

Fort St. George, Judicial Consultation, 23rd June 1857.

No. 37. MINUTE by the Right Honorable the PRESIDENT, dated 8th June 1857.

I think both these cases manifest a considerable degree of carelessness on the part of the Sessions Judge of Trichinopoly either in examining witnesses or else in recording the cases whichever may be the fact, the result is the same, and must injure the character of the Court.

Government can only confirm the opinion of the Sudder, and Mr. Harris must be cautioned against any further dereliction, which will be more seriously noticed.

I cannot allow this opportunity to pass without remarking on the practice, which these two cases show to be prevalent in criminal jurisdiction.

The Judge is expected to act not only as Judge and weigh the case as it is brought before him, but he is expected to be public prosecutor, and almost to prejudge a case and to require that criminals should be found, in fact to act as an officer of detective Police.

Such requirements appear to me to be subversive of an impartial administration of justice, and the sooner such a system is corrected, the better.

I offer these comments the more readily, because they refer to the system generally, and not to the particular case under consideration. The Session Judge's explanations on both occasions show that this view of the matter has in no way tended to modify his proceedings, or does he in any way manifest any cognizance of it.

(Signed) HARRIS.

No. 38. ORDER THEREON, No. 708; dated 23rd June 1857.

In these communications the Court of Foujdary Udalut bring before Government for its animadversion the proceedings of the Session Judge at Trichinopoly in two criminal trials, Nos. 27 and 33 of 1856. The first of these trials ended in the acquittal of 10 prisoners charged with murder, and the second in the conviction of 6 prisoners charged with robbery by open violence. This sentence was quashed on appeal by the Foujdary Udalut and as the Judges of that Court considered that on both these instances justice had been hindered by the imperfect, careless and hasty manner in which the trials were conducted, they brought the subject to the notice of Government under Section XXIV, Regulation 8, of 1802.

2. Before taking this step, the Foujdary Udalut pointed out the defects in the Sessions Judge's proceedings and called for explanation regarding them. But the Court was of opinion that the explanation which Mr. T. I. P. Harris offered in reply to this call was unsatisfactory, and in this opinion the Government are constrained to concur.

3. A perusal of the record in these trials obliges the Government to express its severe censure at the carelessness and inattention which are visible in the Session Judge's investigation, of these two important cases. It is a source of disappointment and concern that an officer of Mr. T. I. P. Harris' position and standing should have laid himself open to such animadversion, and unless this expression of the Government's displeasure leads him to show hereafter that strict attention and care in the conduct of criminal trials, which as justly remarked by the Foujdary Udalut, "it is the imperative duty of every Sessions Judge to afford," it will be necessary for the Government to take more serious measures to uphold the character of the Trichinopoly Court.

4. In passing this censure on Mr. Harris, the Government have not overlooked the anomalous duties which a Sessions Judge has now to perform from the want of a public Prosecutor, and they hope that the imperfection of the present Judicial system on this point will be amended in the contemplated reforms of our criminal law.

(Signed) E. MALTBY,

Acting Chief Secretary.

Exd. F. Cartledge.

Judicial Department

May 1858

Minutes of Council, Dated 23rd June 1857

Read again the following

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conviction of 6 prisoners

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Judicial Department

May 1858

Minutes of Council, Dated 23rd June 1857

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The judge is expected to act not only
as judge & to try the case as it is brought
before him - but he is expected to
superintend the prosecution & to direct the
prosecution & to require that

criminals should be found & to treat
them as an officer of detection police.

Such a system of administration of justice
is not only a failure of the law but
a failure of the administration of justice.

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6
Is the former such a system is connected
the latter -

and I appear that summing the more
likely - because they refer to their
transmission & not to the particular case
under consideration. The opinion
judges explanation as to the matter
shows that this view of the matter
has in no way tended to multiply his
fraudships - or does he in any way
manifest any ignorance of it.

June
8/57 -

W. Harris. R.L.

Indicial 1857 Dept^{ts}

8th June 1857

Minute by the Right
Hon. the President.

Dated 8th June 1857.

No 954.

Offer observations
on the imperfect care less
and hasty manner in
which the two Criminal
trials Nos 27 and 33 of 1856. were
conducted by J. S. P. Harris Esq.
Session Judge of Trichinopoly.

