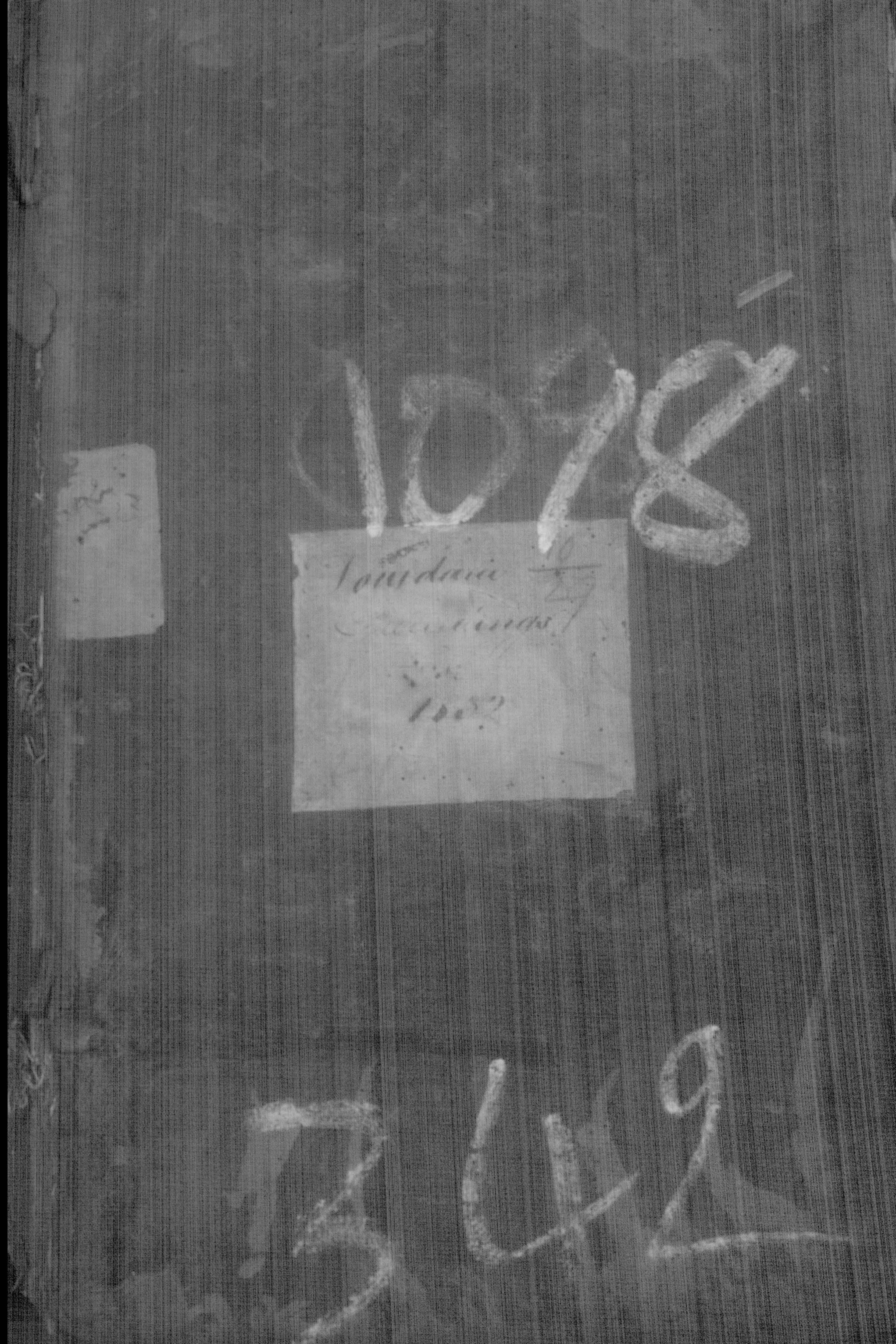


96

At a Court of the Ordinance Held

Present

Wednesday
4th January, 1832

The Honble F. J. Grant Esqre Chief Justice Presidg
John Bird Esqre Acting 2d Justice
William Huntington Esqre Acting 3d Justice

Read Petition presented
the 21st ultimo by Alexander of the
of Chinglepet

(Here enter Petition)

The Petitioner alleges
her husband and some other relations
turned her out of his house one night
after torturing her privately and
her and mal-treating her. That she
returned to the house on the next
and they treated her in the same
She therefore complains to the
Mayors of and Sahibs sent for
redress. She then went to the Pe
who sent a Peon and ordered the
to investigate her case, but the
having been bribed by her husband
put off her complaint without
Expiation.

The Petitioner prays
orders may be issued

T. M.

At a Court of the Tongidarra Middleton

Present,

Thursday 5th January 1832.

The Hon.ble C.T. Grant Esq.re 1st Puisne Judge
John Reid Esq.re Acting 3d Judge
William Middleton Esq.re Acting Judge

Read letter dated the 22d Ultimo from the Provincial Court of Circuit in the Centre Division, transmitting the original warrant issued by the late 3d Judge for the execution of Siddakka the 1st prisoner concerned in case No.17 of the Bellary Calendar for the 1st Sessions of 1831 together with copy of a letter from the Acting Criminal Judge of Bellary in which that officer suggests a form of procession for the attendance of certain European and Native Public officers at future executions, for the purpose of rendering the same more impressive.

(Here enter No.1020 of 1831)

Read also letter dated the 28th Ultimo, from the Provincial Court of Circuit in the Centre Division, transmitting copy of a letter and its enclosure from the Acting Criminal Judge of Bellary, suggesting that the "paper" to be sent along with prisoners forwarded to the Criminal Court by the Magistrate under the provisions of Section XXV Regulation IX of 1816, be prepared in the form which the Heads of Police are to prepare

directing him to consult her husband
[illegible]
The Petitioner should proceed
for redress to the Judge in Circuit

Ordered, that extract of the proceedings be furnished to the Petitioner on her application.

Read petition presented to the Court on the 28th Ultimo by Arrumakulla Timmanna and five others of the Zillah of Chingleput

(Here enter Order No.105 of 1831)

The Petitioners in the above petition allege that they are dissatisfied with the former order of the Court upon their petition of the 7th Ultimo, but do not advance any thing to cause the Court to alter the said order under which their prayer that the record of the Trial by the Tongidarra Middleton, and rejected for by the Chingleput Calendar might be called for by the above Petition is therefore rejected: and the Petitioners are referred to the former order.

Ordered, that extract of this proceedings be furnished to the Petitioners on their application.

Feby. 1832

directing him to compel her husband to maintain and [illegible] her

The Petitioner should apply for redress to the Judge in Circuit.

Ordered, that extract of these proceedings be furnished to the Petitioner on her application

Read petition presented on the 28th ultimo by Arroomahella Pinnaramma and fifteen others of the Gillah of Chinglepat.

(Here enter Case No. 1065 of 1831)

The Petitioners in the above petition allege that they are dissatisfied with the former order of the Court upon their petition presented on the 7th instant and pray that the said order under which their names were struck off the Jurors list of Chinglepat Calendar might be called for by the Magistrate &c &c &c

The above Petition was rejected: and the Petitioners are referred to the former order.

Ordered, that extract of these proceedings be furnished to the Petitioners on their application.

T. C.

At a Court of the Magistrate

Present,

Thursday 5th January 1832.

T. C. Grant Esqre 1st Puisne Judge

John Reid Esqre Acting 3d Judge

William Huddleston Esqre Acting Judge

Read letter, dated the 22d Ultimo, from the Provincial Court of Circuit in the Centre Division, transmitting the original warrant issued by the late 3d Judge for the execution of Siddoh the 1st prisoner concerned in case No. 17 of the Bellary Calendar for the 1st Sessions of 1831, together with copy of a letter from the Acting Criminal Judge of Bellary in which that officer suggests a form of procession for the attendance of certain European and Native Public officers at future executions, for the purpose of rendering the same more impressive.

(Here enter No. 1020 of 1831.)

Read also letter, dated the 22d Ultimo, from the Provincial Court of Circuit in the Centre Division, transmitting copy of a letter and its enclosure from the Acting Criminal Judge of Bellary, suggesting that the "paper" to be sent along with prisoners forwarded to the Criminal Court by the Magistrate under the provisions of Section XXV Regulation IX of 1816, be prepared in the form which the Heads of Police are required

to furnish under clause fourth Section ~~XXXVII~~ 3
Regulation ~~XI~~ of 1810.

(Here enter No. 1017 of 1831.)

Also read letter, dated the 23d. Ulting. from the Provincial Court of Circuit in the Centre Division, submitting copy of a letter from the Acting Criminal Judge of Bellary wherein Mr. Boileau suggests "that "a notice be issued to the Magistrates in the "instances of persons discharged under sentences "of the Criminal Court for a period above six "months."

(Here enter No. 1014 of 1831.)

The Judges having taken into their consideration the foregoing communication are of opinion that they do not contain any proposition which the Court can recommend the adoption either as necessary or expedient; the Court therefore abstain from taking further notice of these papers than to remark that the List forwarded to the Criminal Court by the Magistrate of Bellary is prepared in conformity to the Regulations, and that the Judges see no necessity for altering the present mode of proceeding, and with reference to the suggestion contained in the letter last noticed the Judges will observe that as the Magistrates have information of all sentences passed it is within

within their power to ascertain when a prisoner's term of imprisonment may expire

Ordered, that extract from these proceedings be forwarded to the Provincial Court of Circuit in the Centre Division for the information of the Acting Criminal Judge of Bellary.

(Sent following letter No. 5)

Read letter, dated the 23d. Ult. from the 2d. Judge on Circuit in the Southern Division, recommending a mitigation of punishment in the case of the prisoner named Coopan convicted of Robbery in case No. 2 of the Coimbatore Calendar for the 2d. Sessions of 1831.

(Here enter No. 1024 of 1831.)

The Court having considered the grounds on which the 2d. Judge has recommended that the punishment to which the prisoner named in the report has rendered himself liable should be mitigated to 4 years imprisonment with hard labor in irons, resolve to sanction the mitigation of punishment proposed.

Ordered, that extract from these proceedings be forwarded to the 2d. Judge on Circuit in the Southern Division for his information

(Sent following letter No. 6.)

5th Jany 1832.

Read return dated the 28th Ult.
ming from the Judges of the Provincial Court of
Circuit in the Southern Division, to precept
of the 10th Instno, requiring the Provincial Court
to instruct the several Criminal & Joint Criminal
Judges to transmit to the Magistrate monthly
an additional report in which the sentences of
the Court of Circuit and the Zoujdaree Adaulut
received in each month are to be specified.

(Here enter No 1.)

Read return dated the 28th Instno
from the Provincial Court of Circuit in the Southern
Division to precept of the 21st November last, con-
veying the remarks and orders of the Zoujdaree
Adaulut on the Criminal Reports of the Eastern
Judge of Guntoor for the months of July & August

(Here enter No 4.)

Read return, dated the 28th Instno
from the Provincial Court of Circuit in the Southern
Division, to precept dated 8th Instno, ordering
communication to the subordinate Courts of the
Courts orders, that whenever the name of a prisoner
is entered in the Criminal Reports in more than
one case it should in the second and other cases
be inserted in red ink.

(Here enter No 5.)

Read letter, dated the 31st Instno
from the 2d Judge on Circuit in the Southern Divisn.
forwarding the original warrant with a copy of a
letter from the Joint Criminal Judge requesting
the execution of Thodalavanden the prisoner
in case No 4 on the Coimbatoor Calendar 2d
Sessions 1831.

(Here enter No 7.)

FK.
5th January 1832

Mr. Grant
&
Mr. Hudleston.

Read letter dated the 30th Novr
last from the Acting Judge late on Circuit in the
Northern Division submitting the record of the
Trial No 1 on the Rajahmundry Supplemental
Calendar 1st Session 1831.

(Here enter No 6.)

The Court of Zoujdaree Adaulut on
a mature consideration of the circumstances of the
case in evidence before them being of opinion
that the proof against the Prisoners

2d Sagadum Canacado
3d Kookapayah Pollador

is sufficient to convict them of Burglary under
clause second Section II Regulation I of 1808
require their Law Officer to declare by a
second futwa to what Specific punishment
the said Prisoners would have been liable
under the Mahomedan Law if they had been
convicted by full legal evidence of the
above crime.

Ordered that extract of these
proceedings be translated and delivered
to the Legal Officer of Court and Abstracts of the
Zoujdaree Adaulut.

At a Court of the Coimbatore Collectorate held
Present,

Saturday. 7th January 1832. E. F. Grant Esqre 1st Puisne Judge
John Baird Esqre Acting 2nd Puisne Judge &
William Huddleston Esqre Acting Judge

Read letter dated the 28th ult.
2d
5th
16th
ultimo, from the 2nd Judge on Circuit
in the Southern Division, recommending
mitigation to 2 years imprisonment with
hard labour in irons, of the punishment
to which the prisoner in Case No. 5 of
the Coimbatore Calendar for the 2nd Circuit
of 1831 had rendered himself liable.

(Here enter No. 1025 of 1831.)

The Court of Sessions having
1. on consideration of the grounds on
which the 2nd Judge rests his recommen-
tion are not of opinion that they are
sufficiently strong to admit of their
sanctioning a mitigation to the sentence
proposed by that officer.

The Judges are of opinion
2. that the punishment alluded to in the
Judge's report as deserving of three years
imprisonment with hard labour in
irons, and they desire therefore that
the 2nd Judge will inform the Court
to that effect to the Acting Superintendent
of Coimbatore

1832

7th January 1832.

Criminal Judge of Coimbatore.

Ordered, that a extract from these proceedings be forwarded to the 2nd Judge on Circuit in the Southern Division for his information and guidance.

(Sent following letter dated 7th Jan.)

Read letter dated the 22nd inst. from the Provincial Court of Circuit in the Centre Division, submitting the Reports required by Section XXXV Regulation XIV 1816 from the several Criminal Judges within the Division for the month of October last, together with their proceedings thereon.

(Here enter No 1005 of 1831.)

It would have been satisfactory had the acting Criminal Judge of Bellary explained why application was not made to the Magistrate for the attendance of the Prosecutrix and her Mother at an earlier period than the 28th of October, the prisoner concerned in case No 7 of the Report No 5 having arrived on the Criminal Establishment the 16th of that month.

2. With reference to the explanation afforded by the acting Criminal Judge of Bellary for Case No 11 of the Supplemental Report bearing on this point, the Judges obtain that the prisoners

7th January 1832.

Coimbatore.

Ordered he direct the Prosecutor to conduct the prosecution, should the wounds received by the Prosecutor preclude his early attendance at the Criminal Court.

The Prisoners concerned in Case No 11 of the Report No 5 having been sentenced by the late Joint Criminal Judge of Coimbatore each to receive 100 Stripes and to be imprisoned and kept to hard labour in irons for the period of one year, the Court conclude that an attempt was made to break into the premises.

Ordered, that extract from these proceedings be forwarded to the Provincial Court of Circuit in the Southern Division, desiring them to communicate the above to the acting Criminal Judge of Bellary and the late Joint Criminal Judge of Coimbatore by express returnable in ten days from and after the receipt.

(Sent following Despatch)

Read letter dated the 6th Instant from the Provincial Court of Circuit in the Western Division, submitting for the orders of this Court copy of a letter from the Criminal Judge in the Zillah of Canara requesting the Court to inform whether the late 2nd Judge intended

92.

7th January 1832.

recommend a mitigation of punishment.

(Herbert Hogg of 1831.)

It having been observed by the
intention of the late 2nd Judge to have
proposed to the Court of Exchequer Adelaide
a mitigation of punishment in the case
of the prisoner committed on Case No 3
of the Canara Calendar for the 1st Sessions
of 1828 so far at least as regards public
exposure and the infliction of stripes
the Judge is resolved on the present occasion
tho' in the absence of the usual report, to
sanction the mitigation of punishment
which the late 2nd Judge has seen cause
to recommend.

2. With regard to the case of the
prisoner named Vencatayya the Court
of Exchequer Adelaide are at a loss to
conceive why if the late 2nd Judge
considered the infliction of stripes
improper on the occasion of passing
sentence awarding them it
being left to the discretion of the 2nd
Judge to award stripes under Regulation
VI of 1811. the thirty stripes thereupon
ordered to be inflicted under the
Original Warrant need not be enforced
by the Criminal Judge of Canara.

Ordered, that a true extract

7th January 1832. these proceedings be forwarded to the Register
Provincial Court of Circuit in the Western Division
Division to be communicated to the Criminal Judge of Canara for his
information and guidance.

(Letter following letter to
Registrar dated the 2nd Instant
Instant from the Provincial Court of Circuit
Circuit in the Centre Division, to precept on
of the 28th ultimo directing the transmission of
Court to instruct the acting Criminal Judge of
of Cuddapah to consider the sentence
originally passed on the prisoners in
No 2 of the Cuddapah Calendar 1st Sessions
1829 to be in force

(Herbert No 19.)

Read letter dated the 2nd Instant
from the 2nd Judge late on Circuit
in the Southern Division, forwarding
the original warrant with a copy of
letter from the Criminal Judge requesting
the execution of the sentence
prisoner in Case No 3 on the Cuddapah
Calendar 2nd Sessions 1831.

(Herbert No 15.)

RR

col Cozzat and Mooftee aforesaid do acquit the prisoners,

2nd "Nolloy," and

4th "Pantanlun,"

of the crime charged against them, but considering that strong suspicion attaches to them, the Court of Bogdaree Adalut direct under Clause sixth Section II Regulation XV of 1813 that they be each required to find security in two sureties of 100 Rupees each surety for their good behaviour and appearance when required within three years, or in default thereof that they be detained for that period in confinement.

The Court of Bogdaree Adalut being of opinion that the proof against the Prisoners

1st "Potty Nathan,"

2nd "Mandy," and

4th "Mannay"

is sufficient to convict them of Gang Robbery under Clause first Section II Regulation I of 1818 do convict them thereof, and under Clause second Section IV Regulation XV of 1803 and Clause third Section II Regulation I of 1825 and Regulation VIII of 1828, adjudge the said Prisoners,

1st "Potty Nathan,"

2nd "Mandy," and

4th "Mannay"

to receive each 15 stripes with the Cat o nine tails, and to be transported to such

place or places beyond Sea, as the Right Honorable the Governor in Council shall appoint, there to be imprisoned and kept to hard labor in Irons on the Public roads or other public works, for and during the period of their natural lives.

(Continued following letter No 18)

Read letter, dated the 22nd instant, from the Provincial Court of Circuit for the Centre Division, submitting copy of a letter from the Acting Criminal Judge of Bellary, wherein that Officer requests permission to modify the portion of the Warrants assigning hard labour in favour of 11 Convicts who from age and debility are unable to undergo the same and further requesting to be permitted to act in a similar manner in all future cases of the same description without reference to the Bogdaree Adalut.

(Vide entry No 1079.)

Documents accompanying the above letter is an extract from the Proceedings of the Provincial Court in which the 2nd Judge observes that he considers any Punishment under the present regulations unnecessary as it has always been left to the discretion of the Criminal Judge to remit from Labour or any portion of those Convicts who may be thought conditionally unable to undergo this

10th Janry 1832

of their sentences in this opinion the Judge of the Court of Equitance Malacca entirely concurs, and they direct therefore that the above be communicated to the Acting Criminal Judge of Bellary for his information and future guidance through the Provincial Court of Circuit in the Centre Division to whom it is resolved that an extract from these proceedings should be transmitted.

(Sent following letter No 17.

Sept.

24th

1832

P. 46.

At a Court of the Equitable Jurisdiction.

Friday
13th January 1832.

Present
J. F. Grant Esqre 1st Puisne Judge
John Bird Esqre Acting 3d Judge
William Huddleston Esqre Acting Judge

Read again letter dated the 30th November last from the Acting Judge Circuit in the Northern Division, transmitting the case Ref. on the Registrar's Supplemental Calendar 1st Session of 1831.

(Here enter No 963)

Read also second further letter from the Acting Judge Circuit in the Northern Division dated 10th January 1832 transmitting the case Ref. on the Registrar's Supplemental Calendar 1st Session of 1831.

(Here enter No 964)

24th
1832

Mr Grant
Mr Huddleston

Read also second further letter from the Acting Judge Circuit in the Northern Division dated 10th January 1832 transmitting the case Ref. on the Registrar's Supplemental Calendar 1st Session of 1831.

(Here enter No 964)

The Court of Equitable Jurisdiction having maturely considered the proceedings before the Judge on Circuit the Letters of the Provincial Law Officers and the Letters of the Register and Assistant of the Equitable Court, confirm the said Letters of the Register and Assistant aforesaid acquitting the Prisoner

1st Vandum Letty Venkatadry

of the crime charged against him, but considering that strong suspicion attaches to him the Court of Equitable Jurisdiction direct the under Clause Eight Section II Regulation

of 1803 that he be required to find security in two sureties of 50 Rupees each for his good behaviour and appearance when required within two years, or in default thereof that he be detained for that period in confinement and in commutation of the penalty of imputation awarded in the future against the prisoner

2d Sagadum Canacadoo
and
3d Nookalayah Pollaroo

the Court of Judicature Adalut adjudge them to be imprisoned and kept to hard labour in irons on the public roads or other public works for the period of (7) Seven years.

(Sent following letter at 2 1/2)

Mr Grant and Mr Bird

Read return, dated the 12th Ulto from the 1st Judge of the Provincial Court of Circuit in the Centre Division to precept of the 5th Ult. to him, calling on him to submit the record of the Trial No 8 Chingleput Calendar 1st Sessions 1831 after taking the necessary measures to procure the evidence of the 12th and 15th Prisoners' evidence named and completing the trial.

(Here enter No 978.)

Read again letter, dated the 25th Ult from the 1st Judge Centre Division, submitting the record of the trials in cases No 8 on the Chingleput Calendar for the 1st Sessions of 1831.

(Here enter No 837.)

13th Jany 1832

The prisoners

5th Chetumbaram
8th Talayvaichetty
9th Varadarama Padiachee
13th Pankiarangen
and
25th Vellien alias Vellamoorgy

were released by order of the Circuit Court, who also released on security the Prisoners,

6th Maurey
7th Ramadaumy Padiachee
10th Sungappen
16th Oobayapoorten
17th Alagun
18th Venkatachellum Son of Narraimen
19th Moottoo goundan and
21st Coolandy

The Court of Judicature Adalut having maturely considered the proceedings held before the Judge on Circuit the future of the Provincial Law Officer, and the future of the Cazi ul Cozat and Mooftee of the Sudder Adalut, confirm such part of the said future of the Cazi ul Cozat and Mooftee of Poonah as consigns the prisoners,

1st Narayn
2d Feeran
11th Chengulroyen
13th Nullaredden
14th Corthian alias Corpse Mootoo
and
15th Ramadaumy

of the Crime of Gang robbery attended with aggravating circumstances, and sentences

13th Jan.y 1832.

Sentences of Ko Kootub awarded in the future;
the provisions of Clause Second Section IV Regu:
:lation XV of 1803, Clause Third Section II Re:
:gulation I of 1825, and Regulation VIII of 1828.
assigne them to suffer each One hundred and
ninety five stripes with the Cat-o-nine tails
and to be severally transported to such place
or places beyond Sea, as the Right Honorable
the Governor in Council shall appoint, there to be
imprisoned and kept to hard labor in irons
on the publice roads or other publice works, for
the period of their natural lives respectively.

The Court of Foujdaree Adaulut being
of opinion that the Prisoners
3d Venkatchellum of Punatoor Pakeachy
and
4th Mootoosawmy
are not convicted on strong presumptive proof or on
the evidence of credible witnesses or on their own
confession of the crime charged against them,
acquit them thereof; but considering that suspi:
:cion attached to them, the Court of Foujdaree
Adaulut direct under Clause Sixth Section II
Regulation XV of 1803 that they be each required
to find security in 2 Sureties of 50 Rupees each
surety for their good behaviour and appearance when
required within 3 years, or in default thereof that
they be detained for that period in confinement.

(Seal following Letter No 22.)

F 11

F 16.
13th January
1832.

Read letter, dated the 4th Instant
from the 3d Judge on Circuit in the Western Di
:vision, reporting the opening of the Sail Delivery
at Calicut for the 4th Session 1832.

(Here enter No 22)

Read return dated the 2d Instant
from the Provincial Court of Circuit in the Western
Division, to precept of the 12th Ultimo, conveying
the remarks and orders of the Foujdaree Adaulut
on the Criminal Reports of the Western Division
for the Month of October last.

(Here enter No 23)

Read letter dated the 7th Instant
from the Acting 1st Judge on Circuit in the
Southern Division, reporting the commencement
of the 1st Session 1832 at Madura.

(Here enter No 24)

Read letter dated the 5th Instant
from the Provincial Court of Circuit in the
Southern Division, submitting copy of a cor
:respondence with the Deputy Judge
Advocate General regarding the non ap
:pearance before the Court Martial, of
Mr Thomas who had been summoned
a Witness.

(Here enter No 25)

Read further return dated the
5th Instant from the Provincial Court in Circuit
in the Southern Division to precept

3th to 4th Jan/1832. 6th Ultimo, ordering communication to the Criminal Judge of Chicacole of the Courts observations in case No 20 Chicacole Calendar 1st Sessions 1831.

(Herecenter No 33.)

Read return, dated the 4th Instant from the Provincial Court of Circuit in the Northern Division, in precept of the 5th Ultimo, conveying the remarks and orders of the Foujdaree Adalut on the printed Criminal Statements for the 1st half year of 1831.

(Herecenter No 34.)

Read letter, dated the 5th Instant from the Acting Judge of Circuit in the Northern Division, explaining the grounds of the sentence passed by him as Criminal Judge of Chicacole on the prisoner in Case No 4 of the Report No V among the Criminal Reports of the Northern Division for the month of May 1831.

(Herecenter No 36.)

8th Ditto

F. 11

8th Petition

At a Court of the Foujdaree.

Present

Wednesday 8th February 1832.

F. A. Grant Esqre 1st Puisne Judge
John Bird Esqre Acting 2nd Puisne Judge
William Budleston Esqre Acting Judge.

Read return, dated the 29th of December last made by the Provincial Court of Circuit in the Northern Division to the precept of this Court of the 22nd of November last, whereby they were required to call upon the Criminal Judge in the Gillah of Rajahmundry to state whether there was any truth in the statement of the Petitioner Veerasalingum, viz: that a complaint preferred by him against the Prisoners in Case No 1 of the Rajahmundry Supplemental Report for the month of November 1830 was dismissed in consequence of his having refused to be sworn by a person of the Vishnooviet.

(Herecenter No 6.)

Also read again Petition presented to the Court of Foujdaree Adalut on the 2nd of November last by Veerasalingum of the Gillah of Rajahmundry

(Herecenter Index Petn No 90 of 1831.)

With reference to the Petition presented to this Court the Criminal Judge of Masulipatam stated that the Petitioner Veerasalingum came before him in the capacity of Prosecutor and on being

"required to support his accusation by an
"oath absolutely refused over and over again
"to conform to established usage and the
"Regulations" that on being again ques-
tioned "as to whether he intended to take
"the oath required and answering in the negative
"was directed to withdraw" the Petitioner
being a person "of low caste and not
"entitled to the special indulgence contem-
"plated by the Regulations."

2. The Acting Judge of the Criminal Court forwards copy of an endorsement made by him on a petition addressed to him by the same person at the 1st Session of 1831 at Rajahmundry, and states that having "called for and carefully perused "all the Magistrate's Proceedings in his "case, the result was his conviction that "the Petitioner's complaint was false."

3. Under these circumstances the Court resolve to reject the Petition No 98 of 1831 as frivolous and vexatious, and the Judges direct that it be intimated to the Petitioner that for the preferment of so false and groundless a complaint the Court would have considered it necessary to have imposed a fine, had not the response and journey to which he has for some reason subjected himself been considered by the Court a sufficient punishment for the scandalous imputations

8th Feby 1832.

imputations contained in his Petition.

Ordered that the above be communicated to the Petitioner.

Read Petition presented on the 5th instant by Meer Cumber Ally.

(Here enter Petn. No 12)

1. The Petitioner alleges that the first Prisoner in the case No 98 of 1831 in the Criminal Court of Chittoor in conjunction with the 2nd to 5th Prisoners beat him severely, and at the request of the 2nd Prisoner wounded him on the head with a sword: that the Criminal Court sentenced the said Prisoners to imprisonment: that the Circuit Court having called for the record of the case unjustly released the said Prisoners on security: that three Prisoners brought charges against Petitioner in case No 99 and that he has consequently been unjustly required to produce security.

The Petitioner prays the Court to call for and consider the records of the said cases No 98 and 99 and to reverse the orders of the Circuit Court.

2. The Court of Foujdaree Rulee are satisfied with the orders passed by the Court of Circuit and do not consider any further investigation

8th Feby 1832

or proceedings necessary.

Ordered, that extract of these Proceedings be furnished to the Petitioner on his application.

Read Petition presented on the 25th Ultimo by Palaundam of the Gillak of Timmelly.

(Here enter Misc. Petn No 14.)

The Petitioner alleges that her Son and another person who were tried in case No 12 of the Timmelly Calendar 2nd Sessions 1831, have been unjustly sentenced by the Circuit Court to 14 years' imprisonment, and prays the Court of Vizagapatam to order their release.

2 The Prisoners were duly convicted, and the Regulations do not provide an appeal from the sentence. The Court of Vizagapatam see nothing in the above Petition to justify their interference.

Ordered, that extract of these proceedings be furnished to the Petitioner on her application.

Read Petition presented on the 25th Ultimo by Poles of the Gillak of Nellore.

(Here enter Misc Petn No 15)

The Petitioner states that she is awaiting the consideration of her case by the Court. It appears that her case was represented in Miscellaneous Petition No 8 of 1832 presented by Mirchavengadoo and Poles on the 17th Ultimo, and that the

Court

F. U.

8th February 1832. Court of Vizagapatam Adalat on a due consideration of the allegations of the Petitioner passed the following order on the 25th Ultimo. "The Petitioners should apply to the Judge on Circuit who is competent to require explanation regarding their case from the Magistrate."

In this order the Petitioner is referred.

Ordered, that extract of these Proceedings be furnished to the Petitioner on her application.

Read Petition presented by Pedapullay Gungoo and four others of the Gillak of Cupotapak.

(Here enter Misc Petn No 16)

The Petitioners allege that the Sons the five Prisoners in case No 35 Boby Calendar 2nd Sessions 1831 have been unjustly convicted of highway Robbery and sentenced to imprisonment for 14 years in the Bobby Gillak Jail, and pray the Court of Vizagapatam to order their release.

The Calendar in which the case referred to by the Petitioners is included, has been before the Court, and there is nothing to impugn the sentence passed on the Prisoners.

Ordered, that extract of these Proceedings be furnished to the Petitioners on their application.

Read

8th Feby 1832

8th Feby 1832.

Read Petition presented on the 25th ultimo by Kistnama Naiken and Palan Naiken of the Gillah of Chingleput.

(Here enter Petn 18)

1 The Petitioners allege that they became security for one Moongen and took him as a partner in cultivation: that the Duffadar of Cotumalore Saboh Abdool Kader, subsequently promised Moongen a reward if he would point out where certain persons concerned in a theft might be apprehended: that Moongen gave the required information to the Duffadar, that Moongen hearing that the same persons had been engaged in a murder got a warrant to apprehend them from the Magistrate: that the Duffadar having found the persons in question, instigated them to declare Moongen to be one of their accomplices: and that Moongen thus lost his reward and was put into confinement.

2 The Petitioners pray the Court to investigate the truth of their representations, and to order the release of Moongen and the payment of his reward.

3 The Courts of Poindavore Adalut see no grounds for their special interference in this case which is under reference for their final decision.

Ordered, that extract of these proceedings be furnished to the Petitioners on their application.

8th Feby 1832

Mr. Bird
and
Mr. Hudleston

Read again letter, dated the 19th ultimo, from the 3rd Judge on Circuit in the Western Division, submitting the record of the trial of Malabar Colandan for Sessions 1832.

(Here enter No 69)

Read also second future delivered in this case by the Cazee and Coazet and Moofties of the Poindavore Adalut

The Court of Poindavore Adalut having maturely considered the proceedings held before the Judge on Circuit, the futwa of the Provincial Law Officers and the futwas of the Cazee and Coazet and Moofties of the Poindavore Adalut, confirm the said futwas of the Cazee and Coazet and Moofties aforesaid and under the sentence of Dohastat awarded as against the Prisoner,

"Karuven Raman,"

adjudge him to be imprisoned and kept to hard labor in Irons on the public roads or other public works for the period of (7) Seven years.

1 With reference to the following observation of the Presiding Judge in Page 17 of the record of the above trial "The Judge on Circuit does not consider any other parts of the Police Officer's proceedings are necessary for the conviction of the

8th Feby 1832

of the Prisoner. The Court of Enquiry deem it proper to point out to him that a complete list of the proceedings and papers taken before the Police Officer should never be omitted because it is not always possible to say what papers the Enquiry Court may consider it necessary to require.

2. In Page 39 the Presiding Judge has omitted to enter the age, place of residence of the Prisoner, and he has also overlooked that the order to the Criminal Judge for the detention of the Prisoner in custody pending the reference of the Trial has not been inserted at the conclusion of the record.

Ordered, that extract of these proceedings be sent to the Judge on Circuit in the Western Division for his information and future guidance.

(Sent following letter No 77.

Read letter, dated the 1st Instant, from the Acting First Judge on Circuit in the Southern Division, transmitting copy of the Timmerally Calendar with remarks and copies of Returns for 4th Sessions 1832.

(Vide enter No 98.)

Ordered, that extract of these Proceedings be furnished to the Petitioner on his Application.

Read Petition presented on the 25th Instant by Nyadawny Kaathayan of the Pillak of Chinglepet.

(Vide enter Vide Petn No 13)

The Petitioner alleges that one Ketawarum Venkataramanaid fraudulently took back his Bond executed to Nothing for the sum of Six Pagodas, and has not repaid the monies that the Bond Assistant Magistrate and the Judge on Circuit when the Petitioner applied to them directed him to prefer his complaint to the Civil Court.

Z. M.

At a Court of the Enquiry Adalut

Present.

Wednesday, 15th February 1832. F. L. Grant Esqre 1st Native Judge
John Birch Esqre acting 3rd Native Judge
William Undleston Esqre acting Judge

Read petition presented on the 18th Instant by Nammintawny Naiken of the Pillak of Timmerally.

(Vide enter Vide Petn No 11)

The language of the above Petition being disrespectful, and the insinuations against Public Officers which it contains being highly improper, the Court of Enquiry Adalut direct that it be returned to the Petitioner.

Ordered, that extract of these Proceedings be furnished to the Petitioner on his Application.

Read Petition presented on 25th Instant by Nyadawny Kaathayan of the Pillak of Chinglepet.

(Vide enter Vide Petn No 13)

The Petitioner alleges that one Ketawarum Venkataramanaid fraudulently took back his Bond executed to Nothing for the sum of Six Pagodas, and has not repaid the monies that the Bond Assistant Magistrate and the Judge on Circuit when the Petitioner applied to them directed him to prefer his complaint to the Civil Court.

15th Feby 1882

2. The Petitioner prays the Court to call for and consider the documents connected with the case, to issue a Precept to a proper Criminal Authority to render him justice.

3. The Court of Sunjalance Udalut are of opinion that the Petitioner can obtain redress only by a Civil Action, and accordingly reject the prayer of the petition.

Ordered, that extract of the proceedings be furnished to the petitioner on his application.

Read Petition presented on the 25th ultimo by Vakeel of Boardgree of the Zillah of Chinglepat

(Execution Civil Petn No 17)

The Petitioner alleges that Bagee Nayak & Jewels to the Bada Mayak who mortgaged them to Petitioner for 500 Rupees that the head of the Salook Police thro' grudge unjustly committed Petitioner and Bada Nayak to the Criminal Court and that also the Jewels in question: that when Petitioner was released, the jewels were detained in the Court Treasury: and that the Rajah of Gurdamel is endeavouring to possess himself of them fraudulently

2. The Petitioner prays the Court to order the jewels to be restored to him, or to direct that the jewels be not given to any body until Bhagee Nayak

has been summoned and examined on oath.

3. The above Petition involves a complaint against the proceedings of the Acting Criminal Judge in a case before him, and the Petitioner should therefore apply to the Court of Circuit.

It appears that the Petitioner was released by the Acting Criminal Judge for want of proof.

Ordered, that extract of the proceedings be furnished to the Petitioner on his application.

Read Petition presented on the 1st Instant by Bungeah Naick and others of the Zillah of Chinglepat.

(Case Otur Dewan Petn No 22)

The Petitioners represented their case to the Court of Sunjalance Udalut on the 9th December last and prayed the Court to call for the record of the trial & proceedings in the Chinglepat Cutcherry. The Court of Sunjalance Udalut on the 15th of the same month rejected their application, and they now direct that the proceedings in Petition No 22 of 1882 be returned to the Petitioners as inadmissible.

Ordered, that extract of these proceedings be furnished to the Petitioners on their application.

Read Petition presented on the

15th Feby 1832

2.

The Petitioner prays the Court to call for and consider the documents connected with the case, to send a Precept to a proper Criminal Authority to render him justice.

3.

The Court of Singapore Adalut are of opinion that the Petitioner can obtain redress only by a Civil Action and accordingly reject the prayer of the petition.

Ordered, that extract of the proceedings be furnished to the petitioner on his application.

Read Petition presented on the 15th instant by Ramjack Naick and Gillah of Chingleput.

(Received Inside Petn No 19)

The Petitioners allege that one Bapoo Nungasawmy mortgaged certain Jewels to one Baboo Mayah who mortgaged them to Petitioners for 500 Rupees. That the head of the Palaah Police through grudge unjustly committed Petitioner and Baboo Mayah to the Criminal Court and sent also the Jewels in question: that when Petitioners was released, the jewels were obtained in the Court Proceedings and that the Rajah of Tanjore is endeavouring to possess himself of them fraudulently

2. The Petitioners pray the Court to order the jewels to be restored to them or to direct that the jewels be not given to any body until Bhoga Nungasawmy

15th Feby 1832

has been summoned and examined on oath.

3. The above Petition involves a complaint against the proceedings of the Acting Criminal Judge in a case before him, and the Petitioner should therefore apply to the Court of Circuit. It appears that the Petitioner was released by the Acting Criminal Judge for want of proof.

Ordered, that extract of proceedings be furnished to the Petitioner on his application.

Read Petition presented on the 1st Instant by Ramjack Naick and six others of the Gillah of Chingleput.

(See Inside Petn No 22)

The Petitioners represented their case to the Court of Tanjore Adalut on the 9th December last and prayed the Court to call for the record of the trial No 7 of the Chingleput Calendar. The Court of Tanjore Adalut on the 15th the same month passed their order rejecting the prayer of the Petition, and they now direct that the present Petition No 22 of 1832 be returned to the Petitioners as inadmissible.

Ordered, that extract of these Proceedings be furnished to the Petitioners on their application.

Read Petition presented on the

15th Feby 1832

the 1st Instant by Pammachie appah of the Zillah of Bellary.

(Here enter Inscr. Petn No 23)

1

The Petitioner alleges that one Pottah Pudmiah of Boodaboogum in Mysore came to Petitioner's Village carried away the Girl betrothed to Petitioner, plundered the articles purchased for about 500 Rupees for the marriage ceremony and confined him for 17 days: and that the five Brothers of Pottah Pudmiah and two Peons and others afterwards beat petitioner severely.

2

The Petitioner prays the Court of Sudder Adawlut to order the Zillah Judge of Bellary to punish Pottah Pudmiah and to restore to Petitioner what he has lost.

3

The Court of Sudder Adawlut have no jurisdiction in this case. The Petitioner must apply for redress to the authorities in Mysore.

Ordered, that extract of these proceedings be furnished to the Petitioner on his application.

Read miscellaneous Petition No 26 of 1832 presented by Rahemman Khan.

(Here enter.

The Petitioner complains of having been beaten and plundered of his property at a place near Kurnool.

It appearing from the oral explanation of the Petitioner that the transactions complained of occurred out of the jurisdiction of the Court. Ordered that

on receipt

15th February 1832

that the Petitioner be informed that the Court have no authority to interfere in the matter.

Ordered, that extract of these proceedings be furnished to the Petitioner on his application.

Read letter, dated the 1st Ultimo, from the acting Judge on Circuit in the Northern Division, submitting case by Nellore Calendar 2nd Sessions 1831.

Mr Grant.
Mr Bird.
and
Mr Braddon

(Here enter No 26)

The prisoners

1st Chetha Lingareddy,
2nd Kenja Venkiah, and
3rd Chetha Rudawadoo

were tried by order of the Circuit Court on security

The Court of Sudder Adawlut having maturely considered the proceedings held before the Judge on Circuit, the futwa of the Provincial Law Officers, the futwa of the Cazee ool Cozat and Mooftee of the Sudder Adawlut, and Mooftee of the Sudder Adawlut, confirm the third futwa of the Cazee ool Cozat and Mooftees aforesaid, convicting the prisoner

1st Cheepereer Ramayadoo

of murder and awarding Fifteen; and the prisoner

5th Balreddy Condia

of being a party to the design of murder and

and awarding Corporal punishment, and requiring
the prisoner
2nd Samala Velien.
of the crime laid to his charge. The
Court of Conjecture Udalut accordingly
adjudge the prisoner
1st Cheeperee Ramegadoo
to suffer death as prescribed by Section
X Regulation VIII of 1832 by being hanged
on a Gibbet to be erected in the immediate
vicinity of the spot where the murder
was committed, his body to be afterwards
suspended thereon in chains. And under the
sentence of Corporal punishment adjudge the prisoner
6th Balasetty Condien
to be transported to such place or places
beyond Sea, as the Right Honorable the
Governor in Council shall appoint there
to be imprisoned and kept to hard labour
in Irons on the public roads or other public
works for, and during the period of his
natural life. Considering that strong
suspicion that not amounting to con-
viction attached to the Prisoners
2nd Samala Velien,
the Court of Conjecture Udalut under the
provisions of Clause first Section X Regu-
lation XI of 1827 direct that he be required
to furnish two Sureties for his good
behaviour in 150 Rupees each for three
years or in default thereof that he
be detained in confinement for the

period of three years.

The Court of Conjecture Udalut
observe that the Acting Judge of Arcot
refers to the declarations of the 1st, 4th and
5th prisoners as corroborative evidence
to the admissions in the declaration
of the second prisoner before the Head
of Police, and deem it proper to call
the attention of the Acting Judge to the
rule in English law that the confession
of a Prisoner is evidence only against
the person confessing, not against
others, although they are proved to be
accomplices.

The second Prisoner's declaration
is not established by the evidence
required by the Regulations owing
to inattention on the part of the Police
Officer to the orders of the Court. They
therefore direct that the Acting Judge
do notify this to the Magistrate with
instructions to cause the Police Officers
to be punished in such manner as
may effectually check future irre-
gularity.

Ordered, that extract of
these proceedings be sent to the
Acting Judge Arcot on Circuit in
the Northern Division for his
information and guidance.

Court for Hearing Letter dated 30
Read

15th Feby 1832

Read letter, dated the 1st Instant,
from the acting Dist Judge on Circuit in
the Southern Division, reporting the de-
parture of the Court of Circuit to Condamana

(Here enter № 97.)

Read return, dated the 30th Ultimo,
from the Provincial Court of Circuit in
the Western Division, to precept dated
28th Ultimo, ordering communication
to the Criminal Judge of Camara of the
Courts observations and to communicate
para 4 to the several Criminal and
Native Criminal Judges within the
Division for their information and
future guidance respecting the trans
mission of reports of the absence of
Prisoners from the Jail to the Fangdarees
Worked through the Provincial Courts.

(Here enter № 103.)

Read return, dated the 8th Instant,
from the Provincial Court of Circuit
in the Southern Division, to precept
dated 25th Ultimo, requiring the Circuit
Courts to furnish to the Magistrates
a copy of the order of the Fangdaree Adalut
of 18th Ultimo, respecting communication
of the grounds on which prisoners
are released by the Criminal Courts.

(Here enter № 108.)

Read return, dated the 9th Instant,
from the Provincial Court of Circuit in
the Northern Division, to precept of the

15th February 1832.

the 28th Ultimo, directing the release of the
1st 2nd 3rd and 4th prisoners in case №5
Gunture Calendar 2nd Sessions 1830.

(Here enter № 112.)

Read return, dated the 3rd Instant,
from the Provincial Court of Circuit in the
Northern Division, to precept dated 25th
Ultimo, requiring the Circuit Courts to forward
to Magistrates a copy of the orders of the
Fangdaree Adalut of 18th Ultimo, respecting
communication of the grounds on which
prisoners are released by the Criminal
Courts.

(Here enter № 115.)

Read return, dated the 6th Instant,
from the Provincial Court of Circuit in
the Western Division, to precept dated
25th Ultimo, requiring the Circuit Courts to
forward to the Magistrates a copy of the
orders of the Fangdaree Adalut of 18th Ultimo,
respecting communication of the grounds
on which prisoners are released by the
Criminal Courts.

(Here enter № 120.)

Read letter, dated the 13th Instant,
from J. G. Cooke Esqr acting Judge on Circuit
in the Northern Division, stating that the
Sessions at Guntoor will commence on the
27th Instant.

(Here enter № 124.)

Read

15th Feby 1832

Read letter from the Court of Circuit in the Western Division dated the 6th Instant, submitting a reference from the Criminal Judge of Canara.

(Here enter No 17)

1. The question submitted for the determination of the Englishe tribunal is whether in the preliminary proceedings in cases referible to the Court of Circuit a Criminal Judge may exercise his discretion as to permitting the prisoner accused party to cross examine the witnesses for the prosecution.

2. The Englishe tribunal have formerly ruled that a Criminal Judge ought not to permit any cross interrogatories on the part of the accused on the accusation. But on reconsideration of the subject with reference particularly to their Circular orders dated the 20th July 1829 and the 17th November 1831, the object of which is to guard against the committal of accused persons on insufficient evidence, for which end a Criminal Judge is required to examine the case for the prosecution with the same care and circumspection as if the prisoner were to be sentenced by himself, they are of opinion that it is necessary for this purpose that in cases in which

15th Feby 1832.

the parties accused are liable to become subject to trial before the Court of Circuit, the officer conducting the preliminary inquiry should have authority at his discretion to permit them to cross examine the witnesses for the prosecution. This proceeding is entirely in conformity with the intention of the Government who have authorized a provision to be inserted in the new Regulation for the administration of Criminal Justice empowering Criminal Judges to take evidence on behalf of the accused before committal for trial.

Ordered, that extract of this proceedings be transmitted to the several Courts of Circuit to be by them communicated to the Subordinate Criminal Courts for their information and guidance.

(Sent following Circular letter dated 21 Feby 1832)

At a Court of the Inquisitorial Assistants.

Present.

Saturday, 25th February, 1832. P. A. Grant Esqre 1st Puisne Judge
John Bird Esqre acting 2nd Puisne Judge
William Huddleston Esqre acting Judge

Read letter, dated the 18th ultimo,
from the Second Judge of the Court of Circuit
in the Eastern Division, transmitting the record
of trial in case No 3 of the 1st Supplemental
Calendar of the Gillah of Chittoor for the
4th Quarter Sessions 1831.

(Here enter No 90)

The Court of Inquisitorial Assistants
on a mature consideration of the circumstances
of the case and the
of opinion that the proof against the
Prisoners,

1st Coolum, and

2nd Chinnapien,

is sufficient to convict them of Robbery as
by open violence, under the provisions of
Clause first Section II Regulation I of 1816
to convict them thereof, and under Clause
second and fifth Section IV Regulation three
XV of 1803, adjudge them to be each imprisoned
imprisoned and kept to hard labor in
Irons on the public roads or other public
works, for the period of (10) ten years.

Court following, letter dated

Read return, dated the 11th

from

18th Feby 1832

from the Provincial Court of Circuit in the Centre Division to precept dated 6th Instant ordering communication to the lower Courts of this Courts orders, that in case of Perjury a copy of the indictment adapted at the arraignment under the Circular orders of 27th January 1828 and 23rd November 1828 shall be entered in the Column of the Abstract of the charge.

(Here enter No 127.)

Read letter, dated the 10th Instant from the Provincial Court in the Centre Division, transmitting an extract from the proceedings of the Court together with a supplement to the Report No 5 for the Month of December 1831 from the Criminal Judge of Chittoor.

(Here enter No 128.)

Read letter, dated the 9th Instant, from the Third Judge on Circuit in the Western Division, reporting the day fixed for opening the 1st Sessions for 1832 at Mangalore.

(Here enter No 132.)

Read letter, dated the 15th Instant from the Second Judge on Circuit in the Centre Division, reporting that the 1st Sessions of 1832 will commence at Bellary on the 8th Proximo.

(Here enter No 133.)

F. H.

In Court of the Register &
Canara.

Tuesday 7th February 1832.

Present
H. S. Grant Esqre 1st Puisne Judge
John Bird Esqre acting 2nd Puisne do

Register Abdulut.

Read letter, dated the 30th ult. from the 3rd Judge on Circuit in the Western Division, submitting the record of the trial of Nº 15, Dualahan Calendar 1st Sessions 1832.

(Here enter Nº 99.)

The Court of Register Abdulut having maturely considered all the circumstances of the case in existence before them, and being of opinion that the proof against the Prisoner,

Pullaly Kristna Nair,

is sufficient to convict him of culpable Homicide, under Clause Second Section II Regulation I of 1818 do require their Law Officers to declare by a Second Futwa, to what specific punishment the Prisoner would have been liable under the Mahomedan Law, if he had been convicted by full legal evidence of the above crimes

Ordered, that an extract of these proceedings be transmitted and furnished to the Agent and Superintendant of the Register Abdulut.

Mr Grant & Mr Bird

Sessions of 1832 for
Trial of
Petitions
Judge of
Petitions
Judge
Petitions
Judge
Petitions
Judge

18th February 1832

Wednesday

18th January 1832

18th January 1832. At the 8 stated Sessions Present Lushington

E. H.

At a Court of the Vigilance Adalut.

Present,

Wednesday
18th January 1832. E. H. Grant Esqre 1st Puisne Judge
John Bird Esqre acting 2nd Puisne Judge
William Knollston Esqre acting Judge.

Read petition No 1 of 1832 pre-
sented by the Count Vincent Raphael Appiani on
behalf of Rajah Mannen Tonantiaren
Petitioner

It appears that the Petitioner has
been committed by the Native Judge of
Cymbatore for trial by the Court of Circuit on
a charge of murder, that the Petitioner
applied to the Native Judge to be released
on bail, which was refused: and that
he thereupon applied to the Provincial
Court of Circuit to order the Native Judge
to admit him to bail under Section XI
Regulation X of 1816, and that the Court de-
clined upon the ground that being committed
to trial for Murder he could not by law
be discharged upon bail. In addition to
of the proceedings of the Court upon the
application is produced, bearing date on
the 30th November 1831. The Petitioner
prays this Court to order
bail.

2. Person committed for
trial on a charge of Murder cannot by

be admitted to bail on special grounds and before the circumstances of this case could be investigated for the purpose of ascertaining whether there are grounds to grant this indulgence to the Petitioner the Court of Circuit will probably be prepared to proceed with his trial at the ensuing Sessions. It does not appear therefore that it would be of any avail to the Petitioner for this Court to interfere.

3. But the Court think it proper with reference to the proceedings of the Provincial Court of Circuit under date the 30th November 1831 to point out to that Court that under Section XI Regulation X of 1816 it would have been competent to it to grant the Petitioner's request, although the crime with which he is charged is not bailable under the general provisions of the Regulations, if upon inquiry there appeared to be sufficient reason for it.

Ordered, that extract of paras 1 and 2 of these proceedings be furnished to the Petitioner's Vakeel on his application.

Ordered also, that extract from paras 1 to 3 of these proceedings be sent to the Provincial Court of Circuit in the Northern Division for their information & guidance.

(Sent following letter No 30
Read Petition presented on the

this 4th Instant by Tunda Mooeen Lubbay and two others of Tinnevelly.

(Here enter Mise Petn No 2)

The Petitioners allege that one Palany Numbeen placed his Swamy on their land against Mamool, and gathered people there, that on the Petitioners desiring him not to do so, he and about 15 or 20 others maltreated them, that he then made a false charge before the Assistant Judge who unjustly levied a fine of 100 Rupees from the Petitioners to whose complaints through the influence of the said Palany Numbeen no attention has been paid.

The Petitioners pray that the Court of Foujdaree Adaulut will render them Justice.

If the Petitioners have any grounds for complaint they should address the Provincial Court.

Ordered that extract of these proceedings be furnished to the Petitioners on their application.

Read Miscellaneous Petition No 3 of 1832, presented by Canaca Sabha Chitty and Nonjapah Chitty of Dharumpury in the Zilla of Salem complaining of oppressive treatment by certain native Officers of the establishment of the Collector of that District, and of the proceedings of the Magistrate when the matter was brought under his cognizance.

(Here enter

The Court of Sudder Adawlut think it proper to call upon the Magistrate through the Provincial Court of Circuit for a full explanation of his proceedings in the matter to which this petition relates. He will state particularly on what charge and at whose instance the complainants were brought before him, of what they were convicted and on what evidence, and what was his sentence, and if security was taken from them, as alleged, for what purpose, to what amount, and for what time.

Ordered, that an extract from these proceedings with a copy of the petition be sent to the Provincial Court of Circuit for the Southern Division by precept, requiring them to communicate the same to the Magistrate of Salem and to call for explanation according to Precept returnable in one month.

(Sent following Precept No. 31.

Read Petition presented on the 4th Instant by Iyngala Gopaul Chetty

(Vide entry Miscellaneous No. 4.)

The Petitioner alleges that in consequence of a complaint to the Magistrate of South Arcot by certain Vadagula Brahmins against him certain proceedings were instituted, in consequence of which he was fined 500 Rupees

by this Court for which his hands and property has been confiscated.

The Petitioner states that injustice has been done him and prays the Court to direct the Assistant Judge of Cuddalore to examine and send up the depositions of the Witnesses named by Petitioner to prove his allegations, and after consideration of the depositions to confirm or reverse the sentence passed upon the Petitioner.

The Court of Sudder Adawlut have fully considered the case of the Petitioner and do not see any grounds for revising their decision.

Ordered, that an extract of these proceedings be furnished to the Petitioner on his application.

Read Petition presented on the 4th Instant by Commatayan of the Gillah of Trankeban.

(Here enter Misc. Petn. No. 5.)

The Petitioner alleges that one Ramaswamy Reagen with certain others forged his brother Reagen and by perjury obtained his release by giving false Evidence, maltreated them and confined his Brother in the Gillah Jail of Cuddalore without any enquiry, and that Petitioner had been fined by the Court from

presenting his Petition to the Circuit Judge.

2 The Petitioner prays the Court to enquire into the case and to order the release of his Brother.

3 If the Petitioner's Brother has been sent up for trial to the Criminal Court his case will be disposed of in due course: and if the Proceedings are not satisfactory a Petition is open to the Court of Circuit.

Ordered, that extract of these proceedings be furnished to the Petitioner on his application.

Read Petition presented on the 4th Instant by Odaseechy Ammal of the Village of Sydan

(Here enter Minute Petn No 6.)

The Petitioner alleges that her four Brothers and Nephew were apprehended and confined for one month in the Eastward Pagoda by the people of one Gammeedaly who was fined in consequence by the Magistrate; that Gammeedaly caused his people to obtain from the Mortgagee, to whom Petitioners family had mortgaged them certain jewels and to take from Petitioners house some articles which, with the jewels, they carried to the Magistrate and falsely declared on oath that they were

were those which had been stolen from the house of the said Gammeedaly: and that Petitioners Brothers and Nephew were thereupon sentenced by the Magistrate to imprisonment in Irons

The Petitioner prays the Court to order the release of her Brothers and Nephew

The Petitioner shall apply to the Judge on Circuit.

Ordered, that extract of these Proceedings be furnished to the Petitioner on her application.

Read Petition presented this 4th Instant by Seerungaye

(Here enter Minute Petn No 7)

The Petitioner alleges that her husband Collen was apprehended by one Seengaramm Dagan and certain others and after much ill treatment was carried before the Criminal Judge on a false charge and then referred to the Circuit Court: and that she has been prevented by the Irons from presenting a Petition to the Circuit Judge.

2 The Petitioner prays the Court

18th January 1832

Court to enquire into the case and to order the release of her husband.

3 The Prisoner in question was convicted in Case No 10 Salem Calendar 2nd Sessions 1831 and was Sentenced by the Judge on Circuit to fourteen years imprisonment. The Court of Appeal Adalut see no grounds for their interference.

Ordered, that Extract of these proceedings be furnished to the Petitioner on her application.

Syd Hoosain Shah presents a Mookhtiarnamah in his name executed by Meer Ummer Alee of Chittoor together with a petition on behalf of that person.

The Mookhtiarnamah is proved in Court, and admitted, and the petition is received, and filed No 2 of 1832.

The Court observe that the Mookhtiarnamah bears an endorsement by the Acting Register of the Gillah Court of Chittoor as follows. This not being a Vakalutnamah to any regularly Constituted Vakeel in the Sudder Adalut Court, the Acting Register refuses to sign it.

This refusal is contrary to the

3/ 8 46.

18th January 1832. the Circular order of the Sudder Adalut under date the 17th December 1805 by which the Registers of the Courts are directed to attest and sign in verification all papers such as Mookhtiarnamahs Vakalutnamahs &c.

Ordered, that Extract from these proceedings be sent to the Gillah Court of Chittoor for the information and guidance of the Acting Register.

(Sent following letter No 32

Read letter dated the 23rd ultimo from the Provincial Court of Circuit in the Northern Division, submitting the reports required by Section XXXV Regulation X of 1816 from the several Criminal and Joint Criminal Judges in the Division for the Month of September last, together with an extract from their proceedings thereon.

(Here enter No 2.)

With reference to the reason assigned by the Joint Criminal Judge of Masulipatam for Case No 5 of the Supplemental Report being reported still under examination the Judges of the Provincial Adalut desire that this Officer be required to explain if any application was made by him to the

Masulipatam

the Magistrate for the attendance of the Witnesses and if so upon what state such application was made, and whether any and what reasons have been assigned for their non-appearance.

Vellore. 2 The Sentence passed on the prisoner in Case No 48 of the Report for though legal, would appear, without explanation, severe. The Judges of the Tongabaree Udalut therefore, with reference to the 23rd para of the extract from the proceedings of the Court of Circuit, direct that the Acting Criminal Judge of Vellore be called upon for an explanation, which if not considered satisfactory the Court of Circuit are authorized either to reduce or remit the punishment as to them may appear proper.

Cuntoor. 3 With reference to the remark of the Court of Circuit contained in the 15th para of the extract from their proceedings under date the 23rd of December last, the Court of Tongabaree Udalutdesire if there is nothing more against the 11th and 19th prisoners in case No 8 of the Report No 5 than is contained in the confession before the Head of Police of the 5th & 6th prisoners, that the Acting Criminal Judge may be directed to cancel the order for their commitment and

18th Jany 1832

and to release them with or without security as he may consider expedient.

Ordered, that extract from these proceedings be forwarded to the Provincial Court of Circuit in the Northern Division, enjoining them to make the necessary communications to the Acting Criminal Judge of Vellore, the Joint Criminal Judge of Chittoor and the Native Criminal Judge of Cuntoor by precept, returnable in fifteen days from and after its receipt.

Court following Precept to 33

Read letter from the Magistrate of Chittoor under date the 5th Instant.

(Execution No 29)

1. The Magistrate suggests the expediency of a Statement of the Judgments of the Circuit Judges being transmitted to the Magistrate in the same manner as is done with respect to decisions of the Criminal Courts.

2. The Tongabaree Udalut under date the 10th December 1831 directs an additional report to be transmitted to the Magistrates monthly on which the sentences of the Court of Circuit and the Tongabaree Udalut received in each Month are to be specified.

3 The Magistrate further suggests

the

18th Janry 1832

the utility of the Criminal Judges forwarding to the Magistrate not mere statements of convictions and acquittals as now practised but a copy of the Courts decision on each case.

(Circular) 4. The Zoujdaree Adalut deeming it expedient that the Magistrates be informed of the grounds on which prisoners sent to the Criminal Courts by the Magistracy and Police are released by those Courts, they resolve to direct that this information be furnished in the 4th Column of the Statement prescribed by the Circular order dated 10th April 1823. For this purpose it is ordered that to the heading of the Column the following words be added "and in the cases in which prisoners were discharged the grounds of their discharge." The grounds must be stated distinctly.

Ordered, that the four Provincial Courts of Circuit be directed by precept to communicate to their instructions to the Criminal Judges, Joint Criminal Judges and Native Criminal Judges respectively subordinate to them.

(Sent for planning Circular Precepts No 34.

Ordered, that extract from these proceedings be transmitted to the Magistrate for his information, and that he be at the same time advised that references of this nature should be made through the Circuit Court.

(Sent for planning Letters No 35

24
13
11

5th

J. C.

At a Court of the Zoujdaree Adalut.

Present,

Monday 23d January 1832.

T. C. Grant Esqre First Puisne Judge
John Bird Esqre acting 3d Judge
William Audleston Esqre acting Judge

Read letter dated the 31st Ultimo, from the 3d Judge of the Court of Circuit in the Western Division, submitting copies of the Tellicherry Calendars for the 4th quarterly Sessions of 1831.

(Here enter No 17)

The only remark which these Calendars appear to call for relates to the proceedings of the 3d Judge in discharging from the Bar the prisoner concerned in case No 1 of the Additional Calendar, of whose release without trial the Judges of the Zoujdaree Adalut entirely disapprove.

2 The ends of public justice demand the punishment of the prisoner, if guilty, and the Court of Zoujdaree Adalut therefore desire should his wife still decline prosecuting that the prisoner be reapprehended and the Government Vakeel directed to conduct the prosecution.

Ordered, that extract from these proceedings be forwarded to the 3d Judge of the Provincial Court of Circuit in the Western Division.

sion for his information and guidance.

(Sent following letter 1840)

Read letter, dated the 16th Instant from the Provincial Court of Circuit in the Western Division, submitting the Reports required by Section XXXV Regulation X of 1810 from the several Criminal and Joint Criminal Judges in the Division for the month of November last, together with an Extract from their proceedings thereon.

(Here enter No 1019)

The Court of Foujdaree Adaulut concurring in opinion with the Provincial Court of Circuit that the abstract of the charge in cases entered in the Criminal Reports furnished by the Native Criminal Judge of Canara are inserted at an inconvenient length, direct that orders to the effect contemplated in the 3d para of the letter from the Provincial Court of Circuit dated the 16th Instant be issued to the Native Criminal Judge of Canara for his information and future guidance.

2 The Court are of opinion that no advantage would be derived from the amount of the property recovered or voluntarily surrendered by the Prisoners in each case being entered in the monthly report, as suggested

suggested in the 4th para of the Provincial Courts letter, it is sufficient that the officer who passes judgment in each case had the information before him.

3 With reference to the 5th para of the Provincial Courts letter the 3d Judge will perceive that the suggestion contained in the latter part of the 7th para of his letter dated the 11th of November last had been adopted by the Court of Foujdaree Adaulut and that orders to that effect have been recently circulated for the guidance of the several Criminal and Joint Criminal Judges in the Provinces.

4 It had hitherto been the practice of this Court to require the several Criminal Judges to make a Special Report direct to the Foujdaree Adaulut whenever a prisoner may escape from the Jails under their respective charge, the Judges however considering it desirable that this information should be furnished through the Provincial Courts of Circuit resolve to direct the several Criminal, Joint Criminal, and Native Criminal Judges and the Magistrates in charge of Jails to observe this course of proceeding for the future.

5 With reference to para 7 of the 3d

23d Aug 1832.

3d Judge's letter the Court are of opinion that at present no necessity exists for any alteration of the form shewing the number of prisoners in Jail and specifying the manner in which they were employed during the period embraced in the report.—

Canara. 6 The proceeding of the Criminal Judge of Canara in releasing without trial the prisoners concerned in Cases Nos 123 and 124 of the Report Ist 5th was no doubt irregular, the parties should have been tried by the Criminal Judge and if convicted, the previous detention should have been taken into the account in determining the punishment.—

7 In the 5th para of the Criminal Judge's letter that officer requests his opinion "whether the single word "obtaining" in Section XVIII Regulation I of 1805 can be deemed "a sufficient warrant for the punishment by "fine or imprisonment of persons who may "be found in possession of Salt without a "Rowannah or Pass".—

8 It is declared in the Section above quoted that any person convicted of "obtaining" Salt in an illicit manner" shall be fined; it must therefore be determined on enquiry whether Salt found in any person's possession was obtained in such way or not and judgment to be

F.C.
23d January 1832.

be passed accordingly.—

9 The Provincial Court of Circuit will point out to Mr. Anderson that the Criminal Judge being the only authority competent to sentence to punishment for a Breach of the Salt laws, cases of this description must continue to be forwarded to the Criminal Court.

Ordered, that extract from these proceedings be forwarded to the Provincial Court of Circuit in the Western Division, desiring them to make the necessary communication to the Criminal Judge of Canara, and to communicate para 4 to the several Criminal, Joint Criminal and Native Criminal Judges within the Division for their information and future guidance, by precept returnable in 15 days from and after its receipt.—

(Sent following precepts &c &c.)

Ordered also, that para 4 be furnished to the Provincial Courts of Circuit in the Northern, Centre and Southern Division to be communicated by these to the several Criminal, Joint Criminal, and Native Criminal Judges in their respective divisions.—

(Sent following letter &c &c.)

Read letter, dated the 28th ultimo, from the Provincial Court of Circuit in the Southern Division, submitting the reports required by Section XXV Regulation X of 1816 from the

and Mag.s of Tuticorin to D.o
& Mag.s of Cuddalore to C.D.o

the several Criminal and Joint Criminal Judges in the Division for the month of November last, together with an Extract from their proceedings thereon.-

(Here enter No.3)

Madura

With reference to the 12th para of the proceedings of the Provincial Court of Circuit the Judges of the Tondaree Adaulut desire that the Criminal Judge of Madura be directed to amend the Sentence passed on the 1st prisoner named "Andy Veeren" in case No.80 of the Report No.5 on consideration of the two preceding cases Nos.84 and 85, in which the same person is also concerned.-

2.

In issuing orders to the effect contained in the 9th and 20th para of their proceedings the Provincial Court have exceeded the powers granted to them by the Regulations and the standing orders of this Court.-

3

The Collective Court of Circuit are not competent to pass any orders upon the proceedings of the Lower Courts except when brought to their notice by petition under Section XXIV Regulation X of 1816 or when referred to the Collective Court by the Judge on Circuit under Section XXIII of the same Regulation. Under the Circular orders of this Court of the 24th of November 1823 the Provincial Courts were merely required upon examining the Quarterly Reports "to notice any irregularities "which they may exhibit and call for and transmit "with the Reports any explanations from the Criminal

Criminal Judge or the Magistrate which may "appear to be required".-

4.

From the note at the foot of the Report it would appear that "Mootien" the husband of the 2d prisoner in case No.80 of the Supplemental Report was released by the Criminal Judge on the 29th of November last the requisition of Seminy being however illegal, the Criminal Judge must be directed to cancel the Bond entered into by the Sureties.-

Ordered, that Extract from these proceedings be forwarded to the Provincial Court of Circuit in the Southern Division, enjoining them to make the necessary communication to the Criminal Judge of Madura by precept returnable in 15 days from and after its receipt.-

(Sent following precept No.3)

Read further return, dated the 4th instant, made by the Provincial Court of Circuit in the Northern Division to the precept of this Court of the 7th of November last, and explaining that the Warrant issued by the late 1st Judge in case No.5 of the Cuntoor Calendar for the 2d Sessions of 1830 directed the detention of the 1st, 2d, 3d and 4th prisoners concerned in that number pending a reference to the Court of Tondaree Adaulut that no warrant can be found among the records of the Native Judge directing, in pursuance of the orders of this Court

2d Jan.y 1832

Court of the 10th of January last, that the pri-
soners in question be imprisoned and kept
to hard labor for the period of 1 year, repre-
senting that they are still in confinement
and requesting orders as to their disposal.-

(Execution No 43.)

Ordered accordingly that the
Provincial Court of Circuit in the Northern
Division be directed to issue orders to the
Native Criminal Judge of Gumtoor for the
immediate release of the 1st 2d 3d and 4th
prisoners in case No 5 of the Gumtoor Calendar
for the 2d Sessions of 1830, they having already
been detained several days beyond the sentence
which the Foujdaree Adaulut authorized the 1st
Judge to carry into execution.-

Ordered, that an Extract from these
proceedings be forwarded to the Provincial
Court of Circuit in the Northern Division for
their information and guidance by precept
returnable without delay.-

(Sent following precept a Dy No 44.)

1st The cases of the 21st of April
1829 do not appear to have produced the desired
effect in the Northern and Centre Divisions.

2d The Criminal Reports for the
months of October and November have not
yet been received from the Northern Provincial
Court

F. 94.
23d January
1832.

Court. That for November is still due from
the Centre Provincial Court.

3d There can be no satisfactory reason
why these returns should not be submitted
within the prescribed period and the order of
the 21st October 1831 directing that corporeal
punishment shall not be inflicted in
certain cases until two months after the
date of the sentences passed by the Criminal
Courts is of no avail in consequence of the
delay which takes place in the transmission
of the Returns.-

4th The Court therefore take the
present opportunity of calling the attention of
the Courts of Circuit to those orders and further
to direct that whenever a Criminal Joint
Criminal or Native Criminal Judge shall
not dispatch his Criminal reports on or before
the 15th of the month succeeding that for
which the Report is furnished he shall
invariably state the circumstances which
have occasioned the delay; and that in
like manner whenever the Provincial Court
of Circuit shall not forward the reports on
or before the last day of the month succeeding
that for which the Reports are furnished
they shall shew cause for the delay.-

Ordered accordingly, that
Extract

3d Janry 1832

extract from these proceedings be forwarded to the 4 Provincial Courts of Circuit to be by them communicated to the several Criminal, Joint Criminal and Native Criminal Judges in their respective divisions.

(Sent following letter No 45.)

Read return dated the 7th Instant from the Provincial Court of Circuit in the Northern Division, to precept of the 10th Ultimo, requiring the Provincial Court to instruct the several Criminal and Joint Criminal Judges to transmit to the Magistrate monthly an additional report in which the Sentences of the Court of Circuit and the Toojdaree Adalut received in each month are to be specified.

(Here enter No 41)

Read letter, dated the 10th Instant, from the 2d Judge of the Court of Circuit in the Centre Division, transmitting copies of the 1st and 2d Supplemental Calendars for the 4th Quarterly Sessions 1831.

(Here enter No 50.)

Read letter, dated the 18th Instant, from the Provincial Court of Circuit in the Centre Division, transmitting an Original death warrant executed and returned by the Criminal Judge of Chittoor together with Copy of his letter.

(Here enter No 54)

2d
WB
Wk

Sepd

F. H. entered by Clerk of

At a Court of the Toojdaree Adalut.

Present,

Wednesday, 25th January 1832 F. A. Grant Esqre 1st Puisne Judge
John Bird Esqre Acting 3d & 4th Puisne Judge
William Hudleston Esqre Acting Judge.

Read petition presented on the 11th Instant by Nana Narrengadoo and Pokeramah

(Here enter Original Petn No 8.

The first Petitioner alleges that one Annaloan Bettergoonta Karanapah Naidoo deprived his sister Pokeramah and disgraced her, that when the said first Petitioner went to their house he sent his people who maltreated them, plundered and fired their houses and carried them away to his Village, where they were put into the stocks; that Petitioners case was investigated by the Village Magistrate who sent the Parties with a Report on the case to the Magistrate who referred it to the Amildar: that Petitioners case has not been enquired into by the said Amildar who continues to delay the enquiry in consequence of Bettergoonta Narrenapah Naidoo having influence with him: and that first Petitioner has not been deprived of his Caste Property by the said B. N. Naidoo. The Petitioners pray the Court to take their case into consideration and to order the Property to be restored to them.

The Petitioners should apply to the Judge on Circuit who is competent to

accordingly.

Ordered, that extract of the Proceedings be furnished to the Petitioner on his application.

A. Sandy Raiga Moodely of the Gilla of Chinglepet moves the Court to retain the enclosures in his Miscellaneous Petition N.70 of 1832.

Ordered accordingly.

Sunda Nadeen Sahiby of the Gilla of Tinnevelly moves the Court to return the enclosure in his Miscellaneous Petition N.72 of 1832.

Ordered accordingly.

Read letter from the 2nd Judge of the Court of Circuit in the Southern Division dated the 2nd Instant containing his report upon the Circuit for the 2nd Sessions of 1831.

(Vide enter N.18)

Para 2.

1.

The 2nd Judge notices a complaint he received from a few of the Convicts in the Jail at Trichinopoly (the only one prepared to him) that they were chained together in couples and in that way forced to work. It appears that this was done as a punishment upon the convicts who had been refractory, and was continued for a few days only. It will be proper to point out to the acting Magistrate that the Circular orders of the 22nd July 1814 prohibit the practice of linking prisoners together.

Para 3.

The 2nd Judge observes that the Convicts in this Jail appeared to be receiving [illegible] and that in his opinion they are overworked. The Surgeon of this the Medical charge of them, he takes is of the same opinion, and he remarks that the executions have been numerous the acting Magistrate to whom he communicate his observations, states that he is not aware that the Trichinopoly prisoners are thinner than the some number of working men at large, and that the period assigned for work and walking to and from Jail [illegible] short of what the same individuals would have to employ in that way if in a State of freedom. If the prisoners are kept in the same condition, and are not made to work for a longer time daily than the working classes in general, nor exceeding what is prescribed by the Jail rules circulated under date the 8th October 1821 no fault can be found with the management of the Jail in respect to these points. There is certainly no reason why convicts should be better off than the working people out of Jail. But on reference

to the orders of the Acting Magistrate relative to the time the convicts are to be employed in Labour, it appears that they are to be out on at sun rise and to be kept at work those employed at a distance from the Jail, until an hour, and those employed about the jail until half an hour before sun set, with an interval of only one hour of rest from 12 to 1, and that they are all to be locked up in the wards before dark. It would seem that there is not sufficient time allowed them, according to this order, to take their food comfortably, and it may be that this is the cause of them being more emaciated than the prisoners in the other gaols visited by the Circuit Judge. The Evidence Volantat think it proper that the Acting Magistrate be called upon with reference to the 36th Article of the jail rules which it is presumed have been furnished to him to explain when the prisoners take their meals, and what time is allowed to them for each. No return is made to the Inquisitors Volantat of the circumstances in the Trichinopoly jail. It is desirable that they should be reported, and the Court resolve to direct that the Magistrate be required to annex a statement of them to the return which he furnishes monthly shewing the number of convicts in jail and the manner of their employment.

3. The 2nd Judge reports in very satisfactorily

satisfactorily of the state of the Police in the Madura District, the efficiency of which he attributes to the activity and excellent management of the Magistrate. The Inquisitors Volantat are happy to observe that his report is fully borne out by the last return of crimes and misdemeanours committed in this District.

Paras 5 & 6

4 In these Paras the 2nd Judge submits the observations suggested to him by his visit to the jail at Madura. He expresses his opinion that the convicts are not sufficiently marked, referring to the remarks of the Inquisitors Volantat upon the small return which is made by their Labour. The Court will notice this subject particularly in considering the general reports which are now before them regarding the Labor of convicts.

5. The Judge observes that the convicts in this jail are very turbulent and refractory. The Criminal Judge reported to him that on a recent occasion they had refused to obey all order, and he had been compelled to reduce them to obedience by causing corporal punishment to be inflicted on some of the most turbulent. No complaint was made to the 2nd Judge by any of the prisoners who were thus punished. The Criminal Judge should however be admonished of the irregularity of his proceedings, the infliction of corporal punishment

upon

25th Jany 1832.

upon prisoners under the circumstances as stated not being authorized by the existing Regulations.

6.

The 2nd Judge submits that it is necessary to arm the Criminal Judges and Magistrates who have the charge of convicts with the power of inflicting Corporal punishment as the only effectual means of maintaining discipline among them, and compelling them to labour according to their sentences. He suggests that they should be authorized to punish those that are refractory and unruly with 60 lashes of the Cat-o-nine tails, they being required to make a record of the circumstances of the case and of the punishment awarded to be submitted with their Calendars to the Judge. Supreme Government the officers in charge of the public jails are empowered to inflict corporal punishment on prisoners for contumacious refusal to work according to their sentences or wilful neglect and indolence in the performance of the work assigned to them, and for refractory and disorderly behaviour; and the Court of Sudder Adawlut are of opinion that it is highly expedient that similar powers should be given to the officers in charge of jails under this Presidency. If the Government concur in this opinion the

F. H.

25th January 1832 the Court will be prepared to submit a Draft of Regulation for the purpose.

7.

In these Paras the 2nd Judge submits his observations upon the Police and the state of crime in the Tinnevelly District. He represents the Police to be defective in its constitution and consequently inefficient, and states that he found crime greatly to prevail in that Zillah, and that the people had a lamentable distrust in the security of their property. He records his conviction that this state of things arises out of no want of zeal and activity in the Magistrate, who is endeavouring to effect a reform in the Police. He describes generally the measure which the Magistrate is adopting with this view. The Court have to observe that the latest return from this District viz. for the half year ending 30th June 1831 shews a considerable decrease in the number of crimes compared with the return for the preceding half year. Comparing the returns from Madura and Tinnevelly for the same period it would seem that crimes are less frequent in the latter than in the former, but the number of heinous crimes committed appears to be greater in Tinnevelly. For instance the number of Gang robberies in the period in question, in Tinnevelly

11 to 14.

Tinnevelly
Heinous crimes and misdemeanours ascertained to have occurred.

2d half of 1830 — 88.
1st half of 1831 — 55.

1st half of 1831. Heinous crimes and misdemeanours ascertained to have occurred

Madura — 75.
Tinnevelly — 55.

25th Janr 1832

25th Janr 1832.

was 28, and in Madura 7.

P. 15. 16. 18 8. The 2nd Judge represents the unfitness of the building used as a jail at Tinnevelly, and suggests that the building in which the Collector's Cutcherry has been until recently held and which was formerly the jail of the Zillah Court might be appropriated to this purpose. The measure here suggested was sanctioned by Government in the Minutes of Consultation under date the 15th April last. and as it would appear from the Judge's remark that the building have not been transferred, the Court of Circuit will be required to call upon the acting Joint Criminal Judge to explain the cause.

17 9. The 2nd Judge referring to the greater quantity of Criminal business before the Joint Criminal Judge than there is before the Criminal Judge suggests that Tinnevelly would be a more fit situation for the Criminal Court than Madura. and that the Auxiliary Court would be better placed if removed to Madura. In offering this suggestion the 2nd Judge appears not to have adverted to the far greater quantity of civil business that there is in the Zillah Court than in the Auxiliary Court, considering which the Judges of the Sudder and Foujdaree

25th Janr 1832

Adawlut are of opinion that the change proposed is not expedient.

P. 19 10. Comparing the whole of the business of Civil and Criminal of the two Courts it does not appear that the arrangement here proposed of decreasing the number of Servants in the Zillah Court and increasing the number in the Auxiliary Court is feasible.

21 & 22. 11. These paras contain remarks suggested by a correspondence between the 2nd Judge and the Acting Magistrate of Trichinopoly upon the complaint of a person that his house had been pulled down by order of the Magistrate on the plea that the wall of it encroached on the line of the Street. The 2nd Judge is of opinion that all encroachments on roads should be prevented, but he observes that it may be a question how far a Magistrate is authorized in causing a house which has been erected for years to be pulled down. The Court of Foujdaree Adawlut do not presume that this question arises in the present case. It is expressly stated by the Acting Magistrate that the building which he ordered to be removed was entirely erected in the road way of one of the principal

25th January 1832.

principal streets, and nothing to the contrary appears in the papers submitted by the 2nd Judge. It is open to the Petitioner to bring an action for the recovery of any damage he may have sustained in consequence of the orders of the Magistrate.

P. 23. 12. The 2nd Judge reports that the police of both the Trichinopoly and Tanjore Districts appeared to him to be efficient.

24. 25. 26. 13. The 2nd Judge states his opinion that the quantity of rice (80 Rupees weight) allowed to the prisoners generally is more than most of them require for their support and he suggests that while the present allowance is fixed as the maximum, the officers in charge of jails should be authorized to reduce it at their discretion. The Court approving of this suggestion resolve to direct the several Courts of Circuit to instruct the officers subordinate to them in charge of jails, that the diet allowance fixed by their orders is to be considered as the maximum for convicts in full health and strength employed in hard labour, but that it is competent to them to modify it at their discretion according to the condition and circumstances of individuals so as to adopt it to their actual wants, not allowing to any more than is necessary for

F. 11.

25th January 1832 for his subsistence.

14. The Court do not approve of the 2nd Judge's suggestion of making an additional allowance to the prisoners for condiments to their food. They do not think it necessary for their health and it would be improper to grant it, and to permit the use of betel and tobacco, which he also recommends as an indulgence. It is fit that convicts should suffer privations in Jail.

P. 28. 32. 15. The 2nd Judge reports favorably of the Police in the Salem and Coimbatore Districts.

29. 16. The Court are happy to observe that the 2nd Judge found the prisoners in the jail at Salem very healthy.

31. 17. The 2nd Judge remarks that the cells in the jail at Coimbatore are not sufficiently ventilated and states his opinion that the health of the prisoners requires that there should be a more free circulation of air in the cells. This is a point upon which the opinion of the Medical officer who has the care of the health of the prisoners should be taken. The Court are doubtful whether to direct the Circuit Court to require the ~~Superintendent~~ Joint Criminal Judge at Coimbatore to obtain a report from the

the Medical Officer on the subject, and to
pass such orders upon it as they may
deem proper.

P 34
18.

The 2nd Judge observes that
no part of Regulation X of 1816 provides
for a case in which a petition may be pre-
sented to the Judge on Circuit while sitting
a jail, relative to a number which may
have been disposed of by the Criminal
Judge subsequently to the date of the
35 Calendar submitted by him, and he
suggests that it would be convenient
that the Judge on Circuit should be empowered
to call for the proceedings in such cases
which it is competent
of Circuit
to do. By the Regulation lately
Submitted for altering the constitution of
the Courts of Circuit, it is provided that
the Judge of Circuit shall exercise all the
powers now vested in the Judge on Circuit
and in the Collective Courts.

Ordered, that a extract of these
proceedings be transmitted to the Acting
Secretary to Government in the Judicial
Department, for the purpose of being laid
before the Right Honorable the Governor
in Council.

(Sent following Letter No 46

Ordered also, that a extract
be transmitted to the 2nd Judge with
precept, directing him to furnish a copy
of

of Paras 1 and 2 to the Acting Magistrate of
Trichinopoly with the requisite instructions
and a copy of Para 5 to the Criminal Judge
of Madura for the information and
guidance of that officer.

(Sent following Precept No 47.

Ordered, that a copy of Para 13
be sent to each of the Courts of Circuit
with precept directing them to communi-
cate the instructions contained therein
to the several Criminal Judges and other
officers in charge of jails in their respective
Divisions.

(Sent following Circular Precepts

Ordered, that copies of Para
be sent to the Court of Circuit
in the Southern Division with precepts
directing instructions to be issued accord-
ingly to the Acting Joint Criminal Judges
at Tinnevelly and Coimbatore respectively

(Sent following Precepts No 49.

Read letter dated the 1st Instant
from the Acting Judge late on Circuit
in the Northern Division, submitting
case No 19 Guntoor Calendar 2nd Sessions
1831.

(Here enter No 24.)

The Court of Puijdaree Adalut
having maturely weighed the proceedings
held before the Judge on Circuit, the
future of the Provincial Law Officers
and

and the Justices of the Cazee aal Cazet and Mraffties of the Tanjadore Udalut, confirm the said Sentence of the Cazee aal Cazet and Mraffties aforesaid, and considering the charge of returning from Transportation to be established against the Prisoner

Lumbadee Bascu Antehma,

adjudge him to be retransported to such place or places beyond Sea, as the Right Honorable the Governor in Council shall appoint, there to be imprisoned and kept to hard labor in Irons on the Public roads or other public works, for, and during the period of his natural life

In the letter, accompanying the trial the acting Judge recommends the case of the prisoner to merciful consideration, and in reference to the temptation to escape and the extreme old age of the prisoner, recommends that he should be allowed to past the remainder of his existence in the Jail without being again transported.

The Court of Tanjadore Udalut, under the provisions of Clause second Section IX Regulation XI of 1803, have directed the retransportation of the prisoner, but under the peculiar circumstances of the case, and adverting particularly to the prisoner's age, which is

23rd January 1832. it stated in the record at 80 years, they resolved to suspend the execution of the sentence and to submit to the Right Honorable the Governor in Council their recommendation, that the sentence may be commuted to imprisonment for life in the Gillas Lait.

Ordered, that extract of these proceedings with English translation of the record of the Trial No 19 of the Guntoor Calendar 2nd Sessions 1831, be transmitted to the Acting Secretary to Government in the Judicial Department for the orders of the Right Honorable the Governor in Council.

(Sent following letter No 50

The Court of Tanjadore Udalut have observed the omission in the record of the usual preliminary questions respecting the age, caste, place of residence &c of the Prisoner on his Trial before the Court of Circuit, and deem it proper to point out the omission to the Acting Judge.

Ordered, that extract of these proceedings be sent to the Acting Judge on Circuit in the Northern Division for his information and future guidance.

(Sent following letter No 51.

Referring to the order passed on the 18th Instant, that the grounds on which

F.K.

5th March 1832. 1. The Court of Inquiry to which was referred the Report of the Criminal Judge of Southern Division Gaudeloupe, proceed to take into consideration the Reports accompanying three General returns.

2. The Criminal Judge in the Gillak of Gaudeloupe reports that the Prisoners under his charge have been employed in cleaning and deepening a Tank which supplies the inhabitants with water and that they also perform other labours such as cleaning roads and streets and water sprinkle the Government ground for the Prisoners would cost the Government a great deal of money.

3. From the Statements exhibiting the works performed by the Prisoners which accompany the Criminal Reports, it appears that the Criminal Judge of Gaudeloupe had employed a sufficient number of prisoners (30) on the manufacture of paper from which a considerable saving to Government must result. It is reasonable however from the Statement which accompanies the Criminal Reports for the Month of December last, that only 9 prisoners are employed in weeding. The Judges of the Inquiry do not entertain no doubt that the labour of the prisoners at Gaudeloupe could be so extended as to render an

"way" with the industry of the "place" as
apprehended by Mr Bannerman. It is
not probable that the prisoners will
ever be able to make more cloths or
Cumblies than requisite for their own
consumption, but there can be little
doubt that with proper management
of prisoners should therefore be employed
in weaving and making Cumblies, and
the Contractor of opinion that some of
the 96 prisoners entered in the Statement
for December last including those
"cleaning the Jail & sick and
"having other work within the Jail, there
"to work; and those who are held to security"
might be advantageously employed in
this branch of labour.

4. In the 4th para of the Report
of the 2nd Judge to a Circuit in the Southern
Division Mr Dickinson states his opinion
"that while the Magistrate of Trichinopoly
"compels the Convicts confined in the Jail
"under his charge to perform too much
"labour, the Criminal Judge of Madura is
"too lenient to them in the Jail" and
"concludes the para by observing that
"the Prisoners do not bring nearly

"remarked upon the small return which
"is made by the labour of the Convicts
"in the Jail of Madura for the expence
"maintaining them," he doubts not "that they will
hereafter be put to more severe labour".

5. The Court of Foujdaree Adawlut
however deem it proper to require
the Criminal Judge to state, whether
the Prisoners confined in the Jail under
his charge, are worked during the
number of hours specified in the 3d
paragraph of the Rules for the manage-
ment of the Public Jails circulated under
date the 8th of October 1821.

Salem. The attention of the Criminal
Judge of Salem to carrying into effect
the orders of the Foujdaree Adawlut under
date the 17th of January last are satisfactory.

7. In this Jail the manufactures
of paper would appear to endure the
application coming to Government, the
Jail prisoners employed being able
to supply all the common paper used
in the Courts with still greater economy
would be effected were the Collectors
Cutcherry also supplied with paper,
and the Judges are of opinion, that, with
certain modification to the present tariff
sufficient paper for the consumption
of the Collectors Cutcherry might be
manufactured by authorizing the
Criminal

5th March 1852.

Criminal Judge to retain in his Jail a sufficient number of convicts sentenced to a long period of imprisonment who have acquired the art, for the purpose of instructing the rest.

8 With reference to the 2nd para. of the Criminal Judge's Report, the Judges will observe that Mr. Cooper was in supposing it to have been the intention of this Court that the Cloths and Cumblies manufactured within the Jail should be "of a quality to compete in the market "with those made in the Town of Salem." the Court are fully aware that such would be impracticable and even if feasible, the Court would be disposed to question the expediency of the measure - all that the Court require is that the prisoners should manufacture Cloths and Cumblies sufficient for their own consumption, and the Judges expect that the Criminal Judge will use his best endeavours to effect this object.

9. With reference to para. 4 of the Report, the Judges desire that the making of Bricks and Tiles by a portion of the prisoners be resumed whenever the state of the weather will admit of the Convicts being so employed.

10. The Joint Criminal Judge of Coimbatore Coimbatore states "that the small number

5th March 1852. "of working prisoners in the Jail under "his charge renders any return to Government from their labour very difficult "especially when it is considered that the "manufacture of paper, Cumblies, Coarse "cloths &c. from the ignorance of those "generally confined in Jail is rendered "quite impossible."

11. The prisoners in the Jail at Coimbatore Mr. Thompson states "have "been mostly employed" in repairing the high roads, but that "at intervals they "have been engaged in making Bricks "and burning Chunam" but that "the "present very bad state of the roads "in and about the Town of Coimbatore "renders the employment of the prisoners "in any other way but on the repair "of them undesirable."

12. The Court of Bryedore Wales are aware that in keeping the numerous roads about the populous Town of Coimbatore in proper repair, full employment will be found for the greater part of the Convicts sentenced to hard labour on the roads, but the Judges consider it desirable that some of the prisoners confined on registration of security and those sentenced to labour within the Jail should be employed in the manufacture of Country paper and in weaving coarse

coarse Cloths and Cumblies for the use of the prisoners.

Cumbacannum

13. In the Report of the Criminal Judge of Cumbacannum, Mr. Thomas suggests an entire new system of Jail discipline, and submits also certain propositions for rendering the labour of the prisoners more productive, but of the greater part of the plan proposed by the Criminal Judge, the Court of Enquiry withal entirely disapprove.

14. In modification of the rules relating to diet Mr. Thomas proposes that "in lieu of 80 Rupees weight of Rice as "prescribed in the Revenue Order of the "2nd of June last, he may be authorized "to substitute in the case of the Convicts "under sentence of the Court of Circuit and "Criminal Judge and also of offenders a "proportionate amount of Kurtaharry the "Food of the labouring class in this and the "surrounding Talooks.

"That the necessary diet be only granted to the "other Classes of prisoners" that a discretion to a limited extent be vested in the Criminal Judge to direct that a deduction of 10 or 15 per Cent may be made from the regulated allowance whenever it may seem fit, it having been found that 80 Rupees weight of Rice is in numerous instances more than is required and "that

"View of the present allowance daily of Chillies, "Tamarinds and the other Condiments such "articles be furnished only once, or at most "twice in the week to the Convict, and "that if required as a substitute the necessary "Stimulant may be issued in an allowance "of ordinary Black Pepper and nothing "else;" and also that "Congee water be "the only diet for all prisoners, except the "untried, three days in the week."

15. The change from Rice to Ratchenny as food for convicts suggested above, the Court of Enquiry submit consider both inadvisable and since experience having shewn that the prisoners are kept more healthy on Rice than on any other grain, and further the Court are of opinion that no alteration of the general rules which have after full discussion and consideration been established is at all desirable.

16 The remarks of the Acting 1st Judge of the Provincial Court of Circuit on the part of the Criminal Judge's Report are quite in accordance with the opinion of the Judges of the Enquiry Statute, "that men who are employed at hard labour "as proposed, must be fed, not merely "fed, but have a fair proportion of "wholesome food, to subject men to

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"hard labour and to allow them only the
"water that Rice has been boiled in called
"Conjee Water and occasionally a little rice
"and Black Pepper as carrying prison
"discipline and prison sufferance further
"than was contemplated by the Legislature
"or wished for by the Government."

17. With reference to the suggestion
of the Criminal Judge that Officers in
charge of Jails be permitted to reduce
the present allowance of Rice whenever
it may seem fit, the Criminal Judge
25th Aug 1832 will perceive that by a late Circular
order of the Court of Sudder Adawlut,
have declared Officers in charge of Jails
competent to modify the quantity at their
discretion according to the condition and
circumstances of individuals, so as to
adapt it to their actual wants, not allow-
ing to any more than is necessary for his
subsistence.

18. With respect to the establish-
ment of an oil mill the Court see no
objection to the introduction of a small
one as an experiment, and if sufficient
oil can be obtained for the consumption
of the Court House and Jails considerable
saving will be effected, for the Contingent

5th March 1832 charges of the Zillah Court of Combaconum
shew that in Faslee 1240 Rupees 363-12-7 were
paid for Oil for the use of the Court House
and Prisoners.

19. The Judges however do not
approve of the measure proposed by Mr.
Thomas of employing "all the other prisoners
liable to labour (in hunting Paddy" a certain
portion of the Prisoners sentenced to long
periods of confinement must be employed
in the repair of the Roads, and the Court
are of opinion that the remainder would
be much more usefully employed in
manufacturing Paper, Coarse Cloth and
Gumblins for their own consumption.

20. In respect to the number
of hours during which the prisoners
should be required to work, the Judges
desire that the period specified in the
35th article of the Jail Rules circulated
under date the 8th of October 1821 be
strictly observed.

21. In the 8th para of his Report
Mr. Thomas observes that if the measure
proposed by him, of working the whole
of the prisoners in the immediate
vicinity of the Jail and within fastness
which it is intended to erect, be adopted,
a considerable reduction on the Jail
establishment may be effected; and

that

that if any additional security be considered
necessary, it might at all times be attained
by a small increase to the Gaol Detachment
which should be required to furnish
a day Guard over the Prisoners without
the walls.

22. This part of Mr Thomas's Scheme
appeared to the Court to be quite impracticable
the "Detachment" alluded to by Mr Thomas
consists of Regular Troops who cannot
be employed in guarding prisoners at labour
and the Judges of the Supreme Court are
further of opinion that the Gaol Guard
has been reduced under the orders of the
Provincial Court of Orient to the lowest
possible strength consistant with prudence
and that the plan proposed by the Criminal
Judge would be a most dangerous experiment
inevitably leading to attempts to escape
from which experience every where shews
that the most shocking results would
accrue.

23 The Court of Forfeiture likewise
perceive that the Acting 1st Judge of the
Provincial Court of Orient in the 4th and
5th paras of the Minute recorded by him
on review of Mr Thomas's Report has
expressed a similar opinion as to the
impropriety of reducing the number
of Gaol Guard.

24. With reference to the 11th para
of Mr Thomas's Report the Judges will
observe that on no account would they
vest in any Officers a discretion of the
nature proposed by the Criminal Judge
in respect to the non observance of the
customs of Caste in the case of convicted
felons or old offenders.

25. Neither can the Court consent
to the proposition contained in the concluding
paragraph of Mr Thomas's Report that
prisoners committed for Trial before the
Court of Orient be subjected to more
compulsory labour "it being the humane
principle of our law to consider every
prisoner innocent up to the hour of
his standing at the bar.

26 The Acting 3rd Judge of the
Provincial Court of Orient in submitting
the above Reports from the Second
Criminal and Joint Criminal Judges
in the Southern Division, recommends
that as many of the Artificers and
Tradesmen among the Convicts as can
be usefully and profitably employed
in practising their respective mysteries
or trades in the Gaols be ordered to be
so employed and supplied with tools
materials and Assistants for that
purpose, that the Barbers and Shoeb
be

be ordered to be supplied with razors and soap and employed in shaving the prisoners and washing their clothes."

27. The Court considering the above a judicious suggestion, will apply to the Government for the requisite sanction with a view to its general adoption.

28. With reference to the latter part of the 3rd para the acting 3rd Judge will perceive on reference to the Circular orders of this Court under date the 4th of March last, that the measure of granting to prisoners distinguished by their industry a portion of the proceeds of their labour on their quitting the Jail has already received the sanction of Government.

Centre Division Chittoor

29. The Criminal Judge in the Chittoor Calendar of the 19th of January 1831 could not be prosecuted to any advantage at Chittoor as the great draft of Convicts to the Depôt at Cuddapah and the supply of prisoners from that Station to Vellore, Arcot, and Ami left but very few Convicts in the Jail.

30. By the Statement for the Month of December last which is the latest return before the Court, the Judge perceives that there were at that time only 18 prisoners liable

5th March 1832. liable to work within the Jail at Chittoor, of whom only 18 were Convicts.

31. Of these, 10 were employed on the Public Roads 2 in repairing the Road Wall surrounding the Jail, and the others in works of necessity.

32. The explanation of the Criminal Judge of Chittoor is therefore considered satisfactory.

Cuddapah. 33. The Criminal Judge of Cuddapah reports that the real benefit derived by Government from the labour of the Convicts in the Cuddapah Jail is much greater than appears by the annual return, tho' there are no means afforded by the Statement to exhibit the same. In the Month of May last the Criminal Judge states "that "250 Convicts at least have been daily "employed on Revenue works such as bath "are at the requisition of the Principal "Collector who, had they not been available "must have substituted other individuals "on hire, the hire of a male Coolly" at Cuddapah obtained Mr Stronham "is 2 annas per Diem or for 250 men Rupees 31. 4 making "a total of Rupees 812. 8 monthly with which "the Jail ought strictly to be credited by "the Revenue Department" as this information cannot appear in the present Report, Mr Stronham suggests that it should henceforth be noted either in another Column or by way of Note to the

"the present Report."

34. The Judges see no objection to this additional information being supplied by a Note to be appended to the Report, but they are of opinion that no entry of the kind can be admitted into any of the Columns of the Report, as it would be almost impossible to ascertain the exact value of the work performed by the Convicts when employed in making or repairing Roads.

35. With reference to para 2 of the acting Criminal Judge's Report, the Court are of opinion that the employment of prisoners in the manufacture of Brick should be limited to the supply required for the repair of all Public Buildings and they direct that some of the Prisoners, as proposed by Mr. Stromham, be employed in the manufacture of coarse Cloth, Rumlies and Mats for the use of the prisoners, and that a sufficient number be employed in the manufacture of paper for the use of the Zillah Courts and also for the conduct of the Collectors Cutcherry.

36. The acting Criminal Judge will however be careful to employ on the Roads and other Public works, all Convicts of desperate character and those adjudged to suffer long periods of imprisonment agreeably to the tenor of their respective Sentences.

37. The Court of Zillah Dyedarra [illegible]

See

see no objection to the Criminal Judge occasionally granting the aid of Convicts in the repair of water Tanks and other works of real public utility, but they are of opinion that on no account should compensation for their services be demanded

38. The exertions of the acting Criminal Judge of Cuddapah to carry into effect their Circular orders of the 17th of January 1831, are considered by the Judges of the Provincial Court to be highly creditable to that Officer.

Cumbum

39. The late Joint Criminal Judge at Cumbum reports that the Convicts under his charge were employed for a short period on the roads, and when a "chance demand arose for them in making "Bricks."

40. The last returns show that at the period Mr. Barrington's Report was written, there were only 55 prisoners in the Jail at Cumbum, nothing more therefore could be expected from them Cubrum.

Cuddalore

41. The same remarks applies to the Report received from the late Native Judge of Cuddalore, in which Jail there were only 55 prisoners.

Bellary.

42 The acting Criminal Judge of Bellary reports that of the prisoners confined in the Jail under his charge "82 Convicts are employed in cleaning

and

"and carding Cotton and Wool, also in making
"Cloth, Cumblies, Paper and Baskets in the
"Interior of the Jail. 387 are working out
"of the Jail, viz: 187 in repairing the Public
"Roads and Digging Wells &c. in the Civil
"Lines, 150 under the orders of the Military
"Authorities agreeably to orders from Govern-
"ment and the Surgeries Establishment 20 in digging
"two wells in the Cantonment for the use
"of the Troops and 30 in repairing the Bund
"of the large Tank under the orders of the
"Principal Collector."

43. The Acting Criminal Judge should use his endeavours to manufacture a sufficient quantity of paper for the consumption of the Collector's Cutcherry, in other respects the Court do not see how the prisoners confined in this Jail could be more usefully employed.

Chingleput. 44. The Criminal Judge of Chingleput states that "the number of Prisoners sen-
"tenced to hard labour in irons has been
"greatly reduced in this Jail in consequence
"of the Provincial Court's orders under
"date the 29th of December 1830 directing
"that all those upon whom sentence
"had been passed exceeding twelve
"months should be forwarded to the Jail
"at Cuddalore and that there are not more
"than sufficient to keep the roads
"and other public works in repair."

By

5th March 1832

45. By the last Returns for December received from the Criminal Court of Chingleput it appears that there are 239 prisoners liable to labour in the Jail at that Station. The Court therefore desire that a Paper manufactory be introduced in this Jail, and that some of the 137 prisoners in confinement in default of Security, who cannot not with propriety be put to hard labour on the roads, be employed in its manufacture.

Northern Division Chingleput

46. The Acting Criminal Judge of Chingleput reports that a Paper Mill was erected at this Jail in May last, but that the labour of the Prisoners employed has not hitherto been productive.

47. By the returns for September last it is shewn that out of 185 working Prisoners, 25 were employed in making Bricks and 20 in making Paper, and yet the value of the produce is only rated at 2 Rupees 8 Annas. The returns for December last shew that out of 181 working prisoners, 34 were employed in making Bricks and 19 in making Paper, the Column in which the amount realized by their labour should be entered is nevertheless left blank. This therefore requires explanation and the Acting Criminal Judge is also required to state why some of the prisoners cannot be employed in weaving, and to particularize the

+ Govt Statement.

the species of labour to which the (59)+ prisoners confined in default of security are put as it would appear from the Statement for November last that prisoners of this description are allowed to remain altogether idle.

48.

The Judges also remark that the Acting Criminal Judge of Chicacole has omitted to insert in the 9th and 10th Columns of the Statement for November last the particulars pointed out in the 6th para of their order circulated under date the 2nd of August last.

Rajahmundry.

49.

The Criminal Judge of Rajahmundry reports "that in the year 1851 the whole "of the Convicts then in confinement at Rajahmundry were sent to the exception "of a few individuals, whose term of "Servitude had nearly expired transferred "to the Jail at Masulipatam and Consequently "at the present time the number available "for public works is very limited" Indeed observes Mr. Elliott "so much so and to be "quite inadequate to the labour of retaining "in perfect repair the Streets of the Town "and the roads in its vicinity"

50.

By the returns for November last it appears that at that period there were but 91 prisoners in the Jail at Rajahmundry, of whom only 49 were Convicts with so few prisoners therefore little or nothing further than the repair

5th March 1852

of the roads and streets can be expected.

51.

At a future period however when the number of prisoners liable to labour may have accumulated, the Judges expect that the manufacture of Paper will be introduced into this Jail.

52.

The Statement for November last shews, that while a sufficient number of Prisoners are employed on the Roads and other Public works, the value of the produce of the labour of the remaining prisoners confined in this Jail nearly pays for their food.

In Govt Refining Roads 6a Digging & removing 6 12a

53.

The sum realized in November after deducting the price of the raw materials purchased in that month amounted to Rupees 161 15 2. These results are very unsatisfactory and merit the consideration of the Court.

Masulipatam

54.

The Joint Criminal Judge at Masulipatam states "that no manufacture "of any description is at present carried "on in the Jail of Masulipatam that "he is at present making endeavours "to commence Cloth weaving and if "possible paper making in the Jail." The latter object the Joint Criminal Judge states "would be easily accomplished "if the Judges of the Criminal Court at "would order two or more prisoners "qualified in the work to be sent to "Masulipatam from the

"or Cudalapah, as no prisoner now at Cuddalore
"Tipatam, it is presumed with the Principle
"of the binding."

55. The Court perceive that the acting
Criminal Judge of Vellore has been directed
by the acting Judge of the Provincial Court
of Circuit to transfer to Pondichetry
or 4 convicts who are qualified to give
instructions in the different branches of
manufacturing paper.

56. The Statement for November
last shows that there are in confinement
at Pondalipatam 282 prisoners liable to
work, from whose labour nothing has
been realized.

57. The Joint Criminal Judge states
that he is conscious that he ought to have
already carried the orders of the Regulations
into effect, but hopes the difficulty will be
considered of establishing such works on
a new footing and without having any
of the requisite buildings ready.

58. The Judges of the Pondicherry Adalut
consider this a very unsatisfactory excuse
for the Joint Criminal Judge having
made no attempt whatever up to the
Month of December last to carry into
execution the instructions contained in
the Circular Orders of the Superior
Court of the 19th of January 1831.

Guntoor. 59. The transfer of 60 convicts to

F. U.
5th March 1832. from the Jail at this Station to the charge
of the Magistrate and of a considerable
number to the Jail at Pondalipatam
has left but few Convicts in the Jail
under the charge of the Native Judge.

60. This Officer however states
that Paper may be made in his Jail
if 4 prisoners conversant in the art be
sent from Vellore and if the Sum of
Rupees 800 be allowed for the purpose
of purchasing Gunny requisite to make
paper, Cotton thread requisite to weave
Cloths and the implements of such arts
as the prisoners may require.

61. Under the contemplated transfer
of the Native Judge to Cuddapah and
the appointment of a European Officer
to preside over the Court at Guntoor
the Judges of the Pondicherry Adalut consider
it better to await the arrival of the
Joint Criminal Judge before any order
of the kind proposed by the Native
Judge is recommended for sanction.

Western Division Canara. 62. The Criminal Judge of Canara
in his Report refers to his letter of the
4th of March last in which he explained
that the prisoners confined in the
Jail under his charge are principally
engaged in three Parties "in opening
a new line of road" presenting in the

Enlargement

"enlargement of the Hooghly Cutcherry a work
"on which the prisoners have been ordered
"by Government to be employed as extensively
"as possible, and in the completion of a stone
"Stone Bridge and of the road leading over it."
and states that the result of his subsequent
enquiries has "forcibly convinced him of
"the correctness of the opinion expressed in
his former letter which was in substance
that it would be alike unprofitable and
impolitic to employ the Prisoners in his
Jail on such light tasks as making Gunnies
Coarse Cloths, Mats and Baskets, and that
by far the best employment for them is
that of cutting stones for buildings."

63. The Court remark that a similar
opinion was expressed by the 2d Judge
of the Provincial Court in the 37th para of
his Report on the 1st Sessions of 1831 and the
Judges are inclined to coincide with those
officers that the prisoners confined in
the Jail at Cuttack cannot be more usefully
employed than in the manner
specified by the Criminal Judge

Malabar. 64. The Criminal Judge of Malabar
states "that having been but a short
"time in charge of the Gillah Court he has
"not had it in his power to institute
"that degree of attention on the employment
"of the Convicts which would enable him
"to make so satisfactory return as he
"could wish."

5th March 1832

65. Since his arrival Mr. Madeau
states, he has turned his attention very
much to the internal economy of the Jail,
and that it has been particularly his
care to see that the prisoners sentenced
to hard labor in irons have been made
to work on the roads in a manner
conformable with their sentences.

66. Under this explanation the
Court consider it would be premature
to pass any orders further than to urge
the Criminal Judge to carry as far
as practicable the intentions expressed
in their orders of the 19th January 1831
into effect.

Ordered, that extract of
these Proceedings be sent to the Secretary
to Government in the Judicial Department
to be laid before the Right Honorable
the Governor in Council.

Sent following letter No 113

Ordered also, that extract of
these Proceedings Paras 2 to 23 be sent
to the Provincial Court in the Southern
Division, Paras 24 to 45 to the Provincial
Court in the Central Division, Paras 46 to
61 to the Provincial Court in the Northern
Division, and Paras 62 to 66 to the
Provincial Court in the Western Division
for communication to the several
Provincial

7th March 1832.

Criminal, Joint Criminal, and Native Criminal Judges of the observations and orders which concern those Officers respectively by Precepts returnable without delay.

Sent following Precepts No 1164..115.
1164/117.

R

F.M.

At a Court of the Foujdaree Adalut.

Present,

Wednesday 7th March 1832 — C. M. Lushington Esqr 2d Puisne Judge
John Bird Esqre acting 3d Judge
William Hudleston Esqre acting Judge

Read petition presented on the 22d Ultimo by Ramcoomar Saony Raiken of the Zilla of Tinnevelly —

(Here enter Mis: pet: No 29.)

The prayer of the above petition is, that an order of the Joint Criminal Judge requiring security from the petitioner for one year may be cancelled as reflecting upon his character. The order was passed on the 4th March 1831. It is therefore a petition that the Court will cancel an order for security which has been fully satisfied. The petition is accordingly rejected, and the Petitioner is warned not to intrude further on the time and attention of the Court —

Ordered, that Extract of these Proceedings be furnished to the Petitioner on his application —

Read petition presented the 22d Ultimo by Ramyah Naik and 6 others of the Zilla of Chingleput —

(Here enter Mis: pet: No 30)

The petitioners represented their case on the 7th of December last, and the Prayer of their petition to call for the record

7th March 1832

of the Trial & No 7 Chingleput Calendar was rejected by the Court on due consideration - On the 12th Ultimo the Petitioners again applied to the Court and were referred to the former order, and it was ordered that the Petition then presented should be returned to them as inadmissible - The Court of Sowdar Adawlut now direct that this Petition No 30 be returned to the Petitioners with an intimation that any further petition on the same subject will not be received -

Ordered, that Extract of these proceedings be furnished to the petitioners on their application -

Read petition presented on the 22d Ultimo by Soobramanya Savoy of the Bills of Tinnevelly -

(Here enter Mis: pet: No 32)

The petitioner alleges that his two Brothers have been unjustly sentenced by the Circuit Judge in No 4 of the Tinnevelly Calendar 24 Sepoys 1831, and prays the Court to call for the Trial and order them released -

The Regulations do not provide an appeal from the Sentences of the Court of Circuit, and Petitions like the above can never be attended to - The Calendars come under the review of the Sowdar Adawlut, and whenever the Court see reason to question the correctness of the Court of Circuit they call for them -

The Prayer of the Petition is accordingly rejected -

Ordered

7th March 1832

Ordered, that Extract of these Proceedings be furnished to the Petitioner on his application -

Read Petition presented on the 22d Ultimo by Venkataroyen of Cuddalore -

(Here enter Mis: pet: No 33)

The Petitioner alleges that 8 persons broke the bank of his Tank by means of which he cultivated 5 Cawnies of Punja land, and diverted the water course into their property to the destruction of his cultivation, and that he has complained in vain to the Tahsildar, to the Sub Collector and to the Collector -

The Petitioner prays the Court to order the Assistant Judge at Cuddalore to cause these 8 persons to be apprehended and tried -

The Petitioner should bring an action for damages, his petition to the Court of Sowdar Adawlut is irregular and the prayer of it is accordingly rejected -

Ordered, that Extract of these proceedings be furnished to the Petitioner on his application -

Read petition presented on the 29th Ultimo by Ayakkanny Sycanger -

(Here enter Mis: pet: No 35)

The petitioner alleges that he is in great distress; that he was Native Commissioner under the former Court at Verdachellum, and that he was disappointed in his expectation of being employed by the Native Judge's Court at

3

Ordered, that the opinion of the Law officers be communicated to the Court of Circuit with instructions to call for the case and to release the prisoner if it should appear that the charge is correctly worded and that no theft was involved in it.-

4 Referring to the 23d para of the proceedings of the Court of Circuit from which it appears to be the practice of that Court to communicate to the Magistrates such parts of their proceedings as concern those officers though the Criminal Courts, the Longaree Board but think it proper to observe that this practice appears to be contrary to the intention of the orders contained in the 5th para of the Circular letter dated 13th September 1824. They are of opinion that the observations of the Court of Circuit should be communicated direct to the Magistrates. This is the practice of all the other Courts, and they direct that it be followed in future by the Provincial Court of Circuit for the Northern Division.

Ordered that extract of these proceedings be sent to the Provincial Court for their information and guidance with precepts requiring them to furnish a copy of para 1 to each of the subordinate Criminal Courts.-

Precept returnable without delay.-

(Sent following precepts No 121.)

Ordered also that a copy of this

para 1. of these proceedings be transmitted to the Court of Circuit in the Centre, Southern and Western Divisions with precepts requiring them to communicate the same to the several Criminal Courts subordinate to them respectively - Precept returnable without delay.-

(Sent following precepts No 122.)

Read return dated the 6th Ultimo, from the Judges of the Provincial Court of Circuit in the Southern Division to precept dated 23d January last, containing their Courts observations and orders upon the review of the Criminal Reports for November last.-

(Hereunto No 116.)

Read return dated the 29th Ultimo, from the Judges of the Provincial Court in the Centre Division, to precept of the 24th Ultimo, directing that the several Magistrates be instructed to warn all Heads of Villages and subordinate Police Servants that they are required on pain of fine or diminished, to make known immediately to the Head of Police whenever they may be informed that a duttee is intended and further directing that the provisions of clause second Section IX Regulation I of 1830 be generally proclaimed throughout the Villages.-

(Hereunto No 168)

Read return dated the 26th Ultimo, from the Judges of the Provincial Court

7th March 1832.

Court of Circuit in the Southern Division, to
precept of the 18th January last, calling upon the
Provincial Court to obtain the explanation of
the Magistrate of Salem of his proceedings on
the Subject of the S. C. Mis: pet: No 3. of 1832
presented by Canaca Sabha Chitty and Ram
:gapah Chitty of Dharampoory.—

(Here enter No 167.)

Read letter, dated the 27th
Ultimo, from the Acting Judge on Circuit in the
Northern Division, transmitting the copies of
the Calendars of Prisoners for Trial at the Sessions of 1832.

(Here enter No 169.)

Read letter dated the 27th Ultimo,
from the Provincial Court of Circuit in the Northern
Division, transmitting certain explanations relative
to the Monthly Criminal Reports for October 1831.

(Here enter No 172.)

Read letter, dated the 3d Instant,
from the Acting 1st Judge on Circuit in the Southern
Division, reporting the departure of the Acting
1st Judge on Circuit to Trichinopoly previous
to his further progress to Salem.—

(Here enter No 177.)

