165

Jany Docket

Proceedings

1834

At a Court of the Inspectors

Present

Saturday 4th January 1834.

Charles Shay Lushington Esqre 1st Puisne
Thomas Abbot Oakes Esqre Acting 2d Puisne

Read extract from the proc
of the Provincial Court of Circuit in the C
Division dated the 20th Ultimo, transm
with reference to the proceedings of that C
the 6th Ultimo, copies of two returns recei
from the Criminal Judge of Kedah
the Acting Criminal Judge of Bellary, rel
to the Criminal Reports for the Month
April last.

(See entry No 1473 of 1833)

The return submitted by
Acting Criminal Judge of Bellary
not contain the information required
9th para of the proceedings of the Inspe
Court under date the 8th July last
to Case No 81 of the Report No 5 for the
of April last, the Provincial Court
will call upon the Acting Crimina
immediately to submit the requi
explanation, and the Court of Insp
Circuit take the opportunity
visit to the Provincial Court of
the Centre Division, that the re

6th Jany 1834.

of this Court of the 8th of July last required that the observations of the Seychelles Assistant on the Criminal Reports for the Month of April last should be communicated to the several officers whose interests might concern by precepts requiring conformity thereto within 5 days from and after its receipt, and the Court need scarcely observe that to all precepts issued to the lower Courts returns ought to be made certifying what may have been done in pursuance thereof.

Ordered that a Extract from these proceedings be forwarded to the Provincial Court of Circuit in the Central Division for their information and guidance.

(Sent in Ext.)

L.H.O.

J.C.R.

Read Return dated the 28th December last from the Provincial Court of Circuit in the Western Division to precept dated 10th December last enforcing the Courts observations and orders on the Criminal Reports for October last.

(Inventory No. 4)

Monday 6th January 1834.

At a Court of the Seychelles Assistant.

Present

The Honble William Oliver Esqre Chief Judge
Charles May Lushington Esqre 1st Puisne Judge
Thomas Alexr Oakes Esqre 2nd Puisne Judge

Read Petition presented on the 3rd instant by Pottalar Poppy of Pellichery.

(Inventory No. 102 of 1833)

The object of this petition is to obtain an order for the release upon bail of the Petitioners Brothers, who he represents have been imprisoned by the Joint Criminal Judge at Pellichery, on the double charge of having instigated persons to give false evidence in a case of murder; and of having been concerned in an assault upon an old man, which was supposed to have occasioned his death.

The Court of Seychelles Assistant see no cause for their interference in this case.

Ordered that the prayer of this Petition be rejected and that a Extract from these proceedings be granted to the Petitioner for application.

Ordered further that a copy of this Petition and Extract of these proceedings be sent to the Joint Criminal Judge at Pellichery for his information.

(Sent in Ext.)

6th Jany 1834

Read Petition presented on the 10th December by Tarcomalay Naiken of Coimbatore (Vide entry No. P. P. No. 107 of 1833)

The Petitioner stated that the Honorable Company have assumed the Pollipatt of Chelliputty in Coimbatore formerly held by his family and in lieu thereof have granted them an inadequate allowance of 15 Pagodas per mensem and he prays the Court to take his case into consideration and to adopt measures for having his allowance increased.

The Court of Sudr Adalut cannot take cognizance of the Petitioner's case. He must apply to Government for redress.

Ordered that the prayer of this Petition be rejected and that extract from these proceedings be granted to the Petitioner on application.

Read letter dated the 19th November last from the 3d Judge of the Provincial Court of Circuit in the Northern Division transmitting for the orders of the Court copy of a letter from the Acting Criminal Judge of Rajahmundry requesting instructions in regard to the mode of disposing of a case forwarded to him by a Head of District Police under Regulation IX of 1832.

(Vide entry No. 1391 of 1833)

As far as the Court are aware this is the first instance of a question having arisen as to the course to be pursued by a Criminal Judge on the trial of a person sent up by a Police Officer under Regulation IX of 1832 for having preferred a wilfully false and malicious charge and they in consequence consider it necessary to give the subject their most attentive consideration.

2 The word of the word "convicted" in Section II of the Regulations would seem to imply a full and regular trial, but the Court cannot conceive that this was the intention of the legislature. Under Section XXXV Regulation IX of 1810 a Magistrate, when it "shall appear" to him that any of the complaints specified in Sections XXXII and XXXIII are litigious, vexatious or groundless is authorized to punish the complainant by fine or imprisonment under certain limitations and restrictions. It cannot to have been considered that a similar power could not safely be intrusted to a native Police Officer, and it was therefore provided that the power of punishment in this case should be vested in the Criminal Judge but it appears to the Court there is no reason why the infliction of punishment in one case should be preceded by more strict formalities than in the other.

Present

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5th Jan 1834

Courts of Vincent by precept returnable in one week.-

(Sent following precept No 9.)

Read further return dated the 30th December last from the Judges of the Provincial Court of Vincent in the Southern Division to precept dated 24th October last, relative to the Criminal Reports for August last.-

(Here enter No 7)

Read return dated the 24th December last from the Judges of the Provincial Court of Vincent in the Western Division to precept dated the 29th November last conveying the Courts observations and orders on the Criminal Reports for the month of September last.

(Here enter No)

Read letter dated the 4th instant from the Acting 2d Judge of Vincent in the Centre Division reporting that he will open the 2d Sessions for 1833 at Kingstown on the 30th Instant.-

(Here enter No 12)

J. A. M.

Read letter dated the 21st November last, from the Acting 2d Judge of the Provincial Court of Vincent in the Centre Division, recommending a mitigation of the punishment to which the prisoners convicted in No 1 of the Calitoon

6th Jan 1834

Calitoon 3d Supplemental Calendar to Sessions of 1833 of being concerned in Gang Robbery have rendered themselves liable.

(Here enter No 1489 of 1833.)

The Court of Soufriere having maturely considered the circumstances of the case represented in the above letter, sentenced under clause third Section III Regulation 1st of 1835, the mitigated punishment recommended by the Acting 2d Judge of the Provincial Court of Vincent in the Centre Division, and accordingly direct that the said prisoners

1st Jagothan
2d Valon
3d Corblow
4th Yarlanoor Valon and
5th Young

be imprisoned and kept to hard labour on the public roads or other public works for the period of (5) five years.

Ordered that extract of proceedings be sent to the Acting 2d Judge of the Provincial Court of Vincent in the Centre Division for his information and guidance by precept returnable without delay.-

(Sent following precept No 10)

3rd January 1834

At Cuttack Division, by

At a meeting of the Sessions Court at Uddalah

Present

Tuesday 14th January 1834 — Charles May Lushington Esqr 1st Puisne Judge
Thomas Alex Oakes Esqr Acting 2d Puisne Judge

Read Return, dated the 10th October last, from the Provincial Court of Circuit in the Cuttack Division, to precept dated 9th September last, calling for an English translation of the record of the trial No 7 of the Cuddalah Calendar 2d Sessions 1832.

(Here enter No 1208 of 1833)

Read also letter, dated the 8th December from the Criminal Judge of Cuddalah, forwarding the original Mooktiarnamah furnished to the Vakeel of the Prosecutor in the case in question.

(Here enter No 1366 of 1833.

1. The Prisoner Lahoor Ram in the foregoing trial was indicted for larceny, & sentenced to seven years imprisonment by the Court by whom the case was tried.

2. The Court having attentively considered the record of the trial, it appears to them that the evidence adduced was totally insufficient to convict the Prisoner of the crime with which he is charged.

3. The Crime imputed to the Prisoner, if committed at all, was committed in the district of Cuttack and the trial ought not to have been held at Cuddalah. Criminal

without [illegible]

Sentences [illegible] and void.

4. The Court under these circumstances are of opinion that it is absolutely necessary for the ends of justice, that the trial should be quashed in toto, and the prisoner forthwith set at liberty: they therefore resolve to direct the Provincial Court of Circuit in the Centre Division to issue the requisite instructions to the Criminal Judge of Cuddapah accordingly.

5. The Court cannot however conclude these proceedings, without pointing out to the Criminal Judge of Cuddapah, that by the provisions of Regulation III of 1827 Magistrates and Police Officers are required to send prisoners charged with crimes to the Zillah Court within the jurisdiction of which, the misdemeanours or crime was committed, in order that such prisoner may be tried or committed for trial in the Zillah where the crime was perpetrated.

6. In the case under consideration the crime was committed in the Nellore Zillah, and yet it did not appear to the Criminal Judge to be necessary with a view to the Prisoner being tried at Cuddapah to apply for the sanction of Government without which the trial was illegal.

7. The Foujdaree Adalut direct that the Criminal Judge of Cuddapah do in all future cases strictly adhere to the provisions of the Regulation.

Ordered, that Extract from these Proceedings be sent to the Provincial Court of Circuit in the

14th January 1834.

the Centre Division, by precept directing them to communicate the same to the Criminal Judge of Cuddapah for his information and future guidance by precept returnable in one week.

(Sent following Precept No. 17.)

Read letter, dated the 6th Instant, from Acting 3d Judge on Circuit in the Centre Division Reporting the arrival of the Court of Circuit and having opened the Sessions.

(Here enter No. 25.)

Read letter, dated the 8th Instant, from the Acting 2d Judge on Circuit in the Centre Division transmitting Letter 5th Quarterly Sessions 1833.

(Here enter No. 26.)

Read Return, dated the 6th Instant, from the Provl Court of Circuit in the Centre Division to precept dated 30th December last, conveying the Court's observations and orders on the Criminal Reports for October last.

(Here enter No. 27.)

Read letter, dated the 7th Instant, from the 2d Judge on Circuit in the Southern Division Reporting the arrival of the Court of Circuit at Masulipatam and the opening of the Sessions.

(Here enter No. 31.)

Read Return, dated the 6th Instant, from the Judges of the Provincial Court of Circuit in the Southern Division to precept dated 24th December last containing the Court's observations and orders on the Criminal

Criminal Reports for October last, and directing them to communicate to the Inferior Courts, this Courts order that a Memorandum should be appended to the monthly Criminal Reports according to the form which accompanied this precept shewing the estimated value of all Articles produced by the labour of the prisoners during the month.

(Here enter No. 32.)

Read letter, dated the 6th Instant, from the Provincial Court of Circuit in the Western Division dated 30th Ultimo, requiring that in future to each Statement exhibiting the manner in which the prisoners are employed in the different Jails, a Memorandum be appended according to the form transmitted shewing the quantity of Articles that may be manufactured during the period for which the Statement is proposed, with other particulars.

(Here enter No. 47.)

Read letter, dated the 7th Instant, from the 2nd Judge on Circuit in the Southern Division reporting the opening of the 1st Sessions of 1834. at Jinnenelly on the 27th Instant.

(Here enter No. 48.)

Read letter, dated the 8th Instant from the Provincial Court of Circuit in the Southern Division transmitting copies of Returns from different authorities in that Division in reply to the communications made to them regarding the Criminal Reports for the month of September last.

(Here enter No. 50.)

Read letter dated the 6th Instant from the Provincial Court of Circuit in the Western Division transmitting copy of a letter from the Joint Criminal Judge of the Auxiliary Court at Canara stating that the Report of Jog has been omitted to be sent with his other monthly Reports for September, October, and November last brought up.

(Here enter No. 51.)

J. C.

J. C.

At a Court of the Foujdaree Adalut

Present,

Wednesday 15th January 1834.

The Honble William Oliver Esqre Chief Judge.
Charles May Lushington Esqre 1st Puisne Judge.
Thomas Alexr Oakes Esqre Acting 2d Puisne Judge.

Read petition presented on the 9th Instant by Syed Mohiddeen of the Zillah of Jinnevelly.

(Here enter Mis. Pet. No. 185 of 1833.)

The Petitioner complains that a person named Syed Mohieddeen was severely wounded in his brother's house, by the Cutwall of the Cutcherry of the Pergunnah of Nellyembaleum, of which wounds he shortly afterwards died; and that altho' the case was regularly forwarded to the Criminal Court, the prisoner was improperly released by the Joint Criminal Judge, and he prays the Court to call for the proceedings in the case, and issue orders for the punishment of the offender.

2. Any complaint that the Petitioner may be desirous of making in regard to the proceedings of the Police or Criminal Court in the case in question, should be addressed to the Judge on Circuit in the first instance.

Ordered, that the prayer of this Petition be rejected, and that Extract from these proceedings be granted to the Petitioner on application.

Read petition presented on the 16th Instant by

by Kittiwanah Naicker

(Here enter Mis. Rel. N: 108 of 1833.)

1 The Petitioner complains of having been illused by Mr Lascelles, the Zillah Judge of Chittoor, and that he has been refused copies, for which he applies, of the complaint preferred against him by that Gentleman, and of the decision passed thereon by the Assistant Magistrate of North Arcot. He states that he has sought redress in vain from the Court of Quarter Sessions.

2 The Court decree that the Provincial Court will immediately call for and forward to them translations of the proceedings of the Magistrate and Criminal Court, as well as copies of their own proceedings on the case of the Petitioner.

Ordered, that Extracts from 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 N: 19)

Read letter, dated the 26th August last, from the 3d Judge late on Circuit in the Northern Division, submitting the Record of trial in Case No 19 of the Quinton Supplemental Calendar for Sessions 1833.

(Here enter N: 988 of 1833.)

Mr Oliver and Mr Oakes

The Court of Sudder Adawlut having maturely considered the proceedings held before the Judge on Circuit, the future of the Provincial Law Officer, and the future of the Cazee ool Coozat and Mooftees of

15 January 1834

of the Sungaume Adalut, confirm the said future of the Cazee ool Coozat and Mooftees aforesaid, and acquit the prisoners

1st Peregaula Verrasee

and

2d Summoola Pathah

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

And under the sentence of Cohobitation declared in the fetwa, adjudge the prisoner

3d Summoola Cavalacayah

to be transported to such place or places beyond Sea, as 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 N: 20)

Read letter from the Provincial Court of Circuit in the Southern Division dated the 30th Ultimo, submitting a reference from the Criminal Judge of Combaconum, whether it is open to him to bring the Prosecutrix in No 154 of the Criminal Report of that Zillah to trial for perjury.

(Here enter N: 22.)

The Court of Sudder Adawlut consider it necessary, to enable them to give a satisfactory decision in regard to the case referred to in the foregoing letter, that they should be furnished with the original precept of the 1st Judge on Circuit, the return thereto, if any was made, and the charge for perjury

forgery against the Prisoner, and the grounds for his detention.

Ordered therefore, that the Provincial Court of Circuit be by precept directed to call for and transmit the documents in question with as little delay as practicable.

Ordered that Extract from these proceedings be sent to the Provincial Court of Circuit by precept returnable instant delay.

(Sent following Precpt. No 21)

Read letter, dated the 3rd Instant from the 3rd Judge of the Provincial Court of Circuit in the Northern Division, reporting that he has issued a precept for the opening of the 1st Sessions 1834 at Clinton on the 11th Instant.

(Here enter No 17)

Read Return, dated the 7th Instant, from the Acting 2nd Judge of the Provincial Court of Circuit in the Centre Division, to precept dated 6th Instant, sanctioning the mitigation of punishment in Case No 1 Sutton & Supplemental Calendar 4th Quarterly Sessions of 1833.

(Here enter No 23)

Read letter dated the 9th Instant from the 1st Judge on Circuit in the Western Division reporting the opening of the 1st Sessions of 1834 at Calicut.

(Here enter 55)

J. M

J. Ms

At a Court of the Fouzdaree Adalut.

Present

Friday 17th January 1834. — Charles May Lushington Esqre 1st Puisne Judge. Thomas Alexr Oakes Esqre Acting 2d Puisne Judge.

Read letter, dated the 16th October last from the late Acting 1st Judge on Circuit in the Centre Division, recommending a mitigation of the punishment to which the Prisoner convicted in Case No 18 of the Bellary Calendar 3d Sessions 1833 of Highway Robbery has been sentenced himself liable.

(Here enter No 1238)

The Court of Fouzdaree Adalut having maturely considered the circumstances of the case represented in the above letter, sanctions under Clause third Section III Regulation X of 1825 the mitigated punishment recommended by the late Acting 1st Judge on Circuit in the Centre Division, and accordingly direct that the said prisoner

Edit Chunnergundoo

be imprisoned and kept to hard labor in irons on the public roads or other public works, for the period of (5) five years.

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 Precpt No 25)

Read letter, dated the 31st Ulto from

the Provincial Court of Circuit in the Southern Division, submitting copies of the letters received from the several authorities in the Southern Division, in reply to the communications made to them by the Provincial Court of Circuit regarding the Criminal Reports for the month of August last.

(Here enter No. 6.)

The latter paragraph of the letter addressed by the Acting Head Assistant Magistrate to the Magistrate of Tamanelly is considered by the Judges of the Foujdaree Adalut highly objectionable and reprehensible.

2.

Mr. Goodwyn on re-perusing the grounds on which the Criminal Judge of Madura founded his observations on the conduct of the Police Officer to be "because the witnesses and the 4 persons "who were severally connected at the same time the deceased was murdered have absconded, and when produced "either state they know nothing about the matter or "give their evidence in a very unsatisfactory manner." Observed that it was satisfactorily established that the murder charged in that number had been "actually perpetrated by a number of persons, the principal "Ryots of the village - and that too in the most cruel "and barbarous manner, but from some shameful neglect "or want of activity in the Police, the real perpetrators "have not been apprehended" and from the circumstance of no one party concerned in the actual perpetration of

sometimes a Murder having been brought before the Criminal Court, the Police in the opinion of the Judges of the Foujdaree Adalut justly merited the imputation.

Ordered, that extract from these proceedings be forwarded to the Provincial Court of Circuit in the Southern Division, to be communicated to the Magistrate of Tamanelly, and by that Officer to the Acting Head Assistant Mr. Goodwyn, for his information and future guidance.

(Sent in No. 26.)

Read letter, dated the 3d Instant, from the Joint Criminal Judge of the Auxiliary Court at Honore, requesting instructions with regard to the disposal of the prisoner named in the margin, concerned in Case No. 2. of the Special Sessions held at Honore, and sentenced to be imprisoned and kept to hard labor in irons for the term of 5 years on conviction.

Kanoorsing.

(Here enter No. 34.)

The Court of Foujdaree Adalut direct that the prisoner

Kanoorsing

be removed to the Jail in the Zilla of Cuddapah, there to be imprisoned agreeably to the terms of his sentence.

Ordered, that Extract of these proceedings be transmitted to the Joint Criminal Judge of the Auxiliary Court at Honore, and to the Criminal Judge

Judge in the Gilla of Callaghan of the information and guidance respectively.

(Sent in Nos 27-28)

Read letter, dated the 10th Instant from the Provincial Court of Circuit in the Southern Division, to precept dated 6th Instant, ordering them to communicate to the Subordinate authorities, the Courts instructions in regard to the mode of disposing of a case forwarded to the Criminal Judge by the Head of District police under I Regulation IX of 1832 for having preferred a wilfully false and malicious charge.

(Here enter No 63)

Read letter, dated the 14th Instant, from the 3d Judge on Circuit in the Northern Division, reporting his arrival at Panton and opening the 1st Sessions of this year.

Ord. Ltd.

(Here enter No 64)

J. M.

Read return dated the 10th Instant from the Provincial Court of Circuit in the Centre Division to Circuit precept dated 6th Instant ordering them to communicate to the Subordinate authorities the Courts instructions in regard to the mode of disposing of a case forwarded to the Criminal Judge by a Head of District Police under Regulation IX of 1832 for having preferred a wilfully false and malicious charge.

(Here enter No 59)

Read letter dated the 3d Instant from the 3d Judge of the Court of Circuit in the Western Division forwarding copies of the Calendars for the 4th Quarterly Sessions 1833 received from the Joint Criminal Judge of Hanover.

(Here enter No 30)

No 16.

At a Court of the Inferior District

Present

Monday 20th January 1834.

The Honble William Oliver Esqre Chief Judge
Charles May Washington Esqre 1st Puisne Judge
Thomas Hector Oakes Esqre acting 2d Puisne Judge

Read Petition presented on the 17th Instant by Isaac Pelley of the Gilla of Combacoomin.

Ord. 110

(Here enter G.P. No 104 of 1833)

The Petitioner complains that his Brother had been unjustly imprisoned by the Judge of Combacoomin on a false charge of his having forged a Bond, and prays the Court to inquire into the case, and grant order for his Release.

2 The Petitioner should in the first instance address himself to the Collateral Court of Circuit for the Southern Division.

Ordered that the prayer of this Petition be rejected, and that Witness from these Proceedings be granted to the Petitioner on his application.

Read petition presented on the 23d Instant by Robert Kerr.

(Here enter P.P. No 109 of 1833)

The Petitioner states that he has in conformity with the Courts instructions of the 2d September last, applied to the Judge of

of Circuit for redress of the injuries he has sustained from his Mother in Law, but without effect, and he prays the Court will take up his case and see justice done to him.

The case appears to the Court to be clearly of a Civil Nature, and the Petitioner must in consequence seek redress in a Civil Court.

Ordered, that the prayer of this Petition be rejected, and that Extract from these proceedings be granted to Petitioner on his application.

Read Petition dated the 30th Ult. time from Khan Iman Bobdeen Bentong Sheragee of Bogloor.

(Enclosure No. 8 to No. 10 of 1833.)

The Petitioner states that on his way from Calcutta to Chunar, he was robbed in the district of Raghunandy and the object of the present petition is to obtain an order for the restitution of a portion of his property which he apprehends to have been recovered and to be in deposit in the Criminal Court and Magistrate's Cutchery of the Zillah.

2. The Court observe that the Petitioner made application to the same effect to the 3d Judge on Circuit in the Western Division, and that officer by an Indorsement dated the 11th July last pointed out to him the proper course to be followed for the recovery of the property to which he lays claim. The Petitioner is referred to the order in question, of which he appears to have taken no notice.

Ordered

20th Jany 1834

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

Syed Mohiddeen of the Zillah of Tinnevelly, moves the Court to return the enclosed on his Miscellaneous petition No. 105 of 1833.

Ordered accordingly.

Meer Emam Bobdeen Bentong Meer Beera, moves the Court to return the enclosed on his Miscellaneous Petition No. 110 of 1833.

Ordered accordingly.

Read letter dated the 10th Instant from the Provincial Court of Circuit in the Central Division, transmitting with reference to their proceedings of the 11th of November last, copies of the returns received from the several authorities in the Division in reply to the communications addressed to them by the Provincial Court of Circuit.

(Enclosure No. 12.)

The Court of Sudder Dewanny Adawlut approve of the orders issued to the Acting Criminal Judge of Patna as regards the employment of the Criminal establishment of the Court contained in the 22 para of the proceedings of the Provincial Court of Circuit of the 9th of December last, and with reference to the 3d para of those proceedings the

Court

20th Jany 1834.

Court of Toujdaree Cuddapah will observe that the mode in which the correspondence in the Zillah Court is to be conducted with reference to the recent Regulations of Government of the 22d of November last is pointed out in their Registers letter of the 15th instant.

2 With reference to the 1st para of the return made by the Criminal Judge of Cuddapah the Court of Toujdaree Cuddapah will remark that in their proceedings of the 14th of December last, the 5th prisoner concerned in case No 310 of the Supplemental Report was directed to be committed for Trial before the Court of Circuit.

3 With reference to the reason assigned by the Shrishtadar for his not having specially reported the circumstance of the great Mortality in the Zillah at Cuddapah during the Month of September last, viz: "that from the unusual Number of Prisoners" he considered it an inconvenient evil," the Court of Toujdaree Cuddapah will remark that a report in such cases is required by the Toujdaree Regulations, in order that, if the Mortality be a Jail one, it may proceed from any cause within the reach of the Toujdaree Regulations, the proper remedy or relief may be forthwith applied. The reason for requiring the report "when a Jail "may become more crowded than usual or "unhealthy," is couched in plain unambiguous language viz: "in order that no time may be lost in making suitable arrangements for

Vide C.O. 12th July 830.

2/ T. 66.
25th January 1834.

the accommodation of the additional prisoners confined or for the salubrity of the Jails" and the Criminal Judge of Cuddapah has in the opinion of the Judges of the Toujdaree Adawlut urged a most insufficient excuse for having disobeyed an express injunction of their Court.

With reference to the 2d para of the proceedings of the Provincial Court of Circuit under date the 30th of December last, addressed to the Acting Joint Criminal Judge at Cuddalore, the Judges of the Court of Toujdaree Adawlut consider it proper to explain that as the Judges Ameens on their Civil Capacity pay their own establishments, additional duties could not therefore be required of the Ameens by the Government, and in communicating the above to the Acting Joint Criminal Judge the Provincial Court of Circuit are desired to intimate to that officer that the establishment as recently augmented with the sanction of Government is considered by the Court of Toujdaree Adawlut amply sufficient for the performance of all the duties appertaining to the Auxiliary Court.

Ordered, that extract from these proceedings be forwarded to the Provincial Court of Circuit in the Centre Division, to be communicated to the Criminal Judge of Cuddapah, the Acting Criminal Judge of Chittoor and the Acting Joint Criminal Judge at Cuddalore for their information and future guidance.

Sent in C. 29 Jan J. C. M.

Ans
288

Signd

At a Court of the Fouzdaree Adalut

Present.

Thursday 21st January 1836. Charles May Lushington Esqre 1st Puisne Judge
Thomas Alexr Oakes Esqre Acting 2d Puisne Judge

Read Petition presented on the 6th Instant by Gracica Johnson of Tellicherry
(Here enter Mis. Pet. No 1 of 1836.)

Read the Petition presented on the 15th Instant by the same party -
(Here enter Mis. Pet. No 2 of 1836.)

The Petitioner states that her Coorsa has been unjustly accused of stealing a Lascar's pocket, and has been sentenced by the Joint Criminal Judge of Malabar to one years imprisonment with hard labor in irons on the public roads, and to corporal punishment of 150 Stripes; She adds that the Acting Joint Criminal Judge has consented to suspend the corporal punishment, pending an Appeal to this Court, and she prays the Court to take into consideration the circumstances represented, and the document submitted by her, and to pass orders for the release of the person in question -

2. The Court resolve to suspend for the present the execution of Corporal punishment, and to transmit the foregoing Petitions to the Provincial Court of Circuit in the Western Division, with instructions to review the proceedings of the Joint Criminal

Criminal Judge, and to pass such orders as the case may appear to them to require.

Ordered, that Extract from these proceedings be sent to the Provincial Court of Circuit in the Western Division by first opportunity in one month.

(Sent following Precpt No 32)

Read further Return, dated the 10th ulto made by the Provincial Court of Circuit in the Centre Division, to the precept of this Court of the 4th December last, containing the observations and orders of the Foydaree Adawlut on the Criminal Reports for the month of September 1833.

(Here enter No 39)

In the Return made by the Acting Criminal Judge of Bellary, that Officer observes that Case No 216 having come before him the regular mode should be deemed the transmission of an Indictment when he differed from the Police in considering a Culprit not a witness incompatible with the order of the Foujdaree Adawlut dated the 31st December 1828.

2. The orders of the Foujdaree Adawlut circulated under date the 31st of December 1828 prohibit merely the practice of returning to the Magistracy cases, forwarded to the Criminal Court, which upon enquiry may appear cognizable by themselves or their Police; and has no sort of connection with the question raised by the Acting Criminal Judge: the Provincial Court of Circuit will therefore direct Mr Angelo to adopt the course of proceeding indicated in

on the 18th para of their proceedings of the 6th Ultimo, and to state with reference to the 2d para of his return, that in the opinion of the Court of Foujdaree Adawlut there can be no doubt but the Magistrate of Bellary will be ready on receiving a communication from the Acting Criminal Judge under Section III Regulation III of 1817 to correct the error into which himself or his Police may have inadvertently fallen, in sending before him as a witness, a person who should have been sent up to the Criminal Court as a prisoner.

3. With reference to the 3d para of the Acting Criminal Judge's return, the Provincial Court of Circuit will desire that in future, Clause fourth Section III Regulation XI of 1822 be quoted as the authority under which a Sentence of punishment may be passed in Cases of Cattle Stealing.

Ordered that Extract from these proceedings be forwarded to the Provincial Court of Circuit in the Centre Division, desiring them to communicate the above to the Acting Criminal Judge of Bellary for his information and future guidance.

(Sent as No 33)

Read Return, dated the 9th Instant, from the Provincial Court of Circuit in the Northern Division, to precept dated 30th Ultimo, requiring that in future to each Statement exhibiting the manner in which the prisoners are employed in the

different

different Sails, a memorandum to accompany, according to the form transmitted, shewing the quantity of Articles that may be manufactured during the period for which the Statement is proposed, with other particulars.

(Here enter No 70)

Read Return, dated the 13th Instant, from the Provincial Court of Circuit in the Western Division to precept dated 6th Instant ordering them to communicate to the Subordinate authorities, the Courts instructions in regard to the mode of disposing of a case forwarded to the Criminal Judge by a Board of District Police under Regulations IX of 1832 for having preferred wilfully false and malicious charge.

(Here enter No 71)

J.C.M.

J.H.

At a Court of the Foujdaree Adaulut.

Present

Saturday 25th January 1834.

Charles May Lushington Esqre 1st Puisne Judge
Thomas Abbott Parker Esqre Acting 2d Puisne Judge

Read letter dated the 30th ultimo from the Provincial Court of Circuit in the Southern Division, submitting the reports required by Section XXXV. Regulation X of 1816 received 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 10)

Salem

With reference to Case No 610 of the Salem and to the 10th para of the proceedings of the Provincial Court of Circuit, the Judges would remark, that of "wounding" was proved, which from remarks of the Criminal Judge the Court of Foujdaree Adaulut conclude was the case, the crime was not cognizable by the Criminal Judge, and the prisoners should have been committed to take their trial before the Court of Circuit.

2 The Court of Foujdaree Adaulut are of opinion that sufficient was established against the prisoners concerned in case No 623 to warrant their commitment for trial before the Court of Circuit, the Provincial Court

to do

different Jails, a memorandum to appended, according to the form transmitted, shewing the quantity of Articles that may be manufactured during the period for which the Statement is proposed, with other particulars.

(Here enter No 70)

Read letter, dated the 13th Instant, from the Provincial Court of Circuit in the Western Division to precept dated 6th Instant ordering them to communicate to the Subordinate authorities, the Courts instructions in regard to the mode of disposing of a case forwarded to the Criminal Judge by a Board of District Police under Regulations IX of 1832 for having preferred a wilfully false and malicious charge.

(Here enter No 71)

Ord

Ent'd

DO

Ord

MCL

At a Court of the Foujdarree Adawlut.

Present

Saturday 25th January 1834.

Charles May Lushington Esqre 1st Puisne Judge
Thomas Alexr Oakes Esqre acting 2d Puisne Judge

Read letter, dated the 30th Ultimo, from the Provincial Court of Circuit in the Southern Division, submitting the reports required by Section XXXV. Regulation X of 1816 received 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 10)

Ord

Salem

With reference to Case No 60 of the Report No 5 submitted by the Criminal Judge of Salem and to the 16th para of the proceedings of the Provincial Court of Circuit, the Judge would remark, that of "wounding" was proved, which from remarks of the Criminal Judge the Court of Foujdarree Adawlut conclude was the case, the crime was not cognizable by the Criminal Judge, and the prisoners should have been committed to take their trial before the Court of Circuit.

2 The Court of Foujdarree Adawlut are of opinion, that sufficient was established against the prisoners concerned in case No 33 to warrant their commitment for trial before the Court of Circuit, the Provincial Court

do do

will therefore upon the receipt, orders for the apprehension of the three prisoners concerned in that Number, and declared that the Criminal Judge will in the mean time make every effort to procure further evidence.

3 The Criminal Judge of Salem shall be directed to complete the sentence passed upon the prisoner in case № 628 by recording the period for which the sentence will be fulfilled for the good behaviour of the prisoner.

4 The Court of Cassation is not at all also of opinion that the sentence against the prisoners concerned in cases Nos 638, 645 and 645 is sufficient to put them on their trial before the Court of Cassation, and in giving effect to this effect the Criminal Court of Cassation will direct the Criminal Judge of Salem to cause the security Bonds should any have been entered into by the parties.

5 In such cases as in case № 633 every exertion should be made to procure further evidence.

6 The conduct of the Criminal Judge in disposing of case № 644 before a deposition could be regularly taken from the prosecutor, is open to severe animadversion.

7 With reference to the remarks by the Criminal Judge of Salem, the Court of Cassation has not will observe that if the 1st prisoner in case № 647 could not satisfactorily show

how he became possessed of the flesh found in his house, that circumstance would be sufficient to warrant a requisition of security from him, by the Criminal Court.

8 Adverting to the remarks made by the Criminal Judge of Salem on case № 648, the Court deem it proper to point out to the Criminal Judge, that if he considered it necessary it was competent to him to put the Magistrate in possession of any information which would seem to render it expedient that security to keep the peace should be required from any of the prisoners concerned in that Number.

9 If the offending charged in case № 652 was proved, the case was not cognizable by the Criminal Judge, and the Court will moreover remark, that if the theft only was established the provisions of the Regulations quoted by the Criminal Judge* does not warrant, in cases of theft, a sentence to imprisonment for a longer period than six months.

* Sec. VII Reg. X of 1816.

Combaconum 10 Case № 281 of the Report № 5 submitted by the Criminal Judge of Combaconum should have been numbered 311 — in the preparation of the monthly reports the cases should be numbered as they are received at the Criminal Court — it is only necessary in the preparation of the Calendar that

25th Jany 1834.

that cases such as the present, and that Number 281 received by the Criminal Court in Batticaloa should be included in one Number.

Ordered, that Extract from these proceedings be forwarded to the Provincial Court of Circuit in the Southern Division, requiring them to communicate the above to the Officer whom it may concern by precept requiring conformity thereto in future cases which may from and after its receipt be.

(Sent following precept No. 142)

Read letter dated the 31st Ultimo from the Provincial Court of Circuit in the Western Division, submitting the Reports required by Section XXXV Regulation X of 1810 from the Puisne Criminal Court Criminal and Criminal Judges in the Division for the Months of December last, together with Extracts from their proceedings thereon.

(Recorded No. 14)

Honore 1 With reference to the Sentences passed upon the prisoners concerned in case No. 907 of the Report No. 6, the Provincial Court of Circuit are required to point out to the Joint Criminal Judge at Honore, that Security for good behaviour from persons of notoriously bad character can be demanded only by the Magistrate under Clause 1st Section III Regulation II of 1822 and extended by Clause 1st Section VII Regulation VI of 1827.-

25th January 1834.

The same remark applies to the Sentences passed upon the 2d, 3d & 4th prisoners concerned in case No. 97.-

Malabar. 3 From the circumstance of the Criminal Judge having proceeded to pass Sentence upon the prisoners concerned in cases Nos. 303-115 of 1820 and 349, it is to be inferred that the injury caused by the prosecutor in those cases was very slight - in which case the same should have been stated in the Report.

4 The Provincial Court of Circuit will direct the Criminal Judge of Malabar, with reference to the Sentence passed in case No. 354, to point out to the Hon'ble Sudr Ameen, that the Regulation quoted as the authority under which he passed Sentence in that Number does not apply to cases of Cattle Stealing.

5 With reference to cases Nos. 115 of 1820 and 104 of 1832, the Provincial Court of Circuit will direct the Criminal Judge of Malabar in future to Number cases entered in the Monthly Reports, in the order that they are received at the Criminal Court.

Canara 6 The first prisoner concerned in case No. 150 having been convicted and sentenced in No. 159, the Requisition for Security in No. 156 must be cancelled as the punishment for the greater offence included that awarded for the lesser crime.

7 With reference to the Sentences passed upon

23rd Jany 1834.

upon the prisoner convicted in cases Nos 145 and 146
of the Supplemental Report, the Provincial Court of
Circuit will call upon the Criminal Judge of Jaffna
to explain the particular circumstances, & aggra-
vations which brought the case within the provis
of Clause 4th Section III Regulation VI of 1822, as
the prisoner is not stated to be a servant of the pro
secutor, an enhanced punishment for a petition
of offence can only be awarded after conviction.

Ellicherry

8. From the sentence awarded against
the prisoner in case No 136 being framed under
the provision of Section VII Regulation X of 1810,
the Court of Zuydarce Adalut conclude that the
breaking was not proved, this however should
have been explained, the standing orders of the
Zuydarce Adalut requiring that when a prisoner
may be punished for an offence different
from that with which he was originally charged
a note of the circumstance be entered in the Proce

Ordered, that extract from this
proceedings be forwarded to the Provincial C
Court of Circuit in the Western Division requiring
them to communicate the above to the officer
whom it may concern by precept, requiring
conformity thereto within one week, from and
after its receipt.

(Next following precept No 43) /s

J. All

At a Court of the Zuydarce Adalut.

Present,

Thursday, 30th January, 1834.

Charles May Lushington Esqr 1st Puisne Judge,
Thomas Hebert Oakes Esqr Acting 2d Puisne Judge,
Alexr Duncan Campbell Esqr Acting Judge.

× × ×

The Provincial Court in the Northern Division have submitted to the Judges of the Zuydarce Adalut, the refusal of the Acting Joint Criminal Judge of Tuticoreen to admit prisoners into his Gail upon a Sunday. They have themselves added that they "consider there can be no necessity for this, except on "perhaps on some special occasions;" and that it "cannot be expected that the Criminal Judge is so "far to engage in public business, on a Sunday, as to open the Calendars in cases sent up for trial, "for the purpose of causing the prisoners to be "placed in Gail."

2. Nothing is more calculated to shake the confidence hitherto reposed by the people in that impartial Justice which sustains our rule, than a deviation from the most perfect religious toleration, which is the great characteristic of our Government, and it is the duty of every public officer, especially of those who preside over a department, to restrain any injudicious innovation, which can ever remotely have the appearance, to impose, upon the people our own religious observances. The Judges of the Court of Zuydarce

Read again letter dated 7th Instant from the Provincial Court of Circuit in the Northern Division, submitting copies of correspondence between the acting Joint Criminal Judge and the Magistrate of Point Pedro, in consequence of the former having sent back a witness with a verbal message to the Magistrate, because he had not been furnished with a declaration and relative to the propriety of the acting Criminal Judge refusing to admit Prisoners into his Gail on a Sunday.

(Here enter No 61)

European, Europeanized or Native subject enjoying the protection of the state, in the entire freedom of their private religious opinions respectively, ought never to allow them to tincture their public acts, or to influence the duty due by them to the state.—

3. The spirit of the code of Laws which these Judges are solemnly sworn to administer, as well as the repeated orders of the Government, and of this Court, go to enforce the speediest possible transfer of all prisoners, from the Police and the Magistracy, to the Criminal Courts. In lieu of acting upon the rules thus laid down for their guidance, the public officers in question have allowed their public acts, to be regulated by private religious opinions, which they have as little right to intrude upon the people, as upon their superiors.— The want of experience of the Joint Criminal Judges may excuse such conduct. But the Judges of the Zillah Adalut deem it their duty to express their surprize that it should have received any support from the Provincial Court.—

4. In declaring it to be the imperative duty of every Criminal Court to receive, as well on Sunday, as on any other day of the week, all prisoners sent into Gaol, whether by the Magistracy or the Police and to open all public papers when delivered to them— the Judges of the Zillah Adalut confine themselves, to what is absolutely necessary for the good

30th January 1834

of the public service; for pardons in capital cases, and other emergent communications, might otherwise prove useless. But they take the present opportunity to communicate the foregoing observations to all the Officers in the Judicial Department, to correct any bad effect from the injudicious proceedings so before noticed, and that each may be aware of the principles, which the head of their Department is prepared strictly to enforce in this respect.—

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 subordinate authorities in their respective divisions for their information and guidance.—

(Sent following Circular Precept No. 55.

Read letter dated the 16th Instant from the Acting 2d Judge of the Provincial Court of Circuit in the Centre Division, transmitting for the order of the Zillah Adalut, copy of a correspondence with the Magistrate of North Arcot relative to an order issued by him for the return of certain fees imposed by the Joint Magistrate on certain Inhabitants of Arcot.—

(Here enter No. 65.)

The Judges have no hesitation in acceding that the Acting 2d Judge presiding at the Chittoor Court Sessions had authority to pass the order

2. 30th January

order which forms the subject of the above reference.

The delay in the disposal of the case is, in no way attributable to the Petitioners and does not in any affect its merits or the power of the Acting 2d Judge to pass orders thereon.-

Ordered that extract from the Proceedings be sent to the Acting 2d Judge of the Provincial Court of Circuit in the Centre Division for his information and guidance.-

(Sent in c No. 56)

Read letter dated the 28th Ultimo from the Acting 2d Judge of the Provincial Court of Circuit in the Centre Division, submitting copies of the Chittoor 2d and 3d Supplemental Calendars for the 4th Quarter Sessions of 1833.-

Case No. 1. 1. (Here enter No. 1488.)

With reference to Case No. 1 of the 2d Supplemental Calendar the Court of Enquiry deem it proper to point out to the Acting 2d Judge that it was competent to him to overrule the exceptions taken to the evidence of the 1st and 2d witnesses

Case No. 2. 2. under the provisions of Section II Regulation VI of 1827 the Court of Enquiry deem it their opinion that the 6th prisoner in Case No. 2 of the same Calendar should not have been unconditionally released. Some of the stolen grain having been found in his house was sufficient reason for his being held to security; and the Acting 2d Judge was competent to

Ditto 3.

Ex. 64.

5th January 1834.

to overrule the objection taken to the evidence of the 3d witness.

Ordered that extract from these proceedings be forwarded to the Acting 2d Judge of the Provincial Court of Circuit at the Centre Division for his information and future guidance.-

(Sent in c No. 57)

Read letter, dated the 15th Ultimo from the 1st Judge late on Circuit in the Southern Division, submitting copy of the Salem Calendar for the 2d Session of 1833.-

(Here enter No. 1458)

Case No. 4 1. The 1st Judge was not competent to overrule objections of the nature taken in the 1st Instance delivered by the Law Officer in Case No. 4 - the 2d question must therefore be revised, and as the Mahommedan Law Officer is of opinion that the prisoners are entitled to their release, the trial must be referred to the Enquiry Judges, as the presiding Judge does not concur in that opinion.-

Case No. 5. 2. In this case it is obvious from the examination before the Criminal Court that the deceased was murdered, and with the evidence before him that the deceased was found with his hands and feet bound and wounds on his body it is difficult to conceive how the 1st Judge arrived at the conclusion "that the Boy" probably "fell into

30th January 1834.

"into the well and was drowned."

3. The evidence that the prisoner was seen in company with the Boy "about an Indian "hora" before Sun-set of the 19th of May, coupled with the fact of his not having returned home that night at the usual hour (vide evidence of the 9th 10th and 11th witnesses) looks very suspicious. It should have been explained if an inquest had been held upon the body, and if so whether the wounds on the person of the deceased were such as could have been inflicted by a Bill hook, which it was established in evidence the prisoner had in his hand when last seen with the deceased: the Report of the Police Officer, if an inquest was held, would also have shewn whether or not the Jewels Nos 2 and 3 were found on the body of the deceased when taken out of the Well.

4. Further evidence might perhaps have been procured had the case been traversed to the next Sessions, but under all the circumstances of the case the Court desire that an English Translation of the Record of the Trial may be submitted for their perusal.

Case No. 6. 5. In this case also the Judge of Cuttack was not competent to over-rule the objection taken by the Law Officer, as they consisted of none of the exceptions specified in Clause 1st Section II Regulation VI of 1829.

Case No. 7 6. In this case the 1st Judge has pending a reference to the Sudder Adalut proceeded to pass sentence upon the prisoners, this proceeding is irregular, and the Court of Sudder Adalut desire that in such cases the 1st Judge do in future abstain from passing sentence until sanction for a mitigation of punishment may be received by the 1st Judge in the regular course.

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Case No. 13. In Case No. 13. the only objection which it was competent to the 1st Judge to over-rule was the exception taken to the evidence of the prosecutor.

Case No. 21. 8. The Court seeing reason to doubt the correctness of his judgment in Case No. 21. the Court desire the 1st Judge to prepare and submit an English and Persian Translation of the Record of the Trial.

Case No. 26. 9. In the Futwah returned by the Law Officer in Case No. 26 no mention is made of the circumstance of the 8th prisoner having confessed both before the Police Officer and the Criminal Court, and the 1st Judge is required to call upon that officer to account for the omission.

Case No. 35. 10. As the nature of the contradictory depositions given in Case No. 35 the Court are unable to judge without the record of the Trial, but if exact and positive the Court will observe that the witnesses should have been committed to take their Trial for Perjury.

In

30th January 1834.

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Case No. 45. 11. In this case no abstract of the Evidence has been given and the grounds of the acquittal stated, because the evidence as given in the abstract makes strongly against the prisoner.

Case No. 47. 12. The explanation called for by the 1st Judge in Case No. 47. the Assistant Criminal Judge should now be called upon to submit and that Officer should be instructed that in cases where prisoners are charged with having administered Poison he should abstain from entering into the investigation of the Case until he may be satisfied that death will not ensue therefrom.—

Case No. 54. 13. The Law Officer in his Extract declares in this case declares the evidence of the 1st witness inadmissible as being a son of the prosecutor; no 2d question however appears to have been put to the Law Officer whether it was the duty of the 1st Judge to observe with reference to Section III Regulation VI of 1829.—

14. The Court will also observe that the following entry to be found in the Calendar is not a correct abstract of the Extract "the 1st and 2d prisoners were declared committed by the "declaration before the Criminal Court why the testimony of the 1st witness of his evidence be admitted "he being a son of the prosecutor."—

Case Case No. 55. 15. With reference to Case No. 55. the Court will remark that should no further

F. 4.

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be forthcoming, the deposition of the deceased Prosecutor can under the late Circular order be received as evidence against the prisoner, and the Government be called directed to conduct the prosecution.

Case No. 57. 16. In Case No. 57. it is stated that the "1st and 3d prisoners were only implicated by the "declaration of the 2d prisoner" this however in reference to the abstract appears not to be correct, as the 10th witness states that the threshing floor and the steps of the 1st prisoner's well was stained with blood. the 11th witness deposes to the same fact and also to the Cloth No. 8 stained with blood being found in the 1st prisoner's House, and to the discovery of the Clothes No. 10, 11 and 12 stained with blood from the 3d prisoner's House and the 13th witness deposes that he had seen the Cloth No. 11 when it was worn by the 3d prisoner's wife.—

17. The Court therefore desire that the 1st Judge in submitting "the case of the 2d prisoner" will transmit the record as concerns the 1st and 3d prisoners also.—

Case No. 58. 18. The Court will remark that if there was "no evidence" to prove that the 5th prisoner "knew the property to have been stolen" he was not liable to any punishment whatever.—

Case No. 62. 19. Besides the confessions of the 7th & 8th and 11th prisoners in this case before the Police Officer a

a part of the stolen property was found in their houses they should not therefore in the opinion of the Court have been unconditionally released.—

20. The remark that was made by the Court in the 5th para: of their proceedings of the 8th instant on review of the Coimbatore Calendar is applicable to the form in which this Calendar has been prepared.—

Ordered, that extract from these proceedings be sent to the 1st Judge late on Circuit in the Southern Division by Precept, returnable in 5 days from and after its receipt.—

(Sent following Precept No. 58)

Read letter, dated 20th Instant from the Provincial Court of Circuit in the Centre Division transmitting copy of a letter from the Acting Criminal Judge of Bellary furnishing the explanation required by the Court in their proceedings of the 4th Instant relative to the Criminal Reports for April 1833.

(Here enter No. 80)

Read return dated 20th Instant from the Provincial Court of Circuit in the Centre Division to precept dated 17th instant sanctioning the mitigation of punishment in Case No. 18 Bellary Calendar 2d Sessions of 1833.—

(Here enter No. 86)

Read letter dated 16th Instant from the Provincial Court of Circuit in the Northern Division transmitting

transmitting the returns received from the Criminal Judge and the Magistrate of Kelena respecting the Criminal Reports for April in reference to the remarks of the Superior Court upon them.—

(Here enter No. 89)

Read return dated 27th Instant from the Provincial Court of Circuit in the Centre Division to precepts dated 14th instant conveying the Court's opinion that the trial No. 7 of the Cuddapah Calendar 2d Sessions 1832 should be quashed in toto and the Prisoner Lahoor Ramdoss forthwith set at liberty.—

(Here enter No. 113)

Read letter dated 23d Instant from the 2d Judge on Circuit in the Southern Division, transmitting the Notes Case No. 10 Madura Calendar 1st Sessions 1834 taken down by him at the time of trial in his own hand writing instead of the four Copies of the translations of the proceedings in the Case.

(Here Enter No. 106)

30th

Case

Case

In a Court of the Zoujdaree Adaulut

Present,

The Honble William Oliver Esqre Chief Judge,

Charles Gray Lushington Esqre 1st Puisne Judge,

Monday 3d February 1834. Thomas Hesketh Bakes Esqre acting 2d Puisne Judge,

Alexr Duncan Campbell Esqre acting Judge

Read Petition presented on the 6th Ultimo,

by Rungummah.—

(Here enter Mr. P. Dt. 3 of 1834)

The Petitioner complains that her son the

1

2d Prisoner in Mr. 2 Chittoor 4th Supplemental Calendar

2d Quarter Sessions of 1833 has been unjustly accused of

burglary and sentenced to seven years imprisonment,

and she prays the Court to issue orders for his release.—

2

The Petitioner is informed that there is

no appeal from the sentence of the Court of Circuit,

and that moreover on reference to the Calendar, the

Court see no reason to doubt the propriety of the sentence

which has been passed on the Prisoner in question.—

Ordered therefore, that the prayer

of this Petition be rejected and that Extract from

these Proceedings be furnished to the Petitioner on

application.—

Read Petition presented on the 15th

Ultimo, by Cander Beedee.—

(Here enter Mr. P. C. No. 5 of 1834)

1

The object of this Petition is to endeavour

the Court to rescind the orders passed by them on the

23d December last, and to issue instructions for the release

3d February 1834.

of the Petitioners &c.—

2

The Court see no reason to alter the orders in question, which the Petitioner is informed, are final.—

Ordered, that the prayer of this Petition be rejected, and that extract from these Proceedings be granted to the Petitioner on application.

Read letter, dated 17th October last, from the 1st Judge on Circuit in the Southern Division, transmitting the record of Proceedings in Case № 14 Combaconum Calendar 2d Session 1833, for the final sentence of the Foujdaree Adalut.—

(Here enter № 1245)

Mr. Elmer, and Mr. Lushington,

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 "Mottoosaumy" is sufficient to convict him of the crime of Express Murder, as under the authority with which they are vested by Clause first Section II Regulation I of 1813, convict him thereof, and under the provisions of Section X Regulation XVII of 1817, sentence him to suffer death, by being hanged at the usual time and place of execution.—

Sent following letter № 61

Read letter dated 25th Ultimo from the 3d Judge on Circuit in the Northern Division with returned warrant for the execution of the Prisoner in

3d February 1834.

in Case № 14 Common Supplemental Calendar 1st Session 1833. and the report of the acting Court & Criminal Judge.—

(Here enter № 107)

Read return dated 23d Ultimo from the Provincial Court of Circuit in the Northern Division to precept dated 6th Instant ordering communication to the subordinate authorities of the Courts instructions in regard to the mode of disposing of a Case forwarded to the Criminal Judge by a Head of District Police under Regulation IX of 1832 for having preferred a wilfully false and malicious charge.—

(Here enter № 117)

L.R.O

J.M

Read letter dated 16th Ultimo from the 1st Judge of the Provincial Court of Circuit in the Northern Division reporting the opening of the 1st Quarterly Sessions of 1834 on the 15th Instant.—

(Here enter № 111)

Read return dated 27th Ultimo from the Judges of the Provincial Court for the Southern Division to precept dated 9th December last containing the Courts observations and orders on the Criminal Reports for the month of September last.—

(Here enter № 116)

At a Court of the Foujdaree Adaulut.

Present

Wednesday 5th February 1834.

The Honble William Oliver Esqre Chief Judge

Charles May Lushington Esqre 1st Puisne Judge

Thomas Hoel Oakes Esqre Acting 2d Puisne Judge

Read letter, dated the 31st July last, from the Acting 2d Judge of the Court of Circuit in the Centre Division, transmitting Calendar No 1 or the 2d Supplemental Calendar of the Jails of Chittoor for the 2d quarterly Sessions 1833.

(Here enter No. 841 of 1833

Mr Oliver
Mr Lushington

Of the forty prisoners in this case the 2d and 6th have died in jail, and the 31st and 32d have been released by the Court of Circuit.

The Court of Foujdaree Adaulut having maturely considered the proceedings held before the Judge of Circuit, the futwa of the Provincial Law Officers, and the futwa of the Cazee ool Cozat and Mooftee of the Foujdaree Adaulut, confirm such part of the said futwa of the Cazee ool Cozat and Mooftee aforesaid as declares the prisoners,

8th Nullaiyen alias Venkatagadoo

9th Obleguadoo Son of Chenchoo

10th Moogee Ramagadoo do.

22d Nunnapoolee Yerraiadoo

24th

5th February 1834.

24th Mumma [illegible] Cannakegadoo
30th Goundorgadoo alias Pedda Pillagadoo
40th Godoola Raumegadoo

liable to Corroboration and under the provision of Clause third Section VII Regulation XV of 1803 adjudge the prisoners

8th Nulla Tincategadoo
9th Allegadoo son of Chinatoo
10th Aborgee Ramegadoo

to be imprisoned and transported to such place or places beyond sea as 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.

And the prisoners

22d Mannapoolee Veerandoo
24th Mummapoolee Tincategadoo
35th Goundorgadoo alias Pedda Pillagadoo
40th Godoola Ramegadoo

to be imprisoned and kept to hard Labor in irons on the public roads or other public works for and during the period of ten years, and then to be released.

The said Court also confirm such part of the finding of their Law Officers as respects the prisoner

11th Monaree Nutteenadoo

and direct that he be set at liberty.

5th February 1834.

But being of opinion that the proof against the prisoners

1st Mumma poolly Pedda Lutchmee
3d Mumma poolly Da Larcegadoo
4th Mumma poolly Chinna Tincategadoo
5th Godoola Alvarcegadoo alias Mumboolingadoo
7th Godoola Tincatramegadoo
30th Mumma poolly Chinna Lutching
38th Godoola Bodegadoo
39th Godoola Lutchegadoo

is sufficient to convict them of the Crime of Murder by them committed on the Authority with which they are vested by Clause first Section II Regulation I of 1818 to convict them thereof and sentenced them to suffer death, as prescribed by Section X Regulation VIII of 1802 by being hanged at the usual time and place of execution. And also concurring in opinion that the prisoners

12th Sylavan Sanglee
13th Mumma poolee Narrainagadoo
14th Mumma poolee Audumkagadoo
15th Mumma poolee Chinna Pedloogadoo
16th Carbnatee Galloogadoo
17th Mumma poolly Chinna Vachangadoo
18th Mumma poolly Pedda Bodevadoo
19th Godoola Naugadoo
20th Lumatave Paupegadoo
21st Mumma poolly Pedda Pedloogadoo
23d Mumma poolee Tincatategadoo
25th Mumma poolee Roogevadoo
26th Mumma poolee Chinna Tincategadoo
27th Tincategadoo, Son of Nulla Tincategadoo
28th Iyagoguty Chinna Tincategadoo

29th

29th Iyagorapanty Pedda Pullagoo
33d Godorla Cottayo
34th Godorla Chinna Chengayo
35th Godorla Vencatadasary &
37th Balejah Gopoorapah Son of Karanapah

are not convicted on their presumptive proof, or on the evidence of credible witnesses but, on their own confession, notwithstanding the advice of their Law Officers; but considering that strong suspicion, though not amounting to conviction attaches to them, the Court direct that under Clause Sixth Section II Regulation XV of 1803 they be required to find two Sureties in 100 Rupees each for their future 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 62)

Read letter dated the 10th October last from the 3d Judge of the Provincial Court of Circuit in the Northern Division, submitting case No 18 on the Rajahmundry Calendar 1st Session 1833.

(Sereestah No 1217 of 1833)

Mr Cushington and Mr Baker.

The Court of Sudder Adalut on a deliberate consideration of the circumstances of the case, in evidence before them, concurring in opinion that the proof against the prisoners

1st Bheggoo Ramaswamy &
2d Gentey Parantalo

is sufficient to convict them of the crime of Robbery by open violence attended with aggravating circumstances, do under the authority with which they are vested by Clause first, Section II Regulation I of 1818 convict them thereof, and under Clauses second and fifth Section IV Regulation XV of 1803, sentence the prisoners

1st Bheggoo Ramaswamy

to be transported to such place beyond sea, as 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 their natural life, and the prisoner

2d Gentey Parantalo

to be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of fourteen Years.

(Sent following letter No 63)

Read Return, dated the 18th December 1833, from the Acting 3d Judge late on Circuit in the Centre Division, to precept dated 25th October last directing him to make a further investigation in case No 19 Cuddalore Calendar 1st Session 1833, and to forward the same with translations—

(Sereestah No 1471 of 1833)

Mr Cushington and Mr Baker.

The Court of Sudder 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 of Cuddalore and Chief

of the Sudder Adawlut from the Trial before
of the Cazee and Moofty of Cuttack
and adjudge the prisoner
Callachee
to be transported to such place beyond Sea
as the Governor in Council shall appoint, there
to be imprisoned and kept to hard labour on
the public roads or other public works for
and during the period of his natural life
(Sent following Letter No. 64)

Read letter dated 23d December
last from the Judge on Circuit in the Southern Division
transmitting the Record of proceedings of Case No. 1038 in
Calendar 2d Sessions 1833.—

(Here enter No. 1481 of 1833.

Mr. Lushington
and
Mr. Baker,

The Court of Sudder Adawlut having
maturely considered the proceedings held before the Judge
on Circuit the futwa of the Criminal Law officer and
the futwa of the Cazee and Coozut and Moofties of the
Sudder Adawlut confirm the said futwa of the Cazee
and Coozut and Moofties aforesaid and under the provi-
sions of Section X Regulation XII of 1805 adjudge the prisoner
Peraun
to suffer death by being hanged at the usual time and
place of execution.—

The Court of Sudder Adawlut direct
that the
proposed sentence in the above case does not invalidate
upon them to notice the questions put to the prisoner

5th February 1834.

by the Criminal Judge after his having distinctly denied
the commission of the crime with which he stood charged.

2. Many of these questions seem to have
no other object than to draw the prisoner into a
Crimination of himself, and are consequently repugnant
to the principles of justice and inconsistent with
that provision of the Regulations which enjoins
Criminal Judges to be careful that all confessions made
by prisoners are free and voluntary; and the Court
cannot withhold the expression of their regret that
a Judicial Officer should have adopted a proceeding
so glaringly improper.

Ordered that extract from these
proceedings be sent to the Judge late on Circuit
in the Southern Division for the information and
guidance of the Criminal Judge of Salem.

(Sent in No. 65)

At a Court of the Sovereign Authority.

Present.

Friday, 7th February 1834. The Honble William Oliver Esqre Chief Judge.
Charles Hay Cushington Esqre 1st Puisne Judge.
Thomas Mactr Oakes Esqre Acting 2d Puisne Judge.
Mactr Duncan Campbell Esqre Acting Judge.

No 210 No further return having been received from the Provincial Court of Circuit for the Northern Division as promised in their first return dated the 5th March to the Court's precept of the 11th February 1833 transmitting copy of a petition presented to the Court by Addanky Ram dated the 3d of prisoner in case No 25 of 1832 on the file of the joint Criminal Court at Masulipatam, and directing them to ascertain whether or not the allegations therein contained are true.

Ordered, that the Provincial Court of Circuit in the Eastern Division be called upon by precept, to transmit the further return without further delay.

(Sent following precept No 273)

No further return having been received from the Provincial Court of Circuit in the Southern Division as promised in their first return dated the 27th of September to the Court's precept of the 18th September last, calling for translations of the proceedings in the several cases specified in the Memorandum annexed to the return of the

7th February 1834

the Acting Asst Clerk of the Crown & Judge of Prince
under date the 20th August last, Enclosing Rule
by the Court of Circuit on the 31st of the same mo

Ordered, that the Provincial Court
of Circuit in the Southern Division be advised
upon by precept, to transmit the further
returns without further delay

Sent following precept to Bot

Read letter, dated the 31st October
last from the Magistrate of Carleton transmitting
for the consideration and orders of the Court, copy
letter addressed to him by his Assistant at White
and of a correspondence which had passed between
that Gentleman and the 2d Judge of Circuit in
the Western Division, relative to the arrest of Mar
Antony Platel.

(Vide entry Vol 12 72 of 1833)

1 The Judges regret to observe that
much valuable time has been expended by the 2d
Judge in the prolongation of a discussion, which
does not appear to have been necessary in furtherance
of the ends of justice.

2 They are of opinion that the Assistant
Magistrate would have exercised a sounder
discretion, than distinguishes his conduct and
correspondence, had he called upon the Gibbs Judges
for a certificate of the State of Felix Fermandez
for which had declared that he was out of danger,
it would have justified all the proceedings in the
case. In the absence of such a certificate Fermandez
might have been demanded from Platel, to

appear

7th February 1834

appear when required, and in the event of his
failing to produce it, he might have been detained
in custody, during the period that Fermandez
was confined to his house. But whatever may
be the opinion of the Judges, as to the best mode
of exercising the discretion vested in him,
they think that it was a matter left to his discretion

3 The Judges do not therefore attribute
any blame whatever to the Assistant Magistrate
who has displayed throughout this affair a
degree of ability, zeal, and respectful deference
to superior authority, highly creditable to him.

4 They are constrained, on the other hand
to observe that the proceedings of the 2d Judge
evince a want of courtesy towards the
head of the Magistracy, and a general
provision of his Assistants proceedings ill
calculated to promote a good understanding
or to benefit the public Service. This Court have
repeatedly directed that all correspondence
should be carried on between the heads of
Departments. The 2d Judge will be pleased
strictly to conform to this rule for the future.

5 The only point involved in the
Assistant Magistrates letter of the 23d October,
which appears to require the notice of the Court,
is that contained in the 4th para and the Judges
in reference thereto are of opinion that in
cases in which a compromise is admissible
under the Regulations, it is for the Magistracy

to

7th February 1834

to determine whether in any case the public interest can ever require that an investigation should be made, as to the causes which have led to a private adjustment of a quarrel.

Ordered, that extract from these proceedings be sent to the 2d Judge Circuit on Circuit in the Western Division, and to the Magistrate of Malabar, for their information and guidance respectively.

(Sent in Cor. 7 5 & 76)

Read letter, dated the 10th Instant from the Provincial Court of Circuit in the Centre Division, forwarding copy of a letter from the Magistrate of North Arcot relative to the case of a Peon charged with plundering grain in the Bazar of Vellore.

(Here enter N° 45)

The Court consider it necessary for the elucidation of the matter referred to in the representation contained in the foregoing letter, that they should be furnished with the original papers under the signatures of Captain Hodgate and Captain Lewis respectively, and also with the rough original English translations of all the documents, copy of which accompanied the Provincial Court's letter of the 24th October last authenticated by Mr Fraser. These must be procured from the Criminal Court, who in furnishing them, will explain whether these rough English translations were

F. H.

7th February, 1833.

were made, before, or after the late Criminal Judge fixed his decision. They also desire to be informed of the name of the person or persons by whom the rough English translations in question were prepared. Ordered, therefore that the Provincial Court of Circuit in the Centre Division be by precept, commanded to call for and submit the foregoing documents and information with as little delay as possible.

Precept returnable without delay.

(Sent following precept &c 78)

Read letter, dated the 7th September last, from the 1st Judge on Circuit in the Southern Division, submitting case N° 11 of the Summary Calendar for the 2d Sessions of 1833.

(Here enter N° 1025 of 1833.)

Mr Oliver
Mr Lushington.

The Court of Foujdaree Adaulut having maturely considered the proceedings held before the Judge on Circuit, the futwas of the Provincial Law Officer and the futwa of the Cazee of Cotgat and Shroffter of the Foujdaree Adaulut, confirm the said futwas of the Cazee of Cotgat and Shroffter aforesaid and acquitting the prisoners,

1st Soobeh,
2d Shutta Shettee,
3d Brandee,
4th Shobelimootoo,

direct that they be set at liberty.

(Sent following letter &c 78.)

Mr
20

Mayor Court of the Foujdaree Adalut.

Present,

Monday 10th February 1834.

Charles May Lushington Esqre 1st Puisne Judge
Thomas Alexr Oakes Esqre Acting 2d Puisne Judge
A. D. Campbell Esqre Acting Puisne Judge.

Read Miscellaneous Petition presented on the 30th December 1833 by Venatachellum of Valuttly village in the Tookedy of Perroonamalo.

(Here enter Mis. Pet. No 111 of 1833.)

1 The Petitioner prays the Court to order the release from confinement of his Son, who is a prisoner in Case No 12, Chingleput Calendar 4th Sessions of 1833.

2 The Petitioner is informed, that the case of his Son will be investigated and disposed of in due course, after the receipt of the record.

Ordered, that Extract from these proceedings be furnished to the Petitioner on his application.

Read letter, dated the 24th Ultimo, from the Provincial Court of Circuit in the Centre Division, transmitting copy of a letter from the Acting Criminal Judge of Bellary to Precept furnishing him with copy of this Courts letter dated the 16th December last, relative to the escape of a Prisoner from the Jail under his charge.

(Here enter No 96.)

1 The Court agree to find that the Acting

Acting Criminal Judge in the above Return, under
reserve to justify his conduct in regard to the Prisoner
in question, by what he is pleased to term "the in-
variable practice of former Judges to permit Convicts
"to proceed to the Bazar under guard".

2. The Judges remark that if such
practice has been invariable in Bellary, it is one
unwarranted by the Regulations, and in their opinion
calculated in its effects to facilitate escape. They in
consequence desire that it may be immediately
discontinued.

3. The Acting Criminal Judge
appears to conceive that the course of proceeding
adopted on the Return of the Prisoner to the Jail is
beyond the authority of this Court as involving a
point of Jail discipline, and it therefore becomes
necessary distinctly to point out to him that, altho
the Foujdaree Adalut have considered it proper to
confide to Officers in charge of Jails such minor
points of arrangement, as were not deemed of sufficient
importance to be inserted in the Jail Rules enacted
by Government for their guidance, it was never intended
thereby to preclude this Court from exercising such
interference in the management of the several Jails
as they may deem it right and proper occasionally
to exercise.

4. The measure adopted by the Acting
Criminal Judge of exposing the apprehended Prisoner
to the taunts of the inmates of the Jail, appears to
the

10 February 1834.

the Judges unbecoming, inexpedient and perfectly
unauthorized by any Regulation, and as the fear of
ridicule in case of failure never can deter any
person seriously bent on escape, they desire that
this practice may not be resorted to in future.

5. The Court of Foujdaree Adalut
in pointing out to the Acting Criminal Judge
this deviation from the Regulations and established
practice expected, instead of a querulous attempt at
justification, a strict obedience to their orders. Disap-
pointed in their expectations, they consider it neces-
sary to warn that Officer, that if he should ever
again venture to adopt a similar proceeding, it
will be their painful duty to bring his conduct
under the Special consideration of the Right
Honorable the Governor in Council.

Ordered that Extract from these
proceedings be sent to the Provincial Court of Circuit
in the Centre Division by precept, directing them
to communicate the same for the information
and guidance of the Acting Criminal Judge of
Bellary.

(Sent following Precept No. 80)

The Court of Foujdaree Adalut
consider it necessary that they should be furnished
with an English translation of the record in Case
No. 33 Bellary Calendar for the 1st Sessions 1833, and
in consequence desire that it may be prepared
and submitted to them without delay.

Ordered

10 February 1836.

Ordered, that Extract of these proceedings be sent to the Provincial Court of Circuit in the Centre Division by speedy Precept returnable without delay.

(Sent following Precept No 84)

Read Extract from the proceedings of the Provincial Court of Circuit in the Centre Division under date the 2d Ultimo, submitting the Reports required by Section XXXV Regulation X 1816 from the several Criminal and Joint Criminal Judges in the Division for the months of November last.

(Here enter pp 8 to 16)

The Sentence passed in Case No 500 of the Supplemental Report, which awards a fine of 10 Rupees against each of the prisoners or in default that their property be sold "and in the event of their "not possessing sufficient estate for the said amount that "they be imprisoned with hard labor for 3 months" is in the opinion of the Court of Foujdaree Adalut premature as until the sale has taken place it cannot be within the knowledge of the Criminal Court how much of the fine may be realized, and under the Regulation quoted the offender if his property be not sufficient to liquidate the amount of the fine is liable only to imprisonment and hard labor for such time as may appear to be a fair commutation for such fine or portion of the fine as may be due.

As the Sentence now stands, the parties will suffer imprisonment for 3 months whether large

10th February 1836

large or small portion of the fine be paid, and the Criminal Judge must be directed to revise it accordingly.

The Provincial Court of Circuit will also point out to the Acting Criminal Judge, that the word feloniously has been incorrectly entered in the charge.

Chittoor

In the case No 503 of the Supplemental Report, submitted by the Acting Criminal Judge of Chittoor, the Court of Foujdaree Adalut observe that if the security demanded from the 6th prisoner is required because the prisoner appeared to be under strong suspicion of any specific act of Criminality the Sentence recorded in this case is correct but security for good behaviour from persons of notoriously bad character can be demanded only by the Magistrate under the provisions of Clause first Section III Regulation II of 1832.

Cuddapah

With reference to Case No 500 of the Supplemental Report, submitted by the Criminal Judge of Cuddapah, the Court of Foujdaree Adalut desire that the Provincial Court of Circuit in the Centre Division will point out to that Officer, that all cases of accidental Homicide must be committed for trial before the Court of Circuit, with reference to the provisions of Clause Second Section XV Regulation VIII of 1802, and Clause fourth Section XV Regulation I of 1818, the

accused

accused partly being in the meantime admitted to bail under the provisions of Section XI. Regulation X of 1816.

In their proceedings on review of the Criminal Reports for the previous month, the Court of Zoujdaree Udalut desired that they might be informed if "Mr. James Watts" was a European British subject, and this information the Criminal Judge is required to supply without further delay.

Adverting to Case No. 260 of the Report No. 5 submitted by the Acting Joint Criminal Judge at Cuddalore, the Court of Foujdaree Udalut desire that that Officer be called upon, with reference to their orders circulated under date the 19th November 1832, to explain his having omitted to report the escape of the prisoners named "Ramanee" from the Cuddalore Jail on the morning of the 21st of November last.

Ordered that Extract from these proceedings be forwarded to the Provincial Court of Circuit in the Centre Division, for the communicated to the several Officers whom it may concern by precept returnable in one week from and after its receipt.

(Sent following Precept No. 85.)

Read letter, dated the 3d Instant from the 2d Judge on Circuit in the Southern Division, reporting the arrival of the Court of Circuit at Tinnevelly, and the opening of the Sessions.

(Here enter No. 152.)

Read letter dated the 29th Ultimo from the Provincial Court of Circuit in the Southern Division transmitting Criminal Reports for the month of December 1833.

(Here enter No. 128.)

Read letter dated the 29th Ultimo from the Provincial Court of Circuit in the Western Division forwarding the Criminal Reports for the month of December 1833.

(Here enter No. 131.)

Read letter dated the 3d Instant from the 2d Officiating Judge of the Provincial Court in the Centre Division, transmitting a Copy of a letter from the Officiating Criminal Judge of Bellary, reporting the death of Parsiah the 4th Prisoner in the referred Case No. 69 of the Calendar 2nd Sessions 1833.

(Here enter No. 136.)

No. II.

At a Court of the Foujdaree Adalut.

Present,

Wednesday, 12th February, 1834.

Charles May Lushington Esqr. 1st Puisne Judge
Thomas Alexr. Oakes Esqr. Acting 2d Puisne Judge
Alexr. Duncan Campbell Esqr. Acting Judge

Read return, dated the 21st November last, from the Acting 2d Judge of the Provincial Court of Circuit in the Centre Division, to precept dated 7th October last desiring him to transmit English and Persian Proceedings in Case No. 1 Chittoor 8th Supplemental Calendar 3d Quarterly Sessions of 1833. and to cancel 2d question in the Futwah, and also to suspend the sentence in this case.-

/ Here enter No. 1361 of 1833./-

The Court of Foujdaree 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 Mooftees of the Foujdaree Adalut confirm such part of the said futwas of the Cazee-ool-Coozat and Mooftees aforesaid as acquits the prisoners,-

2. Goorovadoo,

&

3. Goorovadoo, com. of Biang.

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 required to find two sureties in Eighty Rupees each for their good behaviour and appear

to open

when required within three years, or in default thereof, that they be imprisoned and kept to hard labour in irons for that period.

And further concurring in opinion that the proof against the prisoner,

1st Chennoogandoo

is sufficient to convict him of the Crime of Gang Robbery, &c, under the authority with which they are vested by Clause first Section II Regulation I of 1818, convict him thereof, and under clause third Section IV Regulation XI of 1803 adjudge the prisoner,

1st Chennoogandoo

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of 14 Years.

And further concurring in opinion that the proof against the Prisoners,

4th Cauda Tencatachellum,

&

5th Cumsala Paupanah,

is sufficient to convict them of the Crime of receiving stolen property knowing that the same had been stolen, they do, under the provisions of Clause second Section IV Regulation VII of 1822 adjudge the prisoners,

4th Cauda Tencatachellum,

&

5th Cumsala Paupanah,

to be imprisoned and kept to hard labor in irons on the public roads or other public works

for and during the period of 3 Years and them to be released.

/ sent following letter No 89 /

Read letter, dated the 18th of Nov last, from the Acting 2nd Judge of the Court of Circuit in the Centre Division, submitting the report prescribed by Section XXXVII Regulation VII of 1802 on the 2nd and 3rd Quarter Sessions of the past year.-

/ Here enter No 1348 of 1833 /

In the 4th para: of this Report the Acting 2nd Judge refers to a murder of an aggravated nature, contained in the second Supplemental Calendar presented to him at the 2nd Quarter Sessions of 1833, in which forty prisoners, all of the Tumbler Cast, were concerned. This trial numbered 1. of the 2nd Supplemental Calendar was received on the 6th of August last, and since the date of the Acting 2d Judges Report the final sentence of the Court of Sanjdarce Adalut adjudging the 8th 9th & 10th prisoners to be transported for life; the 22nd 24th 30th and 40th prisoners to be imprisoned with hard labour in irons for the period of 10 years; the 11th prisoner to be set at liberty; the 1st 3rd 4th 5th 7th 36th 38th 39th to suffer Capital punishment; and the 12th 13th 14th 15th 16th 17th 18th 19th 20th 21st 23rd 25th 26th 27th 28th 29th 33d 34th 35th & 37th prisoners to furnish two Sureties in 100 Rupees each for their future good behaviour and appearance when required within 3 years and in default to be detained

on

infected when first received into the Gaol, to be built on the out side of the Hospital as suggested by the acting 2nd Judge in the 17th para of his Report.-

8 Should the above measure meet the approval of the Right Honorable the Governor in Council the Criminal Judge will be directed to employ the convicts as far as practicable in the construction of the building and in order that it may be completed with the least possible expence to Government, the Judges would suggest that the Principal Collector of Chittoor be requested to supply the Palmira Trees required for the roof.-

Ordered, that the Report and extract from these proceedings be forwarded to the Officiating Secretary to Government in the Judicial Department, for the purpose of being laid before the Right Honorable the Governor in Council.-

Sent to Govt. No. 18. (Sent in No 90)

Read letter, dated the 20th December last, from the Officiating Secretary to Government in the Judicial Department, desiring that the Court will state their opinion "whether the power vested in the Civil Courts, as intimated in Section V Regulation XI of 1811, to order persons charged before them with the crime of forgery to be brought to trial before the Court of Circuit, has been expressly or virtually repealed, by any subsequent Regulation" and if

they should be of opinion that it has been repealed, that they will "point out what provisions of the Regulations, directly or constructively, abrogate the power formerly vested in the Civil Courts, in Cases of forgery coming under their judicial view."

(Here enter No 1470 of 1833.)

1 In several late references from the Provincial Court in the Southern Division, this Court, under date the 29th June, 25th September, and 18th and 31st October 1833, ruled that, with reference to the restrictive provisions of Section VIII Regulation X 1816, the Criminal Court "possesses no "original jurisdiction in cases of forgery," which "must be sent in the first instance to the Magistrate".-

2. In consequence of the reference now made to them by the Government, the Judges have been led to review the whole of the enactments bearing upon this subject, and to refer to the orders passed by this Court on the 28th October 1823,† in which is incorporated the substance of a previous order of the 31st January 1820, connected with the construction of the Regulation referred to by Government; for whose information they proceed to record the result.-

3. Section XI Regulation II 1802, specially reserves to the Zillah Courts, the cognizance of contempt and perjuries committed in open Court, as prescribed in Sections VIII and XXII of the following Regulation III of 1802- The latter part of which explains that this extends

† a copy thereof is ordered to be submitted with these proceedings to the Government.-

extends to all undue arrogation of the authority of the Court, and all illegal exercise of judicial authority, by parties in their own cause.-

4 These enactments are followed by the provisions contained in section V Regulation VI 1811, in which, as pointed out by the Government, a broad distinction is drawn, between perjury, subornation of it, and forgery falling of themselves, under the judicial cognizance of the Civil or Criminal Courts, in the course of their proceedings, which the superior tribunals, at that time known by the designation of "Courts", may order to be brought to trial, - and the same crimes, cognizable without any such order, in which the original "charges" may be preferred at the instance of interested individuals.-

5 But from this and the following section of the same law, which remain unaltered, it is evident that these enactments of 1811, contemplated that, even in the former cases, the order of the superior tribunals should be addressed to the "Magistrate", who, at that time possessed exclusive authority, to commit for trial before the Court of Circuit.-

6 So long as the offices of Judge and Magistrate were united on the same person there existed no difficulty in executing this law. But in 1818, when they were disunited, an oversight was evidently committed, in not transferring to the Criminal Judge, who then became the exclusive committing officer, the power of committal, which sections V and VII Regulation VI

12th January 1834

Regulation VI 1811 still contemplates as vested in the Magistrate.

But that this is a mere oversight is evident; for the principle established, by the substantive enactments of 1811, pervades the rest of the code. Perjury, Subornation of it, or forgery, which have already come under judicial cognizance, were, by it, declared at once liable to be ordered for committal before the Court of Circuit. whilst the same charges, preferred by individuals, without such judicial sanction, were left open to enquiry by the Magistrate as heretofore.

7 Experience however having shewn that even these latter cases ought to have the previous sanction of the proper tribunal, immediately cognizant of them, Section XXIX Regulation IX 1816 expressly excluded the new Magistrates, from the cognizance of such perjury or subornation of it, in Civil suits, as might be preferred at the instance of individuals, which, under Section VIII Regulation III 1802, it retained for committal by the Zillah Judge exclusively; and Section VIII Regulation II 1822, subsequently extended this exclusion to all charges for perjury or subornation of it, in the Criminal Courts.

8 It is true that the Criminal Judges, by Section VIII Regulation X 1816 were likewise excluded from the cognizance of "any Criminal charge or "information", except such as might be brought before them by the Magistracy or the Police, with the single exception of crimes by European British subjects, - to which were added as

as above explained charges for perjury or subornation of it, in Civil or Criminal matters, before the Superior Courts, preferred at the instance of individuals. But this does not affect the crimes, specified in Section V Regulation VI 1811, when, in lieu of being advanced on the "charge or "information" of individuals, necessarily requiring judicial sanction, they have already come under judicial cognizance and are liable to trial at the public instance by mere order of Court.

10 This Court in their proceedings of the 16th April 1829, without taking so extended a view of this subject, explained to the Government, that they considered the restriction contained in Section XXIX Regulation IX 1816, regarding perjury and subornation of it, to be limited to these crimes before the Superior Courts - and as regarded these crimes before the Subordinate Civil tribunals the revenue, and the Magisterial authorities, they recommended an enactment in modification of Section VIII Regulation X 1816, which now stands in the code as Section III Regulation VIII 1829.

11. The Legislature having thus in 1816 1822 and 1829 successively modified the previous laws, respecting perjury and subornation of it alone, whilst it was altogether silent as to forgery, this Court issued their orders of 1833, quoted at the commencement of these proceedings, without adverting to the order of the 23d October 1823. The Judges, on mature consideration, are now of opinion;

1st That the restriction imposed by Section VIII Regulation

X 1816 does not refer to the Special cases of perjury, subornation of perjury, or forgery; which, falling under the judicial view of the zillah, Criminal, Provincial, Circuit, Sudder or Foujdaree Courts, may, by these Superior tribunals, be ordered, under the previous enactment contained in Section V. Regulation VI 1811, to be brought to trial before the Court of Circuit because these Special public cases were originally distinguished from private prosecutions, for the same crimes, included under the description of a "charge or information" mentioned in the subsequent law; and this construction of the two Regulations is necessary, in order that the substantive provisions of each may stand; because the primâ facie case which must necessarily be made out before a party is committed or held to bail; is already before a competent tribunal; because it is at the instance of a judicial tribunal, and not on the accusation of an interested individual that the committal is to take place; and because it is essential to the pure and effectual administration of justice that every Court should protect and vindicate itself from such offences, by promptly bringing under judicial enquiry, such as are committed within their own view.

2dly That such cases are also to be committed for trial by the respective existing Criminal Courts substituted for the Magistrate of 1811, because the said Regulation of 1811 imperatively requires such cases to be committed for trial before the Court of Circuit, in the

mere

12th February 1834.

mere order of the proper Court, and as the present Magistrates can make no such committal, it follows that, to maintain that law, it is essential such duty should be performed by the proper tribunal, exercising this power, whatever may be its present denomination.

Ordered that Extract from these Proceedings be sent to the Officiating Secretary to Government in the Judicial Department for the purpose of being laid before the Right Honorable the Governor in Council.

sent to Govt. No 19.

(Sent following Letter No. 91)

Ordered likewise that Extract from these proceedings be forwarded to the 4 Provincial Courts of Circuit by precept commanding them to communicate the same to the Subordinate Courts & to the Magistrates in their respective divisions.

(Sent following Precepts No. 92)

J. H.

Read letter dated 4th February last from the 3d Judge on Circuit in the Northern Division transmitting the Record in Case No. 57. Rajahmundry Calendar 1st Session 1833.

(Here enter No. 161.)

Read letter dated 8th February last from the 3d Judge on Circuit in the Northern Division Reporting the death of the Prisoner in Case No. 57. 1st Rajahmundry Calendar 1st Sessions of 1833 who case was referred on the 4th instant & requesting that permission to employ two additional Writers and another translator may be forwarded to him at an early period.

(Here enter No. 169.)

J. H.

Ma Court of the Foujdaree Udalut

Present

Saturday 15th February 1834.

The Honorable William Oliver Esqr. Chief Judge
Charles May Lushington Esqr. 1st Puisne Judge
Thomas Alexr. Oakes Esqr. Acting 2d. Puisne Judge
Alexr. Duncan Campbell Esqr. Acting Judge

Read letter dated the 29th June last from the Acting 3d Judge late on Circuit in the Centre Division, submitting the record of trial in case No. 4 of the Chingleput Calendar 1st Sessions of 1833.

(Here enter No. 1158 of 1833.)

Mr. Lushington and Mr. Oakes

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 Moofteer of the Foujdaree Udalut confirm the said Futwa of the Cazee-ool-Coozat and Moofteer aforesaid and acquitting the prisoners

1st Mootapa Nien
2d Vencatasen
3d Mootoosawmy
4th Tady Pangen
5th Venatachellum
6th Ponnen

7th

7th Lawmygan
8th Padavattan
9th Seanum
10th Judana
and
11th Vencatachellem

direct that they, with the exception of the 9th Prisoner who is convicted in No. 29 in the Calendar, be set at liberty.

(Sent following letter No. 94)

Read letter dated the 11th of November last from the late Acting 1st Judge of the Court of Circuit in the Centre Division recommending that the 12th and 17th prisoners be released and that the sentence to which the remaining 15 prisoners convicted in Case No. 67 of the Bellary Calendar for the 2nd Sessions of 1833 have rendered themselves liable may be "mitigated to imprisonment in "irons with hard labour for a period not exceeding "one year".

(Here enter No. 1339 of 1833)

The Court of Foujdaree Adalut having maturely considered the circumstances of the case represented in the above letter resolve under the provisions of Clause third Section III Regulation I of 1825 to sanction the mitigation of punishment recommended by the late Acting 1st Judge as

regards

regards the 1st, 2nd, 3rd, 4th, 5th, 6th, 8th, 9th, 10th, 11th, 13th, 14th, 15th and 16th prisoners, and the Court in consideration of the youth of the 12th and 17th prisoners being of opinion that the imprisonment they have already undergone is sufficient punishment for the part they took in the robbery, resolve to remit all further punishment in respect to "Bomah" and "Veer Bomah" and to desire that they be unconditionally released.

Ordered that extract from these proceedings be forwarded to the Acting 2nd Judge on Circuit in the Centre Division for his information and guidance with instructions to issue the necessary warrants to the Acting Criminal Judge of Bellary.

(Sent in No. 95)

Read letter dated the 7th of November last from the late Acting 1st Judge of the Court of Circuit in the Centre Division recommending that the punishment to which the prisoners 23 in number convicted in case No. 56 of the Bellary Calendar for the 2nd Sessions of 1833 be mitigated "to imprisonment "in irons with hard labour for five or even a less "number of years".

(Here enter No. 1318)

The Court of Foujdaree Adalut on consideration of the circumstances of the case as detailed

detailed in the above letter, resolve under the provisions of Clause third Section III. Regulation I of 1825 to mitigate the punishment to which the prisoners named in the margin have rendered themselves liable to six months imprisonment with hard labour in irons.

Ordered, that extract from these proceedings be forwarded to the Acting 2nd Judge on Circuit in the Centre Division for his information and guidance with instructions to issue the necessary warrant to the Acting Criminal Judge of Bellary.

(Sent in No. 96)

Read letter dated the 22nd Ultimo from the Acting 2nd Judge on Circuit in the Centre Division submitting Copies of the 1st and Supplemental Calendars of Chingleput for the 2nd Sessions of 1833.

(Here enter No. 92)

With reference to the note stated to have been appended by the Criminal Judge to the Prisoners declaration viz: "that the prisoner who is "of a tender age had marks of blows by a rattan "on his back which were inflicted by the people "attached to the Tahsildar in order to induce "the Prisoner to confess the crime," the Court of Foujdaree Adalut desire that the Magistrate of Chingleput be furnished with an Abstract of this case as entered in the Calendar, with instructions to institute an enquiry into the conduct of the Head.

Head of Police, and eventually to report for the information of the Court of Foujdaree Adalut the result of such investigation, and the steps that may be taken by the Magistrate to prevent the recurrence of so atrocious a practice.

Ordered, that extract from these proceedings be forwarded to the Acting 2nd Judge on Circuit in the Centre Division for his information and guidance by precept returnable in 10 days from and after its receipt.

(Sent following precept No. 97)

Read letter dated the 21st Ultimo from the Acting 2nd Judge on Circuit in the Centre Division, recommending under the provisions of Section III Regulation I of 1825 a mitigation of punishment in the case of the 7th prisoner convicted in Case No. 14 of the Chingleput Calendar for the 2nd Sessions of 1833.

(Here enter No. 93)

The Court of Foujdaree Adalut having considered the grounds upon which the Acting 2nd Judge has recommended that the punishment to which the 7th prisoner "Pulleyandy" has rendered himself liable should be mitigated to 3 years imprisonment with hard labour in irons, resolve to sanction the mitigation of punishment proposed, but in consideration of the advanced age

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age of the 7th prisoner, they further resolve to direct that he be exempted from hard labour in irons.-

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

(Sent in No. 98)

Read letter dated the 10th Ultimo from the Acting 2nd Judge on Circuit in the Centre Division, submitting Copy of the Bellary Calendar for the 2nd Sessions of 1833.-

(Here enter No. 35)

Throughout this Calendar the late Acting 1st Judge has omitted as required by the standing orders of the Court of Foujdaree Udalut to "state" "succinctly and clearly his opinion" of the several cases entered in the Calendar "whether "he concurred entirely in the Futwah or concurred "with the law officer as to the guilt or innocence "of the prisoners but on different grounds, and "what those grounds are"; and though by the death of Mr. Gahagan the Court of Foujdaree Udalut are deprived of any explanation that might have been offered on this head, yet the Judges consider it necessary to point out the omission as the interference of the Court of Foujdaree Udalut has frequently arisen solely

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solely from the want of clearness and perspicuity in the Calendars.-

In consequence of Mr. Gahagan's death the Court will abstain from commenting on the Calendar now before them further than to desire that the several cases set down by the late Acting 1st Judge for reference to the Court of Foujdaree Udalut may be prepared and submitted without delay.-

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

(Sent in No. 99)

Read letter dated the 17th 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 June 1833, together with an extract from their proceedings thereon.-

(Here enter No. 112)

Chicacole. 1. From the remark entered in the Calendar it would appear that Case No. 44 of the report No. 5 was not punishable by the Criminal Judge the prisoners having been found guilty of receiving stolen goods, knowing that such property had been obtained in the perpetration

of robbery by open violence, they should have been committed for trial before the Court of Circuit under the provisions of Clause 2nd Section IV Regulation VI of 1822.—

2. Throughout this report the Acting Criminal Judge has omitted to quote the particular provisions of the Regulations under which he proceeded to pass sentence on the several prisoners entered in the Calendar.—

Nellore 3. The Provincial Court of Circuit with reference to Case No. 57 of the Supplemental report will point out to the Acting Criminal Judge of Nellore that he possesses no authority to demand security from "suspicious characters."—

4. In case No. 153 it is stated that "the "arms viewed back of the prisoner indicate marks "of his having been beaten by branches of Tamarind "Trees in the Village" the Court of Tanjore Udalut therefore deem it necessary to desire that an abstract of this case, as entered in the report be furnished to the Magistrate of Nellore in order that an enquiry into the conduct of the Police Officer may be instituted by that authority.—

Vizagapatam Native Judge. 5. With reference to case No. 8 the Provincial Court of Circuit are required to explain to the Native Criminal Judge that the provisions of Section VIII Regulation XIII of 1832 are applicable only to cases in which Cattle may be "maliciously" killed. When, as in the present instance, a calf may

may be killed for the purpose of eating its Carcass it is to be considered a theft and should be punished under the provisions of Clause 4th Section III Regulation VI of 1822.—

6. The Provincial Court of Circuit will at the same time point out to the Native Criminal Judge that the cases entered in the report No. 5 are incorrectly numbered; and that the standing orders of the Court of Tanjore Udalut require that the numbers of the cases should be carried on consecutively from the commencement of the year.—

Rajahmundry 7. The Criminal Judge of Rajahmundry should be called upon to explain his having omitted to report the escape of the prisoner in case No. 157 of 1833 which occurred on the 15th of June 1833.—

8. The Acting Criminal Judge of Rajahmundry in submitting his Monthly Criminal reports states "that the prisoners "were not made to work in the month of June "last as a great many of the Peons on the "Establishment of the Jail were employed to "serve summonses." the said Establishment as lately revised by order of the Court of Tanjore

Udalut

Adalut will prevent the recurrence of such a measure and the Acting Criminal Judge in the opinion of the Court of Faujdaree Adalut would have acted much more advisedly had he applied for sanction temporarily to employ an additional number of Peons to serve the summonses in the cases committed for trial before the Court of Circuit the employment of Lall Peons on such duty is improper.

Ordered that extract from these proceedings be forwarded to the Provincial Court of Circuit in the Northern Division requiring them to communicate the above to the officers whom it may concern by precept returnable in one week from and after its receipt.

(Sent following Precept No. 100)

Ordered further that the Provincial Court of Circuit in the Northern Division be required to transmit to the Court of Faujdaree Adalut without further delay the several Criminal reports for the months of August, September, October and November last, these for the month of December having been received from the Provincial Courts of Circuit in the Central, Southern and Western Divisions.

The

The Court of Faujdaree Adalut deeming it proper that the proceedings held in case No. 11 of the Salem Calendar for the 2nd Sessions 1833 should be laid before them:-

Ordered that the 1st Judge late on Circuit in the Southern Division be by precept commanded to transmit English translations of these proceedings without delay.

(Sent following Precept No. 101)

The record of the trial in Case No. 46 of the Rajahmundry Calendar for 1st Sessions 1833 called for by the Court of Faujdaree Adalut on the 18th September last, not having as yet been received,

Ordered, that the 3rd Judge of the Court of Circuit in the Northern Division be by precept commanded to submit the record of the proceedings held in the above case without further delay.

(Sent following Precept No. 102.)

Upwards of seven months having elapsed since the close of the trials of Cases Nos. 6, 16, 23, 42, 52, 66, 76, 79, 80, and 96 of the Rajahmundry Calendar for 1st Sessions 1833 which are

are set down for reference to the Court of Foujdaree Udalut, and the records of the Trials in those numbers not having been received in this office.

Ordered, that the 3d Judge of the Court of Circuit in the Northern Division be by precept commanded to submit the records of the proceedings held in the above cases within 15 days, or to shew without delay good and sufficient reason for not doing so.—

(Sent following Precept No. 103)

Read letter dated the 29th Ultimo from the Provincial Court of Circuit in the Southern Division, transmitting copies of returns received from different Authorities in their Division in reply to the communications made to them regarding the Criminal Reports for October last.—

(Here enter No. 120)

Read letter dated the 25th Ultimo from the Provincial Court of Circuit in the Northern Division, transmitting copies of communications from the Magistrate of Nellore relative to the duties of Heads of Police.—

(Here enter No. 139)

Read

Read letter dated the 4th Instant from the Provincial Court of Circuit in the Centre Division, transmitting copy of a letter from the Officiating Criminal Judge of Bellary reporting the death of Teegah the 16th Prisoner in the referred case No. 56 of the Calendar 2d Sessions 1833.—

(Here enter No. 114)

Read letter dated the 6th Instant, from the 2d Judge on Circuit in the Southern Division, reporting the opening of the 1st Sessions of 1834 at Combaconum on the 10th Proximo.—

(Here enter No. 175)

Read letter dated 18th Ultimo from the 3d Judge of the Court of Circuit in the Western Division, forwarding a Calendar of the Adawlut Zillah of Malabar for the 1st Quarterly Sessions 1834.—

(Here Enter No. 143)

At a Court of the Foujdaree Adalut

Present:

Monday 17th February 1834 — Charles May Lushington Esqr 1st Puisne Judge
Thomas Hear Oakes Esqr Acting 2d Puisne Judge
Alexr Duncan Campbell Esqr Acting Judge

Read letter, dated the 8th January last from the first Judge late on Circuit in the Southern Division, transmitting the Record of Trial in case No. 50 Salem Calendar 2d Sessions of 1833.—

(Here enter No. 44.)

Mr Lushington & Mr Campbell.

The Court of Foujdaree 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-Cozat and Mooftee of the Foujdaree Adalut confirming the said Futwa of the Cazee-ool-Cozat and Mooftees aforesaid, and under the sentence of forfeiture declared in the Futwa, do in conformity with the Provisions of Clause Second Section IV. Regulation XV of 1803 and Clause third Section II. and Section VI Regulation I of 1825. sentence the Prisoner.—

1st Shanthanny Parawen

to be transported to such place beyond sea, as the Governor in Council shall appoint, to be imprisoned and kept to hard labour in irons on the public roads or other public works, during the period of his natural life.—

And the Prisoners.

2nd Thimmen

3rd Yacambrum Chitty alias Loo

Rammen Son of Andy Comdan
and
5 Syands

to receive 195 stripes with a Cat of nine tails, and to be imprisoned and kept to hard labour in irons on the public Roads or other public works for and during the period of fourteen years.-

(Sent in No. 105)

Read Miscellaneous Petition presented on the 15th January 1834 by Andemmah maidan of the deceased Saragoo Nariah of Badr. adverpettah in the Calahastry Talook.-

(Here enter Mis: Pet: No. 6 of 1834.)

The Petitioner asserts that about four or five years ago, property was stolen from her amounting in value to Rupees 500 - and that she has petitioned the Magistrate in the Zillah of Chittoor, the Zillah Judge, and the Provincial Court without obtaining redress.-

2. She therefore prays this Court to investigate the case.-

3 The Court of Enquiree Would direct reference in the Centre Division, directing them to call upon the Magistrate of Chittoor to transmit to them Copies of the proceedings held in this case, and to issue thereon such orders as may be proper, certifying the same to this Court - The complainant appears to be a female, ignorant of the proper forms and usual proceedings in such matters; - and the public Officers are bound, by personal inquiry from herself to ascertain, whether or not

17th February 1834. not, she has sustained any injustice, her written complaints are indistinct - and to ascertain the actual grounds for her long perseverance in complaint personal cross examination of herself is necessary - This the Provincial Court would endeavour to do before addressing the Magistrate; - and, if requisite they would communicate her examination to that Officer, for explanation.-

Ordered, that extract from these proceedings be forwarded to the Provincial Court of Circuit in the Centre Division by precept returnable without delay.-

(Sent following precept No. 106)

Ordered also, that extract from these proceedings be furnished to the Petitioner on her application.-

Read return, dated the 15th Instant, from the Provincial Court in the Centre Division to precept dated the 16th December last.-

(Here enter No. 69)

The foregoing is a return from the Provincial Court in the Centre Division, professing to furnish the documents called for by this Court's precept of the 16th December last.-

2 On the face of the papers which accompany it, evidence is given that the return is defective; - for the report of the Amildar states that he forwarded 10 documents, whereas copies of only 8 of them have been sent by the Criminal Court, which has omitted furnishing copies and translations both of the letter from the Villagers, and of that from the Tahsildar of Chinnoor.-

Copies

3

Copies of these two papers were long ago furnished to this Court, in Miscellaneous Petition No. 61 of 1833, and to the Circuit Court in case No. 9 of 1833, duly authenticated by the criminal Court, where they must be recorded.-

4

The Court in consequence resolve that the Criminal Judge of Cuddapa be called upon to explain how the papers in question were omitted from the record forwarded with the present return; and that the Provincial Court be required to account for their leaving it to this Court to discover so obvious an omission. The Court further desire that the Criminal Judge of Cuddapah be required, in furnishing the above explanation, to transmit an attested copy of the English letter from the Magistrate referred to in the one from the Tahsildar of Royachoty dated 28th March 1833.-

5

With respect to the case of the Petitioner in No. 9th of 1833 the Court are of opinion that justice demands a compliance with the prayer of his Petition, so far as regards the refund of the fine levied from him by the Provincial Court of Circuit and the Criminal Court respectively.- But upon his own statement, they consider him excluded, from restoration to the office of Vakeel, which ought

ought to be filled as respectably as possible.- His case originates in his having paid 200 Rupees for the use of the kept woman of a judicial officer, now deceased, in whose Court he subsequently obtained the situation of a Pleader.- No one, acquainted with the Native character, can doubt, that this was intended to influence his obtaining some office, similar to that which he actually procured; and it appears to the Court that the only effectual mode to repress such corrupt practices, and base underhand dealings is for the higher tribunals to exclude rigidly those who resort to them from the situations they aspire to, by means no less disgraceful to themselves, than to others.-

6

The Court can not, on the evidence before them treat the 200 Rupees, given for the use of the woman in question as a loan, in which light it is now represented by the Petitioner.- It appears rather to have been a douceur, if not a bribe.- Though for her use, it was delivered to Krishna, alias Ramasawmy Bhuttoo.- as stated by the Petitioner himself, in his original examination before the Adalder, of the 23d March 1833, without any document.- Yet one of his own witnesses, viz. Ambaty Samba Seevoodoo, on the same day declares that he actually attested a bond which Krishnah executed to the Petitioner, for

truth or falsehood of the charge, of theft against Krishniah, depended the propriety or otherwise of his subsequent alleged arrest.- But the whole of the evidence, in the counter case, upon which alone he entered, proved its falsehood.- The Criminal Judge himself, in his sentence virtually admits the unfounded nature of the original Counter charge;- for instead of stopping and attempting to rob Krishniah, as entered in the charge, he convicts the 3 first prisoners of merely arresting him, upon the charge of Krishniah having committed a theft.- (which he does not even declare to have been false) and the 4th prisoner of instigating them, Nay, this is a conviction contrary to every part of the evidence; for if any thing is more clear than another, it is the fact that Krishniah never was arrested at all.- The Court by no means, regret the Petitioner of chicane, in attempting to stop Krishniah, by causing him to be accused before the Village Police of theft, instead of the robbery, which would have implicated the Petitioner himself also; and the Petitioner may have been obnoxious to punishment, for instigating so false, perhaps so malicious a charge. But so intent was the Criminal Judge upon his punishment, that he convicts him of a greater offence, altogether at variance with the evidence, and passes an oppressive and unjust sentence of 6 weeks imprisonment, and 100 Rupees fine against him.-

Under

10 Under such circumstances, the Court regret to observe the result of his application to the Provincial Court of Circuit, when referred to them by this Court, for review.-

11 The Criminal Judge, after having convicted and sentenced the Petitioner, recommended, and that Court sanctioned, his removal from office Referring briefly to this correspondence, and to the Criminal returns, which "passed through the Judge and this (Provincial) "Court, without comment" the Provincial Court, notwithstanding the startling matter now by urged by the Petitioner, to instance a review of the grounds of these proceedings, briefly reject the prayer of the petitioner; and then proceed to impose upon him an additional fine of 50 Rupees; because the language used by him is "in a strain highly disrespectful."

