it came and surrounded the door and apprehended Veneethethan, Prisoner in No. 21, and the rest forced their way by shoving them off. If this is a fact, would the Prisoners who came armed with weapons, &c., go away without using violence to the witnesses at the time ? Your Honorable Court must, I beg, think this is false.

4. It is stated by the Prosecutor and witnesses that the brass vessels stolen were his (Prosecutor's) by the identity of it. It is usual in the world that the like vessels are only seen during the time of eating by all people. When the Court questioned the Prosecutor as to what particular mark he had for the vessel in question, he stated he had none, and the witnesses to have deposed to the vessel being the Prosecutor's is a matter of discredit. If the vessels are mixed with a few more, and the witnesses will take the identical one robbed, in justice the Prisoners are liable to more severe a sentence, thus being the case, it is a matter of doubt how the witnesses can describe the vessels to belong to the Prosecutor. Your Honorable Court I beg will judge of this. It is likewise never usual for any one when they go to one or the other's house, to enter the cooking place, and how is it possible that strangers when they go to a house the vessels can be seen.

5. The witnesses being tampered by the Prosecutor, stated before the Head of Police that the robbery was committed on 2nd August, whereas before the Session Court they stated that they

do not know the date or month. It will clearly shew that the charge brought home against the Prisoners is false, owing to enmity, and by the complaints made to the Magistrate repeatedly, which circumstance your Honorable Court, I beg, will be pleased to consider into.

6. Such discrepancies being in the way, the Session Court and the Moofty Sudr Ameen without questioning the witnesses. The Moofty Sudr Ameen resting to what was stated by the Prosecutor and his witnesses, gave his Futwah to punish the Prisoners, is very astonishing. The Depositions were not properly listened into, nor were questions put to them. Your Honorable Court will by the foregoing grounds, find that what is stated is nothing but a fact.

7. It will also appear clear that the Moofty Sudr Ameen has not shewn sufficient ground for the sentence, which I trust your Court will be pleased to consider into also.

8. Wherefore I humbly beg and crave your honorable and charitable Court will be pleased to pity the case of the Prisoners on a perusal of the accompanying 3 Mahzernamahs procured from the 3 villages, with the sentence passed by the Session Court, and call up for the proceedings in Case No. 27, and liberate the Prisoners upon maturely considering into the case, as it is not charitable that the poor and innocent should be vainly punished by simply hearing into a complaint and 2 evidences.

For which act of justice and charity as in duty bound,

Will ever pray.

December 1856.

முத்துகிருஷ்ணன்.

(True Copies.)

(Signed) GEORGE ELLIS,
Register.

Translation of a Report sent on the 21st Audy of Nala (3rd August 1856) by the Moonsiff and the Tyne Peon of Cottapolem village, to the Head of Police of the Torayoor Talook in Trichinopoly, Calendar Case No. 21 of 1856.

At about 15 Indian hours on Saturday the 20th Audee Instant (2nd August) while we were on our rounds, we heard an alarm raised at the house of Royapa Reddy, a Ryot of the said village, and proceeded thither, accompanied by Vettyan (village servant), when the said Royapa Reddy complained to us as follows: 1st, Palla Vanayathan and 2nd his son, Mootheyan of Visvammal Samoothram village, 3rd Mathaveyan of the same place, 4th Palla Authocara Veeran of Valayapatty, 5th Neeravee Moothoo Veeran, 6th Marcothan son of Palaneyandy and 7 Maroothan younger brother of Manecan, and also 5 others whose names are unknown, in all 14 persons, who are armed with cudgels, came to his (Prosecutor's) house, entered it and took Vattees and Chemboo, when he made a loud noise so that it may be heard by his neighbours. On hearing the noise, Jagannada Reddy, Royappa Reddy and Mareyathasy Reddy residing in his neighbourhood, ran up to his house. Seeing these 3 persons approach the house, the said pulla robbers took the Vuttees and Chemboo and ran. His said neighbours pursued them, when they threw down some of the stolen property and ran. Palla Venayathan alone was apprehended, and a bronze Vuttee and a brass Chemboo were found with him. He was caught in the fact, and brought by the said Jagganada Reddy, Mareyathasy Reddy and Royappa Reddy, in all 3 persons. The other robbers ran away. Authoocara Veeran while running, dropped down bronze Vuttees, which also were picked up and brought.

Before we went to the place, all the robbers had ran away. We took charge of the robber Venayathan apprehended by them and made him over to the Circar Toty Paupen, and secured him according to the Circar practice. The next morning, in view to submit this report, summoned the witnesses, and verbally examined them, of the witnesses, Jaggannada Reddy stated that on the alarm raised by the Prosecutor Royappa Reddy that robbers had entered the house and were robbing Vattees and Chemboo, he (the witness) ran, and Royappa Reddy and Mareathasy Reddy these two followed him running: that as they 3 were approaching the house, the robbers ran, and they pursued the robbers; that Venayathan alone was seized, and with him were found one bronze Vuttee and one brass Chemboo; that the other robbers while running, dropped down two bronze

Vuttees; and that they seized him (Venayathan) in the fact. The witnesses Royappa Reddy and Mareyathasy Reddy spoke similar to what the said Jaggannada Reddy had stated. The Prisoner Venayathan gave no direct answer to the questions put to him.