Indicial Depart^{mt}

No 708

Min. of Cons. Dated 23rd June 1857

Read again the following
papers -

2 from Pro of Foydary Adm^{tr}
1 May 1857 No 22

Read Letter from Register to the Com^{rs}
of F. U. 29 May/57 No 26.

Read also Minute of the Com. the Prison
8th June 1857.

- In these ^{communications} ~~proceedings~~
of the Court of F. U. being
before Govt for its con-
- sideration the proceed-
- ings of the Session Judge
at Trichinopoly in two
criminal trials, Nos 27
& 33 of 1856 - The first
of these trials ended in
the acquittal of 10 prisoners
charged with murder -
and the second in the
conviction of 6 prisoners
charged with robbery by
open violence - Thirteen

Justice was granted on
appeal by the F. H.
and as the Judge ^{of that Court} con-
sidered that in both these
~~instances~~ ^{instances} the justice had been
sundered by the imperfect
careless & hasty ^{manner} proceedings
in which the trials were
conducted they brought
the subject ^{to the notice of} ~~before~~ Govt
under XXIV Reg L of 1802

2 - Before taking this step
~~course~~ the Honorable
Kdawalat pointed out
the defects in the Sepim
Judge proceedings &
called for explanation
regarding them - But
the Court was of opinion
that the explanation
which Mr. J. J. P. Harris
offered in reply to this call was
~~was able to offer was wholly~~
unsatisfactory, and in
this opinion the Govt are
constrained to concur.

3 - A perusal of the record in
these trials obliges the Govt
to express its severe censure
at the carelessness & inattention
- in which are visible in the
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of these two important cases.
It is a source of disappointment
& concern that an Officer
of Mr. J. J. P. Harris' position
& standing should have
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displeasure leads him to
~~show~~ ^{hereafter} ~~that~~ ^{strict} attention
& care in the conduct of
criminal trials, which as
justly remarked by the F.
H. "it is the imperative duty
of every Sepim Judge to afford"
it will be necessary for
the Govt to take more seri-
ous measures to uphold
the character of the Sepim
- Judge Court

4 - In passing this censure
on Mr. Harris the Govt

have not overlooked the
anomalous duties which
a Supreme Judge has now
to perform from the want
of a Public Prosecutor
and they hope that the
imperfection of the present
Judicial system on this
point will be amended
in the contemplated reforms
of our Criminal Law

Yr

8/1/56

To the Judges of the C. J. M. Court
South India. No. 2 returned } Disp. 20th

For orders

The Foydary Adawlat brings to the notice of
Govt, under Sect XXIV Reg of 1802, two instances
in which Mr. J. S. P. Harris, Session Judge of District
Kodak is considered to have shown carelessness
& inefficiency in the discharge of his duties.

The first instance relates to 2 trials (Nos 21 & 27 of
1856) in which 7 prisoners were tried for a
charge of robbery by open violence in the house
of one Royappa Reddy

In trial No 21 a single prisoner, Kinytatan
who was apprehended when trying to escape from
the Prosecutors house with some of the property upon
him, was tried for the offence & convicted. He
was sentenced to 14 years impt with hard labor
in cross, but as he was an old man & as
evidence had been committed the Session Judge
recommended a mitigation to 5 years.

This conviction appears to have been confirmed
though the Foydary Adawlat expressed disappro-
bation of the weakness of the record.

In trial No 27 - six other prisoners ^{afterwards apprehended} (were arraigned)
for having been concerned with the fore-
going prisoner in the robbery. They were
convicted & sentenced to 14 years impt with
hard labor in cross but as no violence had
been used a mitigation was recommended
to 7 years.

An appeal was presented on behalf of these prisoners to the Foudary who had been complaining that they had been included in the charge of robbery from enmity, & that the witnesses at the trial had not been cross-questioned so as to elicit the truth.

The F. H. sent for the record of the 2 trials & finding the evidence against the prisoners in No 27 untrustworthy from improbabilities & contradictions, quashed the sentence & released the 6 prisoners.