12 There does not appear to the Court to be any thing in the Petitioner's language in the remotest degree disrespectful, or which could justify the imposition of any fine on the part of the Provincial Court.-

13 They on the foregoing grounds resolve to direct that the fines levied from the Petitioner, both in the Zilla and Provincial Courts, be returned to him.-

14 The Court cannot close these proceedings without animadverting upon the neglect of duty, of which the Provincial Court were guilty, in not making themselves fully

for this very money - This is evidently false, and so complete a contradiction, upon so material a point; whilst it may not invalidate the actual payment of the money, spoken to by others, shews the attempt to represent it as a loan to be after-thought, supported by the fabrication of false testimony -

7 On the departure of the Kept woman Krishniah from the place where the Petitioner had succeeded in obtaining the situation of Pleader, this douceur, or loan, as it is now termed, with true native chicanery, was converted into a theft; and, employing 3 of his own clients in the Court, the Petitioner, availing himself of his official influence, to secure his private ends; deputed them to stop Krishniah, on this charge -

8 The two letters so strangely omitted from the present record are highly important For, that of the village police proves, that his 3 clients, who he employed as tools for this purpose, did not arrest Krishniah; but duly applied to the Village Police, to take him up, on this charge, which was the first preferred to them - that Krishniah contested the authority of the Village Police - and that it was not until they were writing to the Head of District Police on this subject, that Krishniah and the Kept woman, by means of the Court

Court Peons, most improperly deputed to attend him, brought forward the obviously unfounded counter-charge, trumped up, on the spur of the occasion against the clients of the Petitioner for an attempt to rob them, upon which they and the Petitioner were forwarded to the Criminal Court The letter from the head of District Police, also omitted from the record, is scarcely less important; for it shews that even this counter-charge was deemed by the Magistrate, in the English letter therein referred to, to resolve itself into a Civil, and not a Criminal Charge - he treated it as a mere illegal exertion of judicial authority by the Petitioner, in his own cause, in breach of the provisions of Section XXII Regulation III 1802 -

9 Nothing in the opinion of the Court could more taint the impartiality of justice than the late Criminal Judge sitting on all, or their late Criminal Judge sitting on all, in such a case - As he at the time had an application, every proper feeling should have dictated, a reference of it to that officer, which the Petitioner states he solicited - The proceedings of the Criminal Judge, in this case, will not stand the smallest scrutiny he not only overlooked the fact, that the Magistrate deemed the case one of a civil nature, cognizable under Section XXII Regulation III 1802, but that it was a counterchange, originating in one of a criminal nature, which was entitled to priority of investigation, more especially as on the truth

17th February 1894.

fully acquainted with the Petitioners case, before adopting a measure, which was calculated to accumulate injustice upon him, and to lower the character of their tribunal in the estimation of the public.-

Ordered, that extract from these Proceedings be sent to the Provincial Court in the Centre Division by Precept returnable in ten days.

/Sent following precept No 107/

Ordered also that extract from these Proceedings be furnished to the Petitioner on his application.-

Audenmah, moves the Court to return the enclosures in her Miscellaneous Petition No 6 of 1894.-

Ordered accordingly, attested copies being first taken and deposited in the records.-

Read return, dated the 29th Ultimo, from the Judges of the Provincial Court in the Western Division, to precept dated 21st January, ordering them to give instructions to the Joint Criminal Judge of Oralahan to postpone the execution of the corporal punishment on the person of the Petitioner Isaiah Johnson of Jellicahan.-

/Here enter No 141./

Read return, dated the 10th February, from the Judges of the Provincial

Court of Circuit in the Western Division, to precept dated 25th Ultimo, containing the Court's observations and orders on the Criminal Reports for November last.-

Filed 140

/Here enter No 186./ 5

JCM

At a Court of the Foujdaree Udalut.

Present,

Wednesday, 19th February, 1834.

Charles May Lushington Esqre 1st Puisne Judge.

Thomas Alexr Oakes Esqre Acting 2d Puisne Judge.

Alexr Duncan Campbell Esqre Acting Judge.

Read letter dated the 15th November 1833 from the 1st Judge of the Provincial Court Presiding at the Special Commission in the Northern Division at Vizianagaram Submitting the record of trial in Case No 2 of the Special Court held at Vizianagaram.

(Here enter No 1363 of 1833)

Mr Lushington and Mr Campbell

The Court of the Foujdaree Udalut, having maturely considered the proceedings held before the Special Commission, the futwa of the Provincial Law Officer, and the futwa of the Cazee-ool-Cozat and Mooftee of the Foujdaree Udalut, confirm the said futwa of the Cazee-ool-Cozat and Mooftee aforesaid, and under the Sentence of Dokhoot declared in the futwa, do, accordingly, under the provisions of Clause third, Section VII Regulation XV of 1803, Sentence the Prisoner,

1st "Cazee Mosaly,"

to

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-

And further acquitting the prisoner, 2d "Candrata Ramasaumy,"

they direct that as regards this charge alone he be set at liberty.

Although the Court do not think that there is in this case any evidence to convict the second prisoner of the crime with which he is charged, and have in consequence acquitted him upon this charge; yet, as it appears from the evidence of the 2d and 3d witnesses that the Prisoner in question joined Payakah Row twice, and confessed being present at the plunder of another place named Mellorpankah, which is fully confirmed by the 4th witness, with the addition that he went armed with a bow and arrow, they are of opinion that he ought not to be released altogether; but should be made over to the proper Civil Authority, in order that they may consider whether further evidence is not procurable to bring him to trial for this distinct and separate offence.

The Court direct that their Sentence on

be laid before from the Vizianagaram Special Commission, together with the whole of the proceedings held in the case be transmitted to the Officiating Secretary to Government in the Judicial Department, for the purpose of being laid before the Right Honorable the Governor in Council to the intent that the Court may in conformity with the provisions of Section V Regulation XI of 1802, receive the orders of Government before they direct their Sentence to be carried into execution-

sent to Govt 28-28. (Sent following letter No 108.)

Ordered also that Extract from these proceedings be sent to the 1st Judge late presiding at Vizianagaram Special Sessions-

(Sent following letter No 109.)

Read return dated, the 31st Ultimo made by the Provincial Court of Circuit in the Northern Division to precept of this Court dated the 26th November last conveying the observations and orders of the Court of Foujdaree Adalut on the several Criminal Reports for the months of January last-

(Here enter No 9)

With reference to the 3d para of the above return the Court of Foujdaree Adalut

would observe, that a charge of Homicide once proceed to the Criminal Court, the Judge possesses no authority to dismiss the case, but must, upon being satisfied that such Homicide was committed in the commit or hold to bail the prisoners to take their trial before the Court of Circuit, and on reference to the provisions of Clause Second Section XV Regulation VII of 1802 and Clause fourth Section IV Regulation I of 1818 it will be seen, as observed in their proceedings of the 16th August last, that a special mode of proceeding is prescribed to the Courts of Circuit in cases of Accidental Homicide

Vide letter from Secy. to Govt in the Judl Dept. dated 13th February 1833.

2.

The proclamation lately circulated by order of Government to the several Magistrates in the provinces, assuring the people of immunity from Criminal prosecution in the event of their committing homicide in resisting attacks on their lives or property, should be acted upon by the several Magistrates, by abstaining from forwarding to the Criminal Court, cases of this nature-

3.

But as the lives even of those who openly break the law, ought not to fall a sacrifice to any but a legal Sentence, except in actual defence of life or property- unless where martial

[1] para 1 and 2.

law has been established- the Judges of the Sudder Adalut, to guard against all unjustifiable or avoidable homicide, are upon further consideration of opinion, that the judicial inquiry necessary to establish the exemption from trial of persons committing justifiable homicide, under the proclamation in question, can safely be entrusted only to the Magistrates and their European Subordinates, and accordingly resolve to modify their orders circulated under date the 18th of March 1833 to this effect-

Ordered that Extract from these proceedings be forwarded to the Provincial Court of Circuit in the Northern Division to be communicated to the several Magistrates within their Division for their information and future guidance by precept, returnable in one week from and after its receipt-

(Sent following Precept No 110)

Ordered further that Extract from these proceedings be furnished to the Provincial Courts of Circuit in the Centre, Southern, and Western Divisions, requiring them to Circulate the same to the several Magistrates within their

their respective Divisions to prefix returnable in one week from and after its receipt.

(Sent following Circular Cumpt No 111)

Ordered also that Extract from these proceedings be sent to the Officiating Secretary to Government in the Judicial Department for the purpose of being laid before the Right Honorable the Governor General in Council under the orders of the 17th March 1826.

(Sent following letter No 112)

Read letter dated the 9th Ultimo from the Acting 2d Judge on Circuit in the Centre Division requesting permission to mitigate the punishment to which the 1st 2d and 3d prisoners convicted in Case No 22. of the Chinglepute Calendar for the 2d Sessions of 1833 have rendered themselves liable, to 3 years imprisonment with hard labor in irons.

(Vide enter No 94)

The Court of Foujdaree Adalut having maturely considered the circumstances of the case as represented in the above letter, resolve accordingly under the provisions of Clause third Section III Regulation I of 1825 to mitigate the

the punishment to which the prisoners have rendered themselves liable to three years' imprisonment with hard labor in irons—

Ordered that Extract from these proceedings be forwarded to the Acting 2d Judge on Circuit in the Centre Division for his information and guidance—

(Sent in No 113)

At a Court of the Zillah Adalut
Present,

Friday
21st February, 1834 Charles May Lushington Esq. 1st Puisne Judge,
Thomas Alex. Oakes Esq. Acting 2d Puisne Judge,
Alex. Duncan Campbell Esq. Acting Puisne Judge,

Read letter, dated the 6th Ultimo from the 3d Judge of the Provincial Court of Circuit in the Northern Division, submitting a copy of the Mussulmans Calendar for the 3d Quarterly Session of 1833, as also the 1st Case on the Calendar for the 4th Quarterly Session of the same year.

(Here enter a Pa. 45.)

Case No. 10. 1. In this number a "violent attempt" having been made to commit the Robbery, though not effected, the case falls under the provision of Clause 3d Section IV. Regulation XV of 1803. the Sentence therefor passed in this case must be reversed and should the 3d Judge be of opinion that a Sentence to imprisonment for the period of 14 years is too severe, it will be his duty to apply for a mitigation of punishment under the provisions of Clause 2d Section III Regulation I of 1825.

Case No. 23. 2. The Mahomedan Law Officer in his Futwah delivered in Case No. 23 had discredited the evidence of the Prosecutor and the 1st and 2d witnesses "because their "declarations respecting the identity of the Prisoners on a "dark night are improbable" on referring to the Almanac the

the 3d Judge will perceive that on Tuesday the 28th of May 1833, the night on which the Robbery is stated to have taken place, the moon was nearly at the full, and consequently there must have been a clear light at 12 Oclock that night.—

3. This the Court of Enquiry Adalat desire may be pointed out to the Law Officer who presided with the 3d Judge at the Trial; and as it is concluded that the 3d Judge did not in this respect concur in the Futwah of the Law Officer, he should, agreeably to the standing orders of the Court have stated succinctly and clearly his opinion of the case, whether he "concurred entirely in the Futwah or concurred with "the Law Officer as to the guilt or innocence of the "prisoner, but on different grounds and what those "grounds were".—

Case No. 25. 4. The Court of Enquiry Adalat desire that the 3d Judge will explain if it was proved that the "Shoulder of the prosecutrix was crippled, because if this personal injury was established the prisoners were liable to a sentence of transportation for life; and the trial should have been referred to the Court of Enquiry Adalat, under the provisions of Clause 2d Section IV Regulation XV of 1808.—

Case No. 28. 5 The Court of Enquiry Adalat cannot

reason to doubt the propriety of the sentence as regards the 3d prisoner in Case No. 28, resolve to direct that an English Translation of the Record of the Trial be prepared and submitted without delay.—

6. The Court of Enquiry Adalat are of opinion that the 3d Judge erred in directing the unconditional release of the 1st, 2d, 3d, 4th, 6th and 8th prisoners concerned in the 1st Ct. of the Calendar for the 4th Quarterly Sessions of 1833.— inasmuch as they were identified by two of the witnesses viz: the 1st and 5th and some of the stolen property was found in the houses of the prisoners, but the 3d Judge has omitted to state the names or the distinguishing numbers of the prisoners, whose houses were searched.—

Ordered, that extract from these proceedings be forwarded to the 3d Judge of the Provincial Court of Circuit in the Northern Division for his information and guidance by precept returnable in 15 days from and after its receipt.—

(Sent following precept No. 121)—

J. C. M.

Entd.

280

In a Court of the Foujdaree Adalut.

Present,

Monday
24th February
1834.

Charles Gray Lushington Esqre 1st Puisne Judge,
Thomas Alexr Oakes Esqre Acting 2d Puisne Judge,
Alexr Duncan Campbell Esqre Acting Puisne Judge,

Read letter, dated 31st August last, from the Acting 3d Judge on Circuit in the Centre Division, submitting the record of case No 46 of the Cuddalore Calendar, for the first Sessions 1833, for the final decision of the Court of Foujdaree Adalut.

(Here enter No 73.)

The first Prisoner in this case was (unconditionally) released by order of the Court of Circuit.

Mr Campbell.

The Court of Foujdaree 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 Mooftees of the Foujdaree Adalut, confirm such part of the said Futwa of the Cazee-ool-Coozat and Mooftees aforesaid, as acquits the Prisoner

5th Ramasee,

but considering that strong suspicion, though not amounting to conviction, attaches to him, they, under Clause sixth Section II Regulation XV of 1803, direct that he be required to find security in the sum of 60 Rupees, for his good behaviour and appearance when required within three years, or that in default thereof, he be detained for three years in confinement.

And further concurring in opinion that

that the proof against the Prisoners

2d Kalingarayen,

3d Ramen, and

4th Soobben

is sufficient to convict them of the crime of Robbery by open violence, attended with aggravating circumstances, they do, under the authority with which they are vested by Clause third Section V Regulation VIII 1831, and Clause first Section II Regulation I of 1818, convict them thereof, and in conformity with the provisions of Clause second Section IV Regulation XV of 1803, and Clause third Section II Regulation I of 1825 sentence the said prisoners,

2d Kalingarayen

3d Ramen, and

4th Soobben

severally to receive 195 lashes with a cat of nine tails, and to be transported to such place beyond sea as 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 their natural lives.

(Sent the following letter No 122)

Read letter, dated 31st August last, from the acting 3d Judge late on Circuit in the Centre Division, submitting the record of Case No 47 of the Cudalore Calendar 1st Sessions 1833 for the final decision of the Court of Sudder Adawlut.

(Here enter No 118)

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 Cazee-ool-Cozat and Mooftees of the Sudder Adawlut, confirm the said Futwa of the Cazee-ool-Cozat and Mooftees aforesaid, and under the sentence of Acquittal declared in the Futwa, do, in conformity with the provisions of Clause second Section IV Regulation XV of 1803, sentence the Prisoners

1st Gundoo Raiken,

2d Kunnaih Raiken,

3d Jeevah Raiken,

4th Elpala Raiken,

5th Aggiah Raiken,

6th Eavarei Raiken, and

7th Cheral Raiken,

to be transported to such place beyond sea as 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 their natural lives.

And in addition to the above sentence, they further adjudge the prisoner

7th Cheral Raiken,

to receive 150 lashes with a cat of nine tails, under the provisions of Clause third Section II Regulation I of 1825.

(Sent the following letter No 123) in

J Ch

J. C.

At a Court of the Foujdaree Adalut.

Present.

Wednesday 26th February 1834. — Charles May Lushington Esqr. 1st Puisne Judge
Thomas Alexr. Oakes Esqr. Acting 2d Puisne Judge
Alexr. Duncan Campbell Esqr. Acting Judge.

Read letter, dated the 21st November last, from the 1st Judge of the Provincial Court, presiding at Special Commission in the Southern Division at Vizianagaram, submitting the record of trial in Case No. 6 of the Special Court held at Vizianagaram.

(Herewith No. 1402 of 1833.)

Mr. Campbell. The Court of Foujdaree Adalut, having maturely considered the proceedings held before the Special Court, the Future of the Provincial Law Officer and the future of the Cazee-ool-Cozat and Mooftees of the Foujdaree Adalut, confirm such part of the said future of the Cazee-ool-Cozat and Mooftees aforesaid as acquits the prisoners

4. Mundadoola Krishnamah
5. Cantah Vulliah
6. Dora Gerriah
7. Araiyan Yerkiah
8. Banka Goorovvah
9. Gaidecoola Nillamah
10. Summatta Gopanboyo
11. Summala Verummah
and
12. Moochiarla Naidoo

and direct that they be set at liberty.

Ord

And further concerning in fine
that the prisoners

1st Barah Goniah alias Goonnia
3d Barah & Ramasamy

are not convicted on presumptive proof or on the evidence of credible witnesses or on their own confessions, notwithstanding the sitting of their Law Officers, they do accordingly under the provisions of Clause Sixth Section II Regulation XV of 1808 direct that the prisoners

1st Barah Goniah alias Goonnah
and
3d Barah Ramasamy

aforesaid be set at liberty.

In the forgoing case the first witness for the defence, a Hanildar in the 8th Regiment of Native Infantry, deposes that Colonel Mariel sent him with a party of 10 Sepoys "to apprehend whomsoever "Gundy Appadoo might shew to me" that after arresting persons whom he calls rebels at one Village, he came to the Village of the first Prisoner at 6 o'Clock on the morning of the 11th January 1833 and sent for a man whose name is unknown, whom he and Gundy Appadoo asked to point out the rebels in it. The unknown took them into the yard of a house where they stood, and sent a Sepoy to enquire if any one was within. He knocked thrice, and received no answer. Gundy Appadoo had previously called out the name of the owner who at last answered "who are you?" Gundy Appadoo then, in reply, gave his own name upon which" says the Hanildar the 1st 2d and 3d prisoners (brothers of the owner of the

house) who were sleeping in another dwelling, immediately and said to Gundy Appanah "why are you "come to our house at such a time of the night? If "you write a chit to us, we would come" whilst they were saying these words, their brother the owner of the house, who alone was originally called for, "suddenly "opened the door, and came out, and asked three times "where is Gundy Appadoo?" The Hanildar, in reply, asked why he enquired for that person. when the said owner of the house drew from his waist a dagger, with which he stabbed himself in the left side and expired, in two Ghurries, or about an English hour and a half afterwards, without uttering a single word after he was wounded. The Hanildar adds that he placed his corpse upon a cot, which he caused the three brothers of the deceased, (the 1st 2d and 3d prisoners) in conjunction with his two sons, to carry that they were relieved at the 2d Village - and then were sent, in charge of two Sepoys, with the corpse, to the Colonel. "at the time" says this Hanildar that "I sent the dead body of the deceased man to "the Colonel, the 1st 2d and 3d prisoners and the "two sons of the deceased went with the dead body" "The Colonel placed the 1st 2nd and 3d prisoners in confinement and told the two sons to carry away the "dead body and do what they liked"

2. The prisoners question this most unwilling witness for their defence whether, at the time, they did not accuse Gundy Appadoo, of having plundered

plundered their house, and killed their brother. whether on their remonstrating with the Havildar himself "Is it just for you, to stay and see it?" he did not reply. "Carry the wounded man to the Colonel, who "will inquire into it, and punish him who stabbed." The Havildar answers "you did not tell me all these words". He had previously evaded one part of their enquiry by depesing that he did not know that Gundy Appadoo plundered their house. when their question, in fact, was whether, or not, they had not, at the time, accused him of it. But he expressly swears. "you told me "that Gundy Appadoo killed your brother; and I asked "you if there were any witnesses to it. thereupon you "said you are a Company's Havildar, you are a witness "at that time, I said to you "I am a Havildar of the "Company. I do not want to be a witness. I am a man "who apprehends and carries away people. name some "body else as a witness. After that I carried the dead "body to be placed on a Cot &c."

3.

The Court of Judicature Adalut in reviewing this trial consider it their duty to solicit the attention of the Government, before whom the law requires it to be laid, to the above most extraordinary part of the answers. It will remain for the Right Honorable the Governor in Council to consider whether it is not a most dangerous practice, even in time of Martial Law, to confer upon the lowest Non Commissioned Native Officer of the Army, a general unlimitted authority to arrest any one, pointed out by a Native informer, without

without even a charge being preferred against him.

Assuming the Havildars statement to be true. He represents himself as searching for any one named by Gundy Appadoo. But, in the village of the first three prisoners, though Gundy Appadoo called for the deceased, he is not even stated to have ever accused either him or his 3 brothers of any crime whatever. Indeed if as the Court believe he is the same person as the individual bearing his name, examined as the 10th witness in the trial, he entirely absolves the latter from all blame. Besides, both himself and the Havildar, according to the statement of the latter, did not know which of the inhabitants in this village were suspected of rebellion. They applied to one unknown, for information on this point; and it was this unknown who led them to the house. The tragic scene which followed, if the death was actually inflicted by the hand of the deceased himself, proves that, from some cause, as yet unin vestigated, but evidently connected with the improper use made of the very dangerous general authority entrusted to this informer and the Havildar. the deceased was exasperated beyond even what native apathy could bear, and it appears to the Court that there is nothing more likely to create a general feeling of hostility against our Government, than the universal sympathy which arises in every native mind, upon such a self sacrifice, calculated to rouse public odium against the subordinate

Officers

Officers of the state, who could so far forget that salutary protection which the people ever expect from their rulers, as to drive an innocent man to self destruction.

5. But whether the death blow was inflicted by the hand of the deceased or by another this Hurkara is most unwillingly brought to confess that the prisoners, at the time, attributed their brothers death to this informer they said he had killed their brother. This indeed if true, would turn the tragic scene into such an outrage, as would have been more calculated to excite them to suppress rebellion.

6. It appears to the Court that the Government cannot too deeply probe the wound which though complained of in very imperfect language in the defence, evidently rankles in the minds of the prisoners on this point. Their other brother, the 3rd prisoner, is unfortunately dead in Irib. But if their statement should prove true, the disregard their complaint has hitherto received, and the unjust suffering they have sustained, is sufficient to make a deep impression on the public mind in their view. It is highly improbable that their deceased brother should have lived an hour and a half after he was wounded without speaking. The Court are of opinion that every one present on the occasion should be examined and each of the 10 Sepoys who accompanied the Havildar should be encouraged to tell the truth, without reference to his fellowmens testimony.

Whatever may have been the cause

of the death, it is evident that the three first prisoners accompanied the corpse of their deceased brother to the Cantonment, in the just expectation of immediate enquiry, as to its cause what must have been the feelings of these three men, plunged in grief at their brothers sudden death, when, instead of any enquiry into it, they were themselves placed in confinement, apparently upon the present charge.

8. In it, the prisoners are accused of having, on a day unknown under the immediate orders of the chief Vora Bhadra Rauze, plundered and burnt the Village of Vaneliapadoo, and particularly the house of the said informer Gundy Appadoo.

9. The 10th witness Gundy Appadoo himself declares that the event occurred on the 16th October 1829. It is impossible therefore to find that the precise date, so easily procurable from this man, is altogether omitted from the charge, which is left unscrupulously undefined as to time or this political offence. The Court cannot but observe that the character of the Government is particularly involved, in preventing, for the future such an irregularity. This witness completely absolves of all blame the three first prisoners who were apprehended by Colonel Munro, so far as this trial shews, merely in consequence of their having been sent in by the Havildar, whom that Officer deputed to attend this witness.

The

The Court direct that their sentence on the trials from the Vizianagaram Special Commission, together with these observations and the whole of the proceedings held in the case be transmitted to the Officiating Secretary to Government in the Judicial Department for the purpose of being laid before the Right Honorable the Governor General in Council to the intent that the Court may in conformity with the provisions of Section V Regulation XI of 1802 receive the orders of Government before they direct their Sentence to be carried into execution.

Sent to Govt No 30.

(Sent following letter No 126)

Read letter, dated the 21st November last from the 1st Judge of the Provincial Court presiding at Special Commission in the Northern Division at Vizianagaram submitting the record of trial in Case No 7 of the Special Court held at Vizianagaram.

(Here enter No 1403 of 1833)

Mr Oakes
&
Mr Campbell

The Court of Foujdaree Udalut having maturely considered the proceedings held before the Special Commission, the Futwa of the Provincial Law Officer, and the futwa of the Cazee ool Cozat and Mooftees of the Foujdaree Udalut, confirm such part of the said futwa of the Cazee ool Cozat and Mooftees aforesaid as acquits the prisoners

4th Mundadoolah Kistnamah
5th Cootah Vulliah
6th Doraï Gonia
7th Aranamma Yerkiah

8th

8th Banka Goorroiah
9th Gorlamoolah Hittumiah
10th Summala Gopaloodoo
11th Summala Veeramah
and
12th Moochamalah Naidoo

and direct that they be set at liberty.

And being of opinion that the Prisoners

1st Barah Goreiah alias Goremmah
and
3rd Barah Ramaswamy

are not convicted on presumptive proof or on the evidence of credible witnesses, or on their own confessions, notwithstanding the futwa of their Law Officers, do accordingly under the provisions of Clause Sixth Section II Regulation XV of 1823, direct that the Prisoners

1st Barah Goreiah alias Goremmah
and
3rd Barah Ramaswamy

aforesaid, be set at liberty.

The Court of Foujdaree Udalut having passed sentence in this case consider themselves called upon to record in a special manner that it appears to them repugnant to law, precedent and the fundamental principles of justice to place men upon their trial upon a charge so undefined as that under review, in regard both to time and to place, that it deprived them of the power, even if they possessed the means, of rebutting a more specific offence. Such a course seems to the Foujdaree Udalut more especially objectionable in offences of a political nature, like the present, for the character of the Government

steels

itself may be compromised by its subordinate Officers unguardedly adopting so unusual a course.

2. It is also obvious to remark that of the few facts deposed to, respecting some of the prisoners, each is antecedent to the Proclamation mentioned in the charge, which consequently must have been prepared without due examination of the testimony to support it.

3. The Court direct that with the above observations their Sentence on the trial N27 from the Pajamangaram Special Commission, together with the whole of the proceedings held in the case 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 to the intent that the Court may in conformity with the provisions of Section V Regulation XX of 1802 receive the orders of Government before they direct their Sentence to be carried into execution.

Sent to Gov. 5 Mar. 31.

(Sent following letter N=127)

Read letter dated the 29th June 1833 from the Acting 3d Judge late on Circuit in the Centre Division submitting the record of trial in Case N=29 of the Singlepatt Calendar for the 1st Sessions of 1833.

(Here enter N=1180 of 1833.)

Mr Lushington / Mr Oakes

The Court of Sudder Adalut having maturely considered the proceedings held before the Judge on Circuit, the futwa of the Principal Law Officer and the futwa of the Ergee al Cozat and Mooftees of the Sudder Adalut, confirm the said futwa

26th February 1834.

futwa of the Cazee al Cozat and Mooftees aforesaid and under the Sentence of Sokobut declared in the futwa, do accordingly under the provisions of Clause third Section IV Regulation XV of 1803, Sentence the prisoners

1st Vengan
2d Coondaraman
3d Seeman
and
4th Nagaven

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.

But concurring in opinion that strong suspicion though not amounting to conviction attaches to the prisoners

5th Vencatasen
6th Moodoorkistnien
7th Sandien
and
8th Veerasawmy

they under the provisions of Clause 2nd Section II Regulation XV of 1803, direct that they each be required to find Security in the Sum of 200 Rupees, and 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 three years in confinement.

(Sent following letter N=128)

Mr Campbell 1833

Read letter dated the 31st December 1833 from the Acting 2d Judge on Circuit in the Centre Division transmitting the record of trial in Case

Case No. 8 of the Cuttack Calendar 2nd Session of 1833.

(Here enter No. 126.)

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 futwas of the Cazee ool Cozat and Mooftee of the Foujdaree Udalut under clause third section V Regulation XIII 1831. confirm the said futwa of the Cazee ool Coozat and Mooftee aforesaid and acquitting the prisoner

Gangaram Naikea

direct that he be let at liberty.

(Sent following letter No. 129)

The Court of Foujdaree Udalut having passed their decision in the foregoing trial, deem it necessary to record their surprize at the futwa the case in question; they desire this may be intimated to Meer Sulunder Burkhut the Cazee in the Provincial Court, whose future futwas will be scrutinized in a special manner.

Ordered, that Extract from these proceedings be forwarded to the Acting 2nd Judge late on Circuit in the Cuttack Division for his information, by precept returnable in five days.

(Sent following Precept No. 130)

Read Extract from the proceedings of the Provincial Court of Circuit in the Cuttack Division, Submitting the Reports required by Section XXXV Regulations X of 1816 from the several Criminal Courts.

Criminal

No. 4

26th February 1834

Criminal and Native Criminal Judges in the Durrum for the month of December last.

(Here enter No. 127.)

Shittoor

The Acting Criminal Judge of Cuttack should be instructed to commit the 1st prisoner concerned in Case No. 505 to take his trial before the Court of Circuit under the provisions of Clause fourth Section IX Regulation I of 1818, the prisoner being in the mean time admitted to Bail under the provisions of Section X. Regulation IX of 1816, and Clause third Section IX Regulation X of 1816.

It has not been explained that 2. the prisoners concerned in Cases Nos. 578. 579. and 580 have been before convicted of a heinous offence, and it is only after convictions that enhanced punishment can be awarded for repetition of offence, nor does it appear from the Record that the Commission of the crimes with which they stand charged was attended by any peculiar circumstances which would render the prisoners deserving of a severer punishment, than the Criminal Judge is authorized to inflict, the Acting Criminal Judge must therefore be called upon to explain the grounds of their commitment.

The same remark that was made on Case No. 500 of the Supplemental Report for the previous month is applicable to the sentences passed in Cases Nos. 607. 622. and 633 of the Report now under

under review, and the Acting Criminal Judge is required to revise the Sentences in the above numbers, in the manner pointed out in their proceedings of the 10th instant.

Cumbum. 4.

The Native Criminal Judge at Cumbum must be instructed to revise his Sentences passed in Cases Nos 328- 329- 330- 331 and 332 of the Report No 5 as by Clause first Section XIII Regulation VI of 1827 persons confined on default of Security can be subjected only to compulsory Labor, and must be made to work separately from Convicts, and without irons.

5.

A similar revision is required in the Sentence passed upon the 5th and 6th prisoners concerned in Case No 320 of the Supplemental Report.

Chingleput. 6.

The Criminal Judge of Chingleput has omitted to revise the Sentence passed by the Punchayet Sudr Ameen in Case No 470 which adjudges that the prisoner (a female) should be imprisoned with hard labor in irons.

Cuddalore. 7.

The Provincial Court of Circuit should have pointed out to the Acting Joint Criminal Judge of Cuddalore with reference to Case No 270 of the Report No 5, that persons confined in default of Security cannot be sentenced to Corporal punishment for escaping from their guards.

Ordered, that Extract from these proceedings be forwarded to the Provincial Court of Circuit in the Centre Division, requiring them to make the necessary communications to the several Officers whom it may concern by precept, returnable in ten days from and after its receipt.

(Sent following Precept No 131)

Read

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 July last, together with an Extract from their proceedings thereon.

(Rec. inter No 150)

Mauliputtam

With reference to Case No 252 of the Report No 5 submitted by the Joint Criminal Judge of Mauliputtam, the Court of Foujdaree Adalut would observe that if it was proved that the prisoner entered the Prosecutor's Shop by picking the lock, the offence amounts to House breaking, Section VII Regulation X 1816. and the Regulation quoted would not consequently apply.

2.

A similar remark is applicable to case No 228 of the Supplemental Report.

3.

The Provincial Court of Circuit will point out to the Joint Criminal Judge that Section VII Regulation X 1816 is not applicable to cases of Cattle Stealing, but that Clause fourth Section III Regulation VI of 1822 should have been quoted as the Regulation under which the Sentence awarded in Case No 216 was passed.

Ordered, that Extract from these proceedings be forwarded to the Provincial Court of Circuit in the Northern Division, requiring them

them to communicate the above to the Officers whom it may concern by precept; returnable in one week from and after its receipt.

(Sent following Precept No 132)

Read Return; dated the 14th Instant, made by the Provincial Court of Circuit in the Centre Division, to the precept of this Court of the 10th Instant, containing the observations and orders of the Court of Foujdaree Udalut on the several Criminal Reports for the month of November last.

(Here enter No 184)

1.

The above return merely certifies that the orders of the Court of Foujdaree Udalut have been communicated by precept to the several Officers whom it concerned, and that their returns will be submitted when received.

2.

The 2nd Judge Officiating has however, with reference to the 6th para of the proceedings of the Foujdaree Udalut of the 10th Instant, taken this opportunity of submitting a copy of the returns made by the Criminal Judge of Cuddapah to the precepts of this Court of the 30th of December last, which contained the observations of the Foujdaree Udalut on the Criminal Reports for the month of October last.

3.

With reference to the 2nd & 3rd para of this return, the Provincial Court of Circuit will point out to the Criminal Judge of Cuddapah that

26th February 1834

that entering a house by a hole in the roof is insufficient to constitute a breaking under the Regulations, but under the circumstances of the present case, the Court of Foujdaree Udalut do not consider it necessary to disturb the sentence that has been passed upon the prisoners.

Ordered that Extract from these proceedings be forwarded to the Provincial Court of Circuit in the Centre Division, requiring them to communicate the above to the Criminal Judge of Cuddapah for his information and future guidance.

(Sent as No 133)

J.M.

Read letter dated the 24th December 1833 from the 1st Judge on Circuit in the Southern Division, submitting record of trial in Case No 65 Salem Calendar 2d Sessions 1833.

(Here enter No 1885.)

Mr Lushington
Mr Campbell

The Court of Foujdaree Udalut having maturely considered the proceedings held before the Judges on Circuit, the futwa of the Provincial Law Officer and the futwa of the Cazee-ul-Cozat and Mooftee of the Foujdaree Udalut, confirm the said futwa of the Cazee-ul-Cozat and Mooftees aforesaid, and under the Sentence of Dorrabut declared in the futwa, do, in conformity with Clause Second Section XII and Clause fourth Section II Regulation XI 1822

Sentenced

Sentence the prisoner

Matthias

to be imprisoned and kept to hard labor in irons on the public roads or other public works, for and during the period of ten years.

(Sent following letter No 134)

1

The Court of Inquiry Adalut having passed Sentence in the above case, deem it necessary to call the attention of the 1st Judge late on Circuit to the neglect of the Standing orders of the 24th October 1821, in his not having given a distinct opinion upon the guilt, or innocence of the Prisoner, nor as to the precise sentence, which should be passed upon him.

2.

They also desire that for the future, the strictest attention be paid to the provisions of the above Standing orders, in which it is declared to be the manifest duty of a Judge of Circuit, holding a trial, to make up his mind as to the result of the evidence adduced before him and that when a trial may be referred under the provisions of the General Regulations, it is of the first importance that a distinct opinion on the merits of the case, together with the grounds of that opinion, should be laid before the Court of Inquiry Adalut.

Ordered, that Extract from these proceedings be forwarded to the 1st Judge late on Circuit in the Southern Division for his information and future guidance by precept, returnable within ten

ten days.

(Sent following Precept No 135)

Read letter, dated the 17th Instant, from the Provincial Court of Circuit in the Southern Division, transmitting copies of Returns received from different authorities in the Southern Division, in reply to communications made to them, regarding the Criminal Reports for November last.

(Here enter No 235)

J. C. M

At a Court of the Fouzdaree Udalut.

Present,

Friday,
28th February,
1834.

Charles May Lushington Esqr. 1st Puisne Judge.
Thomas Alexr. Oakes Esqr. Acting 2nd Puisne Judge.
Alexr. Duncan Campbell Esqr. Acting Judge.

Read letter, dated the 20th August 1833,
from the Acting 3d Judge late on Circuit in the
Centre Division, submitting the record of trial in Case
No 36 of the Cuddalore Calendar 1st Sessions 1833.

(Vide enter No 148.)

Mr Lushington.
Mr Oakes.

The Court of Fouzdaree Udalut, having maturely considered the proceedings held before the Judge on Circuit, the futwa of the Law Officer, and the futwa of the Cazee-ool-Cozat and Mooftee of the Fouzdaree Udalut, confirm the said futwas of the Cazee-ool-Cozat and Mooftees aforesaid, and under the Sentence of Cohoobut declared in the futwa, do, in conformity with the provisions of Clause Second, Section IV Regulation XV of 1803, and Clause first, Section V Regulation XIII of 1831, Sentence the prisoner,

"Iyemparavoumal,"

to be transported to such place beyond sea, as 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 139)

Read

Read a letter, dated the 6th Instant, from the Officiating Judge on Circuit in the Northern Division, submitting Case № 68. Million Calendar 2d Sessions 1833.

(How enter № 171.)

The Court of Fouzdaree 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 Moofties of the Fouzdaree Adaulut, are of opinion that the prisoner,

"Goordoogoo Palagaudoo,"

is not convicted on presumptive proof, or on the evidence of credible witnesses, or on his own confession, notwithstanding the futwa of their Law Officers.

But, being of opinion that strong suspicions though not amounting to conviction attaches to him, they, under Clause third, Section V Regulation VIII of 1831, and Clause Sixth, Section II Regulation XV of 1803, direct that he be required to find two sureties in fifteen Rupees, each surety, for his good behaviour and appearance when required within one year, or that in default thereof, he be detained for one year in confinement.

(Sent following letter № 140.)

Read letter, dated the 10th Instant, from the Provincial Court of Circuit in the Centre Division, to precept dated the 15th Ultimo, directing them to call for and forward translations of the proceedings of the Magistrate and Criminal Court of Chittoor and of the Court of Circuit, in the case of Kistnama Naik

№ 6. the Petitioner to this Court in № 108 of 1833.-

(How enter № 176.)

In the Return of the Magistrate forwarded with the above Return it is Stated: that neither complaint nor decision in the case of the Petitioner appear on the Records of his Office and "that he has reason to believe that if any such complaint was ever made, it was immediately withdrawn and consequently that no enquiry took place." It appears however that the Petitioner was required to enter into a Wazir Zamin, or Security to be forthcoming when required by the late Acting Head Assistant Magistrate, and the Court cannot conceive that this course could have been adopted without grounds.

2. They in consequence direct, that the Magistrate be required to call upon his late Acting Head Assistant to explain the particular circumstances which induced him to require Security from the Petitioner.

Ordered, that Extract from these proceedings be sent to the Provincial Court of Circuit in the Centre Division by precept, commanding them to communicate the instructions therein contained, to the Magistrate of North Arcot.

Precept returnable without delay.

(Sent following Precept № 141.)

Read letter, dated the 20th Instant, from

from the Acting 3rd Judge on Circuit in the Centre Division, recommending a mitigation of the punishment to which the 4th prisoner convicted in Ds 5 of the Caddapah Calendar 1st Sessions 1834 of Gang Robbery, has rendered himself liable -

(Here enter Ds 225.)

The Court of Foujdaree Adaulut, having maturely considered the circumstances of the case represented in the above letter, under Clause third Section III Regulation I of 1825, direct that in consideration of the youth of the said prisoner,

4th "Reddelapanka Gonawadoo alias Gungadoo,

he be imprisoned and kept to hard labor in irons on the public roads or other public work, for the period of (3) three years -

Ordered, that Extract of these proceedings be sent to the Acting 3rd Judge on Circuit in the Centre Division, for his information and guidance by precept, returnable without delay -

(Sent following Precept Ns 142)

Read letter, dated the 31st December last, from the 1st Judge on Circuit in the Southern Division, submitting Case Ns 34 on the Salem Calendar for the 3rd Sessions 1833 -

(Here enter Ns 5 -)

W 34 1

The Court are of opinion that the 1st Judge of Circuit in the Southern Division, has not conducted this trial in the manner which is incumbent upon every Officer, filling his responsible situation

28th February 1834.

has been that he has neglected to make that diligent search for attainable of the truth which the public interests of the community require in all such atrocious crimes and has left unconnected the most obvious omissions of the Police and the Criminal Court, which it was his special province to testify -

2. In this case, it was on record before the first Judge, previously to the commencement of this trial, that the mother of the prosecutor was alleged to have been tortured, as well as himself: that the first and second witness before the Police specified the names of two other persons namely Vella[2] Canley and Cooler[3] as having come out along with themselves upon the alarm: and that each of them further added that a third man named Valeado[4] Cowndee was at the time of the attack sleeping "on the outer Pyall of the house of the "Prosecutor" -

3. It was obviously the duty of the Judge on Circuit, on perceiving that not a single one of these four individuals had been examined either by the Police or by the Criminal Court, to have required their attendance before himself at the trial - and this became more imperatively necessary when he perceived as he must have done from the record, that the first and second witnesses, who, before the Police, were understood to have recognized the whole of the three Prisoners before the Criminal Court deposed to their voices only, the first

first confining himself to that of the second, and the 2nd including those of all the three Prisoners.

4. Upon the trial before himself the following question to the first witness alone is the whole of the examination of either on the most material point. "In your examination before the Criminal Court you have stated that you recognized the 2nd prisoner by his voice. How could you say so "when you did not know him?" Answer. "Because I apprehended him on the following day."

5. The Court cannot understand why the Judge on Circuit did not require an explanation from this witness, as to what connexion his recognition of the 2nd prisoner, at the time of the offence, by his voice, had with his subsequent arrest of him next day. The first Judge has dealt the subject entirely, puts no question to the 2nd witness on that head, and never calls for any of the 4 persons before specified - whose testimony now became more than ever necessary. The first Judge must have known that the brother of the Prosecutor, who was severely tortured and burnt could hardly fail to have recognized some of the parties who tortured her - and the man who slept outside the Royal was more likely than others to have recognized the Robbers. It was also essential, when the 2 most material witnesses before the Police, failed in their testimony before the higher tribunals, that the latter, by calling for the other two persons originally stated by

by themselves to have been in their company, should have endeavoured to elicit the whole of the truth.

6. The crime was committed late at night on the 12th July 1833. The Prosecutor, 3 days afterwards, came to the Prosecutor, and on the 17th of that month took his declaration, in which he by name specifies the first and third prisoners, if not the second also, under the name of "Mootien" and in the 1st prisoners confession of the 29th of the same month both "Mootien" and "Nullan" are likewise specified. When the Prosecutor before the Circuit Court declared that he did not recognize the two last prisoners, he ought to have been called upon to explain the information upon which he went, in inserting the name of the last at least, in his original complaint.

7. In the original complaint as well as in the confession of the first Prisoner, it is stated that the torture inflicted by burning tapers dipped in Oil was upon the most private and sensative parts of the prosecutor and his mother, and the first witness, before the Criminal Court, deposed that the prosecutor was burnt "on the testicles". The Circuit Judge himself, in his letter states that "the injury sustained by the Prosecutor appears "from the Scar to have been severe and so severe "that he could not appear before the Criminal Court" yet on the trial itself the prosecutor having stated merely that he "received a wound which healed" is

not

not examined at all as to any particulars, and the first Judge concludes his letter forwarding it in these words. "There is no report of the Police Officer as to "the state or extent of the injury, nor any thing "to shew that no more evidence was to be had as the "wounds inflicted by the parties had healed, the weight "of aggravation could not be ascertained; for the 1st Prisoner "I would suggest the usual penalty for Gang Robbery "viz transhment; for although the full penalty is "transportation for life, these cases of injury are, in "most instances, greatly exaggerated. The 2nd and 3rd Prisoners case not corrected by any testimony. They are detained until the final judgment of the Court of Foujdaree Adalut should be passed upon the whole case.

8. The Court are not prepared to dispose of this case until the evidence of the 6 new witnesses already specified as forthcoming have been taken; and they accordingly resolve to direct the 1st Judge take on Circuit, to furnish the Criminal Judge of Salem with a copy of these proceedings, and to instruct him to procure the attendance of the above four persons, and that they be particularly examined by the said Criminal Judge as to what they know of the transaction, and especially on the points before noticed as falling within their cognizance.

9. The Court direct that their examinations be taken, in the presence of all the Prisoners, that the latter be allowed to cross-examine the witnesses,

and

P.M.

28th February 1834. on that any thing which they may subsequently wish to state, be taken down.

10. The Court also direct that English and Persian Translations of the additional evidence so taken be transmitted to them.

11. There are one or two more points connected with the disposal of the above case by the 1st Judge on Circuit, to which the Court of Foujdaree Adalut deem it necessary to advert.

12. They observe, from a perusal of the Record, that in the proceedings of the Criminal Court Nos 2. 3. 6. 6 and 8 are noted as "not furnished"; the nature of the documents not furnished ought to be explained for the information of this Court, who notice this omission the more particularly, because, at page 17, of the trial, in the proceedings of the Criminal Court, the following words appear. "The 7th and 8th witnesses attested the voluntary confessions of the 2nd and 3rd Prisoners" (as in the original) "before the Criminal" (as also in the original).

13. The Court observe that it was the duty of the First Judge on Circuit to have called for these witnesses, on some explanation of this entry. No such proceeding however, occurs upon the trial, the evidence for the prosecution being closed with the testimony of the sixth witness and although, there is a note appended to the above remark, in the hand writing of the

First

First Judge, yet, it is evident to the Court, that the same was written without having been communicated to the Criminal Court, who ought to have been first heard by the Circuit Judge in explanation.

14. With reference to that note of the Circuit Judge the Court of Foujdaree Adalut are quite aware that in the examination of the 2d and 3d Prisoners, before the Criminal Court, as given in the record, there is no confession of the crime charged - nor any attestations of witnesses at all - Still they are of opinion that it was premature in the Circuit Judge to infer that the above entry of the Criminal Court was a mistake - That Court ought to have been called upon, to certify officially whether the entry was incorrect: and in that case to account for the mention of a 7th and 8th culprit; and this must now be done.

15. In conclusion the Court observe, that the 1st Judge late on Circuit, ought to have known that, whilst, under the provisions of Regulation VI of 1832, it is particularly necessary in cases of theft, of breaking with intent to steal, or of attempting to break with that intent, which may be accompanied with personal injury, to ascertain whether such injury was or not, "in such degree as to endanger life" Clause first Section II of that Regulation expressly exempts cases like the present, of Gang robbery by open violence, under Regulation XV of 1803 - for in this much more serious

serious crime, any one present, aiding and abetting in the infliction of any personal injury, is liable under Section IX of that Regulation to transportation for life.

Ordered, that Extract from these proceedings be forwarded to the 1st Judge late on Circuit in the Southern Division, for his information and guidance by precept, returnable within ten days.

(Sent following Precept No 143)

Read Petition, from Soobramonya Tanen in the Zillah of Tinnevelly.

(Here enter Mis. Pet. No 7 of 1834.)

1. The Petitioner represents that his two brothers - the first and second Prisoners in the case No 4 in the Tinnevelly Calendar, for the Second Sessions of 1831, were condemned to 14 years' imprisonment, upon the evidence given upon that trial, which he does not dispute justified that Sentence - But he represent that the said evidence originated in a preconcerted conspiracy, and the two letters addressed by the Tahsildar to Mr Drury the late Magistrate which he has filed give some ground for enquiry into his Statement.

2. The Court of Foujdaree Adalut therefore, resolve, to forward his Petition to Mr Dickinson, the 2nd Judge of Circuit in the Southern Division now in Tinnevelly, who tried the case - for one is more likely than that Officer to

to prosecute rigidly an inquiry into the allegation that, by perjury, he has been led to condemn two innocent men; and they direct that after such communication with the said 2 Convicts, and such inquiry as he may deem necessary for the sake of justice to institute, by examination of any persons he may deem it requisite to examine, or to direct the Criminal Court to examine in this case, he do report, whether or not, he sees any cause to question the truth of the evidence, on which his sentence in this case was founded.

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 Precept No. 144)

Read Return, dated the 14th Instant from the Provincial Court of Circuit in the Centre Division, to precept dated the 12th Instant explaining the views of the Superior Court regarding the commitment of persons for trial upon charges of Forgery under Regulation XI of 1811.

(Here enter No. 189.)

Read Supplemental Return dated the 31st January last from the Provincial Court of Circuit with Centre Division, precept of 30th December last, conveying their observations on the Criminal Reports for October last.

(Here enter No 129)

Read

28th February 1834.

Read Return, dated the 19th Instant, from the Provincial Court of Circuit in the Western Division, to precept of the 12th Instant, directing that Extract from Proceedings of Foujdaree Adalut of same date, ruling that the Restrictions imposed by Section VIII Regulation X. of 1816, do not refer to the Special cases of perjury, Subornation of perjury, or forgery &c &c be circulated to the Criminal, Joint Criminal and Native Criminal Judges, and to the Magistrates in the Western Division.

(Here enter No 234.)

Read Return, dated the 20th Instant, from the 3d Judge on Circuit in the Northern, to precept of Foujdaree Adalut dated 15th Instant, directing that the record of No 46 Rajahmundry Calendar be forwarded to the Foujdaree Adalut without delay.

(Here enter No 240.)

Read letter, dated the 3d Instant, from the Provincial Court of Circuit in the Centre Division, transmitting with reference to the Court's proceedings of the 2d January 1834, copies of the returns made by the Magistrates of Chingleput and South Arcot.

(Here enter No 138.)

Read letter, dated the 17th Instant, from the 1st Judge late on Circuit in the Southern Division, transmitting warrant issued to the Criminal Judge of Combaconum for the execution

of

28th February 1834.

of a Prisoner in No 18 Sessions Calendar 2d Sessions 1833.

(Here enter No 215.)

Read letter, dated the 17th Instant, from the 1st Judge late on Circuit in the Southern Division, transmitting warrant issued to the Criminal Judge of Salem for the execution of Prisoner in No 38 Salem Calendar 2d Sessions 1833.

(Here enter No 216.)

Read letter, dated the 20th Instant, from the Acting 3d Judge on Circuit in the Centre Division, reporting the day fixed for opening the 1st Sessions of the present year at Bellary on the 20th Proximo.

(Here enter No 217.)

Read letter, dated the 21st Instant, from the Acting Criminal Judge of Nellore requesting instructions in regard to an application from the Magistrate of Nellore for the services of certain Convicts.

(Here enter No 239.)

As the Jail at Nellore is reported to be crowded to excess, the Judge of the Foujdaree Adalut see no objection to a compliance with the request of the Magistrate of Nellore, that the services of 30 Convicts may be placed at his disposal, provided the house in which he proposes to lodge them is well calculated for their security; they in consequence beg to recommend that the sanction of Government may be granted for the transfer from the custody of the Acting Criminal Judge

28th February 1834.

Judge to that of the Magistrate of thirty convicts.

The Acting Criminal Judge will be directed to select Prisoners not of desperate Character, and whose Sentences have not long to run.

Ordered that Extract from these proceedings be sent to the Officiating Secretary to Government in the Judicial Department for the purpose of being laid before the Right Honorable the Governor in Council.

(Sent in No 145)

To Govt 33.

Read letter dated the 14th instant from the Criminal Judge of Salem, acknowledging receipt of Extract from proceedings of Foujdary Adalut dated the 5th instant respecting certain questions put by him to a Prisoner.

(Here enter No 202)

Read Return dated the 12th instant from the Provincial Court of Circuit in the Northern Division to Precept of the Foujdary Adalut dated the 7th instant &c requiring the supplemental Return promised in the Provincial Courts return of the 8th March 1833 to the Precept of the Foujdary Adalut dated 1st February 1833 relative to a Petition from Addunkee Ramdiss the 3d Prisoner in case No 25 of 1832 on the file of the Joint Criminal Court of Masulipatam.

(Here enter No 206)

Read further order of Government request-
-ing the Court to Report when the 12 Convicts expected from
the Northern Districts may arrive at the Depot

(Here enter No. 221)

J. No.

In a Court of the Foujdaree Udalut-

Present

Saturday
1st March 1834.

Charles May Lushington Esqr. — 1st Puisne Judge
Thomas alexr. Oakes Esqr. acting — 2d Puisne Judge
alexr. D. Duncan Campbell Esqr. acting Judge-

Read letter, dated the 15th November 1833,
from the 1st Judge of the Provincial Court, Presiding at the
Special Commission in the Northern Division at Vizianagaram,
submitting the Record of Trial in Case No. 1 of the Special
Court, held at Vizianagaram-

(Here enter No. 1362-)

Read also letter, dated the 15th November 1833
from the 1st Judge of the Provincial Court, Presiding at the
Special Commission in the Northern Division at Vizianagaram,
submitting the Record of Trial in Case No. 3 of the Special
Court at Vizianagaram-

(Here enter No. 1360-)

Mr. Lushington
&
Mr. Campbell

The Court of Foujdaree Udalut having
maturely considered the proceedings of the Special Com-
Commission, the futwa of the Provincial Law officer,
and the futwa of the Cazee-ool-Cazat & Mooftees of the
Foujdaree Udalut, confirm the said futwa of the Cazee-ool-Cazat
and Mooftees aforesaid, & under the sentence of Forfeiture declared
in the futwa, and under the provisions of Clause third
Section XII Regulation XV of 1803, adjudge the prisoner-

1st Cavoor Moosaly

to be transported to such place or places beyond sea, as 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
during the period of his natural life-

And

J. H.
1st March 1834.

And the prisoner

2d Condrida Ramasamy

to be imprisoned and kept to hard labor in irons on the public roads or other public works for, and during the period of 14 years, and then to be released—

1 The two prisoners concerned in this case are respectively the 1st and 2d prisoners in case No. 3. from the same Commission. Under the exposition of the Law lately given by the Foujdaree Udalut, no severer sentence than has already been passed upon the 1st prisoner can, in the event of his conviction in that case, be passed upon him—

2 The Court have passed upon him the most severe sentence, because he was engaged in openly attacking the Company's troops. But as the second Prisonce seems to have been driven by want into the service of the rebels, the Court of Foujdaree Udalut, in the event of his Conviction in the latter case, would not pass a more severe sentence than that to which he has been subjected in the first case—

3 Under these circumstances there does not appear to the Court of Foujdaree Udalut to be any necessity for them to go into a consideration of case No. 3, but with reference to section V. Regulation XX of 1802, they resolve to submit the record of the Trial to Government, giving the foregoing explanation of the Courts not proceeding to judgment in case No. 3—

Ordered therefore, that extract from these proceedings, together with the record of Trials No. 1 & 3 of the special Commission held at Vizagapatam be sent to the Officiating Secretary to Government in the Judicial Department, for the purpose of being laid before the Right Honorable the Governor in Council—

To Govt No. 35.

(Sent following letter No. 148)

Read

J. H.
1st March 1834.

Read letter, dated the 28th December 1833, from the 1st Judge Presiding at the special Court at Vizianagaram, submitting the record of trial in Case No. 4 of the Special Court held at Vizianagaram—

(Here enter No. 36.)

Read also letter, dated 28th December 1833, from the 1st Judge Presiding at the special Court at Vizianagaram— submitting the record of trial in case No. 5. of the special Court held at Vizianagaram—

(Here enter No. 43)

Mr. Lushington
&
Mr. Campbell

The Court of Foujdaree Udalut, having maturely considered the proceedings held before the Special Court, the Futwa of the Provincial Law Officers, and the Futwa of the Cazee-ool-Cozat and Mooftees of the Foujdaree Udalut, confirm the said Futwa of the Cazeerool Cozat and Mooftees aforesaid, and under the sentence of Ookoobut declared in the Futwa, do, in conformity with the provisions of Clause seventh Section II and Clause third Section VII Regulation XV of 1803, sentence the Prisoner—

"Salady Appunnah"

to be transported to such place beyond sea, as 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 Court of Foujdaree Udalut direct that their sentence on the foregoing Trial No. 4. from the Vizianagaram Special Commission, and thereunto of the proceedings held in the case be transmitted to the Officiating Secretary to Government in the Judicial Department for the purpose of being laid before the Right Honorable the Governor in Council in order that the Court may receive the orders of Government before they direct their sentence to be carried into execution, in conformity with the provisions of Section V Regulation

Regulation XX of 1802.

Tolgoat No 36.

(Sent following Letter No 149)

Read letter, dated 13th November last from the late Acting 1st Judge on Circuit in the Centre Division submitting Case No 30 Cuddapah Calendar 2d Session 1833.

(Here enter No 1344)

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 Futwas of the Cazee-ool-Cozat & Mooftees of the Foujdaree Udalut, confirm such part of the said Futwa of the Cazee-ool-Cozat and Mooftees aforesaid, as acquits the prisoner

Doe Yerragorla Seetanarah

and do accordingly acquit him. But concurring in opinion that strong suspicion, though not amounting to conviction attaches to him, they, under Clause sixth, Section II Regulation XV. of 1803, and Clause first Section XIII Regulation VI of 1824 direct that he be required to find two Sureties, in 100 Rupees each Surety, for his good behaviour and appearance when required within three years, or that in default thereof he be imprisoned and kept to hard labour in irons on the public Roads or other public works, for, and during the period of three years.

And further concurring in opinion that the proof against the prisoner

1st Bauleenaire Ramoodoo

is sufficient to convict him of the crime of Robbery by open violence, they do under the authority with which they are vested by Clause first Section II Regulation I of 1814, convict him thereof and in conformity with the provisions of Clauses First & Fifth, Section IV Regulation XV of 1803, sentence the said Prisoner

1st Bauleenaire Ramoodoo

to be transported to such place beyond sea, as the Governor in Council shall appoint, there to be imprisoned & 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 150)

The Court Foujdaree Udalut having passed sentence in the above case, deem it necessary to animadvert, upon the great irregularity of the Criminal Judge

Judge in not having caused to be read over to the first Prisoner, when brought up for examination, the confession which he had previously made before the Police and they direct the Provincial Court of Circuit in the Centre Division to bring this confession to the notice of the Criminal Judge, and to warn that Officer against the recurrence of similar neglect.

Ordered that Extract from these proceedings be forwarded to the Provincial Court of Circuit in the Centre Division by precept returnable without delay.

(Sent following Precept No 157)

Read letter dated the 18th Ultimo from the Provincial Court of Circuit in the Centre Division transmitting for the orders of the Court copy of a correspondence between the acting Criminal Judge of Chittoor & the Officer Commanding Arnee.

(Here enter No 1345)

From the foregoing papers it appears that the acting Criminal Judge found it necessary to make some change in the Posts in charge of the Convicts stationed at Arnee which was resisted by the Officer Commanding that station on the ground that the Posts and Convicts are exclusively under his command and that he considered himself at liberty to discharge the former and appoint others in their stead at his discretion, the impression appears to have been founded upon certain correspondence between the Commanding Officer and the late Criminal and late acting Criminal Judges — The Court

of Foujdaree Udalut observe. Resolved that it was pointed out to the Commanding Officer by the present acting Criminal Judge, that his predecessors acted on their own responsibility and that their intentions have been virtually cancelled by the subsequent orders of superior authority.

3. There can be no question that the guards attached to convicts employed at Military stations are still subject to the appointment and removal of the Criminal Judge alone, and the Judges of the Foujdaree Udalut hope that a clear explanation on this head, on the part of the Provincial Court at Chittoor, to the Officer Commanding will render unnecessary any communication to his superior in the Military Department. The Court refrain from noticing the want of courtesy evinced in the acting Criminal Judge's letter to the Commanding Officer, the expressions used not being calculated to induce a cordial cooperation between the two authorities.

3. The Court will in the present instance refrain from bringing this subject to the notice of Government, from consideration both to the acting Criminal Judge and the Commanding officer & they trust that on their part there will exist a mutual desire to avoid any future misunderstanding.

4 The Court observe that the Commanding officer complains on two occasions that he has been obliged to provide for the support of the convicts from his own funds for upwards of two months in

in consequence of no remittances having been made to them from the Court.

The Court desire that this great irregularity may never occur again. It is the bounden duty of the Criminal Judge to take care that funds are furnished for the maintenance of the convicts at the earliest practicable period; and if it is necessary, to prevent delay, the amount required should be drawn in advance by a separate abstract.

Ordered, that Extract from these proceedings be sent to the Provincial Court of Circuit in the Centre Division by Precept commanding them to communicate the same to the acting Criminal Judge of Chittoor for his information & guidance, and to transmit them in an envelope under the seal of the Court and signature of their Register to the officer Commanding at Arnee.

(Sent following Precept No 152)

Read letter, dated the 19th Ultimo from the Provincial Court of Circuit in the Centre Division, forwarding copy of a letter from the acting Assistant Criminal Judge of Chingleput, reporting the escape of a Convict from the Jail at that station.

(Here enter No 229)

From the letter of the acting Assistant Criminal Judge to the Provincial Court of Circuit, it appears that the escape of the Convict in question "was occasioned by the gross neglect of one of the Peons

his

2 This being the case the Court conclude that the said Rent has been brought to trial under Clause first Section XI Regulation XIII of 1832, but should such course not have been adopted, they desire that the provisions of the Regulation in question may be conformed to without delay.-

Ordered, that Extract from these Proceedings be sent to the Provincial Court of Circuit in the Centre Division, by Precept commanding them to communicate the instructions therein contained, to the acting Assistant Criminial Judge of Shinglefort

Precept returnable without delay.-

(Sent following Precept No 159)

Read letter dated the 14th January last, from the 1st Judge late on Circuit in the Southern Division, referring for the orders of the Court, copy of a correspondence with the Magistrate of Tennevally.-

(Here enter No 67)

1 In the case referred to in the foregoing letter, it appears that the Magistracy in Tennevally, ousted certain Lumberers from peaceable possession of a Pauthen or Religious stone building; which on the report of the Subsidiar they transferred to certain Brahmins.-

2 Under Regulations XII 1816 and V 1822, Collectors are vested with extensive civil jurisdiction, by means of punchayets.- and in certain cases of

their own authority; especially where parties forcibly take possession of lands or crops and by Regulation VII 1817 the Revenue authorities have peculiar powers, over religious establishments, of a nature similar to this Pauthum.- But the proceeding in question does not appear founded upon any of these laws.- It is an act emanating from the Magistracy; and their duty is to maintain all peaceable possession to those who actually hold it- whether rightly or wrongfully until the question of right is decided by the Civil Courts.- The Court are therefore of opinion that the Circuit Judge is competent to direct all proceedings of the Magistracy in this case to be quashed- and possession to be restored to the party whom they ejected.- It appears to the Court however that the order of the Circuit Judge should be grounded entirely upon the proceeding having been founded on an extra judicial act of the Magistracy, originating in an illegal enquiry by the Subsidiar,- without any reference to the provisions of Regulations XII 1816. V 1822. or VII 1817 and that he should explain to the Magistrate that if founded on any of these laws- his precept is not to be acted on without further reference.-

Section XI Regulation X. 1832.

Ordered, that extract from these proceedings be sent to the 1st Judge late on Circuit in the Southern Division for his information and guidance.-

(Sent in No 154)

Read Supplemental Return dated 26th Ultimo from

F. 6.
1st March 1834.

From the Provincial Court of Circuit in the Centre Division, to the Courts precept dated 10th Ultimo, conveying the Courts observations and orders on the Criminal Reports for the month of November last.

(Here enter No. 257)

J. C. M.

F. 6

At a Court of the Foujdaree Adalut

Present

Monday 3d March 1834

Charles May Lushington Esqre 1st Puisne Judge,
Thomas Aldt. Oakes Esqre Acting 2d Puisne Judge,
Alexr. Duncan Campbell Esqre Acting Puisne Judge

Read Petition presented on the 10th Ultimo by Runga Rajah late Jailor of the Zillah Jail at Chingleput.

(Here enter Extract Dr. P. C No. 4 of 1834)

1 The Petitioner was dismissed from his situation as Jailor for incapacity and he has not been deemed entitled to a pension. The object of his present address is either to procure his own appointment as Deputy Jailor, or that of his son as a Peon.

2 As it appears from the documents which accompanied the Return of the Provincial Court of Circuit in the Centre Division dated the 4th January 1833 that the Petitioner served the Honble Company with zeal and fidelity for a great number of years, the Court are of opinion that his request in regard to his son is entitled to consideration, and they in consequence resolve to issue instructions to the Zillah Judge of Chingleput thro the Provincial Court of Circuit in the Centre Division to take the first fitting opportunity of employing the Petitioner's son as a Peon, provided he is qualified for the office

..office, and there are no objections to his character.

Ordered that Extract from these proceedings be sent to the Provincial Court of Circuit in the Centre Division by Precept commanding them to communicate the instructions they contain to the Criminal Judge of Chinglepat.-

(Sent in No. 155)

Ordered also that extract of these Proceedings be granted to Petitioner.

Read Return dated 17th Ultimo from the Provincial Court of Circuit in the Southern Division to precept dated 25th January last, conveying the Courts observations and orders on the Criminal Reports for November last.-

(Here enter No. 256)

Read Return, dated 24th Ultimo, from the Provincial Court of Circuit in the Southern Division, to precept of the 12th Ultimo, ruling that the restriction imposed by Section VIII Regulation X of 1816, do not refer to the special cases of perjury, subornation of Perjury or Forgery &c. &c. &c.

3d March 1834

Read letter, dated 14th Ultimo, from the Provincial Court of Circuit in the Northern Division, transmitting Criminal Returns for the month of August 1833.-

(Here enter at No 260)-

J. M

J. Ds

At a Court of the Foujdaree Adalut.

Present:

Thursday 6th March 1834.

Charles May Lushington Esqr 1st Puisne Judge
Thomas Alexr Oakes Esqr Acting 2d Puisne Judge
Alexr Duncan Campbell Esqr Acting Puisne Judge

Read letter, dated the 20th January last, from the 3d Judge of the Provincial Court of Circuit in the Western Division, recommending under the provisions of Section III Regulation I of 1825, a mitigation of punishment in the case of the prisoner convicted in Case No 1 of the Jellicherry Calendar for the 1st Quarterly Sessions of 1834.-

(Here enter No 100.)

On due consideration of all the circumstances of this Case, the Court of Foujdaree Adalut do not see sufficient grounds for Omitigating the prescribed penalty, and they resolve therefore to direct the Judge of Circuit to issue his warrant for carrying into effect the sentence prescribed by Law.-

2 The 3d Judge in submitting the Calendar in which the above Case is entered as the 1st Quarter, transmits Copy of a proclamation issued by the Joint Criminal Judge in consequence of information having been received by that Officer, calculated to induce him to believe that designs were entertained against his life on account of the efforts he made "to bring to the "bar of justice Cottale Puckur and other Moplas "of the Desom of Cottiote".-

3 The Court of Foujdaree Adalut are of opinion that such a proclamation was not only

only injudicious in itself but wholly unauthorized by any provision of the Regulations and they deem it proper to desire the 3d Judge to point out to the Joint Criminal Judge, that without the express sanction of Government, obtained thro' the channel of the Court of Sudder Adalut, no proclamation of any nature whatsoever ought ever to be made by any Court, except those specially required by Regulation.-

Ordered, that extract from these proceedings be forwarded to the 3d Judge of the Court of Circuit in the Western Division for his information and guidance, requiring him at the same time to furnish a Copy of para. 2 - to the Joint Criminal Judge at Tellicherry for his information and future guidance.-

/ Sent in No. 161 /

Read letter, dated the 14th Ultimo from the 1st Judge late on Circuit in the Southern Division, recommending under the provisions of Section III Regulation I of 1825 a mitigation of punishment in Case No. 4 of the Salem Calendar for the 2nd Sessions of 1833.-

/ Here enter No. 195 /

The record of the Trial in the above Case having been called up by the Court of Sudder Adalut, the Judge will abstain from giving any opinion on the subject of this recommendation until the receipt of the Trial; but the Court of Sudder Adalut take this opportunity of notifying to the 1st Judge that sufficient reason has not been shewn in his return

8th March 1834

return dated the 6th Ultimo to induce the Court to dispense with the record of the Trial, and they desire in consequence that their orders of the 30th of January last may in this respect be obeyed without delay.-

Ordered that extract from these proceedings be forwarded to the 1st Judge late on Circuit in the Southern Division by precept, requiring the said record to be forwarded within 10 days after his receipt of this order.-

/ Sent following Precept No. 162 /

Read letter, dated the 14th Ultimo from the 1st Judge late on Circuit in the Southern Division, recommending under the provisions of Section III Regulation I of 1825 a Mitigation of punishment in the Case of the 2nd, 4th, 5th, 5th, 7th, 8th and 9th prisoners convicted of Gang Robbery in Case No. 29 of the Salem Calendar for the 2nd Sessions of 1833.-

/ Here enter No. 197 /

The Court of Sudder Adalut having attentively considered the grounds upon which the 1st Judge has recommended that the punishment to which the prisoners named in the margin have rendered themselves liable should be mitigated, resolve to sanction a Mitigation of punishment, though not to the extent proposed by Mr. Garrow.-

2nd Caspa Timmayen,
4th Ramen
5th Tapadanen
5th Pacia reddy
7th Conaree
8th Vadee. and
9th Vellay penan

+ 3 Years imprisonment

The Court of Sudder Adalut considering that the ends of Justice will be satisfied by a less severe sentence than that to which the prisoners have by Law rendered themselves liable resolve

6th March 1834 resolve under the provisions of Clause 3d Section III. Regulation I of 1825 to omit to the prescribed penalty to 7 years imprisonment with hard labor in irons.-

Ordered, that extract from these proceedings be forwarded to the 1st Judge late on Circuit in the Southern Division for his information and guidance.-

(Sent in No. 163)

Read letter, dated the 14th Ultimo, from the 1st Judge late on Circuit in the Southern Division recommending a mitigation of punishment in Case No. 37, of the Salem Calendar for the 2d Sessions of 1833.-

(Here enter No. 198.)

Referring to this Case, as entered in the Calendar, it is observed that the Mother of the prosecutor is stated to have been wounded, the Court of Fouzdaree Adalut therefore previous to sanctioning any mitigation of punishment, resolve to call upon the 1st Judge to state what evidence he took of the alleged violence, requiring him at the same time to submit copies of any examination on this point before himself, the Criminal Court or the Police, together with a copy of the prosecutor's statement before these Tribunals.-

The recommendation for a mitigation of punishment would in this case appear to rest solely "on the confessions of the prisoners before the Criminal Court" being the

6th March 1834 the only thing "appearing against them in evidence".- In this account only however the Court of Fouzdaree Adalut cannot except prisoners from the penalties to which by Law they have rendered themselves liable; and neither in this communication, nor in the 1st Judge's letter of the 16th of December 1833 is there any thing contained to impugn the confessions in the Criminal Court in this particular case.- The general practice of the officer there presiding will be the subject of separate consideration.-

Ordered, that extract from these proceedings be forwarded to the 1st Judge late on Circuit in the Southern Division for his information and guidance by precept, requiring conformity thereto within one week from and after its receipt.-

(Sent following precept No. 164)

Read letter, dated the 14th Ultimo, from the 1st Judge late on Circuit in the Southern Division, submitting a reference for mitigation of punishment in Case No. 60 of the Salem Calendar for the 2d Sessions of 1833.-

(There enter No. 199.)

The grounds on which the 1st Judge has recommended a mitigation of punishment in the above Case is, that there was no evidence against the prisoners beyond their confessions before the Criminal Court. This is, of itself, no sufficient ground for a mitigation of punishment. and the Court of

Fouzdaree

6th March 1834 - Foujdaree Adalut resolve to call for an English translation of the Record of the Trial to enable them to decide whether the punishment prescribed by Law should not be enforced.-

Ordered accordingly, that the 1st Judge late on Circuit in the Southern Division be required to prepare and submit to the Court of Foujdaree Adalut without delay an English translation of the Record of the Trial in Case No 60 of the Salem Calendar for the 2nd Sessions of 1833.-

Ordered further that extract from these proceedings be furnished to the 1st Judge late on Circuit in the Southern Division for his information and guidance by precept returnable in 5 days from and after its receipt.-

(Sent following precept No 165)

Read return dated 1st Instant from the 2nd Judge late on Circuit in the Centre Division to precept of Foujdaree Adalut dated the 26th Ultimo conveying their remarks on the Futwa of the Provincial Law Officer in Case No 8 of the Chingleput Calendar 2nd Sessions of 1833.-

(Here enter No 270.-)

J. A.

F. A.

At a Court of the Foujdaree Adalut.

Present,

Monday, 10th March 1834. Charles Hay Lushington Esqr 1st Puisne Judge,
Thos. A. Baker Esqr Acting 2d Puisne Judge,
Alexr Duncan Campbell Esqr Acting Puisne Judge.

Read petition presented by Mootialuckia of the Zillah of Chittoor.-

(Here enter No. 82 of 1833)

Read also, further petition, presented by the aforesaid Mootialuckia on the 10th of December last.-

(Here enter No. 106 of 1833)

The petitioner represents that her son has been unjustly sentenced to 14 years imprisonment in Case No 3 of the Chittoor 4th Supplemental Calendar 4th Quarterly Sessions of 1832 on a false accusation of receiving stolen goods prefered out of revenge by certain individuals who had previously been convicted and sentenced for a Robbery committed in her (the petitioners) house.-

A similar representation was made to this Court by the Petitioner on the 18th of March last when she was informed that the record of the Trial in the Case in question had been improperly referred to the Fouzdaree Adalut and that it had

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in consequance been returned to the Acting 1st Judge of the Court of Circuit Centre Division to be disposed of by him agreeably to the Regulations.

3. On consideration of the circumstances stated in the petition now presented to the Court, the Judges see reason to doubt the guilt of the prisoner convicted in Case No. 3 Chittoor 4th Supplemental Calendar 4th Quarterly Sessions of 1832, and they resolve therefore to direct the Provincial Court of Circuit in the Centre Division to re-transmit the English and Persian Translations of the proceedings in the above case which were returned to the late Acting 1st Judge by the Court of Foujdaree Adalut on the 25th of March 1833.

4. And with reference to the 3d para of their proceedings under that date the Judges desire that the Provincial Court will call upon the Magistrate of Circut to submit a copy of any proceedings that may have been held by him on the accusation against the Jeevabunnee Venkatachurloo.

5. The Provincial Court of Circuit will direct that the sentence passed upon the prisoner by the late Acting 1st Judge be suspended and it should any jewels be in deposit that

that the same be retained in the Criminal Court until the receipt of the final orders of the Foujdaree Adalut.

Ordered, that extract from these proceedings be forwarded to the Provincial Court of Circuit in the Centre Division, for their information and guidance by precept, returnable in 5 days from and after its receipt.

(Sent following Receipt No. 173)

Ordered also, that the above be communicated to the Petitioner, and that extract from these proceedings be granted to her on her application.

Read letter from the Secretary to Government under date the 4th Instant.

(Here enter No. 140 of 1834.)

1. In conformity with the orders of the Right Honble the Governor in Council, this Court proceed to define and declare, by a conclusive determination, the powers and functions to be legally exercised by "Amuens of Police."

2. The mis-understanding on this subject has originated in some of the Magistrates and Subordinate Courts, in the interior, not having duly distinguished the "Amuens of Police," mentioned in Sections III and XI Regulation XI 1816, and Section II Regulation IX 1821 - from the very distinct

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class of inferior officers of Police, mentioned in Section III Regulation XX 1821, which last class it is now directed that they do invariably hereafter denominate "Sub Officers of District Police"; to prevent the inconvenience which has arisen from confounding these separate public authorities.—

3. There does not appear to be any misunderstanding as to the powers possessed by the Tahsildars or "Heads of District Police;" save to those to be exercised by the "Heads of Villages" "Police" respectively.—

4. The "Police Ameens," according to Section XLI Regulation XI 1816, are intended to be appointed only "in large towns, where it may be found that the police duties cannot be conducted by the head inhabitants, and the Court are of opinion that their salaries should be fixed, with a reference to the size and population of their jurisdiction: which is not now confined, as originally, to the local limits of the towns, where they may be stationed; but, at the discretion of each Magistrate, may, under Clause first Section II Regulation XX 1821, extend beyond it "to any distance" he may deem fit.—

5. With regard to the individuals under whose immediate authority the ameens of Police are to act. Section XLI Regulation XI 1816 re-

serves it to the Magistrate, to place them, as regards their police functions, "either immediately "under his own orders, or under the Tahsildar of "the District." This clear provision of the law is not negatived by Clause second Section II Regulation XX 1821, which merely declares that they, in common with all other Police officers, shall "perform all "such revenue duties, as may be assigned to them "by the Collectors or Tahsildars" of their several districts, to whose revenue authority they are therefore declared to be subject.— This ought to have been more explicitly stated in the latter law. It is evidently implied; and it is only by this construction that the two enactments can stand, in their respective substantive provisions.—

6. In respect to the powers with which the ameens of Police may be vested, Section XLI Regulation XI 1816 further declares expressly that it rests at the discretion of the Magistrate to grant to each of them "either the police powers "vested in Heads of Villages, or those vested in "Tahsildars," by Regulation XI 1816. They are to have either the one, or the other, as the Magistrate deems fit.—

7. In either case, the Police Ameens are empowered to punish, without reference to any one, of their own authority, all "abusive language," and

and "inconsiderable defaults or offays" and this is one of the great distinctions between them and the "Sub officers of district Police" hereafter mentioned. The extent of punishment they are empowered to inflict, in such cases, will depend, under Sections X, and XXXIII Regulation XI 1816, respectively upon, whether the Magistrate may grant to them the powers of "Tahsildar", or only that of the "Head of a Village" under that Law. But they cannot punish petty thefts at all; for the Heads both of villages and of District Police acquired that new power only under Regulation IV 1821, and the Ameens of Police can exercise only the particular limited powers originally vested in either of these two authorities, by Regulation XI 1816 alone, not the more extended powers since granted to them, by subsequent enactments.-

8. In other higher offences, if the Magistrate confine the Ameens of Police to the powers of the Head of a Village, their authority is defined from Section V to XIII Regulation XI 1816, and they must, in that case, like the Heads of Villages, act entirely in subservience to the Head of District Police or Tahsildar.- But if, on the contrary, the Magistrate grant to the Police ameen the more extended powers vested in a Tahsildar by that Law, the Police Ameen, within

his own local jurisdiction, then becomes vested with all the powers specified from Section XXV to XXXVII Regulation XI 1816, and as the Magistrate may, (and to prevent inconvenience in such instances invariably ought to) authorize him to exercise these superior Police functions under his own immediate authority, he can enable Police Ameens vested with these extended powers without the intervention of the Tahsildar, or any other authority, to send up direct to the Magistracy, or the Criminal Court, respectively all cases, except those before mentioned as punishable by himself, or the smallest description of petty theft, punishable exclusively by the Heads of Villages, or the Tahsildar, under Regulation IV 1821. It is this power, of sending up cases direct to the higher tribunals, without going through the channel of the Head of District Police, which forms the second distinction, between the Police Ameens, and the "Sub officers of District Police," as the Court now proceed to explain.-

9. The "Sub officers of District Police", are not only distinguished from the Police Ameens, by inability to inflict punishment of any kind whatever (Clause third Section III Regulation IX 1821) and by a positive prohibition, against sending up cases direct to the higher tribunals (Clause second Section III Regulation VI 1821) but are also not required

and to continue the civil functions of his office.

2.

The Court recommend that sanction may be granted for the employment of the additional Servants Requested by Mr Reid, viz: three Goomastahs and two English Copyists, the former on a Salary of ten Rupees and the latter on fourteen Rupees per Mensem to dispose of the particulars arrears of written documents specified in his letter.

3.

The Court beg to solicit the attention of Government to the acting Criminal Judges observations in respect to the principal Ministerial Officers of this Court. it is evident that the Court must continue "unequal to perform its functions" so long as it remains without its principal Native officers — the Natives of Register Serishtadar and Nazir. It is particularly desirable that the Government should, at an early period pass final orders respecting them. Meantime it seems impossible, if this is delayed, that the current public duties of the Court can proceed — without the acting Judge employing others in lieu of them — and on this point the Court solicit the orders of Government. The pressure of undisposed current business seems even more severe than that of the arrears for which the temporary extra Servants are required.

Ordered

Ordered that extract from these proceedings be forwarded to the Officiating Secretary to Government in the Judicial Department for the purpose of being laid before the Right Honorable the Governor in Council.

Sent to Govt No 39.

(Sent following letter No.)

Read letter dated the 27th January from the 2d Judge on Circuit in the Southern Division recommending a mitigation of the punishment which the Prisoner in No 16 Madura Calendar, 1st Sessions 1834. has rendered himself liable.

(Here enter No 125.)

On a due consideration of all the circumstances represented in the above letter, the Court of Foujdaree Udalut are of opinion that the mitigated Sentence of one years imprisonment proposed by the 2d Judge is insufficient for the punishment of the Prisoner in question, and they accordingly resolve to direct that the said Prisoner

Paukeynadapilly

be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of four years.

Ordered that extract from these proceedings be sent to the 2d Judge on Circuit in the Southern

by his subordinate has been defective or imperfect. In that case, he may take supplemental depositions from the persons sent in by his subordinate, forwarding to the higher tribunal all the depositions received from his subordinate, with any supplemental examination taken by himself. But, if any further testimony which has not been sent in by his subordinate, is forthcoming, he ought, without detaining the case, to forward any new witnesses for examination direct, to the tribunal, to which it may have been transmitted; in order that they may examine the new witnesses themselves, without the previous testimony the delay, which in such cases, this Court deem unnecessary.—

Ordered, that extract from these Proceedings be sent to the 4 Provincial Courts of Circuit with instructions to communicate the same to the subordinate Courts and Magistrates in their respective Divisions.—

(Sent in Rs. 174.)

Ordered also, that extract from these Proceedings be forwarded to the Officiating Secretary to Government in the Judicial Department for the purpose of being laid before the Right Honorable the Governor in Council.—

To Govt. Jud. 38A. (Sent in Rs. 175)

Read further Return, dated the 12th Ultimo from

from the Provincial Court in the Northern Division to precept of the 11th February 1833 transmitting copy of a Petition presented to the Court by Addanky Ram Dass.—

(Here enter Rs. 207)

With the foregoing the Provincial Court forward copy of a Return from the Acting Joint Criminal Judge of Masulipatam dated the 4th April 1833 relative to the claim of the Petitioner in question, which Return ought to have been forwarded to this Court nearly eleven months ago.—

The Court consider the inattention and neglect of duty noticed on this occasion to be so very gross, that they deem themselves bound to direct that the Provincial Court in the Northern Division be called upon by precept, to specify the name or names of the Judge or Judges, who presided in the Provincial Court at the time of the receipt of this return, and for two months afterwards, and to submit to this Court any explanation they may have to give of their conduct respecting this return, or any thing they may have to urge, against this being made the subject of a representation to the Right Honorable the Governor in Council.—

Ordered, that extract from these proceedings be sent to the Provincial Court in the

10th March 1834.

the Southern Division by precept, returnable in 15 days

Sent following Precept &c 176

L M

L. C.

At a Court of the Foujdaree Udalut

Present

Friday
14th March 1834 — Charles May Lushington Esqre 1st Puisne Judge

Thomas Alexr Oakes Esqre — acting 2d Puisne Judge

Alexr Duncan Campbell Esqre acting 3d Puisne Judge

Read letter dated the 4th Ultimo from the 2d Judge on Circuit in the Southern Division transmitting the Record in Case No. 5. of the Tinnevelly Calendar 1st Sessions of 1834.

(Here enter No. 162.)

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-Cozat and Mooftees of the Foujdaree Udalut confirm the said Futwa of the Cazee-ool-Cozat and Mooftees aforesaid, and sentence the Prisoner

"Mohammud Khan"

to be transported to such place beyond Sea, as 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.)

Circular.

An instance having recently occurred of a jail Peon putting to death his wife and attempting his own life in despair of being able to obtain the means of livelihood in consequence of his having been suddenly dismissed from his situation, by a Superior Officer of the Judicial Department—

The Court of Sudder Udalut resolve to issue orders to the four Provincial Courts of Circuit, directing them to caution all the Officers subordinate to them, against the dismissal of their public Servants, except in cases of fraud or dishonesty— and to desire that all other acts of Misconduct be punished by fine, or reprimand or by suspension from their situation for a fixed definite period, as each case may require— and that the punishment of dismissal be confined to acts of fraud and dishonesty, or to cases where the Servants may be convicted and punished Criminally—

Ordered that Extract from these proceedings be forwarded to the four Provincial Courts of Circuit for their information & guidance by precept returnable within ten days.

(Sent following Circular Receipt No)

Read letter dated the 23d Instant from the acting Criminal Judge in the Zillah of Nellore, reporting that it is improbable that he will be able to transact any Civil business for a Month or six weeks owing to the pressure of Criminal business, and requesting sanction to employ additional writers and Goomastas to enable him to bring up certain specified arrears

(Here enter No 240.)

The Court regret to observe from the foregoing letter the heavy pressure of criminal business undisposed of which is outstanding in the Nellore Court, and are of opinion that prompt measures should be adopted for its disposal at the earliest practicable period in order to prevent the great public evil of a total cessation of its civil functions— The Court would submit to the Government whether any portion of the European Revenue or Magisterial Subordinate Officers at Nellore might not temporarily be transferred from the Principal Collectors Magistrate to the Criminal Court to assist the acting Criminal Judge assistance until the state of the business may enable him to conduct it, without further accumulation of arrear in the Criminal depart-

ment

and to continue the civil functions of his office.

2.

The Court recommend that sanction may be granted for the employment of the additional Servants Requested by Mr Reid, viz: three Goomastahs and two English Copyists, the former on a Salary of ten Rupees and the latter on fourteen Rupees per Mensem to dispose of the particulars arrears of written documents specified in his letter.

3.

The Court beg to solicit the attention of Government to the acting Criminal Judges observations in respect to the principal Ministerial Officers of this Court. it is evident that the Court must continue "unequal to perform its functions" so long as it remains without its principal Native officers — the Natives of Register Serishtadar and Nazir. It is particularly desirable that the Government should, at an early period pass final orders respecting them. Meantime it seems impossible, if this is delayed, that the current public duties of the Court can proceed — without the acting Judge employing others in lieu of them — and on this point the Court solicit the orders of Government. The pressure of undisposed current business seems even more severe than that of the arrears for which the temporary extra Servants are required.

Ordered

Ordered that extract from these proceedings be forwarded to the Officiating Secretary to Government in the Judicial Department for the purpose of being laid before the Right Honorable the Governor in Council.

Sent to Govt No 39.

(Sent following letter No.)

Read letter dated the 27th January from the 2d Judge on Circuit in the Southern Division recommending a mitigation of the punishment which the Prisoner in No 16 Madura Calendar, 1st Sessions 1834. has rendered himself liable.

(Here enter No 125.)

On a due consideration of all the circumstances represented in the above letter, the Court of Foujdaree Udalut are of opinion that the mitigated Sentence of one years imprisonment proposed by the 2d Judge is insufficient for the punishment of the Prisoner in question, and they accordingly resolve to direct that the said Prisoner

Paukeynadapilly

be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of four years.

Ordered that extract from these proceedings be sent to the 2d Judge on Circuit in the Southern

Southern Division, for his information & guidance by
precept returnable without Delay.

(Sent following Precept No)

Read letter dated the 13th December 1833,
from the 1st Judge late on Circuit in the Southern Division
transmitting copy of the Record of Trial in the English and
Persian languages of Case No. 16, in the Combaconum
Calendar, Second Sessions of 1833.

(Here enter No)

In the above letter, no distinct
opinion, as to the precise sentence to be passed upon
the several prisoners is given by the Fust Judge late
late on Circuit in the Southern Division who in this
respect has again neglected the duty incumbent upon
him, and acted contrary to the standing orders of this
Court of the 24th December 1823.

The Court observe that there is no duty
most imperative upon a Circuit Judge, when he
Convicts several of the great Crime of Murder and
recommends one alone for the irrevocable Sentence
of death thereby aid the Superiour and more distant
Tribunal, by a specific selection of the Individual to
be condemned; and a Statement of his reasons for
that selection. To leave this painful task to the
Superiour Court alone - is not only to evade a duty

of

of the first importance but evinces an indifference
as to the individual life to be sacrificed reflecting deeply
upon the public officer who shrinks from what is
no less due to the Prisoners personally than to be Pub-

The attention of the Court of Foujdaree Ad
having been directed to repeated instances of neglect
of this important part of the duty of a Circuit Judge
they resolve to issue Circular Orders to the four Provin
Courts of Circuit, enjoining the strictest attention to the
Standing orders above alluded to -

And warning them that every Letter
hereafter received with a trial in which a clear
and distinct opinion is not given by the co
Presiding Judge as to the conviction or acquitt
and, of Convicted as to the punishment of ea
Prisoner; & the Grounds for both will for the future
be returned forthwith, for Amendment in the
Essential points -

Ordered that Extract of these
these proceedings be forwarded to the four Provincial
Courts of Circuit, in the Northern, Southern, Western
and Centre Divisions for their information and
future guidance by Precept returnable within
one Week from and after its receipt -

(Sent following Circular Precept Nos)

At a Court of the Foujdaree Udalut.

Present

Saturday 15th March 1834. — Charles May Lushington Esqr. 1st Puisne Judge
Thomas Neat Oakes Esqr. acting 2d Puisne Judge
Alexr. Duncan Campbell Esqr. acting Judge

240

Read letter dated the 14th Ultimo from the 1st Judge late on Circuit in the Southern Division submitting for a mitigation a Recommendation of punishment in Case No. 7 of the Salem Calendar for the 2d Sessions of 1833; wherein the two prisoners "Maumoondy-maurem" and "Oomaren" were convicted of Gang Robbery.—

(Here enter No. 196.)

The Court of Foujdaree Udalut on a due consideration of the reasons urged by the 1st Judge in support of his recommendation that the punishment to Maumoondy-maurem & Oomaren which the prisoners named in the margin have rendered themselves liable should be mitigated to 7 years imprisonment with hard labour in irons, resolve under the provisions of Clause third Section III. Regulation I of 1825 to sanction the mitigation of punishment proposed.

Ordered that Extract from these proceedings be forwarded to the 1st Judge late on Circuit in the Southern Division for his information and guidance.

(Sent in No. 191)

Read letter dated the 17th Ultimo from the

6th March 1834.

Ordered further that the four Provincial Courts of Circuit be directed to copies of the above extract from the proceedings of the Court, to the several Judges on Circuit in their respective divisions for their information.

(Sent following letter No.)

15th March 1834.

15th March 1834.

the 1st Judge late on Circuit in the Southern Division recommending that the punishment to which the 1st 2d 3th 4th 5th 6th 7th 8th 9th 10th 11th 12th 13th & 14th prisoners convicted in Case No. 64 of the Salem Calendar have rendered themselves liable should be mitigated to 7 years imprisonment with hard labour &c.

(Here enter No. 266)

On referring to the Calendar it would appear from the evidence of the 1st witness that the Robbery in this case was attended with wounding – should this fact have been established the record of the Trial must be referred to the Foujdaree Adalut as the prisoners have rendered themselves liable to a sentence of transportation; and in the absence of the record of the Trial the Regulations do not authorize the Court of Foujdaree Adalut to award a mitigated sentence, in Cases where transportation is the prescribed penalty.–

2 Should no injury have been sustained either by the prosecutor or any of his witnesses the Court of Foujdaree Adalut desire that the 1st Judge do issue his warrant for the execution of the stated punishment of 14 years imprisonment with hard labour in irons, if the Judges do not see sufficient grounds for mitigating the penalty prescribed by Laws for

7th.

15th March 1834

the crime of which the prisoners have been convicted.–

Ordered, that extract from these proceedings be forwarded to the 1st Judge late on Circuit in the Southern Division by precept requiring him to adopt the Course of proceeding indicated therein, within one week from and after its receipt.–

(Sent following Precept No. 192)

Read Return dated 21st Ultimo from the 2nd Judge of Circuit in the Northern Division to Precept of Foujdaree Adalut dated 15th February 1834 accompanied by an extract from the Proceedings of the Foujdaree Adalut containing their remarks on the Criminal Reports for the Month of June 1833.–

(Here enter No. 267)

Read Return dated 23d Ultimo from the Provincial Court of Circuit in the Western Division to Precept of Foujdaree Adalut dated the 19th February with the opinion of the Judges of the Foujdaree Adalut that the Judicial enquiry necessary to establish the exemption from trial of persons committing Justifiable homicide, can safely be entrusted only to the Magistrates and their European subordinates – and therefore modifying their orders circulated under date the 13th March 1833.

(Here enter No. 279)

Read

4th March 1834.

7. 26-

15th March 1834-

Read return dated 4th Instant from the Provincial Court of Circuit in the Centre Division to precept of Foujdaree Udalut dated 1st March 1834. — animadverting upon the great irregularity of the Criminal Judge of Cuddapah, in not having caused to be read over to the 1st Prisoner in Case No. 30. on the Calendar 2d Sessions of 1833, when brought up for examination, the confession which he had previously made before the Police, and desiring that that Officer be warned against the recurrence of similar neglect.

(Here enter No. 296)

Read return dated 7th Instant from the Judges of the Provincial Court of Circuit in the Centre Division to Precept of Foujdaree Udalut dated the 1st March 1834. conveying their opinion on a Correspondence between the Acting Provincial Judge of Chittoor and the Officer Commanding there-

(Here enter No. 297)

Read letter dated 10th Instant from the 2d Judge on Circuit in the Southern Division — Reporting his arrival, and the opening of the Sessions on the 10th Instant at Combaconum —

(Here enter No. 298) —

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No. 16.

At a Court of the Foujdaree Udalut

Monday 17th March 1834.

Present

Charles Hay Lushington Esqre — 1st Puisne Judge —

Thomas Alexr Oakes Esqre acting 2d Puisne Judge —

Alexr Duncan Campbell Esqre acting Judge

Read letter, dated the 5th Ultimo, from the 2d Judge on Circuit in the Southern Division, transmitting the record No. 12. of the Tinnevelly Calendar 1st Sessions of 1834 —

(Here enter No. 173)

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 —

"Comarasawmy Pillay"

is sufficient to convict him of the crime of Wilful Murder, &c; 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. 199)

Read letter, dated the 3d Instant, from the Officiating Judge on Circuit in the Northern Division, recommending a mitigation of the punishment to which

which the Prisoner convicted in Nº 4 of the Nellore Calendar 1st Sessions 1834, has rendered himself liable.

(Here enter Nº 287)

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 Officiating Judge on Circuit in the Northern Division, and accordingly direct that the said Prisoner

Cataury Pologaudoo

be imprisoned and kept to labour, suitable to his age, for the period of one year.

The Court observe, in reference to the remarks of the Officiating Judge, that Section XXIII Regulation VII of 1802 does not appear to them to apply to the case, in as much as the crime of which the Prisoner stands convicted is clearly provided for in Clause third Section IV Regulation XV of 1803, when unaccompanied by aggravation.

Ordered, that extract of these proceedings be sent to the Officiating Judge on Circuit in the Northern Division by Precept returnable in one week

(Sent following Precept Nº 200)

With reference to the Cases Nº 5 & 11 of the Salem Calendar for the 2d Sessions of 1833, the Court of Foujdaree Udalut resolve to call for the whole of the original native Records of proceedings held

17th March 1834.

before the Police, the Criminal Court and the 1st Judge, who presided at those trials, and accordingly direct that they be forwarded to this Court without delay.

Ordered, that extract from these proceedings be forwarded to the 1st Judge late on Circuit in the Southern Division by precept, returnable within 5 days from and after its receipt.

(Sent following Receipt Nº 207)

Read Return, dated 4th Instant, from the Provincial Court of Circuit in the Centre Division, in Receipt of Foujdaree Udalut dated 3d March 1834, intimating the Zillah Judge of Chingleput to take the first fitting opportunity of Employing the Petitioner Rungarajahs son as a Peon, provided he is qualified for the Office, and there are no objections to his Character.

(Here enter Nº 299)

240

Read letter dated 6th Instant from the Provincial Court of Circuit in the Western Division transmitting copies of explanation furnished by the Criminal Judge of Malabar, and of a Return and its accompaniment from the Magistrate of Canara.

(Here enter Nº 309)

At a Court of the Zoujdaree Adalut

Present,

Thursday,
20th March 1834.

Charles Gray Lushington Esqre 1st Puisne Judge,
Thomas Alexr Oakes Esqre acting 2d Puisne Judge,
Alexr Duncan Campbell Esqre acting Puisne Judge,

Read letter, dated the 17th Ultimo from the Provincial Court of Circuit in the Southern Division, submitting copy of a letter from the Magistrate of Salem, containing the explanation called for by the Provincial Court of Circuit, relative to Case No 407 of the Salem Criminal Report for the month of August last.-

(Here enter No 235)

The prisoner in Case No 407 of the Salem Criminal Report for the months of August last having complained of the ill- treatment he had received from the village Police "before he was sent up to the Criminal Court", the Provincial Court of Circuit directed the Criminal Judge to forward the whole of the proceedings held in that case to the Magistrate, who was at the same time required to enquire into and report upon the circumstances of the Complaint so brought forward by the prisoner.-

2. From the explanation now submitted through the Provincial Court of Circuit, it appears that the Magistrate of Salem called upon the

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Tahsildar of Erichengode to institute an enquiry and to furnish the explanation required by the Provincial Court; thus devolving upon the superior Native Police officer of the same Taluk, the duty of investigating a charge preferred against a lower Member of the very authority* complained against.—

* The Erichengode Village Police.

2. It is obvious to remark that when Complaints are made against the Native Police, the Magistrate himself or one of his European subordinate Officers should personally conduct the examination, a course of proceeding which the Magistrate of Salem was moreover specially instructed* to observe on the present occasion.—

* vide 48 para: of the Pros: of the Pro: Ct. of 5th of the 5th October 1838.—

4. The Court of Foujdaree Edalut therefore resolve to require the Provincial Court of Circuit in the Southern Division to direct the Magistrate of Salem to institute a full and strict enquiry into the Conduct of the Erichongode Village Police; and after examination of any witnesses that may be named by the prisoner to report the result of the investigation thro' their Court for the information of the Judges of the Foujdaree Edalut.—

Ordered, that extract from these proceedings be forwarded to the Provincial Court of Circuit in the Southern Division for their information and guidance by precept, returnable in 10 days from and after its receipt with directions to circulate the same to all the Magistrates in their Division, with positive orders, the infraction of which must be reported, in each case, through this Court, to Government, that every complaint against the Native Police be invariably fully investigated by the European Magistrate.—

(Sent following Precept & No. 205)

Ordered also, that extract from these Proceedings be forwarded to the 3 other Provincial Courts, to be circulated by them to the Magistrates under them.—

(Sent in No. 206)

The Court of Foujdaree Edalut from certain Calendars lately under review, find that their circular orders of the 6th December 1830, directing the issue of a conditional warrant, until the receipt of their orders, upon cases proposed for a mitigation of punishment, have been misconstrued, into authorizing the Judges of Circuit, in lieu of passing the full sentence prescribed by law to pass merely the mitigated sentence proposed by themselves, & consider it proper to explain that the sole object of their orders of the 6th December 1830 was to prevent the obviously objectionable practice of detaining prisoners after conviction in a state of idleness in the Gaol, pending a reference to the Court of Foujdaree Edalut for their sanction of a mitigated punishment.—

The practice of pronouncing a mitigated

mitigated sentence, upon prisoners, whom the Court of Foujdaree Ekdalut may not see sufficient reason to exempt from the full degree of the prescribed punishment, is considered improper; and in discontinuing the practice, the Judge of Circuit will in future, when proposing to recommend a mitigation of punishment, merely intimate to the prisoner the penalty to which by Law he has rendered himself liable, instructing the Criminal Judge at the same time, to detain the prisoner in Gail with hard labour in irons, until the final orders of the Foujdaree Ekdalut shall be made known to him.—

Ordered, that extract from these proceedings be forwarded by precept to the Provincial Courts of Circuit, requiring them at the same time to furnish the Judge now on Circuit in their respective Divisions, with a copy of the above extract for their information and future guidance, precept returnable in one week from and after its receipt.—

(Sent following Precept No 207)

Read letter, dated 28th Ultimo, from the 1st Judge late on Circuit in the Southern Division transmitting the report required by section XIII Regulation VII of 1802 for the 2d Sessions of 1833.—

(Here enter No 288)

The 1st Judge late on Circuit in the Southern

Para 61.

Southern Division having brought to the notice of the Foujdaree Ekdalut that the Police Officers in the Salem "Division have been interdicted sending up any "report with the cases forwarded to the Criminal "Court," the Judges deem, with reference to the provisions of Rause fourth Section XXVII Regulation XI of 1816, that the Criminal Judge of Salem will immediately cancel any order he may have given to the above effect, and forward copy of this order to be so rescended, with any observations he may have to offer to this Court, without delay.—

Ordered, that extract from these proceedings be forwarded to the Criminal Judge of Salem by precept, returnable in one week.—

(Sent following precept No 208)

Read letter, dated 2d November last, from the 3d Judge of the Court of Circuit in the Western Division, submitting Case No 1 on the Calendar of the Joint Criminal Judge of Malabar, 4th Quarterly Sessions 1833.

(Here enter No 1329.)

(No 1—
Mr Lushington,
and
Mr Campbell,)

The Court of Foujdaree Ekdalut having maturely considered the proceedings held before the Judge on Circuit, the Futwa of the Provincial Law officers, and the Futwa of the Cazee-ool-Coozat and Mooftees of the Foujdaree Ekdalut, confirm the said Futwa of the Cazee-ool-Coozat and Mooftees aforesaid

aforesaid, and sentence the Prisoner

Callakul alias Coodya porayil

Shaik ally Ahmed.

to be transported to such place beyond sea, as 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 209)

Read letter, dated 6th January last, from the 2d Judge of the Provincial Court of Circuit in the Northern Division, submitting case No 9 Manuelpatam Calendar 2d quarter sessions 1833.-

(Here enter No 34)

Mr Lushington.