We therefore beg to send herewith the apprehended robber Venayathan; and the stolen property, namely, 1 bronze Vuttee weighing about $7\frac{1}{16}$ seers, 1 ditto smaller than it weighing about $5\frac{7}{8}$ seers, 1 ditto smaller than the 2nd, weighing about $4\frac{4}{8}$ seers, and 1 brass Chemboo, weighing about $2\frac{1}{2}$ seers, total articles 4 together weighing $20\frac{1}{16}$ and valued at about Rupees 11-2-0; and also the cudgel brought by Venayathan. As the Prosecutor Royappa Reddy is unwell and unable to go, therefore his brother-in-law, Soora Reddy who obtained Vakalut from him, and the witnesses Juggannada Reddy, Royappa Reddy and Mareyathasy Reddy are also sent herewith; all in the custody of Vatteyan Paupen.

21st Audy of Nala or 23rd August 1856.

(Signed) Moonsiff NALLAPA REDDY,
(,,) TYNE LAULAMEYAN,

(True Copy.)

(Signed) GEORGE ELLIS,
Register.

CASE NO. XXI. 26th August 1857.

Before the Session Judge of Trichinopoly.

Prisoner.

Venytheethan.

Question. You have heard the charge read over to you. Do you plead guilty or not guilty?
Answer. I am not guilty.

(Marked) VENYTHEETHAN.
(Signed) T. I. P. HARRIS,
Session Judge.

Declaration made on the 26th August 1856, by Venytheethan, son of Coomaren of Visoovumbah Samoodrum, in Torriore Talook, of Pulla caste, Seva sect, a cultivator, aged about 65 years, and the Prisoner.

Q. You have heard the charge made against you by the Prosecutor, and the evidence given by the Witnesses. What say you in your defence?

A. I did not commit robbery. I know nothing about it. A factious quarrel exists among the villagers. I am the Punnay or cultivating servant of the Moneyagar. About 6 o'clock in the evening, I was going along the street of the village, taking a mummetty or mattack with me to water the fields. The Prosecutor and his Witnesses attacked and bet me, and throwing the articles in question upon my person, took me into custody. The Prosecutor did not make a complaint against me before.

REMARK.—The foregoing Declaration was read over to the Prisoner.

Q. You have heard your declaration read over to you. Is it correctly recorded?

A. Yes it is.

(Marked) VENYTHEETHAN.

Taken before me in open Court, this 26th day of August 1856.

(Signed) T. I. P. HARRIS,
Session Judge.

Abstract.

Here enter Vakalutnamah executed in the usual form to the Government Vakeel, by the Principal Sudr Ameen, to prefer the charge against the Prisoner before the Session Court in this case.

19th August 1856. (Signed) J. GORDON,
Principal Sudr Ameen.

Translation.

Deposition of Complaint given on the 26th August 1856, by Royappa Reddy, son of Savoore-moottoo Reddy, of Cottapolium Village, in the Torriore Talook, of Reddy caste, a Christian, a cultivator, aged about 30 years, and the Prosecutor.

Q. What is your complaint against the Prisioner at the bar?

A. I do not recollect the year, on the night of the 20*th Audy* last, about the 15th Indian hour, I was lying in my house in the "chowkey," being ill with fever. About 7 or 8 robbers entered the house. I saw them when I got up and went to wash my hands and feet. I then made a cry, and the 1st, 2nd and 3rd Witnesses came. As they came to the door of the "chowkey," the robbers came out of the house, and the said 3 witnesses apprehended the Prisoner at the bar, while the other robbers escaped. Hearing my cries, the Village Moonsiff and the Tyne Peon came to my house, and I delivered the Prisoner into their charge. The Prisoner had the articles now before the Court, marked Nos. 1 and 2 on his shoulder, tied in a cumbly, and they were taken from him. This is all I know.

Q. To whom do the tombal and brass plate belong?

A. They belong to me. The 2nd and 3rd Witnesses know it.

REMARK.—The Prisoner had no questions, and the aforesaid Deposition was read over to the Deponent.

Q. You have heard the foregoing Deposition read over to you. Is it correctly recorded?

A. Yes, it is.

(Marked) ROYAPPA REDDY.

Solemnly affirmed before me in open Court, this 26th day of August A. D. 1856.

(Signed) T. I. P. HARRIS,
Session Judge.

Deposition given on the 26th August 1856, by Jagannada Reddy, son of Savooremoottoo Reddy of Cottapollium Village, in Torriore Talook, of Reddy caste, a Christian, a cultivator, aged about 25 years, and the 2nd Witness for the Prosecution.

Q. What do you know regarding the complaint brought by the Prosecutor, against the Prisoner at the bar?

A. I do not recollect the year, about 12 o'clock on the night of the 20*th Audy* last, the Prosecutor made a cry, I being the neighbour living in the house opposite to his, got up and went towards his house. The 1st and 3rd Witnesses came and joined me, and we all went up to the door of the Prosecutor's "chowkey," 7 or 8 robbers came out from within the house, and we three seized the Prisoner at the bar, whilst the other robbers pushing on forward, ran away. The Prisoner had a cumbly on his shoulder, with the articles now before the Court tied on it, afterwards the Village Moonsiff and the Tyne Peon came thither, and we then and there delivered over the Prisoner to their charge, together with the said articles.