Read letter dated 1st Instt. from the
Acting Judge on Circuit in the Northern Division
reporting that the Quarter Sessions is opened.—

(Here enter No 176.)

Ent'd
Clerk

Ent'd
Clerk

F. 16.

At a Court of the Zoujdaree Adawlut.

Present,

Thursday, 8th March 1832.

C. M. Lushington Esqre 2nd Puisne Judge
John Bird Esqre Acting 2nd Puisne Judge
William Dudlaston Esqre Acting Judge.

Read letter, dated the 31st Ultimo, from the Provincial Court of Circuit in the Northern Division, submitting the Reports required by Section XXXV Regulation X of 1816 from the several Criminal Joint Criminal and Native Criminal Judges in the Division for the Month of November last, together with an extract from their proceedings thereon.

(Here enter No 174.)

Thought the Court of Zoujdaree Adawlut cannot admit the justice of the observations contained in Para 12 of the Proceedings of the Provincial Court on the Reports under review, they are not of opinion that it is necessary that the Reports should be in the Particulars therein recommended as it is always open to the Court of Circuit to require from the Magistrate such explanation as they may deem requisite and the Court of Zoujdaree Adawlut think that it will be less troublesome to call upon the Magistrates for the distances in each

such as that described by the Provincial Court than to require the distance to be inserted in each case.

Guntoor Report No. Case No. 4. 2. With reference to Para 13 of the Proceedings of the Provincial Court relative to this case, the Court of Rajahmundry deem it proper only to observe that the Provincial Court will be shortly put in possession of their orders on the similar case No. 17 of the same Report for the Month of October last.

Suppl. Report No. Case No. 3. The Court of Rajahmundry do not perceive that the sentence of six Months' imprisonment in this case to which Para 16 of the Provincial Court's Proceedings refers is objectionable. It would appear that the Prisoners were convicted, the first of entering a house and stealing property to the value of 10 Rupees, and the second of concealing the Property knowing it to have been stolen.

Nellore Report No. 4. Case No. 59. 4. Adverting to Para 8 of the Provincial Court's Proceedings respecting this case, the Court of Rajahmundry are of opinion that the provisions of Section XXIII Regulation VIII of 1802 are positive, and if connivance or otherwise criminality is proved the Prisoner must be committed. They cannot coincide with the Acting Judge that it was competent to the Criminal Judge to sentence in this case. The proof of the connivance of the Prisoner must have been involved in the proof of the charge of which it would appear that

they were convicted.

Nellore Report No. Case No. 5. 5. The remark of the Court of Rajahmundry Solatut on case No. 59 is applicable to this as far as regards the 3rd, 4th, 5th and 6th Prisoners. The Court of Rajahmundry Solatut direct under the circumstances of the case that the sentence of the Criminal Judge of imprisonment for 10 Months be cancelled and that an amended sentence for the said Prisoners to be imprisoned for 6 months be passed.

Ordered, that extract of these Proceedings be sent to the Provincial Court in the Northern Division for their information and guidance by Receipt returnable without delay.

Sent following Receipt No. 127.

Read letter dated the 4th instant from the Provincial Court of Circuit in the Northern Division, submitting the Report prescribed by Section XXXV Regulation X of 1816 from the Several Criminal Judges and Native Criminal Judges in the Division for the Month of December last, with an extract from their Proceedings thereon.

(Here enter No. 142.)

Chicacole Report No. 7. 1. The Court of Rajahmundry Solatut are at a loss to account for the appearance in this Report of the case No. 20 of the Calendar their sentence upon it having been shipped on the 8th of December last.

Guntoor Report No. 5. 2. With reference to the recommend-

of

of the Provincial Court communicated in the 4th Para of the Extract of their Proceedings on the Report now under review. The Court of Vingdance Adalut authorize the release of the Prisoner in Case No 1 of this Report.

3. The Court of Vingdance Adalut have under their consideration the application of the Native Criminal Judge at Guntoor alluded to in the 8th Para of the Proceedings of the Provincial Court, but are of opinion that it is advisable to await the completion of the contemplated arrangements for the establishment of an Auxiliary Court at Guntoor.

Ordered, that extract of these Proceedings be sent to the Provincial Court of Circuit in the Northern Division and guidance by Precept returnable without delay.

(Sent following Precept No 128.

Mr Bird. and Mr Hudleston.

Read letter, dated the 15th ultimo, from the First Judge late on Circuit in the Central Division, submitting case No 8 Calendar 2nd Sessions 1831.

(Here enter No 103.)

The Court of Vingdance Adalut on a deliberate consideration of the circumstances of the case in evidence before them concurring in opinion, that the proof against the Prisoner for Manslaughter, is sufficient to convict him of the crime of murder, do under the authority with which they are vested by Clause first Section II. Regulation I of 1818 convict him thereof, and sentence him to suffer death, as prescribed by Section X Regulation VIII of 1802, by being hanged at the usual time and place of execution.

(Sent following letter No

Mr Livingston and Mr Hudleston.

Read again letter, dated the 3rd January last, from the 2nd Judge on Circuit in the Western Division, submitting the record of the trial in case No 6 Calendar 1st Sessions 1832.

(Here enter No 104.)

Read the second petition delivered in this case by the Cazee ool Cozat and Moofties of the Vingdance Adalut.

The Court of Vingdance Adalut having maturely considered the proceedings before the Judge on Circuit, the petitions of the Provincial Law Officer, and the Futwas of the Cazee ool Cozat and Moofties of the Vingdance Adalut, confirm the said Futwas of the Cazee ool Cozat and Moofties of Masulipatam, convicting the Prisoner Nasharnel Peraden, of Manslaughter, & adjudge him, in commutation of the Penalty of Death awarded in the Futwas, to be imprisoned and kept to hard labour in Irons on the public roads or other public works, for the period of [3] three years.

The Court of Vingdance Adalut deem it proper to call the attention of the 2nd Judge to the impropriety of referring in

8th March 1852.

in his letter to the written declaration of the deceased which was not proved at the Trial, and to the omission of causing it to be proved by the attesting Witnesses.

The Court of Enquiry Malabar also of opinion, that the examination of the 1st Witness for the prosecution ought not to have been dispensed with by the 3rd Judge.

Ordered, that extract of these Proceedings be sent to the 3rd Judge on Circuit in the Western Division for his information and future guidance.

Sent following Letter No 130.

10th Ct

F. 11.

At a Court of the Enquiry Statute.

Present.

Monday, 12th March 1852.

C. R. Lushington Esqre 2nd Puisne Judge
John Bird Esqre Acting 2nd Puisne Judge
William Braddon Esqre Acting Judge.

Read letter, dated the 20th January last, from the Provincial Court of Circuit in the Western Division, submitting the Reports rendered by Section XXXV Regulation X of 1816 from the several Criminal Courts, Criminal and Native Criminal Judges, in the Division for the Month of December 1851, with an extract from their proceedings thereon.

(Vide enter No 82)

Malabar Report 185 Case 1297.

The Court of Enquiry Statute have to remark that the punishment assigned in this case was not at all adequate to the offence which in his explanation to the Provincial Court the Criminal Judge states was "inflicted from".

2 The Provincial Court will communicate this remark to the Criminal Judge, and will call upon him to transmit an amended "Statement of Cases of the Prisoners" on the Jillah Roll of Malabar." That which accompanied the Report now under review is herewith returned as incorrect in regard to the entry either in Column 1 which should show the number of Prisoners of every description in the Criminal Roll, or in Columns

Columns 2, 3, and 4 which should shew only the number of Prisoners liable to labor.

Malabar Anny Court Report No V Case No 101.

3. With reference to the entry in the Column of "punished" that the "Prisoner was convicted on proof of stolen property having been discovered on his house" it does not clearly appear whether the Joint Criminal Judge considered him convicted of Burglary or of being in possession of stolen property knowing that it had been stolen. In the latter case Clause fourth Section IV Regulation VI of 1822 should have been cited by the Joint Criminal Judge in support of his sentence, and the Provincial Court will intimate this to him.

Cannara Anny Court Report No V Case No 87.

4. The Provincial Court will notice a mistake which has occurred in the insertion of "Clause fourth Section I Regulation IV of 1831" by the Joint Criminal Judge in this case in support of his sentence of a fine of 4 Rupees.

Supt Report Case No 25.

5. The Joint Criminal Judge in his remark on this case states "the examination "of this case was finished and the Proceedings "submitted for the orders of the Provincial Court "of Circuit collectively on the 26th August 1831 "as directed in the said extract." It appears to the Court of Enquiry doubtful that this case might have been disposed of before the 2d Judge proceeded on Circuit and they deem it proper to call upon the Court of Circuit for an explanation of the delay.

Orders

12th March 1832.

Ordered that extract of these proceedings be sent to the Provincial Court in the Western Division for their information and guidance by Precept returnable without delay.

Sent following Precept No 181.

Read letter dated the 6th Instimo. from the Provincial Court of Circuit in the Centre Division, submitting the Reports required by Section XXXV Regulation X of 1816 from the several Criminal and Joint Criminal Judges in the Division for the month of December 1831, together with an extract from their proceedings thereon.

Here enter 9 No 119

Cuddapah Supt Report Case No 1.

1. The charge against the Prisoner in this case is Grand and not theft, and cannot be punishable under Clause fourth Section III Regulation VI of 1822 cited by the acting Criminal Judge in support of his Sentence. The Provincial Court will therefore call upon the acting Criminal Judge to cancel his sentence as it is illegal, and to dispose of the case under the provisions of Section VII Regulation X of 1816, committing the prisoner for Trial before the Court of Circuit if there appear grounds for it.

Bellary Supt Report Case No 6.

2. The remark and order on the preceding case No 1 of the Cuddapah Supplemental Report is applicable to this.

Case No 9.

3. The Provincial Court will call upon

12th March 1832.

upon the Acting Criminal Judge for a full explanation why this case which appeared in the Reports of December last has not yet been examined.

Bellaire Sessions Report 4.
Case No 14.

The prisoners in this case should have been sent to the Magistrate and the Provincial Court will ascertain and report this apparent neglect of the provisions of Regulation II of 1829.

The Court observe that the Acting Criminal Judge of Bellaire remarks the Cases received by him in each Month distinctly. This practice does not obtain in the other Criminal Courts, and the Provincial Court will direct him to continue the cases received in each Month in strict succession to those received in the preceding Months retaining the same numbers in the Supplimental Reports as were attached to the cases in the Report No V.

Ordered, that an extract of these proceedings be sent to the Provincial Court of Circuit in the Centre Division for their information and guidance by Precept returnable without delay.

(Sent following Precept No 92.
Send letter, dated 27th Ultimo, from the Third Judge on Circuit in the Western Division, submitting Malabar Calendar 1st Sessions 1832.
(Here enter No 166)

12th March 1832.

Case No 10

It appears to the Court of Vaydaree Adalut questionable whether the violence against the 2nd Prisoner in this case was sufficient for his conviction, and they accordingly resolve to direct that an English Translation of the record of the Trial be submitted for their consideration and that the sentence of the 3rd Judge be suspended pending the reference.

Case No 13.

2 This case falls apparently within the scope of the provisions of Clause second Section IV Regulation XII of 1803, and the Court of Vaydaree Adalut deem it proper to call upon the 3rd Judge to explain his disposing of it under Clause third of the Section which does not apply to robbery attended with severe personal injury, and such violence as appears to have attended the commission of the robbery.

Case No 18.

3 The 3rd Judge will explain the information of the Court of Vaydaree Adalut what precautions he has taken in respect to the first prisoner whose appearance as well as the evidence is stated by him to have warranted a belief that "she was liable to occasional "insanity."

Ordered, that an extract of these proceedings be sent to the Third Judge on Circuit in the Western Division for his

17th March 1832.

his information and guidance by Precept returnable without delay.

(Sent following Precept No. 133.

Read again letter dated the 18th January last from the 2d Judge of the Court of Circuit in the Centre Division, transmitting copies of the 1st and 2d Supplemental Calendars for the 4th quarter Sessions 1831.-

(Here enter No. 50.)

The Court of Vice-roy Resident ordered that the Records of the Trial No. 2 of the 1st Supplemental Calendar the trials of which was closed on the 25th December last, and that of the trials No. 2 of the 2d Supplemental Calendar which was closed on the 4th January last, have not yet been forwarded.-

Ordered therefore that the 2d Judge of the Court of Circuit in the Centre Division be required to submit the said Records, or to shew cause for his not doing so by precept, returnable in 5 days from and after its receipt.-

(Sent following precept No. 134.)

Read letter, dated the 30th January last from the Provincial Court of Circuit in the Southern Division, submitting the Reports required by Section XXXV Regulation X of 1816 from the Several Criminal and Joint Criminal Judges in the Division for the months of December 1831, together with an Extract from their proceedings thereon.-

(Here enter No. 105.)

Jurisdictional Report No. 5 Case 99.

According to the Abstract of the charge, the value of the property stolen by the Prisoner

17th March 1832.- Prisoner in this case exceeded 100 Rupees. the Provincial Court will therefore call upon the Acting Joint Criminal Judge to explain upon what ground he passed sentence, and also why the 4th Prisoner having been sentenced to 1 year's imprisonment, the others were sentenced to only 6 months.-

Salem Report No. 2 Case 180. The Court of Vice-roy Resident approve of the orders of the Provincial Court referred to in para 19 of their proceedings accompanying the Reports under review.-

Case No. 182 3 With reference to Para 20 of the said Proceedings, the Court of Vice-roy Resident direct the Provincial Court to instruct the Acting Criminal Judge to dispose of the case under clause fourth Section III Regulation VII of 1822.-

Ordered, that Extract of this Proceedings be sent to the Provincial Court in the Southern Division for their information and guidance by precept returnable without delay.-

(Sent following precept No. 135.)

Read letter, dated the 29th Attems, from the Provincial Court of Circuit in the Southern Division, transmitting explanations received from the different authorities on Criminal Reports for November last.-

(Here enter No. 181.)

Read letter, dated the 5th instant from the Acting 1st Judge on Circuit in the Southern Division, transmitting warrant issued to the Criminal Judge of Pettahveram for

12th March 1832. for the execution of the Prisoner in case No 3
of the Madura Calendar 1st Septr 1832 with
that officers return and letter in the same subject.
(Here enter No 182)

Read letter dated the 5th
Instant from the Acting 1st Judge on Circuit
in the Southern Division, reporting the arrival
of the Court of Circuit at Tuticorin.
(Here enter No 183)

Wednesday
14th March 1832.

In a Court of the Sessions Adalat.

Present

C. M. Lushington Esqre 2d Puisne Judge
John Bird Esqre Acting 3d Judge
William Huddleston Esqre Acting Judge.

Read miscellaneous petition
No 31 of 1832 presented by Woonamaley Ummal
(Here enter)

The Court cannot discover from
this petition with certainty, what the petitioner
prays for—

Ordered, that the petition be
returned, and that the Petitioner be directed
to state her case, and the object of her applica-
tion briefly and distinctly.—

Ordered, that extract of these
proceedings be furnished to the Petitioner on her
application.—

Read petition presented on the
29th Ultimo by Ramanoojun Pillay of the
Villa of Combaconum.
(Here enter Mr. P. No 37)

The petitioner alleges that during
his absence from his Village, one Chedumbra
chetty and Others came to his house and
ill treated and annoyed his wife, and that
although he proved his complaint before
Berry Pimenton the Magistrate's Cutcherry
under His Highness the Rajah of Tanjore
he is unable to get Chedumbra chetty to

is a man of influence, punished.—

The petitioner prays the Court to endorse his petition, so that he may produce it to the Zilla Judge.—

The Court of Foujdaree Adaulut cannot interfere in this case. The petitioner should make his application to the Local authorities.—

The petition is accordingly rejected.

Ordered, that a Extract of these proceedings be furnished to the Petitioner on his application.—

Iyasammy Vauthear of the Zilla of Chingleput moves the Court to return the Enclosures in his Miscellaneous Petition № 13 of 1832.—

Ordered accordingly.—

Read letter, dated the 21st Ultimo from the First Judge late on Circuit in the Centre Division, submitting case № 20, Cuddalore Calendar, 2d Sessions 1831.—

(Here enter № 161)

Mr Bird and Mr Braddyll.

The Court of Foujdaree Adaulut having maturely considered the proceedings held before the Judge on Circuit; the futwa of the Provincial Law Officer, and the futwa of the Cazee ool Cozat and Mooftees of the Foujdaree Adaulut, confirm the said futwa of the Cazee ool Cozat and Mooftees aforesaid the prisoner

1st Para Seegoorengadoo,

but considering that there being suspicion, though not

Mr Lushington and Mr Bird.

not amounting to conviction, attaches to him, they do not under clause 3d Section II Regn. Cation XV of 1803, that he be required to find 2 Sureties in twenty five (25) Rupees each for his good behaviour and appearance when required within one year, or in default thereof, that he be detained for that period as confinement.—

(Sent following letter № 1180)

Read letter dated the 16th Ultimo from the Third Judge on Circuit in the Western Division, submitting case № 3 on the Additional Calendar of the Zilla of Malabar for the 1st Sessions of 1832.—

(Here enter № 154)

The Court of Foujdaree Adaulut having maturely considered the proceedings held before the Judge relative to the future of the Provincial Law Officer, and the futwa of the Cazee ool Cozat and Mooftees of the Foujdaree Adaulut, confirm the said futwa of the Cazee ool Cozat and Mooftee aforesaid.—

The Court of Foujdaree Adaulut convicting the Prisoner

Manastodjid Aten

of murder, under the provisions of Section X Regulation VIII of 1802, sentence him to suffer death by being hanged on a Gibbet to be erected in the immediate vicinity of the spot where the murder was committed, his body to be afterwards

there

March 14 March 1832.

thereon suspended in chains.-

(Sent following letter No 145.)

Read letter, dated the 14th Instant, from the 3d Judge on Circuit in the Western Division, submitting case No 24, Malabar Calendar, 1st Sessions of 1832.-

Mr Lushington
Mr Bird
and
Mr Huddleston.

(Here enter No 140.)

The Court of Foujdaree Udalut upon a deliberate consideration of the circumstances of the case in evidence before them, concurring in opinion, that the proof against the prisoner Harimbanakel alias Joseph Rayen is sufficient to convict him of the crime of wounding, under the authority with which they are vested by Clause fifth Section II Regulation I of 1818 convict him thereof, and sentence him to suffer death, as prescribed by Section X Regulation VIII of 1802, by being hanged at the usual time and place of execution.-

1

The Court of Foujdaree Udalut do not think the 3d Judge's letter, referring the trial, at all satisfactory. It does not contain any distinct opinion as to the guilt of the prisoner, or the punishment which should be inflicted upon him, nor does it as required by the Standing orders of the Foujdaree Udalut contain an abstract of the evidence delivered at the trial.-

2

The Court of Foujdaree Udalut observe that the 2d witness for the Prosecution in reply to the 2d question of the Presiding Judge stated that the Saw from about 7 Fathoms distance

F. C.
14th March 1832.

"the Prisoner drew the knife from his girdle and inflicted a wound on Witness' Father's left "side below his Navel." It would appear from Page 24 of the record that this Witness in her examination before the Police Officer deposed, that she did not see the Prisoner in the act of stabbing. This is a strong instance of an important deposition not being recorded, and the Court of Foujdaree Udalut direct that in all cases where, as in the present Trial, reference is made, in the Proceedings of any of the subordinate Tribunals, to previous contradictions in the evidence of the Witnesses, copies of both depositions shall be invariably submitted.-

3

With reference to the Memorandum of the 3d Judge shewing that he did not consider it necessary to examine the 3d and 5th Witnesses for the Prosecution in this case, and to the Memorandum of the 3d Judge in page 38 of the record of the Trial No 3 Malabar additional Calendar 1st Sessions 1832 to the effect that after the examination of the three first Witnesses for the prosecution he thought it "unnecessary to examine the other Witnesses for the Prosecution" the Court of Foujdaree Udalut deem it proper to express their opinion that the practice of dispensing with the evidence of Witnesses in cases of life and death, is highly objectionable.-

Ordered, that extract of these proceedings be sent to the 3d Judge on Circuit in the Western Division for his information and

future guidance.-

(Sent following letter No 182)

Ordered also, that Copy of Para 2 and 3 be sent to the Provincial Courts of Circuit in the Centre, Northern and Southern Divisions for their information and future guidance.-

(Sent following letter No 183)

Read Return, dated the 7th Instant, from the Acting Judge on Circuit in the Northern Division, in receipt of the 29th Ultimo, sanctioning the mitigation of punishment proposed by the Acting Judge in favor of the prisoners in No 12, Cellar Calendar, 4th Sessions 1832.-

(Hereunto No 184)

Read Return dated the 3d Instant from the Provincial Court of Circuit in the Western Division, in receipt of the 24th Ultimo, directing all Magistrates to be instructed to warn all heads of Villages and Subordinate Police Servants, that they are required on pain of fine or dismissal to make known immediately to the Head of Police whenever they may be informed that a Suttee is intended.-

(Hereunto No 186)

Read Letter dated the 5th Instant from the Acting Judge of the Court of Circuit in the Northern Division, transmitting the Original Warrant in the case No 21, Chingoo Calendar, 4th Sessions 1831.-

(Here enter No 187)

Read Letter, dated the 5th Instant, from the Acting Judge of the Court of Circuit in the Northern Division, transmitting Original Warrant in Case No 2 on the 4th Calendar of Cudaloor Pattam, 3d Quarterly Sessions 1831.-

(Hereunto No 188)

Read Letter, dated the 5th Instant, from the 2d Judge on Circuit in the Centre Division, announcing the Commencement of the Bellary Sessions.-

(Hereunto No 189)

Read Return, dated the 9th Instant from the Judges of the Provincial Court of Circuit in the Southern Division, in receipt of the 5th Instant, enjoining that when the examinations taken from persons wounded, before their death may be produced in Trials before the Court of Circuit, care be taken that they be then proved in open to render them available as Evidence.-

(Here enter No 194)

Read Letter, dated the 8th Instant, from the 3d Judge on Circuit in the Western Division, reporting the opening of the Jail delivery at Mangalore for the 4th Sessions of 1832, and the day fixed for opening the Sessions at Honore.-

(Hereunto No 195)

Read Letter dated the 5th Instant from the Provincial Court of Circuit in the Southern Division transmitting explanations received from the different authorities on Criminal Reports for December last.-

(Here enter No 185)

At a Court of the Fouzdaree Adalut.

Present:

Friday 16th March 1832 — C. H. Lushington Esqre 2d Judge
John Bird Esqre Acting 3d Judge
William Kirkpatrick Esqre Acting Judge.

Read Letter dated the 24th Ulto from the Provincial Court of Circuit in the Southern Division, submitting the Reports required by Section XXXV Regulation X of 1829 from the several Criminal and Joint Criminal Judges in the Division for the month of January last, together with an extract from their proceedings thereon.

Madura Report V Cases 3 and 4.

1 Here enter No. 173

The Provincial Court will call upon the Criminal Judge to amend his sentences requiring security from the first prisoner in these two cases, by inserting the number of years in which they were bound to furnish their security.

No. 10

2 The Court do not consider the reasons assigned for the detention in the Lockup of the Prisoner in this case to be satisfactory.

3 With reference to the entry in the statement of the labor of Prisoners the exception would seem to imply that those who are held to security are not employed. The Provincial Court will call on the Criminal Judge for explanation with reference to the Circular order of the 19th of October last.

56. * Cleaning the jail, assisting the sick, and doing the work within the jail; those who are in a weak state, and unable to work, and those who are held to security.

Tinnevelly Report V Case 5.

4 It would appear that one or more of the Prisoners in this case were detained in the

the Talook from the 21st December 1831 to the 17th January last, contrary to the Circular Order of the 21st May 1829.

5 The Provincial Court under the Circular order of the 18th September 1824 will notice this to the Magistrate and require from him an explanation of the delay.—

* Confined for default of security but not employed in any way ..... } 12

6 With reference to the entry in the State: ment of the labor of Prisoners the Provincial Court will obtain an explanation from the Acting Joint Cri: minal Judge why the 12 prisoners alluded to are not employed, agreeably to the Circular Orders of the 19th of October last.—

Combaconum Report V Case 15.

7 The Provincial Court will call upon the Magistrate to explain why this case was forwarded to him by the Police instead of being transmitted direct to the Criminal Court agreeably to Section XXVII Regulation XI of 1816.—

Case No 20

8 With regard to the doubts expressed by the Acting Judge relative to his disposal of this case, the Provincial Court will refer that officer to the Circular Order of this Court 8th May 1815 for his satisfaction.

9 The Court of Foujdaree Adaulut concurs in the opinion of the Provincial Court conveyed in Para 33 of their proceedings that the suggestion of the Acting Criminal Judge of Combaconum to alter the form of the monthly statement of the labor of the prisoners is not worthy of adoption.—

10 The Court of Foujdaree Adaulut wish to have before them the computed value of the produce of the labor within the month whether it be sold or not, and they do not consider that

Salem Report V No 15.

any alteration is necessary.—

11 The Court of Foujdaree Adaulut concur in the sentiments expressed by the Provincial Court in para 17 of their proceedings relative to this case, and they are of opinion that the 2d prisoner ought to have been committed if the prosecution of the stolen property was proved by witnesses.—

No 16.

12 With reference to para 19 of the proceedings of the Provincial Court it would appear that there was proof of only a petty theft against the 5th prisoner, and in this case the Court of Foujdaree Adaulut consider the punish: ment awarded sufficient.—

Case No 22.

13 In the 23d Para of their proceedings the Court of Circuit observe that "the prisoner "was convicted of having broken and entered "into the house of the prosecutor and robbed it "of property but whether the offence was com: "mitted at such time in the morning as to "constitute the crime of Burglary is not stated"

14 The Court of Foujdaree Adaulut in their Circular order of the 29th of September 1828 explained that "every act which constitutes a "breaking by night must in law be deemed "a breaking if committed by day." The drift of the observation of the Court of Circuit is therefore not quite apparent, and with reference to the opinion expressed in the 24th para of the pro: ceedings that the sentence passed on the prison: er was too lenient, it should be observed that the prisoner does not appear to have been convicted of

the

16th March 1832.

of breaking into the house but, of entering the
"prosecutors house and appropriating a cloth to
"her own use by stealth"-

Coimbatore Supplemental Rept Nos 154, 164, 167.

15 The Provincial Court will instruct the Acting Joint Criminal Judge to amend his sentences requiring security in each of these cases by specifying the number of sureties and amount of each surety which the prisoners have been severally called upon to furnish.-

Coimbatore Report V Cases 2.5.9.11 & 13.

16 The order on the 3 cases abovementioned in the supplemental Report is applicable to these cases in the Report now under review.-

Ordered, that extract of these proceedings be sent to the Provincial Court in the Southern Division for their information and guidance by precept, returnable without delay.-

(Sent following precept No 1844.)

Read letter, dated the 27th ultimo, from the Provincial Court of Circuit in the Western Division, submitting the Reports required by Section XXXV Regulation X of 1816 from the several Criminal, Joint Criminal, and Native Criminal Judges in the Division for the month of January last, together with the Extracts from their proceedings thereon.-

(Here enter No 180.)

Canara Auxt Court. Report V Cases 1.2.3.

The Provincial Court will instruct the Acting Joint Criminal Judge to amend his sentences requiring security in

16th March 1832.

in each of these cases by specifying the number of sureties and the amount of each surety which the prisoners have been severally called upon to furnish.-

Case No 6

2 The Court of Sudder Adawlut do not consider the sentence in this case by any means satisfactory.-

3 The Provincial Court will therefore call for the proceedings of the Acting Joint Criminal Judge, and ascertain whether there is sufficient evidence to shew that the Prisoner entered the house with intent to steal and pass such orders as may appear to them expedient either in confirmation or in modification of the sentence.-

Canara Auxt Court. Suppl Report No 25 of 1831.

4 It appears that this case was received by order of the 3d Judge of Circuit and that it was submitted to the Collective Court of Circuit for their orders - The judgment it is presumed, was passed under the orders of that Court, but with reference to the nature of the charge it should have been explained upon what grounds a sentence apparently so lenient was passed upon the Prisoner.-

Malabar Suppl Report Case 174.

5 The value of the property stolen in this case according to the abstract, exceeding 100 Rupees, it should have been explained upon what grounds sentence was passed on the prisoner, especially as he was convicted in the following case of wounding.-

6 The Provincial Court will call for the required explanation.-

The

16th March 1832.

Malabar
Report dt. V
case 8.

The order on the cases 1, 2, 3, of the Report V of the Canara Auxiliary Court is applicable to this case, and also to case No 1 Report V of the Native Judge at Sirsee.

Ordered, that extract of these proceedings be sent to the Provincial Court in the Western Division for their information and guidance by precept, returnable without delay.-

(Sent following precept No 1145/)

Sd/ Cl
WJ WM

F. 6.

At a Court of the Sudder Adalut,

Present

Monday 19th March 1832.

C. M. Lushington Esqre Second Puisne Judge
John Bird Esqre Acting 3d Puisne Judge
William Hudleston Esqre Acting Judge.

Read again return dated the 14th ultimo to the Court's precept of the 18th January last, calling upon the Provincial Court to obtain the explanation of the Magistrate of Salem of his proceedings on the subject of F. 6. Mis. pet. No 3 of 1832 presented by Canara Sabha Chitty and Rungapah Chitty of Dharumpooky.-

(Here enter No 167)

Ordered, that the Provincial Court of Circuit be directed by precept to call upon the Magistrate of Salem to furnish the required explanation of his proceedings in the matter complained of by Canara Sabha Chitty and Rungapah Chitty without further delay.-

Precept returnable in 10 days from and after its receipt.-

(Sent following precept No 1147/)

Read return, dated 9th Instant, from the Judges of the Provincial Court of Circuit in the Centre Division to precept of the 5th Inst. conveying the remarks and orders of the Court on the Criminal Reports for November last.-

(Here enter No 168/)

Read return, dated 6th Instant, from the Judges of the Provincial Court of Circuit in the

F. M.

At a Court of the Foujdaree Adawlut.

Present,

Wednesday, 28th March 1832.

C. M. Lushington Esqre 2nd Puisne Judge
John Bird Esqre Acting 3rd Puisne Judge
William Huddleston Esqre Acting Judge.

Read Petition, presented on the 24th ultimo, by Roya Ambaidoss Vakeel on behalf of Nawab Mozuffer Khan Bahadur Killah of Bellary.

(Here enter Misc. Petn. No. 34.)

In the above Petition are stated the circumstances under which the Petitioner alleges Nawab Mozuffer Khan has been unjustly confined for the last 8 years in the hill fort at Bellary.

2 The Petitioner prays the Court to cause the removal of Mozuffer Khan to Madras, in order that he may be tried, and released if found innocent.

3 The Person in whose behalf the above Petition is preferred being a State Prisoner, confined under the provisions of Regulation II of 1819 which excludes the jurisdiction of the Courts Regulations Related, the prayer of the Petition is rejected.

Ordered, that a extract of these Proceedings be furnished to the Petitioner on his application.

Read

the Centre Division, to precept dated 5th Instant, injoining them that when the examinations of persons wounded before their death, taken from persons wounded before their death, may be produced in trials before the Court of Circuit, care be taken that they be then produced in order to render them available as evidence.

(Here enter No. 197.)

Read return, dated 9th Instant, from the Judges of the Provincial Court of Circuit in the Centre Division, to precept dated 5th Instant ordering them to communicate to the Criminal Courts subordinate to them the Courts orders in which the necessity of employing prisoners on works yielding the highest possible return was strongly urged.

(Here enter No. 198.)

Read return, dated 12th Instant, from the 3d Judge on Circuit in the Western Division, to precept dated the 5th Instant, mitigating the punishment in Case No. 10, Malabar Calendar, 1st Sessions 1832.

(Here enter No. 204.)

Read return, dated 12th Instant, from the Provincial Court of Circuit in the Centre Division, to precept dated 7th Instant, directing that the report No. 8 be prepared so as to shew in detail merely the commitments within the month for which it is prepared, the number of cases and Prisoners committed in the previous months, being included in an Abstract to be appended to the report in the form which accompanied the foregoing precept.

(Here enter No. 205.)

the Centre Division, to precept dated 5th Instant, enjoining them that when the examinations taken from persons wounded before their death may be produced in trials before the Court of Circuit, care be taken that they be then produced in order to render them available as evidence.-

/Here enter No. 197./

Read return, dated 9th Instant, from the Judges of the Provincial Court of Circuit in the Centre Division, to precept dated 5th Instant, ordering them to communicate to the Criminal Courts subordinate to them the Courts orders in which the necessity of employing prisoners on works yielding the highest possible return was strongly urged.-

/Here enter No. 198./

Read return, dated 12th Instant, from the 2d Judge on Circuit in the Western Division, to precept dated the 5th Instant, mitigating the punishment in Case No. 10, Malabar Calendar, 1st Session 1832.-

/Here enter No. 204/

Read return, dated 12th Instant, from the Provincial Court of Circuit in the Centre Division, to precept dated 7th Instant, directing that the report No. 8 be prepared so as to shew in detail merely the commitments within the months for which it is prepared, the number of cases and Prisoners committed in the previous months being included in an Abstract to be appended to the report in the form which accompanied the foregoing precept.-

/Here enter No. 205./

F. H.

At a Court of the Zillah Malabar.

Present,

Wednesday, 28th March 1832.

C. M. Lushington Esqre 2nd Puisne Judge
John Bird Esqre Acting 3rd Puisne Judge
William Dunlop Esqre Acting Judge.

Read Petition, presented on the 23d Ultimo, by Raya Ambadoff Vakeel on behalf of Nawab Moozuffer Khan Bahadur Zillah of Bellary.

(Here enter Misc. Vol. No. 34.)

1 In the above Petition are stated the circumstances under which the Petitioner alleges Nawab Moozuffer Khan has been unjustly confined for the last 8 years in the Hill Fort at Bellary.

2 The Petitioner prays the Court to cause the removal of Moozuffer Khan to Madras, in order that he may be tried, and released if found innocent.

3 The Person in whose behalf the above Petition is presented being a State Prisoner, confined under the provisions of Regulation II of 1819 which exclude the jurisdiction of the Courts of Zillah Statutes, the prayer of the Petition is rejected.

Ordered, that extracts of these Proceedings be furnished to the Petitioner on his application.

Read

Read letter, dated the 5th Instant, from the Provincial Court of Circuit for the Northern Division, submitting the Criminal reports for the month of January 1832, with an extract from the proceedings of the Court of the same date.

(Here enter No. 199.)

Chicacole Report No. 1.

1. The case No. 20 of the Chicacole Calendar 1st Sessions 1831 which is entered in this report as under reference to the Poojdaree Adalut, was disposed of by this Court under date the 6th December last, and a copy of their proceedings was transmitted to the Provincial Court on the 9th. It requires to be explained how the case is nevertheless entered as remaining to be disposed of at the end of January.

Rajahmundry Report No. 1.

2. In this report a case No. 28 in the Calendar 2nd Sessions 1831 entered in the Calendar as referred is omitted. The attention of the Criminal Judge should be directed to this. If there is a reason for the omission it should be explained.

Rajahmundry Report No. 5. Case 3.

3. If the explanation which the Provincial Court have called for regarding this case is not satisfactory they will direct the Joint Criminal Judge to reduce the amount of security required from the prisoners.

Case No. 4

The Court of Poojdaree Adalut

resolve to remit the corporal punishment which forms part of the Sentence of the Joint Criminal Judge, as recommended by the Provincial Court in the 12th para of their proceedings, on the grounds of past good conduct and the Prosecutor's strong recommendation in his favor.

Report No.

5. The Court of Poojdaree Adalut think it proper to call upon the Provincial Court to explain why the cases in this report had not been disposed of up to the end of January. In the first case the commitment was made so long ago as the 28th June 1831, and the latest commitment in the last case was made on the 1st December 1831.

Report No. 1.

6. There is an omission in the 1st Column of this report, the number in the Calendar not being entered. The attention of the Joint Criminal Judge should be directed to this inaccuracy.

7. Referring to the Statement shewing how the prisoners under the charge of the Joint Criminal Judge were employed in this month, and to the remark contained in it in explanation of there having been no return from the labour of the prisoners, the Court have to observe that unless the labour of the prisoners is speedily brought into profitable operation

according

Read letter, dated the 5th Instant, from the Provincial Court of Circuit for the Northern Division, submitting the Criminal reports for the month of January 1832, with an extract from the proceedings of the Court of the same date.

(Here enter No 199.)

Chicacole Report No 9.

1. The case No 20 of the Chicacole Calendar 1st Sessions 1831 which is entered in this report as under reference to the Court under date the 6th December last and a copy of their proceedings was transmitted to the Provincial Court on the 9th. It requires to be explained how the case is nevertheless entered as remaining to be disposed of at the end of January.

Rajahmundry Report No 9.

2. In this report a case No 28 in the Calendar 2nd Sessions 1831, entered in the Calendar as referred is omitted. The attention of the Criminal Judge should be directed to this. If there is a reason for the omission it should be explained.

Masulipatam Criminal Court Report No 5. Case 3.

3. If the explanation which the Provincial Court have called for regarding this case is not satisfactory they will direct the Joint Criminal Judge to reduce the amount of security required from the prisoners.

Case No 4.

4. The Court of Zillah Cuddapah

resolve to remit the corporal punishment which forms part of the sentence of the Joint Criminal Judge as recommended by the Provincial Court in the 12th para of their proceedings, on the grounds of past good conduct and the Collector's strong recommendation in his favor.

Report No 5.

5. The Court of Zillah Cuddapah think it proper to call upon the Criminal Court to explain why the cases in this report had not been disposed of up to the end of January. In the first case the commitment was made so long ago as the 28th June 1831, and the latest commitment in the last case was made on the 1st December 1831.

Report No 9.

6. There is an omission in the 7th Column of this report, the number in the Calendar not being entered. The attention of the Joint Criminal Judge should be directed to this inaccuracy.

7. Referring to the Statement shewing how the prisoners under the charge of the Joint Criminal Judge were employed in this month, and to the remark contained in it in explanation of there having been no return from the labour of the prisoners, the Court have to observe that unless the labour of the prisoners is speedily brought into profitable operation

according

according to the rules, they will be reluctantly compelled to take serious notice of the inattention of the Joint Criminal Judge to this important part of his duty.

Country Criminal papers.

8. Three reports being prepared in a form which causes an unnecessary waste of paper, the Court of Escheat and Vice Admiralty direct that they be prepared in future in the same form as the reports from the other Courts.

Settlers Supplemental Report.

9. In the case No 68 of 1831 explanation should be required why the absent witness had not appeared.

10. In the case No 79 of 1831 agreeably to the recommendation of the Provincial Court in Para 19 of their proceedings, the Court of Escheat and Vice Admiralty order that the prisoner be discharged.

11. In concluding their remarks the Court of Escheat and Vice Admiralty have to record the satisfaction they have derived from the efficient manner in which the Criminal reports are reviewed by the Provincial Court.

Ordered, that an extract of these proceedings be sent to the Provincial Court with precept directing them to make the necessary communications to the subordinate Criminal Courts respectively. Precept returnable without delay. (Sent following Precept No

21st March 1832.

Read return, dated the 17th Instant, from the Provincial Court of Circuit in the Centre Division, to precept dated the 12th Instant, conveying the observations and orders of the Court on the Criminal Reports for December last.

(Here enter No 204)

Read return, dated the 12th Instant from the Provincial Court of Circuit in the Western Division, to precept dated the 5th Instant, directing that when the examinations taken from persons wounded before their death, may be produced in trials before the Court of Circuit, care be taken that they be then pressed in order to render them available as evidence.

(Here enter No 205)

Read return, dated the 12th Instant, from the Provincial Court of Circuit in the Western Division to precept dated the 5th Instant, directing the Provincial Court to communicate to the Criminal Courts subordinate to them the Courts orders respecting the employment of prisoners on roads specifying the days of possible return.

(Here enter No 206)

Read letter dated the 17th Instant from the Acting 1st Judge on Circuit in the Southern Division, reporting that

24th March 1832

that notice was sent to the Criminal Judge of Salem that the Sessions will be held on the 10th April 1832.

Sgd

(Here enter No 2915)

F. 16

At a Court of the Tongadarra Adalut.

Present

Thursday 22nd March 1832.

C. M. Luthington Esqre 2nd Puisne Judge
John Bird Esqre acting 3rd Puisne Judge
William Braddon Esqre acting Judge

Read again letter, dated the 17th ultimo, from the Third Judge on Circuit in the Western Division, submitting case No 22, Malabar Calendar, 1st Sessions 1832.

(Here enter No 181.)

Mr Luthington and Mr Bird.

Read the second petition delivered in this case by the Counsel Vegat and Inspector of the Tongadarra Adalut.

The Court of Tongadarra Adalut having maturely considered the proceedings held before the Judge on Circuit, the petition of the Provincial Law Officer, and the petitions of the Counsel Vegat and Inspector of the Tongadarra Adalut, confirm the said sentence of the Counsel Vegat and Inspector aforesaid, and in commutation of the penalty of Deyat awarded in the sentence adjudge the Prisoner

Ambanwittil Valiyaffan,

to be imprisoned and kept to hard labor in Irons on the public roads or other public works for the period of [illegible] one year.

(Corresponding letter No 153.

Mr Luthington and Mr Braddon.

Read letter, dated the 22nd instant, from the Acting Judge late on Circuit in the Northern Division, submitting case No 22

(Here enter

Rajahmundry Calendar, 2nd Sessions 1831.

(Here enter No 74)

The Court of Sunjelaree Adalut having maturely considered the proceedings held before the Judge in Circuit, the futwa of the Provincial Law Officer, and the futwa of the Cazee ool Coozat and Mooftee of the Sunjelaree Adalut, confirm the said futwas of the Cazee ool Coozat and Mooftee aforesaid and acquitting the prisoners,

1st Nagoobatoo Santrah, and

2nd Adabaunda Soobbarayadoo,

direct that they be set at liberty.

(Sent following letter No 154.

1. Whatever may have been the criminality of the two Prisoners in this Case, they cannot be convicted of Perjury upon such an arraignment as that to which they were called on to plead at their Trial.

2. It is manifestly requisite that an indictment for Perjury under the provisions of Section II Regulation III of 1826 should contain a recital of the words of each of the contradictory Statements referred to, and the Court of Sunjelaree Adalut deem it proper to call the attention of the Acting Judge to their Circular order dated 28th November 1826, prescribing the form of indictment in Trials for Perjury under the provisions of Regulation III of 1826, from which both the Indictment drawn by the Criminal Judge and the arraignment adopted by the Court of Circuit differ in almost every essential particular.

Ordered, that extract of these proceedings be sent to the Acting Judge late on Circuit in the Northern Division by precept, enjoining him to point out to the Criminal Judge the informality of the indictment in this case, and call that officer's attention to the Circular order above mentioned.

(Sent following Precept No 153.

The Court of Sunjelaree Adalut having remarked that due observance had not, in all instances, been paid to the form of indictment for Perjury, the use of which they have enjoined in cases of prosecution under Regulation III of 1826, deem it proper to recall the attention of the four Provincial Courts of Circuit to their Circular Orders of the 28th November 1826, and to require them to notify to the several Criminal Judges in their respective Divisions, that the strictest adherence to the form of indictment, prescribed by those orders, is expected.

Ordered, that extract of these proceedings be sent to the four Provincial Courts of Circuit for their information and guidance, by precept returnable without delay.

(Sent following Circular Precepts No 155

22nd March 1832.

Mr Lushington
and
Mr Bird.

Read letter, dated the 16th Ultimo
from the Third Judge on Circuit in the
Western Division, submitting case No 1
Malabar 2nd Rotational Calendar for
Sessions 1832.

(Here enter No 169)

The Court of Foujdaree Adaulut
having maturely considered the proceedings
held before the Judge on Circuit, the
futwa of the Provincial Law Officer, and
Moofteed of the Foujdaree Adaulut, convicting
of murder and sentencing Kelapandi
confirm the said futwa of the Sudr
ool-Coujut and Moofteed aforesaid,
and under the provisions of Section X
Regulation VIII of 1802, adjudge the
prisoner,

Elloor an Arakatel Ittaran,

to suffer death by being hanged at
the usual time and place of execution.

(Sent following letter No 157.)

Sd/ W. B.
Sd/

Chk
Sd/ W. M.

4th April 1832.

F. H.

At a Court of the Foujdaree Adaulut.

Present.

Friday,
23rd March 1832. C. M. Lushington Esqr 2nd Puisne Judge
John Bird Esqr Acting 3rd Puisne Judge
William Rudkyston Esqr Acting Judge.

Chk
Sd/ W. M.

Read letter, dated the 6th instant
from the Acting 1st Judge on Circuit in
the Southern Division, submitting copy of
the Combaconum Calendar for Sessions 1832.

(Here enter No 191.)

In case No 4 the prisoner was
charged with forgery but was not put
upon his trial, the presiding Judge being
of opinion that according to the statement
of the case in the charge, the crime of
forgery was not complete, because the
utterance or publication of the instrument
stated to have been fabricated was not
alleged; and considering that the evidence
to prove the fact of fabrication was not
sufficient. Besides these grounds the Judge
stated that he deemed it inexpedient to try
the case in a Criminal Court because
"it would be establishing the validity or
"otherwise of deeds in debating Civil Property

2. On the ground of the insufficiency
of the evidence to prove the acts charged
against the Prisoner, the Court of Foujdaree
Adaulut think that he must properly be discharged
without trial.

Sd/

23rd March 1832

3 But considering the Acting 1st Judge to be in error as to the other grounds upon which his direction was founded, they deem it proper to record the following observations for his information and guidance.

4. By the English law a publication or uttering of the forged instrument is not necessary to complete the crime of forgery. The very making with a fraudulent intention and without lawful authority of any instrument which, at common law, or by statute, is the subject of forgery, is of itself a sufficient completion of the offence before publication; and though the publication of the instrument be the medium by which the intent is usually made manifest, yet it may be proved as plainly by other evidence.

Vide Comyns's Digest Vol. IV Page 107.

5. The main ground for not making an uttering necessary is that the injury, which a false deed affecting right of property is calculated to occasion, is not the less from the want of its being made public: on the contrary by suppressing it until the supposed witnesses are dead the means of obtaining redress are much diminished.

6. The Court are of opinion that the rule is strictly applicable to the provisions of Regulation VI of 1811 respecting forgery.

7. It is manifest from Mr. Garrow's own remarks on the case, that there is abundant evidence of the fraudulent intent, supposing the deeds in question to have been forged.

8. With respect to the considerations as to the expediency of trying the case, which Mr. Garrow states himself to have been influenced, the Court have to observe in the first place that with such considerations a Court of Circuit has nothing to do, and secondly, that it is a mistake to suppose that an acquittal on a trial for forgery would give validity to the alleged forged instrument.

9. In case No 5 in which the prisoner was charged with perjury, the charge depended upon the proof of the forgery in the preceding case, which being insufficient, it was proper to release the prisoner without trial.

10. With reference to the Acting 1st Judge's remarks upon this case, the Court of Sudder Adawlut have to observe that though the facts of the case did not come within the provisions of Regulation III of 1826, the case clearly fell within the scope of Section IV Regulation V of 1811. The other considerations referred by the Acting 1st Judge are such as a Court of Circuit had nothing to do with.

Ordered

28. March 1832

Ordered, that extract from these proceedings be transmitted to the Acting 1st Judge for his information and future guidance.

(Sent following letter, &c 159.

Ordered also that extract from pages 8 to 12 inclusive be furnished to each of the Provincial Courts of Circuit for the information and guidance of the Judges generally.

(Sent following Circular letters &c 160.

Ch L

WM

Ed

9th March 1832

Present Statement the number of persons

the last

J. 16.

At a Court of the Fouzdaree Adalut.

Present.

Monday 26th March 1832.

C. M. Lushington Esqre ..... Second Puisne Judge
John Bird Esqre ..... Acting 3d ..... D ..... D.
William Haddleston Esqre ..... Acting Judge.

The Court of Fouzdaree Adalut having remarked that in the Northern and Centre Divisions a delay occurs in the transmission of the Records of referible trials which is unknown in the other Divisions, deem it proper to call upon the Provincial Courts of Circuit in the Northern and Centre Divisions to explain the cause of the evil, in order that, if practicable a remedy may be provided for it. If the transmissions are not efficient others should be procured. or if they are insufficient in number it would be far preferable to obtain sanction for an increase of the establishments, than that the record of Trials should be delayed in the Provincial Courts of Circuit as they have been sometimes for more than 6 Months after their close.

There was no delay in the Centre Division during the last Sessions the Calendars having been light, and the duty having been performed by two Judges previously the delay was very great particularly in the 2d Sessions of 1830, the records of some of the trials then concluded, did not arrive till November 1831.

Ch L

WM

Ordered, that extract of these Proceedings

28th March 1832

Proceedings be sent to the Provincial Courts of the Northern and Centre Divisions for their information and guidance by Precept returnable without delay.

(Sent following Precept № 160)

The Records of the trials in the Nellore Calendar 1st Sessions of 1832. №s 6 11 14 and 16. concluded respectively on the 9th 13th 14th and Ultimo, and the record of the Trial № 1 of the Supplemental Calendar which was concluded on the 18th Ultimo, not having been received, the Court of Foujdaree Adalut deem it proper to remind the Acting Judge on Circuit that not one of his referred Trials has yet reached them.

Ordered, that Extract of these Proceedings be sent to the Acting Judge on Circuit by Precept requiring him to transmit the said Records, and to explain his omission to furnish them at an earlier period.

(Sent following Precept № 161.)

The Records of the Trials №s 8, 21, 25, and 28 on the Rajahmundry Calendar which were severally closed on the 10th 23d and 16th November and on the 3d December last and the Records of the Trials №s 15 and 18 on the Guntoor Calendar which were called for on the 9th of November last not having been received.

Ordered, that the Acting Judge last on Circuit be required by Precept returnable within 5 days from and after its receipt to transmit the said Records without further delay, and to explain his omission to furnish them at an earlier period.

(Sent following Precept № 162)

The

28th March 1832

The Cuddapah Calendar for the 1st Sessions 1832 not having been received-

Ordered, that the 2d Judge on Circuit in the Centre Division be required by Precept returnable within 5 days from and after its receipt to transmit the said Calendar and to explain his omission to furnish it at an earlier period-

(Sent following Precept № 163.)

The Acting Register laid before the Court the following Statement drawn up in his Office from the Returns received there, the Provincial Court of Circuit, exhibiting the operations of the Village and District Police and the Magistracy of the Criminal Courts, and of the Courts of Circuit, respectively, and he submits also an Abstract of the operations of this Court from the 1st of January to 30th of June 1831 according to the forms approved by Government.

Here enter № 1 to 9.

Statements № 1 and 2.

Petty Offences.

From the Statement № 1 and the detail № 2 it appears that the total number of persons brought before the Village Police Officers in the above period for petty Offences punishable by them was 1767 of whom 723 were acquitted or discharged and 1044 were punished 748 by Confinement in the Village Choultry and 296 in the Stocks. It is probable that a considerable part of those entered as acquitted were discharged because the Complaints against them were not

Village Police.

prosecuted

prosecuted. This will be shewn distinctly in future by the new form of Statement in which there will be a separate Column for such cases.

3. The following Statement shews that there was a considerable increase in the half year under review compared with the preceding half year in the number of persons brought before the Village police, but a decrease in the number of persons punished.

	Persons Summoned.	Punished.
From 1st July to 31st December 1830	1497	1172.
From 1st January to 30th June 1831	1767	1044.

4. In Vizagapatam in this half year as in the preceding one there was no instance of a person having been summoned or punished by the Village Police. In all the other Districts there were Cases in which the Village police were called upon to exercise their powers in some they were refused. It would appear however that the resort to the Village authorities is becoming gradually more frequent. In Salem in which in the preceding half year there were only 3 persons brought before the Village Police in this half year there were 99. of whom 73 were punished. In Masulipatam there was an increase in the number of persons summoned from 11 to 126 and in Nellore from 62 to 266; in Canara from 147 to 292, and in Malabar from 93 to 146.

	Persons Summoned.	Punished.
Chingleput	5	5.
Chittoor	2	2.
Tinnivelly	2	2.

5. It is evident that the returns from some of the Districts exhibit only the number of persons punished by the Village Police for

No. 11.

28th March 1832.

for petty offences and not those dismissed without punishment. As it is the desire of Government that the operations of the Village Police should be brought to view completely, orders will be issued requiring the Magistrates generally to take care that the number of persons dismissed without punishment as well as the number of persons punished by the Village Police be entered in the printed Statements under the proper heads.

District Police.

6. The total number of persons brought before the District Police Officers in this half year for petty offences punishable by them was 34880, besides 1963 whose cases were not disposed of at the date of the last report, making a total of 36823 persons left them the number before them for similar offences in the preceding half year by 7743 and less than the number before them in the 1st half year of 1830 by 12,985.

Year from 1st July 1830 to 31st December 1830	24346	
From 1st January 1830 to June 1831	36573	
	7743	7743
Year from 1st July 1830 to 30th June 1831	49808	
1st July to 30th 1831	36573	
	12985	

Of the 36,823 persons before the District Police in this half year as above stated 33350 are entered as acquitted, but this number includes those discharged in consequence of the complainants not prosecuting or the parties having compromised, which cases will be exhibited distinctly in future. Of the persons acquitted there were 1625 against whom the accusations appeared to be wilfully false and malicious.

8. The number of persons convicted and punished by the District Police was 11830 viz. 11606 without reference to the Magistrate and 224 after reference. Of the 11830 persons punished

punished, 7769 were fined, 2446 confined in the Chuntry, 376 confined in the Stocks, and 1539 flogged. The total amount of fines levied by the District Police and committed to the Magistrates was Rupees 67,69-13.- With reference to the great number of persons who have received corporal punishment it may be observed that a Clause in one of the new Drafts of Regulations now before the Government provides for the abolition of this objectionable mode of punishment by Police officers.

9. The number of persons brought before the District Police whose cases remained undisposed of at the close of this half year was 2417 being considerably more than remained at the close of the preceding half year. The Court remark particularly the great number of persons whose cases remained under examination in Guntoor and Nellore viz. in Guntoor 488 in Nellore 1017 of which there is no explanation. It is resolved to direct the attention of the Magistrates of those Districts to the circumstance.

10. In the Statement submitted by the Magistrate of Nellore for the preceding half year the number of persons whose cases remained undisposed of at the close of it was 987. In the present

present Statement the number of persons whose cases remained from the last half year is entered as 832, and it is explained in a note that 155 persons were discharged in consequence of the complainants not attending to prosecute, and therefore are not entered in this Statement. They ought to have been entered in Column 5 and written off in Column 8. In the Statements for Madalipatam for this half year and the preceding one, there is a difference of 4 under this head, which is explained in a note by the Magistrate. In the Statement for Bellary for this half year there is no entry in Column 5, although there was an entry of 2 in Column 13 of the Statement for the preceding half year, and the difference is not explained. The Magistrate will be directed to account for any such differences which appear in his statements.

Magistrates

11. The number of persons brought before the Magistrates in this half year for petty offences was 4635 to which adding 83 the number of persons whose cases remained from the preceding half year, the total is 4706. Of these 2358 were acquitted or discharged, 2011 were convicted and punished and 153 remained under examination. Of the persons acquitted or discharged, against 287 the accusations appeared to

28th March 1832.

be wilfully false and malicious. Of these
punished 1368 were fined, 523 were
imprisoned, and 128 were flogged.
12.

The only offence which seems
able in these statements to be of an
unusual nature is that of persons assem
for illegal purposes and refusing to
dispersed on the order of the Magistrate.
It appears that in Lucknow 140 persons were
tried by the Magistrate for this offence,
of whom 136 were convicted and punish
apparently under Section II Regulation
of 1831.
13.

In the Statements for Zillah
the Court observe that 215 persons were
brought before the Magistrate for frauds
on the customhouse revenue, of whom 214
are entered in Column 17 as acquitted. This
requires explanation. It would seem
from the note in the statement that all
all those persons were acquitted after
trial, it being stated that 185 of the 328
entered as acquitted belong to Rajeemundry
cases, but it is to be explained how Rajee-
mundry cases are dealt with in such cases.

Crimes and Misdemeanors
Vol 3 and 4.

14.

The total number of crimes
and misdemeanors reported to have
occurred in this half year as exhibited
in the Statements Vol 3 and 4 is 3867 in
which it is estimated the number

28th March 1832.

of persons concerned amounted to 20,331
The number of cases is very nearly the
Persons. Persons
1st half year 1831. — 3867. — 20,331. same as in the preceding
2nd do do 1830. — 3867. — 16,289 half year, but the number
6. 4,042.
of persons supposed to be concerned
is greater by 4042. It is observed how-
ever that the number both of cases
Persons Persons
1st half year 1830. — 3739 — 23,936 and of persons supposed
1st half do 1831. — 3867 — 20,331
72 3,605 to be concerned is less
than in the corresponding half year
of 1830.
15.

Of the cases reported in 1938
none of the parties concerned had been
apprehended. The number of persons con-
cerned in these cases is estimated at
14,081 exceeding considerably the estimated
number in the preceding half year.
It is probable that the same parties
were concerned in several cases and
are enumerated several times, and that
the aggregate is thus unduly swelled.
It is probable also that the estimate
is otherwise inaccurate. It is likely to
be exaggerated, it being generally given
when cases are brought to trial that
the first accounts given by the sufferers
from robberies &c. have magnified
the circumstances, especially in respect
to numbers, and in cases not brought
to trial there is seldom any better

Information

formation for estimating the number of persons concerned from such vague accounts. It is to be observed that the cases in which the offenders have escaped apprehension are principally cases of gang robbery and housebreaking by night, from the circumstances of which the sufferers are commonly incapable of making very accurate observations of the number of persons engaged.

16. The Court regret to observe that there was an increase in this half year of the crimes of Murder, culpable homicide, Robbery and Murder, Gang Robbery, Arson, Forgery and Maiming and wounding. On the other hand the only remarkable decrease that appears is in the number of cases of house breaking by night.

	Murder	Culpable Homicide not Murder	Robbery and Murder	Gang Robbery	Arson	Forgery	Maiming and Wounding
1st half year 1831	94	32	44	826	116	26	173
2nd do do 1830	81	31	34	185	58	15	141

	House breaking by night
1st half year 1830	1215
1st do do 1831	1892

17. On referring to the Statements from the several Districts it appears that there was a decrease in the number of crimes and misdemeanors in Bellary, Chingleput, Chittoor, Combaconum, Cuddapah, Madura, Madabar, Nellore, Rajahmundry, Tinnevelly, and Vendachellum or South Arcot and an increase in Canara, Coimbatoor, Gunjam, Guntoor, Madelipatam, Salem, Trichinopoly and Vizagapatam.

18. In Canara the cases in which the parties escaped apprehension are most numerous being 206 out of 365.

19. In Vizagapatam the estimated number of persons concerned in crimes who have escaped apprehension is out of all proportion greater than in any other district. The number is 5868, in 162 cases out of 254 in which the total number of persons supposed to have been concerned is estimated at 6463.

20. In Madura and Nellore the number of cases in which the parties escaped apprehension appears remarkably small in comparison with the other Districts, being in the former 5 out of 95, the number of persons concerned being estimated at 24, and in the latter 4 out of 93 the number of persons supposed to be concerned being 8.

21. On the other hand in Gunjam the proportion of cases in which all the offenders escaped is very large being 160 out of 172. In 119 cases of house breaking by night in which 288 persons were supposed to be concerned not one was apprehended. The proportion appears large also in Chingleput, Madelipatam, Rajahmundry, Trichinopoly and Vendachellum.

Chingleput	92 out of 123
Madelipatam	87 — 125
Rajahmundry	150 — 230
Trichinopoly	68 — 107
Vendachellum	103 — 143

22. Of the Districts in the Northern Division in which there was an increase

of crime, in Ganjam the increase was in cases of housebreaking. It has been observed that of 119 cases reported, in not one was any of the criminals detected and apprehended. This the Magistrate admits "evinces great negligence on the part of the Heads of Police," but he remarks it is "much to be attributed to a custom which is universal in this part of the country of all handschalkers making use of a common bamboo tatte for a door. This tatte being thrust aside, the house is easily entered, and any property at hand carried off without creating noise or alarm." It is very necessary that the Heads of Police should be stimulated to greater exertions in this District.

23. In Vizagapatam there appears an increase of 80 in the cases of Gang robbery, from 105 to 185. In these 185 cases the number of persons supposed to have been concerned is returned at 5570. In 111 cases in which 5715 persons were supposed to be concerned not one was discovered and apprehended. The Magistrate has given no explanation of these circumstances, but the Court are aware from his last report which was particularly noticed in the 30th Para of the proceedings which accompanied the returns for the last half year that these robberies are the work of the Chieftain Veerahundrarauze and his adherents who are in rebellion against the Government

F.H.
28th March 1832

Government. The Court however resolve to call upon the Magistrate for a report on the subject.

24. In Masulipatam there was an increase in the cases of Gang Robbery and housebreaking by night. Of the former out of 38 cases there were 33 in which 492 persons were supposed to be concerned of whom not one was apprehended. This is a circumstance to which the particular attention of the Magistrate will be directed and he will be called upon to explain the cause.

25. In Guntoor there was a decrease in the crimes of Murder, robbery and murder, and housebreaking by night, but a small increase in the cases of Gang robbery and of crimes of inferior importance.

Centre Division 26. It is satisfactory to observe that in the Districts compriseing the Centre Division generally there was a decrease of crime. On examining the statements from those Districts the following circumstances appear deserving of notice. In Bellary in 4 cases of robbery and 2 murders out of 6, all the parties concerned escaped apprehension. In 22 out of 26 cases of housebreaking by night and 20 out of 39 cases of Gang robbery none of the parties concerned were apprehended. In Chingleput there were 40 cases of house

breaking by night, being very considerable.
In Malabar there was a decrease on the whole and particularly in the cases of murder and Gang Robbery. In Canara in 206 out of 365 cases all the parties concerned estimated at 973 persons escaped apprehension. In Malabar in 64 cases only out of 323 the parties concerned, supposed to be 182 in number, escaped apprehension.

30. Of 5,946 persons accused of crimes and misdemeanors before the Police in the period under review, 1584 were released, against 196 of whom the charge appeared to be wilfully false and malicious, 3871 were sent to the Criminal Courts, and 111 remained under examination.

31. The number of persons accused of crimes and misdemeanors before the Magistrates was 1136 of whom 504 were released, 587 were sent to the Criminal Courts and 45 remained under examination. The number of persons released against whom the accusations were considered to be false and malicious was 54.

32. Both before the Magistrates and the District Police the number of persons considered to be falsely and maliciously accused was much less than in the preceding half year.

33. It is remarkable that in the Statement from Guntoor there are no cases entered

28th March 1832. entered of crimes and misdemeanors enquired into by the Magistrate. The same observation applies to the preceding half year also.

Nos 5 and 6.

Criminal Courts. 34. These Statements exhibit the operations of the Criminal Courts in the period under review.

35. By the Statement No 5 it appears that the total number of cases before these Courts in this period was 1,634, in which the number of persons accused was 4,406. On a comparison with the corresponding statement for the preceding six months a considerable decrease appears both in the number of cases and persons. The decrease and chiefly in the crimes of house breaking by day and night, theft, and receiving stolen goods.

	House breaking by day.	House breaking by night.	Theft.	receiving stolen goods.
2d half year 1830	46	317	471	176
1st do do 1831	11	226	352	88

36. Of the 4406 persons before the Criminal Courts, in cases adjudicable by them

624 were released unconditionally
228 were released on security
272 were detained in demand of security
812 were convicted and punished.

2136

In cases adjudicable by the Circuit Courts

804 were released by the Criminal Courts for want of evidence
1107 were committed for trial.

1911
1911
357½
4485

Of the rest 337 remained under examination and died.

By

	cases	persons
2d half year 1830	466	1495
1st do do 1831	411	1110

was 411 and the total number of persons committed for trial therein 1110, the number of cases being greater, but the number of persons considerably less than in the preceding half year. In the number of cases of "murder" there was an increase from 39 to 68, and in the number of persons committed from 87 to 134. In the number of cases of "Robbery and Murder" there was a decrease from 21 to 15, and in the number of persons committed a decrease from 252 to 69. In the number of cases of "Gang Robbery" there was an increase of 1 from 28 to 29, but a decrease in the number of persons committed from 109 to 82.

42. Of the 1110 persons who were committed 356 were released unconditionally the charges against 53 of them being considered false and malicious, 199 were ordered to furnish security, 38 were convicted and punished in 67 cases comprehending 168 persons the trials were referred to the Sessions Judges and in 30 cases comprehending 89 prisoners the trials were postponed to the next Sessions or the cases were returned to the Criminal Judge as cognizable by him.

43. Though the number of persons committed was so much less than in the preceding half year the number of persons committed was greater. The number of

* 36 cases postponed

* returned to 6 Sessions No 3

37. By the statement No 5 it appears that the greatest number of cases were before the Criminal Court of Chingleput being 170 comprehending 488 persons. In the preceding half year there were 259 cases comprehending 704 persons before this Court. The greater proportion of these however were trifling cases of smuggling and future statements will no doubt shew the business to be greatly diminished by the operations of the Court at Cuddalore.

38. After Chingleput the greatest number of cases were before the Criminal Court of Madura, being 157 comprehending 386 persons. The Criminal Courts of Chittoor, Combaconum, Cuddapah and Salem had from 143 to 164 cases before them. All the other Courts had less than 100 cases.

39. Excepting the Native Criminal Court of Canara the smallest number of cases was before the Court of the Joint Criminal Judge at Madras, the latter number being 39 comprehending 65 persons.

Nos 7 and 8.

40. These statements exhibit the operation of the Courts of Circuit in the period under review.

41. The total number of cases (1) brought before these Courts in this period was

Courts of Circuit. 40

trials referred to the Enjobarra Wakahuri was greater, but the number of persons concerned in them was less.

44.

The number of cases in which the trials were postponed was much greater than usual. These were for the most part in the Northern and Southern Divisions viz 14 in the Northern Division and 8 in the Southern Division. The cause of the postponement of each case is assigned by the Circuit Judges respectively in their remarks in the Calendars submitted to the Enjobarra Wakahuri.

45.

The greatest number of cases, 12, was heard at the Court of Circuit in the Southern Division, but the number of persons committed for trial was greatest in the Centre Division being 166.

46.

Of 116 cases before the Court of Circuit in the Centre Division 15 were referred to the Enjobarra Wakahuri, of 115 in the Northern Division 25, of 121 in the Southern Division 13, and of 69 in the Western Division 4.

47.

Of the 57 cases referred to the Enjobarra Wakahuri, 33 were referred because the nature of the crime rendered it necessary and 22 because the Circuit Judge had not the concurrence in the opinion of the Law Officer in the remaining 2 the prisoners

prisoners were insane.

Enjobarra Wakahuri 48.

No 9.

This Statement shews the operations of the Enjobarra Wakahuri in the same period.

49.

The number of trials before the Enjobarra Wakahuri not disposed of at the close of the preceding half year was 29 in which 46 persons were concerned. The number received during this half year was 38 in which the number of persons concerned was 207 The total number of cases before the Court was thus 67 involving 253 persons.

50.

Of these cases the principal were 35 of "Murder" 11 of "Robbery and Murder" 4 of "Gang robbery" 1 of "Robbery by a single individual" 1 of "Arson" 1 of "Rape" 1 of "Gang Robbery and Arson attended with wanton Murder" 1 of "Assault Arson and Murder" and 1 of "Rebellion against the State."

51.

Of the 67 cases before the Court 61 involving 118 persons were disposed of and there remained at the end of the period 5 Cases involving 135 persons, 120 of these being concerned in one case which was disposed of on the 4th July 1831 being seven days after the date of the close of the Report. The other cases were also disposed of within the month of July.

52

Of the 118 persons concerned in the 61 cases disposed of by the Court 27 were acquitted or released unconditionally 28 were bound to be released on recognizances 67 were committed and sentenced to punishment 2 were sentenced in two cases 1 was insane and 3 died.
118.

Of

Of the 57 persons convicted,
15 were sentenced to death.
3. ——— to be flogged and transported
18 ——— to be transported without flogging
1. ——— to be imprisoned for life
7 ——— without flogging.
to be imprisoned for more than
7 and less than 14 years without
flogging.
2 ——— to be flogged and imprisoned
for 7 years and under.
11 ——— to be imprisoned for 7 years
and under without flogging.

54. Of the 61 trials disposed of 17 were cases in which the Foujdaree Adalut recorded the Returns of Acquittal under Section II Regulation I of 1818. In 3 of these the Returns were founded on exceptions to the competency of the witnesses; in the remaining 14 on the insufficiency of the Evidence given.

55. In these 17 cases in which there were 24 persons concerned, 8 persons were sentenced to death
9 to be transported without flogging
1 to be imprisoned for life without flogging
4 to be imprisoned for more than 7 and less than 14 years without flogging
2 to be imprisoned for 7 years and under without flogging.

56. The grounds upon which the Returns of acquittal were recorded in the 16 cases in which they were founded on the insufficiency of the Evidence are detailed in a separate paper to be appended to

24th March 1832.

these proceedings.

Ordered, that an extract from these proceedings with the Statements referred to, and a copies of the communications from the four Provincial Courts be transmitted to the Secretary to Government in the Judicial Department for the purpose of being laid before the Right Honorable the Governor in Council.

Sent following letter No 164

Appendix.

The following is the Abstract of the grounds of conviction in the 14 Trials disposed of by the Foujdaree Adalut under Section II Regulation I of 1818 from the 1st January to the 30th June 1831.

No 1 Malabar Auxiliary Court 1st Quarter 1831

The prisoners
1st Cheddambatta Pellee
and
2nd Nangan Ramadan Mahomedan
were charged with having bound with fibres the Prosecutors Brother Narayanen beaten him with sticks and with a hot iron bar branded him on the body in numerous places so as to cause violent

The Law Officer of the Court of Quarter Session first acquitted the Prisoners on the plea of the two principal Witnesses for the prosecution being slaves and therefore incompetent to give evidence on a second question the Law Officer declared that if the slave

Said Witnesses were competent to give evidence the two Prisoners would be convicted of using towards the deceased a chastisement far beyond that usually exercised towards slaves and be liable to be hanged since such severity appeared to have occasioned his death.

In the opinion of the Presiding Judge, the branding and other acts by which the deceased met his death were to be attributed to the Prisoners and the wrong which they had committed sufficient to constitute the crime of murder.

The Queens Coast and Magistrates of the Tanjavore District held that the crime charged had not been proved against the Prisoners by credible testimony.

The Court of Tanjavore District it seemed improbable that the deceased died by violent means and they had not the slightest doubt that the Prisoners were his murderers. The evidence of the first and second Witnesses in the judgment of the Court of Tanjavore District clearly proved that on the night stated the Prisoners barbarously beat the deceased with a hot key. Nothing could be more injudicious than the defence set up by the Prisoners in this case, and the perusal of the evidence of the witnesses brought by them to prove an alibi impressed the Court of Tanjavore District with the perfect conviction that it

was false. On a mature consideration of all the circumstances of the case the Court of Tanjavore District being of opinion that the Prisoners stood convicted of murder adjudged them to be transported for life.

No 8 Malabar Calendar 2nd Sessions of 1832.

In this case there were two Prosecutors. The prisoner Cotakil Sapar, was charged with the murder of the young Brother of the 1st Prosecutor and with wounding the 2nd Prosecutor.

The Law Officer of the Provincial Court declared if the evidence of the first Witness had been admissible the Prisoner would have been convicted of murder but held that the evidence of the said Witness was inadmissible because he complained of having himself been wounded.

The Queens Coast and Provincial of the Tanjavore District acquitted the Prisoner of the charge advanced, but admitted that there existed strong suspicions of his having perpetrated the murder.

The Court of Tanjavore District considered in the opinion of the Judge who presided at the trial and considering that the proof against the Prisoner was insufficient to convict him

him of murder they adjudged him to be transported for life.

No 11 Combaconum Calendar 2nd Sessions 1832.

The second Prisoner in this case was released by order of the Court of Zuydaree Adalut.

The 1st prisoner Aurumaugum was charged with the murder of the Prosecutor's son.

The Provincial Law Officer in his futwa convicted the prisoner of the crime laid to his charge and the Presiding Judge concurred in the conviction.

The Cazee ool Cozat and Mooftee of the Zuydaree Adalut held that the crime of wounding only had been proved against the Prisoner.

In the opinion of the Court of Zuydaree Adalut the evidence of the Prosecutor and his three witnesses was so clear and consistent that there was not the slightest reason why it should be discredited. It appeared to the Court beyond a doubt that the Prosecutor's Son was attacked in the manner described and wounded by the Prisoner with a sword. By the deposition given by the Medical Officer before the Magistrate it was proved that the declared died of the wounds so inflicted. Under these circumstances the Court of Zuydaree Adalut being of opinion that the crime charged had been proved against the Prisoner adjudged him

28th March 1832

him to be transported for life.

No 18 Combaconum Calendar 2nd Sessions 1832

The Prisoners

1st Periatumby;

and

2nd Damarayen

in this case were charged with the murder of the Prosecutor's sister and with robbing her of her jewels.

The Provincial Law Officer held that the prisoners were convicted of the murder on strong presumptive proof. The Cazee ool Cozat and Mooftee of the Zuydaree Adalut acquitted the Prisoners of the crime charged, but admitted that there was strong suspicion of their having committed it. To the Judge who presided at the Trial it appeared that both the Prisoners were present at the murder, and that they murdered the deceased but that as the Prisoners mutually accused each other it was impossible to say which of the two actually committed the act.

The Court of Zuydaree Adalut having given the most anxious consideration to the trial, had not the smallest doubt of the guilt of the Prisoners.

The evidence against the Prisoners consisted first of proof of their mutual confessions, made before the Village Moonsiff and again partially before the Head Assistant Collector

7

of proof of their having pointed out the tank where the cloth, proved to be that of the deceased were taken up by the 1st Prisoner, and on the bank of which a comb was found, on which there could be no doubt was that of the deceased Ramayee and finally of proof of the second Prisoners also on confession of his guilt before the Assistant Magistrate and of the first Prisoner's admission that he was present when the woman was murdered by the second Prisoner but that he did not actually

The Court of Conjeveram accordingly adjudged the Prisoners to suffer death as prescribed by Section X Regulation XIII of 1802.

No 2 Salem Calendar 2nd Sessions of 1832.

The Prisoners

1st Maniam, and

2nd Cuppen,

were charged before the Court of Circuit, with having taken Goramoorty the son, aged 7 years, of the Prosecutor Durma Chitty strangled him, and robbed from his person gold and silver ornaments of the value of Rs 33-2.-

The Provincial Law Officer in his Futwa convicted both prisoners of aiding and abetting murder, but declared them liable to death as had only

in consequence of their youth.

From the declaration and confession given by both prisoners before the Sabordinate which were clearly proved and which the first Prisoner repeated before the acting Criminal Judge, from their having been seen on the day of the murder near the spot, where it was committed by two persons and from the 1st Prisoner having delivered up the Jewels of the deceased the Presiding Judge entertained no doubt of the guilt of the Prisoners.

The Court of Conjeveram Provincial Court of the Conjeveram District considered that the crime of having aided and abetted the said murder was established against the first Prisoner and that second Prisoner against whom the evidence required in Law had not been adduced should be liberated.

There did not appear to the Court of Conjeveram District to be the slightest doubt that the Boy, Goramoorty, was murdered.

It appeared to the Court equally clear that the Prisoners were proved guilty of the crime of having aided and abetted in the perpetration of the Murder.

Their confessions before the Police Officer were fully proved to have been given voluntarily and to alone rests the conviction of the guilty Prisoner

and

and the declaration of the second Prisoner before the Criminal Court, in which the first Prisoner made even a more full and explicit confession than he did before the Police Officer: The second Prisoner admitted that he had confessed before the Police Officer but alleged that he had done so at the instigation of the 1st Prisoner, an assertion which did not in the judgment of the Court deserve the slightest consideration.

According to the confessions of both the Prisoners before the Police Officer they took the deceased near the channel knowing that he was to be robbed and murdered and delivered him into the hands of Sundrum and kept watch while Sundrum killed him out of their sight. Sundrum it appeared returned with the Boy's shirt which the first Prisoner took upon an understanding that they should be divided afterwards.

The Court of Enquiry Udalut accordingly adjudged the Prisoner to be transported for life.

No 1 Sinnerelly Calendar 1st Sessions of 1832.

The Prisoner

Ramasawmy

was charged with having murdered his wife Shenkamadeyemma at the instigation of the Prosecutrix.

The first witness of the Provincial Law

Law Officer declared the prisoner convicted upon strong presumptive proof of murder and liable to Capital punishment. In this conviction the Presiding Judge fully concurred.

The Cazee and Cazeetah Mugtar of the Enquiry Udalut held that the crime charged against the prisoner was not proved on the evidence of credible Witnesses either to his commission, or confession of it, and that he should be released.

It appeared to the Court of Enquiry Udalut that the guilt of the Prisoner had been already established. In addition to proof of his confession before the Police Officer there was the evidence of the Prosecutrix who saw the Prisoner in the act of striking the deceased and that of the 2d and 3d witness who on hearing an alarm went immediately to the Prisoners house saw the deceased lying dead in the yard with the Prisoner near the spot and who they assert did at the same time confess that he had committed the deed. The Court of Enquiry Udalut therefore passed sentence of death upon the Prisoner.

No 5 Chingleput Calendar 2nd Sessions of 1832.

The Prisoner

Vencatapathy

was charged with murdering his own

wife and with murdering the wife of the prosecutor.

The Provincial Law Officer acquitted the Prisoner of the crimes charged and the Presiding Judge as he did not concur that the Prisoner should be released regarding the Record of the Trial.

The Cape Local Court and Magistrate of the Tembuland Mobile Court considered that there existed only suspicion of the Prisoner having committed the crimes.

The Court of Tembuland Mobile had no doubt that the Prisoner killed the deceased and stabbed his wife.

In his defence before the Court of Appeal the Prisoner admitted that on coming home he found his wife alone, and that not able to bear the disgrace attached to him in consequence of her intercourse with man he took the knife before the Court from the roof and with the knife and stabbed himself.

It is shewn from the evidence that at the time the deceased was killed and the Prisoner's wife was wounded there were no others in the house besides these two, and the Prisoner, and the Prisoner's Mother in law Nonnaay. The last mentioned woman deposed that she saw the Prisoner strike the deceased

26th March 1882 Nonnaay a moment but that she did not see with what weapon he struck her. The Prisoner's wife deposed that when she and the deceased were in the house her husband came home, that the deceased abused him and that prisoner stabbed her, (the witness) in several places, but that as she fell down she did not see whether he stabbed the deceased or not.

The witness Sidoloo who, it appeared, came first on the alarm being given, deposed that she saw the Prisoner's wife with blood on her, that upon going into the house, she saw the Prisoner in the act of stabbing himself and that she took the knife from him.

The 3rd, 4th and 5th witnesses deposed that when they went to the house they saw the deceased lying dead and the Prisoner wounded and that the Prisoner then confessed to them that he had committed the deed.

The Court of Tembuland Mobile sentenced the Prisoner to be transported for life.

Vide Natalian Additional Calendar 1st Sept. 1882.

The Prisoner

Kamatel Aaron.

was charged with the murder of the Prosecutor's

Brother

Brother.

The Provincial Law Officer declared the Prisoner liable to Capeer only but it appeared to the Presiding Judge that he was liable to the full penalty for wilful murder, as he saw no room for doubt as to his having killed the deceased.

The Cazee ool Cozat and Moofties of the Zillah Court held that Suspicion only existed against the Prisoners.

The 7th 8th and 9th witnesses for the prosecution proved that a woman was found murdered about the time specified namely the 28th of September last. The evidence of the 5th 6th 14th and 15th Witnesses taken together left no doubt that the woman so murdered was the deceased Rungamah proved by the 8th and 9th Witnesses to have been travelling with the Prisoners and whose property the 2nd and 3rd Witnesses proved was found in possession of the said Prisoners when they were apprehended in company on or about the same date. The 10th and 13th Witnesses proved the deposition of the Prisoners before the Criminal Court wherein they admitted that their confessions were given before the Police Officer. These documents contained a full confession of the murder.

The Court of Zillah Zillah considered the evidence sufficient to convict the Prisoners and sentenced them to suffer death.

26th March 1832.

Brother.

The Provincial Law Officer declared the Prisoner liable to Capeer only but it appeared to the Presiding Judge that he was liable to the full penalty for wilful murder, as he saw no room for doubt as to his having killed the deceased.

The Cazee ool Cozat and Moofties of the Zillah Court held that Suspicion only existed against the Prisoners.

The Court of Zillah Zillah held that proof of the confession of the Prisoner before the Police Omeattah having been adduced and the confession having been corroborated by the evidence of the 2nd and 3rd witnesses the Prisoner was clearly convicted of murder and having maturely considered all the circumstances of the case the Court of Zillah Zillah adjudged the Prisoner

Hariatil Oneran

to suffer death as prescribed by Section X Regulation VIII of 1802.

No 3 of 1st Quarter Calendar 1st Sessions of 1832.

The Prisoners

1st Simhadry Venkiah, alias Venkataramiah.

and

2nd Yerrumsetty Nuddegandam.

were charged with having robbed and murdered one Rungamah of the Goldsmith Caste.

The Law Officer of the Court of Circuit gave a Opinion of strong guilt; fine proof of murder against the Prisoners

The Judge who presided at the trial was of opinion that the evidence against the Prisoners left no possibility of doubt as to their guilt.

The Cazee ool Cozat and Moofties of the Zillah Court held that Suspicion only existed against the Prisoners.

The 7th 8th and 9th witnesses for the prosecution proved that a woman was found murdered about the time specified namely the 28th of September last. The evidence of the 5th 6th 14th and 15th Witnesses taken together left no doubt that the woman so murdered was the deceased Rungamah proved by the 8th and 9th Witnesses to have been travelling with the Prisoners and whose property the 2nd and 3rd Witnesses proved was found in possession of the said Prisoners when they were apprehended in company on or about the same date. The 10th and 13th Witnesses proved the depositions of the Prisoners before the Criminal Court wherein they admitted that their confessions were given before the Police Officer. These documents contained a full confession of the murder.

The Court of Zillah Zillah considered the evidence sufficient to convict the Prisoners and sentenced them to suffer death.

A.

28th March 1832.

No 1 Additional Malabar Auxiliary Court Calendar
2nd Quarterly Sessions 1831.

The Prisoner
Pongadan Kunnen
was charged with the Murder of Raman the Prosecutor's Brother.

The Presiding Judge and the Provincial Law Officer considered the evidence adduced conclusive of the guilt of the Prisoner.

The Cazee and Cazeat and Mooftee of the Tangalore Adalut held that the crime of wounding only was established against the Prisoner.

The Court of Tangalore Adalut having maturely weighed all the circumstances of the case were of opinion that the Prisoner had been convicted on the most clear and unexceptionable evidence of having stabbed the deceased Raman and that the Evidence left no doubt that the deceased died in consequence a few hours afterwards.

The Court of Tangalore Adalut in according to the recommendation of the Presiding Judge Sentenced the Prisoner to transportation for life.

No 12 Cudalapak Calendar 2nd Sessions of 1831.

The Prisoner
Duggalan Chinchangaran
was charged with having robbed and murdered the Prosecutors father.

The Provincial Law Officer and the Cazee and Cazeat and Mooftee of the Tangalore Adalut declared the evidence insufficient for the conviction of the Prisoner.

The Second Judge of the Court of Circuit in the Centre Division referred the Trial for the final sentence of the

28th March 1832

Court of Tangalore Adalut to whom the evidence against the Prisoner appeared to be amply sufficient for his conviction

They have not the slightest doubt that the Prisoner committed the murder. There was proof of his having been the deceased receiving a sum of Money from the 2nd Witness; and of his having left the said Witness's house in company with the deceased the day preceding that on which he was found dead from the wounds which he had received. Nor was there any proof that on his apprehension he confessed the murder, that he gave up the Knife from his hand, and that he produced the Cloths proved to have been those belonging to the deceased, from near the spot where the body was found, further it was proved that the Knife smeared with blood which was found near the body belonged to the Prisoner and lastly there was the Prisoners confession of the crime before the Police Officer which it was proved he gave voluntarily.

The Court of Tangalore Adalut adjudged the Prisoner to suffer death as prescribed by Section X Regulation VIII of 1802.

No 22 Quarter Calendar 1st Sessions 1871.

The Prisoners

1st Davarumpaty Bedarparadoo
2nd Mahadu Boonagitladoo
3rd Cunhata Unkiadoo and
4th Mallanadoo Pandoo
were charged with Robbery by open violence.

The Counsel of the Prisoners Law Officer acquitted the Prisoners on the ground chiefly of the contradictions in the evidence.

The Judge who presided at the trial stated that no doubt remained on his mind of the guilt of the Prisoners

The Queen and Regent and Members of the Supreme Court and that the evidence was sufficient to establish the charge

The first five Witnesses swore positively against the Prisoners and as there did not appear to have been any quarrel or enmity between the parties, the Court of Appeal could see no grounds upon which this evidence could be disregarded.

The Prisoners having rendered themselves liable to the penalty of 14 years imprisonment, the Court of Appeal could have passed sentence upon them under Clause three

28th March 1882

Section IX Regulation XX of 1803.

No 10 Combaconum Calendar 2nd Quarter Sessions 1882

The Prisoner

Shaik Ismail.

was charged with having violated the person of the Prosecutrix.

The Provincial Law Officer and the Queen and Court and Assessors of the Supreme Court acquitted the Prisoner.

From the evidence for the Prosecution it was clear to the Presiding Judge that there was no time to fabricate the charge, that it was preferred immediately after the deed and as promptly inquired into, and he considered that the Prisoner was convicted of the crime charged.

The direct evidence against the Prisoner was that of the Girl herself, that of the 1st Witness who deposed to having seen the Prisoner lying upon the Girl and that of the Prosecutrix's Brother who saw the Prisoner and the Prosecutrix in a situation from which there could be no doubt that an attempt had been made.

The Prisoner's defence was very weak and his Witnesses proved nothing in his favour.

The fact of penetration was not ascertained and therefore

and the Court of Enquiry Whether his de-
that the omission was fatal to the con-
viction of the Prisoner of the crime of
Rape. He however the Prisoner had been
proved guilty of a grave offence, the Court
adjudged him to imprisonment with hard
Labor in irons for two years.

No 1 Masulipatam 1st Calendar 4th Quarterly Sessions 1882

The Prisoner
Sota Bangaiah
was charged with perjury.

The Provincial Law Officer against
the Prisoner and the Enquiry and Report
and Proceedings of the Enquiry Court
also declared in their Return that he
ought to be released.

In the opinion of the Presiding
Judge the perjury in this case was
complete.

The Court of Enquiry Whether
having maturely considered all the cir-
cumstances of the case in evidence
before them and being of opinion that
the proof against the Prisoner was
sufficient to convict him of Perjury
sentenced him to be imprisoned and kept
to hard Labor in Irons for two years
under Clause third Section III Regulation
VII of 1816.

Read

Read return dated the 15th Instant,
from the Provincial Court of Circuit in the
Western Division, to precept dated 7th
Instant, ordering to adopt as a general
rule that the Report with which they sent
with the Monthly report to be prepared
so as to show in detail merely the com-
mitments within the month for which
it is prepared the number of cases
and Prisoners committed in the previous
months being included in an Abstract
to be appended to the Report in the form
accompanying the above precept.

(Here enter No 215)

Read return dated the 13th
Instant, from Mr. G. J. Casamajor, Acting
Judge of the Court of Circuit in the Northern
Division, to precept dated 22nd Ultimo
ordering communication to the Joint
Criminal Judge at Masulipatam of
the Court's observations on Code No 2
Masulipatam Calendar 3rd Quarterly
Sessions 1881.

(Here enter No 216)

Read return dated the 16th Instant
from the Judges of the Provincial Court
of Circuit in the Northern Division
to precept dated 5th Instant, enjoining
that when examinations taken from
persons wounded before their death

may

may be produced in Trials before Courts of Circuit, care be taken that they be then produced to render them available as evidence.

(Here enter No. 220.)

Read return, dated the 20th Instant, from the Acting Judge late on Circuit in the Northern Division, to precept dated 5th Instant, conveying the Courts remarks on Criminal Calendar 2nd Sessions 1831.

(Here enter No. 221.)

Sgd.

At a Court of the Zoojdaree Adalut

Present.

Wednesday, 28th March, 1832.

C. M. Lushington Esqre 2nd Puisne Judge
John Bidd Esqre Acting 3rd Puisne Judge
William Dudleston Esqre Acting Judge

Read petition presented on the 14th Instant by Mootoo Saven of the Zillah of Tinnevelly.

(Here enter Miss. Petn. No. 39.)

The Petitioner alleges that his Nephew Savadoo Saven had been unjustly sentenced to 14 years imprisonment by the Court of Circuit, and prays the Court of Zoojdaree Adalut to call for the record of the Trial No. 2 Tinnevelly Calendar 2nd Sessions 1832, and order the release of his Nephew.

The Regulations do not provide an Appeal from the Sentence of the Court of Circuit. The Petition is accordingly rejected.

Ordered, that extract of these proceedings be furnished to the Petitioner on his application.

Read letter from the Provincial Court of Circuit in the Centre Division dated the 9th Instant, submitting the Criminal reports for the month of January with an Extract from the proceedings of

the Court thereupon.

(Here enter No 200)

1

According to the annexed report submitted by the Provincial Court under date the 15th February, there remained in the Criminal Court at Chittoor 10 cases and 52 prisoners unexamined at the end of December. In the abstract entered in the proceedings of the Provincial Court dated the 9th Instant of the cases and prisoners undisposed of at the end of December only 6 cases and 18 prisoners are entered. In the same abstract the number of prisoners who remained unexamined by the Joint Criminal Judge of Cuddalore at the end of December is stated to be 82. These differences require to be explained and accounted for.

2

The Court proceed to record the following remarks upon the several reports.

Chittoor Supplemental Report No 191.

3.

In case No 191 of the supplemental report from Chittoor 2 cases remaining undisposed of at the end of December, it is stated that the Magistrate returned the prisoner, having demanded security in the sum of 600 Rupees. It should be explained under what provision of the Regulations the prisoner is detained on this demand.

Report No 5 Case No 2.

4.

In case No 2 in the report No 5 from Chittoor, the Court observes

that the trial was postponed from the indisposition of the prosecutor. So long delay should not have been allowed on this account, unless the prosecutor was an indispensable witness otherwise the prosecution in the first instance should have been committed to the Government Vakeel.

Nos 3 & 4.

5.

In cases Nos 3 and 4 sent up by Heads of Police, it appears there was no proof whatever against the prisoners and in No 6 sent up by the Joint Magistrate only one witness, whose evidence was immaterial. It would seem that this case ought not to have been sent to the Criminal Court.

No 7 & 8

6.

In cases Nos 7 and 8 the reasons assigned for the absence of the witnesses which caused the delay of the trials should have been explained. This remark applies to several other cases in which it seems to have been necessary to summon the witnesses and to one case in which the prosecutor was not in attendance.

No 9.

7.

The report No 9 from Chittoor is not prepared agreeably to the prescribed form, the numbers under which the prisoners were entered in the Calendars not being inserted in the proper column. The attention of the Criminal Judge should be directed to this inaccuracy.

L

8. In the Statement of prisoners in Jail at Chittoor, 112 are entered as under examination. This does not agree with the other reports and requires explanation. Another discrepancy is observed in the number of prisoners committed. In this Statement it is 30, in the Abstract entered in the Provincial Courts proceedings it is only 6. This also should be explained.

9. It would appear from the same Statement that the vagrants in Jail are not worked. It should be explained why the provisions of Clause first Section XIII Regulation VI of 1827 are not enforced in respect to them.

Cuddapah Suppl. Report.

10. In the case No 2 of the report No 5 for December 1831 from Cuddapah continued in the Supplemental report the charge as described in the Abstract is a charge of Grand punishable under Section XII Regulation X of 1816. Clause Fourth Section III Regulation VI of 1822 quoted by the acting Criminal Judge as the authority for his sentence is not applicable. The Court direct that the acting Criminal Judge be ordered to amend the sentence or to show cause why it should not be altered.

11. In the Cuddapah report

Report No 5.

F. R.

28th March 1832.

No 5, the Court observe several cases in which the prisoners were retained three weeks and upwards at the Criminal Court, and the examination was still unfinished at the end of the Month. When such cases occur the causes of delay should be explained.

12. The Court remark that 2 cases and 10 prisoners unexamined at the end of December were still undisposed of at the end of January, and that of 17 cases and 68 prisoners brought before the Criminal Court in the course of the Month, 11 cases and 42 prisoners remained undisposed of at the end of it. The Criminal Judge is expected to exert himself to dispose of the cases brought before him with greater expedition.

Cumbum Suppl. Reports.

13. The Native Judge of Cumbum should be required to explain why the case entered in the Supplemental reports as having been depending from October 1831 was not disposed of before the end of January.

Bellary.

14. It appears that out of 27 cases and 95 prisoners before the acting Criminal Judge of Bellary in this month, he disposed of only 7 cases and 15 prisoners leaving 20 cases and 83 prisoners undisposed of at the end of the month. The Court doubt in reviewing the abstract

Registers

Registers for the last Quarter have had no occasion to notice the negligence of the acting Judge in the discharge of his Civil duties, for which the excuse offered was that his attention was occupied by the Criminal business of the Court. The Courts trust that the admonition they have already directed to be communicated to him will produce a greater efficiency on his part in the performance of both the Civil and Criminal Business.

Bellary Suppl. Report. 15. In the Case No 9 of November 1881 in the Supplimental report it is not explained why the prisoners 10 in number who were apprehended in November were not examined upto the end of January. The Presidency it appears was in attendance until the 17th December. The Court directs that explanation be called for from the acting Criminal Judge respecting this delay of disposing of this case and also of No 10 of December 1881 which it appears is connected with it.

Chingleput Report No. 16. The same explanation as the Provincial Court called for in case No 8 of this report, should have been required in case No 7 in which it appears the prisoners were apprehended on the 4th January, but were not brought before the acting Tahsildar, who sent them to the Criminal Court until the 19th January. This explanation should still be

Report No. 17. The Court direct that the

Cuddalore Suppl. Report. Joint Criminal Judge of Cuddalore being required to furnish an explanation in No 15 of December 1881 on the Suppl. report to explain the difference between the charge and the code framed. It is difficult to conceive how a case described in the abstract as attended with so many aggravating circumstances should prove on trial to be a simple case of theft.

Reports Nos. 18. Of 11 cases and 35 prisoners brought before the Joint Criminal Judge at Cuddalore in January, not one was disposed of. In the first three cases the prisoners were under examination from 26 to 21 days. The Courts Inspectors Abstract report that the Joint Criminal Judge will use his best exertions to prevent such delay in future.

Ordered, that extracts of these proceedings be sent to the Provincial Court of Circuit in the Centre Division, with precepts directing them to communicate to the Subordinate Courts such parts thereof as concern them respectively.

Court following precepts issued

28th March 1882.

Read letter, dated the 15th instant from the Acting Judge of the Provincial Court of Circuit in the Central Division, submitting translations of the proceedings had before the Court of Quarterly Sessions at Chittoor in Case No 5 on the Calendar 1st Sessions of 1882.

(Here enter No 217 of 1882)

The Court of Enquiry, to which in their proceedings under date the 5th instant, directed that English and Persian translations of the proceedings held in the above case should be submitted for their consideration and final orders.

2.

The Acting Judge would appear to have fallen into a misconception of the meaning of this order, for which it is difficult to account, inasmuch as a translation of the complete Record of the trial has on such occasions been invariably submitted by the Courts of Circuit according to the directions in that of the Court of Enquiry dated

3.

The Court direct, that the inclosures in the foregoing letter be returned to the Acting Judge by present

28th March 1882

commanding him to annex thereto English and Persian translations of the preliminary proceedings in the manner ordered on the reference of a criminal trial for the final judgment of the Court.

(Precept returnable in seven days from and after its receipt.

(Vide following Precept No 169.

At a Court of the Foujdary Adalut,
Present,

Friday - - - 30th March 1832 } C. M. Lushington Esqr. Second Puisne Judge
John Bird Esqr. Acting Third Puisne Judge
William Hudleston Esqr. Acting Judge

Read letter, dated the 14th Instant, from the Acting first Judge on Circuit in the Southern Division, submitting Case No. 8. Combaconum Calendar, First Sessions of 1832.

/Here enter No. 206 of 1832./

In the 5th paragraph of the foregoing letter the Acting First Judge observes that the 3d & 4th witnesses declare, that the prisoner "was mown in his right senses; and in reference to this evidence he proceeds to remark, that "in the absence of any declared "motive for such an act, upon the evidence "before the Criminal and Circuit Courts, it is "difficult to believe, that the prisoner could "have been sane: the declaration of the father "and mother that he had always been insane "is hard of credence from that connection, & "bearing that objection they are the most likely "persons to know"...

2 In the 6th para: the Acting 1st Judge refers to "the exclamation of Tungum his "Mother" before the Police and refers to page 17 of the Record: which is however occupied with the examination of the witness, Pettan, and a note at page 18 shews that Tungum's deposition before the Police is omitted...

3 This may be attributed to oversight on the part of the Acting 1st Judge but with the hesitation, which he has expressed in regard to the state of the prisoner's

30th March 1832

prisoners intellects, when the act. charged against him was perpetrated, it was's incumbent upon his duty and the standing orders of the Court of Foujdaree Adaulut required, that he should have obtained the best procurable testimony on the point, in order to prevent the possibility of a doubt as to the prisoners amenability to the penalty of the law for the act.-

4 Has the witness, Pittan, made before the Court of Circuit the same statement as is to be found in his deposition before the police officer, respecting the prisoners jealousy of the deceased, the Court of Foujdaree Adaulut would have found no difficulty in disposing of this case, notwithstanding the ambiguous opinion, given by the Acting 1st Judge.-

5 But as the evidence stands the Court deem it proper to send back the record to the Acting First Judge and to direct that he do instruct the Criminal Judge to obtain the attendance of such of the neighbours of the prisoner, as can speak to his previous state of mind, at a day to be fixed by the Acting 1st Judge, who will on his completing the Jail Delivery at Coimbatoor repair to Combaconum, and in the presence of the prisoner take the evidence of those persons, and of the Jailor as to his state of mind, while under his charge; the Acting 1st Judge will annex this additional evidence to the Records and retransmit the same to the Court of Foujdaree Adaulut.-

Ordered, that the record of proceedings in the above case be transmitted to the Acting 1st Judge on Circuit in the Southern Division with Cubcaut of these proceedings by precept returnable without unnecessary

30th March 1832

unnecessary delay.-

/Sent following precept No. 178/

Read letter, dated 11th Ultimo, from the 2d Judge on Circuit in the Western Division, Submitting Case No. 16 Malabar Calendar 1st Sessions of 1832.-

/Here enter No. 115/

2d Lushington and 3d Reid.

The Court of Foujdaree Adaulut having maturely considered the proceedings held before the Judge on Circuit, the futwa of the Provincial Law Officer, and the futwa of the Cazee ool Cozat and Mooftee of the Foujdaree Adaulut, confirm the said futwa of the Cazee ool Cozat and Mooftee aforesaid, and acquit the Prisoners

1st Sekompadatha Pockah Moyen,
2d Koodyparen Aeroobatul Mamood Cooty,
3d Orlutedatha Koonyan
and
4th Judy Koonata Varan,

of the crime charged against them, but considering that strong suspicion though not amounting to conviction attaches to them, the Court of Foujdaree Adaulut, under clause sixth Section II Regulation XV of 1803, direct that they be each required to find 2 sureties in 40 Rupees each for their good behaviour and appearance when required within two years, or in default thereof, that they be detained in confinement for that period.-

/Sent following letter No. 174/

Read letter dated 10th Instant, from the Acting First Judge on Circuit in the Southern Division, Submitting Case No. 2 Combaconum Calendar 1st Sessions 1832.-

/Here enter No. 202/

2d Reid and 3d Pudsey

The Court of Foujdaree Adaulut having

30th March 1832 having maturely considered the proceedings held before the Judge on Circuit, the futwa of the Provincial Law Officer, and the futwa of the Cazee ool Coozat and Mooftee of the Zoojdaree Adalut, convicting the Prisoner

1st Plaintiff

of aiding and abetting murder, confirm the said futwa of the Cazee ool Coozat and Mooftee aforesaid, and under the sentence of Ashoobut Khanim declared, adjudge the prisoner,

1st Plaintiff

to be imprisoned and transported to such place or places beyond sea, as the Right Honorable the Governor in Council shall appoint, there to be imprisoned and kept to hard labour in irons on the public roads or other public works for, and during the period of his natural life.

/Sent following letter No. 175/

Read letter, dated 13th instant, from the Provincial Court of Circuit in the Northern Division, transmitting copies of the explanation connected with Criminal Reports for December 1831.

/Here enter No. 218/

Read letter, dated 23d instant from the 2d Judge late on Circuit in the Western Division, transmitting the warrant issued for the execution of the 1st & 2d Prisoners in Case No. VII on the Honors Calendar 2d Sessions 1831, together with copy of a Report received from the Acting Joint Criminal Judge.

/Here enter No. 228/

R

S. C.

At a Court of the Zoojdaree Adalut

Present

Wednesday 4th April 1832. C. M. Lushington Esqre 2d Puisne Judge
John Bird Esqre Acting 3d Puisne Judge
William Hudleston Esqre Acting Judge

Read again miscellaneous petition No. 3 of 1832 presented by Cannoo Latha Chitty and Rungapah Chitty of the Talla of Salem.

(Here enter)

Read also further return of the Provincial Court of Circuit for the Southern Division dated the 19th Ultimo, submitting the explanation of the Magistrate of Salem regarding the case of the prisoners

(Here enter No. 224)

From the explanation of the Magistrate it appear that the Petitioners were legally sentenced to pay the fines of which they complain - But the petitioners having been committed and sentenced, it was not competent to the Magistrate to order them, further, to furnish security, and the Court direct to direct the Magistrate to cancel the security taken from them and the other parties committed and sentenced to be fined in the case [illegible] tion -

2 [illegible] appear that the complainants must jointly

of a breach of the peace were legally sustained on that account, the Court are not satisfied with the Magistrates report of the previous proceedings on the part of the Tahsildar towards them and the other oil mongers of Caramfoory. He had no authority to punish the oil mongers for not supplying oil as usual for the use of the Cutcherry, and it was improper to threaten them with punishment as the Magistrate says he did. The Court direct that the Magistrate do admonish him of the irregularity of his conduct in this respect.

Ordered, that extract of this proceedings be transmitted to the Criminal Court of Circuit with precept requiring them to communicate the same to the Magistrate of Salem for his information and guidance, - precept returnable within fourteen days.

(Sent following precept No. 176)

Ordered also, that extract of these proceedings be furnished to the Petitioners on application.-

Read petition presented in person by Sheik Kupain late Cutwall in the Taluk of Talook, Province of Tanjore, stating that he was one of the prisoners in case No. 14 Conclusum Calendar for the 2d Sessions of 1830, and was acquitted by order of this Court, praying therefore that the Court will declare him eligible for employment in the public service.-

(Here enter Mis. pet. No. 44 of 1832)

The prayer of the foregoing petition being irregular, the Court direct that it be rejected.-

Ordered, that extract of these proceedings be furnished to the Petitioner on application.-

Read letter, dated the 26th Ultimo, from the Acting 1st Judge on Circuit in the Southern Division, recommending the unconditional release of two individuals Tungaly and Chinnadoo who were tried on a charge of murder, (Calendar No. 16, Second Sessions Conclusum Zilla 1826) and detained in default of security under a sentence of the Court of Sessions dated.-

(Here enter No. 227.)

In consideration of the grounds of the above recommendation and of the long imprisonment of the said two prisoners, and adverting also to the opinion expressed by the Criminal Judge in his report on this case, in a former Circuit "that there did not "appear to him to be any cause for appre- "hension, in the event of their being set at "liberty, that they would disturb the peace" the Court of Sessions dated consider that they should now be released, and they direct that they be released accordingly unconditionally.-

Ordered

Ordered, that extract from the proceedings be furnished to the Acting 1st. Judge on Circuit in the Southern Division, for his information and guidance by precept to be returned without delay.-

Court following precept No. 177

Read return, dated the 9th. Instant, from the Acting Judge of the Court of Circuit in the Centre Division, to precept of the 5th. Instant, conveying the remarks and views of the Court of Zemindaree Adawlut on the Chittoor Calendar 1st. Quarterly Sessions 1832.

(Reference No. 214)

In respect to the cases No. 3 and 9 of the Chittoor Calendar 1st. quarterly Sessions of 1832, the Acting Judge in the above return certifies that according to the orders of the Court of Zemindaree Adawlut he had passed sentence, awarding the specific punishment against the prisoners, viz: in case No. 3 to the extent of 7 years' imprisonment and in case No. 9 of 14 years' imprisonment.-

2. The Acting Judge having in the first instance awarded 14 years' imprisonment in the case No. 3, and five years imprisonment in the case No. 9 must have been of opinion that the specific punishments were too severe, and it seems to the Court of Zemindaree Adawlut unaccountable that the Acting Judge has not made any application for mitigation of punishment in

J. & C.
4th. April 1832.

favor of the prisoners.-

3. The Court of Zemindaree Adawlut are of opinion that, unless the Acting Judge has altered his views in respect to the measure of punishment of which he considered the prisoners deserving, he should apply for mitigation of it, and they desire that in the event of his not doing so, he will explain his reasons for declining it.-

4. With regard to the case No. 11 of the Calendar, the copy of the 2d. question and features in which the Acting Judge has submitted together with the above return, the Court of Zemindaree Adawlut have to observe that the case falls within the scope of the provisions of Clause second Section II Regulation XII of 1829 which (as applicable to this case) merely confirms Section XXII Regulation VII of 1802.-

5. The objections against the evidence stated in the sixth sentence are not of a nature which it is competent to the Judge of Circuit to call in question under the Regulations.-

6. The Law Officer distinctly discredits the evidence to the recognition of the prisoner as highly improbable. His objection is not merely to the witnesses personally.

7. The Court of Zemindaree Adawlut accordingly direct that the sentence passed by the Acting Judge be cancelled and that Englishe and Persian Translations of the record

record of the Trial be referred to them, for their final Sentence.—

Ordered, that Extract of the said proceedings be sent to the Acting Judge of the Court of Circuit in the Centre Division for his information and guidance by precept returnable without delay.—

(Sent following precept No. 178)

Read return dated the 23d Ultimo from the Judges of the Provincial Court of Circuit in the Southern Division, to precept dated 15th Ultimo, requiring them to call upon the Magistrate of Calpentyn to explain his proceedings on the case of Canaca Lekha Chetty and Canaki Lekha Chetty.—

(Hereunder No. 225)

Read letter, dated the 28th Ultimo, from the First Judge of Circuit in the Centre Division, transmitting the original warrant under which Mordogan Poliner in No. 8 of the Caddaloe Calendar 2d Sessions 1831 was executed.

(Here enter No. 233.)

Read return dated the 24th Ultimo, from the Judges of the Provincial Court of Circuit in the Northern Division, to precept dated 8th Ultimo, ordering communication to the Acting Criminal Judge of Mullaitivu of this Court's remarks on the Criminal Reports for November 1831.—

(Hereunder No. 238.)

Read

Read return dated the 24th Ultimo, from the Judges of the Provincial Court of Circuit in the Southern Division, to precept of the 8th Ultimo, containing remarks of this Court on Criminal Reports for December 1831.—

(Hereunder No. 240.)

Read returns, dated respectively 25th & 27th Ultimo, from the Judges of the Provincial Courts of Circuit in the Northern & Southern Divisions, to precepts dated 24th February last, directing Provincial Magistrates to warn all Heads of Villages and Subordinate Police Servants, that they are required on pain of fine or dismissal to make known immediately to the Head of Police, whenever they may be informed that a Murder is intended.—

(Here enter No. 239 & 243.)

Read return, dated the 30th Ultimo, from the Provincial Court in the Centre Division, to precept dated the 22d Ultimo, recalling the attention of the Provincial Court to the Circular Order of the 23d November 1826, regarding the form of indictment for perjury.—

(Here enter No. 242.)

Read return, dated the 26th Ultimo, from the Provincial Court of Circuit in the Western Division, to precept dated 10th Ultimo, conveying the Court's remarks on the Criminal Reports for January last.—

(Here enter No. 244.)

Read

4th April 1832.

Read letter, dated the 17th Ultimo, from the Provincial Court of Circuit in the Centre Division in further return to the Courts precept of the 5th Ultimo, transmitting copy of a return received from the Joint Criminal Judge of Chinglepute.

(Herewith No 249.)

Read letter, dated the 30th Ultimo, from the Acting Judge on Circuit in the Northern Division, notifying that the Sessions at Rajahmundry will be opened on the 16th Instant.

(Herewith No 250.)

7th April 1832.

At a Court of the Foujdaree Adalut.

Present,

Friday 6th April 1832. C. M. Lushington Esqre 2d Puisne Judge
John Bird Esqre Acting 3d Puisne Judge
William Rudleston Esqre Acting Judge.

Read letter, dated the 31st Ultimo, from the Acting Judge on Circuit in the Northern Division, recommending a mitigation of the punishment to which the prisoners convicted in Case No 7, of the Guntoor Calendar, are liable under the Regulations.

(Here enter No 240.)

Upon the Acting Judge's representation of the circumstances of the case, the Court of Foujdaree Adalut accede to his recommendation, and under the provisions of Section V Regulation I of 1825, order that the prisoners convicted in the above case, be subjected to the mitigated punishment of 3 years imprisonment with hard labor in irons.

Ordered, that Extract from these proceedings be sent to the Acting Judge on Circuit in the Northern Division for his information.

(Sent for Covering letter No 191.)

At a Court of the Bangalore Talaluk.

Present.

Monday, 9th April 1832

C. M. Lushington Esqre 2nd Puisne Judge.
John Bird Esqre Acting 3rd Puisne Judge
William Braithwaite Esqre Acting Judge.

Read the following letter from the Third Judge on Circuit in the Western Division dated the 29th Ultimo

Chk
Bk
Ctk

/Here enter No 355 of 1831/

In the perusal of this letter the 3rd Judge recommends that the first three prisoners convicted in Case No 6 of the Mangalore Calendar be sentenced to the mitigated punishment of imprisonment with hard labour in irons for seven years. The crime of which the prisoners were convicted is Gang robbery for which the punishment assigned by law is imprisonment and hard labour for the period of fourteen years. The Court of Bangalore Talaluk do not think that the reasons stated by the 3rd Judge for the mitigation proposed by him are sufficient: and under the circumstances of the case they resolve to order that the first three prisoners be sentenced each to imprisonment for seven years

with hard labor in irons.

2. In the second letter the 3rd Judge recommends that the first three prisoners convicted in Case No 6 of the Mangalore Calendar be sentenced to the mitigated punishment of imprisonment with hard labour in irons for the space of two years only:

3. Considering the nature of the crime of which the prisoners were convicted, robbery by open violence, for which the punishment assigned by the Law is imprisonment with hard labour in irons for fourteen years the Court think the punishment passed by the 3rd Judge quite inadequate and they resolve to order that they be sentenced to imprisonment with hard labour in irons for seven years.

Ordered, that extracts of these proceedings be sent to the Third Judge on Circuit in the Western Division for his information and guidance with precept returnable forthwith.

Sent following precept &c 192.

Read letter from the 3rd Judge on Circuit in the Western Division submitting the Calendars received from

6th April 1832

the Criminal Judges of Canara for the Sessions of 1832 and reporting the close of the Sessions at Mangalore.

(Vide entry 4 p. 25.)

In Case No 2 of the Calendar in which the charge was uttering counterfeit coin, the prisoners being convicted were sentenced each to hard labour in irons for seven years from the date of the warrant. This sentence it is stated was passed according to Clause seventh Section II Regulation XI of 1805.

The Court of Sudder Adawlut observe that the provision of the Law quoted as the authority for the sentence is not applicable. The sentence however is legal under Clause first Section II Regulation II of 1832 in which the offence of uttering counterfeit coin is specially provided for.

Ordered, that extracts of the proceedings be sent to the 3rd Judge on Circuit in the Western Division for his information.

(Sent following letter 4 p. 193.

Read letter, dated the 28th March from the Acting First Judge on Circuit in the Southern Division, to present

dated

Mr Bird
and
Mr Huddleston

6th April 1882.

dated 5th Instms, calling for the record of trial in Case No 11 Pradhana Calendar 1st Sessions 1882.

(Here enter No 22.)

The first and second Prisoners in this case were released by order of the Acting First Judge on Circuit.

The Court of Rangalarie Udalat having maturely considered the proceedings held before the Judge on Circuit, the futwa of the Provincial Law Officer, and the futwa of the Agee and Asgat and Mooftees of the Rangalarie Udalat confirm the said futwa of the Agee and Asgat and Mooftees aforesaid, and acquit the Prisoner

3rd Sellim

of the crime charged against him, but considering that strong suspicion though not amounting to conviction attaches to him, they direct under the provisions of Clause sixth Section II Regulation XV of 1803, that he be required to find two Sureties in fifty Rupees each, for his good behaviour and appearance when required within [illegible] two years, or in default thereof, that he be detained for that period in confinement.

The Court of Rangalarie Udalat

6th April 1882.

cannot dispose of this trial without noting in terms of strong disapprobation the partiality with which the Acting First Judge has adhered to his statement that the 2nd and 3rd Prisoners were not charged with robbery, a statement completely at variance with the facts as represented in the record of the trial. Not only are they charged with robbery in the Calendar but also in the Indictment by the Criminal Judge and in the arraignment by the Acting Circuit Judge himself. That they were so charged is also apparent in the futwa of the Law Officer, and what is more remarkable it is expressly declared that they were tried for robbery not only in the Warrant of the Acting 1st Judge for the release of the first and second Prisoners, but also in that for the Punishment of the third.

Ordered, that extract of these proceedings be sent to the Acting First Judge on Circuit in the Southern Division for his information.

(Sent following letter No 1945)

DR

At a Court of the Fouzdaree Adaulut.

Present.

Tuesday 10th April 1832. C. M. Lushington Esqre 2d Puisne Judge
John Bird Esqre Acting 3d Puisne Judge
William Houdleston Esqre Acting Judge.

Read petition presented by Seenavasa Pagavachary of Cavoottanullore in the Cotramaloor Talook in the Zilla of Chingleput.

(Here enter this pet: No 42 of 1832.)