They also called on the Suprem Judge to explain how he had convicted the accused on such suspicious testimony, & why he had conducted the trial negligently, omitting to cross-examine the witnesses so as to elicit the truth.

The explanation of the Judge was not deemed satisfactory, & hence this reference to Govt.

The proceedings show that on one point the Suprem Judge has been able to afford explanation - The F. H. expressed its surprise at his "having sentenced the 6 prisoners in No 27 to 14 years impt on evidence, with the details of which they were afforded no means of being acquainted" - On this point Mr. H.

states that the depositions given by the witnesses in Case No 21 were read out in Court during the trial of Case No 27 - ^{by an improper omission} though no record was entered of this having been done.

The Suprem Judge has, it appears to me, laid himself open to the strictures of the F. H. on the other points. - (See Pro of F. H. 24 March 1857 Paras 7 to 11) - It is possible that the Prisoner in No 21 had a few comrades, & the 1st Prisoner in No 27 appears to be his son - but the case was one of housebreaking for ^{purposes of} theft, without violence and after a charge had been made of robbery with open violence by a gang of 14 armed individuals the greatest care should have been taken to test the evidence, to ascertain if the prisoners identity could have been & actually was made out satisfactorily at the time, & to guard against the prosecutor including innocent individuals in the charge for purposes of his own.

The record of the trial shows however that the 6 prisoners were convicted after a very meagre & cursory investigation - without attention being given to the improbabilities & contradictions in the case brought against them, without the witnesses being fully questioned & without it being shown that there were adequate means for their being recognised by the witnesses at the time.

- The second instance is of an opposite character.

- In this trial (No 33 of 1856) 10 prisoners were charged with the murder of one Govindanassery, & the F. K. consider that they were acquitted & the ends of justice defeated by the hasty & careless manner in which the Sepsim judge conducted the trial.

- The deceased entered a Pagoda & is said to have behaved violently there - tearing the covering off the idol, striking it & insulting the two priests who were present - They in consequence

raised an alarm, upon which a crowd of persons rushed into the Pagoda seized the deceased & beat him so barbarously that he died.

- After he had been bound with cords & maltreated so severely as to be nearly dead he was carried ^{out of the Pagoda} to a bamboo and deposited on the road side where he was found dead the same evening. - All this took place in daylight & numbers must have witnessed all that passed.

- The F. K. censure the Sepsim judge 1st for proceeding to the trial when the preliminary police inquiry was so imperfect as to lead to a supposition that the prisoners were purposely ^{sent up to} ~~transmitted~~ the Court in such a manner as ~~not~~ lead to their acquittal

& thus shield them from being afterwards brought to account for their crime - For example

the 1st & 2nd witnesses were the priests of the Pagoda & the instigators of the attack on the deceased -

It was not therefore to be supposed that they would be trustworthy witnesses against the prisoners & accordingly on the trial they retorted what they had before said, denying that they knew who had insulted the deceased, & it does not appear that any notice was taken of this prevarication & per-

- jury

In this respect also the Police proceedings were so unsatisfactory that the F. K. have suspended the Head of Police & directed a Magisterial Officer to proceed to the spot & investigate the case, in order that any other parties concerned in the outrage may be brought to justice.

The Sepsim judge is further censured for conducting the proceedings in a hasty & careless manner when he resolved to proceed with the trial & the explanation offered by him on this point has not been deemed satisfactory.

- It will be observed that the record of the trial throws little light on what passed. The mother of the deceased states that her son was not mad, & no ^{questions} ~~inquiry~~ were asked to clear up this point, or ascertain if the deceased was subject to fits of insanity - if he had ever before entered

the temple - if he had had any previous
quarrel with the worshippers there, & how
he had behaved during the early part of the
day in question - His conviction is the more
striking as his brother in law was present in
the village -

The Prosecution's examination by the Sepim
Judge was limited to 5 questions - The 1st &
2nd Witnesses were asked respectively 6 & 4
questions only - The 3rd & 4th Witnesses
were then dispensed with, & the prisoners
acquitted

- The Sepim Judge's explanation of his not
examining the 3rd & 4th Witnesses - viz
even if it were satisfactory
that their testimony would not be suffi-
cient to convict the accused, - cannot
be admitted. - The accused were avowedly
present among the mob which attacked
the deceased, - the affair took place in
broad daylight, & there is no reason
clear &
why satisfactory evidence given by two
independent persons should be set aside
- Besides through their statements addi-
- tional evidence might have been
obtained -

Uce

Judicial 1857 Depart.