Q. To whom do the said articles belong?

A. To the Prosecutor. I know it, because I used to frequent his house.

Q. Is the Prosecutor at enmity with the Prisoner, or is there any factious quarrel between them?

A. He is not. The villagers are engaged in a factious quarrel, but the Prisoner has nothing to do with it.

Q. The report of the Village Moonsiff goes to show, that the Prisoner was pursued and apprehended, what say you to this?

A. It is I, that ran from my house, and this the Village Moonsiff alludes to.

Remark.—The Prisoner had no questions. The foregoing Deposition was read over to the Deponent.

Q. You have heard the foregoing Deposition read over to you, is it correctly recorded?

A. Yes, it is.

(Marked) JAGANNADA REDDY.

Solemnly affirmed before me in open Court, this 26th day of August A. D. 1856.

(Signed) T. I. P. HARRIS,
Session Judge.

Deposition given on the 26th August 1856, by Savooremoottoo Reddy, son of Savooremoottoo Reddy of Cottapollium Village, in Torriore Talook, of Reddy caste, a Christian, a cultivator, aged about 22 years, and the 3rd Witness for the Prosecution.

Q. What do you know of the charge preferred against the Prisoner at the bar?

A. I do not recollect the year, about the 16th Indian hour of the night of the 20*th Audy*, while I was lying in my house, the Prosecutor cried out "robbers," "robbers," I being his neighbour, got up and ran towards his house. The 2 first Witnesses for the Prosecution came and joined me. We all went up to the door of the Prosecutor's "Chowkey." Then 7 or 8 robbers came from within the house, and we opposed them, and apprehended only the Prisoner at the bar, whilst the others pressed against us and escaped. The Prisoner had a cumbly on his shoulder in which he had the articles now before the Court tied, and we gave him up with the articles to the Village Moonsiff and Tyne Peon, who came thither on hearing the clamour.

Q. To whom do the articles Nos. 1 and 2 belong?

A. To the Prosecutor, I have seen them in his house as I frequented it.

Q. Does any enmity exist between the Prosecutor and the Prisoner; or is there any factious quarrel?

A. The Villagers are involved in a factious quarrel, but the Prisoner has nothing to do with it.

Remark.—The Prisoner had no questions. This Deposition was read over to the Deponent.

Q. You have heard the foregoing Deposition read over to you. Is it correctly recorded?

A. Yes it is.

(Marked) SAVOOREMOOTTOO REDDY,

Solemnly affirmed before me in open Court, this 26th day of August A. D. 1856.

(Signed) T. I. P. HARRIS,
Session Judge.

(True Translation.)

(Signed) GEORGE ELLIS,
Register.

Deposition of complaint given on the 8th September 1856, by Royuppa Reddy, son of Savooremoottoo Reddy of Cottapollium Village in Torriore Talook, of Reddy caste, a Christian, a cultivator, aged about 30 years, and the Prosecutor.

Q. What charge do you make against the Prisoners at the bar?

A. I do not know the year, month and date. I have given Depositions formerly, before the Police and the Criminal Court in detail, regarding the robbery that was committed in my house. I have seen these Prisoners before lamp-light on the night of the robbery, and have given their names. Of these, 1st, 2nd, 3rd, 4th, 5th and 6th Prisoners, the 4th took the articles Nos. 1 and 2, from the house, and dropped them down as he ran away, and those articles were in the Talook Cutcherry.

Q. To whom do the articles Nos. 1 and 2 now before the Court, belong, and do they bear any marks?

A. They are mine, and although they do not bear any particular marks, yet my 2nd and 3rd Witnesses know them to be mine.

Q. Were the Prisoners armed at the time?

A. All the robbers had sticks in their hands.

Remark.—The Prisoners had no questions. The foregoing Deposition was read over to the Prosecutor.

Q. You have heard the foregoing Deposition now read over to you. Is it correctly written?

A. Yes, it is.

(Marked) ROYUPPA REDDY,

Solemnly affirmed before me in open Court, this 8th day of September, A. D. 1856.

(Signed) T. I. P. HARRIS,
Session Judge.

Deposition given on the 8th September 1856, by Jagunnada Reddy, son of Savooremoottoo Reddy of Cottapolium, in Torriore Talook, of Reddy caste, a Christian, a cultivator, aged about 26 years, and the 2nd Witness for the Prosecution.

Q. State what you know regarding the charge brought against the Prisoners at the bar?

A. I do not know the year, month and date. I have given Depositions both before the Police and the Criminal Court in detail, as regards the robbery that took place in the Prosecutor's house. I have seen these Prisoners on the night of the robbery by lamp-light, I have given their names also. The 1st, 2nd, 3rd, 4th, 5th and 6th Prisoners now at the bar are the individuals mentioned in my said Deposition, of these the 4th Prisoner brought from the Prosecutor's house the articles Nos. 1 and 2, and dropped them down, as he ran away.

Q. To whom do the said articles marked Nos. 1 and 2 now before the Court, belong?

A. They belong to the Prosecutor, I have seen them in his house as I used to frequent it.

Q. Were the Prisoners armed at the time?

A. These Prisoners had sticks in their hands.

Remark.—The Prisoners had no question. The foregoing Deposition was read over to the Deponent.

Q. You have heard the Deposition read over to you. Is it correctly written?

A. Yes, it is.

(Marked) JAGUNNADA REDDY.

Solemnly affirmed before me in open Court, this 8th day of September, A. D. 1856.

(Signed) T. I. P. HARRIS,
Session Judge.