The Court of Sudder 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-Cozzat and Mooftee of the Sudder Adalut, are of opinion, that the Prisoners

7th Jumpana poody Chintadoo,

10th Mullarapoo Venkatadasoodoo,

11th Do Paupadasoodoo, and

24th Cuncherla Venkadoo,

are not convicted on presumptive proof, or on the evidence of credible witnesses, or on their own confessions, notwithstanding the Futwa of their Law officers; and do accordingly acquit them.-

But

But being of opinion that strong suspicion, though not amounting to conviction, attaches to them, they do under Clause Third Section V Regulation VIII of 1831, and Clause sixth Section II Regulation XV of 1803, direct that the said Prisoners

7th Jumpana poody Chintadoo,

10th Mullarapoo Venkatadasoodoo,

11th Do Paupadasoodoo, and

24th Cuncherla Venkadoo,

be required to find severally, two sureties in 100 Rupees each surety, for their good behaviour and appearance when required within 2 years, or that in default thereof, they be detained for two years in confinement.-

Sent/d 140

(Sent following letter No 210).-

J. A. M

F. A.

At a Court of the Faujdaree Udalut.

Present,

Saturday 22nd March 1834.. Charles May Lushington Esqr. 1st Puisne Judge
Thomas Alexr. Oakes Esqr. Acting 2d Puisne Judge
Alexr. Duncan Campbell Esqr. Acting Judge

Read letter, dated the 6th Instant, from the officiating 2d Judge of the Court of Circuit in the Centre Division, forwarding Copies of the Chittoor primary and supplemental Calendars 1st Quarter Sessions 1834..

(Here enter No. 302.)

Primary Calendar No. 1

1 The Court are by no means satisfied with the explanation afforded by the 2nd Judge in regard to this trial and they in consequence direct that they may be furnished with as little delay as possible, with an English translation of all the proceedings held therein. They likewise desire that they may be informed whether an inquest was held on the body of the deceased and what evidence was taken by the Judge presiding at the trial, as to the truth or otherwise of the confessions made by the Prisoners before the Police..

1st Suppl. Calendar No. 1.

2 The Court desire that the sentence passed on the Prisoner convicted in this Case, may be suspended pending their investigation into the merits of the first Case in the primary Calendar..

Ordered

Ordered, that extract from these Proceedings be sent to the Provincial Court of Circuit in the Centre Division, with instructions to forward the record of the trial referred to, and to furnish a Copy thereof to the 2nd Judge, late presiding, in order that he may have an opportunity of offering any further explanation that he may deem necessary, in regard to the trials in question.-

(Sent in No. 211)

Read return, dated the 3d Ultimo, made by the 1st Judge late on Circuit in the Southern Division, to the precept of this Court of the 8th January last, conveying the observations of the Court of Foujdaree Adalut on the Coimbatore Calendar for the 2nd Sessions of 1833.-

15

(Here enter No. 145)

In the above return the 1st Judge states "that in case No. 1. on the Calendar he was "actuated by the same motives as in Cases Nos. 2 and "5 of the Salem Calendar, considering it a serious "hardship to prosecutors and witnesses the post-"ponement of Trials, by the holding back of the "prisoners witnesses, who, in many cases, are "cited and stated to be absent; by which means "a prisoner may defeat the ends of justice, even by-"ing out the prosecutor and his witnesses; "besides some material to the issue might die in

"in the interim, or be absent."-

2 The Court of Foujdaree Adalut have already explained to the 1st Judge that, under the orders circulated on the 28th June 1827, it is only where the testimony of an absent witness is at first deemed immaterial, but is subsequently indispensable, for the purposes of Justice, that a trial, once commenced, can be postponed.- The Judges observe that the first Judge of Circuit in the Southern Division, contrary to the express order, of the 28th June 1827 commenced a trial, under a protest from the prisoner that all his witnesses were absent. It is hardly necessary to add that, where witnesses were material to a case, whether for the prosecution or the defence - nothing contained in the orders of the 28th June 1827 could possibly justify the commencement of any trial under such circumstances.-

3 Whilst the Circuit Judge thus receives a repetition of the original caution, against improperly commencing trials in the absence of witnesses, either for the prosecution or the defence, who may be material to the elucidation of the case, the Judges of the Foujdaree Adalut feel themselves called upon to add, that nothing will be more strictly scrutinized by them, than any systematic or unnecessary postponement of Criminal trials - The first duty of a Judge of Circuit, on the receipt of the calendars, is to call instantly

instantly for the attendance of those absent witnesses either previously examined by the lower tribunals, or newly required by himself, whose testimony is essential or material. So that, if possible they may attend before himself, previously to the end of his sessions, to the conclusion of which such cases should invariably be deferred. It is only when it is impossible for the Circuit Judge himself to procure such material testimony, that he can be justified, in postponing a case, to the great inconvenience of the witnesses in attendance for trial before his successor, on whom this additional duty ought never to be thrown, except where there would, otherwise, be a failure of justice.

4

The objection urged by the 1st Judge to the postponement of Trials viz: that "some evidence material to the issue might die in the interim" or be absent "is fully met by the orders of the Foujdaree Adalut circulated under date the 8th of May 1833, which provides that the deposition of a witness taken upon oath in the presence of a prisoner may be given in evidence on the Trial, provided it be proved to the satisfaction of the Court that the informant is dead or prevented by sickness from attending or that he is kept away by the means and contrivance of the prisoner, and provided also that the deposition offered in evidence is proved to be the same

as was sworn before the Criminal Court without any alteration.

5

The 1st Judge also states, that he considers, "when a prisoner has called for his witnesses and stated to the Criminal Court what points "they are to prove, that he is not at liberty to name "more witnesses, to prove other matters; but if so "permitted, it is, the 1st Judge presumes, discretionary "with the Criminal Court to summon them or not," with reference to the opinion here expressed the Court of Foujdaree Adalut consider it necessary to call the attention of the 1st Judge to their orders circulated under date the 3d of August last, wherein it is explained that "the discretion given to Criminal Judges by "Regulation II of 1822 to limit the number of witnesses for the defence, was rendered necessary by the manner in which either from ignorance or design, persons committed for Trial had abused the privilege of summoning witnesses on their behalf; and that the most general defence of an alibi could be as easily proved by two, as by twenty witnesses. The Criminal Judge previously had no option. He was bound to cause the attendance before the Court of Circuit of every person named by the prisoner without knowing, and without having the means of knowing, whether their evidence was, or could be material to the prisoner. The discretion thus given to the Criminal Judges, the Court observed was not

not, and could not, be meant to deprive the prisoners of any just means of defence; and if a prisoner were to name ten witnesses to a fact clearly material to his defence, the Criminal Judge would improperly exercise the discretion vested in him, were he to reduce the number summoned to two or three; for altho' the ten might not be necessary to prove the fact, the evidence of the two or three might from various causes be insufficient to establish it.—

6 The first Judge in the Southern Division late on Circuit, on reference to clause third Section II Regulation II 1822, will perceive that in every case where a witness named for the defence was refused by the Criminal Court, it was his own special duty to peruse the proceedings; and to proceed, as therein directed, — to postpone even commencing the trial, where the evidence of such witness was material, the Court of Foujdaree Udalut cannot but observe that no evidence can be more material to a prisoner than that which directly rebuts the testimony for the prosecution.—

Ordered, that extract from these proceedings be forwarded to the 1st Judge late on Circuit in the Southern Division by precept, requiring future conformity thereto.—

(Sent following Precept No. 212)

Read letter, dated the 26th Ultimo, from the 2d Judge on Circuit in the Southern Division, submitting Copies of the Madura Calendars for the 3d Session

Session of 1834.

(Here enter No. 265.)

1 In Case No. 12 of the Madura Calendar the Court of Foujdaree Udalut perceive that the "Magistrate "has been called upon to make enquiry into the alleged "ill-treatment of some of the prisoners by the Officers of the Police."

2 In Conformity to the orders of the Foujdaree Udalut recently circulated through the 4 Provincial Courts of Circuit, the European Magistracy should be instructed to investigate this Complaint against the Native Police — the result to be reported thro' the 2d Judge for the information of the Court of Foujdaree Udalut.—

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

(Sent in No. 213)

Read letter, dated the 11th Instant, from the Officiating Judge on Circuit in the Northern Division, recommending a Mitigation of the punishment to which the 2d prisoner convicted in No. 7 of the Nellore Calendar 2d Sessions of 1833 of Highway Robbery has rendered himself liable.—

(Here enter No. 323.)

1 The Court of Foujdaree Udalut having maturely considered the circumstances of the case represented in the above letter, sanction under clause third

Section

Section III Regulation I of 1825 the mitigated punishment recommended by the Officiating Judge on Circuit in the Northern Division, and accordingly direct that the said prisoner.-

2d Suttanapully Goravadoo

be imprisoned & kept to hard labor in irons on the public roads or other public works, for the period of (2) two years.

Ordered, that extract of these proceedings be sent to the Officiating Judge on Circuit in the Northern Division for his information and guidance; by precept returnable without delay.-

(Sent following Precept No. 214)

Read again letter, dated the 17th December from the 1st Judge late on Circuit in the Southern Division, furnishing an explanation in regard to Case No. 8 of the Salem Calendar for the 2d Sessions 1833.-

(Here enter No. 1459 of 1833.)

The Court of Joydaree Udalut consider it necessary that they should be furnished with the whole of the proceedings that have been held in regard to the case No. 8 in question, whether by the 1st Judge, the Criminal Court or the Police. They in consequence resolve to direct the 1st Judge to call for and submit the proceedings in question, with as little delay as possible, and likewise to issue instructions to the Criminal Judge of Salem, to release the Prisoner on bail pending further instructions should he come into

into his custody on this charge.

Ordered, that Extract of these proceedings be sent to the First Judge of the Provincial Court in the Southern Division by precept returnable in ten days.-

(Sent following Precept No. 215)

Read return dated 7th instant, from the Provincial Court of Circuit in the Centre Division, to Precept of Joydaree Udalut dated the 1st March 1834, directing that if the Peon, by whose gross neglect the escape of a convict was occasioned, has not been brought to trial, under Clause 1st Section XI Regulation XIII of 1832, the provisions of the Regulation in question may be conformed to without delay.-

(Here enter No. 298.)

Read Return, dated 7th instant, from the 1st Judge late on Circuit in the Southern Division, to Precept of Joydaree Udalut dated the 26th February 1834, calling the attention of the 1st Judge late on Circuit to their standing order dated the 24th December 1821 in regard to giving opinion in cases referred.-

(Here enter No. 308.)

Read Supplemental Return dated 14th instant, from the Provincial Court of Circuit in the Centre Division to Precept of Joydaree Udalut dated the 1st instant, desiring that if the Peon by whose neglect a convict escaped has not been brought to trial under Clause first Section XI Regulation XIII of 1832, the provisions of the Regulation in question may be conformed

conformed to without delay.

(Here enter No. 330.)

Read Return, dated 13th instant, from the Provincial Court of Circuit in the Northern Division, to precept dated 26th Ultimo, containing the Courts Remarks on the Criminal Reports of the acting Joint Criminal Judge of Masulipatam for July last.

(Here enter No. 342.)

Read Return, dated 17th instant, from the Provincial Court of Circuit in the Centre Division, to Precept of Foujdaree Udalut dated 14th instant, directing them to caution all the Officers subordinate to them against the dismissal of their public Servants, except in cases of fraud or dishonesty, and desiring that all other acts of misconduct be punished by fine or Reprimand, or suspension from Office for a fixed period.

(Here enter No. 348.)

Read Return dated 17th instant, from the Judges of the Provincial Court of Circuit in the Centre Division, to Precept of Foujdaree Udalut dated the 14th instant, enjoining strict attention on the part of the Provincial Courts of Circuit to their standing orders of the 24th December 1823 - and warning the Courts of Circuit that every letter hereafter received with a trial, in which a clear and distinct opinion is not given by the Presiding Judge, as to Conviction or acquittal Viz. will be returned for amendment in those essential points.

(Here enter No. 349.)

Read

Read Return, dated 18th instant, from the 2d Judge of the Provincial Court of Circuit in the Southern Division - to Precept of Foujdaree Udalut dated 14th instant, directing him to issue a warrant to the Criminal Judge of Madura, directing that the Prisoner Pankeynada pillay should be imprisoned and kept to hard labour in irons for 4 years.

(Here enter No. 352.)

J. M

At a Court of the Foujdaree Udalut.

Present,

Monday, 24th March, 1834. — Charles May Lushington Esqre 1st Puisne Judge,
Thomas Alexr Oakes Esqre acting 2d Puisne Judge,
Alexr Duncan Campbell Esqre acting Puisne Judge,

Civil
No 140

Read Petition presented on the 24th February 1834, by Ayyapie Iyen, late Tahseeldar of the Caroor Talook, in the Zillah of Coimbatore.—

(Here enter Cris: Pet: No 7 of 1834.)

1. The Petitioner states that in April 1833 he was suspended from his office of Tahseeldar of the Caroor Talook, by the present Magistrate of Coimbatore, in consequence of the escape of one Sobarayen, whose apprehension the Petitioner had been ordered to effect; and that he was forwarded to the Criminal Court of Salem, by the Assistant Criminal Judge of which Court, security was demanded of him, which he (Petitioner) furnished: and then complained to the Circuit Court, when that Court, in their proceedings under date the 23d September 1833, ordered the Petitioner's recognizances to be discharged, and himself to be unconditionally released.—

2. The Petitioner now prays the Court, to issue orders to the Provincial Court of Circuit in the Southern Division directing his restoration to office, and the payment to him of his salary in arrear from the 8th of April 1833, until the present time.—

Previous

3. Previously to passing any decision on this case, the Court resolve to issue a Precept to the Provincial Court of Circuit in the Southern Division directing them to call for, from the Magistrate of Coimbatore and transmit to this Court, an explanation of the circumstances which led to the suspension of the Petitioner from his office; - and to the subsequent proceedings before the Criminal Court, against him; and to specify distinctly, the grounds, if any, which may oppose compliance with the prayer of the Petitioner. -

Ordered, that extract from these Proceedings be forwarded to the Provincial Court of Circuit in the Southern Division for their information and guidance by Precept, returnable without delay. -

(Sent following Precept No. 216)

Read Petition presented on the 3d instant, by Seyagarya Moodely. -

(Here enter E. Gn. P. No. 8 of 1834.)

1 The Petitioner represents that he has been dismissed from his situation as Police Ameen of Tellore by the Magistrate of North Arcot on an accusation of his having taken bribes, that he has appealed to the Provincial Court of Circuit in the Centre Division, and has by them, been referred to the Board of Revenue for redress. - He brings to notice that the charge of his having been said to have received bribes was elicited in the course of a Judicial enquiry, on which ground he prays the Court to investigate his case and to issue orders

orders for his restoration to office. -

2 The Court see nothing in the papers submitted by the Petitioner to invalidate the decision passed in the case by the late Acting Criminal Judge of Chittoor. They in consequence decline interfering.

Ordered, therefore that the prayer of this Petition be rejected, and that Extract from these Proceedings be granted to the Petitioner on application. -

Read Petition, presented on the 17th February 1834, by Cander Baboo, of the Zillah of Chingleput. -

(Here enter Mis. Pet. No. 12 of 1834)

1 The object of this Petition is to induce the Court to issue orders for the release of the Petitioner's son the 30th Prisoner in the Cuddalore Calendar Case No. 2. 1st Supplemental Calendar 1st Quarterly Sessions of 1833. - who (she states) was sentenced by the Zillah Adalut to seven years' imprisonment. -

2 The Petitioner has already presented two Petitions on the same subject, and is now again informed that this Court can not interfere in her Son's case. -

Ordered, therefore that the prayer of the Petition be rejected, and that extract from these proceedings be furnished to the Petitioner upon her application. -

Read

Read letter, dated 11th January last, from the 1st Judge late on Circuit in the Southern Division, transmitting the Record of Proceedings in Case No. 61 Salem Calendar 2d Sessions 1833.—

(Here enter No. 57).

Mr. Cushington, Mr. Campbell,

The Court of Foujdaree 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-Cozat and Mooftees of the Foujdaree Adalut, confirm such part of the said Futwas of the Cazee-ool-Cozat and Mooftees aforesaid, as convicts the Prisoners,

1st Yesoperum,
2d Cofen,
3d Chinnafyen, and
5th Vellian,

and under the Sentence of Ao Koolut declared in the Futwa, &c, in conformity with the provisions of Clause Third, Section IX and Clause Third, Section VIII Regulation XV of 1803, and Clause Second Section II Regulation I of 1825, sentence the said Prisoners,

1st Yesoperum,
2d Cofen,
3d Chinnafyen, and
5th Vellian,

severally to receive 195 lashes with a cat of nine tails, and to be banished to the Zillah of Masulipatam, there to

to be imprisoned and kept to hard labour in irons on the Public Roads or other Public works, for and during the Period of fourteen years.

And further concurring in opinion that the proof against the Prisoner,

4th Thopoolaun,

is sufficient to convict him of Gang Robbery by open violence, do, under the authority with which they are vested by Clause first, Section II Regulation I of 1818 convict him of, and under Clause Third, Section IX and Clause Third, Section VIII Regulation XV of 1803, and Clause Second, Section II Regulation I of 1825, sentence the said Prisoner,

4th Thopoolaun,

to receive 195 lashes with a cat of nine tails, and to be banished to the Zillah of Masulipatam 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 14 years.

(Sent following letter No. 217)

Read letter, dated 10th Ultimo, from the 2d Judge on Circuit in the Southern Division, transmitting the Record in Case No. 6 of the Trinomally Calendar 1st Sessions 1834.—

(Here enter No. 188)

Mr. Cushington, and Mr. Parker.

The Court of Foujdaree Adalut on a deliberate consideration of all the circumstances of the case in evidence before them; concurring in opinion that the proof

proof against the Prisoners,

1st Paramashenen,

2d Ramasamy, and

3d Vellien,

is sufficient to convict them of the crime of murder, committed in the prosecution of Gang Robbery by open violence; &c, under the authority with which they are vested by Clause first, Section II Regulation I of 1818 convict them thereof, and in conformity with the provisions of Clauses first and fifth, Section IV Regulation XV of 1803, sentence the Prisoners,

1st Paramashawn, and

2d Ramasamy,

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

And the Prisoner,

3d Vellien,

to be transported to such place beyond sea, as 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 № 218)

Read letter, dated 5th August last, from the Acting 3d Judge late on Circuit in the Centre Division, submitting the record of case № 23 of the Calendar Tc Sessions 1833.-

(Here enter № 172)

Mr Cushington,
and
Mr Campbell,

The Court of Foujdaree 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 Mooftis of the Foujdaree Adalut, confirm the said Futwa of the Cazee-ool-Coozat and Mooftees aforesaid, and under the Sentence of Ockoobut declared in the Futwa, &c, in conformity with the provisions of Clauses second and fifth, Section IV. Regulation XV of 1803, sentence the prisoner,

"Tabanun",

to be imprisoned and kept to hard labour in irons on the public Roads or other public works for and during the period of fourteen years.-

(Sent following letter № 219)

Read letter, dated the 18th Ultimo from the First Judge, late on Circuit, in the Southern Division.-

(Here enter № 228.)

1 The object of the foregoing communication is to bring under the consideration of this Court the Case № 19 of the Salem Calendar for the 2d Sessions of 1833.-

2 In it, 28 prisoners stood charged with gang robbery, by open violence, committed by them "armed with weapons" and with "lighted torches"

3 Three of the prisoners died in Gaol.- one of them a boy, 12 years of age was acquitted.- But the remaining

remaining 24 prisoners were committed by the Law officer and the Circuit Judge.-

4 Under Clause third, Section IV Regulation XV 1803, these prisoners were liable to a sentence of 14 years' imprisonment. The Judge of Circuit ought to have spared that sentence;- and, if he saw any special reasons for mitigating it, he was competent, under Clause second, Section III Regulation I 1825, to bring them, by report, as he has done by the present letter, under the consideration of this Court. In lieu of doing so, he prematurely sentenced the prisoners to 14 years' imprisonment with hard labour in irons, and now applies to this Court for a confirmation of this punishment.-

5. In this communication the Court have looked in vain for "a statement of the grounds of "his opinion that such mitigation of punishment is "proper." The absence of aggravating circumstances, such as wounding &c., exempts the prisoners from the higher punishment of transportation. But in favor of a mitigation of the minor sentence of 14 years' imprisonment annexed by Law to the crime of gang robbery when unattended by such aggravation of which alone they are convicted nothing peculiar to the present case is urged.- If any grounds exist for mitigation of this punishment in this case the Court will be glad to receive a report of them.- otherwise they

have no option, but to orcist that the sentence prescribed by Law shall take its course. They possess no power to mitigate the severity of the Law except on special cause, to be shewn, in each particular instance.-

6 The whole tenor of the letter from the Circuit Judge however goes to question the propriety of his own conviction of the prisoners. There is nothing stated to shew that, if guilty, they should be exempted from any part of the penalties which the Law attaches to the particular crime of which they have been convicted. But, since he concurred in the Law officer's conviction of these prisoners, scruples seem to have arisen in his mind, in favor of their innocence; founded upon his being "disposed almost "to doubt the verity of their confessions before the Criminal Court, as he states that he does the validity of the attestation of them.-

7 This Court however, in the enclosures contained in Mr. Garrow's letter perceive nothing to bear out the inference that there is any cause to doubt the truth of these confessions, or the validity of their attestation.-

8 It certainly appears that, from the heavy pressure of criminal business in Calcutta, two General Gomashtahs have been employed, at the same time, to take down, in writing, the confessions made by

by different prisoners;- and that errors have been made, and corrected, in the English date, as to the time when they were given - and that a few of the witnesses present, during the confession, placed their signature of attestation upon it after the Judge had certified it. But it also appears that all alterations or corrections made, were made before the confessions were certified by the Criminal Judge; that each was separately read over to the respective prisoners before the Judge signed it - and that after this, no alteration or addition was made; except that in the few rare cases, where such of the attesting persons as happened to be sent out of the way on other business, in the interval between hearing the confession, and its certification by the Judge, were allowed subsequently to add their signature to the document.-

9 This was not regular - but it by no means affects the validity of the attestation - and if the witness was present the whole of the time that the confession was made - and proves it, upon oath, to have been given voluntarily, its truth can hardly admit of doubt, when certified as deliberately given before a European officer.-

10. The Court however resolve to call the irregularity in question to the notice of the Judge in the Zilla of Salem - and to direct its discontinuance for the future - all witnesses who attest a confession before

before him must remain until they see the prisoner sign it - and must attest it before the Judge himself who is to certify it in the manner directed in the circular orders of this Court of the 18th November 1823.-

Ordered, that extract from these proceedings be sent by precept, to the 1st Judge late on Circuit in the Southern Division, requiring him to conform to the instructions therein contained within five days, and to forward copy thereof, for the information and guidance of the Zilla Judge of Salem - by precept, requiring conformity thereto - copy of the Zilla Judges return to be submitted to this Court on receipt thereof.-

(Sent following Precept No 220)

Read return, dated 22d Instant, from the 1st Judge late on Circuit in the Southern Division to precept dated 17th Instant calling for the original Native record of proceedings held before the three Tribunals in cases Nos 5 and 11 of the Salem Calendar 2d Sessions 1833.-

(Here enter No 375.)

With reference to the proceedings of this Court of the 17th instant calling upon the 1st Judge late on Circuit in the Southern Division to transmit the whole of the original Native Record of proceedings held in cases Nos 5 and 11 of the Salem Calendar for the 2d Sessions of 1833, the Court

J

of Foujdaree Edalut desire that the above native records of proceedings may be accompanied by the original rough English translations of the proceedings from which the fair certified copies of the Records in those two cases were transcribed:—

Ordered, that extract from these proceedings be forwarded to the 1st Judge late on Circuit in the Southern Division, requiring return to be made within one day after Receipt of these proceedings.—

(Sent following Precept No. 221)

Read letter, dated 5th Ultimo, from the Second Judge on Circuit in the Southern Division, transmitting the Record in Case No. 7 of the Madura Calendar 1st Sessions 1834.—

(Here enter No. 174)

The Court of Foujdaree Edalut 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 Edalut, confirm the said Futwa of the Cazee-ool-Cozat and Mooftees aforesaid; acquitting the prisoners of Gang Robbery: but being of opinion that the proof against them, is sufficient to convict them of a violent assault, they direct their Law Officers to declare by a second Futwa to what sentence they would be liable if convicted on full legal evidence of that

F.C.

24th March 1834.

that crime.—

Ordered, that extract from these proceedings be translated and delivered to the Cazee-ool-Cozat and Mooftees of the Foujdaree Edalut.—

Read return, dated 11th Instant, from the Provincial Court of Circuit in the Northern Division, to precept dated 12th Ultimo explaining the views of the Superior Court regarding the commitment of persons for trial upon charges of Forgery under Regulation XI of 1811.—

(Here enter No. 348)

Read further return, dated 11th Instant, from the Provincial Court of Circuit in the Northern Division, to the Court's precept dated 15th Ultimo, relative to the Criminal Reports of June last.—

(Here enter No. 349.)

J. M

At a Court of the Foujdaree Adalut.

Present

Thursday 27th March 1834. Charles May Lushington Esqr 1st Puisne Judge
Thomas Alexr Oakes Esqr Acting 2d Puisne Judge
Alexr Duncan Campbell Esqr Acting Judge.

Read again letter, dated the 5th Ulting, from the 2d Judge on Circuit in the Southern Division, transmitting the record of trial in Case No 7 of the Madura Calendar 1st Sessions 1834.

(Here enter No 174)

Read also Second Futwa delivered in the above case by the Cazee ool Cozat and Mooftee of the Foujdaree Adalut.

Under the Sentence of Do Roobut.

Mr Oakes
Mr Campbell.

declared in the foregoing futwa, the Court of Foujdaree Adalut Sentence the Prisoner

1st Cuttayen

to be imprisoned and kept to hard labor in irons on the public roads, or other public works, for, and during the period of one year, and then to be released.

And they direct that the Prisoners

2d Chinna Cupen
3d Chinnanen
4th Sullen (and)
5th Mayandy

be each required to furnish Security in the Sum of 20 Rupees for his good behaviour and appearance when required within one year, or that in default thereof, that each respectively be detained for one

year

year in confinement.

(Sent following letter No. 225)

Read letter, dated the 11th Ultimo, from the 1st Judge on Circuit in the Western Division, Submitting Case No. 23 on the Malabar Calendar 1st Sessions 1834.

(Here enter No. 205.)

Mr Lushington
Mr Campbell.

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 Mooftee of the Foujdaree Udalut, confirm the said futwa of the Cazee-ool-Coozat and Mooftees aforesaid, convicting the Prisoner

Iran Charoopadikel Kristnen.

of murder, and awarding Hifaaz, but taking into consideration the youth of the Prisoner, and the recommendation of the Presiding Judge, they do, under the authority with which they are vested by Clause Second, Section VI Regulation I of 1825, Sentence the said Prisoner

Iran Charoopadikel Kristnen.

to be transported to such place beyond sea, as 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. 226)

Read letter, dated the 4th Instant, from

from the 2nd Judge on Circuit in the Southern Division, Submitting Case No. 2 Tinnevelly Supplemental Calendar 1st Sessions 1834.

(Here enter No. 206.)

Mr Oakes.

The Court of Foujdaree Udalut on a deliberate consideration of the circumstances of the case in evidence before them, being of opinion that the proof against the prisoner

Iyahviengar.

is sufficient to convict him of the crime of "wilful Perjury," do, under the authority with which they are vested by Clause first, Section II Regulation I of 1818 convict him thereof, and in conformity with the provisions of Clause third, Section V Regulation VIII of 1831, and Clause first, Section III Regulation VI of 1811, Sentence the said Prisoner

Iyahviengar

to be publicly exposed in the mode commonly denominated Sukeer - and to be imprisoned and kept to hard labor in irons, on the public roads or other public works, for, and during the period of Seven years.

(Sent following letter No. 227)

Read letter, dated the 21st Ultimo from the 1st Judge late on Circuit in the Southern Division, transmitting the record of the proceedings in Case No. 21, Salem Calendar 2nd Sessions 1833.

(Here enter No. 242.)

The

The Court see nothing objectionable in the foregoing trial.

Ordered to be recorded.

The Court of Foujdaree Adalut having observed from an extract from the proceedings held by the 1st Judge when late on Circuit in the Southern Division, copy of which is appended to the Report made by Mr. Ganow on the 2nd Sessions of the past year, that the Criminal Judge of Salem has been directed "occasionally" to allow meat to the prisoners who may be "hard worked" - resolve to direct the 1st Judge to cancel his orders in this respect, issued to the Criminal Judge under date the 31st of October last, and any other similar orders which he may have issued, the Judges being of opinion that no animal food or other similar indulgence, should ever be allowed to any Prisoner, except in Hospital, where the diet is regulated by the Medical Officer. At all other times the prisoners should invariably be allowed a sufficiency of food according to the established allowance. But it ought to be of the plainest, coarsest, and most wholesome kind - without any ingredient used by the better classes only of the Natives.

Ordered, that Extract from these proceedings be forwarded to the 1st Judge late on Circuit in the Southern Division for his information and guidance -

(Sent following letter No. 228)

Read letter, dated the 15th Ultimo from the Acting 2nd Judge of the Court of Circuit in the Centre Division, submitting copies of the Calendars 5th and 6th Supplemental Calendars for the 4th Quarterly Sessions of 1833 -

(Here enter No. 203.)

As wounding, though not of a serious nature, appears to have been established in Case No. 8 of the 5th Supplemental Calendar, the first prisoner was liable to transportation for Gang Robbery - It matters not whether the wounding endangered life or not - This is a point for investigation only in the minor offence of Breaking or attempting to break, with intent to steal or in theft when attended by wounding - The Court will not however disturb the Sentence, and notice this for the future guidance of the Circuit Judge - With reference to his 2nd question to the Law Officer, in this case, they further observe, that he ought to have confined it to the conviction or acquittal of the accused, in the first instance, - for it is only where the Regulations do not prescribe any specific punishment that the Law Officer is to be consulted, as to the punishment for the crime charged ~~the accused~~.

Cancelled
Vide Dy. S.C.
Dy. May 1834.

Ordered, that Extract from these proceedings be forwarded to the Acting 2nd Judge of the Court of Circuit in the Centre Division for his information and guidance by precept returnable in five days, from and after its receipt -

(Sent following Precept No. 229)

Read

Read letter, dated the 20th Ultimo, from the Acting 3d Judge on Circuit in the Centre Division, recommending that the punishment to which the 4th prisoner in Case No. 23 of the Cuddapah Calendar for the 1st Sessions of 1834 has rendered himself liable may be mitigated to 5 Years' imprisonment.

(Here enter No. 226.)

The Court of Foujdaree Adalut having referred to the Calendar in which the above case is entered, resolve under the provisions of Clause Second Section XI Regulation I of 1825 in consideration of the youth of the Prisoner to limit all further punishment the imprisonment which the boy has already undergone being considered by the Court of Foujdaree Adalut sufficient for the part which he took in the robbery.

2. Previous to his release however the Court of Foujdaree Adalut desire that the prisoner be suitably admonished by the Criminal Judge.

Ordered, that Extract from these proceedings be forwarded to the Acting 3d Judge on Circuit in the Centre Division for his information and guidance.

(Sent in No. 230.)

Read again letter, dated the 10th Ultimo, from the Provincial Court of Circuit in the Western Division, forwarding copy of a letter from the Criminal Judge of Malabar, dated the 6th February, reporting the escape from Jail of two Prisoners, recently tried by the Court of Circuit, and whose cases are under reference to the Court of Foujdaree Adalut, and requesting that Sanction may be obtained for the payment of a reward of 300 Rupees for the apprehension of each of them.

(Here enter No. 194.)

Read also letter, dated the 7th Instant, from the Provincial Court of Circuit in the Western Division, forwarding copies of a letter from the Criminal Judge of Malabar dated the 28th February and of its accompaniments reporting the reapprehension of one of the two Prisoners. Payat Seidorty in Case No. 21 on the Calendar, 1st Sessions of 1834. and soliciting instructions for the disbursement of the reward of 300 Rupees for his apprehension.

(Here enter No. 322.)

The Court of Foujdaree Adalut resolve to grant Sanction for the payment of the Reward of 300 Rupees for the apprehension of the prisoner in question; and they trust that the Criminal Judge of Malabar will continue to use his utmost exertions to effect the reapprehension of the other prisoner, who is still at large.

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

(Sent following Precept No. 231)

Read letter, dated the 19th Instant, from the 1st Judge late on Circuit in the Southern Division

Division, to precept dated the 15th Instant, directing the 1st Judge late on Circuit in the Southern Division, should the prosecutor or his witnesses in Case No 64 Salem Calendar have sustained no injury, to issue his warrant for the execution of the stated punishment of 14 years imprisonment with hard labor in irons on the case of the Prisoners, 1st 2d 3d 4th 5th 6th 7th 8th 9th 10th 11th, 13th and 14th.—

(Here enter No 362.)

Read return, dated the 20th Instant, from the Acting 3d Judge on Circuit in the Centre Division, to precept dated 28th Ultimo, sanctioning mitigation of punishment on the 6th prisoner in Case No 5 Cuddapah Calendar 1st Sessions 1834.—

(Here enter No 366.)

Read letter, dated the 17th Instant, from the 1st Judge on Circuit on the Western Division, Reporting that the 1st Sessions of 1834 will commence at Mangalore on Thursday the 24th of April 1834.—

(Here enter No 364.)

Read letter, dated the 18th Instant, from the 1st Judge on Circuit in the Western Division, reporting the completion of the 1st Sessions of 1834 at Calicut.—

(Here enter No 367.)

Read letter, dated the 20th Instant, from the Acting 3d Judge on Circuit in the Centre Division reporting the arrival of the Court of Circuit and of having opened the Sessions of the present year.—

(Here enter No 368.)

J. H.

J. H.

27th March 1834

Read letter dated 6th Instant from the 1st Judge on Circuit in the Western Division. Forwarding copy of a communication from the Criminal Judge of Malabar reporting the re-apprehension of Payat Secory one of the two Prisoners lately escaped from the Jail at Calicut.—

(Here enter No 310)

At a Court of the Fouzdaree Adalut

Present,

Monday, 31st March A.L 1834. — Charles May Lushington Esqr. 1st Puisne Judge
Thomas Alexr. Oakes Esqr. Acting 2d Puisne Judge
Alexr. Duncan Campbell Esqr. Acting Judge.

Read Petition presented on the 3d Instant by Mamalummah of the Zillah of Cuddalore.

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(Here enter Miscel. Pet. No. 14 of 1834.)

1 The Petitioner states that her son Kundapanpooreddy, a Prisoner in No. 6, and other cases on the Cuddalore Calendar, for the 1st Sessions of 1833, has been unjustly and falsely accused by some persons at enmity with him.

2 She prays the Court to investigate his case, and grant her redress.

3 The Petitioner is informed, that her Son's case has been duly investigated and disposed of by this Court.

Ordered, that Extract from these proceedings be granted to the Petitioner upon her application.

Seyaganaya Moodely of Vellore moves the Court to return the Enclosures in his Extra Miscellaneous Petition No. 8 of 1834.

Ordered accordingly.

× × × × × ×

Read again Letter dated 21st Instant from the officiating Secretary to Government in the Judicial

The Governor in Council having taken on the recommendation of the Judges of the Court came

Judicial Department authorizing the destruction of the English and Persian Translates of Records in Criminal Trials anterior to the year 1830, but declining to authorize the destruction of the original records in Native Languages heretofore to the year 1820.—

(Here enter No. 360)

of Foujdaree Adalut, authorized under date the 21st Instant, the destruction of the English and Persian Translates of Criminal Trials, anterior to the year 1830 in the Courts of Circuit and Criminal Courts, the Court of Foujdaree Adalut, resolve accordingly to issue Circular Orders to the four Provincial Courts of Circuit, calling upon them to carry the instructions of Government, on the Subject into effect, without delay, and also to communicate the same to the several Criminal and Joint Criminal Courts subordinate to them, for their information and guidance. But the original record in the Native language of every trial is to be carefully preserved as also are all the Persian and English translates of cases, subsequent to the close of the year 1830.

2 The Court desire that the translations now directed to be destroyed, may be burnt in the presence of a European Officer of the respective Courts.

Ordered, that Extract from these Proceedings be sent to the 4 Provincial Courts by Precept, returnable in fifteen days.

(Sent following Circular Precepts No. 240)

Read letter, dated the 1st Ultimo, from the Acting 2nd Judge late on Circuit in the Centre Division, transmitting Case No. 3 Cuddapah Calendar 2nd Sessions 1833.

(Here enter No. 134.)

The

31st March 1834.

Mr. Lushington
Mr. Campbell

The Court of Foujdaree Adalut on a deliberate consideration of all the circumstances of the case in evidence before them, concurring in opinion that the Prisoner

Yalama Soobarayadoo, alias
Ramasawmy

is not convicted on presumptive proof, or on the evidence of credible witnesses, or on his own confession, notwithstanding the futwa of their Law Officers, do accordingly, acquit under the provisions of Clause Sixth Section II Regulation XV of 1803, direct that the Prisoner

Yalama Soobarayadoo, alias
Ramasawmy

aforesaid, be set at liberty.

(Sent following letter No. 241)

The Court of Foujdaree Adalut observe that the Prisoner in the above case is charged in the indictment, under Regulation III of 1826, with having given contradictory depositions before the Magistrate, and before the Special Court, in Case No. 1, and the Indictment accordingly gives the Answers of the Prisoner, as quotations from the record of the original trial, but upon comparing them, it is manifest to the Court that they differ materially both in number, and in purport.

2 In the Indictment, in his reply to what is there given as the 15th, but which is in fact the 14th Question of the Special Court, the Prisoner is made to say "I did not leave Cainal Mahomed

Mahomed and Boorna Shingary that night. I left them at night." But on referring to the evidence of the Prisoner before the Special Court, it appears that his answer to the above question was "I did not go. I left them in the morning, and went away." While the concluding words of his reply as quoted in the indictment "I left them at night." are no where to be found in the original trial.

3. Again in the indictment, the latter part of the Prisoners Answer to the 19th question (as it is therein incorrectly numbered, it being in fact the 12th, according to the original trial) is couched in these terms "Afterwards they came by that road (the road of the Jemma Musjid, that is to say alluded to in the immediately preceding sentence) and I went by the Cutwals Choultry. They came through a land." Whereas in the original trial, it appears that his evidence on that head, was to the following effect. (vid. Question 12 before the Special Court.) "they came afterwards by one road, and I came by another towards the Cutwals Choultry." Moreover the Prisoner did not, as the Indictment would make it appear in the self same answer, state that "they came through a land";- But it was in reply to the 13th Question of the Court, who demanded whether "they and he went by different ways" that he stated that "I came by the High road, and they came by a land;" which latter answer is thus incorrectly, both as to its number, and its wording, recorded in the Indictment.

31st March 1834.

to the Mosque by another road, they came through a lane."

In reply to the 17th Question of the Special Court, as to what happened after the seizure of Shingary, while running away in Company with Andoomeya who had just then placed a "little pig" in a niche in the wall of the Musjid - the Prisoner, then a witness, stated that "as they" (the Police who seized and confined Shingary) "threat" "ened they would kill me, if I stayed in this village, I went to Goodoor." This answer of the Prisoner is in the indictment numbered the 21st and he is therein made to say "as he (Andoomeya) said that he would cut me off if I staid there, I proceeded to Goodoor."

5. With reference to the remarks on the Indictment contained in the 3d para of these proceedings, the Court are at a loss to conceive by what means the evidence of the Prisoner, as given in the original trial, has undergone so essential an alteration in the Indictment - In the latter he is made to specify the road by which Canal Mahommud, and Boorna Shingary went to the Mosque, as that of the Jemma Musjid - Had this alteration of his evidence, vital as it is, been the only one, the correctness of the prisoners evidence on this point might still have remained unshaken;- But, as if to establish a contradiction which did not otherwise exist, the words "they came through

through a lane" utterly unwarranted by any thing in the original trial, are gratuitously added.

6. Moreover, there can be no doubt, that the Prisoner's reply to the 13th question of the Special Court "I came by the high road, and they came by a lane" so far from involving a contradiction to, is explanatory of, his answer to the preceding question put by that Court. He thereby shews that the "one road" by which they came was "the lane" and that the "other road" which he pursued was "the high road": and yet, this clear and distinct explanation called forth, by the examination by the Special Court, on the subject, is, by a process, which at present, in the absence of all explanation is unintelligible to this Court, turned into a contradiction, and then made the subject of a criminal charge.

7. The same remarks are applicable to that part of the Indictment, noticed in the 2nd para of these proceedings, where after his declaration that he did not leave Camal Makoo-mud and Booma Thingary that night the words "I left them at night" are immediately inserted: and which declaration would have involved no contradiction, had it not been for this most unaccountable and unwarranted addition.

8. With reference to that part of the Indictment which records the "contradictory statements" of the Prisoner, as to his "having staid that night at Goodoor" and of his having "gone that night to Cuddapah" the Court observe that these apparent contradictions, are susceptible of very satisfactory explanation: for, though before the Magistrate he did indeed say "I staid that night at Goodoor" yet before the Special Court, the indictment itself shews, that, though he admitted that he went that night to Cuddapah, he explained that he also returned to Goodoor.

9. The Court having thus pointed out some of the most important of the inaccuracies apparent in the indictment, resolve to return the record of this trial, and that of the trial held in Special Sessions at Cuddapah to the Provincial Court of Circuit in the Centre Division, and to direct that they be forwarded, together with a copy of these proceedings to the Criminal Judge of Cuddapah, and that that Officer be called upon to explain the various discrepancies in the Indictment, and particularly to account for the extraordinary insertion noticed in the 2nd, and the unwarranted and important alteration of evidence noticed in the 3rd para of these proceedings.

10. The Court further direct that it be pointed out to the Criminal Judge of Cuddapah, how important it is, that in all cases of Perjury, not only the purport of the declarations or statements, but also the very words of the accused party, should form the subject matter of the Indictment.

In

31st March 1834.

11. In conclusion the Court deem it necessary to record their opinion, that the Prisoner in this case has been unjustly put upon his trial, and their regret that he should ever have been arraigned upon such an Indictment.

Ordered, that Extract from these proceedings be forwarded to the Provincial Court of Circuit in the Centre Division by precept, returnable without delay.

(Sent following Precept No 242)

Read letter, dated the 19th Instant, from the Provincial Court of Circuit in the Western Division to precept dated 14th Instant, enjoining strict attention on the part of the Provincial Courts of Circuit to their Standing orders of the 24th December 1821, and warning the Courts of Circuit that every letter hereafter received with a trial, in which a clear and distinct opinion is not given by the Presiding Judge, as to conviction or acquittal &c will be returned, for amendment in these essential points.

(Here enter No 376.)

Read letter, dated the 19th Instant, from the Provincial Court of Circuit in the Western Division, to precept dated 14th Instant, directing them to caution all the Officers subordinate to them, against the dismissal of their public servants, except in cases of fraud or dishonesty, and desiring that all other acts of misconduct be punished by fine or reprimand, or suspension from Office, for a fixed period.

(Here enter No 377.)

Read

31st March 1834.

Read letter, dated the 26th Instant, from the 2d Judge on Circuit in the Southern Division, in reply to the proceedings of Poojdaree Udalut dated 22d Instant, demanding him that the result of the Investigation which he had ordered should be made by the Magistrate of Madura into the complaint against the Native Police should be communicated for the information of the Court of Poojdaree Udalut.

(Here enter No 390.)

Read letter, dated the 25th Instant from the Judges of the Provincial Court of Circuit in the Centre Division, to precept of the Poojdaree Udalut dated 21st Instant, desiring that in discontinuing the practice of pronouncing a mitigated Sentence, upon Prisoners whom the Court of Poojdaree Udalut may not see sufficient reason to exempt from the full degree of the prescribed punishment, the Judge of Circuit will in future when proposing to recommend a mitigation of punishment, merely intimate to the prisoner the penalty to which by law he has rendered himself liable, instructing at the same time the Criminal Judge to detain the prisoner in custody with hard labor in irons, until the final order of the Court be made known to him.

(Here enter No 392.)

Read letter, dated the 24th Instant, from the Judges of the Provincial Court of Circuit in the Northern

Northern Division, to precept dated 14th Instant directing them to Caution all the Officers Subordinate to them against the dismissal of their public Servants, except in cases of fraud or dishonesty, and desiring that all other acts of misconduct be punished by fine or Reprimand or Suspension from Office for a fixed period.

(Here enter No 393.)

Read Return, dated the 24th Instant, from the Provincial Court of Circuit in the Northern Division, to precept dated 14th Instant, enjoining strict attention on the part of the Provincial Courts of Circuit to their standing orders of the 24th December 1821, and warning the Courts of Circuit that every letter received with a trial, in which a clear and distinct opinion is not given by the Presiding Judge as to conviction or acquittal, will be returned, for amendment in those essential points.

(Here enter No 394.)

Read Supplemental Return, dated the 15th Instant, from the Provincial Court of Circuit in the Centre Division, to the Courts precept of the 29th August last, conveying the Courts observations and orders on the Criminal Reports for June 1833.

(Here enter No 397.)

Read return, dated the 25th Instant, from the Judges of the Provincial Court of Circuit in the Southern Division, to precept dated 14th Instant, directing them to caution all the Officers subordinate to them, against the dismissal of their public Servants, except in cases of fraud or dishonesty; and desiring that all

all other acts of misconduct be punished by fine or Reprimand or Suspension from Office for a fixed period.

(Here enter No 398.)

Read return, dated the 25th Instant, from the Provincial Court of Circuit in the Southern Division, to precept dated 14th Instant, enjoining strict attention on the part of the Provincial Courts of Circuit to their standing orders of the 24th December 1821 and warning the Courts of Circuit, that every letter hereafter received with a trial, in which a clear and distinct opinion is not given by the Presiding Judge as to conviction or acquittal will be returned, for amendment in those essential points.

(Here enter No 399.)

Read letter, dated the 29th Instant, from the 3d Judge of the Provincial Court of Appeal and Circuit in the Centre Division at Madras, reporting his arrival from the Cape of Good Hope.

(Here enter No 391.)

Read Return dated the 17th instant from the Acting Second Judge on Circuit in the Centre Division to Precept of Register's Circular dated the 15th Ultimo directing the Court to furnish the Magistrate of Chingleput with an abstract of the Case No 25 of the Chingleput

Chingleput Calendar 2nd Sessions of 1833 with instructions to institute an inquiry into the conduct of the Head of Police respecting the marks of blows by a Rattan on the back of the Prisoner on the above case, inflicted by the people attached to the Tahsildar to induce the Prisoner to confess the crime-

(Here enter No 345)

Read Supplemental Return dated the 17 instant from the Provincial Court of Circuit in the Centre Division to Precept of Foujdary Udalut dated the 1st instant animadverting upon the great irregularity of the Criminal Judge of Cuddapah in not having caused to be read over to the 1st Prisoner in case No 30 on the Calendar, 2nd Sessions of 1833 when brought up for examination the confession which he had previously made before the Police-

(Here enter No 357)

Read Return dated 24th instant from the 3d Judge on Circuit in the Northern Division to Precept of the Foujdary Udalut dated the 21st Ultimo conveying the observations and orders of the Court on the Masulipatam Calendar for the 3d Quarterly Sessions of 1833, submitted by the 3d Judge of the Provincial Court of Circuit in the Northern Division-

(Here enter No 386)

At a Court of the Foujdaree Udalut.

Present,

Monday, 7th April 1834.

Charles Gray Lushington Esqre 1st Puisne Judge,
Thomas Alexr Oakes Esqre acting 2d Puisne Judge,
Alexr Duncan Campbell Esqre acting Judge,

140
MDL

Read Return, dated the 17th March, from the Provincial Court of Circuit in the Centre Division, to Precept dated the 28th February last, directing that the Magistrate of North Arcot be called upon to require from his late Acting Head Assistant an explanation of the particular circumstances which induced him to demand security from the Petitioner Kistnamah Naick-

(Here enter No 350)

Read again Petition presented on the 16th December 1833 by Kistnamah Naick-

(Here enter No. 8 of 108 of 1833.)

Ordered that Kistnamah Naick, upon application, be furnished with copies of this Court's proceedings of the 15th January, and 28th February, and of this date- with copies of the returns from the Provincial Court of the 18th February and 17th March last, in order that, if he deems himself aggrieved by any of the public authorities under this Court, he may specifically explain the precise act complained of;- and that he may be able to complain to a competent tribunal against Mr Lascelles, who is no longer under this Court's authority-

Ordered

Ordered also, that according to the prayer of the foregoing Petition, the enclosures of the former Petition presented by him on the 2d September last, be returned to Kistnamah Naik.-

Ordered, that extract from these Proceedings be furnished to the Petitioner on application.-

Read Petition presented on the 10th March 1834 by Suttiany Vaiken and Ninety-seven of the Gillah of Chinglepat.-

(Here enter Mis. Dat. Dr. 15 of 1834)

The Petitioners, who were the 2d and 15th Prisoners in Case No. 4 of the Chinglepat Calendar, First Session of 1833, were tried before the Circuit Court, for a Gang Robbery committed in the house of one Goorooswah Vaiken of Poonamalee.-

Their case was referred to this Court, who, in their Proceedings under date the 15th February 1834 acquitted them, and directed that they should be released.-

The Petitioners now pray the Court, to grant them an extract from the above proceedings under which their release was directed, in order that they may be enabled to bring an action against the said Goorooswah Vaiken, to recover the damages, sustained in consequence of their imprisonment.-

The Petitioners are informed that, on their furnishing stampt papers, extract from the said Proceedings will be granted to them.-

Ordered, that extract from these Proceedings

Proceedings be furnished to the Petitioners on their application.-

Read letter, dated the 8th Ultimo, from the Officiating Judge on Circuit in the Northern Division, requesting to be informed whether a second question should be put to a Law officer to remove any objection that may be taken by that officer, to written depositions, received in evidence on a trial, pursuant to the circular orders of the Sudder Adalut of the 8th of May 1833.-

(Here enter No. 319)

The Court of Sudder Adalut are of opinion that any objections which may be offered by the Law officer to evidence of the nature referred to by the Officiating Judge on Circuit in the Northern Division, may be regarded as a "ground of exception in the Mahomedan rules of evidence", "unreasonable and insufficient;" and that a second futwa should accordingly be taken, under the provisions of section VIII Regulation I of 1825.-

Ordered, that extract from these proceedings be sent to the 4 Provincial Courts of Circuit for their information and guidance.-

(Sent in No. 246)

Ordered likewise, that from these proceedings extract be sent to the Officiating Secretary to in the Judicial Department Government, for the purpose of being laid before the

the Right Honorable the Governor in Council, with reference to the letter from Government dated the 19th October 1824.-

To Govt. No 47 (Sent following letter No 247)

Read letter, dated 4th Ultimo from the Acting 2d Judge on Circuit in the Centre Division, transmitting the record in Case No 20 Chingleput Calendar 2d Sessions 1833.-

(Here enter No 289)

Mr Lushington

The Court of Sudder Adalut on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the Prisoners

1st Coroodum,

2d Lutchoomanen,

3d Pounen,

4th Careyen of Kealpack,

5th Veerun,

6th Mottay,

7th Pomareyan,

8th Careyen, and

9th Veeraswamy,

is sufficient to convict them of Gang Robbery by open violence; do, accordingly, under the authority with which they are vested by Clause First Section II Regulation I of 1818, convict them thereof, and in conformity with the provisions of Clause Third Section

Section V Regulation VIII of 1831 and Clause Third Section IV Regulation XV of 1803, sentence 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 14 years.-

(Sent following letter No 248)

Read return, dated 29th Ultimo, from the Acting 2d Judge of the Court of Circuit in the Centre Division, to precept dated 27th Ultimo, conveying the Court's observations in Case No 8 of the Chittoor 5th Supplemental Calendar for the 4th Quarter Sessions of 1833.-

(Here enter No 400)

Read letter, dated 25th Ultimo, from the Provincial Court of Circuit in the Western Division, submitting copy of a communication from the Criminal Judge of Malabar, with translation of his proceedings respecting the escape, from the Nazir's guard, of a witness conditionally admitted as an approver, and subsequently ordered for committal to stand his trial, at the ensuing Sessions.-

(Here enter No 401)

Read return, dated 28th Ultimo, from the Judges of the Provincial Court of Circuit in the Western Division, to precept of the Sudder Adalut dated 20th Ultimo, desiring that, in discontinuing the practice of pronouncing a mitigated sentence, upon Prisoners whom

whom the Court of Poujdaree Adalut may not see sufficient reason to exempt from the full degree of the prescribed punishment, the Judge of Circuit will, in future, when purposing to recommend a mitigation of punishment, merely intimate to the Prisoner the penalty to which by law he has rendered himself liable, instructing at the same time the Criminal Judge to detain the Prisoner in custody, with hard labor in irons, until the final order of the Court be made known to him.—

(Here enter No. 402)

Read return, dated 25th Ultimo, from the Judges of the Provincial Court of Circuit in the Northern Division, to precept of Poujdaree Adalut dated the 20th Ultimo, directing that every complaint against the Native Police be invariably fully investigated by the European Magistracy.—

(Here enter No. 406)

Read further return, dated 24th Ultimo, from the Provincial Court of Circuit in the Northern Division, to the Court's precept of the 15th Ultimo, relative to the Criminal Reports for June 1833.—

(Here enter No. 407)—

Read return, dated 31st Ultimo, from the 1st Judge late on Circuit in the Southern Division, to precept dated 22d Ultimo, containing the Court's observations and instructions with regard to postponing the trial of Cases.—

(Here enter No. 419)

Read

Read letter, dated 1st Instant, from the 2d Judge on Circuit in the Southern Division, with returned warrant for the execution of the Prisoner Comarasawmy Pillay in Case No. 12 of the Eminently Class, 1st Sessions 1834.—

(Here enter No. 420.)

Read letter, dated 2d Instant, from the 2d Judge on Circuit in the Southern Division, reporting that he has given notice for opening the 1st Sessions of 1834 at Salem, on the 28th Instant.—

(Here enter No. 421)—

140

J. M

At a Court of the Foujdaree Adalut.

Present

Wednesday 9th April 1834. Charles Way Lushington Esqre 1st Puisne Judge
Thomas Alexr Oakes Esqre Acting 2d Puisne Judge
Alexr Duncan Campbell Esqr Acting Judge

Read letter dated the 28th of February 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 & Joint Criminal Judges in the Division for the Month of January last, together with an extract from their proceedings thereon.

(Here enter No 273)

Tinnevelly. The Court of Foujdaree Adalut remark that the prisoners concerned in Case No 11 of the Report No 5 submitted by the Acting Joint Criminal Judge at Tinnevelly, and charged "with having illegally & "combined to compel the Magistrate to reverse a certain "order passed by him", have been punished by fine, and in default, sentenced to certain periods of imprisonment, under Section VII Regulation X of 1816.

2. Regulation III of 1834 specially provides for offences of this description, and case No 11 it would appear should have been disposed of under its provisions.

3 The Court of Foujdaree Adalut desire that every exertion be made to procure the most ample investigation of the charge against the two Cavilgars, charged with Murder

Murder in Case No. 9 of the same Report — the Magistrate should be directed to report for the information of the Court, whether these persons are continued in office.

Combaconum 4.

The remarks made by the Criminal Judge of Combaconum on Case No. 337 of the Supplemental Report should be communicated to the Magistrate of Tanjore, in order that the Head of Police may be dealt with according to the provisions of Regulation III of 1819. The Magistrate will report the result of his inquiry for the Court's information.

5.

Acts with the same view the remarks of the Criminal Court on Case No. 36 of the Report No. 5. should be communicated to the Magistrate of Trichinopoly who, after causing a full investigation by one of the European Officers of the Magistracy, will communicate its result, for the information of this Court.

6.

With reference to Case No. 350 of the Supplemental Report submitted by the Criminal Judge of Combaconum, the Court of Sudder Adalut desire that the Provincial Court of Circuit will point out to that Officer, that persons convicted of having in their possession Counterfeit Coin can be punished only by the Magistrate, under the provisions of Section VII Regulation II of 1832 — and the assistant Magistrate of Tanjore should be informed, that he should either have himself disposed of the case, or have referred it for the decision of the Magistrate —

Ordered

9th April 1834. J. C.

Ordered, that extract from these proceedings be forwarded to the Provincial Court of Circuit in the Southern Division, requiring them to make the necessary communications to the Officers whom it may concern by precept, returnable in 6 days, from and after its receipt —

(Sent following Precept No. 252)

Read letter, dated the 18th ultimo, from the Acting 2d Judge of the Provincial Court of Circuit in the Centre Division, transmitting for the consideration & orders of the Court, copy of a correspondence with the Magistrate of N. Arcot, and other papers connected with a case in which the Acting 2d Judge directed that certain fines which had been imposed by the Joint Magistrate of Arcot, should be returned to the parties —

(Here enter No. 347)

The Court consider it necessary before proceeding to pass final orders in the case in question, that they should be furnished with translations of the whole of the proceedings held before all the public authorities in this case — and in consequence direct that the Acting 2d Judge will — adopt the requisite measures for procuring the same with as little delay as possible —

2 The Court further desire that the Acting 2d Judge do suspend, until further instructions, his order for the restoration of the fines levied in the case in question —

Ordered, that Extract from these proceedings &c

be sent to the Acting 2d Judge of the Provincial Court of Circuit in the Central Division by Precept returnable without delay.

(Sent following Precept No. 253)

Read Extract from the Minutes of Court under date the 18th Ultimo.

(Here enter No. 246)

The circular orders of this Court, under the 17th February last, proceeded upon the ground that cases of justifiable homicide committed under the instructions of Government of the 12th January 1813, and by the circular orders of this Court of the 18th March following, to be proclaimed with such Justifiable homicide, publicly in the provinces, would be disposed of by the European Magistracy in like manner as similar cases were under Section XI Regulation XIII 1809, before that law was rescinded.—

2

For this reason they did not contemplate any such cases ever being tried by the Criminal Court. They concluded that all homicide coming before the Higher tribunal, would consist of Murder, culpable homicide, or homicide by misadventure & for as "accidental," and their orders in question, stating that the Criminal Courts possessed no authority to discharge the lowest description of such cases, were expressly founded on the provisions contained in clause second Section XV Regulation VII 1832, and clause fourth Section IV Regulation I 1818. therein quoted.—

3

In the event of cases of justifiable homicide being improperly forwarded to the Criminal Courts, the Faujdaree Udalut are of opinion that these tribunals ought upon proof that the act was justifiable, to release the accused, in the same manner, as in other cases, where the act charged forms no crime in law, and consequently is excluded, by it, from their cognizance.— The Court did not contemplate the trial of any case of justifiable homicide by the Courts of Circuit.—

Ordered, that the distinction thus drawn between justifiable homicide, which is no crime, and upon which it is the proper duty of the European Magistracy alone to pronounce an opinion, holding the party guiltless, and accidental homicide, or homicide by misadventure, which is cognizable by the Circuit Court alone, be more prominently brought to the notice of the respective tribunals, by extract from these proceedings to be circulated to the 4 Provincial Courts by precept, requiring them to communicate the same to the several Courts and Magistrates under them for their information and guidance.—

(Sent following Circular Precept No. 254)

Ordered also, that extract from these proceedings be submitted for the information of the Right Honorable the Governor in Council.—

To Govt No. 49 (Sent following letter No. 255)

Read again letter from the Provincial Court of Circuit in the Southern Division dated the 30th December 1833, submitting a reference from the Criminal

Judge

Judge of Combaconum, whether it is open to him to bring the Prosecutrix in No. 154 of the Criminal Report of that gillak, to trial for perjury.

(Here enter No. 22)

Read also Return, dated the 22d January from the Provincial Court of Circuit in the Southern Division to Precept dated the 15th of the same month, requiring them to furnish certain documents connected with the case referred to in the foregoing letter.

(Here enter No. 104)

Read likewise letter, dated the 22d January from the Provincial Court of Circuit in the Southern Division submitting a reference from the Criminal Judge of Combaconum, as to the propriety of the orders of the Provincial Court for the committal of the parties in Criminal case No. 154 of 1833.

(Be enter No. 105)

1 The Court of Foujdaree Adalut having given the most attentive consideration to the several points involved in the case referred to in the foregoing letters, proceed to record such observations and instructions, in regard thereto, as appear to them to be necessary.

2 That a Turk & Arab were killed at Negapatam is certain. The 1st Judge of Circuit treats the case as one of Murder, the Criminal Judge treats it as one of justifiable homicide. Under the view he took

took of the case, it was quite competent to the Criminal Judge to dismiss it. Under the opposite view taken by the Circuit Judge, he acted rightly in directing further inquiry and a reference of the matter for the orders of the Collective Court.

3 A re-investigation of the case having taken place under this Courts orders of the 24th October 1833, the Criminal Judge was of opinion that the Prosecutrix was guilty of perjury before him, and on the grounds stated in the enclosures to the Provincial Courts letter of the 30th December 1833, he appeals to this Court, against the interference of the Provincial Court, as regards this case of perjury.

4 The Court of Foujdaree Adalut will not offer any opinion as to whether or not there were grounds sufficient for the committal of the woman in question for perjury, because the Regulations leave this point to determination by the Criminal Judge alone, Section VIII Regulation II of 1822, not only leaves this question to him exclusively; but if he was satisfied she did perjure herself before him, rendered him the sole authority to decide, whether there existed grounds for her prosecution, as was fully explained in this Courts' Circular orders, under date the 13th January last.

5 From the enclosures in the same Letter of the 30th December 1833, and those in the subsequent communication of the Provincial Court of the 22d January last,

it

it appears that the Provincial Court ordered six persons to be committed for trial before the Court of Circuit, on the charge of Murder, under the Reinvestigation made by the Criminal Judge upon the orders of this Court dated the 24th October 1833, but that as regards four of these, they have suspended their original order, pending a reference to this Court.

6 The Court observe that both the Provincial Court and the Criminal Judge have committed grave errors in regard to the reinvestigation in question. The latter Officer was informed in this Court's Proceedings of the 30th November last, that "it was requisite that the parties "should be reapprehended and the evidence taken on oath". Instead however of causing the parties to be reapprehended and the second inquiry conducted in the usual manner in their presence, as was intended by the instructions above cited, the investigation was made by the Criminal Judge, in the absence of the accused, and this circumstance was adduced by him, as one of the grounds on which he protested against the order of the Provincial Court for their Committal.

7 The Provincial Court appear to have been perfectly aware of the great irregularity of this proceeding, for its remedy is pointed out in the 5th para of their letter to this Court of the 29th January last, and the first Judge, in the 6th para of his letter of the 8th October last, expressly states that an enquiry on the

the absence of the accused was proposed by him as a preliminary to their apprehension, not as the ground for their committal for trial. Nothing therefore could be more premature, or illegal, than for the Provincial Court, with a perfect knowledge that the accused had never had an opportunity of cross examining the evidence, and that three of them had never even heard of the charge, to proceed, on such irregular and objectionable testimony, taken in the absence of the accused, to pass an order for their committal for trial before the Court of Circuit.

8 The Criminal Judge further protested against the said order on the ground, that it proceeded upon certain admissions by the accused, made by them upon oath, when witnesses.

9 In their letter to this Court, the Provincial Court urge that admissions made before a Judicial Officer are finial, and conclusive against those who make them. This is perfectly true as regards confessions not otherwise bad, but nothing can be more repugnant to every principle of judicial procedure than to convert evidence given by one person upon oath against others into a confession to be used against himself. The law wisely provides that, to render a confession binding, it must be voluntary. This Court have frequently ruled that admissions made upon oath, cannot be received in evidence against the parties making them, because to ensure a confession being voluntary the law exempts those who make it, from the

fear

fear of both, divine and human penalties, involved in a solemn appeal to the Deity—

10 Altogether disapproving of the committal of any one for trial upon evidence taken in his absence, or upon admissions made by himself upon oath, this Court resolve to direct that the four persons, with regard to whom the Provincial Court have suspended their orders, until the orders of this Court are received, be not proceeded against upon such grounds—The Court only abstain from following the same course with respect to the two Individuals who have been committed to take their trial; because, as the Sessions are now holding at Combaconum, it appears to them probable, that the case may have been already disposed of by the Judge on Circuit, and the Provincial Court, having caused the said two persons to be actually committed for trial, this Court entertain no doubts of the propriety of their interference in this stage of the matter, regarding them:—They however desire that the 2d Judge do report the result of the trial for their information.

Ordered, that extract from these Proceedings be sent to the Provincial Court of Circuit in the Southern Division by Precept, enjoining them to communicate the same to the Criminal Judge of Combaconum for his information & guidance.

(Sent following Precept No. 256)

Ordered likewise, that extract be sent to

sent to the 2d Judge on Circuit in the Southern Division for his information & guidance.

(Sent following letter 257)

Read return, from the 3d Judge of Circuit the Northern Division, to this Courts precept of 15th Feb last, on the subject of the referible trials for the 1st Sessions of the past year 1833, not yet forwarded by him.

(Here enter No. 237.)

1 The sanction of Government to the additional establishment proposed by Mr Waters was communicated to him on the 10th March last.

2 The Court observe that nine months have now elapsed since the trials due were set down for hearing. The excuses pleaded by Mr Waters are most unsatisfactory—No time is fixed for the compilation & their transmission & this delay of justice to the prisoners, is an evil of great magnitude—

3 The Court cannot but infer that Mr Waters is greatly wanting in the energy, arrangement and management, requisite for the due conduct of the duties of his office—and desire that he will state what he has to urge against his conduct, on this subject being brought to the notice of the Right Honorable the Governor in Council—

4 Considerations personally for Mr Waters cannot restrain the Court from performing their duty to the public—and unless all the references due from him to this Court for the 1st Sessions of 1833 are forwarded by him, on or before the 10th June next, this Court will recommend that he

Transmitting for the information of the Judges of the Court of Fouzdaree Adalut the accompanying copy of a return made by the Magistrate of Bellaur.

(Here enter No. 431)

Read letter, dated 26th Ultimo, from the Provincial Court of Circuit in the Northern Division, Transmitting copies of returns containing the explanations called for by the Provincial Court of Circuit in the Northern Division, in their proceedings of the 17th January last on the Criminal Reports for the Month of June 1833.

(Here enter No. 432)

Read Return, dated 2d Instant, from the Provincial Court in the Southern Division to Precept of Fouzdaree Adalut dated the 20th Ultimo, directing the several Magistrates to be informed that every complaint against the Native Police should be investigated by the European Authorities.

(Here enter No. 433)

Read letter, dated 1st Instant, from the Provincial Court of Circuit in the Southern Division, Transmitting copies of Returns received from the different Authorities in this Division in reply to the communications made to them regarding the Criminal Reports for the Month of December last.

(Here enter No. 434)

Read Return, dated 2d Instant, from

the

he be relieved from the duties of his Circuit, by another officer, to be provided for out of his allowances, until he brings up the arrears of business due from him, for the first Sessions of 1833.

5. Any delay, for the present Sessions, such as those have occurred, will compel the Court to submit to Government, the expediency of providing them with a less laborious office, than that of Judge of Circuit.

Ordered, that Extract from these Proceedings be sent to the 3d Judge on Circuit in the Northern Division.

(Sent in No. 258)

Read letter, dated 31st Ultimo, from the 1st Judge Late on Circuit in the Southern Division transmitting Warrant issued to the Criminal Judge of Backergunge for the Execution of the 3 Prisoners in Case No. 10. Calendar 4th Sessions 1833 with that Officers Return & Letter on the Subject.

(Here enter No. 413)

Read Return, dated 29th Ultimo, from the Provincial Court of Circuit in the Centre Division, to Precept of Fouzdaree Adalut dated the 26th February, conveying their observations and orders on the Criminal Reports for the Month of December last.

(Here enter No. 409)

Read Letter, dated 29th Ultimo, from the Provincial Court of Circuit in the Centre Division

Transmitting

9th April 1834.

the Officiating Judge on Circuit in the Northern Division
to Precept of Foujdaree Udalut dated the 17th Ultimo sanctioning
the mitigated sentence of imprisonment for one year,
with labour suitable to his age upon the Prisoner
Convicted in No. 14. Nellore Calendar 1st Sessions of 1834.

(Here enter No. 438.)

Read Return dated 1st Instant from
the Provincial Court of Circuit in the Western Division
to Precept of Foujdaree Udalut dated the 27th Ultimo
granting Sanction for the payment of the Reward of
300 Rupees for the Apprehension of the Prisoners in Case
No. 21 Malabar Calendar 1st Sessions of 1834.

(Here enter No. 439.)

At a Court of the Foujdaree Udalut

Present -

Saturday 12th April 1834 - Charles May Lushington Esqre 1st Puisne Judge
Thomas Alexr Oakes Esqre Acting 2d Puisne Judge
140 Alexr Duncan Campbell Esqre Acting Judge -

Read again letter dated the 25th July last from the Special Commission at Chicacole submitting the record of trial in Case No 7 of the Special Court held at Chicacole -

(Here enter No 836 -)

The Court having received the orders of Government under Section V Regulation XX of 1802 on trial No 7 of the Chicacole Special Commission direct that their Sentence in the case be carried into effect -

The Court consider it necessary however to intimate to the Special Commission that the Right Honorable the Governor in Council has issued his warrant to the Criminal Judge of Chicacole under Regulation II of 1819 for the detention of the 1st and 2d Prisoners in confinement as State Prisoners -

Ordered that Extract from these Proceedings be sent to the Judges of the Chicacole Special Commission for their information and guidance -

(Sent following letter No 262)

Read letter dated the 7th August last, from the Acting 2d Judge late on Circuit in the Centre Division, submitting the records of trials in

Cases

Cases Nos 4-5-6-7-8-9-10-11 and 12, on the Cuddalore Calendar
1st Sessions 1833, and explaining the cause for the delay that
will yet occur in the transmission of the remaining trials.

(Here enter No 1135 of 1833.)

Read also letter, dated the 7th Instant,
from the Acting 3d Judge on Circuit in the Centre
Division reporting the death of a prisoner (convicted)
concerned in Cases Nos 4-7-8-9 and 10 of the Cuddalore
Calendar for the 1st Sessions 1833.

(Here enter No 1156.)

No 4.
Mr Lushington
and
Mr Oakes.

The Court of Foujdaree 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-Cozat and Mooftee
of the Foujdaree Adalut, confirm such part of the
said futwas of the Cazee-ool-Cozat and Mooftee
aforesaid, as convicts the Prisoners,

2d Govinda teddy
3d Para Naiken and
4th Para Colen

and under the Sentence of Pohoobut declared in the futwa,
do, in conformity with the provisions of Clause Second, Section
Regulation XV of 1803, sentence the said Prisoners,

2d Govindareddy
3d Para Naiken and
4th Para Colen

to be transported to such place beyond sea, as 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.

But concurring in opinion that the
Prisoner,
1st Kundapan sporredy

12th April 1834.

is not convicted on presumptive proof, or on the evidence
of credible witnesses, or on his own confession, notwith-
standing the futwa of their law Officers, they do
accordingly acquit him; but direct that he be not
set at liberty, being convicted in No 6 of the Calendar.

No 5
Mr Lushington
and
Mr Oakes.

The Court of Foujdaree 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-Cozat and
Mooftee of the Foujdaree Adalut, confirm the said
futwa of the Cazee-ool-Cozat and Mooftee aforesaid,
and under the Sentence of Pohoobut declared in
the futwa, do, in conformity with the provisions of
Clause Second, Section IV Regulation ~~XV~~ of 1803,
Sentence the Prisoner

"Pottara Conary,"

to be transported to such place beyond sea, as
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.

No 6.
Mr Lushington
and
Mr Oakes.

The Court of Foujdaree 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-Cozat and Mooftees of the Foujdaree
Adalut, confirm such part of the said futwa of
the Cazee-ool-Cozat and Mooftees aforesaid, as
convicts the prisoners,

2nd

2nd Para Chelumbrum and
4th Para Colmn.
and under the Sentence of Pokeebul declared in the futwa
do, in conformity with the provisions of Clause Second, Section
IV Regulation XV of 1803, Sentence the Prisoner,
2d Para Chelumbrum,
to be transported to such place beyond Sea, as 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 Prisoner,
4th Para Colmn,
being convicted and sentenced to transportation for life,
in Case № 4 on the Calendar, the Court deem it unne
cessary to pass judgement upon him in this case.
And further concurring in opinion
that the proof against the prisoner,
1st Kundapanpooneddy,
is sufficient to convict him of the crime of Gang
Robbery by open violence attended with aggravating
circumstances, they 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 Clause Second, Section IV Regulation XV of 1803,
Sentence the said Prisoner,
1st Kundapanpooneddy
to be transported to such place beyond Sea, as the
Governor in Council shall appoint, there to be
imprisoned

J. M.
12th April 1834.

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.
They further concur in opinion that
the Prisoners,
3d Coppooreddy, and
5th Pootara Conary,
are not convicted on presumptive proof, or on the
evidence of credible witnesses or on their own confes-
sions, notwithstanding the futwa of their Law Officers
but direct that they be not set at liberty, they
being convicted – the Prisoner,
3d Coppooreddy,
in № 12 – and the Prisoner,
5th Pootara Conary,
in № 5 on the Calendar.

№ 7
Mr. Lushington
and
Mr. Oakes.

The Court of Foujdaree Adalut, having
maturely considered the proceedings held before the Judge
and Circuit, the futwa of the Provincial Law Officer,
and the futwa of the Cazee and Mooftee of
the Foujdaree Adalut, confirm such part of the said
futwa of the Cazee and Mooftee aforesaid,
as convicts the Prisoner,
3d Para Colmn,
and further concurring in opinion that the proof against
the Prisoners,
1st Para Naiken, and
2d Govinda Reddy
is sufficient to convict them of the crime of Gang
Robbery

No. 8.
Mr Lushington
and
Mr Oakes.

Robbery by open violence, attended with aggravating circumstances, they do, under the authority with which they are vested by Clause first Section II Regulation I of 1818, convict them thereof - but as the three Prisoners are convicted and Sentenced to transportation for life, in Case No 4 on the Calendar, the Court deem it unnecessary to proceed to judgment in this Case.

The Court of Foujdaree Adalut on deliberate consideration of all the circumstances of the case, in evidence before them concurring in opinion that the proof against the Prisoners,

1st Govindareddy
2d Para Naiken and
3d Para Colan,

is sufficient to convict them of the crime of Gang Robbery by open violence, attended with aggravating circumstances, do, under the authority with which they are vested by Clause first, Section II Regulation I of 1818, convict them thereof; but deem it unnecessary to proceed to judgment in the case the three Prisoners being Sentenced to transportation for life in Case No 4 on the Calendar.

No. 9.
Mr Lushington
and
Mr Oakes.

The Court of Foujdaree 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 Cozat and Mooftee of the Foujdaree Adalut, confirm that part of the said futwa of the Cazee ool Cozat and Mooftees aforesaid, as convicts the Prisoners,

1st

12th April 1834.

2d Para Naiken and
3d Govindareddy

but deem it unnecessary to proceed to Judgment in this case, the said Prisoners being Sentenced to transportation for life, in Case No 4 on the Calendar.

They further concur in opinion that the Prisoner,

1st Kundapanpooreddy

is not convicted on presumptive proof, or on the evidence of credible witnesses, or on his own confession, notwithstanding the futwa of their Law Officers: but direct that he be not set at liberty, being convicted in case No 6 on the Calendar.

No. 10.
Mr Lushington
and
Mr Oakes.

The Court of Foujdaree Adalut, on a deliberate consideration of all the circumstances of the case in evidence before them, concurring in opinion that the proof against the prisoners,

1st Para Naiken and
2d Govindareddy

is sufficient to convict them of the crime of Gang Robbery by open violence, attended with aggravating circumstances, do, under the authority with which they are vested, by Clause first, Section II Regulation I of 1818, convict them thereof; but deem it unnecessary to proceed to judgment in this case, the Prisoners being Sentenced to transportation for life, in Case No 4 on the Calendar.

No. 11.
Mr Lushington
and
Mr Oakes.

The Court of Foujdaree Adalut, having maturely considered the proceedings held before the

Judge

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, and under the Sentence of Dohoobut declared in the futwa, do, in conformity with the provisions of Clause Second, Section IV Regulation XV of 1803, Sentence the Prisoner,

1st Vencatasawmy,

to be transported to such place beyond sea, as 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 Prisoner,

2nd Para Colun,

being Sentenced to transportation for life in Case No 4 on the Calendar, the Court deem it unnecessary to proceed to judgment upon him in this case.

No 12

M. Lushington and M. Oakes.

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 such part of the said futwa of the Cazee-ool Coozat and Mooftees aforesaid, as convicts the Prisoners,

2nd Coppooreddy, and

3rd Vencatasawmy,

and under the Sentence of Dohoobut declared in the futwa, do, in conformity with the provisions of Clause

Second

Second, Section IV Regulation XV of 1803, Sentence the Prisoner,

2nd Coppooreddy,

to be transported to such place beyond sea, as 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 Prisoner,

3rd Vencatasawmy,

being Sentenced to transportation for life in Case No 11 on the Calendar, the Court deem it unnecessary to pass Judgment upon him in this case.

And further concurring in opinion, that the proof against the Prisoners,

1st Kundapanpooreddy Cam

4th Malungoo.

is sufficient to convict them of the crime of Gang Robbery by open violence, attended with aggravating circumstances, they do, under the authority with which they are vested by Clause first, Section II Regulation I of 1818, convict them thereof; and in conformity with the provisions of Clause Second, Section IV Regulation XV of 1803, Sentence the Prisoner,

1st Malungoo,

The Prisoner 1st Kundapanpooreddy, being Sentenced to transportation for life in Case No 6 on the Calendar, to be transported to such place beyond sea, as the Governor in Council shall appoint, there

to

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 263)

1 Adverting to the 32nd para of the above letter the Court observe that the mode which the Acting 3rd Judge late on Circuit in the Centre Division thought proper to adopt, of examining the witnesses in the above trials, is wholly unwarranted by the Regulations and is in all respects highly objectionable, and they desire that he will be careful to avoid a similar irregularity in future.

2. The mode to be adopted in examining cases where a Prisoner is implicated in more cases than one, is to keep each case distinct instead of referring to the depositions of the witnesses generally as each prisoner must be tried on each count, so it is necessary that each trial should exhibit the evidence produced against the prisoner in each separate charge.

3. The Court further observe that had Mr Boileau, called for the evidence in the above cases which was procurable, he would have ensured the Capital punishment of the prisoners: whereby his negligent Superintendence of the Trials, he has failed to establish satisfactorily the extent of personal injury inflicted by the robbers.

Ordered, that Extract from these proceedings be forwarded to the Acting 3rd Judge late on Circuit in the Centre Division for his information

12th April 1834.

information and future guidance by Precept, returnable without delay.

(Sent following Precept No 264)

Mr Lushington & Mr Campbell.

Read return dated the 6th February made by the 1st Judge late on Circuit in the Southern Division to the precept of this Court of the 30th of January last containing the observations and orders of the Court of Foujdaree Adalut on the Salem Calendar for the 2nd Sessions of 1833.

(Here enter No 170.)

1 Under the explanation offered in the 5th para of this return the Court of Foujdaree Adalut are of opinion that the 1st Judge acted correctly in putting a 2nd question to the Mahomedan Law Officer in Case No 6 of the Salem Calendar.

2 With reference to the 6th para of the above return, the 1st Judge will perceive that by a late Circular order the Court of Foujdaree Adalut have explained that the object of their orders of the 6th of December 1830 directing the issue of a conditional warrant was to prevent the obviously objectionable practice of detaining prisoners after conviction in a state of idleness in the Jail pending a reference to the Court of Foujdaree Adalut for their sanction of a mitigated punishment.

3. Under the explanation offered in the 18th para of the above return the Court of Foujdaree

Adalut

Udalut are of opinion that the 1st Judge acted advisedly in releasing unconditionally the 7th 8th and 11th prisoners concerned in Case No. 62 of the Salem Calendar.

Ordered, that Extract from these Proceedings be forwarded to the 1st Judge late on Circuit in the Southern Division for his information and guidance.

(Sent in No. 265)

Mr Lushington
Mr Baker and
Mr Campbell.

Read letter, dated the 1st Ultimo 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, Joint Criminal and Native Criminal Judges in the Division, for the month of January last together with an extract from their proceedings thereon.

(Here enter No. 275.)

Chittoor.

An entry into a house "by the open way" not being sufficient to constitute the offence of housebreaking, the Acting Criminal Judge of Chittoor is required to explain the circumstances of aggravation which brought Case No. 1 of the Report No. 5, within the provisions of Clause fourth Section III Regulation VI of 1822.

2. The Acting Criminal Judge is also required to explain why the prisoner concerned in Case No. 6 of the Supplemental Report, and charged with stealing a Buffalo valued at 3 Rupees has been committed to take his trial before the Court

of

of Circuit. No reasons having been urged in the Report to shew that the prisoner is deserving of a greater punishment than the Criminal Judge is, in such cases, authorized to inflict, under Clause fourth Section III Regulation VI 1822.

3. With reference to the Statement shewing the estimated value of all articles produced by the labor of the Convicts, the Court of Foujdaree Udalut desire that in future the whole of the amount realized be carried to the account of Government; the amount of the Contingent charges being, as in other Zillahs, included in a detailed Indent to be monthly transmitted to the Collector of the District.

Cuddapah.

4. The Provincial Court of Circuit will, with reference to cases No. 1 and 2 of the Report No. 5, point out to the Criminal Judge of Cuddapah that the circumstance of a prisoner having "confessed before the Police Officer" is not of itself alone sufficient to warrant the demand of Security for his future good behaviour and appearance.

5. From the wording of the charge in Case No. 11 it would appear that the prisoner was one of the description of persons specified in Clause third Section II Regulation IX of 1822 who for offences of the description charged under Clause Second of the same Section are punishable under Section XVII Regulation IX 1822 by the Criminal Court. This Section of that Law and

not

not Section VII Regulation X 1816 should have been quoted for the Sentence passed on this occasion.

Cumbum

6.

Native Judge

Adverting to case №334 of the Supplemental Report the Provincial Court of Circuit should have called the attention of the Native Criminal Judge of Cumbum to the provisions of Clause first Section XIII Regulation VI of 1827 wherein it is expressly provided that persons confined on default of Security shall be made to work "without irons"

7.

Cuddalore.

The same remark applies to cases №1 and 3 of the Report №5.

8.

The Acting Joint Criminal Judge is directed to cancel so much of the order recorded in Case №23 of the Report №5, as directs that the first Prisoner be worked in irons during the period of her confinement.

9.

Should ordinary imprisonment with labour suited to her sex, be considered inadequate punishment in consideration of her being an old offender and repeatedly punished," the Judges suggest the imposition of Solitary imprisonment, which under the provisions of Clause first Section IV Regulation XIII of 1832 it is competent to the Joint Criminal Judge at his discretion to adjudge in all cases cognizable by himself.

Ordered, that extract from these proceedings be forwarded to the Provincial Court of Circuit in the Ceded Districts requiring them to communicate the above to the several Officers

whom it may concern by precept, returnable in 10 days from and after its receipt.

(Sent following Precept №266) ex

12 April 1834

Fº 16.

At a Court of the Zoujdaree Adaulut

Present,

Monday
14th April 1834. Charles May Lushington Esqre 1st Puisne Judge.
Thomas Alexr Oakes Esqre Acting 2d Puisne Judge.
Alexr Duncan Campbell Esqre Acting Judge.

Read Petition presented on the 6th January 1834, by Tolyaree Rungadoo of the Zillah of Bellaree.

(Here enter Mis: Petition Nº 2 of 1834.)

1 The Petitioner states that a Robbery was committed in his house, in January 1833, by which he lost a considerable sum of Money.

2 Of six persons, who were suspected, four were apprehended, and subsequently committed for Trial before the Court of Circuit.

3 In the house of one Yellapah who it was supposed had absconded, was found the sum of Rupees 139. claimed by the Petitioner as part of his stolen property; but, the Prisoners being acquitted the acting Judge on Circuit, referring to the money found in Yellapahs house, issued orders for the affixing on its outside a notice calling upon the said Yellapah, to appear and prove his title to the money within one Month; in default of which, the amount would be made over to the Prosecutor.

4 The said Yellapah accordingly appeared, but his witnesses were objected to and the Circuit Judge

How

J. No.

14th April 1834

then issued orders to the Criminal Judge, to retain the said sum of 139 Rupees in Deposit, and to direct the Prosecutor (Petitioner) to lodge his complaint, before the Police Officer or Magistrate, and in case of the subsequent absconding of Yellapah to pay over the money to the Petitioner. The Court further directed that should the Petitioner neglect to bring the case to Trial, the money should be paid to Yellapah, it having been found in his house.

5 The Petitioner now prays the Court, to take his case into consideration, and to render him Justice.

6 The Court are of opinion that the Circuit Judge acted irregularly in stopping the trial, and that the Petitioner is entitled to the money to which he lays claim.

7 They therefore resolve to issue orders to the Provincial Court of Circuit in the Centre Division directing them to desire the Criminal Judge of Bellaree to pay over to the Petitioner forthwith, the sum of 139 Rupees, which he was instructed by the acting Circuit Judge to keep in deposit.

Ordered, that Extract from these proceedings be forwarded to the Provincial Court of Circuit in the Centre Division for their information and guidance by precept, returnable within ten days from and after its receipt.

(Sent following Precept No. 273)

Ordered

J. No.

14th April 1834

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

Read Petition presented on the 24th Ultimo by Vanum Coopiah, Mooktear Vakeel on behalf of Ramling of Tinnevelly.

(Here enter M. P. No. 18 of 1834)

1 The contents of this Petition will be taken into consideration by the Court of Zoujdaree Adalut when furnishing the report which has been called for by Government on the subject to which it relates.

2. In the mean time the Court consider it proper that a copy of the Petition of Ramling accompanying it should be sent to Mr. Druij and Mr. Horsley respectively, the late Majistrate and Joint Criminal Judge of Tinnevelly, in order that they may have an opportunity of offering such explanations, as they may desire, in regard to it.

3. The Court likewise deem it proper that they should be furnished with such of the documents referred to by the Petitioner as are not now before them, and direct that the Provincial Court of Circuit in the Southern Division do call for or forward the same, as specified in the annexed

annexed list.

Ordered, that Extract from these proceedings be sent to the Provincial Court of Circuit in the Southern Division.

(Sent in No. 274)

Ordered likewise, that Extract from these proceedings and copy of the Petition to which they refer be sent to Mr. Drury and Mr. Horsley respectively.

(Sent following letter No. 275)

Ordered also, that Extract from these proceedings be furnished to the Petitioner on his application.

Read letter, dated the 20th. February last, from the acting 3d. Judge on Circuit in the Centre Division, submitting copies of the Cuddapah Primary and Supplemental Calendars for the 1st. Sessions of 1834.

(Here enter No. 224)

1 With reference to the remark made by the acting 3d. Judge in Case No. 1, the Court of Foujdaree Adalut desire that it may be explained whether such remark was intended to imply that the Police were remiss in their exertions to procure the additional evidence called for by the Criminal Judge, or that search was duly made

made for the absent witnesses "but to no "purpose."

2 By the abstract of the evidence given before the Criminal Court in Case No. 8, it would appear that the evidence, (if all the witnesses were produced at the Trial) was sufficient for the conviction of the prisoner before the Court of Circuit.

3 The prosecutrix and the 1st. Witness both deposed that the deceased declared that the prisoner "was the cause of his death "and showed his throat which was swelled "and his neck appeared to have been twisted, "and that there were 3 wounds on the back "of his head and another wound on the right "side of his Belly" — if such declaration of the deceased was sworn to before the Court of Circuit, it remains for the Judge who presided at the Trial to explain why security only was demanded from the prisoner. — It appears to this Court that the declaration of the deceased, if fully established, was evidence of the strongest kind against the accused, provided he was at the time in full possession of his senses,

and

and was aware he could not survive the injuries he had sustained.—

4 With reference to Case Nº 13 of the same Calendar, the Court of Foujdaree Adalut observe that their orders circulated under date the 19th of July 1827, will not bear the construction that has been put upon them by the acting 3d Judge, and they desire therefore that the order directing the 1st prisoner to furnish security and in default to be detained for a stated period in addition to the fixed term of imprisonment awarded for the Specific Offence of which the prisoner has been fully convicted, may be immediately cancelled.—

5. The Court of Foujdaree Adalut concur in opinion with the acting 3d Judge that the persons named "Seddoogundo" and "Pu Rameegundo" concerned in the Robbery charged in Nº 16 of the Calendar should not, under the circumstances deposed by the 3d and 6th witnesses in their examination before the Sessional Judge, have.

have been unconditionally released by that Officer; and the Foujdaree Adalut desire, should the acting 3d Judge see any reasonable probability of their conviction before the Court of Circuit, that orders may be issued for a reference of the proceedings regarding them to the Collective Court of Circuit, in order that they may pass their orders upon the case.—

Nº 36. 6 In this case as in others Numbers entered in this Calendar, the Mahommedan Law Officer has declared the evidence of certain of the witnesses, "inadmissible on legal grounds."— These grounds the Foujdaree Adalut desire may be invariably stated in the Futwahs delivered by the Law Officer, as without this information the Court are unable to judge of the propriety or otherwise of a second question being put to the Law Officer by the presiding Judge with a view to the removal of those objections.—

Nº 37. 7 The property belonging to the prosecution having been found with the 1st & 3d prisoners in this case, the acting 3d Judge is required to state the grounds of his concurrence in

the

14

the Futwah of his Law Officer, which declared the prisoners not convicted.

No. 43. 8. To enable the Court to judge of the propriety of the sentence in this case, they desire it may be explained if it was proved that the Robbery was committed by a "Gang" and "armed", as stated in the charge.

No. 43. 9. With reference to the extract from the Proceedings of the Court of Circuit of the 23d of January last, copy of which is entered on this case in the Calendar, the Court of Foujdaree Adalut previous to recording any remarks on the conduct of the Criminal Judge of Cuddapah, desire that they may be informed whether the sanction of the Provincial Court of Circuit was obtained for the release on Bail of the 1st 2d 4th & 7th prisoners committed for trial in this Number.

No. 57. 10 The Court of Foujdaree Adalut desire that the acting 3d Judge do issue his warrant directing that the prisoner in Case No. 57 be banished to the Zillah of Madura, there to be imprisoned agreeably to the terms of his sentence.

11 In Cases No. 146 of the Cumbum Calendar, the Court of Foujdaree Adalut, would suggest to the acting 3d Judge the propriety of preparing a

mitigation of punishment in favor of the prisoners concerned in those cases as the property taken in the former number amounted to only 8 annas, and in the latter to 1 Rupee and 1 anna; and independently of its not appearing that the prisoners previously bore bad characters, the Robbery in neither case was accompanied by any act of violence.

12 Upon the same principle, and considering that the prescribed sentence of 14 years imprisonment too severe a punishment for Robberies of the above description committed in times of scarcity the Judges suggest a general revision of the sentences passed by the acting 3d Judge in the Cuddapah Calendar, with a view to a recommendation for a mitigation of punishment being eventually submitted for their sanction in such of the cases of Robbery entered therein, where there may have been no violence, and no arms, and the value of the property taken away may not exceed a few Rupees.

13 In examining this Calendar the Court of Foujdaree Adalut have also been struck with the very many cases in which where security has been demanded from the prisoners, they have been required to find two sureties each in the sum of 100 Rupees. This amount of security is considered excessive, and the Judges therefore consider it necessary to call the attention of the acting 3d Judge to the provisions of Clause 2d Section VII.

Regulation

Regulation VI of 1827 which declares that the amount of
Security "shall never be excessive," but shall be always
"fixed with reference to the situation and circumstances in
"life of the person from whom it is demanded as
"well as to the cause for requiring it, and shall in
"all cases be such as it would be equitable to enforce
"in the event of a breach of the engagement."—

14

The Honorable the Court of Directors
in a despatch lately transmitted to the Judges of the
Court of Judicature Adalut for their consideration have
strongly objected to the practice of ordering "persons so
"acquitted on charges of specific crimes" to be detained
"on requisition of security on account of some suspicion
of their guilt," and the Court of Judicature Adalut purpose
shortly to address the Government on the subject.

Ordered that extract from those
proceedings be forwarded to the acting 3d Judge on
Circuit in the Centre Division for his information
and guidance by precept returnable in 10 days from
and after its receipt.—

(Sent following Precept No 276)

Read letter dated the 12th Ultimo from
the 2d Judge on Circuit in the Southern Division, transmitting
the Criminal Calendar 1st Sessions of 1834.

Calendar
Nos 10 and 11. 1

(Were entered No 398)

The Court are of opinion that the sentences
passed

passed in these cases are inadequate to the offence—the
Prisoners were fully convicted of having wilfully perjured
themselves, with the view of screening from justice two
delinquents, accused of, and since executed, for a cruel
and deliberate murder, and a sentence of four years
imprisonment in such a case appears to the Court
very insufficient—Clause First Section III Regulation
VII 1811 leaves it to the Judge of Circuit to decide, whether
the convict, in such cases, is "a proper object of
"corporal and ignominious punishment."—But as it
is difficult to conceive—more aggravated cases of
perjury it would have been satisfactory had the 2d Judge
explained the grounds upon which he exempted the
convicts from the full sentence of the law.

The Court desire that the 2d Judge will

2

explain the grounds on which the evidence in this case
was deemed insufficient for the conviction of the
Prisoner—According to the abstract of the evidence in
the Calendar it would appear that the Prisoner was
recognized as one of the gang by the 1st & 2d Witness,
who likewise bore testimony to certain stolen articles
found on the Prisoner having belonged to the Prosecutor.

19

The Court cannot refrain from noticing

3

the sentence passed in this case, in contrast with those
passed in Nos 10 & 11. The perjury in those cases took
place for the purpose of screening persons charged with

the most atrocious of crimes; and the perjury in this case was committed merely in a revenue trial.— The Court would remark that if there be any difference in the degree of guilt in the Commission of the same crime, the perjury in the two cases in question was in its consequences and its purposes far worse than in the revenue case whilst the parties were sentenced to only four years imprisonment without stripes or exposure, & in this the full measure of punishment (saving a portion of the stripes) prescribed by the Regulation, has been awarded.—

Suffh Calendar No. 4

The remarks of the Court on Nos. 10 and 11 are likewise applicable to this case, in which the perjury was committed either with the view of screening a delinquent or getting an innocent man transported.—

Ordered that extract of these proceedings be sent to the 2d Judge on Circuit in the Southern Division by Precept returnable in one week from and after its receipt.—

(Sent following Precept No. 277)

Read letter dated the 28th ult. from the Provincial Court of Circuit in the Southern Division submitting copy of a letter from the Criminal Judge of Combaconum applying for permission to entertain "2 extra Duffadars and 2 Peons to be employed in the duty of guarding certain individuals leaders of Gangs of notorious and desperate character."

(Here enter No. 271.)

The

The Court of Foujdaree Udalut gathers from the Criminal Judges letter, that there are at the present time 7 persons of the above description in confinement in the Jail at Combaconum for the charge of whom the authorized Jail Establishment and "the ordinary means of safe custody" are considered by Mr. Thomas insufficient.—

2. The partizans of one of these prisoners are stated to reside in the immediate neighbourhood of Combaconum, and the Judges are therefore of opinion that their removal to a distant gillah would be a preferable arrangement to any augmentation of the authorized Jail Establishment.— The Court of Foujdaree Udalut therefore under the authority vested in them by Clause fifth Section VIII Regulation XV of 1803 Resolve to direct that the prisoners above alluded to be removed to the Jail in the gillah of Rajahmundry there to be imprisoned agreeably to the terms of their respective sentences.

3. Should the Court be mistaken in considering the above persons to be convicts, they desire that early notification of the same be made to the Foujdaree Udalut and that in all similar References this point be explicitly stated.

Ordered that extract from these proceedings be forwarded to the Provincial Court of Circuit in the Southern

Southern Division to be communicated to the Criminal Judge in the gillah of Combaconum for his information and guidance.

(Sent in No. 278)

Read again letter dated the 14th February 1834 from the 1st Judge late on Circuit in the Southern Division, submitting a reference for mitigation of punishment in case No. 4. Salem Calendar 2d Sessions of 1833.

(Here enter No. 195 of 1834)

Read also Letter, dated the 19th Ultimo from the 1st Judge late on Circuit in the Southern Division transmitting English Record of Trial of Case No. 4 Salem Calendar 2d Sessions of 1833 for the final sentence of the Foujdaree Adalut.

(Here enter No. 371 of 1834)

The Court resolve to sanction the mitigated sentence passed upon the 1st and 2d prisoners in the above case by the 1st Judge late on Circuit in the Southern Division of two years imprisonment with hard labour in irons.

They observe however that the Judge on Circuit was not warranted in pronouncing that sentence upon the prisoners, under the second Section of the Provincial Law Officer but as required by Section XXI Regulation VII of 1802 he should have sentenced them to imprisonment with hard labour for a period of seven

seven years; and if under the circumstances of the case, that punishment appeared too severe, it was his obvious duty to refer the case for the consideration of the Foujdaree Adalut, under the provisions of Section IV Regulation I of 1825.

The 1st Judge late on Circuit in the Southern Division will be careful to avoid a similar irregularity in future.

Ordered that extract of these proceedings be sent to the 1st Judge late on Circuit in the Southern Division for his information and future guidance.

(Sent in No. 279)

Read Return dated 1st Instant from the Provincial Court of Circuit in the Northern Division to Precept of Foujdaree Adalut dated the 20th Ultimo directing the discontinuance of the practice of pronouncing a mitigated sentence upon Prisoners.

(Here enter No. 1447)

Read Return dated 31st Ultimo from the Judges of the Provincial Court of Circuit in the Southern Division to precept dated 20th Ultimo directing that the Judges of Circuit in recommending a mitigation of punishment should merely intimate to the prisoner the penalty to which by law he has rendered himself liable & instruct the Criminal Judge to detain the prisoner in Jail with hard labor in irons until the final orders of the

the Foujdaree Adalut be made known to him.

(Here enter No. 453)

Read Return dated 25th Ultimo from the Provincial Court of Circuit in the Northern Division to precept of the 10th Ultimo relative to a delay on the part of that Court in forwarding a copy of the return received from the Acting Joint Criminal Judge of Masulipatam on the subject of a Petition from adunkey Ramdos the 3d Prisoner in Case No. 25 of 1832 on the file of the Joint Criminal Court of Masulipatam.

(Here enter No. 454)

Read Return dated 11th Instant from the Officiating Judge on Circuit in the Northern Division to precept of the 22d Ultimo sanctioning the mitigation of punishment to the 2d Prisoner in Case No. 7 Nellore Calendar 2d Sessions 1833.

(Here enter No. 469)

Read Return dated 12th Ultimo from the Acting Judge of the Provincial Court of Circuit in the Centre Division to Precept of Foujdaree Adalut dated 10th February 1834 calling for English Translation of the Record in Case No. 33 on the Bellary Calendar for the 1st Sessions of 1833.

(Here enter No. 341)

Wednesday 16th April 1834.

At a Court of the Foujdaree Adalut.

Present,

Charles May Lushington Esqre 1st Puisne Judge
Thomas Alexr Oakes Esqre Acting 2d Puisne Judge
Alexr Duncan Campbell Esqre Acting Judge.

Read letter dated the 3d Ultimo from the 2d Judge on Circuit in the Southern Division submitting case No. 1 Madura Calendar 1st Sessions of 1834.

(Here enter No. 295)

Mr Campbell.

The Court of Foujdaree 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-Cozat and Mooftees of the Foujdaree Adalut, confirm such part of the said Futwa of the Cazee-ool-Cozat and Mooftees aforesaid, as acquits the Prisoner.

6th Coleundavalen,

but being of opinion that strong suspicion though not amounting to conviction attaches to him, they, under clause 6th Section II Regulation XV of 1803 direct that he be required to find Security, himself in 30 Rupees, and two Sureties in 15 Rupees each, for his good behaviour and appearance when required within one year, or that in default thereof, he be detained for one year in confinement.

And further being of opinion that the

16th April 1834.

The proof against the Prisoners -

1st Annavee

2d Veeramalay

3d Moollen

4th Veeramalay - son of Rullaperance Cawnden

&

5th Moolla Cawnden

is sufficient to convict them of the crime of Gang Robbery by open violence, they do under the authority with which they are vested by Section V Regulation VIII 1831, and Clause First Section II Regulation I of 1818, convict them thereof, and in conformity with the provisions of Clause Third, Section V Regulation VIII of 1831, and Clause Third Section IV Regulation XV of 1803, sentence the said Prisoners -

1st Annavee

2d Veeramalay

3d Moollen

4th Veeramalay son of Rullaperance Cawnden

&

5th Moolla Cawnden

to be imprisoned and kept to hard labour in irons on the public Roads or other public Works, for, and during the period of 14 years -

(Sent following letter No. 282)

Read letter, dated the 26th Ultimo, from the Officiating Judge on Circuit in the Northern Division, Transmitting the record of trial in Case No. 76. Rollore Calendar 2d Sessions 1833 -

(Here enter No. 425)

16th April 1834.

Mr. Oakes

The Court of Foujdaree Udalut on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the Prisoner -

"Covee Cocala Rotiah"

is sufficient to convict him of the crime of Robbery by open violence, attended with aggravating circumstances, do accordingly under the authority with which they are vested by clause first, Section II Regulation I of 1818, convict him thereof, and in conformity with the Provisions of Clause Third Section V Regulation VIII of 1831, and clause second Section IV Regulation XV of 1803, they sentence the said Prisoner -

"Covee Cocala Rotiah"

to be transported to such place beyond sea, as 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. 283)

Read letter, dated the 27th Ultimo, from the Officiating Judge on Circuit in the Northern Division, Transmitting the record of trial in Case No. 1 Nellore additional Calendar 2d Sessions 1833.