N^o 108

Extract Mins: of Cons.

23rd June 1857

Off Cons. 30th June 1857 No 9

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MADRAS RECORD OFFICE.

Government of Madras.

Justice DEPARTMENT.

G.O. No. 708

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Not to be folded or roughly handled

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Fort St. George, Judicial Consultation, 23rd June 1857.

No. 36. Read the following letter from GEORGE ELLIS, Esq., Register to the Court of Foujdaree Udalt; to E. MALTBY, Esq., Acting Chief Secretary to Government, dated 29th May 1857, No. 26.

SIR,

With reference to the Extract from the Minutes of Consultation, dated the 16th Instant, No. 574, I am directed by the Judges of the Court of Foujdaree Udalt, to forward the accompanying Calendar and record of trial in case No. 33, on the Calendar of the Session Court of Trichinopoly, together with extracts from their proceedings, dated the 22nd November and 9th December 1856, and the return of the Session Judge of Trichinopoly, dated the 27th November 1856.

(Signed) GEORGE ELLIS,
Register.

Extract from the Proceedings of the Foujdaree Udalt, under date the 22nd November 1856.
Read Calendar of case No. 33 of 1856, on the file of the Session Court of Trichinopoly.
Read also record of the above case, submitted by the Session Judge.

1. In this case, the prisoners, ten in number, were tried upon a charge of murder, and acquitted by the Sessions Judge, in concurrence with the Mahomedan law officer.

2. The mode of enquiring into this case, both on the part of the Officers of Police and the Sessions Judge has been, the Court of Foujdaree Udalt are constrained to remark, most discreditable.

3. The murder, as is to be gathered from the evidence, took place in open day, in the presence of at least 100 people of the village. The village Moonsiff, who, if not on the spot at the time of the murder, was there immediately afterwards, reported that he could not discover who murdered the deceased, the head of Police who held an Inquest on the body, does not appear to have made any attempt to discover who beat and pinioned the deceased, but contented himself with examining witnesses, who deposed to no particulars, and were evidently friendly towards the accused.

4. The 1st and 2nd witnesses were, the Court of Foujdaree Udalt observe, the last persons likely to give trustworthy evidence as to what had occurred, as it was at their instigation that the mob maltreated and finally murdered the deceased. The Sessions Judge did not even ask the 1st witness whether he identified the prisoners in the crowd, nor did he examine the 3rd or 4th witnesses, who, before the Police, deposed to certain acts of violence committed on the deceased by some of the prisoners, which depositions they confirmed on oath before the Principal Sudder Ameen.

5. In fact, a suspicion arises that the case has been sent up through a conspiracy (the Tahsildar being either a party thereto or a mere tool used by the real culprits) on the evidence of witnesses, themselves accessories in the crime, in order that the case being tried on such friendly evidence, it might break down, and thus the prisoners once acquitted, could never be tried again.

6. The proper course for the Session Judge would have been to have refused to try the case in the way it was sent up, and to have requested the Magistrate to take it entirely out of the hands of the Tahsildar, and to hold a personal investigation on the scene of the murder, in order that fresh and satisfactory evidence might be taken, which, had a proper course been pursued, would most likely have been forthcoming. But if the Session Judge considered it expedient to commence the trial, he ought to have called for such further evidence as the exigency of the case imperatively demanded, which should have been obtained by a local investigation, conducted by the Magistracy; but instead of adopting either of these courses, the trial appears to have been hurried over with a rapidity and a carelessness which, considering the importance of the case, was most indecorous, and the consequence has been that, owing to the convenience of the Police officers who committed the case, and the supineness and culpable deficiency of judgment of the Judge who tried it, public justice has been entirely frustrated.

7. The Court of Foujdaree Udalt direct the Magistrate to proceed at once, or direct the Head Assistant to do so, to the village, endeavour to obtain evidence against any of those concerned in the murder, who have not yet been tried, and hold an investigation as to the conduct

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of the Police and village officers, and to report the result with his opinion, for the information of the Court of Foujdaree Udalut.