Deposition given on the 8th September 1856, by Savooremoottoo Reddy, son of Savooremoottoo Reddy of Cottapolium, in Torriore Talook, of Reddy caste, a Christian, a cultivator, aged about 22 years, and the 3rd Witness for the Prosecution.

Q. What do you know regarding the complaint brought by the Prosecutor against the Prisoners at the bar?

A. I do not know the year, month and date. I have given Depositions in detail before the Police and the Criminal Court regarding the robbery that took place in the house of the Prosecutor Royuppareddy. I have seen all the Prisoners at the bar, on the night of the robbery, by lamp light. I have even given their names in my said Depositions, and they are the Prisoners 1st, 2nd, 3rd, 4th, 5th and 6th now at the bar. Of these, the 4th Prisoner brought the articles now before the Court, marked Nos. 1 and 2, from the Prosecutor's house, and dropped them down as he took to flight.

Q. Do you know to whom the 2 articles marked Nos. 1 and 2 belong, and how do you know?

A. They belong to the Prosecutor, I have seen them in his house which I used to frequent.

Q. Were these Prisoners disguised and armed?

A. They were not disguised, but armed with sticks.

REMARK.—The Prisoners had no questions, and this Deposition was read over to the Deponent.

Q. You have heard the Deposition now read over to you, is it correctly recorded?

A. Yes, it is.

(Marked) SAVOOREMOOTTOO REDDY.

Solemnly affirmed before me in open Court, this 8th day of September 1856.

(Signed) T. I. P. HARRIS,

Session Judge.

Declaration made on the 8th September 1856, by Moottien, son of Venatheethan of Visoovummasamoodrum, in Torriore Talook, of Pulla caste, Seva sect, a Punnay or cultivating servant of Nullappareddy, aged about 22 years, and a Prisoner.

Q. You have heard what the Prosecutor and Witnesses deposed to. What say you to it?

A. I did not commit robbery, I do not know any thing about it. I was seized and brought for nothing.

REMARK.—This was read over to him.

Q. You have heard this read over to you, is it correctly recorded?

A. Yes, it is.

(Marked) MOOTTIEN.

Taken before me in open Court, this 8th day of September 1856.

(Signed) T. I. P. HARRIS,

Session Judge.

Declaration made on the 8th September 1856, by Moottooveerun alias Madaveyan of Viswummasamoodrum, in Torriore Talook, of Pulla caste, Seva sect, a cultivator, aged about 25 years, and the 2nd Prisoner.

Q. You have heard the Depositions of the Prosecutor and his Witnesses. What have you to say on your behalf?

A. I did not commit robbery. I do not know any thing about it, they have brought me for nothing.

REMARK.—This was read over to him.

Q. You have heard this read over to you, is it correctly recorded?

A. Yes, it is.

(Marked) MADAVEYAN.

Taken before me in open Court, this 8th day of September 1856.

(Signed) T. I. P. HARRIS,

Session Judge.

Declaration made on the 8th September 1856, by Moottooveerun, son of Maury, of Valayaputty, attached to Cottapolium Village, in Torriore Talook, of Pulla caste, Seva sect, an irrigator by profession, aged about 35 years, and the 3rd Prisoner.

Q. You have heard the complaint of the Prosecutor and the evidence adduced by his witnesses, what is your defence?

A. I did not go to commit robbery. I know nothing about it. I beg my witnesses to be examined.

REMARK.—This was read over to the Prisoner.

Q. You have heard the foregoing statement, read over to you, is it correctly recorded?

A. Yes, it is.

(Marked) MOOTTOOVEERUN.

Taken before me in open Court, this 8th day of September, A. D. 1856.

(Signed) T. I. P. HARRIS,

Session Judge.

Declaration made on the 8th September 1856, by Auttoockara Veerun, son of Moottooveerun, of Valayaputty Village, attached to Cottapolium, in Torriore Talook, of Pulla caste, Seva sect, a cultivator, aged about 45 years, and the 4th Prisoner.

Q. You have heard the charge and the evidence of the witnesses, what say you in defence?

A. I did not go to rob, nor do I know anything about the robbery. I did not take the articles now before the Court, and then dropped them behind me. I beg the Court to examine my witnesses.

REMARK.—The foregoing declaration was read over to the Prisoner.

Q. You have heard your above declaration read over to you, is it correctly written?

A. Yes, it is.

(Singed) AUTTOOCKARA VEERUN.

Taken before me in open Court, this 8th day of September 1856.

(Signed) T. I. P. HARRIS,

Session Judge.

Declaration made on the 8th Sptember 1856, by Marooden, son of Palanyandy, of Valaputty attached to Cottapolium Village, in Torriore Talook, of Pulla caste, Seva sect, a cultivator, aged about 28 years, and the 5th Prisoner.

Q. You have heard what the Prosecutor and witnesses have stated, what say you to it?

A. I did not go to commit robbery. I did not know any thing about it, my witnesses may be examined.

REMARK.—The above declaration was read over to the Prisoner.

Q. You have heard your declaration read over to you, is it correctly recorded?

A. Yes, it is.

(Marked) MAROODEN.

Taken before me in open Court, this 8th day of September, A. D. 1856.

(Signed) T. I. P. HARRIS,

Session Judge.

Declaration made on the 8th September 1856, by Marooday, son of Maury, of Valaputty, attached to Cottapolium Village, in Torriore Talook, of Pulla caste, Seva sect, a cultivator, aged about 30 years, and a Prisoner.