(Here enter No. 426)

Mr. Campbell

The Court of Foujdaree Udalut on a deliberate

deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the Prisoner

2d Gama Pollieah

is sufficient to convict him of the crime of Gang Robbery by open violence, accompanied by torture and arson, 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 Clause Third, Section V Regulation VIII of 1831, and Clause Second, Section IV Regulation XV of 1803, sentence the said Prisoner to be transported to such place beyond sea, as 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. 284)

Read letter, dated the 26th Ultimo, from the Officiating Judge of the Provincial Court in the Northern Division, Transmitting the record of trial in case No. 32 Nellore Calendar 2d Sessions 1833.

(Here enter No. 427.)

Mr. Oakes

The Court of Foujdaree 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-Cozat and Mooftees of the Foujdaree Adalut, are of opinion that the Prisoner

"Joopillay Chennadoo"

is not convicted on presumptive proof, or on the evidence of credible witnesses, or on his own confession, notwithstanding the Futwa of their Law Officers, and accordingly under the provisions of Clause Sixth Section II Regulation XV of 1803, and Clause Third Section V Regulation VIII of 1831, they direct that the Prisoner

"Joopillay Chennadoo"

aforesaid, be released with an admonition.

(Sent following Letter No. 285)

Read letter, dated the 4th Ultimo, from the Provincial Court of Circuit in the Eastern Division, submitting the Reports required by Section XXXV Regulation X of 1816, from the several Criminal, Joint Criminal & Native Criminal Judges in the Division for the Month of January last, together with extracts from their proceedings thereon.

(Here enter No. 324)

Canara

1 The Assistant Criminal Judge should be called upon to explain his having proceeded to pass Sentence in Case No. 2 of the Report No. 5. which from the charge would appear to be a case of Highway Robbery.

2 As fraud is punishable under the Mahomedan Laws, the Judges, with reference to case No. 10 of the Report No. 5, desire that the Law Officer attached to the Zillah Court of Malabar be called upon to explain his reasons for having declared the offence

in

18th April 1834.

in question not cognizable under its provisions, and in submitting this explanation, the Court of Foujdaree Udalut desire that copy of the question sent by the Criminal Court to the Law Officer and of the reply thereto, may be forwarded for their perusal.

Malabar. 3 The Crime with which the prisoner stood charged in Case No. 9 of the Report No. VIII not being a bailable offence, the Court of Foujdaree Udalut presume that the sanction of the Provincial Court of Circuit was obtained previous to the prisoner being released on Bail.

Ordered, that extract from these proceedings be forwarded to the Provincial Court of Circuit in the Western Division, requiring them to communicate the above to the several Officers whom it may concern by precept, returnable in 10 days from and after its receipt.

Sent following Precept No. 286.

At a Court of the Zoujdaree Udalut.

Present,

Monday
21st April 1834.

Charles Mayo Lushington Esqr. 1st Puisne Judge.
Thomas Alexr. Oakes Esqr. Acting 2nd Puisne Judge.
Alexr. Duncan Campbell Esqr. Acting Judge.

D & O
No 1

Read letter, dated the 22nd February last, from the Acting 2nd Judge / for the late Acting 1st Judge / of the Court of Circuit in the Centre Division, forwarding case No. 27 of the Cuddapah Calendar for the Session of 1833.

/Here enter No. 230/

Mr. Oakes.

The Court of Zoujdaree 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-ool Coozat and Mooftees of the Zoujdaree Udalut, confirm the said Futwa of the Cazee-ool Coozat and Mooftees aforesaid, and acquitting the Prisoners.

1st. Mookoo Lutchmiah,
2nd. Mookoo Dasiah,
3rd. Pullah Chennogasoo,
4th. Vanootoorla Seyshasoo,

5th Seeregeeren Balamaroy,
6th Camanaboyenna Condaroo,
7th Maunoollapully Bungaroo,
8th Camanaboyenna Dibbaroo,
9th Seeregeiren Rungaroo,
10th Maurummaroy Condaroo,
11th Codeepilla Bangaroy,
12th Doodycoola Sahib,
13th Cunden Chellum,
14th Unkeenance Unkaroo,
15th Maulapanty Varaiaroo,
16th Jengeeba Vobalo,
17th Moddy Goonaroo,
18th Nalagotty Kanniah,
19th Moddy Unkaroo,
20th Yaleeka Kitchiah,
21st Kundeala Rungaroo,
23rd Sereegeiry Soobaroo,
24th Jungum Waranoy,

Ord.

direct that they be set at liberty.

/Sent following letter No. 288/

Read Petition presented on the 24th Inst. by Kristnama Naik.

/Here enter Mis. Pet. No. 19 of 1834/

1 The Petitioner, complaining that he has been unable to obtain redress from any of the tribunals to which he has applied, prays the Court to order the various petitions and documents, which he has presented to this Court, to be returned to him.

2 The Court with reference to their order of the 17th Instant resolve to grant the Petitioner's request, and issue orders accordingly that the documents in question be restored to him.

Ordered, that extract from these proceedings be furnished to the Petitioner upon his Application.

Read Petition presented on the 24th Inst. by Sivachunmukah of the Zillah of Chittoor.

/Here enter Mis. Pet. No. 20 of 1834/

1 The Petitioner states, that her son Tardaroo and her son in law Chengaroo, Prisoners in Cases Nos. 6 & 10 Chittoor Supplemental Calendar, 4th Quarterly Sessions of 1833. were unjustly charged with Gang Robbery, tried, convicted, and sentenced by the Court of Circuit to 14 years imprisonment with hard labour in irons. that they named witnesses on their Trial, but that the latter were not examined.

2 The Petitioner prays the Court to issue orders to the Provincial Court of Circuit in the Centre Division, directing them to examine the witnesses, on behalf of the two Prisoners, and to release them.

The

3 The Petitioner is informed that her request is inadmissible.-

4 It appears, that the case was fully investigated and legally disposed of by the Judge who tried it; with whose judgment this Court cannot interfere.-

Ordered therefore that the prayer of this Petition be rejected, and that extract from these proceedings be furnished to the Petitioner upon her application.-

Read Petition presented on the 31st ultimo by P. Sangunnah and Arukal Annnah of the Zillah of Cuddapah.-

/Here enter Mis. Pet. No. 22 of 1834./

1 The object of this petition is to obtain an order for the release of the 2nd and 3rd Prisoners in case No. 26 Cuddapah Calendar 2nd Sessions 1833, who were tried for gang robbery and sentenced by this Court to 14 years imprisonment.

2 All sentences passed by the Sessions Adalut are final, and not open to appeal.-

Ordered, that the prayer of this Petition be rejected, and that extract from these Proceedings be granted to Petitioners on application.-

Read Petition presented on the 7th April 1834 by Annannay of the Zillah

Zillah of Cuddalore.-

/Here enter Mis. Pet. No. 23 of 1834./

1 The Petitioner states that her elder Brother Kundapan Poorayy, a prisoner in No. 4, and other numbers of the Calendar for Sessions of 1833, has been falsely accused of Gang Robbery, and that having been tried before the Court of Circuit, the case has been referred to the Sunjarce Adalut.-

2 She prays the Court, to investigate his case, and issue orders for his release.- The Petitioner is informed that

3 her brother's case, has been duly investigated and definitively disposed of according to the Regulations, and that her Petition contains no matter which can induce the Court to alter their judgment.-

Ordered therefore that the prayer of this Petition be rejected and that extract from these proceedings be furnished to the Petitioner upon her application.-

Read letters dated respectively the 14th and 18th February, the 9th of December, and the 30th of November last, received from the Provincial Courts of Circuit in the Northern, Centre, Southern, and Western Divisions, in reply to a Communication from this Court of

of the 30th. of September last, desiring that the establishments of Peons required to guard the Convicts when at work, be revised on the scale proposed in the proceedings of this Court of the 26th. August last and requiring the 4 Provincial Courts of Circuit to call upon the several Criminal & Joint Criminal and Native Criminal Judges and officer in charge of Jails to state the number of Peons that will be required to guard their respective Jails, and to transmit their reports when received to the Court of Sunjdaree Udalut, but, accompanied by such remarks as the Provincial Court from their experience and local knowledge might be enabled to offer.-

Here enter Nos. 246. and 149 of 1834, and Nos. 1445. & 1426 of 1833.

Northern Divisions

Chicacole. The Acting Criminal Judge of Chicacole reports, that the number of Peons "required for the Jail duties" is 25. and that the Jailor of Chicacole has been placed in the 2nd. Class on a salary of 15 Rupees per Mensem.-

2 The Court of Sunjdaree Udalut approve of the reduction made in the salary of the Jailor at Chicacole, but they

are of opinion that so long as the Peons are stationed over the Jail, the Jail Guard need not consist of more than 18 Peons, inasmuch as they are of opinion that the 6 Peons who are employed to convey the prisoners under trial to and from the Jail, may also be employed to take outside twice a day those prisoners who do not go to work; and the Court do not see the necessity of employing an additional Peon for the purpose of bringing the rice to the Jail, and in serving it out to the prisoners.-

Vizagapatam 3 The Native Criminal Judge at Vizagapatam has also received instructions "to place the Jailor of the Jail under his charge also in the 2nd. Class" as suggested by the Court of Sunjdaree Udalut, the number of Peons required to guard the Jail is stated to be 18. and adverting to the explanation offered in the Provincial Court's letter of the 6th. Instant the Court of Sunjdaree Udalut are also of opinion that this number is moderate; it appears however from the Native Judge's further return of the 24th. Ultimo that 13 Peons are already available for this duty,

and

and the Court therefore recommend to Govern-
ment that 5 Peons be added to the present
establishment to complete the number.

Rajahmundry

The Jailor at Rajahmundry
has been classed as suggested by the Tonjeare
Adalut and his salary has in consequence
been increased from 14 to 15 Rupees per
Mensem with reference to the Acting Crimi-
nal Judges return the Court resolve to re-
commend that 22 Peons be entertained as a
Jail Guard at this Station.

Masulipatam

The Acting Joint Criminal
Judge at Masulipatam states that after
allotting to every 4 Convicts 1 Peon, there
remains on his present establishment but
14 Peons to guard the four different Jails
in which the prisoners under his charge
are confined. This number the Acting
Joint Criminal Judge represents is
"wholly insufficient" as two of the Jails
are situated 3 miles distant from the
Jail within the Court Compound; and
he requests therefore that 20 additional
Peons may be granted to him.

6 In the opinion of the Provin-
cial Court this increase is not considered
more

more than necessary, and the Court of Tonjeare
Adalut asserting to the detached situation
of the several Jails resolve to solicit sanc-
tion for their employment.

Guntoor

7 In Consequence of the orders
of this Court of the 26th August last it appears
that 72 Peons have been discharged by the
Acting Joint Criminal Judge at Guntoor
a sufficient number of Peons having been
retained to allow 1 Peon to every 5 prisoners
liable to labour, and 1 Peon to every six
prisoners confined within the Jail. the
Acting Joint Criminal Judge requests
that this proportion of Peons be allowed
for the Custody of the prisoners of the latter
description, but the Court of Tonjeare
Adalut being of opinion that Peons on
the Scale proposed in the 2nd para of their
proceedings of the 26th of August last will
under ordinary circumstances compose
a guard sufficiently strong for the safe
Custody of those under examination and
not liable to Labour, they direct that a
further reduction in the establishment of Peons
be made to the extent of 1 Peon for every
6 prisoners confined within the Jail without
out Labour.

The

8 The Provincial Court of Circuit will point out to the Acting Joint Criminal Judge that under the orders of Government of the 17th of September last, copy of which accompanied the letter from the Tanjore Udalut dated the 30th of September last, he already possesses authority to entertain a Jemadar for the whole and 1 Duffadar for every 25 Peons on the Jail establishment.

9 In consideration of the large number of Prisoners generally in confinement at Guntoor the Court of Tanjore Udalut recommend that the Jailer be placed on the 4th Class and that his pay consequently be raised from 17½ to 20 Rupees per Mensem.

Guntoor Magistr. 10 The Court of Tanjore Udalut approve of the arrangements made by the Magistrate of Guntoor with regard to the establishment entertained for the Custody of the one hundred Convicts place under his charge they are of opinion however that the Duffadar whom the Magistrate proposes should be entertained on a salary of 15 Rupees per Mensem should be designated a Jemadar upon a salary of 14 Rupees per Mensem.

Since

11 Since the date of the report made by Mr. Bruce the late Acting Criminal Judge of Nellore the Court of Tanjore Udalut have reason to know that a considerable Reduction has taken place in the number of persons confined within the Jail at that Station, the whole of the temporary Jails, for which the Provincial Court have recommended that a guard of 1 Peon for every six prisoners should be entertained, may not therefore be now required, and by a judicious Selection of persons to be confined in those of the temporary buildings still occupied as a Jail (Viz. Prisoners not being convicts, persons under examination and those who may have but little temptation to attempt an escape) the Court of Tanjore Udalut consider that the proportion of 1 Peon to every 8 prisoners will be found a sufficient guard for persons of this description.

12 The Provincial Court of Circuit will call upon the Acting Criminal Judge of Nellore to explain why the establishment of Peons required to guard the prisoners when at work was not revised immediately on receipt of the orders of this Court of the 26th of August last which were communicated to the Provincial Court

of

of Circuit by letter dated the 30th of September following.-

Centre Division 13
Chittoor.

With reference to the return made by the Acting Criminal Judge of Chittoor the Court of Sunjdaree Udalut desire that the number of Peons employed to guard the prisoners required to work without the Jail be entertained in the proportion of 1. to 4. as sanctioned by the Govern-ment; and in consequence of a report made to the Government by the Superintending Engineer representing the insecure state of the Jail at Chittoor the Court of Sunjdaree Udalut are of opinion that Peons to guard the Jail should not be employed on a higher scale than 1. Peon to 8. prisoners.-

14. It was not the intention of the Court that an additional number of Peons should be entertained at Vellore, Arnee and Arcot for the purpose of forming a Jail guard, as the number of Peons hitherto employed has been found sufficient for the safe Custody of the convicts at those Stations, and a very trivial alteration has been made to the establishments as formerly constituted in consequence of

of the orders of this Court of the 26th of August last.

15. The Court of Sunjdaree Udalut do not recommend that a writer on 7 Rupees per Month be attached to the Jail establishment at Chittoor as a similar description of Servant has not been found necessary in any other Gillah.-

Cuddapah. 16. The Court of Sunjdaree Udalut gather from the return submitted by the Criminal Judge of Cuddapah that the number of Prisoners liable to labour at present in confinement in the Jail at Cuddapah amounts to 1190. for the Custody of these when at labour (if all be employed outside the Jail) the Criminal Judge will entertain 297. Peons the proportion sanctioned by the Government. - taking however into consideration that a Military Guard is stationed over this Jail, the Judges are of opinion that the Jail Guard should not exceed the scale suggested in the 2d. para: of the proceedings of this Court of the 26th of August last, which, of 569. be the number of prisoners not liable to labour, would authorize the employment of 71 Peons for their Custody. The Criminal Judge states that his Jail Guard

guard should not consist of less than 100. Peons, and one of the reasons urged by Mr. Stromborn for requiring so large a number of Peons is that the Prisoners under examination "is "far from being kept in the Jail are during "the whole day brought to the Court House, "which being upwards of a mile from "the Jail, makes it necessary to have an "extra guard to escort and attend them there." The number of Prisoners under examination at the date of Mr. Stromborn's report are stated to be 322. As the cases of so many persons could not possibly be disposed of in one day by the Criminal Judge and his Assistants, the attendance of the whole of them at the Criminal Court is both unnecessary and objectionable, for nothing can be more improper than keeping so many unexamined prisoners hanging idle about the Court House where they can indirectly communicate with the witnesses against them.

17 Under these circumstances and in consideration of the present good condition of this Jail as represented to Government in para: 1 to 8. of the proceedings of this Court of the 11th. of July last on review

review of Mr. Nelson's Circuit Report, the Court cannot see the necessity for the employment of a Jail Guard on the scale prepared by Mr. Stromborn.

18 With reference to the 4th. para: of the Provincial Court's proceedings, the Criminal Judge of Cuddapah will be informed that under the orders of Government of the 17th. of September last he already possesses authority to entertain 1. Jemadar for the whole Jail establishment.

Cumbum. 19 The Provincial Court of Circuit will instruct the Native Criminal Judge at Cumbum that Peons in the proportion of 1. to 4. Convicts are to be entertained for the safe custody of those required to be put to hard labour without the Jail. The Peons the Court of Sessions are doubtless are of opinion will be sufficient to form a guard for the Jail during the day, as at the date of the Native Judges report there were but 17. prisoners in confinement who were not liable to labour. A portion of the Peons required to guard the Convicts during the day will as heretofore be associated with the Jail guard to protect the

Jail

Jail during the night.

20 The Native Criminal Judge will be directed to discontinue the practice of employing 2 Jail peons in bringing the necessary supplies to the Jail.

21. The Court of Sunjeare Adalut propose that the Jailer at this Station should receive the salary of the 2nd. Class. Viz. 15 Rupees per Mensem.

Bellary. 22. The acting Judge of Bellary states that in revising the Jail establishment "expectations of reduction at this Station "must unfortunately meet with that check "to which it was liable from the unstable "data on which it was framed by the Superior Authorities"

23 The Court of Sunjeare Adalut observe on perceive from the Acting Criminal Judge's own statement, that while a considerable reduction in the monthly charge to Government will be effected by a revision of the establishment as proposed in their proceedings of the 26th. of August last, the establishment itself will be rendered more efficient by the reduction of a large number of superior peons, upon high salaries, who afford but little assistance in guarding the convicts,

convicts and the appointment in their room, when necessary, of a less number of Jail peons, whose services in watching over the Prisoners cannot be dispensed with.

24. At the period when the proceedings of this Court of the 26th. of August last were prepared the number of Prisoners of all descriptions in the Jail at Bellary was reported to be 819. and the number of Peons on the Bellary Jail establishment amounted to 263. besides 22 Duffadars. 3 Jemadars. 2 Trumpeters. 2 Naiques and 1 Jailer, the total expence of which amounted to Rupees 1327. 1. 4. per Mensem. At this period therefore a reduction ought to have been made of 2 Jemadars, whose combined Salaries amount to 42 Rupees per Mensem. 2 Naiques on a Salary of Rupees 10. 8. 0 each per Mensem. 2 Trumpeters on a Salary of Rupees 4. 1. 4 each per Mensem. 13. Duffadars whose Salaries amount to Rupees 97. and 47 Peons the total of whose Salaries amount to Rupees 191. 14. 8 per Mensem making the entire reduction Rupees 354. 1. 4 per Mensem.

* Total number of prisoners in confinement 819. of these employed outside the Jail 453. Prisoners who wants require 113 Peons inside the Jail 366. for the customs of— which the S. G. grant. 103 Prisoners 819. Peons. 1 — 216. Deduct from 263. the fixed establishment of Peons. 216. the highest number of Peons that ought to have been Entertained. Leaves — 47. in excess.

25

A much greater reduction however might have been made for the Government will perceive from the statement in the margin that the Court in the above calculation have allowed as a Gail guard * 109 peons the number stated in the last return from the Criminal Judge to be required to guard the Gail when its inmates amounted to 1449.-

* on the scale proposed by the J.M. only 46 peons are required to guard 366 prisoners confined within the Gail.-

26.

The number of prisoners however increasing, the Acting Criminal Judge appears to have taken upon himself to retain the whole of the former establishment, though the orders of this Court of the 30th of September last peremptorily required that each Gail should have but one Jailer and 1 Jemadar for the whole, and 1 Duffadar for every 25 peons and that all other officers and superior Peons of whatever denomination should be forthwith discharged.-

27

The Acting Criminal Judge having thus retained 2 Jemadars, 2 Naigues, 2 Trumpeters and 11 Duffadars beyond the number authorized by the Government. This Court will recommend to the Right Honorable the Governor in Council to hold Mr. Angelo responsible for the amount of their Salaries if they are retained after these proceedings, read Bellaree, of which they direct a special return to be made.-

By

28

By the Statement of Mr. Angelo now before the Court it appears that the number of prisoners on the 7th of November last amounted to 1449.- Notwithstanding this large influx of prisoners, the Court of Sanjaree Adalut are of opinion, provided their orders are in every respect strictly obeyed, that no greater number of Peons will be required to guard these persons, than were employed under the old system when the number of the prisoners amounted to only 813. for by the statement shewing the manner in which the prisoners were employed during the month of November last, it appears that of 813 prisoners in confinement during that month, though 803 were liable to labour only 549. were worked outside the Gail, requiring consequently on the scale of 1 peon to 4 Convicts but 142. peons as a guard, and this number of Peons being deducted from the fixed establishment will leave 123. peons available as a Gail guard which is 18 peons in excess of the number which Mr. Angelo himself considers necessary for this duty.-

Peons
265. the former establishment
142
123.

To the Court of Sanjaree Adalut

29

however it appears that under the alterations which the Gail at Bellaree has recently undergone, so large a number of Peons

continued

cannot be required as a Jail guard. the building is in itself a most secure one, and is considered by the two Acting Judges of this Court who have had frequent opportunities of visiting Bellary to be the best Jail within the Centre Division.

30 The Court of Sanjeevarayadu Udaiyar have thus shewn that "the expectation of reduction "at this station" has not met with that check "to which it" would have been liable "had it been founded by "the superior authorities" on "unstable data". they must observe however that their endeavours to render the labour of the prisoners more productive, and to reduce the heavy expense to which the Government is at present exposed in guarding and maintaining the convicts will be rendered of little avail unless the Officers whose immediate duty it is to give effect to their instructions zealously co-operate with them.

31. Placed under the charge of Peons who have no interest in their labours, no object in reporting favourably or otherwise of their exertions, and indifferent to all but the actual escape of their charge, imprisonment is ill calculated to improve the individual character of the convicts or to reform them while from the want of a vigilant

vigilant superintendence on the part of the controlling authority to enforce the orders of this Court the expence to Government will be much increased.

32. The Court of Sanjeevarayadu Udaiyar regret to find that the Acting Criminal Judge of Bellary has on this occasion shewn an indisposition to comply with the instructions which have been issued to him by this Court, ordered that he be peremptorily required by precept to give them immediate and full effect.

Chingleput. 33 With reference to the return made by the Criminal Judge of Chingleput the Court of Sanjeevarayadu Udaiyar will explain to that Officer that under the orders of Government of the 17th of September last he already possesses authority to entertain 1 peon for every 4 prisoners employed out side the Jail.

34 The Provincial Court of Circuit appear not to have understood Mr. Hardey's second return, nor do the Judges of this Court altogether comprehend the statement appended to his last communication, but from the Criminal Judge's return of the 4th of November last it would appear that after appropriating 53 peons for the 214 prisoners who at that period were employed out side the Jail

20 additional Peons would be required to guard the Jail, and if the Court are right in this interpretation of Mr. Horsley's first return they are of opinion that the number solicited is moderate, for though a large Military guard is stationed over this Jail yet from the circumstance of this single post being the Depôt for all prisoners under sentence of transportation many of the most desperate characters in the provinces are constantly congregated in confinement with its walls.

Cuddalore 35 The Acting Joint Criminal Judge at Cuddalore suggests that 24 Peons be entertained as a Jail guard and the Court of Sunjeaum Udalut taking into their consideration the state of the Jail and the large number of prisoners usually in confinement at this station resolve to recommend that sanction be granted for the employment of this number of Peons as suggested by Mr. Morehead. The Court recommend to Government that the Jailer be placed on the 5th Class with a Salary of 20 Rupees per Mensem.

36 A Military guard is also stationed over the Jail at Cuddalore.

Southern Division Madura. 37 The Court of Sunjeaum Udalut cannot understand from the return made by the Criminal Judge of Madura whether it

is meant that 104 is the smallest number of Peons that can be entertained for a Jail guard or that this number of peons should compose the whole Jail establishment; a second reference will therefore be made to the Criminal Judge of Madura and that officer called upon distinctly to state his opinion as to the smallest number of peons that can with safety be entertained as a Jail guard, the prisoners employed at labour outside the Jail, being separately provided with peons in the proportion of 1 to 4 Convicts.

38 With regard to the guard of 8 peons required for the two Court Houses the Court of Sunjeaum Udalut are of opinion that they should be supplied from among the Deloyets, of whom there are stated to be 10. on the Madura Court Establishment with 5 Chobdars and 1 Head Peon; as the Judges are of opinion that 4 Chobdars 1 Head Peon and 2 Deloyets are all that can be required "to wait on the Judge and Register."

39. The Nazirs Peons the Court desire may not be placed on this duty but employed as heretofore in executing the several processes of the Court.

Tinnevelly. 40 The Acting Joint Criminal Judge at Tinnevelly states that 30 Peons are required to guard the Jail placed under his charge adverting to the insecure state of the Jail at this Station as represented by the Acting Joint Criminal Judge and also by the 1st Judge late on Circuit in the Southern Division in his Report on the 2nd Sessions of the past year, the Court of Sudder Adalut cannot consider the number solicited more than is required, and they recommend therefore that sanction be granted for their employment.

41 For these 30 Peons however the Acting Joint Criminal Judge will be directed to entertain but one Duffadar.

Combaconum. 42. With reference to the return made by the Criminal Judge of Combaconum the Court of Sudder Adalut have to explain to that Officer that they have not recommended for sanction the proposed fixed establishment of 102 Peons, as it is intended that the Peons appointed to guard the prisoners at labour without the Jail should be employed as occasion may require; and never in excess of 4 Peons to 4 prisoners of this description.

27th April 1834.

43 The fixed Jail guard of 20 Peons and 1 Duffadar the Court recommend may receive the sanction of Government.

Trichinopoly. 44 The Magistrate of Trichinopoly will be directed to revise his Jail establishment apportioning to every 4 prisoners worked outside the Jail 1 Peon and for the purpose of guarding the convicts worked inside the Jail the Court recommend that 1 Duffadar and 20 Peons be entertained for this duty.

45. Over this Jail as over all other Jails in the Southern Division a Military guard is stationed.

46. The Jailer at this Station will be placed on the second class and his pay in consequence be raised from 14 to 15 Rupees per Mensem.

Negapatam. 47 All the inmates of the Jail at Negapatam being persons condemned to hard labour, the Magistrate of Tanjore under whose charge the Jail is placed, reports that "no Jail guard will be required in addition "to the fixed complement of one Peon to every "four Convicts."

48 There is a Military guard placed over the Jail at Negapatam consisting of 1 Havildar 1 Naigue and 12 Sepoys.

Salem. 49 The Criminal Judge of Salem states that he is "not able to fix on any number "of Peons &c. for the guarding of the Jails" this

Officer

Officer under whose immediate charge the Jails at Salem are placed being the person best qualified to form an opinion, Mr. Bannerman will be again called upon to state with reference to the 5th. para. of his return whether an establishment on the scale of 1 Peon to 10 unemployed "prisoners" and 1. Duffadar to 50 Peons" is considered by him sufficient for the safe custody of the prisoners confined within the 3 Jails placed under his charge.-

50 With reference to the 4th. para of Mr. Bannerman's return the Court of Tanjore Adalut do not anticipate that so rapid a fluctuation of the establishment for the labouring "Prisoners" with proper management need take place, as all prisoners sentenced to short periods of imprisonment might be put to hard labour within the Jail. the standing orders of the Tanjore Adalut in fact require the observance of this Rule in all Jails where the same may be practicable, as public exposure on the road, except in special Cases should be confined to convicts sentenced to 7 years imprisonment and upwards, and from among the prisoners Convicts of this description will always be found in numbers sufficient to maintain the Roads in an efficient state of repair.-

51. With reference to the 5th. para of the

21st. April 1834.

the Criminal Judge's return it will be found that in a subsequent part of these proceedings the Court of Tanjore Adalut have proposed that the pay of the Sepoys to each Jail should be fixed at the Rupees per Mensem.-

52 The Criminal Judge of Salem will be directed to reduce the pay of his Jailer to the fixed standard of 20 Rupees per Mensem.

Salem Magistrate. 53 Under the charge of the Magistrate of Salem are three Jails, one situated at Dharumpoory, another at Ossoor and the third at Payacattah, the whole containing 190 Convicts.

54 The number of Peons at present employed to guard these Convicts is stated to be in excess of the proportion sanctioned by the Government; the Magistrate will therefore be directed to reduce the establishment of Peons and Duffadars on the scale of 1 Peon to 64 Convicts and 1 Duffadar to every 25 Peons; and as the whole of the prisoners are employed at labour on the roads, the Magistrate of Salem, like the Magistrate of Tanjore, will, the Court conclude, not stand in need of a separate Jail guard - a Military guard being stationed over each Jail consisting of a Havildar, a Naigue and 12. Sepoys.-

Coimbatore. 55 "Five distinct guards each composed of 4 Peons" is reported to be — "indispensably

"indispensably necessary for the safety of the pri-
"soners and security of the premises" and in so-
"liciting sanction for the employment of these
20 Peons the Court of Tanjore Adalut made
use to that number to other Peons, as a guard
is stated to be necessary to escort prisoners
under examination to the Criminal Court
House.

56 The Judges have fixed this guard
at 10 Peons as under no circumstances can
a greater number of prisoners be under
examination at one and the same time,
than this number of Peons is capable of
guarding.

57 With reference to the 6th. para. of
the joint Criminal Judges return the
Court of Tanjore Adalut remark that a
guard on the scale of 1 to 6 convicts has been
found amply sufficient elsewhere for the
safe custody of prisoners when at labour,
and they see no reason why a guard of a
similar strength should be found insuffi-
cient at Coimbatore.

58. In Consideration of the number
of prisoners usually in confinement at
Coimbatore the Judges propose to place the
Jailer at this Station on the 1st. class with a
salary of 20 Rupees per Mensem.

59 The strength of the Military
guards

guards placed over the several Jails in the
Southern Division will be found detailed
in a correspondence appended to the Provin-
cial Courts letter of the 9th. of December last.

Western Division
Coliciut. 60 The strength of the Jail guard
at Coliciut is at present fixed at 1 Jemadar
and 22 Peons and the Criminal Judge of
Malabar suggests that this number of
peons may for the present be retained, anti-
cipating however that 10 of these may be
dispensed with when the alterations and
additions to the Jail which have lately
been recommended, shall be completed.

61 Under the explanation offered
by Mr. Nelson the Court of Tanjore Adalut
resolve to recommend that the Jail guard
for the present be fixed as proposed by
that Gentleman; and with reference to the
Memorandum of superior Peons which
the Criminal Judge recommends may
be entertained for the superintendence of
the parties of Convicts detached from
his Jail, the Court of Tanjore Adalut
beg leave to suggest that the proposed
establishment for Nitacarnund and Cochi
may receive the sanction of Government
Viz. for the former place a Deputy Jailer
at 15 Rupees & 1 Duffadar at 8 Rupees

12. annas and for the latter Station 1 Duffadar at 8. 12a. The Court have abstained from recommending for sanction the proposed establishment of Superior peons for Cannanore as they conclude from the whole of the Jail establishment at that Station having been revised as suggested in the proceedings of this Court of the 26th. of August last, that the proper complement of Superior Peons has been retained by the Commissariat Officer at Cannanore to have charge the Jail at that Station has lately been transferred.

Tellicherry. 62. At Tellicherry 18 Peons are recommended to be entertained as a Jail guard, an establishment which the Court of Sanjdaree Adalut request may receive the sanction of Government.

Canara. 63 Adverting to the size of the Jail at Mangalore as well as to the number of its inmates, the Provincial Court express their opinion that the Criminal Judge of Canara, in proposing that the Jail guard be fixed at 20 Peons, has suggested the lowest establishment that can be with safety be entertained.

Honore 64 The sanction of Government is therefore solicited for this establishment; also

also for the establishment at Honore where only 6. Peons are stated to be required as a Jail guard.

65 The Provincial Court of Circuit with reference to the 10th. para of their proceedings will point out to the Joint Criminal Judge at Honore that the selection of a proper Officer to fill the situation of Jemadar rests entirely with him as the Head of the Department.

Sirsee. 66 The Court of Sanjdaree Adalut approve of the orders that have been issued by the Provincial Court to the Native Judge at Sirsee desiring him to fix his Jail guard at 1 Duffadar and 6 Peons.

67. With reference to the 13th. para. of the Provincial Courts proceedings the Sanjdaree Adalut beg leave to recommend that whenever an additional number of Peons may be required for the purpose of conveying to the Jail at Honore, prisoners committed for trial before the Court of Circuit as also those sentenced to more than two Months imprisonment who are periodically transferred to that Jail, that the Magistrate be instructed to comply "with the requisitions which may from

time

time be made by him (the Native Criminal Judge) for guards for such purposes.

68. The Provincial Court of Circuit will be directed to instruct the Saint Criminal Judges at Honore and Tellicherry to place the Jailers at those Stations on the 2d. Class on a Salary of 15 Rupees per Mensem, and the Court of Tanjore Adalut concur in opinion with the Provincial Court that it will be unnecessary to increase the salary of the Jailer at present entertained at Sirsy or to appoint a Jemadar to that Jail.

69. The Court of Tanjore Adalut have now reviewed the whole of the returns received from the several Officers in charge of Jails under this Presidency and appended to these proceedings will be found a figured Statement shewing at one view the fixed guard proposed for each Jail, the pay of the Jemadar to be attached to each Jail has been fixed in this Statement at 14 Rupees and the pay of — each Duffadar at 7 Rupees per Mensem, the Court of Tanjore Adalut having made a special

special exception only in the cases of the Duffadars detached from the Jail Establishment of Malabar and now stationed at Cotacamund and Cochin.

Ordered that extract from these proceedings be forwarded to the Officiating Secretary to Government in the Judicial Department for the purpose of being laid before the Right Honorable the Governor in Council

Sent in No. 283

L. Govt. No. 501

Ordered also that extract from paras: 22 to 32 of these proceedings be forwarded to the Provincial Court of Circuit in the Centre Division to be by them communicated to the Acting Criminal Judge of Bellary by precept returnable within 5 days from and after its receipt.

Sent following precept No. 290

Statement

Statement shewing the [illegible] Guard proposed for each Jail.

	Peons			Jailer 1st class	Jailer 2nd class
Northern Division					
Chicacole	18				1
Vizagapatam	18				1
Rajahmundry	22				1
Masulipatam	40			1	
Guntoor	———	1 Peon to be entertained for every 8 Prisoners confined within the Jail.		1	
Guntoor Magistrate	———	Do.	Do.		
Nellore	———	Do.	Do.	1	
Centre Division					
Chittoor	———	Do.	Do.	1	
Cuddapah	21				1
Cumbum	6			1 Do. to remain at the Jail when not employed at the Jail.	
Bellaree	———	No fixed guard is at present proposed, further explanation having been called for from the criminal Judges.		1	
Chingleput	20			1	
Chittoor	27			1	
Southern Division					
Madura	———	Do.	Do.	1	
Tinnevelly	30			1	
Combaconum	20			1	
Trichinopoly Magte.	20			———	———
Negapatam Do.	None			1	
Salem	———	Do.	Do.	———	———
Salem Magistrate	None			1	
Coimbatore	30				
Western Division				1	
Calicut	22			1	
Cotacamund	———			———	
Cochin	———			1	
Tellicherry	18			1	
Canara	20			1	
Honore	6			1	
Sirsy	6			1	
Total	394				

1 Duffadar

1 Duffadar at 6 3/4 Rs. per Mensem
1 Do. at 8 3/4 Rs. per Do.

Cochin

No Peon to be appointed to this Jail while the Jailer of Masulipatam is absent on leave.

No Peon to be appointed to this Jail while the Jailer of Negapatam is absent on leave.

No Peon to be appointed to this Jail

Reis letter dated the 17th Instant 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 September last together with an extract from their proceedings thereon.

/Here enter No. 372/

Nellore 1

Upon examination of the Reports submitted by the Acting Criminal Judge of Nellore it appears that the Acting Judge then in charge of the Criminal Court of Nellore disposed of only 17 Cases and the Assistant Criminal Judge of only 8 Cases during the Month of September last, though 147 Cases were depending before the former and 34 Cases were under examination before the latter Officer.

No business appears to have been transacted by these Officers on the Civil side of their Court during the Month of September last, the Abstract Registers for that period shewing that no Suit either original or Appeal was disposed of on its merits that only

No. of Cases disposed of by the acting Criminal Judge.

Of the entries in the Supt. Report	14.
Do. Do. in Report No. 5	3
Total	17
Do. Do. by the Asst. Criminal Judge	
Of the Supt. Report	5
Of the Report No. 5	3
Total	8

× their inadvertence of the Cases depending before the Incumbent?

only 1 Suit of those depending before the Register was "adjusted by Razeenamah of the parties" and that another Suit was "withdrawn"; and the Statement appended to the Civil Return shews that not a single application for the admission of a Special Appeal was disposed of by the Acting Judge during the Month of September last or even during the whole quarter for which that Report is prepared.

3d. quarter of 1833.

This apparent almost total neglect of duty on the part of the Acting Judge and the Acting Register attached to the Zillah Court of Nellore during the Month of September last the Court of Sanjeare Utdalut cannot permit to pass unnoticed and they desire therefore that a full explanation may be required from the Officers then in charge of the Court of Nellore which if not satisfactory the Judges will consider it their duty to submit to Government for their orders.

Mr. Bruce Act. Judge and Mr. W. Elliot Act. Regr.

The Provincial Court will also explain how it happened that so obvious a matter was allowed to pass by them unnoticed.

Ordered

Ordered, that extract from the proceedings be forwarded to the Provincial Court of Circuit in the Northern Division, requiring them to procure and submit to the Court of Sessions Calicut the information herein required, by precept returnable in 10 days from and after its receipt.-

(Sent following precept No. 291)

Read letter, dated 13th December 1833 from the Provincial Court of Circuit in the Western Division, submitting translation of a communication from the Native Criminal Judge of Canara, requesting an additional number of Peons to guard his Jail.-

(Here enter No. 1162.)

Read letter, dated 4th February 1834, from the Provincial Court of Circuit in the Northern Division, on the subject relative to the number of Peons requisite to guard the respective Jails.-

(Here enter No. 164.)

Read letter, dated 6th March 1834, from the Provincial Court of Circuit in the Northern Division, transmitting translation of a further communication called for by the Court and received from the Native Criminal Judge of Vizagapatam, dated the

27th April 1834.

the 24th February last, with the recommendation of the Court, that the additional number of 18 Peons, as guards for the —— different parts of the Court Buildings, appropriated as Jails may be allowed.-

(Here enter No. 337.)

Read letter, dated 14th March 1834, from the Provincial Court of Circuit in the Northern Division, submitting copy of a letter from the Acting Criminal Judge of Rajahmundry dated the 12th instant, soliciting sanction for the entertainment of an additional number of Peons for his Jail, as requested in his letter of the 4th January, to the Provincial Court in the Northern Division.-

(Here enter No. 354.)

Read letter, dated 6th January 1834, from the Provincial Court of Circuit in the Centre Division, Return to Circular precept dated 30th December last, directing them to communicate to the Lower Courts this Court's orders that a Memorandum should be appended to the Monthly Criminal Reports according to the form which accompanied this precept shewing the estimated value of all articles produced by the labor of the prisoners during the month.-

(Here enter No. 287)

Read

27th april 1834.

Read letter, dated 27th March 1834
from the Provincial Court of Circuit in the
Northern Division, transmitting copy of a
letter from the Acting Criminal Judge of Bellore
dated the 7th instant, omitted to be sent with the
Criminal Reports for September.-

/Here enter No. 373./

Encl.

F. U.

Tuesday
22nd April
1834

At a Court of the Foujdaree Udalut.-

Present.

Charles May Lushington Esqr. 1st Puisne Judge
Thomas Hear Oakes Esqr. Acting 2d Puisne Judge
Alexr Duncan Campbell Esqr. Acting Judge.

Read letter, dated the 14th February
last from the 1st Judge late on Circuit in the Sou-
thern Division, transmitting the Record of Pro-
ceedings of Case No. 6 Coimbatore Calendar 2nd Ses-
sions 1833.-

/Here enter No 204./

The Court of Foujdaree Udalut on
a deliberate consideration of all the circumstances
of the Case in evidence before them, being of opin-
that the proof against the Prisoners

1st Malcaundy

and

2nd Caroopan son of Palany

is sufficient to convict them of the Crime of Murd
committed in the prosecution of Highway Robb
do under the authority with which they are ve
by Clause First, Section II. Regulation I of 1818
convict them thereof; and under the provisions
of Clauses first and Fifth Section IV Regulatio
XV of 1803, sentence the Prisoner

1st Malcaundy

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

And the Prisoner

2nd Caroopan son of Palany

22nd April 1834

to be transported to such place beyond sea as 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. 298 /

Upon an attentive perusal of the foregoing Trial, the Court deem it necessary to record their opinion that the 1st Judge late on Circuit in the Southern Division erred in directing the unconditional release of the third Prisoner; for though there was no direct evidence against him to justify his Conviction - yet - what is stated in the Police Confessions of the first and second Prisoners, corroborated by the circumstances represented in the Report of the Police Officer of which evidence might, and ought to have been taken, afforded the strongest grounds for believing that the robbery, in prosecution of which the fatal act was committed, originated in the instigation of the Village watch man, the said third Prisoner, but the said prisoner having been unconditionally released by the Circuit Judge, this Court will not interfere..

2 The Court are satisfied that there is on Record sufficient evidence to bring home the Crime of Murder to the absconded Veerun; and they accordingly resolve to sanction the Offer of a Reward of 200 Rupees for his apprehension, and to direct the 1st Judge late on Circuit in the Southern Division

22nd April 1834.

to take the necessary steps for carrying their orders on this subject into effect..

Ordered, that extract from these Proceedings be forwarded to the 1st Judge late on Circuit in the Southern Division for his information and guidance by precept returnable within one week from and after its receipt..

/ Sent following Precept No. 299 /

Read return dated 6th Ultimo, from the Provincial Court of Circuit in the Northern Division, to precept dated 19th February conveying the Courts opinion that the Judicial inquiry necessary to establish the exemption from trial of persons committing justifiable homicide under the proclamation therein referred to can safely be entrusted only to the Magistrates and their European subordinates and modifying the Courts orders circulated under date 18th March 1833 to this effect

/ Here enter No. 336. /

Read return dated 21st Ultimo, from the Provincial Court of Circuit in the Northern Division to precept dated 30th January last, communicating their observations on the refusal of the Acting Joint Criminal Judge of Guntoor to admit prisoners into his Jail upon a Sunday..

/ Here enter No. 376. /

Read return dated 7th Instant from the first Judge late on Circuit in the Southern Division to precept, dated the 24th Ultimo containing the Courts observations in regard to case No. 19

Salem

Salem Calendar 2d Sessions 1833.-

(Here enter No. 452.)

Read return dated 12th Instant from the Judges of the Provincial Court of Circuit in the Centre Division to precept dated 9th Instant pointing out the distinction drawn between justifiable homi=cide and accidental homicide, and the tribunals by whom they are cognizable.-

(Here enter No. 482.)

Read return dated 17th Instant from the Provincial Court of Circuit in the Centre Division to precept dated 31st Ultimo, ordering to carry the instructions of Government of the 21st March for the distinction of the English and persian Trans=lates of Criminal trials anterior to the year 1830 in the Courts of Circuit and Criminal Courts.-

(Here enter No. 484.)

Read return dated 15th Instant from the Provincial Court of Circuit in the Centre Division to precept of the 12th Instant, conveying the Courts ob=servations and orders on the Criminal Reports for January last.-

(Here enter No. 485.)

Read return, dated 18th Instant from the Provincial Court of Circuit in the Southern Division to precept dated 9th Instant, containing the Courts observations and orders on the Criminal Reports for the month of January last.-

(Here enter No. 498.)

Read

Read return dated 14th Instant from the Provincial Court of Circuit in the Western Division to precept of Foujdaree Adalut dated the 9th Instant, ordering that the distinction drawn in the accompanying proceedings of the Foujdaree Adalut between "Justifiable Homicide" and "accidental Homicide" be more prominently brought to the notice of the respective Tribunals.-

(Here enter No. 499.)

Read return dated 14th Instant from the Provincial Court of Circuit in the Southern Divi=sion to precept of Foujdaree Adalut dated the 9th Instant, containing their decision on the reference submitted to them regarding certain points connected with the trial of the Case of the murder of an Arab and a Turk, in number 154 of 1833, on the file of the Criminal Court of Cumbaconum.-

(Here enter No. 500.)

Read return dated 16th Instant from the Provincial Court of Circuit in the Southern Division to precept of Foujdaree Adalut dated the 9th Instant, marking the distinction between "justifiable homicide," and "accidental homicide"

(Here enter No. 501.)

Read letter dated 14th Instant from the Second Judge on Circuit in the Southern Division, transmitting Copy of a letter from the acting Joint Criminal Judge of Madura under date the 7th Instant, reporting the execution

of

22d april 1834. — Of the two prisoners in Case No. 6 Tinnevelly Calendar,
1st Sessions 1834

Read

/ Here enter No. 477 — /

/10

10 D

F.Q.

At a Court of the Tellicherry Adalut

Present

Thursday 24th April 1834. — Charles Gray Lushington Esqre 1st Puisne Judge,
Thomas Hext Oakes Esqre acting 2d Puisne Judge,
Alext Duncan Campbell Esqre acting Judge,

£10

Read letter dated the 28th 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 Court of Criminal and Native Criminal Judges in the Division for the month of February last together with an extract from their proceedings thereon.

(Here enter No. 415)

1. With reference to Case No. 7 of the Supplemental Report the Criminal Judge of Malabar should have pointed out to the Moosha Auder Ameen that the evidence of the prosecutor (who is himself a competent witness) and his "one witness" was quite sufficient for the conviction of the prisoner, more particularly if the salt was found in the prisoner's possession, and the prosecutor could identify it or the prisoner was unable satisfactorily to account for his being possessed of so large a quantity.

Tellicherry. 2. It is recorded in Case No. 16 of the Report No. 5 submitted by the Joint Criminal Judge of Malabar that "the witnesses declare that the statements appearing

"in

"in their names were extorted by the Police under com=
"pulsion", and that they "deposed to the accusal" (with
whose murder the prisoners were charged) "having died
"of sickness".-

3. An abstract of this case the Court of
Zoujdaree Adaulut desire may be furnished to the Magistrate
of Malabar, and that Officer be directed either to make
an enquiry himself into the allegations made by the
witnesses against the Police of Beynaad or to issue instruc=
=tions to one of his European Assistants personally to
conduct the investigation.-

4. The result of the enquiry the Judges
of the Zoujdaree Adaulut desire may be submitted for
their information.-

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 Officers
whom it may concern by precept returnable within
one week from and after its receipt.-

(Sent following precept No 306)

Read letter, dated the 26th Ultimo from
the 1st Judge on Circuit in the Western Division submitting
copies of the Malabar Calendar for the 1st Session of 1834.-

(Here enter No 410)

Cases Nos 8 and 12 - 1

With reference to cases Nos 8 and 12 of
the above Calendar, the Court of Zoujdaree Adaulut
under

under the provisions of Clause third Section VIII Regulation
XV of 1803 direct that the 1st Judge on Circuit in the
Western Division do issue his warrant for the removal
of the prisoner concerned in Case No 8, and of the 1st
prisoner concerned in Case No 12 to the District of
Ganjam to be imprisoned in the Gail at Chicacole,
agreeably to the terms of their respective Sentences.-

+Cattery to Gaol Peon

2. Adverting to case No 5 of the Supplemental
Calendar the Court of Zoujdaree Adaulut desire that the
Criminal Judge of Malabar be called upon to explain
how "the document forming the ground of the pro=
="ceedings" in that case has been missing, if it occurred
thro' the negligence of the Record-keeper he should be
forthwith dismissed, but should it appear that the
document has been removed or destroyed by that
person, he should be committed to take his Trial
before the Court of Circuit under the provisions of
Clause first Section II Regulation VIII of 1829.-

Ordered, that extract from these pro=
=ceedings be forwarded to the 1st Judge on Circuit in
the Western Division for his information and guidance
by precept requiring him to call upon the Criminal
Judge of Malabar to submit the necessary explanation
within 6 days from and after its receipt.-

(Sent following Precept No 307)

Read return to precept of Zoujdaree
Adaulut dated the 4th Instant calling for English Translation

of the Record of Trial of Case No. 60 on the Salem Calendar, 2d Sessions of 1833.—

(Here enter No. 441.)

1 The Court of Enquiry Adalut, after an attentive perusal of the Record of the above case, are of opinion that the mitigated sentence of seven years imprisonment, recommended by the 1st Judge Late on Circuit in the Southern Division is wholly inadequate to the offence of which the Prisonier have been convicted.

2 They therefore direct that the Prisonier in the above case, be imprisoned and kept to hard labour in irons, on the public Roads, or other public works for and during the period of fourteen years.—

Ordered, that extract from these proceedings be sent to the 1st Judge Late on Circuit in the Southern Division for his information and guidance.—

(Sent in No. 308)

Read letter, dated the 26th of February last from the 1st Judge on Circuit in the Eastern Division recommending that the punishment to which the Prisonier convicted in case No. 6 of the Dealabar Additional Calendar for the 1st Sessions of 1834 has rendered herself liable "be mitigated to one years imprisonment without irons, but with labour suitable to her sex."

(Here enter No. 274)

The Court of Enquiry Adalut having referred to the Calendar in which the above case is entered, resolve in consideration of the circumstances stated by the Presiding Judge to sanction the proposed mitigation of punishment.—

Ordered, that extract from these proceedings be forwarded to the 1st Judge on Circuit in the Eastern Division for his information and guidance.—

(Sent in No. 309)

Read letter, dated 20th February last from the 3d Judge on Circuit in the Southern Division, transmitting the record of Proceedings in case No. 52 Rajahmundry Calendar 1st Sessions 1833.—

(Here enter No. 261.)

Mr. Cushington,
and
Mr. Campbell,

The Court of Enquiry Adalut, on a deliberate consideration of all the circumstances of the case, in evidence before them, being of opinion that the proof against the Prisonier

"Boola Vencadoo"

is sufficient to convict him of the crime of wilful murder, &c, 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, by being hanged, at the usual time and place of execution, as prescribed by Section X Regulation VIII of 1802.—

1 The Court of Enquiry Adalut having to the notice of the 3d Judge Late on Circuit in the Southern

Northern Division, an important error, committed, in the Translation of the Deposition of the 5th witness for the Prosecution, before the Court of Circuit, who, in reply to the 7th Question put by the Court, as to whether he had ever seen before, the "Provocantty", produced in Court, is made to answer "Seen it- "The Prosecutrix confessed before the Head of Police "that he had stabbed the husband of the Prosecutrix "with this very knife."-

2 It should have been "the Prisoner "confessed" Vide &c.-

3 The Court desire that the Translations of the Records in all cases be executed with the greatest accuracy, and that they be subjected to a careful examination and correction by the Circuit Judge himself, before they are transmitted to the Court.-

Ordered, that extract from these proceedings be forwarded to the 3d Judge stationed on Circuit in the Northern Division for his information and guidance.-

(Sent in No 310)

Read letter, dated 30th January last, from the Officiating Judge on Circuit in the Northern Division, forwarding trial No 11 Cellore Calinen 2d sitting 1833.-

(Here enter No 183)

Mr Oakes, and Mr Campbell,

The Court of Sudder Dewanny Adawlut having maturely

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 Court of Tinnevelly, confirm the said Futwa of the Cazee-ool-Cozat and Mooftees aforesaid, and acquitting the Prisoners

1st Chalumcherla Venkataramdo,
2d Yacolloo Venkado,
3d Cullony Vekooloo,
4th Chalumcherla Goorvadoo,
5th Talooppoola Goorvadoo,
and
6th Yacolloo Nagadoo,

direct that they be set at liberty.-

(Sent following letter No 311).

Read letter, dated the 27th ultimo, from the 2d Judge on Circuit in the Southern Division, transmitting the record in Case No 22 on the Combaconum Calendar 1st Session 1834.-

(Here enter No 405)

Mr Oakes, and Mr Campbell,

The Court of Zillah 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-Cozat and Mooftees of the Zillah Court of Tinnevelly, confirm the said Futwa of the Cazee-ool-Cozat and Mooftees aforesaid, and in conformity with the provisions of Section X Regulation VIII of 1831,

they

24th April 1834.

they sentence the Prisoner

1st Cundasspa Empyaram,

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

And the Prisoner

2d Cootta Empyaran,

to be transported to such place beyond sea, as 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.—

L H O

W [redacted]

(Sent following letter No 312).

Sd W.D.

Sd W.D.

S. A.

At a Court of the Foujdaree Udalut

Friday

Present,

25th April 1834.—Charles May Lushington Esqre 1st Puisne Judge

Thomas Alexr Oakes Esqre acting 2d Puisne Judge

Alexr Duncan Campbell Esqre acting Judge

H O

W [redacted]

Read letter dated the 21st Ultimo from the 1st Judge of the Provincial Court of Circuit in the Northern Division, forwarding copy of a letter from the Officiating Judge in Circuit relative to certain cases in the Calendars laid before them at Nellore under Regulation XI of 1822.—

(Here enter No 423)

1 The Court of Foujdaree Udalut having taken into consideration the opinions expressed by the 1st Judge & Officiating Judge, in regard to the cases in question, deem it proper to direct that the 1st Prisoner in No 8 Criminal Court No 33 & 35. the three Prisoners in No 6 Criminal Court Nos 223 & 226 of 1832.— and 1st Prisoner in No 18 of Calendar 183 to 190 of the Criminal Courts file be forthwith set at liberty

2 The Court further direct that the Provincial Court will report to them by whom the proceedings in these cases were held.—

Ordered

Ordered, that extract of these proceedings be sent to the Provincial Court of Circuit in the Northern Division by precept returnable in ten days from & after it's receipt.

(Sent following Precept No. 319)

Read letter dated 7th instant from the Provincial Court of Circuit in the Southern Division - transmitting copies of Returns from authorities in that Division in reply to the communications made to them, regarding the Criminal Reports for January last.

(Here enter No. 464).

Minute of the Acting Judge.

With reference to the letter to the Officiating Judge on Circuit in the Northern Division entered in the Diary of the 11th Instant the acting Judge records the following Minute.

In consequence of the complaint which I heard the acting 2d Puisne Judge express, respecting the confused manner in which the Judge of Circuit had mixed up the cases Nos. 4-7-8-9- and 10 of the Buddalore calendar for the First Sessions of 1833,- and of the recent despatch from England, deprecating the repeated and prolonged detention of Prosecutors and witnesses before our judicial tribunals - I had given my attention to the consideration of the best means for dispensing with such attendance, when

when not absolutely necessary for the ends of justice, and for laying down a new rule, to prevent the evil complained of by the acting Second Puisne Judge, which I have myself experienced in other similar cases.

I have no desire to press upon my colleagues the suggestions which I in consequence submitted to their consideration, in lieu of this Draft, which they have now adopted - But believing, as I do, that they might be matured and improved, so as to remedy a great public evil - I am not deterred, by their rejection of them, from placing them upon record.

As my connexion with this Court is only temporary, I may not hold a seat on this bench, when the despatch in question comes to be discussed, and the Courts sentiments on it recorded. I therefore request that the following may then be laid before the Government, as containing my suggestions on this subject, accompanied by any remarks the Judges then on the bench may deem necessary. It would have been more agreeable to me to have modified them, in such a manner as to have met the concurrence of my colleagues - But as they have been rejected without observation, I can only express my regret that what I intended for the public good, has not been deemed worthy of notice.

In Courts like ours, where the great defect is their want of assimilation, with the habits

and

and manners of the people, we should look to the people - to the wants and inconvenience & injuries they sustain, and not to our Regulation books and precedents alone. It is because our judicial practice on this point is at variance with the comforts of the people, and the established course of proceeding elsewhere, that I have suggested a modification of it, which does not appear to be contrary to the spirit of our laws my suggestions were as follow -

When two or more offences are charged against the same individual, and have been committed at the same time and place, though against different persons, the case is to be considered as one only - and ought to be sent in as such by the Police. - But when the time and place of the offences are different, though the person accused is the same, each crime is to be kept distinct and separate depositions must be taken and sent in with each case -

The Criminal and Circuit Courts will rigidly adhere to this rule - The former will correct any irregularities of the Police, & the latter any oversight of the Criminal Courts, by uniting into one case, several sent in separately, which, under it, ought to have been treated as a single case, and by separating into

into distinct cases, any case improperly united into one, when, under the foregoing rule, it ought to have been devided into separate cases.

It is a maxim in law, that conviction and punishment for a graver offence, precludes all punishment for minor crimes, committed by the convict, previously to such conviction, the lower penalty merging in the greater one -

For this reason, as well as to prevent the unnecessary accumulation of matter against a prisoner, to simplify criminal procedure - and to facilitate his defence - it is usual, in England, for a man to be brought to trial for only one offence at a time - The adoption of this rule in the tribunals under this Government appears particularly desirable - It will not only be the most humane and just towards the accused, but will obviate the confusion, so obvious in many of the trials referred to this Court, & involved in intricacies difficult to be unravelled. It will save the loss of much valuable time to the public tribunals, and prevent the unnecessary and vexatious attendance of prosecutors and witnesses, in the minor crimes, the very investigation of which may often be thus obviated, by the prisoners conviction of the graver crime -

accordingly

Accordingly, when the same individual is charged with several distinct offences committed at different times and places, all cognizable by the Court of Session alone, the Criminal Court, after investigating each, should select for indictment the most grave likely to be established, — and until its result is known, they need not proceed with the others, further than briefly noting their nature in a memorandum annexed to the calendar, nor require the attendance of the prosecutors or witnesses in them before the Court of Session. If the accused is acquitted of the charge on which he is indicted, then the Criminal Court can indict him on the next most serious charge susceptible of proof, by a supplemental calendar, either at the same Session, or by recommitting him for trial at the next Session for this other offence.

When, again, the same individual is charged with several distinct offences committed at different times and places — some of a minor character punishable by the Criminal Court itself, others of a graver description punishable only by the Circuit Court — if the Criminal Court see reason to commit the accused for trial before the Court of Circuit for any of the graver crimes, they may defer until its result

known, any investigation of the minor charges. In this event, it will be sufficient for them to take evidence as to the most serious of the major crimes likely to be established, entering in the calendar a memorandum of the nature of the other charges without instituting a formal investigation into the minor crimes punishable by themselves, until the result of the graver accusation is determined. —

If the accused is acquitted by the Higher Court of the major crime, or merely held to security on suspicion of it, upon his release, unconditionally by the Higher Court, or in consequence of his giving the security required by them, he will still be liable to trial by the lower tribunal, for the minor offence charged against him, inquiry into which will have been only suspended, — and which now can be taken up in the order of their enormity, and finally disposed of. The Criminal Court, on such cases, should bear in mind, that conviction and punishment for any one offence absolves the accused from trial for any crime of the same, or of a minor degree of criminality, committed anterior to such conviction; and conviction of a higher crime by themselves, will thus render it unnecessary for them to investigate at all, any other minor

offences

offences cognizable by them which may also be charged against the prisoner—

The only exception which seems requisite, from the foregoing rule, of bringing each prisoner to trial for only one offence at a time, is where, under Clause second Section III. Regulation VI 1822, he may appear to the Criminal Court deserving of a higher punishment than they can inflict, in consequence of his having committed several minor offences— In few cases, can it be requisite, for the ends of justice, in such instances, to select for trial by the Circuit Court more than two of the most grave charges susceptible of proof— the entry in the calendar of a memorandum explanatory of the number and nature of the remaining charges uninvestigated will convey every further necessary information—

If this simple course is duly followed, each prisoner will be tried by the proper tribunal, for the gravest crime susceptible of proof— and will be punished for the highest crime, of which he can be convicted— he will be transferred to the lower tribunal, for trial on the minor offences, only upon failure of conviction of the higher crime; and, by leaving altogether uninvestigated the inferior charges, so long as a probability exists of conviction of

of the major offence, the vast quantity of valuable time and labour expended by the public tribunals in their too frequently fruitless enquiries, will be saved— whilst the vexatious attendance of numerous prosecutors and witnesses, on the minor cases, will be altogether dispensed with, when the major offence is established; and on its failure alone will be required, only when absolutely necessary for the ends of justice—

AD

AD

25

F. U.

At a Court of the Foujdaree Adaulut.

Present,

Monday, 28th April, 1834. Charles May Lushington Esqre 1st Puisne Judge
Thomas Alexr Oakes Esqre acting 2d Puisne Judge
Alexr Duncan Campbell Esqre acting Judge.

Read again Petition presented on the 15th January 1834, by Audemmah, widow of the deceased Jaragoo Naisiah of Bahadurpettah, Calasty Talook, zillah of Chittoor—

(Here enter Min. P. No. 6 of 1834)

Read also Return made on the 15th instant by the Provincial Court in the Centre Division to Precept of the Foujdaree Adalut dated the 17th February last, directing them to call upon the Magistrate of Chittoor for copies of the proceedings held in the case of the Petitioner, and to issue thereon such orders as may be proper—

(Here enter No. 483.)

After an attentive consideration of all the circumstances of this case the Court are of opinion that the Petitioner has urged nothing in support of her complaint, which can render any further interference by them necessary; and they are further satisfied that the orders passed by the lower Tribunals upon her petition are correct, and afford no just grounds for Complaint—

Ordered

F.D.
28th April 1834

Ordered therefore that the prayer of this Petition be rejected, and that extract from these proceedings be furnished to the Petitioner upon her application—

Read Petition presented on the 17th March 1834 by Mootiah Moodely of the Nyaveram Talook in the Zillah of Tanjore—

(Here enter Mis: Petition No. 17 of 1834)

1 The object of this Petition is to induce the Court to issue orders either to the Magistrate of Tanjore or to the Judge on Circuit, to investigate his complaint, against an individual, who, he alledges, seized and took from him, a Cloth of the value of 9¼ Rupees, and beat and ill-used him.—

2 The Petitioner states that he has Petitioned the Sub Collector, the Head Assistant and the Principal Collector of Tanjore, but has failed to obtain redress.—

3 The Petitioner is informed that this Court cannot grant him the relief which he prays; but that if he considers himself aggrieved by the Magistrate of Tanjore, he must represent the circumstances of the case to the Circuit Judge.

Ordered therefore that this Petition be rejected, and that extract from these proceedings be furnished to the Petitioner upon

F.D.
28th April 1834

upon his application—

Read Petition presented on the 14th April 1834, by Chellapa Chitty and Sabapatty Chitty of the Southern Division of Arcot—

(Here enter Mis: P. No. 25 of 1834)

1 The Petitioners complain that some time ago, a gang of ten Individuals robbed them of their Cumboo Grain: of whom one alone was caught, and he with the property found upon him and witnesses to prove the charge, was delivered over to the Moonsiff who however released him, on the ground that it was a matter of no moment.—

2 The Petitioners further allege that the same individuals, again, robbed them of three sheep, and were carried by them before the Moonsiff, who, was about to proceed to the investigation of the case when, the Prisoners themselves, were persuaded by certain influential persons of their village, to falsely charge the Petitioners, who, were inconsequence, by order of the Tahsildar taken into custody, and by that Officer confined in Jail, where they suffered much illtreatment, and were at length, compelled to pay a bribe of 200 Rupees, upon which they were released.—

3 A further complaint of the Petitioners is, that, the same individuals, having

formed

formed themselves into a gang, entered their house, at 12 o'clock of a certain night, with lighted Torches, murdered their Uncle, and robbed them of money, Jewels, and other property of the value of 2000 Cagedas. that they complained to the Tahseeldar, but from that officer could obtain no redress—

4. The Petitioners in consequence pray the Court, to issue orders to the Collector to investigate the case—

5. The Petitioners are informed that if they have charges to make against any individuals, they must in the usual mode, prefer a specific complaint before the Magistrate of the zillah in which the alleged outrages were committed—

Ordered that Extract from these proceedings be furnished to the Petitioners upon their application—

To

At a Court of the Foujdaree Adalut.

Present,

Wednesday 30th April 1834. Thomas Alexr. Oakes Esqre. acting 2d. Puisne Judge.

Alexr. Duncan Campbell Esqre. acting Judge.

Read letter dated the 26th Ultimo from the Officiating Judge on Circuit in the Northern Division transmitting the record of trial in Case No. 12 Nellore Calendar 2d. Sessions 1833.

(Here enter No. 422.)

Mr. Campbell. The Court of Foujdaree 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-Cozat and Mooftees of the Foujdaree Adalut, confirm such part of the said Futwa of the Cazee-ool-Cozat and Mooftees aforesaid, as convicts the Prisoner

16th Buttoola Jauladoo

and under the Sentence of Ookoolut declared in the Futwa, do, in conformity with the provisions of Clause Third, Section V Regulation VIII of 1831, and Clauses Third and Fifth, Section IV Regulation XV of 1803, Sentence the said Prisoner—

16th Buttoola Jauladoo

to be imprisoned and kept to hard labour in irons on the public Roads or other public works for and during the

the period of one year, and then to be released

And further being of opinion that the prisoners

1st Endloo Vencatasoogaudoo
2d Yadaly yerracatadoo
3d Endlooy Nullacatadoo
4th & 8th Lutchemagoodoo
5th & 6th Uncadoo
7th Donapoody Poolladoo
8th Bollemara Bungavagoodoo
9th Bulloola Poolladoo
10th Poldoora Paradoo
11th Weeda Catadoo
12th Neercutta Volladoo
13th Donapoody Gooravadoo
14th Chintapully Chendragaudoo
15th Makaloly Vencadoo
17th Caurempoody Soorayadoo
18th Yadaly Catadoo
19th Endlooy Ramoodoo

and

23d Chintalapally Catadoo

are not convicted on presumptive proof, or on the evidence of credible witnesses, or on their own confessions; or notwithstanding the Futwa of their Law Officers, they, in conformity with the provisions of Clause

Third Section V. Regulation VIII of 1831 and clause sixth Section II Regulation XV of 1803 direct that the Prisoners aforesaid be set at liberty

(Sent — following letter No. 325)

Read letter dated the 25th 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 October last, together with an extract from their proceedings thereon

(Here enter No. 408)

Rajahmundry 1 The gross irregularities in the proceedings of the Heads of Police in Rajahmundry as evinced in many of the Cases entered in the Monthly Criminal Report reflects discredit on the controlling authorities in that District.—

2 In Case No. 187 the 1st witness deposes "that he was called to prove the confessions but "declares that he was not present when the prisoners "were examined. But the Head of Police desired him "to sign his name as a witness to the Confessions. "that he did so after objecting" the 2d witness gives a similar deposition and says "the Head of Police told "me to state that certain confessions were made in

"my presence Objected that I was not then present
"but he being angry at this Signed those
"Confessions."—

3 In Case No. 190. the prisoner declares before the Criminal Court that "he was tortured "to produce a confession and named two "witnesses to prove it."— and the confessions of the prisoners in Several other Cases entered in this Report bear the marks of having been improperly procured.—

4 In bringing the above Cases to the Notice of the Magistrate of Rajahmundry the Provincial Court of Circuit will point out to that Officer that the Court of Sudder Adalut have Noticed with regret that many prisoners concerned in Cases entered in the Supplemental Report were released by the Criminal Court, in consequence of the omission on the part of the Magistracy to forward evidence to the Criminal Court — In Case No. 154. it is stated that the prosecutrix "was examined as far "back as 20th of August by the late Judge "Mr. Robson, but the Magistrate not having "even answered his letter, and the prisoner having been already detained three Months nearly it becomes proper to release them—

In

5 In Case No. 177. also it is stated that the acting assistant Criminal Judge "applied to "the Magistrate for further evidence, but none "having been furnished it becomes requisite to "release the prisoners"—

6 The Magistrate must be called upon for a full explanation on these cases— which it will be the duty of the Provincial Court to lay before this Court, with their sentiments thereon, for if not satisfactory it may be requisite to forward it to Government.— The Provincial Court will explain also how this matter happened to escape their attention.—

7 The Provincial Court of Circuit will point out to the acting Criminal Judge of — Rajahmundry with reference to Case No. 193 that tho' the charge was proved to be false and malicious the Criminal Judge should not have taken cognizance of the offence without its coming regularly before him;— as Section VIII Regulation X of 1816 has not been modified with respect to offences of this description.—

Vizagapatam. 8 With reference to Case No. 10. of the Report No. 5. submitted by the Native Criminal Judge of Vizagapatam the Provincial Court of Circuit will explain to that Officer that the provisions of

Section

Section XI Regulation XIII of 1832 are applicable only to "Peons" being in Charge of prisoners - other descriptions of Guards being liable for neglect to dismissal under the provisions of Section XXIII. Regulation VIII of 1802 extended by Section VII of Regulation I of 1810.

9 The Native Criminal Judge should be informed with reference to Case No. 12 that unless it was proved that the Goat was maliciously killed the prisoner committed no offence that would render him liable to a Criminal prosecution.

Chicacole. 10 The Acting Criminal Judge of Chicacole disposed of only 11 Cases and the Assistant Criminal Judge of only 2 Cases during the month for which these Reports are prepared and the acting Joint Criminal Judge of Guntoor disposed of 57 Cases which on an average for a Month is not two Cases per diem.

Guntoor

Est. 7th

Nellore 11 The Acting Criminal Judge of Nellore disposed of only 19 Cases and the Assistant Criminal Judge of only 9 Cases during the month of October leaving 705 persons unexamined before that tribunal from the abstract Register for the 3rd Quarter of the past year not having been as yet submitted to the Court of Sudr Adalut, the Judges are unable to judge of the quantity of business transacted by the above Officers

Officers on the Civil side of their Courts the Provincial Court of Circuit will therefore in calling upon the Officers who presided over the Courts of Chicacole Nellore and Guntoor during the month of October last, fully to explain the cause of their few decisions in Criminal Cases, desire that they do certify the Numbers of Suits original and appeal disposed of on their merits by each Officer during that month. - Should these explanations not prove satisfactory the Court of Foujdaree Adalut will consider it their duty to make the conduct of those Officers the subject of a representation to the Government.

Ordered, that extract from these proceedings be forwarded to the Provincial Court of Circuit in the Northern Division requiring them to make the necessary communication to the several Officers whom it may concern, by precept, requiring conformity thereto within 15 days from and after its receipt.

(Sent following Precept No. 326.)

Read letter, dated 7th instant, from the Provincial Court of Circuit in the Northern Division, transmitting translation of a letter from the Native Criminal Judge of Vizagapatam, reporting his having despatched 30 prisoners to the Jail at Chicacole.

(Here enter No. 465.)

Read

Read Return, dated 5th instant from the acting 3d Judge on Circuit in the Centre Division, to precept dated 12th instant, conveying the Courts' observations in Cases Nos 4 to 12 inclusive on the Cuddalore Calendar 1st Sessions 1833.

(Here enter No 497)

Read letter, dated 17th instant, from the Provincial Court of Circuit in the Centre Division, transmitting, with reference to the Courts' proceedings of the 31st August & a letter, dated 7th December 1833, copy of a Return made by the Joint Magistrate of Bellary.

(Here enter No 507)

Read letter, dated 19th instant, from the Provincial Court of Circuit in the Centre Division, transmitting, with reference to the Courts' proceedings of the 30th November 1833, copies of the Returns made by the Magistrate of Chittoor, the acting Joint Magistrate of Cuddapah, and the Joint Magistrates of Bellary & Southern Division of Arcot.

(Here enter No 509)

Read letter, dated 19th instant, from the Provincial Court of Circuit in the Centre Division, transmitting, with reference to the Courts' proceedings of the 14th November 1833, and a letter dated 10th January last, copy of a return made by the Joint Magistrate of Bellary.

(Here enter No 510)

Read Return dated 19th instant from the

the acting 3d Judge on Circuit in the Centre Division to precept of Fouzdaree Adalut dated the 15th April, conveying observations and directions on the Cuddapah and Cumbum Calendars; for the 1st Sessions of 1834.

(Here enter No 518)

Read Return, dated 28th instant, from the second Judge on Circuit in the Southern Division, to precept of Fouzdaree Adalut, conveying the observations of the Court on the Tinnevelly Calendar 1st Sessions of 1834.

(Here enter No 516)

Read Return, dated 17th instant, from the Judges of the Provincial Court of Circuit in the Northern Division, to precept of Fouzdaree Adalut dated the 9th instant, pointing out the distinction between Justifiable homicide and accidental homicide.

(Here enter No 520)

Read letter dated the 26th instant from the Provincial Court of Circuit in the Centre Division transmitting copy of a letter from the Criminal Judge of Cuddapah reporting the death of the 13th Prisoner in Case No 27 of the Calendar 2nd Sessions 1833.

(Here enter No 541)

30 April 1834

No 40

Fo. 76.

At a Court of the Foujdaree Udalut.

Present,

Saturday, 3d. May, 1834. Thomas Alexr. Oakes Esqre. Acting 2d. Puisne Judge.
Alexr. Duncan Campbell Esqre. Acting Judge.

Read letter, dated 28th. January last, from the 1st. Judge late on Circuit in the Southern Division, transmitting the record of proceedings of Case No. 57. Salem Calendar 2d. Sessions 1833 for the final sentence of the Foujdaree Udalut.

(Here enter No. 124).

Mr. Oakes
&
Mr. Campbell.

The Court of Foujdaree Udalut, on a deliberate consideration of all the circumstances of the case in evidence before them, concurring in opinion that the proof against the Prisoner

2d. Rauchy Mouther

is sufficient to convict him of the crime of wilful murder, &c. under the authority with which they are vested, by Clause first Section II Regulation I of 1818 convict him thereof; and in conformity with the provisions of Section X Regulation VIII of 1802 sentence the said Prisoner

2d. Rauchy Mouther

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

(Sent following letter No. 236)

Read

Read letter dated 17th March last from the 3d Judge on Circuit in the Northern Division transmitting the record in Case No. 42 Rajahmundry Calendar 1st Sessions of 1833.

(Here enter No. 357.)

Mr Campbell.

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-Cozat and Mooftees of Foujdaree Adalut, confirm such part of the said futwa of the Cazee-ool-Cozat and Mooftees aforesaid as convicts the Prisoners,

1st Semboyenah Moosaloyah
6th Caderyalah Caumodoo
8th Siddereddy Gungaloo
& 11th Siddereddy Chelloyah.

and under the sentence of Oobootut declared in the futwa, do, in conformity with the provisions of Clause third, Section V. Regulation VIII of 1831, and Clauses second & fifth, Section IV Regulation XV of 1803, sentence the Prisoners,

1st Semboyenah Moosaloyah,
6th Caderyalah Caumoodoo,
8th Siddereddy Gungaloo
& 11th Siddereddy Chelloyah,

aforesaid to be imprisoned and kept to hard labour in irons on the public roads or other public works, for and during

during the period of seven (7) years.

And further being of opinion that the proof against the Prisoners,

3d Semboyenah Pullaulo,
4th Checcutla yerradoo,
& 5th yeeraty Cunnappah,

is sufficient to convict them of the crime of Gang Robbery by open violence, they do, under the authority with which they are vested by Clause first Section II Regulation I of 1818, convict them thereof, and in conformity with the provisions of Clause third, Section V Regulation VIII of 1831 — and Clauses second and fifth, Section IV Regulation XV of 1803, they sentence the said Prisoners, to be imprisoned and kept to hard labour in irons on the public Roads or other public Works for and during the period of seven (7) years.

(Sent following letter No. 337)

Read letter, dated the 23d Ultimo from the Acting Judge of the Provincial Court of Circuit in the Centre Division requesting permission to mitigate the punishment to which the prisoner concerned in Case No. 12 of the Chittoor Calendar for the second Quarter Sessions of the present year has rendered himself liable to 3 years imprisonment with hard labour in irons.

(Here enter No. 531.)

The Court of Foujdaree Udalut having considered the grounds upon which the Acting Judge has

has recommended that the punishment of the prisoner should be mitigated, resolve under the provisions of Clause third Section III Regulation I of 1825 to sanction a Mitigation of punishment to the extent proposed by Mr Lewin.

Ordered, that extract from these proceedings be forwarded to the acting Judge of the Court of Circuit in the Centre Division for his information and guidance.

(Sent in № 338)

Read letter dated 16th ultimo from the Provincial Court of Circuit in the Northern Division transmitting translations of return received from Native Criminal Judge of Vizagapatam, dated the 11th ultimo, and of depositions which accompanies it, relative to the escape of the Prisoner noted in the proceedings of the Provincial Court of Circuit in Northern Division of 14th March last, on the Criminal reports for September 1833.

(Here enter № 579)

Read letter dated 17th ultimo from the Provincial Court of Circuit in the Northern Division transmitting translations of a letter and depositions from the Native Criminal Judge Vizagapatam, relative to the escape of a prisoner.

(Here enter № 577)

J. H.

At a Court of the Foujdaree Adalut.

Present.

Monday 5th May 1834.

Charles May Lushington Esqr 1st Puisne Judge
Thomas Mct Oakes Esqr Acting 2d Puisne Judge
Mct Duncan Campbell Esqr Acting Judge.

Read letter dated the 25th inst last from the 3rd Judge on Circuit in the Southern Division, transmitting the record of trial in Case № 79 Rajahmundry Calendar 1st Sessions of 1833.

(Here enter № 395.)

Mr Oakes
Mr Campbell.

The Court of Foujdaree 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 Cozat and Mooftee of the Foujdaree Adalut, confirm such part of the said futwa of the Cazee-ool Cozat and Mooftee aforesaid, as acquits the Prisoner

2d Doolum Venkiennah

and direct that he be set at liberty.

But being of opinion that the proof against the Prisoner

1st Tikkereddy Paupiah

is sufficient to convict him of the crime of Gang Robbery by open violence, do, under the authority with which they are vested by Clause first Section II Regulation I of 1818, convict him thereof

thereof, and in conformity with the provisions of Clauses third and fifth, Section IV. Regulation XV of 1803, Sentence the said Prisoner

1st Tickereddy Paupiah

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

(Sent following letter No. 341)

Read letter, dated the 3rd ultimo last, from the 1st Judge on Circuit in the Western Division, transmitting Case No. 10 Malabar Calendar 1st Sessions 1834.

(Here enter No. 304.)

Mr Oakes & Mr Campbell.

The Court of Foujdaree Adalut on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the Prisoners

1st Cheroonen Oomiaken

2nd Cheroonen Palen (and)

3rd Cheroonen Parayen

is sufficient to convict them of the crime of Culpable Homicide, direct, under Clause Second, Section II Regulation I of 1818, their Law Officer to declare by a second futwa to what Sentence the Prisoners would have been liable, had they been convicted on full legal evidence of the above crime.

Ordered, that Extract from these proceedings be translated and delivered to the Cazee

Cazee ool Coozat and Mooftees of the Foujdaree Adalut.

Read letter, dated the 22nd March last from the 3d Judge on Circuit in the Northern Division, transmitting the record of trial in Case No. 80 Rajahmundry Calendar 1st Sessions 1833.

(Here enter No. 381.)

The Court of Foujdaree Adalut being of opinion that the proof against the Prisoner

Salah, Condoyah

is sufficient to convict him of the crime of express Murder, direct their Law Officers to declare by a second futwa to what punishment the Prisoner would have been liable if convicted on full legal evidence of that crime.

Ordered, that Extract from these proceedings be translated and delivered to the Cazee ool Coozat and Mooftees of the Foujdaree Adalut.

Read Extract from the Minutes of Consultation under date the 22nd ult. February 1834, conveying the sentiments of the Right Honorable the Governor in Council upon Proceedings of the Foujdaree Adalut dated 3d September last on trial No. 7 Special Commission held at Chicacole.

(Here enter No. 247.)

In Para 4 of the Extract from the

the Minutes of Consultation it is stated that the Right Honorable the Governor in Council having given the most attentive and deliberate consideration to the proceedings in this case, is unable to concur in the conclusion of the Foujdaree Udalut. The Judges of the Foujdaree Udalut who confirmed the acquittal of their Law Officers deem it necessary in deference to the opinion of the Right Honorable the Governor in Council as well as for their own justification, to record more fully their reasons for the judgment they passed in this trial.

Mr Lushington and Mr Oakes

2. To appreciate the evidence correctly it is necessary to observe that the Police Officer who sent up the case was the party alleged to have been attacked, and that he kept the prisoners under his Custody from the 16th of January to the 19th of February instead of detaining them only 18 hours, the period within which the proceedings of the Head of Police if possible required to be forwarded to the Criminal Judge of the Zillah.

Vide Clause fourth Section XXXII Regulation XI 1816.

3. This positive disobedience of orders and which have been repeated frequently by this Court is met by a counter Statement from the Police Officer that the disturbed State of the country rendered it inexpedient to send the Prisoners to the Magistrate, during this long interval. Admitting for a moment this plea (but in the opinion of the Court the Prisoners were detained for the sole purpose of getting up the case against them)

how is it possible to reconcile the extraordinary fact provable from the Record of the Trial itself. that the Report alleged to have been addressed on the same date to the Magistrate of the Zillah by the Curnum and Naiders of the Village where the attack was made should never have reached its destination. but that it should have fallen into the hands of the accuser and witness and should have been opened by him.

The Court would submit supposing

4. the Report ever to have been made, that the Police Officer had no right to open it addressed as it was to the Magistrate of the Zillah. and that this very remarkable circumstance strongly indicates both the quo animo of the case and whence the charge derived its origin. Moreover it does not appear that the Magistrate was ever informed of the alleged attack till the evidence of the witnesses was fairly digested and arranged. and that the first intelligence received by him of any attack having been made, was upwards of 1 Month after all the Prisoners had been apprehended.

5. It requires little experience in the Native Character to appreciate their proneness to conspiracy. but it requires a life spent among themselves to know how unwearied their patience and how unjustifiable the means they will employ to ensure the conviction of the objects of their hatred and injustice. The records

of

of the Foujdaree Courts teem with examples of this nature, and in the opinion of the Court the case under review exhibits a most glaring instance of their capability in iniquity and perseverance in persecution.

6. It seems unnecessary to go into a minute detail of the evidence adduced on the Trial but the Court cannot help stating that as observed in the Futwa of the Cazees, at Cozat it is one tissue of contradictions from beginning to end. There are no two witnesses who agree in their testimony throughout, and so totally irreconcileable is the evidence of one witness with that of another - that if the evidence of the one be true, the evidence of the other must of necessity be utterly false. As an instance the witnesses state that the Police Ameen was wounded by the 1st prisoner with a Sword - The Police Ameen himself says that he was wounded by a Hutter or dagger. No two instruments can be more dissimilar than these, and making every allowance for the confusion incidental, to the alleged attack it is perfectly impossible that eye witnesses who state themselves to have been within a few paces of the person attacked in open day light, could have so entirely mistaken the instrument used. It follows therefore as a matter of course that either the Police Ameen or the eye witnesses must in this particular have grossly perjured themselves.

It

7. It may possibly be said that the instrument used on the occasion is of little importance, but the Court would submit that it is not in the main facts of a charge which may always be so stated as to make the story apparently consistent and credible, that its veracity or falsehood can be established, but that more frequently the truth may be discovered, in sifting the minor circumstances of the case. In the present trial however neither in the main nor minor parts of the charge is the evidence of the witnesses consistent, and they not only completely contradict each other, but themselves also, so fully and on such very material points that the Court very much doubt whether the witnesses might not be successfully tried under Regulation III, A. D. 1826, for wilful and corrupt perjury.

x For instance in identifying the Prisoners.

8. The Right Honorable the Governor in Council has laid great stress upon the confession of the Prisoners made before the Criminal Judge as "they admitted they were "actually present at the Cutcherry at the time "the attack is said to have been made, with arms "in their hands meaning that they had gone "there for the purpose of begging and that they "were intoxicated and several of the prisoners "made the same admission before the Special "Commission."

With

9. With the greatest deference the Court would submit, that no admission can be legally or reasonably received in this way. one of the most modern writers on evidence lays it down as a principle that "if any part of a prisoner's "statement is admitted upon evidence the whole "should be admitted." and again "it is scarcely ne- "cessary to obsirve that the whole of an admission "must be taken together in order to shew distinctly "the full meaning and sence of the party."

10. By a parity of reasoning therefore - if the presence of the prisoners at the Cutcherry be established by their admission before the Crimi- nal Judge, or Special Commission the motive assigned by them, for being there must be admitted also - and then the mere fact of their being present at the Cutcherry constitutes no crime - But the Court are firmly persuaded that the 2d admission was made solely by the prisoners to defeat the machinations they knew had been practised against them - They knew that confessions of the whole offence had been recorded - They knew that witnesses had been brought to swear that they had been voluntarily given and it was to neu- tralize their previous confession that the latter confessions was made -

11. With respect to their previous con- fessions before the Police Amineen the confessions them- selves bear self evident and undeniable proofs

of fabrication - Eleven prisoners are alleged to have confessed voluntarily and their eleven depositions are committed to paper the same day - Every confession Mamine Mutato begins, continues and ends with the same words - every fact is narrated in the same order - and their identity alone, would almost prove the confessions to have been improperly obtained if however further proof be wanting to establish their fabrication it may easily be discovered in the confession of Coomiah - who is made to relate facts as within his own knowledge, which it is in evidence took place subsequent to his appre- hension, and consequently could not have been known to him -

12. In the 9th para it is stated that "it is worthy of observation that the Judges "of the Joydaree Adalut have made no objec- tion to the proceedings held by the Magistrate "and Assistant Magistrate of Canara in the "case of the disturbance of Sirsy on the ground of "their being the persons whom the prisoners were "charged with having attacked and ill treated "though the circumstances appear to be in many "respects parallel."

13. The Judge of the Joydaree Adalut in explanation would with deference submit that so far from the cases seeming to them parallel, in the objections stated by this Court they considered when submitting them to

Government

Government that there was scarcely any analogy
between them.

14. In the first place, in the Siroy
case the parties attacked, were the European auth-
orities of Government. In the Chicacole special
trial, the native officer was attacked. In the Siroy
case clear unvarying, consistent evidence, not at
all depending upon confessions was adduced in sub
stantiation of the charge, and the identity of
the prisoners was established beyond all question.
In the Chicacole case, the evidence is one tissue
of contradictions, depending entirely upon self evident
fabricated confessions of the Prisoners, whose identity
was not established at all. Lastly in the Siroy case
the accusers gave no evidence whatever, while in the
Chicacole trial, the accuser was examined as a
principal witness in support of the charge.

15. With regard to the observations re-
lative to the practice which obtains, and which is
referred to in the 1st Para of the minutes of Consul-
tation. The Judges who confirmed the acquittal
of their Law Officers would submit that the
practice was established long before they joined the
Foujdaree Adalut, and that its existence, if they
did not themselves introduce, it must be well
known to the Civil Members of Government.
Should however, there be any objection to its con-
tinuance, altho' the Court would submit that
the practice in itself is alike salutary and just,

an

an order shall be immediately issued, directing
its discontinuance.

Ordered, that Extract from these
proceedings be sent to the Officiating 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 342.)

Judicial No 65.

Read petition presented by Veerapully
Ringapah Naidoo and Pauper of the Zillah of
Chittoor.

(Here enter this Pet. No 28 of 1834.)

In the above petition, the
Petitioners as "heirs" of the 1st 3d and 4th prisoners
concerned in Case No 4 of the Chittoor Calendar
for the 3d Quarter Sessions of 1833 complain on
their behalf of an order passed by the Criminal
Judge of Chittoor for their re-apprehension, the
same persons having been released on security
by the Judge who presided at the trial.

They also complain of a Sentence
of punishment having been passed upon them,
subsequently to their re-apprehension.

The circumstances of this case
are briefly as follows.

On review of the Chittoor Calendar
for the 3d Quarter Sessions of 1833, the proceedings
of the Court of Circuit in that case were considered
by the Court of Foujdaree Adalut, incomplete, in
consequence

consequence of the Acting 2nd Judge having omitted to overrule the objections urged against certain of the witnesses, on the ground of their being Police Officers, under the provisions of Section II Regulation VI of 1829; and it moreover appeared to the Soujdaree Udalut that the prisoners concerned in that number had been released on security, while there was evidence sufficient on which to have convicted them.

5

An English translation of the Record of the trial was in consequence called for and submitted by the Acting 2nd Judge under date the 10th of October last, and on perusal of the proceedings held in that case, the Court of Soujdaree Udalut, were confirmed in their opinion that the evidence was sufficient to establish the crime of Gang Robbery against all the Prisoners.

6.

They in consequence desired that a second question should be taken from the Law Officer, when the evidence previously objected to being admitted, the Court concluded that a future of conviction would be found against the prisoners, and it was the intention of the order of the Soujdaree Udalut of the 28th October last to desire the Acting 2nd Judge, provided he concurred in this finding, to pass the sentence prescribed in the Regulations for the offence of which they were found guilty; and from Mr. Davis having proceeded to judgment, the Court doubt not that the Order was so understood by the Acting 2d Judge or the

the trial would under the provisions of Section XXIII Regulation VII of 1802 have been referred to the Soujdaree Udalut for their sentence.

7

The Court therefore resolve to reject the prayer of the petition, and they desire that the Petitioners be informed that their Petition contains no matter which could induce the Court to question the propriety of the sentence that has been passed upon the persons on whose behalf their petition is presented.

The Petition is rejected accordingly.

Minute of the Acting Judge.

Mr Campbell

Upon this Petition, I originally wrote the following remark.

"My two Colleagues disposed of this
"case by their proceedings of the 28th October 1833 - with
"reference to the defence upon the trial therein referred
"to, and to the matter herein stated I think it is
"due to justice, to cause enquiry into this petition, by
"the Magistrate of Chittoor. It really seems to me
"rather a questionable case, as it now stands."

Not understanding the scope of this proposition, the first Puisne Judge called for its explanation.

The latter part of my remark was intended to have spared me this task, by inducing on the part of my Colleagues themselves a reconsideration of their proceedings above quoted. But happy as I should feel to rectify any error into which I may fall, and grateful to those who may point

it out. I hope they will take no offence at my frankly answering the call thus made upon me. even if it involves a question of their own proceedings.

The Six Prisoners in the case № 4 for the 2d Quarterly Sessions of 1833 were tried and acquitted of the crime laid to their charge both by the fatwa of the Law Officer and the Judge of Circuit. The four last alone were held in this case to security for their future good conduct and appearance when required. The first Prisoner was, in this case ordered to be released unconditionally, but held to security in a separate case № 5; and the acquittal of all the Six Prisoners in this Case № 4, seems, as it necessarily must, in such cases, the preamble to the final warrant for their detention, or security, with which the record of this trial concludes.

One of the Judges of this Court now absent, appended to this case on the calendar the following remark:

"This objection" (alluding to that of the Law Officer against the first and second witness, because they were thief takers) "should "have been over ruled. I would call for an English "translation of the proceedings in this case. It appears "to me that the evidence was sufficient for the con- "viction of all, but the first Prisoner."

Mr. Hutchinson did not here propose to overrule the Law Officer's objection, but merely to point out to the Circuit Judge, that it ought to have been over ruled

over ruled; and his expression that the evidence was (not is) sufficient to conviction, shews that he was aware that any error committed was past remedy so far as the prisoners were concerned. Instead therefore of calling for a Persian translate of the proceedings, which is invariably necessary for a fatwa from our own Law Officers, when a trial is referred to us, and we enter into any consideration of the evidence, with the view to its effect upon the prisoner's fate, he merely proposed to call for an English record of the trial, evidently with no other view, than to correct the erroneous inferences supposed to have been drawn by the Circuit Judge, from the evidence before him, in order to prevent his falling into similar errors for the future.

When the trial came up, however my two Colleagues, instead of confining themselves to orders applicable to the Circuit Judge alone, which it was peculiarly competent to them to issue - disposed by precept, of the prisoners themselves, who had all been acquitted by the sentence of a competent Court.

I incline to think that this order of the 28 October 1833 is illegal - and in justice to my Colleagues themselves, as well as to the Prisoners, I submit to them that it should be recalled.

The Petition expressly states "the "petitioners were afterwards set at liberty." "About "3 months afterwards the Criminal Judge of Chittoor "sent for them again, from the country, and declared "on the 13th November 1833, that your Court issued an

order

"order in inflicting a severe punishment on them". I hoped that this Statement alone, combined with my original remark, would have shewn my Colleagues how the matter actually stands; and led one of themselves to propose the course I have now suggested - They will besides perceive that their order in question has affected the first Prisoner, who was not even held to security in the case, in the same manner as the other 5 prisoners, who were required to furnish it -

Supposing, however, that it had been competent to the Court, to enter upon this trial, as regards the fate of the Prisoners - I would observe that the case deserved reconsideration, for it appears first - that no defence for the sixth Prisoner is upon the record - secondly that the conclusion of the second Prisoners talook confession is an express denial of the prisoners part of it - thirdly that the law Officer rightly pointed out that there was no evidence to prove the property produced to belong to the prosecutor; for the evidence of the 5th witness established nothing; and the third witness Mootayen, alluded to by him by name, as ready-available - swore before the Criminal Court that No 6 and 7 belonged to the Prosecutor, and before the Circuit Court that they did not; - and fourthly that the talook confessions were all denied before the Criminal Court when all wage was specially pleaded.

The evidence against the accused in this case would consequently have depended principally upon the first and second witnesses, and, under the Law Officers objections against them, it would not have been competent for this Court to have disposed

disposed of the trial, unless under section VIII Regulation I, 1825, it had been duly referred, and a future taken from our own Law Officers -

I now come to the further matter contained in this Petition - It is alleged in it, that these two first witnesses, with a third person, all Peons under the Magistrate, for a different offence tortured the son of the head of the Village of Cullabar and its washerman - the former named Chinna and its washerman Chinapah the latter Sunnadoo - that they afterwards took 5 persons, whose names are specified, and among them one Cassanloo, tied his legs, hung him by them with his head downwards, and flogged him so that the marks are indelible and confined him and the other 4, for 15 days in the stocks - receiving them of the very offence for which these prisoners have been tried - finally they add that finding no property in their case upon the first Prisoner they flogged him severely, and took from his wife gold Addagaloo, and Silver Bangles which they have appropriated to themselves -

Finding in the record of the trial No 4 in question, and urge from the 1st and 2d witnesses in question, acknowledging the receipt of various gold and Silver Articles (page 14) and perceiving in the evidence for the defence (pages 50 and 52) that two witnesses, differing a little as to the hour of the day, corroborated this complaint of the flogging of the 1st prisoner (the only one unconditionally released in this case) after he had given up certain gold and Silver jewels - I proposed in my original Remark that

that the Magistrate of Chitteor should be directed to institute a full enquiry into this part of the Petition. Nor was my suggestion unaided, by the very suspicious fact appearing upon the record of this trial No 4, that the Prosecutor "did not impart the circumstance of the "said Robbery to any body" until the prisoners were arrested and the property produced. when it was easy to make his statement correspond with theirs.

In conclusion I beg to add that if my Colleagues should concur in the view I have taken of this case, I have no desire to make this matter of record. If a right decision is come to at last, it is of little consequence how it is effected.

I shall be glad to find myself in error in this matter. But entertaining the view I have taken of it the remark I made seemed necessary and I hope will be justified by this explanation.

Signed A D. Campbell
Acting Judge

27th March 1834.

Read letter dated the 15th Ultimo from the Provincial Court of Circuit in the Centre Division, submitting copy of a correspondence between the Provincial Court of Circuit and the Acting Criminal Judge of Chittoor relative to the illegal imprisonment of a witness by the late Criminal Judge Mr Lavallee.

(Here enter No 483.)

From the papers which accompanied the above letter, it appears, that the Acting Criminal Judge of Chittoor under date the 31st March last, brought

brought to the notice of the Provincial Court of Circuit in the Centre Division, that a witness in a case of murder who had been sentenced by the late Criminal Judge in consequence of his having given contradictory evidence, to find security for his personal appearance, was still in confinement in his jail in default thereof; and the prisoner having signified his inability to produce the required security the Acting Judge requested the instructions of the Provincial Court as to whether "he may allow "the prisoner to be released from confinement."

2. In the proceedings of the Provincial Court of Circuit of the 7th Ultimo it is observed, that they pointed out to the Acting Criminal Judge that if a prisoner, he "does not require the sanction "of the Provincial Court for their release" In this opinion the Provincial Court of Circuit are incorrect as the Provincial Court itself cannot, except under Section XXIV Regulation X 1816, cancel the sentence of a lower Court, the Circular Orders of the Foujdaree Adalut of the 21st December 1823 merely requiring the Provincial Courts, upon examining the Quarterly Reports (since directed to be submitted monthly) "to "notice any irregularities which they may exhibit, and "call for and transmit with the Report any explanations "from the Criminal Judge or the Magistrate which "may appear to be required." and much less therefore can such authority be exercised by the Criminal Judge.

3. The inability of the Court of Circuit to cancel

5th May 1834.

cancel the sentence of a lower Court, except as before stated, would have been further evident to the Provincial Court had they referred to the orders of the Foujdaree Adaulut circulated under date the 13th of February 1833, which authorize the Courts of Circuit only to suspend sentences of corporal punishment passed by the Lower Courts whenever such sentences may appear irregular, pending a reference on the subject to this Court.

4. In the 2d para of the letter addressed to this Court the Register states, that he has been directed by the Acting Judge "to express "an opinion in contravention of that expressed by "Mr Oakes in his return to the Provincial Court's "precept dated the 12th Ultimo, that it was the duty "of any person connected with the Court and cognizant "of the illegal imprisonment of the individual to "make it known to the Acting Criminal Judge:" the opinion here expressed should be received with some limitation; and the Court of Foujdaree Adaulut are disposed to concur generally in the sentiments recorded by the Acting Criminal Judge in the concluding paragraph of his return to the Provincial Court of Circuit dated the 16th Ultimo, as the proper check to any illegal sentence passed by a Criminal Judge is to be found in the Judge of the Court of Circuit who presides at the Quarterly Sessions, which at a Station circumstanced like Chittoor, is to be found constantly sitting.

5. The order passed by the late Criminal Judge

5th May 1834.

Judge Mr Lowndes, requiring security for the future appearance of the individual alluded to, and in default, sentencing him to be confined for an indefinite period is most illegal and the Court exceedingly regret that the circumstance has not been earlier brought to their notice; but the authorities to whom the Court of Foujdaree Adaulut would attach blame are the Judges who presided at the several Quarterly Sessions held subsequently to this persons confinement, as the case of the individual should on examination of the Calendars laid before the Quarter Sessions have attracted the attention of those Officers who periodically visited the Jail.

Ordered, that Extract from these proceedings be forwarded to the Provincial Court in the Centre Division for their information and guidance by precept requiring them to communicate the above to the Acting Criminal Judge of Chittoor with instructions forthwith to release the prisoner from confinement.

(Sent following Precept No 343)-

RO

4/5/34

1129

5th May 1834.

F.H.

At a Court of the Foujdaree Udalut

Tuesday 6th May 1834.

Present,

Thomas Alexr Oakes Esqr Acting 2d Puisne Judge

Alexr Duncan Campbell Esqr Acting Judge.

140

Read again letter, dated the 3d Ulto from the 1st Judge on Circuit in the Western Division, transmitting the Case No 13 Malabar Calendar 1st Sessions 1834.

(Here enter No 304.)

Read also second futwa delivered in the above case by the Cazee col Cozat and Mooftee of the Foujdaree Udalut.

In commutation of the penalty of Deeyut, declared in the foregoing futwa, the Court of Foujdaree Udalut, do sentence the Prisoners

1st Cheroomen Oomiatten

2nd Cheroomen Palen and

3d Cheroomen Parayen

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of five years.

The Court observe, with reference to the foregoing trial, that the Presiding Judge, having concurred with his law Officer in the acquittal of the 4th and 5th prisoners and in consequence ordered them to be released, has deprived this Court of the power of disturbing the decision to which he has come.

They

2 They nevertheless deem it necessary to record their opinion that the Presiding Judge erred on this point and that the evidence adduced in support of the prosecution was amply sufficient for the conviction of the two Prisoners whom he released, and who the Court consider, were liable to the same punishment to which their three accomplices in guilt, have now been sentenced by the Sovjdaree Adalut.

Ordered, that Extract from these proceedings be sent to the 1st Judge on Circuit in the Western Division for his information and guidance.

(Sent following letter No 346)

Read again letter dated the 22nd March last from the 3d Judge on Circuit in the Northern Division, transmitting Case No 80 on the Rajahmundry Calendar 1st Sessions 1833.

(Here enter No 381.)

Read also second futwa delivered in the above case by the Cazee-ool Coozat and Mooftees of the Sovjdaree Adalut.

The Court of Sovjdaree 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 Mooftees of the Sovjdaree Adalut, confirm the said futwa of the Cazee-ool Coozat and Mooftees aforesaid, and under the provisions

of Section X Regulation VIII of 1802, sentence the Prisoner

Salah Candayah.

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

(Sent following letter No 347)

Read letter dated the 3d March last from the 3d Judge late on Circuit in the Northern Division, transmitting Case No 23 Rajahmundry Calendar 1st Sessions of 1833.

(Here enter No 303)

The Court of Sovjdaree Adalut on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the prisoner

Woolpoo Veneapah

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, but being of opinion that there are alleviating circumstances in this case, they sentence him to be transported to such place beyond Sea, as 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 348)

Read letter dated the 21st January

last

6th May 1834.

last from the 1st Judge on Circuit in the Western Division, transmitting Case No. 21 Malabar Calendar 1st Sessions 1834.

(Here enter No. 99.)