The Petitioner stated that two Buffaloes, his property, were distrained as satisfaction for arrears amounting to Rupees 8-7-2 which were alleged to be due by him on account of some land which one Moodoorthim fellay had made to appear, by false accounts, had been cultivated by Petitioner in Fasly 1237 and had caused a Potteh for the same to be made out in Petitioners name. Petitioner had presented complaints on the subject of the above mentioned distraint to the Head of Police in the Cotramaloor Talook and to the Magistrate neither of whom paid attention to them; he stated that thereupon he presented a petition to the Circuit Judge on the 2d January 1832 who rejected the petition and originally fined him in the sum of 15 Rupees, he

therefore

10th April 1832.

therefore prays that the individuals complained of may be punished, and his property restored to him.-

2

Previous to any order on the subject of this Petition being passed by the Court the Petitioner must produce a copy of the petition presented by him to the 2d Judge in Second in the Centre Division and a copy of the order of that officer thereon, or shew that he had applied for them and that they have been refused him.-

Ordered, that extract of these proceedings be furnished to the Petitioner on his application.-

Read return, dated the 30th Ultimo from the Provincial Court of Circuit in the Western Division, to precept dated 12th Ultimo, enclosing the Courts remarks on the Criminal Reports for December 1831.-

(Recorded at № 263)

Read return, dated the 3d Instant from the Judges of the Provincial Court of Circuit in the Northern Division, to precept dated 22d Ultimo, calling their attention to the Courts Circular Orders of 23d November 1826, and requiring them to direct the Several Criminal Judges to adhere strictly to the form of indictment for Perjury.-

(Recorded at № 264)

Read return, dated the 2d Instant from the Judges of the Provincial Court of Circuit in

10th April 1832.

the Western Division, to precept dated 22d Ultimo, calling their attention to the Courts Circular Orders of the 23d November 1826, and requiring them to direct the Several Criminal Judges to adhere strictly to the form of indictment for Perjury.-

(Recorded at № 270)

Read return, dated the 4th Instant, from the Provincial Court of Circuit in the Southern Division, to precept dated 7th Ultimo, ordering them to adopt as a general rule that the Report № 8 which they send up with the monthly reports, to be prepared so as to shew in detail merely the Commitments within the month for which it is prepared the number of cases and Prisoners committed in the previous months being included in an abstract to be appended to the report in the accompanying form.-

(Recorded № 265)

Read

Wm Hill

Secd

R

[illegible]

4

in the cases noted in the margin were not warranted by Law. The provisions of Regulation I of 1824 shew that a positive enactment in such a case is necessary.

Combaconum Report No. Cases 23, 24, 36 & 44.

3. In these cases the crimes charged against the Prisoners were in the opinion of the Court of Sudder Adawlut sufficient to justify their committal for trial before the Court of Circuit, and the Provincial Court will advise the Acting Criminal Judge of his error in passing sentence on them.

Cases 47 & 48.

4. With reference to the observation of the Provincial Court in Para 32 of their Proceedings, the Court of Sudder Adawlut would bring to their notice the Circular Order of the 15th July 1829 which warrants the sentences passed by the Acting Criminal Judge in these cases.

5. The Court consider the Acting Criminal Judge entitled to commendation for the satisfactory result of his exertions shewn in the profits of the work performed by the Convicts in the Jail at Combaconum as specified in the Statement accompanying the reports under review.

Salem Circuit Cases 15 & 16.

6. In the former of these cases the Acting Joint Criminal Judge has acted "Section IX Regulation I of 1825 which is inapplicable in support of his sentence of two years imprisonment; in the latter he has referred to Sections XXXII and XXXV

11th April 1832

Regulation IX. of 1816 and Section IV Regulation XI of 1816 in support of his sentence on the Prisoner found guilty of a Petty Assault, instead of Section VII Regulation X of 1816.

The Acting Joint Criminal Judge has also in Cases Nos 10/1831 and No 7 of the Report under review quoted in support of his requisition of security from the Prisoners orders dated 20th July 1829.

6. The Provincial Court will point out to the Acting Joint Criminal Judge, that the Sections which he has referred to, are not applicable, and that the authority for requiring security is Clause first Section IX Regulation II of 1822, and not the orders of the Court.

It is observable that the Acting Trichinopoly 9. Magistrate of Trichinopoly does not fill Statement of Cases of Convicts. up the first Column of the Statement submitted under the orders of the 19th January 1831.

10. The Court therefore conclude that besides the convicts there are no other Persons confined in the Jail under his charge. This has not always been the case, and the Magistrate should be informed that the first column is intended to shew the number of Prisoners in Jail, whether convicts or others.

Cases

11th April 1882

Ordered, that extract of this proceeding be sent to the Provincial Court of Circuit in the Southern Division for their information and guidance by Precipt returnable without delay.

Sent following Precipt

Read letter, dated the 28th Ultimo from the Provincial Court of Circuit in the Centre Division, submitting reports in the form prescribed by Section XXXV Regulation 87 for February last.

Here enter 1 to 37

Chancellor's Report XLV Case 44.

1. In the Column headed statement of the crime or charge the Court of Enquiry Judge has entered in full the depositions which were the foundation of the charge of Perjury against the Prisoner. The Criminal Court will intimate to the acting Joint Criminal Judge that the insertion of the whole charge is unnecessary in the Criminal Reports, and that the Circular Order of the 22nd Ultimo applies only to the Calendars of Persons to be tried by the Court of Circuit.

Report No Case 43 Suffolk Reports Case 9.

2. In the case noted in the margin it would appear that there could be no grounds for the apprehension of the prisoner, and it will be proper for the Criminal Court to require explanation why they

11th April 1882

were forwarded to the Criminal Court.

3. With regard to the entry in the Statement of the Nature of Convictions which shows that 52 of the Prisoners under requisition of security are not obliged to work, the Provincial Court will call upon the Acting Criminal Judge to explain why those persons are not compelled to work.

Explained.

This case appears entered in the Reports still under examination without any further explanation of the cause of the delay in the disposal of it.

Cheshire Inquiry Court 6. Suffolk Reports Case 9.

The Court of Enquiry resolve to direct the Provincial Court to instruct the several Criminal Joint Criminal and Acting Criminal Judges in the Division, that when cases remain undisposed of at the close of a Sessions Report, a full explanation of the delay must be given in the Column headed "not examined"

Case 9.

6 The Joint Criminal Judge in this case had suspended sentence from the 1st Prisoner upon whom he had passed sentence of imprisonment in the preceding case, "for 12 months from the expiration of her sentence in No 8 Gaol"

7.

Such negotiation of security is not authorized, and has been frequently prohibited. The Joint Criminal Judges will therefore cancel the order for it.

8.

It is the duty of the Officer before whom a prisoner may stand charged with one or more offences to investigate the several charges and to put such questions as in his Judgment the guilt thereof proved against the Prisoner may demand.

Chittoor Report Nos. Cases 4 & 17.

9.

It is not explained in the form of Order why the proceedings remained a month at the Criminal Court without examination, or in the latter why the Prisoners were detained in the Jail-lock from the 20th Dec. last to the 25th January last.

10.

The Provincial Court will call for the desired explanation on these points.

Cases 17 19 & 185 of 1881.

11.

In these cases the Criminal Judge should be enjoined to amend his orders for requisition of security by inserting the number of sureties by which the security is to be given.

Reports 6 & 7.

12

The remark of the Court on the Report No. 7 for January last is applicable to the Reports noted in the Margin.

Bellary Report 5.

13.

The Court of Enquiry regret perceive with concern that the acting

Criminal Judge has not disposed of more than one case in the Report under review and that there are still 7 cases with 8 prisoners reported in former months undisposed of.

Ordered, that extract of this proceedings be sent to the Provincial Court in the Centre Division for their information and guidance by Precept returnable without delay.

(Sent following Precept No. 188

Ordered also, that para 6 of these proceedings be sent to the Provincial Courts in the Northern, Southern and Western Divisions for their information and future guidance by Precept returnable without delay.

(Sent following Precept No. 189.

At a Court of the Zoujdaree Adalut.

Present.

Friday
13th April 1832. C. M. Lushington Esqre 2nd Puisne Judge.
John Bird Esqre Acting 3rd Puisne Judge
Chd
William Buckleton Esqre Acting Judge.

Read report from the First Judge late on Circuit in the Centre Division of the Jail Delivery at Chunglepet and Cuddalore at the second Sessions of 1832.

Here enter 2nd/

1. The observations of the 1st Judge respecting the active and cordial cooperation of the Magistrates and the Criminal Judge and Joint Criminal Judges in the Districts composing the Jillah of Chunglepet for the purpose of bringing to justice the Dacoits who have disturbed the peace and tranquility of those Districts are very creditable to the officers concerned.

2. With reference to the 10th Para. the Court of Zoujdaree Adalut observe that it seems to be desirable that some thing should be done to prevent communication between the prisoners within the Jail and the passengers under the rules regarding public buildings circulated for general information under date the 14th March 1823, the officer in charge of the jail should apply for Government instructions on the subject. A copy of

this rule should be furnished to the Joint Criminal Judge.

3 The Court are not aware whether there are any obstacles to the arrangement for providing more suitably for the accommodation of the Revising Court at Cuddalore which is suggested in the 15th Para. They resolve to submit the suggestion for the consideration of Government with their recommendation that it be complied with, if the arrangement can be effected without any public inconvenience.

Ordered, that extract from these proceedings with a copy of the report in the Judicial Department to be transmitted to the Secretary to Govt. laid before the Right Honorable the Governor in Council.

(Sent following letter No 194.

R 24 to 3 mo

Ordered also, that extract of these proceedings be transmitted to the 1st Judge took on Circuit in the Central Division for his information and guidance.

(Sent following letter No 195

Read letter from the Chief Secretary to Government dated the 6th Instant, enclosing an Extract from the

the Minutes of Consultation in the Judicial Department dated the 15th ultimo, containing the resolution of Government that the Police Authority and the collection of the Sayer in the villages round the Port of Tanjore transferred to His Highness the Rajah in 1827 shall be made over to His Highness and the Police Authority and Criminal jurisdiction in the other Villages belonging to His Highness scattered over the province of Tanjore shall be exclusively vested in the Principal Collector and Magistrate and the Company's Courts except in cases of complaint against relations, servants or dependants of the Rajah residing in the palaces &c belonging to His Highness on the Spot.

(Here enter No 202.)

Ordered, that a copy of this communication be furnished to the Provincial Court of Circuit for the Southern Division, with direction to furnish a copy to the Criminal Judge of Combaconum.

(Sent following letter No 196.

Read letter from the Acting Judge late on Circuit in the Northern Division, requesting on statute grounds to

leave to

15th & 18th April 1882

E.U.

At a Court of the Bengalore Circuit.

Present.

Saturday
15th April 1882.

C. M. Lushington Esqre 2nd Puisne Judge
John Birch Esqre acting 3rd Puisne Judge
William Huddleston Esqre acting Judge.

Read letter dated the 3rd Instant from the Provincial Court of Circuit in the Western Division, submitting the Criminal reports of the Division for the month of February with an extract from the proceedings of the Court thereupon.

(Here enter No 262)

The statement of prisoners committed for trial before the Court of Circuit entered in the proceedings of the Provincial Court in respect to Calient and Sircar does not agree with the statements from those Courts. In the report from the former one case of commitment is entered which is omitted in the statement in the proceedings. It appears that the prisoners were tried at the 1st Sessions of 1882 in another case. In the report from Circar no prisoners are entered as committed, but two are in the statement in the proceedings.

From the Provl Court Bangalore 2nd Sessions by Post.

In the case No 2 in the statement of prisoners before the Criminal Court at Mangalore remaining in Jail

Sanction for the conditional warrant for four years imprisonment and hard labour in the case of Evidence

1st Nagunta Chantappa
and
2nd Angadala Kondappa

in Sct of the Criminal Court Sessions Calendar 1st Quarterly Sessions of 1882 against whom it was awarded.

(Here enter No 263)

The Court of Sessions Judge having duly considered the proceedings referred by the Acting Circuit Judge take on record for the reasons recommending the sanction the mitigated punishment of imprisonment for four years with hard labour in lieu of

2. Clause fourth Section III Regulation XI of 1822 granted by the Acting Judge does not apply to the case in question which appears from the Calendar to have been one of housebreaking & should have referred to Clause sixth Section II of the same Regulation.

Ordered, that a extract from these proceedings be sent to the Acting Judge take on Circuit in the Northern Division for his information and guidance.

Sent.

Court to forward letter No 197 DC

from the Month of January at should have
been explained in the delay of disposing of it.

Crimt. Court of Malabar
Statement No 5.

3.

With reference to the remarks
in the report No 5 from the Criminal
Judge of Malabar, the Court have to
observe that the provision of the Regula-
quoted by that officer is not applicable
to a Criminal Judge.

4.

As relating to the remarks of
the Criminal Judge in Case No 38 of this
report and to the explanation furnished
by him in his statement No 2 of March
in consequence of the observations of
the Provincial Court, the Court are
of opinion that the sentence recorded
the prisoner, and they rely to the according
to order his release.

Suppl. Report. 5.

It appears to the Court that
Clause fourth Section III Regulation
VI of 1832 granted by the Criminal Judge
as authority for his sentence in the
case entered in the Supplemental
report, is not applicable, as the
the prisoners were not convicted
of theft.

6.

The Court are also to direct
to Government a copy of this letter
from the Criminal Judge of Canara
dated

Read.

4th April 1882.

dated the 8th March which accompanied his
Criminal reports for February pointing out
the accumulation of Criminal business in
his Court

Ordered, that extract from
this proceeding be transmitted to the
Provincial Court with precept directing
the necessary communications to be
made to the subordinate Courts respecting

Sent following Precept No 198.

Read letter dated the 19th Instant
from the Acting First Judge on Circuit in the
Southern Division, transmitting the record
of proceedings in case No 8 Combaconum
Calendar 1st Sessions 1882.

Here enter No 222.

Mr Birch.
and
Mr Hudleston.

The Court of Enquiry having
having maturely considered the proceedings
held before the Judge on Circuit, the plea
of the Provincial Law Officer, and the
Sentence of the Court and Assessors
of the Proceedings dated, confirm the sentence
passed by the Court and Assessors
aforesaid, convicting the first Prisoner
of having been accessory to the crime
of murder after the fact, and under
the sentence of Rehabilitation awarded thereon
adjudge the prisoner

Mr Pemberton also Candidate
to be imprisoned and transported to

Penal

such place or places beyond Sea, as the Right Honorable the Governor in Council shall appoint, there to be imprisoned and kept to hard labour in irons on the public roads or other public works, for and during the period of his natural life. The Acting Law Officers against the prisoner

2nd Transcription.

of the crime of murder and nothing else; against him, but considering that strong and pitiful though not amounting to proof motive attached to him, they directed under the provisions of Clause sixth Section II Regulation XV of 1873, that he be required to find two sureties in 500 Rupees each, for his good behaviour and appearance when required within three years or for that period in confinement.

The Court of Vigilance Vadalai deem it proper to remark on the very unsatisfactory manner in which the trial was conducted by the Acting First Judge or Court.

2 Much and two certain vital important evidence was from the unsatisfactory nature of the examination by the Presiding Judge not elicited even though

though witnesses were not wanting who could have afforded it. Moreover from his omission to distinguish, in the questions put by him to the four attesting witnesses, between the two confessions given before the Head of Police and the Police Peishcar respectively by the prisoner, it was left to the Court to discover which of the two confessions was read to and proved by each of the witnesses.

The Acting First Judge would also appear to have neglected to have the English translation of the proceedings corrected in grammatical and other errors.

In the concluding paragraph of his letter the Acting First Judge intimates an opinion that though the evidence is not sufficient to reach, as he says it, the life of the prisoner, the utmost severity of the law short of death should be inflicted upon them.

The doctrine of meting out the punishment by the degree of strength of the accused is not in accordance with all acknowledged principles of Judicial proceeding and distinctly condemned in the preamble to Regulation XV

of 1803. Upon failure of adequate proof for conviction, a prisoner must be acquitted of the charge against him.

To establish against the first prisoner guilt to the extent of his having been accessory to the murder after the fact it is not necessary, as supposed by the Acting First Judge in the 19th para of his letter, that the 2d second prisoner should be convicted of the murder.

Ordered, that retract from these proceedings be transmitted to the Acting First Judge on Circuit in the Southern Division for his information and guidance.

(Sent following letter No 199)

Ent

At a Court of the Prividare Adalut,

Present

Monday 16th April 1832. } C. M. Lushington Esqre Second Puisne Judge
John Bird Esqre Acting Third Puisne Judge
William Hudleston Esqre Acting Judge

Read report of the First Judge of the Court of Circuit for the Western Division of the 2d Quarter Sessions of 1831 presided by Him, dated 23d Instno.

(Here enter No 276)

His report does not appear to call for particular remark. In the cases noticed by the 1st Judge he seems to have done what the occasions required. With respect to that case which forms the subject of the observations in the Duas from 8th to 23d the Court resolve to direct the Provincial Court of Circuit to ascertain and report the final result of the further investigation made by the Joint Magistrate of Malabar under the orders of the 1st Judge.

Ordered, that Extract from these proceedings with a copy of the above report be transmitted to the Secretary to Government in the Judicial Department.

(Sent following letter No 200)

Ordered, that Extract of these proceedings be transmitted to the Provincial Court of Circuit for the Western Division for their guidance with precept returnable in one month.

(Sent following precept No 202)

Ordered also, that Extract of these proceedings be furnished to Mr Fawkes for his information.

(Sent following letter No 203.)

Ent

F.66.

At a Court of Appeal Holden

Present,

Wednesday
18th April 1832 } The Hon. M. Dickinson Esqr. Senior Puisne Judge
John Bird Esqr. Acting Third Puisne Judge
William Woodcock Esqr. Acting Judge

Read Petition presented by Munnuswamy Nonnamah Ummal complaining that Mr. T. Oakes Judge of the Provincial Court Centre Division has directed the Judge of the Criminal Court at Chingleput to re-investigate a case which had been already examined into and examined by that Officer and which is also pending as a Civil suit before the Supreme Court, and that the Criminal Judge has in consequence re-apprehended three persons he had before released...

(Here enter Misc. Pet. No 43 of 1832)

The Petitioner here complains of an order by the First Judge late on Circuit in the Centre Division a Copy of which she has omitted to produce. Her petition is consequently rejected...

Ordered that Extract of these Proceedings be furnished the Petitioner on her application...

Read petition presented by Comaroy Nagapah and Andiumaroo Moosaliah of Cadoor in the Gumbolamboo Talook in the Zillah of Cuddapah complaining of a sentence passed by the Criminal Judge

18th April 1832.

Judge of Cuddapah in Case No. 13 Cuddapah Calendar 1st Sessions 1832.-

/Here enter M.P. No 44 of 1832./

If the Petitioners are dissatisfied with the judgement passed by the Criminal Court, they should appeal to the Collective Court of Circuit.-

Ordered that the petition be rejected, and that an Extract from these proceedings be supplied to Petitioners on their application.-

Read petition presented by Venkatachella Reddy and others in the Tavoo-coneloor Taluk of Vencatachellum, complaining of the sentence passed by the Joint Judge on Circuit in the Centre Division on certain persons tried before him, in the 2d Sessions 1831.-

/Here enter M.P. No 45 of 1832./

The convicts alluded to in this petition were

1st Pandooranen,
2d Vanmootoo,
3d Coolen,
4th and
Nannanen

the prisoners in Case No 14 Vendachellum Calendar 2d Sessions of 1831.-

There is no appeal from the judgement of the Court of Circuit, nor do the Court of Foujdaree Adaulut see any reason to question the correctness of the proceedings held in the case in question.-

The Petition is therefore dismissed

Ordered, that Extract from these

18th April 1832.

these Proceedings be furnished to the Petitioners on their application.-

Read letter dated 30th ultimo from the Magistrate of Coimbatore, With reference to Foujdaree dated proceedings dated 6th ultimo submitting explanations Respecting Certain Sundewaid charges submitted for Sanction.-

/No Copy Enter No 253/

18th April 1832.

Judge of Cuddapah in Case No. 13 Cuddapah Calendar 1st Sessions 1832.

/Here enter M.P. No. 44 of 1832./

If the Petitioners are dissatisfied with the judgment passed by the Criminal Court, they should appeal to the Collective Court of Circuit.

Ordered that the petition be rejected, and that an Extract from these proceedings be supplied to Petitioners on their application.

Read petition presented by Vencatachella Pooian and others in the Tycoo=coolum Talook of Cuddachellum, complaining of the sentence passed by the Joint Judge on Circuit in the Centre Division on certain persons tried before him, in the 2d Sessions 1831.

/Here enter M.P. No. 45 of 1832./

The convicts alluded to in this petition were

1st Pavasooramen,
2d Vaulmootoo,
3d Coolen,
and
4th Nanaien

the prisoners in Case No. 14 Cuddachellum Calendar 2d Sessions of 1831.

There is no appeal from the judgment of the Court of Circuit, nor do the Court of Foujdaree Adaulut see any reason to question the correctness of the proceedings held in the case in question.

The Petition is therefore dismissed

Ordered, that Extract from these

18th April 1832.

these Proceedings be furnished to the Petitioners on their application.

Read letter dated 30th ultimo from the Magistrate of Coimbatore, with reference to Foujdaree Adaulut proceedings dated 6th ultimo, submitting explanations respecting certain Sunderwadi charges submitted for sanction.

/Cases Enter No. 253/

J. C.

At a Court of the Foujdaree Adalut.

Present,

Thursday 19th April 1832.

C. C. Lushington Esqr. — 2d Puisne Judge
John Bird Esqr. — Acting 3d Puisne Judge
William Rudleston Esqr. Acting Judge.

Mr Bird
v
Mr Rudleston.

Read Return, dated 6th Instant, from the Provincial Court of Circuit in the Northern Division, to the precept of this Court under date the 6th Ultimo, and copy of a return from the Acting Criminal Judge of Chicacole, regarding the employment of the Prisoners in his Jail.

(Vide enter No 286.)

Adverting to the observations of the Acting Criminal Judge respecting the employment of Prisoners confined under a requisition of Security. the Court direct that he be advised that it is his duty to put in execution the orders which are furnished for his guidance; and that it is a very unsatisfactory excuse for not attending to those orders that he has followed the practice which he found prevailing. The Court have observed with much disapprobation the improper tone and spirit of the concluding remark in the letter of the Acting Criminal Judge.

Ordered, that Extract from these Proceedings be sent to the Provincial Court in the Northern Division with precept, directing a Copy to be furnished to the Acting Criminal Judge for his information and future guidance.

(Sent for Covering Precept No 285)

Read

Mr. Bird
Mr. Huddleston

Read letter, dated the 10th Instant from the Acting Judge on Circuit in the Northern Division, Recommending a Mitigation of punishment in the case of Nootooky Chenna Veeradoo. prisoner in Case No. 12 of the Cuntoor Calendar for the 1st Sessions of 1832, convicted of Gang robbery attended by violence or other aggravating circumstances.

(Vide enter No. 267.)

The Acting Judge has quoted Section V Regulation I of 1825 as his authority for the above recommendation. The Section does not apply, but the Court of Foujdaree Adalut presume that it has been referred to by the Acting Judge in mistake for Section III of the same Regulation.

And having attentively considered the grounds upon which the Acting Judge on Circuit has recommended that the punishment of the prisoner above mentioned should be mitigated to four years imprisonment with hard labour in irons, they resolve to sanction the mitigation of punishment proposed.

Ordered, that Extract of these Proceedings be sent to the Acting Judge on Circuit in the Northern Division for his information.

(Sent following letter No. 206.)

Mr. Bird
Mr. Huddleston

Read letter, dated the 2d Instant, from the 2d Judge of the Court of Circuit in the Western Division, Submitting Copy of Malabar Calendars for the 1st Quarter Sessions of 1832.

with

with copies of the original Futwas and the remarks called for in the Circular letter of the 19th June 1828.

(Vide enter No. 270.)

No. 1 Fourth Additional Calendar.

In this case the Law Officer having on his first Futwah declared the Prisoner convicted of having entered a house and committed Robbery therein and on apprehension having wounded the Prosecutor with a knife, on pain of Shaikh, and awarded Cothoobut, a Second question was put to him in his Answer to which he again declared the Prisoner liable to Cothoobut, and being borne by a Shoobah. On this 2d Futwa the 2d Judge presiding at the Quarter Sessions proceeded to pass Sentence for which the provisions of Clause Seventh Section II Regulation XV of 1803, and Section IV Regulation VIII of 1838 are cited as authority.

2. The Sentence so passed was illegal For by the provisions of Clause fourth Section II Regulation XV of 1803 the Judge should have required a further Futwa declaration of the punishment to which the Prisoner would have been liable if the Shoobah has not existed.

3. Moreover the Standing orders of the Foujdaree Adalut requiring that the Law Officer should in his first Futwa declare all the exceptions in bar of trial, have not in this Case been attended to.

Ordered, that the 2d Judge be directed

directed to cancel the Sentence awarded by him in Case No. 1. Malabar 1st Additional Calendar 1st Quarter Sessions 1832, and to require the Law Officer to declare by a further Futwa to what Specific punishment the Prisoner therein would have been liable had not the exception stated in the 2d Futwa in bar of Shud existed. He will then proceed to pass Sentence according to such further Futwa, and Should he deem it proper, will apply to the Court of Sudder Udalut for permission to mitigate the Sentence.

The 2d Judge will call the attention of the Law Officer of this Court to the orders adverted to in the 3d Parat of this Extract, and to desire his adherence thereto in future.

Ordered, that Extract from these Proceedings be sent to the 2d Judge of the Court of Circuit in the Western Division by Precept returnable without delay.

(Sent following Precept No 207.)

Mr Bird and Mr Anderson

Read Return, dated the 9th Instant, from the Judges of the Provincial Court in the Southern Division, to Precept of the 13th Ultimo, requiring them to call upon the Acting Joint Criminal Judge at Tinnivelly to explain upon what ground he passed Sentence in Case No 99 in his Report for the Month of December 1831, and also why, the 1st Prisoner having been Sentenced to 7 Years imprisonment, the others were Sentenced to only 6 Months.

(New entry No 276)

The

19th April 1832.

The case in question was one of Burglary and the property Stolen by the Prisoners exceeded in Value the Sum of 100 Rupees, the Acting Joint Criminal Judge in Tinnivelly in his explanation submitted with the Return to Precept now read, Quotes Section II Regulation I of 1825 as the Authority under which it would appear that the late Acting Criminal Judge passed Sentence, which does not in any way apply.

Clause Second Section II Regulation VII of 1822 provides in Cases of Burglary that "if property be Stolen of which the value or Amount "shall exceed the Sum of Madras Rupees One "hundred, in all such cases it shall be the duty "of the Criminal Judge to call the prisoners con- "victed in the Offence to take their trial before the "Court of Circuit at the ensuing Sessions." And it is by this provision that the Proceedings of the late Acting Joint Criminal Judge, in the case in question Should have been regulated.

Ordered, that Extract from these Proceedings be transmitted to the Provincial Court in the Southern Division for communication to the late Acting Joint Criminal Judge in Tinnivelly.

(Sent following letter No 208)

Read letter, dated the 4th Instant, from the Provincial Court of Circuit in the Southern Division, transmitting explanations received from the different authorities in Criminal Reports

for

January last.

(Here enter № 269.)

Read letter, dated the 11th Instant, from the Acting 1st Judge on Circuit in the Southern Division - Reporting the commencement of the 1st Sessions 1832 at Salem.

(Here enter № 281.)

Read letter, dated 11th Instant, from the Acting 1st Judge on Circuit in the Southern Division - Reporting that notice was sent to the Joint Criminal Judge of Coimbatore that the Sessions will be holden on the 7th of May 1832.

(Here enter № 282.)

Read letter, dated 9th Instant, from the 2d Judge on Circuit in the Western Division - Reporting the opening of the Jail delivery at Nonconnah for the 1st Sessions 1832.

(Here enter № 285.)

Read return, dated 13th Instant, from the Second Judge of the Court of Circuit in the Centre Division - - - to precept dated 12th Ultimo, calling for the records of Trial № 2 Second Supplemental Calendar 1st Quarterly Sessions 1831.

(Here enter № 290.)

Read return, dated 13th Instant, from the Acting Judge late on Circuit in the Northern Division - - - to precept dated 26th Ultimo, calling for records of trials of certain cases.

(Here enter № 290.)

Read return, dated 13th Instant,

from the Judges of the Provincial Court of Circuit in the Southern Division - - - to precept of the 5th Ultimo, containing the Courts instructions for employing prisoners on works yielding the highest possible return.

(Here enter № 297.)

Read return, dated the 13th Instant, from the Judges of the Provincial Court of Circuit in the Southern Division - - - to precept dated 22d Ultimo, containing instructions as to the preparation of indictment for Perjury, and requiring the lower Courts to adhere to the form prescribed by this Courts orders of the 23d November 1826.

(Here enter № 298.)

Read letter, dated 16th Instant, from the 1st Judge late on Circuit in the Centre Division - Transmitting the original Warrant and Letter in Case № 7 of the Chingleput Calendar 2d Sessions 1831.

(Here enter № 300.)

At a Court of the Fouzdaree Adalut.

Present.

Monday 23d April 1832. C. M. Lushington Esqre 2d Puisne Judge
John Bird Esqre acting 3d Puisne Judge
William Braddon Esqre acting Judge.

Read letter dated 28th Ulto from the Acting 1st Judge on Circuit in the Southern Division, transmitting the record of proceedings in case No 12 of the Combaconum Calendar 1st Sessions of 1832.

(See enter No 237)

Mr Lushington and Mr Braddon

The Court of Fouzdaree Adalut on a deliberate consideration of the circumstances of the case in evidence before them concerning in opinion that the proof against the prisoners,

1st Mootoo Caroopen alias Caroopen
and
2d Parommel

is sufficient to commit them of the crime of robbery accompanied by open violence and Case do; under the authority vested in them by Clause first Section II Regulation I of 1818 commit them thereof notwithstanding the future of their Law officer and under the provisions of Clause second Section IV Regulation XV of 1803 sentence them to be transported to such place or places beyond Seas as the Right Honble the Governor in Council may appoint there to be imprisoned and kept to hard labor in irons or otherwise publicly

Orders

roads or other public works, for and during the period of their natural lives.

(Sent following letter No. 220)

Read letter, dated the 30th. Ultimo from the Acting Judge late on Circuit in the Northern Division, submitting case No. 21 Rajahmundry Calendar 2d. Sessions 1831.

(Here enter No. 259.)

Mr. Bird
Mr. Huddleston

The Court of Foujdaree Udalut on a deliberate consideration of the circumstances of the case in evidence before them, concurring in opinion that the proof against the Prisoner

Ramapah

is sufficient to convict her of the crimes of murder and robbery, & under the authority vested in them by clause first Section II Regulation X of 1818 convict her thereof, and sentence her to suffer death as prescribed by Section X Regulation VIII of 1802 by being hanged at the usual time and place of execution.

(Sent following letter No.)

The Court of Foujdaree Udalut observe that no evidence was taken on the trial with respect to several circumstances on which it would have been more satisfactory if testimony had been adduced. There is no evidence to shew that the body of the murdered girl was discovered in the River and there is no satisfactory testimony as to the state of the body when it was inspected. The Court see reason to believe from this trial, that the orders regarding inquests are not sufficiently attended to.

The

2 The Court of Foujdaree Udalut have repeatedly directed that the officers of police authorized to receive confessions should never employ Police Peons as the attesting witnesses, when other testimony can be obtained, but uniform attention does not appear to have been paid to these orders.

3 The Acting Judge late on Circuit has not attended to the Circular order which requires that whenever articles of stolen property are identified the number of each article should be mentioned.

Ordered, that extract of these proceedings be sent to the Acting Judge late on Circuit in the Northern Division by precept enjoining him to communicate to such parts thereof as concern the Criminal Judge and the Magistrate to those officers for their information and guidance respectively.

(Sent following precept No. 221.)

Read letter, dated the 1st. Instant from the 2d. Judge on Circuit in the Central Division, recommending a mitigation of punishment in favor of the prisoner in case No. 7 Cuddapah Calendar 1st. Sessions 1832.

(Here enter No. 260.)

The Court of Foujdaree Udalut on due consideration of the circumstances of the case as represented in the above letter and in the Calendar are not of opinion that the ordinary punishment of only one year's imprisonment

with

with stripes, recommended by the 2d Judge on Circuit is sufficient.

They direct under clause third Section III Regulation I of 1825 that the Prisoner

Cotapilly Veneatagadoo

be imprisoned and Kept to hard labor in irons on the public roads or other public works for the period of (3) three years.

Ordered that extract of these proceedings be sent to the 2d Judge on Circuit in the Central Division for his information and guidance by precept returnable without delay.

(Sent following precept No. 222)

Read letter dated the 14th February last from the 2d Judge on Circuit in the Central Division, recommending a mitigation of punishment in favor of the three prisoners in case No 16 Cuddalapah Calendar 1st Session 1832.

(See entry No 95.)

The Court of Sonjdaree deliberately having materially considered all the circumstances of the case as presented by the 2d Judge on Circuit, are not of opinion that the punishment recommended by him of only one year's imprisonment is sufficient. They direct under clause third Section III Regulation I of 1825 that the said Prisoners

1st

2d

and

3d

in case No 16 Cuddalapah Calendar 1st Session 1832 be severally imprisoned and kept to hard labor in irons

F. C.
23d April 1832.

Road on the public roads or other public works for the period of (5) five years.

In future similar instances it will be right for the 2d Judge to specify the names of the Prisoners in whose favor the mitigation may be recommended.

Ordered that extract of these proceedings be sent to the 2d Judge on Circuit in the Central Division for his information and guidance by precept returnable without delay.

(Sent following precept No. 223)

Read letter dated the 9th Instant, from the Provincial Court of Circuit in the Northern Division, submitting the Reports in the forms prescribed by Section XXXV Regulation X of 1816 for the month of February last.

(Here enter No 245)

1.

In the 15th Para of the Proceedings which accompanied the Reports under review the Provincial Court have noticed the general "and general delay" on the part of the Native Criminal Judge at Ganjam in disposing of the cases before him. The Court of Sonjdaree deplore to observe that the Native Criminal Judge disposed of only one out of 21 Criminals sent to him in the month of February, and that there can scarcely be any plausible means for such delay except sickness. The Provincial Court should forward the explanation of the Native Criminal Judge

Judge for the information of the Court of Fenjalara Matalat.

2. The Provincial Court will call the attention of the Native Criminal Judge to the Circular Order of the 23rd January last under which it would have been right for him to have submitted an explanation of the detention of his Reports for the month of February until the 28th ultimo.

Gunturu Report No. 8. 3. This Report is not framed agreeably to the Circular Order of the 7th ultimo which requires that "the numbers of cases and Prisoners committed in the previous months" should be "included in an abstract to the Report" in the form prescribed by that order. Instead of this abstract the Native Criminal Judge has furnished a separate Report of the cases and Prisoners committed in the previous month.

4. The Provincial Court will bring this error to the notice of the Native Criminal Judge.

5. With reference to Para 26 of the Proceedings of the Provincial Court on the Reports under review, the Court of Fenjalara Matalat have to observe that it is the province of the Collective Court of Circuit to examine the Criminal Reports and to require explanation in every case where there may appear to be any thing irregular. Upon review of these Reports, the Court of Fenjalara

Fenjalara Matalat approves its orders. The information therefore directed to be supplied by the order of the 17th November last is of more use to the Collective Court and to the Court of Fenjalara Matalat than to the Judge on Circuit, who in fact can only interfere when a case has not been sufficiently investigated.

6. The concise but abstract note of the grounds of the order or sentence upon each case enjoined by the above Circular Order is highly desirable and the Court of Fenjalara Matalat concur with the Provincial Court in their opinion that details such as have been entered into by the acting Criminal Judges at Nellore and Chicacole and the Native Criminal Judge at Gunturu are "unnecessary" and objectionable. The Provincial Court will accordingly intimate this remark to these Officers.

7. With regard to the entry of the indictment at length in cases of Perjury alluded to in the same Para of the proceedings of the Provincial Court it is proper to explain that the order on this subject of the 6th February applies only to the Calendar of persons for trial before the Court of Circuit to be furnished at the Sessions and not to the monthly Criminal Reports.

Ordered, that an extract of this proceeding be sent to the Provincial Court in the Northern Division for their information & guidance by Post. Ordered also that the

Reg. 2 L: 1 889

23rd April 1832.

Read Letter dated the 18th Instant from the Acting Judge on Circuit in the Northern Division, submitting a copy of the Quantum Calendar for Septr 1832.

(Recorded No 288)

1.

The Court of Enquiries Ordered having observed that the Abstract of the Returns has not been inserted in the above Calendar, in many of the cases, deem it proper to call the attention of the Acting Judge on Circuit to the Circular Orders of the 6th September 1827 and 19th June 1828.

Cases 5.9.&15.

2.

In these cases the Acting Judge, ~~has~~ by demanding a Second Bond, whilst the provisions of Clause 2nd Regulation XX of 1803 which are applicable only to offences not specifically provided for by any Regulation. When a specific penalty is provided by the Regulations the Sentence should be passed upon the Culprit or Culprits pursuing by Clause Second Section II Regulation XV of 1803.

3.

The Court of Enquiries Ordered having remarked that in other instances the same mistake had occurred ~~resolved~~ to recall the attention of the Provincial Courts of Circuit to their Circular Order of the 27th May 1822 as to the ~~non~~ observance of the provisions of Section II Regulation XV of 1803.

E. H.

23rd April 1832.

4.

The Acting Judge has cited in the case No 5 Clause two Section IV Regulation XI of 1803 in support of his sentence to imprisonment and hard labor for 14 years. Whereas this Clause sentences of transportation for life is the lightest that can be passed and if not it would appear, the Prisoners were convicted of the crime described in that Clause, the case should have been referred.

5.

The Court of Enquiries Ordered however on a due consideration of the circumstances of the case will not disturb the judgment already passed.

6.

In the case No 9 it would appear that the Law Officer omitted in his first instance to specify all the grounds in bar of the future of Bird as he is required to do by the Circular Orders of the 23rd July 1822, of which notice the Acting Judge should have taken notice.

7.

In the case No 12 under the 4th Section should have declared why Bird was not tried in favor of the ninth Prisoner.

Ordered, that Extract of these Proceedings be sent to the Acting Judge

Judge on Circuit in the Northern Division
for his information and guidance by
Precept returnable without delay.

(Sent following Precept No. 225
Ordered &c. that Paras 283
be sent to the four Provincial Courts
of Circuit for their information and
future guidance.

(Sent following letters No. 226.

Read letter, dated the 13th Instant
from the Provincial Court of Circuit in
the Northern Division, transmitting the
return of prisoners in the Gaols of Chittagong
for February 1832.

(Here enter No. 296)

Read return, dated the 13th Instant
from the Provincial Court of Circuit in
the Centre Division, to precept dated
24th December 1831, transmitting extract
from Register Calendar proceedings of
that date on Case No. 2 Chittoor Primary
Calendar 4th Quarterly Sessions 1831.

(Here enter No. 297.)

Read letter, dated the 23rd Instant
from the Provincial Court of Circuit in
the Northern Division, transmitting
explanation on the Criminal Reports
for the Month of September 1831.

(Here enter No. 298.)

Read letter, dated the 16th
Instant, from the Acting Judge on
Circuit in the Northern Division, reporting
that he opened the Session at Rajahmundry
on the 16th Instant.

(Here enter No. 30)

Read letter, dated the 18th
Instant, from the 3rd Judge on Circuit
in the Western Division, forwarding
the death warrant in case No. 3 on
the Additional Calendar Gaol of
Malabar 1st Session 1832.

(Here enter No. 313)

At a Court of the Kayelaarre Division
Present,

Wednesday
25th April, 1832. John Bird Esqr. Acting 3rd Puisne Judge
William Braddon Esqr. Acting Judge

Read petition presented by
Kristnamah Chetty of the Village of Cannapanthum in the Gemindary of Calastry

(Here enter Minute Book, the 4th of 1832)

The Petitioner complains that the Orient Court in the Cutchi Division paid no attention to petitions addressed by him to them, respecting a fine wrongfully imposed on him by the Magistrate in the Zillah of Chittoor.

Petitioner not having produced the order by the Orient Court rejecting his petitions to them, the petition now read is of no effect and is rejected.

Ordered, that extract from these proceedings be furnished to Petitioner on his application.

Read petition presented by Cannen Sahba Chetty and Nanjiapah Chetty of the Zillah of Salem.

(Here enter No. 4 of 1832)

Petitioners are the same as in petition No. 3 of 1832 and desire that the Rent

will cause the amount of the fines the imposition of which was therein complained of to be restored to them.

2.

The Court having above adjudged under date the 4th Instant that the imposition of the fines in question was legal, rejects the prayer of this petition.

Ordered, that extracts from these proceedings be furnished to Petitioners on their application.

Compromises on behalf of Coolspoon Chetty of the Fifth of Rix's Estate moved the Court to retain the Enclosures in the Miscellaneous Petition 49th of 1832.

Ordered accordingly.

Read letter from the 3rd Judge on Circuit in the Western Division dated 13th April 1832.

(Here enter No 311)

1.

The 3rd Judge in the 1st Paragraph of this letter requests reconsideration of the objections to his proceedings in Case No 24th Manahar Cadambar 4th September 1832 recorded in the 2nd Paragraph of the proceedings of the Supreme Court under date the 15th March last in respect to disagreeing with the evidence of witnesses.

2.

The 3rd Judge observes that on ground it stands for the minute taken by the Registrar that it was not necessary for the Registrar to take notes

25th April 1832.

explain to the Courts below the reasons of the orders they pass, and their omission to do so affords no ground for the Courts to which they are sent entering into discussion of them. As to the point in question the Court will only remark that if a latitude were allowed the evidence of witnesses might often be disagreed with on grounds which the Registrar on reviewing the trial might deem insufficient.

3.

The 3rd Judge further observes that the Registrar should passed sentence of death in the cases to which his remarks refer, thereby proving that the evidence was not insufficient. But, although the evidence in a case may be sufficient for conviction, it may not be satisfactory to all the circumstances therein could hardly be entire satisfaction while there is an appearance of no part of the case or of any witnesses who might throw light upon it being left unexamined. The Court regret that they are obliged to remark that Mr Vaughan has treated this question in a manner very unbecoming.

Ordered, that extract from these proceedings be sent to the 3rd Judge for his information and guidance

(Sent following letter No 5 &c)

F. 16.

At a Court of the Tongalarre Udalatte
Present

Friday
27th April 1832 John Bird Esqre Acting 3rd Puisne Judge
William Haskerton Esqre Acting Judge

Read return dated 5th Instant,
to precept of the 28th Ultimo requiring the
2nd Judge in Circuit in the Centre Division
to submit without delay the Calendar
Calendar 1st Sessions 1832.
Referred at 293.

The Court of Tongalarre Udalatte
observe in Case No 1 of the Calendar
submitted in obedience to the requisition
of their Precept of the 28th Ultimo, that
the 2nd Judge had omitted to quote the
provision of the Regulation under
which he passed Sentence. On referring
to the copy of the Notes accompanying the
Calendar, it is therein stated that the
Law Officer considered the Prisoner
committed on Grave ghatic or strong
presumptive proof, which admits of sentence
of punishment being passed. If as stated
in the Calendar the Notes had shewn
the Evidence liable to strong suspicion
only or Torment, the 2nd Judge would have
been incompetent to have passed any
such Sentence.

2.

No 2. The same remark is applicable
to the case No 2. This case was a translation
of Gan-a-ghoolk against whom a true bill was found in the case in which also the 2nd Judge had committed the mistake of which he was admonished in the proceeding of the last of the 6th of June last upon review of the Bellair Calendar of his last Circuit by taking upon himself to mitigate the punishment declared by the Regulations. The sentence as it stands is contrary to Section XXI Regulation VII of 1802, and must be cancelled.

No 3.

3.

It would appear that the 2nd Judge is of opinion that under the circumstances of the case the penalty of the Law is too severe to be inflicted on the Prisoner, and that being the case he will proceed under the provisions of Regulation I of 1833 to represent the case to the Court of Sudder Dewanny with a view to the mitigation of the punishment to which the Prisoner has rendered himself liable.

No 5.

4.

In the Court of Sudder Dewanny it is clear that in this case the Law Officer did not take into consideration the evidence of the Prosecutor, which if it was to the same effect as it

27th April 1832

entered in the abstract of the evidence must have been sufficient to have induced conviction, and they accordingly desire that the attention of the 2nd Judge be called to the Circular orders of the 25th February 1829.

No 7, 14, 15 & 16 of the Calendar of the Sangor Jail

5.

The cases noted in the margin are instances of second offence having taken when the offence has been specified provided for by the Regulations, appear altogether irregular, and which has with both the late Circular Orders of the 22nd Instant to which the 2nd Judge's notice should be particularly attended.

No 12 & 13.

6

The Circular orders of the 25th February 1829 had escaped the observation of the 2nd Judge who had not, as appears by it, entered in the Calendar at large the grounds for returning these two cases to be disposed of by the Criminal Court.

No 16.

7.

The fourth Prisoner in the case against whom the finding stated the crime charged to have been attempted had been held to security by the 2nd Judge. The doubts expressed in the finding regarding this Prisoner's age, upon which the Law Officer grounded his opinion that the Prisoner should be set at liberty, would not alter the matter

of the case, to dispose of which, as he had done, the 2nd Judge is quite incompetent.
If the 2nd Judge does not consider the Prisoner to have been convicted and he has not been released, it will be proper for the 2nd Judge to report the result of the Trial. If he deems the Prisoner convicted the sentence prescribed by the Regulations should be passed on his case
he submitted with a view to mitigation of the punishment.

No 21. 8. In that, as in the case No 5 the evidence of the Prosecutor does not appear to have been duly weighed, and the Court of Enquiry is directed that an English Record of the proceedings on the Trial of the Prisoner

Jumatum Chumar forthwith be transmitted for their consideration though the acquittal of the Prisoner must remain undisturbed.

Ordered, that extract of proceedings be sent to the 2nd Judge of Circuit in the Centre Division for his information and guidance by Post for return without delay.

Short following Precepts &c
Respectively dated 18th Instant
from Mr Buckley Acting Judge of the Court

of Circuit in the Centre Division, submitting English and Persian translations of the trial of Case No 5 of the Chittoor Calendar 1st Quarter Sessions 1832.

(Vide entry No 308)

1. Happening from the Extract of the Law Officer of the Court of Circuit that the 1st and 2nd Prisoners in this Case were convicted in Case No 4 the 1st and 2nd in Case No 7 and the 1st 2nd and 4th in Case No 8 the Court of Enquiry do not deem it necessary to have the proceedings in those trials before them.

2. Ordered, that the Acting Judge of the Court of Circuit be required to submit English and Persian translations of the trials of Cases Nos 4, 7 and 8 of the Calendar 1st Quarter Sessions 1832 with as little delay as possible.

Ordered, that extract of these proceedings be sent to the Acting Judge of the Court of Circuit in the Centre Division with precept returnable in 20 days from and after its receipt.

113

Short following Precepts &c

At a Court of the Royal Grenada Militia.

Present.

Monday 30th April 1832. John Baird Esqre Acting 2nd Puisne Judge
William Bradshaw Esqre Acting Judge.

Read again in return, state of the 18th Instant, from the Acting Judge of the Provincial Court of Cricket in the Centre Division, submitting the record of proceedings held in Case No 5 Chilton & London 2nd Quarterly Sessions of 1832.

(Here enter No 38)

1. In this case the prisoners stand charged with robbery, aggravated by stating "the prosecutors wife and mother into the fear and danger of their lives, threatening "at the same time to strangle a child of 10 "months old, and after ill treating the "prosecutors wife" robbing her &c.

2. The prosecutor stated in his deposition that he was absent from home on the night of the robbery, but was afterwards informed of the above particulars. He is then asked by the Acting Judge, presiding, if any body saw the prisoners at the time when they beat & ill-treated his wife and mother: and the above answer is recorded that "no one was present in the house, there was "none who saw the said acts."

3.

There is not a tittle of evidence in the record in proof of the acts of aggravation, described in the indictment, and the Court ought not to have charged those acts in the indictment without obtaining which of course he could have done if any thing of the kind occurred, the testimony of the prosecutor's wife and mother respecting their treatment by the prisoner.

4.

The Law Officers of the Province on the grounds of certain objections to the evidence for the prosecution, and in consideration of the evidence adduced by the prisoner on their defence; and the Court of Circuit acquitted the prisoner Buckley took upon himself to require "punishment the prisoner would be "subject upon the conviction of the witness "in behalf of the prosecution, and the "in admission of the intended testimony "of witnesses related to the prisoner.

5.

It seems hardly necessary to point out, that this reasoning is totally unwarranted and irregular, there being no provision in the Regulation which empowers a Judge of the Court of Circuit to reject testimony tendered by the Law Officers

6.

In this as in other cases tried by Mr Buckley he has attempted to exercise a power, neither only in the Court of Enquiry Statute by overruling at his pleasure the opinions of the Law Officers, and rendering nugatory the provisions of Section XXII Regulation VII of 1822, and well as those of Clause second Section II Regulation VII of 1829.

7.

The Court of Enquiry Members are constrained to observe, that Mr Buckley's proceedings, as a Judge of Circuit have exhibited almost as many instances of partiality, as could have been practised in getting through the quantity of business performed by him.

8.

The Court deem it necessary on this occasion to intimate to Mr Buckley, that they are greatly dissatisfied with his conduct as a Judge of Circuit, and with reference to the multitude and nature of the errors, into which he has fallen, that unless on the ensuing Circuit full attention be paid to the instructions issued by the Enquiry Statute and to the provisions of the Regulations, and master for the guidance of the Courts of Circuit, the

30th April 1832.

Court will deem it their duty to make a report on the subject to the Government

Ordered, that extract of these proceedings be transmitted to the Acting Judge of the Provincial Court of Circuit in the Centre Division for his information.

Sent following letter No 236.

Referring to their proceedings under date the 23rd ultimo upon the Criminal Reports for the half year from 1st January to 30th June 1831, the Court desire that a copy of Para 5 be transmitted to each of the Provincial Courts of Circuit to be communicated to the several Magistrates therein for their information and guidance.

Precept returnable without delay.

Sent following Precepts No 237.

Ordered, that copies of Para and part of Para 10, Paras 13, 19, 23rd and 24th be sent to the Provincial Court in the Northern Division, with directions to communicate to the several officers therein mentioned those parts which concern them respectively for their information and guidance.

Precept returnable without delay.

Sent following Precepts No 238.

Ordered, that copies of part of Para 10 and Para 26 be sent to the Provincial

30th April 1832

Court in the Centre Division to be communicated to the several officers to whom the remarks contained therein are applicable respectively.

Precept returnable without delay.

Sent following Precepts No 239.

Ordered, that copies of Paras 27 and 28 be sent to the Provincial Court in the Southern Division to be communicated to the Magistrates of the Districts therein mentioned respectively.

Precept returnable without delay.

Sent following Precepts No 240.

Read letter, dated the 2nd instant from the Acting Judge of the Court of Circuit in the Northern Division, transmitting copy of the 1st and Supplemental Calendars of the Joint Criminal Judge of the Gillah of Gradulpatam 1st Quarterly Sessions 1832 with copies of the Extract.

(Here enter No 241)

Read return dated the 9th Instant, from the 2nd Judge on Circuit in the Western Division to precept dated 9th Instant, sanctioning two years imprisonment for prisoners in Cadeatas and 5 Orangatans Calendars 1st Sessions 1832.

(Here enter No 318)

Read return dated the 5th Instant

30th April 1832.

from the Judges of the Provincial Court of Circuit in the Northern Division, to present dated 7th ultimo, containing remarks on the Criminal Reports for October 1831.

(Here enter No 329)

Read

Tuesday, 1st May 1832.

At a Court of the Vaujdaree Adalut.

Present,

John Bird Esqr acting 3rd Puisne Judge

William Braddon Esqr acting Judge.

Read letter from the 3rd Judge on Circuit in the Western Division submitting recommendation for mitigation of the punishment to which the 1st Prisoner in Case No 4 of the Bonore Calendar and the 1st, 2nd and 3rd Prisoners in Case No 5, and the 1st Prisoner in Case No 7 each on the Native Judges Calendar for Sessions 1832, have rendered themselves liable, having been convicted of gang robbery.

(Here enter No 316)

The Court of Vaujdaree Adalut on consideration of the youth and former character of Bahonga alias Chechoo the 1st Prisoner in Case No 4 of the Bonore Calendar relative, agreeably to the recommendation of the 3rd Judge on Circuit, to sanction in his case the mitigation of the punishment provided by Clause 3rd Section IV Regulation XX of 1803, to seven years imprisonment with hard labour in irons.

For

2.

The Court of Enquiry think that the Sentence of the Court is not sufficient grounds for mitigating the prescribed penalty with respect to the prisoners

1st Mungoo,
2nd Dwark, and
3rd Sheik Boodun

in case No 5 of the Native Judges Calendar, nor with respect to the prisoner

1st Dwark

in case No 7 of the same Calendar to the extent proposed by the 3rd Judge namely to 2 years imprisonment with hard labour in Irons, a punishment which they consider would be quite insufficient in cases of Gang Robbery: and they therefore resolve to direct the 3rd Judge on Circuit to issue his warrant for the imprisonment of the persons in question for seven years with hard labor in Irons.

Ordered, that extract of these proceedings be sent to the 3rd Judge on Circuit in the Western Division for his information.

Sent following letter No 248

Read letter of the 10th ultimo from the Provincial Court in the Northern Division transmitting, with reference to the 13th Para of their Proceedings of the 7th ultimo, copies of a return now brought

1st May 1832

by the Joint Criminal Judge of Madrulpatam and of their Court's Proceedings thereon

(Here enter No 321)

The Court of Enquiry think they are of opinion that the punishment awarded by the Joint Criminal Judge of Madrulpatam to the 1st Prisoner Timmadetty Varadoo in Case No 4 of his report No 5 is inadequately severe and upon that ground they resolve to remit so much of it, as consists of Corporal Punishment.

Ordered, that extract of these proceedings be sent to the Provincial Court in the Northern Division for their information.

Sent following letter No 249

J. Hb

At a Court of the Provincial Adalat.

Present

Wednesday 2d May 1832. John Bird Esqre Acting 3d Puisne Judge

William Hudleston Esqre Acting Judge

Read petition presented by Paramasivanayagam Raiek son of Ramasamy Raiek in the Zilla Jaffnapatam.

(Case entered as pet. No 40 of 1832)

1 The petitioner represents that four Brothers mortgaged to him a Tegam as Security for a sum of money lent to them - that in consequence of other creditors of the brothers having disputed Petitioners right to issue process of the Tegam under his mortgage he went to Trichinopoly where his right of possession was confirmed by the Court of Appeal, that during his absence the Mortgagors entered the Tegam in question by means of a false Key, and continue to occupy it - Petitioner having endeavored to obtain redress of this grievance from the Native Officers of Police and from the Joint Magistrate Mr. Wrangton without success, petitioned the Tegam Court on the 16th July 1831 who issued an order on his complaint to the Joint Magistrate, but it would appear from this petition that nothing had been done in consequence of this order.

2 Petitioner prays that this Court will call for and consider the record of the

the case and punish the party who may appear from them to have been wrong, and that further a precept may be issued directing the Sale of the Bagar in question, and the application of the proceeds to payment of what is due to him or that he may be put in possession of the Bagar.

3 The petitioner not having produced any documents from which the merits of his case can be understood, nor copies of any of the proceedings of the subordinate authorities to which his complaint refers, this Court cannot decide upon it.

Ordered, that the petition be returned to petitioner with an Extract from these proceedings on his application.

Read petition presented on the 18th Instt by Thorattelaar and 6 Naidens of Cuddalore.

(Vernacular Ct. P. No 51 of 1832)

The Petitioners allege that the Peons of the late Magistrate of South acted under the supposition that they were concerned in the disturbances which attended the dispute between the Tengalai and Vadagalai Brahmins relative to the performance of the festivals of Manmatha Mahamurray, caused the Petitioners to be unjustly confined for 12 days, although there was no proof against them, that the Petitioners were afterwards fined in the sum of 50 Rupees each which

2d May 1832

they paid and were accordingly released. And that the Petitions which they have addressed to the present Magistrate and addressed to the Provincial Court of Circuit the 1st Judge of the Provincial Court of Circuit in the Southern Division have been of no avail.

The Petitioners pray that as they 2 have attended to prove they were not present at the disturbances alluded to, their witnesses may be examined and that record may be issued for the repayment of the fines levied from them.

3 The subject of the disputes to which the Petitioners refer, was taken into consideration by the Court of Sessions about on the 23d April 1831, but the order passed on that date does not appear to apply to the Petitioners, who would seem to have been fined by the late Magistrate for an assault upon the Petitioners if aggrieved should have complained at the time, and should have waited until the Magistrate against whose acts they prefer petition, had gone to England.

4 The petition is accordingly rejected.

Ordered, that Extract of these proceedings be furnished to the Petitioners on their application.

Read letter from the Provincial Court of Circuit in the Southern Division dated 9th April 1832.

(Vernacular No 203)

Rs.

F. No. 2nd May 1832

1

The Provincial Court transmit with reference to their letter of 29th February last the copy of a letter dated the 5th April from the Acting Magistrate of Trichinopoly Mr. Nelson, for the consideration and orders of the Government.

2

The object of the Acting Magistrate is to offer reasons for the occasional detention of prisoners by the District Police officers and to point out what appears to be the unavoidable necessity of it.

3

In the 2d para the Acting Magistrate observes that it is "the usual" for prisoners apprehended on Criminal Charges "at the Talook Cutcherry the Court for evidence commences." If the Acting Magistrate means that the practice is first to apprehend the persons against whom Criminal Charges are preferred and then to search for evidence against them, it is plainly at variance with Rule first Section XXII Regulation XI of 1816.

4

With reference to the remarks in Para 3 it is to be observed that the question is not what is most expedient to be done, but what the law requires to be done under the circumstances supposed. The law does not allow of the detention of a prisoner because other prisoners are not in custody and this is distinctly intimated in Section XXVIII Regulation XI of 1816 and is instilled in in the following of the Government of the 21st May 1829 quoted in Para 9 of this letter. Cases do no doubt occasionally

F. No.
2nd May 1832.

occasionally occur in which inconvenience to witnesses would be saved by detaining the prisoners first apprehended until the other persons concerned with them are in custody, but it is preferable that the inconvenience should be suffered than that Police officers should have the power of detaining prisoners for an indefinite period upon the chance of the apprehension of others suspected to be connected with the same gang.

5

The law as it stands at present does not allow of any deduction upon the grounds suggested for consideration in the 5th Para. It has clearly drawn the distinction between prisoners who are in custody, and who are not, and has provided that witnesses shall be detained, but that prisoners shall not suffer detention by the Native officers of Police, by whom the worst abuse is made of the unlawful detention of prisoners, while the Court have not been enable to put a stop to it.

6

If bail is rarely granted to witnesses as stated in the 6th Para it is the fault of the public officers and the Regulation should be enforced.

7

While the law remains as it is, this Court cannot allow the orders which have been passed for enforcing its provisions regarding the detention of prisoners

and

and no repeated can be admitted for the decision of them which are not in accordance with the spirit. The law contemplates the occurrence of cases where delay may be unavoidable, and every reasonable allowance will be made for delay when it is manifest that the ends of justice required it, but it is necessary to ascertain the Police Officer that this should be made manifest.

Ordered, that Extract from these proceedings be transmitted to the Provincial Court of Circuit in the Southern Division with directions to furnish a copy to the Magistrate of Trincomalee and to the late Acting Magistrate respectively for their information and guidance.

(Sent following letter No 244)

Read letter, dated the 20th Instant from the Acting Criminal Judge in the Zilla of Salem, requesting instructions regarding nine prisoners who have been sentenced to imprisonment and hard labour for 14 years and to be handed to such Zilla as the Tongaroo Courts may direct.

(Recorded No 324)

The Court of Tongaroo Courts direct that the prisoners

1st Narayen
2d Rahmanna
3d Ranjelooa
4th Sidlala
5th Anno Aurenda
6th Puttoroo
7th Lyarama Mootheen
8th Patma and
9th Vaeatarama

be removed to the Jail in the Zilla of Bellary there to be imprisoned agreeably to the terms of their Sentence.

Ordered, that Extract of these proceedings be sent to the Acting Criminal Judges in the Zillas of Salem and to the Acting Criminal Judge in the Zilla of Bellary for their respective information and guidance.

(Sent following letters No 245)

Read letter, dated the 19th Instant, from the Provincial Court of Circuit in the Northern Division, submitting an Extract of their proceedings upon the return of the Joint Criminal Judge at Madulpetan to their precept requiring information relative to the acquisition of Security in the case No 3 of this Criminal Report No V for January last.

(Recorded No 326)

The Court of Tongaroo Courts in the 3d para of their proceedings of the 21st March last, authorized the Provincial Court of Circuit in the Northern Division to

2d May 1832.

to direct the Joint Criminal Judge to reduce the amount of Security required from the prisoners in the case in question if his explanation regarding it proves to be unsatisfactory, and it will accordingly be right for them to cause the reduction of the Security in the case if they have not already done.

Ordered that Extract of these Proceedings be sent to the Provincial Court of Circuit in the Northern Division for their information and guidance by first opportunity without delay.

Sent for along precpt at 246/5.

P.D.P.

W.M.

D.R.

Sent to the Provincial Division

F 16

At a Court of the Bengal Adalut.

Present

Thursday,
3d May 1832. John Bird Esqr Acting 2d Puisne Judge
William Braddon Esqr Acting Judge.

Read again Report, dated the 2d instant from Mr Bonnerman Acting Judge of the Provincial Court in the Northern Division upon his Circuit for the 2nd Sessions of 1831.

(Vide enter p. 256.)

P2. 1 In Para 2 Mr Bonnerman notices the defective state of the Tirhut Cantoon. Upon this subject a representation was made to Government under date the 7th January last. The Court are not aware whether any orders have been passed upon it.

P3. 2 Mr Bonnerman reports that at Muttore he ordered a seer fifty of rice to the value of one Dub to be allowed to each child permitted to be brought into the Jail by female prisoners unable to provide for them otherwise. This order is approved. The allowance should be in rice, not in money, which is forbidden by the rules.

P4. 3. Mr Bonnerman stated that he received com[illegible] from persons

confined in the Jails at Guntoor and Rajahmundry on requisition of Security that Cloths are not furnished to them as to the convicts. There is no reason why prisoners of this discription should not be supplied with prison Clothing as well as others, and the Court resolve to issue a Circular order explaining that the rule regarding clothing is applicable to them.

P5. 4. With reference to the observations in Para 5 of this report respecting the indulgences necessary to be allowed to inhabitants of the Hills when confined in Jail in order to the preservation of their health under the change of climate, the Court remark that there is nothing in the existing rules to prevent the indulgences specified being allowed provided they are considered by the Medical Officer in charge of the Jail to be necessary for the health of any of the prisoners. It seems likely that prisoners from the Hills may require Punkahs indulgences, and it is proper that the Medical Officers should be consulted particularly as to their treatment in respect of diet &c. The Court of Circuit will be required to visit the officers in charge of Jails in the Hill districts to attend to this.

P7. 5. Mr Bannerman suggests the expediency of controuling the Courts to

the carefulness in recording the depositions of witnesses with exactness, as a means of facilitating conviction in cases of perjury with a view to the repression of that prevalent crime. So much care cannot be taken to record a deposition in the words used by the deponent. The instances cited by the Acting Judge shew great carelessness on the part of the officer conducting the examination. It seems to be of sufficient importance to issue a Circular order to impress upon the Courts the necessity of observing great accuracy in this part of their proceedings.

P8. 6. The Acting Judge notices the improper way in which Cattle are administered in some of the Courts. Such conduct as he describes can only proceed from the indifference of the officers presiding, and the toleration of it is not creditable to them. It should be severely censured by the Judge on Circuit when it is observed by him in proceedings before himself, and the attention of the Criminal Judges of the Courts when the practice prevails should be directed to the evils which such carelessness must inevitably produce.

P.9 & 10. 7. The Court direct that so much of Paras 9 & 10 which contain suggestions for the disposal of the Police force in the

Districts

District of Rajahmundry in a more efficient
manner be furnished to the Magistrate for
P.11. his consideration; and that a copy of Para 11
be also furnished to him for his information
and that he may make inquiry regarding
the practice therein described and adopt
measures to put a stop to it.

P. 12. 8. The Court do not clearly perceive
the tendency of the observations in this
P.13. Para. With regard to the selection of Roads
for the service of protecting the country from
the incursions of robbers from the Hills,
it appears to the Court that the Magistrates
are likely to be the most competent Judges.
Local knowledge would seem to be an
indispensable qualification for this service,
and there are doubtless other reasons which
have dictated the employment of people of
the country.

P. 14. 9. In this Para the Acting Judge
offers some remarks upon the neglect of
cross examination in the former stage
tried by him. It is impossible to lay down
rules for cross examination which shall be
generally applicable. Every officer conducting
P. 15 an inquiry must be guided by his own
judgment in this respect. If he see
reason to doubt the truth of a defendant's
statement, he ought to try it by a close
cross

cross examination, and also when he has
ground to suspect that witnesses are
giving false evidence upon a concerted
plan he ought to bring them to the test
of an examination into minute details.
But a close cross examination of this
nature is not always necessary or
expedient and if not conducted with
discretion may sometimes have the
effect of confounding a witness who
is anxious to speak the truth, and
leading him into inconsistencies and
contradictions.

P. 15. 10. The Court do not perceive
any impropriety in the general rule
of making a prisoner stand during
his trial. They are persuaded that the
rule is never enforced as to cause
hardship to the prisoner, but that the
indulgence of being permitted to sit
is always allowed when there is reason
for it.

P.16. 11. The Court do not think it
necessary to issue a general order
to the effect here suggested. When
witnesses are absent and their absence
is accounted for by the plea of saving
the facts should be ascertained by the Court
as

3rd May. 1832.

the Court do not think that further orders are called for than those contained in the 9th Para of the Minutes of Consultation of the Right Honorable the Governor in Council under date the 5th March 1830. With respect to Pond, the establishments of the Courts of Orient were revised in 1824, and settled upon the present scale after full consideration. An addition of 3 Chiefpoys and 1 Peon was then made to the establishment of the Provincial Court for the Northern Division.

from Govt 19th Augt 1824

Ordered, that a copy of the Acting Judge's report be submitted to Government with an extract from these proceedings.

(Sent following letter to Govt 3d May 1832.

Ordered also, that an extract from these proceedings be transmitted to the Acting Judge for his information, that a copy of Para 3 be sent to each Para 4 to the Provincial Court, and a copy of Northern Division, to be communicated to the Officers to whom the instructions contained therein are applicable respectively for their information and guidance, and that a copy of Para 7 be sent to the Magistrate of Ryacottah, with a copy of Paras 5 & 6 of the Acting Judge's report therein referred to.

(Sent following letters to Govt 3d May 1832. No 250. 251. 252

3rd May. 1832.

Read letter, dated the 25th ultimo from the 2nd Judge of the Provincial Court of Orient in the Western Division, recommending mitigation of the punishment to which the Prisoner in cause No 1 on the first additional Madura Calendar for Quarterly Sessions 1832 had rendered himself liable.

(Here enter No 324)

The Court of Puisne Judicature having duly considered the circumstances of the case represented by the 2nd Judge of the Court of Orient in the Western Division, Canetion, under the provisions of Clause third Section III, and Section IX Regulation I of 1825, the mitigation of punishment proposed by him, and accordingly pass on the Prisoner,

in case No 1 first Additional Madura Calendar to suffer 150 stripes with the Cat on mine Parts and to be imprisoned and kept to hard labor in Irons on the public roads or other public works for the period of three (3) years

It will be right for the 2nd Judge to specify in future communications referring the name of the Prisoner in whose behalf the mitigation of punishment may be recommended.

Ordered

May 1882.

Ordered, that extract of this proceedings be sent to the 2nd Judge of the Court of Orient in the Western Division for his information and guidance by Dispatch returnable without delay.

(Sent following Dispatch No 250)

E. U.

1882

At a Court of the Byelaare Admiralty

Present

Monday 7th May 1882. John Bird Esqre Acting 2nd Puisne Judge
William Huddleston Esqre Acting Judge

Read again Report from the First Judge late on Circuit in the Centre Division of the Said Delivery at Chingleput and Cuddalore at the 2nd Sessions 1881.

(Here enter No 245)

Read also letter dated the 1st Instant, from the Chief Secretary to Government, authorizing the Collector of South Arcot to appropriate the Bunder at Cuddalore to the Joint Criminal Judge of the Ordinary Court, provided it is not required for any immediate purpose connected with his Establishment

(Here enter No 230)

Ordered, with reference to Paras 15, 16 and 17 of the above Report and to Para 3 of the Proceedings of the Court of Byelaare dated the 15th instant, that a copy of the letter of the Chief Secretary to Government be sent to the 1st Judge late on Circuit in the Centre Division by Receipt returnable without delay, enjoining him to make the necessary communications to the Inspector Genl and to the Joint Criminal Judge of

7th May 1832.

the Auxiliary Court at Cuddalore.

(Sent following Precept 25th)

Read letter dated the 28th ulto
from Mr Bushby, as acting Judge of the
Provincial Court of Circuit, forwarding
copy of a petition presented to the
Provincial Court by the Government Vakeel
on behalf of Mr Lacon, Principal Collector
of the Zilla of Cuddapah with an Extract
of the proceedings of the Court of Circuit
thereon, dated the 25th January last and
return of the acting Judge in the Zilla
of Cuddapah, dated the 14th February last.

(Here enter No 315 of 1832.)

1.
The Court of Circuit
considers this application irregularly made
by one of two Judges present at the station
of the Provincial Court.

2.
Nevertheless it appears that the
acting Judge had transmitted a petition addressed
to the Provincial Court of Appeal on behalf
of the Principal Collector as an application
from the Magistrate to the Provincial Court
of Circuit; and the 5th paragraph of the pro-
ceedings of the 25th January is perfectly
and perfectly intelligible.

3.
The matter must be disposed
of by the Provincial Court of Appeal.

Ordered, that extract of these
proceedings be sent to the Provincial
Court of Circuit in the Centre Division
for their information and guidance.

(Sent following letter No 25)

7th May 1832.

Read letter, dated the 28th ult
from the acting Judge of the Provincial
Court of Circuit in the Centre Division
submitting the Criminal Reports for the
month of March 1832, with his proceedings
thereupon.

(Here enter No 328 of 1832.)

1.
It appearing that the acting
Judge had held proceedings alone upon
the above Reports, to which the 1st Judge
of the Provincial Court of Circuit was
not a party, the Court of Foujdaree
Adawlut direct that the General Orders
issued by the acting Judge be forthwith
recalled and cancelled, as altogether
irregular.

2.
The Reports will be taken
into consideration in due course
by the Court of Foujdaree Adawlut.

Ordered, that extract of these
proceedings be sent to the Provincial
Court of Circuit in the Centre Division
by precept returnable in two days
from and after its receipt.

(Sent following Precept & Letter)

Read again report of the
2nd Judge of the Provincial Court in the
Western Division late on Circuit upon
the 2nd Sessions of 1831.

(Here enter No 284.)

Para 3 1.
The 2nd Judge observes that

many cases were tried by him this Session which he thinks were improperly charged under the head of "robbery by open violence" and he suggests "that the Lower Courts should be instructed in all cases where violence may not be fully established by evidence or where slight violence only appears to have been offered, in confirmation of robbery, that the charges should invariably be laid under the head of "Assault and Robbery." Upon this suggestion the Judges have to remark that the Courts must adhere to the definition of the crime of robbery by open violence given in Section III Regulation XV of 1803 according to which "Assault and Robbery" constitute the crime so termed in all Courts. Of course where violence is not fully established by evidence it ought not to be alleged in aggravation of the charge. Where such an impropriety is observed by a Judge of Circuit it is his duty to cause it to be corrected, and to give such instructions as shall prevent its repetition.

Para 10.

2. The 2nd Judge remarks upon the abuse of the privilege allowed to prisoners of calling witnesses to attend on their behalf at their trial before the Court of Circuit, and suggests that it be subjected to further restriction. The Court of Sanguine have stated that they are of opinion that the provisions of Section II Regulation II of 1822 comprise

7th May 1832.

all that can safely be done to check the commencing of unnecessary witnesses for prisoners committed for trial. If these provisions are not duly attended to, it is the duty of the Judge on Circuit to direct that they be observed more strictly and to report the officers whom they observe to be neglectful in this respect.

Para 11.

3. An application from the Judge of Mootabaun for sanction for the erection of a new Court house at Calicut has been recently under the consideration of Government and it has been intimated that the Governor in Council is not prepared to grant sanction for it.

12.

4. The Court have no doubt that a representation from the 2nd Judge to the Principal Collector of Malabar of the defect of accommodation at the Gaol here mentioned would be readily attended to by that officer and that endeavours would be taken by him to supply what is wanting under the order of Government.

19.

5. The Court conclude that the nuisance here described has been removed, as it appears that the Criminal Judge was prepared to take measures for the purpose.

21.

6. The 2nd Judge suggests that the number of convicts from the Calicut Jail employed on the Malgharies might be increased with advantage. With reference to this suggestion it appears to be desirable

to obtain a report from the officer under whose charge the convicts sent to the Madras have been employed, as to the state of their health since their arrival and how they are to labour is affected by the climate, whether their services have been found useful, and whether a greater number can be employed advantageously on public works. The Criminal Court of Orissa will be instructed to address the Criminal Judge of Madras to request a report upon the above points.

Para 23. 7. In this para the 2nd Judge gives a very satisfactory report of the state of Canara, observing that perfect tranquillity prevails throughout both the Northern and Southern Divisions of the Province.

P. 24. 8. The 2nd Judge referring to a case of murder tried by him in which the perpetrators of the crime were sentenced to be hanged in the vicinity of the place where it was committed and their bodies to be suspended in chains on a gibbet, stated that upon inquiry he was informed that the gibbet had been taken down, he thinks by the mother and although the circumstances came under the notice of the Criminal Judge it had not been replaced. Before proceeding further he submits the purport of the sentence that was passed and he suggests that in cases of this kind

to

the Police should be directed to prevent such an outrage on Criminal Justice, and to hold the inhabitants of the village or neighbourhood responsible that the sentence of the Law is not infringed upon. The act of removing the gibbet cannot but be regarded as a grave offence against the authority of the Law. It was understood the duty of the police to prevent such an outrage, and it can hardly be supposed that it could have been committed without the connivance of at least the Police of the Village, at any rate it is probable that they could have easily discovered the actors so as to bring them to punishment. It was mentioned upon the head of the District Police to take measures for this purpose and to report immediately to the Magistrate what had occurred for his orders. The Court think it proper that the Magistrate be now called upon to explain what information he received upon the subject and what was done in consequence, with a view to the consideration of the means which should be adopted in order to prevent the judgment of the Law being thus set at defiance.

Para 25. 9. In this para referring to an investigation held by him as to the conduct

7

of a Potail, the 2nd Judge intimated his opinion that this officer acted illegally in ordering certain houses to be searched by persons not belonging to the Police, by clause first Section XI Registration XI of 1876 Potails as Heads of Village Police are empowered to cause search to be made in houses, and it is not prescribed that such search shall be made by none but Police officers." The rules for the guidance of the Heads of Villages in causing search are clearly and sufficiently laid down in the Instructions.

10.

With reference to the observations in this paragraph, the Court have to remark that the Magistrate in ordering infliction of corporal punishment in cases of petty thefts only complies with the law, the provisions of which in this respect they do not think it advisable to attempt the Court are not aware that the infliction of corporal punishment with the instrument now in use has the effects ascribed to it by the 2nd Judge.

11.

From the observations in this paragraph it would appear rather that the cases in question ought not to have been sent before the Court of Circuit at all from want of evidence, than that they turned out on examination before it to

than they were described to be in the charge. With reference to the case particularly mentioned in para 33 the Court presume that the Judge on Circuit pointed out to the Sessions Judge the impropriety of committing a man for trial on such a charge and that stated.

The 2nd Judge appears to have done all that was in his power in the case noticed in this para.

12.

The impropriety of the proceeding of the late Sessions Judge in the case of Banwari here described should be reported to that officer for his future guidance, notwithstanding his removal from the office.

13.

In the case in question the Sessions Judge ought to have explained that the crime of robbery had not been proved but that the inferior crime of receiving stolen property had alone been substantiated. In preferring the Calendar for the Court of Circuit the charges ought to be entered according to the evidence & statements of the prosecutor in the first instance, but according to the view of the case taken by the committing officer after the investigation which he is required to make.

The 2nd Judge properly desires the

7th May 1882

the Native Judge to put a stop to the very reprehensible practice which it appeared had obtained in his Court of passing sentence in criminal cases without putting the prisoners on their defence. The attention of the Native Judge ought to be directed to the Circular order of the Legislature Council on this subject under date the 21st May 1879, and to Section Sixth Section II and Clause three Section III Regulation II of 1832.

P. 57.

16. With reference to the remarks in this Para, the Court deem it unnecessary to call upon the Provincial Court to explain why this Circular Order was not translated and sent to the Native Judge for his information and guidance in the cases.

52. 17. Considering the irregularity with which the Native Judge appears to conduct his proceedings, the Court consider it desirable the Provincial Court be warned that unless he takes care to inform himself perfectly of the rules by which he is bound to act, and conforms strictly to them, very serious notice will be taken of his negligence.

53. 18. The Court conceive that the chief object of the appointment of the Native Judge at Siray was to relieve the inhabitants of the country above the Ghauts from the inconvenience of going down to the low

7th May 1882.

country on occasions of Civil and Criminal business, and with reference to this object they do not think it advisable to remove him from that situation, as the Second Judge seems to suggest.

19. In concluding their remarks upon this Report, the Court have to express their approbation of it, both in respect to the information contained in it, and to the manner in which the various subjects discussed are treated.

Ordered, that Extract from these proceedings with a copy of the 2nd Judge's report be submitted for the information of Government.

Post following letter No 257.

Ordered, that extract from these proceedings be also transmitted to the 2nd Judge late on Circuit in the Eastern Division for his information and guidance, with a request directing him to call upon the Magistrate for the information required by Para 8, and to make the communication to the late Joint Criminal Judge of Canara noted in Para 13, and to refer to the Native Judge the instructions noted in Para 15.

Post following Receipt No 258.

Ordered

7th May 1882.

Ordered, that a copy of Para 16 and 17 be sent to the Provincial Court of Circuit in the Western Division with precept, directing them to make the required communications to the Criminal Judge of Malabar and the Native Judge of Canara respectively.

(Sent following Precept No 259.

Read return, dated the 21st ultimo, from the Provincial Court of Circuit in the Southern Division, to precept of the 11th ultimo, with Courts instructions regarding the petition presented by Cumgodaby Chetty and Nunjaba Chetty.

(Here enter No 342.)

Read return, dated the 28th ultimo, from the Provincial Court of Circuit in the Southern Division, to precept of the 11th ultimo, directing the Criminal and Joint Criminal Judges that when a case may remain undisposed of at the close of a supplemental report an explanation of the delay should be inserted in Column "not examined."

(Here enter No 343.)

Read letter, dated the 1st ultimo, from the 3rd Judge on Circuit in the Western Division, forwarding the Calendar received from the Acting Joint Criminal Judge and the Native Criminal Judge of Canara for the 1st Sessions 1882, and reporting the close of the Sessions at Cannanore.

(Here enter No 344.)

7th May 1882.

Read letter, dated the 2nd instant, from the 3rd Judge on Circuit in the Western Division, forwarding the death warrant in Case No 1 on the 2nd Criminal Calendar, Zilla Malabar 1st Sessions 1882.

(Here enter No 330.)

Read return, dated the 28th ultimo, from the Provincial Court of Circuit in the Western Division, to precept of the 11th ultimo, requiring that when a case remains undisposed of at the close of a supplemental report, an explanation of the delay may be inserted in the Column headed "not examined."

(Here enter No 335.)

Read letter, dated the 28th ultimo, from the Acting 1st Judge on Circuit in the Southern Division, reporting the departure of the Acting 1st Judge on Circuit to Coimbatore for the purpose of opening the Sessions there.

(Here enter No 336.)

At a Court of the Fayidaree Udalut,

Present,

Thursday
10th May 1832 } John Reid Esqr. Acting Chief Puisne Judge
William Hudleston Esqr. Acting Judge

Read returns by the Provincial Court in the Centre Division both dated the 4th Instant, to Receipts of the 30th Ultimo, requiring the Provincial Court to communicate to the several officers to whom they were applicable the remarks contained in the extract of the Proceedings of the 26th March, copy of which accompanied the above Receipts.-

/Here enter Nos 346 and 349./

The Court of Fayidaree Udalut observe, that the above returns are certified by "the Acting Judge for the Register," and as they have remarked a similar irregularity in returns to other Receipts, they deem it right to point out that returns to Receipts whether of the Sudr or of the Fayidaree Udalut, addressed to the Judges of the Provincial Court, should be certified by the Judges themselves, and not by the Register.-

Ordered, that Extract of these Proceedings be sent to the Provincial Court of Circuit in the Centre Division for their information and future guidance.-

/Sent following letter No 261./

Read letter, dated 7th Ultimo, from the Acting Judge at Circuit in the Northern Division,- submitting cases Nos 16 & 18 Putton 1st Calendar 2d Session of 1831, called for on the 17th November 1831.-

/Here enter Nos 277/

The 5th and 11th Princes in the case

9th May 10th May 1832

case were released by order of the Judge on Circuit.-

The Court of Foujdaree Adaulut having maturely considered the proceedings held before the Court on Circuit, the futwa of the Provincial Law Officer, and the futwa of the Cazee-ool Cozat and Mooftees of the Foujdaree Adaulut, confirm the said futwa of the Cazee-ool Cozat and Mooftees aforesaid and acquit the Prisoners,

1st Soorakah Myegaroo,
2d Baulmary Yanoomuloo,
3d Vonsoo Kistnaroo,
4th Mullala Soobbaroo,
5th Wootta Goorayah,
6th Woottah Venkataroy,
7th Doorakoola Selawaroo,
8th Bommun Bumaroody,
9th Doorakoola Bundaghy,
and
10th Tonka Banjee,

The 1st and 12th of whom they direct to be released- but considering the strong suspicion though not amounting to conviction attached to the Prisoners,

1st Soorakah Myegaroo,
2d Baulmary Yanoomuloo,
3d Vonsoo Kistnaroo,
4th Woottah Venkataroy,
5th Doorakoola Selawaroo,
6th Bommun Bumaroody,
and
7th Doorakoola Bundaghy,

the Court direct under clause sixth section II Regulation XV of 1803, that they severally be required to find two securities in 350 Pd rabla for their good behaviour and appearance when required within two years or that in default thereof, they be detained for that period in confinement.-

The

10th May 1832

The prisoner

6th Woodoottia Gooravayah,

is sentenced in Case No. 18 of the Calendar.-

Sent following letter No. /

The 9th 10th 11th 12th and 13th Prisoners in this case were released by order of the Court on Circuit.-

No. 18.

The Court of Foujdaree Adaulut having maturely considered the proceedings held before the Court of Circuit, the futwa of the Provincial Law Officer, and the futwa of the Cazee-ool Cozat and Mooftees of the Foujdaree Adaulut, confirm such part of the said futwa of the Cazee-ool Cozat and Mooftees aforesaid as relates to the Prisoner

7th Woottah Goorayah

whom they adjudge to suffer the mitigated punishment of imprisonment for the space of 9 years and to be kept to hard labor in irons.-

The Court of Foujdaree Adaulut on a deliberate consideration of the circumstances of the case concurring in opinion that the proof against the Prisoner,

2d Bommoo Boodaroo,

is sufficient to convict him of the crime of Gang robbery, as under the provisions of clause first section II Regulation I of 1808 convict him thereof, and with reference to the conditional sentence passed on him by the Judge on Circuit, adjudge him to be imprisoned and kept to hard labor in irons for the space of 9 years.-

The Court of Foujdaree Adaulut on mature deliberation of the circum-

of

of the case, confirm so much of the said futwa of the Cazee ool Coozat and Mooftees aforesaid as acquits the Prisoners

3d Bowmum Parmeesvy
4th Doodakoola Elamaun
5th Doodtah Venkatadry
6th Doodacoola Brundaghee
7th Doodacoola Emam
and
8th Curlapoody Manjiah

but considering that strong suspicion though not amounting to conviction attaches to the prisoners,

7th Doodacoola Emam,
and
8th Curlapoody Manjiah,

they direct under clause sixth Section II Regulation XV of 1803, that they severally be required to find two sureties in 35 Rupees each for their good behaviour and appearance when required within two years, or in default thereof, that they be detained for that period in confinement.-

The Prisoners

3d Bowmum Parmeesvy
4th Doodakoola Elamaun
5th Doodtah Venkatadry
and
6th Doodacoola Brundaghee

who are acquitted in this case being required in Case No 15 to find security may not be released until that requisition has been complied with.-

The Court of Sanjolance Adalut deem

deem it necessary to direct the attention of the Acting Judge on Circuit to the standing order of their Court, which requires that when an article of property before the Court is alluded to in the examination, the corresponding number should invariably be inserted.-

In both cases Nos 15 and 18 the Acting Judge omitted to forward a Persian translation of the orders respecting them. In consequence, the Law Officers of this Court not having the means of knowing that certain of the Prisoners in both cases had been released by his order, submitted in the first instance futwas including the liberated Prisoners and which therefore required to be revised. The attention of the Acting Judge is to be called to the above omission and to the standing order of this Court under date the 25th July 1823.

Ordered, that Extract of these Proceedings be sent to the Acting Judge late on Circuit in the Northern Division for his information.-

(Sent following Letter No 262)

Read Letter, dated 28th Ultimo, from the Judge on Circuit in the Western Division, with reference to Court's letter of the 19th April, states that he has received from the Criminal Judge a Calendar accompanying, in which he entered his reasons for not trying the case.-

(Here enter No 337)

Read letter, dated 5th Instant, from the Criminal Judge in the Zillah of Chittoor, transmitting copies of his letters to

18th May 1832

to the officers in charge of the convicts at Arcot, Vellore and Arnee and their replies relative to the possibility of dispensing with any of the peons employed in the case of convicts.

/Here enter No 347/

Read return, dated 28th Ultimo from the Provincial Court of Circuit in the Northern Division to precept of the 19th Ultimo, transmitting Extract of Court Proceedings on the return by the Acting Criminal Judge of Chicacole regarding the employment of the Prisoners in his Jail.

/Here enter No 358/

Read return, dated 28th Ultimo from the Provincial Court of Circuit in the Northern Division, to precept dated the 4th Ultimo, directing that when a case remains undisposed of at the end of a Sessions report a full explanation of the delay be given in Column "not examined."

/Here enter No 351/

Read return, dated 3d Instant from the Acting Judge late on Circuit in the Northern Division, to precept dated the 23d Ultimo transmitting Extract from F.C. Proceedings.

/Here enter No 348/

DR

7.16.

At a Court of the Fouzdaree Adalut.

Present,

Friday 11th May 1832.

John Bird Esqre Acting 3d Puisne Judge
William Gudlaston Esqre Acting Judge

Read letter, dated the 30th Ultimo, from the Acting Criminal Judge in the Zilla of Salem, requesting instructions with regard to the disposal of the 1st and 3d prisoners mentd in Salem Calendar 2d Sessions 1832, sentenced to imprisonment and hard labour for 14 years and to be remitted to such Zilla as the Court of Fouzdaree Adalut may direct.

/Here enter No 330/

The Court of Fouzdaree Adalut direct that the Prisoners

1st Polen
and
3d Chinna Palany

be removed to the Jail in the Zilla of Bellary there to be imprisoned agreeably to the tenor of their sentence.

Ordered, that Extract from these proceedings be transmitted to the Acting Criminal Judge in the Zilla of Salem and to the Acting Criminal Judge in the Zilla of Bellary for their information and guidance respectively.

/Sent following letters No 268/

DR

At a Court of the Fouzdaree Udalut.

Present,

Saturday 12th May 1832.

John Bird Esqre - Acting Third Puisne Judge
William Rudleston Esqre - Acting Judge.

1. The Court proceed to review the Criminal reports for the Month of March from the several Courts in the Centre Division.

(Here enter № 328)

Chittoor № 5.

2. In the report № 5 from Chittoor there are several cases in which the Prisoners appear to have been detained by the Police beyond the limited period, without any explanation having been given of the causes of delay. The Court particularly notice №s 36, 37, 38, 42, 44, 45, 46 & 47, and they direct that the Acting Magistrate be required to call upon the Officers concerned to explain the reasons for detaining the prisoners in these cases and to enjoin the Native Police Officers generally to pay a more strict attention to the Regulation on this point.

3. In case № 41 there is no explanation of the detention of the 2d prisoner. The Regulations do not authorize the detention of one prisoner while search is making for another person concerned in the same offence. This observation is applicable also to №s 3. The reasons assigned for the delay in that case are inadmissible.

4. The Criminal Judge should

be required to explain why the prosecutor in the case last mentioned was permitted to be absent on leave in consequence of which the trial was postponed.

Chittoor
Supplemental Report.

5.

The Court do not understand the note in red ink at the end of this Report. If it as meant that there were 8 more prisoners delivered to the Criminal Judge before the month of March, whose cases had not been disposed of, they ought to have been entered in their proper order in the body of the Report. The Criminal Judge should be required to explain this.

Cuddapah
Report No 5.

6.

The explanation of the delay in forwarding the prisoners in Case No 2 of this Report is very unsatisfactory. The prisoner was detained 16 and none less than 9 days. The causes of waiting for the apprehension of the 5th Prisoner for the seizure of the other parties concerned with him, and the discovery of the Stolen property, is inadmissible under the Regulations.

Cuddapah
Supplemental Report.

7

In No 7 of this Report the Court presume that the two Cloths delivered by the prisoner were not proved to have been Stolen from the Prosecutor or knowing them to have been Stolen.

Cumbum
Supplemental Report.

8

In case No 1 in this Report the Court direct that the Native Judge be instructed to modify the amount of Security required from the prisoners, with reference to their condition and circumstances.

9.

In the Report of the employment of the prisoners at Cumbum, the Court observe that 7 out of 15 liable to labour are employed in sweeping in the Jail, and they direct that the Native Judge be instructed to reduce the number so employed to what is necessary for the purpose of keeping the Jail clean, and to employ the rest in a more suitable manner.

Bellary
Supplemental Report.

10.

In No 6 of this Report the Sentence passed by the Acting Criminal Judge appears to be inadequate with reference to the nature of the charge. It is to be presumed that the case proved did not come up to the charge, but it requires to be explained on what points it fell short, and upon what grounds the Acting Criminal Judge was induced to pass a Sentence apparently so moderate considering that the prisoners were convicted as it would seem, of having acted in a gang.

11

In Case No 5 the grounds of Suspicion upon which the prisoners were required to furnish Security ought to have been specified. This remark applies also to Nos 27 and 28.

12

With reference to the Remarks of the Acting Criminal Judge in Nos 18 and 22, the Court observe that Clause first Section IV Regulation II of 1822 quoted as authority for the requisition of Security applies only to cases of suspicion

of

of a particular criminal act, not to general bad Character.

13 The prisoner in N.16 being charged with a breach of trust the sentence passed on him under Clause fourth Section III Regulation VII of 1822 which is applicable to cases of theft, is not legal. The Sentence must therefore be cancelled, and a fresh Sentence must be passed according to law.

14 If the confession of the 1st prisoner in N.18 and 19 alluded to by the Acting Criminal Judge was made before the Criminal Court, he ought certainly to have been committed for trial before the Court of Circuit. The Provincial Court will call upon the Acting Criminal Judge to furnish an explanation upon the point, and if it shall appear that the confession of the prisoner was made before the Criminal Court, they will direct the Acting Criminal Judge to commit him.

15 From the remarks of the Acting Criminal Judge upon N.21 there would appear to have been grounds for committing the prisoner for trial under Clause fourth Section IV Regulation XV of 1803, and the Court are not satisfied of the propriety of the order for their release on Security.

Bellary Report N.5

16 The Court desire that the Acting Judge be called upon to explain the grounds upon which he passed the sentence in N.36 of this report which with reference to the charge appears to be very inadequate.

17 In case N.36 of this report the Acting Criminal Judge ought to have explained, with reference to the serious nature of the charge, upon what grounds he passed the Sentences recorded. It is to be observed that a fine is not the punishment prescribed for theft. The Court direct that the Acting Criminal Judge be called upon to furnish the requisite explanations regarding this Case, and also regarding N.48 and N.60. When a case upon trial falls short of the charge, it is necessary that the offence of which the prisoner is convicted should be precisely stated, in order that a judgment may be formed of the fitness of the Sentence.

18 With reference to the Statement of the charge in N.5th, the Court observe that it is not necessary to insert in the monthly Reports in Cases of perjury the particulars which are required by these Circular orders to be entered in the indictment and which should also be entered in the Calendar submitted to the Judges on Circuit.

19 In case N.59 the nature and grounds of the suspicion upon which the prisoner was required to furnish Security ought to have been specified. When Security is demanded it should be for both the future good behaviour of the prisoner and for his appearance when required.

Chingleput Report N.8.

The

12th May 1832

20 The Sentence passed by the Acting Criminal Judge in № 68 is warranted by Clause Second Section V Regulation VI of 1822 cited as the authority for it.

Cuddalore Reports.

21. The Reports submitted by the Joint Criminal Judge at Cuddalore require no remark.—

22. The entire proceedings of the Acting Judge of the Court of Circuit upon these Reports having been cancelled as irregular, there is no occasion to comment particularly upon the orders contained in them, but the Court of Foujdaree Udalut think it proper to observe generally for the admonition and future guidance of Mr Busshby; that no authority is given to the Provincial Court to revise the proceedings or sentences reported by the Criminal Courts, but merely to call for such explanations as appear to be requisite to enable this Court to judge of their propriety, and to modify them when necessary.

Ordered, that Extract from these proceedings be sent to the Provincial Court of Circuit for their information and guidance with precept, directing them to furnish to the several Subordinate Courts such parts thereof as concern them respectively.—

Sent following Precept № 267.

R

End

F. U.

At a Court of the Foujdaree Udalut.
Present.
The Honble William Oliver Esqre Chief Judge
John Bird Esqre Acting 2d Puisne Judge
William Huddleston Esqre Acting Judge.

Monday 14th May 1832.

Read return of the Criminal Court of Circuit in the Southern Division dated the 21st April 1832, submitting Copies of the returns received from the Criminal and Joint Criminal Judges of Amboor, Tinnevelly and Coimbatore and the Magistrates of Tinnevelly and Tanjore respecting to the proceedings of this Court under date the 10th March upon the Criminal reports for the Month of January.

(Here enter № 266.)

The explanation of the Acting Joint Magistrate in charge of Tinnevelly of the delay in Case № 6 of the report № 5 of the Criminal Court for January is very satisfactory and the Court of Foujdaree Udalut direct that orders be issued to prevent the many objectionable practice of detaining prisoners until other persons supposed to be connected with them as accomplices are apprehended.

Ordered, that extract of these proceedings be sent to the Provincial Court of Circuit with precept directing

the same to be communicated to the Joint Magistrate in charge for his information and guidance.

(Sent following Precept No 271.

Read letter, states the 29th Ultimo, from the Provincial Court of Orient in the Western Division, submitting the Reports in the forms prescribed by Section XXXV Regulation X of 1816, for the month of March last.

(Here enter No 354)

Batalan Report No V. Case 69.

1. With reference to the following entry in the Column headed "Number of Prisoners" in Mr Burbidge's Principal Collector and two others of the Court of Zeyadara Batalan desire to be informed upon what grounds the case had been entered in the Reports under review, as Mr Burbidge could not have been apprehended and brought before the Criminal Judge.

No 65. 2. In the following case the sentence passed upon the Prisoner is illegal and the Section of the Regulation cited in support of it, inapplicable. On the crime of wounding the Criminal Court can sentence to punishment only under Section VII Regulation X of 1816 and the Provincial Court will accordingly direct that the sentence be modified

14th May 1882.

modified by reducing the period of imprisonment, to which the Prisoner is to be subjected, to six months.

So also in the case No 66, the

No 66. 3. Sentence requires a like modification which the Provincial Court will require the Criminal Judge to make unless he should think it requisite to commit the Prisoner for Trial before the Court of Orient.

It does not appear that in this

No 77. 4. case there is any thing in the charge demanding commitment of the Prisoner for Trial, and the Provincial Court will therefore call upon the Criminal Judge to afford explanation as to why he did not pass sentence on the Prisoner.

In this case Abeele cites the

No 125 1881. 5. Section II Regulation XI of 1822 has been erroneously inserted in support of the sentence instead of Section VII Regulation X of 1816.

Under the circumstances stated

Canara Supt Report Case 13 1882. 6. regarding the 1st Prisoner, the Court of Zeyadara doubts the propriety of detaining him on a requisition of Security and they resolve to direct his immediate release, unless there are other grounds for his detention than those mentioned in the Report under review.

The explanation of the delay

Gratiae Criml Judge Supt Report No 13 of 1882. 7. in this case is unintelligible and the Provincial

14th May 1852.

Provincial Court will call upon the Native Criminal Judge to specify the reason why the Prisoner who arrived on the 15th February had not been disposed of at the close of the succeeding month.

Ordered, that extract of these Proceedings be sent to the Provincial Court in the Western Division for their information and guidance by Precept returnable without delay.

(Sent following Precept No 272.

Mr Oliver
v.
Mr Bradshaw

Read return, dated the 5th instant, by the 3rd Judge on Circuit in the Western Division, to the Precept of the 15th March last, requiring him to submit an English Translation of the record in Malabar Calendar 1st Sessions 1852.

(See enter No 346)

1. The Court of Enquiry [illegible] on a perusal of the Calendar, having seen reason to doubt the propriety of the conviction of the 2nd Prisoner in the case No 10, called for the English Translation of the Trial and directed the suspension of the sentence.

2. The Court having duly considered all the circumstances of the case in evidence before them, and being of opinion that the 2nd Prisoner was properly convicted, direct that the sentence on the said Prisoner, suspended under their last order, be carried

2/

14th May 1852.

carried into effect.

Ordered, that extract of these Proceedings be sent to the 3rd Judge on Circuit in the Western Division for his information and guidance by Precept returnable without delay.

(Sent following Precept No 273

F. 46.

At a Court of the Foujdaree Udalut,

Present,

Tuesday 15th May 1832.

John Reid Esqr. Acting Third Puisne Judge

William Hudleston Esqr. Acting Judge.

The Court of Foujdaree Udalut

have observed in the examination of Calendars received of late from the Judges of Circuit, that cases, falling within the scope of the provisions of Clause second Section IV Regulation XII of 1803, have been disposed of by those officers, and sentences of 14 years imprisonment passed upon the parties convicted.

2. In explanation of this proceeding it was stated by one Judge, that he had overlooked the fact, that in the clause abovementioned it is not made a condition, as in Clause third Section II Regulation VI of 1822, that the personal injury inflicted be such, as to endanger life.

3. In the Regulation last mentioned particular care had been taken by the Legislature to draw a line of distinction between the crimes, for the punishment of which its penal provisions are enacted, and the crime of "robbery by open violence" as defined in clause first Section III Regulation XII of 1803." and the circumstances of aggravation specified in clause third Section II Regulation VI of 1822 are altogether of a more deep atrocity than those, which when accompanying the crime of Robbery by open violence "require a sentence of transportation for life under clause second Section IV Regulation XII of 1803. and which may

may be more correctly compared with the acts of aggravation specified in clause fourth section II Regulation VI of 1822: the intention of the Legislature appearing to be that the same acts which in the perpetration of house breaking and theft without robbery by open violence are punishable with fourteen years imprisonment, should when committed in the perpetration of the latter offence be punished with transportation for life.-

4. With the view to prevent the occurrence of the irregularity described in the first paragraph of this order, the Court of Foujdaree Adaulut deem it proper to direct the particular attention of the Judges of the Courts of Circuit to the provisions of clause second section IV Regulation XV of 1803, under which it is not competent to the Court of Circuit to dispose of a case of robbery by open violence, in which "any person "may have been wounded, maimed, burnt, "or subjected to other personal injury "torture or cruelty, not occasioning homi= "cide," or where "a dwelling house or houses "may have been set on fire, or any other crimi= "nal and aggravating act committed in "the prosecution of a robbery or intent to rob".

5. In all such cases the prescribed penalty being transportation for life, the trial must be referred for the consideration and final judgment of the Court of Foujdaree Adaulut.-

6. It is explained in the circu= lar order of the Foujdaree Adaulut, dated 23d November 1820, that personal injury, properly described as "trifling", is not intended in clause second section IV Regulation XV of 1803.

but

but that the Court may judge of the correctness of the proceedings of the Courts of Circuit in such cases, they direct, that the precise extent of injury proved on the trial to have been inflicted, be specified in the column of remarks.-

Ordered, that Extract of these proceedings be sent to the four Provincial Courts of Circuit by precept, enjoining them to communicate the same to the several Judges on Circuit for their information and guidance.-

/Sent following precept No. 275/

Read return, dated 7th Instant, from the Provincial Court of Circuit in the Centre Division, to precept of the 2d Instant, explaining that the rule with regard to clothing is applicable to Prisoners confined in default of Security.-

/Vide enter No. 367/

Read letter, dated 7th Instant, from the Acting First Judge on Circuit in the Southern Division, reporting the arrival of the Court of Circuit at Coimbatore.-

/Vide enter No. 368/

Read return, dated 10th Instant, from the Provincial Court of Circuit in the Centre Division, to precept dated the 4th Instant, containing the decision of the Court of F. & G. that the proceedings held by the Acting Judge to which the 1st Judge of the Provincial Court was not a party, were irregular, and directing the orders of the Acting Judge to be forthwith recalled and cancelled.-

/Vide enter No. 375/

Read return dated 7th Instant, from the Acting 1st Judge on Circuit in the Southern Division, to precept of the 1st Instant, directing the unconditional release of Cunjaly

and

15th May 1832 and Chinadoo detained in default of security in the Pillale Gail of Combaconum.

/Here enter No 366./

Read return, dated 3d Instant, from the Judges of the Provincial Court of Circuit in the Northern Division, to precept dated 28th March last, conveying remarks on Criminal Reports for January 1832.

/Here enter No 372/

Read letter, dated 2d Instant, from the Provincial Court of Circuit in the Southern Division, transmitting explanations received from the different authorities on Criminal Reports for February 1832.

/Here enter No 353./

F. 11.

At a Court of the Zillah Adalut.

Present,

Wednesday, 16th May 1832. John Bird Esqre Acting 3d Puisne Judge
William Budd Esqre Acting Judge

Read letter from the Provincial Court of Circuit in the Southern Division dated 30th April, submitting the Criminal reports of the Division for the Month of March with an Extract from their proceedings thereupon.

(Here enter No 367.)

1. The number of prisoners left the Criminal Courts in the month of March was 309 in 12 cases at the end of the Month there remained undisposed of only 10 cases involving 24 prisoners. Good excuses are due to the Officers by whose exertions so much business was dispatched, particularly to the Acting Judges of Combaconum and Salem whose labours were remarkably heavy. Before the Acting Judge of Combaconum out of 35 cases comprehending 165 prisoners not one remained undisposed of at the end of the month.

Madura 2. The reports from Madura require no remark.

Tinnevelly Report No 5 3. In case No 2 in the report No 5 from Tinnevelly a person is fined for leaving a discarded wife the case in which

15th M

which he was a witness was under examination
It should be explained under what authority
this fine was imposed. The Court presume
that the case was considered to fall
within the scope of Section II Regulation
I of 1824.

Contra comm Suppl report. 4. In No 8 of this report the Court do not understand the grounds upon which the sentence was passed. If the prisoner was convicted and merely appear from the remarks of the Acting Criminal Judge, he ought to have been sentenced to punishment, unless it was judged proper to discharge him on account of his mental incapacity in which case he ought to have been delivered to the care of his friends. If he was thought not to be a fit subject for punishment from defect of reason, on the same ground as being for his good behaviour and appearance ought not to have been demanded from him. The Court desire that the Acting Judge be called upon for explanation regarding this case.

5. The Regulations establish a uniformity in the observations of the Commercial Courts on Nos 53 and 54.

Report No 5. 6. The explanation of the delay of the Police in forwarding the prisoner in No 57 is unsatisfactory. It has been repeatedly pointed out that prisoners are not to

16th May 1832

be detained by the Police pending reference to the Magistrate for instructions. There could have been no question in this case as to the jurisdiction of the Criminal Court

7. In Nos 75 and 76 the sentences ought to have been distinct and separate the offence of escape is considered distinct from all others and the punishment is in addition to that imposed on conviction of a crime.

Ceylon Report No 5. 8. In Nos 43, 44, 45, 46 and 47 the prisoners were charged with wounding certain cattle so as to cause their death. The Law Officers of the Crown have declared that this is not an offence by the Mahomedan Law and the accused could only be made to pay the value of the cattle. If therefore the Cadies did not involve the stealing of the bodies of the animals killed the Cadies pleaded by the Acting Criminal Judge cannot be sustained. The Criminal Court will direct the sentences to be suspended until they have had before them the records of the Cadies and ascertained whether theft was committed or not. If not they are authorized to cancel the sentences directing the Complainants to be referred for redress to a Civil Station of the Province of

Court of Circuit with precept commanding them to communicate to the subordinate Courts such parts thereof as concern them respectively.

(Sent following Precept No 27)

It being intended to publish the rewards offered for the apprehension of convicts who have escaped from Jail in the Port St George Gazette it is requisite that whenever a recommendation to mercy for the offer of a reward on such an occasion it should be accompanied with a description roll of the convict who has escaped.

2

Courts of Circuit are directed to instruct the Criminal Judges, Joint Criminal Judges, Native Criminal Judges and Magistrates in charge of Jails in their respective divisions, whenever the escape of a Convict is reported to forward a description roll of the Convict in the form prescribed by the Circular order dated 22nd October 1830, omitting the last Column.

3

When it is determined to offer a reward the publication in the Port St George Gazette will be a sufficient warrant to all officers concerned to do what is necessary on the occasion, and no other notification will be requisite.

Ordered, that an extract from these

proceedings be sent to the four Provincial Courts of Circuit with precepts returnable without delay.

(Sent following Precepts No 27)

Read return, dated the 2nd Instant, from the Provincial Court in the Southern Division, to precept dated 11th Instant, forwarding the orders and observation of the Magistrate thereon in the Criminal reports of the Criminal and Joint Criminal Judges in the Southern Division for February last.

(Vide enter No 376)

Read return, dated the 10th Instant, from the 2nd Judge of the Court of Circuit in the Western Division, to precept dated 8th Instant, sanctioning the mitigation of punishment of Coothoke Pochan, prisoner in Case No 1 on the 1st Provisional Calendar for Sessions 1882.

(Vide enter No 378)

Read return, dated the 9th Instant, from the Acting Judge on Circuit in the Northern Division, to precept dated 3rd Instant, communicating the Contradictions on Gentoo Calendar 1st Sessions 1882.

(Vide enter No 380)

Read letter, dated the 5th Instant, from the Acting Judge on Circuit in the Northern Division, reporting the having issued a proclamation to the

Acting

16th May 1832

Acting Criminal Judge of Chittagong for opening the Sessions at that Station the 28th Instant.

Wm

(Here enter No 302)

B

Z. 16.

At a Court of the Foujdaree Udalut,

Present

Thursday 17th May 1832. } The Honble William Oliver, Esqre Chief Judge

William Huddleston Esqre Acting Judge

Read return dated the 28th ult. by the Acting Judge of the Court of Circuit in the Centre Division, submitting in obedience to precept of the 4th ult. the record of the trial No 11 Chittagong Calendar first Quarterly Sessions 1832, for the final sentence of the Court of Foujdaree Udalut.

(Here enter No 329)

The Court of Foujdaree Udalut having maturely considered all the circumstances of the case in evidence before them and being of opinion that the proof against the prisoners,

viz

1st Nadeby Moonsegadoo,

and

2d Tallay Saudroyadoo,

is sufficient to convict them of Robbery by open violence attended with aggravating circumstances for which the punishment is specially denounced in clause second section IV Regulation XV of 1803, under the authority vested in them by clause first section II Regulation I of 1818 so convict them thereof notwithstanding the opinion of their Law Officers, and accordingly adjudge the said prisoners to be transported to such place or places beyond Sea, as the Right Honorable the Governor in Council shall appoint there to be imprisoned and kept to hard labour in Irons on the public

Roads

Roads or other public works, for, and during
the period of their natural lives.-
/Sent following letter No 283/

In Court of the Fejidara Adalut,
Present,
Friday, 18th May 1832 } John Bird Esqr. Acting 3d Puisne Judge
William Hudleston Esqr. Acting Judge.

Read again letter dated the
No 23d April 1832 from the Second Judge of the 4
Provincial Court of Circuit in the Western
Division containing his report upon the
1st Quarter Sessions of 1832.-
/Vide enter No 355/

The only subject which requires
notice in this report is the infliction of
corporal punishment upon Criminal convicts
by the Post Adjutant at Cannanore under
whose orders they were working.-
2 There can be no doubt of the
illegality of this proceeding of the Post Adjutant
The existing Regulations do not warrant
the infliction of corporal punishment upon
convicts for refractory conduct even by
Criminal Judges in charge of Jails, much
less by Military Officers under whose orders
they are employed, temporarily. The Court
recommend that a general order be issued
by Government warning Military officers
having convicts placed under their orders
for the purpose of being employed on public
works that they are not empowered to
inflict corporal punishment upon them
under any circumstances, and directing
that convicts under their orders who
may

18th May 1832

may prove refractory be returned to the from whence they were remand to be dealt with by the officers in charge thereof accord to the Jail rules and the Regulations of Govern=ment. The draft of a Regulation for the better maintenance of good order and discipline in the Jails and among the prisoners employed in the public works was submitted to Government under their orders on the 27th March last. By that draft provision is made for the infliction of corporal punishment upon prisoners for refractory conduct, by the officer in charge of the Jail.-

Ordered that a copy of the Second Judges report with Extract from the proceedings be sent to the Chief Secretary to Government to be submitted to the Right Honorable the Governor in Council.-

/Sent following letter No 283

Ordered that Extract from the proceedings be sent to the Second Judge of the Provincial Court of Circuit in the Western Division for his information.-

/Sent following letter No 284.

No return having been received from the Provincial Court in the Northern Division to the precept of the Court of Regulation Adalut of the 26th March last requiring explanation relative to the unwarrantable delay in the transmission of reputable Trials.-

Ordered that the Provincial Court in the Northern Division be enjoined by Receipt returnable within 5 days from and after its receipt to make return to the said precept of the 26th March last.-

/Sent following precept No 285.

Read

18th May 1832

Read letter dated the 30th Ultimo from the Third Judge on Circuit in the Western Division, submitting certain papers in the Case No 1 on the Calendar of the Native Criminal Judge of Cauvery with a request that the Court of Foujdaree Adalut will determine whether the confession of the prisoner recorded by the Mohomedan Law Officer sufficient for a conviction can be considered of that free and voluntary description which the Regulations contemplate.-

/Here enter No 371/

The Court of Foujdaree Adalut are not of opinion, that the case can be disposed of upon the present reference. It appears that the 3d Judge does not consider the confession of the Prisoner, with reference to the manner in which it was obtained, sufficient for the conviction of the Prisoner and dissents from the opinion of the said Law Officer, and consequently it will be requisite for him to refer the record of the Trial No 1 Canara Calendar under section XXII Regulation VII of 1822.-

The Court of Foujdaree Adalut perceive that in the 3d Para of his letter, the 3d Judge refers to Phillipps Law of Evidence, and quotes a passage from the 2d Volume, which at page 45 of the fifth edition, published in 1827, and as follows.-

"A prisoner, when taken on suspicion before a Magistrate is to be allowed to speak voluntarily and give his free account, and he ought not to be examined as a witness by the Magistrate like a common witness. In one reported case, where the person had been so examined, his account was rejected as inadmissible though nothing like a threat or promise had been used.-

In the seventh edition of Phillipps,

Phillipps, published in 1826, the whole of the above passage is struck out, and the following substituted for it. /p. 114./

"The Justice, before he commits to prison any person arrested for felony or on suspicion of felony, is directed to take the examination of such person, and the information upon oath of those who shall know the facts and circumstances of the case, and to put the same, or as much thereof as is material, into writing. He is further directed to subscribe all such examinations and informations." The words in the act respecting the taking of the examination, imply an authority given to examine the prisoner, and therefore to put questions (for without questions no examination can be conducted as to the facts proved against him. And now, the better opinion appears to be, that an examination, so taken, is not to be rejected on the ground that the prisoner had been previously questioned by the justice. But though this is the rule of law according to the strict letter of the statute, yet the most humane, the safest, and best course to be generally adopted by justices, is, not to press the accused with questions, but to leave him at liberty to speak or not in his defence, as he may think fit."

In the note to p. 114 it is observed that the St. 2 & 3 Paul. C. 10 also, under which justices used to act till the late statute of 7 G. 4. C. 64 passed, requires justices to take the examinations of prisoners; the passage thereby above recited from the 5th Edition and quoted by the 3d Judge had been struck out of the 7th Edition, not merely because the act of 7 G. 4 had been subsequently enacted, but also because

*7 G 4. C. 64 S. 2

*Ellis's case A.D. 1826

F.6.

18th May 1832

because his exposition of the old statute of 1 & 2 Philip and Mary had been since determined to be incorrect.

From that last mentioned statute the provisions on this subject, contained in section V Regulation VI of 1802, and re-enacted in clause first section IX Regulation X of 1816, were unquestionably taken; and as the construction in Phillipps quoted by the 3d Judge of the Provincial Court of Circuit in the Western Division has been set aside and that given in the later edition appears to the Court to be equally applicable to the law as contained in the corresponding provisions of the Regulations, they resolve to communicate the correction in this excellent treatise on the law of evidence to the 3d Judge on Circuit, who may not be able to procure the 7th edition.

On the particular examination of the native Judge commented upon by the 3d Judge, the Louisiana Court will record their sentiments when considering the trial.

Ordered, that Extract of these Proceedings be sent to the third Judge on Circuit in the Western Division for his information and guidance, by precept returnable without delay.