Q. You have heard the evidence of the Prosecutor and his witnesses, state your defence?

A. I have not been to rob, nor do I know ought about it, my witnesses must be examined.

REMARK.—The above declaration was read over to the Prisoner.

Q. You have heard the foregoing declaration read over to you, is it correctly written?

A. Yes, it is.

(Marked) MAROODAY.

Taken before me in open Court, this 8th day of September 1856.

(Signed) T. I. P. HARRIS,
Session Judge.

Abstract.

Here enter a statement of all the Prisoners, merely pleading not guilty, when arraigned before the Session Court.

(Signed) T. I. P. HARRIS,
Session Judge.

Deposition given on the 15th September 1856, by Moottooveerun Reddy, son of Kristnareddy, of Cottapolium Village, in Torriore Talook, of Reddy caste, Vishnoo sect, a cultivator, aged about 30 years, and the 1st witness for the 3rd, 4th, 5th and 6th Prisoners.

Q. Do you know to read and write?

A. Yes, Tamil language.

Q. Look at the 3rd, 4th, 5th and 6th Prisoners at the bar. Do you know them?

A. I know them for a month, they are of Cottapolium Village.

Q. They have cited you as a witness on their behalf, what do you know about them?

A. I had given to them certain sum of money for purchasing timbers for me. I heard that they remained in the village on the 18*th Audy* for the feast, and went on the 19th to Vaulacombay for cutting trees. I carried a cart bandy to that village and found them there.

Q. How far is that village from the Prisoners?

A. About 10 Indian miles.

Q. How did you venture to advance money to the Prisoners, whom you knew only for a month?

A. It was owing to my credulity.

Q. How many days did you remain in the said Vaulacombay?

A. For about 4 or 5 days.

Q. What sum did you advance to the Prisoners?

A. Rupees (8) eight.

Q. What is the day of the month to-day?

A. I do not know.

REMARK.—The Prisoners had no questions, and this Deposition was read over to the Deponent.

Q. You have heard the foregoing Deposition read over to you, is it correctly recorded?

A. Yes, it is.

(Signed) MOOTTOOVEERUN REDDY.

Solemnly affirmed before me in open Court, this 15th day of September, A. D. 1856.

(Signed) T. I. P. HARRIS,
Session Judge.

Deposition given on the 15th September 1856, by Vencatarama Reddy, son of Poolum Reddy, of Cottapolium Village, in Torriore Talook, of Reddy caste, Seva sect, a cultivator, aged about 35 years, and the 2nd witness for the 3rd, 4th, 5th and 6th Prisoners.

Q. Are you literate or illiterate?

A. I am illiterate.

Q. Do you know the 3rd, 4th, 5th and 6th Prisoners now at the bar?

A. I do for a long time.

Q. Do you generally know the days of the month?

A. I do.

Q. What do you know regarding their circumstances; since they have cited you as a witness on their behalf?

A. On the 19*th Audy*, in the morning, I and the said 4 Prisoners went to Valacombay Village, for timbers. The Prisoners aforesaid being coolies, I took them with me. Moottooveera-reddy also came thither.

Q. What is the distance between the said Village and that of the Prisoners?

A. About 10 Indian miles.

Q. How long did you remain in the said Valacombay Village?

A. About 6 days.

Q. Did you and Mootooveerunreddy go together, and for what purpose did he come there?

A. Yes, we went together, he came driving a bandy.

Q. What day of the month is this?

A. I do not know.

REMARK.—The Prisoners had no questions. This Deposition was read over to the Deponent.

Q. You have heard the Deposition now read to you, is it correctly recorded?

A. Yes, it is.

(Marked) VENCATARAMA REDDY.

Solemnly affirmed before me in open Court, this 15th day of September, A. D. 1856.

(Signed) T. I. P. HARRIS,
Session Judge.

(True Translation.)

(Signed) GEORGE ELLIS,
Register.

Extract from the Proceedings of the Foujdaree Udalut, under date the 24th March 1857.

Read again Calendar of Case No. 27 of 1856, of the Session Court of Trichinopoly.

Read again Miscellaneous Petition received on the 26th December 1856, through the Session Judge, on behalf of Pooravey, Zillah Trichinopoly.

Read also Returns dated the 10th and 27th Ultimo, from the Session Judge of Trichinopoly, to the Precept of the Foujdaree Udalut, under dates the 29th January and 24th February 1857, directing the transmission of the record in Calendar of Cases Nos. 21 and 27 of 1856 on the file of the Session Court.

1. The 6 Prisoners in Case No. 27 were charged with having, in company with the Prisoner in Case No. 21, and 5 others, armed with cudgels, committed robbery by open violence in the Prosecutor's house, on the 2nd August 1856.

2. The most cursory inspection of this charge and Police record raises the strongest distrust as to the truth of the evidence, and shows the necessity of its being subjected to the test of strict scrutiny and cross examination.

3. It is most improbable that 7 men with whom the Prosecutor and his neighbours were *well* acquainted, would, with 5 others, go armed but *undisguised* to commit a robbery by open violence at a village where they were well known.

4. If burglary and secret theft were the object, the party would not have consisted of 12 armed men, as so large a number would excite suspicion and could be of no use.