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, and under the sentence of the paas, declared in the futwa, do, in conformity with the provisions of Section X Regulation VIII of 1802, Sentence the Prisoner

Payat Seidooty

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

(Sent following letter No. 349).

F. 76.

At a Court of the Foujdaree Udalut.

Present,

Thursday 8th May 1834

Thomas Alexr Oakes Esqr Acting 2d Puisne Judge
Alexr Duncan Campbell Esqr Acting Judge

Read letter dated the 3d Ultimo from the Acting Judge of the Court of Circuit in the Centre Division, transmitting the record in case No. 15 of the 2nd Supplemental Chittoor Calendar 1st Quarterly Sessions of 1834.

The names of the judges who decided each case should be appended to each separately.

(Here enter No. 430.)

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-Cozzat and Mooftees of the Foujdaree Udalut, confirm such part of the said Futwa of the Cazee-ool-Coozat and Mooftees aforesaid, as acquits the Prisoner

2d Venkatakistnadoo

but being of opinion that strong suspicion though not amounting to conviction attaches to him, they under clause Third, Section V Regulation VIII of 1831 - and Clause sixth Section II Regulation XV of 1803, direct that he be required to find, two sureties in 25 Rupees each surety, for his good behaviour and appearance when required within one year, or that in default thereof he be detained for one year in Confinement.

And

8th May 1834

And further being of opinion that the proof against the Prisoner -

1st Totagandoo

is sufficient to convict him of the crime of House-breaking and theft, they do, under the authority with which they are vested by Clause First, Section II Regulation I of 1818, Convict him thereof, and under Clause second of the same section direct their Law Officers to declare by a second Futwa, to what punishment the Prisoner would be liable, if convicted of that crime on full legal evidence.

Answer.

In the event of the crime of House-breaking and Theft, being established against the 1st Prisoner, by the evidence of credible witnesses, he is liable to amputation of the Right hand from the wrist.-

The Court of Foujdaree Adalut, confirm the said Futwa of the Cazee-ool-Cozat and Mooftees of the Foujdaree Adalut, and accordingly under Section XXI Regulation VII of 1802 adjudge the said Prisoner

1st Totagandoo

to be imprisoned and kept to hard labour in irons on the public roads or other public works, for and during the period of seven (7) Years.-

(Sent following letter No. 359)

Read letter, dated the 12th Ultimo from the Acting 2nd Judge on Circuit in the Centre

8th May 1834

Centre Division, transmitting the record in case No. 12 on the Single Jput Calendar 2nd Sessions of 1833.-

(Here enter No. 4744.)

The Court of Foujdaree Adalut, on a deliberate consideration of all the circumstances of the case, in evidence before them, being of opinion that the proof against the Prisoners,

1st Moneyen.
2nd Nullamootten.
3rd Gerravandan.
4th Vencatachellem.
5th Karekistnen.

and

6th Goorsovun

is sufficient to convict them of the crime of Highway Robbery, do under the authority with which they are vested by Clause First Section II Regulation I of 1818, convict them thereof, and in conformity with the provisions of Clause Third, Section V Regulation VIII of 1831, and Clauses Third and Fifth, Section IX Regulation XV of 1803, and Clause Third, Section II Regulation I of 1825, sentence the Prisoner.

1st Moneyen.

to receive 100 Lashes with a cat of nine tails, and to be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of ten years;

And the Prisoner

2nd

3th May 1834-

2nd Nullamaotten
to be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of 10 years-

And the Prisoners

3d Yerravanden
4th Venatachellem
5th Karekistnen
and
6th Goarooveun

to be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of 5 years-

/Sent following letter No 360/

Read the following letter from the third Judge on Circuit in the Northern Division

/Here enter No 529 of 1834-/

1 In consequence of an interval of 9 Months being allowed to elapse, between certain trials being set down for reference to this Court, and their transmission to it, the Judges recorded the sentiments expressed in their proceedings of the 9th April last-

2 As the whole of the trials in question have now been received, in the hope that similar delay will not be allowed to recur, the Judges, under the explanation furnished by Mr Waters, which is deemed satisfactory, abandon all intention of bringing the subject to the notice of the Government-

Ordered

8th May 1834

Ordered, that the third Judge on Circuit in the Northern Division be acquainted with this resolution, by an extract from these proceedings, to be transmitted to him for his information.-

/Sent in No 361/

Read letter dated 28th ultimo from the 3d Judge of the Provincial Court in the Western Division Correcting an omission in the 2d Additional Calendar of the Joint Criminal Judge of Malabar for the 3d Sessions of 1833.

/Here Enter No. 585/

F. R.

At a Court of the Foujdaree Adalut.

Present,

Friday 9th May 1834. Thomas Oldfield Esqre. Acting 2d. Puisne Judge
Alexr. Duncan Campbell Esqre. Acting Judge,

Read extract from the Proceedings of the Provincial Court of Circuit in the Centre Division dated the 29th of March last, 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 February last.—

140

(Here enter No. 404)

In case No. 546 of the Supplemental

Chittoor

Report submitted by the Acting Criminal Judge of Chittoor, it is recorded that "the Court strongly suspects the "the Prisoners that they had an idea of plundering the "prosecutor's house, and they are therefore ordered to "find each two sureties in the sum of 100 Rupees each "Year."—

2. Only the Prisoner committed some overt act evincing their intention to rob the prosecutor house, they are not liable to be called upon to give security for their future good behaviour, the Regulations authorizing the demand of security only from persons strongly suspected of having committed any act of Criminality.—

Ere

9th May 1834.

Cuddapah. 3. The Provincial Court of Circuit, with reference to case No. 22 of the Supplemental Report and case No. 28 of the Report No. 5, should have pointed out to the Criminal Judge of Cuddapah that a prisoner having "confessed before the Police" is not of itself sufficient to authorize a demand of security

4. With reference to Case No. 42 the Pro= vincial Court of Circuit will explain to the Criminal Judge of Cuddapah that Clause 1st Section XI Regula= tion XIII of 1832 is applicable only to "Peons" other descriptions of Guards being punishable for neglect under the provisions of Section XVII Regula= tion XIII of 1832 extended by Regulation I of 1812.-

5. It is remarkable that at Cuddapah 44 prisoners produce by their labour during the month only 457 quires of paper, whereas at Chittoor 17 prisoners produce 536 quires within the same period.-

6. From this it is to be inferred that either the task-work allotted to each Convict confined within the Gaol at Cuddapah is much below the standard exacted from convicts confined in other Gaols or that the labour of the Convicts is at Cuddapah very imperfectly superintended.-

9th March 1834.

7. It requires moreover to be explained why the number of Baskets made by the 4 prisoners employed at that labour during the month of February has not been entered in the statement, and the amount realized on this account carried to the credit of the Government at Chittoor it is observed that 3 Prisoners during the month of February last manufactured 311 baskets, and that at Bellary 4 prisoners made 768 baskets during the same period.-

Cumbum. 8. Throughout the Report submitted by the Native Criminal Judge at Cumbum, that Officer has, in cases where security has been required from prisoners for their future good behaviour and appearance, sentenced them in default to be imprisoned with "hard labour in irons."

9. The Provincial Court of Circuit should have pointed out the illegality of these sentences to the Native Criminal Judge, with reference to Clause first Section XIII Regulation VI of 1827.-

Bellary 10 With reference to Case No. 226 of the Supplemental Report, the Acting Criminal Judge of Bellary should be required to explain the description of person into whose custody the prisoner "charged in No. 22" was delivered; if a Peon he was punishable for having permitted his discharge to

9th May 1834.

to escape under the provisions of Regulation XIII. of 1832. if a Guard of another description under the provisions of Section XXIII Regulation VIII of 1802 exclusively by Regulation I of 1810:- under no circumstances however was he punishable for a "breach of trust" under the provisions of Section VII Regulation X of 1816. without a question having been put to the Mahommedan Law Officer to ascertain if it were an offence punishable under that Law.-

11. The Acting Criminal Judge of Bellary should be called upon to explain why 32 prisoners cannot by their labour produce more than 230 quires of paper during the month; as at Chittoor 17. prisoners are able to make 536. quires of paper within that period.-

Chingleput 12 And adverting to the fact of there being a treadmill at Chingleput which is ordered to be used in grinding the pulp for the paper it requires to be particularly explained, with reference to the quantity of paper made in the Jail at Chittoor, why 75 prisoners produced only 550 quires of paper during the month.-

Ordered, that extract from these proceedings be forwarded to the Provincial Court

9th May 1834.

Court of Circuit in the Centre Division requiring them to communicate the above to the several officers whom it may concern by precept returnable within 10 days from and after its receipt.-

(Sent following Precept No. 364)-

Read second supplemental return dated 1st ultimo from the Provincial Court of Circuit in the Centre Division, to precept of the Superintendant dated the 28th October 1833, conveying the Court's observations and orders on the Criminal Reports for the month of August last.-

(Here enter No. 526)

Read further return dated 28th ultimo from the Provincial Court of Circuit in the Centre Division, to the Court's precept of the 30th December last, conveying the Court's observations and orders on the Criminal Reports for the month of October last.-

(Here enter No. 544)

Read letter, dated 30th ultimo from the Acting Judge on Circuit in the Southern Division, reporting the arrival of the Court of Circuit at Salem, and commencement of Sessions.-

(Here enter No. 550)

Read letter, dated 30th ultimo from the 3d Judge on Circuit in the Northern Division stating that he has dispatched the last cause set down for

9th May 1834.

for reference from the Rajahmundry Calendar of his last Circuit.—

(Here enter № 564)

Read letter, dated 7th Instant from the 7th Judge on Circuit in the Western Division, reporting the opening of the 7th Sessions of 1834 at Mangalore.—

(Here enter № 572)—

At a Court of the Sudr Dewanee Adalat.

Present

Saturday 10th May 1834. Thomas Alexr Oakes Esqre Acting 2d Puisne Judge

Alexr Duncan Campbell Esqre Acting Judge

No. 180

Read letter dated the 3d Instno 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 month of February last together with an extract from their proceedings thereon.—

(Here enter No. 432)

On examining the Statements shewing the manner in which the Courts were employed during the months for which the above Reports are prepared. the Judges of the Sudr Dewanee Adalat have been struck with the great difference in the quantity of paper produced by the labour of the same number of convicts in different Zillahs. From the Statement for the month of January prepard by the Criminal Judge of Madura, and which accompanied the returns for the month of February, it appears that in the Jail at Madura 47. Convicts can produce by their labour during the month 945 quires of paper. whereas at Combaconum 20 prisoners produce only 270 quires of Paper. at Trichinopoly 38 prisoners produce

10th May 1834.

produce 500 quires of country paper - and at Salem 17. prisoners produce 300 quires during the month -

2. The Provincial Court of Circuit should ascertain the quantity of paper that can be manufac=tured by a given number of free labourers and the several Criminal Judges and Officers in charge of Gaols should be required to exact from the convicts a task fully approaching to that standard -

3. The several returns and statements not appearing to require further remark -

Ordered, that extract from these proceedings be forwarded to the Provincial Court of Circuit in the Southern Division for their information and guidance by precept returnable in 6 days from and after its receipt -

(Sent following Precpt No 368) -

F. N.

At a Court of the Foujdaree Adalut -

Present,

Monday,
12th May, 1834. Thomas Alexr Oakes Esqr Acting 2nd Crimn Judge -
Alexr Duncan Campbell Esqr Acting Judge -

Read Petition presented on the 14th
April 1834, by Cotty Ammaud of Mamoondoor
/Here enter Miss: Pet: No. 26 of 1834/-

1 The Petitioner states that her three sons, with 100 other Convicts were transferred from the Zillah of Chinglepet to that of Cuddapah where from the bad effects of the Climate two of her Sons died: and that the surviving Son, "Chinnoo" is from the same Cause in a very bad state of health -

2 She therefore prays the Court, to permit her Son to be removed either to the Zillah of Chinglepet, or that of Chittoor -

3 Under the circumstances urged by the Petitioner the Court resolve to issue orders to the Provincial Court of Circuit in the Centre Division directing them to instruct the Officer in charge of the Jail at Cuddapah to transfer the Prisoner to the Jail of Chinglepet -

Ordered that extract from these Proceedings be forwarded to the Provincial Court of Circuit in the Centre Division by precept, returnable without delay -

/Sent following Precept No. 369/

Ordered further that Extract from these Proceedings be furnished to Petitioner upon her application.

12th May 1834

Read Petition presented on the 28th April 1834 by Mauselamony Tumberan of the Southern Division of Arcot -

/ Here enter Mis: pet: No. 27 of 1834 /

The Petitioner who represents himself to be a Sunneeasee, prays the Court to order certain Ground to be restored to him, which he denominates the Charity Maddum, of Sottycul Kasava Moodely: and of which he alleges that he has been fraudulently depri=ved by the Moonsiff of the Chedumbarum Talook, in the above Zillah -

The Court are of opinion that the petitioner has adduced nothing to justify their interference. If he has any ground of complaint against the Moonsiff he can prosecute him in the Civil Court -

Ordered therefore that the prayer of this Petition be rejected, and that extract from these Proceedings be furnished to the Petitioner upon his application -

Read petition presented by Peddy Setty Nagummah and Peddy Setty Ankalummah of the Zillah of Cuddapah

/ Here enter Mis: Pet: No. 29 of 1834 /

The prayer of this petition is for the release of the 2nd and 3d prisoners convicted in Case No. 26 of the Cuddapah Calendar for the 2nd Sessions of 1833 and Sentenced by the Court of Fouzdaree Adalut to 14 Years' imprisonment. -

The

12th May 1834

The Court do not see any sufficient grounds for disturbing the sentence passed in this case and therefore reject the prayer of this Petition -

Ordered that the same be commu=nicated to the Petitioner -

Read Petition presented on the 28th April 1834 by Teerasamy Moodely, of the Zillah of Chingleput -

/ Here enter Mis: Pet: No. 30 of 1834 /

The object of this Petition is to induce the Court to issue orders for the release of three individuals (of whom one is the Younger brother of the Petitioner) Prisoners, in case No. 22 Cuddapah Calendar 2nd Sessions of 1833; who, the petitioner alleges, have been sentenced to three years' imprisonment with hard labour, in consequence of a false charge of Highway Robbery, having been brought against them by an Individual, who bore them enmity

The Petitioner is informed, that it does not appear to the Court, that he has made out a Case, which renders interference on their part necessary -

Ordered therefore that the prayer of this Petition be rejected, and that extract from these Proceedings be furnished to Petitioner upon his application -

No. 10
28 May

At a Court of the Fouzdaree Udalut.

Present,

Tuesday 13th May 1834.

Thomas Alexr Oakes Esqr Acting 2d Puisne Judge

Alexr Duncan Campbell Esqr Acting Judge.

The Acting Deputy Register lays before the Court the following Statements drawn up in his Office, from the returns received thro' 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 December 1832, according to the forms approved by Government.

(Here enter Nos 1 to 9.)

1. Statement No 1 with the details in No 2, exhibits the number of persons summoned before the Village and District Police and the Magistracy for petty offences punishable by them together with the number of acquittals and convictions and the nature of the punishments inflicted.

2. The total number of persons brought before the Village Police, together with the number acquitted or convicted of petty offences as compared with the preceding Half year or

from

from the 1st of January to the 30th of June 1832 is as follows.

	Persons Summoned.	Persons discharged after investigation.	Persons discharged without investigation after Process issued &c.	Persons punished
From the 1st of January to the 30th June 1832.	2104.	593	531	953.
From the 1st of July to the 31st December 1832.	2707	803	621	1274.

Of the 1274 persons punished by the Village Police, 941 were confined in the Village Choultry, and 333 in the Stocks.

3. Complaints for Petty assaults constitute the great Bulk of the cases brought before the Village Police.

4. Out of 2707 persons brought before them, 2,441 were for petty assaults and 366 for petty thefts, of the former 1037 were punished, of the latter 237.

5. Masulipatam is the only District in which there is no instance of a person having been Summoned or punished by the Village Police. In Verdachellum (Cuddalore) however only 1, and in Chingleput only 2 persons were brought before these authorities during the last six months of the Year 1832.

6. The Districts in which resort to the Village Police has been most frequent are,

Canara
Coimbatoor
Combaconum
Nellore
Salem and
Cuddapah.

The number of persons brought before the Village Police in

		of whom there were punished
Canara is	1051	192.
Coimbatoor	411	403
Combaconum	284	169.
Nellore	242	49.
Salem	161	113.
Cuddapah	104	64.

Of the remaining numbers of 454 persons, there have been in.

		of whom punished.
Bellary	94	94
Malabar	92	9
Rajahmundry	85	70.
Vizagapatam	76	28
Ganjam	57	22
Tinnevelly	21	11
Madura	17	17
Chittoor	17	17
Trichinopoly	13	13
Guntoor	9	"
Chingleput	2	2
Verdachellum	1	1
	454	284

With

7. With reference to these returns however the Foujdaree Adalut must observe that they are evidently not to be depended on. In Bellaw, Madina, Chittoor, and Trichinopoly the number convicted corresponds exactly with the number who appeared. It is impossible that the Village Police should in these districts have condemned all indiscriminately who appeared before them. It is more probable that their returns in this respect are confined to such cases only as were furnished. It is also hardly to be believed that the Village Police in Chingleput had only two, and in Cuddapah only one case before them. The Magistrates of these Districts either do not cause them to perform their duties, or the returns are erroneous in this respect. The Provincial Courts will for the future watch such apparent discrepancies and by vigilantly causing the returns to be amended, will endeavour to render them correct.

8. The Right Honorable the Governor in Council is already in possession of the sentiments of the Judges of the Court of Foujdaree Adalut as to the measures which in their opinion should be adopted with a view to render this subordinate Department of the existing Police System generally useful; and feeling satisfied that no improvement in this Branch of the executive Police will take place, until emolument in some shape or other be attached to the Office, and provision

Vide Extract from the proceedings of the S.C. of the 30th October 1833.

provision be made for the punishment of neglect on their part of the duty prescribed to them by the Regulations, the Court of Foujdaree Adalut respectfully recommend that the subject may meet with the early attention of the Government. The total number of persons brought before the District Police from the 1st of July to the 31st of December 1832 for petty offences punishable by them was 50,031. In the preceding half year the number of persons summoned before the District Police was 46,188.

9. The subjoined is a statement of the acquittals and convictions in the above mentioned cases.

From 1st January to 30th June 1832 ---	49579	15415	19214	12257	474	47360	13	2206
From the 1st July to the 31st December 1832 -	52191	15631	19676	14357	649	50343	21	1817
The difference shewing an increase in the latter Half Year of	2612	216	462	2130	175	2983	18	389

In the number of persons acquitted as shewn above, are included those against whom the complaint was considered to be wilfully false and malicious, which in the half year ending the 31st of December 1832 were in number 1109, and in the preceding half year 679, shewing an increase during the half

year

year under review of 430 persons considered to have been falsely and maliciously accused before the District Police of petty offences only.

10. It may be proper here to remark that at the period for which this report is prepared full effect had not been given in the provinces to the provisions of Regulation IX of 1832, which specially provides for the punishment of persons preferring false and malicious accusations to Native Police Officers, but future reports the Court of Sowdaree Adalut doubt not will exhibit the salutary effects of this Regulation, as this Statement does the necessity that existed for its enactment.

11. The following Statement exhibits the number of persons punished and the nature of their punishment by the District Police for the two periods above referred to inclusive of those punished after reference to the Magistrate.

Punishment.	Half Year ending 30th of June 1832.	Half year ending 31st December 1832.
Fined	8213.	8856.
Confined in the Choultry	3189.	2348.
Confined in the Stocks	396.	503.
Flogged	1934.	3325.
	12731.	15032.

Future Statements it is presumed will not exhibit any punishments by the District Police by "Flogging" the

power to inflict corporal punishment having been taken away from the Native Police Officers by Section V Regulation XIII of 1832, and imprisonment substituted in lieu thereof.

12. The number of persons brought before the District Police for Petty Offences during the Half year under review amounted to 65,063. of whom 12,981 were acquitted, 19,168 were discharged on Rajeenamah, for default or other cause, 10,752 were punished without reference to the Magistrate, 424 after reference to the Magistrate, and 30 disposed of by the Magistrate.

13. Before the Magistracy during the half year under review were brought 5456 persons for Petty offences, besides which there were 16 persons whose cases had not been disposed of at the close of the previous six months making a total of 5472 persons. In the preceding Half year the total number was 4734.

14. The following is a Statement of the acquittals and convictions and of the nature of the punishments inflicted by the Magistracy during the 2d Half of the year 1832.

	Cases summarily and finally decided.	Acquitted.	Discharged on Rajeenamah or for default or other cause.	Committed to the Sessions.	Remanded for further enquiry.	Referred to the Sessions.	Total.
From 1st of July to 31st December 1832.	5472. 2450.	1040.	1922.	3412	60.	6472.	

Statement.

13th May 1834.

Statement shewing the manner in which the persons convicted before the Magistracy were punished.

	Fined	Imprisoned	Flogged	Total punished
From the 1st of July to 31st December 1832 =	1182	543	197	1922.

Of the 2,450 persons acquitted by the Magistracy, there were 189 persons against whom the accusations were considered to be wilfully false and malicious.

15. Complaints for petty assaults form by far the most considerable portion of the petty offences brought before the Magistracy. The number of persons so charged amounts to 3971 out of 5,172. For petty thefts there were 928 persons, and for abuse of authority by Police Officers 25. of the last of whom 14 were convicted and punished.

16. The following is a general Statement in which the number of persons brought before the Village and District Police and the Magistracy for Petty offences, with the number acquitted and punished during the 1st and 2nd half of the year 1832 have been contrasted.

During

(23)

No. 16.

13th May 1834.

	During the Half year ending 30th June 1832.				During the Half year ending 31st December 1832.			
	Summoned	Acquitted	Discharged without punishment	Convicted	Summoned	Acquitted	Discharged without punishment	Convicted
Village Police ---	2104.	593	521	963	2707.	803	621	1274.
District Police	49579	15415	19214	12731	62191.	15631.	19676.	16036.
Magistracy ---	4734	2130.	676.	1912	5472.	2450.	1040.	1922.
Total ---	56417	18138	20411	15590	70370.	18884.	21337	18232.

The above Statement exhibits an increase, as compared with the preceding half year, of 3953 persons brought before the Native Police Officers and Magistracy which is sufficiently accounted for by the want of rain and the consequent high price of grain experienced towards the latter part of the period for which the Reports now under review are prepared. circumstances which from the Statements that have already been transmitted to this Office the Judges fear will tend to swell to an enormous extent the number of persons summoned before these authorities during the first six months of the year 1833, the Reports for which period the Court of Sunjdance Adalut trust to be able to submit to the Government at an early period.

17. The sum remitted to the Magistrates by the District Police Officers on account of the 8856 persons who were fined by them Amounts to Rupees 7161-2-7.

Crimes

Crimes and Misdemeanors-

18. The total number of Crimes and Misdemeanors committed during the Half year ending the 31st of December 1832, as exhibited in the Statement № 3, with its details in № 4 amount to 5367, in which it is calculated 53809 persons were concerned, being 1683 Cases and 37206 persons more than in the previous six months.

19. Of the 53809 persons supposed to have been concerned in the cases ascertained to have occurred during the period embraced in this Report, 39,105 persons appear to have escaped apprehension-

20. In the Zillah of Masulipatam out of 16323 persons supposed to have been concerned in 304 cases, there are 11,737 persons who have not been apprehended-

21. The Magistrate, in the 17th para of his report states that "it should be remembered "that the number of persons supposed to have been "concerned in the crimes of Robbery and Murder, "Gang Robbery and attempting to commit Gang "Robbery are always taken from the reports of "the panic-struck inhabitants, such crimes being "generally committed in the Villages where none "of the Circar Peons happen to be stationed"-

22 The Court of Zeuplaur Adalat are quite prepared to admit that no great dependance can be placed in the accuracy of these Estimates, of

13th May 1834.

of persons engaged in crime, which it is well known are in many cases grossly exaggerated, but the Judges are of opinion that this reason is not of itself sufficient to account for the great disproportion between the number of persons apprehended in Masulipatam and those arrested in other Districts, where also the same cause operated to a similar extent to swell the reports received from the inhabitants, of the number of persons supposed to have been concerned in the cases known to have been committed- Besides, taking the cases alone, which cannot be exaggerated, the number of crimes of which none of the perpetrators have been discovered, appear to bear the proportion of two thirds of the whole being as 205 to 304-

23. The number of persons who remain to be apprehended in the District of Vizagapatam is also very large, the number actually apprehended being only 402 out of 9889 persons supposed to have been concerned in the crimes and Misdemeanors ascertained to have occurred; No explanation of this vast disproportion has been submitted by the Magistrate of Vizagapatam, but the disturbed state of the District and the peculiar nature of the Country will in a great measure account for this unfavourable result- The cases of which the perpetrators are undiscovered are however only 45 out

out of 252, but in 138 of the latter none of the Criminals had yet been apprehended.

24. In Ganjam the number supposed to have been concerned in the 234 cases reported to have occurred is estimated at 962, of whom 716 remain to be apprehended. Most "of these cases" the Magistrate explains "were committed in the Hill "Zemindaries where it is impossible with the little "authority we have there, to apprehend almost a "single individual".

25. The Statement submitted by the Magistrate of Cuddalore shews that out of 863 persons estimated to be concerned in 204 cases, 606 persons have altogether escaped apprehension; the Court of Foujdaree Udalut feel persuaded that by a proper exercise of vigilance and activity on the part of the Police a result so unfavorable might in this District be averted; they consider therefore to call the special attention of the Magistrate to the subject.

26. In Chittoor also the number of persons that remain to be apprehended for crimes and Misdemeanors committed during the half year under review is also very considerable, only 321 persons having been apprehended out of 2060 persons reported to have been concerned, and no reason having been assigned for this disproportion, the Magistrate will be called upon for an explanation.—

The

27. The following Statement exhibits the cases of heinous crimes committed during the last half of the year 1832.

	Half year ending the 31st December 1832. Cases	Persons.
Murder	122	166.
Culpable Homicide	28	87.
Robbery and Murder	55	1770
Gang Robbery	1681	39037.
Robbery by a single individual	116	104
House breaking by day	30	47.
do by night	1508	5213
Theft	1063	3360.
Forgery	29	74
Perjury	7	11
Maiming and wounding	165	635
Arson	5	3
Rape	18	32.

28. The greatest number of the above cases have occurred in the undermentioned Districts Viz.

Cuddapah
Rajahmundry
Malabar
Nellore
Guntoor
Canara and
Masulipatam.

In

Northern Division 29. In submitting the Statements Nos 3 and 4, the several Magistrates within the Northern Division have attributed the increase of crime observable in their respective Reports to the large number of cultivating Ryots who, being thrown out of employment by the failure of the periodical rains, were driven thro' want to the commission of Robberies on the grain Pits.

30. The Magistrate of Nellore reports that he is "now engaged in arranging matters to put "the Police which is in a State of great laxity on a "more efficient footing" and in concluding the 5th para of his letter states, that "the result of the steps" which he is "taking will be laid before the Judges "as soon as possible."

31. The inconvenience to which prosecutors and witnesses are put by reason of "the exceeding "distance at which the Court is removed from the "greater part" of that portion of the District placed under the immediate charge of the Joint Magistrate of Ganjam, and to which allusion is made in the 3rd para of that Officer's Report, will in a great measure be relieved by the removal of the Court from Chicacole to Berhampore, an arrangement which will shortly be completed.

Centre Division 32. The Report from the Magistrate of

Chittoor. Chittoor does not appear to call for remark from the Court of Foujdaree Adalut in this District, as in others, within the Centre Division, the increase of crime

crime is attributed "to the increased inducement "to plunder which a season of severe famine and "distress has produced."

Cuddapah 33. In the 4th para of his Report the Magistrate states that "the Joint Magistrate "has pointed out the necessity of erecting Solitary "Cells," and suggests "that as an experiment, two "be forthwith Sanctioned for the Town of Cuddapah, "and one for Cumbum. The imprisonment now "substituted in the Jaloos for corporal punish"ment can never" observes Mr Lavon "operate, "however strictly enforced in respect to labor "and diet, with equal restraint on petty depre"dators. Indeed Sahb inclined to concur with "the Joint Magistrate that such liniment con"finement will barely be regarded by the offender "as a deprivation of any comfort to which he "has been accustomed."

34. The Court of Foujdaree Adalut are not disposed to support the recommendation of the Magistrate that Cells of this description be erected as an experiment, because when Solitary imprisonment may be adjudged by the Magistrate at the Huzoor Station, the Sentence can be carried into effect in the Criminal Jail, and the Judges are moreover of opinion that at present, Heads of Police possess no legal authority to award "Solitary imprisonment;" the provisions of Clause first Section IV Regulation XIII of 1832 not having

having been extended to Police Officers of this description.

35. Adverting to the latter part of the 6th para of the Magistrate's report, it would appear that Mr. Lacon is not aware that the provisions of Section VIII Regulation XIII of 1832 are applicable only to cases wherein Cattle may have been maliciously killed, maimed or wounded; the killing of Cattle for the purpose of eating the Carcase, is considered Cattle stealing; and petty cases of this description are punishable by the Magistrate and Heads of District Police like other petty thefts under the provisions of Section XXXIII Regulation IX of 1816 and Section IV Regulation IV of 1821 modified by Clause first Section V Regulation XIII of 1832.

36. And in declaring petty cases of Cattle stealing cognizable by the Heads of District Police their powers of punishment in such cases were expressly limited to that which they are authorized to inflict under the provisions of the Regulations above quoted as it was not the intention of the Legislature that any Case of theft should be punished by fine.

37. This is further evident from Section VII Regulation X of 1816, wherein Criminal Judges are authorized to pass Sentence

of

of imprisonment with corporal punishment in Cases of theft or in other cases with a fine commutable to a further period of imprisonment: and the Court of Foujdaree Adalut are of opinion that it would not "have been proper "to have empowered the Magistrate and Heads "of Police to inflict punishment to the extent "laid down in Section XXXII Regulation IX of 1816 "and Section V Regulation IV of 1821," as suggested by Mr. Lacon.

* Vide para 6. of Mr. Lacon's report.

38. In the concluding para of the Joint Magistrate's report allusion is made to the inconvenience experienced by him since the establishment of a Native Court at Cumbum in "being obliged to send all security prisoners "even in cases where security is only taken for "a short period to the Zillah Jail at Cuddapah" under Section VI Regulation VIII of 1827.

39. The enactment above quoted declares that "Magistrates shall not send "persons for trial committal or confinement to "the Native Judge, but to the Criminal Judge "or Joint Criminal Judge of the Zillah as here- "tofore": and this the Court of Foujdaree Adalut are disposed to consider a salutary provision, inasmuch as they conceive it to be inexpedient that the Native Judge should have it in his power to comment on the proceedings of the Magistrate or his European Subordinates, which he

he is required to do in all cases where any irregularity may be apparent in the proceedings of those who forwarded the Case to him for trial or committal.

40. But the Court of Foujdaree Adalut are of opinion that persons ordered by the Joint Magistrate to be detained in Custody on a requisition of security, might in the spirit of Clause Second Section XIII Regulation VI of 1827, be forwarded to the Jail under the charge of the Station Judge at Cumbum, if the prisoners usual place of residence be situated there, for the purpose of enabling him the more easily to furnish the security required.

Bellary 41. The Report by the Magistrate of Bellary does not require further notice by the Court of Foujdaree Adalut and the Magistrate of Chingleput has omitted to furnish any Report upon the state of the Police in his District as his "appointment to the District did not take "place till six weeks after the close of the Half "year" under review.

Chingleput.

42. The Magistrate in the Southern Division of Arcot after detailing the number and the nature of the Offences committed during the last half of the year 1832 states that it was his "intention to have added some "observations generally upon the state of the Police "of this District, but more favorable opportunity

Cuddalore.

"of doing so will be afforded in submitting my "opinion as to the measures to be adopted for "improving the condition of the Annees of Police."

The Report here alluded to has

43.

been received from Mr. Dent, and the Court regret to observe that it is confined almost solely to the measures best calculated in his opinion to improve the condition of that branch of the executive Police and contains no observations generally upon the state of the Police in his District.

The letter from the Provincial

44.

Court of Circuit in the Centre Division which accompanied the above Reports contains merely an Abstract of the letters received from the several Magistrates; no original suggestions have been offered in it, nor have the Provincial Court expressed their opinion as to the expediency or otherwise of the alterations in the present Law proposed by the Magistrate of Cuddapah; their letter therefore needs no further remark from this Court, than the expression of their regret that the Provincial Court should have thus neglected to perform one of its most important duties, and one specially prescribed to it by the standing orders of the Foujdaree Adalut.

Southern Division Teichinopoly

45. The detailed Report on the subject of the present "State of the Village Police"

in

in the District of Trichinopoly "and of its future "arrangement" to which allusion is made in the 5th para of the Magistrates letter has been submitted to the Court of Tanjore Udalut and the measures proposed by Mr. Blair, having met with the general concurrence of the Judges, they will be recommended to the Right Honorable the Governor in Council for adoption.

46. It is gratifying to observe that in this District there has been a considerable decrease of crime, notwithstanding numbers of the lower class experienced extreme distress from the difficulty of procuring the necessary means of subsistence.

Tanjore.

47. The Magistrate of Tanjore, after describing the nature of the offences in which an increase has taken place during the period for which the Statements are prepared proceeds to bring to the notice of the Provincial Court in the Southern Division, that no provision has yet been made for the establishment of a Village Police in his District upon the footing of that in Coimbatoor as recommended by Mr. Bird, when 1st Judge of the Court of Circuit in the Southern Division, and states "that in the want of such "a stimulus to the Nominal Heads of Villages "to perform the duties of these Offices, it is impossible "to expect from them a due efficiency in their "discharge".

48. At the Suggestion of the Court of Tanjore Udalut, the Principal Collector of Tanjore was directed by the Right Honorable the Governor in Council to submit to the Board of Revenue a plan for improving the Village Police in Tanjore "by placing the Offices of "Patail, Curnum and Taliar as near as may "be, on the footing of similar Offices in the Dis- "trict of Coimbatoor" a copy of his report dated the 24th February 1832 and addressed to the Presi- dent and Members of the Board of Revenue, Mr. Hindersley has transmitted to this Court together with the returns now under review, and the Judges respectfully suggest that the subject of that report be recommended to the early consi- deration of the Board should it not have already engaged the attention of that authority.

Vide Minutes of Consultation dated 27th October 1829.

Salem.

49. In the 6th para of the report from the Magistrate of Salem, Mr. Orr refers to the case of an individual brought before the Additional Joint Magistrate accused of the illicit sale of liquor to a European Soldier which was dismissed as not cognizable under the existing Regulations.

50. The Provincial Court of Circuit state their opinion that it is advisable that the "act of selling Spirituous liquors to European "Soldiers beyond the limits of Military Bazars "should be forbidden", and the 2nd Judge of the

Court

Court of Circuit States that on a former Circuit he "heard of several instances of great violence having been committed by European Soldiers marching "from the Neilgherries thro' the Salem District in "consequence of the facility with which they obtained "Spirituous Liquors."

51. The Additional Joint Magistrate brought to the notice of Mr. Orr that the Sale of Spirits beyond Military limits to a European Soldier is prohibited in the Bombay Presidency and the Court of Zoujdaree Adalut would suggest that a fit opportunity be taken to imbody the provisions of section 4th Regulation XXII of 1827 of the Bombay code in the Regulations enacted for this Presidency.

52. The Magistrate of Salem in noticing the large number of persons charged * 383. with crimes and misdemeanors who have escaped detection observes that it is attributable "rather "to the insufficiency of the Salook Establishment "than to their want of vigilance."

53. The Court of Zoujdaree Adalut would have considered it necessary to propose an augmentation to the Police Establishment of this District had not the Magistrate intimated to this Court that he has lately "addressed "the Government on the expediency of employing a "certain number of Military Pensioners as a "Treasure guard in each Salook" a measure from which

which if sanctioned he anticipates "much good "will arise from the services of the Peons, thus "relieved of a part of their Revenue duty, being "more available in the Police Department."

54. The Joint Magistrate of Salem states his opinion that it would "be attended "with benefit to the County were the authority "of the Magistrate extended to confinement for "two, Six or twelve months:" the question as to the expediency of extending the authority of the Magistrate has been repeatedly discussed by the Court of Zoujdaree Adalut, and seems opposed principally by the great additional labor it would impose on the Department of the Magistrate whose present duties, it is well known, are sufficiently onerous.

Madura. 55. The Magistrate of Madura in the 2nd para of his Report alludes to the violent disputes which sometimes occur in his District regarding the boundaries of large estates, and in submitting the translations of three Arzees presented to him with reference to the disputed boundary of certain lands between the Ramnad and Yettiapooram Zemindaries, the Magistrate suggests "the propriety of authorizing the Ma- "gistrates to adjudge the lands and crops in dis- "pute to be forfeited to Government subject "to the confirmation of the higher authorities in "the same manner as the Criminal Judge is

"so authorized by Section XIV Regulation V of 1822."

56. The Provincial Court of Circuit in the Southern Division expresses their opinion "that the Law ought not to be altered" because they are unable to understand "why if the evidence "to be obtained should be sufficient to satisfy a "Magistrate of the propriety of adopting the extreme "measure of declaring a contested estate confiscated "to Government, it should not be enough to ensure "the punishment of the offenders before the Criminal "Court;" and in this opinion the Court of Sowjdaree Udalut entirely concur.

Tinnevelly. 57. The Acting Magistrate of Tinnevelly, Mr. Blackburne has omitted to report on the state of the Police in that District on the ground that his "long only temporary appointment "has prevented him giving the subject the mature "consideration it called for."

58. The reason here urged is considered by the Court of Sowjdaree Udalut an insufficient excuse for having failed to perform one of the most important of the duties appertaining to the Office of a Magistrate.

Coimbatoor 59. The Report from the Magistrate of Coimbatoor does not appear to call for any observation from the Court of Sowjdaree Udalut.

Western Division Canara and Malabar. 60. The remarks made by the Provincial Court of Circuit in the Western Division on the Reports received from the Magistrates of Canara

and Malabar are considered by the Court of Sowjdaree Udalut very judicious, and they propose to furnish those Officers with a copy of the proceedings of the Provincial Court.

61. With reference to the 13th para of the Provincial Courts proceedings, the Judges of the Sowjdaree Udalut cannot refrain from expressing their conviction that the presence of the European Officer is essentially necessary to ensure zeal and activity on the part of the Native Police Officers Stationed in the Talooks placed under their charge, and were it not understood that the Right Honorable the Governor in Council is about to require Subordinate Collectors Stationed in the provinces to reside within their own Divisions of the District, the Court would have considered it their duty to press the subject on the consideration of the Government.

62. The present State of the Canara District will, the Judges trust, render any augmentation of the Police establishment unnecessary, a measure which the Provincial Court at the period they recorded their proceedings were fearful would be found expedient.

63. The Court having now completed their review of the several reports and Statements received from the Magistrates, will proceed to take into their consideration the returns received from the several Criminal, Joint Criminal and

Native

Native Criminal Judges under this Presidency
Nos 5 and 6.

64. Statement No 5 with the details in No 6, exhibits the operations of the Criminal Courts from the 1st of July to the 31st of Dcember 1832

65. The total number of cases brought befre the Criminal Courts during the above Six months, inclusive of those not disposed of at the close of the preceding Depart, is 2595, in which the number of prisoners amounted to 9404 - In the preceding half year the total number of Cases was 1852, including 4895 persons.

66. Of the cases thus Shewn to have been brought and depending befre the Criminal Courts - 100 were Murders - 19 cases of Culpable Homicide - 43 cases of Robbery and Murder - 578 cases of Gang Robbery - 26 Cases of Robbery by a Single Individual - 23 Cases of House breaking by day - 285 Cases of House breaking by night - 640 Cases of Theft - 165 Cases of receiving Stolen goods, 37 Cases of Arson - 1 Case of Sodomy - 14 Cases of Rape - 2 Cases of Adultery - 7 Cases of procuring abortion; 15 Cases of Forgery - 27 Cases of perjury - 9 Cases of Subornation of perjury - 126 Cases of Maiming and wounding - 199 Breaches of the Revenue Laws &c &c -

67. Of the 9404 persons Shewn to have been brought befre the Criminal Courts - 1119 in cases adjudicable by them were released unconditionally -
Against 20 of whom the charge was considered wilfully false and Malicious -
316 were released on Security -
607 were detained on demand of Security -
1473 were convicted and punished -
1412 were released in Cases punishable by the Courts of Circuit -
1935 Committed -
2629 Under examination -
13 died
9404 Total -

68. Of the 1473 who were convicted and punished by the Criminal Courts, there were

745 imprisoned -
272 fined -
23 flogged -
39 imprisoned and fined -
394 imprisoned and flogged -
1473.

69. The number of persons convicted and punished by the Criminal Courts in the preceding Half year was 915, and the number of those committed 1057 -

70. Upon referring to the Statement No 6, the Right Honorable the Governor in

Council

Council cannot but be struck with the very large number of cases reported to be under examination before the Criminal Courts at the close of the year 1832, amounting to 364 cases containing no less than 2,629 persons.

71. The number of persons under examination before the Criminal Courts at the close of the previous half year amounted to only 484.

72. Of the many persons thus shewn to have been under examination at the close of the half year under review, the cases of 1852 persons were depending before the Criminal Courts of Nellore, Rajahmundry and Guntoor.

73. In Nellore the number of persons whose cases were not disposed of amounted to 756.

74. On review of the Criminal Reports for the month of December 1832, this arrear in the Criminal Department of the Nellore Court attracted the attention of the Foujdaree Adalut and the Criminal Judge was called upon "to explain the cause of so great a proportion of cases remaining undisposed of."

Vide Foujdaree Adalut Proceedings 30th April 1833.

75. From the return submitted by the then Criminal Judge Mr Buckley, it appeared that the arrear had accumulated during the period that Mr Montgomerie was in charge of the Nellore Criminal Court, and that Mr Buckley who joined that Court on the 5th January 1833 disposed

disposed of the greater portion of the arrears during the same month.

76. Mr Montgomerie having at this period proceeded to England, the Court were precluded from receiving further explanation.

77. Before the Criminal Court at Rajahmundry, there were 389 persons under examination at the close of the year 1832.

78. In their proceedings under date the 30th of April 1833 the Judges remarked that "the obvious want of exertion on the part of the "Acting Criminal Judge was by no means creditable and had caused the serious notice and "animadversion of the Court of Foujdaree Adalut, who resolved "to call for an immediate explanation "of this culpable remissness" and desired that he might "be exhorted to further zeal and exertion "for the future."

79. In the return made by the then Acting Criminal Judge Mr Robson it was stated "that when the Criminal Judge Mr Vibart "left "Rajahmundry" "on the 6th of December 1832, "being too unwell to transact any business many "Criminal Cases were then pending before the "Court, and he permitted the prosecutors and "witnesses to return to their respective homes "on their personal Moochilkas until the arrival "of the Acting Criminal Judge which was not "until the 15th of that month." Upon the

Acting

Acting Criminal Judge assuming charge of the Office.
Summonses were issued for the attendance of the Prosecutors and witnesses, and the prisoners concerned in those cases were disposed of in the early part of the following year.

80 The number of persons undisposed of by the Joint Criminal Judge at Gunteor at the close of the year 1832 amounted to 705.

81. This result the Court of Foujdaree Adalut on review of the monthly Criminal Reports observed was "most unsatisfactory and by no means "reflected credit on the zeal and exertion of the Joint* "Criminal Judge" and that Officer was called upon for "an immediate explanation of his almost total "neglect of duty."

*omitted in Original

82. In the Return received from the Acting Joint Criminal Judge Mr. Barlow it was stated that the delay complained of "was occasioned "in consequence of the accumulation of Criminal "cases and the late* Judge having been engaged in "bringing up the arrears of previous months."

*Mr. Angelo.

83. The number of Criminal Cases disposed of by the Joint Criminal Judge Mr. Angelo during the six months composing the last half of the year 1832, were as follows viz

Cases	
July	17
August	19.
September	38.
October	34.
November	6
December	36.

And

And the average of Mr. Angelo's decisions on the Civil Side of his Court during the same period was only at the rate of Suit 1¼ per Diem.

See 7 and 8.

84. The Statements See 7 and 8. exhibit the operations of the Courts of Circuit from the 1st of July to the 31st of December 1832.

85. The cases of every description which came before these Courts during the above period was 381 cases including 1178 prisoners, being an increase above the previous six months of 18 Cases and 123 prisoners.

86. Of the 1178 persons who were committed 299 were released unconditionally, of whom 11 persons were considered to have been wilfully and maliciously accused. 221 were released on Security and 312 were convicted and punished of these latter

32 were flogged and imprisoned for a term exceeding 7 years.
13 were flogged and imprisoned for a term not exceeding 7 years.
155. imprisoned for 7 years and upwards without flogging.
111. imprisoned for 7 years and under without flogging.
1 fined and discharged.
312 Total.

74. Cases including 319 persons were referred to the

the Foujdaree Udalut of 50 persons the trials were postponed- 57 persons were returned to the Criminal Judge 7 persons were discharged without trial, 2 persons escaped from confinement after commitment and 11 died making the total of 1178 above stated-

87. Of the 351 Cases committed for trial, 40 were for Murder 10 for Culpable Homicide, 20 for Robbery and Murder, 120 for Gang Robbery, 9 for Robbery by a single individual, 2 for House breaking by day, 28 for House breaking by night 23 for theft, 20 for maiming and wounding, 8 for Arson 27 for perjury 14 for receiving Stolen goods- 19 for Gang Robbery and wounding- &c.-

88. The greatest number of cases (154) was brought before the Court of Circuit in the Southern Division 24 of which were referred to the Foujdaree Udalut- In the Centre Division the number of cases was 131 of which 29 were referred- in the Northern Division 47 of which 13 were referred- and in the Western Division 49 Cases of which 8 Cases were referred to the Foujdaree Udalut- The total number therefore of Trials regularly referred to the Foujdaree Udalut was 74* of which 42 were referred from the nature of the crime making the reference necessary, and 32 in which the Court of Circuit disapproved of the Futwa-

*Note- this is exclusive of the trials called up by the Court of Foujdaree Udalut-

Statement No 9-

89. Statement No 9 exhibits the operation of

of the Foujdaree Udalut during the same period-

90. At the date of the last report there were only 6 Trials including 10 prisoners which had not been disposed of and during the half year under review there were 96* more trials received containing 335 prisoners making a total of 102 Trials including 345 prisoners-

*Note- This is inclusive of those Trials called up by the Foujdaree Udalut in which the Court proceeded to pass sentence; but exclusive of those trials in which the sentence of the Court of Circuit was confirmed-

91. Of these 102 trials- 46 were for murder including 87 prisoners 16 for Robbery and Murder including 69 Prisoners- 24 for Gang Robbery including 135 prisoners- 1 for Robbery by a single individual 3 for House breaking by night including 4 prisoners 1 for theft including 2 prisoners- 1 for receiving stolen goods including 2 prisoners- 4 for wounding including 5 prisoners- 1 for Gang Robbery and wounding including 31 prisoners- 2 for perjury containing 2 prisoners- 2 for House breaking by night and wounding including 4 prisoners, and 1 for robbery with intent to Murder, containing 1 prisoner-

92. Of the 345 prisoners implicated in the above cases there were-

61 released unconditionally.
63 Ordered to be released on Security-
24. Sentenced to suffer death.
15 Flogged and Transported.
32 Transported without Flogging.
18. Imprisoned for more than 7 and not more than 14 years without flogging-

Imprisoned

21. Imprisoned for 7 years and under without flogging-

82. Persons in 16 trials which were not disposed of at the close of the Report.

18. persons disposed of in other numbers.

6. prisoners ordered to be disposed of by the Court of Circuit-

2 Prisoners insane.

3. Died-

345 Total

93. Of the trials disposed of there were 34 cases in which the Foujdaree Adalut under the provisions of Section III Regulation I of 1818. over-ruled the Futwahs of acquittal; in 9 of which the futwa of acquittal was founded on exceptions to the competency of the witnesses, and in the remaining 25 on the insufficiency of the evidence adduced. In these 34 cases including 71 prisoners, Sentence of Death was passed on 16- 10 were flogged and transported 18 transported without flogging- 17 imprisoned for more than 7 years and not more than 14 Years without flogging- and 13 imprisoned for 7 years and under without flogging-

94. The grounds on which the futwas

futwas were over-ruled in the 25 Cases in which the evidence adduced was considered by the Law Officers insufficient will be found detailed in an Appendix to these proceedings-

95. The Court of Foujdaree Adalut take this opportunity of requesting the permission of the Right Honorable the Governor in Council to enter the additional Headings and columns in the several printed Statements which recent enactments have rendered necessary-

96. In directing that the Statements above referred to with extract from these proceedings and copies of the communications from the 4 Provincial Courts of Circuit be submitted to the Right Honorable the Governor in Council for his orders thro' the Officiating Secretary to Government in the Judicial Department, the Court of Foujdaree Adalut deem it proper to explain that the preparation of this Report has been delayed in consequence of the printed Statements from the Northern Division not having been transmitted to this Office before the 18th of September last, and of the returns prepared by the Magistrates of Ganjam Masulipatam and Nellore requiring much alteration and their printed Statements were returned for correction, and an Amended return was received from the Magistrate of Nellore only on the 7th March last.

x Received on the 26th September.

Appendix.

Appendix.

The following is an Abstract of the grounds of conviction, in the 25 Trials disposed of by the Zoujdaree Adalut under Section II Regulation I of 1818, from the 1st July to the 31st December 1832.

No. 8. Combaconum Calendar 1st Sessions of 1832.

The prisoner

"Colundavalen."

was charged with having inflicted several mortal wounds upon his wife "Ammanvottor" with a bill hook, of which mortal wounds she died.

He pleaded "not guilty."

The Provincial Law Officer in his futwa convicted the Prisoner, and declared him liable to his pains; in which the Presiding Judge concurred, but was of opinion that the prisoner was insane.

The Court of Zoujdaree Adalut, therefore resolved to direct the Judge who tried the case to take and transmit to them, the evidence of certain individuals, who it was believed, would be able to afford satisfactory information upon that point.

The Cazee-ool Cozat and Mooftee of the Zoujdaree Adalut, being of opinion that the additional evidence thus procured fully established the fact that the prisoner was insane, acquitted him and adjudged that he should be released.

The Court of Zoujdaree Adalut upon mature consideration of the evidence adduced in support of the prosecution, and also of that which

regarded

regarded the State of the Prisoner's intellects, were of opinion that the charge was fully proved against him, and that he was of sound mind at the time that he committed the fatal act of violence.

A declaration was taken in writing from the deceased, by the Head of Police, and attested by three witnesses in which she declared that the prisoner put her to death, and described the manner in which the act was perpetrated. The Prosecutor and three witnesses swore that the deceased, when in the desperate condition to which she was reduced by the wounds about twelve in number inflicted upon her, declared that she had been so wounded by the Prisoner, and it was proved that the state of the body corresponded with the account, which she gave of the manner in which the Prisoner assaulted her.

Moreover the Prisoner's admission of his guilt was perfectly clear, and the Court accordingly sentenced him to suffer death as prescribed by Section X Regulation XIII of 1802.

No. 1. Additional Calendar Auxiliary Court of Malabar 2d Quarterly Sessions 1832.

The prisoner were charged the 1st with the murder of Conjamed, the Caranavan of the Prosecutor, Randal Pangil Coonjy Nayen, by having fired at him a musket, in consequence of which he died, and the 2d Prisoner with having aided and countenanced with his presence the 1st

Prisoner

Prisoner in the perpetration of the aforesaid act.

The Provincial Law Officer pronounced the 1st prisoner guilty of "Wilful Murder", and declared him liable to Siksaas. and further declared that the 2d Prisoner was not free from suspicion of having aided and abetted in the Commission of the aforesaid crime.

The Cazee col. Cozat and Mooftee of the Foujdaree Udalut, in their first futwa pronounced the 1st prisoner to be not free from the suspicion of having committed wilful Murder. and the 2d Prisoner to be not free from suspicion of having been a party to the deisgn thereof and declared them liable to Kisaskoolut, in proportion to the extent of their respective crimes.

A second futwa in the case of the second prisoner being required from them, they declared that had he been convicted of the crime on full legal evidence, he would have been liable to Kisaskoolut.

The Court of Foujdaree Udalut were of opinion that the first prisoner Secare Coomumy Ambotty was fully convicted of wilful Murder.

It was proved that the confession of the 1st Prisoner before the Tahsildar was voluntarily given. The evidence of the 1st, 2d, 3d and 4th witnesses, established the fact that both the prisoners fled together from the spot after the shot by which the

13th May 1834.

the deceased was killed had been fired. and the Prosecutor deposed that the deceased shortly before he expired, declared that he suspected both the Prisoners from their known enmity towards him.

Under these circumstances the Court sentened the 1st prisoner to suffer death as prescribed by Section X Regulation VIII of 1802.

The Court were further of opinion that the 2d prisoner, was convicted of having been an accessary before the fact, and present at the Commission of the Murder. But as he was not the actual perpetrator and was not like the 1st prisoner, armed with a musket, the Court passed upon him a mitigated Sentence of transportation for life.

No 1. Supplemental Calendar Nellore 1st Sessions of 1832.

The Prisoner

Bommeddy Venkammah (a female)

was charged with having murdered the Prosecutor's Son "Letchmeenaraidoo" by squeezing his throat, and with having robbed him of a pair of Silver Bangles of the value of 5 Rupees.

The Provincial Law Officer declared the prisoner to be liable to Suspicion of the Murder.

The opinions of the Cazee col Cozat and Mooftee of the Foujdaree Udalut as expressed in their futwa was that the 1st prisoner was not free from Suspicion of having killed the deceased and taken the bracelets from his arm, and that the

She was liable to Cokoobut.

The Court of Foujdaree Udalut were of opinion that the crime of wilful murder was fully established against the prisoner.

The evidence against her, though purely circumstantial, was clear and satisfactory: the Witnesses swore that the throat of the deceased when the body was discovered, bore the mark of having been squeezed: the Prisoner delivered up the bangles, proved to have been in the arms of the child: the latter was found dead, hidden in the yard of her house: she gave an incredible account of the matter when examined before the Head of Police, and in her defence made no attempt to explain the highly suspicious circumstances in evidence against her.

The Court accordingly sentenced her to suffer death as prescribed by Section X Regulation VIII of 1802.

No 27 Chicacole Calendar 2nd Sessions 1831.

The Prisoner

"Ravula Bonamalo"

was charged with having murdered the Son of the Prosecutor "Cundalo Poler" by squeezing his throat: and taken from his person, Gold and Silver ornaments, of the value of thirty three Rupees and eight annas (R. as 33-8).

The Provincial Law Officer in his futwa convicted the Prisoner of "Wilful Murder" and declared him liable to Kissas.

The

The Cazee-ool-Cozat and Mooftees of the Foujdaree Udalut, declared the Prisoner to be not free from suspicion of having killed the deceased and adjudged him to be liable to Cokoobut.

The Court of Foujdaree Udalut were of opinion that the prisoner was clearly convicted of wilful murder.

His confession was proved to have been given voluntarily: and from the evidence and from his own statement it was placed beyond a doubt, that he was in possession of the three Articles, proved to have belonged to the deceased boy.

The identification of the remains as those of the child was further satisfactorily made out, and the Court accordingly sentenced him to suffer death as prescribed by Section X Regulation VIII of 1802.

No 4. Cuddapah Calendar 1st Sessions of 1832.

The Prisoner.

Cuddery Chinna Narsimooloo.

was charged with having killed the prosecutrix' Son with an Axe.

The Provincial Law Officer in his first futwa, objected to the evidence of the 6th witness, as the person who had apprehended the prisoner. they convicted him of being an accessory to the commission of — murder, and declared him liable to Cokoobut.

A.

A second futwa having been required from him, with reference to his objection to the evidence of the 6th witness, the same decision as in his former futwa was repeated.

The Cazee-ul-Cozat and Mooftee of the Sovjdaree Udalut, declared in their futwa, that the Prisoner was "not free from suspicion of Murder": and that he was liable to Kissoobut.

The Court of Sovjdaree Udalut were of opinion that the guilt of the prisoner was satisfactorily established.

It was proved that on the night of the murder a quarrel occurred between the Prisoner and the deceased, who threatened him with a suit for the recovery of a debt: that the prisoner was seen near the spot where the deceased was afterwards sleeping, with an Axe on his shoulder: and that the deceased, was found immediately after, lying dead with wounds, which appeared to have been inflicted with an Axe.

Further the prisoner admitted before the head of Police that he was present at the Murder, but charged another (acquitted) with having inflicted the blows.

He also acknowledged having washed the blood from the Axe.

The Court accordingly Sentenced him to suffer death by being hanged as prescribed by Section X Regulation VIII of 1802.

No.

No. 8. Bellary Calendar 1st Sessions of 1832.

The Prisoner

Coorba Vencadoo.

was charged with having murdered "Timmakah" the daughter of the Prosecutor, by cutting her throat with a razor.

The first futwa of the Provincial Law Officer declared the prisoner liable to Kissoobut he being convicted only of "Suspicion of Murder" under certain formal objections to the sex and employment of some of the witnesses: but having been required to give a second futwa declaratory of the sentence to which the prisoners would have been liable, had the legal objections to the witnesses in question not existed, the Provincial Law Officer then declared him liable to Kissoobut.

The Cazee-ool-Cozat and Mooftee of the Sovjdaree Udalut declared in their futwa, that the prisoner was not guilty of the charge.

The Court of Sovjdaree Udalut entertained not the slightest doubt that the deceased was murdered by the Prisoner.

His confession before the Police Officer was clearly established and it was corroborated in several material points by the witnesses.

They accordingly Sentenced him to suffer death as prescribed by Section X Regulation VIII of 1802.

No.

13th May 1834.-

No. 2. Masulipatam Calendar 1st Quarterly Sessions of 1832.

The Prisoner-

Somasheetty Ramadoss-

was charged with the Murder of Ammunthacandoo the son of the Prosecutor "Suggut Sing"-

The prisoner pleaded "not guilty"-

The Provincial Law Officer in his futwa, declared that, by the confession made by the prisoner, before the Joint Criminal Judge, to the effect that though not the actual murderer, he was present when another person (who could not be found) struck and killed him and when the handkerchiefs were taken from him, and further that the deceased was carried by himself the Prisoner was convicted of having been concerned in the Murder and was consequently liable to Cossas-but-

The Cazee-ool-Coozat and Mooftees of the Soujdaree Adalut in like manner, declared that by his confession made before the Joint Criminal Judges, the Prisoner was convicted of having been a party to the design of the Murder, and they pronounced him liable to Cossas-but-

It appeared to the Court of Soujdaree Adalut, that the Prisoner was fully convicted of "wilful Murder", both by the evidence of witnesses and by his own confession; in addition to which it was proved that on the day preceding that on which the corpse of the boy was found, he was seen going with him-

They

12.

J.H.

13th May 1834-

They accordingly sentenced him to suffer death as prescribed by Section X Regulation XVII of 1802-

No. 7. Chicacole Calendar 2nd Sessions of 1831.

The Prisoner-

Kooda Simachellum

was charged with Murder- in having discharged his gun at the Prosecutor Mogasala Venkiah, the ball of which entered the hand of the aforesaid Prosecutor, wounded him: and moreover struck Bandaroo Maniaspah killed him, and then struck and wounded Naickereddy Krishnamah-

The Prisoner in his defence stated, that, while on guard, he saw some people coming towards him, with a light whom he hailed three times, but receiving no answer, and suspecting that they were thieves, as Robberies at that time prevailed, he discharged his piece-

The Provincial Law Officer in his futwa declared that the Prisoner was convicted of the crime of Homicide "Kutl. i. Khota" and that he must pay a Deyut of 10000 Dirhems to the heirs of the deceased-

The Cazee-ool-Coozat and Mooftees of the Soujdaree Adalut in their futwa declared that, as the fact of the Prisoner having hailed three times, and of there being a prevalence of Robberies at the time, was not satisfactorily established, he was, by his own Confession, and by the evidence of the fourth

witness

witness convicted of having wilfully discharged his piece on strong presumptive proof - They pronounced him liable to Cokoolut.

It appeared to the Court of Foujdaree Udalut that the statement of the Prisoner that he challenged the parties three times, and that they had fire with them was entirely disproved by the evidence of the Prosecutor and his witnesses: and moreover it was established in evidence that there was a trifling quarrel between the prisoner and the Prosecutor. They were not however satisfied that the Prisoner fired with the intention of killing the Prosecutor, and under the circumstances of the case, convicted him of "Culpable Homicide" at the same time desiring their Law Officers to declare by a second futwa, to what punishment he would be liable had he been convicted of that crime: who pronounced him in that case liable to a Deyut of 10000 Dirhems to be paid to the heirs of the deceased in three years.

On commutation of that penalty the Court of Foujdaree Udalut, sentenced him to be imprisoned and kept to hard labor in irons on the public roads or other public works, for and during the period of seven years.

No 19 Tinnevelly Calendar 2nd Sessions of 1832.

The Prisoners.

Mandamoottoo Son of Chottalingum

and

Mandamoottoo Son of Colasagarem

were charged with having murdered "Chinnatomby" the

(the son of the sister of the Prosecutor Chinnatomby) whose body was found in a well.

The prisoners pleaded "not guilty".

The Provincial Law Officer in his futwa pronounced the prisoners convicted on strong presumptive proof of the Murder, and declared them liable to Cokoolut.

The Cazee-ool-Cozat and other sees of the Foujdaree Udalut, in their futwa, declared, that by the declaration of the 1st Prisoner corroborated as it was by the evidence of the 1st witness and by the circumstance of blood being found on the clothes of the 1st prisoner, the latter was not free from suspicion of having been a party to the Murder of the deceased - and that he was liable to Cokoolut.

They acquitted the 2nd prisoner on the ground that there was no evidence against him.

The Court of Foujdaree Udalut were of opinion that the guilt of the 1st prisoner as a principal in the Murder was satisfactorily established.

The evidence against him proved beyond a doubt, that he himself and the deceased Chinnatomby left the 1st witness' house, on the night in question, in company, that the Prisoner and the said deceased were met in company with certain others, on the same night that the deceased's dead body was found next

morning

morning in a well, under circumstances and appearances which left no doubt that he lost his life by violence: that there was blood on the said Prisoner's clothes, and that he confessed before the Police Officer that he was present at the perpetration of the Murder though he denied that he took part in the accomplishment of it-

The Court sentenced him to suffer death as prescribed by Section X Regulation VIII of 1802-

They further convicted the 2d prisoner of having been an accomplice in the Murder, and under the Sentence of Pohoobut, declared in the second future which they required from their Law Officer, with reference to that prisoner, they sentenced him to be transported for life-

No. 6. Nellore Calendar 1st Sessions of 1832-

The prisoner-

"Lingareddy Govanapah."

was charged with having murdered "Coiravkos Vengadoo" by stabbing him on the right side of his belly with a knife while he was Sleeping in his garden-

The Provincial Law Officer on the ground that there was no evidence to prove his guilt, acquitted the Prisoner-

The Cazee col Cozat and Mooftee of the Soojdaree Adalut, likewise acquitted the Prisoner on the ground that the evidence did not prove that the

prisoner had committed the crime, or that he had confessed it-

It was proved that the Prisoner threatened the deceased, only a few hours before he was murdered; and also that about the time of the Murder Some one was seen running in the direction of the Prisoner's Garden on field-

In addition to other evidence there was the dying declaration of the wounded person; detailing the circumstances of the murder and the name of the Murderer- it was satisfactorily proved that the deceased at the time of making his declaration was conscious of his danger and had given up all hopes of recovery: while from the nature of the wounds and the state of the body as deposed to by Several concurring witnesses the deceased must have been impressed with a sense of approaching dissolution-

The prosecutor further swore that upon being questioned as to the truth of his declaration, the deceased replied that it was all true: that he had but a short time to live and that there could be therefore no reason why he should charge the prisoner unjustly-

The Court of Soojdaree Adalut being satisfied of the guilt of the Prisoner, Sentenced him to suffer death as prescribed by Section X Regulation VIII of 1802-

No.

13th May 1834.

No. 19 Cuddalore Calendar 2nd Sessions 1832.

The Prisoners

1st Catecumy Chinna Sobreeddy

2nd Catecumy Reddy yeeralu

3d Aukay Pooleegandoo

7th Camatumy Kobralugador.

and

8th Bloomereddy Ramoodoo.

were charged with having put to death the Husband and brother of the Prosecutrix with a Spear.

The prisoners pleaded "not guilty"

The Provincial Law Officer in his future acquitted the Prisoners; on the ground that a previous enmity had existed between the witnesses and the Prisoners, and that the latter had moreover established an "alibi."

The Cazee-ool Cozat and Mooftees of the Foujdaree Adalut acquitted the Prisoners; as the evidence of the witnesses, on the part of the prosecution was contradictory, and further because a previous enmity had existed between them and the Prisoners.

The Court of Foujdaree Adalut, were of opinion that the evidence of the witnesses on the part of the prosecution fully established the fact that the Prisoners, were present at the scene of violence and outrage, in which the two deceased persons met their deaths, and that they bore an active part therein. It appeared however from the circumstances of the case that the commission by them of the fatal acts of violence was attributable to immediate provocation.

The Court therefore sentenced the prisoners to transportation for life.

13th May 1834.

No. 2 Salem Calendar 1st Sessions of 1832.

The prisoners.

1st Narrainey

2nd Ramanama

3rd Ramoopulcea

4th Ayalala

5th Ramovanenda

6th Puddaraka

7th Iyanavadan

8th Pudina.

and

9th Vencatarama

were charged with having at 10 o'Clock at night entered the house of the Prosecutrix "Vellachey" beaten her and her daughter burnt them with torches and robbed them of Gold and Silver ornaments of the value of 32 Rupees and three pice and also with having beaten "Vengaun" Son in law of the Prosecutrix with sticks and wounded him with a knife, in consequence of which he died.

The prisoners were further charged with having entered the house of the 2nd Prosecutor armed with Guns and other weapons beaten him and his wife and robbed them of Gold and Silver ornaments of the value of twenty Rupees and fourteen Annas. and also of Clothes and other Articles.

They all pleaded "not guilty"

The Provincial Law Officer in his future

future, declared that, by the confessions of the 2d 3d and 7th prisoner coupled with the fact of part of the Stolen goods having been found on the 3d prisoner and of the 2d and 7th having been seen in the Gang, those Prisoners were convicted of "Gang Robbery" on strong presumptive proof; and that there was Suspicion against the remaining Prisoners of the same crime.

He pronounced them all liable to Pokoobut-

The Cayee-col Coyal and Mosftees of the Toojdaree Adalut in their future declared that the 2d 3d and 7th prisoners by their declarations before the Police Officer, and by the confirmatory evidence of the 2d 3d and 11th witnesses, were not free from the "Suspicion of Gang Robbery" and that they were in consequence liable to Pokoobut-

They acquitted the remaining Prisoners namely the 1st 4th 5th 6th 8th and 9th on the grounds that there was no evidence to corroborate their declarations which were made before a Police Officer and that violence was in most cases used by the Police Officers, towards persons suspected of crimes with the view of extorting such confessions.

It appeared to the Court of Toojdaree Adalut that the fact of the deceased having died in consequence of wounds inflicted by the prisoners was proved beyond a doubt: and that they were in consequence liable to suffer death: but

but as the act of slaying the deceased did not appear to have been premeditated or perpetrated in the actual commission of the Robbery, but occurred in a rescue of one of the prisoners who had been seized while the Gang were making off- the Court of Toojdaree Adalut under Clauses first and fifth, Section IV Regulation XII of 1803, and Clause third Section II Regulation I of 1825 Sentenced the prisoners to receive each 195 lashes with a Cat of nine tails, and to be transported for life-

No 2. Chittoor 1st Supplemental Calendar 3d Quarterly Sessions 1833

The Prisoner-

Parasem-

was charged with having robbed and murdered "Chinna Ganapaty"

He pleaded "not guilty"

The Provincial Law Officer in his second future declared the Prisoner, convicted of Gang Robbery and Murder, and liable to Pokoobut. Had being barred in consequence of his denial of the crime before the Court of Circuit-

The Cayee-col Coyal and Mosftees of the Toojdaree Adalut in their future declared that by coupling the evidence of the eleventh witness and the purport of the evidence adduced by the second, third, ninth and thirteenth witnesses, with the confession made by the Prisoner before the Police Officer, the Prisoner was not free from

Suspicion

suspicion of having murdered the deceased, and that he was in consequence liable to Cokoobut-

The Court of Foujdaree Udalut were of opinion that the prisoner was fully convicted of the Murder of the deceased. It was clearly proved that the prisoner and the deceased set out to go to a Village together: and that the latter never appeared again alive. It was equally clear that the prisoner confessed first verbally, and afterwards in his deposition before the Police Officer, that he murdered the said deceased by means of a stone: and that he produced certain Articles proved to belong to the deceased: that a Skeleton was found in the place where the prisoner confessed he had committed the Murder, and that the Skeleton was recognized as that of the deceased while the witnesses deposed that the Skull had the appearance of being injured near the temple by the blow of a Stone. Under these and other circumstances adduced in evidence, the Court of Foujdaree Udalut sentenced him to suffer death as prescribed by Section X Regulation XIII of 1802.

No 3. Chicacole Calendar 1st Sessions of 1832.

The prisoners

1st Vuddlay Nanoo.

2nd Canakala Tummad

and

3d Sirlaw Nandergandoo.

were charged with having gone in conjunction with about 100 Armed men to the Village of Sutchimeesursoo Petta, robbed the Villagers set fire to certain houses

houses and plundered property of the value of 12 Rupees belonging to the Prosecutor.

The 1st prisoner was also charged with having, by order of Moonger Cokoler Sandoo, discharged an arrow which wounded the Prosecutor's father "Dongadoo" in the right Armpit: so that he died three days after.

The prisoners pleaded "not guilty"

The Provincial Law Officer in this Zillah acquitted the Prisoners on the ground that the evidence of the witnesses did not establish the crime charged against them.

On the same grounds the Cazee-ool Cozat and Mooftees of the Foujdaree Udalut acquitted the Prisoners.

It appeared to the Court of Foujdaree Udalut that the evidence on the part of the prosecution fully established the fact, that the Prosecutor's Village was attacked by Robbers his house plundered and his father killed by an Arrow: (though it was not established in evidence that that arrow was discharged by the 1st Prisoner) and that the three prisoners were present with and formed part of the gang: and that the 1st prisoner was actively engaged in the outrage.

They accordingly under Clauses first and fifth Section IV Regulation XV of 1803 Sentenced the 1st prisoner to be transported for life, and the 2nd and 3d prisoners to be banished

to

to the Zillah of Cuddapah, there to be imprisoned and kept to hard labor in irons on the public roads or other public works for the period of 14 Years.

No 8. Malabar Calendar 2nd Sessions of 1832.

The Prisoners

1st Manatanalor Konar Nair

and

2d Sodovalor Parangoren Nair.

were charged with having murdered the wife of the Prosecutor, and afterwards taken from her person property of the value of 166 Rupees.

The Provincial Law Officer in his futwa adverting to the evidence of the 1st 2d and 11th witnesses, declared the 1st prisoner to be not free from suspicion of the crime with which he stood charged, but entirely acquitted the 2d prisoner and declared him entitled to his release.

The Cazee-ool-Cozat and Mooftees of the Foujdaree Udalut in their futwa, pronounced the 1st prisoner, on account of his declaration before the Criminal Court, and the evidence of the 1st and 2d witnesses to be not free from suspicion of having committed the crime with which he was charged: and they entirely acquitted the 2d prisoner.

The Court of Foujdaree Udalut were of opinion that the evidence of the witnesses on the part of the prosecution fully established the fact that the deceased was murdered by the two Prisoners: of whom moreover the 1st voluntarily

Confessed-

confessed that he was present when the Murder was committed and was accessary to it.

The Court accordingly sentenced both the Prisoners to suffer death as prescribed by Section X Regulation VIII of 1802.

No 11. Cuddapah Calendar 2nd Sessions of 1832.

The prisoner

Mauvoganned Bungaruvgadoo.

was charged with having one night burglariously entered the Prosecutrix's house and robbed it of property of the value of Rupees 301-8-- —

He pleaded "not guilty"

The Provincial Law Officer in his futwa declared the Prisoner to be convicted of House breaking and theft and pronounced him liable to Coikoolut: Had being based in consequence of his denial of the charge before the Court of Circuit.

The Cazee-ool-Cozat and Mooftees of the Foujdaree Udalut acquitted the prisoner on the ground that there was no evidence, legally entitled to credit, which could establish the charge against him.

The Court of Foujdaree Udalut were of opinion that the evidence adduced in support of the charge, was sufficient to convict the Prisoner, who, moreover, it was proved, confessed the charge before the Police Officer and also at the time that he was first apprehended on

suspicion

Suspicion when he gave up 3½ fanams which the Prosecutrix swore were similar to those stolen from her.

The Court accordingly convicted him of the crime of House breaking and theft and under Section XXI Regulation VII of 1802: and Clause Second Section VI Regulation I of 1826 Sentenced him to be imprisoned and kept to hard labor in irons on the public roads or other public works for the period of five [5.] years.

No 1. Nellore Calendar 2nd Sessions of 1832.

The Prisoner

"Dapoory Condadoo"

was charged with having concealed and purchased some clothes, which had been stolen from the Prosecutrix knowing that the same had been stolen.

He pleaded "not Guilty".

The 2nd Futwa of the Provincial Law Officer convicting the exception taken in the first, to the three first witnesses, convicted the Prisoner; and declared him liable to Pokoobut.

The Cazee col. Coozat and Mooftee of the Foujdaree Udalut, in their futwa, acquitted the Prisoner on the ground that it was not proved in evidence that he had purchased the clothes knowing them to be stolen.

The Court of Foujdaree Udalut were of opinion that the charge against the prisoner was fully proved and accordingly under Claus

Clause fourth Section IV Regulation VI of 1832, Sentenced him to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of two years.

No 17. Salem Calendar 1st Sessions of 1832.

The Prisoners

1st Pollen
2nd Paraapalany
3d Chinnapalany
4th Raumen
5th Veeren
and
6th Naravingen.

were charged with having committed Gang Robbery in having at 8 o'Clock in the morning with four other Robbers, armed with Cudgels and Knives, forcibly entered the Sayer Choultry and taken therefrom a pot containing cash, being the amount of the collections in the Sayer Department by the Prosecutor "Ettiappa Coonden".

The Provincial Law Officer on his futwa, declared that the charge of violence done to the Prosecutor, and of taking away the money was not proved but that the Prisoners were convicted of having entered the choultry, the 1st armed with a Bill hook and the others with Cudgels only.

He pronounced them liable to Pokoobut.

The Cazee col. Coozat and Mooftees of the Foujdaree Udalut declared that the 1st Prisoner was

was convicted of having taken by force a pot from the Choultry but not of having taken the money as it was not proved that there was any money in the pot.

They pronounced him liable to Cohoobut.

They acquitted the remaining prisoner the charge not being proved by the evidence of credible witnesses.

The Court of Foujdaree Udalut were of opinion that there was no evidence to prove that the first prisoner had stolen the pot from the Sayer Choultry or that any Robbery had been committed. It appeared to them that the offence with which the Prisoners stood charged originated in a dispute between them and the Prosecutor.

They convicted them all however of having tumultuously entered the Sayer Choultry, and under the Sentence of Cohoobut declared in the second future of their Law Officers, touching that Offence Sentenced them to be imprisoned and kept to hard labor in irons on the public roads or other public works for the period of Six (6) Months.

No 1 Salem Auxiliary Court 1st Sessions of 1832

The Prisoners

1st Veeramagoo
2d Beramchaw
3d Rungen
4th Cuttelen
5th Nammoogum
6th Sadien
7th Annamale (and)
8th Vaciporay

more

were charged with having one night, armed with torches entered the house of the Prosecutor "Ramegiah Counden" and plundered therefrom ready money and jewels amounting in value to Six hundred and twenty two Rupees and six annas.

The Provincial Law Officer in his Futwa declared the prisoners convicted of Gang Robbery on strong presumptive proof and pronounced them liable to Cohoobut.

The Cazee of Cozat and Mooftee of the Foujdaree Udalut declared that, by their declarations made before the Police Officer coupled with the evidence of the 3d 8th 9th 12th 13th and 14th witnesses the prisoners would had those witnesses and also the first witness been Mussulmans not have been free from suspicion of Gang Robbery and would in that case have been liable to Cohoobut.

The Court of Foujdaree Udalut were satisfied from the clear and consistent confessions proved to have been given voluntarily before the Police Officer and fully corroborated by the fact of money and property which they confessed they robbed from the Prosecutor's house, having been given up by the Prisoners respectively, that the charge of Gang Robbery (but unattended with aggravating circumstances) was clearly brought home to the Prisoners.

The Court therefore under Clause

third

third Section IV Regulation XV of 1803 adjudged them to be imprisoned and kept to hard labor in irons on the public roads or other public works for the period of 14 years.

No 14 Salem Calender 1st Sessions of 1832.

The prisoners 6 in number, were charged with having committed Highway Robbery; in that they did on the evening of the 2nd January 1832, being armed with Cudgels, attack the Seven Prosecutors, as they were returning from market to their own village beat and wound them with Sticks and Stones, and did at the same time rob the first six prosecutors of property amounting in value to Rupees 150-13-8.

The future of the Provincial Law Officer, pronounced the prisoners guilty of Gang Robbery, and declared them liable to Kishoobut, Hud being barred in as much as it did not appear that the share of each prisoner from the plundered property amounted to the Nisaab.

The Law Officers of the Foujdaree Adalut acquitted the Prisoners, on the ground that there was no evidence against them, either of credible eye witnesses, or of credible witnesses to their confessions.

The Court of Foujdaree Adalut were of opinion that the evidence of the Prosecutor and of the eye witnesses of the Robbery, was amply sufficient for the conviction of the Prisoners, strongly corroborated

corroborated as it was by the proof adduced of their having been apprehended together, with the property of the prosecutors in their possession, and while in the act of running away.

The Court accordingly sentenced them to be imprisoned and kept to hard labor in irons on the public roads or other public works for the period of 14 years under Clause third Section IV Regulation XV of 1803.

No 11 Chingleput Auxiliary Court 1st Sessions of 1832.

The Prisoners

1st Para Chellan

and

2nd Narayanan.

were charged with Robbery by open violence; in that, they did, (in company with others formerly tried in this case) entice the prosecutor to the "wa- dumpundy Hill" in the taluk of Sundeevanum tie and beat him, gag his mouth, and wound him with a gun, robbing him of one gold ling and a sum of money.

The Prisoners pleaded "not guilty".

The Provincial Law Officer in his future convicted the Prisoners of the crime of wounding, and pronounced them liable to Kishoobut.

The Cazee ool Cozat and other Mooftees of the Foujdaree Adalut in their futwa declared that the prisoners were not free from suspicion of having been a party to the offence of beating the Prosecutor.

and

and that they were liable to Ockoobut.

The Court of Zoujdaree Udalut were of opinion that the crime with which they stood charged was fully established by the evidence against the Prisoners whom they accordingly under the provisions of Clause Second Section IV Regulation XV of 1803 Sentenced to be transported for life.

No 16. Chicacole Calendar 1st Sessions of 1832.

The prisoner

Racoda Cytegadoo.

was charged with Gang Robbery and wounding in that he did in company with other Robbers, having entered the Village of Veesuntah at night attack the house of the Circar Ameen, wound one Seroomulloo Veeralapally razor with arrows. Seize one Vuddeerauze Coniah, and one Summeerauze Seetammah, and rob them of their property; and further did wound one Seddereddy Ygeppah, in two parts of his body with a Sword.

The Prisoner pleaded "not guilty"

The Provincial Law Officer, in his futwa, acquitted the Prisoner on the ground that it was not proved that he was one of the Gang Robbers.

The Cazee ool Cozat and Mooftee of the Zoujdaree Udalut, in their futwa acquitted the Prisoner as the witnesses who deposed to recognizing and to apprehending him, were Police Officers and were in other respects unworthy of credit.

Ord.

Ath.
13th May 1834.

The Court of Zoujdaree Udalut were fully satisfied of the satisfactory nature of the evidence of the second witness for the Prosecution, and of that of the 1st and 5th witnesses which corroborated it.

They accordingly under Clause Second Section IV Regulation XV of 1803 Sentenced the prisoner to be transported for life.

No 1. Chittoor Calendar 4th Quarterly Sessions of 1832.

The prisoner

"Codagadoo."

was charged with having committed Gang Robbery attended with open violence and severe wounding he having been one of a Gang consisting of about 21 persons who proceeded to the house of the Prosecutor Moonee Ameredoly by Torch light, armed with Swords Bludgeons Spears, and certain other weapons, and after stationing a few of their party around the house to prevent the approach of others, broke open the Street door, entered the house, pinioned the prosecutor and his mother, wounded the former by blows of Sticks, and Stabs of Spears, bandaged the eyes of the latter, burned her with torches, and plundered gold and Silver ornaments, trinkets and other property amounting in value to 617 Rupees and Six annas.

The Prisoner pleaded "not guilty"

By the futwa of the Provincial

Law

Law Officer, the Prisoner was acquitted.

The Cazee-ool Coozat and Mooftee of the Soujdaree Udalut in like manner acquitted the Prisoner on the ground that there was no evidence to establish the charge against him.

The Court of Soujdaree Udalut were of opinion that the prisoner was fully convicted by the evidence of the witnesses on the part of the prosecution of the crime of Gang Robbery by open violence attended with aggravating circumstances. In addition to other evidence the confession of the Prisoner before the Police Officer, was clearly proved as was also the fact that certain Articles produced in Court belonged to the Prosecutor, and that they were given up by the 1st prisoner, who admitted the fact but claimed them as his own that they were so, however he failed to prove.

The Court accordingly under Clause second Section IV Regulation XV of 1803 Sentenced him to be transported for life.

No 26. Cuddapah Calendar 2nd Sessions of 1832.

The Prisoner

"Peddapolee Buseeveegadoo"

was charged with having one day stopped the Prosecutor and others on the High way, and robbed them of property of the value of 180 Rupees.

He pleaded "not guilty."

The Provincial Law Officer acquitted the prisoner.

The Cazee-ool Coozat and Mooftees of the Soujdaree Udalut, in their futwa acquitted the Prisoner, in the absence of all credible evidence to prove the charge.

The

The Judges of the Court of Soujdaree Udalut, were of opinion that the prisoner was fully convicted of Highway robbery, and under Clause third Section IV Regulation XV of 1803, Sentenced him to be imprisoned and kept to hard labor in irons on the public roads or other public works for the period of fourteen years.

No 14. Chicacole Calendar 2nd Sessions of 1831.

The prisoner

"Pala Buramudoo"

was charged with having gone into the Village "Kolaty" and wounded the Prosecutor "Gungadeeay Sankoya" with a dagger.

He pleaded "not guilty."

The Provincial Law Officer convicted the Prisoner of having wounded the Prosecutor in the right hand with a dagger and pronounced him liable to Dokeobut.

On the ground that there was no evidence of credible witnesses to bring home the charge to the Prisoner, the Cazee-ool Coozat and Mooftees of the Soujdaree Udalut, acquitted him of it, pronouncing him entitled to his release.

The Court of Soujdaree Udalut were of opinion that the guilt of the Prisoner was fully established in evidence and accordingly, under the Sentence of Dokeobut declared in the second futwa, which was required from their Law Officer they being of opinion that the Prosecutor had exaggerated the Injury which he had received and taking into consideration the confinement already undergone by the Prisoner Sentenced him to be imprisoned and kept to hard labor in the Jail at Chicacole for the period of six months and then to be released under Clause third Section VII Regulation XV of 1803.

Ld

13th May 1834.-

Minute of the Acting 2nd Puisne Judge.

It will be necessary when submitting to Government the information called for in the Extract from the General letter of the Honorable the Court of Directors under date the 20th March 1833 to take into consideration the subjects referred to in Mr. Campbell's Minute of the 17th April last, and as it appears to me desirable that subjects of such general importance should be disposed of by the Judges of this Court, whose long experience in the Sudr Udalut has rendered them peculiarly well qualified for the task: I shall reserve my sentiments until the return of Mr. Bird from the Cape of Good Hope when I shall be prepared to take them into consideration.-

3rd March 1833.- /Signed/ T. A. Oakes

Actg. 2nd Puisne Judge

Minute

13th May 1834.-

Minute of the Acting Judge.

1. I beg to offer a few remarks, which I solicit may be communicated to the Governm along with the proceedings of this Court on the Criminal Returns for the last half year of 18

2. It appears to me that these r returns are not yet prepared universally upon uniform principles;- and, until this is done little dependence can be placed upon the contras they exhibit- whilst conclusions at variance in fact are liable to be drawn from information th imperfect.-

3. It is of the highest importance that on this subject, the ruling power should possess the most correct information.- But I doubt whether this can ever be attained, unless our Register, in whose office the w is condensed, is placed in direct communica with the Native Officers, by whom it is origin furnished.- This seems to me to be the on effectual means of enforcing a uniform obser of the same principles in the preparation of these important returns- without it, one Provincial Court will still be liable to diff from another; and one Magistrate t

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ifsue instructions at variance with those enforced by the Magistrate in a diffrent District, whilst me shall posefs no knowledge of the variance, and the consequence will be discrepancies on the face of the returns which are totally irreconcileable with fact- I have in the proceedings pointed out a few- I could greatly add to their number- It is not the Officers who are in fault- for one is not aware of the others proceedings- It is the system which requires amendment.-

4. Taking however, these returns, as the best information within our reach of the state of the Police, the result is most melancholy.- Without adverting to the minor offences punishable by the Police and Magistracy, it appears that, of the Higher crimes and misdemeanours, punishable by the Superior Tribunals alone, 5367 have been ascertained to have occurred- But that in 2697 of these

these serious offences, nd a single perpetrator has been discovered- and in 103 of them though discovered, they have not been apprehended.-

5. I purposely abstain from adverting to the estimated number of Criminals who have thus successfully preyed upon the peaceable portion of the community; because as stated in the proceedings of the Court it is peculiarly liable to exaggeration- But the cases themselves are not liable to this augmentation- on the contrary they are more likely to be under, than over-rated, by the Native Police Officers, in their returns.-

6. Taking these as a standard, I have compiled from the returns the following Statement, exhibiting an attempt at a comparative view of the exertions of the Police, in the several Districts under this Presidency, for the period under consideration.-

Zillah

Zillahs.	Crimes and misdemeanours ascertained to have occured.	Crimes and misdemeanours the perpetrators whereof are altogether unknown	Further crimes and misdemeanours the perpetrators of which though known have not been apprehended
1 Rajahmundry	516	334	3
2 Ganjam	234	168	"
3 Masulipatam	304	201	4
4 Cuddapah	876	539	1
5 Chingleput	136	73	"
6 Vizagapatam	252	45	93
7 Nellore	397	216	2
8 Chittoor	234	142	"
9 Coimbatore	291	145	"
10 Bellaree	160	73	"
11 Vendachellem	204	99	"
12 Canara	313	150	"
13 Salem	244	115	"
14 Combaconum	128	57	"
15 Guntoor	329	140	"
16 Trichinopoly	37	27	"
17 Tinnevelly	39	25	"
18 Malabar	430	32	"
19 Madura	93	6	"
	5,367	2,697	103
add		103	
		2,300	
deduct	2,300		
	2567		

7. It would thus appear to be an under fact, during the period under review, that of 5,367 serious crimes ascertained to have been committed, in some of the perpetrators have been discovered in only 2,567 cases, but that in the greater majority of cases or 2694, not a single perpetrator has been discover It must operate as one of the most powerful incentives to crime, for offenders to know, that the probability of entire escape, even from suspicion exceeds so much that of detection.

8. But this is peculiarly the case in all offences against property. For, if to the above 2694 cases are added 103 in which the offenders, tho' known, have not been apprehended, there will be a total of 2,300 cases, of which not a single perpetrator has been taken up. Now the Statement No. 3 shews that in these 2,300 are included, 35 out of only 55 cases of "Robbery and Murder" no less than 1012 out of 1,631 "Gang robberies" no less than 1,103 out of 1,503 "Night House Breakings", and 500 out of 1,063 "Thefts". Not one third of the gang robberies and burglaries committed under this Presidency during the period in question were discovered. This indeed is a most lamentable result. If two out of every three offences against property escape detection the premium to such depredations becomes immense.

From

9. From the Statement I have given it would appear that this evil is the greatest in the Northern Districts under this Presidency- The disturbed state of Vizagapatam sufficiently accounts for the known offenders in 93 crimes not having been apprehended. But I fear that the melancholy state of the Police in Rajahmundry, Ganjam, Masulipatam and Chittoor may be traced to the want of due control, by the Magistracy, over the Heads of Villages, village Accountants, or Curnums, and village watchers- in the lands settled on the permanent Zemindary system.-

10. One of the greatest mistakes committed at this Presidency, when that arrangement took effect, was the servile adoption of the Bengal blunder of transferring, from the protecting hands of the ruling power, to the exclusive charge of the Zemindar, the whole of the village Servants originally established by the State, as the most effectual check against the depredations of the more depraved, or the abuses and exactions of the more powerful, upon the more peaceable and helpless classes of the community- For the Government thus surrendered the most effectual means of

of maintaining order into the hands of the turbulent and dangerous, and gave up into their possession a great check upon their rapacity and organized violence. Until this false step is re-traced I despair of any permanent improvement in the police of the Zemindary Countries, which calls most loudly on the Government for reform.-

11. In the Central Districts, and in Canara and Tanjore, the result is not very different. If dependence could be placed on the returns, the Southern Districts, Malabar, and Madura, would appear in the best order.-

12. I know nothing more likely to excite and stimulate the exertions of the Police, Native and European, than requiring from them a half yearly return of the number of cases escaping detection, in the previous year, exhibiting, at the lowest valuation, an estimate of the value of lost property unrecovered- By bringing under their own eyes a periodical view of the evils inflicted on the Country and requiring them to account to their superiors, for their want of success in detecting offenders, we may hope to rouse them from their present apathy and to renovate their exertions- It would also tend to repress crimes against property,

at

13th May 1834.

last from the Provincial Court of Circuit in the Northern Division, transmitting the printed Statement No. 2 of the Magistrate of Ganjam returned corrected for the 2nd half year 1832.—

/Here enter No. 209/

Read letter, dated the 27th February last, from the Provincial Court of Circuit in the Northern Division, returning the printed Statement of the Magistrate of Nellore for the 2nd half year 1832, with his return on the subject

/Here enter No. 285./

Thursday, 8th May, 1834.

H.C.

Mr. Campbell.

At a Court of the Foujdaree Udalut.

Present,

Thomas Alex.r Ravenshaw Esq.r Acting 2nd Puisne Judge

Alex.r Duncan Campbell Esq.r Acting Judge

Read letter dated the 17th Ultimo from the 3rd Judge on Circuit in the Northern Division, transmitting the record of Proceedings in Case No. 66 on the Rajahmundry Calendar 1st Session 1833.—

(Here enter No. 504)

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-Cozat and Mooftee of the Foujdaree Udalut, confirm the said Futwa of the Cazee-ool-Cozat and Mooftees aforesaid, so far as regards the conviction of the said Prisoners, and under Clause third Section V Regulation VIII of 1831 and Clause fourth Section VII and Clause second Section IX Regulation XX of 1803, sentence the Prisoners,

1st Lopetty Rawmiah,

2nd Chepetty Reddy,

3rd Nalopeto Seshiengah,

and

4th Nalopeto Mallayah,

to be transported to such place beyond Sea, as the Governor

at present encouraged by the enormous sums realized by undetected depredations on the publlic, if in every instance a fixed share say from 20 to 30 per Cent were paid to those who effected the restoration of stolen property - Even where the perpitrators of crime are condemned, the records of this Court will shew that a mere trifle is ever recovered - An ill paid police combines with the Criminal, and the sufferer who in 30 Cases out of 100 recovers nothing - if he obtains any thing in the remaining 20 seldom recovers one tenth part of his loss - The tax I have suggested would be willingly paid, because it would be payable upon recovery alone - It would give the Native police that stimulus of which they at present are deprived - and I hope would rescue them from the character of inefficiency to which, I am sorry to add such returns as these tend to shew they are reduced - In one district alone, Bellary, I have long ago put it upon record, that the offences against property, which escaped detection, were at the rate of a lac of Rupees annually -

17th April 1834 - /Signed/ A. D. Campbell - Acting Judge

To Govt No. 74. (Sent in No. 373)

Read

Read letter dated the 14th June 1333 from the Provincial Court of Circuit in the Southern Division, transmitting copy of a letter from the Acting Magistrate of Madura regarding half yearly Statements -

/Here enter No. 623 of 1833/

Read letter dated the 14th June 1333 from the Provincial Court of Circuit in the Southern Division, transmitting the amended printed Statements -

/Here enter No. 622 of 1833/

Read letter, dated the 13th July 1333, from the Provincial Court of Circuit in the Western Division, returning the Statement No. 2 of Crimes and misdemeanours for the half year ending 31st December last furnished by the Magistrate of Malabar duly corrected. -

/Here enter No. 742 of 1833/

Read letter, dated the 24th December 1333, from the Provincial Court of Circuit in the Northern Division, submitting copy of a return from the Magistrate of Masulipatam together with the printed Statement returned therewith. -

/Here enter No. 9/

Read letter, dated the 12th February last

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 their Natural lives.-

(Sent following letter No. 375)

Read Supplemental return dated the 7th Instant from the Provincial Court of Circuit in the Centre Division to precept of Foujdaree Adalut dated the 12th April 1834 conveying their observations and orders, on the Criminal Reports of the division for the Month of January last.-

(Here enter No. 587)

Read return dated the 5th Instant from the Provincial Court of Circuit in the Western Division to precept of Foujdaree Adalut dated the 21st April 1834 conveying the observations and orders of the Court upon the Criminal Reports of the Division for February last.-

(Here enter No. 599)

Read return dated the 7th Instant from the Provincial Court of Circuit in the Western Division to precept dated 31st March last, ordering to carry the instructions of Government of the 21st March from the distinction of the English and persian translates of Criminal Trials anterior to the year 1830 in the Courts of Circuit and Criminal Courts.-

(Here enter No. 604)

Read letter dated the 2nd Instant from the Provincial Court of Circuit in the Western Division, Transmitting copy of a return dated the 28th April 1834 and of its accompaniments from the Joint Magistrate in charge of Canara.-

(Here enter No. 584)

Read letter dated the 3rd Instant from the 3rd Judge on Circuit in the Northern Division, reporting the opening of the 1st Sessions of 1834 at Rajahmundry on the 26th Instant.-

(Here enter No. 590.)

Read letter dated the 3rd Instant from the 3rd Judge on Circuit in the Northern Division, stating that he intend leaving Guntoor on the 12th Instant for the Zillah of Rajahmundry via Masulipatam.-

(Here enter No. 597.)

Read letter dated the 6th Instant from the Provincial Court of Circuit in the Southern Division, transmitting Copies of returns received from the different authorities in the Division in reply to the communications made to them regarding the Criminal Reports for February

140

1135

February last.-

(Here enter No. 591)

Ent'd.

J. 16

At a Court of the Sanjdaree Adalut

Present,

Saturday,
17th May, 1834.- Thomas Alex.r Oakes Esq.re Acting 2.nd Puisne Judge
Alex.r Duncan Campbell Esq.re Acting Judge

Read letter dated the 3.rd Ultimo,

1137 140 from the Acting 2.nd Judge on circuit in the Central Division, transmitting the record in Case No. 17 on the Criminal part Calendar 2.nd Sessions 1833.-

(Here enter No. 436)

The Court of Sanjdaree 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 Mooftees of the Sanjdaree Adalut, confirm such part of the said Futwa of the Cazee-ool-Coozat and Mooftees aforesaid, as acquits the Prisoner

4.th Ramadanny alias Chinnaconda

but considering that strong suspicion though not amounting to conviction attaches to him, they, under the provision of clause sixth Section II Regulation XV of 1803, direct that he be required to find two sureties in the sum of 100 Rupees each

each surety, for his good behaviour and appear=ance when required within three years, or that in default thereof he be detained for three years in confinement.

And further being of opinion that the proof against the prisoners,

1st Pareyapien,

2nd Kynan,

and

3d Gellumalias Pareyapien

is sufficient to convict them of the crime of Gang Robbery by open violence attended with aggravating circumstances, they are under the authority with which they are vested by Clause First Section II Regu=lation I of 1818, convict them thereof and in conformity with the provisions of Clause Second, Section IV Regulation XV of 1803, sentence the said Prisoners

1st Pareyapien,

2nd Kynan,

and

3d Gellumalias Pareyapien

to be transported to such place beyond the seas as 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 their natural lives.

/Sent following letter No 378

Read letter dated the 24th March last, from the 2nd Judge on Circuit in the Southern Division, transmitting the record in case No. 16, on the Combaconum Calendar 1st Sessions 1834.

/Here enter No. 383/

Read also letter dated 8th Ultimo, from the 2nd Judge on Circuit in the Southern Division, Reporting that the Prisoner Darahsooren Mootoosawmy, Prisoner in Case No 16 Combaconum Calendar 1st Sessions of 1834, submitted by him to the Toujdaree Udalut on the 24th Ultimo, has been also tried and con=victed in Case No. 19 of the Calendar, of Gang Robbery, and sentence passed of 14 years imprisonment, and 195 lashes but that its execution is deferred pending the reference, on No. 16 made to the Toujdaree Udalut.

/Here enter No. 457/

The Court of Toujdaree Udalut having maturely considered the Proceedings held before the Judge on Circuit, the Futwa of the Roiunda Law Officer, and the Futwa of the Cazee-ool-Cozaat and Mooftee of the Toujdaree Udalut, confirm the said

Futwa

17th May 1834. Sutwa of the Cazee. col. Cozat and Mooftees aforesaid, and acquit the Prisoner.

"Darahsooren Mootoosawmy"

but direct that he be not set at liberty, he being committed in Case No. 19 on the Calendar.

180 180

/ Sent following letter No. 37/-

F. U.

At a Court of the Foujdaree Udalut.

Present,

Monday, 19th May, 1834. Thomas Alex.r Oakes Esq.r Acting 2d. Puisne Judge.

Alex.r Duncan Campbell Esq.r Acting Judge.

Read letter dated the 28th January

180 180 last from the 2nd. Judge on Circuit in the Southern Division, transmitting the Record in Case No. 13 of the Madura Calendar 1st. Sessions 1834.

/ Here enter No. 122 /

The Court of Foujdaree Udalut, having maturely considered the proceedings held before the Judge on Circuit, the Sutwa of the Provincial Law Officer, and the Sutwa of the Cazee-ool-Cozat and Mooftees of the Foujdaree Udalut, are of opinion that the Prisoner,

1st. Sinnamanaiken Son of Boomanaiken,

is not convicted on presumptive proof or on the evidence of credible witnesses or on his own confession - notwithstanding the Sutwa of their Law Officer; and do accordingly acquit him; but considering him an unfit person to be at large, they direct that he be detained in custody, until, in the opinion of the Criminal Judge, founded on the Report of the Medical Officer, he may be released without danger to the community, or until trustworthy persons e-

air

19th May 1834.-

can be found to undertake such charge of him as may prevent his doing further mischief.-

(Sent following No. 378)

With reference to the foregoing Trial, the Court of Foujdaree Udalut, desire that the 2nd Judge late on Circuit in the Southern Division, will intimate to the Zillah Judge of Madura that a petition, forwarded to them by Tasspaul, from the Brothers of the Prisoner Chinnamanaik-en, alleging that the latter had been insane for two or three years, from which cause alone, he had declared in the Criminal Court that he committed the murder, and praying accordingly that he might be released, appears to be in the handwriting of the Madura Zillah Court writer. In order that the Criminal Judge may make any enquiry he may deem proper on this point, the Court desire that the petition in question be transmitted to him thro' the 2nd Judge late on Circuit in the Southern Division.

Ordered that Extract from these proceedings be sent to the 2nd Judge late on Circuit in the Southern Division for his information and guidance by precept, returnable without delay.-

(Sent following precept No. 379)

Read letter dated the 3rd Ultimo from the 2nd Judge on Circuit in the Southern Division transmitting

19th May 1834.- transmitting the record in Case No. 13 on the Combaconum Calendar 1st Sessions of 1834.-

(Recenter No. 429.)

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-Cozat and Mooftees of the Foujdaree Udalut, confirm the said Futwa of the Cazee-ool Cozat and Mooftees aforesaid, and acquitting the Prisoner "Appana Iyengar," direct that he be set at liberty.-

(Sent following letter No. 380)

1. The Court observe with great regret, that the prisoner in the foregoing Case, has been, most unjustly put upon his trial, on a charge of perjury, solely in consequence of a material error, in respect to date, committed by the Criminal Judge of Combaconum and which the Judge on Circuit failed to detect.

2. It appears that the murder for which the prisoners in Case No. 10 of the Combaconum Calendar for the 2nd Sessions of 1833 were arraigned, took place on Thursday the 18th April of that year.