(Sent following precept No 286)

Read letter from the Provincial Court of Circuit in the Western Division dated the 3d instant, submitting the Criminal reports of the Division for the month of March with an extract from the proceedings of the Court thereon

(Here enter No 286)

In perusal of the proceedings of the Provincial Court it is observed with reference to

15th May 1832

18th May 1832

to case No 4 of the Guntoor report Rs that it was competent to the Native Criminal Judge to have demanded security from the 6th prisoner on the proof of general bad character. This observation the Togislative Board consider to be incorrect. Under Clause 1st Section IV Regulation II of 1802 it is competent to a Criminal Judge to demand security from a prisoner for his future good behaviour only when he shall appear to be under strong suspicion of a particular act of criminality, not on proof of general bad character and the Court are not aware of any provision of the Regulations which authorizes a Criminal Judge to demand security from a prisoner who had been brought before him for a specific offence of which there is not proof to convict him, merely on proof of general bad character. As the observation of the Provincial Court of Circuit is calculated to mislead the Guntoor Court on this point, they will be pleased to issue further instructions to that Court in conformity with the foregoing remarks.—

2.

In Para 8 the Provincial Court referring to the proceedings of this Court dated 19th March 1829 and the Circular letter dated 13th September 1824 therein referred to, request to be informed whether it is intended that the Provincial Court should not notice delays in the transmission of prisoners of less than 14 days. By the existing orders the Criminal Judge is required — to insert in the report for the Board a statement of the cause assigned by the Police officer for the detention of prisoners only in cases where the detention extends to 14 days or more — but the Court of Sudder Adawlut on reconsideration of those orders, which have not lately been attended to in practice, think it proper to modify them by

19th Aug 1822.
13th and 13th Sept 1824.

Rep

18th May 1832

by directing that the cause assigned for delay last preceding 5 days when the cause shall appear satisfactory to the Criminal Court, or appear satisfactory, noticed shall have been, when unsatisfactory, noticed as such by the Magistrate, need not be inserted in the reports — but that in all cases where the detention exceeds 5 days and in cases where the cause is not satisfactory and has been noticed by the Magistrate, the reasons assigned for the delay must be entered in the reports and the Calents of Circuit will take such notice of them as may appear requisite.—

3.

Referring to the Statement of prisoners in the Guntoor Jail the Court do not understand how the number of 160 in the first column is composed, nor why with reference to the orders under date the 31st January 1832 there are so many as 40 prisoners detained in the Jail on demand of security. Explanation is required on these points.—

Ordered, that Extract from these proceedings be sent to the Provincial Court with precept enjoining them to communicate to the Guntoor Court the instructions prescribed in Para 1 and to call for the information required in Para 3 and to furnish to each of the subordinate Courts a copy of Para 2 for their information and guidance respectively.—

Precept returnable without delay.— (Sent following precept No 287)

Ordered, that a copy of para 2 of these proceedings be sent to the Provincial Courts in the Centre, Southern and Western Divisions respectively with precepts directing the same to be communicated to each of the subordinate Courts for their information and guidance.—

Precept returnable without delay.— (Sent following precepts Nos 288 &c)

Read

h 18th May 1832

Read return, dated 11th Instant
from the Judges of the Provincial Court of Circuit
in the Western Division, to precept of the 30th
Ultimo, requiring the number of persons acquitted
without punishment as well as of those punished
by the Village Police to be inserted in the printed
Statements.-

/Here enter No. 383./

Read return, dated 11th Instant
from the Judges of the Provincial Court of Circuit
in the Western Division, to precept of the 30th
explaining that persons confined in Jail
on requisition of Security are entitled to
prison clothing in the manner as convicts.

/Here enter No. 384./

Read letter, dated 14th Instant
from the Provincial Court of Circuit in the
Central Division, transmitting copy of a letter
from the Criminal Judge of Rajahmundry
ing the instructions called for by the
Foujdaree Adawlut.

/Here enter No. 385./

Monday
21st May 1832.

At a Court of the Foujdaree Adawlut.

Present,

The Hon.ble Sir John Bird Esq.re Acting 3d Puisne Judge
William Rattleston Esq.re Acting Judge

Read letter from the Acting Judge
on Circuit in the Northern Division, dated the
9th Instant, submitting Copy of the Calendar
received from the Criminal Judge of Rajahmundry
together with Copies of the Futwahs.

/Here enter No. 387./

None of the cases in this Calendar
appear to call for particular remark; but the
Court of Foujdaree Adawlut deem it to be due to Mr. Locke
to record their approbation of his proceedings
generally in the trial of the cases brought before
him at this Station, which they consider very
satisfactory.

Ordered, that Extract of these
proceedings be sent to the Acting Judge on
Circuit in the Northern Division for his
information.- Sent following letter No. 2911
Post Letter, dated the 26th Ultimo,
from the Acting Judge late on Circuit in the
Northern Division- With record of Trial in Case
No. 38 Rajahmundry Calendar 2d Session 1831.

/Here enter No. 389./

Do.

At a Court of the Foujdaree Adawlut.
Cutcherry,

Monday,
28th May 1832. Present: John Bird Esqre Acting 2nd Puisne Judge
William Braddon Esqre Acting Judge.

Read letter, date the 19th Instant
from the Acting First Judge on Circuit in
the Southern Division, submitting copy of
the Calendar for Sessions 1832.

Also enter No 386 for
In case No 1 of this Calendar
there being no evidence that the woman
accused of an attempt to procure abortion
had committed the act to which
she had confessed, the Court are not
for committing her in the absence of any
evidence on this essential point, that the
Police Officer for sending her to the Criminal
Court the Court direct that these observations
be communicated to the officer who com-
mitted the prisoner.

In case No 2 it does not
appear that the Law Officer must require
according to Section VIII Regulation I of 1832
to declare to what sentence the prisoner
would have been liable if the evidence
of the witnesses had been
admissible under the Mohammedan law.
Circuit first Settlement Regulation VII of 1832
para 6th

Mr. Bird and
Mr. Braddon.

The Court of Foujdaree Adawlut have
maturely considered the Proceedings held before the Judge
on Circuit, the fatwa of the Provincial Law Officer,
and the fatwa of the Cazee-ool-Cozat and Mooftee
of the Foujdaree Adawlut, confirm the said fatwa of
the Cazee-ool-Cozat and Mooftee aforesaid, convicting
the Prisoner

Cummoola Reddy

of wilful murder and awarding against him Retal
and under the provisions of Section X Regulation VII
of 1802, they adjudge him to suffer death by being
hanged at the usual time and place of execution.

(Sent following letter No 292)

End

granted by the Acting First Judge being in modification of Section VIII Regulation I of 1825 the course prescribed in the last mentioned Section must be followed under the above provisions when personal exceptions are taken to witnesses, and the Acting First Judge was not authorized to pass sentence without taking a fiat as to the above effect.

The case appearing also to fall under the second if not clause first of Section IV Regulation XX of 1829 the Court of Enquiry do not see reason to question the propriety of the sentence passed by the Acting First Judge and direct that it be confirmed and that English and Persian translations of the proceedings be transmitted for their consideration and final orders

3.

In case No 6 there appears to have been no evidence on the part of the prosecution respecting the death of the woman which it is alleged in the charge was caused by the drugs administered to her by the 1st prisoner. The Criminal Judge ought to have taken care to procure evidence on this point before committing the prisoner for trial

4

In case No 9 it would appear that the prisoner was committed solely on proof of his confessions before the Police

Police Officer, which not being confirmed by any evidence and denied by the prisoner was insufficient for his conviction, upon such a ground therefore he ought not to have been committed. The remarks upon this and the preceding case the Court direct to be communicated to the officer who committed the prisoners.

5.

In case No 10 the Law Officer acquitted the 4th prisoner and he was released. It not appearing that the Prosecutor and the 1st 2nd and 3rd witnesses gave evidence before the Criminal Court against the 4th prisoner and identified him as having been present and actively engaged with the others in the offence of which they were convicted, it requires to be explained upon what grounds he was acquitted. The Acting 1st Judge will be pleased to furnish this information.

6.

In case No 11 also there appears to have been evidence sufficient for the conviction of the 2nd prisoner [illegible] in the preceding case. In this case it appears that no fiat was taken as to the 2nd 3rd 4th and 5th prisoners as in the preceding which the Court do not understand

8th May 1882.

understand and which they desire that the Acting 1st Judge will explain.

7. With respect to the 1st prisoner it is stated by the Acting 1st Judge in his remarks on case 1 & 10 that he stands convicted on Ghoorman's own reference to the finding it appears that it declared him liable to suspicion of receiving the prosecutor's property. The sentence passed by the Acting 1st Judge is therefore illegal under clause 3rd Section II Regulation XV of 1803 and the trial must accordingly be returned to the Court of Circuit with instructions of the proceedings for consideration and orders of the Vakeels.

8. In case 1859 the Court of Vakeels ordered a copy of English translation of the proceedings held in the trial of the prisoners to be made known to Judges of the propriety of the Acting Judges commencing in the finding of guilty against the evidence of the

In case 1859 there appears to have been no sufficient grounds for committing the prisoners to the Court of Sessions the Court of Vakeels direct that the order of the Court of Circuit be reversed by the Acting Judge

9 11.
28th May 1882. reminded of the impropriety of proceeding with reference to the Circular Order under date the 20th July 1839

10. In case 1854 the Court of Sunderance Adawlut in entertaining doubts of the sufficiency of the evidence as set forth in the Calendar for the conviction of the 3rd prisoner in particular, and of some of the other prisoners, they think it proper to direct that English and Persian translations of the proceedings be submitted for their consideration and final orders.

11. In case 1855 the order of the Court of Circuit referred to by the Acting Criminal Judge not being before the Court of Sunderance Adawlut they do not know on what reasons the trial of the prisoner had been directed to be deferred until the expiration of his former sentence, but they are of opinion that upon the principle of the rules prescribed in the Circular orders under date 16th May 1829 the prisoner ought to be brought before the Court of Circuit for trial at the first opportunity.

12. In case 1859 the Court declare that the taking the recognizance for preventing the prosecution of which the prisoners were charged is not proved, but that the prisoners are convicted of

8.

of an entry with sticks, not being considered
of an intent to rob, the sentence passed by
the acting 1st Judge under clause third Section
III Regulation XV of 1803 is illegal, that clause
not being applicable to the case, which appears
to fall under clause seventh Section I
Regulation XV of 1832. The Court of Sunderee
do not think it proper to direct that
English and Persian translations of the
proceedings in the trial be submitted
for their consideration and final order.

13.

In case No 9 the entry in the
remarks of the acting 1st Judge regarding
the 2d prisoner is incorrect, the finding
declare him convicted
the acting 1st Judge is therefore illegal
Clause fourth Section IV Regulation VI of
1822 granted no authority for it being
inapplicable to the case.

14.

If the acting 1st Judge consi-
dered 14 years imprisonment too severe
a punishment he must apply for
sanction for a mitigation. But if the
acting 1st Judge does not consider the
2d prisoner convicted of the charge
against him he must order the case

15.

In case No 9 it is presumed
that the acting 1st Judge should submit
for the consideration of the Court a copy
of

28th May 1832

in question to the prisoners if not,
ordered to that effect should be immediately
issued.

16. In case No 2 the sentence
as respects the 1st and 2d prisoners is
authorized by Clause seventh Section II
Regulation XV of 1803 not by Section VII
Regulation X of 1816 cited by the acting
1st Judge which does not apply to the
Courts of Circuit. The finding declared
the 2d prisoner liable only to confinement
the sentence on him therefore is not
warranted by the Regulations and
must be recalled, and the trial regarded

17. The Court of Sunderee have
already called for an English trans-
lation of the proceedings in case No 2
for the purpose of being submitted to
Government.

18. In case No 3 the acting 1st
Judge appears to have fallen into the
same mistake as in No 2 in not requiring
the Law Officer to declare whether
the prisoner would have been convicted
if the evidence of the prosecutor had
been admissible under the Mahomedan
Law instead of doing so he seems to
have overruled the finding of acquittal
and passed sentence upon the prisoner
as if they had been convicted. But the

Sentence

28th May 1882

sentences passed upon them is not that to which they would have been liable if the Law Officer had declined a fiat in commutation. The Court of Bengal Statute direct that the sentence be recalled, that the Law Officer be required according to Section XIII Regulation I of 1825 to give a second fiat, and that the case be then disposed of as provided in the Regulations.

19. In case No 24 the prisoner not being convicted but declared in the fiat to be liable to suspicion the sentence passed by the Acting 1st Judge is illegal and the trial must be rejected. The Acting 1st Judge will accordingly submit English and Persian translations of the proceedings.

20. In this Calendar there are several cases in which the Acting 1st Judge has passed sentence of mitigated punishment subject to the confirmation of the Bengal Statute. When such sentences are passed application for the sanction of the Bengal Statute ought to be made immediately there can be no sufficient reason for delaying the application beyond a few days. In the cases in question more

28th May 1882

more than a month had elapsed since the sentences were passed and no communication respecting them has yet been received from the Acting 1st Judge. The Court of Bengal Statute direct that the Acting 1st Judge be required to report upon each case forthwith.

Ordered, that Extract from these proceedings be sent to the Acting First Judge for his information and guidance with precept returnable in one month.

Sent following Precept No 299

Read letter from the Registrar of Cawnpore dated the 19th instant, submitting copy of an Extract from the proceedings of the Court of Circuit dated the 28th November 1881, relative to the case of Pajjoy Lowndes to the Criminal Court by Mr Sparke Acting Assistant Collector of Cawnpore and copies of letters from Mr Sparke in explanation of his proceedings in the case.

Received 21st Sept

From the explanations of Mr Sparke it appears to the Court of Bengal Statute that there was no error in his proceedings in the case in question, and that the sentence of

23d May 1832

Mr Bird
and
Mr Budleston

Read letter, dated the 18th instant,
from the Acting Judge late on Circuit in the
Northern Division, submitting cause No 8.
Rajahmundry Calendar 2d Sessions 1831.
(Here enter No 388.)

The Court of Foujdaree Adaulut
having maturely considered the proceedings
held before the Judge on Circuit the Futwa
of the Provincial Law Officers and the Futwa
of the Cazee and Cazeelut and Mooftee of the
Foujdaree Adaulut confirm the sentence
of the Cazee and Cazeelut and Mooftee, dated
convicting the 3d
1st Mallapa by Dasara, and
2nd Lingala Chinnaya,
of the crime of [illegible] committed
with aggravating circumstances, and
under the provisions of Clause 2nd Sect 6th
IV Regulation XV of 1803, they adjudge the
said prisoners to be imprisoned and
kept to hard labor in irons on the public
roads or other public works for and
during the period of fourteen years.
(Vide following letter No 301.)

F 16

At a Court of the Foujdaree Adaulut,

Present,

Thursday -
31st May 1832 } John Bird Esqre Acting 2d Judge
William Budleston Esqre Acting Judge.

Read letter, dated the 23d
Instant from the Acting Judge of the Provin-
cial Court of Circuit in the Centre Division
submitting 5 Supplemental Calendar 5
Quarterly Sessions 1832.
(Here enter No 413.)

The Court of Foujdaree Adaulut
observing that there was no evidence against
the 1st 2d 3d and 4th prisoners named in Case No 1
except their confessions before the Talook
Police, think it proper to direct that the
trial be reviewed, the Acting Judge will
accordingly submit English and Persian
translations of the proceedings for their
consideration and final orders.

2 The trial of the last case in
this Calendar having been closed on the 28th
April the Acting Judge ought to have
explained why the Calendar was not subs-
mitted before the 23d Instant. His explan-
ation he will now furnish.

Ordered, that Extract from
these Proceedings be sent to the Acting Judge
of the Provincial Court of Circuit in the
Centre Division by precept returnable
in six weeks, from and after its receipt.
(Vide following precept No 305.)

Read, return of the Provincial
Court

Court of Circuit in the Western Division dated the 23d Instant to the precept of this Court dated the 16th Instant directing that when the escape of a convict is reported, the report be accompanied by a descriptive roll of the Convict.-

/Here enter No 418/s

The Court observe that this return is not in the form prescribed by the standing orders which require that the substance of the Precept shall be recited in the return, and they direct that the Provincial Court be enjoined to attend strictly to those orders in future.-

Ordered, that Extract from these proceedings be sent to the Provincial Court of Circuit in the Western Division for their guidance.-

/Sent following letter No 306./

Read return, dated 15th Instant, from the Judges of the Provincial Court of Circuit in the Northern Division, to precept dated 3d Instant, ordering communication of the Courts observations to the Criminal Judges of Masulipatam and Chicacole respecting certain indulgences meekpany to be allowed to the inhabitants of the Hills, when confined in Gaol.-

/Here enter No 403/s

Read return, dated 15th Instant from the Judges of the Provincial Court of Circuit in the Northern Division, to precept dated 2d Instant, directing the restoration of the Security in Case No 3 of the last Criminal Judges Report No 5 for January last.-

/Here enter No 402./

Read return, dated 18th Instant, from the Judges of the Provincial Court of Circuit in

in the Northern Division, to precept dated 2d Instant, explaining that the rule regarding clothing is applicable to persons confined on requisition of Security.-

/Here enter No 403-s/

Read return, dated 23d Instant from the Second Judge on Circuit in the Centre Division, to precept dated 23d Ultimo, declaring the insufficiency of the mitigated punishment on prisoner in Case No 7 Cuddapah Calendar 1st Session 1832 for 1 years imprisonment with stripes, and awarding 3 years imprisonment.

/Here enter No 404/s

Read return, dated 23d Instant from the 2d Judge on Circuit in the Centre Division, to precept dated 23d Ultimo, declaring the insufficiency of the mitigated punishment of 1 years Imprisonment on Prisoners in Case No 16 Cuddapah Calendar 1st Session 1832 and awarding 5 years imprisonment.-

/Here enter No 405/s

Read return, dated 15th Instant, from the Second Judge late on Circuit in the Western Division, to precept of the 7th Instant, conveying observations on the Circuit report for the Second Sessions of 1831.-

/Here enter No 399/s

Read return, dated 14th Instant from the Judges of the Provincial Court of Circuit in the Northern Division, to precept dated 30th Ultimo, ordering communication to the several Magistrates of the 5th Para of the Rule of the 4th Ult of the 26th March last.-

/Here enter No 394/s

Read return, dated the 25th Instant, from the Judges of the Provincial Court of Circuit in the Western Division, to precept of the 15th Instant calling

31st May 1832

calling the attention of the Judges to clause 2nd Section IV Regulation XV of 1803, and requiring that the precise extent of injury proved on the trial to have been inflicted should be specified in the column of remarks.

/Here enter No 417/

Read letter, dated 23rd instant from the Second Judge on Circuit in the Cuttack Division, reporting that he appointed the 4th Proximo for opening the 1st Circuit Sessions of the present year at Cuttack.

/Here enter No 428/

Read letter, dated 25th instant from the Second Judge on Circuit in the Cuttack Division, reporting the commencement of the Sessions at Chingleput on the 16th instant, and explaining the causes of the non arrival of the Circuit Court at that station at an earlier date.

/Here enter No 398/

F. U.

At a Court of the Foujdaree Adawlut.

Present.

Friday, 1st June 1832.

John Bird Esqre Acting 2nd Puisne Judge
William Rattray Esqre Acting Judge

Read return of the 2nd Judge on Circuit in the Centre Division dated 25th ultimo to the precept of this Court under date the 27th April last, which accompanies an Extract from their proceedings on the Cuttack Calendar 1st Sessions 1832.

/Here enter No 411/

The 2nd Judge appears to have misunderstood the intention of the order mentioned contained in Para 4 of this Court's proceedings. They were intended for the Judge's information and not for communication to the Mohamedan Law Officer according to the rule of evidence in the Mohammedan Law a prosecutor's evidence in Criminal cases is to be rejected, the Mohamedan Law Officer must give his Futwa agreeably to those rules. And under the Circular order dated 25th February 1829 a Circuit Judge ought not to confirm a Futwa which shows such evidence out of consideration, but should require a second Futwa to be given rejecting the legal objection.

Ordered

31st [illegible] June 1832

Ordered, that extract from the proceedings had sent to the 2nd Judge on Circuit in the Central Division for his information and future guidance.

Sent following letter No 209

Circuit having represented that the privilege allowed to prisoners of calling witnesses to attend on their behalf at their trial before the Court of Circuit is greatly abused, it appears to be necessary to call the attention of the Criminal Judges to the provisions of Section 11 Regulation II of 1832 and to require that they be strictly observed. The Court of Englishman Mahabut therefore direct that instructions to the above effect be issued to the several Criminal Courts by the Courts of Circuit, and that the Judges on Circuit do note in their reports any instances in which an undue latitude in this respect is allowed to prisoners.

Ordered, that extract from this proceeding be sent to the Provincial Courts of Circuit with [illegible] returnable without delay.

Sent following Circular Letter No 211

Wk

T. H.

At a Court of the Englishman Mahabut

Present,

Tuesday, 5th June 1832. John Bird Esqre Acting 2nd Puisne Judge
William Buckleton Esqre Acting Judge

Read Supplemental Returns dated the 29th ultimo to the Precept of the 9th ultimo conveying the observations of the Court of Englishman Mahabut on the Circuit Report by the 2nd Judge of the Provincial Court of Circuit in the Western Division on the 2nd Session 1831.

(Here enter No 226)

The only remark which the above returns appear to call for from the Court of Englishman Mahabut is with reference to the explanation of the Magistrate that the Gibbet alluded to, having been erected of Covenant two only had fallen down and had been destroyed by the weather and insects.

2. At the time of their review of the Report of the 2nd Judge last on this in the Western Division, the Court of Englishman Mahabut were impressed with the notion that the said Gibbet upon which the perpetrators of Crimes had been suspended, agreeably to the Sentences passed on them had been taken down. They now direct that

&c

5th June 1832.

be intimated to the Criminal Judge that he be careful on future occasions that the Gibbet be made of more durable materials.

Ordered that extract of this Proceedings be sent to the Second Judge late on Circuit in the Western Division for his information and guidance by Precept, returnable on this day.

Sent following Precepts &c.

Read letter from the Chief Secy to Government dated the 17th Instant, transmitting copy of a letter and Enclosures from the Medical Board, and requesting that such points as are therein specially noticed may receive the early consideration of the Court.

Here enter 1st Page

In the 4th Para of the letter from the Medical Board the objectionable nature of the Buildings occupied as a Jail at Gantaur is noticed. By the letter from Government dated 22nd Instant the Court were informed that measures have been taken for providing a new Jail at this Station.

In Para 2 the Board report a report from the Garrison Surgeon at Trichinopoly respecting the Health of the convicts in the Jail at that Station, under his charge. The Court direct that

a copy of this report be transmitted to the Provincial Court of Circuit in the Southern Division with the following observations to be communicated to the Officer in charge of the Jail.

3. "Old, meagre, infirm" persons "incapable of hard labour" ought not to be removed from the Jail at Conjeveram and Salem to the Jail at Trichinopoly unless with a view to benefit them by the exchange.

4. Under the orders dated 2nd June 1831, no money should be allowed to the prisoners for the purchase of firewood, curry stuff, oil, salt and other necessaries, which are to be supplied under the orders of the officer in charge of the Jail, the amount of the allowance for the supply of those articles being fixed at 1/4 piece per diem. It is not intended that there should be any deduction from this allowance for women, or children &c.

5. Under the orders dated 19th October 1830, betel nut, tobacco &c may be allowed in particular cases when considered necessary by the Medical officer.

6. Cumblies are to be supplied to

to the prisoners whose meetings are directed in the orders dated 2nd June 1881. Her prisoner should be without a Comforter

7. In the 7th Para of the report of the Medical Board, reference is made to the cleanliness of the Jail at Cuttack as a cause of sickness. In the report of the 2nd Judge of the Provincial Court of Circuit in the Western Division upon the 2nd Sessions of 1881 he stated that he visited the temporary jail erected at this station last June during calling for any particular remarks on the prisoners there he commonly be asked the 2nd Judge having lately visited the station for the 1st Sessions of 1882 will inform his observations upon the Jail in his Circuit Report.

Report Med. Bd. p. 8.

At Cuttack where disease prevailed in the Jail in 1881 to an unusual extent, every measure seems to have been adopted which was calculated to promote cleanliness

8. The Medical Board report that the Medical Officers in charge of Jails have stated their opinion that the use in moderation of Tobacco, Opium and Betel have been injurious to the health of many of the prisoners and they accept this as an axiom in that opinion. It has already been stated that the existing rules with regard to

F. M.
5th June 1882.

articles to be allowed in particular cases on the requisition of the Medical Officer the interdiction of these articles may as has perhaps been enforced too strictly, the Court of Sanitance Cuttack think it proper to direct the Courts of Circuit to call the attention of the Jail Officers in charge of jails to the spirit of the order contained in Para 1 of their proceedings under date the 27th October 1880, and to advise them that the prohibition of Tobacco is never to be enforced against the opinion of the Medical Officer but on the contrary that he should be invited to point out the cases in which he thinks such indulgence requisite to the preservation of health

Ordered, that a copy of Para 2 to 6 of these proceedings be sent to the Provincial Court of Circuit in the Southern Division, and a copy of Para 7 to the Provincial Court of Circuit in the Western Division for their information and guidance respectively; and that a copy of Para 8 be sent to each of the Courts of Circuit with precept requiring them to communicate the same to the Jail officers in charge of Jails in their respective Divisions. Receipt returnable without delay.

The following letters & Circular Precepts were issued

3rd June 1882

regarding the clothing of prisoners on Sent of Security.

(Here enter No 437)

Read return dated the 28th Ultimo from the Provincial Court of Circuit in the Southern Division, to precept dated the 15th Ultimo, directing the particular attention of the Courts of Circuit to the provisions of Clause 2nd Section IV Regulation XV of 1882.

(Here enter No 438.)

Read return, dated the 25th Ultimo from the Provincial Court of Circuit in the Southern Division, to precept dated 16th Ultimo, instructing the Courts below to [illegible] of the convict on the form prescribed by the Circular order of the 21st October 1881 whenever the case of a convict is reported to the Provincial Court.

(Here enter No 439)

Read letter, dated the 1st Instant from the 2nd Judge on Circuit in the Central Division, reporting the arrival of the Circuit Court at Batticaloa on the 1st Instant.

(Here enter No 440.)

Supd

WB

Wells

Ex. A

Circuit Court of the Eastern Province

Present

Saturday 9th June 1882.

John Bird Esqre Acting Puisne Judge

William Duckworth Esqre Acting Judge.

Read letter, dated the 25th Ultimo from the Provincial Court of Circuit in the Eastern Division, submitting reports on the cases prescribed by Section XXIV of Regulation X of 1876 for the Month of April last.

(Here enter No 429)

The prisoner in this case having been held to security, the number of Sureties should have been specified.

With reference to the entry in the Column headed "Committed &c." the Court have to observe that it would have been more correct if the number of the several Prisoners committed had been duly inserted.

The Court observe that the [illegible] on the [illegible] Prisoners in this case committed for trial from Batticaloa under the provisions of Section 3 of Ordinance No 17 of 1871 [illegible] Sentence of the Court [illegible] and [illegible] Prisoners in question should be [illegible]

Cannon Insp: Report No 31.

No 39

Report No 35

Case No 57.

WB

Wells

not have been sentenced to additional imprisonment.

Cannanore Analy Cont 4
Supt Report
No 6.

The Acting Joint Criminal Judge appears in this instance to have required security from a Prisoner convicted and sentenced to imprisonment, to be furnished out the expiration of the sentence. Such requisition of security being illegal, the Provincial Court will call upon the Acting Joint Criminal Judge for explanation and eventually to cancel his wrong writ.

27 5. The crime with which the Prisoner in this case was charged appears by the explanation of the Joint Magistrate to have been committed in the Dharwar District, and the Court of Enquiries Notebook are unable to understand upon what grounds the Joint Magistrate and Acting Joint Criminal Judge conceive that they had jurisdiction in it. The Joint Magistrate would seem to have misunderstood Section XXXI Regulation XI of 1816 which does not in any way confer jurisdiction over offences committed in a different Zilla. The Provincial Court will require an

explanation from these officers of the grounds of their proceedings for the information of the Court of Enquiries Notebook.

Northern Criminal Court 6
Report
Case No 26.

In the case noted in the Margin the Sentence passed by the Acting Joint Judge on the Prisoner convicted of stealing 100 Rupees to 2 Months imprisonment and hard labor without Irons appears too lenient.

Supt. Report. 7. The Sentence in this case against the two Prisoners charged with Smuggling Tobacco to the value of Rupees 2. 6 would seem to be excessive and unless the Joint Criminal Judge has any explanation to offer, the Provincial Court will enjoin him to reduce the term of imprisonment, to which the Prisoners may become liable in default of payment of the fine imposed, to one month.

Ordered, that extract of these proceedings be sent to the Provincial Court in the Northern Division for their information and guidance by precept returnable without delay.

Court following precepts

F. K.

At a Court of the Fouzdaree Adalut
Present,

Tuesday
12th June 1852

John Bird Esqre Acting 2nd Puisne Judge
William Buckleton Esqre Acting Judge.

Read letter, dated the 5th instant
No 113 from the Acting First Judge in Orissa
in the Southern Division, recommending
mitigation of the punishment to which
the Prisoners Allunga Padiachy in Cases
Nos 4 & 5 of the Calendar for 1st Session
of 1852, had rendered themselves liable.

(Vide enter No 440)

On a due consideration of
all the circumstances of this case the
Court of Fouzdaree Adalut are of opinion
that the mitigated sentence of three
years imprisonment proposed by the
Acting 1st Judge is quite sufficient
for the punishment of the Prisoner
in question, who, it would appear,
had been convicted of Gang Robbery
on two distinct occasions and they
accordingly resolve to direct that the
said Prisoner

Allunga Padiachy

in Cases Nos 4 and 5 Calendar
1st Sessions 1852 be imprisoned and
kept to hard labour in Irons within the
public

public roads or other public works, for
and during the period of (10) ten years.

Ordered, that extract of these
proceedings be sent to the Acting Puisne
Judge in the Northern Division for
his information and guidance by
Precept returnable without delay.

(Sent following Precept No 38)

Mr Bird
and
Mr Hudleston.

Read again return, dated the 8th
April last, from the Acting Judge of the Court
of Circuit in the Centre Division, to precept
of the 28th March, calling for the English and
Persian translations in Code No 5 of the Criminal
Calendar for the 1st Quarterly Sessions of 1882.

(Ben enter No 308)

Read also return, dated the 10th May
from the Acting Judge Court of Circuit in the
Centre Division, to precept dated 27th April
last, calling for the English and Persian
translations of the Finds in Cases No 67 and
8, Chittoor Calendar 2nd Quarterly Sessions 1882.

(Ben enter No 309)

The Court of Foujdaree Adalut
having maturely considered the proceedings
held before the Court of Circuit in the
foregoing cases, the Futwas of the Law
Officer of the Provincial Court, and the
Futwas of the Cazee and Cazat and Mooftee
of the Foujdaree Adalut, confirm the said
Futwas of the Cazee and Cazat and
Mooftee

Mooftee aforesaid, and under the sentence
of Cohobitant declared on the prisoners
1st Veerum, and
2d Lutchoomanen,
in Code No 5, adjudge the said prisoner
1st Veerum,
to be imprisoned and kept to hard labor
in irons on the public roads or other
public works, for the period of seven
years, and the said prisoner
2d Lutchoomanen,
to be imprisoned and kept to hard labor
in irons on the public roads or other
public works, for the period of three
years.

And under the provisions
of Clause sixth Section II Regulation
XV of 1803, the Court direct that the prisoners
1st Narayanen, and
2nd Nangum,
in Code No 6 be respectively required
to find two sureties in Star Pagoda
each for their good behaviour and
appearance when required within
two years, or in default thereof, that
they be detained for that period in
confinement.

And the Court acquitting
the prisoner,
3d Soonum,
in Code No 5, direct that he be detained
at liberty.

The

12th June 1882

1

The Court of Longdarree Establishment deem it proper to point out to Mr Baddley that having sentenced the whole of the prisoners in case No 5 to fourteen years imprisonment his warrants to the Criminal Judge directing the release of two of the same prisoners in Nos 6 and 7 and the entry in the Calendar that the 2nd prisoner in the last mentioned case "was released" were erroneous

2

It should have been stated that the cases of these prisoners had been disposed of in the trial of cases 5.

Ordered, that a Copy of these proceedings be sent to the Acting Judge of the Provincial Court of Circuit in the Centre Division for his information and future guidance.

(Sent following letters No 317)

Read return from the Provincial Court of Circuit in the Northern Division dated the 10th instant, to the precept of this Court dated 28th March last, requiring explanation of the delay that occurred in that Division in the transmission of the records of referrible trials

(See letter No 481)

It is stated that the cause of the delay so far as it depends upon the Provincial Court has been and is the want of sufficient translators and the

2

12th June 1882

difficulty of procuring good and quick translations for the rate of compensation allowed. To render the establishment efficient in this Department it is proposed that instead of 1 Head Translator at 70 Rupees and 1 Assistant ---- at 56 / 126

there shall be employed

1 Head Translator at 100.
2 Translators at 70 140
2 - Do - - - - 50 100
340.

This arrangement would cause an increase of Rupees 214, but to meet in part this excess it is proposed to abolish the office of Deputy Registrar (42 Rupees) of Criminal Records keeper (35). But besides the present charge for the Translators on the establishment there is an extra charge of 50 Rupees for translating the Appeal Records on a Contract with the Head English Writer and sanctioned by Government merely as a temporary arrangement, and there can be no necessity for continuing it if the recommendation of the Provincial Court is adopted. There will then be a further saving of Rupees 60 per month by abolishing the contract which with the allowances of the officer proposed to be reduced will amount to Rupees 127. This being set off against the increase of Rupees 214 will reduce it

42
35
77

4th September 1882

at to Rupees 87.

2. Considering the great importance of an early reference of the trials which require the final sentence of the Sessions Court, and the delay which is caused by the inefficiency of the Translators Department in the Northern Provincial Court in consequence of which the Judge on Circuit has not been able up to this time to submit one of the cases referred for reference out of the Calendars submitted to him at the 1st Sessions of the current year at Nellore, Guntoor and Rajahmundry, the Court of Sessions Adalut resolve to recommend to Government that the arrangement suggested by the Provincial Court of Circuit be sanctioned and that the contract for translating the appeal records be at the same time abolished.

Nellore — 5 Cases
Guntoor — 3
Rajahmundry 3
11

Ordered that a copy of the above return with extract from these proceedings be transmitted to the Chief Secretary to Government for the purpose of being laid before the Right Honorable the Governor in Council.

(Sent to Planning letter No. 318)

Read return dated the 6th Instant from the Judges of the Provincial Court of Circuit in the Southern Division to precept dated 19th May directing the Joint Magistrate in charge of Simmenelly to

present

prevent the practice of detaining prisoners until other supposed accomplices in a case might be apprehended.

(Here enter No. 449)

Read return dated the 8th Instant from the Provincial Court of Circuit in the Centre Division, to precept dated 1st Instant, directing the Criminal Judges, the Auxiliary Judge of Chingleput and the Native Judge of Cumbum severally to pay due attention to Section II Regulation II of 1832.

(Here enter No. 450)

Read letter, dated the 3rd Instant, from the Provincial Court of Circuit in the Western Division, transmitting explanation from the Assistant Magistrate of Malabar regarding Prisoner in Case No. 38 on the Report of the Joint Criminal Judge of Malabar for not having dispatched him within the prescribed period.

(Here enter No. 451)

Read letter, dated the 5th Instant, from the 2nd Judge of the Court of Circuit in the Western Division, reporting that Saturday the 7th July next had been fixed upon for opening the Second Sessions of 1882 at Calicut.

(Here enter No. 452)

Read letter, dated the 7th Instant,

from

12th June 1882.

From the Second Judge of the Court of Bridgetown in the Northern Division stating that he issued his precept on the 7th Instant for opening the Court of 2nd Instance for 1882 at Nelbone on the 19th July next.

(Here enter No 253)

E. 16.

At a Court of the Royal Grenada Circuit

Friday 16th June 1882.

Present

John Bird Esqre Acting 3rd Puisne Judge
William Burdekin Esqre Acting Judge

Read again return, No 253, dated the 31st March last, subscribed by the 1st Judge and Acting Judge of the Provincial Court of Circuit in the Centre Division, to the precept of this Court dated the 28th March.

(Here enter No 254)

Read also letter, dated the 25th Ultimo, from the Second Judge of the Provincial Court in the Centre Division on Circuit.

(Here enter No 255)

1. The Grenada Island having called upon the Provincial Court of Circuit in the Centre Division to reform the Code of Laws in connection with the records of registrable deeds, in order that if practicable a remedy might be provided for it where in that of the translators were not sufficient others should be procured, or if insufficient in number the establishment should be increased rather than that the transmission of the records of deeds should be delayed, as has happened sometimes, for more than one month

after

after the close of the trials the 1st Judge and the acting Judge in their return state that they "are compelled rather to take blame to themselves for any delay" that has occurred than to allow that it is attached to the Native Establishment of the Court," the translators being thoroughly efficient. When the Calendars are ready they suggest that additional translators should be employed.

2. They express their opinion that the delay is chiefly to be attributed to the Judges not always accompanying the Native Establishment in proceeding from station to station on the Circuit by which they think much time is lost.

3. The 2nd Judge on Circuit accounts for his not having yet dealt with one of the referible cases of the Outapah and Amboor Calendars 1st Sessions 1882 by declaring the actual establishment to be quite inadequate to the performance of the current duties and that no competent translators nor acting copyists are employed or available.

4. Considering the report of the two Judges of the Provincial Court of Circuit present at the station of the Court, which applies to the establishment generally, the Registrar thinks the Court should that with greater caution

and better arrangements on the part of the Judge on Circuit the cases to be required of the Outapah and Amboor Calendars might long ago have been submitted to this Court.

5. The 1st Judge and the Acting Judge appear to anticipate no difficulty in obtaining the services of competent Translators when required occasionally. When the business is so heavy that the referible trials cannot be prepared with the expedition that is desirable by means of the ordinary establishment, the assistance that is necessary is of course to be applied for.

6. The Registrar thinks that does not concur with the 1st and Acting Judges of the Provincial Court of Circuit in the opinion that it is of great importance with a view to the dispatch of the business of the Circuit that the Judges on Circuit on should travel with the Native Establishment. They believe that it is sufficiently proved by experience that the Native Servants can do very little while travelling; and if the Judge during the trials has taken notes of the evidence he will probably find it more advantageous to proceed in absence of

to employ his time while waiting for their arrival at the next station, in arranging those notes, and preparing from them his reports upon the trials, to accompany the records as soon as they are ready to be transmitted. But the Court are of opinion that the preparation and transmission of the trials reserved for reference at each station should not be deferred until after the close of all the trials at the station, but that whenever on the close of a trial it is found necessary to refer it to the Full Court, the Judge should immediately commence the preparation of the Record for transmission with the minutes of the trials reserved for reference at each station before he goes on to proceed on the Circuit. This is the practice of the Supreme and Western Courts of Circuit, and conduces greatly to the saving of time in the transmission of the trials reserved by the Judges on Circuit in the Central Division.

The Court of Governor Bedford expect that greater exertion will

be used in future by the Judges on Circuit in the Central Division in transmitting the trials they have occasion to refer.

Ordered, that extract of these proceedings be sent to the Provincial Court of Circuit and the Second Judge on Circuit in the Central Division respectively for their information and guidance.

(Sent following letters No 333)

Read letter from the Provincial Court of Circuit in the Central Division dated 9th Instant, submitting copy of one from the Acting Criminal Judge of Chinglepet reporting the escape of a prisoner.

(Here enter No 469)

This is the third instance of the escape of prisoners from the Jail of Chinglepet since the commencement of the current year. In this case there appears to have been shameful negligence on the part of the guard at the jail. On the whole the Court see reason to conclude that the arrangements for the custody of prisoners at Chinglepet are not efficient, and they direct that the Acting Judge be required to give his attention to the enforcement of greater vigilance and activity in the persons employed in this duty.

Ordered, that extract of these proceedings

proceedings he sent to the Provincial Court of Circuit in the Centre Division with a precept directing the same to be communicated to the Acting Criminal Judge

(Sent following Precept No 999)

No return having been received from the Acting 2nd Judge of Circuit in the Southern Division to the precept, dated the 15th March last, commanding him to explain the Cowdaroo and take certain additional evidence in Case No 8 Cowdaroo Calentar 1st Sessions of 1832, and having received the same to the Register of the Court of Vengodarree (Madras) to return it to the Court of Circuit in the Southern Division with a precept to the Acting Criminal Judge to be communicated to the Acting 2nd Judge aforementioned.

(Sent following Precept No 1000)

The return dated the 19th ulto by the Provincial Court of Circuit in the Western Division to the precept of the 15th requiring the Provincial Court to obtain from the Officer in charge of the Convict Depot from Calicut to the Neilgherries a report as to the state of their health &c with a view of ascertaining the expediency of increasing the number of

of Convicts already under his charge.

(Here enter No 1143)

From the above return it is evident that no objection exists to the adoption of the suggestion of the 2nd Judge of the Provincial Court to increase the number of Convicts from Calicut already sent to the Neilgherries. Previous however to any further steps being taken to carry this object into effect, the Court of Vengodarree would resolve to direct the Provincial Court to call upon the Criminal Judge at Malabar to obtain for them, information of the extent of the accommodation which can be afforded, in order that the due number of Prisoners only may be forwarded.

With regard to the return of the Criminal Judge of Malabar, dated the 30th ultimo and the letter of the Officer in charge of the convicts on the Neilgherries of the 18th ultimo, the Court of Vengodarree would resolve to submit copy of them to the Right Honorable the Governor in Council with their recommendation that he may be pleased to grant authority for the payment of Batta not exceeding One Anna per diem to all guards transferred from the Zillah Jails with

with the Convicts to the Brigantine, and for an exception to be made in the present case to the general rule established under the orders of Government of the 2nd March 1880.

Ordered that extract of these proceedings be sent to the Provincial Court for the Western Division for their information and guidance by precept returnable with all haste.

(Sent following letter No 325)

Ordered also, that extract of these proceedings be sent to the Chief Secretary to Government for the purpose of being laid before the Right Honorable the Governor in Council.

(Sent following letter No 326)

Mr Bird and Mr Hodleston

Read letter, dated the 29th ultimo, from the Second Judge on Circuit in the Centre Division, submitting case No 2 second Supplemental Calendar Chittoor 1st Quarterly Sessions 1881.

(Here enter No 322)

The Court of Enquiry Malabut having maturely considered the proceedings held before the Court of Circuit, the finding of the Provincial Law Officer, and the finding of the Cazee cal Cazgat and Moofties of the Pungalarre Mahalut, confirm the said finding of the Cazee cal Cazgat and Moofties

Courts thereon

11th June 1882

Moofties aforesaid, convicting the Prisoner

Chinchly Moonyan

of wilful murder and awarding Kisaas, and they adjudge him to suffer death by being hanged at the usual time and place of execution.

(Sent following letter No 327)

Mr Bird and Mr Hodleston

Read letter, dated the 15th ultimo, from the Acting Judge late on Circuit in the Northern Division, submitting case No 33 Chicacole Calendar 2nd Sessions 1881.

(Here enter No 323)

The Court of Enquiry Malabut having maturely considered the proceedings held before the Court of Circuit, the finding of the Provincial Law Officer and the finding of the Cazee cal Cazgat and Moofties of the Pungalarre Mahalut, confirm the said finding of the Cazee cal Cazgat and Moofties aforesaid, convicting the Prisoner,

"Cana Ramaswamy"

of highway robbery attended with violence and awarding "Bud" and under the provisions of [illegible] Section VII Regulation I of [illegible] Sentence him to the

14th June 1832

14th June 1832

of imprisonment and hard labor in irons on the public roads or on other public works for the period of seven years, and then be released.

(Sent following letter No 338

Read letter, dated the 9th Instant from the Acting Judge late on Circuit in the Northern Division, with a return of the for the execution of the prisoner Cannon Ready in order No 25 first Regulation Calendar 2nd February 1830

(Here enter No 464 p

Counter Bir
and
Woode

Monday 18th June, 1832

No. 46.

At a Court of the Zuijdarre Adalut.

Present

John Bird Esqre Acting 3rd Puisne Judge

William Huddleston Esqre Acting Judge

Read letter, dated the 11th Instant from the Acting 1st Judge on Circuit in the Southern Division, submitting the Coimbatore Calendar for the 1st Sessions 1832.

(Here enter No 471.)

It appears to the Court of Zuijdarre Adalut that the Acting 1st Judge was not competent to pass the Sentence of two years imprisonment on the first prisoner in this case under Clause sixth Section II Regulation XII of 1822, which does not apply to the Court of Circuit. The amount of the property stolen took the case out of the Clause alone cited, and the bar to Hindering of the nature described in Clause fourth Section II Regulation XI of 1805 the Acting 1st Judge will proceed to amend his Sentence by taking a second Sentence as regards the 1st Prisoner and passing a revised Sentence accordingly. If the Acting 1st Judge should consider the specific punishment too severe, an application for mitigation

Case 3d

of it in favor of the first Prisoner is open to him.

Ordered, that extract from these proceedings be sent to the Acting First Judge on Circuit in the Southern Division for his information and guidance by Precept returnable without delay.

(Sent following Precept No 331)

Read letter, dated the 11th Instant, from the Acting 1st Judge on Circuit in the Southern Division, recommending mitigation of the punishment to which the Prisoners in case No 1 of Coimbatore Calendar 1st Sessions of 1832, have rendered themselves liable.

(See entry No 1)

From the 2nd Para of the above letter, it appears to the Court of Sessions doubtful that the Acting 1st Judge is not satisfied that the Prisoners in the above case are duly convicted of the crime charged against them, and they are therefore at a loss to understand the grounds upon which he has based upon the Prisoners the mitigated sentence alluded to in the first Para.

2

The Jurors of the Law Officer having convicted the Prisoners of the crime on strong presumptive proof the

the Court of Sessions doubt recommend to direct that English and Persian Translations of the record of the Trial No 1 Coimbatore Calendar 1st Sessions 1832 be submitted for their final sentence, agreeably to Section XXII Regulation VII of 1802.

3.

The Court of Sessions doubt take the present occasion to express their sentiments regarding the reference to them of cases of Gang Robbery for mitigation of punishment. The crime of Gang Robbery by open violence appears to them to have arisen to an alarming height, and unless there really exist obvious circumstances of extenuation, they do not think it proper for them to sanction any mitigation of the punishment prescribed by the Regulations.

Ordered, that extract of these proceedings be sent to the Acting First Judge on Circuit in the Southern Division for his information and guidance by Precept, returnable without delay.

(Sent following Precept No 332)

Read letter, dated the 11th Instant, from the Acting 1st Judge on Circuit in the Southern Division, recommending mitigation of the punishment to which the Prisoners in Case No 9 of the Coimbatore Calendar 1st Sessions 1832, have rendered themselves

18th March 1882

themselves liable.

(Here enter No. 469.)

The Court of Coimbatore Adalut having duly considered the circumstances of the case as represented by the Acting 1st Judge, are of opinion that the punishment of three years imprisonment with hard labor in Irons recommended by him is too lenient for the Prisoners who have been convicted of Robbery, and they accordingly resolve to direct that each of the two Prisoners in case No 9 Coimbatore Calendar 1st Sessions 1882 be imprisoned and kept to hard labor in Irons on the public roads or other public works for the period of (5) five years.

2 The Acting 1st Judge should have inserted in his letter of reference the names of the Prisoners.

Ordered, that extract of these proceedings be sent to the Acting 1st Judge on Circuit in the Southern Division for his information and guidance by next Dak returnable without delay.

(Sent following Precept No 333)

Read letter, dated the 25th Instant from the Provincial Court, 1st Circuit Division, Southern Division, submitting the reports in the forms prescribed by Section XXXV Regulation X of 1816, for the month of April last.

(Here enter No. 456.)

15th June 1882

Chittoor Report No V. Cases 53. 54.

1. In the former of the cases noted in the Margin the delay of the Prisoners in the Talook was 24 days and in the latter one month, and the reasons assigned for it in both are equally unsatisfactory.

58. 2. It should have been stated that the Prisoner in this case was charged with having in his possession stolen property knowing it to be such, no punishment could have followed conviction of the charge as it stands in the Report now under review.

69. 3. In this case it should have been shown why the attendance of the required Witnesses could not be procured.

Bellary Report No IV Case 52. 4. The Provincial Court will point out to the Magistrate that the excuse for the non attendance at the Circuit Court of the 1st Prosecutor in this case, "his presence being required for "Immediate" cannot be admitted as valid.

43. 5. The requisition of security from the two Prisoners in this case by the Acting Criminal Judge on the grounds assigned by him being illegal, the Provincial Court will call upon him to cancel the order for it, and to release the Prisoners if they are now in confinement in consequence. The Magistrate alone could

could under the circumstances of the case hold the Prisoners in question to security under Clause 1st Section III Act II of 1892

Bellary Report No V Case 16.

6. The Provincial Court in its letter to the Acting Criminal Judge in this case, in which he requests the Prisoners [illegible] have been committed under the provisions of the Regulation cited in support of his sentence, to take his trial before the Court of Circuit as the property stolen exceeded 100 Rupees in value.

Cuddapah Report No V. Case 8.

7. The Provincial Court will call for an explanation of the detention in the Jail of the Prisoners in this case for which no reason has been assigned.

10. 8. The Court of Sessions are of opinion that the Prisoner in this case should have been committed for Trial. It would appear from this and other cases that the Criminal Judge does not consider the existence of the Prosecutor and of one witness to the fact sufficient to justify his committing a Prisoner for Trial. In many cases this must be remedied. The Provincial Court will communicate this remark to the Criminal Judge.

9. The Provincial Court will also require from the

practice, which obtains in the other Criminal Courts, of numbering the cases in his Reports No V: not distinctly for each month, but in continued succession for the year, retaining the same numbers in the supplemental Reports.

Cumbum. 10. The above requisition regarding the numbering of cases should be extended to the Native Criminal Judge who at present follows the practice of the Criminal Judge at Cuddapah

Report V Case No 1. 11. With reference to the remarks of the Provincial Court on this case the Court of Sessions relative pertinent that the Native Criminal Judge satisfied himself of the 2nd and 3rd Prisoners having been aware of the property they had received having been stolen.

Sup: Report Case No 3 12. The Provincial Court should communicate to the Magistrate the note subjoined to this case that "the date of the Robbery which took "place in the Prosecutor's house is not mentioned either in the Police Report in the proceedings of the case."

13. The Court of Sessions [illegible]

18th 18th June 1882.

Submitting the Reports in the forms prescribed by Section XXXV Regulation X of 1876, for the month of April last.

Gulbarga Report No. V. Case 28.

1.

The Acting Criminal Judge was in error in forwarding the Prisoner in this case to the Magistrate. The Section of the Regulation granted by him does not take away the Criminal Judge's jurisdiction, and it has been ruled that a Prisoner cannot be remanded by the Criminal Judge to the Magistrate. The Acting Criminal Judge therefore should have proceeded to disposal of the case, awarding on conviction the punishment which might have been inflicted on the Prisoner by the Magistrate. His remark the Provincial Court will communicate to the Acting Criminal Judge and to the Magistrate, in order that the requisite orders may be issued to the Police to prevent similar cases being forwarded to the Criminal Court.

Guntoor Report No. V Case 3.

2.

In the case of Perjury have been inserted in full the depositions in which the Perjury was committed. The Provincial Court should inform the Native Criminal Judge that the Circular Order of the Court of Sudder Adawlut requiring the exact depositions in such cases to be

15th June 1882

be laid before them are not to be applied to the Monthly Criminal Reports, but to the Calendars submitted to the Court of Circuit.

Guntoor Report No V Case 1.

3.

With reference to Para 7 of the proceedings of the Provincial Court, the Court of Sudder Adawlut do not perceive any thing erroneous in the manner in which this case has been conducted.

Rajahmundry Report No. 9.

4

The Provincial Court will request the Criminal Judge to observe the practice of numbering the cases in the other Courts, not to issue from the first exception to the end of the year, but in their succession to the end of the year retaining the same number in the supplemental Reports as were attached to the cases in the Reports to which

Anjengo Court Report V.

5

The above remark is under applies likewise to the Joint Criminal Judge at Dindigul.

Case 2.

6.

With reference to Para 6 of the proceedings of the Provincial Court, it appears to the Court of Sudder Adawlut that as the Prisoner has been acquitted and it is presumed released, no good results could arise from calling up this case. The Circuit Judge if he thinks fit can notice it, but the Collective Court can only call for the case on Petition. The supposed value

value of the stolen property should have been entered in the charge.

Ordered, that extract of these proceedings be sent to the Provincial Court of Circuit in the Northern Division for their information and guidance by Precept, returnable without delay.

(Sent following Precept No. 336)

Read return dated the 17th Instant from the Provincial Court of Circuit in the Centre Division, to precept dated 5th Instant, ordering communication of the 9th para of the proceedings of the Conjeevaree Moduliar of 5th Instant to the Criminal Judges of Chittoor, Cuddapah, Bellary and Chingleput, also to the Joint Criminal Judge of Chingleput and the Native Judge of Cumbum.

(Here enter No. 467)

Read return, dated the 11th Instant, from the 2nd Judge late on Circuit in the Western Division, to precept dated 5th Instant, ordering that the Criminal Judge of Canara be careful on future occasions to cause the gibbet made of durable materials.

(Here enter No. 475)

Read return, dated the 5th Instant, from the Judges of the Provincial Court of Circuit in the Northern Division, to precept dated 15th ultimo, directing the particular attention of the Judges of the Courts of Circuit to the provisions of Clause 2nd Section

8th June 1882. Section IV Regulation XX 1803, and requiring in the cases of personal injury, the precise extent thereof proved on the trial to have been inflicted, be specified in the column of remarks.

(Here enter No. 476)

Read return, dated the 6th Instant, from the Judges of the Provincial Court of Circuit in the Western Division, to precept dated 16th April, directing the Provincial Courts of Circuit to ascertain and report the final result of the further investigation made by the Joint Magistrate of Malabar under the orders of the first Judge.

(Here enter No. 477)

Read return, dated the 6th Instant, from the Judges of the Provincial Court of Circuit in the Northern Division, to precept dated 16th May, directing that whenever the escape of a convict is reported, a descriptive roll of the convict be furnished in the form prescribed by Conjeevaree Moduliar Order of 24th October 1838, omitting the last column.

(Here enter No. 478)

Read letter, dated the 14th Instant, from the 2nd Judge on Circuit in the Centre Division, transmitting copies of the Chingleput Principal and Supplemental Calendar for the 1st Sessions of 1882.

(Here enter No. 480)

Read return, dated the 17th Instant, from the Judges of the Provincial Court

14th

18th June 1832

Court of Circuit in the Eastern Division for
precept dated 1st Instant, directing to instruct
the Criminal Judges acting Joint Criminal
Judges and the Native Criminal Judge to
pay strict attention to the provisions
of Section II Regulation II of 1829.

(Here enter No 183)

Read return, dated the 12th Instant
from the acting First Judge on Circuit
in the Southern Division, to precept
dated 12th Instant, passing a mitigated
sentence of ten years imprisonment with hard labor
in irons on the prisoner in case No 4
and 5 Salem Calendar 1st Sessions 1832.

(Here enter No 184)

Sentd

JB III

Fol.

In the Court of the Zillah Malabar

Circuit.

Thursday,
21st June 1832. The Honble W. Oliver Esqr Chief Judge
William Rudkin Esqr acting Judge

Read letter, dated this 13th Instant
Mr Oliver and Mr Rudkin. from the acting First Judge on Circuit
in the Southern Division, transmitting
the record of proceedings in case No 4
Salem Calendar 1st Sessions 1832.

(Here enter No 424)

20 III

The Court of Zillah Malabar
on a deliberate consideration of the
circumstances of the case in evidence
before them, being of opinion that the
proof against the prisoner,

Amanaly,

is sufficient to convict him of the crime
of wilful murder, do under the authority
vested in them by the provisions of
Clause first Section II Regulation I
of 1818 convict him thereof, and under
Section X Regulation VIII of 1802, sentence
him to suffer death by being hanged
at the usual time and place of execution

20 III (Sent following letter No 341)

DL

J. U.

At a Court of the Fouzdaree Udalut.

Present.

Friday 22nd June 1832. John Bird Esqre Acting 3rd Puisne Judge
William Hudleston Esqre Acting Judge

Read return from the Provincial Court of Circuit in the Southern Division dated the 13th Instant, to the precept of this Court of the 16th May last, and the Extracts from their proceedings dated respectively the 11th and 13th Instant therein referred to.

Vide enter Ft. 488.

1. The Court of Fouzdaree Udalut concur in the view taken by the Provincial Court of the criminality of the prisoners in Cases Nos. 43, 44, 45, 46, and 47, of the Salem Criminal Reports for the month of March, and approve of their resolution not to disturb the Sentences passed against them.

2. With reference to the suggestion offered by the Provincial Court that measures should be adopted for remedying the defect of the Mahomedan Law in respect to the act of wantonly destroying Cattle, by rendering it punishable as a Criminal offence, the Judges direct that the Provincial Court be apprized that a provision for this purpose has been

introduced

At a Court of the Tinpilarree Adalatut
Present,

Monday 25th June, 1832. John Bird Esqre acting 2nd Puisne Judge
William Huddleston Esqre acting Judge

Read again report dated 18th
January last from the 2nd Judge of the
Court of Circuit for the Centre Division
upon the 4th Quarterly Sessions of 1831.

/Here enter No. 56./

The Tinpilarree Adalatut deferred
the disposal of this report waiting for
the record of the trial of the Suttee cas
mentioned in it as having been referre
for their final decision. This was not
transmitted by the 2nd Judge until the 22
May. It was received on the 30th May,
and a final sentence has since been
passed upon it. One of the prisoners
has been convicted of aiding and
abetting the sacrifice; the three other
prisoners have been acquitted from
the want of proof, but on the groun
of strong suspicion they have been
required to furnish security for their
good behaviour and appearance when
called for.

2. The law was wilfully set a
defiance in this case. The sacrifice
to have been entirely voluntary, but

there

introduced into the Draft of a Regulation lately
submitted to Government.

Ordered, that Extract of these
proceedings be sent to the Provincial Court of
Circuit for their information and guidance.

/ Sent following letter

there appears to have been no attempt at prevention, and there is reason to believe that many persons aided and abetted it so as to render themselves liable to punishment. But because they escaped from the deficiency of evidence it is not to be inferred that the law is insufficient for the accomplishment of the object intended. This is however the conclusion drawn by the 2nd Judge from the single instance of the case under consideration, and he suggests as an amendment that all persons present at a battue shall be liable to the penalties denounced by the present Regulation, and that all others, the principals, or aiding, abetting or instigating the crime shall be liable to severer punishment. It is obvious to remark that if all persons present at a battue were to be held liable to punishment the difficulty of obtaining evidence to convict the parties principally concerned, of whom it would be advisable to make examples, would be greatly increased.

3. The 2nd Judge is in error in the remarks which he has made in Para 8 respecting the report of the Head of Police, which he thinks ought to have been transmitted to the Criminal Court. The answer of the Magistrate that

that a report is not required to be made by the Head of Police on a case of this nature is correct. The investigation being committed expressly to the Magistrate the report to be sent with the case is that provided for in Section XXV Regulation IX of 1816, not that prescribed in Clause fourth Section XXVII Regulation XI of 1816. Section XXV Regulation IX of 1816 does not direct the Magistrate to send up to the Criminal Court the report which he may have received from the Head of Police.

4. With reference to the remarks of the 2nd Judge in Para 17, the Magistrate is of opinion that they are not aware of any cause why the prisoners detained on failure of security may not be as usefully employed at Chittoor as at Bellary or Cuddapah. It would be a hardship to send persons not convicted of any crime to a distant Zillah, and increase the difficulty of their procuring the security required from them. Orders on this subject have been furnished to

to the Criminal Judge of Chittoor.

Ordered, that copy of the above Report and extract from these proceedings be transmitted to the Chief Secretary to Government to be laid before the Right Honorable the Governor in Council.

(Sent following letter No. 346)

Ordered also, that extract of these proceedings be sent to the 2nd Judge of the Court of Circuit for the Centre Division for his information.

(Sent following letter No. 347)

Read letter, dated the 17th Instant from the 2nd Judge on Circuit in the Centre Division, submitting copy of the Bellary Principal and Supplemental Calendars for the 1st Sessions 1882.

(Here enter No. 481)

9th Calendar Case No. 1.

1. In this and in other cases of the Calendar now under remark, this Court of Enquiry directs attention to the irregularity of practice which they noticed in the 5th Para of their proceedings upon review of the late Cuddapah Calendar, and in their Circular order of the 28th April last.

2,3,4 & 15.

2. With reference to the remark of the 2nd Judge on the former of these cases, the Court of Enquiry do not direct

direct that, if he has not pointed out to the acting Criminal Judge the inutility of committing Prisoners for Trial upon such insufficient evidence, he will do so without delay. There could not have been the least expectation that the Prisoners in question could have been convicted of the charges brought against them.

Case 5.

3. In this case likewise it is observable that no evidence whatever was adduced against any one the 1st and 2nd Prisoners, the grounds upon which the acting Criminal Judge committed them for trial because they were criminated by the said first and second Prisoners in their confessions were totally insufficient, and of this the experience of the acting Criminal Judge should have warned him. The 2nd Judge, who ought not to have proceeded to trial upon such evidence, will communicate the foregoing remarks to the acting Criminal Judge.

10.

4. It appears doubtful whether the 2nd Prisoner in this case ought not to have been committed on proof of his confession and on the evidence of the Prosecutor, to which however it is clear the Law Officer did not attach any weight.

In

Cases 12. 13 & 24.

5. In the former of the cases noted in the Margin, the 2nd and 3rd Prisoners were committed exclusively on the confession of the 1st Prisoner, in the second case the 3rd Prisoner was committed on the confessions of the other two concerned in the same case, and in the last case the 5th and 6th Prisoners were likewise committed on their crimination by the first and second Prisoners in the case (24).

The 2nd Judge should not have put them on their Trial, and the Acting Criminal Judge should be informed that by such irregularity of proceeding he has rendered himself liable to the censure of the Court of Bogdanee Udalut, who now withhold it in expectation that the present admonition will make him more circumspect in future

16. 6. It is obvious in this case, as in 1810, that no weight has been attached to the evidence of the Prosecutor.

24. 7. The case noted in the margin is another instance of Prisoners being committed on evidence quite insufficient to induce an expectation of their conviction.

29. 8 The Returns in this case as far as regards the 1st 2nd 3rd 5th 6th and 8th Prisoners appears to the Court of Bogdanee Udalut extraordinary

extraordinary, and not less so the Sentence of the Presiding Judge and his proceeding respecting the 18th Prisoner whom it would seem, he first examined as a Witness and then caused to be committed for Trial apparently on the ground of his deposition so given.

The Court under these circumstances resolve to direct that the 2nd Judge be called upon to explain the grounds of his proceedings in respect to the 18th Prisoner, to suspend his sentence in as far as it involves the punishment of any of the prisoners in this case, and to submit for the final decision of the Court English and Persian Translations of the record of the Trial.

4. Adverting to the prevalency of the crime of Robbery by open violence, and to the large number of Prisoners in this Calendar convicted of it, the Court of Bogdanee Udalut would, in conclusion, observe that the 2nd Judge might judiciously have passed the severer sentence of banishment under Clause third Section VIII Regulation XV of 1803 on the Prisoners sentenced to fourteen years

years' imprisonment, and they direct under the authority vested in them by clause fifth Section XIII Regulation XX of 1803, that the Prisoners convicted of Robbery by open violence and sentenced to fourteen years imprisonment in the Cells Nos. 1, 5, 7, 10, 15, 17 and 23 of the Calendar, be removed to the Jail at Madulipatam.

Ordered, that a extract of these proceedings be sent to the 2nd Judge on Circuit in the Centre Division for his information and guidance by Precept, returnable without delay.

(Sent following Precept No. 348)

Read letter, dated the 6th instant from the Provincial Court of Circuit in the Southern Division, submitting the Reports in the forms prescribed by Section XXV Regulation X of 1816 for the month of April last.

(Here enter 1874.)

Combaconum Report V Case 85.

The Court of Sudder Adawlut presume that the Prisoner in this case were charged with having received stolen property, knowing it to be such, and this particular should have been shown in the charge. The report under review does not inform the Court whether the crime in question was committed in

E. M.
25th June 1882.

in the Madras Territory or not; the Provincial Court will therefore call for explanation on this point, and will intimate to the acting Criminal Judge, that if the stolen property was alleged to have been received within the Madras Territory, the Prisoners should not have been returned from the Criminal Court to the Magistrate.

2. The Provincial Court should intimate to the acting Criminal Judge, with reference to his requisition from the Assistant Magistrate of an explanation of the delay in the Sarboor of the Prisoner in this Case, that he was not competent to call for such explanation from that Officer this duty being assigned to the Provincial Court. The Court of Sudder Adawlut observe with much Satisfaction that the estimated value of the produce of the labor of the Convicts in the Jail at Combaconum during the month of April last, amounts to the sum of Rupees 522-5-7.

Salem Report V Case 79.

3. The sentence on the 1st Prisoner in this case being illegal, inasmuch as a sentence of punishment and a requisition of security cannot be imposed on a Prisoner by the Criminal Judge. The Provincial Court will require the

25th June 1872

the acting Criminal Judge to consider it without delay. If as it is to be concluded upon reference to the Code both the charges in both were before the Criminal Court at the same time, they should have been both investigated and one sentence passed by the acting Criminal Judge.

Salem Report V Case 72.

4. The concluding part of the entry in this case in the Column headed Punishment is not intelligible, and the Provincial Court will therefore call for the explanation necessary to render clear what is meant by it.

Coimbatore Report V Case 53.

5. The Court of Enquiry think that in the case noted in the Margin that the first Prisoner charged with fraud and not theft, and it will therefore be proper for the Provincial Court to call upon the acting Joint Criminal Judge to amend his sentence by reducing the term of the imprisonment of the Prisoner to that which is authorized by Section VII Regulation X of 1816 under which the case falls.

Summary.

6. The Provincial Court will communicate to the acting Joint Criminal Judge that the great defect of evidence into which he has entered in most of the cases tried before during the month of April last

is considered by the Court of Enquiry to be unnecessary.

Ordered, that extract of these proceedings be sent to the Provincial Court of Circuit in the Southern Division for their information and guidance by Precept, returnable without delay.

(Sent following Precept No 369)

Read again return of the 2nd Judge late on Circuit in the Western Division to the precept of this Court dated the 28th ultimo, relative to a case of perjury forwarded to the Criminal Court by the acting Assistant Collector of Canara and disposed of by the Court of Circuit.

(See letter No 369)

The 2nd Judge offers explanations in support of his opinion and of the proceedings of the acting Assistant Collector in this case.

1. If Shanhanarayana stood in the situation of prosecutor in the case in which he was accused of giving false evidence, it would have been requisite to allow him to be present at the examination of the witnesses and to cross-examine them but in the letter of the Principal Collector and the acting Assistant Collector he is described as a witness, and it is proper on charges of perjury for the Court to prosecute, the informer being admitted as a witness. But however this may be, the 2nd Judge is

is clearly in error in considering the proceedings of the Acting Assistant Collector on the charge of bribery at the primary proceedings against Shankar Narayana in the charge of perjury. The Acting Assistant Collector saw reason to charge him with perjury from his evidence in the bribery case, and sent him to the Criminal Court, before which the primary proceedings were held, which led to his commitment for perjury.

Ordered, that extract of these proceedings be sent to the 2nd Judge late on Circuit in the Western Division for his information.

(Sent following letter No. 350)

Read letter, dated the 6th Instant, from the Provincial Court of Circuit in the Northern Division, furnishing explanations on the Criminal Reports for November 1831.

(Here enter No. 465.)

Read return, dated the 21st Instant, from the Provincial Court of Circuit in the Centre Division, to precept dated 19th ultimo modifying the Circular orders of the Sunderdar Adalut of 13th August 1822 and 13th September 1824.

(Here enter No. 498.)

Read return, dated the 13th Instant, from the Judges of the Provincial Court

7

25th June 1832

of Circuit in the Western Division, to precept dated 5th Instant, ordering communication to the Criminal and Joint Criminal Judges of copy of Para 9 of the Sunderdar Adalut proceedings of the 5th Instant, respecting the introduction of Tobacco, Opium and Betel to Dindoree.

(Here enter No. 489)

Read return, dated the 19th Instant, from the Provincial Court of Circuit in the Centre Division, to precept dated 11th Instant, directing that the Acting Criminal Judge of Chingleput may be required to give his attention to the enforcement of greater vigilance and activity in the Peons employed on guard at his Cutcherry.

(Here enter No. 491.)

Read return, dated the 20th Instant, from the Provincial Court of Circuit in the Southern Division, to precept dated 18th ultimo, directing that in all cases where the Prisoners are detained more than 5 days and where it is considered unsatisfactory, the Criminal Judge should mention the same in the Criminal Report, and the Court of Circuit take notice of it.

(Here enter No. 494)

Read return, dated the 21st Instant, from the Provincial Court of Circuit in the Centre Division, to precept dated

dated 15th ultimo, directing the particular attention of the Judges of the Court of Circuit to the provisions of Clause Second Section IX Regulation XV 1803.

(Here enter No 496.)

Read return, dated the 21st Instant, from the Provincial Court of Circuit in the Centre Division, to precept dated 18th ultimo, directing that when the escape of a convict is reported, the same be accompanied by a descriptive roll of the convict.

(Here enter No 497.)

J. C.

At a Court of the Zillah Colabah.

Present.

Tuesday 26th June, 1832. The Honble William Oliver Esqre Chief Judge
John Bird Esqre acting 2nd Puisne Judge
William Rindlaxton Esqre acting Judge

Mr Oliver and Mr Bird 20

Read letter, dated the 23rd ultimo, from the 2nd Judge on Circuit in the Centre Division, submitting case No 2 Chittoor first Supplemental Calendar 4th Quarterly Sessions 1831.

(Here enter No 498.)

The Court of Zillah Colabah having maturely considered the proceedings held before the Judge on Circuit, the futwa of the Provincial Law Officer, and the futwa of the Cazee ool Cozat and Mooftees of the Zillah Colabah, confirm such part of the futwa of the Cazee ool Cozat and Mooftees aforesaid, as regards the Prisoners,

1st Ramareddy,
2nd Polda Verarangavareddy and
3rd Paroomalreddy,

but considering that strong suspicion though not amounting to conviction attached to them, they direct, under the provisions of Clause sixth Section IX Regulation XV of 1803, that they be severally

(required)

required to find security in one surety
of 25 Rupees for their good behaviour
and appearance when required within
two months, or in default thereof, that
they be detained for that period in con-
finement.

The Court of Enquiry Walut
on a deliberate consideration of the
circumstances of the case in evidence
before them, concurring in opinion,
that the proof against the prisoner

Cumchanda Vencatamoorthoo

is sufficient to convict him of the
crime of having aided and abetted the
sacrifice of a Kindoo Widow by burning
her alive, do under the authority vested
in them by Clause first Section II
Regulation I of 818 convict him thereof,
and under the provisions of Clause
second Section IV Regulation I of 1830,
sentence him to pay a fine of 15 Rupees,
or in default thereof, to be imprisoned
and kept to labor in the work house,
for, and during the period of two months,
and then to be released.

(Sent following letter No 356)

Mr Bird and Mr Huddleston

Read letter, dated the 21st February
last, from the Acting Judge on Circuit
in the Northern Division, submitting

case No 11 Nellore first Calendar first
Sessions of 1882.

(Here enter No 457)

The Court of Enquiry Walut
on a deliberate consideration of the
circumstances of the case in evidence
before them, concurring in opinion,
that the proof against the prisoner

Cumchanda Vellagandoo

is sufficient to convict him of the crime
of wilful Murder, do under the authority
with which they are vested by Clause
first Section II Regulation I of 1818 convict
him thereof, and under the provisions of
Section X Regulation VIII of 1802, sentence
him to suffer death, by being hanged
at the usual time and place of execution.

(Sent following letter No 357)

Mr Bird and Mr Huddleston

Read letter, dated the 15th instant,
from the Acting First Judge on Circuit
in the Southern Division, transmitting
the record of proceedings in Case No
Coimbatore Calendar 1st Sessions 1882.

(Here enter No 472.)

The Court of Enquiry Walut
having maturely considered the proceed-
ings held before the Judge on Circuit,
the Letter of the Provincial Law Officer,
and the Letter of the Sagger Sadr
and Mofussil of the Enquiry Walut,
confirm the said Letter of the
Sagger Sadr and Mofussil

aforesaid.

aforesaid and acquitting the prisoner
Mootoocamden,
of the crime of murder charged against
him, direct that he be released.
(Sent following letter No. 358)

Ex'd.

WB
WH

At a Court of the Fouzdaree Adalut

Present

Thursday
28th June 1832. John Bird Esqre Acting 3d Puisne Judge
William Hudleston Esqre Acting Judge

Read letter dated the 22d Instant
from the 1st Judge of the Court of Circuit in the
Centre Division submitting copy of the Calendar
and 1st Supplemental Calendar of Chittoor
2d Quarterly Sessions 1832.

(Vide entry No. 502)

The only observations which the
Court of Fouzdaree Adalut have to record on the above
Calendar are with regard to the cases 4 and 7. In
the former it appears to the Court that the 1st Judge
treated the Prosecutor's testimony as not being evidence
and that the propriety of his confirmation of the
Futwa of the Law Officer is consequently question-
:able. In the latter, from the remarks of the 1st
Judge, it would seem that the Prisoners were ar-
:raigned and some proceedings held, before
the Court of Circuit. Under this view of the
case, the Court consider that the 1st Judge was
not authorized to stop the trial and return
the case to the Criminal Judge.

In conclusion the Court would
desire the particular attention of the 1st Judge
to their Circular order of the 23d April last, as
they perceive in the present Calendars one

WB
WH

in two instances of the irregularity of practice therein noticed.

Ordered that extract of these proceedings be sent to the 1st. Judge of the Court of Circuit in the Centre Division for his information and future guidance by precept returnable without delay.

(Sent following precept No. 359)

Read return dated the 4th. Instant from the 3d. Judge on Circuit in the Western Division to precept dated 18th. Ultimo requiring the transmission of the Proceedings in Case No. 1 of the Calendar of the Native Criminal Judge of Canara 1st. Sessions 1832.

(Here enter No. 405)

The Cazee of Cogat and Mosphee of the Zoujdaree Adalut declare in the foregoing finding that the Prisoner is liable to Tazeer only in consequence of the existence of a Shoobah in bar to the adjudgment of the specific penalty for Burglary, and the Court of Zoujdaree Adalut resolve under Clause fourth Section II Regulation XV of 1803 to call upon him to declare by a second finding to what punishment the Prisoner would have been liable under the Mahomedan Law if the said Shoobah had not existed.

Ordered that extract of these Proceedings be translated and delivered to the Cazee of Cogat and Mosphee of the Zoujdaree Adalut.

Read

Read Supplemental return dated 20th. Instant from the Judges of the Provincial Court of Circuit in the Southern Division to precept dated 16th. Ultimo containing the observations of the Zoujdaree Adalut upon the review of Criminal Reports of the Criminal and Joint Criminal Judges for March last.

(Here enter No. 500)

Read return dated the 23d. Instant from the Acting 1st. Judge on Circuit in the Southern Division to precept dated 18th. Instant passing a mitigated sentence of 5 years' imprisonment with hard labor in irons on each of the prisoners in case No. 9 Coimbatore Calendar 1st. Sessions 1832.

(Here enter No. 499)

Read return dated the 22d. Instant from the Acting 1st. Judge on Circuit in the Southern Division to precept dated 4th. Instant calling for a return to the Court's precept of the 30th. March last ordering him to send up further evidence in case No. 8 Combaconum Calendar 1st. Sessions 1832.

(Here enter No. 501)

Read return dated the 25th. Instant from the Provincial Court of Circuit in the Centre Division to precept dated 15th. Instant containing the Court's observations on the Criminal Reports for April last.

(Here enter No. 505)

J. Cl

7th June 1882

E. U.

At a Court of the Poojdaree Udalut.

Present,

Saturday, 7th June, 1882. John Bird Esqre Acting 2nd Puisne Judge
William Duotkyton Esqre Acting Judge.

Read again return dated the 4th Instant from the 3rd Dan Chittia Western Division submitting the record of the trial No 1 of the Calendar of the Native Criminal Judge of Cuttack 1st Sessions 1882.

Vide order No 465/-

Read the second futwa delivered in this case by the Cuzzee ool Coozat and Mooftee of the Poojdaree Udalut.

The Court of Poojdaree Udalut having maturely considered the proceedings held before the Judge on Circuit, the futwa of the Provincial Law Officer, and the futwas of the Cuzzee ool Coozat and Mooftee of the Poojdaree Udalut, confirm the futwas of the Cuzzee ool Coozat and Mooftee aforesaid, convicting the prisoner

Seddy Rattejea

of the crime of burglary, and in mitigation of the punishment of Death awarded in the futwa, they, under the provisions of Clause second Section VI Regulation I of 1825, sentence the prisoner to be imprisoned and kept to hard labor suitable

to

to her sea for the period of two years, and then to be released.

(Sent following letter No. 362)

1.

The Court of Inquiries Malakut having dispensed of this case observe, that they do not discover in the examination of the prisoner by the Native Criminal Judge any ground for the hesitation, expressed by the 3rd Judge in his letter of the 20th April last, as to the conviction of the prisoner.

2.

To the first question put to her, which is perfectly regular in form, the prisoner answered "it is true that I made a hole in the wall of the prosecutor's house and stole his property."

3.

In this answer is contained all that is material of her confession and it is manifest, that it was not obtained "by a process of examination."

4.

With reference to the observation of the Court of Inquiries Malakut in their proceedings of the 18th instant, the 3rd Judge will intimate to the Native Criminal Judge that in the examination of a prisoner it is improper to endeavour to elicit by questions any criminatory details of a transaction confessed, but in the present case, generally, in the first instance.

5.

Had the prisoner's acknowledgment of guilt been obtained by interrogations, such as those which follow her confession in

in this examination, the remarks of the 3rd Judge in his letter of the 20th April would have been apposite, and his dissent from the finding well founded.

Ordered, that extract of these proceedings be sent to the 3rd Judge on Circuit in the Western Division by precept returnable in two days.

(Sent following Precept No. 363)

J. C. M.

At a Court of the Puisne Judicature.

Present,

Wednesday, 4th July, 1832. John Bird Esqre 2nd Puisne Judge.
William Knollerton Esqre 3rd Puisne Judge.

Read Petition presented on the 18th April last, by Chedambaram of the Zillah of Madura.

/Rent enter Misc. Petn. No 50/

The case represented by the Petitioner appears to the Court to be decidedly a Civil one. It is in fact a complaint against an act of the Collector, and the Petitioner if aggrieved should seek his remedy by a Civil action.

2 The petition being upon unstampt paper, is ordered to be returned.

Ordered, that extract of these proceedings be furnished to the Petitioner on his application.

Read Miscellaneous Petition No 52 of 1832 presented by Vennuen and Ryombee of the Zillah of Chittoor.

/Rent enter

1 The Petitioners pray the Court to call for the trial in Case No 1 Chittoor Supplimental Calendar 1st Sessions 1832 and to order the release

7

of the 2nd 3rd 4th and 5th prisoners.

2 The Court of Enquiry Having on examination of the Calendar have thought fit to direct that the trial of this Case be referred for their consideration and final orders.

Ordered, that extract of these proceedings be furnished to the Petitioner on their application.

Read Petition presented on the 25th April by Ramakistnen of the Zillah of Verdachellum.

(Here enter Misc. Petn. No 53)

1 The Petitioner alleges that he has been much maltreated, and robbed by Vanamajee Row and certain others, that in consequence of their influence, he has been unable to obtain redress from the Magistrate. He now prays the Court to Summon the individuals against whom he complains, and to institute an enquiry into the subject of his present Petition.

2. The above petition is an appeal from the decision of the Magistrate, and the Petitioner should apply to the Judge on Circuit.

3. The Petition is accordingly rejected.

Ordered, that extract of these proceedings

proceedings be furnished to the Petitioner on his application.

Read petition presented by Soobarayen of the Malingoor Village in the Southern Division of Arcot, forwarding a petition presented by him to Government, and returned with an endorsement referring him to the Zillah Court.

(Here enter Misc Petn. No 56 of 1882.)

This petition is from the same person and on the same subject with No 25 of 1882. The petitioner is therefore referred to the order passed upon that petition, under date the 22nd February 1882.

Read five petitions presented by Cauvary Ammal, Pauperumal, Vellummal, Ramgutty Pummal, and Vully, all of the Zillah of Chittoor.

(Here enter Misc Petns. No 55, 56, 57, 58 & 59)

The prayer of these Petitions being the same, viz. that the records of the Trials No 5, 6, 7 and 8 of the Chittoor Calendar 1st Quarterly Sessions of 1882 may be called for by the Court of Enquiry Vellatut, and that orders may be issued for the release of the Prisoners, the Court direct that the Petitioners be informed, that the said Records have been laid before them, and that their final sentence has been passed on the prisoners, concerned in those cases.

Ordered

4th July 1832

Ordered, that extract of these proceedings be furnished to the Petitioners on their application.

Roya Ambadoss Mooklyar, Vakil on behalf of Mamah Mozuffer Khan Bahadoor, moves the Court to return the Vakalutnamah filed with Miscellaneous Petition No 74 of 1832.

Ordered accordingly.

J. H.

J. H.

J. H.

At a Court of the Foujdaree Adalut.

Present,

Saturday 7th July 1832. The Honble W. Oliver Esqre Chief Judge.
John Bird Esqre 2d Puisne Judge
William Hudleston Esqre 3d Puisne Judge

Mr Oliver
Mr Hudleston

Read letter dated the 31st Ultimo from the 2d Judge of the Court of Circuit in the Western Division, submitting the record of the trial No 1 on the Additional Malabar Calendar 2d quarter Sessions 1832.

(Here enter No 455.)

The Court of Foujdaree Adalut on a due consideration of the circumstances of the case, being of opinion that the proof against the Prisoner

2d Vannan Coonjamboo

is sufficient to convict him of being a party to the design of murder, require their Law Officers under the provisions of clause second Section II Regulation I of 1818 to declare by a second futwa to what Specific punishment the said Prisoner would have been liable under the Mahomedan Law, if he had been convicted by full legal evidence of the above crime.

Ordered, that extract of these proceedings be translated and delivered to the Cazee-ool Cozat and Mooftees of the Foujdaree Adalut.

Read

4.

7th July 1832.

Mr. Bird & Mr. Huddleston

Read letter, dated the 31st May last, from the Acting Judge late on Circuit in the Western Division submitting the record of the Trial of No 28 Rajahmundry Calendar 2d Sessions 1831.

(Here enter No 495)

The Court of Foujdaree Adaulut having duly considered the circumstances of the case in evidence before them and being of opinion that the proof against the prisoner

Nucka Varadoo

is sufficient to convict him of the crime of culpable homicide, require their Law officers under clause Second Section II Regulation I of 1818 to declare by a second futwa to what Sentence the Prisoner would have been liable under the Mahomedan Law if he had been convicted of the above crime by full legal evidence.

Ordered, that extract of these proceedings be translated and delivered to the Cazee ool Cozat and Mooftee of the Foujdaree Adaulut.

Read letter, dated the 28th February last, from Mr. D. Bannerman Acting Judge on Circuit in the Northern Division, submitting for the consideration of the Foujdaree Adaulut certain circumstances connected with the case of No 19 1st Chicacole Calendar, and suggesting that he may be allowed to consider it a case still to be referred for the final Sentence of the Foujdaree Adaulut.

(Here enter No 174)

Read letter, dated the 25th

7th July 1832

S.R.

Letters from the Provincial Court of Circuit

Letters from the Provincial Court of Circuit in the Southern Division, transmitting Calculations received from the different Authorities on Criminal Reports for the Month last.

(Here enter No 518)

Read Return dated the 29th

Letters from the Judges of the Provincial Court of Circuit in the Southern Division, to precept dated 5th Letters, transmitting copy of a letter from the Medical Board, regarding the Subject of Prisoners being allowed the use of Tobacco &c. while in Jail.

(Here enter No 521)

Read Return, dated the 29th Ultimo from the Judges of the Provincial Court of Circuit in the Southern Division to precept dated 1st June, calling the attention of the Court of Circuit to the provisions of Section II Regulation II of 1822, and desiring that instances where undue Lenities may be allowed to prisoners in calling witnesses, may be noticed in the Courts Reports.

(Here enter No 526)

Read letter dated the 26th Ultimo from the Provincial Court of Circuit in the Southern Division, transmitting the explanations furnished as required in the proceedings of the Provincial Court dated 5th March last, on the Criminal Reports for January 1832.

(Here enter No 527)

Read

7th July 1832.

Read return, dated the 27th Ultimo, from the Provincial Court of Circuit in the Western Division, to precept dated the 9th Ultimo, transmitting Extract from the proceedings of the Toupasse Adalut on the Criminal Reports of the division for April last.-

(Here enter No. 528)

Read letter, dated the 2d Instant from the Acting Judge on Circuit in the Centre Division, reporting his arrival and the commencement of the Sessions at that Station.

(Here enter No. 530.)

Read return, dated the 3d Instant from the Acting 1st Judge on Circuit in the Southern Division, to precept dated 18th Ultimo, directing him to revise his Sentence in case No. 3, Coimbatore Calendar 1st Sessions 1832, so far as regards the 1st prisoner.

(Here enter No. 531.)

Sent.

W. Mk

J. C. M.

J. Cy.

At a Court of the Foujdaree Adalut.

Present,

Monday 9th July 1832

The Honble. W. Oliver, Esqre Chief Judge
John Bird, Esqre 2d Puisne Judge
William Huddleston, Esqre 3d Puisne Judge.

W. Mk

Mr. Oliver
Mr. Huddleston

Read again letter, dated the 31st Ultimo from the 2d Judge of the Court of Circuit in the Western Division, submitting the record of the trial No. 1 on the additional Malabar Calendar 2d quarter Sessions 1832.-

(Here enter No. 455)

Read also second futwa delivered in this case by the Cazee ool Cozzat and Mooftees of the Foujdaree Adalut.-

The Court of Foujdaree Adalut on a deliberate consideration of the circumstances of the case in evidence before them, concurring in opinion that the proof against the prisoner

1st Tecan Coormanny Amboothy

is sufficient to convict him of the crime of wilful murder, and that the proof against the prisoner

2d Vannan Coonjamboo

is sufficient to convict him of the crime of being a party to the design of murder do, under the authority vested in them by clause first Section II Regulation I of 1818, convict the Prisoner,

1st Tecan Coormanny Amboothy

7

9th July 1832.

of the crime of murder and under the provisions of Section X Regulation VIII of 1802, Sentence him to suffer death by being hanged at the usual time and place of execution.

And the Court of Foujdaree Adaulut having according to the provisions of Clause second Section II Regulation I of 1818 acquired from their Law Officers a second futwa in the case of Prisoner,

2d Vannan Conjambo

do, under the sentence of Sudder Adaulut awarded in the same, adjudge the prisoner

2d Vannan Conjambo

to be transported to such place beyond Sea, as the Right Honorable the Governor in Council shall appoint there to be imprisoned and kept to hard labor in irons on the public roads, or other public works for, and during the period of his natural life.

(Sent following letter No 370)

Mr Bird & Mr Huddleston.

Read again letter, dated the 31st May last from the Acting Judge on Circuit in the Northern Division, submitting the record of the trial No 28, Rajahmundry Calendar, 2d Sessions 1831.

(Here enter No 495)

Read the second futwa delivered in this case by the Cazee ool Cozat and Mooftees of the Foujdaree Adaulut.

The

9th July 1832.

The Court of Foujdaree Adaulut having maturely considered the proceedings held before the Court of Circuit, the futwa of the Provincial Law Officer, and the futwa of the Cazee ool Cozat and Mooftees of the Foujdaree Adaulut, confirm the futwa of the Cazee ool Cozat and Mooftees aforesaid, and in commutation of the penalty of deyut declared therein, they Sentence the prisoner

Nucka Veeradoo

to be imprisoned and kept to hard labor in irons on the public roads or other public works, for the period of Seven (7) years, and then to be released.

(Sent following letter No 371)

Mr Bird & Mr Huddleston.

Read letter dated the 16th Instant, from the Acting Judge late on Circuit in the Northern Division, transmitting case No 27, Chicacole Calendar 2d Sessions 1831.

(Here enter No 507)

The Court of Foujdaree Adaulut on a deliberate consideration of the circumstances of the case in evidence before them, concurring in opinion, that the proof against the prisoner,

Ravula Bonamalegadoo

is sufficient to convict him of the crime of wilful murder do, under the authority vested in them by Clause first Section II Regulation I of 1818 convict him thereof, and under the provisions

9th July 1832

provisions of Section X of Regulation VIII of 1802 Sentenced him to suffer death, by being hanged at the usual time and place of execution.-

(Sent following letter No. 372)

Mr. Bird
Mr. Huddleston.

Read letter, dated the 2d Ins. February last, from the Acting Judge on Circuit in the Southern Division, Submitting the record of Trial in case No. 1, on the Supplemental Calendar of the Zilla of Nellore, 1st Sessions 1832.-

(Hereunto No. 482)

The Court of Foujdaree Udalut having maturely considered the proceedings held before the Court of Circuit, the future of the Provincial Law Officer, and the future of the Cazee ool Cozat and Mooftee of the Foujdaree Udalut, confirm such part of the future of the Cazee ool Cozat and Mooftee aforesaid, as regards the prisoner-

2d Lingareddy Linganah,

and they accordingly direct that she be acquitted

But on a deliberate consideration of the circumstances of the case in evidence before them, the Court of Foujdaree Udalut concurring in opinion that the proof against the prisoner

1st Bommareddy Venkaniah

is sufficient to convict her of the crime of wilful murder, under the authority vested in them by Clause first Section II Regulation I of 1818 to convict her of the same, and under the provisions

J. C.
9th July 1832.

provisions of Section X Regulation VIII of 1802 Sentenced her to suffer death by being hanged at the usual time and place of execution.

(Sent following letter No. 373)

The Court direct that the Magistrate may be desired to visit with an adequate penalty the Village Moonsiff's neglect of the provisions of Section XIII Regulation XI of 1816 in the above case.-

No examination of the body was made until the arrival of the head of Police on the third day after the deceased met his death and such was then the State of the body, that no inference could safely be drawn from its appearance.-

Ordered, that extract of these proceedings be sent to the Acting Judge on Circuit in the Northern Division by precept directing him to communicate the same to the Magistrate in the Zilla of Nellore for his information and guidance.-

(Sent following precept No. 374)

Mr. Oliver
Mr. Huddleston.

Read again letter from the Acting 1st Judge on Circuit in the Southern Division, transmitting the record of proceedings in case No. 8 of the Combaconum Calendar 1st Sessions 1832.-

(Hereunto No. 200)

Read also return to precept by the Acting 1st Judge on Circuit in the Southern Division, transmitting further evidence in

Case

9th July 1832

Case No. 8. Combacanum Calendar 1st Session 1832

(Here enter at No. 570.)

The Court of Sessions Beaufort on a deliberate consideration of the circumstances of the case in evidence before them, concurring in opinion, that the proof against the prisoner Columdavalen is sufficient to convict him of the crime of wilful murder do, under the authority vested in them by Clause first Section II Regulation I of 1818 convict him of the same, and under the provisions of Section X Regulation VIII of 1802, sentence him to suffer death by being hanged at the usual time and place of execution.

(Sent following letter No. 375)

Mr. Bird
Mr. Huddleston

Read letter, dated the 2d Instant from the Acting 1st Judge late on Circuit in the Southern Division, submitting English translation of the record of trial of Case No. 12 on the Salem Calendar.

(Here enter at No. 532)

The Court of Sessions Beaufort having maturely considered the evidence adduced on this trial, are of opinion, that there is no reason to doubt that the prisoner having assaulted the deceased, she fell down and instantly expired. These facts they consider were clearly proved by the witnesses for the prosecution, and it therefore appears to them that the Acting 1st Judge ought not to have concurred in the

9th July 1832.

future of the Atoofy, but should have referred the trial for the decision of this Court.

Altho' the prisoner is dead, the Judges of the Sessions Beaufort, under the foregoing view of the case, deem it their duty to point out to the Acting 1st Judge that in their opinion he concurred in the acquittal of the prisoner, when the evidence for the prosecution was amply sufficient to convict him of homicide.

Ordered, that extract of these proceedings be sent to the Acting 1st Judge late on Circuit in the Southern Division for his information and guidance.

(Sent following letter No. 376)

J. M

At a Court of the Toudavee Adalut,

Present,

Wednesday 11th July 1832 } John Bird Esqre Second Puisne Judge

William Huddleston Esqre Third Puisne Judge

Read petition presented by Munnevakum Woonnamala Ammal transmitting, with reference to Toudavee Adalut Proceedings dated the 18th April 1832, copies of an order issued by the First Judge late on Circuit in the Centre Division to the Criminal Judge of Chinglepet, and the return of the Criminal Judge thereto.-

W/ W/6

(Here enter R. D. Nº 60 of 1832.)

1. The Petitioner presented on the 28th March last a petition Nº 43 of 1832, in which she complained of an order issued by the First Judge late on Circuit in the Centre Division to the Criminal Judge of Chinglepet, directing him to re-investigate a case previously dismissed by him and which, she alleged was then pending as a Civil suit before the Supreme Court and that in pursuance of such order, 3 persons had been re-apprehended.-

2. With the abovementioned petition, the Petitioner however did not forward a copy of the order she complained of, and it was consequently rejected.-

On

Regulation quoted by the Acting Criminal Judge is therefore inapplicable.-

Case 55

4 Clause 4th Section III Regulation VII of 1822 is here again erroneously cited. The Provincial Court of Circuit will point out to the Acting Criminal Judge that the Prisoners in this case having been concerned in Burglary and the property stolen by exceeding 100 Rupees he was incompetent to pass sentence on them and should have committed them to take their trial before the Court of Circuit as required by clause second Section II Regulation VII of 1822.

The Acting Criminal Judge however having passed the sentence, the Court of Foujdaree Adaulut will not now disturb it.-

Case 56.

5 The Provincial Court of Circuit will call upon the Acting Criminal Judge to state his reason for passing sentence on the 1st Prisoner in this case under the provisions of clause 4th Section III Regulation VII of 1822. The peculiar circumstances which may bring a case within the above provision of the Regulation should always be specified in the Report.-

Cuddapah Report V Case 13.

6 There is nothing in the Report under review to shew that the case noted in the margin falls under Section II Regulation VII of 1822, and the Criminal Judge under any circumstances has cited clause fourth of that section and Regulation erroneously in support of his sentence. The Court of Foujdaree Adaulut are not of opinion that the entry by scaling a "compound wall" of itself constitutes "breaking". The Provincial Court of Circuit will therefore require the Criminal Judge to explain the grounds of his sentence, and if they should be insufficient to prove

prove that house breaking has been committed, the Provincial Court is authorized to cause the sentence to be amended by the reduction of the term of the Prisoners confinement to the period warranted by Section VII Regulation X of 1816.-

Case 19.

7 The requisition of security from the Prisoners in this case "for good behaviour and to keep the peace" is unauthorized, and the Criminal Judge should be enjoined to amend the order for it. The requisition should be "for good behaviour and appearance when required &c."-

Cumbum Report V Case 4.

8 The charge in this case is unusually vague, and with reference to the entry in the Column "not examined" the Court desire to be informed, why the owner of the stolen property was not required to appear as Prosecutor.-

Case 6.

9 The illegality of the corporal punishment awarded in this case is obvious, and it would have been more satisfactory to the Foujdaree Adaulut if the Provincial Court had noticed the error. The Provincial Court of Circuit will cause this portion of the sentence to be forthwith cancelled, and report in their return whether or not their order to this effect reached the Native Criminal Judge in time to prevent the infliction of the stripes. In pointing out the present instance to the Native Criminal Judge, the Provincial Court of Circuit will caution him against awarding stripes in cases not authorized by the Regulations.-

Chingleput Suppl. Report 103 1831.

10 The Court of Foujdaree Adaulut cannot pass over unnoticed the unaccountable delay in the disposal of this case

awaiting

arising from the non attendance of the parties concerned, at the Criminal Court.-

11 In their Proceedings of the 18th ultimo, the Court desired that the Magistrate might be called upon for an explanation of the application on the part of the Acting Criminal Judge remaining unanswered, and they now direct that if this explanation has not been given on the receipt of the Extract of these Proceedings, the Provincial Court of Circuit will draw his attention to the necessity of its being early communicated particularly in a case of this kind where the Prisoner have been already once before apprehended and discharged.-

Report No 9 12 In their Proceedings of the 18th June last, the Court of Foydarce Westat also advised the Provincial Court of Circuit of the inappropriate entry of the case in the Reports for April which again appears in the Reports now under review, and they now deem it proper to require an explanation of its insertion.-

Case

Ordered that extract of these Proceedings be sent to the Provincial Court of Circuit in the Centre Division for their information and guidance by Receipt returnable without delay.-

Clerk following precepts No 520

Read letter, date the 2nd inst from the Provincial Court of Circuit in the Southern Division, submitting the Report in the form prescribed by Section XIII Regulation X of 1816 for the month of May last.-

Madura Report No V Case 40.

1. Here enter No 520.

The Court of Foydarce Westat agree with the Provincial Court of Circuit in their opinion that the requisition of security, which is in all probability tantamount

tantamount to a sentence of 7 months of imprisonment, ought not to have been issued to the 4th Prisoner in this case, under the circumstances represented in the report under review, and they accordingly resolve to authorize the Provincial Court of Circuit to order the said Prisoner to be released unconditionally if he has not been already discharged on security, and if the Criminal Judge should not have any explanation to offer that may satisfy the Provincial Court of Circuit that his requisition of security from the Prisoner has been well founded.-

2. The Court of Foydarce Westat are at a loss to understand why the 3d and 4th Prisoners were not disposed of by the Criminal Judge, and they await the explanation which the Provincial Court of Circuit have called for.-

3. It is observable that the Criminal Judge has in this instance forwarded two Supplemental Reports. The Provincial Court of Circuit will point out to him that one only is necessary, as all the cases, though of long standing, undisposed of at the date of the previous monthly Report, must be inserted in it.-

Tinnevelly Report No V Case 44.

4. From the tenor of the remarks of the Acting Joint Criminal Judge regarding the first Prisoner in this case, it appears to the Court of Foydarce Westat that his impression is that this Prisoner is guilty and is moreover a very old man and quite paralytic. They therefore deem it proper to direct that the requisition

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requisition of security from him be cancelled, that he be released, if he has not been already discharged.-

Case 45 & 50.

5.

The Acting Criminal Judge was clearly incompetent to dispose of the cases noted in the margin, and the provision of the Regulation Clause fourth section III Regulation VI of 1822 cited by him in the former is not applicable to it. The Court of Foujdaree Adaulut will not however disturb the judgments passed but direct the Provincial Court of Circuit to caution the Acting Joint Criminal Judge to be careful to avoid a similar error in future.-

46.

6

The observation of the Provincial Court of Circuit on this case is appropriate.-

48.

7.

The severity of the sentence in this case is, in the opinion of the Court of Foujdaree Adaulut very great, and they resolve on a due consideration of the circumstances of the case to authorize the Provincial Court of Circuit to require the Acting Joint Criminal Judge to modify it, by remitting the corporal punishment and reducing the term of confinement to which the Prisoner is to be subjected, to 3 (three) months beyond the period as formerly imposed.-

8.

The Court observe that the same detail of evidence appears in the Report under review as in that for last April, in their proceedings upon which on the 25th ultimo they declared it to be unnecessary.-

11th July 1832
Comdaconum
Report V.
Case 103.

9.

The sentence passed on the Prisoner in this case appears exceedingly severe previous however to issuing orders for its revision & correction to the extent proposed by the Provincial Court, the Court of Foujdaree Adaulat direct that they will call upon the Acting Criminal Judge to report the former crimes of the Prisoner and the sentence awarded.-

105

10.

The grounds assigned for the detention in the Calcock of the Prisoner in this case, are by no means satisfactory.

Coimbatore

11.

The Court of Foujdaree Adaulat being of the same opinion as the Provincial Court of Circuit regarding the disproportion of the amount of fine imposed and the term of imprisonment to which the Prisoners are liable in default of payment, resolve to direct them to order the execution of the period of confinement to 3 months.-

Case 59.

Case 73

12.

So also in the Case 73 the Court direct a similar modification of the sentence to 3 months.-

Case 66. 67. 68 & 69.

13.

As the Prisoner in these cases was not convicted of the charges assumed against him in the two latter, the Court consider the punishment adjudged to be illegal, and they accordingly resolve to direct the sentence to be amended by reducing the term of confinement to which the Prisoner is to be subjected to 6 months.-

Ordered, that Extract of these Proceedings be sent to the Provincial

11th July 1872

Provincial Court of Circuit in the Southern Division for their information and guidance by precept returnable without delay.

2nd

/Sent following precept No. 380./

J. M

F. M.

At a Court of the Boydaree Adalut

Friday, 19th July, 1872. Present,

John Bird Esqre 2nd Puisne Judge

William Huddleston Esqre 3rd Puisne Judge

Read return, dated the 2nd July from the 1st Judge of the Provincial Court in the Centre Division, to precept of this Court under date 28th June.

/Here enter No. 522/

The Court observe that in the above return the 1st Judge has lost sight of the instructions contained in the 2nd para of their orders of the 6th September 1870, which direct that "the "substance of the order, contained in "the Extract of the Court Proceedings "accompanying the precept, be recited "in the return." They resolve in consequence to call the attention of the first Judge to the omission in the present instance, and to observe that the order in question may be strictly observed for the future.

Ordered, that [illegible] of the proceedings be transmitted to the 1st Judge of the Provincial [illegible]

the Centre Division for his information and guidance.

(Sent following letter No. 389)

Read letter, dated the 6th Instant, from the acting 1st Judge late on Circuit in the Southern Division, transmitting warrant issued to the Criminal Judge of Salem for the execution of the prisoner in Case No. 1 on the Calendar 1st Sessions 1882.

(Here enter No. 534)

Read letter, dated the 3rd Instant, from the Provincial Court of Circuit in the Northern Division, transmitting copy of the explanation of the Magistrate of Nellore required in Court's Proceedings on the printed Statements for the last half year of 1881.

(Here enter No. 538)

Read return, dated the 6th Instant, from the Judges of the Provincial Court of Circuit in the Centre Division, to precept dated 4th April, with the observations of the Conjeveram Vakeel on the Criminal Reports for February.

(Here enter No. 543)

Read letter, dated the 7th Instant, from the acting 3rd Judge on Circuit in the Southern Division, reporting the

the arrival of the Circuit Court at Madura.

(Here enter No. 546)

Read return, dated the 11th Instant, from the 2nd Judge of the Court of Circuit in the Centre Division, to precept dated 25th ultimo, conveying Conjeveram Vakeel's Proceedings of that date, which contained observations on the Bellary Calendar for the 1st Sessions of 1882.

(Here enter No. 547)

Read return, dated the 6th Instant, from the Provincial Court of Circuit in the Northern Division, to precept dated the 27th April transmitting remarks on the Criminal Reports for February 1882.

(Here enter No. 549)

Read letter, dated the 5th Instant, from the acting Judge of the Court of Circuit in the Northern Division, with copy of Calendar of the Joint Criminal Judge of Masulipatam 2nd Quarterly Sessions 1882.

(Here enter No. 550)

J. M.

At a Court of the Toujdaree Adalut.

Present,

Monday, 16th July, 1832. John Bird Esqre 2nd Puisne Judge

William Ducketton Esqre 3rd Puisne Judge.

Read return, dated the 4th July, from the Provincial Court of Circuit in the Western Division, to precept dated the 14th June, requiring information as to the extent of accommodation for more convicts on the Nurlgherry Hills and the number which could be advantageously employed there.

(Here enter No. 545.)

Ordered, that it appears from the letter of the Officer in charge of the Prisoners, which accompanied the above Return, that accommodation can be afforded for a total number of 100 Prisoners at Potahamund, the Court resolve that the Convicts on the Nurlgherries be increased to that number, from the 1st ult. Instant, and that the Provincial Court in the Western Division be desired in issuing the necessary instructions for carrying this resolution into effect, to direct that those Convicts under sentence for the [illegible] Years

for the purpose.

2. With reference to the observations contained in the 2nd para of Major Crewe's letter, the Court resolve to submit copy of the said letter, together with extract from these Proceedings, to Government, in order that they may judge of the expediency or otherwise of adopting the arrangements therein suggested for augmenting considerably the number of Convicts employed on the Roadgheries.

Ordered, that extract of these Proceedings be sent to the Provincial Court in the Western Division, by precept returnable in three days delay.

(Sent following Precept No 387)

Ordered also, that copy of the foregoing letter with extract of these proceedings be transmitted to the Chief Secretary for the purpose of being laid before the Right Honorable the Governor in Council.

(Sent following Letter No 388)

Read letter, dated the 29th ultimo, from the Provincial Court of Circuit in the Northern Division, submitting the Reports in the form prescribed by the: tion XXXV Regulation X of 1816, for the Month of May last.

(Here enter No 39)

1. The only observations which the Court of Eyre and Terminer deem to record

record on the above reports, are upon the cases 4 and 9 of the Chittagong Reports No 1.

In the former of these cases, it is not clear upon what evidence the first Prisoner was committed. The Provincial Court of Circuit will therefore call upon the acting Criminal Judge to explain, whether there was any thing against the said Prisoner except proof of his confession before the Police Officer. In the latter, the Prisoner has been committed for Trial on a charge of having "while he was confined in Jail counterfeited and uttered several pieces of coin in imitation of Madras Rupees." It appears to the Court of Eyre and Terminer to be extraordinary that such an offence should be committed in Jail, if the Prisoners, as they ought to be, are daily searched, and if they are properly watched and superintended. The Provincial Court of Circuit will accordingly require the acting Criminal Judge to explain the circumstance.

Ordered, that extract of these proceedings be sent to the Provincial Court of Circuit in the Northern Division for their information and guidance by precept, returnable without delay.

(Sent following Precept No 389)

Read

16th July 1882.

Read letter, dated the 2nd Instant, from the 2nd Judge of the Court of Circuit in the Western Division, submitting copies of the Calendars for the 2nd Quarter Sessions of 1882.

(Here enter No 551.)

Read letter, dated the 11th Instant, from the 2nd Judge of the Court of Circuit in the Centre Division, with a returned warrant for the execution of the prisoner in Case No 2, Second Supplemental Calendar, 4th Quarterly Sessions 1877.

(Here enter No 552.)

Read letter, dated the 29th ultimo, from the Acting 1st Judge on Circuit in the Southern Division, recommending mitigation of punishment in favor of the 1st and 2nd Prisoners in No 10 Salem Calendar 1st Sessions 1882.

(Here enter No 553.)

The Court of Exchequer this day upon mature consideration of the circumstances of the case as represented in the above letter and in the Calendar, are of opinion that the sentence of three years imprisonment with hard labor imposed in the Calendar by the Acting 1st Judge to be undergone by the Prisoners is too lenient. The Court accordingly resolve to direct that the Prisoners named

16th July, 1882.

Opelia Bungum
and
Polla Bammum,

be imprisoned and kept to hard labour in Irons on the public roads or other public works, for the period of [5] five years.

The Court desire that the Acting 1st Judge be informed, that under Clause second Section III Regulation I of 1875, he should have proposed a specific sentence in his letter, and not left the Court of Exchequer Master to such his opinion in the Calendar.

Ordered, that extract of these Proceedings be sent to the Acting 1st Judge in the Southern Division for his information and guidance by precept returnable without delay.

(Sent following Precept No 999)

At a Court of the Foujdaree Udalut.

Present,

Tuesday 17th July 1832

John Bird Esqr. Second Puisne Judge.

William Hudleston Esqr. Third Puisne Judge.

Read letter, dated 25th Ultimo, from the Acting First Judge on Circuit in the Southern Division, submitting Case No. 2 Salem Calendar 1st Sessions 1832, called for by precept

WS
WM

/ Here enter No. 516. /

The Court of Foujdaree Udalut on a deliberate consideration of the circumstances of the case in evidence before them, concurring in opinion that the proof against the Prisoners,

1st Narrainey,
2d Ramnandoo,
3d Ramoojuloo,
4th Sidalala,
5th Sumooammoo,
6th Suddooraka,
7th Sayramooden,
8th Sooma,
and
9th Vencatrama,

is sufficient for their conviction of the crime of Gang robbery attended with Murder, do, under the authority vested in them by clause first Section II Regulation I of 1818 convict them of the same, and under the provisions of clauses first and fifth Section IV Regulation XV of 1803, sentence them to receive each 195 stripes with a Cat-o-nine tails.

tails and to be transported to such place or places beyond Sea, as the Right Honble the Governor in Council shall appoint, there to be imprisond and kept to hard labor in iron on the public roads or other public works, for and during the period of their natural lives.-

1 The Court of Foujdaree Adalut are wholly unable to account for the hesitation expressed by the Acting 1st Judge in his letter, accompanying this trial, in respect to the sufficiency of proof, that the deceased, Deegan, died of the wounds, which he received upon the occasion of the robbery: in the opinion of the Court of Foujdaree Adalut no fact can be more clearly established.-

2 But admitting, that there had been any valid ground for a doubt on that point, the Court of Foujdaree Adalut cannot understand upon what principle of construction, the Acting 1st Judge could have imagined, that the case fell within the scope of the provisions of Clause third Section IV Regulation XV of 1803.-

3 The late Circular order of the Foujdaree Adalut respecting the construction of Clause second of that section will, it is expected, prevent the recurrence of such an error.-

4 The Court have in their proceedings of the 28th May last pointed out the impropriety of the second question, put in this case to the Mohummedan Law Officer.-

5 The plea of the prisoners to the arraignment

17th July 1832 arraignment before the Court of Circuit is recorded collectively in the first person plural.-

6 This is an irregularity which the Acting 1st Judge will be careful to avoid in future: the plea of each prisoner must be recorded separately, as delivered by them.-

7 In conclusion the Court remark, that the examination of the attesting witnesses to the declarations of the prisoners before the Head of Police was conducted by the Acting 1st Judge in a very slovenly and unsatisfactory manner. There is nothing on the record to shew how many or what particular declarations were deposed to by these witnesses on the trial before the Court of Circuit.-

Ordered, that extract of these proceedings be sent to the Acting First Judge on Circuit in the Southern Division for his information and future guidance.

/Sent following letter No. 391/

Read again letter, dated 2d ultimo, from the Acting Judge late on Circuit in the Northern Division, submitting case No. 9, Chicacole Calendar 2d Sessions 1831.-

/Now enter No. 506./

Read the second futwa delivered in this case by the Cazee ool Coozat and Mooftee of the Foujdaree Adalut.-

The Court of Foujdaree Adalut having maturely considered the proceedings held before the Court of Circuit, the futwa of the Mooneial Law Officer, and the futwas

17 17th July 1832

futwas of the Cazee-ool Coozat and Mooftees of the Foujdaree Uoatut, confirm the futwas of the Cazee-ool Coozat and Mooftees aforesaid, and under the sentence of Ookoobut thereon awarded, adjudge the prisoners

1st Dundapee Hokeeleya,
2d Dundapee Kunnd,
and
3d Dundapee Mohunkoleya,

to be imprisoned and kept to hard labor in irons, on the public roads or on other public works, for and during the period of six (6) months, and then to be released.-

(Sent following letter No. 392)

J. C. M

Sd/ W. M.

W. M.

f. 16.

At a Court of the Foujdaree Uoatut.

Present.

Wednesday 18th July 1832. John Bird Esqr. 2nd Puisne Judge
William Braddyll Esqr. 3rd Puisne Judge

Read Petition presented on the 11th July by Cheedumbaram of Madura.

(Here enter Misc. Petn. No. 62 of 1832)

There is nothing stated in this Petition to induce the Court of Foujdaree Uoatut to rescind or alter the order passed on his former Petition, under date the 4th Instant, to which the Petitioner is referred.

Ordered, that extract of these proceedings be furnished to the Petitioner on his application.

Woonamaly Unnial moves the Court to return the enclosures in her Miscellaneous Petitions No. 43 and 60 of 1832.

Ordered accordingly.

Read letter, dated the 6th Instant, from the Second Judge of the Court of Circuit in the Western Division, reporting on the 2nd Quarter Sessions of Sail Dalwoy at Tellicherry for 1832.

(Here enter No. 536)

The foregoing report contains nothing which requires observation from the Court of Foujdaree Uoatut.

Ordered, that copy of the report

with extract of these proceedings be sent to the Acting Chief Secretary to Government for the purpose of being laid before the Right Honorable the Governor in Council.

(Sent following letter No 393)

Read letter, dated the 29th ultimo, from the Provincial Court of Circuit in the Western Division, submitting the Reports in the forms prescribed by Section XXXV Regulation X of 1816.

(Here enter No 537)

Cumara Supt Report Case 53.

With reference to the remark of the Criminal Judge "the proof against these Prisoners resting entirely on confessions before the Patails and Village Police Officers which it was clear had been improperly obtained" the Court of Pungdaree Utahut resolve to direct the unconditional release of the 1st, 2nd, 3rd, 4th and 5th Prisoners in this case, if they have not been already discharged, and that the order requiring their security be cancelled.

Amritsar Report 5.

2. The Court consider the abstract of evidence into which the Acting Joint Criminal Judge has entered in this report to be unnecessary, and the Provincial Court of Circuit will instruct him to insert in future a concise, but distinct abstract of it.

Code 39.

3. With reference to the return

of the Acting Joint Criminal Judge to the Precept of the Provincial Court, the Court of Pungdaree Utahut deem it proper to call for further explanation. The Provincial Court of Circuit will therefore ascertain if there were no Witnesses to the charge in the case in question and if so, to cause the Magistrate to obtain from the Police Officer the grounds for his forwarding the charge.

4. In the Statement of the Labour of Convicts, the Acting Joint Criminal Judge has made the entry in Column 11 in black instead of Red Ink, as required by the Circular Order of 19th January 1831. The Provincial Court will point the error out to him in order that he may avoid it in future.

Malabar Supt Report Case 108

5. The same remark and order apply to the Statement forwarded by the Criminal Judge of Malabar.

6. The Court conclude that the Prisoner in this case was convicted of the charge specified in the Calendar tho' the Criminal Judge has omitted to notify it.

Ameer Court Report 4 Case 12.