8. They further direct that until the enquiry be terminated, and the opinion of the Court declared, the head of Police be suspended from office.

9. The Court of Foujdaree Udalut desire the Session Judge will forward to them an explanation of his conduct in regard to the disposal of this case.

Ordered that extract from these Proceedings be sent to the Session Judge of Trichinopoly, by precept returnable in X days from and after its receipt.

In return to the exigency of the foregoing precept which accompanied an extract from the Proceedings of the Foujdaree Udalut, dated 22nd Instant, containing their remarks and orders in case No. 33 of 1856, the Session Judge has the honor to state, that he has forwarded copy of the above extract to the Magistrate of Trichinopoly, and directed him to conform to the instructions contained in paras. 7 and 8 thereof, copy of his return is herewith forwarded.

1. It is with feelings of the deepest regret the Session Judge finds that his proceedings in the case in question, have been so seriously found fault with, and animadverted upon by the Judges of the Foujdaree Udalut; however deficient he may have been in judgment, the Session Judge can conscientiously and solemnly declare that he gave the case his very best consideration, and most certainly did not intentionally or wilfully hurry through it with rapidity and carelessness; in fact, the case was pending before the Court for four days; should the following explanation not in any way tend to remove or lessen the disapprobation of the higher Court, the Session Judge must ever lament having incurred so painful and deplorable a result. It is quite out of the power of the Session Judge to express inadequate language how greatly grieved he has been, and still continues to be, at having thus unexpectedly laid himself open to the imputation of having behaved with supineness, and apparently hurried through, with indecorum in a case of this important nature.

2. With regard to para. 4 of the superior Court's extracts wherein they comment upon the Session Judge's omission to ask the 1st witness whether he identified the prisoners in the crowd, and to examine the 3rd and 4th witnesses, the Session Judge begs to explain that the 1st witness did not criminate any of the prisoners before the Session Court, but on the contrary he declared in his answer to the first question put to him, that he did not know the particular persons who beat the deceased. Adverting however to his Police deposition, wherein he had testified to having recognized the prisoners, the Session Judge asked him how he could have recognized them in a crowd of 100 persons, to which he was unable to give a proper answer; under these circumstances the Session Judge thought it unnecessary to question the 1st witness as to whether he identified the prisoners in the mob.

3. The evidence of 2 principal witnesses for the prosecution, (viz., the 1st and 2nd) having proved a complete failure, the Session Judge dispensed with the examination of the 3rd and 4th witnesses, considering that their testimony, even if it were satisfactory, would not of itself be sufficient to lead to the conviction of the prisoners in a case involving life and death. The alleged recognition by two individuals of the prisoners among a crowd of nearly 100 persons, and in the confusion which appears to have prevailed on the occasion, could scarcely, in the opinion of the Session Judge, be depended on.

4. In reference to para. 6 of the extract in question, wherein the Court of Foujdaree Udalut animadvert upon the Session Judge's proceeding in commencing the trial of the case in the way it was sent up, he begs to observe, that the impression created in his mind by a perusal of the Calendar and record of the case as they were received by him from the Criminal Court, was that the testimony of the 4 witnesses who appeared before him, would be sufficient for the conviction of the prisoners, if they as clearly supported the prosecution before the Session Court, as they did before the Police and Principal Sudder Ameen. It never occurred to the Session Judge that the 1st and 2nd witnesses were accessaries to the crime. He was led to consider that their evidence involving as it did a self-condemnation, bore on its face the air of truth; neither did he in the least suspect them of having instigated the prisoners or others to the commission of the murder, but he believed in their statements that being terrified by the outrageous conduct of the deceased, who was mad, they raised an alarm, which attracted to the

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spot the mob who perpetrated the fatal deed, without the co-operation of the said witnesses. With this view of the sufficiency of the evidence, the Session Judge proceeded to the trial of the case in the way it was sent up to him, but the 2 principal witnesses having broken down in their examination, the Session Judge had no other alternative, but to throw out the case.

5. The Session Judge thought it useless to call for further evidence, since it would be hardly procurable, almost the whole of the inhabitants of the village where the murder took place being concerned in that act, and all the alleged eye-witnesses of the fact having been forwarded by the head of Police to the Court.