3. The Prisoner, in the Case now under review, swore that he saw, two of the Prisoners

19th May 1834.- Prisoners, in that Case (of Murder) on the day of "Amavas or New Moon in the Month of Chittary or "April last", and subsequently, as charged in this indictment for perjury "from 20 to 26 Indian Hours on the very day before amavas of the Month of "Chittray".-

4 On referring to the English and Telugoo Almanacs for 1833, it appears that the New Moon, or Amavasya, occurred on Saturday the 20th April 1833, the day preceding which was Friday the 19th April 1833. The Prisoner, Vysana Iyengar, may have seen, the two prisoners, in the Case of Murder, on the 19th and 20th April 1833: and his swearing that he did see them may be the truth, in no respect constituting perjury; nor is it inconsistent with the fact of their having previously committed the murder on the 18th April; for which they were not arrested until the 22nd April 1834.-

5. The Court further observe that the evidence of the Prisoner in this Case Vysanacharyulu on behalf of the two Prisoners, in Case No. 10 of the Combaconum Calendar for the 2nd Sessions of 1833 is omitted altogether from the record of that trial; and this circumstance, had nearly prevented their detection of the gross error in regard to date by which the Criminal and Circuit Judges have been misled in this case.

19th May 1834.-

The Court therefore resolve to issue a precept to the 2nd Judge of Circuit in the Southern Division, directing him to call upon Mr. Thomas the Criminal Judge of Combaconum, to explain the reason of this omission, and the Circuit Judge will transmit that Officer's explanation, to the Foujdaree Adalut.-

Ordered, that Extract from these proceedings be sent to the 2nd Judge of Circuit in the Southern Division for his information and guidance by precept, returnable within ten days.-

(Sent following precept No. 381)

Read return, dated the 3rd Instant from the Provincial Court of Circuit in the Northern Division, to precept dated the 21st Ultimo containing the Court's remarks on the Criminal reports for the Month of September 1833-

(Here enter No. 616)

Read return, dated the 12th Instant, from the Provincial Court of Circuit in the Centre Division, to precept dated the 9th Instant, conveying the Court's observations and orders on the Criminal Reports of the Division for the Month of February last-

(Here enter No. 618)

Read

Read letter, dated the 9th. Instant,
from the 3d. Judge on Circuit in the Northern
Division, transmitting the original Warrant issued
in Case No. 52 on the 1st. Rajahmundry Calendar
1st. Sessions of 1833 with the return made thereto
by the Criminal Judge of that Zillah.-

(Here enter No. 613.)

At a Court of the Foujdaree Udalut

Present

Tuesday 20th May 1834. Thomas Alexr Oakes Esqre Acting 2d Puisne Judge

Alexr Duncan Campbell Esqre Acting Judge

Read letter dated the 30th Ultimo from

No 140 the Acting 3d Judge on Circuit in the Centre Division

proposing at the suggestion of this Court a mitigation

of punishment in certain Cases entered in the Cuddapah

and Cumbum Calendars for the 1st Sessions of 1834.

(Here enter No 566)

The Court of Foujdaree Udalut having

taken into consideration the reasons urged by the

Acting 3d Judge, resolve to sanction a mitigation

of punishment in the Case of the 3 prisoners con-

= cerned in No 21 of the Cuddapah Calendar to

the extent of 4 years imprisonment with hard labour

in irons. in the case of the two prisoners in No 26

to three years imprisonment and hard labour in

irons. and in the Case of the prisoner concerned

in No 55 of the same Calendar to the extent of

3 years imprisonment with hard labour in irons.

2. In Case No 1 of the Cumbum

Calendar the Court of Foujdaree Udalut sanction

a mitigation of punishment to the extent of 2 years

imprisonment and hard labour in irons in favour

of the 3 prisoners concerned in that number, and

in

in case No. 4 of the same Calendar the Court of Sowjdara Adalut resolve to mitigate the punishment to which the Prisonir has rendered himself liable to 8 years imprisonment with hard labour in irons - in the case of the 2d 3d and 4th Prisoners concerned in case No. 8 the Court sanction a mitigation of punishment to the extent of 3 years imprisonment with hard labour in irons; and in case of No. 14 they resolve to mitigate the punishment that has been awarded against the Prisonir concerned in that number to 2 years imprisonment and hard labour in irons.-

Ordered, that extract from these proceedings be forwarded to the Acting 3d Judge on Circuit in the Centre Division for his information and guidance.-

(Sent in No. 384)

Read Petition presented on the 8th May 1834, by Appaja Iyen, late Acting Tahsildar of the Caroor Taluk in the Zillah of Coimbatore.-

(Here enter Misc. Pet. No. 12 of 1834)

The Petitioner prays the Court, to pass an order upon his former petition presented to them on the 24th February last.-

No return having yet been received to the Precept of this Court of the 24th March 1834, directing the Provincial Court of Circuit in the Southern Division to call for from the Magistrate and transmit to

to this Court, an explanation of the circumstances which led to the dismissal of the Petitioner from his situation.-

Ordered, that a second Precept be issued to the Provincial Court of Circuit in the Southern Division, directing them to transmit to this Court the required return without any further delay.-

(Sent following Precept No. 385)

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

Read letter dated 13th Instant from the Provincial Court of Circuit in the Northern Division, transmitting copies of Return from the Acting Criminal Judge of Tellore: and of explanation of Mr. Phillips, the Register, which accompanied it, with reference to the Northern Provincial Courts return to the precept of the Sowjdara Adalut dated the 25th April 1834, directing the release of certain Prisoners in certain cases in the Calendars laid before the Officiating Judge on Circuit at Tellore.-

(Here enter No. 628).-

Read 140

E.H.

Friday
23d May, 1834.

At a Court of the Eoyd'aree Edalut.

Present

Thomas Alexr Baker Esqre Acting 2d Puisne Judge.
Alexr Duncan Campbell Esqre Acting Judge

Read again letter dated 31st December last from the 1st Judge on Circuit in the Southern Division transmitting the Record of Proceedings in Case No 34 of the Salem Calendar 2d Sessions 1833.

(Here enter No 5)

Read also return dated 22d Ultimo from the 1st Judge late on Circuit in the Southern Division to Precept of Eoyd'aree Edalut dated the 25th February 1834, directing that the evidence of some witnesses connected with Case No 34 Salem Calendar, 2d Sessions of 1833 be taken and transmitted to the Eoyd'aree Edalut.

(Here enter No 524)

The Court of Eoyd'aree Edalut, 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-Crogat and Mooftee of the Eoyd'aree Edalut, confirm such part of the said Futwa of the Cazee-ool-Crogat and Mooftee aforesaid as acquits the Prisoners

2d Mottoo Coundoo,

and

3d Kullen,

and direct that they be set at liberty.

But

But being of opinion that the proof
against the Prisoner,

1st Annamalay

is sufficient to convict him of the crime of Gang robbery
by open violence, attended with aggravating circumstances,
they do under the authority with which they are vested
by Clause First Section II Regulation I of 1818, convict him
thereof, and in conformity with the Provision of Clause
Second Section IV Regulation XI of 1803 sentence the
said Prisoner

1st Annamalay

to be transported to such place beyond sea as the
Governor in Council shall appoint, there to be im-
= prisoned and kept to hard labour in irons on the
Public Roads, or other Public works for and during
the period of his natural life.-

Ent'd 112 140

(Sent following letter No 386)-

F. 76.

At a Court of the Fouzdaree Adalut.

Present,

Monday 26th May 1834. Thomas Alexr Oakes Esqr Acting 2d Assistant Judge
Alexr Duncan Campbell Esqr Acting Judge

Read letter, dated the 9th April
last from the 3d Judge on Circuit in the Northern
Division, transmitting the record of Proceedings
in case No 16 on the Rajahmundry Calendar
1st Sessions of 1833.-

112 140
113

/Here enter No 502-/

The Court of Fouzdaree Adalut,
on a deliberate consideration of all the circumstances
of the Case, in evidence before them being of
opinion that the proof against the Prisoners,

Mr Oakes and Mr Campbell

1st Muddaulah Loobbaoo
and
2d Maunay Loobbaoo

is sufficient to convict each of them 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 them thereof,
and sentence the prisoner-

2d Maunay Loobbaoo

to suffer death, by being hanged at the usual
time and place of execution, as prescribed by
Section V Regulation VIII of 1802 and the Prisoner

1st Muddaulah Loobbaoo

to be transported to such place beyond sea,

as

26th May 1834. as 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. 388 /

Read letter dated the 23d January last from the 1st Judge Batticaloa Circuit in the Eastern Division transmitting record of proceedings in Case No. 53 Salem Calendar 2nd Sessions of 1833

/ Here enter No. 98 /

The Court of Zoujdaree 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-Adl-Coozat and Mooftees of the Zoujdaree Udalut, confirm such part of the said Futwas of the Cazee-Adl-Coozat and Mooftees aforesaid, as convicts the Prisoners -

Wm Campbell

1st Tencatachellum
2nd Parattappan
3d Chinna Coumden
4th Columthappien
5th Cullaputtee Sottien
6th Coolienputty Teroovally
7th Callapatty Columdapyen
8th Teeroovally son of Teeta Coumden
9th Govinden
10th Syemparoomaun
12th Syah Coumden
and
13th Thoppandy

and in conformity with the provisions of clause third, section V Regulation VIII of 1831 and clause Wm second section II Regulation I of 1825, and clauses second and

26th May 1834 and fifth section IV, and clause third section VIII Regulation XV of 1803 sentence the Prisoners-

10th Syemparoomaun
and
13th Thoppandy.

to receive each, 195 lashes with a cat of nine tails and to be transported to such place beyond sea, as 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 their natural lives.

And the Prisoners
1st Tencatachellum
3d Chinna Coumden
and
6th Coolienputty Teroovally

to receive each 195 lashes with a cat of nine tails, and to be banished to the District of Chicacole, 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 fourteen years-

And the Prisoners-
2nd Parattappan
4th Columthappien
7th Callapatty Columdapyen
9th Govinden.
and
12th Syah Coumden.

to be imprisoned and kept to hard labour in irons on the public Roads or other public works

for

26th May 1834. for and during the period of ten years.

And the Prisoners

5th Cullapuettee Sottiem

and

8th Teerovally son of Seeta Cumden

to be imprisoned and kept to hard labour in irons on the public Roads or other public works for and during the period of Seven Years -

And further being of opinion that the proof against the Prisoners -

11th Mauremootoo

14th Selavayen

15th Peroomaly Cumden

16th Thauthen

and

17th Teeroopanthy Cumden

is sufficient to convict them of the crime of Gang Robbery by open violence attended with aggravating circumstances, they do, under the authority with which they are vested by Clause first section VI Regulation I of 1818 convict them thereof, and in conformity with the Provisions of Clause third, section V Regulation VIII of 1818 Clause third, section II Regulation I of 1825, and Clauses second and fifth, section IV and Clause third, section VIII Regulation XV of 1803, sentence the Prisoners

15th Peroomaly Cumden

and

17th Teeroopanthy Cumden

to

26th May 1834. to be transported to such place beyond sea, as 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 their Natural lives -

And the Prisoner

17th Teeroopanthy Cumden

to receive in addition 195 Lashes with a cat of nine tails;

And the Prisoner

16th Thauthen

to receive 195 lashes with a Cat of Nine tails and to be banished to the Gillah of Chicacole, 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 fourteen years;

And the Prisoner

14th Selavayen

to be imprisoned and kept to hard labour in irons on the public Roads or other public works for and during the period of ten years

And the Prisoner

11th Mauremootoo

to be imprisoned and kept to hard labour in irons on the public Roads or other public works for and during the period of seven years;

And further being of opinion that the proof against the Prisoner

19th Mairah (a female)

10

is sufficient to convict her of being an accom=
=plice with the Robbers, and of receiving and
concealing a part of the stolen property, well
knowing that the same had been stolen, they
do under the authority with which they are
vested by clause first section II Regulation
I of 1818 convict her thereof: but taking into
consideration the circumstance of her having
been influenced by and acted under the
directions of her husband, and the confinement
which she has already undergone they direct
that she be released with an admonition.

1 The Court of Fouzdaree Adalut,
with reference to the foregoing Trial, think that
it would have been advisable to have admitted
as approvers, some of those Prisoners in whose
cases, there were the most palliating circumstances,
who spoke to the guilt of the 18th Prisoner, for the
sake of ensuring his conviction -

2 It was highly desirable, that an
Individual holding the situation which the 18th
Prisoner did, and who, the Court, entertain little
doubt, was implicated in this Robbery, and
exerted the influence which his office gave
him, to aid that object, should not escape the
punishment due to his offence, simply from
the want of sufficient evidence for conviction.

3 Considering the active part
which

which it appears the husband of the 19th Prisoner,
took, in the perpetration of this Robbery, the Court
of Fouzdaree Adalut deem it advisable to authorize
the offer of a reward, of 250 Rupees for his appre=
=hension -

They accordingly resolve to issue
4 orders to the 1st Judge late on Circuit in the Southern
Division, directing him to take the necessary mea=
=sures for carrying this order into effect -

Ordered, that extract from these
proceedings be sent to the 1st Judge late on
Circuit in the Southern Division for his in=
=formation and guidance -

/Sent following letter No. 389/

Read return, dated 5th Instant,
from the Provincial Court of Circuit in the
Northern Division, to precept dated the 31st
March last, directing the destruction of the
English and Persian Translates of the Criminal
trials anterior to the year 1830 in the Court to
of Circuit and Criminal Courts -

/Here enter No. 626/

Read further return dated 2nd
Instant from the 1st Judge late on Circuit
in the Southern Division, to precept of Fouzdaree
Adalut dated 30th January 1834, conveying
observations and orders of the Court upon the
Calendar 2nd Sessions of 1833 -

/Here enter No. 562/

Read

26th May 1834.

Read further return dated 20th Instant, from the 1st Judge late on Circuit in the Southern Division, to precept of the Fouzdaree Adalut of the 22nd Ultimo, sanctioning the offer of a reward of 200 Rupees for the apprehension of the absconded Veeren therein mentioned.

(Here enter No. 660)

Read letter, dated 20th Instant, from the 1st Judge late on Circuit in the Southern Division, with a returned warrant for the execution of the prisoner Maliandy in case No. 6 Coimbatoor Calendar 2nd Sessions 1833.

(Here enter No. 661)

Read letter, dated 20th Instant, from the 1st Judge on Circuit in the Western Division, submitting the warrant issued for the execution of the Prisoner in case No. 21 on the Malabar Calendar 1st Sessions 1834, as also Copy of a letter from the Criminal Judge who attended the execution.

(Here enter No. 663)

Read letter, dated 22d Instant, from the Provincial Court of Circuit in the Centre Division transmitting, with reference to the Court's proceedings of the 29th March last, Copies of returns made by the Magistrate of North arcot and the Joint Magistrate in charge of the Zillah of Bellary.

(Here enter No. 657)

Read

26th May 1834.

Read letter dated the 15th January last from the 1st Judge late on Circuit in the Southern Division, transmitting the Trial of Case No. 18 Salem Calendar 2nd Sessions 1833 for the final Sentence of the Superior Court.

(Here enter No. 56)

Mr. Ludlington.
Mr. Baker.
and
Mr. Campbell.

The Court of Fouzdaree 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-Cozzat, and Mooftees of the Fouzdaree Adalut, confirm such part of the said Futwas of the Cazee-ool-Cozzat and Mooftees aforesaid as convicts the Prisoners.

2d Ponnen
4th Talayoothum
6th Mottian
7th Palany alias Manthaundy
8th Soonen
9th Poolanoownden
11th Vannara cauthan
12th Rauckun
13th Venkettun
14th Iyempparoonan
15th Thuppuntay cauren
16th Coonay
18th Chiroyun
19th Aumyen

20th

20th Coothaun
21st Peracavolian
22d Sechapyen
23d Veethen
24th Coolian
26th Caroopen
28th Rannen
29th Maothun son of Moorkaundy.
30th Maothun son of Maothun.
31st Coollacawnden
32d Muntthy
and
33d Ransum

and accordingly under the sentence of Ashesbut, declared in the foregoing Fiatura, they, in conformity with the Provisions of Clauses Second and Fifth respectively of Section IV Regulation XV of 1803 adjudge the Prisoners.

2d Ponnan
12th Raukun
14th Iyemparooman
and
15th Thuppittay Caurun

to be transported to such place beyond Sea as the Governor in Council shall appoint there to be imprisoned and kept to hard labour in irons on the public Roads orther public works for and during the period of their natural lives:

And the prisoners

4th

4th Valayaothun
6th Mattian
7th Palany alias Mouttaundy
8th Loosen
9th Poollancowndan.
13th Venkettun
16th Coonary
18th Chinroyan
19th Aumyan.
21st Peracavolian
22nd Sechapyen
23d Veethen
24th Coolian
26th Caroopen
28th Rannen
29th Maothun son of Moorkaundy
30th Maothun son of Maothun
31st Coollacawnden
32nd Muntthy
and
33d Ransum.

to be imprisoned and kept to hard labour in irons on the public roads, or other public works for and during the period of five years.

And further being of opinion that the proof against the Prisoner.

1st Coopana pillay.

is sufficient to commit him of the Crime of

Gang

26th May 1834 Gang Robbery by open violence, attended with aggravating circumstances, they do under the Au=thority with which they are vested by clause first Section II Regulation I of 1818 convict him thereof and in conformity with the provisions of Clause Third Section II Regulation I of 1825, and Clause Second, Section IV Regulation XV of 1803, sentence the said Prisoner

1st Coopanna pillay.

to receive 195 lashes with a cat of nine tails and to be transported to such place beyond sea as 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 389A)

1 The Court cannot pass over in silence the proceedings of the Circuit Judge in this trial which they consider to have been con=ducted in a manner far from satisfactory -

2 Before acquitting even the 25th Pri=soner, the Circuit Judge ought to have examined the brothers of the First Prosecutor and the other inmates of his house to enforce whose attendance no measures appear to have been taken by him -

3 Even under the circumstances stated

26th May 1834 - stated, the circuit Judge was not justified in dispensing with the evidence for the defence excepting with the express concurrence of the Prisoners -

4 Although this Gang plundered three separate houses in the same night and commenced the exercise of torture the very mention of which is abhorrent to humanity, yet because their victims succumbed before any severe bodily injury was sustained, the Circuit Judge has expres=sed doubts whether he should be warranted in pro=passing any more severe sentence on those who perpetrated such barbarities than 14 Years im=prisonment -

5 The Court of Foujdaree Adalut entirely dessent from the view of the Circuit Judge as regards the principal prisoners, whose case in their opinion demanded the highest penalty of the law that could be inflicted under the present Regulations -

Ordered that extract from these proceedings be sent to the 1st Judge late on Circuit in the Southern Division by Precept returnable without delay.

(Sent following Precept No 389B)

J. C.

At a Court of the Foujdaree Adalut

Present,

Wednesday
20th May 1834.

Thomas Alexr. Oakes Esqre. acting 2d. Puisne Judge
Alexr. Duncan Campbell Esqre. acting Judge

Read letter dated the 8th. Instant,

No. 170

from the 3d. Judge on Circuit in the Northern Division,
recommending a mitigation of the punishment to
which the 2d. & 3d. prisoners convicted in Case
No. 87. Rajahmundry Calendar 1st. Sessions of 1833.
of plundering Grain have rendered themselves
liable.-

(Here enter No. 614.)

The Court of Foujdaree Adalut
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
3d. Judge on Circuit in the Northern Division, and
accordingly desire that the 3d. Judge do issue his
warrant, directing that the prisoners.-

2d. Naumana Nella Venkoo
&
3d. Sauney Coladoo

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 from these
proceedings

28th May 1834.

proceedings be sent to the 3d Judge on Circuit in the Northern Division by precept returnable without delay—

(Sent following Precept No 399)

Read letter, dated the 8th Instant, from the 3d Judge on Circuit in the Northern Division, recommending a mitigation of the punishment to which the Prisoners convicted in Case No 70 Rajahmundry Calendar 1st Sessions of 1833 of Highway Robbery, have rendered themselves liable—

(Here enter No 615)

The Court of Sudder Adalut 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 3d Judge on Circuit in the Northern Division and accordingly desire that the 3d Judge do issue his warrant directing that the said prisoners be imprisoned and kept to hard labor in irons on the public roads or other public works for the period of (5) five years.

Ordered, that Extract from these proceedings be sent to the 3d Judge on Circuit in the Northern Division by precept returnable without delay—

(Sent following Precept No 400)

25th May 1834.

Read letter dated 13th instant from the acting Judge of the Provincial Court of Circuit in the Centre Division with copy of the second supplemental Nellore Calendar for 1st Quarterly Sessions of 1834—

(Here enter No 601)

Read further Return dated 14th instant from the Provincial Court of Circuit in the Northern Division to precept of Sudder Adalut dated the 25th April 1834, directing the release of certain prisoners, in certain cases on the Calendars laid before the Officiating Judge on Circuit at Nellore, and requiring to report by whom those cases were held—

(Here enter No 629)

At a Court of the Foujdaree Udalut

Present,

Friday 30th. May 1834. The Honble. William Oliver Esqre. Chief Judge
Thomas Alexr. Oakes Esqre. acting 2d. Puisne Judge
Alexr. Duncan Campbell Esqre. acting Judge.

Read Letter, dated 18th. Ultimo from the acting Judge of the Court of Circuit in the Centre Division, transmitting the record of proceedings in Cases Nos. 11. 12. 13. & 14. on the Chittoor second Supplemental Calendar for the 1st. Quarter Sessions 1834 -

(Here enter No. 505.)

No. 11 Mr. Campbell -

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-Cozat and Mooftees of the Foujdaree Udalut, confirm such part of the said futwa of the Cazee-ool-Cozat and Mooftees aforesaid, as convicts the Prisoner -

1st. Pees Bukish

but they deem it unnecessary to proceed to Judgment in this case, he being convicted in Nos. 12 & 13 of the Calendar -

and further being of opinion that the proof against the Prisoner -

2d. Abdool Cawder

is sufficient to convict him of the crime of theft, they do

do under the authority with which they are vested by Clause First Section II. Regulation I of 1818, convict him thereof, but will not proceed to pass judgment in this case, he being convicted & sentenced in Cases Nos. 12 & 13 on the Calendar—

Nos. 12 & 13.
Mr. Campbell.

The Court of Foujdaree Udalut, having maturely considered the proceedings held before the Judge on Circuit, the futwas of the Provincial Law Officer, and the futwas of the Cazee-ool-Cozat and Mooftees of the Foujdaree Udalut, confirm such part of the said futwas of the Cazee-ool-Cozat and Mooftees aforesaid, as convicts the Prisoner—

1st Peer Buksh

and in conformity with the Provisions of Section XXI Regulation VII of 1802, and Clause third Section V. Regulation VIII of 1831 sentence him to be imprisoned and kept to hard labour in irons on the public Roads, or other public Works, for and during the period of Seven (7) years—

And further being of opinion that the proof against the Prisoner—

2d Abdool Cawder.

is sufficient to convict him fully of the crime of theft— they do under the authority with which they are vested by Clause First Section II Regulation I. of 1813 convict him thereof and in conformity with the provisions of Clause third Section V Regulation VIII

of 1831, and Section II Regulation VII of 1832 sentence him to be imprisoned and kept to hard labour in irons on the public Roads, or other public Works for and during the period of seven years—

No. 14.
Mr. Campbell.

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-Cozat and Mooftees of the Foujdaree Udalut, confirm the said futwa of the Cazee-ool-Cozat and Mooftees aforesaid; but they deem it unnecessary to proceed to judgment in this case upon the Prisoner—

1st Peer Buksh,

he being sentenced to seven years imprisonment with hard labour in Nos. 12 & 13 of the Calendar—

They further direct that the Prisoner—

2d Abdool Cawder—

be not released, he being convicted in Nos. 12 & 13 of the Calendar—

(Sent following letter No. 407)

Read letter, dated 27th March last from the Officiating Judge of the Provincial Court in the Northern Division, submitting the record of trial in Case No. 35 on the 1st Nellore Calendar 2d Session 1833—

(Here enter No. 424.)

30th May 1834.

Mr. Campbell.

The Court of Foujdaree 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-ool-Cozat, and Mooftees of the Foujdaree Udalut, confirm such part of the said Futwa of the Cazee-ool-Cozat and Mooftees aforesaid, as acquits the Prisoners.

5th Parakiem Soobiah

6th Indla Vencaty

but being of opinion that strong suspicion, although not amounting to conviction attaches to the Prisoner.

5th Parakiem Soobiah

they direct, under Clause Sixth, Section II Regulation XV. of 1803. that he be required to find two Sureties in 100 Rupees each Surety, for his good behaviour & appearance when required within three years, or that in default thereof, he be detained for three years in confinement.—

And they direct that the Prisoner.

6th Indla Vencaty

be set at liberty

And further being of opinion that the proof against the Prisoners

1st Gunjee Cunnakadoo

2d & 3d Chinna Cunnakadoo

&

4th Appalee Narsiah

is

30th May 1834

is sufficient to convict them of the crime of Gang Robbery and Arson, they do, under the authority with which they are vested by Clause First Section II Regulation I of 1818, convict them thereof and in conformity with the provisions of Clause Second, Section IV Regulation XV of 1803 and Clause third Section V Regulation VIII of 1831 sentence the said Prisoners.

1st Gunjee Cunnakadoo

2d & 3d Chinna Cunnakadoo

&

4th Appalee Narsiah

to be transported to such place beyond sea, as 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.—

(Sent following letter No. 108)

With reference to the foregoing Trial, the Court of Foujdaree Udalut, resolve to direct that the bag of Rupees produced by the 6th Prisoner be given to the Prosecutor; as they are of opinion that the evidence adduced upon the Trial, affords strong Grounds for believing that it was stolen from him by the 6th Prisoner's husband, who has not been apprehended.

2 The Court are of opinion that the Prosecutor in this case, has performed a highly "Meritorious service" in singly opposing for a considerable

time

time a numerous Gang of Robbers, and in keeping them at bay, though armed with no other weapon than a stick — in immediately denouncing their Leader and others, to the Police authorities, and in effecting the apprehension and subsequent conviction of the principal offenders, thereby rendering an important benefit to the society of which he is a Member

3 On these Grounds, and with a view of inciting others to adopt a similar line of conduct and courageously resist the attacks of lawless men upon their lives and property, the Court of Sujdaree Adalut, resolve to authorize under Section XXIII Regulation IX of 1816, the payment to the Prosecutor of a reward of 250 Rupees, and they direct accordingly that the Officiating Judge of the Northern Provincial Court will adopt the necessary measures for giving full effect to their orders.—

Ordered, that extract from these proceedings be furnished to the Provincial Court of Circuit in the Northern Division for their information and guidance by precept returnable without delay.—

(Sent following Precept No. 409)

Read letter, dated the 3d Ultimo from the Officiating Judge on Circuit in the Northern

Division — transmitting the record in case No. 19 on the Nellore Calendar 2d Sessions of 1833.

(Here enter No. 444)

The Court of Sujdaree 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-Cozat and Mooftees of the Sujdaree Adalut, confirm such part of the said Futwa of the Cazee-ool-Cozat and Mooftees aforesaid as acquits the Prisoners

Mr. Oliver
&
Mr. Oakes—

4th Poola Goorroovadoo
5th & 6th Mungadoo
7th Coolum Unkadoo
8th & 9th Soomadoo
9th Cutta Cotadoo
10th Moongamoony Paupadoo
&
11th Purray Naugadoo

and direct that they be set at liberty—

And further being of opinion that the Prisoners—

1st Dummala Ramadoo
&
6th Boladajsoon Nursejadoo

are not convicted on presumptive proof, or on the evidence of credible Witnesses, or on their own confessions, Notwithstanding the Futwa of their Law Officers

officers, they accordingly under Clause sixth Section II Regulation XV of 1803 - direct that they be set at liberty.

(Sent following letter No. 410)

Read letter, dated the 13th May 1834 from the Acting 3d Judge on Circuit in the Centre Division, recommending that the punishment to which the Prisoner in Case No. 2 Bellary Calendar First Sessions of 1834, has rendered himself liable, may be mitigated to five years' imprisonment with hard labour in irons.

(Here enter No. 633)

The Court of Foujdaree Adalut, having attentively considered the circumstances urged by the Acting 3d Judge on Circuit, in the Centre Division, resolve to comply with his recommendation of mitigation of Sentence.

They accordingly direct under clause Third, Section III Regulation I of 1825, that the Prisoner "Lumbana Lala"

be imprisoned and kept to hard labour in irons on the public roads, or other public Works, for and during the period of five years.

Ordered, that Extract of these proceedings be sent to the acting 3d Judge on Circuit in the Centre Division, for his information and guidance by precept, returnable without delay.

(Sent following Precept No. 411)

Read

30th May 1834.

Read letter, dated the 13th May 1834 from the Acting 3d Judge on Circuit, in the Centre Division, recommending that the punishment to which the prisoners in Case No. 7 Bellary Calendar, First Sessions of 1834 have rendered themselves liable may be mitigated to four years' imprisonment with hard labour in irons.

(Here enter No. 634)

The Court of Foujdaree Adalut, having attentively considered the reasons adduced by the acting 3d Judge on Circuit in the Centre Division, resolve to comply with his recommendation of a mitigation of sentence in favor of the two Prisoners in the above case.

They accordingly direct under clause Third, Section III Regulation I of 1825 that the Prisoners "1st Tukah"

&

"2d Hanmah"

be imprisoned and kept to hard labour in irons on the public Roads or other public Works for and during the period of five years.

Ordered, that Extract from these Proceedings be forwarded to the acting 3d Judge on Circuit in the Centre Division for his information and guidance by precept returnable without delay.

(Sent following precept No. 412)

Read

30th May 1834.

Read Return dated 30th Ultimo from the 1st Judge late on Circuit in the Southern Division to Precept dated the 22d Instant Commanding that all necessary measures should be taken for the apprehension of the absconded Veeren.

(Here enter No. 554.)

Read letter dated 6th instant — from the Provincial Court of Circuit in the Northern Division — submitting copy of explanations received from the Criminal Courts and Magistrates; regarding the Northern Provincial Court in their proceedings of the 11th October 1833 on the Criminal Reports for the Month of May 1833.

(Here enter No. 603.)

Read Return dated 13th instant — from the 1st Judge on Circuit in the Western Division to Precept of Foujdaree Adalut dated the 26th April 1834 conveying the Court's observations and orders upon the Malabar Calendars for the 1st Sessions of 1834.

(Here enter No. 630.)

J. U.

At a Court of the Foujdaree Adalut

Present,

Monday 2d June 1834. John Bird Esqre Acting 1st Puisne Judge.
Thomas Alexr Oakes Esqre Acting 2d Puisne Judge.
Alexr Duncan Campbell Esqre Acting Judge.

Read Petition presented on the 7th April 1834, by Shaikh Mahommed, late Jail Duffadar of the Zillah of Chittoor

(Here enter Extra Mar. Pr. No. 9 of 1834.)

The Petitioner, for whose dismissal, in consequence of his gross neglect of duty, by which 12 convicts effected their escape from his custody on the 5th of August 1833, to the Acting Provincial Court of Circuit, prays the Court to issue orders for his reinstatement in his former situation —

The Petitioner is informed that the order of this Court of the 5th August 1833, was made after a due investigation of all the circumstances of the case, and cannot be disturbed —

Ordered therefore, that the prayer of this Petition be rejected, and that extract of these proceedings be furnished to the petitioner upon his application —

Read Petition presented on the 5th [illegible] 1834, by Govindareddy of the Zillah

2nd June 1834.

J. Nellore.

(Here enter M. P. No. 34 of 1834)

1 The Petitioner complains, that one Doovoor Ramabudraeddy preferred an accusation against him before Mr. Casamajor, while that Gentleman was, holding the 1st Sessions of 1834 at Nellore; inconsequence of which he was committed to Prison, and the Circuit Judge, refused to release him on bail. He, on the arrival of Mr. G. Bird, at Nellore, as acting terminal Judge, presented a petition to him, praying that he would release him on bail; but, that officer, the Petitioner alleges, refused to comply with his request.

2 The Petitioner therefore prays the Court to order his release on bail.

3 Under the circumstances urged by the Petitioner, the Court resolve to forward a copy of this Petition to the late Judge on Circuit, now at Chittoor, and to desire Mr. Casamajor briefly to explain the grounds, on which he declined admitting the Petitioner to bail.

Ordered therefore, that Extract from these proceedings, with a copy of the Petition, be forwarded to the Judge late on Circuit in the Northern Division by precept returnable within one week.

(Sent following Precept No. 414)

Ordered

2nd June 1834.

Ordered also that extract from these proceedings be furnished to the Petitioner upon his application.

Read Petition presented on the 12th May 1834 by Raucharummah of the zillah of Cuddapah.

(Here enter M. Pet. No. 39 of 1834.)

1 The object of this Petition is to induce the Court, to issue orders to the Provincial Court of Circuit, in the Centre Division, directing them to furnish the Petitioner with copies of the charge preferred against her Brother, a Prisoner in Case No. 11. Cuddapah Calendar 1st Sessions of 1833 and of the Depositions of the witnesses on the part of the Prosecution; for which, she states, she has unsuccessfully applied to the Provincial Court.

2 The Petitioner is informed that, she has not shewn cause, sufficient to induce the Court to grant her request.

Ordered therefore that the prayer of this Petition be rejected and that extract from these proceedings be furnished to the Petitioner upon her application.

Raucharummah of the zilla of Cuddapah moves the Court to return the enclosure in her Miscellaneous Petition No. 39 of 1834.

Ordered accordingly.

Read.

2d June 1834.

Read letter dated 5th Ultimo from the 2d Judge on Circuit in the Southern Division, transmitting the record in Case No. 1 of the Combaconum Supplemental Calendar 1st Sessions 1834.

(Here enter No. 589)

Mr. Bird
&
Mr. Campbell

The Court of Fouzdaree Adalut, on a deliberate consideration of all the circumstances of the case, in evidence before them, being of opinion that the proof against the Prisoner -

"Yasen"

is sufficient to convict him of the crime of Culpable Homicide, do, under the authority with which they are vested by Clause First Section II Regulation I of 1818, convict him thereof, and in conformity with the provisions of Clause Second of the same Section, direct their Law Officers to declare by a second fetwa, to what Sentence the prisoner would be liable, if convicted on full legal evidence of the above crime. -

Ordered, that Extract from these proceedings be translated and delivered to the Cazeeod Cozat and Mooftees of the Fouzdaree Adalut. -

At a Court of the Fouzdaree Adalut

Present -

Thursday 5th June 1834. John Bird Esqre Acting 1st Puisne Judge
Thomas Alexr Oakes Esqre Acting 2d Puisne Judge
Alexr Duncan Campbell Esqre Acting

Mr Bird
&
Mr Campbell

Read again letter, dated 5th Ultimo from the 2d Judge on Circuit in the Southern Division, transmitting the record in Case No. 1 of the Combaconum Supplemental Calendar 1st Sessions 1834. -

(Here enter No. 589)

Read also second fetwa delivered in the above case by the Cazeeod Cozat and Mooftees of the Fouzdaree Adalut.

In commutation of the Penalty of Deeyut declared in the foregoing fetwa, the Court of Fouzdaree Adalut sentence the Prisoner -

Yasen

to be imprisoned and kept to hard labour in irons on the Public Roads or other public works, for and during the space of 2 years.

(Sent following letter No. 720)

Read letter, dated the 16th January 1834. -

from the 2d Judge late on Circuit, in the Northern Division, recommending a mitigation of the punishment to which the Prisoner, convicted in Case No. 86. of the Nellore 1st Calendar for the 2d Sessions of 1833. of the robbery of some Grain from a Bullock bandy, have rendered

5th June 1834. No. 60.

rendered themselves liable.

(Here enter ——— No. 60)

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 2d Judge late on Circuit, in the Northern Division; and accordingly direct that the 1st & 3d prisoners be imprisoned and kept to hard labour in irons on the public Roads or other public works for and during the period of (3) three years.

And the 2d and 4th Prisoners to be imprisoned and kept to hard labour in irons on the public Roads or other public Works for the period of (1) one year.

Ordered that 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 No. 421)

Read letter dated the 18th January 1834 from the officiating Judge on Circuit in the Northern Division recommending a mitigation of the punishment to which the Prisoners, in case No. 13. Nellore Calendar, 2d Sessions of 1833, convicted of Highway Robbery, have rendered themselves liable.

(Here enter No. 76)

The

5th June 1834. No. 61.

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 officiating Judge on Circuit in the Northern Division and accordingly direct that the said Prisoners, be imprisoned and kept to hard labour in irons on the public Roads or other public works for and during the period of six (6) years.

Ordered that 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 No. 422)

Read letter dated the 20th January 1834, from the officiating Judge on Circuit in the Northern Division, recommending a mitigation of the punishment to which the Prisoners in case No. 7. Nellore Calendar, 1st Sessions of 1834, convicted of Highway Robbery, have rendered themselves liable.

(Here enter No. 91)

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

by the officiating Judge on Circuit in the Northern Division and accordingly direct that the said Prisoners be imprisoned and kept to hard labour in irons on the public Roads, or other public Works for and during the period of five (5) years.

Ordered that extract from these proceedings be forwarded to the Provincial Court for the Northern Division for their information and guidance by precept returnable without delay.

(Sent following Precept No. 423)

Read letter dated 6th February 1834 from the Officiating Judge on Circuit, in the Northern Division recommending a mitigation of punishment, to which the Prisoner convicted in case No. 66 Nellore Calendar 2d Sessions of 1833 of Highway Robbery, has rendered himself liable.

(Here enter No. 156)

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 Officiating Judge on Circuit in the Northern Division and accordingly direct that the said Prisoner be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of (5) five

five years.

Ordered that 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 No. 424)

Read letter dated the 6th February 1833. from the Officiating Judge on Circuit in the Northern Division, recommending a mitigation of the punishment to which the Prisoner convicted on No. 34. Nellore Calendar. 2d Sessions of 1833. of Highway Robbery has rendered himself liable.

(Here enter No. 159)

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 Officiating Judge on 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 and during the period of two years and a half.

Ordered that 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.

J.C.

5th June 1834.

delay—

(Sent following Precept No. 425)

Read letter dated the 26th March 1834 from the Officiating Judge on Circuit in the Northern Division, recommending a mitigation of the punishment, to which the 10th Prisoner, convicted, in Case No. 22, Nellore Calendar 2d Sessions of 1833, of Gang Robbery, has rendered himself liable—

(Here enter No. 338.)

The Court of Foujdaree Udalut, on a due consideration of all the circumstances of the above case, are of opinion that the mitigated sentence of 3 years imprisonment proposed by the Officiating Judge on Circuit, in the Northern Division is insufficient for the punishment of the Prisoner in question, and they accordingly resolve to direct that the said 10th Prisoner be imprisoned and kept to hard labour in irons on the public Roads or other public works for and during the period of Seven (7) years—

Ordered that extract from these proceedings be forwarded to the Provincial Court of Circuit in the Northern Division for their information & guidance by Precept returnable without delay—

(Sent following Precept No. 426)—

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DAO
Gen'l
A2

J. C.

Saturday 7th June 1834.

At a Court of the Foujdaree Udalut.

Present,

John Bird Esqre acting 1st Puisne Judge.
Thomas Alexr Oakes Esqre acting 2d Puisne Judge.
Alexr Duncan Campbell Esqre acting Judge.

W3
W0
A2

Read letter, dated 31st March last, from the Officiating Judge on Circuit in the Northern Division, transmitting the record in Case No. 31 on the Nellore Calendar 2d Sessions of 1833—

(Here enter No. 445.)

Mr. Oakes
&
Mr. Campbell—

The Court of Foujdaree Udalut on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the Prisoners—

1st Eratoo Nursoo
&
2d Damah Ataka

is sufficient to convict them of the crime of wilful Murder, &c, under the authority with which they are vested by Clause First Section II Regulation I of 1813, convict them thereof, and in conformity with the provisions of Section X Regulation VIII of 1802, sentence the Prisoner—

1st Eratoo Nursoo

to suffer death as prescribed by Section X Regulation VIII

7th June 1834.

XIII of 1802 by being hanged at the usual time and place of execution—

And the Prisoner

2d "Damah Petchia"

to be transported to such place beyond sea, as 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. 433)

Read letter, dated 26th February last from the 1st Judge of the Court of Circuit in the Northern Division, transmitting the trial in Case No. 3. on the Masulipatam Auxiliary Court Calendar for the 1st Quarterly Sessions of 1834.

Mr. Oakes
vs
Mr. Campbell.

(Here enter No. 537)

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-Cozat and Mooftees of the Foujdaree Udalut, confirm the said futwa of the Cazee-ool-Cozat and Mooftees aforesaid, and acquitting the Prisoners.

2d. Chintalla Chintallo

3d. Poumurty Ghuntaro

5th. Muvvum Chodegah

6th. Chulapanty Varoyah

7th June 1834

7th. Atmooroy Jyeppah

9th. Munnem Ooma Chodegah

10th. Bondo Yersadoo

vs

13th. Muddala Mullaiah

direct that they be set at liberty.—

(Sent following letter No. 434)

Read letter, dated the 27th January 1834 from the acting 3d Judge on Circuit in the Centre Division, submitting the Record of proceedings in Case No. 52 of the Sundapah Calendar first Sessions 1834.—

(Here enter No. 538)

Mr. Bird
vs
Mr. Campbell.

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-Cozat and Mooftees of the Foujdaree Udalut, confirm the said futwa of the Cazee-ool-Cozat & Mooftees aforesaid, acquitting the Prisoners.

1st. Damarachela Chennegadoo

vs

2d. Damarachela Gungadoo

direct that they be set at liberty.—

(Sent following letter No. 435)

Read letter, dated 9th Ultimo from the 1st Judge on Circuit in the Western Division, transmitting the record of trial in Case No. 4. Canara Calendar

J. C.

7th June 1834.

Calendar 1st Sessions 1834.

(Here enter No. 620.)

Mr. Bird
&
Mr. Campbell.

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-Cozat and Mooftees of the Foujdaree Udalut, confirm the said futwa of the Cazee-ool-Cozat and Mooftees aforesaid, and accordingly sentence the Prisoner "Duddayah" to suffer death by being hanged at the usual time and place of execution, as prescribed by Section X Regulation VIII of 1802.

(Sent following letter No. 436)

Read letter, dated the 25th April last from the Officiating Secretary to Government in the Judicial Department, conveying the sentiments of Government on the proceedings of the Foujdaree Udalut of 27th December 1833 on the Circuit Report of the Acting 3d Judge late on Circuit in the Centre Division for the 1st Sessions 1833.

(Were entered No. 566.)

Ordered, that extract of the proceedings of the Court of Foujdaree Udalut of 27th December 1833 together with copy of Paras* of the extract of the Minutes of Consultation under date 25th April 1834 upon the above proceedings be transmitted

* 1. 3. 4. 5. 10. 11. 12. 13. 14. 17. 19. 20. 22. 23. 24. 25. 26 & 27.

to

J. C.

7th June 1834.

to the acting 3d Judge late on Circuit in the Centre Division for his information and guidance by Precept returnable without delay, requiring him to furnish the explanation called for and

2 and guidance by Precept returnable without delay, requiring him to furnish the explanation called for and to communicate copy of para 19 to Mr. J. 16, and to communicate copy of para 19 to Mr. J. 16,

(Sent following Precept)

Ordered also, that Para 2 be communicated to the 4 Provincial Courts of Circuit for the information and guidance of the several Magistrates.

(Sent in No. 438)

Ordered, that Para 6 together with para 16 of this Courts proceedings be furnished to the 4 Provincial Courts of Circuit for the information and guidance of the several subordinate judicial officers.

(Sent in No. 439)

Ordered, that para 7 be transmitted to the Provincial Court of Circuit in the Centre Division for their information and guidance.

(Sent in No. 440)

Ordered, that Para 9 be circulated to the 4 Provincial Courts of Circuit for the information and guidance of the several Officers in charge of Jails.

(Sent in No. 441)

Ordered, that Para 11 be furnished to the Provincial Court of Circuit in the Centre Division with instructions to transmit copy of Paras 6 & 15 of

the

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J.H.
7th June 1834.

[illegible] Circuit Report to the Magistrate
the acting 3rd Jud
of South Arcot
(Sent in No. 442)

Ordered, that Para 12 together with
Para 24 of this Court's proceedings, and Para
52 of the acting 3rd Judge's Report be circulated
to the 4 Provincial Courts of Circuit, for the
information and guidance of the subordinate
judicial authorities.

(Sent in No. 443)

Ordered, that Para 14 be sent
to the Provincial Court of Circuit in the Centre Division
for their information and guidance.

(Sent in No. 444)

Ordered, that Para 15. together with
Para 29 of this Courts proceedings, and para 16
together with para 30 of this Court's proceedings, &
Para 18 together with paras 32 & 33 of this Courts
proceedings be furnished to the Provincial Court
of Circuit in the Centre Division to be communicated
to the acting Joint Criminal Judge of Cuddalore.

(Sent in No. 445)

Ordered, that Para 21 be circulated
to the 4 Provincial Courts of Circuit for the informa-
tion and guidance of the several subordinate
Courts, by Precept returnable without delay.

(Sent following Precept No. 446)

Read

J.H.
7th June 1834

Read letter, dated the 3rd May 1834
from the Officiating Judge on Circuit in the Northern
Division, recommending a mitigation of the
punishment to which the 2d, 3d & 8th prisoners
in case No. 1 Nellore Calendar 1st Sessions of 1834
convicted of being concerned in a Gang Robbery
of Grain, have rendered themselves liable.

(Were enter No. 675 of 1834)

The Court of Foujdaree Adalat,
having maturely considered the circumstances
of the case, represented in the above letter, are of
opinion that the demands of Justice will be
satisfied by the infliction of a punishment even
milder than that recommended by the Officiating Judge
on Circuit in the Northern Division, and accordingly,
under clause third Section III Regulation I of 1825.
Sentence the Prisoners-

2d Mootlu Venkatapah
3d " Chinna Ramiah
8th " Cunnuda Chinna Yakaiah

to be imprisoned and kept to hard labour in
irons on the public Roads or other public Works
for and during the period of (2) two years, and then
to be released.

Ordered, that extract from these
proceedings be forwarded to the Provincial Court of
Circuit in the Northern Division, for their information
and

and guidance by precept returnable without delay.

(Sent following Precept No. 447)

Read letter, dated the 31st Ultimo, from the officiating Judge on Circuit in the Northern Division, recommending a mitigation of the punishment to which the Prisoner, convicted in Case No. 96, Yellow Supplemental Calendar, 1st Sessions of 1834. of Gang Robbery, has rendered himself liable.

(Here enter No. 676)

The Court observe that the ground upon which a mitigation of punishment, is recommended in behalf of the 1st Prisoner, is his youth, but that the officiating Judge on Circuit in the Northern Division has omitted to mention his precise age; while the Calendar does not supply the omission.

2 Without this information the Court are not prepared to sanction the mitigated punishment recommended by the Commissioner.

3 They resolve therefore to issue orders to the Provincial Court of Circuit in the Northern Division, directing them to ascertain and report to the Sudder Adalut, the age of the Prisoner in question.

Ordered therefore, that extract from these proceedings be forwarded to the Provincial Court of Circuit in the Northern Division by precept returnable within 10 days.

(Sent following Precept No. 448)

Read

Read letter, dated the 31st Ultimo from the officiating Judge on Circuit in the Northern Division recommending a mitigation of the punishment to which the Prisoner Yalagoo Pupadoo convicted in Case No. 93, Yellow Calendar, 1st Sessions of 1834. of Gang Robbery, has rendered himself liable.

(Here enter No. 677)

The Court of Sudder Adalut, 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 officiating Judge on 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 and during the period of four years.

Ordered, that 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 No. 449)

Read letter dated the 29th Ultimo, from the Acting 3d Judge on Circuit in the Centre Division, recommending a mitigation of the punishment to which the 5 Prisoners convicted

convicted in Case No. 22 Bellaire Calendar, 1st Sessions of 1834. of stopping the prosecutor in the high road, and stealing his bullock and some rice which was on it, of the value of 10 Rupees have rendered themselves liable.

(Here enter No. 685.)

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 acting 3d Judge on Circuit in the Centre Division, and accordingly direct that the said 5 Prisoners be imprisoned and kept to hard labor in irons on the public roads or other public works, for and during the period of 14 years.

Ordered, that extract of these Proceedings be sent to the acting 3d Judge on Circuit in the Centre Division, by precept returnable without delay.

(Sent following Precept No. 450)

The Criminal Reports from the months of January, February and March 1834 not having been received from the Northern Division,

Ordered, that the Provincial Court in the Northern Division be required by precept returnable within ten days, from and after its receipt to transmit the said Reports and to explain why they have not been forwarded.

The

The Court of Foujdaree Udalut attach the greatest importance to the speedy and regular transmission of these documents, and they will not admit any but the most satisfactory reasons for the delay.

(Sent following Precept No. 451)

4th 913
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135

At a Court of the Foujdaree Udalut.

Present

Monday
9th June 1834. John Bird Esqre. Acting 1st Puisne Judge,
Thomas Alexr. Oakes Esqre. Acting 2d Puisne Judge
&
Alexr. Duncan Campbell Esqre. Acting Judge

L/D

Read again Petition presented by Montealucha of the zillah of Chittoor

U/S

(Here enter Mr. P. No. 83 of 1833)

Read also again further Petition presented by the aforesaid Montealucha, on the 16th December last.

(Here enter Mr. P. No. 106 of 1833)

Read also Return from the Provincial Court of Circuit in the Centre Division, dated the 29th March last - to Precept of the Foujdaree Udalut, under date the 10th of the same month, directing them to retransmit the English and Persian translations of the proceedings in case No. 3 Chittoor Mr. Supplementary Calendar 4th Quarterly Sessions of 1833 -

(Here enter No. 403 of 1834 -)

After an attentive consideration of the record of the foregoing case, the Court are of opinion, that the evidence adduced on the part of the prosecution, is insufficient to establish the crime, with which the Prisoner Muvvacherla

Mook

stores charged, and for which he was sentenced to 15 years' imprisonment by Mr. Gahagan, the late acting 1st Judge of the Court of Circuit in the Centre Division.

2 The Court therefore resolve to issue orders to the Provincial Court of Circuit in the Centre Division, directing them to cause the immediate & unconditional release of the aforesaid Prisoner Arunachellum.

3 They further resolve to direct the Provincial Court of Circuit in the Centre Division to issue orders to the Acting Criminal Judge of Chilaw immediately to restore to the Prisoner, the Jewels which were taken from his house, and which are now deposited in the Fiscal's Court.

Ordered, that extract from these proceedings be sent to the Provincial Court of Circuit in Centre Division by precept, returnable within 5 days.

(Sent following Precept No. 452)

Ordered further, that extract from these proceedings be furnished to the Petitioner upon his application.

Read petition presented by Seeny Naiken.

(Here enter Petn. No. 9 of 1834)

The Court in passing judgment on the trial No. 8 of the Madura Calendar for the

the 1st Session of 1834, directed the unconditional release of the prisoners Chenna Bonna Naick & Pundeya Naick as prayed for in the petition.

Ordered, that the Petitioner be informed of the Court's sentence, and extract from these proceedings furnished to him, on his application.

Read again Petition presented by C. Govindajapah, late acting Scitor of the Amaliary Court of Jaffna.

(Here enter Extra Min. P. No. 10 of 1834)

Read also Return dated the 26th Instant from the Provincial Court in the Northern Division to Precept of Surjidaree Adalut under date the 9th April 1834, directing them fully to examine the Proceedings in this case, and to ascertain and report to the Surjidaree Adalut whether there were any valid reasons for the dismissal of the Petitioner from his office by the Assistant Judge.

(Here enter No. 708 of 1834)

From an attentive consideration of the circumstances detailed in the foregoing Precepts, the Court are of opinion that no case has been made out which can call for their interference; in addition to which it is evident from the declaration given before the Acting Asst. Criminal Judge (which accompanies the Precept of the Northern Provincial Court)

by

by the Petitioner, that the Police, in asserting that he was on leave on the day, when the Prisoners were taken from the Jail to their houses, has been guilty of a misrepresentation.

Ordered therefore, that the prayer of this Petition be rejected, and that extract from these proceedings be furnished to the petitioner upon his application.

Read Petition presented on the 28th April 1834, by Annemmay of the gillah of Cuddalore.

(Here enter Mis: P. No. 28 of 1834)

The object of this Petition is to induce the Court to reconsider their order of 21st April 1834, declining to grant the prayer of a Petition presented by the present applicant, that the Court would reinvestigate the case of her brother, a prisoner in the Cuddalore Calendar 1st Sessions of 1833, it having been already duly disposed of.

2 The Petitioner is again informed that her brothers case was disposed of by competent authority, after due investigation, and that their order of the 21st april is final, and cannot be disturbed.

Ordered therefore, that the prayer of this Petition be rejected, and that extract from these

proceedings be furnished to the Petitioner upon her application.

Read Petition presented by Davalgia Rauw, and others.

(Here enter Mis: Pet. No. 32 of 1834)

1 The object of this Petition is to induce the Court to issue orders for the release from confinement of one Geroomaiye Row, a prisoner in case No. 16 Cuddalore Calendar 1st Sessions of 1833, convicted of Rape, and sentenced by the Court of Sujdaree Adalut to imprisonment with hard labour for the period of seven years.

2 The Petitioners are informed that the Prisoner in the foregoing case, was duly convicted of the crime laid to his charge, after a mature consideration of all the circumstances of the case by the Court of Sujdaree Adalut, and that that sentence cannot be disturbed.

Ordered therefore, that the prayer of this petition be rejected, and that extract from these proceedings be furnished to the Petitioners, upon their application.

Read Petition presented on the 12th May 1834, by Veerapooley Chungaiah Naick & Pauper of the gillah of Salem.

(Here enter Mis. P. No. 37 of 1834)

J.L.
9th June 1834.

1 The object of this Petition is to induce the Court to reconsider their order of the 5th May 1834, declining to accede to the request of the Petitioners, conveyed in their Petition No. 3 of 1834, that the Court would take into their consideration the sentence passed upon the Prisoners in Case No. 6. Chittoor Calendar. 3d Quarterly Sessions of 1833.

2 The Petitioners are informed that the case in question was duly disposed of according to the Regulations, by competent authority, that their order of the 5th May 1834, was final, and that the request of the Petitioners is inadmissible

Ordered therefore, that the prayer of this petition be rejected, and that extract from these proceedings be furnished to the Petitioners upon their application.

Read Petition presented on the 3d June 1834. by Iyasamy pillay of the zillah of Coimbatore

(Here enter M. P. No. 10 of 1834.)

The Petitioner states that having presented a petition, regarding the conduct towards himself of one Maunica Moodely to this Court, he was by them, in their proceedings of the 19th August 1833. directed to address the Criminal Judge

J.L.
9th June 1834.

Judge upon the subject, but that he is afraid to do so, having been informed that the said Maunica Moodely has obtained a warrant, and purposes procuring his confinement on pretence with the view of preventing him from instituting proceedings against them.

He therefore prays this Court to

2 examine his complaint, or to issue orders to the Circuit Judge, Criminal Judge, or Magistrate to prevent the said Maunica Moodely from offering him annoyance.

The Petitioner is informed that

3 his request is inadmissible.

Ordered therefore, that the prayer of this Petition be rejected, and that Extract from these proceedings be furnished to the Petitioner upon his application.

C. Govindappah, acting Judge of the Auxiliary Court at Tyagtoor, moves the Court to return the enclosures in his Extra Miscellaneous Petition No. 10 of 1834.

Ordered accordingly.

Read return, dated 3d instant, from the Provincial Court of Circuit in the Centre Division, to proceedings of 30th ult. directing them to instruct the officer in charge of the Jail at Cuddapah to transfer the prisoner thereon alluded to, to the Jail at

J. C.

9th June 1834.

at Chunglepat.

(Here enter No. 702)

Read return dated 3d. instant from the acting 3d. Judge on Circuit in the Centre Division to precept dated 30th Ultimo sanctioning the mitigation of punishment to the 1st & 2d. Prisoners in Case No. 7 Bellaree Calendar 1st. Sessions 1834. to 5 years imprisonment—

(Here enter No. 707.)

Read return dated 3d. instant from the acting 3d. Judge on Circuit in the Centre Division to precept dated 30th Ultimo sanctioning the mitigation of punishment to the 1st. & 2d. Prisoners in Case No. 25. Bellaree Calendar 1st. Sessions 1834. to 5 years imprisonment—

(Here enter No. 708)

Read letter dated 5th. instant from the 1st. Judge Late on Circuit in the Southern Division with a returned warrant for the execution of the 2d. prisoner in Case No. 37. on the Salem Calendar 2d. Sessions 1833—

(Here enter No. 717)

Read further return dated 6th. instant from the Acting 2d. Judge on Circuit in the Centre Division to Precept of Sadr Adalut dated the 15th. January last directing them to furnish the Magistrate of Chunglepat with an abstract of the Case No. 25. Chunglepat Calendar 2d. Sessions of 1833 with instructions to institute an enquiry into the conduct of the Head of Police respecting the marks of blows by a Rattan on the back of the Prisoner in the said case—

(Here enter No. 723.)

J. C.

At a Court of the Sudr Adalut.

Present,

Tuesday, 10th June 1834.

John Bird Esqr. Acting 1st. Puisne Judge.
Thomas Alexr. Oakes Esqr. Acting 2d. Puisne Judge.
Alexr. Duncan Campbell Esqr. Acting Judge.

Read Extract from the Minutes of Consultation dated the 25th. of March 1834.

(Here enter No. 410.)

The Judges have accordingly reconsidered the opinion contained in their circular order of the 10th. of March last, in respect to the intent and meaning of Clause second Section II Regulation IV A.D. 1821, and finding that the Clause in question will bear the construction given to it by the Government, they resolve to modify their order of that date so far as to declare that under Clause second Section II Regulation IV of 1821 Ameens of Police, are subject to the general control of the Tasildars of their respective Districts, as Head Police Officers, not only in Revenue but in Police matters. At the same time the Judges consider it necessary to declare, that the proceedings of Ameens of Police in case to be forwarded to the higher tribunals

are

are not to be submitted thro' the Heads of Depts. but should be sent up direct.-

Ordered, that the 6th para of the orders of Government under date the 25th of March be communicated thro' the Provincial Courts of Circuit for the Central Southern and Western Divisions, to the Magistrates therein referred to, for their information and guidance.-

(Sent following letter No. 457)

Ordered, that Extract from these proceedings and from 5th and 7th Paras of the order of Government of the 25th of March last be sent to the 4 Provincial Courts of Circuit with instructions to communicate the same to the subordinate Courts and Magistrates in their respective Districts for their information and guidance.-

(Sent following letter No. 458)

Ordered further that Extract from these proceedings be forwarded to the Officiating Secretary to Government in the Judicial Department for the purpose of being laid before the Right Honorable the Governor in Council.

No. 85 To Govt

(Sent following letter-459)

Read letter dated the 25th June last, from the late Officiating Judge of Circuit in the Northern Division, reporting for

the consideration of the Sanjaree Adalut, the case of the two Prisoners, in No. 30 Nellore Calendar, 1st Sessions of 1834, convicted of the Robbery of Grain from a field, on which occasion a blow, aimed by one of the party, with a sword at the 1st Witness fell on the 1st Prisoner-

(Here enter No. 387.)

The Court of Sanjaree Adalut, having maturely considered the circumstances of the Case, represented in the foregoing letter, are of opinion, that under those circumstances it is competent to the late Officiating Judge on Circuit in the Northern Division, to pass sentence of 14 years' imprisonment upon the Prisoners inspection. The wounding or other injury alluded to in clause second section IV Regulation XV 1803 evidently implies injury sustained by others than the offenders themselves.-

Ordered therefore that Extract from these proceedings be sent to the late Officiating Judge on Circuit, in the Northern Division now at Chittoor, for his information and guidance by precept, returnable without delay.-

(Sent following precept No. 460)

Read minutes of Council

under

under date the 2d and 16th Ultimo respectively, upon the trials Nº 6 and Nº 7 of the Special Commission at Vizianagram.-

(Here enter Nos 570 & 625 of 1834)

1 After mature consideration, the Judges of the Sudder Adawlut are unable to divest themselves of the doubts they entertain respecting the legality of the mode of procedure directed in the 8th paragraph of the Minutes of Council of the 2d Ultimo, and in the Minutes of Council of the 16th Ultimo for the detention in custody for three years, of the 1st 3d 10th and 11th Prisoners, in the above mentioned Trials, until "they shall give sufficient security for their future good behaviour and appearance when required, "according to clause 6th Section II Regulation XV 1803" the amount of which is directed to "be fixed by the officer in charge "of the Criminal Court in concert with "the Magistrate of the District."-

2 In special trials under Regulation XX 1802 the Court of Sudder Adawlut are required by Section V to wait the orders of Government before they direct their sentence to be carried into execution.-

3. Such sentence whether of punishment or acquittal therefore, can have no force without the sanction of Government but it does not appear to the Judges, that there is any authority vested in the Government by the section in question by which the sentence of the Court can be so far modified, or to effect the detention in Jail on Requisition of security of persons who are by that sentence entitled to unconditional release.-

4 The Judges also entertain doubts of the legality of the orders, because the powers specified in Clause sixth Section II Regulation XV of 1803, according to which the Government have directed security to be taken are vested in the Courts of Circuit and the Sudder Adawlut exclusively, as noted in Section X Regulation VII of 1827.-

5 It is respectfully submitted that the order in Council in question is open to further objection, as it directs two subordinate officers not legally competent to exercise joint jurisdiction to fix the amount of the security.-

6 As the Regulations do not require that the grounds of the sentence passed by the Court should be communicated to the Government, such sen-

F. C.

10th June. 1834

only as seemed to demand their notice were appended to the trials in question. But the Court now submit the opinions of the Judges seriatim upon each trial; in order to shew that, in the trial of No. 6 the evidence for the prosecution was not passed over without remark, and that the orders of Government directly militate against their sentence in the case No. 7.—

7. The Court which passed sentence in the case No. 6 in deference to the high authority of the Right Honorable the Governor in Council, abstains from all unnecessary to comments remarks, which it is extremely sorry to find have exposed it to his censure.—

Ordered, that extract from these proceedings together with the copies of the opinions of the Judges of this Court be sent to the Officiating Secretary to Government in the Judicial Department for the purpose of being laid before the Right Honorable the Governor in Council.—

No. 862 Judl. Dept. (sent following letter. No. 461)

F. C.

Thursday 12th June 1834

To

Jno

1825

F. C.

At a Court of the Foujdaree Adaulut

Present:

John Bird Esqre. acting 1st Puisne Judge

Thomas Alexr. Oakes Esqre. acting 2d Puisne Judge.

Alexr. Duncan Campbell Esqre. acting Judge.

Read letter, dated the 7th instant, from the acting Judge on circuit in the Southern Division, recommending a mitigation of the punishment to which the 3d Prisoner convicted on the 6th Calendar 1st Sessions of 1834 of Purse breaking was sentenced by this Court—

(Here enter No. 7)

The Court of Foujdaree Adaulut 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 acting Judge on Circuit in the Southern Division, and accordingly direct that the said 3d Prisoner be imprisoned & kept to hard labour in irons on the public roads or other public Works for and during the period of (5) five years.

Ordered, that extract from these proceedings be sent to the acting Judge on circuit in the Southern Division, for his information by

Receipt

12th June 1834

Precept, returnable without delay

(Sent following Precept No. 467)

Read letter, dated the 31st April last, from the Provincial Court of Circuit in the Western Division, transmitting the Reports prescribed by Section XXXV Regulation X 1816 for the month of March 1834.

(Here enter No. 523)

Malabar Report V Case 73.

1 There is nothing in the Report to shew that the 1st prisoner was convicted of maliciously "killing" a Goat - Where the cattle may have been stolen & killed for the purpose of being eaten the case falls under Regulation XII of 1823, and not under Regulation XIII 1833. The Provincial Court of Circuit will point this out to the Criminal Judge -

76.

2. In this case the 7 prisoners are entered in Rede Book, but they do not appear in the previous cases of this Report - The Provincial Court of Circuit will call on the Criminal Judge to explain this proceeding which is not in accordance with the Circular order of 8th December 1831 - If the prisoners have been entered in an earlier case the fact should have been specified as the Circular order of 8th December 1831 does not require the entry in Rede Book except where the prisoner may be concerned in more than one case in the

12th June 1834

the same Report; the Provincial Court of Circuit should call for an explanation to be given of the detention in the Talook of the prisoners as none appears in the Report under review -

81 83 85.

3 No Regulation is cited in these instances in support of the sentence -

Canara Supplemt. Report Case 24.

4 It should have been stated in the Report before whom the confessions were given upon which the prisoners were convicted -

Report V Case 27.

5 The security required from the 1st to 7th prisoners appears high but the Court conclude that the amount has been fixed with reference to Clause Second Section VII Regulation VI 1827.

28.

6 The circumstance of there being no evidence against the 5th prisoner but the criminal of two other prisoners should be reported if it has not been already to the Magistrate under the Circular order 25th May 1833.

29.

7 The same remark is applicable to the following case as respects the 2d & 3d prisoners -

Canara Sessions Court Report V of Supplt. Report

8 The detail of evidence given on this Report is quite unnecessary & the Provincial Court of Circuit will point out to the Joint Criminal Judge that a very concise abstract is all that is required in the Criminal Reports.

Canara Mattr. Challenge Report V. Case 8.

9 The mode of entry should have been specified in the charge -

The

12th June 1834.

Supplemt. Report Case 7

10 The Provincial Court of Circuit will call upon the Native Criminal Judge to explain the sentence passed upon the 5th prisoner who is not mentioned in the appropriate Column of the Report.

11 The Statement of the Labor of the prisoners is incorrectly drawn up as respects the heading of Columns 9 & 10. The Provincial Court of Circuit will direct the attention of the Native Criminal Judge to the Circular order of this Court of the 29th August 1831.

Ordered, that extract of these proceedings be sent to the Provincial Court of Circuit on the Western Division for their information & guidance, & for communication to the Native Courts of such parts as concern them by Precept, returnable without delay.

(Sent following Precept No. 468)

The Guntoor Calendar for the 1st Sessions of 1834, not having been yet received from the 3d Judge on Circuit in the Northern Division,

Ordered that that Officer be called upon to transmit without delay to this Court the Calendar in question by precept, returnable within 3 days from and after its receipt.

(Sent following Precept No. 469)

The

12th June 1834.

The Calendars for the Sessions held in August and September last at Vizagapatam and in October and the following month at Chicacole, by the Additional Judge on Circuit in the Northern Division, not having been yet received.

Ordered that that Officer be called upon to transmit forthwith the Calendars in question to this Court, and further to afford a most full and particular explanation of the extraordinary delay which has occurred in their transmission by Precept, returnable within three days from and after its receipt.

(Sent following Precept No. 470)

The Masulipatam Calendar for the 1st Quarter Sessions of 1834, not having been yet received.

Ordered that the Provincial Court of Circuit in the Northern Division be called upon to furnish without delay the Calendar in question, by precept, returnable within three days from and after its receipt.

(Sent following Precept No. 471) &c

At a Court of the Sooydaree Udalut.

Present,

Friday, 13th June 1834. John Bird Esqr. Acting 1st Puisne Judge.

Thomas Alexr. Oakes Esqr. Acting 2d Puisne Judge.

Alexr. Duncan Campbell Esqr. acting Judge

Read letter, dated the 28th April last,

from the 3d Judge on Circuit in the Northern Division,

transmitting the record in Case No. 76 Rajahmundy

Calendar 1st Sessions 1833.

(Here enter No. 553.)

Mr. Oakes

The Court of Sooydaree 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-Cozat

and Mooftees of the Sooydaree Udalut; confirm the

said Futwa of the Cazee-ool Cozat and Mooftees

aforesaid, and accordingly, in conformity with

the provisions of Clause Third, Section V Regulation

VIII of 1831, and Clause Second Section IV Regulation

XV of 1803, sentence the Prisoners,

1st Measarapoo Venkadoo,

2d Yeadee Nandegaudoo,

3d Arasalah Seeroopulegaudoo,

4th Mangabutlah Seeroopulegaudoo,

5th Dola Ballegaudoo,

6th Dawarada Cauladoo,

To

to be transported to such place beyond sea, as 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 their natural lives.

(Sent following letter No. 476)

Read letter, dated the 26th ultimo last, from the Provincial Court of Circuit in the Northern Division, transmitting the Reports prescribed by Section XXXV. Regulation X 1816 for December 1833.

(Here enters No. 593)

Chicacole 1. According to the abstracts appended to the Supplemental Report and the Report V. there were 8 cases of an earlier period and 11 cases of the month of December before the Court. Of these 3 were disposed of by the Criminal Judge, and two by the assistant Criminal Judge leaving 14 cases unaccounted. The Provincial Court of Circuit will call upon these officers to explain the cause of there having been so many pending cases disposed of as the Report itself does not account for it satisfactorily.

Supt. Report 109 2. With regard to this case the Magistrate should be required by the Provincial Court of Circuit to explain why the further evidence for which application was made on the

the 14th November, could not be procured before the end of December.

113. 3. The remark attached to this case under reference to the Provincial Court of Circuit is by no means the full explanation required by Circular order 11th April 1832.

4. The Assistant Criminal Judge should be informed that the entry in the Charge in the Criminal Reports of the native date corresponding to the English date is unnecessary.

145 5. On the impropriety of a sentence to imprisonment in fetters in default of producing security the Court have passed their remarks in the Criminal Reports of the Native Criminal Judge for the month of December 1833 and to these the Provincial Court of Circuit will refer the Native Criminal Judge as the same occur in cases presented to the Court.

146. 6. It is stated that there was no proof whatever of the crime charged in this case. The Court conclude that a communication has been made to the Magistrate under the Circular order of 25th May 1833.

7. The Native dates corresponding to the English dates need not be entered in the Charges in the Criminal Reports and the

Provincial

Provincial Court of Circuit will point this out to the Native Criminal Judges. The Court observe that the Reports from the Native Criminal Judge are not in consonance with para 5. of their Circular order of the 29th November 1827.

Supl. Report. Cases 13 (Sept.) 11 (Oct.)

8. The Magistrate should be required to explain why the witnesses applied for on the 14th November & the 1st November could not be produced before the end of December. But the Judges of the Tanjore Adalut cannot understand how it happens that in the cases Nos. 6 & 13 Bissoies who arrived in jail in December 1832, and January 1833 should not have been disposed of in November 1833. They direct that the Native Criminal Judge be warned that such delay cannot be permitted. the causes of it in these instances must be called for, and explained to this Court, by the Provincial Court, who will state their reasons for having overlooked it.

11 (Oct.)

9. This case in which property appears to have been stolen exceeding the sum of 100 Rupees was commutable under Clause 2d Section II Regulation VI 1822, and the Provincial Court of Circuit will notify this to the Criminal Judge though the sentence need not now be disturbed.

126 (2 Nov.) 137

10 Clause 1st Section IV Regulation II 1832 & not Clause 1st Section XIII Regulation VI 1827 is the proper authority

authority to cite in support of a Requisition for Security from a prisoner under strong suspicion of any act of criminality before the Criminal Court. The amount of security required in case 126 appears high but the Court conclude that it has been fixed with reference to Clause 2d Section VII Regulation VI 1827.

11 The Statement of the labor of prisoners transmitted by the Native Criminal Judge is framed under the Circular order 19th January 1833 the Provincial Court of Circuit will point his attention to the Circular Order 29th August 1833 modifying the above. The error is in the heading of Columns 9 & 10 in the Statement under review.

Rajahmundry Report Cases 232. 235. dto 237. Sept. Oct.

12 The acting Criminal Judge has entered the wrong Section & Regulation in support of the Requisition of Security from the 2 prisoners in the former & the prisoners in the latter cases.

233. 13. This & the former case should have been each examined & one sentence passed. The Court conclude that this has been done though the entry in the Report "The sentence in this case is the same as in the preceding" leaves the case open to remark. The Requisition for "separate bail" to be given in each case is incorrect as one sentence such as the guilt of the prisoner in more than one case demands should be passed. so

shall

13th June 1834.

should the amount of security be fixed according to the nature of the cases.

237. 14. The Court presume that communication under Circular Order 23rd May 1823 has been made to the Magistrate respecting the omission of adequate enquiry as to the truth of the charge preferred against the prisoners in this case.

15. The Court are concerned to observe that the Number of deaths at Rajahmundry among the prisoners in December amounted to 16.

Sept. Report Case 419 533. 16 The Provincial Court of Circuit will bring the circumstances of these cases to the knowledge of the Magistrate in order that he may prevent the recurrence of the transmission of cases to the Criminal Court without adequate enquiry as to the credit due to the charges preferred. The Circular Order of the 23rd May 1823 should be particularly brought to his notice.

537. 17. It should have been stated before whom the prisoners 2 & 5 made the confessions alluded to.

601. 619. 633. 18. The impropriety in a Magistrate's sentence of security of a sentence of imprisonment with labor in irons, has been pointed out to the Acting Joint Criminal Judge in the proceedings upon the Criminal Reports of November last.

19. The remark and order on the statement

13th June 1834.

statement of the labor of prisoners to be transmitted by the Native Criminal Judge at Vizagapatam apply to the statement forwarded by the acting Joint Criminal Judge of Guntoor & by the acting Criminal Judge of Nellore.

20. The Provincial Court of Circuit will point out to the acting Joint Criminal Judge that the detailed entry of the full charge in the Report No. 8 is unnecessary. The crime alone should be specified.

Masulipatam 21. The Provincial Court of Circuit will direct the acting Joint Criminal Judge at Masulipatam to specify in future the Clauses & Sections of the Regulation under which he may pass sentence.

Nellore Report V Case 628. 22. It should have been stated before whom the confession in this instance was made.

627. 628. 630. 23. The Report should have shown before whom the Perjury in these cases was committed.

Sept. Report Case 216. 24. The Magistrate should be required to explain why the witnesses applied for on the 8th November last not been forwarded by the end of December.

687. 25. The Magistrate should be required to explain why the witnesses applied for on the 6th & 17th November could not be produced before the end

13th June 1834.

13th June 1834.

of December—

610. 26 . This appears to have been a case of burglary & punishable under Regulation VI 1822. The Report should have shewn before whom the confessions of the prisoners sentenced in this and in the following case were made—

27 The Court have in conclusion to bring to the especial notice of the Provincial Court of Circuit their Circular Order of the 23d January 1832 and to require their strict attention to it, the Reports under review being for December should have been forwarded by the end of January instead of April. The Court before leaving this section that the Provincial Court of Circuit will not in future allow the Criminal Reports to remain before the Subordinate Judicial officers one before themselves longer than the prescribed time, and will forward without delay the Reports due now for January, February, March, and April—

Ordered that Extract of these proceedings be sent to the Provincial Court of Circuit in the Northern Division for their information & guidance, & for communication to the Subordinate Criminal Courts of such parts as may concern them by Precept, returnable without delay—

(Sent following Precept No. 477)

Read.

13th June 1834.

Read letter, dated the 19th April last, from the Provincial Court of Circuit in the Northern Division, transmitting the Reports prescribed by Section XXXV. Regulation X 1816, for the month of November 1833—

(Here enter No. 536.)

It appears to the Court that the

Chicacole Capt. Report. Case 98. 1 Witnesses in this case were punishable under section VII Regulation XIII 1833 for costs provisionally if they were not liable to commitment for Perjury—

187. 108. 109. 2. The Court of Sudder Adalut authorize the Requisition of the explanation alluded to in para 10 of the proceedings of the Provincial Court of Circuit on the Reports under review, and the Provincial Court of Circuit will on receipt of the explanation repeat that the same time for the information of the Court of Sudder Adalut, who ignorant of the matters now brought to notice have been in communication with Government upon similar points—

113. 3. The Provincial Court of Circuit will call the attention of the Acting Criminal Judge of Chicacole by the Circular Order of the 11th April 1832 which appears to have been overlooked him in this instance—

Vizagapatam Report V. Cases 121 & Cases 123. 4 The Acting Criminal Judge be informed that Regulation XIII 1833, is only to cases wherein cattle may be value

124. 5 The amount of the property stolen as set forth in the charge in this case took the case out of the cognizance of the Native Criminal Judges The Provincial Court of Circuit will communicate this remark to them for their further information and guidance.

132 134. 6. The Native Criminal Judges in these cases issued orders for the requisitioning of security with sentences of imprisonment in irons with hard labour in default of the security being produced & the Provincial Court of Circuit do not appear from their proceedings to have observed the error into which the Native Criminal Judge has fallen. They will therefore point out to the Native Criminal Judge without delay the impropriety of his proceeding in this case contrary to the Regulations and the Circular orders of this Court, unless indeed some urgent necessity such as for the safe custody of the prisoner being dependant upon the measure or his bad or dangerous character can be shown in support of it.

7. In the several sentences for corporal punishment the term "whip" has been used as the instrument. This is probably an error of translation, but the Provincial Court of Circuit will issue orders for the insertion in future reports

reports of the instrument of punishment acknowledged by the Regulations.

Supt. Report Case 9. 3 The observations of the Court upon cases 132 & 134 of the Report No V apply to the case noted in the margin In this instance however it would seem that the 1st. 3d. 4th & 5th prisoners having been held to security for one year are now either in confinement or the security has been lodged. It will be the duty of the Provincial Court of Circuit to cause enquiry to be made in this case & if it is found that the prisoners have been undergoing the sentence of hard labour in irons they will issue orders for the immediate rectification of the error.

9. With reference to the numbering of the cases in the supplemental Report the Provincial Court of Circuit will direct the attention of the Native Criminal Judge to the standing orders of this Court of 29th November 1837.

10. With respect to Report No 9 the Court have to observe that they are not yet in possession of the record of any of the 3 cases tried in August 1838 and therefore desire that they may be sent forthwith.

Masulipatam Report V. Case 3 & 4. 11 If the prisoner in this case was punished for an assault as it would appear from the Report was the case before the Regulation X 1816 should have been granted

Case 375. 12. The Court conclude that there was satisfactory evidence in this case of the prisoners knowledge that the stamp was false. The Provincial Court of Circuit will intimate to the Acting Joint Criminal Judge that this particular should always be inserted in the Report in similar cases.

376 13. In this case the party before whom the false charge was preferred should have been specified and it should have been stated that it was wilfully false & malicious.

378. 14. It would have been more correct if the Acting Joint Criminal Judge had specified in his sentence in this case that the measure sentence of imprisonment was in addition to the sentence under which the prisoner was confined when he made his escape.

379. 15. It should have been shewn in the charge in this case that the prisoner was under trial for having in his possession stolen property knowing it to be so.

381. 16. As this case stands in the Report the 1st prisoner was only liable on conviction to a Sentence of 6 Months imprisonment. The Provincial Court of Circuit will therefore ascertain whether or not there were circumstances of aggravation which would have rendered the prisoner liable on conviction to more than 6 months imprisonment, and they will be guided by the result of the investigation as to the confirming or cancelling the order passed by the Acting Joint Criminal Judge for the requisition of security which cannot be demanded for a longer period than the party could have been subjected to confinement if duly convicted of the crime charged.

385 17. The mode of entry in this case contravenes Standing order of this Court of 23rd January, 23rd August & 29th September 1828. The Regulation therefore cited, in support of the sentence is incorrect and the Provincial Court of Circuit will point that out to the Acting Joint Criminal Judge.

Supl. Report. Cases 369 & 386. 18. With reference to the remarks of the Provincial Court of Circuit on these cases the Court of Sujdaree Adalut have to observe that the 2d prisoner in the latter case is entered as first prisoner in the former.

Gunter Supl. Report Case 500. 19. The Acting Joint Criminal Judge should have shewn in this case the grounds upon which he committed the prisoner, from the entry in the Report it is not to be ascertained whether or not there was such evidence against him as was likely to lead to his conviction.

Case 525 prisoners 8.9.10. 546 prisoners 4.5.6.7. 8.10.11. 20. The observations upon cases 132 & 136 of the Report No V of the Native Criminal Judge at Cyamparta

apply

apply to the cases noted in the margin.

21. With reference to the statement of the labor of prisoners which shews that 60 prisoners were sick at the time the Reports under review were framed, the Provincial Court of Circuit will direct the attention of the acting Joint Criminal Judge to the Circular order of this Court of the 18th July 1830.

Vellore Report 557. 560. 563. 564. 591. 595. 596.

22 The mode of entry should have been specified in the charges against the prisoners in these cases and in others of the Supplemental Report.

561 23. In Returning this case to the Magistrate the acting Criminal Judge may bring to the notice of this Court of 31st December 1823 mentioned as well as the Regulations pointed out by the Provincial Court of Circuit.

580. 24. The Provincial Court of Circuit will instruct the Magistrate to notify to the Police officer the insufficiency of the reason given by him for the detention of the prisoners.

605. 25. The Provincial Court of Circuit will direct the acting Criminal Judge to bring the circumstances of this case to the notice of the Magistrate if he has not already done so under the standing order of this Court of the 25th May 1823. Vide 9.

Supt. Report 303. 437. 26 These appear to have been cases of Gang Robbery & should not consequently have been disposed of

by

by the Criminal Court.

305. 27 It should have been specified in the Report that the charge against the prisoners was duly proved.

385. 28. From the statement in the Report it appears that the Prosecutor in this case was liable to punishment for preferring a false & malicious accusation, & the Provincial Court of Circuit will call for an explanation why he was not proceeded against under Regulation IX 1832.

443. 452. 458. 466. 544. 547. 29. It should have been entered in the Report before whom the confessions were taken upon which the prisoners were convicted and sentenced.

532. 30 The sentence passed in this case appears to the Court very lenient. If the charge as it stands in the Report was proved the Prisoners were liable to be committed for trial. If it was not, the fact should have been stated in the Report as required under Circular order 5th August 18[illegible]

31. The remark upon the number of prisoners sick at Guntoor applies equally to Vellore where it appears, from the statement, that so many as 55 were ill.

32 The Court perceive that no less than 6 Trials are entered in the Report A°9. the records of which had not been transmitted up to this

Date

late date.

33 The Court observe that the Report just brought under review is equally open to animadversion as the Reports for October last were, but they abstain from further remark at present in expectation that the sentiments and orders declared in their proceedings of the 30th ult. will cause exertions to be made for the reduction of the number of cases still under examination.

34. In conclusion the Court deem it proper to require explanation of the detention of these Criminal Reports for so long beyond the period allowed by the Circular order of the 20th January 1832 to which they expect the most strict observance will in future be paid. The Judges will be held personally responsible for inattention to this important duty.

Ordered that Extract of these proceedings be sent to the Provincial Court of Circuit in the Northern Division with injunctions to communicate such parts as may be necessary to the several judicial Officers concerned by Receipts returnable without delay.

(Send following Receipts Nos. 4/78)

Read Letter, dated the 2d. Ultimo, from the Provincial Court of Circuit in the Southern

Division, transmitting the Reports prescribed by Section XXXV Regulation X 1816 for the Month of March 1834.

(Here enter No. 576.)

Madura. Rep.s V. Case 23. 1 The Prosecutor in this case appears to have been punishable under Section XII Regulation XIII. 1832. In cases of this nature, where so many of the prisoners have been made to answer a charge advanced by a Prosecutor who commits himself before the Court by gross prevarication the exercise of the power vested in the Criminal Courts by the Regulation above cited is very desirable.

25 2. In this case the Provincial Court of Circuit have noticed to the Criminal Judge what they should have specified in his Report the crimes for which the party was punished as required by the Circular order of 6th July 1826.

28 3 The Provincial Court of Circuit should ascertain what notice has been taken by the Magistrate of the conduct of the Police Officers concerned in this case.

Tinnevelly 4. The acting Joint Criminal Judge should be required to alter the form of the statement of labor as regards Columns 9 & 10 in conformance with the Circular Order of 29th August 1833.

5. It does not appear that a Supplemental Report was required from the acting Joint Criminal Judge as

as all the cases entered in it were those of March.
The Provincial Court of Circuit will point out to the
acting Joint Criminal Judge the Rules under 9th
September 1821.

6. With reference to the explanation
regarding the apprehension of the prisoner the Provincial
Court of Circuit will direct communication to be
made to the Magistrate under the Circular Order
of 28th May 1823 in order that he may enquire
into the conduct of the Police officer, and noticit
in the way he may deem proper.

Combaconum. Supt. Report Case 334-63. 7. Further explanation of the detention
of these cases before the Criminal Court should
have been given under the Circular Order 11th April 1832.

Report V. Case 58. 8. The explanation of the Magistrate for
the delay of the prisoners in the Talook after their
apprehension is far from satisfactory.

69 9. The Report does not shew when the
1st Prisoner was apprehended.

67 10. The Court have to observe that the
sentence in this case, is in accordance with the
Circular order of 15th July 1829.

Coimbatore. Report V Case 58. 11. The term of imprisonment in default
of finding security, should have been specified
in the Report or the order requiring it.

62. 12. The Court, or party before whom the
confession may be made should be always intelligent in
any

any case in which a Prisoner is convicted on such
confession.

13 The circumstance of the 3d prisoner having
been forwarded without any evidence whatever existing
against him should be communicated to the Magistrate
under the Circular order 28th May 1823.

The same remark & order apply in
14.
70 respect to all the prisoners in the case 70 except the
72 first and to the two prisoners in case 72, to all the
95 prisoners except the 1st in case 95, & to the 2d and 3d
99. prisoners in case 99.

It should have been stated in the
86 15.
Report whether or not the charge was proved in this case
against the 3 first prisoners.

89. 16
90 Should have been distinctly framed as they stand they
would not if proved involve any punishment.

The Provincial Court of Circuit will
Report 8. 17.
point out to the Joint Criminal Judge that in the
Report No 8 he is not required to enter the full
charge but merely the cause.

Salem 18. The Provincial Court of Circuit will require
the Joint Magistrate in charge of the prisoners in Salem
to frame his statements in future with the heading of
Columns 9 & 10 as required by the Circular order of
the 7th August 1833.

Report X Case 81. 19. The Report should have shewn before
whom

whom the confessions of the prisoners in this and
the following cases were made.

88. 20 The mode of entry in the Pagoda shall
have been inserted in the charge

99 21 It appears to the Court that the
witnesses in this case might have been proceeded
against under the Circular Order 22d January 1828 and by
requiring the Magistrate to apprehend & forward them
to his Court on a charge of giving contradictory depositions.

99 22. The full detail of evidence given in these
118 cases is quite unnecessary - a concise abstract is all that
is required in the Criminal Reports

100 23 The Provincial Court of Circuit will call
upon the Criminal Judge to state his grounds for
committing this prisoner for trial, and will then give
the orders they may deem right either for his detention
or acquittal & Release, or for the case being disposed of
under the Circular Order of 22d January 1828.

Report 8 24 The remark on Report 8 of Circulation applies
equally to the Report 8 of Salem -

Report 9 25 The entry as to the date of trial and of
reference should have been correctly made - the Provincial
Court of Circuit should have inserted the dates as
required of unknown to the Criminal Judge -

Ordered, that Extract of these
proceedings be sent to the Provincial Court of Circuit
in

in the Southern Division for their information
and guidance, & for communication to the
subordinate Courts of such parts as concern them
by Precept, returnable without delay -

113
110
Dft.
125

(Sent following Precept No. 49) -

Read letter dated the 26th Ultimo
from the Provincial Court of Circuit in the Centre Division -
transmitting Copy of a letter from the Criminal Judge of
Cuddapah, dated the 21st instant reporting the
death of the 4th Prisoner in No. 2 and the 3d prisoner
in No. 4. Cumbum Calendar 2d Sessions of 1833 -

(Here enter No. 673)

Read letter dated the 28th Ultimo
from the Provincial Court of Circuit in the
Western Division - forwarding copy of a
communication from the Criminal Judge
of Malabar dated the 26th May 1834 relative
escape of a prisoner accused of theft -

(Here enter No. 695)

Read letter dated the 29th Ultimo
from the Acting Judge on Circuit in the
Southern Division stating in obedience to the
instructions contained in the 4th para of this
Court's proceedings of the 17th July 1828 that the

Calendar

13th June 1834.

Calendas at that station having been unusually
being containing 70 Cases he see in probability
of being able to bring the Sessions to a close
sooner than the 15th proximo with the best
attention

(Here enter No. 684)

Read Return dated the 3d Ultimo
from the Provincial Court of Circuit in the
Northern Division to Precept of Toojdaree Udalut
dated the 25th Ultimo directing the release of
certain prisoners in certain cases in the
Calendars laid before the Officiating Judge
on Circuit at Nellore under Regulation VI
of 1822 and further directing the Provincial
Court to report to them by whom the
proceedings in the cases were held.

Here enter No. 598.

S. C.

At a Court of the Toojdaree Udalut.

Present

Saturday 14th June 1834. John Bird Esqre. Acting 1st Puisne Judge,
Thomas Alexr. Oakes Esqre. Acting 2d Puisne Judge,
Alexr. Duncan Campbell Esqre. Acting Judge.

Read letter dated 16th April last from
the Acting Second Judge on Circuit in the Centre Division,
transmitting the record in Case No. 3 of the Cumbum
Calendar for the 2d Sessions 1833.

(Here enter No. 489.)

The Court of Toojdaree Udalut having
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
Mooftees of the Toojdaree Udalut, confirm such part
of the said Fatwa of the Cazee-ool-Cozat and Mooftees
aforesaid, as acquits the Prisoners.

1. Boya Menega Venkatapathy
2. Nagayy
3. Boya Venkatah
4. Vanteru Venkatah

and accordingly direct that they be set at liberty.

But declining of opinion that the proof
against the Prisoner.

1. Chakala Gowrayya

is sufficient to convict him of the crime of Gang Robbery by open violence attended with aggravating circumstances, they do, under the authority with which they are vested by Clause First, Section II Regulation I of 1818, convict him thereof and in conformity with the provisions of Clause Second Section IV Regulation XV. of 1803, sentence the Prisoner—

1st Chakala Goorroovadoo

aforesaid, to be transported to such place beyond sea, as the Governor in Council shall appoint, there to be imprisoned and kept to hard labour in irons on the publick Roads or other public Works for and during the period of his Natural Life—

(Sent following letter No. 482)

Read letter dated 23d January last from the Acting 3d Judge on Circuit in the Centre Division—submitting the translated Records of English & Persian proceedings in Cases Nos. 11 of the Cuddapah Calendar 1st Sessions of 1834—

(Here enter No. 670)

Mr. Bird, Mr. Campbell. The Court of Sudder Adalut having maturely considered the Proceedings held before the Judge on Circuit, the fiatwa of the Provincial Law Officer and the fiatwa of the Cazee-ool-Cozat and Mooftees of the Sudder Adalut, confirm such part of the said fiatwa of the Cazee-ool-Cozat & Mooftees aforesaid as convicts the Prisoners—

1st

1st Saula Vudadoo
&
2d Saula Chinnagadoo

and accordingly under the provisions of Clauses Third and Fifth, Section IV Regulation XV of 1803 sentence them to be imprisoned and kept to hard labour in irons on the public Roads or other public Works for and during the period of Seven years—

And further being of opinion that the proof against the Prisoner—

3d Servadee Vencata Dasaru

is sufficient to convict him of the crime of Highway Robbery, they do, under the authority with which they are vested by Clause First Section II Regulation I of 1818 convict him thereof, and in conformity with the provisions of Clauses Third and Fifth Section IV Regulation XV. of 1803, sentence the Prisoner—

3d Servadee Vencata Dasaru

aforesaid, to be imprisoned and kept to hard labour in irons on the public Roads or other public Works for and during the period of Seven (7) years—

(Sent following letter No. 483)

The Court observe with reference to the foregoing Trial that had Mr. Boileau, refused to their order of the 25th November 1820 he would have seen that he was competent to dispose of it himself—

14th June 1834.

2 If the Acting 3d Judge Refers to the deposition of the 1st Prosecutor before the Police Officer he will find that the wound on the Head was inflicted "with the back of a Bill hook" which is of itself quite sufficient to show that the wounding was any thing but severe: and the case not of that character which he appears to have considered it.

3 The Court further observe that the Acting 3d Judge has committed an error in the arraignment, wherein he makes the 2d Prosecutor property to amount to 32 Rupees, instead of 12.

4 In conclusion the Court desire that the Acting 3d Judge will henceforth pay more attention to avoid a similar error in future, to the General Judge the irregular proceeding of that Officer, in causing the Witnesses former depositions to be read to them in Court instead of examining them as to the facts within their knowledge.

Ordered that Extract from these proceedings be forwarded to the Acting 3d Judge on Circuit in the Central Division by Receipt returnable within 10 days.

(Sent following Receipt No. 484)

Read letter dated 6th March last from the 1st Judge of the Court of Circuit in the Northern Division submitting Case No. 5. Manaldpatam Calendar 1st Quarterly Sessions

14th June 1834.

of 1834.

Here enter No. 666

Mr. Baird

The Court of Zoujdaree Adalut having maturely considered the proceedings held before the Judge on Circuit, the Futwa of the Moonsiff Law Officer, and the Futwa of the Cazee-ool-Cozat and Mooftee of the Zoujdaree Adalut, confirm such part of the said Futwa of the Cazee-ool-Cozat and Mooftee aforesaid, as convicts the prisoners

1st Naidoo Veerasha

2d Soommah Sobbador

and accordingly, under the sentence of Dohsabut declared in the Futwa, do, in conformity with the provisions of Clause Third Section IV Regulation XV of 1803, and Clause Third Section X Regulation VIII of 1831 sentence the said Prisoners to be imprisoned and kept to hard labour in irons on the public roads or other public works, for and during the period of 14 years.

And further being of opinion that the Prisoners

1st Rowcha Bremmayah

2d Paerbogeund Reddy

3d ___ do ___ Reikadoo

4th ___ do ___ Oomatanoo

5th Wengalapeauty Atchagandoo

6th Wangalpeauty Rammadoo

are not convicted on presumptive proof or on the evidence of credible Witnesses or on their own confessions notwithstanding the Futwa of their Law officers they do accordingly acquit them; but being of opinion that strong suspicion though not amounting to conviction attaches to them they under Clause sixth Section II Regulation XV of 1803 and Clause third Section V Regulation VIII of 1831 direct that they be required respectively to find two sureties in 25 Rupees each surety for their good behaviour and appearance when required within one year or that in default thereof they be detained for one year in confinement.—

(Sent following Letter No. 185)

Read again letter dated 20th ultimo from the Acting Judge on Circuit in the Central Division submitting cases Nos. 13 & 14 Sutton Calendar 2d Quarter Sessions of 1834.

(Here enter No. 647.)

Case No. 13

Mr. Bird
to
Mr. Campbell.

The Court of Foujdaree 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-Cozat and Mooftee of the Foujdaree Adalut confirm the said Futwa of the Cazee-ool-Cozat and Mooftee aforesaid acquitting the Prisoner.—

"Vencataredd[illegible]"

but direct that he be not set at liberty he being convicted in No. 14 of the Calendar.—

Read

16th June 1834.

Case No. 14.

Mr. Bird
to
Mr. Campbell.

Read the second Futwa delivered in this case by the Cazee-ool-Cozat and Mooftees of the Foujdaree Adalut.

In conformity with the provisions of Section XXI Regulation VII of 1802 the Court of Foujdaree Adalut sentence the Prisoner

Vencataredd[illegible]

to be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of (7) seven years.

(Sent following Letter No. 186)

The Court observe, that the Prisoner in case No. 13 was acquitted by the Law Officers and the Acting Judge concurred—and that there was therefore no ground upon which the trial was referrible.—

2 With reference to Case No. 14, in which the Futwah of the Law Officer of the Provincial Court declares the prisoner to be convicted of theft and liable to Dehorbut Hudd being barred under the provisions of the Mahomedan Law, the Court observe, that it is evident that the Acting Judge did not refer to the proceedings of this Court of the 19th June 1833 which were circulated for the information of all the Courts of Circuit, had he done so, he would not have fallen into the error of supposing a person convicted of simple theft, to be liable either

to

to imprisonment for 14 years, or to transportation for Life.

3. With reference to Para 13 of the acting Judge's letter, and the recommendation therein contained of a demand of security from the Prisoner, on the expiration of his term of proposed imprisonment, the Court observe, that it has been repeatedly ruled, that in cases where a Sentence of punishment is awarded against a Prisoner, it is not competent to the Courts to require security.

4. The Court further deem necessary to notice the loose manner in which the Futwa in the above case has been drawn up, and to desire the Provincial Court of Cutcal to call the attendance of their Mahommedan Law Officer to the Circular order of this Court of 22nd July 1829, which requires, that all the grounds or bar of Hudd be distinctly explified in the Futwa.

Ordered, that extract of these Proceedings be forwarded to the Provincial Court of Circuit in the Centre Division for their information and guidance by Receipt returnable within one week.

W.L. (Sent following Receipt No. 1487)

Monday 16th June 1834.

At a Court of Sudder Adalut.

Present,

John Bird Esqr. Acting 1st Puisne Judge,

Thomas Alexr. Oakes Esqr. Acting 2nd Puisne Judge,

Alexr. Duncan Campbell Esqr. Acting Judge.

Read letter, dated the 6th March last from the 3rd Judge on Circuit in the Northern Division, transmitting Case No. 46 Rajahmundry Calendar 1st Session 1833.

(Here enter No. 305.)

The Court of Sudder Adalut, on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the Prisoner

1st Chagonday Garakaroo

is sufficient to connect him of the crime of Gang Robbery, do confirm the authority under which they are held by clause first Section II Regulation I of 1818, conviction thereof, and in conformity with the provisions of Clause third Section IV. Regulation XV of 1803, sentence the said Prisoner

1st Chagonday Garakaroo

to be imprisoned and kept to hard labour in irons

sions on the public Roads or other public works for and during the period of 11 years.

/ Sent following letter No. 488

The Court in their proceedings of

1 the 18th September last, on examining the Rejt. summary Calendar for the 1st Sessions of 1833. observed, with reference to the forgery and Trial that the Clause cited by the 3d Judge on Circuit in support of the sentence passed by him, appeared to be inapplicable, and that the case ought to be referred to the Lay Jance Statute, and a perusal of the Record has shown that the error then entertained of the case by the Court was correct.

The Court are utterly at a loss to

2 account for the conduct of the Waters in passing so inadequate a sentence upon the Prisoner as that of 2 years imprisonment, nor can they understand upon what principle of construction he deemed clause Seventh, Section II Regulation XX of 1803, upon which he grounds that Sentence, to be at all applicable to the case. Wm Waters experience forbids the supposition that the misconception was the effect of ignorance, and the Court are therefore constrained to conclude that if the error has not arisen from inattention to duty it originates in some mistake totally inexcusable.

&c

3 The Court trust that these remarks will have the effect of inducing Wm Waters to more circumspect performance in future of his important functions, for his error in the present instance has incurred the serious displeasure of the Lay Jance Statute.

4 In conclusion the Court observe that they by no means concur in the propriety of the acquittal of the 2d Prisoner, of whose guilt of a violent assault at least, they consider there is ample evidence on the record, and whose unconditional release, in their opinion Wm Waters directed upon insufficient Grounds

Ordered that extract from the proceedings be sent to the 3d Judge on Circuit in the Northern Division for his information by Receipt returnable without delay.

/ Sent following Receipt No. 489

Read letter dated the 20th March last from the Acting 2d Judge on Circuit in the Central Division, transmitting the record in Case No. 5 on the taking part Calendar 2d Sessions of 1833.

/ Surrender No. 382 /

* Wm Oakes. Wm Campbell.

The Board of Lay Jance Statute having maturely considered the proceedings held before the Judge on Circuit, the Extra

&c

of the Provincial Law Officer and the Tutors of the Cazee cah Coozat and Inuftees of the Land Cazee Hotahut, confirm the said Tutwa of the Cazee cah Coozat and Inuftees aforesaid and acquitting the Prisoners,

1st Pillay Canoo alias Chinnapillay,
2d Canoo Said son of Nabeel Canoo,
3d Ismal alias Lippo Said,
4th Canoo Said,
5th Lagneer Ismeen
6th Chinnial alias Chinnapillay
7th Meera Said
8th Lippo Said
9th Rodeen
10th Peyman Said
11th Rodeen Said
12th Ebram Lebbe alias Shaik Rodeen
13th Baaby alias Baganaty
14th Lindy Braas
15th Jaura Khan
16th Pencal
17th Banjee
18th Ramchad
19th Hurjee
20th Cassim Said son of Rodeen Said
21st Kuttaroo Said
22d Garoo Said
23d Kandumma Moodely,

direct that they be set at liberty.

Sent following letter No 490

1 With reference to the foregoing Trial, the Court deem it necessary to record the following observations.

2 The 23 Prisoners in this case were charged with gang Robbery, alleged to have been committed on the 20th June 1833, upon the first Prosecutor and the Brother of the second Prosecutor upon the latter was alleged to have been murdered.

3 The original charge was preferred on the next day, namely, the 21st June 1833, by the First Prosecutor alone, a petty renter of the customs at Batticaloa, He then alleged that the 23d Prisoner, in concert with the 14th, 7th, and others among whom appears the name of the 5th Prisoner, to the number of thirty, attacked him and, in company of the deceased the 2d witness, on behalf of the 23d Prisoner, the 1st, 2d, and 4th witnesses on the part of the Prosecution and 4 other persons in all ten, that the 23d Prisoner and another robbed him of 200 Rupees which he had in his cloth, and that the Gang then broke the skull of the deceased. He concludes by producing a list of 18 out of the 30 persons charged, whose names he knows, and by nominating as witnesses to substantiate the charge, 11 persons together with two others whose names he is unacquainted.

4 It was not until 4 days after this, that any Declaration was obtained from the deceased

who it is alleged then, before the Police Annaven, Sobra
accused the 1st, 14th, and 18th Prisoner, with having
inflicted upon him "stabbs, knews, and others intending to kill him" "the 14th with Sticks"
He states the number of the Gang to be 30; does
not specify how many persons more with
himself and the 1st Prosecutor, while in his de-
claration no mention whatever is made of the
23rd Prisoner the alleged leader of the whole Gang.