5. The Village Moonsiff and Peon's very detailed report, written on the morning after the alleged offence, shows that at midnight the Prosecutor raised an alarm of thieves, which awoke his neighbours, the 1st and 2nd Witnesses, and one Mariya Dashy Reddy, who ran up, saw the thieves running off, pursued them, apprehended one named Venyteetan (Prisoner in Case No. 21) and brought him back, and that the Village Moonsiff and Peon hearing the alarm, hastened to the spot, and found Venyteetan (the Prisoner in Case No. 21) in custody.

6. The report leaves considerable doubt as to whether the 1st and 2nd Witnesses and Mariya Dashy Reddy informed the Village Moonsiff either that night or next morning (when a more detailed investigation was made) if they recognized any of the thieves whom they pursued. As the night was dark, the recognition of the thieves who were only seen whilst running off, was of course all but impossible, but the wording of the report is obscure on this point.

The Prosecutor's Subordinate Court Depositions in No. 21 shows that it was only after the arrival of the Moonsiffs, &c., that they recognized the captured robber as Venyteetan Prisoner in Case No. 21.

7. The report mentions that the 3rd Witness' name was Mariya Dashy Reddy, but the 3rd Wituess before the Police, Subordinate and Session Courts is entered as Savoory Moottoo Reddy (a relation of the Prosecutor) ; a suspicion is therefore raised that the Prosecutor has substituted a relation of his own, (Savoory Moottoo Reddy) for the person (Mariya Dashy Reddy) who aided in securing the Prisoner in Case No. 21 (Venyteetan).

There is not a word of this recognition by lamp light in the Village Report.

8. In the Prosecutor's Police Deposition given a week after the alleged offence, it is found that he had introduced an entirely *novel* fact (which would, he supposed, provide against the objection that might be raised to the recognition of the 6 thieves, whilst running off) this was a *lamp in the Verandah* by the light of which the 6 Prisoners in Case No. 27, were recognized. The 1st and 2nd Witnesses and the (apparently substituted 3rd Witness) Savoory Moottoo Reddy confirmed* the recognition of the 6 Prisoners in this case by the lamp light ; they do not however mention seeing the five other thieves.

* On August 9th

9. If a gang (who were well known at the Prosecutor's village) were robbing by open violence, they would have made use of a light to search for the property, but this is not alleged to have been done. If the said gang were stealing secretly, they would have extinguished the light. But in no case is it probable that from the time the Prosecutor began crying out for assistance, till the arrival of his neighbours, would the gang remain near the lamp, and thus enable the neighbours to recognize them. It is also most improbable that 12 armed men would allow 3 unarmed men to seize one of the gang.

10. Another serious discrepancy in the Depositions of August 9th, is that the 1st Witness stated that the Prisoner in Case No. 21, was the first that came out of the house, and was immediately seized by the three Witnesses, when the gang ran off : which statement was supported by the other two Witnesses, but it is opposed to the Prosecutor's Deposition which would indicate that he (Prisoner in Case No. 21), was the last of the party, and that when Prisoner Venyteetan in Case No. 21, was apprehended, the others had ran off. Moreover the Village report indicates, that the Prisoner in Case No. 21, was the only thief whom the 1st, 2nd and 3rd Witnesses could catch when they pursued the gang ; he must therefore have been the last and not the first.

The investigation in Case No. 21 was as meagre as that in No. 27.

1st Witness was not examined.

11. The above are some of the improbabilities and contradictions that loudly called for the examination of the Village Moonsiff, Peon, &c., and imperatively required most careful investigation, when these 6 Prisoners in Case No. 27 were tried, but the Depositions of the Prosecutor, 2nd and 3rd Witnesses though most suspiciously alike are of the most meagre description, *no information was given* or *question asked them* respecting the above improbabilities or contradictions ; they do not mention, whether they know the six Prisoners before or how well, and how long ; or whether enmity existed between them and the Prisoners ; or where the lamp was, or how the thieves entered the house, or what they stole, or where the Prosecutor was when they apprehended the Prisoner in Case No. 21 ; or even what was the cause of their (the Witnesses) coming to the spot ; or how far they were from the six Prisoners in Case No. 27 ; or how they could recognize so many in such confusion and by such

very imperfect light, or respecting the other five thieves alleged in the charge, to have been present. In fact, the evidence considered sufficient to sentence these six persons to 14 years' imprisonment, may be summed up as being, "*these are the six thieves whom we have named in our former detailed Deposition.*"

12. The Court of Foujdaree Udalut consider that no Prisoners could be convicted after such a trial, and in such a case ; and they direct the release of the six Prisoners, and to call on the Session Judge to explain how he could sentence the six Prisoners in Case No. 27, to 14 years' imprisonment, on evidence with the details of which they were afforded no means of becoming acquainted, and likewise as to his omission to acquaint himself with the facts appearing in the record, and to submit this most suspicious evidence to the test of a strict cross-examination, the record of the trial showing that the Prosecutor, 2nd and 3rd Witnesses were not subjected to even the slightest semblance of any such test.

† To be returned with the Session Judge's explanation

Ordered, that Extract from these Proceedings, together with the original† records in Cases Nos. 21 and 27, be sent to the Session Judge of Trichinopoly, by the Precept returnable within X days from and after its receipt.

(True Extract.)

(Signed) GEORGE ELLIS,

Register.