6. Over and above the 4 witnesses sent up by that Officer, he examined a great number of persons, some of whom were neighbours of the scene of the murder, and many of them residents of the village in question, disinterested persons and distinct from those who composed the mob; but their testimony not being calculated to throw any light on the subject, the Head of Police omitted to send them to the Court. The prosecutrix herself could not ascertain who killed her son, the village Moonsiff and the deceased's own relative Rungien Ausary, who came to the spot and saw the dead body immediately after the murder, were equally unable to discover who murdered the deceased. Thus every available source of information to which the head of Police had recourse, having proved vain, the Session Judge was led to question the possibility of procuring further evidence, and therefore proceeded to dispose of the case as it stood.

7. The Session Judge would here observe that he did not entertain the slightest suspicion of foul play in the case when it was under his consideration and enquiry, no written or personal complaint has ever been made to him at any time by any party, either before or since the trial, insinuating such suspicion against the Police officers. He begs to assure the Court of Foujdaree Udalut, that had the least idea of a conspiracy on the part of these officers crossed his mind at the time, he would have at once pursued either of the courses pointed out by the Court in para. 6 of their extract.

8. In making these observations, the Session Judge disclaims all idea of setting his judgment in opposition to that of the higher Court, and trusts that they will do him the justice to believe that he has only given utterance to the sentiments entertained by him during the trial of the case, and that impressed as he is with the great importance of the matter he will be most happy if the personal investigation which the Magistrate has been ordered to make on the scene of the murder, terminate in the apprehension and conviction of the real culprits.

9. The Session Judge must, in conclusion, again deeply deplore that any part of his proceedings should have called forth from the Judges remarks so distressingly hurtful to his feelings as to imagine him capable of having behaved with carelessness, supineness, and indecorum, in a case affecting life and death; it would afford him the highest satisfaction, and remove a great load of pain and anxiety from his mind, if the Judges are able at least to acquit him of having acted in the manner thus imputed to him.

Given under my hand and the seal of the Session Court of Trichinopoly, this 27th November 1856.

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

Extract from the Proceedings of the Foujdaree Udalut, under date the 9th December 1856.

Read return dated the 27th November 1856, from the Acting Session Judge of Trichinopoly, to the precept of the Court of Foujdaree Udalut, under date 22nd November, containing their remarks and orders in Calendar of case No. 33 of 1856.

The Court of Foujdaree Udalut do not consider the explanation furnished by the Sessions Judge regarding the disposal of this case to be satisfactory, or to be such as to alter the opinion of the Court as recorded in extract from their Proceedings of the 22nd Ultimo.

Ordered that extract from these Proceedings be sent to the Acting Session Judge of Trichinopoly, for his information.

(True Extracts and Copy.)

(Signed) GEORGE ELLIS,
Register.