On the 29th June the Police Annaven
Sobaren, forwarded to the Criminal Court, all
the Prisoners of whom note, stating, at the same
time, that he had issued warrants for the appre-
hension of the 23rd Prisoner. The
the 18 witnesses, however, originally named by
the 1st Prosecutor to be examined and forwarded
only the 1st, 2nd, 3rd, 5th and 12th (numbered as the 5th
in the Circuit Court) the never the less appeared
the Court that he could summon, examined
forwarded the remaining eight witnesses named
specifies as follows. 1st Cannen. 2nd Venkataya
3rd Adoor Cannen, 4th Seva Singh 5th Rungaya
6th Pandy Ramasawmyer, 7th Imamoo Saib, or
any eighth person whose name may not known

The forwarding Annaven, the 23rd
Prisoner the alleged Leader of the Gang to the Cri-
minal Court, on the 1st July, the Police Annaven
who, the Court have the strongest grounds to
believe, was in league with the 1st Prosecutor,
found

found it convenient to forget this promise of first
evidence in support of the Prosecution, when before the
Criminal Court, and the Circuit Judge have
entirely overlooked this extraordinary omission
of which, however, the Court think, a very
natural reason is to be found in the circum-
stances of Cannen and Venkataryen, the two
next witnesses, originally named by the 1st
Prosecutor, being his own peons, who were
with him, when the alleged attack was made
upon him, as sworn to by himself before
the Circuit Court; and who knowing the whole
charge to be false and fabricated, and Annaven
finding declining to perjure themselves, were
kept back, till the 23rd Prisoner, in proof of
his innocence, appealed to them, the very wit-
nesses named to establish his guilt. They are
the 1st and 2nd Witnesses examined on behalf
of the said 23rd Prisoner.

Adoor Cannen, Pandy Rama-
sawmyer and Imamoo Saib, three of the witnesses
originally named by the 1st Prosecutor, have,
not, to this day been examined; or if doubtless
the Police Annaven did actually take their depo-
sitions, they have been suppressed. The Court
are surprized that the Circuit Judge, did not,
when they for the first time, appeared, as wit-
nesses for the defence, ask them, whether or

not

not the Police Ameen Sooboraya did, order a post to the Criminal Court to search, examine them as a part of the Prosecution.

8 The same Police Ameen, upon the death of the deceased in stead of holding an inquest on the body, sent it to the Hospital (page 38) the Assistant should be forwarded to the Capitan the 14th July (page 58) But the Village Headmen differ in this respect the Ameen deposes the Circuit Judge that he refused to sign the certificate for an inquest the cause being other than the body presented evidently. The Brother of the deceased positively swears that a Prosecution Doctor from the Court dressed his wounds, and that he came with the Police. But that I must tell he was subsequently attacked by fever, that he was attended by the Assistant Hazaarookoon

The Criminal Court and Circuit Judge omitted to summon this Prosecution Doctor from the Hospital, and more extraordinary with the evidence of Hospital assistant produced though as summoned the title of Doctor is no better than the Surgeon of the Major Cutcherry at Batavia and therefore ought the person originally nominated by the first Prosecutor as one of his witnesses to have been examined on the 3rd I. G. consult with the Doctor and the Village Headmen into a true & correct inquest in which however the latter Court suffered to lead them to the erroneous

16th June 1834.

erroneous inference that a murder had been committed in the perpetration of this pretended crime and it is upon evidence like this, that the 4th and 14th Prisoners are considered by the Circuit Judge to have rendered themselves liable to the penalty of Death.-

9 The second Prosecutor, brother of the deceased, and himself an Ameenah under the first Prosecutor, declares (page 104) that he has no charge to make against any of the Prisoners. He complains that his deceased brother stated to him that he was beaten by only two persons, but did not mention their names or description (page 104).-

This is entirely corroborated by

10 the evidence for the Defence (page 170 to 178) The first Prosecutor's two Peons, Cander Lall and Veneatarayer, the fifth and sixth witnesses originally nominated by himself to support this charge (whom the Police and the Criminal Court altogether omitted to examine) when summoned by the 23rd Prisoner to exculpate him, deny altogether the truth of the present charge. They declare that on the night in question, themselves (2) the 1st Prosecutor (3) the deceased (4) and the 2nd witness for the prosecution (5) five altogether, were attacked by two persons only, who were not recognized. That the first Prosecutor and the deceased were beaten with sticks, the latter severely. But that it is false

that

16th June 1834

that the 1st Prosecutor was Robbed of 200 Rupees, and
180 had not at the time any money or Cattle with him
this is confirmed by the first Prosecutors own
Amecnah in the Sayer Bundobary, who swore
that, on the day in question, there were not more
than 12 Rupees on hand. by the 5th witness for
the Defence of the 23d Prisoner, who proves the
183 first Prosecutor on the same night to have told
him that he was attacked by only two persons
by the 4th and 6th witnesses for the same prison-
who met the five persons above specified
alone, on the road, about the night in question
by the Cantonment writer at Palancaran,
who repeatedly hear the deceased complain
185 of being attacked by only two persons, and
the 1st Prosecutor himself declare the present
charge to have originated in enmity, by the
Police Inoorahuff who be along with that writer
hear the deceased declare he was beaten by only
two persons, whom he did not identify- and
remonstrate with that writer, for not in-
terfering with the first Prosecutor his friend
against the injustice of the present charge
by a ninth witness who proves the first Pros-
-cutor's admission of the falsity of this charge
after it was preferred- and by three further
witnesses (10th 12th and 13th) the last a carman
in the first Prosecutors Sowar office, who de-
-tinctly prove a clear alibi in favor of the 23d
Prisoner.-

16th June 1834

11

Not only is an alibi established,
by a host of witnesses, for most of the other pris-
-oners in this case, but the nature of the first
Prosecutors proceedings is fully developed on
the instance of the 16th Prisoner- that persons
brother, the fifteenth prisoner, had been arrested
on this charge; and the first Prosecutors own
servant, summoned to give evidence for the
defence of the 16th Prisoner says: "I was serving
"as a Duffadar in the Custom House while the
"Prosecutor was the Renter of it. at 3 o'clock
"of the afternoon of the third day after the robbery
"the Peons attached to the Peshcar and Sayer
"had seized and kept all the shop Keepers in
"the Bazaar- where the 16th Prisoner came and
"asked them why they seized and brought his
"younger brother- when the Prosecutor ordered
"the said Peons to seize him / the 16th Prisoner /
"also."

12

If further proof of the falsehood
of the charge were necessary, it might be found
in the evidence of the 4th witness for the Re-
-secution who / page 12 / contrary to the
evidence of the second and fifth witnesses,
declares that it was the 1st and 2d and not
the 4th and 16th Prisoners, who attacked the
first Prosecutor- and in the non appearance
before the Circuit Court of the third witness,

who

who seems to have been afraid to repeat the fals
evidence he has given.

13 After a most attentive consider
ation of all the circumstances of the foregoing
case, the Court can arrive at no other conclu
sion, than that the Prosecutor has grossly per-
jured himself.

14 They therefore resolve to issue
orders to the Acting 2nd Judge on Circuit in
the Centre Division, directing him to instruct
the Criminal Judge, to take the necessary
measures for effecting his apprehension,
with the view of his being committed to take
his trial before the Court of Circuit for per
jury upon the evidence for the defence of the 23d
prisoner.

15 A perusal of the proceedings in
the foregoing Trial, has also convinced the
Court that the conduct of the Police Officer
Cookburn has been most culpable, and has
rendered him totally unworthy of holding
his present situation.

16 It is clearly shown by the evi
dence on the Trial, and by his own proceedings
themselves, that this native Officer, was in
league with the Prosecutor for the purpose
of substantiating the false charge brought
by the Prosecutor, and effecting the ruin of
the Prisoners.

17 The Court therefore resolve to issue
orders to the Acting 2nd Judge on Circuit in the
Centre Division, directing him to put the
Magistrate of Chinglepat, in possession
of the circumstances against the character
of the Police Officer in question, and to desire
that he be forthwith dismissed from his
situation.

18 The Court cannot pass from
the consideration of this Trial, without
expressing their surprize that Mr Davis
could with such clear proofs of unfair
dealing upon the face of the proceedings,
have come to the conclusion submitted in
his letter accompanying the Trial.

Ordered, that extract from
these proceedings be forwarded to the Acting
2nd Judge late on Circuit in the Centre
Division by precept returnable within
ten days.

(Sent following Precept No 491)

Read letter dated the 21st April
last from the Acting Second Judge on Circuit
in the Centre Division, transmitting the trial
in case No 15 on the Chinglepat Calendar
second Sessions of 1833.

(Here enter No 543)

16th June 1834.

W. Bird
and
Wm. Oakes.

The Court of Sanjarare Udalatt having maturely considered the proceedings held before the Judge on Circuit, the Sentence of the Provincial Com officer and the Sentence of the Cazee cum Cozgat and Mosftee of the Sanjarare Udalatt confirm such part of the said Sentence of the Cazee cum Cozgat and Mosftee aforesaid, as acquits the Prisoners

3d. Mundanayagan,
4th. Mottai son of Parayan,
5th. Mottun,
6th. Vencatasen,
7th. Soloocanum son of Saunun,
8th. Veerasawmy,
9th. Mooneyan,
10th. Mooneyan younger brother of the
11th. Kynan son of Calundapien,
12th. Coollun,
13th. Rayaloogan,
14th. Mottai son of Mundanayagan,
15th. Kynan son of Cunnyan,
16th. Veerun,
17th. Ponnareyan,
18th. Moorty,
19th. Soloocanum son of Mundanayagan,
20th. Curreyan,
21st. Vagootun,
22d. Sucksan;
and
23d. Pauvadan,

and accordingly direct that the Prisoners
14th. Mottai son of Mundanayagan,
15th. Kynan son of Cunnyan,
16th. Veerun,
17th. Ponnareyan,
18th. Moorty,
19th. Soloocanum son of Mundanayagan,
20th. Curreyan,
21st. Vagootun,
22d. Sucksan,
and
23d. Pauvadan,
be set at liberty.

But being of opinion that strong suspicion though not amounting to conviction attaches to the Prisoners

3d. Mundanayagan,
4th. Mottai son of Parayan,
5th. Mottun,
6th. Vencatasen,
7th. Soloocanum son of Saunun,
8th. Veerasawmy,
9th. Mooneyan,
10th. Mooneyan younger brother of the said Veerasawmy
11th. Kynan son of Calundapien,
12th. Coollun,
and
13th. Rayaloogan,

they direct, under clause sixth, section II. Regulation XI of 1803, that they be required to find severally, two sureties, in 50 Rupees each surety, for their good behaviour and appearance when required within three years, or that in default thereof, they be detained for three years in confinement.

And further being of opinion that that

16 16th June 1834.

that the proof against the Prisoners

1st Salaverechan,

and

2d Doorogattan,

is sufficient to convict them of the crime of Gang Robbery by open violence, attended with aggravating circumstances, they as under the articles with which they are charged by Clause First, Section II Regulation I of 1818, convict them thereof, and in conformity with the provision of Clause Second, Section IV Regulation XII of 1803, sentence the said Prisoners

1st Salaverechan,

and

2d Doorogattan,

to be transported to such place beyond Seas as 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 their natural lives.-

/ Sent following letter No 462 /

Read letter dated 30th April 1834 from the Provincial Court of Circuit in the Centre Division, transmitting the Reports prescribed by Section XXXV Regulation X 1816 for the month of March 1834.

/ Here enter No 561 /

Chittoor

The Court are concerned to observe from the Statement of the Labor of Prisoners that so many as 38 were sick in Hospital.

the

16th June 1834.

The Provincial Court of Circuit should call on the Acting Criminal Judge to explain the cause of this.-

Sup. Report Case 509.

2 The explanation "defence witnesses summoned" of the delay in the disposal of this case is not what is required under the Circular order 11th April 1832, to which the Provincial Court of Circuit should therefore call the attention of the Acting Criminal Judge.-

609 41 46.47.49.57.59.64.67. 3. also.-

The above remark applies to these cases.

4 65.

4 The Magistrate should be informed of the circumstances of these cases under the Circular Order 27th May 1823 as in the former, the evidence forwarded does not tend even to cast suspicion "on the Prisoners," and in the latter, there was against the accused merely the criminations of two prisoners.

40.41.

5 One and the same sentence should have been passed in these cases, to the extent which might seem just to the Criminal Court. The Provincial Court of Circuit will accordingly order the present sentences to be cancelled, and a new one passed within the limits prescribed by the Regulations.-

66.

6 There is nothing in the Report to shew why this case (of receiving stolen property valued at 64 3/4 Rupees knowing the same to have been stolen) should not have been disposed of by the Criminal Court. The Provincial Court of Circuit will therefore if [illegible] orders for it, so to be disposed, unless [illegible]

investigation

investigation, they find sufficient cause for its committal.-

Report V
Case 86. 7 The Prisoner in this case was de-
committable under Clause 2 Section XI. Regula-
tion XIII 1832, and the Circular Order 13th July 182

88. 8 No explanation of the detention
of the Prisoner in the Calcoot is here given all
that is stated is, that the Prisoner was not
brought before the Head Assistant Magis-
trate till the 26th February. The Provincial
Court of Circuit will call for explanation
91. of this, and of the case noted in the margin
as respects the 1st 2nd and 5th Prisoners.-

9 The case of the 5th Prisoner should be
brought before the Magistrate under Circular
Order 27th May 1823.-

106. 10 The remark and order on Case 88 ap-
plies to this also.-

113. 11 The case of the 2nd Prisoner should
be brought to the notice of the Magistrate under
Circular Order 27th May 1823.-

117 12 The Provincial Court of Circuit
will call for explanation regarding this case,
with reference to the observation of the Acting
Criminal Judge "the Prosecutor does not ap-
pear to have attended and preferred a complaint
either before the Peishcar or Head of Police.-

121. 122. 13 The explanation of the detention
126. of the 2nd Prisoner in the 2 former cases and of
the Prisoners in the latter is far from satisfactory

Explanation

16th June 1834.

Cuddapah 14 Explanation of the cause of their
being so many as 45 Prisoners sick at Cudda-
pah, and 54 at Bellary should be required from
the Criminal Judge and Officiating Judge.-

Report V
Case 50. 15 The explanation of the detention
of the Prisoners from 8th February to 3rd March
is very unsatisfactory; and the Magistrate
should be enjoined to enquire into the circum-
stances and take such notice of the case as
it may appear to him to deserve.-

53 16 This appears a case which, with-
out further explanation, might be disposed
of by the Criminal Judge. The Provincial
Court will have the circumstances laid before
them, and pass the proper order upon it, reporting
the result in this and the former case, to this Court.

17 The record of the trial No. 7 of the
Cuddapah Calendar 2nd Sessions 1833 entered
in Report 9 not having been received, the
Court require an explanation of its detention,
and direct that it may be sent up without further
delay.-

Cuddapah 18 The Provincial Court of Circuit
will inform the Native Criminal Judge,
that when there are no cases belonging to
the Supplemental Report or Report No. 8,
the blank Reports need not be sent. It will
be sufficient to specify the fact in the

letter

letter accompanying the other Reports.

Bellary Dept Report 194. 19 The Court of Sudder Adalut observe that the dates throughout this Report are left blank, this omission must be rectified for the future. The delay in the disposal of this case, is much to be lamented, and the Officiating Judge has not given the full explanation of it, required by Circular Order of 11th April 1832. The Provincial Court will cause the circumstances of the case to be investigated, and will issue orders for the release of the prisoner if no evidence is forthcoming.

32. 39. 51. 20 The Circular order of 11th April 1832 has been overlooked by the Officiating Judge in these cases also.

Report V Case 58. 21 The Provincial Court of Circuit will call upon the Officiating Judge to state, what Regulation was intended to be inserted in support of the order of release. Regulation II 1821 is evidently a mistake. They will also cause a full explanation to be obtained and forwarded regarding the detention of the Prisoner in the Jail from the 29th January to 4th March.

63 22 The Officiating Judge should have stated in his Report, whether or not this

this prisoner, concerned in the 4 following cases, was convicted of the charges.

74. 23 If there was no further evidence than as shewn by the Report, this case should not have been committed.

76 24 The date of apprehension should have been entered in the appropriate column, and in the charge it should have been stated that the Prisoner uttered the coin, knowing it to be counterfeit.

Chingleput 25 The Provincial Court of Circuit will point out to the Criminal Judge, that the heading of columns 9 and 10 of the statement should be according to Circular order 29th August 1831 which modifies the previous order 9th January 1831 on the subject.

Dept Report 26. The Fasline dates corresponding to the English dates, need not be inserted in the Criminal Reports.

74. 27 The case of the 5th Prisoner should be brought before the Magistrate under Circular order 21st May 1823.

Cuddalore. 28 The heading of Column 10 of the Statement of the labour of prisoners is not in accordance with Circular order 29th August 1831.

Report V Case 45. 29 The Magistrate should be called upon to ascertain and explain, what became

of

of the prisoner for 9 days after his apprehension

Report VII 30 A note of explanation should have been added to this Report, regarding the death of the two Prisoners stated to have been "killed" on the 30th March 1834.

31 The Court in conclusion would point the attention of the Provincial Court of Circuit to the circular orders of the 29th November 1827, and the 29th October 1829, as the Criminal Reports have not in this instance been rendered so satisfactorily as they might have been.

Ordered, that extract of these proceedings be sent to the Provincial Court of Circuit in the Centre Division for their information and guidance, and for communication to the subordinate Judicial officers of such parts as concern them by Precept, returnable mittant delay.

(Sent following Precept No. 493)

Read letter, dated the 5th May 1834. from the late officiating Judge on Circuit in the Northern Division, recommending a mitigation of the punishment to which the Prisoner convicted in case No. 46 of the Calendar, 2nd Sessions of 1833. of Highway Robbery, has rendered himself liable.

(Here enter No. 660)

The Court of Sanjarea Udalut, having maturely considered the circumstances of the case represented in the foregoing letter, sanction under clause third, Section III Regulation I of 1825, the mitigated punishment recommended by the late officiating Judge on 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, and during the period of four years and six Months.

Ordered, that extract from these proceedings be sent to the Provincial Court of Circuit in the Northern Division for their information by precept, returnable without delay.

(Sent following Precept No. 494)

Read letter, dated the 21st April last, from the acting 2nd Judge on Circuit in the Centre Division, recommending a mitigation of the punishment to which the Prisoner, convicted in case No. 1 of the Bussalore Supplemental Calendar, for the 2nd Sessions of 1833. of Perjury, has rendered himself liable.

(Here enter No. 722)

The Court of Sanjarea Udalut

on

on a due consideration of all the circumstances of the case, are of opinion, that the mitigated sentence of 1 year, recommended by the acting 2d Judge on Circuit, in the Centre Division, is insufficient for the punishment of the Prisoner, and accordingly direct that he be imprisoned and kept to hard labor in irons on the public Roads or other public works, for, and during the period of two (2) years.-

Ordered, that extract from these proceedings be sent to the acting 2nd Judge on Circuit in the Centre Division, for his information by precept, returnable without delay.-

/Sent following Precept No 495/

Read a letter, dated the 3d May 1834 from the late officiating Judge on circuit in the Northern Division, recommending a mitigation of the punishment to which the 1st and 2nd Prisoners, convicted in case No. 64. of the Nellore Calendar 2nd Sessions of 1833, of Highway Robbery, have rendered themselves liable.-

/Here enters No. 654/

The Court of Sanjeevarayadoo having maturely considered the circumstances of the case represented in the foregoing letter, sanction under clause third, Section III Regulation I of 1825, the mitigated punishment recommended by the late officiating Judge on circuit in the Northern Division, and accordingly direct that the said 1st and 2nd Prisoners, be imprisoned and kept to hard labour in irons on the public Roads or other public works, for, and during the period of three years and a half.-

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

/Sent following precept No 496/

The Guntoor Calendar, for the 1st Sessions of 1834, not having been yet received from Mr. Waters, the 3rd Judge on Circuit in the Northern Division.-

Ordered that that Officer be called upon to transmit forthwith the Calendar in question, to this Court, by precept, returnable within 3 days, from and after its receipt.-

/Sent following precept No 497/

The Jail Statement for the 2nd half year of 1833 for the Northern Division

not having been yet received.

Ordered that the Provincial Court in the Northern Division be called upon to transmit the above statement without delay, by precept, returnable within three days from and after its receipt.

Sent following precept No. /

The Circuit Reports for the 2nd Sessions of 1832, required by Section XXXVII Regulation VII of 1802 not having been yet received from Mr. Casamajor, late 2nd Judge of the Provincial Court of Circuit in the Northern Division.

Ordered that, that Officer be called upon to send up to this Court the required Report forthwith, and further to explain the cause of the delay which has occurred in the Transmission of it by precept, returnable within 3 days from and after its receipt.

Sent following precept No. 498

The Criminal Statements for the 2nd Half year of 1833 for the Northern Division not having been yet received.

Ordered that the Provincial Courts of Circuit in the Northern, Southern and Centre Divisions, be called upon to

transmit the required Statements without delay, by precept, returnable within three days from and after its receipt.

Sent following precepts No. 499

The Circuit Reports required by Section XXXVII Regulation VII of 1802, for such portion of the 2nd Sessions of 1832, as remained after Mr. Bushby ceased to preside and for the 2nd and 3rd Quarter Sessions of the same year, not having been yet received from Mr. Oakes, late 1st Judge of the Court of Circuit in the Centre Division.

Ordered that, that Officer be called upon to send up the Reports in question

Sent following letter No. 500

The Circuit Reports required by Section XXXVII Regulation VII of 1802 for the 2nd Sessions of 1833 and 4th Quarter Sessions of 1833 not having been yet received from Mr. Davis, acting 2nd Judge of the Court of Circuit in the Centre Division.

Ordered that, that Officer be called upon to send up the Reports in question, and further to afford an explanation of the cause of the delay which has occurred in their Transmission by precept, returnable within three days from and after its receipt.

Sent following precept No. 501

16th June 1834.

Came to Mr Casamajor.
2d Judge to be fortnightly
Circuit Report for 2d
Sessions of 1833.
D. Mr Pasks & Maniel Jan
1st & 2d Sessions of 1833.
D. Mr Casamajor 2/3 D.
2d D. do. 2/3 D.
D. Mr Walters 1/3
3d D. D. 1/3 D.
W. D.

Similar Draft to Mr
Young Esq 2d Judge
of W. D. for 1st & 2d Sessions of 1833
D. Mr Ameratunga 2/3 Ellis Esq
3d Judge for 3d 1/3
& 4th Sessions of 1833.

The Circuit Reports for the 3d
4th Quarterly Sessions of 1832, required by
Section XXXVII Regulation VIII of 1802, not
having been yet received from Mr Pasks,
the 1st Judge of the Provincial Court of
Circuit in the Southern Division,

Ordered that that Officer be
called upon to send up to this Court, the
required Reports forthwith, and to explain
the cause of the delay which has occurred
in their transmission, by precept returnable within three days, from and after its
receipt.

Sent following precept No 505

W.

DO

W.L.

P. 16.

At a Court of the Foujdaree Udalut

Present.

Tuesday 17th June 1834.

John Bird Esqr. - - - - - - - - - - Acting 1st Provincial Judge
Thomas A. Oakes Esqr Acting 2d Provincial Judge
Alexr Duncan Campbell Esqr Acting Judge

Read letter dated the 12th March last from the 2d Judge on Circuit in the Southern Division transmitting Case No 2 on the Madura Calendar 1st Sessions 1834.

(Sent enter No 329)

JB

DO

Mr Oakes and Mr Campbell.

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-Cozat and Mooftee of the Foujdaree Adalut are of opinion that the Prisoners,

1st Chinna Doomoo Naiken

and

2d Pandeya Naiken,

are not convicted on presumptive proof or on the evidence of credible Witnesses or on their own confessions and notwithstanding the Futwa of their Law Officers, accordingly direct that they be set at liberty.

(Sent following letter No 509)

The perusal of the foregoing Trial, has strongly impressed the Court of Foujdaree Udalut

17th June 1834.

Malabat with the belief that the whole case has been fabricated at the instigation of the Shevagherry Zamindar.

2. The Witnesses in support of the prosecution are all more or less under the influence of the Zamindar; the Prosecutor being the Carnum of his Principal Village.

3. The Account which they give is highly improbable; according to their Statement, the Zamindar of Samavenga-perumal, being on horseback and his Son also mounted, came at night with a great number of people to the Principal Town of the Zamindar of Shevagherry - who did not attempt to interfere: went to the house of his Carnum situated near his palace aroused from sleep the people who were reclining outside on the Pial: and having found a bag containing 555 Rupees deliberately opened it apparently to display, not to ascertain its contents, and then went off quietly with it and a few Clothes.

4. During all this time, no one disturbed them; and no violence, the almost invariable accompaniment of Gang Robbery was offered by them to any one.—

5. The most extraordinary point is, that the parties are alleged to have been followed, and two of their number apprehended: while none of their own party attempted to defend or rescue

17th June 1834 rescue their companions—

6 The whole complaint is evidently aimed against the Zamindar of Samavenga-perumal, and the evidence accordingly is made to bear against him and his two principal attendants, not against the two Prisoners. At the same time it is worthy of remark that the instigators of the charge had totally lost sight of the fatal discrepancy pointed out by the Law Officer of the Court of Circuit, that the prosecution in his anxiety to implicate the two Prisoners, had, in his original complaint ascribed to them all the acts connected with the bag of Rupees, which it was afterwards deemed advisable to attribute to more important characters.—

7 It will be found on referring to the proceedings in this Case, that the Prisoners in their defence, asserted that the Shevagherry Zamindar, was the instigator of the charge against them: and the peculiar circumstances which they urge in support of their statement, are in the opinion of the Court amply corroborated by one of the 2 Witnesses for the defence, who were examined: and it is to be presumed, had their other witness not been dismissed so soon as he answered that he did not recollect "the 25th January last," that he would also have

confirmed

16th Dec

17th June 1834.- confirmed their Statement.

8. It appears that the son of the Shivagherry Zamindar, to whom the Prisoners appeal in support of their Statements, was absent from the trial on the plea of ill health, but the Court are of opinion, that the absence was intentional, and for the purpose of depriving the prisoners of his valuable testimony.-

9. Upon the foregoing grounds, the Court resolve to issue orders to the 2d Judge of Circuit in the Southern Division, directing him to furnish the Magistrate of Madura with the Record and rough English translations of this Case, and copy of these Proceedings; and to instruct that Officer personally to investigate the circumstances, for the purpose of ascertaining, whether further evidence is not procurable upon which to proceed against the Witnesses on the part of the Prosecution for Perjury, and against the Shivagherry Zamindar for subornation of that crime.-

10 It is hardly necessary to observe, that the evidence of the son of the Shivagherry Zamindary is particularly desirable, and the Magistrate must be instructed to exercise much discretion to prevent if possible this boy being influenced by his

17th June 1834.- his Father, in giving his evidence as to the matter at issue respecting him.-

11 Upon an attentive consideration of all the circumstances of the case, it appears to the Court, that this charge of Gang Robbery brought against the Zamindar of Samoosoorgapooram has arisen from some feud existing between him, and the Zamindar of Shivagherry this must be known to the Magistracy and will afford them a clue to the proceedings to be adopted in this case.-

12. It is to be understood that in case the Magistrate should be of opinion that the evidence resulting from his investigations, is not sufficient to ensure the conviction of either the Witnesses, or the Zamindar of Shivagherry, he will abstain from forwarding them to the Criminal Court.-

13. In conclusion the Court observe that all the depositions in this case, before the Police have been attested by two Witnesses, like the confessions of a Prisoner. As the Court have reason to believe that this is an unusual occurrence, they desire that the Magistrate may be called upon to explain its cause. It has the appearance of the Head of Police having taken an unusual interest, and resorted to an unusual expedient in

supporting

17th June 1834.— contain the grounds of his opinion respecting the fifth charge, which he did not deem proved, though he was far from satisfied that it was unfounded.—

6. The grounds upon which the Commissioner has deemed the following charges not to be established are stated in his reports, in the respective paragraphs below noted.—

Ninth charge — vide paragraph 27 of his 1st report.—
Tenth " " " 42 & 50 " 2d " "
Eleventh " " " 51 " 2d " "
Twelfth " " " 52 & 55 " 2d " "
Thirteenth " " " 59 & 62 " 2d " "
Fourteenth " " " 5 of his 2d report.—
Sixteenth " " " 70 " 5th " 2d " "
Seventeenth " " " 71 " 2d " "

7. As the 4th charge was not investigated no opinion upon it is required from this Court.—

8. The Judges concur in opinion with the Commissioner that the 1st, 3d & 5th 9th 10th 11th 12th 13th 14th and 16th charges are not proved.— that the 12th is false and moreover the 14th unfounded and the 17th frivolous and vexatious.—

9. The remaining charges which the Commissioner considers more or less established are the 2nd 6th 7th 8th 15th and 17th

10. In regard to the 7th and 8th charges against the Serishtadar, and the 2nd against them

17th June 1834.— and the Native Register conjointly, the Judges are of opinion, that the evidence in support of them is not of that satisfactory nature, to justify proceedings for their punishment, under Regulation XII 1802; & particularly as the account referred to, in support of the 7th charge, appear to them on its face to be of a most questionable description— But the evidence on the 2d charge in particular, and on the 8th also, as regards the Serishtadar, affords so strong a presumption that the Serishtadar and the Native Register have been engaged in corrupt practices, that the Judges are of opinion they should be dismissed from office.—

11. The Judges concur in opinion with the Commissioner, that the fifteenth charge is not proved against the Serishtadar, but Mr Casamajor in the last para of his first report, has recommended that Ghuntulrow be no longer retained as Government Pleader in the Zillah Court, in consequence of his knowledge of the fraud, proved in this instance to have been committed— This fraud has not been brought home to any particular individual, but the Judges are satisfied, that the Vakeel Ghuntulrow, who conducted the appeal, in which was committed the fraudulent alteration of date proved on the 15th charge, could not have been ignorant of it; for upon that alteration solely was

this

17th June 1834.

this appeal admissible, they are therefore of opinion that it will be proper, that Government should employ another person as Government Pleader in the Zillah Court, in lieu of Ghuntutrow, as recommended by the Commissioner. Indeed it seems desirable, that the Zillah Court should adopt the requisite measures for bringing this part of his conduct under the consideration of the Provincial Court, with the view of their deciding, whether he ought longer to be allowed to practise as a Vakeel.

12. With respect to the 6th charge, which the Commissioner considers proved against the Vakeel Soobrow and the 13th charge against the District Moonsiff of Caleghurry, the Judges observe that Pleaders in the Zillah Courts hold their Situations under Regulation XIV 1810, and the District Moonsiffs under Regulation VI 1816. Clause 1st Section VII of the latter expressly provides that a District Moonsiff shall not be removed from office, unless the Provincial Court shall be satisfied that there is sufficient cause for his removal; and Section X of the former vests similar authority in the Provincial Court, as regards the Pleaders in the Zillah Court. Under these circumstances and as Pleaders and District Moonsiffs do not appear to come within the descriptions of "an Officer of Government," to whom alone Regulation XIV

17th June 1834.

1822 is applicable, the Judges beg leave to recommend that the Acting Zillah Judge be instructed to frame specific charges against the Moonsif of Caleghurry, and to submit the evidence taken upon them by the Commissioner, with any further matter which may appear in his Records against him, for the orders of the Provincial Court.

13. It will of course be open to the Government to adopt a similar proceeding in regard to the Vakeel Soobrow. But the account offered in support of the charge No 6, appears to the Judges upon its face of so questionable a nature, that they do not venture to recommend this course.

14. The Judges do not understand what Situation Ramanjoolo Naid holds in the Zillah Court. They observe that Mr. Casamajor, in para 75 of his first report, recommends his removal, though he deems nothing proved against him. This does not appear to them to be just. If there are any other grounds for this mans removal from office they should be stated in a form tangible by him, in order that he may not be condemned, or removed, unheard.

Ordered

17th June 1834.-

Ordered that an Extract from these proceedings with the original Documents accompanying the two minutes of Council in question, and the petition No. 812 of 1834 be transmitted to the Secretary to Government in the Judicial Department for the orders of the Right Honorable the Governor in Council.-

4/12 Ld Govt. No. 89 (Sent in No. 572)

Read letter, dated the 11th March 1834 from the Acting 2nd Judge on Circuit in the Centre Division, recommending a mitigation of the punishment to which the 1st, 3d, 4th, 5th, 6th, 7th, 8th and 9th Prisoners, convicted, in case No. 13 of the Cuddalore Calendar, 2d Sessions of 1833, of Highway Robbery, have rendered themselves liable.

(Here enter No. 721.)

The Court of Zaydaree Udalut, having maturely considered the circumstances of the case represented in the foregoing letter, sanction under Clause Third, Section III Regulation I of 1825 the mitigated punishment recommended by the Acting 2nd Judge on Circuit in the Centre Division and accordingly direct that the said 1st, 3d, 4th, 5th, 6th, 7th, 8th and 9th Prisoners, be imprisoned and kept to hard labour in irons on the public Roads or other public works for and during the period of 7 years.-

Ordered, that Extract from these proceedings be forwarded to the Acting 2nd Judge on Circuit in the Centre Division, for his information by Precept returnable

(4)

17th June 1834.- returnable without delay.-

(Sent following Precept No. 573)

Read letter dated the 1st March last from the Acting 2nd Judge on Circuit in the Centre Division, recommending a mitigation of the punishment to which the two Prisoners, convicted "of open Highway Robbery" in case 41 of the Cuddalore Calendar 2d Sessions of 1833, have rendered themselves liable.

(Here enter No. 724)

The Court of Zaydaree Udalut, having maturely considered the circumstances of the case represented in the above letter, are of opinion that the ends of Justice will be answered by the infliction of a more lenient punishment than that recommended by the Acting 2d Judge on Circuit in the Centre Division; and accordingly direct under Clause Third, Section III Regulation I of 1825, that the said two Prisoners be imprisoned and kept to hard labour in irons on the public Roads or other public works for and during the period of (4) four years.

Ordered, that Extract from these proceedings be forwarded to the Acting 2nd Judge on Circuit in the Centre Division for his information by Precept returnable without delay.-

270

(Sent following Precept No. 574)

Read letter dated the 5th Ultimo from the Officiating Judge at Circuit in the Northern Division, submitting the Calendar

and

17th June 1834.

and Supplemental Calendars for the 2nd Sessions of 1833 at Nellore.-

(Presenter No. 649-)

Case 1. 1. In this Case the Officiating Judge has overlooked the Circular Order of the 6th September 1819 which requires the entry in the Calendar not only of the sentence declared in the futwa, but also the grounds on which the sentence is founded, and the Circular Order 19th June 1828 under which his concurrence in, or objection to the futwa should have been shewn. Neither is it stated what extent of injury was proved as directed by the Circular Order 15th May 1832. The amount stolen was so small that the case appears to have been open to a reference for mitigation of punishment in favor of the prisoners.-

2.3.7.8 and others. 2. The above remark as respects the Circular Orders 6th September 1819 and 19th June 1828, to apply to these cases also.-

4-5. 3. These cases do not appear in the Calendar. The Officiating Judge should explain without delay why they have not been entered and furnish them at the same time if they have been omitted.

7 4. The depositions of the prosecutor and 1st and 2nd Witnesses ought not to have been taken as evidence in the case which was not one of those embraced by the late Circular Order of the 8th May 1833.-

17th June 1834

5. It should have been stated in this

9 case that the prisoners held to security were liable to imprisonment, in default of finding it for the period for which they were required to produce sureties.-

17. 6. With reference to the remark of the Officiating Judge "His trial has been called with "the full consent of the Cauzy" the Court have to observe that the correct entry for the disposal of this case would have been "the prisoners are discharged without trial".-

24 7. The same remark applies to this case.-

26. 8. With regard to this case the Court have to observe that as nothing but grain was taken during the scarcity the case seems one in which a reference for mitigation of punishment might be made.-

30 9. The Officiating Judge will explain, whether or not this case was brought forward anew at the 1st Sessions of 1834, and if not why it was delayed for a whole 12 Month.-

52. 10. The Officiating Judge should have specified the doubt which in his concluding remark in this case, he states that he entertained with respect to the correctness of the sentence he passed.-

83. 11. With reference to the concluding

remark

17th June 1834.

remark on this case the Officiating Judge will explain whether the prisoners were discharged or the trial postponed which is not to be collected distinctly from the Calendar.—

88. 12 From the observations of the Officiating Judge it would appear, that the prisoners in this case had been the object of a conspiracy. The Court deem it proper to direct the Officiating Judge to issue orders to the Magistracy for bringing to trial the parties concerned in the conspiracy if there is sufficient evidence to be procured in support of the charge.—

89. 13. The Officiating Judge will explain the cases into which this No was divided.—

92. 14 The distance between the 2 places should have been specified.—

95. 15 The Court cannot coincide in the opinion of the Officiating Judge, that a confession supposed to be originally given under violence is worth nothing if deliberately repeated before a Criminal Court. Explanation should be given as to the restoration of the property in this case to the Vakeel of parties to whom it was not proved to belong.—

1st Supplemental Calendar Case 9. 16 There is no explanation in the Calendar of the omission to try the 1st 2nd and 5th

(5) P. 86.

17th June 1835.

5th prisoners. The Officiating Judge will furnish it for the information of this Court. The Officiating Judge should have called upon the Criminal Court to explain the reason of the 6th 9th and 10th prisoners being entered erroneously as concerned in Case No 5 of the principal Calendar.—

Ordered that Extract of these proceedings be sent to the Officiating Judge Late on Circuit in the Northern Division for his information and guidance by Precept returnable without delay.—

(Sent following Precept No 515)

Wednesday
18th June 1834

At a Court of the Saufdara Udalut

Present;

John Bird Esqr. Acting 1st Puisne Judge
Thomas Abbt Oakes Esqr. Acting 2d Puisne Judge
Alexr. Duncan Campbell Esqr. Acting Judge

Read letter dated 16th January last from the Acting 3d Judge on Circuit in the Centre Division transmitting the record of proceedings in case No. 29. of the Cuddapah Calendar 1st Sessions 1834.

/Received No. 6464/

The Court of Saufdara Udalut having maturely considered the Proceedings held before the Judge on Circuit, the Letter of the Provincial Law officer and the Letter of the Cazee ool Coozat and Mooftee of the Saufdara Udalut, confirm such part of the said Letter of the Cazee ool Coozat and Mooftee aforesaid as acquits the Prisoners,

4th Sumpadoo Ramoodoo

and direct that he be set at liberty.

And being of opinion that the Prisoners

1st Lokireddy Chinnareddy

2d Seemapoorala Mokyadoo

3d Sumpadoo Nurseegadoo

1st

Read the letter dated 24th Ultimo from the Acting 3d Judge on Circuit in the Centre Division submitting copy Proceedings of the trial of Sultan Khan Prisoner in No. 29 of the Cuddapah Calendar and requesting the Court to pass such sentence thereon as they may think proper to be passed on a Prisoner convicted of Murder

/Received No. 6388/

Also read Letter dated 23d Instant from the Acting 3d Judge in Circuit in the Centre Division dated forwarding Copy of the sentence passed by the Court of Cuddapah affirming the death of the 18th Prisoner in No. 29 and Mahomed the 13th Prisoner in No. of the Cuddapah Calendar

/Received No. 7037/

Mr Bird and Mr Oakes.

Pundalum Condadon

Jr. Pellum Defendant

5th Dr Pedia Condadon

and

9th Bodabayanna Commadon

are not convicted on presumptive proof or on the evidence of credible Witnesses or on their own confession notwithstanding the Nature of their Crimes offences and accordingly direct that the Accused

3rd Sampadon Kandagamdon

6th Pundalum Condadon

Jr. Pellum Defendon

8th Dr Pedia

and

9th Bodabayanna Commadon

be set at Liberty

But being of opinion that strong Suspicion though not amounting to conviction attaches to the prisoners

1st Lenchirala Chinnaraddy

and

2nd Somanpanella Pedagamdon

they direct, under Clause Sixth Section 8 Regulation XX of 1803 that they be severally required to find two Sureties in 100 Rupees each Surety for their good behaviour and appearance when required within three years

or that in default thereof they be detained for three years in confinement.

(Sent following letter No. 527)

The Court with reference to the foregoing Trial, deem it necessary to point out to the Acting 3rd Judge on Circuit in the Centre Division the neglect evinced in the present case of their Standing orders of the 18th May 1822 which direct that all articles of Stolen property which may be produced in a case before the Court of the Magistrate or Criminal Judge be numbered - that the Witness by whom the property may have been discovered be invariably examined as to the particular articles found on each individual prisoner - and that throughout the examinations before the Magistrate the Criminal Judge and the Court of Circuit the number of Jurors attached reported to be sufficient

Ordered that Extract from these proceedings be forwarded to the Acting 3rd Judge on Circuit in the Centre Division for his information by present, returnable without delay.

(Sent following Receipt No. 528)

Read letter dated 22nd January

Mr Campbell

last from the Acting 3rd Judge on Circuit in the Centre Division transmitting the record of proceedings in Case No. 67 of the Candidate Calendar 1st Sessions 1834.

(Hereunto No. 702)

The

18th June 1834

The Court of Foujdaree Udalut, on a due consideration of all the circumstances of the case in evidence before them, being of opinion that the Prisoner

1st Guilty Accordingly,
and
2d Rationally Arguably,

it sufficient to convict them of the crime of Gang Robbery by open violence, as under the Authority with which they are vested by Clause First Section II Regulation I of 1816 and Clause Third Section V Regulation VIII of 1831 convicted them thereof, and in conformity with the Provisions of Clause Third Section IV Regulation XV of 1803 sentenced the said Prisoners,

1st Guilty Accordingly
and
2d Rationally Arguably

to be imprisoned and kept to hard labour in irons on the public Roads or other public Works for the Period of Life (sentence given)

(sent following Letter N°529)

1 The Sentence of the Court of Foujdaree on the apprehension which attended the Offence having been brought home to the Prisoners without

2 The Court observe that the Acting 3d Judge on Circuit in the Centre Division omitted to put the Prisoners questions to the 1st and 2d Witnesses and to the Prisoners produced the Prosecutor on their Defence

3 This Court would be left to be informed from the Depositions whether the Prisoners are Circumcised or not &c.

4 The Court further observe that the Acting 3d Judge omitted to inquire into the Grounds upon which the Prisoners were apprehended - evincing thereby an attention to the standing orders of the Foujdaree Udalut - and that he caused to be read over to the Witnesses their Police depositions instead of Examining them himself, with the view of reconciling any discrepancies appearing in their evidence before himself and their previous testimony before the Police -

These are errors which the Acting 3d Judge on Circuit will point out to the Criminal Judge with instructions to that Effect to avoid them in future -

Ordered, that Extract from these proceedings be sent to the Acting 3d Judge on Circuit in the Centre Division for his information by precept returnable without delay -

(sent following precept N°530)

Read letter dated 17th April last from the 3d Judge on Circuit in the Northern Division transmitting the record of Proceedings in Case N° 6 on the Rajahmundry Calendar 1st Sessions 1833 -

(Here enter N°503)

The Court of Foujdaree

Mr Bird
Mr Oakes
and
Mr Campbell

Udalut, having maturely considered the proceedings held before the Judge on Circuit, the Fatwa of the Provincial Law officer, and the Fatwa of the Cazee-ool Coozat and Mooftees of the Foujdaree Udalut, confirm such part of the said Fatwa of the Cazee-ool Coozat and Mooftees aforesaid as acquits the Prisoner -

2d Da Kelly Veneedoo

and accordingly direct that he be set at liberty

But being of opinion that the

proof against the Prisoners--

4th Cuntapoody Veneenah

and

5th Muddeapoody Syennah

is sufficient to connect them of the crime of

Gang Robbery by open violence they do, under

the Authority with which they are vested by Clause

First Section II Regulation I of 1818, convict them

thereof, and in conformity with the provisions of

Clause Third Section IV Regulation XV of 1803,

Sentence the said Prisoners--

4th Cuntapoody Veeranah

and

5th Muddeapoody Syennah

to be imprisoned and kept to hard labour on

the public Roads or other public Works for and

during the period of 14 Years.--

/Sent following letter No: 53/

The Court report to observe

that the 3d Judge on Circuit in the Northern

Division has conducted the foregoing Trial in a

very careless way They are of opinion that had he

effectually cross examined the Witness, he would have

found the evidence against the 2d Prisoner to be

wholly conjectural--

The 3d Judge on Circuit is also

requested to ascertain the Cause of several

Injury sustained by the inmates of the Prosecutor's

house--

This is an omission which the

3d Judge will be careful in future to avoid

Ordered that Extract of these

proceedings be sent to the 3d Judge on Circuit

in the Northern Division by precept returnable

without delay--

/Sent following Precept No: 532/

Read letter dated 15th Ultimo,

from the Acting Judge of the Court of Circuit

in the Centre Division transmitting the Record

of proceedings in Case No: 10 on the Calendar

of the Zillah of Chittoor for the Second Quarter

Sessions of 1834--

/Here enter No: 531/

The Court of Foujdaree Udalut

Mr Bird and Mr Campbell having maturely considered the Proceedings held before the Judge on Circuit, the Futwa of the Provincial Law officers and the Futwa of the Cazee-ool-Coozat and Mooftees of the Foujdaree Udalut concur in opinion that the Prisoners--

1st Kynabsahebah

2d Boran

and

3d Catabavah

are not convicted on presumptive proof, or on the evidence of credible Witnesses or on their own confessions, notwithstanding the Futwa of their Law Officers and do accordingly acquit them:

But concurring in opinion that strong suspicion though not amounting to conviction attaches to them, they direct, under Clause Sixth Section II Regulation XV of 1803 that they be required to find Severally two Sureties in 100 Rupees each Surety, for their good behaviour and appearance, when required within three years or that in default thereof they be detained for three years in confinement.-

(Sent following letter No. 533)

1 The Sessions attention of the Court of Foujdaree Adaulut has been attracted by the careless mode in which the late Acting Judge Mr. Lewin has conducted the foregoing Trial. His proceedings on the occasion, appear in the opinion of the Court great inattention to his duty.-

2 In the first place, that Officer dispensed with the examination of six material Witnesses, even before he had examined a single Witness, and could not then tell whether the evidence would or would not be absolutely necessary for the conviction of the Prisoners.-

3 The late Acting Judge next proceeded to examine the attesting Witnesses to the Prisoners alleged confession before the Criminal Court. Instead however of first asking what the Prisoners deposed before the Criminal Court, he proceeded at once to have read to them their alleged confessions before that Court; and this is in point of fact the whole of the evidence

evidence upon which the conviction of the Prisoners can be founded.-

4 Mr. Lewin not adverting to the circular orders of this Court of the 19th June 1823 after taking the Futwa of the Law Officer, unnecessarily objected to it because it convicted the Prisoners of theft instead of burglary. He in consequence referred the case, proposing a Sentence of 14 Years imprisonment which is not only illegal, but which would be unsuited to the nature of the crime.-

5 The Court deem it necessary to observe, that though the Prisoners have been acquitted by them on account of the insufficiency of the evidence at their trial, that insufficiency arose solely from the neglect and erroneous proceedings of the Presiding Judge.-

6 The Court resolve to issue orders to the Provincial Court of Circuit in the Centre Division directing them to transmit a copy of these Proceedings, to the late Acting Judge Mr. Lewin for his information.-

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

(Sent following Precept No. 534)

Read letter dated the 5th Instant

from

from the Acting 2d. Judge in Circuit in the Centre Division transmitting the Calendar and Supplemental Calendar for the 2d. Sessions of 1833 at Cuddalore.

(Here enter No. 720)

Case 2 1 The grounds of acquittal and reasons should have been recorded in this case under Circular Order 19th June 1828.

Case 3. 2. If the improprity of the commitment in this case without any grounds has not been pointed out to the Officer who took cognizance of it the acting 2d. Judge will now bring it to his notice and will inform him that the case ought to have been disposed of as one of assault.

Case 5. 3 From the circumstances stated in the Calendar it appears to the Court that the Prosecutor and the 1st & 2d. Witnesses rendered themselves liable to be committed for perjury, and they deem it proper to call upon the acting 2d. Judge to explain why he did not order their commitment.

14 4 The Court deem it proper to direct the acting 2d. Judge to refer in the first instance one of these cases in which the prisoners tried

tried in so many cases are concerned as the reference of the other trials will be unnecessary if they should be convicted and sentenced to transportation in any one case.

Case 21. 5 The Court perceive the tenth prisoner's name is not inserted in the appropriate column and they direct that the omission be explained. Precisely the same charge is adduced against the prisoner in case 48 and the Court deem it proper to call on the acting 2d. Judge to explain why the cases were separated and case 48 entered distinct in the Calendars as there appears to have been no necessity for it.

22 6 The acting 2d. Judge will explain why the Prosecutor in this case was not committed for Perjury, or else fined under Section VII Regulation XIII 1832, as it is stated in the Report, that he "contradicted himself in every material point."

24. 7 From the wording of the charge in this case, the Court are not satisfied that wilful and corrupt Perjury has been committed in this instance by the prisoner, they deem it therefore

therefore proper to require an English translation of the record of the trial to be submitted for their consideration.

Case 25 8 In this and also in the previous cases 20 & 21. the acting 2d Judge has merely noticed, that no "marks of injury appeared on "the person of the prosecutor" under the Circular Order 15th May 1832 in cases similar to these "the precise "extent of injury proved on the trial" is to be specified. The acting 2d Judge will be careful in future to express that no injury has been proved, when the result of the trial has determined this fact.

29 9 In this case the acting 2d Judge has overlooked the Circular Order 19th June 1828 as regards the fatwa and the Circular Order 6th September 1819 as regards the requisition of security. The acting 2d Judge will point out to the Officer who committed the 2d prisoner for trial, as there appears to have been no prospect of conviction on the evidence adduced, the impropriety of his proceeding is at variance with the standing order of the 20th July 1829.

37 38 10 The charges in these cases are not framed

18th June 1834.

framed as they should have been under Circulars order 6th February 1832 & 22d March 1832 and although the cases have been entered distinctly they do not appear to have been kept so as the fatwa includes both prisoners. The Circular order 6th August 1832 enjoins a distinct trial of each case. The acting 2d Judge has omitted to specify whether or not he concurred in the fatwa, as he is required to do by the Circular order 19th June 1828. It appears to the Court, that if the evidence before the Presiding Judge was to the effect entered in the Abstract, his approval of the fatwa must have been almost impossible. The Court deem it proper to add, that upon the face of the proceedings in case 37 there are strong grounds to believe, that the prisoner had committed a foul Perjury, and that the case ought to have been referred. The prisoner however having been released no further proceedings can be held.

39 11 In this case also as well as in cases 32 & 36 and in some others in this calendar the acting 2d Judge has passed unnoticed the

Circulars

Circular Order 19th June 1838 and likewise in this instance the Circular Order 6th September 1819, under which he should have stated the grounds of his requisition of security. The Court observe that the Law Officer has taken no notice of the evidence of the Prosecutor. It appears to the Court, if the Prosecutor gave before the Circuit the same evidence as he gave before the Criminal Court and the confessions were proved, that the prisoners were liable to conviction If the Law Officer had rejected the evidence of the Prosecutor in reading it the case would have been provided for under Circular Order 27th July 1832.

Case 40. 12 The postponement of a trial is a great hardship not only to the prisoner, but to all concerned. The Court deem it right therefore to direct, that particular explanation be required why the prosecutor and his witness were not present and what measures were taken to procure their attendance.

47. 13. In the abstract of examination the 2d prisoner is alleged to have confessed before the

the Criminal Court. If his declaration did not amount to a confession the Presiding Judge should have stated the fact. Without such explanation it does not appear why the acting Judge concurred in the acquittal of the 2d prisoner and they now direct that he be called upon for an explanation on this point.

Case 50. 14 The Court desire that it may be explained, why this case was entered separate from case 44 to which it is precisely similar.

51 52 66. 15. The same order applies to the case 51 in reference to case 45: to case 52 in reference to case 46: and to case 66 in reference to case 19.

16 The Court have to observe, that in several cases in this Calendar the acting 2d Judge has not, as he should have done, specified in each instance whether or not the prisoners stood convicted of the charge adduced. The references merely to a former case or sentence, such as "vide sentence No." is not sufficient.

Jon

June 1834.

18th June 1834.

17

In conclusion, the Court deem it due to the Acting 2d Judge to state that they consider the Calendar under review to be very creditable to them.

Ordered that Extract of these proceedings be sent to the Acting 2d Judge on Circuit in the Centre Division by Precept, &c returnable without delay.

(Sent following Precept No 535)

Ent'd

F.B.

At a Court of the Fouydaree Udalut

Present

Thursday

19th June 1834 John Bird Esqre Acting 1st Puisne Judge.

Thomas Alexr Oakes Esqre Acting 2d Puisne Judge.

Alexr Duncan Campbell Esqre Acting Judge.

Read letter dated the 20th March 1834 from the 2d Judge on Circuit in the Southern Division recommending that the two prisoners in Case No 29 Ombacoonum Calendar 1st Sessions 1834 be sentenced to the Delegated punishment of 7 years imprisonment with hard labor in Irons.

(Here enter No 363)

The Court of Fouydaree Udalut having maturely considered the circumstances of the case as represented in the above letter and in the Calendar, deem it proper to direct under clause 3d Section III Regulation I 1825 that the two prisoners

Jyacooly

&

Sunnady

be imprisoned & 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 Southern Division for his information & guidance.

(Sent following Letter No 538)

Read

19th June 1834.

Read letter dated 12th May 1834 from the Officiating Judge on Circuit in the Northern Division submitting the Calendar & Supplemental Calendar for the 1st Sessions 1834 at Nellore.

(Here enter No. 674)

1 The Officiating Judge has omitted in these cases to observe the Circular order 6th September 1819, under which he should have entered on the Calendar not only the sentence declared in the fatwa but also the grounds of such sentence. The same omission is observable in respect to Circular order 19th June 1823, which requires the Judge on Circuit to state whether he concurs entirely in the fatwa, or concurs with the Law Officer as to the guilt or innocence of the prisoner, but on different grounds and what those grounds are.

Cases 1-2-3-4 other cases.

2 It should have been specified in the Calendar, that the prisoners 9 & 10 in case (1) were liable to imprisonment for two years in default of finding the required security. The detail of the evidence given in these Calendars is much more full than is required under the standing order of 17th April 1823, to which the Court expect due attention to be paid in future, by the Criminal Court at Nellore.

Case 3. 3 The precise extent of injury proved on the trial has not been stated by the Officiating Judge

19th June 1834

Judge as directed by Circular order 15th May 1832.

The Court consider that this is a case which is open to a reference for mitigation of punishment if the officiating Judge should think proper to make it.

7. 4 The Court expect that the Officiating Judge will take due precautions to obviate delay in the disposal of cases similar to this. The explanation shews, that these has been a want of attention which is much to be lamented. The Court further direct, that it be pointed out to the Officiating Judge that the practice pursued by him, in numerous trials, of keeping them open, and undecided for weeks, even months is highly objectionable on every account, & contrary to the 3d para of the Circular order 28th June 1827. Except where there may exist good Reason against it, to be Recorded in the Calendar, the Trial in each case, should be conducted to a close uninterruptedly.

8 5 With Regard to this case, the Court have to observe, that the Circular order of the 8th May 1833 does not apply to witnesses who are not to be found, In one instance, in this case, it is remarked, that the two absent witnesses were the only "eye witnesses" in another, that the 1st prisoner was recognized by the Prosecutor and 3d Witness. If therefore the Prisoners were convicted

convicted independently of the depositions of the 1st & 2d witnesses, the sentence need not be disturbed, if otherwise, the trial must be referred. The Officiating Judge will submit an explanation on this point without delay.

6. The Court perceive that when the Officiating Judge differs from the Law officers and proposes to refer the trial, he omits to put there Circular order 20th September 1830 in force, which requires the Regulation to be cited in such cases.

Case 25 7. This appears to the Court to be a case in which a conviction has taken place upon the evidence of a single person, on whose deposition there are combatant circumstances. Under the Circular Orders 25th February 1829 and 29th July 1832 it is to be considered, that the evidence of a Prosecutor though held to be a competent witness should be corroborated to render it available for conviction of the accused. The Court resolve to direct that an English translation of the record of the trial be submitted for their consideration, and that the sentence be suspended pending the reference.

23. 8. In this case, the proper mode of proceeding under the Law, for the purpose of bringing to trial the Prosecutor & those concerned with him in the conspiracy against the prisoners, is, for the Judge of Circuit to direct the Magistrate to institute proceedings with a view to their commitment for

for conspiracy. The Officiating Judge will issue the requisite orders.

24. 27 & 59 do 69 Cs. 2. 25. 30. 9. The Commitment in these cases appears to have been hardly justifiable. The Officiating Judge if he has not already done so as required by para 2 of Circular order 27th September 1824, will point the attention of the Officer who committed these cases to the standing order of 20th July 1829, and will furnish any explanation that can be obtained of the Prisoner in case 26 having been several weeks in Jail before he was examined.

51. 10. The 2d & 4th prisoners are not noticed as convicted by the fetwa. The Officiating Judge will explain this point.

52. 11. In this case, it does not appear from what cause the Officiating Judge required a 2d fetwa. It is declared in Circular Order 23d April 1832, that when a specific penalty is provided by the Regulations, & a fetwa of Orthodoxy given, sentence should be passed on such fetwa.

169. 12. The record of the trial in this case should be referred without delay, as the officiating Judge differs from the Law officer requesting it. The Court do not perceive the application of the Circular order of the 20th March 1834. to these prisoners upon

upon whom no sentence has yet been passed.
The order for hard labor in irons should therefore
be cancelled without delay.

Case 74. 13 The Officiating Judge will explain
in what respect the confessions of the prisoners
in this case before the Last Criminal Court are
objectionable. There appears to the Court great
reason to believe that the evidence against
the 25th & 26th prisoners was strong enough for
conviction.

Supt. Calcutta Case 8. 14 It should have been stated in this case
whether or not the prisoner was released. The
Officiating Judge will now submit this information
to the Court.

25 15 The Officiating Judge should in this
case have specified the precise extent of injury
proved on the trial as required by Circular orders
15th May 1833.

16 The Court are concerned to observe
in concluding the review of this, and of the
Calendars for the 2d Sessions of 1833, that there
are no less than 30 trials to be referred.
The number also of the trials postponed altogether
and half finished is very great, and will
prove exceedingly embarrassing to the Judge or
Law Officer who may have to perform the ensuing
Circuit.

ordered

Ordered, that Extract of these proceed-
ings be sent to the Acting Judge late on Circuit in
the Northern Division, for his information &
guidance by Precept returnable without delay.

(Sent following Precept No. 39)

Read return, dated 5th ultimo from
the Provincial Court of Circuit in the Western Division,
to Precept of Fouzdaree Adalut dated the 15th April 1834
conveying the observations and orders of the Fouzdaree
Adalut on the several Criminal Reports of the Division
for the Month of January last.

(Here enter No. 600)

Read letter, dated 9th instant from
the 2d Judge late on Circuit in the Southern Divi-
with a returned warrant for the execution of the
Prisoner in Case No. 22. Combaconum Calendar
1st Sessions 1834.

(Here enter No. 760)

Read letter, dated 9th instant, from
the Acting 3d Judge on Circuit in the Centre Division
reporting the day fixed for opening the 2d
Sessions at Cuddapah.

(Here enter No. 783)

Read Return, dated 12th instant,
from the Acting 2d Judge on Circuit in the Centre
Division to precept dated 7th instant, sanctioning the
mitigation of punishment on the 5 Prisoners in
Case

19th June 1834.

Case No. 22 on the Bellary Calendar for the 1st Sessions 1834.

(Here enter No. 762)

Read letter, dated 10th instant, from the Provincial Court of Circuit in the Centre Division, stating in reply to the Court's letter of the 26th May last, that the delay in reporting the deaths therein mentioned, arose from the negligence of the Criminal Record keeper.

(Here enter No. 739)

Read letter, dated 11th instant, from the Third Judge on Circuit in the Northern Division, with a returned original Warrant for the execution of the prisoner Maruvay Coellaven in Case No. 16 Rajahmundry 1st Calendar 1st Sessions of 1833.

(Here enter No. 752)

Read letter, dated 9th instant, from the Third Judge on Circuit in the Northern Division, with a returned original warrant for the execution of the Prisoner Salah Cundyah in Case No. 36 of Rajahmundry 1st Calendar 1st Sessions 1833.

(Here enter No. 753)

Read letter, dated 11th instant, from the Second Judge on Circuit in the Southern Division acknowledging the receipt of this Court's letter of the 7th instant, returning to them a part of the translation of No. 2 Combaconum Calendar 1st Sessions 1834, and conveying to them the instructions of the

19th June 1834.

Judges, that he will in conformity with the standing orders of the Court cause it to be copied in red Ink, and returned to them.

(Here enter No. 756)

Read letter, dated 15th instant, from the Provincial Court of Circuit in the Southern Division, transmitting copy of a letter from the Magistrate of Coimbatore, reporting the accidental death of two convicts, while employed in digging for granite.

(Here enter No. 763)

5th Sd

15

240

126

F. C.

At a Court of the Trincomalee Adalut

Present,

Friday 20th June 1834 — John Bird Esqre acting 1st Puisne Judge,

Thomas Alexr Oakes Esqre acting 2d Puisne Judge,

In Alexr Duncan Campbell Esqre acting Judge,

DAC

1834 — Read again letter from the late officiating Judge on Circuit in the Northern Division dated 12th Ultimo, with copies of the Nellore Calendar 1st Sessions 1834 —

(Here enter No 674)

In the 5th para of his letter, the late officiating Judge strongly urges, on the ground of his experience at the 1st Sessions of 1834 at Nellore, the general adoption of the plan, for securing the attendance of prosecutors and witnesses before the Court of Circuit, suggested by Mr Vaughan, which has been already under the consideration of the several Courts of Circuit — The Judges expressed in their proceedings of the 31st August last their opinion that it would be inexpedient, to bind the Courts generally, to the observance of any fixed and definite rule — They are at the same time fully sensible of the serious evils, which follow a lengthened detention of prosecutors and witnesses upon the Courts of Circuit, that they deem it proper to

ascertain

circulate the 5th para of Mr Beaumajor's letter, with a recommendation to the several Judges on Circuit, to adopt henceforth Mr Vaughan's plan, whenever they may consider it practicable - Each officer will of course issue such orders etc, etc, etc, to the Criminal Sadges, as his experience and knowledge of the practice, and circumstances of the several Courts in his division will suggest to him. Combining as far as practicable the great object of lightening to the people the burthen of attendance upon the Court, with ample care, that the business of the Sessions is not delayed, or impeded, and the Circuit brought to a conclusion within the 6 months -

Ordered, that Extract from these proceedings, with the other papers alluded to, be forwarded for the information & guidance of the 4 Provincial Courts of Circuit -

(Sent following Circular letter No. 540)

Read letter from the 2nd Judge on Circuit in the Southern Division, accompanied by the Cumbrancum Calendar for the last Sessions of 1834 -

(Here enter No. 602.)

No. 19. 1.

As the prisoner in this case was convicted of a crime, which if not specifically provided for in Regulation VI 1832 would have subjected him

prisoner to the specific penalty of Hud- the Circuit Judge, if he deemed it not to come within the provisions of the Regulation in question, should have taken a second factor under clause third, Section II Regulation XX 1803, and will accordingly adopt this course; eventually applying as he will doubtless consider it advisable for mitigation of the prescribed punishment -

No. 30. 2.

The Circuit Judge should have stated whether the wounding charged was proved or not - and if so, he should have explained its nature -

No. 40. 41. 42. 43. 44. 3.

The four instances, in which the Circuit Judge has passed the full sentence of the law in these cases, will also tend to check the great crime of perjury - hitherto so prevalent in the Southern Provinces.

Ordered, that Extract from these proceedings be forwarded to the 2nd Judge on Circuit in the Southern Division for his information by Receipt returnable without delay -

(Sent following Receipt No. 541)

Read letter, dated 15th February last, from the 2nd Judge on Circuit in the Southern Division, transmitting the Record of Proceedings in Case No. 1. Summarily, Calendar 1st Sessions of 1834 -

(Here enter No. 219)

The

20th June 1834.

Mr. Bird
&
Mr. Oakes.

The Court of Sunjdaree 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-Cozat and Mooftees of the Sunjdaree Adalut, concur in opinion that the Prisoners

1st. Sudy,
2d. Permal,
4th. Shoodaly Moottoo-son of Moottoo-ween-thaven,
5th. Mullaccanroo,
&
6th. Sunkera lingum,

are not convicted on presumptive proof or on the evidence of credible witnesses, or on their own confessions, Notwithstanding the future of these Law officers, and according acquit them, and direct that the Prisoners

1st. Sudy,
2d. Permal,
&
4th. Shoodaly Moottoo-son of Moottoo-ween-thaven

aforesaid, be set at liberty.

And further concurring in opinion that strong suspicion though not amounting to conviction attaches to the Prisoners

5th. Mullaccanroo,
&
6th. Sunkera lingum,

they direct under clause 4th, Section II Regulation XV.

20th June 1834

of 1803, that they be severally required to find two sureties in 150 Rupees each Surety, for their good behaviour and appearance when required within three years, or that in default thereof, they be detained for three years in confinement.

(Sent following letter No. 542)

Ent. Wk. 28

DO

Wk

At a Court of the Foujdaree Udalut.

Present,

Saturday 25th. June 1834. John Bird Esqre. acting 1st. Puisne Judge.
Thomas Alexr. Oakes Esqre. acting 2d. Puisne Judge.
Alexr. Duncan Campbell Esqre. acting Judge.

Read letter, dated the 13th. instant,
from the late acting Judge on circuit in the
Southern Division, recommending a mitigation
of the punishment to which the Prisoners
convicted in No. 60 Salem Calendar 1st. Sessions
of 1834 of Highway Robbery, have rendered themselves
liable.

(Here enter No. 757 of 1834)

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 late acting Judge
on circuit, in the Southern Division, and accordingly
direct that the said Prisoners be imprisoned and
kept to hard labour in irons on the public Roads, or
other public Works, for and during the period of
5 years.

Ordered, that Extract from these
proceedings be sent to the Provincial Court of Circuit
in the Southern Division for their information

J.

by Precept, returnable without delay—

(Sent following Precept No. 547)

Read Return, dated the 10th ultimo, from the Provincial Court of Circuit in the Centre Division, to Precept of the Foujdaree Udalut, under date the 23rd April 1834, directing them to call upon the acting Criminal Judge of Bellary, to give immediate & full effect to their instructions regarding the proposed reduction and revision of his jail establishment—

(Here enter No. 617 of 1834)

The Court observe from the communication from the acting Judge of Bellary, which accompanied the above Return, that that officer had reduced 2 Naigues, 2 Jemadars, 12 Duffadars, and 2 Trumpeters—

2

In the second Para of his Return to the Precept of the Centre Provincial Court, forwarding to them the extract from the proceedings of the Foujdaree Udalut, under date the 21st ult. Mr. Argola states that the "actual Number of Peons working outside is 743, instead of 570 as before marked" and he represents, that "the number thus employed constantly fluctuates, and may be expected to be augmented by the result of the current Inquiry"—

3

With reference to these Remarks, the Provincial Court will inform Mr. Argola, that adverting to the Proceedings of this Court under date the 26th August last, and to the Government order of the 17th September 1833, he is always allowed to entertain a number of Peons, at the rate of 1 to every 4 Convicts employed outside the Jail, varying with the Number of prisoners—

4

With Reference to the 3rd Para of the acting Zillah Judges' Return, the Provincial Court will point out to that Officer, that the Bellary Jailer has already been included in the 1st Class, and will consequently be entitled to draw a Salary of 20 Rupees per mensem—

5

The Court observe from the accompanying statement, exhibiting "the Jail establishment on the reduced scale as it stood on the 4th May 1834", that 78 Peons are entertained to furnish certain Guards specified in that statement, the Court are of opinion that the Relief of these Guards every four hours is unnecessary, they would therefore suggest that the Number of Peons thus employed be reduced to 52, which will furnish the same Guards if relieved only once in 6, instead of 4 hours—this, adverting to the very secure state of the Jail at Bellary, the Court of Foujdaree Udalut are of opinion, is a sufficient Guard for the Jail—

6

The Peons who accompany the prisoners to Labour, can also accompany them for necessary purposes—and the Court consider that 25 Peons are unnecessary

unnecessary for watching the prisoners under examination before the Criminal Judge, and that 12 will be adequate for this purpose. In the event of any pressing of business the said Last Guard may be called upon to supply the deficiency.

7. With reference to Para 3 of the Extract from the Minutes of consultation under date the 23d May 1834, the Court beg to recommend, that as Mallongah immediately upon the receipt of their last orders of the 25th April 1834, dismissed the several Peons, and other Servants connected with the Jail establishment and in not doing so previously, appeared to have acted under a Misconception of the former orders of the Govt dated [illegible] he be not on the present occasion, held responsible for the amount of their salaries.

Ordered, that Extract from these proceedings be forwarded to the Provincial Court in the Centre Division for the information and guidance of the Criminal Judge of Bellary and to the officiating Secretary to Government in the Revenue Department, for the purpose of being laid before the Right Honorable the Governor in Council.

To Govt No 91.

(Sent following letter No 749)

Read letter, dated 6th Instant, from the 1st Judge late on Circuit in the Southern Division, Reporting the death of the 10th Prisoner in Case No 18 on the Calendar of the Gaol of Salem for the 2d

Sessions of 1833.

(Here enter No 729.)

Read Return, dated 14th instant, from the late officiating Judge on Circuit in the Northern Division at Chittoor to Except of the 10th Instant, certifying that sentence of 14 years imprisonment has been passed on the Prisoner in No 36 Mellore Calendar 1st Sessions of 1833.

(Here enter No 751.)

JCB

HO

HOC

unnecessary for watching the prisoner under examination before the Criminal Judge; and that 12 will be adequate for this purpose. In the event of any of the Jurors the first Petit Jurors may be called upon to supply the deficiency.

With reference to Para 3 of the Extract from the Minutes of consultation under date the 28th May 1834, the Court beg to recommend, that as Mr Hodges immediately upon the receipt of these last orders of the 28th April 1834, dismissed the several Peons, and other servants connected with the Jail establishment, and in not doing so previously, appeared to have acted under a misconception of the former orders of the Sudder Court, he be not on the present occasion, held responsible for the amount of their salaries.

Ordered, that Extract from these proceedings be forwarded to the Criminal Court in the Eastern Division, for the information and guidance of the Criminal Judge of Bellary and to the Officiating Secretary to Government in the Judicial Department, for the purpose of being laid before the Right Honorable the Governor in Council.

J. Govt No 94.

(Here follows letter No 549)

Read letter dated 6th Instant from the Officiating Judge late on Circuit in the Southern Division, Reporting the death of the 16th Prisoner in Class No 18 on the Calendar of the Gaol of Bellary for the 1st Sessions

Sessions of 1833.

(Here enter No 729.)

Read Return, dated 14th instant, from the late officiating Judge on circuit in the Northern Division, (at Chittoor) to receipt of the 10th Instant, certifying that sentence of 14 years imprisonment has been passed on the Prisoner in No 36 Nellore Calendar 1st Sessions of 1833.

(Here enter No 751.)

913

1406

Ala Court of the Foujdaree Udalut.

Present,

Monday 23d. June 1834. John Bird Esqre. acting 1st. Puisne Judge.
Thomas Alexr. Oakes Esqre. acting 2d. Puisne Judge.
Vs Alexr. Duncan Campbell Esqre. acting Judge.
Z to Z

Read letter, dated 18th. January last, from the acting 3d. Judge on Circuit in the Centre Division, submitting the record of proceedings in Case No. 48. of the Cuddapah Calendar 1st. Sessions 1834.

(Here enter No. 568.)

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-Cozat and Mooftees of the Foujdaree Udalut, confirm the said Futwa of the Cazee-ool-Cozat and Mooftees aforesaid, and accordingly direct that the Prisoner

Mr. Bird
Mr. Campbell.

Potevanee Nanapah

be set at liberty.

(Sent following letter No. 557)

The Court desire, that the acting 3d. Judge on Circuit in the Centre Division will, if he has not already done so, point out, with instructions to avoid a similar error in future, to the Criminal Judge, the irregularity of his proceeding, in causing the confession to be read over to the

witnesses

16th June 1834.

Came to Mr Casamajor.
2d Judge to be fortnightly
Circuit Report for 2d
Sessions of 1833.
D. Mr Pasks & Maniel Jan
1st & 2d Sessions of 1833.
D. Mr Casamajor 2/3 D.
2d D. do. 2/3 D.
D. Mr Walters 1/3
3d D. D. 1/3 D.
W. D.

Similar Draft to Mr
Young Esq 2d Judge
of W. D. for 1st & 2d Sessions of 1833
D. Mr Ameratunga 2/3 Ellis Esq
3d Judge for 3d 1/3
& 4th Sessions of 1833.

The Circuit Reports for the 3d
4th Quarterly Sessions of 1832, required by
Section XXXVII Regulation VIII of 1802, not
having been yet received from Mr Pasks,
the 1st Judge of the Provincial Court of
Circuit in the Southern Division,

Ordered that that Officer be
called upon to send up to this Court, the
required Reports forthwith, and to explain
the cause of the delay which has occurred
in their transmission, by precept returnable within three days, from and after its
receipt.

Sent following precept No 505

W.

DO

W.L.

P. 16.

At a Court of the Foujdaree Udalut

Present.

Tuesday 17th June 1834.

John Bird Esqr. - - - - - - - - - - Acting 1st Provincial Judge
Thomas A. Oakes Esqr Acting 2d Provincial Judge
Alexr Duncan Campbell Esqr Acting Judge

Read letter dated the 12th March last from the 2d Judge on Circuit in the Southern Division transmitting Case No 2 on the Madura Calendar 1st Sessions 1834.

(Sent enter No 329)

JB

DO

Mr Oakes and Mr Campbell.

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-Cozat and Mooftee of the Foujdaree Adalut are of opinion that the Prisoners,

1st Chinna Doomoo Naiken

and

2d Pandeya Naiken,

are not convicted on presumptive proof or on the evidence of credible Witnesses or on their own confessions and notwithstanding the Futwa of their Law Officers, accordingly direct that they be set at liberty.

(Sent following letter No 509)

The perusal of the foregoing Trial, has strongly impressed the Court of Foujdaree Udalut

At a Court of the Foujdaree Udalut.

Present,

Monday 23d June 1834. John Bird Esqre acting 1st Puisne Judge.

Thomas Alex. Oakes Esqre acting 2d Puisne Judge.

Alexr Duncan Campbell Esqre acting Judge.

Read letter dated 18th January last, from the acting 3d Judge on Circuit in the Centre Division, submitting the record of proceedings in Case No. 48 of the Cuddapah Calendar 1st Sessions 1834.

(Here enter No. 568.)

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-Cozat and Mooftees of the Foujdaree Udalut, confirm the said Futwa of the Cazee-ool-Cozat and Mooftees aforesaid, and accordingly direct that the Prisoner

Potenancee Vanapah

be set at liberty.

(Sent following letter No. 557)

The Court desire, that the acting 3d Judge on Circuit in the Centre Division will, if he has not already done so, point out, with instructions to avoid a similar error in future, to the Criminal Judge, the irregularity of his proceeding, in causing the confession to be read over to the

witnesses

Mr. Bird

Mr. Campbell.

Witnesses before he examined them as to the nature of the declaration made by the prisoner before the Police officer.

Ordered, that Extract from these proceedings be forwarded to the acting 3d Judge on Circuit in the Centre Division by precept returnable without delay.—

(Sent following Precept No 532)

Read letter, dated 7th Instant, from the 3d Judge of Circuit in the Northern Division, transmitting the record of Proceedings in Case No 6 Masulipatam Calendar 4th Quarterly Sessions 1833.—

(Here enter No 609)

Mr Parkes
&
Mr Campbell.

The Court of Foujdaree Adalut having 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 Mooftees of the Foujdaree Adalut, confirm the said Fatwa of the Cazee-ool-Cozat and Mooftees aforesaid, and under the provisions of Clause Seventh Section II Regulation XV of 1803, sentence the Prisoner—

1st Rozahmahommed

to be imprisoned and kept to hard labour without irons, for and during the period of three years.—

They

They further direct that the Prisoner—

2d Rostom

be set at liberty.—

(Sent following letter No 553)

Read letter dated 12th Ultimo from the officiating Judge on Circuit in the Northern Division submitting the record of trial in Case No 20 Nellore Calendar 2d Sessions 1833.—

(Here enter No 610)

Mr Bird
&
Mr Campbell.

The Court of Foujdaree Adalut having 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 Mooftees of the Foujdaree Adalut, confirm the said Fatwa of the Cazee-ool-Cozat and Mooftees aforesaid, and in conformity with the provisions of Clauses Third and Fifth, Section IV Regulation XV of 1803, sentence the Prisoners.—

1st Buttoony Odadoo
2d Paulaty Pedoogadoo
3d Nangereddy Jengadoo
4th Addem Chennoogadoo
5th Guddagonta Ramdoo
&
6th Nangereddy Baula Gorrumdoo

to be imprisoned and kept to hard labour in irons

irons on the public Roads or other public works for and during the period of 5 years.

(Sent following letter No. 554)

Read letter dated the 18th January 1834. from the officiating Judge in Circuit, in the Northern Division, recommending a mitigation of the punishment to which the Prisoner, convicted in No. 66 Nellore Calendar, 2d Sessions of 1833. of Perjury, has rendered himself liable.

(Here enter No. 77.)

The Court of Sujdaree Adaulut having maturely considered the circumstances of the case represented in the above letter, and the mitigated punishment recommended by the officiating Judge in 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 and during the period of (2) two years.

Ordered that Extract from these proceedings be forwarded to the Provincial Court in the Northern Division for their information and guidance by first opportunity without delay.

(Sent following Precept No. 555)

Read.

Read return dated the 15th instant from the acting 2d Judge of the Provincial Court of Circuit in the Centre Division to Precept of the Sujdaree Adaulut under date the 9th April last, requiring translations of the whole of the proceedings held before all the public authorities in a case in which the acting 2d Judge directed that certain fines which had been imposed by the Joint Magistrate of North Arcot, should be returned to the parties.

(Here enter No. 765.)

The Court having attentively considered all the documents connected with the case, are of opinion, that the acting 2d Judge was not justified by the evidence, in reversing the decision of the Joint Magistrate.

The Court accordingly resolve to direct the acting 2d Judge to rescind his order, which directed that the fines levied by the Joint Magistrate should be returned to the parties.

The Court further resolve to call upon the acting 2d Judge to explain the cause of the great delay which has occurred (by which it appears that a document has been lost) in opening the Packet, forwarded by the Magistrate, which, though it reached Mr. Davis on the 5th, does not appear to have been examined till the 24th ult.mo

23d. June 1834.

Ultimo, contrary to the Circular orders of the Foujdaree Udalut, of January 1834, which direct the opening of all public documents upon their delivery.

Ordered, that Extract from these Proceedings be forwarded to the Acting 2d. Judge on Circuit in the Centre Division by Precept, returnable within one week, from and after its receipt.

(Sent following Precept No. 556)

Read return, dated 18th. instant, from the Provincial Court of Circuit in the Centre Division, to Precept of the 9th. instant, directing that Court to cause the immediate and unconditional release of the [illegible] prisoner Arnachellum in Case No. 3 Chittoor 4th. Supplemental Calendar 4th. Quarterly Sessions of 1832, and to issue orders to the Acting Criminal Judge of Chittoor immediately to restore to the said prisoner the Jewels which were taken from his house and deposited in the Zillah Court.

(Here enter No. 775).

J. U.

At a Court of the Foujdaree Udalut.

Present,

Wednesday, 25th. June, 1834. John Bird Esqre. Acting 1st. Puisne Judge.
Thomas Alexr. Oakes Esqr. Acting 2d. Puisne Judge.
Alexr. Duncan Campbell Esqre. Acting Judge.

Read letter, dated the 27th. Ultimo, from the 1st. Judge of the Provincial Court of Circuit in the Northern Division, transmitting the Calendar for the 1st. Quarterly Sessions of 1834 at Masulipatam.

(Here enter No. 776.)

Case 4. 1. The charge in this case has been most carelessly drawn up, the 1st. Judge will accordingly point the attention of the Officer who committed the case for trial, to the Circular order 10th. April 1833, which he appears to have overlooked in this instance.

2. The grounds upon which the future in this case was founded should have been specified under Circular order 6th. September 1819, and the 1st. Judge should have expressed as required by Circular order 19th. June 1828, whether or not he concurred in the future on the same grounds as the Law Officer framed it. With reference to the remark "the Prosecutor & 12 Witnesses are dead," the Court conclude that the 1st. Judge did not lose sight

of the standing orders on this subject of the 5th May 1833.

Cases 7. 8. 14. 3. In these cases the commitment of the prisoners has been very improper, and the attention of the Officer who committed them, should be especially desired to the Circular order 20th July 1829.

10. 4 The Court are concerned to observe that this case has been postponed, and deem it proper to require a full & particular explanation why this case in which the Prisoners were committed in August 1833, could not be disposed of by March 1834.

11. 5. The 1st Judge will state for the information of this Court, why he could not proceed to dispose of the case noted in the margin.

13. 6 The Court desire to be informed whether any, & what notice has been taken of the circumstance detailed in the column of remarks regarding the 1st Witness having advised the prisoner to confess, under the impression that he would be released after his confession was made.

14. 7 A second Jurora in this case was not requisite, as the evidence was objected to in the facts as contradictory, as well as on account of the

15 & 16. 8. These cases require the full and particular

particular explanation enjoined to be given in respect to case 10. The Court cannot pass over the fact of prisoners having been committed in this way so many months previous to trial without regret and animadversion.—

17. 9 The observation respecting the charge in case 4 applies to this also. The Court require explanation of the entry in the column of remarks, the Jurora declares the 5th prisoner liable to "Lesser Cohortent."—

18. 10 The 1st Judge would have specified the case he alludes to in the Column of Remarks which caused the postponement of the trial No. 18, and should have stated why it was not heard at the Sessions.

11. The Court in conclusion deem it proper to call upon the 1st Judge to explain why the Calendar just brought under review was not submitted at an earlier period. The 1st Judge will forward without delay the record of the remaining referred case No. 4.

Ordered, that Extract of these proceedings be sent to the 1st Judge on Circuit in the Northern Division for his information and guidance by Precept, returnable without delay.

(Sent following Precept No. 566)

Read.

Read again Return, under date the 16th instant, from the Provincial Court of Circuit in the Southern Division, to the Court's precept of 20th March last.

(Here enter No. 768)

With the foregoing Return the Provincial Court of Circuit submit the explanation from the Joint Magistrate of Salem called for in this Court's proceedings of the 20th March last. The Court do not consider this explanation, in its present form, to be satisfactory; and they resolve therefore to direct the Provincial Court of Circuit to call for the proceedings held by the Magistracy, and Report their opinion, on the sufficiency of the investigation, which the Court of Saydaree Udalut directed to be instituted into the conduct of the Village Police.

Ordered, that Extract of these proceedings be sent to the Provincial Court of Circuit in the Southern Division by precept, returnable within six weeks.

(Sent following Precept No. 567)

Read letter, dated the 3d instant, from the Provincial Court of Circuit in the Western Division, transmitting the Reports prescribed by Section XXXV. Regulation X. 1816 for the month of April 1834.

(Here enter No. 747)

Malabar Supt. Report Case 45.

1. The Tasseldar should be required to state whether or not the early attendance of the "further witness" is to be expected. The prisoners have been in confinement since January and no exertion should be spared to dispose of this and similar cases of long standing.

2. The Provincial Court of Circuit will call upon the Magistrate to explain why no answer could be returned by the end of April to the Yadasht sent on the 19th March.

43 75 76 97. 99. 101. 102. 103. 112.

3. The case (43) appears out of its place in the Report. In this case & in the following cases noted in the margin, the explanation of the delay in their disposal is not so full as is obtained by the Circular order 18th April 1832. The Provincial Court of Circuit will now require the explanation to be furnished, & urge the disposal of them with the least possible delay.

77 & 98.

4. If there was nothing, the second Prisoner in case 77, & the 1st Prisoner in case 98, but their uncorroborated Jabuk confessions, the Court of Saydaree Udalut have stated, that it is insufficient for the demand of security. The Provincial Court of Circuit will ascertain the fact and issue orders accordingly.

78. * Reg. 1822/8/5/3.

5. The entry of [illegible] the Clause, Section & Regulation under which sentence is

is passed in this case is incorrect, as it does not shew to which the several figures apply.

Case 113. 6.

It appears to the Court that in this case & in No. 1 of 1834, to which allusion is made in the Report under review, the witness had rendered themselves liable to be fined for gross prevarication, under section VII Regulation XIII 1832.—

Malabar Rep. No. V. 7.

Case 115. The remark & orders in cases 114 & 115 of the Supplemental Report apply to the case noted in the margin.—

116 8.

This case, as respects the 1st & 3rd prisoners, would appear to fall under section IX Regulation XIII 1832, some explanation should have been given of the detention of the Prisoners in the Talook for 2 days.—

121 9.

In this case, the Court conclude, that the 2d prisoner has been committed as an old offender. The former offence & sentence should have been specified in the Report as Criminal Judges are required by Circular order 16th September 1833, to notify these particulars in their proceedings in cases of a similar to that under review.—

122 10.

If the circumstances of this case have not been already reported to the Magistrate the Provincial Court of Circuit will cause the communication to be made as enjoined by

the

order 31st December 1828.—

Case 126. 11 The charge against the prisoners should have been specified.—

cases 129 & 130. 12. In the explanation of the delay in these cases "the Magistrate being on Circuit to the "Northward" is stated as a cause. There is nothing in the Report that shews the necessity of a reference to the Magistrate, & the Provincial Court of Circuit will call on the Assistant Magistrate to specify why the Magistrate's absence should have been the cause of the delay in forwarding this case for nearly a month.—

133 13. The circumstance of the 2d and 3d prisoners having been sent up without any evidence, should be communicated to the Magistrate under Circular order 25th May 1833.—

14. The Court observe that throughout his Reports the Criminal Judge has omitted to enter a concise note of the grounds of his order in the cases committed by him. The Provincial Court of Circuit will call upon him to make this entry in future, in accordance with Circular order 16th November 1833.—

148. 15. The order on case 133 applies to this as respects the 11th & 13th prisoners against whom there appears to have been merely their Talook confessions.—

The

155 16. The prisoner in this case appears to have left the Talook on the 17th March, & to have arrived on the 25th April at the Provincial Court. The Provincial Court of Circuit will call for an explanation of the prisoner having been so long on the road.

158 17. The delay of the Prisoners in the Talook from the 24th of March to the 19th April is by no means satisfactorily accounted for.

161 18. The former crime & Sentence of the Prisoner should have been noted in the Report.

19. It is shewn by the Statement of the Labor of convicts that no less than 12 prisoners are left unemployed for want of Peons to escort them. The Provincial Court of Circuit will cause an explanation of this to be furnished, & the establishment of Sast Peons, ought to be sufficient for the purpose of guarding all the Prisoners when at work.

20. The Memorandum required by Circular order 30th December 1833 & appended to the Statement of the Labor of Prisoners does not appear with the Report of the Joint Criminal Judge of Malabar. If in consequence of the peculiar work on which the prisoners in any Jail may be employed this memorandum is not requisite the fact should be notified for the information

of

of the Court.

Canara Supl. Report 39. 21 It does not appear that the 1st and 2d Prisoners were held to security on the grounds of a strong suspicion of any act of criminality with which they were charged in the Criminal Court. In this case the requisition of security being illegal the order should be cancelled, or the bond destroyed if entered into. The Provincial Court of Circuit however will ascertain whether or not the Acting Criminal Judge held them to security on the ground of strong suspicion of any act of criminality, & will issue orders accordingly.

Report V. Case 44. 22 The circumstance of the 2d prisoner in this case being sent up without any evidence against him, should be brought to the notice of the Magistrate under Circular order 25th May 1833.

45. 23 This case would appear to fall under Section IX Regulation XIII 1832 instead of Regulation VII 1832, which the Acting Criminal Judge has cited in support of his sentence.

46 24 The explanation of the delay in forwarding these prisoners from the Talook is far from satisfactory. The order in case 39 of the Supplemental Report applies to this.

47. 25 There is no note of the grounds of the order for commitment entered in the Report as it ought to have been under the Circular order 16th November 1831, which the Provincial Court of Circuit will

will therefore point out to the acting Criminal Judge.

29. 26 The Provincial Court of Circuit will call upon the acting Criminal Judge to explain the note entered in the Report of the delay (in this case being disposed of), having been occasioned by the want of the report from the Peishcar. The acting Criminal Judge has no authority to give any order direct to the Peishcar.

27. The Court observe that some of the Reports have been sent up blanks. The Provincial Court of Circuit will inform the acting Criminal Judge that this is unnecessary, and that it will be sufficient on such cases to specify in the letter accompanying the Reports the reason of their not being forwarded.

Canara Supt. Report Case 9th 13. 28. The Provincial Court of Circuit will require the Joint Criminal Judge to notify in future Reports, the grounds of his order for commitment as required by Circular Order 16th November 1831.

29. The Court do not find with the Reports of the Joint Criminal Judge the Memorandum directed by the Circular order 31st December 1833, to be appended to the statement of the Cabon of prisoners. This should be always furnished or the reason, why it is not sent, stated.

The

Report V. Case 30. 30 The * note attached to this case in the report requires explanation, and the Provincial Court of Circuit will forward it to this Court as soon as they obtain it.

Case 31 31. Re-amount of property in this case taken in the Commission of housebreaking exceeded 100 Rupees & being a committable offence under Clause 2nd Section II Regulation VI. 1822, the reference of it to the Sudr Ameen at all was an infringement of Clause 1st Section II Regulation III 1833. The Provincial Court of Circuit will point this out to the Joint Criminal Judge.

22.23.24.25. 32. The same prisoner is concerned in these four cases. In the first, second, & fourth of them, he appears to have been acquitted, and in the third wherein, he stood charged with effecting his escape from custody, the Joint Criminal Judge has committed him for trial under Clause 2nd Section II Regulation VII 1822 which has no reference whatever to cases of this nature. The Provincial Court of Circuit will call for the proceedings in these cases, and if on consideration of them, such orders as they may deem proper, reporting them to this Court.

33. The Court observe that the abstract annexed to the above Report N. V is not in the usual form.

The

34

Native Criminal Judges Charges.

The Memorandum required by Circular order 30th December 1833. has not been appended to the Statement of the Labors of Convicts forwarded by the Native Criminal Judges to whom the same should be pointed out.

Sept. Report.

35

The only remark that the Court would make on this Report, is that the several cases were dependant on the case 15, yet would have been sufficient if the Prosecutor in that case alone had been sent up.

36

The Court have to observe in conclusion that the Reports just brought under review do not appear to have met with the careful Revision which is expected from the Provincial Court of Circuit under the Circular Order 29th October 1829.

Ordered, that Extract of these proceedings be sent by Precept, returnable without delay to the Provincial Court of Circuit in the Western Division, for their information and guidance, & for communication to the several Judicial authorities of such part as concern them.

(Sent following Precept No. 563)

Read Return, dated 17th instant, from the Provincial Court of Circuit in the Northern Division, to Precept of the 12th Instant calling upon them to furnish without delay the Masulipatam Calendar for the 1st Quarter Sessions of 1834.

(Here enter No. 777)

Read

Read letter, dated 3rd instant, from the Provincial Court of Circuit in the Northern Division, transmitting with reference to the Courts proceedings of the 31st January last, copies of explanations received from the several Criminal Courts and Magistrates on the Criminal Reports for the Month of July 1833.

(Here enter No. 778.)

Read Return, dated 23rd instant, from the Provincial Court of Circuit in the Centre Division, to Precept of the 16th instant, conveying their observations on the reference in Case No. 15 on the Future of the Mahomedan Law Officer of their Court in Case No. 16 Sutton Calendar 2d Quarterly Sessions of 1834.

(Here enter No. 784)

Read Return, dated 25th instant, from the Provincial Court of Circuit in the Centre Division, to Precept of the 18th instant, conveying their observations on the mode in which the late Acting Judge Mr. Lewin, has conducted the trial in Case No. 10 on the Sutton Calendar 2d Quarterly Sessions 1834.

(Here enter No. 785)

Read Return, dated 19th instant, from the Acting 2d Judge on Circuit in the Centre Division

Division, to precept of the 17th Instant, sanctioning the mitigation of punishment in Case No. 41. Cuddalore Calendar 2d Sessions 1833.

(Here enter No. 787.)

Read Return, dated 19th Instant, from the Acting 2d Judge on Circuit in the Centre Division, to precept of the 17th instant, sanctioning the mitigation of punishment in Case No. 12 Cuddalore Calendar 2d Sessions 1833.

(Here enter No. 788.)

Read Return, dated 13th Instant, from the Provincial Court of Circuit in the Western Division, to precept of the 7th instant, reporting that Statements of all servants suspended or dismissed from office in the Subordinate Courts, shall be submitted Quarterly to the Provincial Courts, and similar Statements shall be submitted to the Sudr and Foujdaree Adalut.

(Here enter No. 789.)

Read letter, dated 18th instant, from the Provincial Court of Circuit in the Western Division,—Explaining a Mistake in the Comical Report of the Native Criminal Judges of Cases for March 1834.

(Here enter No. 790.)

At a Court of the Foujdaree Adalut

Present,

Thursday 26th June 1834. John Bird Esqre Acting 1st Puisne Judge,
Thomas Alexr Oakes Esqre Acting 2d Puisne Judge,
Alexr Duncan Campbell Esqre Acting Judge.

Read letter, dated 1st March last, from the Acting 2d Judge on Circuit in the Centre Division, transmitting the Record in Case No. 3 Chingleput Calendar 2d Sessions of 1833.

(Here enter No. 264.)

The Court of Foujdaree Adalut having

Mr. Bird
Mr. Oakes
Mr. Campbell

respectively 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 Adalut, confirm such part of the said Futwa of the Cazee-ool-Cozat and Mooftees aforesaid, as convicts the Prisoner

1st Veeravan,

and under the Sentence of Dohoobat declared in the Futwa, do, in conformity with the Provisions of Clause Third, Section IV. Regulation XV. of 1803, sentence him to be imprisoned and kept to hard labour in irons on the public Roads, or other public Works, for and during the period of 14 years.

And being of opinion that strong

suspicion

Division, to precept of the 17th Instant, sanctioning the mitigation of punishment in Case No. 41. of Cuddalore Calendar 2d Sessions 1833.

(Here enter No. 787.)

Read Return, dated 19th Instant, from the Acting 2d Judge on Circuit in the Centre Division, to precept of the 3d Instant, sanctioning the mitigation of punishment in Case No. 12 Cuddalore Calendar 2d Sessions 1833.—

(Here enter No. 788.)

Read Return, dated 15th Instant, from the Provincial Court of Circuit in the Western Division, to precept of the 7th instant, requiring that statements of all servants suspended or dismissed from office in the Subordinate Courts, shall be submitted Quarterly to the Provincial Courts, and similar statements shall be submitted to the Sadr and Foujdaree Adalut.

(Here enter No. 789.)

Read letter, dated 18th instant, from the Provincial Court of Circuit in the Western Division; Explaining a Mistake in the Criminal Report of the Native Criminal Judges of Canara for March 1834.—

(Here enter No. 790.)—

W.L.

At a Court of the Foujdaree Adalut

Present,

Thursday 26th June 1834.— John Bird Esqre. Acting 1st Puisne Judge,
Thomas Alexr. Oakes Esqre. Acting 2d Puisne Judge,
Alexr. Duncan Campbell Esqre. Acting Judge,

Read letter, dated 1st March last, from the Acting 2d Judge on Circuit in the Centre Division, transmitting the Record in Case No. 3 Chingleput Calendar 2d Sessions of 1833.—

(Here enter No. 264.)

The Court of Foujdaree Adalut having 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 Mooftees of the Foujdaree Adalut, confirm such part of the said Fatwa of the Cazee-ool-Cozat and Mooftees aforesaid, as convicts the Prisoner

1st Veeravan,

and under the Sentence of Dohoobut declared in the Fatwa, do, in conformity with the Provisions of Clause Third, Section IV. Regulation XV. of 1803, sentence him to be imprisoned and kept to hard labour in irons on the public Roads, or other public Works, for and during the period of 18 years.—

And being of opinion that strong

Suspicion

suspicion, though not amounting to conviction attaches to the Prisoners,

4th Vadan,

they direct under Clause Sixth, Section II Regulation XV of 1803, that he be required to find two Sureties in 50 Rupees each Surety for his good behaviour and appearance when required within three years, or that in default thereof he be detained for three years in confinement.

And further being of opinion that the proof against the Prisoners

2d Veerabadren

3d Samegan son of Ponnen

5th Ponnen son of Nyanen

6th Ponnen son of Kalanen

8th Maure

10th Veeralasen

11th Woomay

12th Eresen

13th Permall

16th Malay Calunday

15th Coellen

16th Sadayen

17th Vurdum

18th Yellum

19th Samegan son of Vandanen

is sufficient to convict them of the crime

of Gang Robbery by open violence, they do, under the authority with which they are vested by Clause first Section II Regulation I of 1818, convict them thereof, and in conformity with the provisions of Clause third, Section IV Regulation XV of 1803, sentence the Prisoners—

2d Veerabadren

3d Samegan son of Ponnen

5th Ponnen son of Nyanen

8th Maure

10th Veeralasen

11th Woomay

12th Eresen

13th Permall

16th Malay Calunday

15th Coellen

16th Sadayen

17th Vurdum

18th Yellum

&

19th Samegan son of Vandanen.

to be imprisoned and kept to hard labour in irons on the public Roads, or other public works, for and during the period of 14 years.

And taking into consideration the advanced age of

they sentence the Prisoner

6th Ponnen son of Kalanen

to be imprisoned and kept to hard labour in

in irons on the public roads, or other public works, for, and during the period of 8 years.

/Sent following letter No 371/

Read letter, dated 18th Ultimo from the Officiating Judge on Circuit in the Northern Division - Submitting the record of trial in Case No 16 Nellore Calendar 2d Quarter of 1833 -

(Here enter No 692)

Mr Oakes & Mr Campbell

The Court of Foujdaree 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 Cozat and Mooftee of the aforesaid, as convicts the female Prisoner -

6th Duggoo Atcha,

and under the provisions of Clause fourth, Section IV Regulation VII of 1832, sentence her to be imprisoned and kept to hard labour, suitable to her sex, for, and during the period of two years - & then to be released -

and further being of opinion that the proof against the Prisoner -

3d Jeyapundee Lonealingum

is sufficient to convict him of the crime of receiving and melting stolen property, knowing

that

that the same had been stolen, they do, under the authority with which they are vested by Clause 1st Section II Regulation I of 1818, convict him thereof; and in conformity with the provisions of Clause third Section IV Regulation VII of 1822, sentence him to be imprisoned and kept to hard labour in irons on the public Roads, or other public Works, for, and during the period of Seven years -

And further being of opinion that the proof against the Prisoners -

1st Coorra Parador

&

2d & 3d Chinna Caulador

is sufficient to convict them of the crime of Housebreaking & theft, they do, under the authority with which they are vested by Clause First Section II Regulation I of 1818, convict them thereof, and under the provisions of Clause Second of the same Section, direct their Law Officers to declare by a second Futwa, to what sentence the prisoners would be liable if convicted on full legal Evidence of the crime -

Answer

In case of the crime of Theft: -breaking and theft, being established against the said Prisoners by the evidence of credible

Witnesses

Witnesses. They must suffer amputation of the right hand from the wrists.

The Court of Zoujdaree Adalut, in conformity with the Provisions of Section XXI. Regulation XII of 1802, sentence the Prisoners.

1st Coorra Parader

&

2d Coorra Chinna Caulader

to be imprisoned and kept to hard labour in irons on the public Roads or other public Works for and during the perios of 7 years.

(Sent following letter No. 572)

Read letter dated 27th January last from the acting 3d Judge on Circuit in the Centre Division, submitting the translated records of Persian & English Proceedings in case No. 13 of the Cuddapah Calendar 1st Sessions of 1834.

Mr. Oakes.

(Here enter No. 697)

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-Cozat and Mooftee of the Zoujdaree Adalut, confirm the said Futwa of the Cazee-ool-Cozat and Mooftees aforesaid, and under the sentence of Ookoubut declared in the Futwa, do, in conformity with the provisions of Clause Third Section V Regulation VIII of 1831, and Clause

Clause Second Section IV Regulation XV of 1803 Sentence the Prisoner.

Toorce Bolleegaudoo

to be transported to such place beyond sea as 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. 573)

Read letter dated the 25th Ultimo from the acting 3d Judge on Circuit in the Centre Division, recommending a mitigation of the punishment to which the Prisoner convicted in Case No. 23 of the Bellaree Calendar, for the present Sessions of Highway Robbery has rendered himself liable.

(Here enter No. 659 of 1834)

The Court of Zoujdaree Adalut 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 acting 3d Judge on Circuit, in the Centre Division, and accordingly direct that the said Prisoner be imprisoned & kept to hard labour in irons on the public Roads or other public Works for and during the period of 5 years.

Ordered

Ordered that Extract from these Proceedings be sent to the acting 3d Judge on Circuit in the Centre Division for his information by Precept returnable without delay.