7. The Court of Pungdaree Utahut are not of opinion that the sentence of corporal punishment passed on the Prisoner in this case is legal and there-

18th July 1832

they accordingly direct the Provincial Court of Circuit to cause it to be remitted. The Draft of a Regulation under which the offence of which the Prisoner has been convicted, will be declared punishable is now before the Government.

Ordered, that extract of these Proceedings be sent to the Provincial Court of Circuit in the Western Division for their information and guidance by Precept, returnable without delay.

(Sent following Precept No 394)

Read return by the Provincial Court of Circuit of the Central Division dated the 9th Instant, to the Precept of this Court of the 28th March last, conveying the observations of the Tanjalore Adalut on the Criminal Reports of the Centre Division for January last.

(Here enter No 542)

1. The Court of Tanjalore Adalut observe that the Joint Criminal Judge of Cuddalore in his return to the Precept of the Provincial Court of Circuit re-quiring him to explain in obedience to the orders of this Court, "the difference between the charge and the proved" * states that he believes the meaning of the Tanjalore Adalut to be that the

* in No 13 of the Report for Dec: 1831.

18th July 1832

the possession of property by the Prisoner, sworn by the Prosecutor to have been stolen "under given circumstances ought to have led him to have assumed those circumstances "and to have committed the Prisoner."

2. It does not appear to the Court of Tanjalore Adalut that there is any ambiguity in the expressions used in the Proceedings in question. If there was no evidence to prove the charge to the extent laid by the Prosecutor, the Prisoner could not be convicted of the aggravated crime. Their surprise was excited by the fact that such a charge should have been made without any evidence to support it.

3. The Circular Order of the Tanjalore Adalut of the 4th July 1826 points out that when "the crime for which a party may be punished differs from that which he is originally charged" a note of the circumstance should be entered in the Column of the Criminal Report exhibiting the punishment, and the Provincial Court will direct the attention of the Joint Criminal Judge at Cuddalore to this error for his future guidance in similar cases.

4 The Court of Tanjalore Adalut in

in conclusion deem it proper to call upon the Provincial Court of Circuit to explain the cause of the delay observable in their return to the above precept, and the requisite communications of the Subordinate officers appear to have been made to them in the month of April last.

Ordered, that extract of these proceedings be sent to the Provincial Court of Circuit in the Centre Division for their information and guidance by precept, returnable without delay.

(Sent following Precept No. 395)

Read return, dated the 7th Instant, from the Provincial Court of Circuit in the Northern Division, to precept dated 18th May, with remarks on the Criminal Reports for March.

(Here enter No. 563.)

Read letter, dated the 12th Instant from the Acting 2nd Judge on Circuit in the Southern Division - reporting the opening of the 2nd Sessions 1882 at Simcoe on the 13th Proximo.

(Here enter No. 566.)

Read return, dated the 5th Instant, from the Provincial Court of Circuit in the Northern Division, to precept dated 5th June, directing that the prohibition

of Tobacco Leaf in Gaol, be never enforced in opposition to the opinion of the Medical officer.

(Here enter No. 569.)

Read return, dated the 5th Instant, from the Provincial Court of Circuit in the Northern Division, to precept dated 1st June, calling the attention of the Criminal Judges to Section II Regulation II of 1882.

(Here enter No. 570.)

Read return, dated the 10th Instant, from the 2nd Judge late on Circuit in the Western Division, to precept dated 30th June directing that an intimation should be made to the Native Criminal Judge of Canara, regarding the mode of examining prisoners.

(Here enter No. 573.)

J. H

At a Court of the Toujdara Adalut,

Present,

Friday, - - -
20th July 1832. } John Bird Esqr. - - - Second Puisne Judge
William Hudleston Esqr. Third Puisne Judge

Read Letter, dated the 25th February last, and received on the 17th Instant from the Acting Judge on Circuit in the Northern Division, recommending a mitigation of the punishment, prescribed by the provisions of section III Regulation VI of 1811, in Case No 7 Hellow Calendar 5th Sessions of 1832.-

(Here enter No 574 of 1832.)

1 The prisoner in this case was tried for perjury, under the provisions of Regulation III of 1826, he having given before the Assistant Criminal Judge two contradictory depositions when examined on the 7th and 8th October 1831.-

2 It is explained by the Acting Judge on Circuit, that the prisoner was in all probability influenced by fear in giving the former of the two depositions in question; and there does not appear to be any reason for calling in question the truth of the latter.-

3 For conviction of Perjury under clause first section VI. Regulation III of 1826 it is essential, that each of the depositions, therein mentioned shall be "wilfully and deliberately" given: and it appears to the Court of Foujdara Adalut, that

that under the circumstances stated in the foregoing letter, that character cannot in strictness be applied to the prisoners de: position of the 4th October.-

4 It appears indeed to the Court of Foujdaree Adalut on perusal of the proceedings in Case No. 10 of the Calendar, that nothing could have been more ill judged, than the commitment of this person for perjury. Without his testimony the Court do not consider, that there were sufficient grounds for committing the prisoners in that case, with it they might have been convicted; and referring to the evidence given before the Court of Circuit by Ronda Coobareddy the 8th witness in Case No. 10, it appears clear that Salagala Poda Veerados gave his evidence under an appre: hension of bad consequences to himself which might result from it, and that the conduct of the Tahsildar towards him was such as to confirm that apprehension.

5 The Court of Foujdaree Adalut resolve therefore, to direct the immediate release of the prisoner, "Salagala Podda "Veeradoo."

6 The Acting Judge has in his letter irregularly omitted to give the name of the prisoner, and his letter written on the 27th February last was not dispatched until the 6th Instant.-

7 Of this last circumstance the Court of Foujdaree Adalut deem it necessary to require an explanation. In their opinion there can be no sufficient ground for

refusing the submission of an application of this description beyond a few days after the conclusion of the trial.-

Ordered, that Extract of these proceedings be sent to the Acting Judge on Circuit in the Northern Division by precept returnable in five days from and after its' receipt.-

/Sent following precept Rec'd/

The record of the Trial No. 2 of the 1st Quarterly Sessions at Masulipatam which took place on the 19th March last and is under reference not having been received.-

Ordered, that the Acting Judge of the Provincial Court of Circuit in the Northern Division be required to transmit the same without delay, and to shew cause why it has not been sooner forwarded.

Receipt returnable in 10 days from and after its receipt.-

/Sent following precept Rec'd/

Read letter from the 2d Judge of the Court of Circuit for the Centre Division, transmitting copy of the Cuddalore Calendar for the first Sessions of 1832.-

/Item entered No. 356./

No 1 The Court of Foujdaree Adalut observe that it did not fall within the province of the Law Officer to discuss as he has done in the latter part of his Futwah in this case, the question of the legality or otherwise of the Prisoners escape. All that was required of him was to pronounce on whether the Prisoner was convicted of escape or not. The Second Judge will be pleased to communicate this remark to the Law officer for his information and guidance.-

No 2 2. By the abstract of the evidence in

in this case, shews that a certain degree of violence was used towards the Prosecutor, the Second Judge should, in accordance with the instructions contained in the 6th para of the Counts' Circular order of the 15th of May last, have specified in the column of remarks, the precise degree of injury proved on the trial to have been inflicted.-

4 3. The Prisoner in this case was also charged with Burglary in another case

9 WG, and the Court of Foujdaree Adalut are of opinion that under the circumstance the Joint Criminal Judge did perfectly right in committing him, and that the Second Judge was not justified in returning the cases.-

10 4 It appears to the Court of Foujdaree Adalut questionable whether the evidence against the Prisoners in this case, was sufficient to warrant their conviction, and they in consequence, desire that the sentences which have been passed upon them be suspended, and the trial repened for their consideration and orders. The 2d Judge will be pleased to transmit translations of the Proceedings in the case in English and Persian, as early as practicable.-

12, 13, 14, 15 & 16. 5 The Second Judge will call upon the Joint Criminal Judge to shew cause why the witnesses for the defence in the several cases which have been postponed, were not in attendance at the Sessions.-

Ordered, that Extract of these Proceedings be sent to the Second Judge of the Court of Circuit in the Centre Division by precept returnable in one month from and after its receipt.-

Sent following precept No. 1404

Read

F.C.
20th July 1832

Read letter, dated the 11th Instant, from the First Judge of the Court of Circuit in the Centre Division, transmitting Copy of the 2d Supplemental Calendar of the 2d Quarterly Sessions at Chittoor for 1832.-

(Here enter No. 659 B)

No. 3 In this case the Law Officers and the Presiding Judge acquit the Prisoners of any crime and the Judge does not appear to consider them liable even to suspicion. There is nothing in the Regulations which gives him authority to require from them security to keep the peace, and even if there were, there does not appear to have been any occasion for its exercise. The Court of Foujdaree Adalut in consequence direct that the order passed by the First Judge in this case, requiring each of the Prisoners to produce two sureties, each in the sum of Rs. fifty Rupees be recalled.-

Ordered, that Extract of these proceedings be transmitted to the First Judge of the Court of Circuit in the Centre Division by precept returnable in one week from and after its receipt.-

(Sent following precept No. 1405)

Read letter dated the 17th Instant from the Provincial Court of Circuit in the Southern Division, transmitting the explanations received from the several authorities on the Criminal Reports for April last as required from them by the Provincial Court of Circuit in their proceedings upon the said Reports.-

(Here enter No. 557)

With reference to the return of the Acting Joint Criminal Judge of Tinnevelly explanatory of his proceedings in

20th July 1832

guidance by precept returnable without delay.-

Sent following precept No 406

Read letter, dated 6th Instant from the Provincial Court of Circuit in the Southern Division, transmitting copy of a return received from the Saint Criminal Judge of Madura under date the 6th July 1832

//Vere enter No 553.//

Read letter, dated 16th Instant from the Second Judge on Circuit in the Northern Division, reporting his arrival at Nellore.-

//Vere enter No 584.//

Read letter, dated 24th Ultimo from the Provincial Court of Circuit in the Northern Division, transmitting the explanation called for in Courts Pro= =ceedings dated 2d May last, on the Criminal reports for March 1832.-

//Vere enter No 525//

Read return, dated 6th Instant from the Provincial Court of Circuit in the Northern Division, to precept dated 30th April, transmitting proceedings on the printed statements ending June 1831 and forwarding copies of returns from the Magistrates of Vizagapatam and Masuli= =patam.-

//Vere enter No 568.//

20th July 1832

9

in the case No 40 of the Report No V, the Court of Foujdaree Adalut deem it proper to direct the Provincial Court of Circuit to point his attention to the Circular Order of 6th April 1830, and to the first part of clause first Section III Regulation XV of 1803 for his future guidance in similar cases.-

2 The Court of Foujdaree Adalut on due consideration of the explanation submitted by the Acting Criminal Judge of Combaconum, are of opinion that the order of that officer requiring security from the Prisoner in case 89 need not be disturbed, and direct that the Provincial Court of Circuit will issue instructions to that effect.-

3 The Provincial Court of Circuit in Para 25 of their Proceedings called upon the Magistrate of Salem to report the nature of the office held by the Officer designated Police Shenistadar who examined the case No 85 of the Report V. The Magistrate in his return states that the Tahsildar "being absent the Police Shenistadar who "officiates in his absence closed the examin= "nation viz. The Provincial Court will require the Magistrate to explain whether the Shenistadar on such occasions is appointed specially to perform the duties of a Police officer, as he is not otherwise authorized to act in that capacity.-

Ordered, that Extract of these Proceedings be sent to the Provin= =cial Court of Circuit in the Southern Division for their information and guidance

in this case, shews that a certain degree of

P. 16.

At a Court of the Foujdaree Udalut.

Present

Monday 23d July 1832. John Bird Esqre 2d Puisne Judge

William Hudleston Esqre 3d Puisne Judge

Read letter, dated the 16th Instant,

from the Acting 3d Judge on Circuit in the

Southern Division, recommending a mitigation

of punishment in case No 20 Madura Calendar

2d Sessions of 1832.

(Here enter No 582 of 1832)

1 The Acting 3d Judge, in the foregoing letter, states that the reference is made under the provisions of Section IV Regulation I of 1825; but the case as described by him is one of robbery by open violence, and therefore fall under the provisions of Section IV Regulation XII of 1803.

2 Under these circumstances it was proper to make a reference without the requisition of a second sentence, and the Court of Foujdaree Udalut will treat the case, as having been referred under the provisions of clause second Section III Regulation I of 1825.

3 And under the circumstances stated by the Acting 3d Judge, the Court approve of the proposed sentence of 3 years'

imprisonment

23d. July 1832.

that a certain sentence

imprisonment upon the prisoners

1st. Savadee and

2d. Mookoopoory

4

Had the case fallen, as the 3d Judge appears to have thought, within the scope of the provisions of clause first Section V Regulation XV of 1803, it would have been incumbent upon him to require a second futwa from the Law Officer, under clause fourth Section II of that Regulation: and it is to be remarked, that Section IV Regulation I of 1825, quoted by the Acting 3d Judge is applicable exclusively to cases, in which a futwa of Hudd has been given.-

Ordered, that extract of these proceedings be sent to the Acting 3d Judge on Circuit in the Southern Division for his information and future guidance.-

(Sent following letter No. 408)

Read again report, dated the 13th instant, from the Acting Judge of the Court of Circuit in the Centre Division on the 1st Quarter Sessions of 1832.

(Here enter No. 371)

4th para 1

The Acting Judge states his opinion that the permanent Sessions introduced at the Sudr Stations, "does not meet with that ground "satisfaction and benefit contemplated by "the framers of that new system." The principal cause assigned for this dissatisfaction

is

23d. July 1832

is the detention, to which Prosecutors and Witnesses are exposed, whilst English translations of the cases in which they are concerned, are in the course of preparation for the Circuit Court. The Court of Foujdaree Adalut think that in most cases the Judge presiding at the Sessions might dispense with translations and require them only when it becomes necessary to refer a trial to the Court, which would tend greatly to obviate the delay complained of. The Court observe that if a Criminal Judge were obliged to wait for translations of the Proceedings before the officers of Police before entering upon a case, the business of the Criminal Courts would naturally be most materially impeded, and they see no reason why the Courts of Circuit should not in this respect follow the practice which obtains in the lower Courts.-

8th 2 With reference to the remarks contained in the 5th para of his report, the Court desire that the Acting Judge will furnish them with further explanation relating to the alleged inadequacy of the amount of Batta allowed to persons in attendance on the Courts. The Court believe that the lowest amount of Batta that is granted is one Anna per diem, which they presume is amply sufficient to furnish

at

at least one meal.—

11th 3 With respect to the Acting Judge's observations relative to the employment of Indo Britons as Translators, the Court have only to remark, that the selection of their Translators is left entirely to the Courts of Appeal and Circuit and it is competent to them to employ persons of this description, should they deem it proper.

15th 4 The Judges conclude that the case which the Acting Judge has described in the 15th para of his Report, is one of mere supposition; as they can hardly imagine, that if a single instance of such a apathetic neglect of duty, was brought to the notice of the Magistrate, the parties would any longer be retained in the public service.—

17 & 21 5 The Court of Foujdaree Adalut do not concur with the Acting Judge in the remarks contained in this para, expressive of the necessity and utility of an enactment authorizing Judges of Circuit to award more lenient punishment for offences than is prescribed by the Law as it at present stands. Such an enactment might no doubt save some trouble, but experience has shewn that it is open to serious objections in other respects. Numerous instances are on record in which Judges have imposed punishments totally inadequate to the offence, and in which accordingly the Foujdaree Adalut have had to reverse the authority now properly vested in them by the Law.

The

F. G.

23d July 1832. 6. The Court think that the extension

22. of the powers of Criminal Judges proposed in this para, supposing it to be unobjectionable, would tend but little to relieve the Courts of Circuit, inasmuch as but few cases of the kind referred to, appear in the Calendars.—

Ordered, that Extract of these proceedings with a copy of the Report be sent to the Acting Chief Secretary to Government for the purpose of being laid before the Right Honble the Governor in Council.

54. (Sent following letter No. 409.)

Ordered also that Extract of these proceedings be sent to the Acting Judge of the Court of Circuit in the Centre Division, for his information and guidance.

(Sent following letter No. 410.)

Read letter, dated the 29th Ultimo, from the Acting 1st Judge on Circuit in the Southern Division, transmitting the Record of Proceedings in case No. 11 of the Salem Calendar 1st Sessions 1832.—

(Here enter No. 523)

The prisoner

3d Marooda naigon

was released by order of the Judge on Circuit.

The Court of Foujdaree Adalut having maturely considered the proceedings held before the Judge on Circuit, the future of the Provincial Law Officer, and the future of the Cazee cool Cozat and Mooftees of the

23d July 1832

the Jury[illegible] Acquit of the Cogat and Moorfiee aforesaid,
as acquits the prisoners

2d Chinnatomby Pillay
4th Pulla Bomen and
5th Voopaly Rungun

of the crime of highway robbery charged against
them, but considering that strong suspicion
though not amounting to conviction attached
to the Prisoner

2d Chinnatomby Pillay

they under clause Sixth Section II Regulation XV
of 1803 direct that he be required to find Security
in two Sureties of 15 Rupees each for his good
behaviour and appearance when required within
six months, or in default thereof, that he be
detained for that period in confinement.-

The prisoners
4th Pulla Bomen
and
5th Voopaly Rungun
are sentenced in No. 10.-

And the Court of Sessions being
being in opinion that the prisoner
1st Palaney
is not convicted on presumptive proof or on
the evidence of credible witnesses or on his own
confession of the crime of [illegible] joint to the
design of highway robbery, notwithstanding
the future of their Law Officers acquit him of the
same, but considering that suspicion attaches
to him, the Court under clause Sixth Section
Regulation

23d July 1832.

Regulation XV of 1803 direct that he be required to
find Security in two Sureties of fifteen Rupees
each for his good behaviour and appearance when
required within six Months, or in default thereof, that
that he be detained for that period in confinement.-

The 1st prisoner in this case de-
livered before the Head of Police a declaration,
acknowledged by him before the Criminal Judge,
which contained a confession that he was privy
to the design of robbing the prosecutor: but his
declaration before the Criminal Judge was alone
proved on the trial.-

The Court of Sessions directed
direct the acting 1st Judge to observe, that when
a prisoner admits before the Criminal Judge a
confession before the Police Officer, that
confession must be read at the trial, in order
to its being available against the party who
made it.-

Ordered, that Extract of these
proceedings be sent to the acting 1st Judge late on
Circuit in the Southern Division for his
information and future guidance.-

(Sent following letter No 411.)

J. M

Read return dated the 15th Instant from
the Provl Court of Circuit in the W. Dn to precept of the 7th
dated 6th Instant directing that each charge of perjury be
made a seperate number in the Calendar for each individual
charged with that Crime.-

(Here enter No 687)

At a Court of the Foujdaree Adalut.

Present

Wednesday 25th July 1832.

John Bird Esqre 2d Puisne Judge

William Hudleston Esqre 3d Puisne Judge.

Read Petition presented by

Ms 111 Teeroomal Iyengar, Brother in law of Vencatakrist-
-na Iyengar the 1st Prisoner, and Goomashta
of Appien the 2d Prisoner, in case No 22 of the
Salem Calendar of the 1st Sessions of 1832.

(Vide enter M.C. No 263 of 1832)

The Petitioner complains of the
Sentence passed by the Acting First Judge on the
prisoners in the above case, and prays that the
Foujdaree Adalut will call for the trial and
proceedings for their release.

The Petitioner is informed that
the trial in question has already been under
the consideration of the Court of Foujdaree Adalut,
and that orders will be passed on it at a future
period.

Ordered, that extract of these
proceedings be furnished to the Petitioner on
his application.

Read petition presented by
Coothy Ammaul complaining of the Sentence
passed by the 2d Judge late on Circuit in
the Centre Division on her son, Ireden, the
prisoner in case No 6 of the Cuddalore Calendar

of

25th July 1832. of the 1st Session of 1832.

(Here enter M.P. No. 67 of 1832)

There is no appeal from the sentence of the Court of Circuit, nor do the Court of Kingston see any reason to question the correctness of the conviction in the case in question.—

The Petition is therefore rejected.—

Ordered, that a Extract from these Proceedings be furnished to the Petitioner on application.—

J. M.

Jas Mc

Ex. 46.

In the Court of the Kingstown District.

Present,

Friday, 27th July 1832. John Bird Esqre 2nd Puisne Judge
William Huddleston Esqre 3rd Puisne Judge

Read return, dated the 20th by the Provincial Court of Circuit in the Central Division, to the Precept of the 18th Instant, requiring them to explain the cause of their having delayed till the 9th Instant to forward the explanations of the Subordinate Courts relative to the Criminal Reports for January last, which it appeared had been received by the Provincial Court of Circuit in the month of April.

Jas Mc

(Here enter No 590)

1 From the above return it appears that the delay in question arose from an oversight in not forwarding the required explanations before the adjournment of the Provincial Court of Circuit and from the supposition that they could not be transmitted during the recess.

2 The Kingstown District deem it proper to point out to the Provincial Court of Circuit, that the adjournment of their Court forms no bar to the submission of such explanations on their

receipt

receipt of them.

Ordered, that extract of these proceedings be sent to the Provincial Court of Circuit in the Centre Division for their information and future guidance.

(Sent following letter No. 139).

Read letter from the Acting Judge on Circuit in the Northern Division, transmitting copy of the Chicacole Calendar for the 1st Session 1882.

(Here enter No. 5476)

No. 1. The Court of Enquiries do admit observe that it would have been more correct and satisfactory, had the Acting Judge in this case stated the extent to which the charge was proved. It would appear from the abstract of the evidence that many of the acts detailed by the Prosecutor were not proved by the Witnesses, and the Court are in consequence led to conclude that the punishment awarded is in all probability commensurate with the offence.

5. 2. The Court of Enquiries do not concur in or approve of the sentence in this case, as it appears to them that in addition to his confession before the Police, the evidence of the 6th and 7th Witnesses was amply sufficient for the conviction of the first Prisoner. They will not however now disturb the sentence which has been passed.

The

No. 7 3 The Acting Judge should in this case have explained in what respect the matter of fact contradictorily deposed to, was material to the issue of the charge to which it relates. The Court desire that this information may be furnished to them by the Acting Judge.

18. 4. It appears to the Court of Enquiries doubt that more evidence might and ought to have been called for and obtained in this case. It is quite clear that had other Witnesses been produced to prove the facts of the property having been delivered up by the two first Prisoners and that that property belonged to the Prodiventor those two Prisoners would have been convicted.

22. 5. The Court presume from the leniency of the sentence in this case, that the Acting Judge took into consideration the fact of the Prisoner having been first struck by the Prodventor Vencatarum. It would however have been more satisfactory and regular had the Acting Judge alluded to the circumstance in his remarks on the case.

23. 6. The Court of Enquiries doubt have already called for an explanation of the extraordinary circumstances referred to in the remarks on this case in their proceedings of the 16th Instant.

ordered

27th July 1882.

Ordered, that extract from these proceedings be transmitted to the Acting Judge on Circuit in the Northern Division by precipt, returnable in one week from and after its receipt.

(And following Precipt No 423)

Read letter, dated the 20th instant, from the 2nd Judge on Circuit in the Central Division, submitting English translation of the proceedings in case No 21 Andapah Calendar for Sessions of 1882, called for under date the 27th April last.

(Here enter No 593 of 1882)

1. The Court of Inquiry after having attentively considered the above proceedings, are utterly at a loss to account for the 2nd Judge's concurrence in the finding, which declared sufficient only to attach to the prisoner.

2. In the opinion of this Court the prisoner was clearly convicted by the testimony of the prosecutor and his witnesses.

3. With reference to the provision of Clause first Section II Regulation VI of 1829, the Law Officer should have been directed to declare to what sentence the prisoner would have been liable had

27th July 1882. had the evidence of the prosecutor been admissible under the Mahummedan Law in which case there can be no doubt, that a finding of conviction would have been given.

Ordered, that extract of these proceedings be sent to the 2nd Judge on Circuit in the Central Division for his information and future guidance.

(And following letter No 424)

The Court of Inquiry having stated reason to believe, that notwithstanding their circular orders of the 25th February 1879, it is the practice of certain of the Judges of Circuit to confirm findings, rejecting as inadmissible the testimony of prosecutors in cases when that testimony is strictly criminatory of the accused.

2. Since the circulation of the orders above mentioned Regulation VI of 1829 has been enacted, and it is the express object of the provisions of Clause first Section II of that Regulation, that such testimony by prosecutors should receive the weight to which, on the principles of the English Law of evidence, it is entitled.

3. The Court of Inquiry have deem it proper therefore, with reference to Clause first Section II Regulation VI of 1829 and Section VIII Regulation I of 1829, to direct that the Judges of Circuit do

regard

require a second sentence in all cases, in which material evidence given by prosecutors may be rejected in the original sentence, solely upon the general ground of the inadmissibility of a complainant's testimony, and do dispose of the case under such second sentence, delivered on the assumption that the prosecutor's evidence was admissible under the Mohammedan Law.

Ordered that extract of these proceedings be sent to the four Provincial Courts of Circuit by precept enjoining them to communicate the same to the several Judges on Circuit for their information and future guidance.

(Sent following Precept No. 425).

Read letter, dated the 5th Instant, from the Provincial Court of Circuit in the Northern Division, transmitting Copy of a precept to and return from the Joint Criminal Judge of Mandalay relative to the delay in forwarding the Criminal Reports for June.

(Here enter No. 564).

Read return, dated the 6th Instant, from the 1st Judge of the Court of Circuit in the Central Division, to precept dated

dated 20th July, requiring that an order passed by the 1st Judge in Case No. 3 Second Supplemental Calendar 2nd Quarterly Sessions 1882 be recalled as illegal.

(Here enter No. 598).

J. C. M.

Saturday
28th July 1832

At a Court of the Foujdaree Udalut,
Present,
John Bird Esqr. Second Puisne Judge
William Hudleston Esqr. Third Puisne Judge

Read letter, dated 12th Instant
from the Acting First Judge late on Circuit
in the Southern Division, - Submitting Case
№19, Salem Calendar 1st Sessions 1832.-

Here enter №565

Mr. Bird
and
Mr. Hudleston.

The Court of Foujdaree Udalut
having maturely considered the proceedings
held before the Court of Circuit, the futwa
of the Provincial Law Officer, and the
futwa of the Cazee ool Coozat and Mooftees
of the Foujdaree Udalut, confirm the futwa
of the Cazee ool Coozat and Mooftees aforesaid
and acquitting the prisoner,

3d. Maroda Counden,

direct that he be released.-

And convicting the Prisoner,

4th. Caroopen,

of the crime of having received stolen goods
knowing them to have been stolen, the Court
under the sentence of Ashoobut awarded in
the aforesaid futwa, adjudge him to be
imprisoned and kept to hard labor
in irons on the public roads or on other
public works, for and during the period
of Seven (7) years and then to be released.-

The Court of Foujdaree Udalut
consider

consider Mr. Gannaus' explanation in his letter dated the 12th Instant accompanying this trial to be so unsatisfactory, as to require particular notice.-

2.

The Acting 1st Judge states that considering the futwa of the Law Officer of the Court of Circuit, declaring the prisoner convicted of the robbery on strong presumption, to be inconsistent with the evidence, he "requested him to reconsider his futwa," and that "the Law Officer accordingly "corrected his futwa, and found the 3d and "4th prisoners guilty of having received "stolen property."-

3.

The Acting 1st Judge afterwards repeats the statement that the Law Officer "corrected his own rough draft, from whence "the Tamil version was attested and trans-"lated," and he forwards an English translation of a futwa to the effect described, as the translation of the said corrected futwa.

4.

The futwa, as originally given, was however sent up with the Calendar, and stands on the Persian record of the trial, for which the reason is given, that "the Law Officer misled the original "futwa to stand".-

5.

According to the entry in the Calendar, sentence was passed on the 3d and 4th prisoners under the revised futwa: but on reference to the Acting 1st Judge's warrant addressed to the Criminal Judge under date the 27th April 1832 it will be found, that the sentence on the 3d prisoner was evidently grounded upon

28th July 1832

upon the original futwa and records that prisoners' conviction of "affault and "gang robbery".-

6

As the above cited explanations are exceedingly obscure, the Court of Foujdaree Adaulut, to enable them clearly to comprehend the circumstances of the case, require the Acting 1st Judge to obtain and transmit to this Court the rough draft of the futwa, containing the correction which he states to have been made.-

Ordered, that Extract of these Proceedings be sent to the Acting First Judge at Cuttack on Circuit in the Southern Division by precept returnable in 3 days, from and after its receipt.-

Sent following precept R 426

J. M.

W. M.

Bl. Blunt 1865/1832

At a Court of the Foujdara Udalut,

Present,

Monday 30th July 1832 } John Bird Esqre Second Puisne Judge
William Dudleston Esqre Third Puisne Judge.

Read return from the Provin=
=cial Court of Circuit in the Southern Division
dated the 20th Instant, to precept of the 25th
Ultimo, conveying the observations and orders
of the Court of Foujdara Udalut on the Cri=
=minal Reports of the Division for the
month of April last.-

Here enter No. 608

The Court of Foujdara Udalut
observe that the Acting Criminal Judge
of Salem has omitted to certify that the
requisition of security from the 1st Prisoner
in the case noted in the Margin has
been cancelled: and the Provincial Court
of Circuit will therefore call upon him
to do so without delay.-

Salem Report V Case 70.

Ordered that Extract of
these Proceedings be sent to the Provin=
=cial Court of Circuit in the Southern
Division for their information and
guidance by precept, returnable without
delay.-

Sent following precept No. 427.

Read letter, dated 25th In=
=stant from the Acting First Judge Cut=
=tack Circuit in the Southern Division, trans=
=mitting the warrant issued for the execution
of the Prisoner in Case No. 8 Combaconum
Calendar 1st Sessions 1832, together with the
original

30th July 1832

original letter sent by the Criminal Judge on the subject.-

//Here enter No. 607.//

Read letter, dated 21st Instant from the Second Judge of the Court of Circuit in the Western Division, forwarding the death warrant in Case No. 1 on the Additional Calendar of the Auxiliary Court of Malabar 2d Quarter Sessions 1832.-

//Here enter No. 606//

Read return dated 20th Instant, from the Acting 1st Judge late on Circuit in the Southern Division, to precept dated 16th July, conveying a sentence of 5 years' imprisonment on the two Prisoners in No. 10 Salem Calendar 1st Sessions 1832.-

//Here enter No. 603//

Read letter, dated 26th Instant from the Second Judge on Circuit in the Northern Division, reporting his having issued his precept for the opening of the 2d Sessions for 1832 at Guntoor on the 23d August next.-

//Here enter No. 610.//

J. C. M.

F. No.

At a Court of the Zillah Adalut

Present,

Tuesday, 31st July, 1832. John Bird Esqre 2nd Puisne Judge.
William Boulderston Esqre 3rd Puisne Judge

Mr. Bird and Mr. Boulderston.

Read again letter, dated the 13th Instant, from the Acting First Judge late on Circuit in the Southern Division, transmitting the records of proceedings in Cases No. 17, 21 and 24 Salem Calendar for the 1st Sessions of 1832.

Case No. 17.

//Here enter No. 577//

Read the second sentence passed in case No. 17 by the Circuit Court and Exceptions of the Zillah Adalut.

The Court of Zillah Adalut under the Sentence of Acquittal declared in the second Petition delivered by their Law Officers, adjudge the Prisoners

1st Pollen,
2nd Pareapalaney,
3rd Chinnapalaney
4th Rawmen,
5th Veeren, and
6th Narasingun

to be imprisoned and kept to hard labor in irons on the public roads or on other public works for, and during the period of six (6) months, and then to be released.

//Sent following

31st July 1882.

1. The Court of Tingdaree Wadut having disposed of this case, deem it incumbent upon them to record their strong disapprobation of the Acting 1st Judge's conduct in passing sentence of 14 years' imprisonment upon the prisoners, as convicted of robbery by open violence, when the futwa of the Mohummedan Law Officer expressly declared that they were not convicted of robbery but only of burglariously entering the Cooly Chouttry.

2. The experience, which the Acting First Judge has had of the duties of a Judge of Circuit, forbids the supposition that he could from ignorance have thus violated the Regulations, and the Court can attribute such a proceeding only to a culpable inattention to his duty.

3. The Court regret to observe, that an examination of the cases in this Calendar called up by them, has produced a very unfavorable impression in regard to the manner in which the Acting First Judge performs the important and highly responsible functions of a Judge of Circuit.

Ordered, that extract of these proceedings be sent to the Acting First Judge late on Circuit in the Southern Division for his information and future guidance.

(Sent following letter No 430)

31st July 1882.

Mr Bird and Mr Budiston

Case No 21.

The Court of Tingdaree Wadut having maturely considered the proceedings held before the Court of Circuit, the futwa of the Provincial Law Officer, and the futwa of the Cazee ool Coozat and Mooftees of the Tingdaree Wadut, confirm the futwa of the Cazee ool Coozat and Mooftees aforesaid, and acquitting the Prisoners,

1st Pauspen
2nd Soohen, and
3rd Maryyun

direct that they be released.

(Sent following letter No)

Mr Bird and Mr Budiston

Case No 24.

The Court of Tingdaree Wadut having maturely considered the proceedings held before the Court of Circuit, the futwa of the Provincial Law Officer, and the futwa of the Cazee ool Coozat and Mooftees of the Tingdaree Wadut, confirm the futwa of the Cazee ool Coozat and Mooftees aforesaid and acquitting the Prisoner,

Tannappah Moodelly

of the Crime of burglary charged against him, direct that he be detained in custody under the orders of the Court of Tingdaree Wadut accompanying this sentence.

(Sent following letter No

1 The above letter contains no statement of the view of the several cases taken by the Acting First Judge - The Court of Tingdaree Wadut direct that that Officer be

24th. C. C. 1882

30th July 31st July 1882

be informed that in cases called up by the Kuijdarree Adalut for their final judgment it is his duty to furnish that Statement in the same manner as he is required to do in cases referred under his own orders.

2. In Case No. 24 there being no evidence that the Prisoner was concerned in robbery, and in fact little reason to doubt that his account of the manner in which he became possessed of the stolen property was true he should not have been put on his trial for robbery but his case should have been disposed of under Clause fourth Section IV Regulation VI of 1832, and the Court of Kuijdaree Adalut being of opinion that there are sufficient grounds — — — for his trial for the offence of having retained in his possession stolen property knowing it to have been stolen, resolve that according to the provisions of the above cited Regulation the Acting First Judge Tatton Vincent be directed to cause him to be brought to trial before the Criminal Judge for that offence.

3. The Prisoner in the above case and the 2nd Prisoner in case No. 21 were found in the posession of the Law Officer of the Criminal Court liable to suspicion only, but upon this finding the

F 11

8th July 1882.

the Judge passed sentence of punishment in direct opposition to the provisions of Clause sixth Section II Regulation XV of 1803.

4. The Court of Kuijdaree Adalut resolve that Mr. Garrow be called upon to furnish an explanation of this illegal proceeding.

Ordered, that extract of these proceedings be sent to the acting First Judge Tatton Vincent on Circuit in the Southern Division by precept, returnable without delay. (Sent following Precept No. 431)

J. H.

At a Court of the Fuejdaree Adaulut.

Present,

Wednesday, 7th August 1822. John Bird Esqr. 2nd Puisne Judge

William Buddeley Esqr. 3rd Puisne Judge

Read Petition presented on the 15th instant by Nundkoomar Naiken, late Peon of the Auxiliary Court in the Zillah of Chingleput.

Will

(Here enter Precis No. 65 of 1822.)

The Petitioner complains that, for an alleged neglect of duty, he had been unjustly imprisoned for ten days, under an order from the 2nd Judge, late on Circuit in the Centre Division, and since his release, had been dismissed from his situation by the Joint Criminal Judge, and prays that this Court will issue orders for his restoration to office.

2 The Court of Fuejdaree Adaulut think it proper to call upon the 2nd Judge late on Circuit in the Centre Division for a full explanation of his proceedings in the matter to which this Petition relates, and to desire that he will submit for their information copy of any Precept that he may have issued to the Joint Criminal Judge in regard to the Petitioner.

Ordered, that extract from these proceedings, with copy of the Petition be sent to the 2nd Judge late on Circuit in the Centre Division by precept returnable

returnable in ten days.

(Sent following Precept No 432)

Read Petition presented on the 18th ultimo by Cormac Bannah of the village of Coty gannry Calna in the Gillo of Ballary

(Here enter Misc. Pets. No 40 of 1882)

The Petitioner complains of the sentence passed by the Judge of Circuit on his Brother Uncannah, the 15th Prisoner in the Case No 29 of the Ballary Calendar first Sessions of 1882, and prays that this Court will call for the proceedings in the case, and issue orders for his release.

2. The Case in question has already been called for by this Court, and will be disposed of in due course.

Ordered, that extract from these proceedings be furnished to the Petitioner on his application.

Read Petition, presented on the 18th ultimo by Nallumal, complaining of the sentence passed by the Judge of Circuit on her Son Sawmy Naiden the Prisoner in case No 3 of the Ootacamund Calendar of the Sessions of 1882.

(Here enter Misc. Pets. No 66 of 1882)

There is no appeal from a sentence passed by the Court of Circuit, nor do the Court of Requests [illegible] that

See

1st August 1882.

See any reason to question the correctness of the conviction in this case, for upon reference to the Calendar it appears that the crime was not only brought home to the Prisoner by the evidence of eye witnesses, but that he confessed his guilt before the Head of Police and the Magistrate.

Ordered, that extract from these proceedings be furnished to the Petitioner on her application.

Sd W.S.

WB

At a Court of the Zillah Adalut.

Present

Thursday 2d August 1832. John Bird Esqre ... 2d Puisne Judge
William Huddleston Esqr 3d Puisne Judge

Read letter, dated the 20th February last, from the Acting Judge on Circuit in the Northern Division, submitting case No 10 on the Pellne 1st Calendar 1st Sessions 1832.

(Fine entered No 575.)

Mr Bird
Mr Huddleston.

The Court of Zillah Adalut having maturely considered the proceedings held before the Court on Circuit, the futwa of the Provincial Law Officer, and the futwa of the Cazee ool Cozat and Mooftee of the Zillah Adalut, confirm the futwa of the Cazee ool Cozat and Mooftee aforesaid, and acquit the prisoners

1st Cuttah Chinna Cotiah
2d Cuttah Boochennah
3d Cuttah Chinna Veeria and
4th Cotiah the brother of Cuttah Chinna Veeriah

of the crime of murder charged against them; but considering that strong suspicion, though not amounting to conviction, attaches to them, the Court, under the provisions of clause sixth Section II Regulation XV of 1803, direct that they severally be required to find 2 sureties in 150 Rupees each, for their good behaviour and appearance when required, within 3 years, or in default thereof, that they be detained

for that period in confinement.-

(Sent following letter & No 433)

1 In the 14th paragraph of the letter accompanying the trial, the Acting Judge alludes to the deposition of "Adamah, the sister of the deceased", before the Criminal Court; and states that "Mootealuk Keah" also deposed before the Criminal Court, "that her nose ring was lost."

2 No deposition by either of these persons is to be found in the record of the proceedings before the Assistant Criminal Judge: and the Court of Sessions would deem it necessary to call upon the Acting Judge for an explanation of the circumstances.-

3 It is moreover evident, upon reference to the Acting Judge's letter, dated 29th February last, recommending a mitigation of punishment in the case of Salagala Pedda Terador, considered by him to be convicted of perjury- that the record of the proceedings before the Criminal Court in this case is incomplete, for that prisoner was examined by the Assistant Criminal Judge, as 8th witness on behalf of the prosecution on the 7th and 8th October 1831, neither of which examinations are, as they ought to have been, recorded on the proceedings in the case No 10 of the Calendar.-

4 The Court of Sessions directs the

not aware of any former instance of this irregularity and they trust, that no repetition of it will come under their observation.-

Ordered, that extract of these proceedings be sent to the Acting Judge on Circuit in the Northern Division by precept, returnable in five days.-

(Sent following precept & No 434)

Read letter, dated the 11th Ultimo from the Acting Judge on Circuit in the Northern Division, referring trial No 2 on the Cantonment Calendar for the 1st Session 1832.-

(Here enter p. 581.)

Mr Bird
Mr Anderson.

The Court of Sessions directs on a deliberate consideration of the circumstances of the case in evidence before them, concurring in opinion, that the prisoner,

Payrallee Kaysadoo

is not convicted of the crime of perjury on presumptive proof, or on the evidence of credible witnesses, or on his own confession, notwithstanding the finding of their Law Officers, as, under the provisions of Clause Fifth Section II Regulation XV of 1803 acquit him of the same, and direct that he be released.-

(Sent following letter & No 435)

1 The arraignment of the prisoner in this case before the Court of Circuit is not drawn up in the form prescribed by

2. August 1832. the Circular orders of the Foujdaree Adaulut for Indictments of Perjury under Regulation VII of 1811 - That the Judge in Circuit, Mr. Bannerman, referred to that form, the Court do not consider that he could have directed the commitment of the prisoner, because he would at once have perceived that the several requisites for a conviction of perjury are not combined in the case of the prisoner.

2 The Court of Foujdaree Adaulut under date the 31st January 1814 issued Circular orders with a view to render the records of Criminal trials more perfect and satisfactory.-

3 These orders had more especial reference to indictments for the crime of "perjury" and among other observations contained, the following to which the Court desire that Mr. Bannerman's attention may be called, and that he be directed to guide himself strictly by them in all cases of perjury which may in future occur.-

"Perjury is declared to be, giving "intentionally and deliberately, before a Court "of Judicature, Magistrate, or other authorized "public officer, a false deposition, upon oath, "or under a solemn declaration taken instead "of an oath, relating to some judicial proceeding "civil or Criminal, and upon a point material "to the issue thereof."

"The definition of the crime "being thus precise the charge against "the person supposed to be guilty of it ought to

to

J.M.
2d August 1832.-

"to be framed with corresponding precision. It "ought to contain the words spoken by the accused "person, in which the perjury is supposed to be "committed; the place where and the time when "they were uttered. It ought also to describe the "judicial proceeding, to the issue of which the "alleged perjury may be material. The "foregoing particulars, together with the falsehood "of the words on which the perjury is charged, "must be all proved on the Trial. Failure of "proof on any one of the points specified in the "definition of perjury contained in Section "IV Regulation VI of 1811, must be fatal to "the prosecution; because the crime is defined "to consist, not in one or more of these particulars, "but in all and every one taken together."-

"No person should be made the "object of a prosecution for perjury, who has not "been cautioned against committing himself on "his oath, and has subsequently persisted in "maintaining falsehood for truth. The frequency "of prosecutions for perjury without this precaution "must make the Courts of Judicature a terror "to the honest witness, by exhibiting instances "of men, of respectability and character, being "hurried to jail, or compelled to give bail "for their appearance, to take their trial on "an ignominious charge without having had

an

"an opportunity of explaining what might
"perhaps be only a slight inadvertance or
"mistapprehension - The want of this precaution
"must on the other hand, give confidence to the
"liar by facilitating his escape from punish-
"ment, since it is essential to conviction that
"the perjury should be deliberate and intentional
"and this must be difficult of proof where
"the witness has not been warned of his danger
"Even in cases where a witness has on two occa-
"sions given glaringly contradictory and
"irreconcilable testimony on oath regarding one and
"the same transaction, he should be warned, the
"difference between his statements, and be allowed
"to offer any explanation, with a view to reconsid-
"them before he is committed to take his trial
"for perjury - It is indeed by the most patient
"preliminary proceedings alone that a scrupulous
"operation can be given to the legislative enact-
"ments against this crime; and a resort to
"them in any case wherein it may be possible
"to give an honest interpretation to the depositions
"of a Witness must be productive of injurious
"consequences."-

Ordered, that Extract of the Lr
proceedings be sent to the Provincial Court
of Circuit in the Southern Division for the
information and future guidance of Mr Ramsomman

(Sent following letter No 436)

Read

2d Augt 1832.

Read letter, dated the 13th Ultimo,
from the 2d Judge of the Court of Circuit in the
Centre Division, submitting case No 10 Cuddapa
Calendar 1st Septr 1832.-

(Herewith No 594)

Mr Bird
Mr Anderson

The Court of Foujdaree Adalut
on a deliberate consideration of the circumstances
of the case in evidence before them, concurring
in opinion that the proof against the prisoner
Police Sombadoo
is sufficient to convict him of the crime of
murder, do, under the authority vested in them
by clause first Section II Regulation I of 1818
convict him of the same, and under the
provisions of Section X Regulation VIII
of 1802 sentence him to suffer death, by
being hanged at the usual time and place
of execution.-

(Sent following letter No 437)

Read letter, dated the 20th Ultimo,
from the Acting 3d Judge on Circuit in the
Southern Division, transmitting case No 16
Madura Calendar 2d Septr 1832.-

(Herewith No 595)

Mr Bird
+
Mr Anderson.

The Court of Foujdaree Adalut
having maturely considered the proceedings
held before the Court of Circuit, the futwas
of the Provincial Law Officers, and the
futwa

2d Augt 1832.

futwa of the Cazee vol Cozat and Mooftees of the Toujdaree Cealut, confirm the futwa of the Cazee vol Cozat and Mooftees aforesaid convicting the prisoner.

Palaneyandy alias Andy

of murder, and awarding Kifsas, and sentenced him to suffer death by being hanged at the usual time and place of execution.-

(sent following letter No. 438)

Sr. M. 5th

W. M.

Mr. Bird
2d Mr. Bird Section

To M.

Read letter dated 25th Ultimo from the 2d Judge of the Court of Circuit in the Centre Division submitting case No. 22 Cuddalore Calendar 1st Sessions 1832.

(Vide entry No. 594)

The Court of Foujdaree Cealut having maturely considered the proceedings held before the Court of Circuit the futwa of the Provincial Law Officer and the futwa of the Cazee vol Cozat and Mooftees of the Foujdaree Cealut confirm such part of the futwa of the Cazee vol Cozat and Mooftees aforesaid as acquits the Prisoner

Boofsanee

of the crime of wilful murder charged against her but concurring in opinion that the proof adduced on the trial is sufficient to convict her of the crime of being accessary to a murder both before and after the fact they require their Law Officers to declare by a second futwa to what

Sentence

3

F. C.

2d Augt 1832.

sentence the prisoner would have been liable under the Mohammedan Law if she had been convicted on full legal evidence of that crime.-

Ordered, that a transcript of these proceedings be translated and delivered to the Cazee vol Cozat and Mooftees of the Foujdaree Cealut.-

F. 66.

At a Court of the Tongidarra Adalut.

Present

Friday 3d. August 1832. John Bird Esq.re . . . . 2d. Puisne Judge

William Houlston Esq.re 3d. Puisne Judge

Read letter from the 2d. Judge of the Court of Circuit in the Centre Division, submitting case No. 3 of the Cumbum Calendar 1st. Session of 1832.

(Here enter No. 596)

The Court of Tongidarra Adalut have attentively considered the proceedings in this case and the examination of the prisoner before the Joint Criminal Judge has left an impression of his insanity, which is corroborated, though very slightly, by the evidence of the first and third Witnesses. They in consequence consider it of importance that further evidence should be obtained on this point, before proceeding to pass judgment in the case.

2 Resolved accordingly, that the record be retransmitted to the 2d. Judge, and that he be by precept required to instruct the Native Criminal Judge to cause the attendance of some of the Neighbours of the Prisoner, and in his presence examine them as to his apparent State of mind, previously to and about the period of the transaction.

3 The 2d. Judge will also require the Native Criminal Judge to examine the Jailor and the Medical attendant on the prisoner at

Cumbum

3d Augt 1832.

Cumleem as to this prisoner's having shewn symptoms of mental alienation since his arrival at the Criminal Court.-

4

The 2d Judge will annex English and Persian translations of the additional evidence to the record of the trial, and retransmit the same to the Court of Foujdaree Reclut.

Ordered, that extract from these proceedings be sent to the 2d Judge late on Circuit in the Centre Division, by precept returnable without delay.

(Sent following precept No. 439.)

Read letter dated the 15th Ultimo, from the Provincial Court of Circuit in the Western Division, forwarding the explanation of the Magistrate of Malabar regarding the detention in the Talook of certain prisoners concerned in cases entered in the Criminal Reports for the months of May last.-

(Here enter No. 597.)

The Magistrate in the 22d para of his returns to the precepts of the Provincial Court of Circuit in the Western Division, alludes to the examination of one of the cases having been conducted in the first instance by "the Superintendent of Police" as this is not a recognized official designation, the Court of Foujdaree Reclut desire to be informed to whom it refers.

Ordered, that extract of these proceedings be sent to the Provincial Court of Circuit in the Western Division for their information

3d Augt 1832.

information and guidance by precept, returnable without delay.-

(Sent following precept No. 440)

Read return, dated the 30th Ultimo, from the Judges of the Provincial Court of Circuit in the Centre Division, to precept dated the 27th Ultimo, enjoining the Judges of Circuit to call for 2d futwas in all cases referred to in clause first Section II Regulation VII of 1829 and Section VIII Regulation I of 1825.-

(Here enter No. 620.)

Read return, dated the 27th Ultimo, from the Provincial Court of Circuit in the Northern Division, to precept dated 18th June last, ordering communication to the Subordinate Courts of the remarks of the Foujdaree Reclut on the Criminal Reports for April last.-

(Here enter No. 618.)

J. M.

At a Court of the Foujdaree Udalut.

Present,

Saturday 4th August 1832 } John Bird Esqr. Second Puisne Judge
William Hudleston Esqr. Third Puisne Judge.

Read Return, dated the 23d ultimo, from the Provincial Court of Circuit in the Centre Division, to precept of the 12th May last, conveying the remarks and orders of the Foujdaree Udalut on the Criminal Reports of the Division for the month of March.-

(Here enter No. 604.)

The Court of Foujdaree Udalut concur in the suggestion expressed in Para 3 of the above return, and accordingly direct the Provincial Court of Circuit to instruct the several Magistrates, Joint and Assistant Magistrates in the Division to give the required information themselves when called upon to explain the detention of any Prisoners in the Calendar, instead of referring to the Darogas of the Police officers and submitting copies of them.-

2 With regard to the question of the Acting Criminal Judge of Bellary in Para 3 of his return to the Precept of the Provincial Court of Circuit, the Court of Foujdaree Udalut have to observe that security can only be required under Section IV Regulation II of 1822 when there may be "strong suspicion of any "act of criminality".-

In

Case 36
Bellaire Report
No V

3

In Para 7 of the same return the Acting Criminal Judge submits whether the sentence in the case noted in the margin ought under the circumstances represented to be altered. The Provincial Court of Circuit will intimate to the Acting Criminal Judge that the sentence need not be disturbed, and that if the explanation which under the standing orders of this Court ought to have been furnished in the Report, had been inserted in it, no comment on the case would have been required.-

Ordered, that Extract of these Proceedings be sent to the Judges of the Provincial Court of Circuit in the Centre Division for their information and guidance by Receipt, returnable

Sent following Precept No 442

J. C. M

7 6

At a Court of the Toydaree Udalut,

Present

Monday 6th August 1832 } John Baird Esqre Second Puisne Judge
William Hubleton Esqre Third Puisne Judge

1. The Court of Toydaree Udalut have recently had occasion to observe cases in Collandaree submitted by the Courts of Circuit, wherein two or more persons have been tried jointly for the crime of perjury

2. This proceeding is considered to be irregular and highly objectionable, and the Court direct that it be on no account repeated.-

3. Even supposing, that several persons had sworn falsely in the same matter and in the same words, the forms prescribed for a trial for perjury require that each individual should be separately tried: but the Court do not believe that such a case, as is here supposed, has ever occurred, and it is manifest that when the words, on which the perjury may be assigned, in the cases of different individuals, are not the same, their joint trial must be attended with confusion and a regular and proper investigation be impracticable.-

4. The Provincial Courts of Circuit will instruct the several subordinate Criminal Courts invariably to make each charge of perjury a separate number in the Calendar for each individual

6th August 1832

individual accused of this crime: and the Judges now on Circuit will make the necessary correction of the indictment in any case or cases, wherein more than one person may stand included in a charge of perjury.-

Ordered, that Extract of these proceedings be sent to the four Provincial Courts of Circuit by precept, enjoining them to communicate the same to the Judges on Circuit and to the several subordinate Criminal Courts without delay.-

/Sent following precept No. 443/

Read again letter, dated 28th ultimo from the Second Judge of the Court of Circuit in the Centre Division, submitting Case No. 22 Cuddapa Calendar 1st Sessions 1832.-

/Vere enter No. 594/

Read the second futwa delivered in this case by the Cazee-ool-Cozat and Mooftees of the Foujdaree Udalut.-

Mr Bird and Mr Hudleston.

The Court of Foujdaree Udalut ensure the sentence of Cokoobut declared in the 2d futwa delivered by their Law officers, and in conformity to the provisions of clause third section VII Regulation XV of 1803, adjudge the prisoner, Hoolsance, to be transported to such place beyond sea, as the Right Honorable the Governor in Council shall appoint, there to be imprisoned and kept to hard labor in irons on the public roads, or on other public works, for, and during the period

6th August 1832 period of her natural life.-

/Sent following letter No. 444/

Read letter dated 1st Instant from the Acting Judge on Circuit in the Centre Division reporting that he has fixed the 15th Inst. for the opening of the 2d Sessions at Bellary.-

/Vere enter No. 628/

J. C. M.

Read letter dated 30th ultimo from the Acting Judge of the Provincial Court of Circuit in the Northern Division with a returned warrant for the execution of the Prisoner in Case No. 27 on the 1st Chicacole Calendar 2d Sessions 1831.-

/Vere enter No. 627/

Read return dated 3d Instant from the Provincial Court of Circuit in the Southern Division to precept dated 24th ultimo directing them to require a second futwa in certain cases and dispose of them.-

/Vere enter No. 634/

Read letter dated 11th ultimo from the Acting Judge on Circuit in the Northern Division reporting the death of the 5th Prisoner in Case No. 10 on the Rajahmundry Calendar.-

/Vere enter No. 572/

At a Court of the Zujdaree Udalut.

Present.

Wednesday, 8th August 1832. John Bird Esqre 2nd Puisne Judge
William Dudleston Esqre 3rd Puisne Judge.

Read Petition presented on the 25th July by Pechiappa Chary a Meerasy Carpenter of the villages of Mullore &c in the Zillah of Chittoor.

(Here enter Petn No 1288 of 1832)

The Petitioner represents that he had been prevented by certain parties from building a house on a piece of ground to which he lays claim, and complains that the several authorities to whom he has addressed himself have referred him to the Civil Courts- He prays in consequence that this Court will call for all the documents in the case, and issue such orders that he may obtain redress.

2 The Court of Zujdaree Udalut are of opinion, from the Petitioner's own shewing, that his case is not one cognizable by a Criminal Court, and he is in consequence referred for redress to a civil suit.

Ordered, that extract of these proceedings be furnished to the Petitioner on his application.

Read Petitions presented on the 25th July by Krishnappa Nairkaran

Varadaj

8th August 1882

Varadan Camden and Thorton Camden on behalf of Coopoodyan -

(Here enter Misc. Pets. Nos 69, 70 & 71)

1 The Complainants in the two first Petitions represent that they are respectively the Brothers of the 1st and 2nd Prisoners in Case No 10 of the Cuddalore Calendar of the 1st Sessions of 1882. They complain that their said Brothers have been unjustly sentenced to three years imprisonment by the 2nd Judge State on Circuit and pray that this Court will call up the case and issue orders for their release.

2 The Petitioner in No 71 represents on behalf of Coopoodyan the 1st Prisoner in the above mentioned case, that the 2nd Judge ordered stripes to be inflicted on him in Court, and has unjustly sentenced him to seven years imprisonment. He prays in consequence that the case may be called up and orders issued for his release.

3 The Court of Enquiry (Wadsworth) having already called up the case in question and the representations of the Petitioners will receive due attention, when it comes under their consideration.

Ordered, that extract of these proceedings be furnished to the petitioners on their application.

Read Petition presented on the 1st instant by Varadan Camden and Pathuvan Camden of the Village of Chippapuliyur in the Taluk of Tirunomaly in the District of South Arcot.

(Here enter Misc. Pet. No 72 of 1882)

1 The Petitioners complain that they have been maltreated and their property unjustly taken from them by the Tahsildar of Tirunomaly and others, and pray that this Court will summon the said persons, recover from them their property, and inflict on them such punishment as they may appear to deserve.

2 The Petitioners should in the first instance represent their grievances to the Magistrate of the District, and if they do not from him obtain redress, they should address the Judge on Circuit.

Ordered, that the petition be rejected, and that extract from these proceedings be furnished to the Petitioners on their application.

Read letter, dated the 25th ultimo, from the Provincial Court of Circuit in the Western Division, submitting the Reports in the forms prescribed by Section XXXV Regulation X of 1816, for the Month of June 1882.

(Here enter No 624)

Malabar Report V. Case 144.

1 It appeared to the Court of Enquiry (Wadsworth) that the punishment of the Prisoner in the case noted in the Margin is very severe, if it was a first offence. The Provincial Court of

8th August 1832

of Circuit will therefore call for an explanation of the circumstances of the case which may have induced the Criminal Judge to pass so severe a sentence, in order that the Court of Toydaree Udalut may be enabled to judge of the propriety of mitigating or confirming it.

Canara Cutcherry Court Sup: Report.

2 The Provincial Court of Circuit will point the attention of the acting Joint Criminal Judge to the Circular Order of the 15th November 1831. Agreeably to it he should have inserted in his Report a concise, but distinct note in stead of the great detail into which he has entered, and which the Court of Toydaree Udalut consider quite unnecessary.

Ordered, that extract of these Proceedings be sent to the Provincial Court of Circuit in the Western Division for their information and guidance by Precept, returnable without delay.

(Sent following Precept No 449)

Saturday 11th August 1832.

F. 6.

At a Court of the Toydaree Udalut.

Present,

John Bird Esqre ... 2d Puisne Judge.

William Huddleston Esqre 3d Puisne Judge.

Read letter, dated the 25th Ultimo, from the Provincial Court of Circuit in the Western Division, transmitting copy of the explanation furnished on the Criminal Reports for February last.

(Here enter No 617)

The Court of Toydaree Udalut observe that the explanation of the Joint Criminal Judge at Masulipatam called for, in para 13 of the Provincial Court's proceedings of 7th April last, had not been forwarded with the above letter, and they deem it proper to call for it.

Ordered, that extract of these proceedings be sent to the Provincial Court of Circuit in the Northern Division for their information and guidance by precept, returnable without delay.

(Sent following precept No. 453)

Read letter, dated the 4th Instant, from the acting Judge at Cuttack on Circuit in the Northern Division, transmitting a return of

Sent.

W
HH

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H

Read return dated the 1st Instant, from the acting Judge at Cuttack on Circuit in the Northern Division to precept dated the 20th ultimo with the Court's remarks on case No 7 Nellore Calendar 1st Sessions 1832.

(Here enter No 637)

1st August 1832. warrant for the execution of a prisoner in case
No 11 Nellore first Calendar 1st Sessions 1832.

(Here enter No 643)

Read return, dated the 3d Instant,
from the Judges of the Provincial Court of Circuit
in the Northern Division to precept dated 27th
Ultimo directing that in cases in which material
evidence has been given by prosecutors and the Law Officer
has rejected such evidence as inadmissible a second question
be put.-

(Here enter No 644.)

Read return, dated the 6th Instant,
from the Acting 1st Judge late on Circuit in
the Southern Division, to precept dated 28th
Ultimo, containing the Court's remarks on
the record of trial in Case No 19 Salem
Calendar 1st Sessions 1832.-

(Here enter No 645)-

W.M.

J. C. M.

Read letter dated the 2d Instant
from the 2d Judge on Circuit in the Northern
Division reporting his having closed the
2d Sessions at Nellore and transmitting
the Calendar

(Here enter No 638)-

F. 46.

At a Court of the Foujdaree Udalut.

Present,

Wednesday 15th August 1832.

John Bird Esqre ---- 2d Puisne Judge.
William Hudleston Esqre 3d Puisne Judge.

W.M.

Read return, dated the 9th Instant,
from the 2d Judge late on Circuit in the Centre
Division, to precept dated the 1st Instant,
calling upon him for explanation of his
proceedings in the case of Narrappa Naiken
the Petitioner in Miscellaneous Petition No 65
of 1832.-

(Here enter No 650.)

Also read again petition, pre-
:sented on the 18th Ultimo by the said Narrappa
Naiken.-

(Here enter Misc: pet: No 65 of 1832)

As it appears by the explanation
afforded by the 2d Judge that the Petitioner Nar-
:rappa Naiken was guilty of gross neglect of
duty, whereby the business of the Court of Circuit
was materially interrupted, this Court resolve
to reject the prayer of the above petition.-

Ordered, that extract of this
proceeding be furnished to the petitioner on
his application.-

Mr Bird
Mr Hudleston.

Read return, dated 20th Ultimo,
from the Acting 1st Judge late on Circuit in
the Southern Division to precept dated 15th Inst

Last, directing him to send up the records of trial
in case No. 1 Coimbatore Calendar 1st Sessions 1832.
(Secretary No. 601)

The Court of Foujdaree Udalut on
a deliberate consideration of the circumstances
of the case in evidence before them, concurring
in opinion that the proof against the prisoners

1st. Veerarangoo
2d. Beraushaw
3d. Rungun
4th. Condeen
5th. Shunmoogum
6th. Sadien
7th. Annamalie and
8th. Vaipoory

is sufficient to convict them of the crime of
Gang Robbery, unaccompanied by aggravating
circumstances; do, under the authority vested in
them by Clause first Section II Regulation I of
1818, convict them thereof, and under the provi-
sions of Clause third Section IV Regulation XV
of 1803 sentence them to be imprisoned and kept
to hard labor in irons on the public roads or
on other public works, for, and during the period
of 14 years, and then to be released.-
(Sent following letter No. 455)

Mr. Bird
&
Mr. Sudleston.

Read letter, dated the 4th May
last, from the Acting Judge of Circuit in the
Northern Division, transmitting Calendar No. 2
Rajahmundry Calendar 1st Sessions 1832.
(Here enter No. 619.)

The Court of Foujdaree Udalut having
maturely considered the proceedings held
before the Court of Circuit, the futwa of the
Provincial Law-Officer, and the futwa of the
Cauzee ul Cozat and Mooftee of the Foujdaree
Udalut, confirm the futwa of the Cazee ul Cozat
and Mooftee aforesaid, convicting the prisoner
Tuckella Varumma alias Jagola Varumma
of wounding the prosecutor, and under the
sentence of Corporal awarded therein, they
adjudge him to be imprisoned and kept to
hard labor in irons on the public roads or
on other public works, for, and during the
period of Seven (7) years, and then to be
released.-

The Circular order of the Court
of Foujdaree Udalut under date the 19th Janu-
ary 1825 left it at the discretion of a Judge
on Circuit to omit in forwarding trials
to the Superior Court all such papers,
as received from Police Officers and Ma-
gistrates as he might consider unnecessary
to the Conviction or the defence of the prisoner.
The Court observe that under the above order
the greater part of the Police proceedings
in this case might have been omitted.-

Ordered, that Extracts of
the

there proceedings be sent to the Acting Judge on Circuit in the Southern Division for his information and future guidance.-

(Sent following letter No. 466)

Mr. Bird & Mr. Bedleston

Read letter, dated the 25th Ultimo from the 2d Judge of the Court of Circuit in the Central Division, submitting case No. 17 Cuddapah Calendar 1st Session 1832.-

(Here enter No. 614.)

The Court of Foujdaree Adawlut on a deliberate consideration of the circumstances of the case in evidence before them, concurring in opinion that the proof against the prisoner

Chintaconta Gungoloo

is sufficient to convict him of the crime of wilful Murder, do, under the authority vested in them by Clause first Section II Regulation I of 1818 convict him thereof, and under the provisions of Section X Regulation VIII of 1802 sentence him to suffer death by being hanged at the usual time and place of execution.-

(Sent following letter No. 457)

Mr. Bird & Mr. Bedleston

Read letter, dated the 28th Ultimo from the Acting 3d Judge on Circuit in the Southern Division, transmitting Case No. 4 Madura Calendar 2d Session 1832

(Here enter No. 616.)

The

F.C.
15th August 1832.

The Court of Foujdaree Adawlut having maturely considered the proceedings held before the Court of Circuit, the futwa of the Provincial Law-Officer, and the futwa of the Cauzee and Mooftee of the Foujdaree Adawlut, concur in opinion that the prisoners,

2d Bomee paulagen
3d Kylausam
4th Shanmoogum
5th Soobramonega pilly
6th Coppa Mootoo alias Suraven &
7th Danoocoaty

are not convicted on presumptive proof, or on the evidence of credible witnesses, or on their own confessions of the crime of gang robbery charged against them, notwithstanding the futwa of their Law-Officers, and do therefore under the provisions of Clause Sixth Section II Regulation XV of 1803 acquit them of the same, and direct that they be released.-

(Sent following letter No. 458)

Mr. Bird & Mr. Bedleston

Read letter, dated the 30th Ultimo, from the Acting 3d Judge on Circuit in the Southern Division, transmitting Case No. 6 of the Madura Calendar 2d Session 1832.-

(Here enter No. 623.)

The Court of Foujdaree Adawlut having maturely considered the proceedings held before the Court of Circuit, the futwa of

the Provincial Law Officer, and the Sentence of the Cazee or Cozgat and Mooftees of the Sovereign Council, confirms the Sentence of the Cazee or Cozgat and Mooftees aforesaid, convicting the prisoner,

Pereyennen

of wilful murder, and under the Sentence of Kisaas therein awarded, they sentenced him to suffer death, by being hanged at the usual time and place of execution.-

(Sent following letter No 459)

Read letter from the Acting 1st Judge Batticaloa Circuit in the Southern Division, containing his report on the 1st Sessions of 1832-

(Here enter No 920)

Paras 16-17

The proper course of proceeding under the circumstances described in these paragraphs is indicated in the decision which has been recently passed upon the case of the Vadagalai and Tengalai, referred to by the Acting 1st Judge.-

18-19

2

In the 18th paragraph of the report the Acting 1st Judge states that "several petitions "were brought against the Police Ameen of "Conard" and that "upon reference to the "Magistrate it appeared that that officer had "vested him with the authority of a Talsildar "under the provisions of Regulation IV of 1821"

The Acting 1st Judge then states, that "viewing "clause 3rd Section III of that Regulation, as "a prohibition of such an exercise of authority "both on the part of the Magistrate and the "Police Ameens, coupled with the order of the "Sovereign Council of the 29th March 1824, the "Acting Magistrate was directed to recall the "powers, so irregularly delegated to the Police "Ameen, which the Acting Magistrate reported "he had accordingly done"-

3

In the 19th paragraph the Acting 1st Judge states that "this delegation of the authority "of Heads of Police led to enquiry whether the "practice was general in this division" that "the different Magistrates all reported that they "had not done so with the exception of that of "Timevelly where for special reasons it had "been found necessary to delegate those powers "to the Police Ameen of Tutacorine" this arrangement the Acting 1st Judge continues "appears to have been adopted at the recommendation of the Magistrate in a letter "to Government of the 25th June and sanctioned "by a letter, dated 12th July 1825." The Acting 1st Judge concludes this paragraph by observing that he did not consider himself "authorized to interfere."

4 The Court of Toujparee beatut observes that clause third Section III Regulation IV of 1821 does not apply to "Police Ameens" but solely to the persons specially appointed by the Magistrate under the provisions of clause first of that Section.

5 The Court of Toujparee beatut in a Circular order, dated the 6th March 1824 declared their opinion, that under the provisions of Section XL Regulations XI of 1816 it is not "competent to a Magistrate to vest an Ameen of Police with "the extended powers given to Tahsildars" in which Circular Order reference was specially made to the "powers given by Section IV Regulation "IV of 1821 to Heads of District Police of punishing petty thefts."

6 The Court of Toujparee beatut adhere to this opinion. The order of Government dated the 12th July 1825, to which the Acting 1st Judge refers, is not before the Court, but if it be to the effect intimated by the Acting 1st Judge, it must have been issued to the Magistrate of Tinnevelly without adverting to the construction of the Regulations, which had been circulated by the Court of Toujparee beatut for the guidance of the Magistrates and Courts of Circuit.

7 The Acting 1st Judge will obtain for the information of this Court a copy of the Magistrates letter of the 23d of June and a copy of the order of Government in question

T. C.
15th August 1832.

Para 21

8 In this para the Acting 1st Judge discusses the propriety and legality of the proceedings of the late Acting Magistrate of Tuticorin in causing houses to be pulled down, on the plea of their being encroachments on the public streets, and submits for the consideration of this Court copy of a petition presented to him by a pensioned Subidar, complaining of the demolition of certain buildings belonging to him. The case of the person to whom Mr. Farrow refers was brought to the notice of the Toujparee beatut by the 2d Judge in his Circuit report, dated the 2d January last, and as it was represented in the explanation of the late Acting Magistrate, that the building had been lately erected, in the road way of one of the principal streets of the Town of Tuticorin, the Court did not consider it a case which called for their interference, but desired that it might be notified to the Petitioner, that it was open to him to bring an action for the recovery of any damage he considered that he had sustained by the acts of the Acting Magistrate.

9 It appears to the Court to be unquestionably the duty of the Magistrate to prevent encroachments on, or injury to the public roads, whilst at the same time, if he interfere unnecessarily or unlawfully he renders himself liable to prosecution

and

and to the reprehension of his Superiors. It is to be hoped however that the powers vested in Magistrates in this respect, are not inconsiderately exercised; but should instances to the contrary be brought to the notice of Judges on Circuit, it becomes their duty to report the same to this Court. In the case now a second time submitted to them, the Court do not see any thing that renders requisite, a departure from the ordinary course of proceeding, which has been pointed out above, and to which the Petitioner has been referred.

23

10

In reference to two charges of producing abortion in the Salem Calendar, which were not borne out by evidence, the Acting 1st Judge observes that Police Officers should not, in his opinion, have discretionary powers to send up such cases to the Criminal Judge, as they involve great scandal, and are liable to great abuse.

11

There does not appear to have been any default, from what the Acting 1st Judge has stated, nor from the result of their examinations, to be sufficient ground for a special enactment in regard to such cases.

28.29

12

The Acting 1st Judge represents that on visiting the Jail at Trichinopoly before proceeding on Circuit, the prisoners were clamorous to a degree he had never before witnessed, in complaints of their being poorly fed and over worked, and from the emaciated appearance of many, and the great increase of casualities during the preceding eight months, he was induced to believe that their statement was partly correct.

13

The Court in their proceedings of the 25th January last particularly noticed the complaints of the Prisoners of the Trichinopoly Jail and issued such orders as they considered necessary to prevent any deviation from the rules laid down by them on the 8th October 1821, in regard to prison discipline, and they have since issued particular instructions, that the strictest attention be paid to the suggestions of the Medical Officers, in respect to indulgences which the health of the Prisoners may render requisite.

14

They now desire that the Acting 1st Judge will ascertain and report to them whether these orders have been carried fully into effect, particularly whether the present Acting Magistrate has adhered to the arrangement adopted by Mr. Nelson, or whether he has found it necessary to authorize any relaxation in respect to the severe discipline his predecessor is reported to have introduced. The

Acting

Acting 1st. Judge will require the Acting Magis-
trate to report in what manner and to what
extent the Prisoners are worked, and whether the
allowance fixed for the Tuckingfolly, as well as
all other jails, is actually issued, or whether some
portion may not be purloined by the Jailor or
the Peons.

32 to 36

15

The Acting 1st. Judge reports in a
satisfactory manner, of the state of the Jails and
the appearance of the Prisoners at Allacuna, Tin-
nevelly, Combaconum, Salem and Coimbatore.

16

The Zemindars Committee have viewed
with much approbation the very praiseworthy
manner in which Mr. Sadleir has exercised
himself since he has had charge of the files
Court at Combaconum, in turn the labour of the
Prisoners to the best possible account. The Acting
1st. Judge speaks in terms of commendation
of her arrangements which he states "have been
"highly useful and economical, without trenching
"upon the substantial remedies too much from
"the physical powers of the unfortunate persons
"under her superintendance."

23

39

17

28.

The Acting 1st. Judge suggests
that the Judge on Circuit should be directed
to visit the Jails at Negapatam, for the purpose
of enquiring into the [illegible] and treatment
of [illegible] now confined under
the

F. 64.
15th. August 1832.

the roads at that place. The Zemindars Committee
consider that such an arrangement would
be attended with beneficial results and desire
that it may be carried into effect whenever it
can be done, without running the risk of
extending the Circuit beyond the prescribed
period.

18

The Zemindars Committee likewise approve
of the suggestion of the Acting 1st. Judge, that the
Jail at Tuckingfolly should receive quarterly
visitations, and they desire that for the future,
each Judge will make a point of visiting
that Jail twice during the period of his
Circuit and if practicable at the intervals
stated.

Ordered, that extract of these
proceedings with copy of the report be transmit-
ted to the Acting Secretary to Government
in the Judicial Department for the purpose
of being laid before the Right Honorable the
Governor in Council.

(Sent following letter dtd. 460)

Ordered also, that extract of
these proceedings be sent to the Acting 1st. Judge
late on Circuit in the Southern Division by
precept, returnable in fourteen days from
and after its receipt.

(Sent following precept dt. 461)

Read

Read letter, dated the 31st. Ultimo, from the Provincial Court of Circuit in the Centre Division, submitting the Reports in the forms prescribed by Section XXXV Regulation X of 1816, for the month of June 1832.

(Here enter No. 621.)

Cuddapa Supt. Report Nos. 11 & 12 of the Report V for May 1832.

1 The irregularity of requiring the Prisoners to Keep the Peace, in the cases noted in the Margin, has been noticed by the Provincial Court of Circuit, and they will accordingly direct the Criminal Judge to amend the order for the requisition of Security in each of those cases.

No. 30 of the Report No. V for May 1832.

2 The Criminal Judge would appear in this case not to have allowed sufficient weight to the testimony of the Prosecutor, and the Provincial Court of Circuit will therefore draw his attention to the Circular order of the 25th February 1829 for his future guidance on similar occasions

Report 6 Cases 5

3 The grounds assigned for the delay of the Prisoners in this case is so far from satisfactory, that the Court of Foujdaree Adaulut deem it proper to direct the Provincial Court of Circuit to call upon the Magistrate for further explanation on the subject, and to report what notice may have been taken of the Police Officers conduct.

4 The Court of Foujdaree Adaulut observe that the Criminal Judge continues the practice of numbering the cases in each month distinctly. The Provincial Court of Circuit will call upon him to conform to the instructions on this subject, which were issued on review of his former reports.

Cumbum Report V.

5 The same remark is applicable to the Report No. V of the Native Criminal Judge, who should at the same time be directed to fill up Column 11 of the Statement of the Labor of convicts, which he has omitted to do in the present instance.

Supt. Report Case 3.

6 The Court of Foujdaree Adaulut consider the observation of the Provincial Court of Circuit on this case to be injudicious, it would appear that the Complainant would not prosecute the Prisoner, because he was her husband.

Report 6 Cases 7 & 8

7 With reference to para 13 of the proceedings of the Provincial Court of Circuit the Court of Foujdaree Adaulut have to observe that the removal of the Prisoners in these cases was authorized by the instructions contained in the Minutes of Council of 20th March 1827 communicated to the Provincial Court of Circuit in the Centre Division on the 20th of the following month.

Bellary Report No. V and Supt. Report.

8 The Court of Foujdaree Adaulut observe with concern the want of diligence shewn in the disposal of the Criminal business of the Court of Bellary during the month of June. It is manifest from the Reports noted in the Margin that only 3 cases of 4 Prisoners were disposed of out of 18 cases of 65 Prisoners - these 3 cases were concluded before the 9th of the month. The Acting Judge left his Court on leave of absence

the

absence on the 16th of June, and the officiating Judge then took charge - In animadverting upon such a want of exertion in conducting the Criminal duties which devolved upon him, the Provincial Court of Circuit will point out to the late officiating Judge that the Court of Sowdance Sadalut have deemed it incumbent on them to mark it with their censure.-

Chingleput Sup. Report case 193 1831.

9 The case noted in the Margin is again obtruded on the notice of the Court of Sowdance Sadalut who have already remarked upon the extraordinary delay in the disposal of it arising apparently solely from the applications of the Criminal Judge to the Magistrate remaining unanswered.-

10 The Court of Sowdance Sadalut now direct the Provincial Court of Circuit to intimate to the Magistrate that if such applications are treated with such apparent neglect, it will be necessary to take more serious notice of his inattention.-

Chingleput Report V Case 115

11 The correctness of the release of the third Prisoner in this case solely on the ground of her having been the wife of another Prisoner would appear to be doubtful. The Provincial Court of Circuit will call upon the Acting Criminal Judge to explain whether or not this was the case or whether there was no evidence of her having been concerned in

S. G.
15th August 1832.

the crime charged, or if concerned, whether the part she took was shewn to have been by coercion of her husband.-

Report No 9

12 The case here entered has been long since disposed of and the Provincial Court of Circuit will therefore explain the reason of its continued insertion.-

Cuddalore Report V Cases 41 & 42.

13 The Court of Sowdance Sadalut deem it proper to direct the Provincial Court of Circuit to communicate to the Joint Criminal Judge for his information and future guidance their opinion that the 2d Judge was in error in returning these cases to him for disposal

Chittoor

14 The Provincial Court of Circuit will point out to the Criminal Judge that he has omitted to fill up the eleventh column of his Statement of the labor of Prisoners, and direct him to make the appropriate entry in future.-

15 The Court of Sowdance Sadalut perceive that in the abstract of Prisoners "of the previous month undisposed of at "the close of" the numbers are erroneously entered in regard to Chittoor, Cuddapah and Bellary which should be

	Appeales	No of prisoners
Chittoor	7	28
Cuddapah	"	123
Bellary	5	19
instead of the following	" 6	27
	" "	135
	" 6	26

The

The Provincial Court of Circuit will call for and submit a report of the escape of the Prisoner entered in Columns "Prisoners escaped" from Cumbum which should have been earlier sent in conformity to the standing orders of the Tongaree Cutcherry.

Ordered, that a Extract of these Proceedings be sent to the Provincial Court of Circuit in the Centre Division for their information and guidance by precept returnable without delay.

(Sent following precept No. 462)

Read a letter dated the 25th Ultimo from the Provincial Court of Circuit in the Southern Division, submitting the Reports in the form prescribed by Section XXXV Regulation X of 1816, for the months of June 1832.

(See inter alia No. 631)

Matara Report Case 48.

1 With reference to the remark of the Provincial Court of Circuit in the 16th para of their proceedings, the Court of Tongaree Cutcherry have to observe that Criminal Judges are required by the Circular Order of the 4th July 1826 to notify in their Criminal Reports when the Crime for which a party may be punished by them differs from that with which he is originally charged.

2 The Criminal Judge should however have specified this in order

in the Column "Punished" instead of in the Column "released".

Supplemental Report Case 42.

Under the circumstances of strong suspicion represented in the Report under review, the Court of Tongaree Cutcherry are of opinion that the 1st prisoner in this case should not have been released without Security.

Timmerelly Report Cases 61 & 76.

4 The allegation of guilty knowledge has been omitted in the Charges in these cases, and they consequently stand incorrectly recorded. The Provincial Court of Circuit will intimate this to the Acting Joint Criminal Judge, and at the same time point his attention to the Circular Order of 25th February 1829 under which the Charges in the case noted in the Margin should have formed distinct cases, informing him that they should appear as such in the Calendars to be laid before the Court of Circuit.

No. 64.

5 The Provincial Court of Circuit will call upon the Acting Joint Criminal Judge to forward without delay the report of the escape of the Prisoner in this case, agreeably to the Circular Orders of 23d January and 28th March 1832.

No. 76

6 They will likewise require him to state in what manner he has treated the two Prisoners who in the Statement of the "Labor of convicts" are shewn to have refused to work.

Commissioners Report Case 129.

7 The Court of Tongaree Cutcherry are

of opinion under all the circumstances represented, that the Criminal Judge was justified in demanding Security from the Prisoner in this case.-

Case 131

8 The Provincial Court of Circuit will be required the Criminal Judge to explain whether the Charge was proved to the extent laid, as it appears to the Court of Sessions doubtful that in such case the Prisoner should not have been released without punishment.-

Salem

9 The Court of Sessions doubtful have observed with surprize that not a single case has been disposed of in the Criminal Court of Salem during the months of June, and the past betrays so great a want of diligence in the performance of the duties which devolved upon the acting Criminal Judge, that they feel it incumbent on them to direct the Provincial Court of Circuit to inform him, that unless he can give satisfactory explanation, he has rendered himself liable to their severe censure.-

Coimbatore Report V Case 78.

10 The Court of Sessions doubtful concur in the opinion expressed by the Provincial Court of Circuit regarding this case.- It was undoubtedly one in which the Prisoner should have been committed to take their trial before the Circuit Court.-

Case 80

11 The prisoner in this case the Court consider to have been appropriately punished under Section VII Regulation X of 1816.-

12 The Court of Sessions doubtful in conclusion deem it proper to direct the Provincial Court of Circuit to instruct the several subordinate Courts to form the abstracts appended to their Reports No V and Supplemental Reports so as to shew the number of persons concerned in the several cases as well as the number of cases, in order to facilitate the comparison between the Reports and the abstracts furnished by the Provincial Courts of Circuit annexed to their proceedings upon the Reports.

J. Mc. 15th August 1832

13 In the entry of the number of prisoners great care should always be taken to avoid inserting distinctly the same Prisoners who may have been concerned in more than one case.-

Ordered, that Extract of these proceedings be sent to the Provincial Court of Circuit in the Southern Division for their information and guidance by Precept returnable without delay.-

(Sent following precept No 163)

Read letter dated the 27th Ultimo from the Provincial Court of Circuit in the Northern Division, submitting the Reports in the forms prescribed by Section XXXV Regulation X of 1816, for the months of June 1832.-

(Here enter No 633.)

Chicacole Report V Case 1.

1 The Provincial Court of Circuit will call for an explanation of the delay in forwarding the Prosecutor and Witnesses in this case, and urge the necessity of their being immediately sent.-

Supt. Report Case 3.

2 The full explanation of the delay

delay in the disposal of this case, which the Circular order of the 11th April 1832 desires, not having been given, the Provincial Court of Circuit will obtain and forward it.

Case 6

3 It appears that the Magistrate was applied to on the 1st June to transmit the Prosecutor and any other evidence regarding this case, but that the application remained unattended to, at the close of the Month. The Magistrate should be required by the Provincial Court of Circuit to state why the Prosecutor and Witnesses were not sent.

Nellow Report V Cases 40 & 41.

4 The 2d. prisoner in each of these cases is the same and a note in red ink to this effect is subjoined to each. This is not in conformance with the Circular order of the 8th December 1831. The Provincial Court will therefore point this out to the Criminal Judge and instruct him that the name of the Prisoner in more than one case in the same Report is to be entered in the second and other cases in red ink.

Gunton Report V Case 51.

5 The sentence in this case being illegal, the Joint Criminal Judge will be called upon by the Provincial Court of Circuit to cancel it. The provision of the Regulation authorizing such sentence should always be cited and by an adherence to the instructions on this subject which he should receive to maintain in future the Joint Criminal Judge would have avoided falling into the error observable in this case of the Report. The Provincial Court of Circuit will report the result of the instructions conveyed in their proceedings upon this case for the information of the Court of Judicature.

Case No 55

6 The Provincial Court of Circuit will point out to the Joint Criminal Judge for his future guidance that house breaking by a gang of which crime conviction appears to have occurred in this case is very inadequately punished by 6 months imprisonment and 60 lashes. The Prisoners convicted of it might have been appropriately sentenced to the full measure of punishment which the Joint Criminal Judge is authorized to inflict.

Case 60

7 The Provincial Court of Circuit were incompetent to issue the order contained in their proceedings on this case, and they will therefore cause it to be cancelled. They are not empowered to issue any order on examination of the Criminal Reports, and it appears to the Court of Judicature that the order in question which they have required to be cancelled would if enforced tend to prohibit the infliction of stripes in certain cases wherein the Regulations authorize it.

With

With reference to the remarks attached to the Statement of the Labour of convicts and the observations of the Provincial Court of Circuit regarding the implements necessary to enable the prisoners to be employed profitably within the Gaol, the Court of Foujdaree Adawlut have to add that the Joint Criminal Judge should make Special application for the implements if he considers the expenditure necessary & advisable.

Magistrates Reports &c. V Case 21.

9 The Joint Criminal Judge in returning the case noted in the Margin to the Magistrate has allowed the Circular Order of the 31st December 1828 to pass unnoticed. The Provincial Court of Circuit will direct his attention to it for his future guidance.

Ordered, that extract of these Proceedings be sent to the Provincial Court of Circuit in the Northern Division for their information and guidance by precept returnable without delay.

(Sent following precept No 464)

Read letter, dated the 31st ultimo from the Provincial Court of Circuit in the Western Division, submitting the further explanation of the Criminal Judge of Canara regarding his acquittal of security from the 1st 2d 3d 4th and 5th Prisoners in case No 53 of the Canara Supt. Report for May last.

(Hereunto No 640)

F.C.
15th August 1832.

It appears from the explanation now submitted that the evidence against the Prisoners above alluded to consisted in their possessing money which from their circumstances and situation in life was clearly not their own: but this is not in the opinion of the Court of Foujdaree Adawlut sufficient to warrant a requisition of security.

2. Nothing in the confession of the other Prisoners can be taken as evidence against these Prisoners and the Court seeing no grounds for an alteration of their former order in the subject, which has been brought again under their consideration by the present reference, direct that it be proceeded.

Ordered, that extract of these proceedings be sent to the Provincial Court of Circuit in the Western Division for their information and guidance by precept returnable without delay.

(Sent following precept No 465)

Puchaiappa Chary of the Zilla of Cuddapah, moves the Court to return the enclosures in his Miscellaneous petition No 68 of 1832.

Ordered, that extract of these proceedings be sent to the Provincial Court of Circuit in the Western Division for their information and guidance by precept

Varada Goundew and Pallie
=codotta Goundew move the Court to return
the enclosures in their Miscellaneous Petition
No. 72 of 1832.

Ordered accordingly.-

Read return, dated the 1st instant from
the Acting Judge late on Circuit in the Northern
Division, to precept dated 9th Ultimo, com:
=municating the Courts observations on the
neglect of Village Headsmen to the provisions
of Section XIII Regulation XI of 1816 in case
No. 1 Nellore Supplemental Calendar 1st
Session 1832.-

(Here enter No. 636.)

Read return, dated the 3d instant
from the Provincial Court of Circuit in the Western
Division, to precept dated 27th Ultimo, directing
that in cases in which materials evidence
has been given by Prosecutors, and the Law Cl.
No. 1 Section XI of 1810 in case
No. 1 Nellore Supplemental Calendar 1st
Session 1832.-

(Here enter No. 636.)

Read return, dated the 3d instant
from the Provincial Court of Circuit in the Western
Division, to precept dated 27th Ultimo, directing
that in cases in which materials evidence
has been given by Prosecutors, and the Law

Read return dated the 6th instant,
from the Judge of the Provincial Court of
Circuit in the Southern Division, to precept
dated the 16th July, calling for explanations
from the Criminal Judge of Chicacole
relative to cases No. 4 and 9 of his Calendar
No. V for May last.-

(Here enter No. 658.)

Read letter, dated the 6th
instant, from the Provincial Court of Cir:
=cuit in the Southern Division, transmitting
explanations required in Courts proceedings
dated 29th June last in the Criminal
Reports for May 1832.-

(Here enter No. 659.)

J. M

Varada Goundew and Pulle
=cordotta Goundew move the Court to
the enclosures in their Miscellaneous Petn
No. 72 of 1832.

Ordered accordingly.-

Read return dated the 5th Instant from
the Acting Judge Talaveicuit in the Wester
Division, to precept dated 9th Ultimo, com
=municating the Courts observations in
respect of Village Promeiffe to the provis
of Section XIII Regulation XI of 1816 in case
No. 1 Nellore Supplemental Calendar for
Sessions 1832.

(Here enter No. 636.)

Read return, dated the 5th Instant
from the Provincial Court of Circuit in the Wester
Division, to precept dated 9th Ultimo, direc
that in cases in which material evidence
has been given by Prosecutor, and the Jury
has rejected such evidence as inadmissible
a second question be put.

(Here enter No. 646.)

Read return, dated the 5th Instant
from the Provincial Court of Circuit in the
Southern Division, to precept dated 11th Ult
communicating the observations and recom
of the Court on the Criminal Reports of the
Division for May 1832.

(Here enter No.

Read return dated the 6th Instant,
from the Judges of the Provincial Court of
Circuit in the Northern Division, to precept
dated the 16th July, calling for explanations
from the Criminal Judge of Chicacole
relative to cases Nos. 4 and 9 of his Calendar
No. V for May last.-

(Here enter No. 658.)

Read letter, dated the 6th
Instant, from the Provincial Court of Cir
=cuit in the Northern Division, transmitting
explanations required in Courts proceedings
dated 29th June last in the Criminal
Reports for May 1832.-

(Here enter No. 659.)

W.W.

L.C.M.

18th August 1882.

and kept to hard labor in irons, on the public roads or on other public works, for, and during the period of fourteen years and then to be released, and

The Court of Enquiry Galle concurring in opinion that the prisoner

2nd Goonaweera,

is not convicted of the crime charged against him on presumptive proof, or on the evidence of credible witnesses or on his own confession, notwithstanding the finding of their Law Officers, acquit him of the same, but considering that suspicion attaches to him, they, under Clause sixth Section II Regulation XV of 1803 direct that he be required to find two sureties in fifty Rupees each for his good behaviour and appearance when required within two years, or in default thereof, that he be detained for that period in confinement.

(Sent following letter No 472/s

WB

WM

I. C. M.

F. 62.

At a Court of the Enquiry Galle

Monday, 29th August, 1882.

Present

The Honble William Oliver Layard Chief Judge.
John Bird Esqre 2nd Puisne Judge.
William Duckleton Esqre 3rd Puisne Judge.

Mr. Bird and Mr. Duckleton.

The Records of Trials No 7, 14 and 15 on the Chilaw Calendar for the 2nd Session of 1881 which were severally considered on the 4th February, 5th January and the 9th January not having been yet received

WM

The Court of Enquiry Galle do not deem it proper to call the attention of the Acting Judge to an Omission to this circumstance and to desire that they may be forwarded without delay, accompanied by an explanation of the tardiness of their transmission.

Ordered, that extract of these proceedings be sent to the Acting Judge Circuit on Circuit in the Northern Division by precept, returnable in ten days.

(Sent following Precept No 474.

Mr. Oliver and Mr. Bird.

Read letter, dated the 11th instant from the Second Judge Circuit on Circuit in the Central Division, submitting case No 8 Cadapath Calendar 1st Session 1882

(Here enter No 56)

The Court of Enquiry Galle having maturely considered the proceedings held before the Court of Circuit, the Jurors

7

of the Provincial Law Officer and the finding of the Cazee cal Cazat and Moofties of the Pongolarra Udalut, confirm the finding of the the Cazee cal Cazat and Moofties aforesaid acquitting the prisoners

1st Anthiahare Gungadar, and
2nd Anthiahare Anakey,

of the crime of murder charged against them, but considering that strong suspicion though not amounting to conviction attaches to them, they, under Clause sixth Section II Regulation XV of 1803 direct that they be severally required to find two sureties in fifty Rupees each for their good behaviour and appearance when required within three years, or in default thereof that they be detained for that period in confinement.

Sgd

(Sent following letter No 475

Read letter dated the 26th ultimo,

Mr Oliver and Mr Anderson. Sgd

from the 2nd Judge of the Provincial Court of Circuit in the Central Division, submitting Case No 4 Cuddapah Calendar 1st Sessions 1872.

Sgd

(Here enter No 625)

The Court of Pongolarra Udalut having matured consideration, submitting No 4 Cuddapah Calendar 1st Sessions 1872.

Sgd

(Here enter No 625)

The Court of Pongolarra Udalut having maturely considered the proceedings held before the Court of the Provincial

of the finding of the Cazee cal Cazat and Moofties aforesaid, as acquits the prisoners

2nd Cudderry Pedda Nursimmadoo and
3rd Conchimreddy Subbadoo,

of the crime of murder charged against them, and direct that they be released.

But on a deliberate consideration of the circumstances of the case in evidence before them, the Court of Pongolarra Udalut concurring in opinion that the proof against the Prisoner,

1st Cudderry Chinna Nursimmadoo,

is sufficient to convict him of the crime of wilful murder, do, under the authority vested in them by Clause first Section II Regulation I of 1818 convict him thereof, and under the provisions of Section X Regulation VIII of 1802, sentence him to suffer death by being hanged at the usual time and place of execution.

According to the terms of the declaration, made on the 18th July 1871 to the 3rd prisoner agreeably to the Circular order of the 8th April 1828, his committal for trial was made contingent upon it being "proved to the satisfaction of the "Judge by whom the charge of murder "should be tried, that he was a principal,

or

20th August 1832

Read Letter, dated the 15th Instant,
from the acting 3rd Judge on Circuit in the
Southern Division, reporting the arrival
of the Circuit Court at Tinnevelly.

(Here enter No. 673.)

Read return, dated the 4th Instant,
from the Judges of the Provincial Court
of Circuit in the Centre Division, to precept
dated the 4th Instant, directing that the
Magistrates do write in their returns
the substance of Urgers received from
the Heads of Police and conveying observa-
tions on the return of the Criminal
Judge of Bellary, which accompanied
the Provincial Courts return of the 2nd
Instant.

(Here enter No. 675.)

Read return, dated the 15th Instant,
from the Acting Judge take on Circuit
in the Northern Division, to precept
dated 2nd Instant, communicating the
Courts observations on Case No. 10 of the
Nellore Calendar 1st Sessions 1832.

(Here enter No. 676.)

Read letter, dated the 15th Instant,
from the acting Judge on Circuit in the
Centre Division, reporting that from
indisposition he has been unable to hold
the Sessions at Bellary on the 15th Instant,
but will do so on the 17th or 20th.

(Here enter No. 679.)

WB

Supt.

In Court of the Zillah Adalut.

Present

Wednesday 22d August 1832.

John Bird Esqre. - 2d Puisne Judge
William Huddleston Esqre. 3d Puisne Judge

Read petition presented on the
9th Instant by Cota Munnen and Kirombee
of the Village of Teromalee in the Zillah of
Chittoor.

(Here enter M. P. No. 73 of 1832.)

The Petitioners pray, in reference
to the order passed by this Court on the 6th July
last, that Case No. 1 of the Chittoor Supplemen-
tal Calendar of the 1st Sessions of 1832, may be
taken into early consideration and order issued
for the release of the 2d, 3d, 4th and 5th Petitioners.

The case to which the Petitioners
refer, was called up in the Courts proceedings
of the 31st May last, and not having yet been
received, ordered, that the Acting 3d Judge of
the Provincial Court in the Centre Division
be called upon by precept, returnable
in one week, to submit without further delay,
this and the other trial which he was directed
to refer for the orders of this Court, in the
proceedings above quoted.

Ordered, that Extract from
these Proceedings be transmitted to the Acting
3d

22d. Augt. 1832

3d. Judge of the Provincial Court in the Centre Division by precept, returnable in one week from the date of its receipt.

(Sent following precept No 1230)

Ordered, that extract of these proceedings be furnished to the Petitioners on their application.

Read Petition presented on the 15th Instant by Nullammal of Pondicherry, praying the Court to take the case of her son, who has been sentenced to punishment by the Court of Circuit, into consideration.

(Here enter M. P. No 75 of 1832.)

The Petitioner was informed by the Court's order of the 1st Instant, that there is no appeal from a sentence passed by a Court of Circuit, and to that order she is again referred.

The Court in rejecting the prayer of this Petitioner direct that she be informed that no further Petition on the same subject will be received from her.

Ordered, that extract from these proceedings be furnished to the Petitioner on her application.

Read return, dated the 17th Instant from the 2d Judge late on Circuit in the Centre Division, to precept of the 3d instant, returning committing case No 3 Cumbum Calendar 1st Septr 1832 for additional evidence on the State of the prisoner's mind.

(Here enter No 686)

22d Augt 1832.

Z 11

Read return, dated the 15th Instant, from the Provincial Court of Circuit in the Southern Division, to precept dated 30th Ultimo, directing the Acting Criminal Judge of Salem to cancel the sentence on the 1st prisoner in case No 70 of the Criminal Report for April last.

(Here enter No 683)

Read return, dated the 15th Instant, from the Judges of the Provincial Court in the Northern Division, to precept dated 6th instant, ordering communication of the Court's observations to the several Criminal and Joint Criminal Judges and to the Judge on Circuit requiring each charge of perjury to be made a separate number in the Calendar for each individual accused of this crime.

(Here enter No 686.)

J. Cl

F. H.

At a Court of the Tongdarce Udalute
Present.

Friday,
24th August, 1872. John Bird Esqre 1st Puisne Judge
William Huddleston Esqre 2nd Puisne Judge.

Mr Bird
and
Mr Huddleston

Read letter, dated the 1st Instant from the Second Judge of the Court of Circuit in the Centre Division, submitting case No 20 Cuddapah Calendar 1st Sessions 1872.
(Here enter No 639)

Read also letter, dated the 6th Instant, from the 2nd Judge of the Court of Circuit in the Centre Division, transmitting copy of a letter from the Criminal Judge of Cuddapah reporting the death of Pakkiry Naimappah, the 3rd Prisoner in case No 20 Cuddapah Calendar 1st Sessions 1872.
(Here enter No 648)

The third Prisoner in this case died in confinement.

The Court of Tongdarce Udalut having maturely considered the proceedings held before the Court on Circuit, the futwa of the Provincial Law Officer, and the futwa of the Cazee ool Coozat and Mooftees of the Tongdarce Udalut, confirm the futwa of the Cazee ool Coozat and Mooftees aforesaid, and acquit the prisoners

1st Tayooree Lutchmeenurso;
and
2nd Bayapagama Ramappa

of the crime of murder charged against them

them, but considering that strong suspicion though not amounting to conviction attaches to them, they direct that they severally be required to find two Sureties in two hundred Rupees each for their good behaviour and appearance when required within three years, or in default thereof that they be detained for that period in confinement.

1. In the 6th paragraph of the letter accompanying the trial, the 2d Judge states, that "on the removal of one of the two first prisoners for intimidating the first Witness, the said witness gave very clear evidence, which was afterwards read to him before the prisoner who had been temporarily removed.

2. This proceeding was highly irregular and improper, and tends to invalidate the testimony of the 1st witness, so far as it affects the prisoner, who was not present, when it was delivered.

3. The first prisoner named two witnesses to prove an alibi; and it does not appear, that any measures were taken by the 2d Judge to obtain their attendance at Mc Gahagan considered the evidence for the prosecution sufficient for the first prisoner's conviction he should have postponed the trial, if the attendance of his witnesses could not be procured during the Sessions at Cuddapa.

In

4. In some parts of the record the police Officer who examined the prisoners is called a police Ameen, in others a Carkoon, and in the report of the Tahsildar an officer appointed under the provisions of Clause first Section III Regulation IV of 1821.

5. If the last was the fact the standing orders require, that the appointment should have been certified to the Zillah Court by the Judge of Circuit.

Ordered, that extract of the proceedings be sent to the Second Judge of the Court of Circuit in the Centre Division for his information and future guidance.

(Sent following letter No 281)

J. C. M

At a Court of the Bujdarre Udalut.

Present,

Saturday,
25th August 1832.

John Bird Esqre 2nd Puisne Judge
William Auckterlony Esqre 3rd Puisne Judge

Read return, dated the 6th Instant,
from the Acting Judge late on Circuit in the
Northern Division, to precept dated the 27th
ultimo, transmitting an extract of the Proceedings
of the Bujdarre Udalut of the same date,
communicating the observations of the Court
upon the Chittagong Calendar for the 1st Sessions
of 1832.

/Here enter No 657./

No 18.

With reference to the remark
of the Acting Judge that a Witness, the 8th
in the Calendar of the Court of Circuit, was
examined to prove that the property delivered
up by certain of the Prisoners belonged to
the Prosecutor, the Court observe that there
were only six witnesses entered in the
Calendar transmitted to them - When the
Bujdarre Udalut made the remarks to
which the 5th para of the Return now
before them, is in reply, they could not
have supposed that a single person had
been deputed to receive the property said
to have been stolen. The Court trust that
the Acting Judge has pointed out the
fact to the Magistrate of the District

and

and has enjoined him to caution the
Police officers of the inutility of causing
search to be made for stolen property
by a single person

Ordered, that a extract of these
proceedings be sent to the Acting Judge
late on Circuit in the Northern Division
for his information and guidance.

(Sent following letter No 284)

Mr Bird and Mr Burleston

Read letter, dated the 4th instant,
from the 2nd Judge of the Court of Circuit
in the Centre Division, submitting case
No 8 Bellary Calendar 1st Sessions 1882.

(Here enter No 855.)

The Court of Enquiry Malabut
on a due consideration of all the circum-
stances of the case in evidence before
them, being of opinion that the proof against
the prisoner

Konka Vencadaa

is sufficient to commit him of the crime
of murder under the authority vested
in them by Clause first Section II Regulation
I of 1818 do commit him thereof, and
adjudge him to suffer death as prescribed
by Section X Regulation VIII of 1802 by being
hanged at the usual time and place of
execution.

(Sent following letter No 285)

Mr Bird and Mr Burleston.

Read letter, dated the 10th instant,
from the Second Judge of the Court of Circuit
in the Centre Division, submitting case
No 20 Bellary Calendar 1st Sessions 1882.

(Here enter No 861.)

The Court of Enquiry Malabut
on a deliberate consideration of all the
circumstances of the case in evidence before
them being of opinion, that the proof
against the Prisoner

Pottamah

is sufficient to commit her of the crime
of murder, under the authority vested
in them by Clause first Section II Regulation
I of 1818 to commit her thereof, and adjudge
her to suffer death as prescribed by Section
Section X Regulation VIII of 1802 by being
hanged at the usual time and place of
execution.

(Sent following letter No 286.

Read return, dated the 5th
Instant, from the Provincial Court of Circuit
in the Southern Division, to precept dated
26th July, transmitting papers upon the
explanations of the several authorities
of the Southern Division on the Criminal
Reports for April last - Forwards copy
of a petition from the Criminal Inmates of
Salem.

(Here enter No 887)

Read

25th August 1882.

Read letter, dated the 23d Instant, from the Acting Judge late on Circuit in the Northern Division, with returned warrant for the execution of the Prisoner in Case No 1 Nellore Supplemental Calendar 4th Sessions 1882.

(Here enter No 697.)

Read letter, dated the 15th Instant, from the Acting Judge of the Court of Circuit in the Northern Division, submitting an explanation relative to the proceedings of the Tsujdaree Moatutan Trial No 2 Guntoor Calendar for 1st Sessions 1882.

(Here enter No 691.)

Read return, dated the 15th Instant, from the Provincial Court of Circuit in the Southern Division, to precept of the 28th ultimo, requiring explanation from the Magistrate of Salem as to whether the "Police Sheristadar" stated by him to officiate as Tahsildar during the absence of that officer is on each occasion appointed specially to perform the duties of a Police Officer.

(Here enter No 681.)

From the above return it appears that a Circular order by the Magistrate is in force in the Zillah of Salem which is considered to vest "the Tahsildar Sheristadars with Police powers agreeably to Clause first Section III Regulation IV of 1821 in order that when necessary

2/ 7 11.

25th August 1882. they may exercise them, and that any such Police Sheristadars in the absence of the Tahsildar is ex-officio authorized to act "as head of Police."

2. The Court of Sujdaree Adalut are not of opinion that the Police Sheristadars can be invested with the powers in question by a Circular order. A special appointment by the Magistrate in each case is necessary for the purpose.

Ordered that extract of these proceedings be sent to the Provincial Court of Circuit in the Southern Division for communication to the Magistrate of Salem, by precept, returnable without delay.

Sent following Precept No 687.

J. C. M.

P. 16.

At a Court of the Foujdaree Udalut.

Present,

Tuesday 28th August 1832 — John Bird Esqre 2d Puisne Judge
William Hudleston Esqre 3d Puisne Judge

The Court of Foujdaree Udalut,
having perused the petition presented on the 15th
Instant by the Vakeel Vanoomunta row on
behalf of Mr. G. F. Fischer of Salem, observe
that it consists of certain observations upon a
case under the judicial Cognizance of the Court
of a nature altogether irregular and inadmissible.

They direct, therefore, that the pe-
tition in question be not placed upon the
records of the Court, but be returned to the
Vakeel Vanoomuntarow, for the purpose
of being delivered to Mr. Fischer.

Ordered, that extract from these
proceedings be furnished to the petitioner on
his application.

Read Petition presented on the
15th Instant by Ramanaiken inhabitant
of Nalavoyel in the Zilla of Chingleput.

(Here enter this Pet. No. 76 of 1832)

The petitioner represents that
his son has been unjustly sentenced to fourteen
years imprisonment on an unfounded charge
of theft, and prays the Court to issue orders
for his release.

Thare

25th Augt 1832.

Read letter, dated the 16th Instant, from the Acting 3d Judge in Circuit in the Southern Division, transmitting copy of the Madura Calendar for the 2d Sessions 1832.

(Here enter N.693)

Case 5

1

According to the abstract of the evidence in this case, the confessions of the Prisoners before the Police authorities, were corroborated, as regards the 1st, 2d and 3d Prisoners, by the testimony of the 2d and 3d Prosecutrix's, and of the 1st and 2d witnesses. The Acting 3d Judge should have explained whether the evidence to this effect was retracted at the trial, and if not, should have stated his reasons for concurring in the acquittal of the 2d and 3d Prisoners, and he will now be pleased to supply the omission.

Case 7

2

The Court have great doubts whether the evidence given in this case could have been sufficient for the conviction of the Prisoners, and in consequence desire that the trial may be referred to them and the sentence suspended, until their orders are received upon it.

3

The Court consider it proper to explain to the Acting 3d Judge that Section V of Regulation XV of 1803, under the provisions of which he has passed sentence, does not apply to the case in question. If it did, a fatwa of Hud should have been given. The sentence however, (supposing the evidence to be sufficient) is

28th Augt 1832

2

There is no appeal from the sentence of a Court of Circuit, and it appears over, upon a reference to the cases in part in the Chingleput Calendar, that the prisoner was convicted, on the evidence of eye witnesses and on proof of his own voluntary confession of the crime, before the Police officers.

3

The prayer of this petition is consequently rejected.

Ordered, that extract of the proceedings be furnished to the Petitioner on his application.

Read Petition presented on the 22d Instant by Pachyappa Chetty Tuckaloo of Vallore &c. Villages in the Zillah of Salem.

(Here enter also Petn. No. 75 of 1832)

1

The prayer of this Petitioner is that the Court will issue instructions to the Criminal authorities in the Centre Division to take cognizance of a complaint preferred by him against certain parties for preventing him from building a house on a piece of ground to which he lays claim.

2

There is nothing stated in this petition to render expedient any alteration in the orders passed by this Court on the petition No. 75 of 1832 under date the 8th Instant, to which reference is now referred.

Ordered, that extract of these proceedings be furnished to the Petitioner on his application.

28th Augt 1832.

is legal under clause Seventh Section II Regulation XV of 1803, the act of which the Prisoners were convicted being, not theft, or burglary, but aiding the thieves.

9,10,11

4

It does not clearly appear to the Court, that in these cases, the evidence was sufficient for the conviction of the Prisoners, nor are they satisfied that the crimes, as laid in the charges, amount to perjury in the two first cases, and to subornation of perjury in the last.

5

They in consequence deem it proper to call for the cases and to desire that the sentences may be suspended, pending their orders.

15

6

Clause the first Section II Regulation XV of 1803 to which the Acting 3d Judge refers in this case, does not authorize any punishment. The sentence is legal under the provisions of clause seventh of the Section.

21

7

In this number the three first witnesses depose that they saw the prisoners commit the crime, with which they are charged, and such being the case, the Acting 3d Judge should have explained, why he considered that there was not sufficient proof for their conviction. He will now be pleased to supply the omission.

22

8

The Court are led to infer from the remarks on this case and No. 5, that the Acting 3d Judge does not consider one of

J. 16.

28th August 1832.

of a gang liable to punishment, for wounding, unless there is proof that he committed the wounding, or the kis non hand, and they in consequence think it proper to point out to him, that, under clause the second Section IV Regulation XV of 1803, it is only requisite that wounding &c. be proved to have been perpetrated, in order to subject all persons aiding, and abetting, when the acts were committed, to the punishment of transportation.

Under this disposition of the Law,

9

it appears probable to the Court, that the case in question did not come within the jurisdiction of the Court of Circuit, but under all the circumstances of the case, they do not think proper to disturb the sentence which has been passed.

Ordered, that extract from these proceedings be transmitted to the 3d Judge on Circuit in the Southern Division for his information and guidance.

(Sent following letter No 169 dy)

J. C. M.

Ent.

M

Wm

At a Court of the Pongdaree Udalut.
Present,

Thursday, 30th August 1832. John Bird Esqre 2nd Puisne Judge
William Rudkaston Esqre 3rd Puisne Judge

Read letter, dated the 21st Instant, from the acting First Judge, taken on Circuit in the Southern Division, transmitting a copy of a letter from the Magistrate of Tinnevelly to the Secretary to Government in the Judicial Department dated the 4th June 1825, and of a letter from Government to the Board of Revenue, dated the 25th July 1825.

(Here enter No. 694 of 1832.)

Read also letter, dated the 27th Instant, from the acting Secretary to Government in the Judicial Department, conveying the remarks of the Right Honorable the Governor in Council upon the proceedings of the Court of Pongdaree Udalut, dated the 15th Instant, reviewing the report of the acting 1st Judge, taken on Circuit in the Southern Division, upon the 1st Sessions of 1832.

(Here enter No. 702 of 1832.)

1. The Court of Pongdaree Udalut observe, that the orders of the Government dated 12th July 1825 contain no sanction for vesting the Police Ameen of Tinnevelly with the extended powers, given to "Heads of District Police" by the provisions of Section IV Regulation IV of 1821, and they direct that

that the Acting 1st Judge do instruct the
State of Tinnevelly strictly to conform
the circular order on this subject, date
the 29th March 1824.

2.

The Court direct that a co
of paragraphs 3, 4, 5 and 6 of the gover
letter from the Secretary to Government
in the Judicial Department be sent
the Acting 1st Judge who will comm
to the 2nd Judge on Circuit to the Ju
of Trichinopoly and to the Acting Ju
Judge of Coimbatore such part of
as concern those officers respectively
their information and guidance.

Ordered, That extract from
these proceedings be sent to the Acting
1st Judge the 2nd on Circuit in the Southern
Division by first available mail
days.

(Sent to Acting Registrar
Read return, dated the 29th
from the Acting Judge of the Provincial
Court of Circuit in the Centre Divisio
to precept dated the 22nd May last
for the personal examination of the
Case No 21 Criminal 1st Supplemental Calendar
1st Instance, of 1882, and explaining
explanation of the delay in submitting
the Calendar.

(Here enter

Read return, dated the 18th
Instant, from the Judge of the Provincial
Court of Circuit in the Northern Division,
to precept of the 11th instant, and stating
that the explanation of the Joint
Criminal Judge of Masulipatam called
for in Court's proceedings of the 7th April
last was transmitted on the 10th April.

(Here enter No 704)

Read letter, dated the 24th
Instant, from the 2nd Judge of the Court
of Circuit in the Centre Division, trans
mitting the warrant issued for the
execution of the Prisoner in Case
No 10 Criminal Calendar 1st Sessions
1882.

(Here enter No 712)

Read letter, dated the 22nd Instant
from the 2nd Judge on Circuit in the
Western Division, reporting his arrival
at Calicut and the opening of the
Sessions on the advance date.

(Here enter No 706.)

I. C. M.

E. H.

At a Court of the Tangalarce Adalut.

Present,

Friday,
8th August, John Bird Esqre 2nd Puisne Judge
1862. William Huddleston Esqre 3rd Puisne Judge

Read letter, dated 7th Instant,
from the Criminal Judge in the Zillah
of Malabar, transmitting copy of a Warrant
for the banishment of a prisoner to Zillah,
Selected by the Tangalarce Adalut.

(Here enter No 711)

The Court of Tangalarce Adalut
direct, that the said prisoner
Cherakoyamadinalaagatha Shaik Ismail
be removed to the Jail at Mangalore,
there to be imprisoned, agreeably to the
terms of his Sentence.

Ordered, that extract of these
proceedings be sent to the Criminal
Judge of Canara and to the Criminal
Judge of Malabar for their respective
information and guidance.

(Sent following letters No 500
J. H.

Read letter, dated the 25th Instant,
from the Acting 1st Judge late on
Circuit in the Southern Division,
forwarding

27th August 1882

forwarding explanation regarding Case
No 2 Salem Calendar 2nd Sessions of 1882.

(Here enter No 704)

Read letter, dated the 26th
Instant, from the Acting Judge on
Circuit in the Northern Division, stating
that Mr Commissioner had issued a notification
dispensing with the attendance of the
parties &c for the present at Gunton,
and that he had issued a Precept fixing
the Sessions for the 5th Proximo.

(Here enter No 713).

Copd.

F. 16.

At a Court of the Enjoolarra Circuit
Present.

Saturday
1st September 1882 John Bird Esqre 2nd Puisne Judge.
William Bradleston Esqre 3rd Puisne Judge.

Read letter, dated the 23rd Ultimo
from the Third Judge on Circuit in the
Southern Division, transmitting Cases
Finnerally Calendar 2nd Sessions of 1882.

(Here enter No 716 of 1882.)

The prisoners in this case,
stood charged "with having one night
"in the end of January Anno 1,006, cor-
"responding with September 1880, accompanied
"by others, who committed robbery and murder
"by torch light in the house of Bambaistha
"Jalook, and with having, while robbery
"was committed in the house by the latter
"robbers thrown stones on the east and
"west side of the house to prevent the
"approach of the villagers, and further
"with having shared the stolen property.

2. The proceedings on the trial
consist of a record of the prisoners' plea
of guilty to the charge which is preferred
in the usual form by the Government
Pleader, they were then called upon

to state what else they had to say, and the subjoined note follows.

"As the prisoners confessed the
"crime laid to their charge, the Court did
"not think it necessary to examine any
"witnesses on either side."

3 In the 4th paragraph of the letter accompanying the trial the 3rd Judge states that "as there were no proceedings in the number "under reference to shew that a murder had been committed in the house of Bala Krishna Parandaya, he considered it "advisable to call for the proceedings held "before the Joint Criminal Judge in No 1 "of the Trinomally Calendar 2d Sessions 1882 "as it was connected with the present case, "and would tend to shew that a murder had "been perpetrated in the house of Bandakitwa "Parandaya, when the Gang Robbery took "place, in which the prisoners admitted that "they participated."