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No. of the Case.	Names of the Parties.	Abstract of the charges and date on which they were preferred.	Date of		Names of the Prosecutrix's Witnesses.	Abstract of the examination, grounds, and date of commitment for trial.	Names of the Prisoners held to bail.	Names of the Prisoners	Names of the Witnesses on the part of the Prisoners.	Remarks of the Session Court.	
			Leaving the Talook.	Apprehension.						Trial when commenced.	Trial when closed.
33	Nullathangal, Prosecutrix, <i>Versus</i> 1 Ponnumbalathoodyan. 2 Thoppoodyan. 3 Thotra Vee-ruppoodyan. 4 Annachellathoodyan. 5 Mootoocurpoodyan. 6 Samenadacurpoodyan. 7 Mootoody Sengumdy in the Talgoody Talook, pinnioned one Govindanasary, aged 30 years, who was there with a rope, severely beaten and wounded him with sticks in different parts of his body, from the effects of which the said Govindanasary died in an hour after.	Murder. The Prisoners are charged with having at 2 o'clock on the evening of the 18th September 1856, in company with about 10 others, armed with sticks, proceeded to the village of Iyanar Covil in their village of Sengumdy in the Talgoody Talook, pinnioned one Govindanasary, aged 30 years, who was there with a rope, severely beaten and wounded him with sticks in different parts of his body, from the effects of which the said Govindanasary died in an hour after.	23rd.	24th.	1 Dorasamy Goorookul. 2 Iyasamy Goorookul. 3 Liehoomany Poo-sary. 4 Ramasamy Pillay. and with wounds over all his body and states that she does not know by whom her son was murdered. 2. The prisoners plead not guilty. 3. The 1st, 2nd, 3rd and 4th witnesses depose that on the evening of the day mentioned in the charge, the deceased having entered into the Covil in the prisoners' village, the 1st and 2nd witnesses, goorookuls or priests of the Covil, raised an alarm, that the people of the village came to the spot in a crowd and pinnioned him with a rope and very severely beat and wounded him in different parts of his body with sticks, until he was almost dead, and then carried him suspended on a bamboo stick to the road on the east, where they left him. The 1st and 2nd witnesses further state that the deceased died within an hour after he had been so beaten.	1. The Prosecutrix, the mother of the deceased deposes to having seen the deceased lying on the ground dead, and with wounds over all his body and states that she does not know by whom her son was murdered. 2. The prisoners plead not guilty. 3. The 1st, 2nd, 3rd and 4th witnesses depose that on the evening of the day mentioned in the charge, the deceased having entered into the Covil in the prisoners' village, the 1st and 2nd witnesses, goorookuls or priests of the Covil, raised an alarm, that the people of the village came to the spot in a crowd and pinnioned him with a rope and very severely beat and wounded him in different parts of his body with sticks, until he was almost dead, and then carried him suspended on a bamboo stick to the road on the east, where they left him. The 1st and 2nd witnesses further state that the deceased died within an hour after he had been so beaten.	For the 1st prisoner. 1 China Ca-roopoodyan. 2 Pareya Ca-roopoodyan. For the 2nd prisoner. 3 Vencata-chellamiengar. 4 Sooblyen. For the 3rd prisoner. 5 Carpoodian. 6 Valayuthoodyan's son Carpoodyan. For the 4th prisoner. 7 Chellacotty. For the 5th prisoner. 8 Mootoo-poodyan. For the 6th prisoner. 9 Mookacoodyan.	For the 1st prisoner. The Mahomedan law officer acquits the prisoners took any part in causing the death of the deceased. 2. The 1st and 2nd witnesses, priests of the pagoda in question, state that the deceased entered the place of worship, assaulted one of the witnesses, and behaved altogether like a madman, that they raised an alarm, when a mob of more than 100 persons assembled and dragged the deceased out of the pagoda; that deponents remained behind, and are unable to state by whom the deceased was beaten. 3. The 1st report shows that a relative of the deceased was seen standing by the corpse that day, and being questioned, said he knew not who had killed the deceased. 4. The Futwah acquits the prisoners, and declares them entitled to be released. I agree in the acquittal, and the prisoners are accordingly released.	2nd October 1856.	2nd Oct. 1856.	2nd Oct. 1856.
Criminal case No. 88 of 1856.											
Head of Police of Lallgoody.											
Trichinopoly Session Court, 2nd October 1856.											
(Signed) T. I. P. HARRIS, Session Judge.											

the 6th, as part of the people that ill-treated the deceased
5. The 3rd witness recognizes the 2nd, 6th and 7th prisoners, and the 4th witness, the 2nd and 6th prisoners as part of the people that were engaged in ill-treating the deceased.
6. The Garrison Surgeon certifies to the state in which he found the body of the deceased on an examination of it.
7. 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.

Note.—The 4th witness, forwarded by the Head of Police, was not examined as he was not able to recognize any of the assailants.

Trichinopoly Principal Sudder Ameen's }
(Signed) J. GORDON,
Principal Sudder Ameen.

Court, 27th September 1856.

(True Copy.)

(Signed) GEORGE ELLIS,

Register.

For the 7th prisoner. 10 Nauchoo-poodyan. 11 Ramanadaoodyan. For the 8th prisoner. 12 Curpoodyan. 13 Valoydaoodyan. For the 9th prisoner. 14 Canagapaoodyan. For the 10th prisoner. 15 Coolloo. 16 Veethee. All residing in the Lallgoody Talook.