In reply to an Extract from the Proceedings of the Court of Foujdaree Udalut, under date the 24th March 1857, which accompanied the foregoing Precept, calling for certain explanation in Session Case No. 27 of 1856, the Session Judge has the honor to state, that the evidence for the prosecution was in his opinion sufficient to authorize the conviction of the Prisoners. Their recognition was solemnly asserted by the Prosecutor's witnesses, during their examination in both cases. On the night in question, the names of the Prisoners were mentioned by the Prosecutor to the Village Moonsiff and Peon, who, on hearing the alarm raised by the Prosecutor proceeded to the spot immediately after the robbery. The Prisoners' names were referred to in the Village Moonsiff's report, and again mentioned by the Prosecutor and Witnesses before the Head of Police and Principal Sudr Ameen in Case No. 21. In the present case in question the Prosecutor and witnesses identified the Prisoners as those whom they had repeatedly named in Case No. 21. The disappearance of the Prisoners from their village, also afforded a prima facie proof of their having been concerned in the robbery. It is true that the 3rd, 4th, 5th and 6th Prisoners allege that they went to another village, for the purpose of cutting trees. Independent of the conflicting nature of the evidence of their witnesses, and of the improbability of so many having gone together to another village on one and the same business, it was not at all likely that the Prosecutor, if he had an intention of fastening a false charge upon the Prisoners, would have chosen the time of their absence to tax them with the offence in question. The 1st and 2nd Prisoners failed to afford any color of excuse for their absence.

Notes by the Court.

If so, why did he not question on these grave contradictions and improbabilities. How could he tell whether they would or would not shake the credibility &c., if he did put the evidence to the test of cross-examination.

2. The improbabilities and discrepancies, noticed by the higher Court in their Extract, did not escape the observation of the Session Judge at the time of the trial of the case, but he considered them too slight and immaterial to shake the credibility of the direct and inferential evidence which was conclusive as to the main features of the case. It is also obvious, that as this evidence was deemed sufficient to convict the Prisoner in Case No. 21, by parity of reasoning, the same evidence can be fairly made a basis of the conviction of his comrades who were concerned in the same robbery on the same night, and under the same circumstances.

There was no similarity between the two cases, in one the Prisoner was apprehended on the spot, and at the time, so that the question of the possibility or impossibility of recognizing the said Prisoners did not exist ; but in the present case, the possibility of recognizing the 6 men running off in the dark, is the main question at issue. Moreover, it is not certain, that more than one thief ever went to the Prosecutor's house. It is very improbable that this substitution of the Prosecutor's relation for a witness with an entirely different name could be a mistake, but why was no examination made as to whether it was a mistake?

The Village Moonsiff's report mentions Maruyadashy Reddy's name in four different places, and states that he is sent up to Talook, but the Prosecutor's relation arrived in his stead. There could be no mistake as to the name of a man thus repeatedly named.

3. As to the discrepancy commented on by the higher Court in para: 7 of their Extract, in regard to the name of the 3rd witness, the Session Judge observes, that the Prosecutor and his witnesses concurred in naming the 3rd witness before every Officer in both cases as "Savoory Moottoo Reddy," the name mentioned in the Village Moonsiff's report is evidently a mistake.

Very unsatisfactory.

4. There does not appear to be a shadow of doubt, as to the identity of the 3rd witness, since he was forwarded with others by the Village Moonsiff to the Head of Police, and by the latter Officer to the Criminal Court.

The Court doubt this very much.

No record was made of this having been done; but the record in Case No. 21, was stated by the Foujdaree Udalut, to be as meagre as that in this case, and the Session Judge does not venture to deny this.

5. The Depositions given by the 2nd and 3rd witnesses in Case No. 21, were read over in open Court, during the examination of these witnesses in the present case, and the Prisoners in question were therefore acquainted with the facts asserted by the said witnesses against them.

So far satisfactory.

6. The circumstantial particularity of the Village Moonsiff's report, the details given by the witnesses in both cases, coupled with the other features of the case as noticed in paras: 1 and 2 of this return, created a strong conviction of the guilt of the Prisoners, the Session Judge therefore thought it unnecessary to subject the witnesses to cross-examination.

This reasoning would justify the conviction of Prisoners on the Judge's mere perusal of the Police Record.

7. If these Prisoners had been committed and tried simultaneously with the Prisoner in Case No. 21, it is manifest their conviction would have followed and they would have met with the same punishment, as the Prisoner in Case No. 21.

The Court cannot admit this, the evidence was quite different, the question is would conviction have followed it if the evidence had really been tested and duly weighed.

8. Having furnished the explanation required by the Court of Foujdaree Udalut, the Session Judge has only to add, that he passed the decision in question to the best of his judgment, and according to the dictates of his conscience, at the same time he begs to deprecate all idea of justifying his sentence in opposition to the views entertained by the higher Court, having been called upon to explain how he could pass such a sentence, he has been constrained to enter into a detail of the grounds on which he based the conviction of the Prisoners. The Prisoners were released as directed, and the original records are herewith returned.

Given under my hand, and the Seal of the Session Court of Trichinopoly, this 31st day of March, A. D. 1857.

(Signed) T. I. P. HARRIS,
Session Judge.

(True Copy.)

(Signed) GEORGE ELLIS,
Register.

No. 42. ORDER THEREON, No. 574; dated 16th May 1857.