4 The 3rd Judge has transmitted "an Appendix containing the translations "of the proceedings held before the Magistrate "and Joint Criminal Judge" in that Case "for the information of the Puisne Court."

5 It is a settled rule, that unless there is evidence to prove, that the crime charged against a prisoner has actually been committed, his confession

if it cannot be admitted to convict him.

6 It is also a rule, which can scarcely have been overlooked by the 3rd Judge, that a prisoner cannot be in any way affected by any evidence whatever excepting such, as may be adduced at his trial.

The preliminary proceedings in another case, forwarded by the 3rd Judge can in no degree supply the deficiency of the evidence on this trial: nor would they have been available for that purpose, had they been proceedings held by the Magistrate and Joint Criminal Judge in this case.

8 The Court of Puisne Judicature is of opinion, under the circumstances of the case to return the trial to the 3rd Judge in order that the requisite additional evidence may be obtained.

9 Ordered therefore, that the English and Persian translations of the proceedings in case No 8 Trinomally Calendar 2nd Sessions 1882 be returned to the 3rd Judge on Circuit in the Southern Division by precept, commanding him to instruct the Joint Criminal Judge to obtain the attendance of such witnesses, as can depose to the commission

7

1st September 1832

of the crime in which the prisoners are charged with having aided and abetted, and in the prisence of the prisoners to take their evidence, and to take down any statement, which the prisoners may make after such evidence has so been taken.

The 3rd Judge will annex English and Persian translations of the additional evidence to the record of the trial, and retransmit the same to this Court.

Ordered, that extract of these proceedings be sent to the 3rd Judge on Circuit in the Southern Division by precept returnable in twenty-one days.

(Sent following Precept No. 592).

J. C. M.

J. 16.

At a Court of the Foujdaree Adalut.

Present,

Wednesday 5th September 1832

The Honble William Oliver Esqre Chief Judge
John Bird Esqre ---- 2d Puisne Judge
William Hudleston Esqre 3d Puisne Judge

Read petition presented on the 22d ultimo by V. Venkata Kistniah of the Zilla of Chittoor.-

(Here enter Mis. pet. No 79 of 1832.)

The Petitioner represents that his brother, the 22d prisoner in case No 2 of the Chittoor Supplemental Calendar of the 1st quarterly Sessions of 1832, has been falsely charged with house breaking, and prays the Court to call for the trial and proceedings for his release.-

The trial in question has already been called for, and will be disposed of in due course.-

Ordered, that extract from these Proceedings be furnished to the Petitioner on his application.-

Mr. Oliver
Mr. Hudleston.

Read letter, dated 30th March last, from the Acting Judge on Circuit in the Southern Division, submitting Case No 3 on the Guntoor Calendar for the 1st September 1832.-

(Here enter No. 662.)

The Court of Foujdaree Adalut having maturely considered the proceedings held

held before the Court of Circuit, the futwa of the Provincial Law Officer, and the futwa of the Cazee ool Coozat and Mooftee of the Tongpanee Zeratut, confirm the futwa of the Cazee ool Coozat and Mooftee aforesaid, and acquit the Prisoner

1st Colla Caupanya

2d Vanada Soyana Goorapah

and

3d Toopankoola Venkuppah

of the crime of murder charged against them, but considering that strong suspicion though not amounting to conviction attaches to them, they, under the provisions of Claude Sixth Section II Regulation XV of 1803 direct that they be severally required to find two Sureties in 300 Rupees each for their good behaviour and appearance when required within three (3) years, or in default thereof, that they be detained for that period in confinement.—

(Sent following letter No. 506)

Wm Bird
Wm Anderson

Read letter, dated 23d. Ultimo, from the 2d Judge on Circuit in the Northern Division, submitting case No. 9 of Nellore Calendar 2d Sessions 1832.—

(Here enter No. 709.)

The Court of Foujdaree Adaulut having maturely considered the proceedings held before the Judge on Circuit, the futwa of the Provincial Law Officer, and the futwa of the Cazee ool Coozat and Mooftee of the Foujdaree Adaulut, confirm the futwa of the Cazee ool Coozat and Mooftees aforesaid, and acquit the prisoner

Veloyotegoria Appah

of the crime of murder charged against him, but being of opinion that suspicion though not amounting to conviction attaches to him, they, under the provisions of Claude Sixth Section II Regulation XV of 1803 direct that he be required to find two Sureties in fifty (50) Rupees each for his good behaviour and appearance when required within one year, or in default thereof that he be detained for that period in confinement.—

The Court of Foujdaree Adaulut dissent entirely from Mr. Calamajor's opinion, that, supposing the account of the transaction given by the 2d witness before the Court of Circuit to be true,— the crime "proved is evidently not murder"; and they direct that their dissent may be intimated to the second Judge.

2. According to the account, which is credited by the second Judge, the deceased was seized by three persons, thrown down, a stick placed across his neck, and pressed with their legs;— one of them (the prisoner) sitting upon his chest and pressing with his feet upon the stick and neck:— and thus the deceased was strangled.—

3 If this be not murder, the Court know not what can be so designated: the facts, that "there was a cause of provocation", and that "the offensive instruments used were

those

5th Sept. 1832.

"those, which happened to be at hand," - in no way deprive the deed of the genuine characteristics of murder -

4th Mr. Cavanagh's opinion would seem to be founded entirely upon there being no ground "for believing that there existed any "previous malice": but in Blackstone Vol. IV p: 200 it is laid down, that "if even upon a "sudden provocation one beats another in a "cruel and unusual manner, so that he died, "though he did not intend his death, yet he is "guilty of murder by express malice, that is by "an express mul design, the genuine sense of "malitia."

Ordered, that extract of these proceedings be sent to the 2d Judge late on Circuit in the Northern Division, for his information

(Sent following letter No. 507.)

Mr. Bird
Mr. Hudleston.

Mr. Bu
Mr. Hud

Read return, dated 17th Ultimo from the 2d Judge of the Court of Circuit in the Centre Division, to precept dated 28th Ultimo, ordering to submit the English and Persian Record in case No. 70 Cuddalore Calendar 1st Session 1832.

(Hereunto No. 684.)

The Court of Sudder Adawlut having maturely considered the proceedings held before the Court of Circuit, the futwa of the Provincial Law Officer, and the futwa of the Cazee-ool Cozat and Mooftees of the Sudder

5th September 1832.

Sudder Adawlut confirm the futwas of the Cazee-ool Cozat and Mooftees aforesaid, and acquitting the prisoners

1st Cossipoo Cobrian
2d Barber Paty
3d Kurtagoundew and
4th Santiah Naiken

direct that they be released.

1 The Court direct that the 2d Judge be informed, that the Sudder Adawlut disapprove of his having over ruled the 6th question put by the 4th prisoner to his 1st witness.

2 The second question put by the 2d Judge to the Mahomedan Law Officer is not in the proper form - Under the provisions of clause fourth Section II Regulation XV of 1803, the Law Officer should have been required "to declare by a second futwa to what punish- ment the prisoners would have been liable under the Mahomedan Law for the crime committed by them, if the special exception by which Hud was barred in their case had not existed:" but not as in the question of the 2d Judge, - "if Hud were not barred "from them."

Ordered, that extract of these proceedings be sent to the 2d Judge on Circuit in the Centre Division for his information and future guidance.

(Sent following letter No. 508)

Read

5th Septr. 1832

Mr. Bird
&
Mr. Anderson

Read letter, dated 17th Ultimo from the Second Judge of the Court of Circuit in the Centre Division, Transmitting case No. 30 Bellary Calendar 1st Sessions 1832.-

(Here enter No. 685.)

The Prisoner

2d Caupa Catanah

died in confinement.-

The Court of Foujdaree Adalut having maturely considered the proceedings held before the Court of Circuit, the futwa of the Provincial Law Officer, and the futwa of the Cazee ool Cozat and Mooftee of the Foujdaree Adalut, confirm such part of the futwa of the Cazee ool Cozat and Mooftee aforesaid, as acquits the prisoners

3d Ramdoo Dhungur
4th Bader Condah
5th Bogum Veneadoo
6th Kristnadoo and
7th Doodoomah Talary.

and direct that the prisoners

7th Doodoomah Talary

be accordingly released.- but being of opinion that strong suspicion though not amounting to conviction attaches to the prisoners

3d Ramdoo Dhungur
4th Bader Condah
5th Bogum Veneadoo and
6th Kristnadoo,

the Court direct that they be severally required to

5th Septr. 1832.- to find two Sureties in fifty Rupees each for their good behaviour and appearance when required within 3 years, or in default thereof that they be detained for that period in confinement.-

And after a deliberate consideration of the circumstances of the case in evidence before them, the Court of Foujdaree Adalut concurring in opinion that the proof against the prisoner

1st Salakum Kristnadoo,

is sufficient to convict him of the crime of gang robbery attended with aggravating circumstances, do under the authority vested in them by clause first Section II Regulation I of 1818 convict him thereof and under the provisions of clause third Section II Regulation I of 1825 and of clause second Section IV Regulation XV of 1803 sentence him to receive 195 lashes with the cat o nine tails, and to be transported to such place beyond the Sea as the Right Honorable the Governor in Council may direct, there to be imprisoned and kept to hard labor in irons on the public roads or other public works for, and during the period of his natural life.-

(Sent following letter No. 509.)

J. Elt

Ha Court of the Fouzdaree Udalut.

Present,

Friday, 6th September, 1832. John Bird Esqr. 2nd Puisne Judge
William Dudleston Esqr. 3rd Puisne Judge

Read letter dated the 20th ultimo from the acting Judge on Circuit in the Centre Division, transmitting the Cuttapah and Cumbum Primary and Supplemental Calendars of the 2nd Session of 1832.

(Here enter No. 96.)

Pri. Calendar Case 4. The Court consider it proper to notice the loose manner in which the Sentence has been entered in this case. The acting Judge should have stated that Sentence of 14 years imprisonment was passed on each of the four prisoners.

5. 2 It appears to the Court, from the abstract of the evidence and the remarks of the acting Judge, that the 2nd Prisoner should in this case have been committed as well as the 1st. The acting Judge will explain his reasons for concurring in the acquittal of the 2nd Prisoner.

7 3. In this case, the Futwah specifies the grounds on which the Prisoner was committed although no mention thereof is made in the Calendar. The Court in consequence deem it necessary to notify to

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to the Acting Judge that in all cases an abstract of the Putwah should be entered in the Column of remarks under that head.

11. 4. It is not apparent to the Court of Enquiry what upon what evidence the 1st Prisoner was convicted in this case. The sentence which has been passed on him is moreover illegal. Under Clause fourth Section II Regulation XV of 1803 a second Putwa of Hindus should have been taken. Under these circumstances they desire that English and Persian translations of the trial may be submitted to them, and that the Acting Judge will at the same time explain the grounds on which he passed judgment. The sentence is to be suspended until further orders.

13. 5. If the Acting Judge was in this case satisfied of the truth of the evidence adduced against the 2nd Prisoner, he should have referred the trial for the decision of the Court of Enquiry on the testimony of the Prosecutor and one Witness, if to be depended upon, being amply sufficient for her conviction.

14. 6. In this number a second Putwa should have been put to the same Pundit who would of necessity have declared the Prisoner convicted, and it would then have been imperative on the Acting Judge

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to have referred the case to this Court. The evidence would appear to the Enquirers likely to have been fully sufficient for the conviction of the Prisoner.

16. 7. The Enquirers likewise do not clearly comprehend the grounds on which the Acting Judge concurred in the acquittal of the 2nd Prisoner in this case, and desire that he will furnish them with the necessary explanation.

21. 8. It appears to the Court that the first Witness in this case, could hardly have invented the story detailed in her evidence, and that there is reason to fear that her statement was correct. The Prisoner was however, for the want of legal evidence, properly acquitted, altho' the Court think that, under the strong suspicion which attached to him, he might with propriety have been required to furnish security.

22. 9. In this case a second Putwa should not have been taken, a specific punishment being provided by Regulation for the crime with which the Prisoners were charged. The Court do not wish however to disturb the sentence which has been passed, but they desire that the Acting Judge will state whether any further evidence was produced against the 2nd Prisoner before the Court of Circuit, than the testimony of the 2nd Witness which seems to have been all that proved sufficient to implicate him before the Criminal

Judge.

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Judge; as in the event of such not having been the case, there do not appear to the Magistrates Court to have been sufficient grounds for his conviction.

26. 10. The Court of Magistrates Court do not decline that the proceedings in English or in Persian, of the trial may be assigned to them and the sentence suspended.

Cuddapah Suppl Cal. 11.

1. It seems clear to the Magistrate Court that the evidence of the Prosecutor was not taken into consideration by the Law Officer in this case, and that had such been the case, the Prisoner would have been convicted. As their Circular order of the 27th July, has not been received by the Acting Judge at the time when the Judgment was passed, they abstain from offering any further remarks on the case.

2 12. The Magistrate Court do not consider it necessary to call for a second Extract and concurred in the Prisoner's acquittal.

3. 13. The Court decline that this case may be referred to them and the Sentence suspended.

Cuddapah Calendar 14. The Court consider it proper, in reference to the proceedings in this case, to call the attention of the Acting Judge to their remarks on the 22nd Paragraph of the Cuddapah Calendar wherein it was pointed out that a second question is irregular in a case specifically provided for by a Regulation.

4. 15. With reference to the abstract of the evidence in this case, the Acting Judge will explain the grounds on which he concurred in the acquittal of the Prisoner.

5. 16. If the assault in this case was not of an aggravated nature, the Magistrate Court are inclined to consider fourteen years imprisonment rather too severe a punishment for the offence, and that an application for mitigation of punishment might be made with propriety. They decline that the Acting Judge will reconsider the evidence, and either make an application to that effect in conformity with the provisions

6th September 1882

6th September 1882

Judge; as in the event of such not having been the case, there do not appear to the Magistrates Court to have been sufficient grounds for his conviction.

26. 10. The Court of Magistrates Court do not decline that the proceedings in English or in Persian, of the trial may be assigned to them and the sentence suspended.

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2 12. The Magistrate Court do not consider it necessary to call for a second Extract and concurred in the Prisoner's acquittal.

3. 13. The Court decline that this case may be referred to them and the Sentence suspended.

Cuddapah Calendar 14. The Court consider it proper, in reference to the proceedings in this case, to call the attention of the Acting Judge to their remarks on the 22nd Paragraph of the Cuddapah Calendar wherein it was pointed out that a second question is irregular in a case specifically provided for by a Regulation.

4. 15. With reference to the abstract of the evidence in this case, the Acting Judge will explain the grounds on which he concurred in the acquittal of the Prisoner.

5. 16. If the assault in this case was not of an aggravated nature, the Magistrate Court are inclined to consider fourteen years imprisonment rather too severe a punishment for the offence, and that an application for mitigation of punishment might be made with propriety. They decline that the Acting Judge will reconsider the evidence, and either make an application to that effect in conformity with the provisions

of 1825, or refer the case for their orders.

17. The remarks contained in paras 9 and 14 relative to calling for a Second Putwah are also applicable to this case.

1 18. It appears to the Court that according to the abstract, there was ample evidence for the conviction of the Prisoner, and they in consequence desire that the Acting Judge will explain the grounds on which he concurred in their acquittal.

7 19. The Puisnee Adawlut are disposed to view this case in the same light as No 5, and desire the Acting Judge to take into consideration whether the assault was of too aggravated a nature to render it expedient to suggest a mitigation of punishment.

Ordered, that extract of these proceedings be sent to the acting Judge on Circuit in the Centre Division by precept returnable in one month.

(Sent following Precept No 515)

Read return, dated the 25th from the Provincial Court of Circuit in the Western Division, to the precept of the 9th ultimo, requiring them to report who the individual is, who was designated by the Magistrate of Malabar as Superintendent of Police, and by whose sanction cases in the Criminal

Criminal Reports of the Division for many last were in the first instance conducted.

(Here enter No 515)

1 In the above return it is stated that the person in question "holds the "situation of Cutwal of the Town of Calicut and had the Summud of an Ameen under Section XLI Regulation XI of 1816 and that the term which attracted the notice of the Court of Puisnee Adawlut was inadvertently used in lieu of "Ameen".

2 The Court of Puisnee Adawlut on the 6th October 1820, and again on the 25th January 1833 ruled that persons holding the situation of Cutwal are ineligible to the Office of Police Ameen: the appointments being incompatible under Section XXIV and Section XLI Regulation XI of 1816, the former of which Sections declares that Cutwals are to be subject to the authority of Heads of Villages.

3 The Provincial Court of Circuit will communicate the foregoing Orders to the Magistrate of Malabar for his information and guidance.

Ordered, that extract of these proceedings be sent to the Provincial Court of Circuit in the Western Division for their information and guidance by Precept returnable without delay.

(Sent following Precept No 515)

Read

6th Septr.

6th September 1832.

Read extract from the Minutes of Consultation in the Military Department dated the 27th ultimo, transmitting the copy of a letter, dated the 11th ultimo from the Adjutant General of the Army, and of its enclosures on the subject of a summary punishment inflicted upon a Regimental Lascar by order of Mr Newberry, 3rd Assistant to the Magistrate of Rajahshye, and desiring that the Court of Sudder Adawlut will point out to Mr Newberry the impropriety of his proceeding, and submit for publication the draught of the order, contemplated to prevent a similar occurrence.

(Recorded No 718 of 1832)

Ordered that the Secretary do address a letter to the Magistrate of Rajahshye, forwarding the above extract from the Consultation of the Military Department, and requesting that he will call upon Mr Newberry for an explanation of the circumstances attending the punishment inflicted upon the Lascar, and state whether the latter was in a state of insubordination at the time, and followed Mr Newberry through the town as he was returning home, for which he ordered him to receive 30 lashes, and after receiving 15 of them that although the Lascar was guilty of a military offence he was not amenable to the Criminal authority of the Courts of Judicature in the Provinces.

6th September 1832.

The Court of Sudder Adawlut are of opinion, that in this last remark Mr Newberry is wrong, it appearing to the Court to be clear that for the offences specified in Clause first Section XIII Regulation VII of 1832, the persons described in Clauses first and second of that Section are amenable exclusively to the Military authorities, excepting in the cases for which provision is made in clause second Section XX of that Regulation.

3. The wording of the first Clause of Section XX of the Regulation, from which it must be inferred, that charges against Military persons for offences, cognizable by the Military authorities, which may have been committed out of the Military limits, are within the jurisdiction of those authorities in common with similar charges for offences committed within those limits established in the opinion of the Court of Sudder Adawlut the correctness of the above construction.

4. But the illegality of punishing a person, not subject to his jurisdiction forms a very small part of the irregularity committed by the Assistant Magistrate in this case.

A.T.

Not only has Mr. Newberry sat in judgment in a case, in which he himself was the complainant, but overlooking the obligation imposed upon him by his oath of office to perform his duties in conformity with the Regulations of Government, he has on this occasion set at nought those provisions of the law, which prescribe a formal trial before the infliction of any punishment, and restrict the adjudication of corporal punishment to certain specific offences.

6.

Section XXXII Regulation IX of 1826 limits the punishment adjudicable for a misdemeanor by a Magistrate.

7.

The Court of Inquiry are satisfied that the conduct of the 2nd Assistant Magistrate will be marked hereafter by a strict adherence to the provisions of the Regulations made by Government for his guidance.

Ordered, that extract of these proceedings be sent to the Provincial Court of Circuit in the Northern Division by precept, enjoining them to communicate the same to the Magistrates of Madulsima for the information and guidance of Mr. Newberry.

(Vide following Precept No. 557)

Ordered also, that extract of these

proceedings be transmitted to the acting Chief Secretary to Government for the purpose of being laid before the Right Honorable the Governor in Council, together with the following draft of an order for publication.

Order.

Cause has recently been brought to the notice of the Government, in which an Assistant Magistrate ordered the Summary infliction of corporal punishment upon a regimental Lascar for assaults insult to that officer in the public street.

It is considered proper on this occasion to notify to the Provincial Magistrates and Assistant Magistrates, that the Legislature doth not have vested, that for the offences specified in Clause first Section XIII Regulation XII of 1832, the persons described in clauses first and second of that Section are amenable exclusively to the Military authorities excepting in the cases, for which provision is made in clause second Section XV of that Regulation.

The Right Honorable the Governor in Council deems it also proper to warn the subordinate Officers in the Magistracy of the obligation imposed upon them to strictly to adhere to the provisions of the Regulations in the trial of offenders and the adjudication of punishment.

By

4

The proceedings of the Court of Circuit of the 28th of November last are as follows: "Read proceedings "connected with No. 19 on the Calendar being a Case of perjury "forwarded to the Criminal Court by Mr. G. Sparkes Acting "Assistant Collector.

"The Judge on Circuit adverting to the "Criminal proceedings Filed in the aforesaid number feels him "self called upon to notice the extreme irregularity perceptible "in the proceedings held before the Acting Assistant Collector "namely (as sworn by Ramya and Annapa) that the Pris "should have been excluded at the time their examinations "were taken in writing as a matter of record."

5

The only interpretation which the Court of Foujdaree Adalut could give to the above was that the late 2d Judge considered the Acting Assistant Collector censurable for having excluded a Prisoner at the time the evidence against him was being taken down, and as from the papers before them it was shewn that Shankara-narainapah, the "Prisoner" alluded to, was not a prisoner at the time, inasmuch as he had not then been charged with the perjury for which he was afterwards forwarded to the Criminal Court, they pronounced in effect, that the Acting Assistant Collector had not done wrong in excluding him during the examination of Ramya and Annapa who were the witnesses alluded to.

6

The late 2d Judge in his return of the 5th of June to the precept communicating the orders of this Court of the 28th of May explained that "altho' Shankara "narainapah is reported by the Acting Assistant Collector not

"not to have been examined by him as a Prisoner still the "proceedings laid before the Court of Circuit clearly shew "that he, Shankaranarainapa when prosecutor in a case of "bribery preferred by him against Moniya Shaniya was "during the examination held by the Acting Assistant "Collector kept outside the Cutcherry and not allowed to "be present."

7

In their order of the 25th of June the Court of Foujdaree Adalut observed upon the above "that if Shankaranarianapa stood in the situation of "Prosecutor in the case in which he was accused of giving "false evidence it would have been requisite to allow him "to be present at the examination of the witnesses and to cross "examine them but in the letter of the Collector and Acting "Assistant Collector he is described as a witness, and it is "proper in charges of bribery for the Circar to prosecute the "informer being admitted as a witness."

8

According to the translate of the examinations now transmitted by the late 2d Judge it would appear that Shenkra-naraina, though styled "prosecutor" in the previous examinations was as shewn by the Answer to the 3d Question in the examination under date the 9th September 1831 "a witness to the complaints preferred by Kishnya "against Shaniya" and that thus the course, indicated in the proceedings above cited was in fact followed by the "Assistant Collector;" and it further appears perfectly clear that the proceedings held by him were not proceedings against Senkra narain- which they should have been to render applicable the order of the 3d Judge of the

the 28th November 1831. now were they "criminal proceedings" held in No 19 of the Calendar.

Ordered, that Extract from these proceedings be transmitted for the information and guidance of the late 2d Judge late on Circuit in the Western Division.

/Sent following letter No 519/

Read return dated the 1st Instant from the Provincial Court of Circuit in the Centre Division to precept of the 11th July last conveying the observations and orders of the Court of Foujdaree Udalut on the Criminal Reports of the Centre Division for the month of May last.

/Here enter No 729./

Bellaree Report V Case 51.

1. In the 2d Para of the Proceedings which accompanied the above Precept the Provincial Court of Circuit were instructed to cause the Sentence in the case noted in the margin to be reduced as far as the 1st Prisoner was concerned, if the explanation of the Acting Criminal Judge relative to the Case being included under Clause fourth Section III Regulation VI of 1822 was not satisfactory.

2. By the omission of any notice by the Provincial Court of Circuit in their return of the case in question, the Court of Foujdaree Udalut are led to believe, that they considered the Sentence to stand correct.

3. The Court of Foujdaree Udalut however are of opinion that the explanation of the Acting Criminal Judge shews the case to have been one of simple theft and they accordingly direct the Provincial Court of Circuit to enjoin the Acting Criminal Judge to reduce the said sentence on the 1st Prisoner in consonance with Section VII Regulation X of 1816.

4. The Court of Foujdaree Udalut perceive that the Acting Criminal Judge assigns the same reasons for the citation of Clause fourth Section III Regulation VI of 1822 in support of his Sentence on the 1st Prisoner in the Case 56 of the same Report, but as the Sentence in this case (56) does not exceed 6 months the Provincial Court of Circuit will merely point out to him that the above Clause Section and Regulation are incorrectly quoted for Section VII Regulation X of 1816.

5. The Provincial Court of Circuit are expected to notify to the Court of Foujdaree Udalut whether or not the order for the remission of Stripes in the Case No 6 of the Cumbum Report No V was received in time to prevent the infliction. The return of the Native Criminal Judge merely shews that he addressed the Criminal Judge on the Subject.

Ordered that Extract of these proceedings be sent to the Provincial Court of Circuit in the Centre Division for their information and guidance by Precept returnable without delay.

/Sent following Precept No 520/

Read letter dated the 31st Ultimo from the Acting 1st Judge late on Circuit in the Southern Division.

/Here enter No 730./

1. The Acting 1st Judge in the foregoing letter submits for the consideration and orders of the Court of Foujdaree Udalut a correspondence which has taken place between the Magistrate of Tschinopoly and himself, in respect to a Petition presented to him while on Circuit by

certain Vadagala Bramins, complaining that they had been fined 50 Rupees by the Assistant Magistrate of Tuckinopoly for reading the Vēdas in the Seringum Pagoda, and praying that the fine might be restored to them.

2. The correspondence in question shews that the Petitioners were not, as stated by them, punished for reading the Vēdas, but for a breach of the peace, and the only question therefore which it is necessary for the Court to decide, is whether the act, of which the persons petitioning were accused, was one which was properly punishable by the Magistrate.

3. It appears by the Diary of the proceedings of the Assistant Magistrate, dated the 26th May 1832, that the Prisoners were charged with knocking down the Peons at the Pagoda, and that eight Witnesses were examined, by whose evidence it is to be presumed, the charge was proved.

4. Under these circumstances the Court have no hesitation in stating that the parties were properly convicted of a breach of the peace and that it was competent to the Assistant Magistrate to sentence them to pay the fine of which they complain.

5. The Court observe that the Acting 1st Judge does not advert to the evidence adduced in the case, which under the provisions of Clause Second, Section VII Regulation IV of 1831, was not recorded, and could not therefore be laid before him. In the Circular Order of this Court of the 11th May 1829, it is pointed out that the above provision precludes any revision of a Magistrate's proceedings, when his sentence may be legal, with reference to the charge, which they consider to have been the case in

in the present instance.

6. The Foujdaree Adalut in consequence direct that the Petition in question be returned to the parties who presented it, with an intimation, that their case does not call for the interference of the Court of Circuit.

Ordered, that Extract from these Proceedings be transmitted to the Acting 1st Judge late on Circuit in the Southern Division by precept returnable in three days.

Sent following Precept No. 521.

W. Ill

J. M

At a Court of the Tongdarce Adalut.

Present,

Wednesday 12th September 1832. John Bird Esqre — — 2d Puisne Judge
William Hudleston Esqre 3d Puisne Judge

Read letter, dated the 4th Instant, from the 3d Judge on Circuit in the Southern Division.

(Vide entry No 742)

In the 5th para of the foregoing letter the 3d Judge observed, in reference to the remarks contained in the 8th para of the Court's proceedings, under date the 29th Ultimo, that if all the parties concerned in a robbery attended with wounding or other aggravated acts, are liable to the penalties prescribed by Clause second, Section IV Regulation XV of 1803, it is necessary that a considerable addition should be made to the Circuit establishment for which he requests sanction accordingly.

2 The rule brought to the 3d Judge's notice in their proceedings above quoted, has always existed, and as far as the Court of Tongdarce Adalut are aware, has been strictly observed on all occasions. When the acts of aggravation detailed in Clause second Section IV Regulation XV of 1803 are proved on the trial, it is absolutely necessary that the case should be referred to the Tongdarce Adalut, but if, as frequently happens, the charge is found

to

to be greatly exaggerated on these points or the acts of aggravation may not be satisfactorily proved, it is not then necessary to refer the case, which can be disposed of by the Judge on Circuit.

3 The Court under these circumstances can see no necessity for the proposed addition to the Circuit establishment.

4 If the acts of "severe wounding or torture" in the cases of Gang Robbery in the present Tinnevelly Calendar, to which the 3d Judge refers in the concluding part of his letter, are proved on the trials, the Court have no hesitation in saying that the cases are beyond the jurisdiction of the Court of Circuit and must be referred to them.

Ordered, that extract from these proceedings be transmitted to the 3d Judge on Circuit in the Southern Division for his information and guidance.

(Sent following letter No. 528)

Read letter dated the 7th Instant from the 2d Judge of the Provincial Court in the Centre Division, submitting his Circuit Report for the 1st Sessions of 1832.

(Here enter No. 746.)

The foregoing report does not appear to call for any further remarks from the Court of Judicature beyond that they are not aware of any objection to the plan proposed in

in the 6th para thereof, of lighting the wards of the Gaols by means of small tin lamps, although they would scarcely have deemed such an arrangement necessary on the score of cleanliness.

Ordered, that extract from these proceedings be transmitted to the 2d Judge sitting on Circuit in the Centre Division for his information.

(Sent following letter No. 529)

Ordered also, that extract from these proceedings, and copy of the letter from the 2d Judge of the Court of Circuit in the Centre Division, be forwarded to the Acting Secretary to Government in the Judicial Department, for the purpose of being laid before the Right Honorable the Governor in Council.

(Sent following letter No. 530)

Read return, dated the 3d Instant from the Acting 1st Judge in the Southern Division to precept dated the 15th Ultimo, transmitting the remarks of the Court on his report on the 1st Sessions of 1832.

(Here enter No. 737.)

The Court consider the report of the Magistrate of Tinnevelly transmitted with the above return, relative to the prison discipline and present state of the health of the convicts at that station, to be perfectly satisfactory.

Ordered, that extract from these proceedings, together with copy of the Acting

1st

12th Sept.r 1832.

1st Judge's return and its enclosures, be transmitted to the Acting Secretary to Government in the Judicial Department, for the purpose of being laid before the Right Honorable the Governor in Council.

(Sent following letter No. 561.)

J. C. H.

Read letter dated the 3d Instant from the 3d Judge on Circuit in the Southern Division forwarding copy of a letter from the Criminal Judge of Madura together with the warrant respecting the execution of Paraiyanen the prisoner in case No. 6 Madura Calendar 2d Sessions 1832.

(Hereunto No. 738)

Read letter dated the 6th Instant from the 2d Judge of the Court of Circuit in the Centre Division forwarding the death warrant in No. 17 Cuddapa Calendar 1st Session 1832 with copy of the Criminal Judge's letter.

(Hereunto No. 739)

716.

At a Court of the Foujdaree Udalut,

Present,

Saturday, 15th September 1832.

John Bird Esqr. — Second Puisne Judge.
William Middleton Esqr. — Third Puisne Judge.

Read letter, dated 20th ultimo, from the Second Judge of the Court of Circuit in the Centre Division, submitting case No. 9 Bellary Calendar first Session 1832.

(Here enter No. 700.)

The Prisoner,

1. Cumbah Salary,

said in confinement.

The Court of Foujdaree Udalut having maturely considered the proceedings held before the Court of Circuit, the futwa of the Provincial Law Officer, and the futwa of the Cazee-ool-Cozat and Mooftee of the Foujdaree Udalut, confirm the futwa of the Cazee-ool-Cozat and Mooftee aforesaid, and convicting the Prisoners

2d. Dauseegah,
3d. Ramdoo,
4th. Nukaloogandoo,
7th. Venkatasandoo,
and
9th. Cooram,

of the crime of gang robbery attended with murder sentence them under the provisions of clauses first and fifth section IV Regulation XV of 1803 and clause third section II Regulation IX of 1825 to receive 195 lashes with the Cat o nine tails and to be transported to such place or places beyond the sea, as the Right Honorable the Governor in Council may appoint, there

to

5th September 1832

And the Court of Zuijdaare Vedutt
concurring in opinion that the Prisoner,
4th Loopaukoola Chima Mootteegandoo,
is not convicted of the crime of murder on
presumptive proof or on the evidence of
credible witnesses or on his own confession
notwithstanding the finding of their Law Officers,
so under the provisions of Clause Sixth
Section II Regulation XV of 1803 acquit
him thereof, and direct that he be released
Sent following letter No. 537 /s/

At a Court of the Zuijdaare Vedutt.

Present,

Monday 17th September 1832.

John Bird Esqre 2d Puisne Judge
William Huddleston Esqre 3d Puisne Judge

Read letter, dated the 31st Ultimo,
from the Criminal Court of Circuit in the Southern
Division, transmitting the reports on the form
prescribed by Section XXXV Regulation X of 1810 for
the month of July last.

(Here enter No. 745)

Madura Report No. 8 Case 56.

The Court of Zuijpaare Vedutt are doubtful
with reference to the observations of the Criminal Judge
whether some of the Prisoners held to security in this
case ought not to have been committed, though they
cannot determine as the proceedings are not before
them. It will remain for the Judge on Circuit to
interfere if necessary.

2 It is observable that the entry "745"
6th and 9th Prisoners are committed" is made in the
wrong column.

Case 64

3 It is to be concluded that there
was evidence in this case to convict the prisoner,
the Court of Zuijpaare Vedutt desire to be informed
why he was not committed under clause fourth
Section V Regulation VI of 1832.

Timevelly Supdt Report Cases 5 & 7.

4 The continued detention of the Prisoners
in these cases appears to the Court of Zuijpaare
Vedutt improper, and they accordingly direct

to direct the Provincial Court of Circuit to issue instructions for them to be handed to Madura for guidance.

Cases 74 & 75.

5. The joint proceedings of these cases, on the grounds of the Prosecutor and Witness live residents to the Joint Criminal Court, cannot be considered just towards the Prisoners. The Provincial Court of Circuit will therefore acquire the Joint Criminal Judge to dispose of these and similar cases that may come before him in their due order.

Report V Case 78.

6. The Court of Tongaroo would have to observe that the explanation of the detention of the Prisoners for upwards of a month in this case is far from satisfactory.

Cases 85, 86 & 87.

7. The explanation regarding these cases is equally unsatisfactory, and the Court cannot understand why the prisoners should not have been brought to the Magistrate before the 9th of July.

Salem Report V Case 118.

8. The Acting Criminal Judge has omitted to specify in the report the number of sentences in which the 2d and 3d Prisoners in this case were required to find security. The Provincial Court of Circuit will therefore require him to state the number and to amend his order for the requisition if the entry has not been correctly made in it.

Report V Case 109.

9. The Provincial Court of Circuit will instruct the Joint Criminal Judge to insert in future similar cases, the age of the Prisoner.

Ordered that extract of these proceedings be sent to the Provincial Court of Circuit in the Southern Division for their information & guidance by present return mail without delay.

Sent following

17th Sept. 1832.

Read letter, dated the 31st ultimo from the Provincial Court of Circuit in the Centre Division, Submitting the Reports in the forms prescribed by Section XXXV Regulation X of 1816, for July last.

(Here enter No. 743)

Chingleput Report V Case 142.

1. The Report under review does not shew what became of the Prisoner in the cases noted in the margin from the 29th June to the 6th July last. The Provincial Court of Circuit will therefore call upon the Magistrate to ascertain and state what became of the said Prisoner during these five days.

Sept. Report No. 193 1831.

2. In this case the Court of Tongaroo doubts are concerned to observe remains still undisposed of. The late return of the acting Magistrate merely shews that some of the parties in the case were forwarded by his order and that the others will be soon sent. The Court of Tongaroo doubts, adverting to the very great delay that has occurred in the disposal of this case, deem it proper to require the Provincial Court of Circuit to obtain a full and particular explanation of the reasons why each application of the Criminal Court has not been attended to, or cannot now be complied with.

Cuddalore Report V Case 8.

3. The Provincial Court of Circuit will report the situation held by the prisoner in this case at the time he received the bribe referred to in the charge.

Cuddapah Sept. Report & Report V Cases 27 of Report for June 1832.

4. The sentence recorded in the Case noted in the Margin is in the opinion of

of the Court illegal. It appears to them probable, with reference to the relationship of the parties, that the offence was no more than an assault. If it amounted to robbery the Criminal Judge was not competent to punish. The Provincial Court of Circuit will therefore call for an explanation of the particulars of the case and require the sentence to be amended.

Cumbum

5 The Column 11 of the Statement of the Labor of Prisoners has been left blank by the Native Criminal Judge, and he should accordingly be informed by the Provincial Court of Circuit that this column should hereinafter be filled up.

Report V case 44.

6 The Report of the acts of the Provincial Court of Circuit in the 25 Jails of their proceedings upon the Reports under review is not quite accurate. In the Court of Tanjore it is stated that it seems that the order of the Native Criminal Judge in the case in question is unobjectionable.

Bellary Sept. Report case 82 of April.

7 The detention of the prisoner in this case on the ground of the non attendance of the Prosecutor is indefensible. If there is no other evidence against them they should be discharged, and the Provincial Court of Circuit will issue instructions accordingly to the Native Criminal Judge.

Report V case 88.

8 The Provincial Court of Circuit will point out to the Magistrate that the reasons assigned for the detention of the prisoners in these cases are quite insufficient and inadmissible;

F.G.
17th September 1832.

Bellary Report V cases 89, 90 & 91.

9 In these cases the cause of the detention of the prisoners from the 27th June to the 19th of July is not stated. The Provincial Court of Circuit will therefore call for, and report an explanation of it.

10 The Court of Tanjore directed that the Acting Criminal Judge had disposed of only one prisoner apprehended in the months of July, and that 48 unexamined are improperly entered in the abstract as disposed of. The Court however perceiving that the Acting Criminal Judge disposed of 40 Prisoners of former months, the Provincial Court of Circuit will enjoin him to endeavour to avoid the practice of postponing so many cases from the one months to the other.

Chittoor Report V case 99.

11 The Provincial Court of Circuit will call upon the Magistrate to explain what became of the Prisoners in this case from the 24th to the 17th of June. So also with respect to the Prisoner in the following case from the 16th to the 23d of the same month.

Nos 100 & 101.

12 To account for the cases noted in the margin not having been examined, it is stated that witnesses have been summoned. It is not clear from the Report whether it is meant that more witnesses have been summoned: if not, it should be explained why the witnesses were not sent with the Prisoners in the first instance.

No 103.

13 The Provincial Court of Circuit will

17th Sept. 1832

17th Sept. 1832.

will call for an explanation of the cause of the prisoner in this case having been detained by the Court 4 days.

14 The remark and rule contained in Para 5 of these Proceedings is applicable to the Statement of the Labor of Prisoners furnished by the Criminal Judge of Chittoor.

Ordered, that extract of these proceedings be sent to the Provincial Court of Circuit in the Centre Division for their information and guidance by precept returnable without delay.

(Sent following precept No. 538)

Read return, dated the 3d Inst. to precept of the 8th Ultimo, explaining the circumstances of the Criminal Judge of Malabar to pass the sentence recorded in case No 1166 of this Criminal Register of 1831 for the months of June last.

(Remarks No 749.)

Under the explanation of the Criminal Judge transmitted in obedience to the above Precept, the Court of Sudder have directed that the Sentence in the case in question be severe, and they record only direct that it be mitigated in favor of the 1st Prisoner to one year imprisonment with hard labor in irons, and in favor of the 2d Prisoner to 6 months imprisonment with hard labor in irons.

Ordered, that extract of these proceedings be sent to the Provincial Court

17th Sept. 1832

Court of Circuit in the Western Division for their information and guidance by precept returnable without delay.

(Sent following precept No. 540)

Read return, dated the 3d Inst. from the Provincial Court of Circuit in the Western Division, to precept dated the 8th Ultimo, directing that the Criminal Judge of Malabar should be called upon to explain his reasons for passing so severe a sentence as No 1166. Transmitting a correspondence with that Officer.

(Remarks No 749.)

J. C. M.

17th Sept.r 1832

9.

Fl6:

In a Court of the Foujdaree Adawlut,

Present,

Wednesday 19th September 1832.

John Bird Esqre Second Puisne Judge.

William Hudleston Esqre Third Puisne Judge

Read Petition presented on the 12th Instant by Ounda Coundeen and two others.-

/Here enter N.P. No 82 of 1832./

The Petitioners pray that the Court will issue speedy orders for the release of the 1st, 3d and 4th Prisoners in Case No 10 of the Cuddalore Calendar 1st Sessions of 1832, who have been unjustly sentenced to imprisonment by the Second Judge late on Circuit.-

The Prisoners in question have been acquitted by the Court of Foujdaree Adawlut and others have been ignored for their release.-

Ordered, that Extract from these Proceedings be furnished to the Petitioners on their application.-

Read Petition presented on the 5th Instant by Coobbamah of the Village of Cuddapah.-

/Here enter N.P. No 80 of 1832./

The Petitioner states that her son, who was the 7th Prisoner in Case No 52 of the Cuddapah Calendar 2d Sessions of 1825 and was sentenced to 7 years imprisonment by order of this Court on the 16th January 1826 was employed in Carpenters and Ironsmiths work from the date of his commitment to prison; and prays that on that account the period which intervened between his commitment and the passing of the orders of this

19th September 1832

Mr Bird
and
Mr Nicholston

The Court of Poydaree Adalut having maturely considered the proceedings held before the Court of Circuit the Lecture of the Provincial Law Officer, and the futwa of the Cazee-ool-Cozat and Mooftes of the Poydaree Adalut, confirm the futwa of the Cazee-ool-Cozat and Mooftes aforesaid, and acquit the 3 Prisoners,

1st Thean,
2d Chinna Pillahtauen,
3d Mootooanoo,
4th Mootoosamy,
5th Mootoothauen,
and
6th Makadanathauen,

of the crime of gang robbery attended with aggravating circumstances charged against them, but considering that suspicion though not amounting to conviction attaches to them, they direct under the provisions of clause 6th Section II Regulation XV of 1803, that they generally be required to find two sureties in fifty (50) rupees each for their good behaviour and appearance when required within one (1) year, or in default thereof, that they be detained for that period in confinement.

(Sent following letter No 548)

Read letter, dated 30th Ultimo, from the Second Judge of the Court of Circuit in the Centre Division, submitting Case No 11 Bussalore Calendar 1st September 1832.

(Here enter No 729.)

Mr Bird
and
Mr Nicholston

The Court of Poydaree Adalt on a deliberate consideration of the circumstances of the case in evidence before them concurred in opinion that the proof against the Prisoners

1st Rama Chellan,
and
2d Narayanan,

is sufficient to convict them on the charge of having been present aiding and abetting when the crime of gang robbery accompanied with wounding was committed, do therefore, under the authority vested in them by clause first Section II Regulation I of 1818 convict them thereof, and under the provisions of clause second Section IV Regulation XV of 1803 sentence them to be transported to such place or places beyond the sea, as the Right Honble the Governor in Council may appoint, there to be imprisoned and kept to hard labor in irons, on the public roads or other public works, for, and during the period of their natural lives.

(Sent following letter No 547)

Read again letter, dated 29th Ultimo, from the Acting Judge on Circuit in the Centre Division, submitting Case No 305 of the Chittoor Calendar 1st Quarter Sessions 1832.

(Here enter No 81.)

Read the second futwa delivered in this case by the Cazee-ool-Cozat and Mooftes of the Poydaree Adalut.

The Prisoner,
6th Mootial Naidoo,

was released by the Judge on Circuit.

The Court of Poydaree Adalut having maturely considered the proceedings held before the Court of Circuit, the lecture of the Provincial Law officer, and the futwas of the Cazee-ool-Cozat and Mooftees of the Poydaree Adalut, confirm such part of the futwas of the Cazee-ool-Cozat and Mooftees aforesaid, as acquits the Prisoners,

Mr Bird
and
Mr Nicholston.

2d Nallan,
3d Chundy,
and
4th Paromaul,

of

16th September 1832

of the crime of gang robbery charged against them, but considering that suspicion though not amounting to conviction attaches to them they under the provisions of clause sixth Section IV Regulation XV of 1803 direct that they severally be required to find two Sureties in 50 Rupees each for their good behaviour and appearance when required within two years, or in default thereof, that they be detained for that period in confinement.-

And on a deliberate consideration of the circumstances of the case in evidence before them, the Court of Foujdaree Udalut are concurring in opinion that the proof against the prisoner

1st "Rungadoo"

is sufficient to convict him of the crime of gang robbery, do under the authority vested in them by clause first Section II Regulation I of 1818 convict him thereof, and under the provisions of clause third Section IV Regulation XV of 1803 sentence him to be imprisoned and kept to hard labor in irons on the public roads or on other public works, for, and during the period of 14 years, and then to be released.-

And the Court of Foujdaree Udalut acquitting the Prisoner

5th "Hark Dass"

of the crime of being accessory to a gang robbery after the fact do, under the second futwa delivered by their Law officer, and under the provisions of clause third Section VII Regulation XV of 1803 sentence him to be imprisoned and kept to hard labor, in irons on the public roads or on other public works, for, and during the period of 7 years, and then to be released.-

Sent following letter No. 548

Read return, dated 27th Ultimo, from the Judges of the Provincial Court of Circuit in the Western Division, to precept of the 2d 15th August, enclosing the discharge of the 1st 3d 4th and 5th Prisoners in No. 53 of the Supplemental report for May last.-

Here enter No. 725

Read letter, dated 15th Instant, from the Second Judge of the Court of Circuit in the Centre Division, with returned warrant for the execution of Prisoners in Cases No. 5820 Bellary Calendar 1st September 1832.-

Here enter No. 759

Read letter, dated 12th Instant, from the 2d Judge on Circuit in the Southern Division, reporting the arrival of the Court of Circuit at Madura.-

Here enter No. 760

Read return, dated 13th Instant, from the Provincial Court of Circuit in the Western Division to precept dated the 7th Instant, conveying an intimation that the Sudr Court had, on the 6th October 1820 and on the 25th January 1823 ruled that Individuals holding the situations of Cutwal were ineligible to that of Police Jumeen

Here enter No. 761

J. C. C.

F. K.

High Court of the Province Natal.

Present,

Monday, 25th September, 1882.

The Hon. C. B. Huddleston Esqre 1st Puisne Judge
" John Bird Esqre 2nd Puisne Judge
" William Shaddleston Esqre 3rd Puisne Judge

Three Months having elapsed since the dates of the trials of Cases Nos 1 of the Calendar and No 4 of the 2nd September Natal Calendar of Civil Cases for 2nd Quarter Session 1882 which are set down for reference to the Court of Enquiry Natal.

Ordered that the 1st Judge of the Court of Circuit in the Circuit Division be by precept commanded to submit the records of the proceedings in the above Cases within ten days, or show good and sufficient reason for not doing so.

Also the following Precept No 552 from the Provincial Court of Circuit in the Southern Division to precept dated the 5th Ultimo, with the observations endorsed on the Criminal Reports for June last

(Execution No 757.)

Read

4th Sept. 1882.

Read return dated the 12th Instant from the Provincial Court of Circuit Division, to precept dated 6th Ultimo, directing that in future two or more prisoners be allowed jointly put on their trial for forgery.

(Here enter No 771)

Read letter dated the 12th Instant from the Provincial Court of Circuit in the Southern Division, transmitting explanation received from the Magistrate of Batticaloa on the Criminal Reports for June 1882

(Here enter No 784)

Read letter, dated the 5th Instant from the Provincial Court of Circuit in the Central Division, transmitting explanation received from the Superintendent of Police on Criminal Reports for June last.

(Here enter No 785)

Read return, dated the 14th Instant from the First Judge of the Court of Circuit for the Southern Division, to precept dated 10th Instant, conveying instructions on a petition presented by the Prisoners Counsel.

(Here enter No 793)

Read return, dated the 14th Instant from the First Judge of the Court of Circuit in the Southern Division, to the Court's precept of the 30th Ultimo, transmitting an extract from the proceedings of His Excellency the Governor regarding the Criminal

24th Sept. 1882.

of Jurisdiction and on the report on the Calendar for 1882.

(Here enter No 774)

Read return, dated the 16th Instant from the Judges of the Provincial Court of Circuit in the Southern Division, to precept dated 25th Ultimo notifying that a special appointment by the Magistrate of Galle was necessary to invest the Police Sheristadar with Police powers.

(Here enter No 796)

Read letter, dated the 20th Instant from the 2nd Judge of the Court of Circuit in the Central Division, transmitting Copy of a letter from the Acting Criminal Judge of Bellary reporting the death of the 4th Prisoner in case No 89 Bellary Calendar 1st Sessions of 1882.

(Here enter No 787)

Read letter, dated the 20th Instant from the 2nd Judge of the Court of Circuit in the Central Division, with returned warrant for the execution of the Prisoner in Case No 44 on the Anuradhapura Calendar 1st Sessions 1882.

(Here enter No 784)

Read return, dated the 16th Instant from the Provincial Court in the Northern Division, to precept dated the 6th Instant conveying the Court's proceedings relative to a summary punishment inflicted to

on a Regimental Indoor Inspection of the
2nd Assistant Magistrate of Pondicherry

(Here enter No 787)

Read letter dated the 18th Instant
from the Provincial Court of Circuit in
the Western Division, to present date
the 18th setting, directing the Criminal Judge
of Malabar to send to the officer Commanding
the Artillerists so many convicts under
Sentence for the longest period as would
increase the number there to 150 under
the charge of a proper non Commissioned
Reporting that 90 Convicts have been sent

(Here enter No 788)

Read letter dated the 19th Instant
from the Provincial Court of Circuit in the Western
Division, transmitting copies of the
explanations relative to the Criminal
Reports for June 1832

(Here enter No 789)

Entd
" Fwd
" Ltr
" Mll

At a Court of the Foujdary Udalut,

Present,

Wednesday, 26th September 1832 } C. M. Lushington Esqr 1st Puisne Judge
John Reid Esqr 2nd Puisne Judge
William Hudleston Esqr 3rd Puisne Judge

Read letter, dated the 19th Instant, from the First Judge of the Provincial Court of Circuit in the Centre Division transmitting the Calendar and Supplemental Calendar of the 3rd Quarterly Sessions of 1832.- (Here enter No 779.)

Calendar No 148.

The trial in these cases having been closed the first on the 30th and the second on the 31st July, the first Judge will be pleased to inform the Court why they have not yet been referred to them.-

2. The 3rd question put to the Law officer in this case was irregular - He should simply have been required to declare to what sentence the 1st Prisoner would have been liable, had he not denied the charge.-

3. The Court can discover no grounds for the sentiments expressed by the 1st Judge in regard to this case. As the Prisoners have however in all probability been set at liberty before this, they abstain from calling for the trial.-

Sessns Calendar No. 4. The Prisoners in this case were charged with wounding the Prosecutor with a

a sword - It is probable that the wound was trifling; but it was incumbent on the Judge to explain to the Court, the grounds, on which he returned the case to be disposed of by the Criminal Judge, and this he will now be pleased to do.-

Ordered, that Extract from these Proceedings be sent to the First Judge of the Provincial Court of Circuit in the Centre Division by precept, returnable in seven days from and after its receipt.-

/Sent following letter &c &c/

Read petition presented on the 19th Instant by Cundasamy of the Village of Chittoor.-

/Here enter R.D. No 84 of 1832/

The Petitioner prays that an order may be issued for the release of his younger Brother Coopanoo, one of the Prisoners in Case No 2 of the Supplemental Calendar of the Chittoor Sessions of 1832, who has been unjustly convicted of gang robbery by the Circuit Judges.-

2 Petitions on the subject of cases before the Joydaree Adalut are inadmissible, and cannot receive attention.-

3 The case to which the Petitioner alludes, has not yet been returned, but when received, it will be disposed of in due course.-

Ordered, that Extract from these Proceedings be furnished to Petitioner on his application.-

J. Ch

Engd
" 93
" 111

J. 46

At a Court of the Joydaree Adalut.

Present,

Friday, 28th September, 1832.

C. M. Lushington Esqre 1st Puisne Judge
John Bird Esqre 2nd Puisne Judge
William Hudleston Esqre 3rd Puisne Judge

Read letter, dated the 17th Instant, from the 3rd Judge on Circuit in the Southern Division, transmitting a copy of the finding and the sentence in case of the Madura Calendar 2nd Sessions of 1832, described as having been tried under the orders of the Joydaree Adalut, dated the 26th of July last.-

/Here enter No 782 of 1832./

1 It appear by the finding and sentence aforementioned, that the 1st and 2nd prisoners have been convicted of robbery, and sentenced under Regt to seven years imprisonment.

2 In the letter from the 3rd Judge, dated the 16th and endorsed on the 28th July last, an extract of the proceedings of the Court of Circuit, dated 15th of that month was submitted, from which it appearing, that the prisoners in the above case were charged with having been found in possession of property which had at different times been stolen from the temple of Conjeveram Swamy in the Conjeveram District, - and on a return from

25th Sept 1832

28th Sept 1832.

from the Magistrate of Deadwood, stating the 19th July it was stated, that from inadvertence the official order of Government for their trial had not been obtained.

3. The Ordinance Statute in the latter of the 6th July informed the 3rd Judge that "if the prisoners obtained the Lyden "of the property while within the Cadre District they are subject to the Jurisdiction "of our Courts" and it is to this latter, that the 3rd Judge refers in his present communication, from which the Court learn for the first time, that they were charged with the "robbery" described as committed out of the territories of the Company

4. The Court [illegible] from the [illegible] an immediate explanation should be given by the 3rd Judge of the circumstances under which this trial took place, the proceedings in which are of so irregular a character and void if the requisite authority was not first obtained from the Governor

5. Should the 3rd Judge have avoided the error of trying the prisoners without the Sanction, [illegible] in Regulation III of 1827 he will perceive the validation of the Judges proceedings on the prisoners application, when the difference between the charge, as stated in the proceedings of the Court of Circuit and cited, with which the entry in the Calendar agrees, and the charge of which the prisoners were convicted, will have been explained

Court is that [illegible]

28th Sept 1832

proceedings be sent to the 3rd Judge on Circuit in the Southern Division by precept returnable in two days.

(Sent following Precept No 558)

J. Ell

8th October 1832

No. 16.

In a Court of the Foujdaree Udalut.

Present,

Saturday 29th September 1832.

C. M. Lushington Esqr. First Puisne Judge
John Baird Esquire, Second Puisne Judge
William Rudleston Esqr. Third Puisne Judge

Read return from the Provincial Court in the Northern Division dated the 18th Instant, to precept of the 15th Ultimo, conveying the observations and orders of the Court of Foujdaree Udalut on the Criminal Reports of the Northern Division for the month of June 1832.-

Here enter No. 190

The Court of Foujdaree Udalut are concerned to observe by the return of the Joint Criminal Judge at Guntoor dated the 28th Ultimo which accompanies the above return that the Prisoners in the case No. 55 of the Report No. V have been released, by their order contained in Para 5 of their Proceedings on the 15th Ultimo, the Court of Foujdaree Udalut desired that the sentence passed upon the Prisoners by the Joint Criminal Judge which was illegal, should be cancelled, but by no means intended that they should be released without punishment; and this was distinctly shewn by the intimation to the Provincial Court to report to the Court of Foujdaree Udalut "the result of the instructions conveyed in their proceedings" of the 29th July last.-

2 The Prisoners however having been

T. H.

At a Court of the Toopiparee Matavele.

Present,

Monday 1st October, 1832.

C. Mc Luthington Esqre 1st Prisne Judge
William Middleton Esqre 2nd Prisne Judge

Read letter, date the 17th ultimo, from the 1st Judge on Circuit in the Western Division, recommending a mitigation of punishment on behalf of the first Prisoner in the 3 of the Malakan Calendar of the 2nd Sessions of 1832.

(Here enter No 786)

The First Judge, in the foregoing letter, recommends, in consideration of the great age of the Prisoner referred to, and of his not having taken an active part in the robbery of which he had been convicted, that instead of the 4 years imprisonment to which he is liable under the provisions of Section IV of Regulation XX of 1827, he may be sentenced to the mitigated punishment of four years imprisonment with hard labor in irons on the public roads.

The Court are disposed to view the circumstances stated by the 1st Judge, to sanction a mitigation of punishment in the case in question, but they think that

" Ad
" BB
" CC

57 N.J.

" BB
" CC

been released it only remains for the Court of Circuit to express their concurrence that such a misunderstanding of their orders should have occurred.—

Ordered, that Extract of the Proceedings be sent to the Provincial Court of Circuit in the Northern Division for their information.—

Sent following letter No 539

J. H.

that it should consist in refusing the Revd from preaching in Court, as well as in a reduction of the period of imprisonment.

3. Resolved unanimously, that the Prisoner, Panakal Pannuthiparambil Kandan, in case No 3 of the Trichur Calendar for 2nd Sessions of 1872, be imprisoned without hope to labour, without irons, on the public roads or other public works and during the period of seven years.

Ordered, that certified copies of these Proceedings be transmitted to the First Judge of Circuit in the Western Division of Travancore.

(Here enter No 894.)

Read letter, dated the 27th September from the Provincial Court of Circuit in the Western Division, to the 1st dated the 2nd October directing that the Provincial Judge of Trichinopoly do inquire into the circumstances under which Kunjan Nayar of Kuttanad was committed to the Sessions Court for Trial.

(Here enter No 895.)

Read letter, dated the 28th October from the 1st Judge on Circuit in the Western Division, requesting his leave of absence for the ensuing Second Sessions of 1872 for Cochin.

(Here enter No 896.)

Read letter, dated the 30th October from the 2nd Judge on Circuit in the Southern Division, requesting the removal of

1st Oct. 1872.

of the Circuit Court at Ambalavanum-
(Here enter No 894.)
Read letter, dated the 27th September
from G. L. Cadamajee Esqr. officiating
additional Judge in the Central Division
reporting that he had opened the Special
Sessions at Cochin
(Here enter No 895.)

L. C. M.

" Cochin
" Trichur
" Alleppy

At a Court of the Magistrates Adelaide.
Present.

Tuesday. C. M. Lushington Esqre 1st Puisne Judge
2nd October 1822. John Bird Esqre 2nd Puisne Judge
" Ditto William Kinaston Esqre 3rd Puisne Judge

Read letter, dated the 25th ultimo,
from the First Judge of the Provincial
Court of Circuit in the Centre Division
recommending a mitigation of punish-
ment in behalf of the three prisoners
in Mr Jeffs Second Supplemental Calendar
for the 4th Quarterly Sessions at Clinton
for 1822.

(Here enter No 793)

From the Statements of the Prisoners
case contained in the 1st Judges letter the
Court see reason to believe that there
were not grounds sufficient for their
Conviction, and they in consequence direct
that the Trials may be neglected to them.

Ordered, that a return from
these proceedings be furnished to the
First Judge of the Provincial Court of
Circuit in the Centre Division by
precept returnable in fourteen days.

(Vide following Precept No 869)

Read Petition presented on
the

2nd October 1832.

the 22nd August by Ragum Khan an inhabitant of Kechoor in the Cuddalore District.

(Received Minute No. 7 of 1832)

Mr Ludlington,
Mr Bird,
and
Mr Underdown.

1 The Petitioner complains that his Brother the first Prisoner in Case No 4 of the 2nd Supplemental Calendar of the 2nd Chittoor Quarter Sessions has been unjustly sentenced to fourteen years imprisonment, and prays that he may be ordered for his release.

2 The case to which the Petition refers is under reference to this Court and will be disposed of in due course.

Ordered that a Extract from these Proceedings be furnished to the Petitioner on his application.

Ps

" Ch L

" Ms

" Mtt

8th October 1832

F/6

In the Court of the Foujdaree Adalut,
Salem

Monday 3d October 1832.

Present
C. M. Ludlington Esquire First Puisne Judge
John Bird Esquire Second Puisne Judge
William Underdown Esquire Third Puisne Judge

" Ch L

" Ms

" Mtt

Read letter, dated the 24th ult. from the First Judge of the Provincial Court of Circuit in the Centre Division, recommending a mitigation of punishment in behalf of Paula Nagadoo a Prisoner who has been convicted of Gang robbery in Case No 1 of the Second Supplemental Calendar of the 3d Chittoor Quarter Sessions 1832. (Received entered No 7 of 1832)

The Court of Foujdaree Adalut are of opinion that as the Prisoner formed one of the Gang, and was present aiding and abetting the robbery, the punishment awarded should not be less than ten years imprisonment.

Ordered in consequence that the Prisoner,

Paula Nagadoo,

in No 1 of the 2d Supplemental Calendar of the 3d Quarterly Sessions at Chittoor be sentenced to ten years imprisonment, with hard labour in irons, on the public roads or other public works.

Ordered, that Extract from these Proceedings be transmitted to the First Judge of the Provincial Court of Circuit in the Centre Division by precept returnable in

3rd October 1832

in seven days from and after its' receipt.—

Sent following precept No 370.

F. C.

" 813 Read letter dated 27th Ultimo from the Provincial Court of Circuit in the Northern Division transmitting the records of the trials Nos 7, 14, 15 Chicacole Calendar second Sessions 1831 and of No 2 first Quarter Sessions of 1832.—

(Here enter No 809)

" 811 Read return dated 28th Ultimo from the Judges of the Provincial Court of Circuit in the Centre Division to the Courts precept of the 10th September last conveying the observations and orders of the Hon the Provincial Courts return to their precept of the 11th July last.—

(Here enter No 811)

Read return dated 29th Ultimo from the First Judge of the Court of Circuit in the Centre Division to the Courts precept of the 21st Instant calling for the records in 2 cases No 1 of the Calendar and No 4 of the second Supplemental Calendar for Chittoor 2nd Quarter Session 1832 set down for reference to the F. C.—

(Here enter No 812)

8th October 1832

F. C.

At a Court of the Foujdarree Adalut.

Present.

Thursday 11th October, 1832. John Bird Esqre 2nd Puisne Judge
William Dudleston Esqre 3rd Puisne Judge

" 813 Read letter dated the 30th June last from the Acting Judge on Circuit in the Northern Division, submitting case No 16 Chicacole Calendar 1st Session 1832.

" 814 (Here enter No 769)

The Court of Foujdarree Adalut on a deliberate consideration of the circumstances of the case in evidence before them concurring in opinion that the prosecution against the Prisoner,

Record Proceedings

is sufficient to convict him of the crime of Gang robbery accompanied with violence, do, under the authority vested in them by Clause first Section II Regulation I of 1818 convict him of the same, and under the provisions of Clause third Section IV Regulation XV of 1803 sentence him to be transported to such place beyond the Seas as the Right Honorable the Governor in Council may appoint, there to be imprisoned and kept to hard labour in irons on the public roads, or on other public works

4th October, 1832

worked, for and during the period of his natural life.

(Sent to Colonial Office &c

It is stated in the above letter that the 3rd witness in the case did not attend having proceeded to Benares, the Court of Cuttack do therefore direct that his recognizance be estreated and the amount placed to the account of Government.

Ordered, that a certified copy of these proceedings be sent to the 1st Judge of the Provincial Court of Circuit in the Northern Division by first opportunity, requiring him to issue the necessary instructions to the Criminal Judge of Chittagong

(Sent by Colonial Secretary's letter 573)

T. C. M.

8th October 1832

T. M.

At a Court of the Cuttack Station.

Present,

Friday, 5th October, 1832. John Bird Esqre 2nd Judge
William Braddyll Esqre 3rd Judge

Read letter, dated the 8th August last from the Provincial Court of Circuit in the Western Division, transmitting the Report in the form prescribed by Section XXV Regulation X of 1816 for the month of July 1832.

(Here enter A 1/4)

Jellasore. In Column 11 in the Statement of the Cases of Prisoners tried is left blank by the Acting Joint Criminal Judge of Midnapore. This should be noticed to the Court and the Criminal Court of Circuit will therefore direct him to fill it up in future.

Benares. The only remark which appears necessary on the Reports of the Joint Criminal Judge of Benares is with regard to the state of evidence entered in them. The Court of Cuttack have already directed the attention of the Joint Criminal Judge to this point, and they would now intimate to him through the Provincial Court of Circuit that the evidence might with advantage be inserted in a more concise form than it has been in the Reports under

8th October 1852.

No 577

5 Vb

5 Vb

No 577

No 577

No 577

8th October 1872

on the said Prisoner. The 3rd Judge should under these circumstances have explained the grounds on which he concurred in his acquittal, which he will now be pleased to do.

4. The remarks of the Court on case No 9 are applicable to the sentences passed on the first prisoner in this case.

22 5. The Court presume that in this case the evidence was not deemed worthy of credit, altho' it would have been more satisfactory had it been stated by the 3rd Judge that such was the case.

24 6. According to the abstract of the evidence in this case, the 1st 2nd and 3rd witnesses deposed that they identified the Prisoners and the first Prosecutor swore to having seen the 1st Prisoner among the thieves. It would moreover appear that property belonging to the Prosecutor was found on the Prisoners. Under these circumstances the 3rd Judge will be pleased to state the grounds on which he considered the evidence insufficient for their conviction.

29 7. The 3rd Judge will be pleased to state whether the Recognizances of the Witnesses in this case who failed to present themselves were declared forfeited.

Ordered that an extract from these Proceedings be transmitted to the 3rd

8th October 1872.

3rd Judge on Circuit in the Southern Division by precept returnable in seven days from and after its receipt.

(Sent following Precept No 577)

Read letter dated the 25th June last, from the late Acting Judge on Circuit in the Northern Division, submitting case No 6 Jaffna Calendar 1st Sessions of 1872.

(Here enter No 918 of 1872)

1 It appears from the 4th paragraph of the foregoing letter, that the late Acting Judge had reserved this trial, so far as regards the 2nd and 3rd prisoners, in consequence of his having overlooked the Standing orders of the Court of Conjedaree Vedahet, under date the 18th March 1828, declaring the competency of a Judge of Circuit to demand security in cases of suspicion, whether such suspicion be declared in the Petition or otherwise.

2 Under these circumstances the Court of Conjedaree Vedahet are of opinion, that it would have been the more advisable course for the late Acting Judge to have negatived permission to withdraw his order for the reference of the case, which is altogether unnecessary

3 And the Court, considering that of

8th October 1882

that it would be a mere waste of time to go into a trial of this case and that the record be returned to the 1st Judge of the Provincial Court of Circuit in the Northern Division by precept enjoining him to dispose of the cases of the two prisoners above mentioned according to the Regulations as expounded by the Sentence Absolut

4 The Court conclude that the late Acting Judge on Circuit brought to the notice of the Magistrate, at the time, any grounds appearing from the proceedings in this case for changing the officers of police and the illegal & irregular conduct (if any) of this shall not have been done, the Court declare that Mr Cashell was to do so, and will communicate the result of any investigation, which he may institute to the Magistrate to make touching the proceedings of the police officers in the matter of this charge

Ordered that extract of this proceedings with the record before and be sent to the 1st Judge of the Provincial Court of Circuit in the Northern Division by precept returnable in one month from and after this date

Court following Precept (No 53) Was this day sent to the 1st Judge from the Provincial Court of Circuit in the Northern Division

Copied

8th October 1882. Circuit Division, transmitting the Reports in the Forms prescribed by Section XXIV Regulation X of 1806, for the Month of August 1882.

(Here enter No 820)

Cuddapah Report V. Case 67.

1. The case noted in the Margin is one to which the provisions of Section II Regulation III of 1827 are applicable. A Criminal Judge cannot investigate a case where he himself is Prosecutor.

Cuddapah Report Case 23.

2. Adverting to the nature of the charge, the Court of Sanjeevaram Would resolve to direct the Provincial Court of Circuit to call for an explanation of the circumstances of this case, to enable them to judge whether the punishment awarded was sufficient

Case 67

3. With reference to the entry in the Column "released and if allowed on bail" the Court of Sanjeevaram Would observe that the Native Criminal Judge may be informed that if the evidence against the accused Prisoner in this case was sufficient to commit him, the fact of his tender of security would not justify his release without punishment.

Cuddapah Report V. Cases 55 & 56.

4. In the foregoing if this case it should have been explained in what Situation the Prisoners held at the time they committed the offence of which it appears they stood convicted, in the letter the explanation tendered by the Board of Police for the detention of the Prisoners for fifteen days is most undesirable as they

5.

The Native Criminal Judge should be instructed by the Provincial Court of Circuit to fill up in future the Column No of the Statement of the Labor Prisoners.

Robbery Capital Report. Case 82.

Section VII Regulation XVIII should have been cited in support of the sentence passed on the 1st Prisoner in this case. Under Section the Section II Regulation VI of 1832 should not be quoted unless the punishment exceeds that awarded by Section VII Regulation X of 1816.

Case 87.

7.

The Court of Judicature should not coincide in the remarks of the Provincial Court of Circuit on this case as they consider the Native Criminal Judge to have been under the influence of the punishment awarded, having been framed to keep with out however disturb the sentence, but that the Native Criminal Judge might put in full force of this opinion for the guidance in future cases.

Adopted.

8.

In the determination of the Sessions Court of Circuit on this case the Judges of Circuit agree in opinion that considering the Punishment awarded against the first and third Prisoners insufficient

9.

The Court of Judicature observe that the Prisoner in this

Expd

5th October 1832

on which the Provincial Court of Circuit state their opinion that the punishment awarded were not sentenced was insufficient were not sentenced to suffer punishment but were only required to find security.

The Provincial Court of Circuit

Chingleput Report V. Case 155.

10.

will call for and submit an explanation regarding this case which appears to be one of Robbery by open violence.

An explanation is also required

Case 173.

11.

regarding the transmission to the Criminal Court of the third Prisoner in this case who was ordered to be retained there being no charge or evidence against him. If this was strictly the case the Court decline to pronounce upon what plea the prisoner was sent up for.

The Provincial Court of Circuit

Cuddapah Report V. Case 55.

12.

observe on this case that the punishment is not adequate to the offence, from the Report however it appears that the Prisoner was merely held to security and not punished at all as he ought to have been.

The Court are of opinion

Case 56.

13.

that if the Prisoner confessed and the Prosecutor swore to the fact and there was nothing against her credibility the Prisoner should have been convicted & is punishable in this case also that no punishment had been awarded.

The former sentence was

Case 57.

14.

Upon

8th October 1832.

5.

The Native Criminal Judge should be instructed by the Provincial Court of Circuit to fill up the Column No of the Statement of the Labour of Prisoners.

Bellary Sept. Report. Code 82.

Section VII Regulation X of 1816 should have been cited in support of the sentence passed on the 1st Prisoner in this case. Clause 4 in the Section III Regulation VI of 1832 should not be quoted unless the punishment awarded by Section VII Regulation X of 1816.

Code 87.

7.

The Court of Sudder Adawlut do not coincide in the opinion of the Provincial Court of Circuit in this case as they consider the Acting Criminal Judge to have been unjustified in awarding no punishment at all, the prisoner having been proved. They will not however distrub the sentence but direct that the Acting Criminal Judge may be put in possession of their opinion for his guidance in future similar cases.

Adegs. 8.

In the observations of the Provincial Court of Circuit on this case the Court of Sudder Adawlut agree so far as considering the punishment awarded against the first and third Prisoners inefficient.

9.

The Court of Sudder Adawlut observe that the Prisoners indicted

End

8th October 1832.

on which the Provincial Court of Circuit state their opinion that the punishment was insufficient were not sentenced to suffer punishment but were only required to find security.

The Provincial Court of Circuit will call for and submit an explanation regarding this case which appears to be one of Robbery by open violence.

Chingleput Report X. Code 55.

Code 90.

10.

An explanation is also required regarding the transmission to the Criminal Court of the third Prisoner in this case who was ordered to be released there being no charge or evidence against him. "If this was strictly the case the Court desire to know upon what pleadings the Prisoner was sent up."

11.

The Provincial Court of Circuit observe on this code that "the punishment is not adequate to the offence" from the Report however it appears that the Prisoner was merely held to security and not punished at all as he ought to have been.

Code per Chingleput Report X. Code 55.

Code 56.

12.

The Court are of opinion that if the Prisoner confessed and the Prosecutrix swore to the fact and there was nothing against her credibility the Prisoner should have been convicted of Robbery punishable in this code also that no punishment has been awarded.

13.

The former sentence and

Code 57.

14.

5th October 1882

offence should have been entered in this case instead of the reference to the former cases 44 of June and 53 of the present Report.

15. In the opinion of the Court of Anjolarre Ibrahim that the Section quoted by the Criminal Judge is not applicable to this case, and they accordingly resolve to direct the Provincial Court of Circuit to erase the fine to be remitted as illegal.

Chitty Supt. Report case 82.

Report V. Page 121.

16. The Provincial Court of Circuit should not omit to bring to the attention of the Magistrate the conduct of the Jahars in this case as stated in the Column of remarks in order that he may take such notice of it as he may deem proper.

Ordered, that the Extract of these Proceedings be sent to the Provincial Court of Circuit in the Central Division for their information and guidance by Precept returnable without delay.

(Sent following Precept No. 379)

Read letter, dated the 12th Ultimo from the First Judge on Circuit in the Southern Division, transmitting English and Persian translations in Arabic Sept. Sinnavelly Calendar 2nd Sessions 1882.

(Vide enter No. 763)

Mr. Bird and Mr. Eddleston

The prisoners

2nd Sockrammanayen, son of Sammethamen

3rd Sockramankyen, son of Arumpethamen

and

4th Manoutty, (a woman)

were ordered by order of the Judge on Circuit.

3/

F. H.

8th October 1882

The Court of Enjolarre Ibrahim having maturely considered the proceedings held before the Court of Circuit, the petition of the Provincial Law Officer, and the petition of the Cazee wal Cazgat and Inoftee of the Enjolarre Ibrahim, confirm the sentence of the Cazee wal Cazgat and Inoftee aforesaid, and acquitting the Prisoners,

1st Sekumaly,

and

3rd Gangymoottoo,

of the crime of Gang Robbery and murder, direct that they be released.

(Sent following letter No. 380)

Read letter, dated the 22nd Ultimo, from the First Judge on Circuit in the Western Division, submitting Vide Nov Malabar Calendar 2nd Sessions 1882.

Mr. Bird and Mr. Anderson

(Vide enter No. 800)

The Court of Enjolarre Ibrahim having maturely considered the proceedings held before the Court of Circuit, the petition of the Provincial Law Officer, and the petition of the Cazee wal Cazgat and Inoftee of the Enjolarre Ibrahim, confirm the sentence of the Cazee wal Cazgat and Inoftee aforesaid convicting the Prisoner

Pulian Pramanal Parkey,

of the crime of wilful murder and

9th October 1832.

under the sentence of Kitsaa annexed
therein, they adjudge him to suffer
death by being hanged at the usual
time and place of execution.

(Vide following letter No 581)

L. Ellis

Wednesday
10th October
1832.

Fol 66

Court of the Foujdaree Udalut,

Present

C. Ellis Lushington Esquire, First Puisne Judge
John Bird Esquire, Second Puisne Judge
William Hudleston Esqr. Third Puisne Judge

Read petition presented on the 26th September by Autmarama of the Zillah of Cuttack.

(Here enter No. 1285 of 1832.)

Read also petition presented on the 2d instant by the same party.

(Here enter No. 85 of 1832.)

The party in the above petitions represents that his father had been unjustly accused of robbery and sentenced to 7 years imprisonment by the Judge on Circuit, and prays that orders may be issued for his release.

2. There is no appeal from a sentence passed by a Court of Circuit.

Ordered in consequence that the prayer of the above Petitions be rejected, and that extract from these Proceedings be furnished to the Petitioner on his application.

Read Petition presented on the 26th ultimo by Somoota and 3 others Inhabitants of the Zillah of Balasore.

(Here enter No. 86 of 1832.)

The Petitioners pray that orders may be issued for the release of the Prisoners in Case No. 1 of Cuttack Calendar, 2d Sessions of 1832.

The

At a Court of the Toydaree Udalut,

Present,

Thursday 11th October 1832.

C. M. Lushington Esquire, First Puisne Judge
John Bird Esquire, Second Puisne Judge
William Morleston Esquire, Third Puisne Judge

Read letter, dated 13th Ultimo, from the Second Judge of the Court of Circuit in the Centre Division, submitting Case No. 29 Bellare Calendar 1st Sessions 1832.-

Here enter No. 178.

Mr. Bird and Mr. Morleston

The Court of Toydaree Udalut having maturely considered the proceedings held before the Court of Circuit, the futwa of the Provincial Law officer, and the futwa of the Cazee-ool-Cozaat and Mooftees of the Toydaree Udalut, confirm the futwa of the Cazee-ool-Cozaat and Mooftees aforesaid, acquitting the Prisoners,

1st Cottoorapah,
2d Pottoogah Talary,
3d Chedumbera,
4th Rupegah,
5th Serahiah,
6th Tippoogah Talary,
7th Veeranagapa,
8th Venkattegah,
9th Vobbelaboo,
10th Chennoogaroo,
11th Caumaty Chellum,
12th Cometty Condah,
13th Cometty Aukamah, female
14th Cuvelum Veeracpah,
and
15th Vobbapah,

of the crimes charged against them respectively

and

10th October 1832

The trial allowed to by the Petr is under reference to the Court of Foujdaree Udalut and will be disposed of, on its merits, in due course.-

Ordered therefore, that the prayer of this Petition be rejected, and that Extract from these Proceedings be furnished to the Petitioners on their application.-

Read Petition presented on the 26th Ultimo by Nalasamy Chetty =mah of the Zillah of Cuddapah

Here enter No. 87 of 1832

The Petitioner complains of the sentence that has been passed by the Judge on Circuit on his son, the Prisoner in Case No. 4 Cuddapah Calendar 2d Sessions 1832, and prays that an appeal may be admitted for their release.-

There is no appeal from the judgment of the Court of Circuit.

Ordered in consequence, that the prayer of this petition be rejected, and that Extract from these Proceedings be granted to Petitioner on his application.

J. Cobb

11th October 1832

and direct that the Prisoners

1st Cottoorapah
2d Pottoogah Talary
3d Cheedumbura
4th Pauperah
5th Seedhiah
6th Pothoogah Talary
7th Cunnagaha
8th Cunnatagah
9th Cobbelaroo
10th Pakarah
11th Ringadoo
12th Chennogandoo
13th Sinha Goramah
14th Cannaty Chellum
and
15th Kobbapah,

be released.—

but being of opinion that the imputation though not amounting to a conviction attaches to the Prisoners

15th Cannaty Condah
16th Cannaty Anikamah, found
and
17th Cunnum Cunapah,

they direct that they be severally required to find security in 2 sureties of £50 Rupees each for their good behaviour and their appearance when required within one year, or in default thereof, that they be detained for that period in confinement.

By the extract from the proceedings of the Court of Circuit held the 4th April 1832 appeared to the trial of this case, it appears that the 2d Judge dissented from the exposition of the witness Cunnum

11th October 1832

Cunnum Kobbapah to suspect that he was implicated with the prisoners, ordered that he should be forthwith "committed to take his "trial before the Court as a prisoner in this "case upon his deposition aforesaid,"- which was accordingly done, and being placed at the bar as a prisoner, evidence was taken to his admission before the Acting Criminal Judge, that he delivered the deposition in question before the Court of Circuit.-

2 A more irregular proceeding than this had never come under the ob=servation of the Foujdaree Adaulut. The 2d Judge would appear not to be aware, that if a prisoner has been sworn his statement cannot be received as evidence; and his directing the commitment of a witness on the ground of his sworn testimony was utterly illegal and unwarrantable.-

Ordered that extract of these proceedings be sent to the Second Judge of the Court of Circuit in the Centre Divi=sion for his information and future guidance.-

/Sent following letter No. 583/

Read letter, dated 22d June last, from the Acting Judge late on Circuit in the Northern Division, submitting Case No. 2 Masulipatam Auxiliary Court Calendar 1st Quarterly Session 1832.-

/Here enter No. 815./

Mr Byrd and Mr Hudleston

The Court of Foujdaree Adaulat on a deliberate consideration of the circum=stances of the case in evidence before them, con=curring in opinion that the proof against the Prisoner,

Comachetty Ramoo

11th October 1832

is sufficient to convict him of the crime of wilfull murder charged against him, do in under the authority vested in them by clause first Section II Regulation I of 1818 convict him thereof, and under the provisions of Section X Regulation VIII of 1802 sentence him to suffer death by being hanged at the usual time and place of execution.

(Sent following letter No. 584)

S. C. M.

113
VIII
Sd.

113
VIII

7. 11

7. 16.

At a Court of the Fouzdaree Adalut.

Present,

Saturday,
13th October 1832.

John Ford Esqre 2nd Puisne Judge
William Braddon Esqre 3rd Puisne Judge.

113
VIII

Road return, dated the 3rd Instant, from the Third Superior Circuit in the Southern Division to precept, dated the 28th ultimo, calling upon him to furnish certain explanations respecting Case No. 1 Original Calendar 2nd Sessions of 1832.

(Execution No. 826 of 1832.)

In the 1st paragraph of the foregoing return, the Third Judge stated "that no charge of robbery was preferred "against the prisoners in Case No. 1 of the "Original Calendar as implied in the 3rd "paragraph of the extract from the "proceedings of the Fouzdaree Adalut now "under acknowledgment; and that "the accusation was for receiving "stolen property which was accordingly "so entered in the Calendar."

2. In the sentence passed by the Third Judge on the prisoners in that case, a copy of which accompanies his

his letter, dated the 17th ultimo, it is stated
that the Mahomedan Law Officer in
his letter convicts the 1st and 2nd Prisoners
"on strong presumptive proof of having
"committed the Robbery and declared them
"liable to discretionary punishment to which
the second Futwa having annexed upon
"him in the usual mode in respect to
"the said prisoners, he declared them liable
"to Hud." The sentence afterwards
followed. The 2nd Judge fully concurs with
the Law Officer in the conviction of the
"1st and 2nd prisoners, and is also clear
"from the evidence of the master are
"participators in the robberies committed
"in three places as they are consequently
"sentenced to imprisonment for the
"term of 7 years each with hard labor
"in irons under the provisions of Clause
VII Section II Regulation XI of 1855 and
"of Section XXI Regulation III of 1852."

3

In the 3rd paragraph of the
return now made in continuation the
2nd Judge states that it was generally
"observed that fatal transactions
"were also among the frequent acts
"which attach a greater degree
"of criminality to the prisoners than
"what they may actually stand charged
with

"with which could not be precisely ascertained
"until the whole of the evidence was taken;
"and it was in consequence of the difference
"which existed between the charge imputed
"to the prisoners and the crime proved
"against them that the 2nd Judge on Circuit
"noticed the circumstance in the column
"of remarks in accordance with the
"Circular orders on that subject"

The 2nd Judge in the 3rd para-
4.
graph of this return, after observing
that he could not but concur in the
prisoners conviction of the robberies,
concludes in the following words, "the
"trial of the case referred to having been
"conducted in a strictly legal manner,
"and the sentence having been passed
"in conformity to the Regulations,
"the 2nd Judge does not deem it right
"to obstruct it unless he received the
"positive instructions of the Sudder
"Dewanny to that effect upon reference
"to the proceedings held in the case."

The Court of Sudder Dewanny
5.
have not perused this return without
surprise. So far from the sentence
being in conformity to the Regulations,
it is a sentence for a crime with
which the prisoners were not charged,
and

and of which the Mohomedan Law Officer erred in declaring them Convicted.

6. It is time that in criminal trials it is sufficient to prove so much of the indictment as charges the prisoner with a substantive crime, and that on a charge for instance of burglary and stealing goods a prisoner may be found guilty of simple theft, or on a charge for murder may be found guilty of manslaughter only the main principal matter is the killing and the malice is only a circumstance in aggravation; and it is to this principle that the circular order of the 2nd instant must apply requiring it to be shown in the Calendar how much of a charge was proved: but that a prisoner may be convicted of an offence with which he is not charged, or which is not mentioned in the indictment, to which he pleads not guilty is a proposition which the Court finds called in question.

7. In the present case, in addition to the illegality of the sentence with reference to the foregoing remarks it is to be observed that in passing the sentence to have been otherwise perfectly correct

of the robbery it was not competent to the 3rd Judge under the Regulations to take cognizance of that charge with reference to the provisions of Regulation II of 1832.

8. The prisoners having been tried on a charge of knowingly receiving stolen property, the Court of Circuit are of opinion that the 3rd Judge do require from the Law Officer a futwa declaring whether or not they are convicted of that charge, and do thereupon proceed according to the Regulations.

9. The 3rd Judge will recall and cancel the sentence passed under the futwa of Hard upon the 1st and 2nd prisoners.

Ordered, that an extract of these proceedings be sent to the 3rd Judge on Circuit in the Southern Division by precept returnable in five days from and after its receipt.

(Sent following Precept No 585)

Read letter, dated the 27th ultimo, from the 3rd Judge of the Criminal Court of Circuit in the Western Division, transmitting the Calendars for the 3rd Quarter Sessions of 1832.

(Here enter No 872)

With reference to the Instructions enjoined by the Standing Joint Criminal Judge to the Calendars in this Case it would appear that the 1st Prisoner

Case No 1 respectively

was formerly committed for housebreaking. It was consequently incumbent on the Officer under Clause second Section II Regulation XI of 1832. to commit him to take his trial before the Court of Oyer and the 2nd Judge should, under these circumstances, have proceeded to try the Prisoners. The Court of Enquiry would will not hesitate to animadvert upon the which has been adopted in respect to the Case in question.

Ordered that the trial of the proceedings be sent to the 2nd Judge of the Provincial Court of Procedure in Western Division upon his assuming [illegible] and future guidance.

Read the following Letter from the Provincial Court of Cuttack to the Northern Division submitting Criminal Returns in the same form as by Section XXXV Regulation X of 1805 for the month of July last.

Nellore Report 5 Case 42.

1. Ordered that reference be made to the Court of Circuit requesting to the Provincial Court of Circuit for the Northern Division calling upon them to explain the reasons why the Prisoner named in the Calendar for the month of July 1882 was not committed to the Sessions Judge for trial.

Report 6.

2. The Commissioner of Circuit

will call upon the Criminal Judge for an explanation regarding the release of the first Prisoner named in this Report who is entered as having been released on the 22nd July 1882, in consequence of the remission by Government of one third of his sentence.

Report 6. 3. The Court of Enquiry think it proper to require the 1st Judge of the Provincial Court of Orissa to state why the case first named in this report has not been forwarded as he has submitted several trial long subsequently to it.

Report 7. 4. The reasons for the postponement of the execution of the 1st prisoner in the second case named in this report till the 15th August should have been entered.

Guntoor Report 5 Case 44. 5. It is not clearly shown by the Report under review whether the Prisoner himself received and concealed the property knowing it to have been stolen. In this case the sentence would be legal. If however he was convicted merely of "connivance" at the concealment by another, such connivance not being within the provisions of Clause fourth Section IV Regulation XI of 1822, the sentence of Report would be illegal and must be amended.

The

15th October 1872.

The Provincial Court of Circuit will accordingly require explanation on this point before the requisite final order regarding the Sentence.

Case 68.

6.

In this case it is stated that the Prisoner "is already proved to have contributed to theft and the Sentence by "wearing Clothes bearing a wrongful "false stamp." The Court of Rajahmundry are not aware of the provision of the Regulations under which the Sentence by the Joint Criminal Judge is legal. The Provincial Court of Circuit will therefore call for an explanation from him, and direct him in future to observe strictly the standing order that the Regulation is to be cited for each Sentence, which under the Joint Criminal Judge has very much overlooked in framing the reports under review.

Cases 75 to 81 inclusive.

7.

The Provincial Court of Circuit will again in the Joint Criminal Judge to enter in future Reports the particulars of the disposal of the cases in which the parties present Reports do not show the fact. No doubt has been done in respect to either of the Cases noted in the margin.

Gantoor.

8.

The Statement of the Labor of Prisoners forwarded by the Joint Criminal

81 76.

13th October 1872.

Criminal Judge being altogether faulty in regard to the keeping of the Criminal Calendars, the Court of Rajahmundry Circuit to direct it to be returned by the Provincial Court of Circuit to that Officer with instructions to submit one framed in strict accordance with the form prescribed by their Circular Order of the 4th January and 29th August 1872.

Rajahmundry Sept. Circuit Case 9 supra.

9.

It does not appear to the Court of Rajahmundry that the Remarks made by the Criminal Judge in support of his Sentence is applicable to either of the Prisoners, and certainly not to both, as there is nothing in the Report to show that there was "breaking" connected with the theft by the Joint Prisoner of property to the value of Rupees 65.

Case 16 of June.

10.

In this case also the Remarks quoted is inapplicable to the 2nd and 4th Prisoners.

Rajahmundry Criminal Reports.

11.

The Court of Rajahmundry have before remarked upon the numbering of the cases in some of the Reports now being incorrect. The reports noted in the margin are framed in this respect unsatisfactorily inasmuch as the cases are not numbered as they ought to have been, in due succession to those entered in the Reports of the previous Month, and it will be the duty of the Provincial Court of Circuit to cause the instructions of the Court of Rajahmundry on this point to be strictly observed in future.

Madras Circular Orders Vol V Case 27

12.

With regard to this case the Court of Rajahmundry have to observe that under the Rules for the Corroborative evidence the Evidence should not be

been punished, and direct that this observation be communicated to the Joint Criminal Judge for his information and guidance in future similar cases.

13. The Court of Appeal having to wait the explanation of the Provincial Court of Circuit of the distribution of the Criminal Reports under review so long as 28 days beyond the period they should have been furnished, agreeably to the Circular Order of the 27th January last this explanation should have been forwarded with the Reports.

Ordered that a extract of these proceedings be sent to the Provincial Court of Circuit in the Northern Division for their information and guidance by Precept returnable in ten days delay.

(Sent following Precept No. 587)

Mr. Bird and Mr. Dinkelton.

Read letter dated the 10th June last, from the Acting Judge late on Circuit in the Northern Division, submitting case No. 5 Chicacole Calendar 2nd Sessions 1881.

(Here enter No. 814)

The Court of Appeal having maturely considered the proceedings had before the Court of Circuit, the Opinion of the Provincial Law Officers, and the Opinion of the Cazee ool Cozat and Mooftee of the Appeal Court, confirm the Opinion of the Court of Circuit in the Northern Division convicting the Prisoner Innocently Poteamul,

13th October 1882.

of the crime of wilful murder, and under the award of Hippocrates declared therein, they sentence her to suffer death by being hanged at the usual time and place of execution.

(Sent following letter No. 588)

L. M

Read return dated the 8th Instant, from the 1st Judge of the Provincial Court of Circuit in the Centre Division, to precept dated 8th Instant, sentencing the prisoner Bandi Yogaroo in No. 1 & 2 Supplemental Calendar 3rd Quarterly Sessions of Vizianagram 1882, to ten years rigorous imprisonment with hard labor.

(Here enter No. 836)

Read return dated the 6th Instant, from the 1st Judge on Circuit in the Northern Division, to precept dated the 1st Instant, sentencing a mitigation of punishment in respect to Parakal Paramboi Moideen the 1st prisoner in case No. 3 Calendar Calendar 2nd Sessions 1882.

(Here enter No. 842)

Read Supplemental return dated the 27th Ultimo, from the Provincial Court of Circuit in the Centre Division, to precept dated the 8th August, conveying the remarks of the Court on the Civil Reports of the Division for the 2nd Quarter of 1882.

(Here enter No. 803.)

15th October 1882.

Mr Bird.
and
Mr Hudleston.

Read letter dated the 28th June last from the Acting Judge late on Circuit in the Northern Division, submitting case No 86 Criminal Calendar 2nd Sessions 1882.

(Here enter No 86.)

The Court of Vengadasa Mudaliar on a deliberate consideration of the circumstances of the case in evidence before them, are unanimous in opinion that the proof against the Prisoner

1st Cutta Brammadan

is sufficient to convict him of the crime of having wounded the Prosecutor with a dagger, under the provisions of Clause (1) Section II Regulation I of 1816 require them to declare by a decree of future Law Officers to declare by a decree of future to what sentence the prisoner would have been liable under the Mohammadan Law if he had been convicted thereof by full legal evidence.

Ordered, that extract of these proceedings be translated and delivered to the Appeal Court and Magistrate of the Tanjore District.

2nd

To have

F. 16.

At a Court of the Tanjore Adalut.

Present,

Wednesday, 19th October 1882.

C. M. Lushington Esqre 1st Puisne Judge
John Bird Esqre 2nd Puisne Judge
William Hudleston Esqre 3rd Puisne Judge

Civil

Read Petition presented on the 19th ultimo by Ambanapa Mudliar a Soucar at present residing at Anguapettah in the District of Mandapatam.

(Here enter Petn No 38 of 1882.)

1. The Petitioner complains of a decision which has been passed by the Joint Criminal Judge of Mandapatam in regard to a charge of house breaking and robbery preferred by him against certain Individuals, and of orders which have been issued by the Court of Circuit in respect to certain property said to have been found in the hands of some of the Defendants, and prays the Court to call for the proceedings in the case, and issue instructions for the annulment of the orders of the Lower Courts and the restoration of his property.

2. It appeared that on the 27th July 1882 the Provincial Court of Circuit took into consideration a Petition from this Petitioner, in which it appeared that the

the mode in which the Joint Criminal Judge had disposed of the case. The Provincial Court then in session called for the proceedings in the case.

3. The Petitioner produced an exemplified copy of the proceedings of the Joint Criminal Judge which contain an abstract of the evidence and sentence dated the 28th July 1882, and which proceedings it was moved by the Court were produced subsequent to the sentence in the case, of which the Petitioner had complained to the Provincial Court.

4. This appeared to the Court to require explanation.

5. The Joint Criminal Judge on the charge entered into was of opinion and after ordered to proceed to the Court to be examined to the

6. The Court think that the Joint Criminal Judge in regarding the whole charge as sufficiently established by the Police Constable's evidence, and in refusing to question the grounds of the decision which had been given in the case, they desire that the Provincial Court do by precept direct to the Joint Criminal Judge and transmit to them for their information all the proceedings with regard to the

delay as possible.

Ordered, that extract from these Proceedings be forwarded to the Provincial Court of Circuit in the Northern Division by precept, returnable in fifteen days from the date of its receipt.

(Sent following Precept No 594)

Read letter, dated the 3rd instant, from the 3rd Judge on Circuit in the Southern Division, submitting the record of trial in Cases Nos 7, 9 10 & 11 on the Madura Calendar 2nd Sessions 1882.

(Here enter No 834.)

1 The trial No 7 referred to in the above letter was called for by the Court of Enquiry Madras on the 28th August last, in consequence of their entertaining doubts, whether the evidence given in the case, was sufficient for the conviction of the Prisoners.

2. The Court having now maturely considered all the circumstances of the case in evidence before them, are of opinion that the sentence passed by the 3rd Judge was correct and proper, and they accordingly direct that it be confirmed.

Ordered, that extract from these Proceedings be transmitted to the 3rd Judge on Circuit in the Southern Division by precept returnable without delay.

(Sent following Precept No 595)

Read

Read letter, dated the 11th Instant,
from the late Acting Judge of Circuit in
the Centre Division, recommending a
mitigation of punishment in behalf
of the Prisoner in Case No 6 and 7 of
the Cumbum Calendar of the 2nd Sessions
of 1882.

(Case entered No 346.)

The Court of Enquiry thereby
concurring in opinion with the late Acting
Judge of Circuit in the Centre Division, as
that the sentences which have been
passed in these cases are too severe, and
should, under the powers vested in them
by Clause third Section III. Regulation
II of 1825, be altered. The Prisoner
Malee Pandaram,
in case No 5, and the Prisoner
Byrnsamy Conductor,
in case No 7 of the Cumbum Calendar 2nd
Sessions of 1882 to be respectively sentenced
to imprisonment in the Zillah Gaol
for and during the term of seven years.

Ordered, that extract of
these proceedings be sent to the late Acting
Judge of Circuit in the Centre Division for
his information and guidance.

(Sent to Acting Judge letter No 596)

Read letter from the Acting Judge of Circuit
in the Centre Division to the Registrar dated
the 6th Instant calling for explanation

17th October, 1882.

in regard to certain cases in the Cuddapah
and Cumbum Calendars of the 2nd Sessions
of 1882.

(Case entered No 347.)

The Court of Enquiry thereby
Para 1. do not consider the explanation given
in the letter from the late Acting Judge, relative
to the 2nd Prisoner in Case 32 of the
Cuddapah Calendar, to be satisfactory.
The Witness to whom the late Acting
Judge refers, only proves that the said
Prisoner was in possession of property
said to have been stolen from the
Prosecutor, which was not sufficient
for his conviction. They are considering
that the proceedings of the trial,
before the late Acting Judge, may be referred
in English and Persian, may be referred
to them.

6 & 10. 2. The Court consider it necessary
to point out to the late Acting Judge,
that in cases similar to that referred to
in this para, the Regulations make
it incumbent on the Judge of Circuit to
give a second Section to the Law officer,
and if he does not concur in the opinion,
to refer the case to this Court.

12. 3. With reference to the explanation
contained in this para, the Court remark
that the Judge of Circuit is bound to
take

17th October 1832.

take all material evidence, notwithstanding the objections that may be urged thereto by the Law Officer.

15.16.17.18. 4 The Court are by no means satisfied with the explanation furnished by the late Acting Judge in these Cases in respect to the acquittal of the Prisoner in Case No 6 of the Cuddalore Calendar.

Ordered, that a Extract from these proceedings be sent to the late Acting Judge of Circuit in the Centre Division by precept returnable in Seven days from and after its receipt.

(See following Precept No 597)

Read letter dated the 16th Instant from the 1st Judge of the Court of Circuit in the Centre Division, transmitting copy of a letter addressed by him to the Acting Joint Criminal Judge of Chingleput, desiring him to proclaim the holding of said Sessions at Cuddalore for 2nd Sessions 1832 on the 5th November next.

(See enter No 837)

Read letter, dated the 9th Instant, from the First Judge of the Court of Circuit in the Northern Division, reporting that he has opened the 4th Quarterly Sessions at Masulipatam.

(See enter No 849)

Read letter dated the 15th Instant, from the 1st Judge on Circuit in the Centre

17th October, 1832.

Centre Division, reporting his arrival at Chingleput.

(See enter No 852)

Read return dated the 15th Instant, from the 3rd Judge on Circuit in the Southern Division to precept dated 5th Instant transmitting the observations of the Court on a review of the Criminally Calendar for the 3rd Sessions 1832.

(See enter No 854)

Thursday 18th October 1832.

Present
Hon. Temple W. Oliver Esqre Chief Judge
Hon. McLeod Washington Esqre 1st Puisne Judge
John Bidlake Esqre 2nd Puisne Judge
William Burdiston Esqre 3rd Puisne Judge

Chl
Bs
Bl

Mr Bird and Mr Burdiston.

Read again the letter dated the 20th June last, from the Acting Judge of Circuit in the Northern Division, submitting Criminal Calendar 3rd Sessions 1832.

(Here enter No 816)

Read the Second Interrogatory in this case by the Cazee and Mogat and Interpreter of the Bengal Court.

The Court of Bengal Circuit having maturely considered the proceedings had before the Court of Circuit, the Letters of the Provincial Law Officers, and the Futwas of the Cazee and Mogat and Interpreter of the Bengal Court, confirm the Futwa of the Cazee and Mogat and Interpreter aforesaid and under the provisions of Clause third Section III Regulation XV of 1803 sentence the Prisoner

Fuzla Brammoon

to be imprisoned and kept to hard labor in the Jail at Chicacole for the period of six Months, and then to be released.

(Vide for Warning Letter No 500)

Read

5th October 1882

Mr Linshington and Mr Bird

Read letter, dated the 2nd Instant, from the First Judge of the Court of Orient in the Centre Division, submitting record of First Supplemental Calendar 3rd Quarterly Sessions of 1882.

(Rose enter No 895)

The Prisoner
Tan Pen Chetty
was relieved by the Judge on Orient recognizance.

The Prisoners
1st Rungiah Seeny and
2nd Veeraboodah alias Veeramuthoo
were released by that officer on security.

The Court of Appeal having maturely considered the proceedings had before the Court of Orient, the petition of the Provincial Law Officer, and the petition of the Crown Counsel and Master of the Supreme Court, confirm the sentence of the Court of Orient and Master aforesaid, respecting the Prisoner

3rd Veeraboo Veeraiyengar

of the crime of robbery attended with violence but being of opinion that sufficient evidence not appearing to connect the prisoner with the offence directed under the provisions of Clause sixth Section II Regulation XVIII of 1822 that he be required to give two securities in One hundred Rupees each for his good behaviour and appearance when required within two years or in default thereof that he be detained for that period in

5th October 1882

in confinement.

The Prosecutor in his deposition
1. before the Magistrate made on the 15th November 1881, states his inability to identify any of the persons who robbed his house because "having upraised he did not observe them (the robbers) properly"

In his declaration before the
2. Criminal Judge, however, made on the 7th May 1882- he asserts that he "saw the prisoner "Veera Veeraiyengaroo sitting on the roof of his "house with a stick in and a lighted torch in "his hand."

3. It is quite clear that if the prosecutor states his inability to distinguish the robbers of his house in his previous examination his subsequent identification of them must have arisen from facts which came afterwards to his knowledge and in all cases which hinge on the identity of persons the original examination is the one most to be depended on.

4. The 1st Judge on Orient in his letter submitting the trial has omitted to notice the above inconsistency in the prosecutor's evidence as delivered before the Joint Magistrate and the Criminal Judge and the Court direct that the inconsistency be pointed out to him.

Ordered, that the record of these proceedings be sent to the First Judge of the Court of Orient in the

Centre

18th October 1832

Centre Division for his information and future guidance.

(Sent following letter No. 601)

Read letter, dated the 13th June last from the Acting Judge on Circuit in the Northern Division, submitting case of Chinnaah for the 1st Sessions of 1832.

(See entry No. 752)

The Court of Puyslaar state that having maturely considered the proceedings held before the Court of Circuit, the finding of the Provincial Law Officer, and the finding of the Cazee and Assistant and Moofties of the Puyslaar state that, confirm the sentence of the finding of the Cazee and Assistant and Moofties aforesaid, as regards the Prisoners

2nd Cumlah Cheekay, and

3rd Ramasah Pytunnah,

of the crime of being accessaries to the crime of wilful murder after the fact, and direct that they be released.

And on a deliberate consideration of the circumstances of the case in evidence before them, concurring in opinion that the prisoner

1st Codaspareddy Kistnamah,

is not convicted on presumptive proof, or on the evidence of credible Witnesses, or on his own confession of the crime of wilful murder charged against him, notwithstanding the finding of their Law Officers, do therefore remand the prisoner

18th October 1832

of Clause sixth, Section II Regulation XI of 1803 against him of the same, but being of opinion that the prisoner though not amenable to conviction attaches to him, the Court direct that he be required to find two sureties in 100 Rupees each for his good behaviour and appearance when required within three years, or in default thereof, that he be detained for that period in confinement.

(Sent following letter No. 602)

J. C. C.

In Court of the Eastern Division.
Present,

Friday 19th October, 1832. John Bird Esqre 2nd Puisne Judge
William Hutchinson Esqre 3rd Puisne Judge.

Read again letter, dated the 5th Instant, from the Third Judge on Circuit in the Southern Division, submitting English translations of the records of proceedings in Cases Nos 9, 10, and 11 Gudoor Calendar 2nd Sessions of 1832.
(Here enter No. 834)

In case No. 9 and 10 of the Calendar the prisoners stood charged with perjury in swearing to the execution of a certain agreement by the Plaintiff in Suit No. 3 of 1830. in the file of the District Moonsiff of Chavacherry, and according to the tenor of their arrangement before the Court of Circuit, the proof of their having committed perjury in their depositions was made to rest upon the facts, that the said agreement referred to the decree in that Suit, and bore date the 6th June 1830, on which date also they swore to the execution whereas the said Suit had not then been instituted, nor was its number known.

The proceedings on this two
2 trials consists of the examination in each

of two witnesses who prove, that the depos-
tion on which the perjury is assigned
was given by the prisoner, and was wilfully
before the Zilla Judge of Trichinopoly.

3. With this evidence, which formed
a very obvious and proper opening of
the trial, the prosecution in each case
is closed: so that there is in fact nothing
in the trials before the Court of Circuit
to shew, that the depositions in question
were not perfectly true.

4 It is sufficiently obvious,
that proof should have been adduced
on each of these trials of the date of the
institution and decision of the suits
376 of 1880 on the file of the District Moonsiff
and that the agreement should have been
read, in order that the inconsistency
of the evidence given by the accused before the
Zilla Judge with fact should be established.

5. The Court of Sessions would
might, if they deemed the ends of justice
to require it, cause the depositions in the
proceedings in these trials to be supplied
but they are decidedly impressed, by an
attentive consideration of all the proc-
eedings in cases Nos 9 and 10 and in
case No 11 of the Calendar, with the opinion
that perjury had not been committed,
that the account given by the prisoner
in

19th October, 1882.

in case last mentioned at the close of
his defence before the Court of Circuit is
true.

6. The Court of Sessions would
under all the circumstances of these cases,
consider the prisoners in cases Nos 9 and
10 of the Calendar entitled to have the benefit
of the defects in the proceedings on their
respective trials, which are totally in-
sufficient for their conviction, and
they accordingly direct that those prisoners,
together with the prisoner in case No 11,
the charge against whom falls of course
to the ground on the failure of proof
of the alleged perjury, be forthwith released.

Ordered, that extract of these
proceedings be sent to the third Judge
on Circuit in the Southern Division
by precept returnable in three days.

(Vide following Precept No 803)

J M

At a Court of the Fingoland Local.

Present,

Saturday, 20th October, 1882. John Bird Esqre 2nd Puisne Judge.
William Auckerston Esqre 3rd Puisne Judge

Read letter, dated the 15th Instant, from the 3rd Judge on Circuit in the Southern Division, recommending a mitigation of punishment in behalf of the Prisoner in Case No 4 of the Cumbacannum Supplimental Calendar 2nd Sessions of 1882.

(See entry No 1857)

The Court of Fingoland Local concurring in the views of the Case taken by the 3rd Judge on Circuit, direct that the Prisoner, [illegible] Cumbacannum in case No 4 of the Cumbacannum Supplimental Calendar 2nd Sessions 1882, be sentenced to seven years imprisonment, with hard labour in irons, on the public roads or other public works.

Ordered, that a extract from these Proceedings be sent to the 3rd Judge on Circuit in the Southern Division by precept, returnable in seven days.

(Vide following Precept No 804)

J. C. M.

F 16.

At a Court of the Toopdara Adalut,

Present,

Monday 22d October 1832 } C. M. Lushington Esq.re First Puisne Judge
John Bird Esq.re Second Puisne Judge
William Hudleston Esq.re Third Puisne Judge

Read letter, dated the 12th Instant, from the First Judge on Circuit in the Western Division, submitting explanation in respect to the sentence passed by him on the Prisoner in Case No.4 on the Malabar Calendar 2d Sessions 1832.-

(Here enter No.859.)

The explanation furnished by the First Judge in the above letter, fully justifies the course followed by him in the case in question.-

2. The Court when writing their Proceedings of the 5th Instant overlooked the fact that the property stolen was below the 2 Rupees, which is 3 Rupees by the highest calculation.-

Ordered, that extract from these Proceedings be furnished to the First Judge on Circuit in the Western Division for his information.-

(Sent following precept No.605.)

Read letter, dated the 27th ultimo from the Provincial Court of Circuit in the Western Division, submitting the Criminal Reports in the several precincts by section XXXV Regulation X of 1816 for the months of August 1832.-

(Here enter No.830.)

The

22d October 1832

Nellore Report V Case 64.

1

In the Court of Poujdaree Adalut it appeared that the sentence on the 1st Prisoner in this case, considering he was "an old offender" was very insufficient.-

Case 62

2

In this case the first Prisoner having been "perfectly identified" by the Prosecutrix and by the second witness, the Court do not see why the evidence was insufficient for his commitment.-

Guntoor Report V Case 83.

3

In the opinion of the Court of Poujdaree Adalut the sentence in this case for which the Joint Criminal Judge has omitted to quote the Regulation is illegal and must be cancelled. The crime appears to amount to fraud, and the Provincial Court of Circuit will accordingly direct the Joint Criminal Judge to pass an adequate sentence, under section VII Regulation X of 1816 or if he should consider the punishment authorized by that section and Regulation inadequate, to commit the Prisoner for Trial.-

4

"The statement of the Labor of Prisoners" forwarded by the Joint Criminal Judge of Guntoor not being in the prescribed form, it is ordered to be returned for the purpose of being corrected. With regard to the Note attached to it relative to the instruments requisite for the Prisoners, the Joint Criminal Judge is referred to the former order on this subject.-

Masulipatam Case 28.

5

If the Joint Criminal Judge had not communicated to the Magistrate the contract of the Head of Police with respect to this case, the Provincial Court of Circuit should direct him to do so.-

6

The Provincial Court of Circuit should

F.6.
22d October 1832

Chicacole Report V Case 94.

Supplemental Report Case 8.

2,3,4.

not have forwarded the Semaul Criminal Reports from the Native Judge at Elizagapatam as they were all blanks: the fact might have been stated in their letter.-

As the detention of the Prisoner in this case for 12 days after his apprehension has not been accounted for, the Provincial Court of Circuit will call upon the Magistrate to explain the grounds of the delay.-

The Acting Criminal Judge has omitted to cite the Regulation in support of his sentence in this case, the Provincial Court of Circuit will therefore point his attention to the standing order of the Court of Poujdaree Adalut that this should always be entered.-

Ordered, that Extract of these Proceedings be sent to the Provincial Court of Circuit in the Northern Division for their information and guidance by precept returnable without delay.-

Sent following precept No. 608

Read letter dated the 15th Instant, from the late Acting Judge on Circuit in the Centre Division, furnishing explanation called for in the Court's Proceedings of the 23d July last, relative to his Report on the 1st Guntoor Quarter Sessions of 1832.-

Per entered No. 867.

The Court of Poujdaree Adalut

1

see no sufficient reason, from what is stated by the late Acting Judge in these paras, for any alteration of the law, as it at present stands, in respect to batta allowed to persons in attendance on the Courts.-

2.

From the representation contained in this para, it would appear, that the late Acting Judge has no specific charge of neglect to bring against the Police in the Centre Division, and that the case

22nd October 1832

case described in the 15th para of his Report is one of gratuitous supposition.-

Ordered, that Extract from these Proceedings be sent to the late Acting Judge on Circuit in the Centre Division for his information and future guidance.-

/Sent following Letter No 609/

Ordered likewise, that Extract together with copy of the Report be transmitted to the Acting Secretary to Government in the Judicial Department, with a view to its being laid before Government, with reference to the 3d Para of their Letter of the 31st July last.-

/Sent following letter No 610/

Read return, dated 19th Instant, from the Third Judge on Circuit in the Southern Division to precept dated the 15th Instant, directing that the sentence in Wet Maduna Calendar be cancelled and a further future taken from the Law Officer.-

/Here enter No 874/

Read return dated 16th Instant, from the First Judge of the Provincial Court of Circuit in the Northern Division, to precept dated the 4th Instant, directing that the recognizances of the 2 witnesses in Case No 16 Chicacole Calendar 1st Session 1832 be estreated, and the amount placed to the credit of Government.-

/Here enter No 875/

Ent

WB

WM

Ent

WB

WM

J. 116.

At a Court of the Zillah Udalut,

Present,

Wednesday 24th October 1832

Walter Ashington Esquire, First Puisne Judge
John Bird Esquire, Second Puisne Judge
William Hudleston Esquire, Third Puisne Judge

Read letter, dated the 20th Instant, from the first Judge on Circuit in the Centre Division, recommending mitigation of punishment in behalf of the Prisoner in Case No 6 of the Chingleput Calendar Second Sessions of 1832.-

/Here enter No 872/

The Court of Zillah Udalut concurring in the view of the case taken by the 1st Judge in the foregoing letter, direct that the Prisoner,

Dayanoo Lee,

in No 6 of the Chingleput Calendar Sessions 1832 be sentenced to imprisonment with hard labour, for and during the period of three years.-

Ordered, that Extract from these Proceedings be sent to the First Judge on Circuit in the Centre Division by Express, returnable in five days from and after its receipt.-

/Sent following precept No 611/

Read return, dated 20th Instant, from the Third Judge on Circuit in the Southern Division, to precept dated 17th Instant, ordering the execution of the sentence passed by him in Case No 7 Madura Calendar Second Session 1832.-

/Here enter No 876/

WB

WM

25th October 1832.

of having received Stolen goods knowing them to have been Stolen, do therefore under the authority vested in them by Clause first Section II Regulation I of 1818 convict him of the same, and under Clause fourth Section IV Regulation VII of 1832 sentence him to be imprisoned and kept to hard labor in irons on the public roads or on other public works for, and during the period of two years, and then to be released.

(Vide following letter No 612)

J. M

At a Court of the Bogdara District.

Present,

Monday, 29th October, 1832.

John Bird Esqre 2nd Puisne Judge.
William Huddleston Esqre 3rd Puisne Judge

Read letter, dated the 19th Instant, from the 2nd Judge of the Provincial Court of Circuit for the Western Division, stating with reference to the extract of the proceedings of the Court of Bogdara District, under date the 18th Instant, transmitted for his information and future guidance, that it was stated in the Calendar that the prisoner therein mentioned "had been punished for suspicion of theft, not for house breaking," and that on reference to the "Sentence in case No 24 on the Calendar "of 2nd Quarter Sessions of 1813 it will be seen "that the prisoner was declared not free "from taint, in regard to which the "Court of Bogdara District observed in "paragraph 2nd of its proceedings of the 9th "March 1825 that under a sentence of taint "or suspicion the adjudication of any "punishment is at variance with the "provisions of Clause sixth Section II "Regulation XV of 1803."

(Vide letter No 983.) And

1.

but the 2nd Judge concludes with expressing his hope "that the Judges of the Court of Tongataboo [illegible] will deem fit to recall their disapproval of his proceedings on the case in question."

2.

Referring to the copy of the North Malabar Calendar 1st Quarterly Sessions of 1873 the Court of Tongataboo [illegible] that the charge against the prisoner in question was handbreaking and that he is stated to have been "found guilty and sentenced to Lagoon."

3.

This entry led to the observation of the Court in their proceedings of the 15th Instant it would now appear that the case was misunderstood that the prisoner was not "found guilty."

4.