1. With the foregoing Extract, the Foujdaree Udalut submit the Proceedings of the Sessions Judge of Trichinopoly in the disposal of Case No. XXVII of 1857, and the same in regard to Case No. XXI, together with the explanations offered by Mr. T. Harris "as to the extreme carelessness" with which the trial in the case first mentioned, which is supplementary to Case No. XXI, is considered by the Court to have been conducted. Those explanations are held to be of an unsatisfactory character, and the Court bring the whole matter to the notice of Government, under the provisions of Section XXIV, Regulation VIII of 1802.

2. Before passing final orders, the Government would desire to have before them the Proceedings of the Sessions Judge in the "former instance" adverted to by the Foujdaree Udalut, together with copy of the Court's Proceedings on review thereof.

(Signed) E. MALTBY,
Acting Chief Secretary.

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Extract Proceedings Foujdaree Udalut
1 May 1857 ——

The Court of
Foujdaree Udalut under
Section XXIV Regulation VIII
1802 bring to the notice of
Government the proceedings
of the Sessions Judge of Trichi=
=nopoly in his disposal of
Criminal Case No 27 of 1856
" for such record of their opi=
=nion, as will in future de=
=ter from Mr Harris that
strict attention and correc=
the conduct of Criminal tri=
=als which if in the impe=
=rative

=prative duty of every Sessions
Judge to afford. 11

2. The record of two
trials in sentence, Nos 21
and Nos 27 of 1856.

3. In No 21, the
charge is robbery by open
violence. If is in fact a
case of Burglary. There
is but one Prisoner who is
stated to have been seized
on the spot with part of
the property upon him.

4. He was sentenced
by the Sessions Judge to 14
years' imprisonment with
hard labor in irons,
which was recommended
to be reduced to five
as

as the law now stands. It
does not appear that any
Exception was taken by the
Prisoners to this sentence,
which it is to be presume-
-d stands.

5. In case No 27 six
men are charged with having
taken part in the robbery
of which the Prisoner in
No 21 had been found guilty.
They have all been convict-
-ed and sentenced to 14
years imprisonment with
hard labor in irons, which
is recommended to be miti-
-gated to 7 years, as no violence
had been used.

6. It does not appear
that

that the Foreman would have
saw grounds for objecting
to this finding, on review
of the Calendar. Subsequently
however a Petition was
presented to them on behalf
of the parties convicted in
this last case No. 27. The
proceedings in both cases
were then called for, and
further explanation pre-
-quired from the Depositions
Judge -

7. Ultimately the
Foreman pelease all the
Prisoners in case No 27 and
report the Judge to Gov. t
for his Reception negligence
and carelessness in the inves-
-tigation

-tigation of the case -

8. It does seem to
have been disposed of in a
very loose and off hand way
certainly. The six Prisoners
are identified by two wit-
-nesses, who deposed to have
recognized them at night,
by torch light, in all the
hurry and alarm of a
nocturnal robbery. It
would require very strong
and clear testimony to con-
-viction such grounds as
these. No attempt, however,
was made at cross examin-
-ation, nor endeavour to
procure other Evidence as
that of the Village Officers
or

or others who might have thrown some light upon the affair. The testimony of the witnesses is just taken as it comes without an effort to test or sift it and men condemned to 14 years incarceration after an inquiry which could scarcely have lasted half an hour.

JH

I concur with these remarks as to the non-sifting of evidence in the 2nd trial – but I shd wish to know how if the trial was so unsatisfactorily conducted

so far as appears on the record.

It was not discovered until brought by petition to the notice of those who reviewed it in the regular course of examination which I imagine all such cases are supposed [illegible] by the Sudder.

In Mr Ellis letter it is stated para 3. "As this is the second instance in which the Court of F.N. have found it necessary to remark on the careless negligence displayed by Mr H in the disposal of a criminal trial". I shd like before passing orders to see this previous case with date – proceedings – & the remarks of the F.N. on the subject.

H

AG

I apprehend the Court of Foujdari only see the periodical return or calendar as a matter of course & do not call up the record unless there is something very glaring in the prima facie statement entered in that return or

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as in the present instance, on petition from the parties.

It will be impossible for the Court to review all the proceedings of the Sessions Courts in detail.

There is nothing in the Calendar now forwarded that is specially calculated to arrest attention.

But, in this case the whole of the proceedings were referred to the higher Court for a mitigation of the sentence, and necessarily came under review.

If the former case alluded to was not specially referred, I should like to see the return of criminal cases forwarded to the F. U. for revision.

c. 1 May
R. O.
c. J. May
S. 15.

No. 574 Judicial Dept. 13

Ext. M. Con.
dated 18th May 1857

Read the following Extract from the Procs. of the Fouj. Udalut } here under 1st May /57.

1. With the foregoing Extract, the F. U. submit the Proceedings of the Sessions Judge of Trichinopoly in the disposal of Case No. XXVII of 1857, and the same in regard to Case No. XXI. together with the explanations offered by Mr. J. Harris "as to the extreme carelessness" with which the trial in the case first mentioned, which is supplementary to Case No. XXI, is considered by the Court to have been conducted. These explanations are held to be of an unsatisfactory character, & the Ct. bring the whole matter to the notice of Govt., under the provisions of Sect. XXIV, Regn. VIII of 1802.

2. Before passing final orders, the Govt. wd. desire to have before them the Proceedings of the Sessions Judge in the "former instance" adverted to by the F. U., together with copy of the Ct's Procgs. on review thereof.

D. E.
8/5/57.

To The Judges of the Court of F. Udalut } [illegible] - 21 -
2 [illegible] Copies