As the Courts of Circuit do not appear at the period when this Calendar is furnished to transmit copies of sentences with the Calendar the object of the sentence in the case mentioned has not been carried into effect until the communication from the 2nd Judge of the Court of Tongataboo had been received to enable it to be ascertained whether the circumstances were precisely as stated in their proceedings of the 15th Instant.

5.

As the 1st Prisoner was convicted of murder, and under the Additional Malabar Calendar 1st Quarterly Sessions of 1872 Chapter 2 Section 2 the punishment for any crime, the 2nd Judge

was enjoined in returning that case to be disposed of by the Acting Joint Criminal Judge.

6.

The Court of Tongataboo therefore direct that the 2nd Judge do transmit to them a copy of the Sentence delivered in case No 24 North Malabar Calendar 1st Quarterly Sessions of 1873.

Ordered, that extract of these proceedings be sent to the Second Judge of the Provincial Court of Circuit in the Western Division by precept returnable in two days from the date of its receipt.

(Sent following Precept No 869)

Mr Bird and Mr Knobleston.

Read letter, dated the 5th Instant, from the First Judge of the Court of Circuit in the Centre Division, submitting Case No 8 Chittoor Calendar 2nd Quarterly Sessions of 1872.

(Case entered No 828.)

The Court of Tongataboo having maturely considered the proceedings held before the Court of Circuit, the Sentence of the Provincial Law Officer, and the Sentence of the Assessors Assistant and Magistrates of the Tongataboo Island, confirm the Sentence of the Assessors Assistant and Magistrates aforesaid, convicting the prisoner

Anchan,

of the crime of wilful murder, and under the Sentence of Death declared therein, adjudge him to suffer death by strangulation at the usual time and place

7

29th October 1882.

1.

with respect to the following letter No 817/
of the Can[illegible] Post letter, dated the 6th Instant,
fr[illegible] First Judge of the Court of Circuit
[illegible] Central Division, submitting case No 2
[illegible] Supplemental Calendar of Chittoor
[illegible] Quarterly Sessions of 1882.

(Here enter No 818/)

The Court of Enjaveree Maalut
on a deliberate consideration of the circumstances
of the case in evidence before them, concurring
in opinion that the proof against the prisoner
Varadum
is sufficient to convict him of the crime of
wilful murder, do therefore under the authority
vested in them by Clause first Section II
Regulation I of 1818 convict him of the same,
but under the provisions of Section X Regu-
lation VIII of 1802, sentence him to suffer
death by being hanged, at the usual time
and place of execution.

The 1st Judge of the Provincial
Court of Circuit, in the concluding paragraph
of his letter, accompanying the trial, states
that he sent the Enjaveree Maalut
to [illegible] any doubt exist as to
[illegible] near the river
[illegible] that
[illegible]
[illegible]
[illegible]
[illegible]
Sessions of 1882 and
convicted of any crime, the Pe[illegible]
[illegible]

J. M
29th October 1882. 2

The principle of apportioning
the punishment to the degree of proof against the
the party accused is totally repugnant to the law
of England, and is denounced in the preamble
to Regulation XV of 1803; had there appeared
to the Court of Enjaveree Maalut any reason
to doubt the identification of the skeleton
and the fact that the prisoner committed
the murder, with which he is charged,
he must have been acquitted, and no
sentence of punishment could have been
passed upon him.

Ordered, that extract from
these proceedings be furnished to the 1st
Judge of the Court of Circuit in the Centre
Division for his information and
guidance.

(Sent following letter No 618)

J. M

Received the following letter
dated 20th October 1837 from the Officiating Additional
Judge of the Provincial Court of Circuit in the Centre
Division, stating that he has sent the Proceedings in the
case of the pollution of a Mosque to Chittoor for investigation

(Here enter No 882)

At a Court of the Zoyalarre Wanket.

Present,

Wednesday the 31st October 1832. C. M. Lushington Esqre 1st Puisne Judge
John Bird Esqre 2nd Puisne Judge
William Huddleston Esqre 3rd Puisne Judge

C L
33
111

Read Petition presented on the 17th Instant by Chengunnah of the Zillah of Cuddapah.

(Government Public Letter No. 91 of 1832)

The Petitioner represents that his Rolee Brother, the 18th Prisoner in Case No. 17 of the Cuddapah Calendar 2nd Sessions of 1832, has been unjustly accused of Dacoity, and that the Circuit Court in so doing, and without properly investigating the matter, have referred the case to this Court, and prays that orders may be issued for his release.

No attention can be paid by the Court of Zoyalarre Wanket to Petitions of this nature. The case to which the Petitioner refers is under reference to them, and will be disposed of in due course.

Ordered in consequence, that the prayer of this Petition be rejected, and that extract from this proceedings be furnished to the Petitioner on his application.

Read Petition presented on the

the 17th Instant by P. Channappah of the Gillah of Cudalapah.

(Here enter Misc. Pet.n No. 92 of 1882.)

The Petitioner represents that his Brothers in law, the 5th 6th 7th and 8th Prisoners in case No. 19 Cudalapah Calendar 2nd Sessions 1882, have been unjustly accused of burglary, and that the Judge of Circuit without properly investigating it, has referred the case to this Court, and prays that orders may be issued for their release.

No attention can be paid by the Court of Enquiry but what to address of this nature. The case to which Petitioner alludes, is under reference to them and will be disposed of in due course.

Ordered, that the petition be rejected, and that extract from these proceedings be furnished to the Petitioner on his application.

Read Petition presented on the 7th Instant by Timmy Reddy of the Gillah of Cudalapah.

(Here enter Misc. Petn No 93 of 1882.)

The Petitioner represents that his Brother the 9th Prisoner in Case No. 19 Cudalapah Calendar 2nd Sessions of 1882, has been unjustly accused of burglary, that the Circuit Judge without properly investigating the matter, has referred the case to this Court, and prays that orders may be issued for his release.

7th October 1882.

No attention can be paid by the Court of Enquiry what to address of this nature. The case to which the Petitioner alludes, is under reference to them, and will be disposed of in due course.

Ordered therefore, that the prayer of this Petition be rejected, and that extract from these Proceedings be furnished to the Petitioner on his application.

Read Petition presented on the 7th Instant by Seemachah and 3 others, Inhabitants of the Gillah of Bellary.

(Here enter Misc. Petn No 94 of 1882.)

The Petitioners pray that their relations the prisoners in No 19 Bellary Calendar 2nd Sessions of 1882, orders may be passed on the case of

No notice can be taken of Petitions of this nature.

The Petitioners have already been informed that the case of their Relations will be taken into consideration as soon as the trial is received.

Ordered, that this Petition be returned to the parties presenting it, and that extract from these Proceedings be furnished to them on their application.

L. C. M.

Read letter, dated the 2nd Instant from

31st Octr. 1882

31st October 1882

Mr Lushington and Mr Bird

from the 1st Judge on Circuit in the Centre Division submitting trial No 1 Chittoor Calendar 2nd Quarterly Sessions of 1882.

(Here enter No 803)

Read also letter, dated the 17th Instant from the First Judge of the Court of Circuit in the Centre Division, reporting the death of the 2nd prisoner in case No 1 Chittoor Calendar 2nd Quarterly Sessions of 1882.

(Here enter No 858)

The Court of Sudder Adawlut having maturely considered the proceedings held before that Court of Circuit, the futwas of the Provincial Law Officers, and the futwa of the Cazee ool Cozaat and Mooftee of the Sudder Adawlut, concur in opinion that the Prisoner

1st Ganoor Ramboa

is not convicted on presumptive proof, or on the evidence of credible witnesses, or on his own confession; notwithstanding the futwas of their Law Officers, but being of opinion that, although the evidence is not sufficient to convict strong suspicion attaches to him, they do therefore under Clause sixth Section II Regulation XV of 1809 direct that he be required to find two sureties in Fifty Rupees each for his good behaviour and appearance when required within two years, or in default thereof that he be detained for that period in confinement.

The Warrants issued in this Case to the Criminal Judge by the 1st Judge on Circuit

31st October 1882.

Circuit not having been entered in the Sudder Adawlut Calendar, and delay have record great inconvenience and delay have thereby been occasioned. The Law Officers of the Court of Sudder Adawlut having no means of discovering that the three last Prisoners had been released by the Court of Circuit took their cases as well as those of the 1st and 2nd Prisoners into consideration in their Futwa which in consequence required amendment.

The omission in question is of very frequent occurrence. It is the duty of the Presiding Judge to examine carefully the contents of the Persian record previous to its transmission to the Sudder Adawlut. The Court have directed the attention of the 1st Judge to the present omission in order that it may be avoided in future.

Ordered, that extract from these proceedings be sent to the First Judge on Circuit in the Centre Division for his information and future guidance.

(And following letter No 619)

Read letter, dated the 8th Instant, from the Third Judge on Circuit in the Northern Division, transmitting English and Persian translations in Case No 19 of the Jummedy Calendar 2nd Sessions of 1882.

Mr Bird and Mr Eadleston

(Here enter No 824)

The Court of Sudder Adawlut after deliberate consideration of the circumstances of the case on the evidence before them concurring in opinion that the proof against

against the Prisoner,

4th Kandamoothoo, son of Arlakagaram,

is sufficient to convict him of the crime of having been an accomplice in the crime of wilful murder, do therefore under Clause Second Section II Regulation I of 1818 require their Law Officers to declare by a Second Letter, to what sentence the Prisoner would have been liable if he had been convicted thereof by full legal evidence.

Ordered, that extract of these proceedings be translated and delivered to the Cazee and Cazeat and Mauftee of the Fouzdaree Adawlut.

Fwd.

Rent Petition presented on the 17th Instant by Sobaty Appiah Vahed on behalf of Eruvaguntty Peter Chinnaroon of the Zillah of Nellapatam.

Peter inter Misc Petn No 90 of 1832

1 The Petitioner represents that his daughter is forcibly and illegally detained by her Grandfather Chintapettah Venkatarden and his son Ramaroo, Inhabitants of Tiruvendah, and that he has applied to the Magistrate, Collective Court of Orient and Judge on Circuit respectively, with a view to obtain orders for her restoration, but without success. and he prays that the Court will take his case into consideration, and if necessary to the Magistrate to grant him redress.

2 The Case in question is not provided

provided for in the Regulations, but as there can be no doubt that a Father is entitled to the custody of his own child, unless there should be good cause for not entrusting him therewith, it appears to the Court that it is competent to the Judge of the Zillah to dispose summarily of the case, on application from the party aggrieved. In the opinion of the Court the most regular course to be pursued will be for the Judge to issue an order to the parties detaining the child, requiring them to appear before him, on a certain day, with the child, reference being had to the provisions of Section VII Regulation III of 1802, in the respect to female of rank, and no good cause being shown against it, on their part, to order the delivery of the child, to the custody of the Father. Should the parties not appear on receiving the Summons, it will then be for the Judge to compel their attendance by issuing a warrant for the attachment of their persons.

Ordered in consequence, that extract from these Proceedings be sent to the Provincial Court in the Northern Division by precept returnable in six weeks directing them to instruct the Zillah Judge of Rajahmundry to act in the manner therein indicated, in the event of an application being made to him by the aggrieved party.

At a Court of the Puisne Judicature.

Present,

Friday 2d November 1832 - C. M. Lushington Esqre 1st Puisne Judge
John Bird Esqre 2d Puisne Judge
William Huddleston Esqre 3d Puisne Judge

Read letter dated the 18th Ultimo,
from the 3d Judge on Circuit in the Southern Division,
transmitting a copy of the Commissions Calendar
2d September 1832.
(Here enter No 807)

Read also letter, dated the 19th Ultimo,
from the 3d Judge on Circuit in the Southern Division,
transmitting copy of the Commission Supplemental
thereto 25th September 1832.
(Here enter No 873)

The Jurors of the Jury Office in
this case, acquits the prisoner of the crime
laid to his charge, but convicts him, on
strong presumptive proof, of another crime
with which he was not charged. This proceeding
is highly irregular and improper, and the
Court desire that the Court of Circuit will point
out to the Cazee Juf. or Sish Khaw that his finding
must in all cases be restricted to the charge
on which the prisoner is arraigned. The Court
observe that this admonition is the more
necessary

17th October 1832

party.

Sent following Precept No 820

Ordered likewise, that extract from these Proceedings be furnished to the Petitioner on his application.

J. G. M

Exd.

15

F. 16

At a Court of the Foujdaree Adalut.

Present

Friday 2d November 1832 - C. M. Lushington Esqre 1st Puisne Judge
John Bird Esqre 2d Puisne Judge
William Haudleston Esqre 3d Puisne Judge

C. M. L.

W. H.

Read letter, dated the 18th Instant, from the 3d Judge on Circuit in the Southern Division, transmitting copy of the Combaconum Calendar 2d Septemr 1832.

(Here enter No 807)

Read also letter, dated the 17th Instant, from the 3d Judge on Circuit in the Southern Division, transmitting Copy of the Combaconum Supplemental Calendar 2d Septemr 1832.

(Here enter No 873)

Case No 2. 1 The Futwa of the Law Officer in this case, acquits the prisoner of the crime laid to his charge, but convicts him, on strong presumptive proof, of another crime with which he was not charged. This proceeding is highly irregular and improper; and the Court decline that the Court of Circuit will point out to the Cazee Jafs. collah khan that his finding must in all cases be restricted to the charge on which the prisoner is arraigned. The Court observe that this admonition is the more necessary

necessary as the same law officer has fallen into a similar error to that now pointed out, in the recent Sessions at Madura.

Case No. 3. 2 If, as stated in the sentence, there was not evidence sufficient for the conviction of the 3d Prisoner, the Court of Sonjarai presume that the Prosecution 1st 3d 4th 5th 6th and 7th Witness last retracted the evidence stated in the abstract to have been given by them against him before the Criminal Court, and it further appears to them that unless extenuating circumstances were developed on the trial, the sentence which has been passed on the 2d and 4th Prisoners is too light. The third Judge will be pleased to state the leading circumstances which influenced his decision, in awarding punishment. The Court also desire to point out to the 3d Judge that the provisions of Clause Seventh Section II Regulation XV of 1803 under which the sentence was passed, are not applicable to the case: but as the sentence is legal under Clause Second Section XV Regulation VII of 1802 it is not necessary to disturb it.

Case No. 5. 3 In this case the Jaiwa convicted the Prisoners on general charge, and the punishment being specifically provided by Clause third Section IV Regulation XV of 1803, a second Jaiwa should not have been taken.

Case No. 9 4. As far as the Court of Sonjarai are able to judge from the Calendar and

and with reference to the letter from the 3d Judge dated the 2d Instant, it appears doubtful whether the circumstances of this case were such as to constitute highway robbery. They desire in consequence that translations of the trial in English and Persian may be transmitted to them.

Case 10. 5 As the evidence on this case was not deemed sufficient to convict the Prisoner, the Court presume that the 3d 4th and 5th witnesses retracted the evidence given before the Criminal Judge.

Supplemental Calendar Case 9. 6 The remarks contained in the 3d para of these proceedings are applicable to this case, the crime of which the Prisoners were convicted being specifically provided for.

Case 10 7 It does not appear on what points the evidence against the second Prisoner in this case was deemed insufficient. According to the abstract of the evidence before the Criminal Court, the said Prisoner confessed the crime before the Police Officer, he was seen on the act of setting fire to the house by the 4th witness and in the act of running away by the 2d witness on the alarm being given, which the Court would have supposed was sufficient to have established his guilt. The third Judge will in consequence be pleased to reminds the Court with the grounds of his acquittal.

Orders

2d Nov.r 1832.

Ordered, that extract from this proceedings be sent to the 3d Judge Cutcherry in the Southern Division by precept, returnable in ten days from the date of its receipt.

(Sent following precept No. 821)

L. M

7. 16.

At a Court of the Zillah Midnapore.

Present,

Saturday, 3.rd November 1832.

C. M. Lushington Esq.re 1st Puisne Judge
John Bird Esq.re 2nd Puisne Judge
William Douglas Esq.re 3d Puisne Judge

Read a letter, dated the 27th ultimo from the 3d Judge on Circuit in the Southern Division, submitting the Report required by Section XXXVII Regulation VII of 1802 on the Circuit from which he had just been returned.

(Here enter No. 972)

The Court observe with great satisfaction the favourable report made by the 3d Judge in respect to the conduct of the Pleaders in the Jurisdiction of said, and the removal of the grievances formerly represented to be incurred from the absence of all complaint.

2. The 3d Judge in reference to the Lighters of the Calendar, presented to him at Balasore, attributes the paucity of crime and the prevailing tranquillity in that District in a great measure to the vigilance of the Police and the effective System adopted by the Magistrate of "Jillah" which the Court consider to be highly creditable to the Darogah and his Subordinates

3. The

para 9. 3. The 3rd Judge represents that the present Jail at Jinnanelly is very confined and ill adapted for the accommodation of the Prisoners, and suggests that the Collectors former Cutcherry should be converted into a Jail, the only disadvantage attending which arrangement he states, would be, that the Court and Jail would then be on opposite sides of the river.

4. On the 30th March 1881 the Court submitted to Government the necessity of providing further accommodation for the Prisoners under examination at the Auxiliary Court at Jinnanelly, and on the 15th April following Government were pleased to direct that the Revenue Cutcherry, to which the 3rd Judge alludes, should be appropriated for the use of the Auxiliary Court and Jail, and orders were at the same time issued to the Military Board, to cause the necessary alterations to be made, to complete the adaptation of the building to the purpose for which it was allotted.

5. The Court in the 8th para of their Proceedings of the 25th January last directed the Provincial Court of Circuit to call upon the Acting Joint Criminal Judge to explain the cause why the buildings in question had not been appropriated in

in the manner sanctioned by Government, but no reply has yet been received from them. They now desire that the required explanation may be furnished with as little delay as practicable.

6. The 3rd Judge in the concluding part of the para of his report now under review, urges the expediency of erecting or purchasing a Jail sufficiently large to hold all the Jinnanelly convicts and thereby to obviate the necessity, as at present, of sending a portion of them to Madura, in regard to which, it only appears necessary to observe that Government having already declined to sanction the expense of erecting a Jail at Jinnanelly the Court do not deem it proper to again take the question up.

From Govt to Sessions 15th Sept 1881.

para 10. 7. The Court observe with great satisfaction the high terms of commendation in which the 3rd Judge speaks of the great zeal and personal exertions displayed by Mr Scott the Joint Criminal Judge in bringing offenders to justice and of the pains taken by him in the preparation of cases committed by him for trial by the Court of Circuit.

11. 8. The 3rd Judge reports most favourably of the excellent condition of the Prisoners in the Sub Jail Cumbaconum in which

which had before elicited the commendation of this Court.

12. 9. The 2nd Judge reports that he "examined the drafts of the decrees passed "by the acting Judge of Combaconum, which "were partly in his own hand writing, the "pleadings alone appearing to be drawn up by "one of the Native Writers."

10. This is in direct violation of the positive injunctions of this Court that "the whole draft of the decree containing the statement of the case, as set forth in the pleadings, as well as the judgment, should be in the handwriting of the Judge by whom it is passed." communicated to the four Provincial Courts for their own guidance, and for the guidance of the several Courts subordinate to them respectively, on the 15th November 1881.

11. The Court desire that Mr Lascelles attention may be drawn to the orders in question and that he be cautioned to be more attentive to them in future.

13. 12. The 2nd Judge notices the numerous confessions of Prisoners apprehended by the Police in Tanjore, and states his apprehension that they do not sufficiently exert themselves to produce evidence, but rest satisfied if the parties accused can be brought to implicate themselves by confessions either extorted by ill treatment by the ultimate expectation of obtaining

punishment

9th November 1882 punishment.

13. Ordered, that extract from the 2nd Judge's report be transmitted to the Magistrate of Tanjore and that he be informed that the present is not the first occasion on which the Police of his District have been suspected of having recourse to the illegal practices discovered by that officer and he enjoined to use his utmost exertions to put a stop to them if found to exist, and to lose no opportunity of making an example of persons so offending against the law.

(Sent following letter No 823)

Ordered, that extract from these Proceedings together with a copy of the Report be sent to the acting Secretary to Government in the Judicial Department for the purpose of being laid before the Right Honorable the Governor in Council.

(Sent following letter No 824)

Ordered also, that extracts of these proceedings be transmitted to the 2nd Judge at Combaconum with a request directing him to furnish the late acting Judge of Combaconum with a copy of paragraphs 9, 10 and 11 for his information and future guidance, and the Joint Criminal Judge at Trichinopoly with paragraphs 9, 10 and 11 in order that he may

may furnish the information therein
required.

(Sent following Precept No 595)

Read letter, dated the 27th ultimo,
from the Provincial Court of Orient in
the Northern Division, transmitting, with
reference to the proceedings of the Court
of Fayzabad Wakuti on the Criminal Reports
of the Division for the month of June,
a letter from the Joint Criminal Judge
at Gyntaon explaining the grounds
of his reloading the Prisoners in case
No 57 of his Report No IV for the same
month.

(See inter No 894)

1 In their Proceedings of the 15th
August last, the Court of Fayzabad Wakuti
pointed out that the sentence of the Joint
Criminal Judge in the said case 57 of his
Report of the June was illegal and that it
must be cancelled and again in their
Proceedings of the 29th September, after having
been informed that their order had been
misunderstood and the Prisoners reloaded,
they repeated their opinion of the illegality
of the sentence and required their condemn
that the Prisoners should have been reloaded
unpunished.

2 In the letter of the Joint Criminal
Judge now before the Court of Fayzabad
Wakuti

Wakuti, he states that the sentence pronounced
by him in the first case "was virtually"
in accordance with law" but informal
"because not supported by a previously
"obtained opinion."

3 The Court of Fayzabad Wakuti
are quite at a loss to understand the reasoning
of the Joint Criminal Judge. He passed a
sentence in the case in question according
what he was authorized to impose under
Section XII Regulation X of 1816 is the only
Law applicable to it, and being informed
of his error, it was his duty to have obeyed
the order of this Court without further
comment or delay.

Ordered, that extract of these
Proceedings be sent to the Provincial
Court of Orient in the Northern Division
for the information of the Joint Criminal
Judge at Gyntaon.

(Sent following letter No 626)

J. C. C.

F. No.

Wednesday 6th November 1832.

Present.

The Hon. Court of the Zoyolarre Circuit.

The Hon. M. Leathington Esqre 1st Puisne Judge.
John Baird Esqre 2nd Puisne Judge
William Huddleston Esqre 3rd Puisne Judge.

Read letter, dated the 15th Ultimo, from the late Acting Judge on Circuit in the Centre Division, transmitting copy of the Ballary Criminal Calendar 2nd Session 1832. (Here enter No 86 of 1832)

The Court of Zoyolarre Circuit

Case 1. 1. Order that the attention of the Acting Criminal Judge may be drawn to their Letter of the 20th July 1829, pointing out the impropriety of committing persons for trial when, as in this case, there can be little or no prospect of their conviction.

Case 2. 2. In this case likewise, the Prisoners were committed on evidence which the slightest reflection would have satisfied the Acting Criminal Judge was totally insufficient for their conviction. The Court in their Proceedings of the 25th June last, noticed several cases, in regard to which, similar irregularity had occurred in the Calendar of the 1st Session of the present year, and they now direct that the Acting Criminal Judge may be informed that they view with disapprobation his continued inattention to their orders.

From

Case 7.

3. From the remarks of the late Acting Judge on this case, it would appear that he had not paid due attention to their recent

December 27th July 1882. orders relative to the testimony of Prosecutors. It is stated in the abstract of the examination before the Criminal Judge, that the Prosecutrix deposed that she clearly identified the Prisoner and that the 1st Witness gave evidence that, on the same night, the Prosecutrix communicated to him that she had recognized the Prisoner when engaged in the robbery. If the Prosecutrix adhered to this statement before the Circuit Court, and there existed no reason to doubt the truth of her assertion, the Court think that her evidence, in addition to proof of the Prisoner's confession before the Police, ought to have been deemed sufficient for his conviction.

Case 8.

4. In this case the Acting Criminal Judge must have committed the 2nd Prisoner exclusively on the alleged confessions of the 1st and 2nd Prisoners before the Police. The irregularity of this course of proceeding was forcibly animadverted upon in the 5th para of the Court's Proceedings of the 25th July last, and they are surprised that the Acting Criminal Judge has not in consequence been more careful to avoid rendering himself liable to censure. The Court trust that the reprimand they now feel themselves called upon to pass

pass on his conduct, may have the effect of rendering him more circumspect for the future.

Under the circumstances stated

Case 9.

5. by the Circuit Judge in his remarks, the Court are of opinion that he acted properly in returning this case to the Criminal Judge.

Case 10.

6. It was not competent to the Circuit Judge to pass sentence on the Prisoner in this case without putting a second question in respect to the charge in bar of trial, which he will now be pleased to do, and in the event of the Law Officer declaring the Prisoner liable to trial, he will either pass the specific sentence prescribed by the Law, or apply to this Board for mitigation of punishment. The answer to the second Question in respect to the 2nd Prisoner appears to the Court of Evidence material to be irrelevant and that Bail should have been awarded against him but for the bar of objection entertained by the late Acting Judge will be pleased to call upon the Law Officer to revise his finding and in the event of the 2nd Prisoner being declared liable to trial he will proceed with regard to him as directed in respect to the 1st Prisoner. The Court observe that the Prisoner in this case was sentenced to five years imprisonment under a Section which does not allow a lower

Sentence

Case 12.

Lesser than seven years imprisonment.

7. With reference to the abstract of the evidence of the Prosecutor and Decoratie in this case, the late Acting Judge should have shewn upon what grounds he considered himself competent to pass a Sentence of fourteen years imprisonment on the Prisoners convicted, for if it was satisfactorily established that the robbery was attended with wounding or other aggravating acts, the Prisoners were liable to transportation for life, under the provisions of Clause second Section IV Regulation XV of 1803. The late Acting Judge will in consequence be pleased to furnish the Court with the necessary explanation on the subject.

13. 8. By the Extract in this case the 6th Prisoner is convicted on Juri-ghahk and in bar of that conception is taken against the Witness to his confession, & dispute of contrary, and alleged prostitution. The late Acting Judge will be pleased to call upon the Law Officer to state by a second Extract to what punishment the Prisoner would have been liable, had not these exceptions existed and in the event of that being awarded, he will either Sentence him to the punishment prescribed

for conviction or apply to this Court for a mitigation thereof.

Case 15. 9. The late Acting Judge will be pleased to explain the grounds on which the 5th and 8th Prisoners in this case were not convicted, since it appears from the abstract of the evidence before the Criminal Judge, that property belonging to the Executor was found in their possession and that their confessions before the Police Officer were proved.

Case 16. 10. The late Acting Judge exceeded the powers vested in him in directing the acquittal of the Prisoner in this case, when he was convicted of wounding by the Extract of the Law Officer. If he considered the Prisoner undeserving of punishment for the offence of which he was found guilty, he should have referred the Case to this Court. The Court having entertained doubts as to the correctness of the Extract in this case, called upon the Cazee and Cazat for his opinion thereon, and desired that a copy thereof which accompanies these proceedings may be communicated to the Cazee Moor Hatsheen Bahadoor for his future guidance.

Cases 19 & 21. 11. The remarks contained in para 1 and 2 of these Proceedings are also applicable to this case in which the Prisoners were convicted without

a prospect of their being convicted.

Case 22. 12. In this case the testimony of the wife, together with proof of the Prisoner's confession and the evidence of the Witness, in respect to the injury sustained, afforded ample evidence to justify the trial and the Acting Judge acted irregularly in returning the case. It was moreover not competent to him to direct the Criminal Judge to take security from the Prisoner, but he should have left it to the discretion of that officer to require the security as well as to fix the extent of it.

Case 25. 13. In this case a second Outrage should have been demanded with the view of nullifying the exceptions in bar of trial and the specific punishment awarded, or an application made to the Court for mitigation, which course the late Acting Judge will now be pleaded to follow. The Court are unable to comprehend why the late Acting Judge has cited a provision which prescribes seven years, for a sentence of three years imprisonment.

Case 28. 14. The evidence of the Prosecutrix and her Son, supposing it entitled to credit, was the Court think, insufficient for

for the conviction of the Prisoner, who has ought to in consequence to have been put on his trial. The remarks of the Court in regard to Case 32 are also applicable to the order issued to the Criminal Judge to demand security from the Prisoner in this case.

15. The Court cannot conclude their remarks without expressing their satisfaction at the great improvement in Mr. Bushby's Proceedings which is displayed in the Calendar under review.

Ordered, that an extract from these Proceedings be sent to the late Acting Judge on Circuit in the Centre Division, by precept returnable in ten days.

(Next following Precept No 827)

Read letter, date the 5th Ultimo, from the Provincial Court of Circuit in the Centre Division, transmitting the Criminal Reports of the Division on the Forms prescribed by Section XXXV Regulation X of 1876 for the Months of September 1882.

(Here enter No 892)

Cuddapah Sessions Report Case 47.

The Provincial Court of Circuit will call for and transmit the explanation of the Acting Criminal Judge relative to the return of the Magistrate of the 5th and 5th Prisoners in this case, for which no grounds have been assigned in the report.

Cuddapah Sessions Report Case 47.

2. The charge in this case, when

objective: as it now stands no crime is involved.
The error does not appear to lie in the translation,
and the Provincial Court of Circuit should
require the Native Criminal Judge to explain.

3. It is observable that the objections
in Column 11 of the Statement of the Cahal
of Prisoners has been erroneously entered
in black instead of red Ink.

Bellary Report V. Cases 112. 113.

4. It should have been stated in
the Report where the Prisoners were from
the 20th of August to the 2nd of September, and
the Court of Sessions should take steps to
to declare that this information be now
submitted.

Case 116.

5. The Provincial Court of Circuit
will instruct the Magistrate to point out
to the Police Officer, who conducted this case,
that the reasons stated in the Report for his
detention of some of the Prisoners in his
custody is totally inadmissible.

Chingleput Case 193 1881.

6. The Court of Sessions have also
are concerned to observe from the entry in
the Column of remarks that numerous
applications to the Magistrate regarding
this case have been allowed to remain
unnoticed, and they deem it right to direct
the Provincial Court of Circuit to repeat
their injunction upon him to explain his
omission to answer them.

Cuddalore Report V Case 70.

7. The Court are at a loss to under-
stand how a Prisoner at hard labor in
Irons should have had an opportunity of

committing the offence charged in this
case, which may be said to fall under
the latter part of Clause Eight Section
V of the Regulation cited in support
of the Sentence.

Chittoor Insp. Report Case 116.

8. There is an error of perversity
in the entry of the Column headed "Indicted
for or if not put present in red the Prosecutor,"
and not the Prisoner, has been required
to give Security. The Court conceive that
it is intended to record the requisition
of Security from the Prisoner.

9. The Provincial Court of Circuit
will call upon "the Acting Assistant Criminal
Judge in charge" to account for his having
disposed of only 3 cases of 9 Prisoners &
out of 80 cases of 124 Prisoners.

Ordered, that a extract of these
Proceedings be sent to the Provincial
Court of Circuit in the Centre Division
for their information and guidance by
Post or returnable without delay.

(Continued on Page No. 528)

Ward letter, to the Registrar,
from the 2nd Judge of the Court of Circuit
in the Centre Division, transmitting the
translation of a letter from the Native
Criminal Judge at Tanjore, reporting the
death of the Prisoner in the Tanjore
Cahundar Jail Register of 1882.

(Concurred Page 528)

Ordered, that a return, to the Registrar,
from

No 1. 1832

5th November 1832.

from the First Judge on Circuit in the Centre Division, to precept dated 24th ultimo, authorizing the punishment of the Prisoner in No 68 Chingleput Calendar 2nd Sessions of 1832.

(Here enter No 886.)

Read return, dated the 25th ultimo, from the late acting Judge on Circuit in the Centre Division, to precept dated the 19th ultimo, calling for the record in No 22 Cuddapah Calendar 2nd Sessions 1832.

(Here enter No 887.)

Read letter, dated the 22nd ultimo, from the First Judge on Circuit in the Western Division, with a returned warrant for the execution of the Prisoner in Case No 1 Malabar Calendar 2nd Sessions of 1832.

(Here enter No 888.)

Read letter, dated the 27th ultimo, from the Provincial Court of Circuit in the Northern Division, transmitting a returned warrant for the execution of the Prisoner in Case No 2 Masulipatam Calendar 1st Quarterly Sessions 1832 with other accompaniments.

(Here enter No 893.)

Read letter, dated the 29th ultimo, from the First Judge on Circuit in the Western Division, reporting the opening of the Second Sessions of 1832 at Tellicherry.

(Do enter No 894.)

J. H.

F. H.

11

At a Court of the Foujdaree Adalut.

Present,

Saturday, 10th November, 1832.

C. & M. Lushington Esqre 1st Puisne Judge.
John Bird Esqre 2nd Puisne Judge
William Huddleston Esqre 3rd Puisne Judge.

Mr Bird. and Mr Huddleston.

Read again letter, dated the 2nd ultimo from the Third Judge on Circuit in the Southern Division, transmitting English and Persian translations in case No 19 of the Tinnevelly Calendar 2nd Sessions 1832.

(Here enter No 829.)

Read the Second Petition of Appeal in this case by the Cazee ul Cozzat and Mooftee of the Foujdaree Adalut.

The Court of Foujdaree Adalut having maturely considered the proceedings held before the Judge on Circuit, the Petition of the Provincial Law Officer, and the Petition of the Cazee ul Cozzat and Mooftee of the Foujdaree Adalut, confirm such parts of the said Petition of the Cazee ul Cozzat and Mooftee aforesaid as accquits the Prisoners,

2nd Rahmadanny
3rd Manickanadagoo,

of the crime charged against them, and as convicts the Prisoner

1st Mandanoothoo son of Cookdagoroo,

of having an accomplice in murder: but considering that strong suspicion attaches to the Prisoners,

2nd Ramadanny,
3rd Maneer kunadagoo,

the Court of Foujdaree Adalut order Charles

Sixth Section II Regulation XV of 1803 direct that they be required each to find security for their good behaviour and appearance when required in two sureties of 200 Rupees each within three years, or in default thereof, that they be detained in confinement for that period: and under the sentence of Cokoobut awarded against the Prisoner,

4th Mandamoottar son of Coladagaren,

the Court of Zuzdaree Adalut adjudge him to be transported to such place or places beyond Sea, as the Right Honorable the Governor in Council shall appoint, there to be imprisoned and kept to hard labor in Irons on the public roads or other public works for and during the period of his natural life.

The Court of Zuzdaree Adalut on a mature consideration of all the circumstances of the case in evidence before them being of opinion that the proof against the Prisoner,

1st Mandamoottar son of Chokalingom,

is sufficient to convict him of the crime of murder, under the authority vested in them by Clause first Section III Regulation I of 1818 do convict him thereof and adjudge him to suffer death as prescribed by Section X Regulation VIII of 1802, by being hanged at the usual time and place of execution.

(Court following letter No 632)

2nd Read letter, dated the 8th ultimo, from the Zilla Judge of the Provincial Court of Circuit in the Ceded Division, in return to precept dated 2nd ultimo, for records, trials No 3 and 4, 2nd Supplemental Calendars

Mr Bird and Mr Huddleston.

Chittoor

Chittoor 3rd Quarterly Sessions 1832.

(Vide inter No 841)

The Court of Zuzdaree Adalut having maturely considered the proceedings held before the Court of Quarterly Sessions the opinion of the Provincial Law Officer, and the opinion of the Cazee and Cazeat and Mooftee of the Zuzdaree Adalut, concur in opinion that the Prisoners,

1st Yemadoo,

2nd Ramadoo, and

3rd Venkataramdoo,

are not convicted of the crime charged against them on strong presumptive proof, or on the evidence of credible witnesses, or on their own confession, notwithstanding the opinion of their Law Officers: but considering that strong suspicion attaches to them, the Court of Zuzdaree Adalut direct under Clause sixth Section II Regulation XV of 1803, that they be each required to find security for two sureties of fifty Rupees each for their good behaviour and appearance when required within one year, or in default thereof, that they be detained for that period in confinement.

(Vide following letter No 633)

Read letter, dated the 15th instant, from the First Judge on Circuit in the Southern Division, submitting Case No 28 Finally of Calendar of the Auxiliary Court 2nd Sessions 1832.

(Vide inter No 861.)

Mr Bird and Mr Huddleston.

The

10

9th November 1832.

The Court of Enquiry Malabar having maturely considered the proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officers, and the Futwa of the Cazee and Cozyat and Mooftee of the Tanjore Zillah Court, concur in opinion that the Prisoners,

1st Vellian,
2nd Arasappen,
3rd Ramadamy,
5th Permaul,
6th Veerabhadeeran,
7th Woomayappen,
8th Poothian,
9th Mandadamy alias Nallamadan
10th Andy son of Permaul
11th Evallappen
12th Andy son of Maharaja thaven

are not convicted on strong presumptive proof or on the evidence of credible witnesses, or on their own confession, of the crime charged against them, notwithstanding the futwa of their Law Officers, and accordingly direct under the provisions of Clause sixth Section II Regulation XV of 1803 that they be severally released.

(Sent following letter No 634)

Read letter, dated the 22nd June last from the Acting Judge late on Circuit in the Northern Division, submitting case No 7 Criminal Calendar 2nd Sessions of 1832.

(Here enter No 817)

Washington and Mr Bird

The Court of Enquiry Malabar on a

21

9th November 1832.

mature consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the Prisoner

Aroola Sinchachellum alias Sinkadoy,

is sufficient to convict him of culpable homicide, require their Law Officers, under Clause second Section II Regulation I of 1818, to declare to what punishment he would have been liable under the Mahomedan Law, if he had been convicted by full legal evidence of the above crime.

Ordered, that extract from these proceedings be translated and delivered to the Cazee and Cozyat and Mooftee of the Tanjore Court.

J. M

At a Court of the Tribunal Adalut,

Present

Monday 12th November 1832. } C. M. Lushington Esqre First Puisne Judge
John Bird Esqre Second Puisne Judge
William Audleston Esqre Third Puisne Judge

Read letter, dated the 10th ultimo from the third Judge on Circuit in the Southern Division, submitting the record of the Trial No. 19 Combaconum Calendar Decisions 1832.

/Here enter No. 877/

Previous to passing judgment in the above case, the Court of Tribunal Adalut deem it proper to have before them the original deposition given by the first Prisoner,

Ramen,

to the Acting Criminal Judge of Combacco-num, and they accordingly direct that the said deposition be called for and submitted to them as early as practicable

Ordered, that extract of these Proceedings be sent to the Second Judge on Circuit in the Southern Division for his information and guidance by a Precept, returnable without delay.

/Sent following precept No. 635/

Read letter dated the 26th ultimo, from the Provincial Court of Circuit in the Western Division, transmitting the Criminal Reports in the forms prescribed by Section XXXV Regulation X. of 1816, for the month of September last.-

/Here enter No. 906/

It

15th November 1832.

Canara Auxt Court /
Report V Case 96. Toojdaree Adawlut

It appears to the Court of Adawlut that the case noted in the Margin was one of Robbery by open violence, and that the Acting Assistant Criminal Judge might with propriety have committed the first and second Prisoners to take their trial for that crime: the sentence however need not now be disturbed.-

2. With reference to the return of the Criminal Judge of Malabar to the Precept of the Provincial Court of Circuit of the 15th Ultimo, the Court of Foujdaree Adawlut resolve to direct the Provincial Court of Circuit to convey their authority to the Criminal Judge to cancel the sentence he passed in Case No. 204 of his Report No. V and to record an amended sentence of six months' imprisonment with hard labor under section VII of Regulation X of 1816.-

Ordered, that Extract of these Proceedings be sent to the Provincial Court of Circuit in the Western Division for their information and guidance by precept, returnable without delay.-

Sent following precept No. 636 for

A.R.
Engd
W.S.
W.L.

J.C.M

F. 16.

At a Court of the Foujdaree Adawlut
Present.

Thursday,
15th November 1832.
" Ct
1/3

C. M. Lushington Esqre 1st Judge
John Bird Esqre 2nd Judge

Mr Lushington and Mr Bird.

Read again letter, dated the 22nd June last, from the Acting Judge on Circuit in the Northern Division, submitting case No. 7 Chirakul Calendar 2nd Sessions of 1831.

(Here enter No. 87)

Read the second futwa delivered in this case by the Cazee ool Cozaat and Mooftees of the Foujdaree Adawlut.

The Court of Foujdaree Adawlut having maturely considered the proceedings held before the Judge on Circuit, the futwa of the Provincial Law Officer, and the futwa of the Cazee ool Cozaat and Mooftees of the Foujdaree Adawlut, confirm the said futwas of the Cazee ool Cozaat and Mooftees aforesaid, and in commutation of the penalty of Death awarded against him, adjudge the Prisoner,

Kkoola Sunkachillum alias Sunkady to be imprisoned and kept to hard labor on Roads or other public works for the period of [illegible] years.

Sent following letter No. 642

15th November 1882.

Read letter, dated the 5th Instant, from the First Judge, late Acting Judge on Circuit in the Northern Division, submitting case No 3 Chicacole Calendar for the 2nd Sessions of 1882.

(Here enter No 868)

Mr Lushington and Mr Bird

The Court of Enquiry Madras on a mature consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the Prisoners,

1st Vaddey Nauneo,
2nd Canakala Tummadoo, and
3rd Sirlam Nundeegandoo,

is sufficient to commit them of Gang Robbery attended with murder, under the authority vested in them by Clause first Section II Regulation I of 1818 do commit them thereof, and under Clauses first and fifth Section IV Regulation XV of 1809, adjudge the Prisoner

1st Vaddey Nauneo,

to be transported to such place or places beyond Sea, as the Right Honorable the Governor in Council may appoint, there to be imprisoned and kept to hard labor in Irons on the public roads or other public works, for, and during the period of his natural life, and direct that the prisoners,

2nd Canakala Tummadoo, and
3rd Sirlam Nundeegandoo,

be

15th November 1882.

be imprisoned and kept to hard labor in Irons on the public roads or other public works, for the period of fourteen years each, in banishment to the Jail of Cuddapah.

(Sent following letter No 843)

Mr Lushington and Mr Bird

Read letter, dated the 5th Instant, from the First Judge, late Acting Judge on Circuit in the Northern Division, submitting case No 4 Chicacole Calendar for the 2nd Sessions of 1882.

(Here enter No 870)

The Court of Enquiry Madras having maturely considered the proceedings held before the Judge on Circuit, the Judge of the Provincial Court of Appeal and Magistrate of the Ganjam and Vizagapatam Circuit, confirm the said Judge's Enquiry Madras, confirm the said Judge of the Vizagapatam Circuit and Magistrate proceeding in acquitting the Prisoners

1st Vaddey Nauneo,
2nd Kandrala Tummadoo, and
3rd Sirlam Nundeegandoo,

of the crime charged against them in this case, but direct that they be detained in custody as they have been convicted and sentenced in No 3 of the same Calendar.

(Sent following letter No 844)

J. Ch

At a Court of the Foujdaree Udalut,

Present,

Friday 16th November 1832

C. M. Lushington Esq.re First Puisne Judge

John Bird Esq.re Second Puisne Judge

William Dudleston Esq.re Third Puisne Judge

Read letter, dated the 3d Instant, from the First Judge of the Provincial Court of Circuit in the Southern Division recommending a mitigation of the punishment to which the prisoner Koppara Pundagalah Kunniah convicted in Cases Nos. 5 and 6 of the Masulipatam Calendar for the 4th Quarter Sessions of 1832 of highway robbery and in cases Nos. 2 and 3 of the same Calendar of petty theft, has rendered himself liable.- /Here enter No. 620 of 1832/

The Court of Foujdaree Udalut having maturely considered the circumstances of the case represented in the above letter, and section under clause third Section III Regulation I of 1825 the mitigated punishment recommended by the 1st Judge of Circuit in the Northern Division, and accordingly direct that the said Prisoner be imprisoned and kept to hard labour in irons on the public roads or other public works, for the period of five years.-

Ordered, that Extract from these Proceedings be sent to the First Judge of Circuit in the Northern Division for his information and guidance by precept, returnable in ten days from and after its receipt.- /Sent following precept No 645/

16th November 1832

Read return, dated 12th Instant, from the Third Judge late on Circuit in the Southern Division, to precept of the 3d Instant, communicating the observations of the Court of Foujdaree Adalut on his late Circuit Report.

/Here enter No. 925/

Read return, dated 5th Instant, from the Second Judge of the Provincial Court of Circuit in the Western Division, to precept of the 20th Ultimo calling for a copy of the futwa in Case No. 24 North Malabar Calendar 1st Quarterly Sessions of 1813.

/Here enter No. 924/

Read return, dated 13th Instant, from the late Acting Judge on Circuit in the Centre Division, to precept of the 6th Instant, conveying the observations and opinions of the Foujdaree Adalut on the Bellary Primary

Sr No. 4

/Here enter No. 936/

Read letter stated 30th Ultimo from the Second Judge on Circuit in the Southern Division stating his intention of opening the Sessions at Salem on the 12th Instant.

/Here enter No. 907/

Read letter dated 1st Instant from the Provincial Court of Circuit in the Centre Division submitting the proceedings of the Prov. Court of Circuit relative to the dismissal of the Jailor at Cuddalore for his negligence through which certain Prisoners escaped.

/Here enter No. 902/

16th November 1832

Read letter dated 5th Instant from the Provincial Court of Circuit in the Northern Division returning the Sentence in Case No. 15 on the Chicacole Calendar 2d Sessions of 1831.

/Here enter No. 931/

J. C. M.

JS
MM

J. b.

In the Court of the Boojdaree Adalut.

Present,

Monday,
19th November, 1832.

John Bird Esqre 2nd Puisne Judge.
William Rhodes Esqre 3rd Puisne Judge.

Read petition presented on the 14th instant by the Putwul Ghoolam Moortiza on behalf of Mothilagatha Pokaran, and Kulpunda-ragatha Pykarah of Tellicherry.

(Here enter Mandate No. 90 of 1832.)

The object of the foregoing petition is to obtain the reversal of an order, passed by the Provincial Court of Circuit in the Western Division under date the 27th ultimo of which an authenticated copy accompanies the petition, directing that the prisoners

1st Mutilagatha Pokar and

2nd Kulpundengatha Manny Poothy

in case No. 45 of 1832 in the Court of the Joint Criminal Judge of Malabar "be severally imprisoned and kept to hard labor in irons for one year from the "date hereof and that the 1st prisoner "Mutilagatha Pokar be further "punished with one hundred "stripes with a cutcha nine-tailed cat on his bare back

"Each, under the provisions of Clause Fourth
"Section IV Regulation VI of 1832."

2. It appears from an Extract of the Diary of the proceedings of the Joint Criminal Judge, dated the 11th day last of which a copy accompanied this petition that the two prisoners above named were charged before that officer with having stolen certain timber, valued at 20 Rupees, and that they were acquitted and released, and the order above recited, passed by the Provincial Court of Circuit is stated to be founded upon the provisions of Section XXIV Regulation X of 1816.

3. The Court of Enquiry doubt, being decidedly of opinion that it is not competent to two or more Judges of a Court of Circuit, under the provisions of the Section and Regulation last mentioned to sentence to punishment a prisoner tried by a competent authority, acquitted, and released.

Ordered, that the Provincial Court of Circuit for the Western Division be by precept commanded to recall and cancel the above order of the 27th ultimo, and to issue instructions to the Joint Criminal Judge for the immediate release of the prisoners

Buttiloganthe Pokar, and
Hurlpundingathar Thanny Pooty.

Except returnable in two days from

from and after its receipt.

Sent following Precept No. 651

Read extract from the Minutes of Consultation of Government under date the 23rd October, accompanied by extract from a General letter from England in the Judicial Department dated the 1st February 1832.

(Here enter No 911)

South Coast letter Para 19. 1. Instructions to the effect desired in this para have been sent to the Provincial Courts for the purpose of being communicated to the Subordinate Authorities in their respective divisions.

para 71. 2. This para does not appear to call for any particular remark.

paras 72 & 75. 3. The Court have directed the Provincial Court of Circuit on the Northern Division to call for and transmit to them the proceedings of the Magistrate of Masulipatam in the case referred to in these paras, and they will, after giving it their best consideration, address a separate report to Government on the subject.

83. 4. Circular instructions have been issued on the points referred to by the Honorable Court in the concluding part of this para.

95. 5. In this para the Honorable Court desire to be informed, in reference to the appointment of an English Translator to

9th November 1852.

to the Zillah Court of Malabar "whether "the Criminal Judges and Judges of the Courts "of Circuit on this establishment are not "competent to perform their duties through "the medium of the native languages with- "out the intervention of English translation" and they added that "the Proceedings in "Cases before the Criminal Judges and "Courts of Circuit would not appear to "require to be translated unless in the "event of their being referred to the "Presidency." In reply, the Court of Evidence Pondicherry beg to state, that they believe there are few, if any, Judicial Officers who are not able to transact business without the aid of an Interpreter, in at least one Native language and that many are conversant with two and even more. The Judicial Officers are however removed from one part of the Country to another, and though a Judge may be able to transact business in one Native language, it is hardly practicable for him to acquire a knowledge of that of each division to which he may happen to be appointed. The great variety of languages spoken in the several divisions of the Presidency, tends to increase the difficulties under which Judges of Circuit, in particular, labor in this respect. In the Centre Division Judicial Proceedings are held in three distinct languages

2/

E 11

9th November 1852.

languages, the Tamul, Telugu, and Canarese, in the Western Division, in three, the Malyalum, Canarese, and Tooloo; and in the Northern and Southern Divisions in two, the Tamil and Telugu. Under these circumstances translations of the Proceedings before the Criminal Courts appear to be indispensably requisite to the efficient and punctual discharge of the duties of the Judge of Circuit. The Acting Registrar would beg to state in reference to the concluding part of the Honorable Court's remarks, that the Proceedings of the Court of Circuit are never translated except in cases about to be referred to them, and that it constantly happens, that the Judge on Circuit does not consider it necessary to require translations of the proceedings before the Subordinate Functionaries. Several trials under reference to this Court, are, at the present period, delayed for want of translations of the Proceedings held before the Police and Criminal Courts, which the Judge on Circuit did not deem requisite, before proceeding to trial.

The Judges of the Court of Evidence Pondicherry would trust that the foregoing explanation will prove satisfactory to the Honorable Court.

129. 7. The Court of Fouzdaree Adalut beg to state that the injunctions of the Honorable Court expressed in this para have hitherto been strictly enforced by the Criminal Judges and other authorities in charge of Jails have been repeatedly prohibited from confining any Prisoner in irons previously to conviction unless such a measure was absolutely necessary for his safe custody and they are not aware of any case in which the sentence of the Law has been carried into effect with circumstances of aggravation.

137. 8. The Court of Fouzdaree Adalut beg to explain in reference to the remarks of the Honorable Court in this para, that the provisions of Regulation VI of 1824 do not in any way impede the necessity of requiring the Law Officer to declare by a second futwah the sentence to which the Prisoner would be liable in the event of the personal exceptions not existing. The course suggested by the Honorable Court is precisely that at present pursued. Section II Regulation VI of 1829 being merely a modification of Section VIII Regulation I of 1825 which requires that "the Credibility of every Witness should thus "come under the consideration of the Law "Officer on its proper natural grounds."

Ordered that Extract from that

those Proceedings be transmitted to the Acting Secretary to Government in the Judicial Department for the purpose of being laid before the Right Honorable the Governor in Council.

(Sent the following letter No. 652)

Bengal Letter, dated the 31st Ultimo,

From the Provincial Court of Circuit in the Southern Division, submitting the Criminal Reports in the Form prescribed by Section XXXV Regulation X of 1815 for the month of September 1832.

(Bengal Letter No 21)

Selim Reports. 1. Case 190 & 191.

The Court of Fouzdaree Adalut request that the Joint Prisoner in this Case should have been released with merely an admonition. She was not of such tender age as to be ignorant of the guilt she incurred on committing the crime charged, though instigated by her Mother, and she should have been punished.

The Provincial Court of Circuit

Circuit Reports 2. Case 134.

will call for an explanation of the grounds on which the Acting Joint Criminal Judge passed sentence in this case. If the value of the property stolen amounted to the sum specified in the charge, the Prisoners should certainly have been committed for Trial.

Case 140. 3. The order for the registration of Security in this case should be accordingly recorded.

recorded. The Provincial Court of Orient will therefore direct it to be amended by the acting Joint Criminal Judge who should specify that the Surety is responsible for the same period as that which the Prisoner would be confined in default of giving the required Security.

Cumbacaumum Supt. Report Case 115.

4. The Court of Tongataboo Volantut do not see any necessity for the postponement of the case noted in the margin, which should be disposed of forthwith as the grounds assigned for the delay are by no means Satisfactory. The Provincial Court of Orient will also call for an explanation why it has not been already disposed of as required by the 7th Para of the proceedings of the Provincial Court of Orient on the Reports of August last.

Ordered that an extract of these proceedings be sent to the Provincial Court of Orient in the Southern Division for their information and guidance by Receipt returnable without delay.

(Sent following Receipt No 653)

Rin a letter dated the 31st Ultimo from the Provincial Court of Orient in the Northern Division submitting the Criminal Reports in the form prescribed by Section XXXV Regulation X of 1870 for the month of September 1872.

(Here enter No 913)

Guntoo Report & case 107.

1. The requisition of security from the

the second, third and fourth Prisoners in this case is illegal, as they are sentenced to imprisonment in the case No 109. The Provincial Court of Orient will accordingly direct the Joint Criminal Judge to cancel the order requiring Security from the said three Prisoners.

Case 109.

2. The Provincial Court of Orient will also point out to the Joint Criminal Judge that the third, fourth and eighth Prisoners are entered as sentenced to four months imprisonment, which the Court conclude is an error for the 1st 2nd and 3rd Prisoners.

Vaga patam Report & Case 5.

3. The entry regarding the commitment of the Prisoners in this case is not in the appropriate Column, and the attention of the Native Criminal Judge should be drawn to this error by the Provincial Court of Orient.

Mudubiputtum Report & Case 29.

4. The Joint Criminal Judge has omitted to cite the Regulation under which he passed sentence in this case.

5. Adverting to the Proceedings of the Provincial Court of Orient the Court of Tongataboo Volantut are of opinion that the Joint Criminal Judge of Guntoor did not err in the Regulation quoted by him in support of his sentence in the case referred to in Para 8 and that Regulation VII of 1832 need be cited only when the punishment awarded exceeds that authorized by Section VII Regulation XXVIII

recorded. The Provincial Court

With reference to Para 3 of the Book of Regulations (Statute) considered the fact of the Buffalo Beef having been found in the hands of some of the Prisoners in the case noted in the margin of the Criminal Courts proceedings to be considered sufficiently strong to warrant the sentence passed upon them, should they not give a satisfactory account of the manner by which it came into their possession.

Compare Supt. Report Case 115.

4. The sentence awarded will therefore stand confirmed under the provision which the Provincial Court will consider to be alone intended as far as regards the Prisoners in whose hands the Beef was discovered. With regard to the other Prisoners of the Provincial Court of Circuit are satisfied that there are grounds of strong suspicion they should be kept to hard labour or otherwise released.

5. In order that the Court of Regulations Statute have to observe that the Joint Criminal Judge quotes the exact clause for the punishment of the Prisoner Sadhrak who was convicted of receiving stolen property.

Compare Report Case 107

9. The Court of Regulations Statute do not agree in the opinion of the Provincial Court of Circuit expressed in Para 11 of the necessity for the Extension of Regulation

19th November 1832

of 1832 in the case in question. Section VII Regulation X of 1816 was an authority sufficient.

10. The Provincial Court of Circuit will direct the Joint Criminal Judge to proceed now in the manner pointed out in the proceedings of the Court of Regulations dated the 18th January 1828 in respect to the case alluded to in Para 13 and cause the Sentence to be revised if necessary.

11. The Court of Regulations Statute coincide entirely in the opinion declared in the latter part of Para 16. They consider the punishment awarded against the two Prisoners in question to be much too lenient and contrary to the intention of the Legislature in enacting Regulation VI of 1832. The Sentence however need not now be altered.

Ordered, that extract of this Proceedings be sent to the Provincial Court of Circuit in the Northern Division for their information and guidance by Precept, returnable without delay.

(Sent following Precept No 1111)

J. M.

Read return dated 9th Instant from the Judges of the Provincial Court of Circuit in the 1st Division to Precept of the 7th dated 5th Ult. Conveying their observations and orders on the report prescribed by Section XXXV Regulation X of 1816 for the month of July 1832.

(Here enter No 934.)

In the Court of the Foujdaree Adalut,

Present,

Tuesday 20th November 1832.

C. M. Lushington Esqr. First Puisne Judge
John Bird Esqr. Second Puisne Judge
William Macleston Esqr. Third Puisne Judge

1 The attention of the Court of Foujdaree Adalut has, on a late occasion, been particularly attracted by a trial, in which upon the prisoner's pleading guilty before the Court of Circuit on his arraignment the proceedings were closed, and the evidence of the witnesses for the prosecution was dis=pensed with:-

2 It is true, that this proceeding was sanctioned by the letter of clause first Section XV Regulation VII of 1802, though not, in the opinion of the Court by its spirit, it being essential in order to the due exercise of that circumspection enjoined in receiving a plea of guilty, that the evidence to the facts of the case should be taken, notwithstanding such confessio

3 The Court of Foujdaree Adalut observe that this construction has been given by the Court of Nizamut Adaulut at Calcutta, in a circular order of the 27th January 1818 to the corresponding provi=sion in the Bengal code, and that the Courts of Circuit were by that order instructed on Criminal trials to take "from the prisoner "a plain answer of guilty, or not guilty, and "then proceed to the examination of the witnesses "who are summoned in support of the facts "charged against the prisoners," no distinction being

being made in respect to taking the evidence for the prosecution, whether the prisoner plead guilty, or not guilty.-

And the Court of Foujdaree Udalut being of opinion, that this is the only correct and safe mode of proceeding in such cases, direct that it be observed in future by the Courts of Circuit in all cases, where a prisoner may plead guilty upon his arraignment.-

Ordered, that Extract of these proceedings be sent to the 4 Provincial Courts of Circuit by precept, enjoining them to communicate the same to the several Judges on Circuit for their information and guidance.

Sent. / Sent following precept No. 660 /

Read letter, dated 12th September last, from the First Judge on Circuit in the Western Division, submitting Case No. 10 Malabar Calendar Second Sessions 1832.-

Mr. Lushington and Mr. Bird. / Here enter No. 765. /

The Court of Foujdaree Udalut having maturely considered the Proceedings held before the Judge on Circuit, the futwa of the Provincial Law Officer, and the futwa of the Cazee-ool-Coozat and Mooftees of the Foujdaree Udalut, confirm the said futwa of the Cazee-ool Coozat and Mooftees aforesaid, convicting of murder and awarding Kissaas, and accordingly adjudge the Prisoner,

Kacham Koorshey Changappen,

to suffer death by being hanged at the usual time and place of execution.-

/ Sent following letter No. 661 /

Read

Read letter, dated 3d. Ultimo, from the First Judge of the Court of Circuit in the Centre Division, with record of Trial in Case No. 1 Chittoor 3d. Quarterly Sessions 1832.- / Here enter No. 827. /

Mr. Lushington and Mr. Thoreton.

The Court of Foujdaree Udalut having maturely considered the Proceedings held before the Court of Quarter Sessions: the futwa of the Provincial Law Officer, and the futwa of the Cazee-ool-Coozat and Mooftees of the Foujdaree Udalut, confirm the said futwa of the Cazee ool Coozat and Mooftees aforesaid, acquitting the Prisoners

1st. Nondee alias Mootoo,
2d. Ramun alias Rama Naik
3d. Arzoonan,
4th. Cundun,
and
5th. Sadayan,

of the crime charged against them; but considering that strong suspicion though not amounting to conviction attaches to them, the Court of Foujdaree Udalut under Clause 6th. Section II Regulation XV of 1803, enact that the Prisoner,

1st. Nondee alias Mootoo,

be required to find security for his good behaviour and appearance when required within three (3) years in two sureties of 200 Rupees each, or, in default thereof, that he be retained in confinement for that period: that the Prisoner,

2d. Ramun alias Rama Naik,

be required to find security in two sureties of 250 Rupees each surety for his good behaviour

20th November 1832 behaviour and appearance when required within (3) three years, or in default thereof, that he be detained in confinement for that period: and that the Prisoners

3d Arzooneu,
4th Cundum,
and
5th Sadayen,

be each required to find security, in two sureties of 150 Rupees each surety for their good behaviour and appearance when required within three (3) years, or in default thereof, that they be severally detained in confinement for that period.-

/Sent following letter No. 662/

Read letter, dated 15th Ultimo, from the Provincial Court of Circuit in the Southern Division,- transmitting explanations received from the different authorities on the Criminal Reports for July last.-

/Here enter No. 880./

Read letter, dated 8th Instant, from the First Judge on Circuit in the Western Division, transmitting copy of Canara Calendar for the Second Sessions 1832.-

/Here enter No. 935/

Read letter, dated 8th Instant, from the Provincial Court of Circuit in the Northern Division,- forwarding the explanations furnished as required by the Provincial Court of Circuit in their Proceedings on the Criminal Reports of the Division for the month of August 1832.-

/Here enter No. 938/

Read letter, dated 12th Instant, from the Second Judge on Circuit in the Southern Division, reporting the arrival of

F/16.
20th November 1832 of the Circuit Court at Salem.-

/Here enter No. 940./

Read letter, dated 11th Instant, from the Second Judge on Circuit in the Southern Division,- reporting the opening of the 2d Sessions 1832 at Coimbatore on the 16th Proximo.-

/Here enter No. 949./

Read letter, dated 14th Instant, from the Second Judge on Circuit in the Southern Division, stating that with reference to the 1st and 4th Paras of the Sowdaree Adalut Proceedings of the 2d Instant, that he has furnished the Cauze of the Court of Circuit for his error pointed out in the 1st foregoing para and that the translations of the Said Case No. 9 alluded to in the 4th Para in question will be transmitted as soon as they can be completed.-

/Here enter No. 950./

Read return, dated 15th Ultimo, from the Provincial Court of Circuit in the Southern Division, to precept of the 17th September last, communicating the observations and orders of the Sowdaree Adalut on the Criminal Reports of the Southern Division for July last.-

/Here enter No. 863./

Read return, dated 9th Instant from the Provincial Court of Circuit in the Southern Division to precept of the 22d Ultimo, communicating the orders of the Sowdaree Adalut on the Criminal Reports for August last.-

/Here enter No. 951./

Read return, dated 14th Instant from the Second Judge on Circuit in the Southern

20th November 1832

Southern Division, to Precept of the 19th Ultimo, conveying the orders of the Foujdaree Udalut on cases 9 & 10 of the Madura Calendar 2d Sessions 1832.-

//Here enter No. 948.//

Read return, dated 6th Instant, from the Judges of the Provincial Court of Circuit in the Western Division to precept of the 22d Ultimo, conveying the observations and orders of the Foujdaree Udalut on the Criminal Reports for August 1832.-

//Here enter No. 928.//

Read return, dated 15th Instant from the Magistrate of Tanjore to precept of the 3d Instant, requiring him to use his utmost exertions to put a stop to the extortion of confessions by Police Officers.-

//Here enter No. 946.//

Read return, dated 14th Instant, from the Second Judge on Circuit in the Southern Division to precept of the 20th Ultimo, directing him to carry into effect a mitigated sentence of 7 years imprisonment on Goorroovum Prisoner in No. 4 Combaconum Supplemental Calendar.-

//Here enter No. 947.//

L. M

Entd

Ch. L
WS
WH

F. 6.

At a Court of the Foujdaree Udalut,

Present,

Wednesday 25th November 1832 } C. M. Lushington Esq.re First Puisne Judge
John Bird Esq.re Second Puisne Judge
William Hudleston Esq.re Third Puisne Judge.

Can 13 WH

Read Letter, dated the 19th Ultimo, from the Third Judge on Circuit in the Southern Division, submitting Case No. 16 Combaconum Calendar 2d Sessions 1832.-

//Here enter No. 876.//

Before proceeding to pass sentence in the above case, the Judges of the Foujdaree Udalut deem it proper to ascertain whether or not, Appajee Row, designated in the records, Deputy Policedar of the Chungipatty district, in the Talook of Trivady, is an officer specially appointed under the provisions of section III Regulation IV of 1821, and they in consequence desire that the Second Judge on Circuit will call for from the Magistrate of Tanjore, information to the above effect, and submit the same to them as early as practicable.-

Ordered, that Extract from these Proceedings be sent to the Second Judge on Circuit for his information and guidance by precept, returnable without delay.-

//Sent following precept No. 1867//

Read return, dated 12th Instant, from the Provincial Court of Circuit in

... to Precept of the 10th Inst.

21st November 1832

in the Northern Division, to precept dated 17th Ultimo, ordering them to obtain from the Joint Criminal Judge of Masulipatam English translations of all the proceedings respecting Cundamapa Mulla Soucar and transmit to this Court.—

Here enter No. 959. Sr.

J. M.

No. 11.

At a Court of the Foujdaree Udalut.

Present,

Friday 23d November 1832 } John Bird Esqr. Second Puisne Judge
William Maddleston Esqre. Third Puisne Judge.

Read letter, dated the 12th Instant,

from the 1st Judge on Circuit in the Western Division, recommending a mitigation of the punishment, to which the Prisoner convicted, in No. 1 of the Honore Calendar 2d Sessions 1832, of perjury, has rendered herself liable.

(Here enter No. 963.)

The Court of Foujdaree Udalut having maturely considered the circumstances of the case represented in the above letter, Sanction under Clause third, Section III Regulation I of 1825. the mitigated punishment recommended by the 1st Judge on Circuit in the Western Division, and accordingly direct that the said Prisoner be imprisoned but without labor or irons for the period of one year.—

Ordered, that Extract of these Proceedings be sent to the 1st Judge on Circuit in the Western Division for his information and guidance by precept returnable in one week.—

(Sent following Precept No. 664)

Read letter, dated the 12th Instant,

from the 1st Judge on Circuit in the Western Division recommending a Mitigation of the punishment, to which the Prisoner convicted, in No. 2 on the Honore Calendar

Calendar 2d Sessions 1832, of Perjury, has rendered himself liable.

(Here enter No. 942.)

The Court of Foujdaree Udalut having maturely considered the circumstances of the case represented in the above letter, sanction under Clause third Section III Regulation I of 1825, the mitigated punishment recommended by the 1st Judge on Circuit in the Western Division, and accordingly direct that the said Prisoner, be imprisoned but without labor or irons for the period of one year.

Ordered, that Extract from these Proceedings be sent to the 1st Judge on Circuit in the Western Division for his information and guidance, by precept returnable in one week.

(Sent following Precept No. 665) &c

J. M.

F. 66.

At a Court of the Foujdaree Udalut.

Present

Monday 26th November 1832.

C. M. Lushington Esqr 1st Puisne Judge
John Bird Esqr 2d Puisne Judge
William Hudleston Esqr 3d Puisne Judge

Read letter, dated the 16th instant, from the 2d Judge on Circuit in the Southern Division transmitting English and Persian translations of the proceedings in Case No. 26 on the Salem Calendar, Second Sessions 1832.

(Here enter No. 962)

The examination of the prisoner before the Acting Criminal Judge, compiled with the circumstances of the case has impressed the Court strongly with the opinion, that the prisoner at the period of that examination and also when he cut the throat of his child, was not of sound mind, that they cannot without a more particular investigation of this point, than has yet taken place, come to any determination upon the mode in which the prisoner should be disposed of.

2 They in consequence direct that the record of the trial, English and Persian be returned to the 2d Judge, with directions to cause any of the Prisoner's neighbours, who have had intercourse with him of late and particularly Naranapsew by whom in Page 17 he

26th November 1832.

he is stated to have been employed "since four or five months" and his wife who he states (page 8) had gone to Coimbatore, to be examined in the presence of the prisoner as to his state of mind;- They likewise desire that the Jailor and any other persons of the Jail Establishment, who have had occasion to observe the prisoner, may also be examined as to his demeanour during the period for which he has been in confinement.

3 These examinations should be taken by the 2d Judge, if the witnesses can be brought before him before the close of the Sessions, if not, by the Acting Criminal Judge.

4 The Second Judge on Circuit will annex the additional evidence so taken in English and Persian to the record and transmit the same to this Court without delay.

Ordered that extract from these proceedings be sent to the 2d Judge on Circuit in the Southern Division by precept, returnable without delay.

(Sent following letter No 669)

Read letter, dated the 5th Instant from the late Acting Judge on Circuit in the Centre Division, transmitting the record of proceedings in case No 3 on the Bellary Calendar for the 2d Sessions of 1832.

Mr Bird and Mr Huddleston.

(Here entered No 922)

The Court of Foujdaree Adalut having maturely considered the proceedings held before the Judge on Circuit, the futwa of the Provincial Law

Law Officer, and the futwa of the Cazee ool Cogat and Mooftee of the Foujdaree Adalut, confirm the said futwa of the Cazee ool Cogat and Mooftee aforesaid, acquitting the Prisoner

Seevagah.

of the crime charged against him, but considering that strong suspicion attaches to him, the Court of Foujdaree Adalut direct under clause 5th Section II Regulation XV of 1803 that he be required to find security for his good behaviour and appearance when required within three (3) years in two sureties of 100 Rupees each Surety or in default thereof that he be detained for that period in confinement.

(Sent following letter)

The declaration of the Prisoner in the above case alleged to have been given before Ramasawmy styled "Head of Police of the "Talook of Soolliem" is attested by the witnesses Ravanah and Vemepah from whose evidence before the Acting Criminal Judge it appears that they were not present when the said declaration was reduced to writing; but, that being sent for by that Police Officer, a Statement said to have been previously taken from the Prisoner was read over and acknowledged in their presence.

It has been repeatedly pointed out by the Court of Foujdaree Adalut that the declarations of Prisoners must be delivered in the presence of the attesting witnesses, and that

that their presence from the commencement to the close of the Prisoners examination is essential to its admissibility as evidence on the trial.

3 The irregularity committed by the Head of Police in this instance should be brought to the notice of the Magistrate in order that he may take effectual measures to prevent its occurrence.

4 The Court of Toujance Boatut observe that the late Acting Judge on Circuit in the Centre Division did not cause the prisoners declaration to be read at the trial as required by the standing orders of the Court, but merely shewed it to the attesting witnesses and asked if it was the same that was given by the Prisoner.

5 This proceeding was most irregular and the declaration cannot under these circumstances be allowed any weight.

6 It appears to the Court of Toujance Boatut that the Acting Criminal Judge should have obtained the evidence of some of the bystanders who according to the account given of the transaction must have seen the blow struck which caused the death of the deceased and the late Acting Judge on Circuit should have caused the defect in the evidence to be supplied.

7 But the Court of Toujance Boatut are constrained to remark that this trial has been conducted altogether in a most inefficient and slovenly manner and that from the mode of

J. C.

26th November 1832.

of the late Acting Judge's examining the witnesses it would appear, that he had given no attention to the preliminary examinations before the Acting Criminal Judge.

Ordered, that extract of these proceedings be sent to the late Acting Judge by precept returnable without delay, enjoining him to make the necessary communications to the Criminal Judge and the Magistrate for their information and guidance.

(Sent following precept No 670)

Mr Bird
Mr Publication.

Read letter, dated the 9th Instant, from the late Acting Judge in Circuit in the Centre Division, transmitting the record of proceedings in Case No 20 on the Cuddapah Calendar for the 2d Session 1832.

(Here enter No 632)

The Court of Toujance Boatut on a mature consideration of all the circumstances of the case in evidence before them being of opinion, that the proof against the prisoner

Peddapotoo Buffeeregadoo

is sufficient to convict him of highway robbery under the authority vested in them by clause first Section II Regulation I of 1818 do convict him thereof and adjudge him under clause third Section IV Regulation XV of 1803 to be imprisoned and kept to hard labor in irons on the public

roads

roads or other public works, for the period of (14) fourteen years.

(Sent following letter &c.)

The second question put by the late Acting Judge to the Law Officer in this case is worded as follows. "If the statement of the "Prosecutor corroborated by the evidence taken in "this case had been considered sufficient to "convict the accused, to what punishment would "the Prisoner have been subjected."

2 This question is not warranted by the Regulations, and its irregularity formed the ground, upon which the Court of Sonjaree Zeratut directed a reference of the trial.

3 Under the provisions of clause first, Section II Regulation VI of 1829 which modifies Section VIII Regulation I. of 1825, the Mohummudan Law Officer is to be required to state whether or not, if the five personal exceptions to the Prosecutor and witnesses enumerated in that clause, or either of them, did not exist, the Prisoner would be convicted: but the question put by the late Acting Judge is framed upon a principle utterly different from that of this Regulation, as explained in the preamble, and goes to supersede altogether the restriction contained in Clause Second of the above Section, by which the Judge of Cicut is required to refer the trial to the Court of Sonjaree Zeratut

if

"if the Law Officer objects to the conviction of "the Prisoner on the ground of the insufficiency "to conviction of the testimony itself, or on any "other ground separate and distinct from "the personal exceptions specified in clause "first."

4 The late Acting Judge is therefore cautioned to be careful in future to observe this important distinction, and in cases of personal exception to witnesses as well as when material evidence may be given by a Prosecutor to require the Law Officer to declare the sentence, to which the Prisoner would have been liable, if the evidence of the Prosecutor, or of the witness or witnesses objected to had been admissible under the provisions of the Mohummedan Law.

Ordered, that extract of these proceedings be sent to the late Acting Judge on Cicut in the Centre Division for his information and future guidance.

(Sent following letter &c. 671)

On consideration of the record of a case of murder recently submitted to them in which the deceased in a dying declaration averred that the accused stabbed him, the Court of Sonjaree Zeratut remarked that the trial had been conducted with little attention to a most important fact, namely, the

the conviction on the mind of the deceased that he was on the brink of dissolution, and that the presiding Judge had not asked a single question on this point, although a conversation which took place regarding it had been previously related.

2 It being necessary in order to the admission of a dying declaration in evidence, that it should be satisfactorily proved, that the deceased at the time of making the declaration was conscious of his danger and had given up all hope of recovery, the Court of Sonjdaree would not deem it proper on this occasion, to point the attention of the several Judges of Circuit and Criminal Judges to the importance of duly investigating this fact whenever such declaration may be in evidence in a case of Homicide.

Ordered, that extract of these proceedings be sent to the four Provincial Courts of Circuit by precept, enjoining them to communicate the same to the several Judges on Circuit and to the Criminal, Joint Criminal, and Native Criminal Judges for their respective information and guidance.

(Sent following precept № 672)

Read letter, dated the 25th Instant, from the First Judge on Circuit in the Centre Division, with returned warrants for the execution of the prisoner in Case № 8 Chittoor Calendar 3d Qy Sessions 1832, and the prisoner in case № 2 of the 1st Chittoor Suppl. Calendar 3d Qy Sessions 1832.

(Here enter № 965.)

Ord.

Ent.

7. 11.

In Court of the Sonjdaree Adawlut.

Present,

Wednesday 28th November 1832.

C. K. Lushington Esqre 1st Puisne Judge.
John Bird Esqre 2nd Puisne Judge
William Dowdeswell Esqre 3rd Puisne Judge.

Read again, return, dated the 8th May last, from the late acting Judge on Circuit in the Northern Division, to precept dated the 28th March last, calling for an explanation of his omission to transmit the records of certain referible trials in the Nellore Calendar 1st Sessions of 1832.

(Here enter № 379.)

1 The foregoing return shews in what manner the delay in the reference of the trials in question originated, namely from the defective state of the establishment sent to meet Mr Trebe at Nellore, and of the several cases mentioned in the above precept № 10, 11, and 14 of the Calendar, in which the trials were closed respectively on the 20th, 13th and 14th February, were received on the 17th July, the 12th June, and the 30th August last.

2. But case № 3, which was also called for by the precept of the 28th March last, of which the trial closed on the 9th February, was not received until the 1st

In short

28th November 1832

Instant. or after an interval of eight Months and twenty two days.

3. For this unprecedented delay no cause is assigned by Mr Locke in his letter referring the trial, nor is it shewn why the transmission of this case had not preceded that of the four other Nellore cases, the three from Guntoor, the two from Rajahmundry, and the five from Chingleput, all of which were tried subsequently and some of them four Months after case No 1 on the Nellore Calendar, which is for a case of murder and by no means of unusual length.

4. The Court of Enquiry would direct, therefore, that the 1st Judge be by precept commanded to explain the causes which prevented the earlier transmission of this case, and its postponement to the other references above mentioned.

Ordered, that extract of these proceedings be sent to the 1st Judge of the Provincial Court of Circuit in the Northern Division by precept, returnable in five days from and after its receipt.

Vide following Precepts Nos 673/.

I C. Reed

28th November 1832.

Read letter dated the 21st Instant from the Officiating Additional Judge of the Provincial Court of Circuit in the Centre Division forwarding copy of the Jurors omitted to be sent with the 1st Supplementary Calendar for the Special Sessions at Cuddapa.

(Here enter No 980)

The Court of the Magistrate Voluntate.

Present,

Thursday 29th November 1832. The Hon. Justice Lushington Esqre 1st Puisne Judge
John Bird Esqre 2nd Puisne Judge
William Maddleton Esqre 3rd Puisne Judge.

Read letter dated the 15th Instant,
from the Officiating Additional Judge of
the Provincial Court of Circuit in the
Central Division, reporting that he has
closed the Special Sessions at Cuddapah,
and transmitting Copies of the Calendars
&c. &c. &c. (Vide entry of 4th Inst.)
That trial being under reference
to the Court of Magistrate Voluntate does not
appear to call for any remarks
on the Officiating Additional
Judge in opinion that the enforcement,
in this Code, did not commit the offence,
confessed by them, the Court do not think
that they should be brought to trial on
their confessions, nor do they consider
it necessary to disturb the Order passed
by him for their commitment for perjury.
The circumstances under which
the late Servicar of the Jail at Cuddapah
is represented to have been dismissed, appear
to the Court to require explanation. They
therefore direct that the Criminal
Judge of Cuddapah be furnished with

Ordered No. 1.

Ordered No. 2.

an Extract from that part of the Officiating Additional Judge's remarks relative to the case, and that he be called upon to submit to them the necessary explanation on the subject.

The Court consider it proper to notice in reference to the observations of the Officiating Additional Judge relative to the examination of all the Witnesses in a case, that the order of the Lieutenant Colonel on the subject dated the 15th July 1859, is not restricted to "referrible cases" but is quite general, and requires that the evidence of a Witness, capable of speaking to material facts shall never be dispensed with.

They likewise deem it desirable to explain to that Officer that altho' it is usual to grant an exemption from all official duties to persons of the Mohammedan persuasion on Fridays, yet that on all occasions of emergency they should be required to perform their ordinary avocations on that day, excepting at the hours of prayer, viz. from 1 to 2 P.M.

The Court view with great satisfaction the high encomium passed by the Officiating Additional Judge on Moopsie Mohammed Hyseen of the Provincial

Provincial Court in the Centre Division, whose zeal and intelligence has been before brought to their favorable notice.

Ordered, that extract from these Proceedings be sent to the Officiating Additional Judge of Circuit in the Centre Division for his information and future guidance.

Sent following letter &c.

Ordered likewise, that extract of these proceedings be sent to the Criminal Judge of the Zillah of Bodapah by precept, returnable in one month from the date of its receipt.

Sent following Precept &c.

Read return, dated the 22nd instant, from the Provincial Court of Circuit in the Northern Division, to precept of the 31st ultimo, conveying the observations and orders of the Lieutenant Governor on the Criminal Reports for the month of July 1882.

Here enter No. 658.

With the above return is submitted the following explanation of the Joint Criminal Judge at Gunteor regarding his disposal of the case 68 of his Report V.

"The Joint Criminal Judge deemed the "weaver of Cloths bearing a marriage

Zalla

29th November 1832

"false Chop" a receiver of particles liable to
"duty knowing them to have been smuggled"
"which all Cloths are when carried past a
"Country unchopped." The Court of Singidarra
do not deem it proper to direct the Provincial
Court of Circuit to instruct the Joint Criminal
Judge, that the fact of a person wearing
a Cloth bearing a manifestly false Chop
is not of itself sufficient for conviction
of "having contributed to defraud the Customs"
and accordingly if such was the case
in this instance, to cause the fine of fine
Rupees, if it was levied, to be refunded
to the Prisoner.

Ordered, that extract of these
Proceedings be sent to the Provincial Court
of Circuit in the Northern Division for
their information and guidance by Precept
returnable without Delay.

Sent by following Precept No.

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At a Court of the Singidarra Adalut.

Present,

Friday 30th November 1832.

C. M. Lushington Esqre 1st Puisne Judge
John Bird Esqre 2d Puisne Judge
William Huddleston Esqre 3d Puisne Judge.

Ch L

W M

Read letter, dated the 20th Instant, from the late Acting Judge of Circuit in the Central Division, submitting case No. 17 Bellaree Calendar 2d Sessions of 1832.

(Here enter No. 981 of 1832)

1 The Court of Singidarra Adalut are of opinion, that the trial of this important case of Gang robbery and murder has been conducted in a most unsatisfactory manner: the presiding Judge would appear to have taken for granted almost every particular, stated by the prosecutor and the witnesses for the prosecution without any thing like a cross examination, with the exception of the 4th question to the prosecutor at page 96, and the 3d question to the 1st witness at page 97 in both of which instances the depositions referred to before the Acting Criminal Judge are described as containing any thing but what they do contain.

2 The 6th and 7th witnesses who deposed that they recognized the 1st 3d and 5th prisoner at taking part in the robbery and murder,

were

Eg.ts N. L. 1832

30th Novr. 1832

26

were not questioned as to whether, or not, they were previously acquainted with those three prisoners, a point of the greatest importance in a case of this nature, wherein the deponents swear to their identification of particular individuals by torch light in a scene of tumult and outrage: nor has any enquiry been made in regard to the period when these two witnesses first named those three individuals to the officers of Police, or any other persons.

3 Of the proceedings before the Police Officer, Annaje Row, the deposition of the Prosecutor, the declarations of the prisoners, and the deposition of the 1st witness only, accompany the trial: and it is not certified, as required by the standing orders of the Court of Foujdaree Adawlut, that the said Annaje Row holds a Special appointment from the Magistrate under the provisions of Section III Regulation IV of 1821.

4 The Court of Foujdaree Adawlut deem it necessary to have before them all the other proceedings held by the Police Officer in this case.

5 And deeming the investigation on the trial to have been insufficient, the Court direct that it be returned to the late Acting Judge by precept enjoining him to instruct the Criminal Judge to obtain the attendance of the 6th and 7th witnesses and in the presence of the prisoners, examine them on the points stated in paragraph 2nd of these proceedings.

The

30th Novr 1832

6 The Criminal Judge will also obtain the attendance of the "Curreem Gomashta, Ramapah," mentioned at page 30 of the record, and in like manner examine him as to whether, or not, the 6th and 7th witnesses, when questioned the day after the robbery, stated that they had identified any of the prisoners.

7 The late Acting Judge will annex English and Persian Translations of the additional evidence so taken and of the proceedings of the Police Officer to the record and retransmit the same to this Court, certifying whether, or not, the Police Officer Annaje Row was duly empowered to take the declarations of the prisoners.

Ordered, that Extract of these proceedings with the record of Case No 17 Bellary Calendar 2d Sessions of 1832, be sent to the late Acting Judge of Circuit in the Centre Division by precept, returnable in 20 days.

(Sent following precept No 682)

Mr. Lushington & Mr. Hudleston.

Read letter, dated the 6th Instant, from the 1st Judge on Circuit in the Southern Division, transmitting the record of trial in Case No 6 on the 1st Calendar of the Zilla of Nellore for the 1st Sessions of 1832.

(Here enter No 890)

The Court of Foujdaree Adawlut on a mature consideration of all the circumstances of

of the case in evidence before them, being of opinion that the proof against the prisoner

Singareddy Gooravapah

is sufficient to convict him of the crime of murder, under the authority vested in them by clause first Section II Regulation I of 1818 do convict him there of and adjudge him to suffer death as prescribed by Section X Regulation VIII of 1802 by being hanged at the usual time and place of execution.

(Sent following letter No. 683)

Mr. Bird
Mr. Huddleston.

Read letter, dated the 25th July last, from the 1st and late Acting Judge on Circuit in the Northern Division, transmitting the record of trial in case No. 10 Chicacole Calendar 1st Session 1832.

(Here enter No. 910.)

The Court of Foujdaree Adaulut having duly considered the proceedings held before the Judge on Circuit, the futwa of the Provincial Law Officer, and the futwa of the Cazee ool Cozat and Mooftee of the Foujdaree Adaulut, confirm the said futwa of the Cazee ool Cozat and Mooftee aforesaid, acquitting the prisoners

1st Moheepaty Sutchmenaraidoo
2d Boroogo Guntayut
3d Bunny Kroodna Guntayet
4th Gomedo Juggadoo
5th Saurady Bharata
6th Palacoty Pudmanaboodoo
and
7th Mohunty Gobbereeyadoo

of

F.C.
30th November 1832.

of the crime charged against them, and accordingly direct that they be released.

It appears to the Court of Foujdaree Adaulut that it is not sufficient ground for the reference of a trial that the Judge of Circuit wishes to have the opinion of the Court of Foujdaree Adaulut upon it. In the above case, the Presiding Judge seems to have had the impression that the evidence for the Prosecution given by the 1st, 2d, 3d and 5th witnesses was utterly unworthy of credit, but to have hesitated to take upon himself the responsibility of the release of the Prisoners.

When the Law Officer acquits and the Judge does not think the evidence sufficient for conviction nor disapproves of the futwa in any other respect, it is for the Court of Circuit to dispose of the case according to the Regulations.

Ordered, that extract of these proceedings be sent to the 1st and late Acting Judge on Circuit in the Northern Division for his information and future guidance.

(Sent following letter No. 684.)

Mr. Bird
Mr. Huddleston.

Read letter, dated the 2d Instant from the late Acting Judge on Circuit in the Centre Division, transmitting the record of trial in case No. 3, Cuddapah Supplemental Calendar 2d Session 1832.

(Here enter No. 910.)

The

The Court of Foujdaree Adaulut having duly considered the proceedings held before the Judge on Circuit, the futwa of the Provincial Law Officer, and the futwa of the Cazee ool Coozat and Mooftees of the Foujdaree Adaulut, concur in opinion that the Prisoner

Poreddy Soobbareddy

is not convicted on strong presumptive proof, or on the evidence of credible witnesses, or, on his own confession, of the crime charged against him, notwithstanding the futwa of their Law Officers, and accordingly under the provisions of Clause Sixth Section II Regulation XV of 1803, direct that he be released.

(Sent following letter No 685)

Mr. Sudlington
Mr. Bird
&
Mr. Budleston.

Read letter, dated the 5th Instant, from the first Judge on Circuit in the Western Division, submitting the record of trial in case No 8 Canara Calendar 2d Sessions 1832.

(Here enter No 929)

The Court of Foujdaree Adaulut having maturely considered the proceedings held before the Judge on Circuit, the futwa of the Provincial Law Officer, and the futwa of the Cazee ool Coozat and Mooftees of the Foujdaree Adaulut, confirm the said futwa of the Cazee ool Coozat and Mooftees aforesaid, as far as respects the proof of the fact that the prisoner

prisoner

Hanike Krishna.

Killed the deceased Vencata - but considering that the Prisoner was in a state of insanity at the time he committed the fatal act of violence established by the evidence, the Court of Foujdaree Adaulut direct that he be placed under charge of the Surgeon of the Zilla of Canara in view to his eventual confinement in the Lunatic Asylum at Madras under the rules prescribed by the Circular Orders of the 1st of June 1829, and that he be on no account released without the orders of this Court.

(Sent following letter No 686)

Mr. Bird
&
Mr. Budleston.

Read letter, dated the 22d Ultimo from the late Acting Judge of Circuit in the Centre Division, transmitting the record of trial in case No 24 on the Primary Calendar of the Zilla of Cuddapah 2d Sessions 1832.

(Here enter No 884)

The Court of Foujdaree Adaulut on a mature consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the Prisoner

Makola Chinna Gungoloogaudoo,

is sufficient to convict him of the crime of

30th Novr 1832.

of wounding the Prosecutor Goarla Honoorgadoo under Clause Second Section II Regulation I of 1818 do require their Law Officers to declare by a second futwa to what specific punishment the Prisoner would have been liable under the Mahomedan Law, if he had been convicted of the above crime by full legal evidence.

Ordered, that extracts of these proceedings be translated and delivered to the Cazee ool Cozat and Mooftee of the Foujdaree Adalut.

For Mad.

Ast

WS

J. C. M.

Read return, dated the 15th. Instant, from the 1st. Judge of the Provincial Court of Circuit in the Northern Division, to precept dated 8th. Instant, returning the record of case No. 0 of the Guntoor Calendar for the 1st. Sessions 1832 and enjoining the disposal of the case of the 2 prisoners according to the Regulations.

(Here enter No. 976)

Read return, dated the 19th. Instant, from the Judges of the Provincial Court of Circuit in the Western Division, to precept dated the 12th. Instant communicating the orders of the Court on the Criminal Reports of the Division for September last.

(Here enter No. 977)

Read letter, dated the 21st. Instant, from the 1st. Judge on Circuit in the Western Division, reporting

J. C.

30th Novr. 1832.

reporting his having completed the duties of the Northern Division of Canara.

(Here enter No. 982)

Read return, dated the 24th. Instant, from the Provincial Court of Circuit in the Southern Division, to precept of the 20th. Instant declaring the mode of proceeding to be observed by a Circuit Court when the prisoner pleads guilty on arraignment.

(Here enter No. 989)

Read return, dated the 26th. Instant, from the Judges of the Provincial Court of Circuit in the Centre Division, to precept of the 20th. Instant declaring the mode of proceeding to be observed by a Circuit Court when the Prisoner pleads guilty on arraignment.

(Here enter No. 993)

Read return dated 20th. Instant from the Provincial Court of Circuit in the Northern Division to precept of the 22d. October conveying the orders and observations of the Foujdaree Adalut on the Criminal Reports of the Division for August last.

(Here enter No. 983)

At a Court of the Faujdarree Adalut
Present,

Monday, 3rd December 1832. C. M. Luchington Esqre 1st Puisne Judge.
John Bird Esqre 2nd Puisne Judge.
Cal William Hualleston Esqre 3rd Puisne Judge.
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Read letter, dated the 19th Ultimo, from the 2nd Judge of the Court of Circuit in the Centre Division, transmitting Copy of the Chittoor 1st Supplemental Calendar 4th Quarter Sessions 1832.

Here enter No 968.

Case No. 1. The Court think it proper to make the words and unmeaning form, as far as they can judge from the translation entered in the Calendar, in which the second question in this case, has been put. According to Clause fourth Section II Regulation XV of 1803, it should have run thus:

"To what punishment would the Prisoner have been liable under the Mohummedan law for the crime committed by him, if the above Check by which Hud is barred, had not existed."

2. 2 As it does not appear that there was any intention to commit robbery in this case, the Court think that the 2nd Judge acted properly in returning the case to the Criminal Judge.

3. 3. The Court think it proper to explain to the 2nd Judge that he did not act

3rd December 1832.

stated in the sentence, concurs in the Returns in this case, in as much as the Law Officer declares that there was no suspicion against the Prisoner in which opinion the 2nd Judge evidently did not coincide or he would not have required him to find security for his good behaviour for the period of one year.

Ordered, that extract from these Proceedings be sent to the 2nd Judge of the Court of Circuit in the Centre Division for his information and future guidance.

(Sent following letter No. 690)

Read return, dated the 21st ultimo by the Provincial Court of Circuit in the Centre Division to Precept of the 6th ultimo, conveying the observations and orders of the Court of Fonjdarree Adalut on the Criminal Reports of the Division for the month of September last.

(Here enter No. 967)

The only return from the subordinate authorities submitted with the above is from the Acting Joint Criminal Judge at Cuddalore, explaining the circumstances under which the Prisoner in case No. 70 of his Report No. V committed the crime for which he was therein sentenced to 50 stripes with a Cat o nine Tails, and the Court of Fonjdarree Adalut seeing no reason why the Prisoner should not be punished directs that the sentence passed upon him may be

3rd December 1832

be carried into effect.

Ordered, that extract of these Proceedings be sent to the Provincial Court of Circuit in the Centre Division for their information and guidance by Precept returnable without delay.

(Sent following Precept No. 691)

Cited 3/28 1/3 1/11

J. Cl.

Read return, dated the 26th ultimo, from the Judges of the Provincial Court of Circuit in the Western Division, to precept dated 20th ultimo, directing that in all cases where a prisoner may plead guilty upon his arraignment, the evidence to the facts of the case should be taken, notwithstanding such confession.

(Here enter No. 1000)

Read return, dated the 26th ultimo, from the Judges of the Provincial Court of Circuit in the Western Division, to precept of the 19th ultimo, requiring the Provincial Court of Circuit to cancel their order of the 4th October last for the punishment of two prisoners in case No. 45 of 1832 in the Joint Criminal Court of Dindigul - the said Prisoners having been tried and acquitted of the charge by the Joint Criminal Judge.

(Here enter No. 1001)

At a Court of the Louisiana Circuit.

Present,

Wednesday, 5th December 1832. The Hon. Leighton Esqre 1st Puisne Judge
John Bird Esqre 2nd Puisne Judge
Chl William Huddleston Esqre 3rd Puisne Judge

Read Petition presented on the 22nd ultimo by Carolina Decatur of the Parish of Pointe Coupee -

(Here enter Petn. dated 19th of 1832)

The Petitioner prays that orders may be issued for the release of his younger Brother who he states has been unjustly sentenced to two years' imprisonment by the Court of Circuit in the Southern Division

There is no appeal from the sentence of the Court of Circuit, and moreover on reference to the Pointe Coupee Calendar 2nd Sessions of 1832, there does not appear to the Court of Louisiana about to be the slightest ground for calling in question the propriety of the conviction of the two Prisoners referred to by the Petitioner.

Ordered in consequence, that the prayer of this Petition be rejected, and that extract from these Proceedings be furnished to the Petitioner on his application.

Read again Letter dated the 22nd ultimo, from the Acte acting Judge on Mr Bird and Mr Huddleston Circuit in the Centre Division, submitting the

5th December 1832.

the record of the Trial No 24 Ardanpah Calendar 2nd Sessions 1832.

(Here enter No 884)

Read the second finding delivered in this case by the Cazee ool Cazat and Moofties of the Tongalarre Moahul.

The Court of Tongalarre Moahul having maturely considered the proceedings held before the Judge on Circuit, the finding of the Provincial Law Officer, and the findings of the Cazee ool Cazat and Moofties of the Tongalarre Moahul, confirm the said findings of the Cazee ool Cazat and Moofties aforesaid, and convicting the Prisoner,

Pirbalk Chinna Gungaloogoondoo,

of the crime of wounding, adjudge him under the sentence of Corroboot awarded in the findings, to be imprisoned and kept to hard labor in Irons on the public roads or other public works, for the period of (3) three years.

(Vide following letter No 697.

Mr Lushington and Mr Bird.

Read letter, dated the 25th October last, from the Legal Judge of the Court of Circuit in the Western Division, submitting case No 1 Gualahar Auxiliary Court Calendar 4th Quarterly Sessions of 1832.

(Here enter No 903)

The Court of Tongalarre Moahul having maturely considered the proceedings held before the Judge presiding at the Court of Quarterly Sessions, the finding of the Provincial Law Officer and the finding of the Cazee ool Cazat and Moofties of the Tongalarre Moahul, confirm the said findings of the Cazee ool Cazat and Moofties aforesaid, acquitting the Prisoner

Arulvankandy alias Pallankandy Cherria Sambathy

of the crime charged, but considering that strong suspicion attaches to him, the Court of Tongalarre Moahul direct under Clause Sixth Section II Regulation XV 1803, that he be required to find security for his good behaviour and appearance when required within three years in two sureties of two hundred Rupees each, or in default thereof, that he be detained for that period in confinement.

(Vide following letter No 698.

J. M

Read letter, dated the 7th instant, from the late Acting Judge on Circuit in the Centre Division, submitting the record of the trial in case No 11 Ardanpah Calendar 2nd Sessions 1832.

(Here enter No 923)

The Court of Tongalarre Moahul on a mature consideration of the circumstances of the case in evidence before them being of opinion that the proof against the Prisoner is sufficient to convict him of the crime of house-breaking and theft require their Law Officers under Clause second Section II Regulation I of 1818 to declare the punishment to which the Prisoner would become

30th C

5th December 1832

5th C

been liable under the Mahomedan Law if he had been convicted of the said crime by full legal evidence.

Ordered, that extract of these proceedings be translated and delivered to the Advocate General and Registers of the Singalarre District.

Ex

F. 16.

At a Court of the Singalarre District.

Present.

Saturday 8th December 1832. The Hon. Lushington Esqre 1st Puisne Judge.
John Bird Esqre 2nd Puisne Judge
William Anderston Esqre 3rd Puisne Judge.

Read again letter, dated the 7th May last, from the Acting First Judge on Circuit in the Southern Division, recommending a mitigation of the punishment, to which the Prisoner convicted in No. 22 of the Salem Calendar 1st Sessions of 1832, of Forgery, has rendered himself liable.

Mr Lushington and Mr Anderston.

Civil 13

(Here enter No. 1148.)

The Court of Singalarre District having maturely considered the circumstances of the case, represented in the above letter, are of opinion that the mitigated sentence of two years imprisonment without labour, proposed by the late acting 1st Judge, is quite insufficient for the punishment of the Prisoner in question, who has been convicted of, Forgery, committed in a manner and under circumstances, which materially aggravate his guilt, and peremptorily call for the infliction of the full penalty prescribed by the Law, and they in consequence decline to confirm the mitigated Sentence passed by the late acting 1st Judge, and direct that he do pass Sentence de novo in strict conformity with the provisions of

of Clause first Section III Regulation VI of 1811.

Ordered, that a extract from these Proceedings be sent to the First Judge of Circuit in the Southern Division for his information and guidance by first opportunity able without delay.

(Sent following Precept &c.

Again

Read a letter, dated the 7th Ultimo, from the late Acting Judge on Circuit in the Central Division, transmitting the record of proceedings in case No 11 Ardapak Calendar for the 2nd Sessions of 1882.

Mr. Bird and Mr. Anderston.

(Here enter No 923.)

Read the second sentence delivered in this case by the Cazee cul Coozat and Moofties of the Pungolarre Udalut.

The Court of Pungolarre Udalut having maturely considered the proceedings held before the Judge on Circuit, the sentence of the Provincial Law Officer, and the sentences of the Cazee cul Coozat and Moofties of the Pungolarre Udalut, confirm the said sentences of the Cazee cul Coozat and Moofties aforesaid and committing the Prisoner,

Mathooganie Bungaroogadoo

of housebreaking and theft, adjudge him under Section XXI Regulation VII of 1802 and Clause second Section VI. Regulation I of 1825 to be imprisoned and kept to hard labor in Irons on the public roads or other public works, for the period of (5) five years.

It was pointed out in the proceedings

8th December 1882

proceedings of the Pungolarre Udalut under date the 6th September last, that the sentence of three years imprisonment, passed on the prisoner by the late acting Judge was illegal, and that a second sentence should have been taken under the provisions of clause fourth Section II Regulation XV of 1803.

2 It is matter of surprize that the late Acting Judge should, after all the instructions from time to time communicated to him, have fallen into the error of passing an illegal sentence in a common case of this nature, and had that officer attended to the standing orders of the Court of Pungolarre Udalut which require, that the provision of the Regulations, under which each sentence is passed shall be cited in the Calendar, and of course in the sentence itself, he would have immediately perceived the illegality of the sentence in this case.

Ordered, that a extract from these proceedings be sent to the late Acting Judge on Circuit in the Central Division for his information and future guidance.

(Sent following letter &c.

Read letter, dated the 17th Ultimo, from the First Judge on Circuit in the Western Division, submitting case No 5 Canara Ancillary Court Calendar 2nd Sessions 1882.

Mr. Bird and Mr. Anderston.

(Here enter No 971.)

The Court of Pungolarre Udalut having

5 8th December 1882.

having maturely considered the proceedings held before the Judge on Circuit, the finding of the Provincial Law Officer, and the finding of the Cazee cul Coozat and Mooftees of the Zeyelaree Adawlut, confirm the said finding of the Cazee cul Coozat and Mooftees aforesaid convicting the Prisoner

Shaik Yusuf.

of murder and awarding Kisaas, and accordingly adjudge him to suffer death as prescribed by Section X Regulation VIII of 1802 by being hanged at the usual time and place of execution.

(Vide following letter No

Read letter, dated the 2nd July last, from the First and late acting Judge at Cawnpore Circuit in the Northern Division, submitting case No 19 Chicacole Calendar for the 1st Sessions of 1882.

(Here enter No 1673)

Mr Bird and Mr Hudleston.

The Court of Zeyelaree Adawlut on a mature consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the Prisoner

Bommallee Pammoodoo

is sufficient to convict him of murder, under the authority with which they are vested by Clause first Section II Regulation I of 1818 to convict him thereof, and adjudge him to suffer death as prescribed by Section X Regulation VIII of 1802 by being hanged at the usual time and place of execution.

(Vide following letter No

Read

21 F 11

8th December 1882.

Read return, dated the 3rd Instant, from the Judge of the Provincial Court of Circuit in the Central Division, to precept of the 28th ultimo, showing that, in order to the admission of a dying declaration in evidence, it should be satisfactorily proved that the deceased at the time of making the declaration was conscious of his danger and had given up all hope of recovery.

(Here enter No 1673)

Read return, dated the 1st Instant, from the First Judge of Circuit in the Northern Division, to precept dated 16th ultimo, requiring execution of the mitigated sentence on the Prisoner concerned in Nos 2, 3, 5 & 6 Mudduspore Cawnpore Calendar 4th Quarterly Sessions 1882.

(Here enter No 1674)

Read return, dated the 1st Instant, from the First Judge on Circuit in the Western Division, to precept dated the 28th ultimo, requiring the execution of the mitigated sentence in No 1 Honore Calendar 2nd Sessions 1882.

(Here enter No 1675.)

Read return, dated the 1st Instant, from the First Judge on Circuit in the Western Division, to precept dated the 28th ultimo, requiring execution of the mitigated sentence in No 2 Honore Calendar 2nd Sessions 1882.

(Here enter No 1676.)

Read further return, dated the 7th Instant, from the Third Judge late on

30th Nov. 1882

5th December 1882.

8th Dec. 1882.

on Circuit in the Southern Division, to precept
dated 2nd Ultimo, communicating the observations
of the Court of Bujolarre Boalut on his late
Circuit Report.

(Here enter No. 1022.)

L. C. M.

Ent'd.

W.

W.

F 16.

At a Court of the Bujolarre Boalut.

Present,

Monday,
10th December 1882.

C. M. Lushington Esq.re 1st Puisne Judge
John Birch Esq.re 2nd Puisne Judge
William Budleston Esq.re 2nd Puisne Judge

Read letter, dated the 21st Ultimo,
from the First Judge on Circuit in the Western
Division, submitting copies of the Calendars
of the Joint Criminal Court and of Native
Criminal Court of Cumara for the 2nd Sessions
of 1882.

(Here enter No. 985.)

In these cases the Prisoners were
brought to trial solely on their confessions
before the Police, without the slightest corro-
borative evidence of their guilt. The 1st
Judge on Circuit will point out to the Joint
Criminal Judge, if he has not already done
so, the inutility and impropriety of committing
Prisoners under such circumstances.

The Court trust that the 1st Judge
on Circuit pointed out to the Native Criminal
Judge, that there was no necessity for the
commitment of the Prisoner in this case.

Ordered, that extract from
these Proceedings be sent to the 1st Judge
late on Circuit in the Western Division
for his information and guidance.

Ent'd following letter No. 708
Read

Mr. Lushington
Mr. Birch
and
Mr. Budleston.

Ent'd

W.

Joint Crim.l Court.
No. 567.

Native Crim.l Court
No. 2.

W.

Mr Bird and Mr Eadleston

Read letter dated the 20th Ultimo from the First Judge on Circuit in the Western Division, submitting case No 4 Canara Native Criminal Court Calendar 2nd Sessions 1882.

(Here enter No 974)

The Court of Sudder Adawlut having maturely considered the proceedings held before the Judge on Circuit, the futwa of the Provincial Law Officer and the futwa of the Cuzzee and Cazgat and Mooftee of the Sudder Adawlut confirm the said futwa of the Cuzzee and Cazgat and Mooftees aforesaid, and under Clause second Section XV. Regulation VII. of 1802, and in commutation of the penalty of Deyut awarded in the futwa re-judge the Prisoner,

Bheemah

to be imprisoned and kept to hard labor in Irons on the public roads or other public works for the period of (4) four years.

It appears to the Court of Sudder Adawlut probable that the 1st Judge referred this case in consequence of his not being aware, that the expression used by the Mohummudan Law Officer in his futwa, bears the same meaning in Law as Vath. -i- khoon which is one of the species of homicide punishable by the Court of Circuit under Clause second Section XV Regulation VIII. of 1802.

Ordered that extract of these proceedings be sent to the First Judge on Circuit in the Western Division for his information and future guidance.

(Sent following letter No 709.

Mr Bird and Mr Eadleston

Read letter, dated the 27th Ultimo from the 2nd Judge on Circuit in this Southern Division, submitting the record of the Trial No 36 Salem Calendar 2nd Sessions 1882.

(Here enter No 985)

Previous to passing their final Sentence on the Prisoner concerned in the above case the Court of Sudder Adawlut deem it proper to require his original examination before the Tahsildar of the Sivaracotta Taluk the Tahsildar of the Sivaracotta Taluk to be submitted for their consideration.

Ordered that extract of these Proceedings be sent to the 2nd Judge on Circuit in the Southern Division, for his information and guidance by Precept returnable without delay.

(Sent following Precept No 710

Read return dated 29th Ultimo by the Provincial Court of Circuit in the Centre Division, to precept of the 15th August last communicating the observations and orders of the Court of Sudder Adawlut on the Criminal Report of the Division for the month of June last.

Mr Lushington Mr Bird and Mr Eadleston.

(Here enter No 995)

Together

8th Dec.

10th December 1832.

1. Together with the above return are transmitted copies of four returns only of which, appeared to require any remarks. The Native Criminal Judge of Combaconum submits a Report of the escape of the Prisoner Mungala Sorbendoo which was called for by the Court of Tanjolarre Udalut in the 18th para of their Proceedings adding that "in consequence of the "non existence of a copy of the Standing order "of the Tanjolarre Udalut in his Court it was "not conformed to." The Provincial Court of Circuit should explain why the Circular Orders of the 23rd January and 28th March last were not transmitted to the Court at Combacum.

2 The Report of the escape now before the Court of Tanjolarre Udalut is very far from satisfactory. The Provincial Court of Circuit will direct a fuller Report to be made as to the circumstances attending the escape and it should also be stated whether the Prisoner has been reapprehended and what has been done respecting the Ryot from whose custody the escape was made.

3. The Court of Tanjolarre Udalut cannot pass over without animadversion the insufficiency of the above return of the Provincial Court of Circuit. It was made upwards of three months after the date of the Precept and out of the 16 Paras of the Proceedings which accompanied the Precept no notice has been taken of the

2/

10th December 1832. the 8th 9th 10th 12th 13th 14th and 15th. In respect to those Paras in which communication merely of the observations or orders of the Court of Tanjolarre Udalut was enjoined the Provincial Court of Circuit should have certified that such communication had been made, and it is observable particularly with regard to Paras 9 and 10 that the Circular order of the 4th of August 1823 has been overlooked.

4. The Court of Tanjolarre Udalut perceive that the return of the Magistrate of Cuddapah is dated the 20th November and they are at a loss to account for this late date, unless the Magistrate omitted to observe the Circular Order of the 18th November 1823 for there is nothing in the return itself which could have required any detention of it in the Magistrate's Office. The Provincial Court of Circuit will call the attention of the Magistrate of Cuddapa to the above Circular order.

Ordered, that extract of these Proceedings be sent to the Provincial Court of Circuit in the Centre Division for their information and guidance by Precept returnable without delay.

(Sent following Precept No 710.

Mr Lushington and Mr Bird.

Read again letter, dated the 19th October last, from the Third Judge on Circuit in the Southern Division, transmitting the record of the trial in Case No 19. Combaconum Calendar for the 2nd Sessions of 1832.

(Vide entry No 877)

Read

6th December 1832

Read return dated the 21st Ultimo from the 2nd Judge on Circuit in the Southern Division, to precipt dated 12th Ultimo ordering them to send up the original deposition given by the 1st Prisoner in Case No 89 Cumbaconum Calendar 2nd Sessions 1832.

(Vide enter No 975)

The Court of Foujdarree Udalut having maturely considered the proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officers and the Futwa of the Cazee and Cazee ul Cozaat and Moofties of the Foujdarree Udalut concur in opinion that the Prisoners

1st Raman, and
2nd Pallasillun,

are not convicted of the crime charged against them on strong presumptive proof or on the evidence of credible witnesses or on their own confession notwithstanding the futwa of their Law Officers but considering that strong suspicion attaches to them the Court of Foujdarree Udalut direct under Clause sixth Section II Regulation XV of 1803 that they be each required to find security for their good behaviour and appearance when required within three years in two sureties of 200 Rupees each surety or in default thereof that they be detained for that period in confinement.

(Sent following letter No 712

Read

10th December 1832

Read letter, dated the 28th Ultimo from the 2nd Judge of the Provincial Court of Circuit in the Centre Division, submitting case No 2 Chittoor Calendar 4th Quarterly Sessions of 1832.

Mr Bird and Mr Huddleston

(Vide enter No 999)

The Court of Foujdarree Udalut having perused the evidence in this case, are of opinion, that the personal injury inflicted upon the 1st witness, which constitutes the only material circumstance of aggravation, comes properly under the designation of trifling injury, in respect to which it is explained in the 6th paragraph of the Circular orders dated the 15th May last, and in the Circular orders of the 29th December 1826, that such injury is not intended in Clause Second Section II Regulation XV of 1803

2. It being under these circumstances competent to the 2nd Judge to dispose of the case under the Regulations,

Ordered that the record be returned to the 2nd Judge of the Provincial Court of Circuit in the Centre Division by precipt commanding him to dispose of this case accordingly.

(Sent following precipt No 713

Read letter, dated the 7th Instant from the 3rd Judge on Circuit in the Northern Division, requesting that he has fixed the 2nd of January next for holding the Sessions at Nellore.

(Vide enter No 1025)

Read

10th December 1832.

Read return dated the 8th Instant, from the Judges of the Provincial Court of Circuit in the Western Division, to precept of the 26th November 1832, shewing it to be necessary, in order to the admission of a dying declaration that it should be satisfactorily proved that the deceased at the time of making it was conscious of his danger and had given up all hope of recovery:

(Rec'd enter No 1023)

Read letter dated the 7th Instant, from the First Judge on Circuit in the Western Division, with a returned warrant for the execution of the Prisoner in case No 70 Malabar Calendar 2nd Sessions 1832.

(Rec'd enter No 1024)

Read letter dated the 3rd Instant, from the 2nd Judge on Circuit in the Northern Division, reporting the opening of the Sessions at Tuticorin on the 9th Instant.

(Rec'd enter No 1077)

Ex. Clk

2/

F.C.

Wednesday, 12th December, 1832.

At a Court of the Foujdaree Adalut,

Present,

C. M. Lushington Esq.re 1st Puisne Judge
John Bird Esq.re - - - 2d Puisne Judge
William Rudderton Esq.re 3d Puisne Judge

Read letter, dated the 28th ultimo, from the Provincial Court of Circuit in the Centre Division, submitting the Criminal Reports in the forms prescribed by section XXXV Regulation X of 1816 for the month of October 1832.-

(Rec'd enter No 998)

Bellary, Report No 1. Case 132

The Provincial Court of Circuit will call for an explanation regarding the committal of the Prisoner in this case as the Report does not shew whether the complainant was wounded.-

Cumbum Report No 2. Case 71.

The Court of Foujdaree Adalut are of opinion, that a Pauchayet by such a number of persons as were concerned in the case noted in the margin, should have been more severely punished than by a sentence of 35 stripes with only 6 months' imprisonment. The Provincial Court of Circuit will communicate this observation to the Native Criminal Judge for his guidance in future similar cases.-

3 The Provincial Court of Circuit will also direct the Native Criminal Judge

12th December 1832 Judge in future to enter in Column 11 of the statement of the labor of Prisoners, the deficiency in red Ink as required by the orders of the Court of Foujdaree Udalut on that subject.-

Chittoor Supt. Report
Case 127

Agreeably to the provisions of Clause first section IV. Regulation II of 1822 the second Prisoner in this case might have been required to give security on strong suspicion of the crime charged being attached to him, but if there is nothing more than slight suspicion against him as stated in the Report, the Provincial Court of Circuit will point out to the Acting Assistant Criminal Judge that such requisition of security being unauthorized the Prisoner in question should be released.-

5. The Court of Foujdaree Udalut observe that all the cases not "examined" have been taken out of the regular order on the file and placed after the other cases. There is no order for entering these cases in this manner and the Provincial Court of Circuit will cause them in future to be inserted in the usual numerical order.-

Report V
Cases 156 & 158.

6 These cases appear as "under investigation" at the Criminal Court within the first three or four days of the month of October when Prisoners are detained under examination for several weeks the cause should be stated in the Report.-

7. The Court of Foujdaree Udalut desire to be informed why the 6 "Nagrants" six

12th December 1832 in the Chittoor Jail are not worked.-

8. The Court of Foujdaree Udalut perceive that the suretyship before the Courts at Chittoor and Cuddapah are very great and the Provincial Court of Circuit will accordingly instruct the officers in charge of those Courts to use their best exertions to dispose of the numerous cases awaiting investigation.-

Chittoor and Cuddapah

Cuddalore Suppl. Report Case 78

9. According to the Circular Orders of this Court respecting the evidence of Prosecutors the twelfth and thirteenth Prisoners in this case ought to have been committed. As the order for the requisition of security need not now be disturbed the Provincial Court of Circuit will communicate this observation to the Acting Joint Criminal Judge at Cuddalore for his future guidance in similar cases.-

Report V
Case 82

10 The clause quoted in support of the sentence in this case does not apply and the Provincial Court of Circuit will call for an explanation of the circumstances of the case, for the property being valued at 175 Rupees it does not appear upon what grounds the Acting Joint Criminal Judge considered himself competent to pass sentence of punishment on the first Prisoner.-

Chingleput Report V
Cases 226 & 227

11 The same Prisoners are concerned in these and other cases and in the Report the order is entered for their discharge. The Court presume that the entry is incorrect - where Prisoners are concerned in more cases than one their acquittal merely should be recorded when the proof may not be sufficient for

December 1832

for their conviction in any particular case, and another charge against them may be "under examination".-

Case 234 12 In this case the Report shews that the Prisoner was "released from the "charge" because he had been convicted in another case. This reason the Court consider insufficient: for if the Prisoner had been convicted in this case also, he would probably have been deserving of a severer punishment than that to which he had been sentenced.-

Case 240 13. It appears that certain Prisoners were sent to the Criminal Court merely, "in consequence of their "having been accused by the other Pri=-=soners in their confession". The Provin=-=cial Court of Circuit will direct the Magistrate to intimate to the Police Officers who forwarded the Prisoners in question that persons should not be sent up to the Criminal Court in under such circumstances.-

Supp. Report Case 193 1831. 14. On the case noted in the Margin the Court of Foujdaree Adalut have already issued several orders, which, it would appear, have not been enforced. If the Magistrate omits to fulfil the instructions furnished him on this case, it will become the duty of the Court of Foujdaree Adalut to direct the discharge of the bail given by the prisoners, and report his conduct to Government. The Provincial Court of Circuit will transmit without

2/ F.H.
12th December 1832

without delay the return by the Magistrate to their Precept allowed to in their Proceedings on the case in question, and communicate to him the above observations which the Court of Foujdaree Adalut have deemed it right to record.-

Ordered, that Extract of these proceedings be sent to the Provin=-=cial Court of Circuit for their information and guidance by precept, returnable without delay.-

(Sent following precept Wm)

Read letter, dated the 28th ultimo, from the Provincial Court of Circuit in the Western Division, submitting the Criminal Reports in the forms prescribed by section XXXV Regulation X of 1816 for the month of October last.-

(Vide entry No. 1016.)

Canara Report VI. Case 117 From the observation of the Acting Criminal Judge that the only evidence against the 2d Prisoner in the case noted in the margin was the implication of the first Prisoner it appears that the second Prisoner ought not have been sent to the Cri=-=minal Court. And with reference to section XXVIII Regulation XI of 1816 the Provincial Court of Circuit will call upon the Magistrate to issue appropriate instructions to the Peishcar who for=-=warded this case for his future guidance.-

Honora 2. The statement of all the evidence in the Criminal Reports is unnecessary

12th December 1832

Decr

unnecessary. The Court of Foydarre Adalat have already called upon the Joint Crimi=nal Judge upon review of former Reports to abstain from inserting the evidence in detail, and though he has not entered into such a full detail as before, the joint Criminal Judge might still very much abbreviate this portion of his Report with great advantage.-

Ca

Malabar Report V Case 334.

3 It is shewn in the column of "remarks" that this case is under examination" waiting witnesses for the defence." In the Circular order of the 18th February last it was declared that Criminal Judges might use their discretion in committable cases in allowing the Prisoner to cross examine the witnesses for the Prosecution: and at the conclusion of the order it was in=timated that a provision was about to be inserted in a new Regulation to empower Criminal Judges to take evidence on behalf of the accused. As this Regulation, however, had not been promulgated and the proceeding is not mandated by clause 3d Section IX Regulation X of 1816 the Provincial Court of Circuit will direct the case to be disposed of without delay.-

Ca

Say

Sup. Report Case 116.

4 The Provincial Court of Circuit will call upon the Magistrate to state whether any orders of Government

12th December 1832 Government have been received regarding this case.-

Ordered, that Extract of these Proceedings be sent to the Pro=vincial Court of Circuit in the Western Division, for their information and guidance by precept, returnable without delay.-

/Sent following precept No 719/

Read letter dated 1st Ultimo, from the late Acting Judge on Circuit in the Centre Division - transmitting the pro=ceedings in Cases Nos 1 & and 25 of the Calendar for the final decision of the Foydarre Adalat.-

/Here enter No 720./

The Court of Foydarre Adalat having maturely considered the proceedings held before the Judge on Circuit, the futwas of the Provincial Law Officer, and the futwa of the Cazee=ool Coozat and Mooftees of the Foydarre Adalat, confirm such part of the futwa of the Cazee ool Coozat and Mooftees aforesaid, as acquits the Prisoners,

1st Baray Nagadoo,
3d Neeracutta Aboologaudoo,
and
6th Jadagoony Bolegaudoo,

of the crime charged against them, but being of opinion that strong suspicion attaches to them, the Court direct under clause sixth Section II Regulation XV of 1803 that they be severally required to find security for their good behaviour and appearance when required within the (3) three years in two sureties of 200 Rupees each

No 19 Nos Boid and Nos Nuckston

12th December 1832

each, or in default thereof that they be detained for that period in confinement.

The Court of Zoujdaree Adalut being of opinion that the proof against the Prisoners,

1st Cateeum Chinna Soobbeeaudy,
2d Cateeum Vaddy Yeneeala,
3d Annah Poolegaudoo,
4th Canatum Poboolugadoo,
and
5th Bhoomeeaudy Ramoodoo,

is sufficient to convict them of murder under the authority vested in them by clause first section II Regulation I of 1818, so convict the said Prisoners thereof and adjudge them to be severally transported to such place or places beyond sea as the Right Honorable the Governor in Council shall appoint there to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of their natural lives.-

No 25. The Prisoners in this case being convicted and sentenced to transportation for life in No 19 of the same Calendar, the Court of Zoujdaree Adalut consider it unnecessary to pass judgment in this trial.-

/ Sent following letter No 720 /

Read letter, dated 26th ultimo, from the second Judge of the Court of Circuit in the Centre Division, submitting Case No 1 Chittoor Calendar 4th Quarterly Sessions 1832.- / Here enter No 690 / The

12th 7th December 1832
Mr Bird
and
Mr Thoiston

The Court of Zoujdaree Adalut having maturely considered the proceedings held before the Judge on Circuit, the futwa of the Provincial Law Officer, and the futwa of the Cazee-ool-Coozat and Mooftee of the Zoujdaree Adalut, confirm such part of the said futwa of the Cazee-ool-Coozat and Mooftee aforesaid, as convicts the Prisoners,

2d Annah,
3d Gennatalow Timmadoo,
4th Nacka Chemadoo,
and
5th Nulla Paupadoo,

of the crime of Gang Robbery attended with aggravating circumstances for which the penalty is specially announced in clause second Section IV Regulation XV of 1803, and accordingly sentence them to be severally transported to such place or places beyond sea as the Right Honble the Governor in Council shall appoint, there to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of their natural lives respectively.-

The Court of Zoujdaree Adalut being of opinion that the proof against the Prisoner,

1st Codagadoo,

is sufficient to convict him of Gang Robbery attended with aggravating circumstances do convict him thereof under clause 1st Section II Regulation I of 1818 and under clause second Section IV Regulation

12th Dec

12th December 1832

Regulation XV of 1803, sentence him to be transported to such place or places beyond sea as the Right Honorable the Governor in Council shall appoint there to be imprisoned and kept to hard labor in Irons on the public roads or other public works for and during the period of his natural life.

/Sent following Letter No 731/

L. M

Read return dated 4th Instant from the Provincial Court of Circuit in the Northern Division to precept of the 20th Ultimo directing that in all cases where a prisoner may plead guilty upon his Arraignment the evidence to the facts standing such confession should be taken notwithstanding such confession.

/Here enter No. 1033/

Read letter dated 5th Instant from the Provincial Court of Circuit in the Northern Division transmitting a further return to the Courts precept of the 22nd October last containing the remarks on the Criminal Reports for August last.

/Here enter No. 1032/

J. M.

At a Court of the Toujidare Adalats.

Present.

Saturday 15th December 1832.

C. M. Washington Esqre 1st Puisne Judge.
John Bird Esqre 2d Puisne Judge.
William Hudleston Esqre 3d Puisne Judge.

Read letter from the 1st Judge of the Provincial Court of Circuit in the Centre Division dated the 4th Instant, transmitting a Copy of the 2d Supplemental Calendar of the Sittings 3d Quarter Sessions 1832.

(Here enter No 1031)

Case 2 / It is a matter of surprise to the Court of Toujidare that the 1st Judge in making application for mitigation of punishment in Nos 3 and 4 of this Calendar, should not have stated that the Prisoners were likewise concerned in this Case. No mention is made of the circumstance, nor has the trial been referred to them. Viewing the case however as precisely similar to the two others, in which the same parties were concerned, which have been laid before them, they do not consider it necessary to call for the trial, but decide that the sentence passed on them proceedings under date the 15th Ultimo, may be

be carried into effect.-

Cases. 2 It does not appear that in this case a second futwa was required in regard to the 1st. Prisoner as prescribed by clause fourth Section II Regulation XV of 1803. The sentence however is correct, suspending Bud to have been awarded.

3 The Court consider it proper to notice the late period at which the Calendar under review has been forwarded and to enjoin the 1st. Judge to be particular in avoiding similar delay for the future.

Ordered, that Extract from this Proceedings be sent to the 1st. Judge of the Provincial Court of Circuit in the Centre Division, for his information and guidance.

(Sent following Letter No. 723)

Read Letter, dated the 2nd. Octr. 1832.

Mr. Bird & Mr. Huddleston

Letter from the late Acting Judge of Circuit in the Centre Division, transmitting the record of trial in case No. 2 on the Cumlum Calendar, for the 2nd. Septr. 1832.

(Reference No. 991)

The Court of Foujdaree Adaulut having maturely considered the proceedings held before the Judge on Circuit, the futwa of the Crown Law Officer, and the futwa of the Cazee ool Cozat and Mooftees of the Foujdaree Adaulut, confirm such part of the said futwa of the Cazee ool Cozat

Cozat and Mooftee aforesaid, as acquits the Prisoners,

7th. Boya chemmo ragadoo,
8th. Shutto Bingadoo,
and
9th. Woopara Bommoroo,

of the crime charged against them but considering that strong suspicion attached to them the Court of Foujdaree Adaulut direct under clause 2nd Section II Regulation XV of 1803, that they be each required to produce security for their good behaviour and appearance when required within 3 years or in default thereof that they be severally detained in confinement for that period.

The Court of Foujdaree Adaulut being of opinion, that the proof against the Prisoners,

1st. Hunta Achea gadoo,
2d. Baliya Appeegadoo,
3d. Sinka Bundgee
4th. Saomundee,
5th. Rajah alloh ummud,
and
6th. Comatie Sorkadoo,

is sufficient to commit them of Gang Robbery attended with great personal violence to commit them thereof under Clause first Section II Regulation I of 1818 and under clause 2nd Section IV Regulation XV of 1803 adjudge them to be severally transported to such place or places beyond Sea as the Right Honorable the Governor in Council shall appoint, there be imprisoned and kept to hard labor in irons on the Public

Roads

15th Dec. 1832.

roads or other Public works for and during the period of their natural lives respectively.

(Sent following letter N° 724.)

The Court of Longparee Ordinat deem it proper to recall the attention of the late Acting Judge on Circuit to their Circular orders of the 4th and 8th March 1822 requiring an abstract of the evidence to be given on the letters referring Criminal trials. The Court further desire to be informed what penalty was inflicted on the Police Officer for neglecting to hold an inquest upon the body of the deceased Davadoolos. Evidence must however have been procurable to shew the nature of the injury received by him and this defect should have been supplied by the Criminal Court and in default of that authority it should have been called for by the Judge of Circuit.

Ordered, that Extract of these proceedings be sent to the late Acting Judge on Circuit in the Centre Division for his information and guidance by Precept, returnable without delay.

(Sent following precept N° 725.)

Read return, dated the 6th Instant from the Provincial Court of Circuit in the Northern Division to precept dated 26th Ultimo, shewing it to be necessary in order to the admission of a dying declaration, that it should be satisfactorily proved that the deceased at the time of making it was conscious of his danger and had given up all hope of recovery.

(Here enter N° 1542.)

F. 86.

At a Court of the Longparee Adalut.

Present,

Wednesday 19th December 1832.

C. M. Luckington Esqre 1st Puisne Judge
John Bird Esqre 2d Puisne Judge
William Houldesten Esqre 3d Puisne Judge

Read petition presented on the 28th November, by Caupat of the Zilla of Salem.

(Here enter Petit. N° 97 of 1832.)

The object of this petitioner is to obtain the release of the Petitioner's husband and another who have been sentenced to five years imprisonment by the Court of Circuit.

There is no appeal from the sentence of the Court of Circuit, and on reference to the Calendar, there appears no reason to question the propriety of the sentence passed on the two Prisoners in question.

Ordered, in consequence, that the petition be rejected, and that Extract from these proceedings be furnished to the Petitioner under application.

Read return, dated the 15th Instant from the 2d Judge of the Provincial

19th Dec.r 1832.

Provincial Court of Circuit in the Centre Division, to precept dated 10th Instant returning the record in case No.2 Chilton Calendar 4th quarterly Sessions 1832, directing him to dispose of this Case under the Regulations.

(Here enter No.1049)

Read return, dated the 18th Instant, from the Provincial Court of Circuit in the Northern Division, to precept of the 29th Ultimo, requiring the fine levied in case No.08 of the Gunton Criminal Report V of July last to be returned to the Prisoner.

(Here enter No.1051)

Read letter dated the 11th Instant, from the Acting Judge of the Court of Circuit in the Western Division, reporting that the 10th January next is the day appointed for the opening of the Sessions at Calicut.

(Here enter No.1054).

Read return dated the 13th Instant from the Judges of the Provincial Court of Circuit in the Centre Division, to precept of the 10th Instant requiring further explanation regarding the Criminal Reports of the Centre Division for June last.

(Here enter No.1047)

19th Dec.r 1832.

Read letter dated the 13th Instant from the 2d Judge of the Court of Circuit in the Centre Division with copies of Chilton 2d Supplemental Calendar 4th Quarterly Sessions 1832.

(Here enter No.1048)

Read letter from the Provincial Court of Circuit in the Northern Division dated the 15th Instant transmitting explanations relating to the Criminal Reports for September 1832.

(Here enter No.1052)

Read Return, dated the 15th Instant from the Judges of the Provincial Court of Circuit in the Centre Division to precept dated 13th Instant, containing the Courts observations and orders upon the review of the Criminal Reports for October last.

(Here enter No.1050)

At a Court of the Toydaree Udalut,

Present

Saturday 22d. December 1832 } C. M. Washington Esqr. First Puisne Judge
John Baird Esqr. Second Puisne Judge
William Middleton Esqr. Third Puisne Judge

The Records of the Trials No. 2 of the 1st. Quarter Sessions at Chittoor of 1832, and No. 17 of the Cuddapa Calendar Second Sessions 1832 not having been received.-

Ordered, that the late Acting Judge of Circuit in the Centre Division be required to explain the cause of their detention, and to transmit them without further delay by precept, returnable within 10 days after its receipt.-

Sent following precept No. 736

The record of the trial No. 9 Combaconum supplemental Calendar Second Sessions 1832 called for by this Court on the 2d. Ultimo not having been received.-

Ordered, that the 2d. Judge of the Court of Circuit in the Southern Division be required to transmit it without further delay by precept, returnable within 10 days after its receipt

Sent following precept No. 737

The record of the Trial No. 8

22d December 1832

Tinnevelly Calendar 2d Sessions 1832 returned by this Court on the 1st September last to the 3d Judge late on Circuit in the Southern Division for the purpose of having certain requisite additional evidence obtained not having been received.-

Ordered, that the Judge on Circuit in the Southern Division be required by precept returnable within 10 days after its receipt, to direct the Joint Criminal Judge of Tinnevelly to transmit the said record without further delay.-

Sent following precept No 738

J. M

2nd

Ent L

Wm M

At a Court of the Zillah Judicature.

Present,

Thursday.
27th December, 1832. C. M. Lushington Esqre 1st Puisne Judge
William Sibbald Esqre 2nd Puisne Judge

Read letter, dated the 20th October last, from the First Judge on Circuit in the Western Division, submitting case No 8 Malabar Calendar 2nd Sessions 1832.-

(Here enter No 888 of 1832)

The Court of Zillah Judicature on mature consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the prisoners,

1st Menatanatten Roman Nair, and
2nd Tekoonatten Parangodan Nair,

is sufficient to convict them of murder, do convict them thereof under Clause first Section II Regulation I of 1818 and adjudge them to suffer death as prescribed by Section IX Regulation VIII of 1802 by Crucifixion at the usual time and place of execution.

The Court of Zillah Judicature are wholly unable to ascertain from the statement in the 3rd paragraph of the letter of the 1st Judge reporting the trial, that "Govt v Skeleton" was abscorded, which was not discovered only afterwards by the observation

that the cloth, which the deceased wore, when she proceeded in company with the first prisoner was not found near the remains: whereas it is proved beyond all possibility of doubt that besides the cloth the articles from 3 to 7 were found there, and the bangles on the right arm of the Corpse.

2. In the concluding paragraph of his letter the first Judge, after stating that the circumstances deposed to are calculated to impress on his mind strong presumption of the prisoners guilt, observes "nevertheless adverting to the fact of the "Skeleton found not having been identified "as being the relick of the alleged deceased "Koongatoomah (which perhaps may be "considered to form legitimate grounds in "fear of capital punishment) still I would "beg leave to suggest that the 1st prisoner be "sentenced to such punishment short thereof "as in the opinion of the higher Court he may "appear deserving of and that the second be "not released, except under very heavy security "for his future good behaviour and appearance "when required.

3. The identification of the remains as those of the said Koongatoomah does not in the opinion of the Court admit of the slightest doubt: the different Articles found upon, and near, the Skeleton are proved to have been held by the testimony of many witnesses among whom are her husband, her brother and her cousin: the husband states that the bangles on the arm were those which he had purchased and given to her would alone be sufficient identification but supposing the proof to this point to have failed and that there were in consequence no evidence of the murder of the said Koongatoomah, the prisoners must of course have been acquitted, and no punishment could have been inflicted on either of them.

Ordered that extract of these proceedings be sent to the First Judge of the Court of Circuit in the Western Division for his information.

That following letter No 709.

J. C.

The Acting Registar lays before the Court the following statements drawn up in his office, from the returns received this the Provincial Courts of Circuit, exhibiting the operations of the Village and District Police and the Magistracy, of the Criminal Courts, and of the Courts of Circuit, respectively, and he submits also an Abstract of the operations of this Court from the 1st of July to the 31st of December last according to the forms approved by Government.

(Here enter Nos 1 to 9 Nos 1 and 2.

Petty offences 1. From Statement No 1, with the details

Village Police

in 1832, it appears that the total number of persons brought before the Village Police in the above period for petty offences punishable by them was 2293, of these 1072 were acquitted, and 1221 were convicted and punished, 845 by confinement in the Village Choultry, and 376 in the Stocks.—

2 The following Statement of the persons summoned and punished in the half year under review in comparison with that of the preceding half year, shews that there was an increase in the number of persons brought before the Village Police, but a decrease in the proportionate number of convictions.—

	Persons summoned—	Punished.
From 1st January to 30th June 1831	1767	1044
do 1st July to 31st December do	2293	1221

3. It is however extremely probable as has been before observed by the Court, that many of the cases entered as acquittals were in fact either settled amicably by the parties or were not prosecuted to a conclusion.—

4. A column has been entered in the forms to be transmitted to the Court, which will for the future distinctly shew the number of persons dismissed under these circumstances.—

5. It is satisfactory to remark that in several districts there has been a considerable increase in the operations of the Village Police. In Canara there was an increase in the number of persons summoned before

before those authorities from 292 to 638, in Combaconum from 122 to 157, in Coimbatore from 249 to 281, in Cuddapah from 118 to 891, in Rajahmundry from 85 to 122, and in Timevelly from 34 to 74.—

6. In Vizagapatam there is no instance of a person having been summoned or punished by the Village Police; in the Districts of Chingleput and Masulipatam respectively only 1 and in Chittoor three. No cause is assigned by the Magistrate of Masulipatam for the great falling off in his District, the number brought before the Village Functionaries, during the preceding half year having been 126. In Trichinopoly there was an increase from 2 to 9. In all the other districts there has been no variation requiring notice or remark.—

7. The Magistrate of Cuddapah states that "in the course of his Circuit through the District "numerous complaints have been preferred by the "Ryots of the loss they sustain from Cattle and "other animals trespassing in their fields," and suggests that Heads of Villages should be empowered to take cognizance of such cases as matters of Police and to punish offenders by the imposition of fines not exceeding one Rupee. The Court conceive such an increase of the powers of Heads of Villages open to many objections. It would in all probability lead to innumerable false complaints and to much abuse of authority.—

The

District Police.

8. The total number of persons brought before the District Police, during the same period for petty offences punishable by them was 39,067, in addition to 2,468 persons, whose cases were not disposed of at the date of the last Report, making a total of 41,457 persons, being in excess of the number of persons brought before the District Police during the preceding half year, by 4634.—

9. Of the persons brought before the District Police during the period under review 25,076 were acquitted, 12,952 were punished either with or without reference to the Magistrate, and 3391 remained under examination at the close of the Report.—

10. In the number of persons acquitted by the District Police are included 1376 persons whose cases were dismissed in consequence of the accusations against them appearing to be wilfully false and malicious.—

11. It is also proper to remark that in the acquittals by the District, as by the Village Police, numerous cases are included, which were dismissed in consequence of the parties having compromised, or of the complainants not attending to prosecute, and which, as stated above, will for the future, be clearly exhibited by the introduction of a new column in the statement.—

12. The Court feel from notes appended to the statements or from the subject having been noticed in

in the reports of the Magistrate, that in the District of Vizagapatam there were 2944 persons released on Pazenamah, in Cuddapah 1319, in Guntoor 1923, in Masulipatam 131, making in these 4 Districts, a total of 7317, or about one third of the total number of acquittals. Supposing a proportionate number of similar cases to be entered in the other Districts, it would appear that nearly 2/3 of the acquittals consist of cases which were never brought to a conclusion.—

13. Of the above stated 12,952 persons who were convicted and punished by the District Police, 8,768 were fined, 1924 were confined in the Choultry, 457 in the Stocks, and 1803 were flogged.—

14. The sums remitted to the General Magistrate by the District Police on account of the fines levied from the 8,768 persons sentenced to that description of punishment amounted to 7,653 a. R.
Rupees 11——

15. There was an increase in the number of persons brought before the District Police during the half year under review compared with the preceding, to the extent of 4,634 persons. Complaints of petty assaults still constitute the main bulk of petty offences brought before the District Police, the total number of persons charged with this offence during the period under notice

notice was 37,650 of whom, 23,653 were acquitted, and 10,438 were convicted and punished without reference to the Magistrate, and 472 after reference to that authority.—

16. In the Zilla of Coimbatore, 16 persons were punished by the District Police for using false weights and measures, an offence, which is only cognizable by Magistrates under Section LIV Regulation XI of 1816. The Court desire that this may be pointed out to the Magistrate of Coimbatore, and that he be instructed to caution the Police of his District against similar illegality of proceeding for the future.—

17. It would appear that in Guntoor 282 persons were brought before the District Police during the period under review for having been concerned in affrays, and that the same number of persons were under examination at the close of the Report.—This requires explanation.

Magistracy. 18. At the close of the half year ending the 30th June 1831, there were 150 persons accused of petty offences before the Magistracy, whose cases were undisposed of, and in addition to these, 5,512 were brought before the same authorities during the half year under review, making a total of 5,662.—Of these 3,173 were acquitted, the accusations against 213 having been declared wilfully false, and 2,379 were convicted and punished, 1,814 by fine

fine, 609 by imprisonment, and 166 by flogging.—leaving 110 under examination at the close of the half-

19. The only offence in these statements which is remarkable as being of an unusual nature is, that of "disobedience of orders." It is necessary that the Magistrate of Madura in whose District 16 persons were accused and acquitted of the offence in question before the District Police, and 26 persons were convicted and punished by the Magistracy, should explain the precise nature of the orders, which the parties were accused of disobeying.—

Crimes and Misdemeanours. 20. The total number of Crimes and Misdemeanours committed during the half year ending the 31st December 1831, as exhibited in Statement 3 with its details in 2 Nos amounts to 8,596 in which it is supposed 18,192 persons were concerned, giving 9 to each case and 2,139 persons less than in the preceding half year.—

21. Of the 18,192 persons estimated to have been concerned in the cases reported as having occurred during the period embraced in this report, 1,007 are supposed to have escaped apprehension.

22. In Murder there was an increase of 24 Cases, and in House breaking by night there was an increase of 139 cases, but it is satisfactory to observe that in almost all the other cases of crimes of a heinous nature, there was a decrease, in Culpable Homicide to the

the number of 21 Cases, in Robbery and murder 1 Case, in Gang Robbery 23¼ Cases, in Theft 84 Cases, Arson 57 Cases, Rape 6 Cases, and in maiming and wounding 46 Cases.—

23 On referring to the Statements from the several Districts, it appears that there was a decrease in the number of crimes and misdemeanors in Bellary, Canara, Chingleput, Coimbatore, Guntoor, Masulipatam, Rajahmundry, Salem and Vizagapatam, and an increase in Cuddapah, Ganjam, Malabar, Trichinopoly, Verdachellum, Chittoor, Combaconum, Madura, Nellore and Tinnevelly. In the last five Zillahs the increase is very trifling.—

24. In examining in detail the Reports and Statements submitted by the several Magistrates, the following particulars have attracted the attention of the Judges of the Court of Sudder Adalut.—

Northern Division

Ganjam

25. In Ganjam there is a great increase in the number of persons supposed to have been concerned in Crimes and Misdemeanors, and the Court regret to observe that a very small proportion of the Criminals were apprehended; out of 60 Cases of Gang robbery in which 1665 persons were supposed to have been concerned only 61 persons concerned in three Cases were apprehended. The Magistrate explains this to have arisen from "the rest being all Hill "people of the Curlah Kimedy Zemindary where it is "exceedingly difficult to seize offenders."—

May

Vizagapatam 26. A similar result is observable in respect to Vizagapatam in which Zillah out of 4686 persons supposed to have been concerned in Crimes and Misdemeanors 4094 are reported as having escaped detection. The greater part of this number are persons supposed to have been concerned in Gang robberies, and who taking shelter in the surrounding hills have thereby avoided apprehension.

27. The Magistrate states that these numbers are in all probability greatly exaggerated, as the reports are generally received from the Naicors of the Villages with whom it is usual to report that a village was attacked by three or "four hundred armed men when the gang may "have consisted of twenty or thirty." The Court likewise consider it probable that several robberies were committed by the same Gang, whose supposed numbers are thus calculated several times over. The Court cordially join with the Magistrate and acting Joint Magistrate in the hope they express that the recent increase of the Salaries of the Ameens of Police may, by rendering those Situations an object of ambition to persons of higher talents and greater respectability than those who have hitherto been employed, tend materially to increase the efficiency of the Police of the District. The acting Joint Magistrate of Vizagapatam noticed "two Sporits in the existing

Regulations

"Regulations which appear to him to require a change".
The first is in reference to the Magistrate not having
power to punish resistance to the decree of the
Collector in summary suits, and the second regards
false imprisonment by unofficial persons in
the first point the Court observe that there can
be no question as to the correctness of the construction
of the Regulation to which the acting Joint Magistrate
refers — In respect to the 2d point the Court in their
Proceedings of the 3d May last, directed that in cases
of the kind referred to, the parties should be
sent to the Criminal Judge with whom it would
lie "to determine after consulting with the
"Mahomedan Law Officer whether he could take
"cognizance of it as an offence under the
"Regulations."

Rajahmundry 28. It is satisfactory to observe that in
Rajahmundry there has been during the last year under
review a general decrease of crime. Of the persons
supposed to have been concerned in the commission
of Crimes and Misdemeanours more than one half were
not apprehended, but as by far the greatest portion
of crimes entered in the Statement, are cases of House
breaking by night it is more than probable that
the numbers of the persons engaged have been much
over rated.—

Masulipatam 29. In Masulipatam likewise there
has been a general decrease of crime and the Court
have

have more especially great satisfaction in observing
the very considerable reduction in the number of
Gang robberies, the number in the last half year
being 38 in which 183 persons were supposed to
have been concerned; and in that under review, only
15 Cases and with 304 persons a result which is
very fairly attributable to the zeal and efficiency
of the Magistracy of the District.—

Guntoor 30. In Guntoor there is also a decrease
in the number of crimes. The greater number are cases
of Gang robbery which the Magistrate states are
undeserving of that appellation "being merely the
"depredations committed by the low caste people
"in the villages on the produce of the fields and
"are attributable to the continued low price of
"Grain, the failure in the produce of the
"inferior kinds of grain and cotton which
"threw many indigent people out of employ."
In concluding his report the Magistrate states that
"he considers it necessary to remind the Court on
"the subject of remunerating the Heads of
"Villages for their trouble and that unless some
"recompence is granted to them officers, he cannot,
"(he fears) induce them to use such exertion
"as are requisite for the improvement of the Police."
The Court have already expressed their sentiments
on the subject in the 10th & 11th paras of their
Proceedings

22 27th December 1832.

"Regulations which appear to him to require a change".
The first is in reference to the Magistrate not having
power to punish resistence to the decrees of the
Collector in Summary Suits, and the second regards
false imprisonment by unofficial persons. On
the first point the Court observe that there can
be no question as to the correctness of the construction
of the Regulation to which the acting Joint Magistrate
refers — In respect to the 2d point the Court in their
Proceedings of the 3d May last, directed that in cases
of the kind referred to, the parties should be
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of Crimes and Misdemeanours more than one half were
not apprehended, but as by far the greatest portion
of crimes entered in the Statement, are cases of House
breaking by night it is more than probable that
the numbers of the persons engaged have been much
over rated.—

Masulipatam 29. In Masulipatam likewise there
has been a general decrease of crime and the Court
have

have more especially great satisfaction in observing
the very considerable reduction in the number of
Gang robberies, the number in the last half year
being 38 in which 133 persons were supposed to
have been concerned, and in that under review only
15 Cases and with 80 persons a result which is
very fairly attributable to the zeal and efficiency
of the Magistracy of the District.—

Guntoor 30. In Guntoor there is also a decrease
in the number of crimes. The greater number are cases
of Gang robbery which the Magistrate states are
undeserving of that appellation "being merely the
"depredations committed by the low caste people
"in the villages on the produce of the fields and
"are attributable to the continued low price of
"Grain, the failure in the produce of the
"inferior kinds of grain and cotton which
"threw many indigent people out of employ."
In concluding his report the Magistrate states that
"he considers it necessary to remind the Court on
"the subject of remunerating the Heads of
"Villages for their trouble and that unless some
"recompence is granted to these officers, he cannot,
"(he fears) induce them to use such exertions
"as are requisite for the improvement of the Police."
The Court have already expressed their sentiments
on the subject in the 7th & 9th paras of their
Proceedings

Proceedings under date the 17th June 1830, and they do not in consequence consider it necessary to state further than that they still adhere to the opinion there expressed of the expediency of putting this branch of the Police on the same footing as in other Districts.—

Nellore. 31. In Nellore there has been a trifling increase in the Commission of crime during the last year under review which is ascribed "to the assumption of the mauniums of the Cuttoobadies in the "Chomdry Zemindary and the consequent loss of "employment sustained by those who depended "on them for subsistence." Compared with the year preceding there was in the whole of the year 1831 a decrease in the number of crimes.—

Centre Division 32. In the Zillah of Chittoor there was

Chittoor. a slight increase in the last year under review compared with the preceding, in the latter there having been 230 cases with 1185 persons and in the former 248 cases and 1321 persons being an increase of 18 Cases and 136 persons. These numbers are principally composed of cases of Gang robbery, House breaking by night and Theft, and the Magistrate states in explanation of the number of persons who remained undiscovered that "of the persons apprehended in "the aforesaid crimes the greater part were from "the Mysore territory, Salem and the Cuddapah "frontiers and those commonly called Beadars

and

"are Southern Ceilers and not Inhabitants of "North Arcot." The Court trust that the considerable increase sanctioned by Government on the 20th January 1832 to the Police Establishment of this District, will add to its efficiency, and produce a more satisfactory result than that exhibited by the Statement now under review.—

Cuddapah 33. In Cuddapah there was in the half year under review compared with the preceding an increase to the extent of 60 cases and 64 persons, but in the whole of the year 1831 there was in comparison with the two preceding years a decrease in the most serious crimes, as exhibited in the Statement entered in the margin. The Joint Magistrate explains that of the 199 offences of a serious nature committed in his Division in 1831 were cases of "House "breaking, the greater portion however of the "offences so classed are of a less serious nature "than the term would imply they are chiefly "committed by persons of the Coravar Caste, and "other low Castes, and are seldom attended with "violence or aggravating circumstances."

Bellary— 34. In Bellary there is a considerable decrease in the number of crimes and Misdemeanours committed, and the Statement shews that the greater part of the offenders were

were apprehended and disposed of according to the Regulations. The Magistrate has however failed to submit the detailed report on the state of the police of his district, directed in the 37th para of the Minutes of Consultation of Government dated the 24th September 1830. The Court direct that this Report be on no account omitted on future occasions, and that if not furnished, it be peremptorily called for, by the Provincial Court.—

Chingleput 35. In Chingleput & Tinevelly there was, to use the words of the Magistrate, "a considerable "deminution of crime and greater success in the "apprehension of offenders than in the preceding "half year," a result which is considered highly satisfactory.—

South Arcot. 36. In South Arcot there was an increase in the number of cases, but a decrease in the number of persons supposed to have been concerned in them. The Court regret to observe that by far the greater proportion of persons concerned in Cases of Gang robbery and house breaking by night remained undiscovered at the date of the report. In fact of 40 persons supposed to have committed the latter crime, only one was apprehended, a result which cannot be considered otherwise than highly discreditable to the Police of the District. The Magistrate states that his attention

attention is particularly directed to the subject of the number of Gang robberies committed in his District, and the Court anticipate the best result from this officer's exertions.—

Southern Division Trichinopoly. 37. Compared with that preceding there was a considerable increase in the number of crimes and misdemeanors committed in Trichinopoly during the half year under review, there being in the former 197 Cases and 346 persons estimated to have been concerned, and in the latter 138 Cases and 478 persons, of whom only 235 were apprehended.—

38. The Court consider it necessary to review in detail the report of the late Acting Magistrate on the state of the Police in his District.—

Para 2. 39 In the 2d para the Acting Magistrate states that he by no means wishes the Foregoing Statement to believe that the statements forwarded by him contain all the crimes committed in his District during the six months under review. "They contain those "only that are reported. How many more there "may be not brought to the notice of the "Magistrate it is impossible to say." The Acting Magistrate in this statement does not take into account that many of the cases reported

may

11 and 12. 45.

extended to Magistrates and Criminal Judges, the powers vested in Courts of Circuit, by section XXIII Regulation IX of 1816, of rewarding meritorious service rendered by Police Officers, and others, it is not now necessary to enter into a discussion of the suggestions contained in these paras.—

46. The Acting Magistrate states that "should a conviction take place, the Circuit Judge "knows nothing of the offered reward, and unless "the Magistrate keeps his eye upon the trial, watching "its result by means of his native servants, it "generally happens that nothing is done in the "way of payment."—

47. This appears to the Court to be an extraordinary statement, and if such be the case, they are satisfied that it must be confined to the Zilla of Trichinopoly. The proclamation offering rewards should always be placed upon the preliminary proceedings, and under the Circular instructions of this Court dated the 10th December 1831, the sentences passed by the Courts of Circuit and Zillah Adalut are to be communicated monthly to the several Magistrates, the difficulty complained of by the Acting Magistrate of Trichinopoly will cease to exist.—

The

14 and 15. 48. The Provincial Court have satisfactorily pointed out to the Acting Magistrate the error into which he had fallen in the remarks contained in these paras.—

Tinnevelly. 49. In the District of Tinnevelly there was a slight increase in the number of Criminal and Misdemeanours committed during the half year under review compared with the preceding. In Murder, there was an increase of 5 Cases, which the Magistrate thus explains "Deaths "to that number occurred in a dispute of "right and left hand Caste in the Padmanundu- "lum Taluk among the lower Classes on account "of the performance of certain ceremonies at a "Village Car, and it was necessary to "examine and forward each charge of "murder separately to the Criminal Court."—

50. The Court do not concur with the Magistrate in his suggestion that Talukdars should be authorized to take depositions on oath. They see no good that is likely to arise from the measure, which on the contrary would lead to a more frequent commission of the crime of perjury.—

Madura, Combaconum, Salem. 51. No particular comments appear to be called for on the reports from Madura, Combaconum and Salem. In the two former there was a trifling increase, and in the latter a decrease

in

2 29½ 11 and 12. 40.

Section 6

in the number of crimes committed during the last
half year of 1831 compared with the preceding.—

Coimbatore — 52 In Coimbatore there was likewise a
decrease, but the Magistrate of that District has failed
to furnish the report on the state of the police called
for by the orders of Government. The Court desire that on
all future occasions, the several Magistrates may be
peremptorily ordered either to submit the report in
question with the half yearly statements or to shew
good and sufficient cause for their failure in so
doing.—

Western Division 53. There was a considerable increase in
Malabar. the half year under review in the number of crimes
committed in Malabar compared with the preceding.
The increase is principally occasioned by a
greater number of breaches of the revenue laws.
But there was also a serious augmentation of
the number of charges of house breaking by
night. The late Magistrate of this District having
failed to submit the detailed report required
on the state of the Police, the present Magistrate
who has recently joined, has confined his remarks
"to those crimes the perpetrators of which have
"altogether escaped detection during the last
"year."—

54. The Court trust the Magistrate
will

27th December 1832.

will stimulate the Police of his District to use
their utmost exertions to effect the apprehension
of the Perpetrators of the three murders referred
to in the 3d 4th and 5th paras of his letter.—

Canara 55. There was a decrease in the
number of crimes committed in Canara in the
half year under review in comparison with
the preceding; but in the whole of 1831 compared

	Cases	Persons	
1830	571	1670	
1831	688	2538	

with 1830, there was a considerable increase, as
shewn in the Memorandum noted in the margin.
In explanation of this great increase the
Magistrate states that "the unfortunate state
"of this District during the early part of the
"year will account for a number of Petty crimes
"having been committed without any detection
"whatever, and the disturbed state of the Mysore
"frontier, led to certain robberies in the Sunda
"and Bilgi Talooks, which, it is most probable
"would never have been committed, had the
"frontier been in the usual state of peace
"and quiet."

4 56 The Court concur generally with
the Provincial Court in the remarks they have
offered in respect to the Magistrate's observations
relative to petty thefts. There is no doubt that
the greater liability of property to depredation
in this country than in England, in consequence

7

of the insecurity of the Houses, calls for the most vigilant exertions on the part of the Police for the apprehension of persons of suspicious character within their range, but care should be taken that this is not carried to an extent vexatious to the community.—

6 57 The Provincial Court have properly pointed out to the Magistrate the irregularity of making separate Cases of the robbery of several Individuals in one House.—

9, 10. 58 The Provincial Court have likewise very properly explained the fallacy of the Magistrates observations in respect to a want of incentive to the detection of crime and the apprehension of offenders. This Officer appears to have lost sight of the provisions of Sections XX, XXII and XXIII of Regulation IX of 1816 which provide sufficiently for the remuneration of meritorious services performed by Police officers and others, and Section X Regulation XIII of 1832 has since extended to Magistrates and Criminal Courts the powers vested in the Courts of Circuit by the last mentioned Section. The Court also think it proper to remark that the Magistrates doctrine as to not discharging an inefficient Police officer is wholly indefensible. If the officers of Police know that their pay will be retained and their offices maintained whether they do their duty or not, it is not surprising that

that they should prefer the latter alternative.—

59. The Provincial Court in the 6th Para. of their Proceedings state that "it is an advantage "of the office of Magistrate being joined to that of "Collector, that the European officer in his periodical "visits to every part of the District can ascertain how "far the People are aware of the prospect of reward "for assisting their neighbours in repelling attacks "on their lives and property and detecting offenders, "and of the immunity from Criminal prosecution "in the event of their committing homicide in the "vigorous execution of such acts, and the necessity "for such examination and communication might "the Judges think, to be impressed upon the "Magistrate and all their subordinates, European "and Natives."—

60. The Court fully concur in the justice of these remarks and propose to issue Circular orders to the several Divisions founded thereon.—

61 In the report of the Court Magistrate he states that "the House of a man "named Summa, residing at Seedapoor in the "Bilghi Talook, was burnt in the month of "February 1831, and he alleges that some person, "who he could not name, had maliciously set fire "to the thatch. As it would be improper on such vague

"vague grounds to assert that any body committed Arson
"I shall direct that such cases be not in future pleaded
"on record."

62. The Court observe that it was not competent to the Joint Magistrate to issue these directions and as the order appears to them to be inexpedient, they desire that it may be recalled.

63. The Joint Magistrate remarks in the 2d para of his letter that "16 men are said "to have come with the intent to rob a man's house, "but as they did not effect their object, I consider "that this case should not have been recorded."

64 The Court desire that it may be pointed out to the Joint Magistrate that in so doing he acted irregularly as the crime described by him is distinctly provided for in Clause fourth of Section IX Regulation XI of 1816.

65. The Court, in reference to the 6th para of the Provincial Court's proceedings, desire that the acting Joint Magistrate may be called upon for a detailed account of the cases referred to in the 5th para of his letter. The Acting Joint Magistrate is correct in stating that the duty of holding inquests on persons found dead necessarily devolves on Heads of Villages. The Provincial Court have mistaken the provisions of Section III Regulation IV of 1821, which does not delegate to subordinate officers

officers the duty devolving on Heads of District Police under Clause second Section XIII Regulation XI of 1816. The Acting Joint Magistrate from the observations contained in the 20th para of his letter appears to have an erroneous notion of the "practice" of the Courts and the effect of the Mahomedan Law as modified by the Regulations. The Court hardly consider it necessary to state that convictions on "circumstantial evidence" occur every day.

Nos. 5 and 6

66. Statements Nos. 5 and 6 exhibit the operations of the Criminal Courts from the 1st of July to the 31st December 1831.

67. By Statement No. 5 it appears that the total number of cases brought before those Courts during the six months including the cases not disposed of at the close of the last report was 1836 including 2273 persons.

68 In the preceding half year the number of cases before the Criminal Court was 1634 containing 2406 persons.

69. Of the cases thus shewn to have been brought before the Criminal Courts 88 were murder, 11 Cases of Culpable Homicide, 24 Cases of robbery and Murder, 271 Cases of Gang robbery, 20 Cases of robbery by a single individual, 15

Cases

Cases of Housebreaking by day, 228 Cases of Housebreaking by night, 448 Theft, 147 Cases of receiving stolen goods, 23 Cases of Arson, 8 Cases of Murder, 12 Cases of procuring Abortion, 18 Cases of Forgery, 30 Cases of Perjury 102 Cases of Maiming and Wounding, 186 Cases of Breach of Revenue Laws, 43 cases of Affrays &c &c.

70.

Of the 6273 persons thus brought before the Criminal Courts-

1088 in cases adjudicable by them were released unconditionally, against 5 of whom the charge was considered wilfully false and malicious-

369 were released on security-

343 were detained on demand of security-

1185 committed and punished-

727 released in Cases punishable by the Court of Circuit.-

1208 committed-

401 under examination- and

2 died.-

6273 total.

71

Of the 1135 persons committed and punished by the Criminal Courts-

568 were imprisoned-

272 fined-

9 Flogged-

42 Imprisoned and fined- and

244 Imprisoned and flogged-

1135 total

The

72. The number of persons committed and punished in the preceding six months was 812 and of these committed 107.-

73. From Statement No 5 it will be observed that during the last half year of 1831 the large number of 224 Cases with 495 persons were brought before the Criminal Court of Malabar, it is necessary to explain however, that a considerable proportion of these 224 Cases with 123 persons consist of Breaches of the Revenue Laws. An unusually large number of cases were also brought before the Criminal Courts of Chittoor and Chingleput- in the former it appears by a note appended to the Statement that 28 Cases with 81 persons were entered more than once which reduces the number to 116 Cases with 416 persons- in Chingleput as in Malabar a great proportion of the Crimes viz 87 Cases with 119 persons were Breaches of Revenue Laws.-

74 The smallest number of cases was before the Auxiliary Courts of Coimbatoor Madura only 26 Cases with 54 persons. It is right however to state that the Civil business in this Court is extremely heavy.-

Nos 7 and 8

75. Statements Nos 7 and 8 exhibit the operations of the Courts of Circuit during the same period.-

The

76 The total number of Cases brought before these Courts during the period under review was 398 including 306 persons being a decrease of 13 cases as compared with the last returns.-

77. Of the 306 persons who were committed, 110 were released unconditionally, against 8 of whom the charge appeared to be wilfully false and Malicious, 155 were directed to be released on Security, and 455 were convicted and punished, of these latter.-

24 were flogged and imprisoned for a term exceeding 7 years.-

47 flogged and imprisoned for a term not exceeding 7 years.-

195 imprisoned for 7 years and upwards without flogging.-

152 imprisoned for 7 years and under without flogging - and

37 fined and imprisoned.-

455 total punished

118 whose cases were referred to the Conjoara Cadastre.-

55 whose trials were postponed.-

38 returned to the Criminal Judge.-

61 discharged without trial.-

12 died.-

1 punished in other Case.- and

1 Incase.-

1306 total of persons committed.-

The

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78. The greatest number of Cases were brought before the Courts of Circuit in the Centre and Northern Divisions being in the former 108 Cases with 374 prisoners 15 of which including 13 persons were referred to the Court of Conjoara Cadastre and in the latter 125 Cases with 365 prisoners of which 15 Cases with 36 prisoners were referred to the Conjoara Cadastre.-

79 The total number of trials which were referred to the Court of Conjoara Cadastre from the four Courts of Circuit was 49 containing 118 persons of which 29 were referred from the nature of the offence making the reference necessary, and 20 Cases in which the Court of Circuit disapproved of the Sentence.-

80. Sixteen Cases in which there were 55 persons were postponed to the next sessions.-

No 9

Statement No 9 exhibits the

81. operations of the Conjoara Cadastre during the same period.-

This statement shews that at the

82. date of the last report 5 trials containing 129 persons remained to be disposed of and that during the half year under review there were 69 more trials received including 209 persons making a total of 74 trials and 338 persons.- Of

83. Of these 74 Trials 28 were for murder including 57 persons; 14 for Robbery and murder, 14 for Gang Robbery, 4 for Robbery by single individuals, 1 for House breaking by night, 1 for Rape, 3 for Perjury, 1 for Forgery, 3 for Gang Robbery and arson, 1 for Robbery and rape, 1 for Manslaughter and 1 for Gang Robbery Arson and Murder.-

84. Of the 74 trials before the Court 71 were disposed of during the half year under review-

85. The trials contained 322 persons of whom

32 were released unconditionally-

58 directed to be released on Security.

28 to suffer death.-

23 Flogged and Transported-

22 Transported without flogging-

1 Flogged and imprisoned for more than 7 and not more than 14 years-

107 imprisoned for more than 7 and not more than 14 years without flogging-

28 Imprisoned for 7 years and under without flogging.

86. Of the 71 Trials disposed of there were 30 cases in which the Judges differed in opinion over ruled the finding of acquittal under the provisions of Section II Regulation I of 1818 in 7 of which the finding of acquittal was founded on exceptions to the competency of the witnesses and in the remaining 23 on the

state insufficiency of the evidence given.-

87. These 30 trials included 78 prisoners of whom 22 were sentenced to suffer death-

23 Flogged and Transported.

11 Transported without Flogging

1 Flogged and imprisoned for more than 7 and not more than 14 years.

10 Imprisoned for more than 7 and not more than 14 years without flogging-

11 Imprisoned for 7 years and under without flogging.

88 Three trials with 16 persons remained to be disposed of on the 31st of December 1832 and which were so disposed of within fifteen days afterwards.-

89 The grounds on which the finding of acquittal were over ruled in the 23 Cases in which they were founded on the insufficiency of the evidence will be found detailed in an Appendix to these proceedings.-

90 The Court beg to state that the delay which has arisen in submitting this Report has been occasioned by the late Magistrate of Malabar having failed to furnish (tho repeatedly called for) the report on the state of his District and which report was only received from the present Magistrate on the 2d Instno.-

91 The whole of the Reports for the four

first half of the present year have been received, and will be submitted at an early date.—

Ordered that the Statements above referred to, with extract from these Proceedings and Copies of the communications from the four Provincial Courts of Circuit be submitted to the Right Honorable the Governor in Council through the Secretary to Government in the Judicial Department.—

Sent following letter No.

Ordered also that extract of these proceedings be sent to the four Provincial Courts of Circuit for their own information and guidance and that of the authorities subordinate to them such parts thereof as concern them respectively.—

Sent following Circular letter No.

Ordered likewise that copies of pages 52, 59, and 60 of these proceedings be sent to the 4 Provincial Courts of Circuit for the information and future guidance of the several Magistrates in their respective Divisions.—

Sent following Circular letter No.

Appendix

The following is an abstract of the grounds of conviction in the 23 Trials disposed of by the Foujdaree Adaulut under Section II Regulation of 1818 from the 1st of July to the 31st December 1832.—

No 9 Patton Calendar 2d Quarterly Sessions of 1832.

The Prisoner, Amiah, was charged in this

case with having violently assaulted one Aloor Dengarah, the Prosecutor's Brother in the high road and thereby caused his death.—

The Futwa of the Provincial Law Officer acquitted the Prisoner on the ground of the witnesses differing as to the number of blows inflicted and adverted to other trifling variations in their evidence. The Cazee-ool-Cazat and Mooftee of the Foujdaree Adaulut also acquitted the Prisoner considering the discrepancy in the testimony of the three principal witnesses to be such as to render it inadmissible in Law. In the opinion of the Judge who presided at the Trial there was no doubt that the deceased had been violently assaulted and that he languished from the effects of the assault until death relieved him from his sufferings. The Court of Foujdaree Adaulut having maturely considered all the circumstances of the case in evidence before them were of opinion that the proof against the Prisoner was sufficient to convict him of culpable homicide; and, in commutation of the penalty of Death awarded by the Law Officers in their second futwa the Court of Foujdaree Adaulut adjudged him to be imprisoned and

kept

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kept to hard labor in Irons on the public roads or other public works for the period of 14 years.—

No. 26 Combaconum Calendar 2d Session of 1832.

The Prisoner Arnachellum in this case was arraigned on the charge of having gagged and thrown into a well the Deceased and after having mutilated his person and taken from him jewels to the value of 31/2 Rupees.—

The Law Officer of the Court of Circuit in his futwa convicted the Prisoner on strong presumptive proof of the crime laid to his charge. The Presiding Judge had no doubt from the evidence that if the Prisoner was not the actual murderer, he was a party concerned in taking away the life of the deceased, all the jewels, excepting a pair of earings worth only a few fanams which were left on the body and the cloth worn by the deceased it was clearly proved were found in the Prisoner's house, which from the evidence and the plan submitted by the Tahsildar was near to the spot where the corpse was found: and at the very time of his apprehension, it was proved that the Prisoner had on a cloth stained with blood. The Cazee-ool-Coozat and Mooftee of the Fouzdaree Adalut held the Prisoner to be liable to suspicion only of having been an accomplice in the murder of the deceased. The Court of Fouzdaree Adalut were perfectly convinced from

from the perusal of the Proceedings that the Prisoner had aided and assisted in the brutal murder of the deceased. The Prisoner endeavoured to account for blood being on his cloth when apprehended by referring to the sores on his cattle and also by avering that he had embraced the dead body of the child. It was proved that other clothes belonging to the Prisoner and found in his house had marks of blood upon them. The Prisoner wished to shew that, so far from concurring in the murder, he had on the night the Boy was missing assisted in searching for him: but his witnesses denied the truth of his assertion to this effect. The Court of Fouzdaree Adalut under these circumstances considering the Prisoner to have been guilty of murder adjudged him to suffer death as prescribed by Section X Regulation VIII of 1817 by being hanged at the usual time and place of execution.—

No. 9 Madura Calendar 1st Session 1831.

The Prisoners in this case

1st Tungah Curpen
and
2d Seva Karranan

stood charged before the Court of Circuit with having murdered Senagamy the wife of the first Prisoner and Daughter of the Prosecutor by hanging her up to a Beam at midnight.—

The

The Provincial Law Officer held the first Prisoner convicted on strong presumptive proof of having been an accomplice in the murder but that there was only ground for strong suspicion against the second. The Presiding Judge was of opinion that both Prisoners stood convicted of the crime charged against them. The Cazee-ool-Cozat and Mooftee of the Foujdaree Adalut declared in their futwa that there was not proof sufficient to convict either of the Prisoners, but that they were not free from suspicion of having killed the deceased. In the Court of Foujdaree Adalut it appeared clear that the Prisoners were both engaged in the murder of the deceased. The first and second witnesses deposed against the Prisoners to the following effect. They were sleeping in a house situate near to that of the deceased when, about midnight they heard (Savagaroy) the deceased cry out that the said Prisoners were killing her: that they immediately proceeded to the house and enquired what was the matter when the two Prisoners came into the Verandah and bid them not to meddle with their domestic affairs. The next day the deceased was found murdered in that house. The evidence of these witnesses was clear and consistent and the Court saw no reason to doubt the truth of their testimony. In addition to this evidence was also

of the confession of the 1st Prisoner before the Officer and of his having absconded from the Village immediately subsequent to the murder he did not indeed confess that he committed the murder with his own hand, but that he agreed to his wife's murder, and that it was perpetrated by the second Prisoner with his knowledge and while he was close at hand. His Prisoner attempted in vain, to prove that the above confession was extorted, for it was quite clear that the Prisoner was not apprehended until three days after the date on which his witnesses swore they saw them silenced. In addition to the strong presumptive proof adduced against the second Prisoner by the 1st and 2d witnesses is that of the jewels of the deceased having been found in his house. The fact of them having been so found he admitted: but the assertion which he made of the jewels being his own property was distinctly proved to be false by the evidence for the Prosecution.

Upon this concluded evidence the Court found both Prisoners guilty of murder and passed sentence of death upon them.

No 2

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No. 1 Cuddapah Calendar 1st Sessions 1831.

The Prisoners in this case,

2d Gotla Eerroogadoo,

3d Motta Eencata, and

4th Woomara Saib,

were charged with having in company with others killed the Prosecutors Brother Yagaseredy and wounded his wife Atchamah.—

The Provincial Law Officer acquitted the above named Prisoners of the murder charged against them: The Presiding Judge considered them to have incurred the penalty contained in Clause first Section IV Regulation XV of 1803. The Cazee-ool-Cozzat and Mooftee of the Foujdaree Adaulut held that the proof was insufficient for the conviction of the accused: It appeared to the Court of Foujdaree Adaulut proved beyond doubt that the Prosecutors Brother was murdered on the night specified in the record. There was not the slightest reason to believe that the murder was committed in the prosecution of Robbery; no attempt of the kind having been made. From the fact of the deceased having received no less than 13 wounds the Court considered it most probable that it was an act of revenge. The evidence against the two first named Prisoners consisted principally of the proof of their voluntary confessions

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F. C.

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confessions before the Police officer according to these the Prisoners in question were hired to murder Yagaseredy by the last mentioned Woomara Saib and they all three assisted in the perpetration of the murder, aided by one Madargandoo who was not apprehended. There were several circumstances alluded to in the confessions which were proved by the Witnesses to have actually taken place, and which were strongly confirmatory of the truth of those confessions. Both the first named Prisoners in their confessions declared Shaik Koosain to be the person who called them to the village of the deceased and brought them to Woomara Saib. This fact was confirmed by the evidence of the said Koosain, the 18th Witness in this case, who likewise that he acted under Woomara Saibs orders. These two Prisoners further declared in their confessions that on the day of their arrival at Sroutoor where the murder was committed, they were taken by the Prisoner Woomara Saib to the 7th Witness (Chekah Sooladoo) house and that they were fed there at Woomara Saibs expence: that next day, being the day previous to the night of the murder they went to Bodavanadah, eat their meals at the 19th Witness Shadracs house and returned to Sroutoor at night: these facts are supported by the evidence of the said 7th and 19th witnesses. It was also clearly proved that they made a full confession of the murder when they were first apprehended and that the weapons used were produced from the place where the Prisoners confessed they

they had been deposited after the murder allowing the Prisonier Bomara Sail the benefit of the want of full proof of his being one of those who actually perpetrated the murder it did not, in the opinion of the Court of Zoupaiea Udalut admit of a doubt that he was accessary, not only before, but, according to his confession after the commission of the deed. He procured at least the assistance who committed the murder and was close at hand at the time of its perpetration.—

The Court of Zoupaiea Udalut having maturely considered all the circumstances of the case condemned the said three Prisoners to suffer death as prescribed by Section X Regulation VIII of 1802.—

No. 9 Madura Calendar 2d Sessions 1831.

Both when arraigned and when placed on his defence before the Court of Circuit the Prisonier

Ramakistnen

denied the charge of having murdered the Prosecutor's Wife. The Judge who presided at the Trial concurred in the futwa of his law officer which declared the Prisonier guilty of murder on strong presumptive proof. The Cazee-ool-Coozat and Mooftees of the Zoupaiea Udalut stated in their Futwa that they considered the Prisonier liable merely to suspicion of having committed the

the crime charged against him.—

In the opinion of the Court of Zoupaiea Udalut the guilt of the Prisonier was clearly established by proof of his voluntary confession before the Police officer; by the evidence of the Prosecutor; and by the testimony of the 1st and 2d witnesses who deposed that they saw the Prisonier with a knife in his hand running away from the Prosecutors house and found the Prosecutors wife dead with two wounds in her throat immediately afterwards. There being no grounds upon which the Prisonier could be exempted from capital punishment the Court of Zoupaiea Udalut adjudged him to suffer death by being hanged at the usual time and place of execution.—

No. 6 Chingleput Calendar 1st Sessions 1831.

In this case the Prisonier, Canpan, was charged with the murder of the Prosecutors nephew and his concubine.—

The Presiding Judge considered the charge established against the Prisonier and his Law officer gave a futwa declaring the Prisonier guilty of murder on strong presumptive proof. The Cazee-ool-Coozat and Mooftees of the Zoupaiea Udalut observing that the evidence of the Witnesses for the Prosecution was neither

to

to having seen the Prisonir commit the crime charged nor to their confession of it, acquitted him of the crime.-

The Court of Foujdaree Udalut concurred in opinion that the guilt of the Prisonir was established by proof of his confession and by very strong circumstantial evidence: and that the Prisonir killed the deceased in the place and manner specified in the record of the Trial. There was first proof of his confession before the Tahsildar which there were no grounds to believe was exctorted. then the fact proved by the fifth witness, of the Prisonir and the deceased woman having spoken with each other in anger at a Early early in the morning of the day on which she was killed. then the evidence of the 8th witness who saw the Prisonir running with a stick in his hand in the direction of the spot where both the deceased were found lying - and lastly the strong presumption arising out of the circumstance of the Prisonir having cohabited with the deceased woman and taken her from the Prosecutor's Nephew, deceased whose concubine she was, and to whom it appeared, she had again returned some time before the murder

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murder occured. The Prisonir failed entirely in his endeavour to prove an alibi.-

The Court of Foujdaree Udalut after due consideration of all the evidence being fully convinced of the Prisonir's guilt passed the sentence of the Law upon him:-

No. 17 Feminelly Calendar 2d Sessions 1831.

The Prisonir, Pullavaidun, in this case was charged with the murder of one Seevun. The Provincial Law Officer as well as the Cazee-ool-Coozat and Mooftee of the Foujdaree Udalut were of opinion that merely suspicion of the crime charged existed against the Prisonir. The Judge who presided at the Trial considered the Prisonir to have been convicted of the murder, and in the sentiment of the Presiding Judge the Court of Foujdaree Udalut coincided. The evidence against the Prisonir consisted of two strong facts. The Prisonir appeared on the morning of the 8th of June 1831 at the tents of the Collector at Coodoocoody with the head of the deceased Seevun and a Billhook covered with blood in his hands. This Billhook it was proved by evidence the truth of which could not be

he doubted was borrowed by the Prisonier from the first witness two hours before sun set the preceding evening. With this Bilchook the Prisoner averred that the murder was committed by one Karainatavan 1/2 a Malabar hour before sun set, that is to say a very short period after he had borrowed it: the Prisoner did not attempt to shew how Karainatavan came by the Bilchook, and independent of the Prisoners assertion not a shadow of suspicion rests against Karainatavan.—

The Court of Enquiare Cudalut after due deliberation being satisfied that the Prisoner whose assertions had no support from any evidence whatever was guilty of the crime charged against him adjudged him to suffer death as prescribed by Section X Regulation VIII of 1802 by being hanged on a Gibbet to be erected as near as practicable, (without annoyance to the inhabitants of the Village) to the spot where the crime was perpetrated.—

No. 11 Combaconum Calendar 2d Sessions 1834

The Prisoners

1st Veerachy reddy
and
2d Arnachella reddy,

in this case were accused of having seized one Paumben upon suspicion of a theft committed in the second Prisoner's House bound and hanged him on a tree and maltreated him so as to occasion his

his death the following month.—

The Law Officer of the Court of Circuit held that suspicion merely of the crime existed against the Prisoners. The Presiding Judge was of opinion that, although there was no evidence that the barbarities practised were committed by the Prisoners themselves it was clear from their having caused the apprehension of Paumben from their having been present at the time that he was tied up and burnt and from their having caused him to be afterwards put into a building belonging to the second Prisoner & to be attended by two native Practitioners employed by themselves, that the cruelties were practised at their express desire & the Court of Enquiare Cudalut it appeared quite clear that the deceased had been tortured in the manner described in the record and that the Prisoners were present at the time superintending and commanding the infamous Proceedings. They were of opinion that although the injury inflicted on the deceased might not of itself have been sufficient to produce death, and although the Prisoners did not probably contemplate the death of the deceased Paumben that there were the strongest grounds to believe that his convulsions were caused by the illusage he

he had experienced and that his life was consequently the sacrifice. The Court having duly weighed all the circumstances of the case in evidence before them, and being of opinion that the proof against the Prisoners was sufficient to convict them of manslaughter sentenced them, in commutation of the penalty of Deyut, awarded by their Law Officers in a second futwa to imprisonment with hard labor in Irons for (7) seven years.—

No. 2 Rajahmundry Calendar 1st Sessions of 1831.

In this case the Prisoners

Ruddaly Chinnegadoo,
and
Elsperty Emmegadoo,

stood charged before the Circuit Court with the murder of the Brother of the Prosecutors.—

The futwa of the Provincial Law Officer found the Prisoners guilty of being concerned in the murder. The Judge who presided at the Trial of the Prisoners thought them both fully convicted of the murder. The Cazee-ool-Coozat and Mooftee of the Zillah Court acquitted the Prisoners of the crime charged but held that they were not free from suspicion of having aided in the maltreatment of the deceased.—

To the Court of Zillah Adalut it appeared that there could not be the least doubt that the two Prisoners were the principal persons concerned in the assault in which the deceased was killed. They however did not consider that there was any satisfactory evidence from which they could pronounce that the murder was altogether premeditated, nor was it by any means clear what conversation took place previous to the assault. The Court on due consideration of all the circumstances of the case adjudged the Prisoners to transportation for life.—

No. 10 Rajahmundry Calendar 1st Sessions of 1831.

There were two Prosecutors in this case and the Prisoner, Cocak Ramacamy was arraigned on a charge of having murdered a Brahmin and also the first Prosecutor's wife.—

The Provincial Law Officer considered the Prisoner to have been convicted on strong presumptive proof. In the letter accompanying the record of the Trial the Presiding Judge stated that not a shadow of doubt remained on his mind as to the guilt of the Prisoner and specified the grounds of his judgment. The Cazee-ool-Coozat and

and Proctes of the Tonjoaree Adalut held that the crime charged had not been proved against the Prisonier on the testimony of credible witnesses either to his commission or confession of it.—

The Court of Tonjoaree Adalut &c. coincided in opinion with the Judge who presided at the trial. The Prisoner's confession before the Police and the dying declaration of the deceased Gyanah (that it was Ramasamy who murdered him and the other deceased) were both clearly established the 1st Prosecutor's evidence against the Prisonier was peculiarly strong.—

The Court under these circumstances considering the Prisonier to have been fully convicted, adjudged him to suffer death as prescribed by Section X Regulation VIII of 1802.—

No. 9 Calendar 1st Sessions 1831.

The Prisoners in this case

1st Mootho Palany Swoopen,
and
2d Canty,

were charged with having murdered Ramasamy the Prosecutor's Brother and of robbing him of a Purse containing 7/ Rupees, and other property.—

The Judge who presided at the Trial concurred in the futwa of the Law Officer which convicted the Prisoners of being accomplices in the murder

murder. The futwa of the Cazee-ool-Coozat and Proctes of the Tonjoaree Adalut was to the same effect. The guilt of both the Prisoners was, in the judgment of the Court of Tonjoaree Adalut fully established. Against the first Prisonier there was proof of his full and voluntary confession before the Criminal Court that he assisted in the murder of the deceased: According to his account he and the third Prisonier since deceased held Ramasamy's legs while the second Prisonier cut his throat. There was proof also that he pointed out the spot where the scales of the deceased had been thrown and that he produced them from the Bush close to which the murder was committed. There was evidence also to prove that the Billhook which, it was shewn had been found with marks of blood upon it close to the body, and with which, there existed no doubt the deed was done, belonged to the 1st Witness, and had been taken from his hut a few days before by the said first Prisonier. This fact was admitted by him in his confession before the Police officer in which he stated that he had stolen the Billhook from the 1st Witness and having received some arrack from the second Prisonier had given it to him: that the second Prisonier brought it at the time of the murder and cut with it the throat of the deceased. Against the second Prisonier there was proof of his voluntary confession

confession before the Police Officer in which he stated that he assisted in holding the legs of the Ramasawmy whilst the deceased third Prisoner cut his throat. In corroboration of the confession there is the evidence of one witness to shew that the Billhook with which the deed was perpetrated was in the said Prisoner's house a few days previous to the murder and proof that he gave up 5 Rupees, as he stated in his confession, saying at the same time that they were his share of the plunder.—

The Court accordingly adjudged both Prisoners to suffer the penalty of the Law—

N.B. Vellore Calendar 1st Sessions of 1831.

In this case there were originally 32 Prisoners charged with Gang Robbery attended with murder. Of these the

4th Rojanah,

10th Russa Saib,

31st Rungaiah, and

32d Lingaiah,

died previous to sentence being passed upon them; the

3d Saraculloo Chicka Rungiah

24th Crabiah, and

25th Saraculloo Pedda Rungiah,

were released on security and the trial

of

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of the

26th Roobaroo Pah

was not concluded.—

The Provincial Law Officer convicted in this futwa, the 1st, 2d, 3d, 5th, 6th, 7th, 8th, 9th, 11th, 12th, 13th, 14th, 15th, 16th, 17th, 18th, 19th, 20th, 21st, 22d, 27th, 28th, 29th and 30th Prisoners of Gang Robbery: and declared that there was also strong presumptive proof of Robbery against the 24th and 25th Prisoners: but that the 23d Prisoner was guilty only of a misdemeanor.—

In this futwa the Presiding Judge for the most part concurred. He differed from it only in respect to the 3d 23d 24th and 25th Prisoners.

The Cazee and Coorat and Mooftee of the Sudder Adalut held that the Prisoners were not convicted of the specific crime charged against them. The evidence of the 3 Prosecutors in this case was clear as to the two deceased having been killed by the Gang. The first, second, sixth, seventh, eleventh thirteenth, fifteenth, seventeenth, eighteenth, twenty first, twenty second, and twenty seventh Prisoners confessed before the Magistrate that they had gone with other Robbers to the first Prosecutor's house but stated that they remained outside whilst the others plundered it. The fifth and twenty eighth Prisoners confessed before the Magistrate, that they had gone armed

together

together with the Robbers and plundered the first Prosecutor's house. The ninth and fourteenth Prisoners confessed before the Magistrate that they had gone with the Robbers, and after having plundered first Prosecutor's house had carried the clothes (produced in Court) from it. The twelfth fifteenth nineteenth and twentieth Prisoners contained their confessions that they had gone armed to first Prosecutor's house with the Robbers and had received from them some of the stolen property. The twenty third Prisoner confessed that he had accompanied the Robbers a certain distance but had turned back. The twenty ninth and thirtieth Prisoners confessed before the Criminal Court that they had with others plundered first Prosecutor's house and had each received as their share 72 Rupees weight of Silver.

Upon the proof of these full and voluntary confessions the Court of Foujdaree Udalut held the above Prisoners duly convicted but conceiving the ends of justice would be satisfied with the execution of the ringleaders they adjudged the 29th and 30th Prisoners as such to Capital punishment: and the first, second, fifth, sixth, seventh eighth, ninth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth twentieth, twenty first, twenty second, twenty seventh, and twenty eighth Prisoners under Clauses first and fifth Section IV Regulation XV of 1803 to receive

each 195 Stripes with a Cat o nine tails, and to be transported for life. The twenty third Prisoner, who though he was not present at the Robbery confessed that he had been hired and had consented to go and rob and murder the prosecutor, and had even gone a certain distance with that intent the Court sentenced to seven years imprisonment with hard labor under Clause fourth Section IV Regulation XV of 1803 it being clear to them that it was from accident alone and not from any feeling of compunction or repentance that he was not actually present at the scene of outrage.

No 24. Cuddapah Calendar 2nd Sessions 1830.

In this case also the Prisoners eleven in number, were arraigned on a charge of Gang Robbery attended with murder. In respect to six of them the Court confirmed the futwa of acquittal: on the others being the

1st Cumbacaren

2nd Moottayen

4th Chinna Cottan

7th Chinnapien

(and

9th Moottien

Prisoners the Court passed sentence of transportation for life under Clauses first and fifth Section IV Regulation XV of 1803 on the following grounds.

It was clearly established that the Prosecutor's house was

27th December 1832

was robbed by open violence: and that his Grand-father was much maltreated by the Gang: there was every reason to believe that the death of the Grandfather was the consequence. The confessions of the first, second fourth, seventh and ninth Prisoners were corroborated by the evidence of the third and fourth Witnesses who swore that they saw them in the Gang. These Prisoners attempted (but in vain) to prove that their confessions had been extorted. The Provincial Law Officer declared in his opinion that the above Prisoners only had been convicted of the Robbery: the Presiding Judge considered the evidence adduced sufficient to prove the charge against all the Prisoners.

No 11 Cuddapah Calendar 1st Session 1831.

Of the Six Prisoners charged in this case with Highway Robbery and murder, the fourth and sixth died in Jail. The first stood charged only with having mitigated the other Prisoners.

The Court of Foujdaree Udalut considering the proof against the second, third and fifth Prisoners to be sufficient to convict them of the crime charged adjudged the second and third under Clauses first and fifth Section IV. Regulation XV of 1803, to be transported for life and the fifth to be imprisoned and kept to hard labour in irons on the public roads or other public works for the period

27th December 1832

period of (7) Seven years. The first Prisoner the Court considered convicted of being an accessary after the fact, and sentenced him to two years imprisonment with hard labor in Irons.

It was quite clear that the first Prisoner in this case sent a false representation of the circumstances to the Tahsildar in which neither the Robbery of the Prosecutrix nor the murder of her Servant were alluded to: but that on the contrary these facts had been studiously concealed by him. Against the fifth Prisoner there was proof of his confession before the Police Officer added to the evidence which was very distinct. There was no doubt of the guilt of the second and third Prisoners as far as regarded the Robbery: with respect to the murder, it was not shewn which or, if either was the perpetrator.

The first witness deposed to having seen the third Prisoner strike the Prosecutrix twice with a stick: the second to having seen the third Prisoner seize the Prosecutrix by her hair and rob her of her jewels: and the second and fourth Prisoner (since deceased) convey the Servant of the Prosecutrix to a tope where the corpse was seen by witness two days after. This evidence was strongly corroborative of the Talooka confession of the Prisoners.

The Judge who presided at the trial

trial held the first Prisoner to be convicted of the crime charged on strong presumptive proof and the second, third and fifth Prisoners to have been found guilty of Robbery attended with murder and to have subjected themselves to the penalty contained in Clause first Section IV Regulation XV of 1803.

The futwa of the Provincial law Officer declared the third, fourth, and fifth Prisoners convicted, that suspicion existed against the first and second and that the sixth was not guilty of any crime and should be released.

The Cazee col Cozzat and Mooftees of the Foujdaree Adalut deemed the evidence insufficient for the legal conviction of the Prisoners of the crime charged against them.

No. 9. Chingleput Calendar 1st Sessions 1831.

The Prisoner, Cauppoorce, was charged in this case with having robbed the Prosecutor's wife of her jewels valued at about 60 Rupees and with having wounded her so severely as to occasion her death.

The Provincial Law Officer declared in his futwa that there was strong presumptive proof of the Prisoner having committed the crime charged.

The Cazee col Cozzat and Mooftees of the Foujdaree Adalut were of opinion that neither the commission or confession of the crime had been legally proved against the Prisoner.

The Court of Foujdaree Adalut coincided in

in the opinion of the Presiding Judge that the guilt of the Prisoner had been fully established on his confession and on the evidence adduced. The Prisoners confession before the Police was fully proved, so also was the important fact that the deceased a few hours before her death pointed out the Prisoner as the man who had assaulted and wounded her. The Jewels belonging to the deceased were produced by the Prisoners mother from the house where she and the Prisoner lived, and that the woman died of the wounds she received from the Prisoner was beyond a doubt. Under these circumstances the Court felt no hesitation in passing Sentence of death upon the Prisoner.

No. 18. Rajahmundry Calendar 1st Sessions 1831

The Prisoner Puntam Juggapah in this case stood charged with Gang Robbery attended with murder of which the Provincial Law Officer declared him in his futwa to have been convicted.

The Presiding Judge was of opinion that there was no doubt that the Prisoner was present aiding and abetting in a Gang Robbery in the prosecution of which four people were killed though there was nothing to shew that he occasioned any of the deaths. The Cazee col Cozzat and Mooftees of the Foujdaree Adalut considered the evidence produced at the trial insufficient for the

the legal conviction of the Prisoner.

The Court of Foujdaree Udalut held that there was proof sufficient against him as far as regarded the evidence of persons who swore that they identified the Prisoner. There did not appear to have been any cause of enmity between the witnesses and the Prisoner nor was there the least reason to suspect that the charge was false. The Court under these circumstances confirmed the conviction of the Judge who presided at the trial and under Clauses first and fifth Section IV Regulation XV of 1803 adjudged the Prisoner to be banished to the Zillah of Cuddapah there to be imprisoned and kept to hard labor in irons on the public works for (14) fourteen years.

No 17. Bellary Calendar 1st Sessions 1831.

The Prisoner Siddaha in this case was charged with Gang Robbery attended with Murder and the Cazee-ool-Cozat and Mooftees of the Foujdaree Udalut alone held that the proof adduced was not sufficient to establish the crime legally against him. The Court of Foujdaree Udalut coincided in opinion with the Judge who presided at the trial and his Law Officer who both considered the Prisoner to stand fully convicted of the charge. There was the attested confession of the Prisoner before the Head of Police corroborated by the circumstance of his having been seen at the Robbery by the first

Prosecutor

Prosecutor to substantiate the charge against him. There was also evidence to prove that the deceased Kunchapah died of the severe wounds he received from some of the Robbers belonging to the Gang in which the Prisoner was identified. The Court of Foujdaree Udalut having duly weighed all the circumstances of the case and being satisfied of the guilt of the Prisoner passed sentence of death upon him under clause first Section IV Regulation XV of 1803.

No 21 Chicacole Calendar 1st Sessions of 1831.

The Prisoner Doonnoo Lutchmeydoo in this case was arraigned on a charge of Gang Robbery and the murder of one Rudrarauzee Lutchmerauzee. The Provincial Law Officer declared the Prisoner to be convicted of murder on strong presumptive proof. The Presiding Judge held the evidence sufficient to convict him fully. The Cazee-ool-Cozat considered that although the murder of the deceased could not be proved against the Prisoner there was strong circumstantial evidence to fix on him suspicion of the crime charged. To the Court of Foujdaree Udalut it appeared that the Prisoner was without doubt one of the Armed Robbers by one of the Gang of which the deceased was Shot, and that there was the strongest presumptive proof that he was the very man who shot Rudrarauzee Lutcherauzee. The first and second Witnesses

depose

deposed to the skirmish between the Gang of Robbers
and the Sebbendy: that a gun was fired from the
place where the Prisoner was apprehended with a
Gun in his hand- that the contents of the Gun which
was fired entered one side of deceased and passed out
at the other- that deceased died in consequence and
that the gun at the time the Prisoner was appre-
hended was warm. The Court of Foujdaree Adalut
accordingly adjudged the Prisoner to suffer death
and for the sake of example directed that he
should be hanged on a gibbet to be erected in the
immediate vicinity of the place where the crime
was perpetrated, his body to be afterwards buried as
near as possible to the spot where the deceased
Rudrarauze Sutcherauze fell.

No 12. Chicacole Calendar 1st Sessions 1831-

In this case there were originally
Six Prisoners: of these the second fifth and sixth
were released by order of the Circuit Court-

The Prisoners
1st Sorreetty Cannayah
2d Salady Ramadawmy
and
3d Gorla Sutchanarayen

were arraigned on a charge of Gang Robbery to the
amount of Rupees 166. from the houses of the two
Prosecutors-

The Presiding Judge considered
the charge to have been proved against the second

Prisoner

27th December 1832

Prisoner only but that there were grounds of suspicion
against the first and fourth and that they ought
to be held to security. The Provincial Law Officer
gave a futwa convicting the three Prisoners. The
Cazee-ool-Cozzat and Mooftee of the Foujdaree Ada-
lut thought the evidence insufficient to establish
the charge but that they were liable to discretionary
punishment as they were not free from suspicion
of having committed the crime- The prisoners it was
proved confessed voluntarily before the Police Officer
and it was shewn that each of them gave up pro-
perty which they acknowledged had been robbed
from the Prosecutors who identified the property
as far as it was capable of identification- The
Court of Foujdaree Adalut under these circum-
stances considering the Prisoners to have rendered
themselves liable to the penalty prescribed by
Clause third Section IV Regulation XII of 1803
adjudged them to be severally banished to the
Zillah of Cuddapah and to be imprisoned and
kept to hard labor in irons for (14) fourteen years-

No 14. Chinglepet Calendar 2d Sessions 1830-

The Prisoners in this case

1st Paraman
and
2d Kaullan

were charged with Gang Robbery attended with
aggravating circumstances- The Provincial Law
Officer did not consider the charge to have been
substantiated

substantiated. The presiding Judge referred the trial as the Prisoners were concerned in another case under the consideration of the Foujdaree Udalut. The Cazee-ool Cozat and Mooftees of the Foujdaree Udalut, held that the second Prisoner was not convicted and that merely suspicion of the crime existed against the first Prisoner.

To the Court of Foujdaree Udalut it appeared that the guilt of both the Prisoners had been fully established. There was proof of the confessions of both having been given voluntarily before the Police. There was also proof of the confession of the first Prisoner before the Criminal Court in respect to the Prosecutor's property having been found in his possession. The Prosecutor clearly identified the Prisoners, His deposition was to the effect that the second Prisoner beat and wounded him and that the first robbed him and set fire to the oiled clothes with which the Gang had bound his fingers. The first and second witnesses also identified the second Prisoner as one of the Gang that plundered the Prosecutor's house.

The Court of Foujdaree Udalut under these circumstances sentenced each of the Prisoners to suffer 195 Stripes with the Cat-o-nine tails and to be transported for life.

No 4

No 3 Guntoor Supplemental Calendar 1st Sessions 1832.

The Prisoner in this case Soorneyy Appiah, was arraigned on a charge of assaulting a woman and robbing her of jewels to the value of (9) nine Rupees.

The futwa of the Provincial Law Officer acquitted the Prisoner. The presiding Judge on the contrary held the conviction of the Prisoner to be complete. The Cazee-ool-Cozat and Mooftees of the Foujdaree Udalut considered that the crime charged had not been proved against the Prisoner by evidence either to his commission or confession of it.

The Prisoner's confession before the Police Officer was proved by the evidence of the third and fourth witnesses and the testimony of the Prosecutrix was clear and distinct and free from suspicion altogether. There was no exhibition of anger or anxiety before the Circuit Court to convict the Prisoner. She had never seen him before and could therefore have had no personal feelings against him.

The Prisoners defence was that he was confined and beaten but his witnesses said nothing to the purpose.

The Court of Foujdaree Udalut having duly considered all the circumstances of the case in evidence before them and being satisfied of the guilt of the Prisoner adjudged him agreeably to

to the recommendation of the Presiding Judge to five (5) years imprisonment with hard labor in irons under clauses third and fifth Section IV Regulation XV of 1803.

No. 15. Combaconum Calendar 4th Sessions 1831.

The Prisoner Rammen in this case both when arraigned and when placed on his defence before the Circuit Court denied the charge of Gang Robbery to the amount of Rupees 4307.

The Judge who presided at the trial of the Prisoner considered that he stood fully convicted of the crime though his Mahommedan Law Officer was of opinion that he was merely liable to suspicion. The Cazee-ool-Cozaat and Mooftee of the Foujdaree Udalut held that the Prisoner was not guilty as the witnesses did not depose either to having seen the Prisoner commit the crime nor to having heard him confess it.

In the judgment of the Court of Foujdaree Udalut there was such strong presumptive proof against the Prisoner that they had no hesitation in sentencing him, as suggested by the Presiding Judge to receive 195 stripes and to fourteen (14) years imprisonment with hard labor in irons. The evidence adduced consisted of the assertion of the Prosecutor that he saw the Prisoner at the time of the Robbery actively engaged in it. of the testimony of the first witness that the Prisoner applied to him to melt a quantity of jewels and that he melted them for him that afterwards on searching the Prisoner's house gold and lumps of gold and silver were found there. The second, third, fourth, sixth, eighth and ninth witnesses proved the discovery of gold and silver jewels and lumps of the same metals in the Prisoner's house but they identified only two Articles which the Prosecutor and the eleventh witness swore to be the Prosecutor's property. It was further proved that the Prisoner absconded just before his house was searched and that he endeavoured to effect his escape at the time he was apprehended. The Prisoner attempted to prove an alibi but failed.

No. 10. Chicacole Calendar 2nd Sessions 1830.

In this case there were more than 100 Prisoners concerned, but as the Court of Foujdaree Udalut passed Sentence on seven only under Regulation I of 1818 it is necessary here to notice them alone.

The Prisoners

43d Singaratnama Chinnegadoo.
44th Muddala Sunnasy
49th Pagala Camoodoo.
61st Sunny Sunniah
65th Dosaroo Gungoloo.
77th Chintada Cunniah
and
80th Rumsaly Cunniah.

were charged with Gang Robbery of a Village attended with murder & other aggravating circumstances. The Presiding Judge recommended as they were under age the discharge of the Prisoners whom the Law Officer of the Circuit Court considered to have been proved guilty on their confession before the Magistrate.

The Court of Foujdaree Udalut having duly considered the voluminous papers connected with this case, it appeared to them that there was not the slightest doubt

doubt that at some time before day break on the morning stated in the record, a large body of armed men attacked the village of Saumy and set fire to some of the houses: and if the confessions were true, plundered it also- that they were opposed by the village people and were beaten off- were intercepted by certain Zemindars and Police- that many were killed and numbers taken Prisoners- The second and third witnesses deposed that they saw one of the villagers, shot with an arrow, and that he died from the wound- On the point whether or not the above 7 Prisoners were in the Gang and concerned in the attack, there were the confessions of the Prisoners themselves before the Joint Magistrate, which were proved as fully as they could be proved, under the circumstances of the case, and which, supported by the clear evidence of the eighth, ninth, and tenth witnesses respecting their apprehension the Court of Foujdaree Udalut considered sufficient for the conviction of the Prisoners- They accordingly Sentenced them under Clauses second and fifth Section IV Regulations XV of 1803, all to be banished to the Zillah of Cuddapah- the forty third, forty ninth, and eightieth to be imprisoned and kept to hard labor in irons for (3) three years- the forty fourth, sixty fifth and seventy seventh to be imprisoned and kept to hard labor in irons for (5) five years, and the sixtieth to be imprisoned and kept to hard labor in irons for (14) fourteen years.—

Cert.

54

At a Court of the Foujdaree Udalut.

Present,

Friday. 28th December 1832. C. M. Lushington Esqr. 1st Puisne Judge
John Bird Esqr. 2nd Puisne Judge
Cert. William Budleston Esqr. 3rd Puisne Judge

Read letter dated the 17th Instant,
Mr. Bird and Mr. Budleston. from the 2nd Judge on Circuit in the Northern Division, recommending a mitigation of the punishment to which the 2nd and 7th Prisoners convicted in No. 11 of the Guntoor Calendar 2nd Sessions of 1832 of highway robbery have rendered themselves liable.

(Here enter No. 1069)

The Court of Foujdaree Udalut having maturely considered the circumstances of the case represented in the above letter, Sanction under Clause third Section III Regulation I of 1825, the mitigated punishment recommended by the 2nd Judge on Circuit in the Northern Division, and accordingly direct that the 2nd and 7th Prisoners of the Case in question, be imprisoned and kept to hard labour in irons on the public roads, or other public works, for the period of eight (8) years.

Ordered, that extract from these Proceedings be sent to the 2nd Judge on Circuit in the Northern Division for

20th December 1882.

for his information and guidance by precept returnable without delay.

(Sent following Precept No. 752)

Read letter, dated the 19th Instant, from the First Judge on Circuit in the Cuttack Division, recommending a mitigation of the punishment to which Lyalor Murkhen, convicted in C.T. No. 12 of the Cuttack Calendar for the 2nd Sessions of 1882 of highway robbery, has rendered himself liable.

(Here enter No. 1865)

The Court of Sanjarat Utkal having maturely considered the circumstances of the case represented in the above letter, sanction under Rule third Section III Regulation I of 1825 the mitigated punishment recommended by the 1st Judge on Circuit in the Cuttack Division, and accordingly direct that the said Prisoner be imprisoned and kept to hard labour in irons on the public roads or other public works for the period of seven (7) years.

Ordered, that extract from these Proceedings be sent to the 1st Judge on Circuit in the Cuttack Division for his information and guidance by precept returnable without delay.

(Sent following Precept No. 753)

Read letter, dated the 18th Instant, from the 1st Judge of the Provincial Court of

25th December 1882.

Mr Lushington
Mr Bird
and
Mr Birkett.

Circuit in the Northern Division, submitting the copy of a letter, dated the 20th ultimo, from the Joint Criminal Judge at Madalipatam on the subject of a case of alleged forgery and perjury.

(Here enter No. 1866 of 1882)

In the 2nd, 3rd and 4th paragraphs of the letter above mentioned, the Joint Criminal Judge states the circumstances of a case of forgery and perjury, in respect to which he observes in the 5th paragraph that he is at a loss how to commit "the offender" for trial because the rule regarding "perjury throws great difficulties in the way "of the committing officer, and these are greatly "increased by the orders of the Sanjarat "Utkal, under date 6th August 1882 which "prescribe their being committed in the "same case."

2. In the 6th paragraph the Joint Criminal Judge proceeds as follows: "The "Regulation now in force defines punish- "able perjury to consist of two depositions "made on different days, the latter of "which shall declare the former to be "false:" and in the 9th paragraph, adverting apparently to the definition here given he observes "this rule effectually shields "from punishment such clearing and "cunning perjuries as those now

described

"December. They would be convicted with great
"ease, were perjury defined as it is in English
"law, as wilful falsehood in oath touching
"a material fact in the trial. And in England
"the offenders are committed for trial together,
"while the new rule of committing them
"separately cuts off the most important
"proofs of falsehood."

3. In paragraph 10 the Joint Criminal Judge observes "were this rule made the law
"of this Country we should be able to punish
"perjury, a crime now committed with the
"utmost boldness as well known to lie
"beyond the reach of the law as it now
"stands."

4. And in paragraph 12 the Joint Criminal Judge makes the following statement. "Should that what I have stated
"may be considered to be of sufficient
"moment to be submitted for the consi-
"deration of Government, and after many
"years and attention to the subject I have
"abandoned every prosecution for perjury
"because the present regulation renders
"it as nugatory as certain." As the Joint Criminal Judge considers the letter by regarding
instructions regarding the code now
described whereas he observes "were
English law in force a conviction would

"would likewise be the certain result,
"whereas as matters stand the offenders
"cannot be punished."

5. The Court of Cassation would have founded the latter with the utmost astonishment, and had it not come before them, they could not have believed it possible, that any judicial officer could have adopted and acted upon a view of the law so preposterous and unacceptable.

6. Where the Joint Criminal Judge met with the definition of perjury which in the 6th paragraph of the letter he states to be contained in "the Regulation now in force," the Court of Cassation would for our part, it is presumable however that this refers rather to the provisions of Regulation III of 1828, which provides for the punishment of any party or witness who "shall wilfully and deliberately give
"two contradictory depositions on oath, or
"under a solemn declaration taken instead
"of an oath, on a matter or matters of fact
"material to the issue of a judicial proceeding
"and, after discovering the evidence which
"in such cases shall suffice for conviction
"conclusively with a declaration that a person
"who shall have been so tried and convicted
"of perjury, or under the two contradictory
"depositions, shall not whether convicted

or

"re acquitted he afterwards liable to a prosecution
"for the same offence, charging the perjury
"in the usual way specifically on either of
"the said two depositions."

7. The crime of perjury is defined in Section IV Regulation VII of 1811, cited in the preamble of Regulation III of 1826, to be "giving "intentionally and deliberately, before a Court "of Judicature, Magistrate, or other authorized "public officer, a false deposition upon oath, "or under a solumn declaration taken instead "of an oath, relative to some judicial proceeding, "civil or criminal, and upon a point material "to the issue thereof;" and it is to the "usual "way" of charging perjury in cases tried under the provisions of Regulation VII of 1811, that allusion is made in Section III Regulation III of 1826.

8. As observed by the 1st Judge of the Provincial Court of Circuit, the Joint Criminal Judge appears to have "entirely overlooked" Regulation VII of 1811, and he has done so according to his own statement "after many "years attention to the subject".

9. In respect to the code which forms the subject of the reference from the Joint Criminal Judge, it appears to the Court of Sudder Adawlut to be sufficient to direct that this officer's attention be called to the provisions of the Regulation last mentioned, and to the circular orders of the Court of Sudder

28th Dec. 1882

Sudder Adawlut in illustration of them, which sufficiently point out the course of proceeding to be adopted.

10. But the Court of Sudder Adawlut cannot stop here; it is their bounden duty to lay this representation before the Right Honorable the Governor in Council, with reference to the Joint Criminal Judge's statement, that he had on the view of the law "abandoned every prose-"cution for perjury," a proceeding as utterly subversive of the administration of Justice, and not to be adequately guarded by any prohibition under which the Court of Sudder Adawlut could under it.

11. It would scarcely be necessary to remark, that there is no difference whatever between the law of England and the Regulations of this Government in respect to the crime of perjury, and with regard to the Joint Criminal Judge's remarks upon the circular orders of the Court, dated the 6th August last, requiring individuals to be tried separately for this crime, the Court will merely state that here also this officer has exhibited utter ignorance of the rule of English law on this subject, which is "that several

persons

28th Dec. 1832

28th Dec. 1832

persons cannot be joined in one indictment for perjury the crime being in its nature Linear.

Ordered, that Extract from these proceedings be sent to the 1st Judge of the Provincial Court of Orient in the Northern Division by precept commanding him to communicate the same to the Joint Criminal Judge at Madulipatam for his information and guidance.

(Sent following Precept No 754.

Ordered, also, that extract from these proceedings, with copies of the foregoing letters be sent to the Acting Secretary to Government in the Judicial Department for the consideration and orders of the Right Honorable the Governor in Council.

(Sent following letter No 755.

Sml

J. Cl

At a Court of the Zillah Adawlut

Present,

Monday, 31st December 1832. C. R. Lushington Esqre 1st Puisne Judge
John Bird Esqre 2nd Puisne Judge
William Braddyll Esqre 3rd Puisne Judge.

Read letter, dated the 12th Instant, from the Late Acting Judge on Orient in the Centre Division, submitting the Annual Report required by Section XXXVII Regulation XII of 1802 on the Police Sessions for 1832 held in the Zillahs of Cuttack and Pooree.

(Here enter Ct. 1038)

Para 10. 1. From the statement contained in this para, it would appear that the Prisoners at Cuttack are employed in manufactures to the detriment of the public roads, which are described as being "in a bad condition." The Court desire that particular attention of the Criminal Judge may be called to this point, and that he be instructed on no account to neglect to keep the roads in good and proper repair.

1832 2. In this Court the Acting Judge observes "no complaints were made against the state of the Police in these two Zillahs, but from what I have heard learn and myself felt under my observation, no information

"improvement of the Police has taken place.
"Crime is on the increase and judging from
"the extent thereof there seems to be great
"want of vigilance and alertness in the
"discovery of the real offenders if a comparison
"is drawn from the number released to the
"number convicted."

3. The Court are unable to reconcile these remarks with the report of the same Officer on the Police of the same districts, so short a time back as the 18th September last year, wherein he thus expresses himself. "The state of the Police in this Zillah (Cuddapah) "is, as far as I can learn, in admirable "order and great credit is due to the indefa- "tigable zeal of the Darogah the present Ma- "gistrate" "Yea yea and "I see no cause to
6 complain of the State of the Civil Police
in this Zillah (Bellary) Yea yea.

4. On reference to the last half yearly returns the Court observe that in the first six months of the current year there were 582 cases of criminal and misdemeanours committed in Cuddapah, in which 1571 persons are supposed to have been concerned, being an increase of 86 cases in excess of the preceding half year as shewn in the Memorandum noted in the Margin, which tho' to be regretted can hardly be considered sufficient warrant

Cuddapah — Persons concerned
1st half year 1831 — 582 — 1571
2nd " 1831 — 496 — 1485
1st " 1832 — 582 — 1571

warrant for the sweeping condemnation contained in the Acting Judge's Report, more especially as the Returns shew that of the above mentioned 1571 persons, no less than 875 were apprehended by the Police. In Bellary, so far from crime being on the increase, the Memorandum entered in the Margin, exhibits a gradual decrease during the last eighteen months.

Bellary — Persons concerned
1st half year 1831 — 182 — 703
2nd " 1831 — 165 — 674
1st " 1832 — 124 — 538

11. 5. The late Acting Judge in this para repeats the suggestions in respect to an increase of the powers of Magistrates and Criminal Judges contained in his report of the 18th July last, and which were fully reviewed in the Court's Proceedings of the 28th of the same month.

6 Government in their reply to the said Proceedings dated the 3rd July, having stated their opinion against such extension of the powers of the functionaries in question, the Court do not consider it necessary to enter into a further discussion of the matter.

15 7. The Court by no means concur in the sentiments contained in this para, as they consider confessions before the Police, when made in accordance with the provisions of the Regulations on the subject of primary importance.

16 8. The Court do not consider the suggestions in this para entitled to any

any consideration.

Ordered, that extract from these proceedings be sent to the late acting Judge in the Centre Division for his information and guidance.

Sent following letter No. 763.

Ordered likewise, that extract of these proceedings together with copy of the Report to which they have reference be sent to the acting Secretary to Government in the Judicial Department for the purpose of being laid before the Right Honorable the Governor in Council.

Sent following letter No. 764.

Read return dated the 30th instant from the late acting Judge of Penang on the Centre Division.

(Here enter No. 1006)

With the above return the late acting Judge forwards copies of the second letters taken in cases Nos. 10, 13 and 25 of the Calendar 2nd Sessions of 1882 and in the cases of the 6th & 7th ultimo.

2. In case No. 10 the first question declared that to be leaned as respects the 1st Prisoner from object of legal custody. The second question put by the acting Judge was as follows. "If the case not leaned against the 1st Prisoner, to what punishment would he have been liable?

3. The mode of putting the second question is irregular and improper according to Clause fourth Section II Regulation XIV of 1803, the Law Officer should have been called upon to declare to what punishment the Prisoner would have been liable if the special exception of neglect of legal custody had not existed.

4. The Court of Judicature should accordingly deem it proper again to warn the late acting Judge of the necessity of attending strictly to the provisions of the Regulations enacted for his guidance.

5. The question put respecting the second Prisoner in this case should have been to the effect above pointed out and the answer of the Law Officer instead of being, as it now is, founded on the assumption that the conditions of a sentence of Bind contained in the Order should have declared in both, or not in the absence of the particular clause declared in the former part, the Prisoner would have been liable to the same penalty of Bind.

6. In case No. 13 the second question is not incorrectly put, although it would have been more strictly regular if the exception stated in the first part of the

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a sentence of that kind had been enumerated in the second question, but the answer of the Law Officer in this case is not regular inasmuch as it not only assumes the existence of the particular grounds of exception stated in the first instance, but also the existence generally of all the conditions of that kind under the standing orders of the Province (dated 22nd July 1822) all the exceptions in bar of a sentence of that kind are required to be stated in the first instance, and in here the exception may be of the description referred to in Clause fourth Section II Regulation XI of 1803, the Judge of Circuit is to put a second question of the tenor above stated: but in these cases the answer of the Law Officer is to be confined to a declaration of what the sentence would have been if the particular exceptions so stated had not existed.

7. The remarks on the second question and answer in No 13 apply to this question and answer in No 25.

8. The late Acting Judge is required to pay particular attention to these observations in future cases.

9. The Court now proceed to consider that part of the return of the late Acting Judge under consideration which calls for much more serious notice.

10. In the Precept of the 2nd Circuit it was pointed out to the late Acting Judge

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Judge that the sentences of five years imprisonment in Nos 10 and 13 and of three years imprisonment in No 25 were not warranted by law and that if after taking the further evidence the specific penalty should be awarded it would be for him to pass sentence accordingly or make a regular application for a mitigation of punishment.

11. In the second paragraph of the return it is stated that "on re-perusing and "reconsidering the above cases, no grounds "exist for recommending a mitigation of "punishment" and the late Acting Judge has passed sentence of seven years imprisonment upon the Prisoners in each of the cases in question.

12. It appears difficult to draw from this proceeding any other inference than that the late Acting Judge passed the original sentences of five and three years imprisonment without deliberation and registration conduct wholly irreconcilable with a fit discharge of the solemn functions of a Judge of Circuit.

Ordered, that extract of these proceedings be sent to the late Acting Judge of Circuit in the Central Division for his information and future guidance.

(Sent by Planning letter No 765

Read

Read return, dated the 19th Instant from the Criminal Judge in the Zillah of Ambapah to Receipt of the Court dated the 29th ultimo.

(Here enter No 1040)

The Court have attentively considered the extract from the Diary of the Criminal Court of Ambapah under date the 8th June last, transmitted with the foregoing Return, and they are constrained to remark that the explanation therein afforded of the circumstances which led to the dismissal of the late Lieut Jemedar are extremely unsatisfactory.

2. It is difficult for the Court to conceive how an Officer could allow himself to be set at defiance in the manner therein described by the establishment acting under his orders, to such an extent as to "oblige "to leave the Jail without attaining one of the "objects, for which he had visited the Jail."

3. If the Criminal Judge was desirous in wishing to have the doors of the Cells opened, he surely had the means of enforcing his order, and the Court cannot kindly suppose that persons holding the subordinate situations of Acting Darogah and Jemedar could have had the presumption to act in direct opposition to the directions of their immediate Superior, if clearly comprehended by them.

4. It is more natural to infer that

L. H.
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the Jemedar did not, as represented by him, understand the instructions given to him by the Criminal Judge.

5. To enable the Court therefore to ascertain that an act of injustice had not been committed, they direct that extract from these Proceedings be sent to the acting Criminal Judge of Ambapah, and that he be instructed to call the late Jemedar before him and require him to furnish explanation on the several points of accusation against him contained in the Criminal Diary of his Court dated the 8th June last, and to transmit the same to them as soon as practicable.

Ordered, that extract from these Proceedings be sent to the Criminal Judge of Ambapah for his information.

Next following Letter No 786

Read Letter, dated the 15th Instant, from the Provincial Court of Circuit in the Southern Division, submitting the Criminal Reports in the forms prescribed by Section XXXV Regulation X of 1816, for the month of October 1832.

(Here enter No 1075)

Contra Criminal Reports Cicle 11th

The exception taken by the Prisoner in the 1st charge against the Prisoner in this case is improper. The Provincial Court of Circuit will point out to the acting Criminal Judge that "breaking" is the term used in the Regulations and under which "breaking" was proved against the Prisoner in

in question, the sentence recorded is illegal.

Case 229. 2. The delay in this case of twenty days the Court cannot but observe has been very unsatisfactorily accounted for.

Case 234. 3. The Court of Enjidaree Mahal consider that the circumstances of this case were communicated to the Magistrate if not the Provincial Court of Circuit will not delay to direct him to use his endeavours to apprehend the accused and to bring them to trial.

Case 233. 4 The same term "feloniously entering" is observable in this case as in case 234 if however in this case there was breaking, the Acting Criminal Judge was not competent to pass sentence against the first Prisoner. The Judgment need not be disturbed, but the Provincial Court will inform the Court of Enjidaree Mahal whether or not there was breaking committed, and direct the Acting Criminal Judge to avoid the use of this term which is improperly applied to cases under the Regulations.

Case 236. 5. The sentence in this case against the first Prisoner appears to the Court excessive, and they accordingly resolve that the time of imprisonment to which the first Prisoner is to be subjected be reduced to [6] six months, unless there were circumstances of aggravation attending the crime not shewn in the report which the

the Provincial Court may consider a fair to the proposed reduction, in which case the sentence received will stand until the Court of Enjidaree Mahal are made acquainted with them.

Case 235. 6. In this case also the severity of the sentence though for a second offence has attracted the Court's notice they do not however see sufficient grounds to enjoin that it should be discontinued.

Mahara Supt. Report Case 90. 7. The Court observe that the Criminal Judge had omitted to cite the Regulation in support of his sentence, and the Provincial Court should notice this to him.

Innerarity Report P. Case 113. 8. From the entry in the Column of "explanation" it appears that the Prisoner was not examined on the charge brought against him in this case on the grounds that he had been committed for Trial in another. This is altogether an irregular proceeding, for it is to be understood invariably that when a Prisoner is confined in more than one case before the Court at the same time, the cases be duly investigated, and that the appropriate sentence be recorded after due examination, not of the one, but of all the cases in which there may be charges against the Prisoner.

Satim Supt. Report Case 116. 9. To the Court of Enjidaree Mahal the case noted in the Margin appears one of Robbery by open violence, and that the

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the accused should have been committed for Trial. The Provincial Court of Circuit will point this out to the Acting Criminal Judge for his information and guidance in future similar cases, informing him at the same time that the present sentence stands undisturbed.

Ordered, that extract of these proceedings be sent to the Provincial Court of Circuit in the Southern Division for their information and guidance by Precept returnable without delay.

(And following Precept etc 76)

Read letter stated the 2d Instant from the Provincial Court of Circuit in the Northern Division, submitting the Criminal Reports in forms prescribed by Section XXXV Regulation X of 1816 for the Month of October 1832.

(Here enter No 1084)

Chicacole Insp. Report Case 43.

1. The Prisoners in this case appear to have been apprehended on the 7th and to have arrived on the 14th August at the Criminal Court their detention seems to have arisen from the Magistrate omitting to reply to two communications from the Criminal Court and the Magistrate therefore should be required by the Provincial Court of Circuit to explain the cause of his delaying to transmit a reply to the communications alluded to.

Guntoor Insp. Report Cases 129 & 186.

2. The general remarks of the Acting Judge in these cases the Court consider correct, but direct that he be instructed to abstain from recording them in future

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With reference to the latter of these cases the Court of Sudder Adawlut do not coincide in the sentiments expressed in Para 16 of the proceedings of the Provincial Court of Circuit Canada Second Rotation Regulation XI of 1822 requires commitment upon Trial in the opinion of the Court of Sudder Adawlut if the act be accompanied with any wounding or other act of personal violence.

Case 134.

3. There is nothing in the report to shew whether or not this was a simple case of grain stealing: the attention of the Assistant Judge should be called by the Provincial Court of Circuit to the Circular Orders of the 6th April 1820 and he should be required if the case only warranted it to dispose of the case himself without further delay.

Report Case 186.

4. The same remark and order applies to the case noted in the Margin.

Vizagapatam Insp. Report Case 7.

5. The Prisoners in this case have been detained so long that the Court of Sudder Adawlut relative to direct their release if the Prosecutor and Witnesses are not forthcoming to forward the committing charge.

Report No. Case

6. The detention of this case appears to have arisen from the delay on the part of the Magistrate to reply to the application of the Acting Criminal Judge and the Criminal Court of Circuit should require him to explain the cause of his silence.

&c.

Cede 3. 7. The Provincial Court of Circuit will explain to the Native Criminal Judge that the ground assigned by him for the requisition of security from the Prisoners in this cede viz: "bad character" is insufficient, but that the Court will not disturb his order as there is evidently strong suspicion against the Prisoners

Cede 4. 8. The Court do not perceive any sufficient cause for requiring security from the third Prisoner in this case, and they accordingly direct that he be released unconditionally and that if he has furnished security it may be discharged.

Cede 5. 9. If the Native Criminal Judge has not committed the Prosecutor and Witness which this cede refers, for perjury he should explain why he did not, provided there were two distinct depositions taken.

Cede 6. 10. It appears to the Court that the Prosecutor in this case might have been punished for a false complaint under the late Regulation.

Native Supt. Report Cases 66 & 67. 11. Both these cases are detained in consequence of the non appearance of certain witnesses. The Provincial Court will direct the Criminal Judge to ascertain whether or not the Witnesses can be produced and proceed to dispose of the cases accordingly.

Report V. Case 65 12. With reference to this and other similar cases the Provincial Court should

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keep in view the Circular Orders of the 6th of April 1830 which fully explains the law as applicable to cases of this description.

Masulipatam Supt. Report Case 1857. 13. The Court are at a loss to understand to what allusion is made by the Joint Criminal Judge in the following sentence. "The Witness having declared in this manner it is quite impossible to commit the Prisoner" and the Provincial Court of Circuit will require him to explain it.

Report V Cases 82 & 86 14. The Court are concerned to observe that these cases which have been many weeks before the Joint Criminal Judge's Court have not been examined: the Joint Criminal Judge should be required by the Provincial Court to explain the cause and always to insert the reason in future similar cases.

Case 15 15. It should be explained why the witnesses in this case could not be produced in twenty nine days.

Case 69. 16. The Court want the explanation called for in case 69.

Case 17. 17. This is a simple case apparently and the Court are at a loss to understand why it could not at once have been disposed of.

Rajahmundry Supt Report case 18. 18. The Court of Sudder Adalut do not altogether coincide in the opinion of the Provincial Court of Circuit on this case.

Code. Shall do not consider the sentence against the 2nd Prisoner as necessarily illegal on the grounds assigned in Para 4 of the proceedings of the Provincial Court of Circuit. The illegality would depend upon whether or not the crime amounted to Burglary or whether there were circumstances of aggravation attending it or not. These particulars the Provincial Court will ascertain and report to enable the Court to issue a final order. The Criminal Judge should be called upon to explain how the case as regards the second Prisoner falls under Article fourth Section III Regulation XI of 1832. If there was housebreaking Clause sixth Section II of the Regulation should have been quoted by him.

From the statement of the labor of Prisoners it seems that no paper manufactory has been established at Rajahmundry and that only three persons are employed in making it. This by no means meets the objects of the Circular Order of the Sudder Board requiring Prisoners to be employed on work yielding a profit to Government and the Court deem it proper to direct the Provincial Court to recall the attention of the Criminal Judge to those orders in the hope that no delay may for the future occur in the return of the Court roll to this Court.

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Ordered, that extract of these proceedings be sent to the Provincial Court of Circuit in the Northern Division for their information and guidance by first return mail without delay.

(Sent following Precept No. 768.

Read letter, dated the 6th Instant, from the 1st Judge on Circuit in the Centre Division, submitting the record of the Trial of 23 accused & Supplemental Calendar of Cuttack 3rd Quarterly Sessions of 1832.

(There enter No. 1059.)

The Court of Sudder Adawlut observe that this case is precisely similar to Nos 3 and 4 of the same Calendar in which the prisoners have been disposed of, and as it therefore requires no sentence, they direct that it be returned to the Trial Judge of Circuit.

Ordered, that extract of these proceedings be sent to the 1st Judge on Circuit in the Centre Division for his information.

(Sent following letter No. 769.

Read letter dated the 13th Instant, from the Late Acting Judge on Circuit in the Centre Division, submitting case of Bellaree Calendar 2nd Sessions of 1832.

(There enter No. 1060.)

The Court of Sudder Adawlut having anticipated the proceedings held before the Judge on Circuit, the Letter of

Mr. Bird and Mr. Robertson.

of the Provincial Law Officer, and the finding of the Coyee aal Cazat and Inmates of the Tongalaree Mahal, confirm the said finding of the Coyee aal Cazat and Inmates aforesaid convicting the Prisoner,

"Mallaricidely,"

of the crime of murder and accordingly adjudge him to suffer death as prescribed by Section X Regulation VIII of 1862 by being hanged at the usual time and place of execution.

The Court of Tongalaree Mahal have to observe that the above Trial has been conducted in a very insufficient manner, and they remark particularly that there was not a single question put respecting the Commencement and particulars of the Quarrel or respecting the weapon with which the murder was perpetrated nor has the acting Judge reported, as required by the standing orders of the Court of Tongalaree Mahal, whether or not, the Prisoner on his taking the Prisoner declaration, was duly empowered under Section III Regulation IV of 1821.

Ordered that a extract of these Proceedings be sent to the acting Judge late on Circuit in the Centre Division for his information and future guidance.

Sent following letter No 770

Read again letter dated the 16th Ultimo, from the 2nd Judge on Circuit in the Southern Division, transmitting the record

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record of proceedings in case No 26 taken on Calendar 2nd Sessions 1872 (Vide entry No 952)

Read return, dated the 15th Instant, from the 2nd Judge on Circuit in the Southern Division to precept of the 9th Ultimo ordering him to transmit further evidence relative to the state of the mind of the prisoner (Vide entry No 1052)

Mr Ludlington
Mr Bird and
Mr Bradshaw

The Court of Tongalaree Mahal having maturely considered the proceedings held by the Judge on Circuit the opinion of the Provincial Law Officer and the Futwa of the Coyee aal Cazat and Mooftees of the Tongalaree Mahal confirming the said Futwa of the Coyee aal Cazat and Mooftees aforesaid as far as respects the fact of the homicide being proved against the Prisoner

Ringamanden,

but being of opinion that he was insane at the time of the commission of the fatal act, they direct that he be delivered over to the charge of the Zilla Surgeon with a view to his being eventually forwarded to the Lunatic Hospital at Moorea, under the orders of the 1st of June 1870 and that he be on no account released without their orders.

Sent following letter No 771

The

The examination of the prisoner before the Acting Criminal Judge, coupled with the circumstances of the case, has impressed the Court of Enquiry very strongly with the opinion, that the prisoner at the period of that examination and also when he cut the throat of his child, was not of sound mind, that they cannot without a more particular investigation of this point, than has yet taken place, come to any determination upon the mode in which the prisoner should be disposed of.

2 They in consequence direct that the record of the trial, English and Persian be returned to the 2nd Judge with directions to cause the Prisoner's Neighbours, who have had intercourse with him of late and particularly Ferrashes in the employ of Lieut. Grant, for whom in Page 9 he is stated to have been employed since four or five months and his wife who he states (page 8) had gone to Coimbatore to be examined in the presence of the prisoner as to his state of mind. They likewise desire that the Jailor and any other persons of the Jail establishment who have had occasion to observe the prisoner may also be examined as to his demeanour during the period for which he had been in confinement.

3. These examinations should be taken by the 2nd Judge, if the witnesses

can be brought before him before the close of the Sessions, if not, by the Acting Criminal Judge.

4. The 2nd Judge on Circuit will be pleased to cause the additional evidence to be taken in English and Persian to the record and to transmit the same to this Court without delay.

Ordered, that a extract from these Proceedings be sent to the 2nd Judge on Circuit in the Southern Division by express with a letter without delay.

Court adjourned.

Mr. Lushington.
Mr. Bird.

Letter following Proceedings.

Letter, dated the 2nd. ultimo, from the 2nd Judge on Circuit in the Southern Division transmitting the record of the Trial & Sentence of Ahmadun 2nd Sessions 1882.

(Reservation No. 472)

The Court of Enquiry (Bird & Lushington) having maturely considered all the circumstances of the case in evidence before them, and being of opinion that the proof against the Evidence Ahmun is sufficient to convict him of having put to death the deceased Muneem Regimental Sirdar Officer under Clause second Section II Regulation I of 1819 to declare him liable to second future to what specific punishment the Prisoner would have been

learn liable under the Mahomedan Law, if he had been convicted of the said crime on full legal evidence.

Ordered, that extract of these Proceedings be translated and delivered to the Cazee and Cazeat and Moofties of the Sungotaura Estates.

A.L.

M.M.

Read letter dated the 21st Instant from the 2d Judge on Circuit in the Southern Division reporting the arrival of the Circuit Court at Coimbatore.

(Here enter No. 1094)

Read Supplemental return dated the 20th Instant from the Judges of the Provincial Court of Circuit in the Centre Division to the Courts precept of the 18th June last conveying their observations on the Criminal Reports for April last.

(Here enter No. 1096)

Read return dated the 20th Instant from the late acting Judge of Circuit in the Centre Division to precept dated 22d Instant requiring transmission of the records of trials No. 2 Chittoor 1st Quarterly Sessions 1832 and No. 17 Cuddapah Calendar 2d Sessions 1832.

(Here enter No. 1098)

Read letter dated the 24th Instant from the Judges of the Provincial Court in the Western Division transmitting warrant signed for the execution of the prisoner in case No. 3 on the Home Calendar 2d Sessions 1832 & copy of Report from the Acting Criminal Judge.

(Here enter No. 1099)

Instant. Read return dated the 28th Circuit in the late acting Judge Cuttack dated 15th Instant Conclusion to precept remarks in case No. 2 on the Hon.ble Court's 2d Sessions 1832.

(Here enter No. 1100)

Read letter dated the 18th Instant from the Provincial Court of Circuit in the Southern Division transmitting explanations received from the different authorities on Criminal Reports for August last.

(Here enter No. 1103)

Read letter dated the 27th Instant from the late acting Judge on Circuit in the Southern Division with returned warrant for the execution of prisoner in case No. 19 Chittoor Calendar 1st Sessions 1832.

(Here enter No. 1105)