(Sent following Precept No. 574)

Read letter dated the 21st Ultimo from the acting 3d Judge on Circuit in the Centre Division, recommending a mitigation of the punishment to which the 1st 3d 4th & 5th Prisoners convicted in Case No. 8 of the Bellary Calendar for the present Sessions of Gang Robbery, have rendered themselves liable.

(Here enter No. 669 of 1834)

The Court of Foujdaree Adalut 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 acting 3d Judge on Circuit in the Centre Division, and accordingly direct that the said Prisoners be imprisoned and kept to hard labour in irons on the public Roads or other public works for and during the period of 5 years.

Ordered that Extract from these proceedings be sent to the acting 3d Judge on Circuit in the Centre Division for his information by Precept returnable without delay.

(Sent following Precept No. 575)

F. C.

At a Court of Foujdaree Adalut

Present,

Friday 27th June 1834.

John Bird Esqr. Acting 1st Puisne Judge
Thomas Alexr. Oakes Esqr. Acting 2d Puisne Judge
Alexr. Duncan Campbell Esqr. Acting Judge

Read letter dated the 9th Instant from the 3d Judge on Circuit in the Western Division, submitting his report for the 3d and 4th Quarterly Sessions of 1833 and for the 1st Quarter Sessions of 1834 at Tellicherry.

(Here enter No. 764)

The foregoing report does not appear to the Court of Foujdaree Adalut to require any particular remark.

Ordered therefore that Extract from these Proceedings, together with copy of the report be sent to the Officiating Secretary to Government in the Judicial Department, for the purpose of being laid before the Right Honorable the Governor in Council.

S. Govt. No. 97. (Sent following letter 576)

Read again Extract from the Minutes of Consultation under date 8th May last.

(Here enter No. 581)

Read again letter from the Provincial Court of Circuit Centre Division under date 3d Instant, forwarding a report from

from the Acting Joint Criminal Judge at Cuddalore on the measures he has taken for rendering the Jail more Secure, with the information called for by Government in para 3rd and an estimate of the probable cost of raising an outer Jail wall as required in the 5th para of the Minutes of Council.—

/Here enter No. 706/

Mr. Morehead's report appears to contain all the information necessary to be placed before Government. The Court of Foujdaree Udalut submit it therefore with their recommendation that the outlay proposed by him in para 3 of Rs. 506.— may receive the Sanction of Government.

2. The Court observe with Satisfaction the beneficial use which has been made of the labour of the prisoners; and they trust that the Acting Judges assurance that the Jail when completed will be commodious and secure for 600 Prisoners with all the conveniencies requisite will be confirmed by the report of the Judge on Circuit.—

3. With reference to para 2 of the Minutes of Consultation, the Court of Foujdaree Udalut have the honor to state, that they have issued Circular instructions, requiring the observance of the Order of Government, which directs that a copy of the report to the Provincial Court, be forwarded direct to Government, in all cases of a rising upon the guard, or of an

attempt to break Jail of a Serious Character

4 Under the orders of Government in para 6 of the Minutes of Council the Court have given Mr. Bird's Suggestion consideration, and they are now of opinion, that the removal of any prisoners at this period is unnecessary. The causes which made it desirable at the period Mr. Bird proposed the measure, no longer existing.—

Ordered, that Extract of these proceedings be sent to the Officiating Secretary to Government in the Judicial Department.—

L.G. No. 598. (Sent in No. 577)

Ordered also, that the Acting Joint Criminal Judge at Cuddalore be informed, that under the explanation given in the 5th para. of his letter; he may at present retain the 33 Prisoners forwarded from Chingleput, in his Jail.—

/Sent following letter No. 578/

Read letter dated the 27th of January last from the 1st Judge late on Circuit in the Southern Division, transmitting an English translation of the Record of proceedings held in the trial No. 10 of the Salem Calendar for the Second Sessions of 1833, called for by this Court on the 10th of the same month.—

/Here enter No. 123/

Read

27th June 1834.

1. Read again also letter from the Criminal Judge of Salem dated the 17th of October 1833 the proceedings of the Jury Court of the 28th of the same month, and letter from the Criminal Judge of Salem dated the 11th of February last. This last is one of the two which in the 3d Case of the Minutes of consultation under date the 14th of January last, this Court were required to call up and review and to submit to Government with their proceedings upon it.

2. The Court of Sessions Adalat having maturely considered the proceedings before the 1st Judge of Circuit on the trial of the Prisoners in Case No 10 of the Salem Calendar for the 2d Sessions of 1833, record the following observations:-

3. With reference to the Correspondence respecting this trial it is remarkable that the Prisoners were not charged either in the Calendar submitted by the Criminal Judge or in the arraignment before the Court of Circuit, with an attempt to murder the Prosecutor. They were arraigned only for having severely wounded the Prosecutor on his chin cheek and throat with a Bill Hook but no mention whatever is

27th June 1834

made of an attempt to murder. The Judges are of opinion that, with reference to the proceedings before the Criminal Court there could have been no doubt that the murder of the Prosecutor was intended, and they consequently consider the Criminal Judge and the Judge of Circuit equally reprehensible, the one for not having prepared the charge for the greater offence and the other for having arraigned the Prisoners on a charge obviously defective instead of putting them on their trial for wounding with attempt to murder.

The Court are further of opinion that both the Criminal Judge and the 1st Judge of Circuit are blameable for having taken so little pains to ascertain the cause of the attack upon the Prosecutor. It was quite clear from the evidence that no robbery was either intended or committed, and upon the face of the proceedings before the Police Officer and the Criminal Court there were the strongest grounds for the supposition that it was an act of revenge.

5. According to the evidence adduced at the trial the three Prisoners and another Person went at night to the Shed where the Prosecutor

27th June 1834

Prosecutor was sleeping, the first Prisoner gave a Cut with a Bill Hook which nearly severed the Prosecutor on the Jaw and Chest, whilst the others held him down.—

For this crime the 1st Judge on Circuit Sentenced the Prisoners to two years imprisonment with hard labour in Irons, a punishment which the Judges consider totally inadequate to the nature and degree of the offence. The Sentence of the 1st Judge is not however illegal, and the Court are therefore of opinion that however it is to be regretted that Persons found guilty of such an enormous offence should escape with punishment comparatively trifling, they would not be justified in depriving the Prisoners of the benefit of the Judges' leniency however extreme, or disturbing a Sentence which the Law authorized him to pass.—

Ordered, that extract of these proceedings be furnished to the Officiating Secretary to Government in the Judicial Department to be laid before the Right Honorable the Governor in Council.—
To Govt. No 99. (Sent in No 579)

Ordered also that extract of these proceedings be sent to the 1st Judge

27th June 1834

of the Provincial Court of Circuit in the Southern Division for his information and guidance with directions to communicate para 3 of these proceedings to the Criminal Judge of Salem for his future guidance

Sent following letter No 580/—

Saturday 28th June 1834 — At a Court of the Fauydaree Udalut

Present

John Bird Esqr Acting 1st Puisne Judge

Thomas Alexr Oakes Esq Acting 2d Puisne Judge

Alexr Duncan Campbell Esqr Acting Judge

No 425 [redacted]

Read letter dated 23d January last from the 2d Judge on Circuit in the Southern Division transmitting case No 10 Madura Calendar 1st Sessions 1834.

[Here enter No 105]

Mr Oakes and Mr Campbell

The Court of Fauydaree Udalut having maturely considered the proceedings held before the Judge on Circuit the Futwa of the Provincial Law officers and the Futwa of the Cauzee ool Cozzat and Mooftee of the Fauydaree Udalut confirm such part of the said Futwa of the Cauzee ool Cozzat and Mooftee aforesaid as convicts the prisoners

1st Thennatpooly Nullacootty Parradawny Thaven

of wilful murder and the prisoners

2d Gopaudoo alias Gopaudoon

3d Peroomalthaven alias Peroomalthaven

4th Coothalalingum

and

5th Arnachellum

of aiding and abetting in the perpetration of the said crime: and accordingly order

the

the provisions of Section X Regulation VIII of 1802
they Sentence the Prisoner :-

1st Thennattyddy Pallaveddy
Parisasawmy Thamy

to suffer death by being hanged. So soon
as conveniently can be after the receipt of
this Warrant at a spot to be Selected by the
acting Joint Criminal Judge of Tinnevelly
in the immediate vicinity of his usual place
of Residence at Singampetty in the District
of Tinnevelly, his body to be Subsequently suspended
in Chains on a high gibbet to be erected
on the said spot.

And the Prisoners

2nd Gopaulen alias Gopaulen
3rd Peroomalsawmy alias Peramalsawmy

and

4th Canthaloyen

to be transported to such place beyond Sea,
as 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 their Natural Lives.

and the Prisoner

5th Arnachellum

to be imprisoned and kept to hard Labour
in irons on the public roads or other public
Works for and during the period of fourteen
years

years.-

And being of opinion that
the proof against the Prisoner :-

6th Maydapen

is sufficient to convict him of aiding and
abetting in the said murder, they 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 be transported
to such place beyond Sea, as the Governor
in Council shall appoint there to be im-
prisoned and kept to hard Labour in irons
on the public Roads or other public Works
for and during the period of his natural
life :-

And further being of opinion
that the proof against the prisoners.

5th Moottaradan
alias
Moottasawmoniyaren
6th Mootaradanny Poodly
and
7th Oreyanaiyen
alias
Paraynaiyen Poodly

is sufficient to Convict them of being accessa-
ries after the fact in the said crime they
do under the Authority with which they are
vested by Clause First Section II Regulation I

of

28th June 1834 of 1818 convict them thereof and sentence the prisoners,

6th Mottoosawmy Moodely

to be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of five years, and then to be released.-

And the Prisoners,

5th Mottiasen alias Mottiasawmy

and

7th Aeyaanaigen

alias

Paregaanaigen Moodely

to be imprisoned and kept to hard labour in irons on the public Roads or other public works for and during the period of four years, and then to be released.-

/Secret for Clerks letter No. 588/

1 The Court of Fouzdaree Adalat resolve to authorize the offer of a reward of 500 Rupees for the apprehension of the absconded convict Ramasawmy as recommended by the 2nd Judge on Circuit in the 46th para of the letter which accompanied the foregoing Trial

2 They further deem it advisable to offer a reward of 100 Rupees for the apprehension of each of the two persons Pounoo and Ramatareen mentioned at pages 59 and 69 of the Police Proceedings and they accordingly direct the 2nd Judge on Circuit in the Southern Division to take the necessary steps for carrying their

28th June 1834 orders on the subject into effect.-

3 The Court further resolve to issue orders to the 2nd Judge on Circuit in the Southern Division, directing him to instruct the Magistrate of Madura, personally to investigate the circumstances connected with the Bribery of the 26th witness as deposed to by the 30th and 31st Witnesses before the Circuit Court, and to report the result of such investigation to the Fouzdaree Adalat

Ordered, that Extract from these proceedings be forwarded to the 2nd Judge on Circuit in the Southern Division for his information and guidance by precept returnable without delay.-

/Sent following Precept No. 589./

Read letter dated 19th April last from the 2nd Judge on Circuit in the Southern Division transmitting the record in Case No. 4 Cumbaconum Calendar 1st Sessions 1834.-

/Recd entd No. 521./

The Court of Fouzdaree Adalat,

Mr Oakes and Mr Campbell 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 Fouzdaree Adalat confirm the said Futwa of the Cazee-ool-Coozat and Mooftee aforesaid, acquitting the Prisoners.-

2nd

28th June 1834.

2d Ekedumbera Pillay

3d Annamaly Pillay

4th Maroody Mordain

and

5th Appoo pillay

but being of opinion that strong suspicion though not amounting to conviction attaches to them, they direct under Clause 2nd Section II Regulation XV of 1803 that the prisoners—

2d Ekedumbera Pillay

3d Annamaly Pillay

and

4th Maroody Mordain

be severally required to find security in two sureties of 75 Rupees each for their good behaviour and appearance when required within three years or that in default thereof they be detained for three years in confinement—

And the Prisoner

5th Appoo pillay

to find security in two sureties of 500 Rupees each for his good behaviour and appearance when required within three years or in default thereof he be detained for three years in confinement

Extract following letter No 590

Read letter dated 29th April last from the 3d Judge on Circuit in the Northern Division transmitting the record in case No 296 of the Rajahmundry Calendar 1st Sessions 1833—

/ Here enter No 585 / The

28th June 1834.—

Mr Oakes
and
Mr Campbell

The Court of Foujdaree Udalut, having maturely considered the proceedings held before the Judge on Circuit the Futwa of the Deputy Law Officer and the Futwa of the Cazee-ool-Coozat and Mooftee of the Foujdaree Udalut, confirm such part of the said Futwa of the Cazee-ool Coozat and Mooftee aforesaid as acquits the Prisoners—

8th Lunkoraby Soobanah

9th Dagalah Bungaroo

10th Edalaty Gouindoo

11th Boreelah Mamedagadoo

and

12th Mootayala Venkadoo—

and accordingly direct that they be forthwith set at liberty—

/ Sent following letter No 591 /

The Court observe that in the indictment before the Circuit Judge the very important words, "Yameen Sahib has since died of his wounds," contained in the Indictment before the Criminal Court in the Calendar and in the Persian Translation of the Indictment before the Circuit Court are omitted in the English Translation of the Record in the indictment before the Court of Circuit, in which the murder is thereby omitted to be charged.

The Court are therefore compelled 2 to defer the passing of sentence upon the remaining Prisoner, until the Circuit Judge has explained,

which

28th June 1834

which he is hereby required to do forthwith the reason of this extraordinary confession; and whether it results from the carelessness of the Translator or Copyist or whether the words in question were in fact formed a part of the original Statement before the Circuit Court.

Ordered that Extract from these proceedings be forwarded to the 3d Judge on Circuit in the Northern Division by precept returnable without delay.

Court following Proceeded

Read Letter dated 18th Ultimo from the Offg Judge on Circuit in the Northern Division transmitting the record in Case No. 37 on the Sessions Calendar 2nd Division of 1834 (Vide ante No. 4 of 8.)

Mr Oakes

The Court having maturely considered the Proceedings held before the Judge on Circuit, the Letter of the Provincial Law Officer and the Futwa of the Judge and Coozat and Mooftees of the Zillah Court such part of the said Futwa of the Judge and Coozat and Mooftees appeared to apply to the persons

4th Hadee Cassim

and

23d Kanta Mallick

and according ordered that they be set at liberty.

And

28th June 1834

And being of opinion that the

Prisoners

1st Ustoty Veneatee Gaudoo
2d Mullicuarapoo Sashoo
3d Sotee Etchee gaudoo
5th Sotee Tatigondadoo
8th Seettanapully Chennoogaudoo
9th Daura Veneatee gaudoo
10th Ustaty Veneatee gaudoo
11th Gunnapully Gondadoo
12th Maula Pauty Veneadoo
13th Battoo Chena Treeporia
14th Mallaposa poo Chena Treeporia
15th Bondala pauty Chena Treeporia
16th Do Condadoo
17th Do Chinnadoo
18th Sotee Chima Paupadoo
19th Bondala pauty Chenoo Gaudoo
20th Sotee Pedda Paupadoo
21st Buttoo Treeporia
25th Dassary Narsee Gadoo
26th Malapoloo Chinnadoo

and

27th Gunnapully Ramadoo,

are not convicted on presumptive proof or on the evidence of credible witnesses or on their own confessions notwithstanding the Futwa of their Law officers, they accordingly under Clause Third Section V Regulation VIII of 1831 and Clause Sixth, Section II Regulation XV of 1803 direct

that

28th June 1834 that they be set at liberty.-

/ Sent following letter No. 393 /

Read letter dated the 18th Ultimo from the 3d Judge on Circuit in the Northern Division, submitting Translation of the Case No. 28 of the Masulipatam Calendar, 3d Quarter Sessions of 1833, called for by the Court of Foujdaree Adalut, in consequence of the doubts entertained by them, of the propriety of the Sentence passed by the Presiding Judge on the 3d Prisoner in that Case.-

/ Here enter Sd. No. 619 of 1834.-

The Court, upon a consideration of the Record of the foregoing case, are of opinion that the Sentence passed by the 3d Judge on Circuit, upon the 3d Prisoner, was correct, and in conformety with the Regulations.-

Ordered, that Extract from these proceedings be sent to the 3d Judge on Circuit in the Northern Division for his information.

/ Sent following letter No. 394 /

Read letter dated the 31st Ultimo from the Provincial Court of Circuit in the Centre Division transmitting the Reports prescribed by Section XXXV Regulation X 1816 for the Month of April 1834.-

/ Here enter No. 711.- /

Chittoor Report V Case 130

The prisoner, in this case, having been

28th June 1834 been formerly convicted of theft and the proof being sufficient in this instance to convict him of house breaking was committable for trial before the Circuit Court under Clause 2d Section II Regulation VI 1822.-

137 Pr. 2. The same remark applies apparently to the prisoners in these cases. The crime for which these prisoners were lately sentenced each to 2 years' imprisonment and 150 lashes "should have been specified in the Report.-

146 3. The Acting Criminal Judge ought to have proceeded in the disposal of this case of fraud in the mode prescribed by Circular Order 28th January 1825.-

Supt. Report Case 47 4. The Court conclude that the charge in this case was for selling arrack without a licence. If so the sale should have been specified in the Report.-

5. The Circular Order of 11th April 1832 has been overlooked by the Acting Criminal Judge in several cases in this Report wherein the only explanation given of the delay in the disposal of the cases is "further witnesses summoned" "Defence witnesses summoned"

cases 57-60-64-66-68 / 63

119 6. The Provincial Court of Circuit will issue orders for the disposal of this case, if they find that there is nothing further than is shewn in the Report to alter their opinion expressed on these proceedings on this Case.-

121 7. Clause 6th Section II Regulation VI

28th June 1834

of 1822 should have been cited in this case instead of Clause 4th Section III of that Regulation. Where there are several charges against the same Prisoner it should be notified in the Report whether or not he stood convicted of them respectively instead of the general reference such as "vide Sentence" in No.-

Cuddapah Report V 97 8. It should have been stated in the Report whether or not the prisoner was convicted of the charge in this case.-

99 9 Clause 6th Section II Regulation VI 1822. should have been cited in support of the Sentence in this case instead of Section VII Regulation X 1816.-

101 10 In the Report it should have been stated whether or not the act of violence noticed in the charge was proved.-

103 11. The circumstances of this case as respects the 5th & 6th prisoners, if they have not been already communicated, should be made known to the Magistrate under the Circular Order 21st May 1823.-

Cumbum 12 The English translation of the Criminal Reports of this Court is sufficient for the purpose of reviewing the proceedings. The original in the Native language need not therefore be sent in future. In the Report of Persons released W[illegible] it is unnecessary to enter the full charge: the crime alone should be designated

28th June 1834

designated in the appropriate column. The Court observe that the memorandum required by their Circular Order 30th December 1833 to be appended to the Statement of the labor of prisoners has been omitted by the Native Criminal Judge. The Provincial Court will call upon him to furnish it in future.-

Bellary 13 The Court are concerned to observe that so many as 58 prisoners are shown by the "Statement of labor" to be sick at Bellary. The Officiating Judge should have made the Report on the subject required by the Circular Order 12th July 1830 submitting at the same time his opinion and that of the Medical officer as to the best means of improving the salubrity of the Jail.-

Report V. 86 14 The want of evidence against the prisoner in this case should be notified to the Magistrate under Circular Order 21st May 1823.-

89 and 90 15 From these charges it appears that the prisoners in these cases should have been sentenced under Clause 6th Section II Regulation VI 1822. instead of Regulation X 1816 and Clause 1st Section III Regulation VII 1822.-

Bellary Supt Report Case 194/33 16 The prisoner in this case has been so long in confinement that the Court deem it proper to direct the charge to be duly investigated without

28th June 1834

without delay - full explanation should have been given under the Circular Order 11th April 1832 why the Prosecutor could not attend - If this objection still applies to the case the Government Vakeel should be directed to prosecute -

14/34 17 The charge against the prisoners should have shewn that the purchase of the Robbed property was made under the knowledge of its having been stolen -

30 and 57 18 These cases in which there appears to have been no evidence should be brought to the notice of the Magistrate under Circular Order 21st May 1823 -

32 19 Unless the evidence of the Prosecutor in this case is essentially necessary the Officiating Judge should proceed to dispose of it by requiring the Government Vakeel to prosecute, as the prisoners have already been a long time in confinement - The Report should have shewn in what former case Subbadoo the 1st prisoner was concerned as his name does not appear in any previous case in this Report -

39-71 20 In these cases also the Circular Order 11th April 1832 requiring full explanation in the Supplemental Report, why cases may not have been previously disposed of, has been overlooked -

Chingleput 21 The heading of Columns 9 and 11 of the Statement of the Labor of prisoners is not in accordance with Circular Order 29th August 1831 -

This

25th June 1834

Report V/3

102 and 103 22 This would appear to be a case of housebreaking punishable under Clause 6th Section II Regulation VI 1822 and not merely a theft -

23 The detention of the prisoners in these cases from the 6th of March to the 8th April appears to the Court extraordinary and they resolve to call upon the Deputy Collector of Madras through the Board of Revenue to explain the cause -

113 24 This case appears clearly to have been punishable under Clause 6th Section II Regulation VI 1822 and not under Regulation X 1816 -

14 25 The case of this prisoner should be brought to the notice of the Magistrate under Circular Order 21st May 1823 -

Supt Report 81 and 82 26 It should have been shewn in what cases the prisoners were concerned as their names do not appear previously in this Report - The Circular Order 8th December 1831 applies to the appearance of the names of the same prisoners in more than one case in the same Report -

Cuddalore 27 The heading of Column 10 of the "Statement of the Labor of prisoners" is not according to the Circular Order 29th August 1831 -

Report V/81 28 It should have been shewn what

28th June 1834. what the former crime and sentence of the prisoner was. It appears to have been a case committable under Clause 2d Section III Regulation XI 1822.

29. The Court have to observe in conclusion that the Circular Order of 16th November 1831 requiring "Criminal Judges to record specifically their reasons for disposing of each case instead of making a general remark that the prisoner was "released from want of proof" or that "the charge was not proved" has been very generally overlooked. The Provincial Court of Circuit will therefore call the particular attention of the Subordinate Courts in the Centre Division, to this order to the observance of which great importance is attached.

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; requiring them to communicate to the Subordinate Judicial Authorities such parts as concern them.

(Sent following Receipt No. 595)

Ordered, also that Extract relative to cases 102 and 103 of the Chingleput Report No. V be sent to the Board of Revenue by letter requesting them to call upon the Deputy Collector of Madras to explain the delay in those cases.—

(Sent following Letter No. 596)

28th June 1834.

It having been recently brought to the notice of this Court that their circular orders of 31st August of 1833 regarding labour invariably accompanying imprisonment are deemed at variance with those of the 27th June 1831 and the latter also with those of the 14th October 1833 respecting the use of fetters, the Judges resolve to explain that their instructions of the 31st August 1833, respecting labour accompanying imprisonment were not intended to supersede the orders respecting fetters contained in their previous instructions of the 27th June 1831, which are to be acted on in all cases, in preference to those of the 14th October 1833.—

Ordered, that a copy of these proceedings be sent to the 4 Provincial Courts of Circuit for the information and guidance of the inferior Authorities.—

(Sent following Circular No. 597)

16th July 1834

Ordered, that Extract of these proceedings be sent to the Provincial Court of Circuit in the Southern Division for their information.—

(Sent in No. 668)

Read return by the late Officiating Judge on Circuit in the Northern Division to Precept of the 17th Ultimo, communicating the decision of this Court on the Nellore Calendar 2nd Sessions of 1833.—

(Here enter No. 301)

1. The Court do not concur in the opinion expressed by the Officiating Judge in para 1. of the above return, as to the virtual supersession of the Circular Order 6th September 1819 by that of the 19th June 1828, which on the contrary appears to them affirmative of it. After requiring Copies of the Futwas to be furnished with the Calendar, the order of the 19th June 1828 contains the following words. 2nd "that the "Judges of Circuit state succinctly and clearly "their opinion of the case, whether they concur "entirely in the futwa as to the guilt, or innocence "of the prisoner, but on different grounds and "what those grounds are." whilst the order of 16th "September 1819 runs thus. "They deem it proper "to direct, that in submitting future Calendars for "the information of the Foujdaree Adalut the "Judges

16th July 1834

"Judges of the several Courts of Circuit do in all cases "enter in abstract, not only the sentence declared in "the futwa but also the grounds whether of con- "fession of the evidence of credible witnesses or of "presumptive proof or of suspicion on which such "sentence is founded."

2. With reference to the concluding remark in the first para" of the return, the Judges would observe, that though the law quoted by the Circuit Judge clearly declares, that the sentence shall not be regulated by the amount stolen, yet the absence of all personal violence, combined with the smallness of the property robbed, has been considered as a just ground for mitigation of the established punishment.

3. With respect to para 4 of the return, the Court have to state, that the opinion of the present Judges of the Court of Foujdaree Adalut as to the validity of evidence of absent prosecutors and witnesses at trials before the Courts of Circuit is declared in the late Circular Order No. 3 of 1834.—

4. Under the explanation offered in Para 3, the Court do not require the reference of the case (No. 26) for mitigation

The

At a Court of the Fouydaree Adalut—

Present,

Monday 30th June 1834. The Honble William Oliver Esqre Chief Judge,

" John Bird Esqre Acting 1st Puisne Judge,

" Thomas Alexr Oakes Esqre Acting 2d Puisne Judge,

" Alexr Duncan Campbell Esqre Acting Judge,

Read letter dated 27th January last from the Acting 3d Judge on Circuit in the Centre Division, submitting the Record of proceedings in Case No. 6 of the Cuddapah Calendar first Sessions 1834.—

(Here enter No. 666—)

Mr Oliver — The Court of Fouydaree Adalut being of

Mr Bird. opinion that the objections which have been taken by their Law officers in the above Futwa, to the evidence in this case, are founded on scrupulous distinctions repugnant to the principles of equal Justice, do require them to declare by a second Futwa, to what sentence the Prisoner would have been liable had the said objections not existed.—

Answer—

In the event of the above objections not existing, and the evidence of the first, second and fifth witnesses being trustworthy, the crime of wilful Murder, would be established against the Prisoner.—

In

In case of the fulfilment of all the conditions requisite thereto, he would be liable to Hisass.

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 and sentence the Prisoner +

"Woboochetla Vencatayandoo"

to suffer death as prescribed by Section X Regulation XII of 1802 by being hanged at the usual time and place of execution +

(Sent following letter No. 603)

Adverting to the 15th Para of the letter from the acting 3d Judge on Circuit in the Centre Division which accompanied the foregoing Trial, the Court observe that there are no grounds, upon which, under the Regulations they can recommend that a pension be granted to the 1st 2d and 3d Prosecutors -

Ordered that Extract from these proceedings be forwarded to the acting 3d Judge on Circuit in the Centre Division for his information and guidance -

(Sent following letter No. 604)

Read letter dated 13th Ultimo - from the acting 2d Judge on Circuit in the Centre Division transmitting

transmitting the record in case No. 10 Chingleput Calendar 2d Sessions of 1833.

(Here enter No. 654)

The Court of Foujdaree Udalut, having

Mr. Bird & Mr. Campbell

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 such part of the said Futwa of the Cazee-ool-Coozat and Mooftees aforesaid, as acquits the Prisoners -

2d Moattum
3d Elooluen
4th Chinnapien
5th Veerasawmy
6th Tungalan
7th Aubemanun
8th Bawah Sahib
11th Yerrapun
19th Chengalany
13th Aulaghery
14th Paromnan
15th Narrainasawmy
16th Veerun
17th Commun
18th Chinna Commun
19th Cundun
20th Ragavun

21st

25th Para Moottien of Muttoor

22d Kistnen
and
23d Aulaveittan

and accordingly direct that the Prisoners—

2d Moottun

3d Soobun

4th Chinnapien

6th Pungalan

11th Yerrapen

14th Paroonan

15th Narraimasawmy

16th Veerun

17th Comman

18th Chinna Commun

19th Cundun

20th Ragavun

22d Kistnen
and
23d Aulaveittan

be set at liberty—

And being of opinion that strong suspicion though not amounting to conviction attaches to the Prisoners

5th Veerasawmy

7th Aubemanun

8th Bauvah Sahib

12th Chengalamy

13th Aulaghery
&
21st Para Moottien of Muttoor

they

they direct under clause Sixth Section II Regulation XV of 1803 that they be severally required to find Security in two Sureties of 100 Rupees each for their good behaviours and appearance when required within 3 years or that in default thereof, they be detained for 3 years in Confinement—

And further being of opinion that the proof against the Prisoners—

1st Vadoogun

9th Baulun

10th Ponnun
&
24th Veerasawmy

is sufficient to convict them of the crime of Gang Robbery by open violence, attended with aggravating circumstances they do, under the Authority with which they are vested by Clause First Section II Regulation I of 1818, convict them thereof, and in conformity with the provisions of Clause second Section IV Regulation XV of 1803, sentence the said Prisoners—

1st Vadoogun
9th Baulun
10th Ponnun
24th Veerasawmy

to be transported to such place beyond sea, as the Future in Council shall appoint, there to be imp[risoned] kept to hard labour in irons on the aforesaid, other public Works for provisions of Clauses

third

their natural Lives—

(Sent following letter No. 605)

1 The Court deem it proper to explain to the Acting 2d Judge on Circuit in the Centre Division that the depositions of Prosecutors and Witnesses who may be prevented from attending at a Trial, by any cause other than the three specified in their Circular order of the 8th May 1833, namely by death or by sickness, or by the means and contrivance of the prisoner, cannot be received in evidence. Hence the deposition of the 1st Witness which was read at the trial and proved is of no avail whatever to the Prosecution.—

2 The Court observe that there is nothing upon the face of the proceedings to shew that the orders of this Court of the 3d of April 1828, as regards the approver Arnachellum have been conformed with, and they accordingly resolve to call upon Mr. Davis to explain the omission.—

3 The Court further deem it proper to record their opinion that had Mr. Davis subjected the approver to a more careful examination, important evidence would in all probability have been elicited from him. As it appears upon the record his testimony is so general, that it is good for very little, and might have been altogether dispensed with.—

This

4 This however they attribute rather to the inefficient examination by the Circuit Judge, than to any backwardness on the part of the approver in fulfilling the conditions of his pardon, the promise of which they accordingly resolve to conferm, and with that view, transmit herewith, the accompanying "Certificate of Pardon" to be forwarded to the Criminal Judge of Chingleput—

(Here enter the Certificate of Pardon)

Ordered, that Extract from these proceedings be sent to the Acting 2d Judge on Circuit in the Centre Division, for his information and guidance by Precept returnable without delay.—

(Sent following Precept No. 606)

Read letter, dated 12th Ultimo from the Officiating Judge on Circuit in the Northern Division transmitting the record in Case No. 96 on the Nellore Calendar 2d Sessions of 1833—

(Here enter No. 678)

The Court of Sudder Adalut

Mr. Oakes.
Mr. Campbell.

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 Sudder Adalut, conferm the said Futwa of the Cazee-ool-Cozat and Mooftees aforesaid, and accordingly, under the provisions of Clauses

third

30th June 1834.

third and fifth Section IV. Regulation XV. of 1803, sentence the Prisoners.-

1st Doodacoola Raygalage
2d Endoby Moollador
3d Do Condadoo
4th Do Colladoo
5th Pasoomarty Pitchegaudoo
6th Do Colladoo
7th Uddunky Pitchegaudoo
8th Pully Pauty Gonvador
9th Gungolos Pakeergaudoo
10th Doodacoola Lungaly
11th Do Hussun
12th Pooly Naugadoo
&
13th Yadawully Paradoo

to be imprisoned and kept to hard labour in irons on the public Roads or other public Works, for and during the period of 2 years.

They further direct that the Prisoners.-

14th Doodacoola Emaum
&
15th Sainanee Cleah

be set at liberty.-

(Sent following letter No. 607)

Read letter, dated 26th Ultimo - from the acting Judge of the Court of Circuit in the Centre Division - submitting Case No. 10, Chittoor 2d Supplemental

30th June 1834.

Supplemental Calendar for the 1st Quarter Sessions of 1834.-

(Here enter No. 694)

Mr. Bird
&
Mr. Campbell.

The Court of Zoujdaree Adaulut on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the Prisoners.-

1st Vamoolagaudoo
2d Volunnah
3d Chunnanah
4th Sunjeevo
5th Bheemadoo
6th Lutchmanah
7th Goojjala Venkategaudoo
8th Rammoodoo
&
9th Ganoomunnah
&
10th Naugoladenna

is sufficient to convict them of the crime of Gang Robbery by open violence accompanied by Murder; do under the authority with which they are vested by Clause First Section II. Regulation I of 1818, convict them thereof and in conformity with the provisions of Clauses First and Fifth Section IV. Regulation XV of 1803, sentence the Prisoner.-

1st Vamoolagaudoo

to be transported to such place beyond sea, as the Governor in Council shall appoint there to be imprisoned

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.

And the Prisoners.

2d Valiennah
3d Shennanah
4th Sunjeevoo
5th Bheemadoo
6th Lutchmanah
7th Gojjala Venkategaudoo
8th Rawmoodoo
9th Hanoomennah
&
10th Nangoladinna.

to be imprisoned and kept to hard labour in irons on the public Roads or other public Works for and during the period of 14 years; and further that during the period of their sentences they be banished to the Zillah of Masulipatam under the provisions of Clause Third, Section VIII. Regulation XV of 1803.

(Sent following letter No. 608)

Read Return, dated 20th instant, from Go J. Casamajor Esqre late 2d Judge of the Provincial Court of Circuit in the Northern Division, now at Chittoor to precept of the 16th instant, calling upon him to transmit the Circuit reports for the 2d Quarterly Sessions of 1833.

(Here enter No. 781)

Read.

Read Return, dated 20th instant, from G. J. Casamajor Esqre late 2d Judge of the Provincial Court of Circuit in the Northern Division, now at Chittoor, to precept of the 16th instant, calling for the reports required by Section XXXVII Regulation VII of 1802 for the Zillah of Nellore for the 2d Sessions of 1833.

(Here enter No. 782)

Read Return, dated 19th instant, from the acting 2d Judge on Circuit in the Centre Division, to precept of the 16th instant, sanctioning the Mitigation of Punishment in Case No. 1 of the Cuddalore Supplemental Calendar 2d Sessions of 1833.

(Here enter No. 786)

Read Return dated 23d instant, from the Provincial Court of Circuit in the Centre Division, to precept of Trajdaree Adalut dated the 16th instant, calling for the half yearly criminal statements for the 2d half of 1833.

(Here enter No. 800)

Read Return, dated 10th instant, from the Provincial Court of Circuit in the Northern Division, to precept of the 30th April last, containing Remarks on the Criminal Reports for the Month of October 1833.

(Here enter No. 808)

Read Return dated 25th instant from J. Vaughan Esqre 2d Judge of the Provincial Court

Court of Circuit in the Western Division, to precept of the 16th instant, calling for the reports required by Section XXXVII Regulation VII of 1802 for the 2d Sessions of 1833.

(Here enter No. 809.)

Read Return, dated 23d instant, from the Provincial Court of Circuit in the Centre Division to precept of the 16th instant, conveying the Courts observations and orders on the Criminal Reports of the Division for the Month of March last.

(Here enter No. 812)

Read Return, dated 23d instant, from the Acting 3d Judge on Circuit in the Centre Division to precept of the Foujdaree Adalut dated the 16th instant, conveying their observations on the referred Trial No. 11. of the Cuddapah Calendar.

(Here enter No. 813.)

Read Return, dated 16th instant from Gn. J. Waters Esqre. acting 2d Judge of the Provincial Court of Circuit in the Northern Division to precept of the 16th instant, calling for Reports required by Section XXXVII Regulation VII of 1802 for the 3d Quarter Sessions of 1833.

(Here enter No. 815)

Read Return, dated 23d instant from the Acting 2d Judge (late 3d Judge) on Circuit in the Northern Division to precept of the 16th instant, sanctioning the mitigation of punishment in Case No. 46 Rajahmundry Calendar

Calendar 1st Sessions of 1833.

(Here enter No. 816)

Read Return, dated 26th instant, from the Acting 2d Judge on Circuit in the Centre Division, to precept of the 23d instant, directing that Court to rescind its order which directed that the fines levied by the Joint Magistrate of Chittoor from certain Merchants of Arcot should be returned to the parties.

(Here enter No. 817)

Read Return, dated 24th instant, from the Acting 3d Judge on Circuit in the Centre Division to precept of the 18th Instant, conveying the observation of the Court on the proceedings of case No. 47. Cuddapah Calendar 1st Sessions of 1834.

(Here enter No. 818)

Read Return, dated 24th instant, from the Acting 3d Judge on Circuit in the Centre Division, to precept of the 18th instant, conveying the Courts observations on the proceedings of Case No. 29. Cuddapah Calendar 1st Sessions of 1834.

(Here enter No. 819.)

Read letter, dated 25th instant, from the 1st Judge on Circuit in the Western Division, submitting the Warrant issued for the execution of the Prisoner in Case No. 4 on the Mangalore Calendar 1st Sessions 1834 as also Copies of a letter from the Acting Criminal Judge and

that

Court of Circuit in the Western Division, to precept of the 16th instant, calling for the reports required by Section XXXVII Regulation XII of 1802 for the 2d Sessions of 1833.

(Here enter No. 809.)

Read Return, dated 23d instant from the Provincial Court of Circuit in the Centre Division to precept of the 16th instant, conveying the Courts observations and orders on the Criminal Reports of the Division for the Month of March last.

(Here enter No. 814)

Read Return, dated 23d instant, from the acting 3d Judge on Circuit in the Centre Division to precept of the Foujdaree Adalut dated the 18th instant, conveying their observations on the referred Trial No. 11. of the Cuddapah Calendar.

(Here enter No. 813)

Read Return, dated 16th instant from Jn. S. Waters Esqre acting 2d Judge of the Provincial Court of Circuit in the Northern Division to precept of the 16th instant, calling for Reports required by Section XXXVII Regulation XII of 1802 for the 3d Quarter Sessions of 1833.

(Here enter No. 815)

Read Return, dated 23d instant from the acting 2d Judge (late 3d Judge) on Circuit in the Northern Division to precept of the 16th instant, sanctioning the mitigation of punishment in Case No. 46 Rajahmundry Calendar

Calendar 1st Sessions of 1833.

(Here enter No. 816)

Read Return, dated 26th instant, from the acting 2d Judge on Circuit in the Centre Division, to precept of the 23d instant, directing that Court to rescind its order which directed that the fines levied by the Joint Magistrate of Chittoor from certain Merchants of Arcot should be returned to the parties.

(Here enter No. 817)

Read Return, dated 26th instant, from the acting 3d Judge on Circuit in the Centre Division to precept of the 18th Instant, conveying the observations of the Court on the proceedings of case No. 47. Cuddapah Calendar 1st Sessions of 1834.

(Here enter No. 818)

Read Return, dated 26th instant, from the acting 3d Judge on Circuit in the Centre Division, to precept of the 18th instant, conveying the Courts observations on the proceedings of Case No. 29 Cuddapah Calendar 1st Sessions of 1834.

(Here enter No. 819.)

Read Letter, dated 25th instant, from the 1st Judge on Circuit in the Western Division, submitting the Warrant issued for the execution of the Prisoner in Case No. 4 on the Mangalore Calendar 1st Sessions 1834. as also Copies of a letter from the Acting Criminal Judge and

that

30th June 1834. F.H.

30th June 1834. F.H.

F. H.

In a Court of the Foujdaree Adalut.

Present,

Wednesday, 2nd July, 1834.

John Bird Esqr. Acting 1st Puisne Judge.
Thomas Alexr. Oakes Esqr. Acting 2d Puisne Judge.
Alexr. Duncan Campbell Esqr. Acting Judge.

Read letter from the 1st Judge late on Circuit in the Southern Division, dated the 13th of February last, submitting an English translation of the trial No. 5 of the Salem Calendar for the 2nd Sessions of 1833, called for in the proceedings of this Court under date the 30th of January 1834.- (Here enter No 218)

The Court of Foujdaree Adalut

1.

having maturely considered the proceedings held before the Judge of Circuit, the Futwa of the Law Officer of the Provincial Court, and the reasons assigned by the 1st Judge in his letter above referred to, for the release of the Prisoner, record the following observations.

2. The charge against the Prisoner in this case was for having "about the evening of "Sunday the 3rd Visvy of the year Viziah, on 19th of May 1833 wounded the Prosecutrix's grand Son named Kaurayenen 11 years old, after having tied him by the hands and feet with a piece of cloth and with having at the same

time

30th June 1834.

that of his assistant, who attended the execution—

Ent'd

WH

(Here enter No. 820)—

DHQ

WDL

time caused his death by throwing him into a well called Saummunnen kiney, near Angalum-
=mon Covil at Auvany pereon-

3. The Nazir of the Zillah Court reported the absence of the 4th 5th 11th 12th 13th and 14th witnesses for the Prosecution, but the 1st Judge nevertheless proceeded with the trial.-

4. There is nothing on the Record of the trial to shew upon what grounds the Presiding Judge considered himself justified in proceeding with the trial in the absence of the witnesses referred to, but the following remark appears on the Calendar- "The 4th 5th 11th 12th 13th and 14th Witnesses are not in attendance, and their evidence being considered unnecessary, as not bearing upon the fact charged upon the Prisoner, both by the Law officer and the 1st Judge on Circuit 4th 9th &c

5. Upon reference to the Record, pages 55-56- and 57, it appears that the 5th witness Comaranamethay deposed before the Criminal Court that on Sunday evening "at two Indian hours" when he was engraving stones in the Ankalum Pagoda the Prisoner Gopaulchetty and the deceased Nauraunen came to the place where he was working and that after some conversation the Prisoner went away taking with him the Boy."

The

6. The 5th witness Anna deposed before the same Court (vide Pages 52-59 and 60) & that on Sunday evening "at one Indian hour", while he was grazing cattle near Ankalummun Pagoda he went to the said Pagoda, where he saw the Prisoner and a boy, and that one Coma-
-ranamethay was there at the time.-

7. The deposition of the 11th witness Seeringeammaul the wife of the Prisoner (Pages 73-74-75 and 76) does not contain material evidence against the Prisoner.-

8. The 12th witness Appanayen deposed (Pages 78-79 and 80) that he was taken with two others to a tamarind grove and ordered to examine the Corpse that was lying there- "the head & the corpse that was lying there- "the head & legs were tied with a cloth and its hands bound behind the back with the same cloth; besides this there were some wounds on the forehead, one on the right or left side, one in one of the eyes and "all its teeth were "knocked off"- and the cloth with which the "Corpse was bound stained with blood-he added that after giving a Mahazernarrah to that effect he went to his village.-

9. The 13th witness Saloavenideposed (Pages 80-81 and 82) that he was sent for by the Carcoon and taken to a grove and ordered to

inspect

inspect the Corpse which was lying there, that he found
the neck and feet tied with a cloth, and its hands
bound behind his back, that there was a wound on
the forehead, one on the left side, one in the left eye
and also all its teeth were knocked off, that afterwards
he and others gave a Mahagerannah and he went away

10. The 11th Witness Paramanen deposes
(Page 32) that himself and two others inspected the
Corpse of Naraanen which was lying in a tama-
rind grove and observed a wound on the right
side, one on the forehead, one on the eye and
all its teeth were knocked off.

11. In his remarks on the Calendar
the 1st Judge observed "The 1st Prisoner and the deceased
were both boys, no ground appeared for suspecting that
the former could have a motive for destroying the
deceased who was a relation, it is more probable
that the boy fell into the well and was drowned."

12. The Foujdaree Udalut in their pro-
ceedings calling up the case observed upon this
remark that "conclusions from the examination
before the Criminal Court that the deceased was
murdered, and with the evidence before him
that the deceased was found with his hands and
feet bound and wounds on his body it is
difficult to conceive how the 1st Judge arrived

at the conclusion that the boy probably fell into the
well and was drowned."

13. In his subsequent letter submitting
the trial itself the 1st Judge upon these observations
remarks that from the testimony of the 2d and
3d witnesses who were specially questioned as to
the state the deceased was found in, the Court
will observe that they saw no wounds on the
body and that they did not see that the hands
and legs were bound and he adds that these
two witnesses who went in search of and found
the boy could not have been mistaken.

14. It may be remarked in the first
place that the Age of the Prisoner whom the 1st
Judge denominates a boy, is stated in the Proceedings
of the Court of Circuit to be 18 and moreover
Mr. Garrow in the observations above alluded to
has totally mistated the evidence.

15. The record of the trial shews that the
two witnesses in question whom he represents in
his letter "could not be mistaken" on this point, could
actually give no testimony whatever on the subject
because neither of them inspected the body. They
merely saw it floating in the well, They could not
and did not see whether there were or were not
wounds on the body and if the 1st Judge had
referred to the deposition of the 3d witness before

the

2nd July 1834.-

the Criminal Court he would have found that he expressly declared that "the hands were pinioned".-

16. In the 6th Para of his letter Mr Garrow observes that "it does not appear that any inquest was "held", that if there had been one it would have been found on the Police Proceedings, that with regard to the testimony of the 12th 13th and 14th witnesses being unsupported by the 2nd 3rd and 4th and from their non appearance before the Court of Circuit he has strong doubts in his mind if they ~~exper~~ examined or saw the body.-

17. The 6th witness gave evidence before the Court of Circuit in respect to the appearance of the body to the same effect as the 2nd and 3rd excepting that he observed one wound on its left side, but Mr Garrow omitted to explain that the 6th witness did not see the body after it had been taken out of the well and he failed to notice that this witness in his deposition before the Criminal Court had deposed that he found the deceased "bound with a cloth" and had adverted to other wounds on the body and he has also failed to explain why he had not put a single question to this witness to enable him if possible to reconcile his

2nd July 1834. his inconsistencies.-

13. In respect also to the inquest which Mr Garrow believes was not held, it need only be remarked that the evidence of the 12th 13th and 14th witnesses before the Criminal Court clearly shewed that an inquest was held, and the two former go so far as to declare that a Mahazernamah was actually given.- The Court of Fouzdaree Udalut consider Mr Garrows explanation in the 9th Para of his letter tortuous in the extreme and repeat the observation contained in their proceedings of the 30th of January last, that it is difficult to conceive how the 1st Judge could arrive at the conclusion that "the boy" probably "fell into the well and was drowned".-

19 There is nothing on the trial which affords the slightest probability that such a conclusion is correct, while the evidence before the Criminal Court leaves the strongest impression that the Boy was murdered.-

20. With such imperfect knowledge as to the state of the body of the deceased as appears in the evidence of the 2nd 3rd and 6th Witnesses before the Criminal Court - the Fouzdaree Udalut are utterly at a loss to conceive how the 1st Judge of

of Circuit, in direct breach of the orders of this Court under date the 15th July 1830, could proceed to put the Prisoner on his trial, in the absence of the 12th 13th and 14th Witnesses, specially called by the Criminal Court to supply material evidence otherwise wanting, and indispensably necessary to the ends of justice in this case; for according to the depositions, submitted by the Criminal Court, they had actually inspected the body and found it in a state from which there could be no doubt that murder had been committed.—

21. If the 1st Judge was not satisfied with such evidence as he saw could be given by these three witnesses instead of throwing doubts on its truth, as he has done in his letter, it was his bounden duty to call for other evidence, it was his duty to ascertain whether a Mahogany had really been given, as stated by the 12th and 13th Witnesses, and he should have called for the persons who took the body out of the well. Besides he could not justly dispense with the evidence of the 4th and 5th Witnesses, for their testimony, to prove that the Prisoner and the deceased were seen together on the evening before the body was found, was most material to the issue,

issue, and if their presence could not have been obtained before the close of the Sessions he was bound to postpone the trial; but instead of performing duties so obvious that their necessity could scarcely have escaped the notice of the youngest Judicial Officer in the service, the 1st Judge put the Prisoner on his trial, knowing full well that such trial was a mere mockery of Justice.—

22. The Court are constrained to observe that they have never had a case before them so insufficiently examined, and where the ends of justice have been so abused, and if they had not been directed to submit all Mr. Garrow's referred trials for the inspection of Government, they must have brought this case to the special notice of the Governor in Council.—

23. In ordinary cases, a Law Officer will feel diffident in opposing the proceedings of the Presiding Judge on a question as to the necessity of examining particular witnesses, but in such a case as the one in question, where it was obvious that the Court of Circuit

dispensed

F. Co.

2 July 1834.-

dispensed with the only evidence which could establish the fact that murder had been committed, and with other evidence material to the issue of the trial, it was the duty of the Law Officer to enter his protest against the proceeding and this Court cannot pass over his conduct on this occasion without requiring the most full explanation.-

24. Finally the Foujdaree Adalut have to observe that, taking the authenticated copy of the English translation of the proceedings before the Police Officer and the Criminal Court to be correct, which there seems no reason to doubt, they consider Mr. Garrow and Mr. Bannerman equally reprehensible for sending up papers, which evidently have not been examined or corrected.—

Ordered, that Extract from these proceedings be furnished to the 1st Judge of Circuit in the Southern Division for his information, and that he be required to communicate the concluding Para to the Criminal Judge of Salem, and to obtain from the Cazee of the Provincial Court of Circuit the explanation required in the last

F. Co.

2nd July 1834.- last Para but one of these Proceedings and to transmit it to this Court with the least practicable delay. (Sent the following letter No. 659)

Read again letter dated the 27th January, 1834, from the Acting 3d Judge on Circuit in the Centre Division, submitting the English and Persian Translates of the Record of Case No. 18 on the Cuddapah Calendar, for the 1st Sessions of 1834.- together with an Appendix, containing "Extracts of correspondence from the Magistrate "and Criminal Judge of Cuddapah with Copies "of depositions referred to in para 10 connected "with the plunder of the Zillah Court Treasury."—

(Here enter F. Co. No. 697 of 1834.)

The above Trial, in which the Prisoner was charged with having, in Company of an armed Gang, attacked and plundered the Cash Chest of the Zillah Court of Cuddapah, has already been finally disposed of by the Foujdaree Adalut.-

1.

In addition to the usual observations and the distinct opinion upon the case required by their Circular orders, the Acting 3d Judge on Circuit, in the Centre Division has deemed it necessary to offer certain "suggestions arising "from the case" which the Court proceed to take into

2.

Fort William
2nd July 1834.

into their consideration.—

3. In the 13th Para of his letter, the Acting 3d Judge on Circuit, proposes the Question "whether a Magistrate can exercise "any discretion, in regard to compliance or "non compliance with the exigency of process "issued from another Zillah, and whether the "surrender of any person or persons, apprehended on a "warrant can be required of the Officer charged "with its execution."—

4. This point, the Court observe, is clearly laid down in Clause First Section XXXX Regulation XI. 1816, which whatever question there may be of the propriety of the issue of the warrant, leaves, when once such warrant has been issued, no discretion to the Magistrate, of the neighbouring Zillah who is bound to afford his utmost assistance in carrying it into effect.—

5. In Clause Second of the same Section and Regulation, which allows a discretion to Magistrates in those cases only, in which, no warrant has been issued.—

6. The Court are hence constrained to record their opinion that Mr. Robertson, acted wrongly in adopting that course of Proceeding, detailed in his letter, under date the 5th August 1833, addressed to the Magistrate of Cuddapah.—

The

7. The Court deem it proper to direct the Acting 3d Judge on Circuit in the Ceded Division to transmit a Copy of these remarks with a copy of paras 13. 14. 15 and 16 of his letter of the 27th January last, with the observations contained on which they entirely concur, to the Magistrate of Bellaree, for the information and future guidance of that functionary.—

8. Referring to Para 18, in which the Acting 3d Judge on Circuit, recommends that the Criminal Judge be authorized to apply for sanction for the purchase of an Iron Cash Chest, the Court observe that the original order of Government under date the 9th February 1819 directed the provision of such a Chest, of which circumstance the Criminal Judge should be apprized.—

9. In the 19th Para of his letter, the Acting 3d Judge on Circuit, states that the success of the attack upon the Cuddapah Court House, resulted from the information given by a certain released Convict, who had an opportunity of examining the Position of the Treasury, while receiving Batta on his liberation: and from this circumstance he suggests the propriety of entirely excluding this and every other class of persons, from the neighbourhood of the Treasury.—

The

2nd July 1834.-

10. The Court do not concur with Mr. Boileau, in his opinion of the necessity for such a course of proceeding- On the contrary, they would be impressed with a very unfavorable opinion of the carefulness of the officer in charge of the Treasury, if they could be brought to believe that the intelligence gained, by such individuals under such circumstances could really be the means of endangering its security-

11. In para 20 of his letter, the Acting 3d Judge on Circuit, refers to the dismissal of the Duffadar and Peon, by the Criminal Judge of Cuddapah: and suggests the propriety of restoring them to their situations- Upon this subject the Court observe that, in consequence of Mr. Boileau's remarks, they have again referred to the several Documents, relating to the conduct of the two individuals in question: and after a most attentive consideration of all the circumstances of the case, they see no grounds for altering the opinion, which on a former occasion they expressed- that the exertions of Govindoo and Sauntapah, were not of that strenuous nature which the exigency of the case demanded, and that they were deservedly dismissed from office.-

12. The order for their removal cannot therefore be disturbed-

Ordered

2nd July 1834.-

Ordered, that extract from these Proceedings be sent to the Acting 3d Judge on Circuit in the Centre Division for his information and guidance by Precept, returnable without delay.-

(Sent following Precept No. 610)

Read return dated the 19th of February last, from the 1st Judge late on Circuit in the Southern Division, to precept dated the 15th of the same month, transmitting English and Persian translations of the trial No. 11 of the Salem Calendar for the 2d Sessions of 1833.-

(Were enter No. 232-)

1. This trial was called for by order of Government, and it was submitted, in consequence of charges preferred by the Criminal Judge of Salem, against the Law Officer of the Court of Circuit and the presiding Judge Mr. Garrow-

Read again letter from the Provincial Court of Circuit for the Southern Division dated the 13th of October 1833, with enclosures, Letter from the 1st Judge on Circuit in the Southern Division- Proceedings of the Foujdaree Udalut of the 29th of October 1833, and letter from the Criminal Judge of Salem dated the 4th of November 1833.-

2. The Court of Foujdaree Udalut, having maturely considered the Proceedings held before the

Judge

Judge of Circuit, are unanimously of opinion, that, though a strong case against the 2nd Prisoner was made out before the Police, and even the Criminal Court, the evidence given before the Circuit Court against the Prisoners was not sufficient for their convictions; and that the presiding Judge was consequently borne out in directing their release; and, impressed as he was with their innocence, the Judges concur in opinion that he did his duty, in releasing them unconditionally.-

3. With reference to the charges of corruption or partiality, preferred against the law officer of the Court of Circuit, the Judges are also unanimously of opinion that there existed no grounds whatever for them. The evidence before the lower tribunals no doubt assumed a very different appearance before the higher Court. But this, as shewn in the future of the law officer, did not at all justify Mr. Bannerman's unfounded inferences against him.

4. The Judges, having recorded their opinion of the judgment, passed by Mr. Garrow on the evidence before him, consider it necessary to notice the highly objectionable manner in which

which the Criminal Judge examined the Prisoners in this case. It is the duty of a Criminal Judge, in the examination of Prisoners brought before him, to facilitate, rather than to impede, their defence. If the Prisoners plea is not guilty, it never was intended to exact from him acknowledgements of his guilt, either in the shape of explanation, or otherwise. The object of the Regulation, in allowing a Criminal Judge to enter on the defence, and of this Court in permitting explanation at all by Prisoners, was to enable them to avoid committal, but Mr. Bannerman instead of confining his examinations to such object questioned two of these Prisoners on no less than five occasions, and many of the questions asked by him could tend only to the criminination, instead of the exculpation, of the accused. Upon a view of the proceedings held before him, and with reference to his correspondence respecting this case, the Judges are of opinion that Mr. Bannerman has manifested an over anxiety to convict the Prisoners, unbecoming the impartiality which should characterize the Situation he holds.-

5. The Judges are of opinion, on the other hand, that Mr. Garrow has evinced an equally improper bias in favor of the Prisoners.-

In

2nd July 1834.-

In his examination of the witnesses for the prosecution, he neglected to put obvious questions which might have reconciled their conflicting statements before the Criminal Court and the Court of Circuit: he omitted to examine some of the witnesses on points specifically deposed to by them before the lower tribunals, thereby enabling them to soften, and in some instances to suppress, their previous testimony; and the tenor and chief object of his cross examination of several of the witnesses is to elicit an opinion from them, that the deed was perpetrated by others, than the Prisoners. The Judges would not impute culpability to any judicial officer, for tenderness towards the accused; though they are of opinion that the strictest impartiality would better have become Mr. Garrow's high situation: Mr. Garrow appears however, in his letter submitting this trial to have misrepresented the evidence, and draws from such misrepresentation strong conclusions in favor of the Prisoners. The Court allude, besides minor points, in particular to his attack on the evidence of the sweeper, & inconsequence of her silence as to the oath demanded of her by the 2nd Prisoner, when he

2nd July 1834.- he himself altogether omitted to question her respecting this remarkable part of her previous testimony;- to his representation that the buffaloe was, on the night of the murder, in the house enclosure, when the evidence goes to prove that it was in the back yard, but especially to the conclusion of the 61st Para, where Mr. Garrow represents the wife of the 2nd Prisoner to have deposed "that when her husband came in, "and finding Palany Andy, they laid hold of "and put him out of the back door." Upon which Mr. Garrow observes, "now if this were "a true Statement, the man could not have "been so mutelated within the house, and the "spots of blood could not be his."-

6. The Statement of the deponent in question (vide Page 47) is this "they seized "Palany Andy and carried him to the Varandah, "and I shut the door." The evidence is positive as to the fact of blood having been found in the Varandah, and therefore the declaration of the woman that the deceased was taken there was directly, and strongly, against the 2nd Prisoner; instead of being in his favor, as stated by Mr. Garrow.-

Ordered

F. Uc.

2nd July 1834.-

Ordered, that Extract from these Proceedings be sent to the 1st Judge late on Circuit in the Southern Division, and also to the Criminal Judge in the Zillah of Salem for their information and guidance.-

Sent in No. 611.

F. Uc.

At a Court of the Foujdaree Adalut

Thursday 3rd July 1834. Present

John Bird Esqr. acting 1st Puisne Judge.

Thomas Alexr. Oakes Esqre acting 2d Puisne Judge.

Alexr. Duncan Campbell Esqre acting Judge.

Read again Extract from the Minutes of Consultation under date 24th Ultimo, desiring the Court of Foujdaree Adalut to take into consideration the point, whether the same latitude may not be allowed under the existing law, to Criminal Judges and Magistrates in Cases of Homicide by misadventure, as in cases of justifiable Homicide.-

(Here enter No. 798)

1 Under the terms of the law in Section XV Regulation XII of 1802, and Clause fourth Section IV Regulation I of 1818, which provide for cases of Homicide by misadventure, this Court have upon different occasions ruled, that all cases of accidental Homicide must be committed for trial to the Court of Circuit, and that the Criminal Judge, can exercise no discretion, nor pass any sentence in such cases-

2 In practice however this Court have allowed a greater latitude, and have in all instances refrained from overruling sentences of the Criminal Judges, for the release of prisoners

charged

charged before them with accidental Homicide, evidently considering a trial in such cases to be a serious & needless hardship. It was under the same views that Section XXX of the draft of a Regulation, submitted to Government under date the 7th December 1833 was framed: in which the Court provided for the release of parties standing charged with Homicide by misadventure, without trial, upon the report of the case to the Foujdaree Adalut; and the Judges continue to be strongly impressed with a conviction of the evils, and grievance attending the existing practice.

3 It has indeed been very justly observed in the Minutes of Consultation above referred to, that the Law does no where positively command, that persons who have committed homicide purely accidental, shall be brought to trial; All that is prescribed by Clause Second Section XV Regulation VII A.D. 1802 is, that in trials for Murder, when the Law Officer acquits the Prisoner of express Murder, but convicts him of Homicide, he is to declare the prescribed penalty for the same, and in Clause fourth Section IV Regulation I of 1818, it is provided, that if the homicide shall in such trials clearly appear to have been committed by misadventure in the prosecution of a Lawful act, and without any malignant intention, the Court

of Circuit shall not adjudge any punishment as the Law therefore in cases of accidental homicide will admit of a different construction from that which has heretofore been given to it; and as there can be no doubt of the expediency of giving to the Criminal Courts and the Magistracy, the same Jurisdiction in such cases, as they possess in cases of Justifiable homicide; the Judges propose to issue the accompanying Circular instructions for the guidance of the subordinate authorities.

Ordered, that extract from these proceedings, with copy of Circular Order, be sent to the 6 Provincial Courts of Circuit for their information and guidance, and that of the subordinate authorities, also to the Officiating Secretary to Government in the Judicial Department, agreeably to the orders of Government dated the 24th June 1834.

Ext. d.

F. C.
Circular Order
No 2. 1834
Accidental Homicide

The Judges of the Court of Foujdaree Adalut having taken into consideration in their communication to Government of this date, the expediency of some additional rules for the guidance of the subordinate authorities in cases of homicide by misadventure, resolve to issue the following circular order.

Sr

2. In all cases of accidental Homicide, not coming within those defined in clause first Section IV Regulation I 1818, which may, in any way, come under the cognizance of the Native Officers of Police, it will be their duty, to make the necessary investigation, and forward the party accused, with the witnesses, to the nearest European authority; whether the Magistracy, or, the Criminal Court - It will then rest with the Criminal Judge, and the Magistracy Respectively, to investigate the case; and to determine, whether the Homicide was purely by misadventure, devoid of all criminality; or, whether there was that want of due caution, or, other circumstance existing, which would render it culpable, or of the description referred to in clause first Section IV Regulation I 1818 - If the Magistracy shall be of opinion, that the Homicide was clearly unintentional; and that no blame attaches to the party accused,

they

3d July 1834.

they will forthwith order his release, recording at length the grounds of the order - In all other cases, they will remit the party for trial before the Superior tribunal -

3 The Criminal Courts will proceed in like manner; and either release or commit persons forwarded to them on charges of homicide, whether by the Police, or, the Magistrate; as they may deem the act culpable, or otherwise -

4 The Court also direct, that the Magistrates do instruct all Native Officers of Police, that parties before them on charges of Homicide by misadventure in the prosecution of a lawful act, are not to be dealt with as prisoners; but are to be sent up to the Criminal Court, or, the Magistrate, in the same mode as witnesses -

5. The Magistrates will also observe the same rule, in forwarding cases to the Criminal Court, unless they shall see cause in special instances

to

to take greater precaution for the appearance of the accused -

6 The Criminal Judge will in like manner take due care, that the party is not placed in Jail, nor subjected to any unnecessary restraint. -

7 The Court of Foujdaree Udalut deem it right also to point out to the Criminal Courts, the expediency of calling upon the accused for moderate bail, "in "all cases of illegal Homicide not involving "the crime of Murder,", which they may commit for trial before the Court of Circuit -

(Sent following Circular Order No. 614)

Two Months having now elapsed, since the Court of Foujdaree Udalut, (by their letter of the 1st May last) directed the 2d Judge on Circuit in the Southern Division, to submit for

for their perusal, an English Translation of the Record of the Trial, in which two persons were charged with the Murder of an Arab and a Turk, at Negapatam and the order of the Court not having yet been complied with -

Ordered, that the 2d Judge on Circuit in the Southern Division be called upon by Precept, returnable within 3 days from and after its receipt, to send up the Record in question immediately; and to submit an explanation of the delay which has occured in its transmission. -

(Sent following precept No. 615.)

Read letter dated the 27th Ultimo from the Second Judge on Circuit

in

in the Southern Division, reporting the arrival of the Court of Circuit at Coimbatore, and the commencement of the Sessions.—

(Here enter No. 327.)

Read Return dated the 24th Ultimo from the acting 2d Judge on Circuit in the Northern Division to precept of Fouzdaree Adalut dated the 18th Ultimo, conveying observations of the Court upon Case No. 6 Rajahmundry Calendar 1st Sessions of 1833.—

(Here enter No. 329.)

Read Supplemental return, dated the 23d Ultimo from the acting 1st Judge of the Court of Circuit in the Centre Division to precept of Fouzdaree Adalut dated the 9th Ultimo, conveying their observations and orders on the Criminal Reports of the Division for the Month of February last.—

(Here enter No. 330.)

Read.

3d July 1834.—

Read return dated the 27th Ultimo from the Provincial Court of Circuit in the Centre Division to Precept of Fouzdaree Adalut dated the 11th April last, directing them to instruct the Acting Criminal Judge of Bellaree to pay over to the Petitioner Talaree Rungadoo forthwith the sum of 139 Rupees which he was instructed by the Acting Circuit Judge to keep in deposit

(Here enter No. 331.)

Read return dated the 24th Ultimo from the Acting Judge on Circuit in the Southern Division to Precept of Fouzdaree Adalut dated the 12th Ultimo, sanctioning the mitigated punishment of 5 years imprisonment with hard labour in irons on the 3d Prisoner in Case No. 61 Salem Calendar 1st Sessions of 1834.—

(Here enter No. 334.)

Read return dated the 27th Ultimo from the Provincial Court of Circuit in the Southern Division to Precept of Fouzdaree Adalut dated the 7th June 1834; transmitting an Extract from the minutes of consultation of the 26th April 1834, directing that Quarterly Statements of Dismissals, Suspensions and Appointments in the subordinate Courts be submitted to the Sudr Fouzdaree Adalut.—

(Here enter No. 336.)

Read

3rd July 1834.-

Read letter dated the 28th Ultimo
from the 1st Judge late on Circuit in the Southern
Division reporting the death of the 11th Prisoner
in Case No. 13 Salem Calendar 2nd Sessions of 1833.-

(Here enter No. 337)

Read Return dated the 25th Ultimo
from the Provincial Court of Circuit in the Southern
Division to Precept of Zoydaree Udalut dated the
16th Ultimo, calling for the Criminal Statements
for the 2nd half year of 1833.-

(Here enter No. 338.)

Read letter dated the 23rd Ultimo from
the Provincial Court of Circuit in the Southern
Division transmitting Copies of Returns from the
different Authorities in this Division, in reply to the
communications made to them regarding the
Criminal Reports for the Month of March last.

(Here enter No. 339.)

Read Return dated the 21st Ultimo
from the Provincial Court of Circuit in the Northern
Division to precept of Zoydaree Udalut dated the
7th Ultimo, conveying Extract from the Minutes of
consultation of the 25th April last directing that
Statements of all Servants suspended or dismissed
from Office in the Subordinate Courts be submitted
Quarterly to the Provincial Courts and that
similar

3rd July 1834.-

similar Statements be submitted to the Sudr and Zoydaree
Udalut by the Provincial Courts of Servants dismissed
or suspended on their Establishments respectively.-

(Here enter No. 342)

Read letter dated the 29th Ultimo
from the late Acting Judge of the Provincial Court
of Circuit in the Centre Division now at Guntoor
submitting his reply to the observations of the
Zoydaree Udalut upon Case No. 10 Chittoor
Calendar 2nd Quarter Sessions of 1834.-

(Here enter No. 345.)-

F. U.

At a Court of the Foujdaree Udalut.

Present,

Friday 4th July 1834. — John Bird Esqr. Acting 1st. Puisne Judge

Thomas Alexr. Oakes Esqr. Acting 2nd. Puisne Judge

Alexr. Duncan Campbell Esqr. Acting Judge

F U

Circular order No. 3 of 1834

The Court of Foujdaree Udalut having recently observed, that their Circular orders of the 3d. May 1833. have been frequently misunderstood; & resolve to point out to the subordinate Courts, that those orders are confined exclusively to three cases, viz. Where the deponent before the Criminal Court is dead; & where, he is prevented from appearing by severe illness, and where he is kept away through the contrivance of the prisoner. In all other cases, the evidence to be available against the prisoner, must be delivered in open Court in person.

2. The Court resolve also to explain, that the orders of the 3d. May 1833 apply alike to prosecutors and witnesses in a Criminal charge.

Ordered that Extract from these proceedings be sent to the 4 Provincial Courts for their information and guidance and that of the subordinate authorities, also to the Officiating Secretary to Government in the Judicial Department agreeably to

F. 66.

4th July 1834 WS

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WD

to the orders of Government dated the 25th June 1834

Enclosed Jofgovt No 104.

(Sent following Circular Order No 3/16/-

F. U.

At a Court of the Foujdary Udalut.

Present,

Saturday 5th July 1834

John Bird Esqre Acting 1st Puisne Judge

Thomas Alexr Oakes Esqre Acting 2nd Puisne Judge

WS

Alexr Duncan Campbell Esqre Acting Judge

WD

Circular Order No 4.

With reference to the instructions of the Honorable Court of Directors, vide para 39 of their dispatch under date the 12th October 1831, and para 33 of their dispatch under date the 20th March 1833, which will be communicated to the 4 Provincial Courts of Circuit, the Judges of the Foujdary Udalut desire that each Judge of Circuit, who has trials referred, or called up within each half year do on the 30th June and 31st December respectively forward to this Court a Statement in the following form.

1 No. on the Calendar of each trial referred or called up	2 Trial when commenced	3 When closed.	4 When dispatched	5 Number of days delay between Cols. 3 & 4.
3. 2nd Sessions 1833	1st January 34	2nd January 34	15th January 34	12
7. "	15th " "	19th " "	1st February "	14
12. "	1st February "	5th March	6th May	61

Shortest delay — 12 days
Longest — " — 61 — "
Average — " — 29 — "

With reference to para 53d of the dispatch

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from

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5th July 1834

from the Honorable Court of the 12th October 1831, which will be hereafter circulated, the Provincial Courts will instruct the Magistrates, that the periodical reports from the Station officers under them, therein called for, should be confined to reports from the respective Heads of Districts Police, noticing the number of crimes of which the perpetrators have not been discovered on their several Talooks, accompanied by explanations of their want of success in detecting the offenders, and any suggestions they may have to offer for the improvement of the Police.-

3 Translations of these Documents to be forwarded annually to the Provincial Courts with the Report of the Magistrate and the whole to be then submitted to this Court.-

Ordered, that a copy of the foregoing Circular Order be sent to the 4 Provincial Courts of Circuit for their information and guidance, and that they be directed to communicate the orders of this Court in the last para to the several Magistrates

(Sent Judiciary Circular No.

Ordered also, that a copy thereof be forwarded to the officiating Secretary to Government in the Judicial Department, agreeably to the orders of Government dated the 24th June 1834.-

(Sent in No.)-

F. U.

At a Court of the Foujdaree Udalut

Present

Monday 7th July 1834. John Bird Esqr. Acting 1st Puisne Judge

Thomas Alexr. Oakes Esqr. Acting 2nd Puisne Judge

Alexr. Duncan Campbell Esqr. Acting Judge

Read letter from the 1st Judge late on Circuit in the Southern Division, dated the 15th February last, submitting a recommendation to mitigate the penalty to three years imprisonment, in the case No. 37 Salem Calendar 2nd Sessions 1833.

(Here enter No. 193)

Read also return from the same officer of the 15th March last, to the Courts precept of the 6th requiring him to forward translations of parts of the Record of the trial No. 37, with an explanation of his proceedings.

(Here enter No. 332)

The Court of Foujdaree Udalut having taken the foregoing return, with the letter from the 1st Judge, into mature consideration see no sufficient cause for the mitigation recommended; and they accordingly direct, that the sentence prescribed by the law, of 14 years imprisonment which it is concluded from the 1st Judges letter, has been already passed on

he

7th July 1834.

be fully enforced.-

2 In this case the Prisoners were charged before the Head of Police originally, and subsequently, before the Court of Circuit with Gang Robbery by open violence - It is true that it was not proved at the trial that any material injury was inflicted, but it was a Gang Robbery by more than 20 persons, armed with sticks, and where considerable violence was used, and consequently punishment to the extent of 3 years imprisonment would in the opinion of the Court be wholly insufficient.-

Ordered, that Extract from these proceedings be forwarded to the 1st Judge late on Circuit in the Southern Division for his information and guidance.-

(Sent following letter No 627)

Read return dated the 23rd Ultimo from the Provincial Court of Circuit in the Northern Division to Precept of the Faydaree Adalut, dated the 16th of the same month requiring the transmission without delay, of the Criminal Statements for the 2nd half year of 1833.-

(See enter F.U. No 346 of 1834.)

1. The Court have perused with surprize and displeasure, the foregoing return which

7th July 1834.

which, they are of opinion, affords satisfactory evidence, that, until the receipt of their Precept of the 16th Ultimo, the preparation of the required Statements had not even been contemplated.

2. It cannot be necessary to remind the Provincial Court, that the object of the Faydaree Adalut, in directing the Criminal Statements to be submitted, is lost by their transmission so long after the period at which they become regularly due; while, the expenditure of time and trouble, involved in their preparation, is under such circumstances, worse than useless.-

3. The Court trust that these observations, the last which they purpose to offer upon the subject, will not be last sight of. They desire, however, that it may be distinctly understood that, any other instance of similar neglect, will render necessary a representation to Government, who it is presumed will be enabled to bring about those results, which the oft-repeated orders of this Court have hitherto failed to produce.

Ordered, that Extract from these proceedings be sent to the Provincial Court of Circuit in the Northern Division for their information and future guidance by Precept returnable without delay.

(Sent following Precept No 628)

Read

7th July 1834.

Read again letter dated the 28th Ultimo from the Provincial Court of Circuit in the Western Division submitting "the case of certain persons charged "with a breach of the Monopoly for the manufacture "and sale of Spirituous liquors" with a recommendation by the Joint Criminal Judge of Malabar that the penalty adjudged (a fine of 5 Rupees commutable to one months imprisonment) be remitted.

(Here enter No. 341)

The Criminal Judge has recommended the remission upon the ground, that the parties have been subjected to the penalties by the irregularity of the Abkary renter who originated the prosecution.

2 The renter, as well as the parties in question, appear equally open to punishment for a breach of the revenue laws; and the latter have accordingly been sentenced to it. But as the sentence of the Joint Criminal Judge in this case seems to have been passed at the instance of the Provincial Court with intent to recommend its remission, and that it should operate only nominally; the Judges, in this instance, sanction its remission. But they desire it may be explained to the Joint Criminal Judge that, for the future, the law must take its course; and that if he, in any case, deems nominal damages a sufficient punishment

7th July 1834.

punishment, he should pronounce sentence accordingly.

Ordered that Extract from these proceedings be sent to the Provincial Court of Circuit in the Western Division for their information and guidance and that of the Joint Criminal Judge of Malabar.

(Sent in No. 629)

Read again return from the 1st Judge on Circuit in the Southern Division dated the 7th Ulto to the Court's precept of the 22nd March calling for the proceedings in No. 3 of the Salem Calendar 2nd Session 1833.

(Here enter No. 455)

Upon the review of the proceedings

1. of the Criminal Court and the Police submitted with the foregoing return, the Court of Zoujdaree Adalut observe, that the evidence for the prosecution is not sufficient to bring home "forgery" to the prisoner, whilst his assertion that he is not able to write, stands also uncontradicted.

Under these circumstances, the

2. Court consider any further proceedings in his case inexpedient, and they accordingly direct his immediate discharge if he is still in Jail, or if he has been released on Bail, that his recognizance be forthwith cancelled.

Ordered, that Extract from these proceedings be sent to the 1st Judge late on Circuit

in

5th July 1834

7th July 1834.

Read again letter dated the 23d Ultimo from the Provincial Court of Circuit in the Western Division submitting "the case of certain persons charged "with a breach of the Monopoly for the Manufacture "and sale of Spirituous liquors" with a recommendation by the Joint Criminal Judge of Malabar that the penalty adjudged (a fine of 5 Rupees commutable to one months imprisonment) be remitted.

(Here enter No. 241)

The Criminal Judge has recommended the remission upon the ground, that the parties have been subjected to the penalties by the irregularity of the Adkany renter who originated the prosecution

2 The renter, as well as the parties in question, appear equally open to punishment for a breach of the revenue laws; and the latter have accordingly been sentenced to it. But as the sentence of the Joint Criminal Judge in this case seems to have been passed at the instance of the Provincial Court with intent to recommend its remission, and that it should operate only nominally; the Judges, in this instance, sanction its remission. But they desire it may be explained to the Joint Criminal Judge that, for the future, the law must take its course; and that if he, in any case, deems nominal damages a sufficient

7th July 1834.

punishment, he should pronounce sentence accordingly.

Case to Court of

Ordered that Extract from the proceedings be sent to the Provincial Court of Circuit in the Western Division for their information and guidance, and that of the Joint Criminal Judge of Malabar.

(Sent in No. 629)

Read again return from the 1st Judge on Circuit in the Southern Division dated the 7th April to the Courts precept of the 22d March calling for the proceedings in No. 3 of the Salem Calendar 2nd Sessions 1833.

(Here enter No. 455)

Upon the review of the proceedings of the Criminal Court and the Police submitted with the foregoing return, the Court of Foujdaree Udalut observe, that the evidence for the prosecution is not sufficient to bring home "forgery" to the prisoner, whilst his assertion that he is not able to write, stands also uncontradicted.

2. Under these circumstances, the Court consider any further proceedings in his case inexpedient, and they accordingly direct his immediate discharge if he is still in Jail, or if he has been released on Bail, that his recognizances be forthwith cancelled.

Ordered, that Extract from these proceedings be sent to the 1st Judge late on Circuit in

7th July 1334.

in the Southern Division, directing him to issue the necessary orders for the release of the prisoner in No. 8 Salem Calendar 1st Sessions 1333.-

(Sent in No. 630 /.)

Read letter dated the 9th June 1334 from the Provincial Court of Circuit in the Northern Division, transmitting the Reports prescribed by Section XXXV Regulation X of 1816 for the Month of January 1334.-

(Have enter No. 804.)

Chicacole

1. From the Abstract appended to Report V it would appear that only 12 prisoners out of 96 sent up in January were examined by the Criminal Court in that Month and 20 prisoners sent in former Months, shewing that the Criminal Court altogether disposed of the cases of 32 prisoners This without full explanation is by no means creditable. The Provincial Court of Circuit will therefore require the Assistant Criminal Judge in charge to explain why so little was done in the Criminal department during the Month for which the report under review has been transmitted.-

2. In the Report No. 9 it is unnecessary to report the full charge: the entry of the "crime" in the appropriate columns is sufficient. The Court are anxious to receive without delay the records of the Trials noted in the Report No. 9.-

The

F. 26.

7th July 1334.

Supt. Report Case 109.

3. The Court conclude that this case has been long since disposed of. The Provincial Court of Circuit will however inform the Magistrate that the reason assigned for not forwarding the witnesses could not under any circumstances justify a delay to the extent shewn to have occurred in this instance.

134.

4. It should have been explained why the evidence required in this case could not be procured between the 6th and 31st of January.-

136.

5. The entry in the Column "released" is incorrect in this Case. The Prisoner stands sentenced to 6 Months imprisonment in the following Case.-

6. With reference to Para 3 of the Provincial Courts proceedings on the Report No. V. the Court perceive that so far as can be judged from the report their observations do not apply to Case No. 9 which is noted in the Margin as referred to. The Provincial Court of Circuit will explain the error.-

Vizagapatam Report V

7. The Provincial Court of Circuit will point out to the Native Criminal Judge that the full detail of evidence given in this Report is unnecessary and that a concise abstract of it is sufficient.-

Supt. Report Case 6. 1833.

8. The Provincial Court of Circuit in their proceedings upon the Criminal Reports of December last have noticed this case and required explanation

7th July 1834.—

explanation of its reappearance in the Report after it is having been stated to have been disposed of. The Court of Foujdaree Udalut deem it proper to direct that if it has not been disposed of, the Native Criminal Judge be at once ordered to examine it and to discharge the prisoners if there is no evidence against them.—

Case 138. 9. It is objectionable to sentence a prisoner to imprisonment with hard labour in default of finding security as the Regulation leave this to the discretion of the Criminal Judge.—

139. 10. The Provincial Court of Circuit will direct the Native Criminal Judge now to dispose of this case as pointed out in Para 10 of the proceedings of the Provincial Court of Circuit.

11. With respect to Report 9 the Court require the immediate transmission of the three trials so long due.—

Rajahmundry Report & Case 4. 12. Such detail of evidence as is given in this case is unnecessary and the Provincial Court of Circuit will inform the Acting Criminal Judge that a concise Abstract of it is sufficient.

13. The grounds of the order of commitment should have been stated in each of the cases which the Acting Criminal Judge disposed of in this manner.—

Case 6. 14. This case appears to the Court to

7th July 1834.— to have been one of fraud.—

12 15. If this is a case simply of breaking
Jail the Provincial Court of Circuit will cause it to
be taken off the Calendar as commitment is unne-
cessary and will require the Acting Criminal
Judge to dispose of it.—

The Court conclude that the entry

Supt. Report Case 238. 16. in Column "released" "the prisoner is the same as is
named in the 2 preceding cases" is a clerical
error as he only appears in this one case immedi-
ately preceding.—

The explanation of the delay in the

Masulipatam Supt. Report Cases 333 and 334. 17. Cases is insufficient: the Provincial Court of Circuit
will require it to be stated why the evidence
wanting could not be procured.—

The entry of the crime and not

Guntoor Reports 18. that of the full charge should be made in
this Report.—

The Provincial Court of Circuit

Supt. Report Case 339 of 1833. 19. will point out to the Acting Joint Criminal
Judge that no further delay can be allowed
in this case.— The Prisoners have been so long
apprehended that their case should in justice
be disposed of on the evidence that may
be forthcoming.—

The reason assigned for the delay

554 569 575 577 &c. 20. in the examination of these cases is inadmissible
they should have been disposed of in their turn

right

The Court cannot pass over without animadversion the detention of prisoners in this way for so many months.-

649. 21. The prisoners in this case are stated to have been "remanded till the arrival of the rest "of the witnesses." It should have been explained why the said witnesses were not procurable for so long a period and also what became of the witness who arrived at the Court on the 13th September 1833, until the 31st January 1834.-

692. 22. The Prisoner as far as he is concerned in this case should have been disposed of by the Acting Joint Criminal Judge- The Provincial Court of Circuit will now issue orders for the case to be struck off the Calendar and to be disposed of by the Acting Joint Criminal Judge if it has not been already investigated.-

711. 23. The Case noted in the margin does not appear to amount to Forgery.-

24. The Court will not animadvert more strongly upon the overwhelming arrears before the Assistant Criminal Judge's Court at Gunture and the impression that they have been already greatly reduced and that no exertion will be spared to prevent the accumulation of any arrears in future.-

25. The Court observes that the two first

first Columns of the Abstract appended to this Report have been incorrectly left blank.-

Supt. Report Case 277. 26. It should have been fully explained why this case could not be earlier disposed of- The cause of the non appearance of the witnesses, if this was the only bar to the examination, should have been specified.-

235. 27. The detention of the prisoner on such a charge for want of evidence from the 20th July is much to be lamented. If the case is not already examined the Provincial Court of Circuit will require it to be disposed of on the present evidence.-

239, 296, 298, 299. 28. The same order applies to these cases. The pretence of Criminal business cannot be admitted as an excuse for not applying for further evidence for so long a period.-

311 29. The Court trust that this prisoner has been discharged. The Provincial Court of Circuit will ascertain and report the fact.-

30. The Court have observed with displeasure the very general want of a satisfactory reason for the delay in the disposal of the cases noted in the Report under review. There appears to have been a total failure of exertion on the part of the Acting Criminal Judge Mr. Bruce and the detention of the Criminal Reports puts it out of the power of the Fouzdaree Adalut to render available the orders they ought

F. 86.
7th July 1834.

ought to have been issued on these Reports if they had been submitted at the prescribed time - The late acting Criminal Judge Mr Bird has reported that the arrears have all been disposed of and the Provincial Court of Circuit will not fail to urge the most earnest exertions to be used to prevent the accumulation of arrears, so discreditable to the Court, in future.

31. The Court in conclusion have to enjoin the immediate transmission of the Criminal Reports due for the Months of February March and April -

Ordered that Extract of these proceedings be sent to the Provincial Court of Circuit in the Northern Division by Precept returnable without delay for their information and guidance and for communication to the subordinate Judicial Officers of such parts as concern them.

(Sent following Precept No. 631)

Read letter dated the 12th June 1834 from the Provincial Court of Circuit in the Southern Division transmitting the Reports prescribed by Section XXXV Regulation X 1816 for the Month of April 1834 -

(Here enter No. 302)

Madura Supt. Report Cases 24-29.

1. In these Cases the Criminal Judge has omitted to specify the grounds of his order for

(4)

F. 86.
7th July 1834.

for commitment. The Provincial Court of Circuit will point out to him that the Circular Order of 16th November 1831 requires a concise note of the grounds of the order on every case.

29

The circumstance of there being no 2.
proof whatever of guilt against the 2nd Prisoner should be notified to the Magistrate under Circular Order 21st May 1823.

Report & Case 36.

With reference to the 4th and 5th Paras 3.
of the Proceedings of the Provincial Court of Circuit, the Court of Fouzdaree Udalut have to observe that the Criminal Judge expressly states that the evidence was not strong enough for committal. The order for the requisition of security should be amended as hard labor cannot be imposed as part of the sentence on prisoners detained in default of finding security It is left to the discretion of the Criminal Court to prescribe the nature of the labour - The Judge on Circuit will call for the proceedings in this case and see that it has been correctly disposed of.

Case 39.

The number of sureties required to 4.
be found by the 7th Prisoner is omitted in the Report

Clause 1st Section IV Regulation II

Combaconum Report & Case 65.

1822 does not authorize the requisition of security by a 5.
Criminal Judge except in the case of the prisoner appearing to him to be under strong suspicion of

some

7th July 1834.

some specific act of criminality. If this was not the fact here, the bond if entered into should be cancelled & the prisoner discharged if he is in confinement in default of finding security. The Provincial Court of Circuit will ascertain the propriety of the detention or discharge of the prisoner, and issue orders accordingly.—

Case 79. 6 The Provincial Court will require the mode of proceeding pointed out by them in this case to be adopted by the "Assistant Criminal Judge in charge."—

Report 9. 7 The Column "when referred" should have shewn the date of reference.—

Salem Supt. Report Case 125. 8 This would appear to have been a committable case, and as such, should not have been referred to the Sudr Ameen.

128. 9 If the circumstances connected with the confessions of the Prisoners in this case have not been communicated to the Magistrate the Provincial Court of Circuit will instruct the Criminal Judge to inform the Magistrate of his opinion that violence or intimidation were used and also the grounds of that opinion.—

Report & Case 139. 10 Considering the prevalence of Cattle stealing in the district of Salem the Court

7th July 1834

Court are of opinion that the sentence passed in this case was too lenient.—

The sentence in this case also

144. 11 appears to the Court very inadequate.—The Provincial Court of Circuit will cause these instances to be pointed out to the Sudr Ameen Pundit.—

If the explanation called for by

153. 12 the Provincial Court of Circuit is not satisfactory they will direct the 1st prisoner to be released.—

The Provincial Court of Circuit will

Report 8. 13 inform the Criminal Judge that the entry of the crime alone, without the full charge, is insufficient.—

In these cases there does not

Coimbatore Report & Cases 103 and 104. 14 appear to have been any actual breach of the Laws. The Provincial Court of Circuit will ascertain the fact and if so will order the fine to be remitted if paid, or the prisoner, if in confinement, to be released.—

The circumstances of this case

112 15 should be reported to the Magistrate under Circular Order 21st May 1823.—

The Provincial Court of Circuit

Case 115 16 should have called upon the Magistrate instead

F.E.

7th July 1834.

instead of the Joint Criminal Judge for an explanation of this case, as respects the correctness of the account given by the Police Officer for the detention of the Prisoner in the Talook, and the necessity for it, under the circumstances stated in regarding Case 434 of 1833. This explanation should now be required and forwarded to this Court.

Report 8. 17. The Provincial Court of Circuit will point out to the Joint Criminal Judge that the entry of the crime alone is sufficient, instead of the whole charge.

18. The Court in conclusion have to observe that no explanation of the detention of the Criminal Reports for 18 days beyond the prescribed time accompanies them as required by the Circular Order of the 23rd January 1832.

Ordered, that Extract of these proceedings be sent to the Provincial Court of Circuit in the Southern Division by Precept returnable without delay for their information and guidance and for communication to the subordinate Judicial Officers of such parts as concern them.

(Sent following Precept No. 632)

Read letter dated the 16th Ultimo from

(5)

F.E.

7th July 1834.

from the Acting 3rd Judge on Circuit in the Centre Division transmitting copy of the Primary and Special Calendars for the 7th Sessions of 1834 at Bellary.

(Here enter No. 779)

The Acting 3rd Judge has in these

Case 1 and other Cases. 1

instances overlooked the Circular Order 19th June 1828 under which he should have stated the grounds on which he concurred with the Law Officer as to the conviction of the accused.

The 13th Prisoner was not charged

2

with receiving property knowing that it had been obtained by robbery but with fraud and under the regulations cannot be sentenced by the Court of Circuit to more than 7 years imprisonment. The Acting 3rd Judge will therefore modify his sentence as regards the 13th Prisoner or refer the trial if upon mature consideration he should consider the penalty insufficient.

There seems to have been other evidence

3

besides the admission in the Talook by the Prisoner of having gone to the Prosecutor's house at night and it should have been so stated in the Column of sentence. If however there was nothing but the Talook declaration against the Prisoner it is not sufficient of itself to authorize the demand of security

and

7th July 1834.

and the Acting 3d Judge will under these circumstances cancel the Bond if entered into or release the Prisoner if security has not yet been furnished. The Acting 3d Judge will report what he may do under these instructions.

Case 4.

4 The Acting 3d Judge should have specified whether the Prosecutor identified the Prisoner at the Trial as he is stated to have deposed before the Criminal Court.

6

5 The Age of the 1st Prisoner should have been noted in the Calendar and the Acting 3d Judge will supply the omission by reporting this Prisoner's age for the information of the Court of Zeyd and Abdul. The Court conclude that the Circular Order 20th July 1829 has been brought to the notice of the Officer who committed the 2nd Prisoner upon such insufficient evidence.

Case 13.

6. The evidence in this case did not justify the commitment of the prisoner or the requisition of security from them. The Acting 3d Judge will therefore cause the bond to be cancelled if entered into or the prisoner to be discharged if security has not been procured.

14

7 The Acting 3d Judge will explain whether or not the 5th and 6th Witnesses for in this case were of any of the three descriptions of persons included

7th July 1834.

included in the Circular Order of 8th May 1833 as the conviction of the 5th 28th 30th and 33d Prisoners is dependent on the legality of the evidence of these two witnesses. In future similar cases this information should be given in the Calendar.

The Court are concerned to observe

3

28.

the postponement of this Trial in which the prisoners concerned have been so long detained and they cannot pass over, without animadversion, the want of activity in procuring the writer of the deposition when it was found that the attesting witness was not forthcoming.

The Acting 3d Judge will submit

9

31.

an explanation why the evidence for which this Trial has been postponed was not earlier called for.

The Acting 3d Judge will call on

10

32.

upon the Criminal Court to explain what measures were adopted to procure the additional evidence required for the disposal of this case and why it was not procurable.

The exposition of the futwa in this case is

11

35.

not clear enough to enable the Court to decide as to the propriety of it, nor can they understand upon what construction of the Law the 2nd 3d 4th and 8th prisoners are to be released on the fact of their being concerned in No. 36, upon which grounds it is stated in the futwa

further they ought to be set at liberty. The Acting 3d Judge will pass sentence on the prisoners as if they were not concerned in a reserved case suspending however the execution of the sentence.—

36 12 The grounds of the decision for the reference of this case should have been stated under Circular Order 2nd September 1830.

Case 37 13 If there is not any thing against the 2d. 3d. 4th. 5th. 7th. 9th. and 10th. Prisoners in this case except their Talook confessions, as would appear from the Calendar, the security Bond, if entered into, should be cancelled, or the prisoners discharged if in confinement in default of finding it.—

40. 14 The same order applies to the case noted in the margin.—

15. The Court would further remark that escape from Custody being cognizable by the Criminal Court as pointed out by the Circular Order 13th July 1829 the Acting 3d Judge was not authorized to put the witnesses on their oaths and the commitment of the 2d. and 9th. witnesses was improper on that account. The Acting 3d Judge will therefore annul the sentence if any has been passed against them and order their discharge.—

In

41 16. In the absence of all explanation the sentence passed on the prisoner in this case appears severe. The Acting 3d Judge will therefore report the particulars of the case and the nature of the wound inflicted.

42. 17. If the Acting 3d Judge has not already pointed out to the committing Officer in this case the impropriety of the commitment he will do so now. There could have been no probability of the conviction of the prisoners from the doubt that must always attach to the evidence of a single person who may depose to the identification of 3 or 4 prisoners by torch light.—

The remark and order in case 37 on

43. 52. 13. the requisition of security from the Prisoners apply to these cases also.—

The order in case 32 applies to the

45. 19. case noted in the margin.—

The Court do not observe any sufficient

42. 55. 20. grounds upon which the Acting 3d Judge was justified in requiring security in these cases. The order therefore for the requisition should be at once withdrawn and the parties discharged if in confinement the Bond being cancelled if any should have been entered into.—

The order in case 36 applies to the

51. 21. case noted in the margin.

The

7th July 1834

67 22 The evidence in this case appears to the Court to have been quite insufficient for conviction and the Acting 3d Judge will notify this to the Officer who committed the case requiring his attention to the Circular Order 20th July 1824.

2d Special Calendar Case 1. 23 As regards this case it is observable that the Circular Order of the 6th August 1832 requiring individuals to be tried separately for Perjury has been overlooked, as well as that of the 6th February 1832 directing a copy of the indictment adopted as the arraignment under the Circular Order dated 31st January 1830 and 23d November 1826 to be entered in all Calendars.—

24 The Court of Jungdarree Udalut in conclusion would observe that several trials in the Calendar just brought under review have been obliged to be deferred from the defective proceedings in the Criminal Court. These defects however have been duly noticed by the Acting 3d Judge and the Court cannot omit to express here their satisfaction with the judicious attention of Mr. Baileau to the duties that devolved upon him in his Circuit as shewn in this Calendar which the Court consider deserving of high commendation.

Ordered, that Extract of these Proceedings be

7th July 1834

be sent to the Acting 3d Judge in the Centre Division for his information and guidance by Precept returnable without delay.—

(Sent following Precept No. 633.)—

At a Court of the Foujdaree Udalut

Present,

Wednesday 9th July 1834. John Bird Esqre acting 1st Puisne Judge,
Thomas Alexr Oakes Esqre acting 2d Puisne Judge,
Alexr Duncan Campbell Esqre acting Judge.

Read letter dated the 22d April 1834.
from the 3d Judge of Circuit in the Northern Division,
transmitting the Report prescribed by Section XXXVII.
Regulation XII 1802, for the 1st Sessions of 1833.
(Here enter No. 528)

In Para 9 of the above Report, the 3d Judge attributes the existence of famine, as the obvious cause of the vast increase of crime exhibited in the Calendars before him, & with reference to the previous state of the Country, as shewn in former Reports, there can be no doubt that he is correct. In such a state of things the exertions of the officers of Police, of which such favorable notice is taken in Para 12, is highly gratifying.

2. With reference to the observations of the 3d Judge in the latter part of para 13, the Court of Foujdaree Udalut would remark, that the Police officers' Report usually contains the information alluded to, and the standing orders of the 4th March 1822, the 29th April 1822, the 26th July 1823, and 18th November 1823. shew, that the Court have not been unmindful of this important subject. If the

the orders there referred to were not enforced the Court conclude that the 3d Judge under Circular Order 27th September 1824 required due attention to be paid to them.-

3 The Mortality noticed in the 14th Para and the Number of deaths which occurred amongst the prisoners committed for trial, as shewn in the table in the first Page of the Report, are lamentable in the extreme, pestilence and famine have [illegible] with destructive sway, and the only consolation to be derived is from the knowledge, as shewn in that and the 15th Para", that every exertion has been made, and that all practicable measures have been adopted to alleviate the distress-

4. In para 16 the 3d Judge refers to several cases of escape from Jail having been brought before him; and states that they were not vested with a character sufficiently important to be further noticed. He alludes afterwards to a case of breaking Jail to a considerable extent- As respects these cases the 3d Judge appears to have overlooked the Circular order of this Court of the 19th November 1832, in conformity with which, he should have submitted in his Circuit Report his opinion of the conduct of the parties entrusted with the care of the prisoners-

5. From the observation with which the 3d Judge has commenced the 19th Para of his Report, it would

would seem that the standing orders of the Foujdaree Adalut of 25th May 1823. paras 8. & 9. had not been regarded as carefully as the importance of the subject demanded- The 3d Judge will call the attention to it of the several Criminal Judges and Magistrates-

The Court consider worthy of

Para 6 was sent as Circular order No. 5.

6. general adoption the suggestion of the 3d Judge in para 19, that the Heads of Police should be directed to prepare with each extensive & important case, including several prisoners, a Table, for which however, the Court consider the annexed form, better adapted to the purpose than that proposed by the 3d Judge.- They accordingly resolve to issue instructions to the 4 Provincial Courts of Circuit, to direct the Magistrates to cause a statement in this form to be forwarded by the Police to the Criminal Court in each important case including more than one Prisoner-

The Court have had occasion

7. to notice the prevalence of the committal of prisoners on insufficient evidence in the Northern Division, as pointed out in paras 22, and 23 & again in para 35- It is clear that the standing orders of the Foujdaree Adalut on the subject, have not been so strictly observed in the Northern Division as

as they ought to have been; and they deem it improper therefore to direct the 3d Judge to enjoin the several Criminal Courts in the Northern Division, to observe the Circular order of 28th July 1829 duly, & to act upon the standing order of the 16th November 1831. It is the province of the Judges of Circuit to notice every irregularity of the lower Courts, and on every occasion to point out to the Criminal Courts the orders of this Court which they have not attended to. The adoption of the table recommended in paras 22 and 23 does not appear to the Court to be desirable, the observations of the 3d Judge in the first of these Paras is, in effect, that the Criminal Judges commit persons for trial without possessing a proper knowledge of the proceedings before them. It appears to the Court, that there is nothing wanting in the forms at present in use, and it need scarcely be observed, that any Officer ordering a commitment without due knowledge of the case before him, is unfit for his situation.

8. The adoption of the suggestion of the 3d Judge, contained in paras 24 and 25 would appear unnecessary under a strict observance of the Circular order 26th July 1823, para 35 of Circular order 28th October 1823 and of Circular order 18th November of the same year. It is obvious, that these orders must have escaped the recollection of the 3d Judge, and

as the Regulations require the Witnesses for the defence to be nominated before the Criminal Court, the Judges are not inclined to adopt the suggestions contained in para 34.

The Court coincide in the opinion
9 expressed by the 3d Judge in para 26, on the propriety of explaining all orders and sentences distinctly in open Court, in the language of the prisoners upon whom they may be passed; but as they have no reason to believe, that the practice is not universally observed, they do not consider any special orders on the subject to be necessary.

With reference to the remarks of the
10 3d Judge in para 26, it is only necessary to advert to the Circular Order of this Court of the 30th April 1824, strictly prohibiting Prisoners being "questioned "respecting their having on former occasions been "concerned in offences totally unconnected with the "charge under investigation;" and to the Circular Order of the 6th September 1823, by which a Criminal Judge committing a prisoner convicted at any former Sessions, is required to insert in the Calendar and the proceedings, the nature of the former offence, the date of the Sessions, as well as the former sentence.

With regard to the subject of Paras 28
11 the Court would observe, that the power of reference from the mitigation of punishment held by the Judge on Circuit

Circuit obviates, in a great degree, the evil alluded to in ordinary seasons; and that in times of peculiar scarcity such Circular orders have been, and may again be, issued, as appear to the Court of Foujdaree Adalut suited to meet the exigency.

12 The Court are of opinion, that it would be highly objectionable to authorize the proceeding proposed in para 33, and they cannot omit to express the expression of their astonishment, that an officer of the experience and standing in the service of the 3d Judge, should consider it agreeable to justice and equity to refresh the memory of a witness in any case.

13. With reference to the observations contained in Para 35, the Court would observe that it was not the intention of the legislature that the evidence for the defence should be taken in every case previous to commitment. The object of the enactment of Section II Regulation XIII 1832, was solely to prevent the unnecessary commitment of innocent persons. In cases, where there exist, on the face of the proceedings, grounds to suppose that the innocence of the persons accused might be obvious from the examination of the witnesses for the defence, it is the duty of the Criminal Judge to summon & examine them; but in other cases it is manifest, that the witnesses for the defence should

should never be examined until the Prisoner is put upon his trial.

14. Adverting to the subject of Para 36 the Court would refer to the provisions of Clause 2d Section VII Regulation VII 1827 which state, that the amount of security "shall be always fixed "with reference to the situation and circumstances "in life of the person from whom it is demanded, "as well as the cause for requiring it". The Circular order of the 6th September 1819 requires Circuit Judges to specify in the Calendars, if security be required the reasons for the requisition; and that of the 16th November 1833, enjoins every Criminal Judge to record specifically on a concise, but distinct note his order, or sentence, in each case in the Criminal Reports.

15. The Court would further point out that by their standing order of the 20th July 1829, a Circuit Judge on visiting a Jail is directed to call the Prisoners under requisition of security before him, and on their notifying their wishes to petition, the Criminal Judge is to cause the statements they may make to be drawn up, whilst under that of the 15th July 1830, a list is affixed, at the expiration of every Jail delivery in a conspicuous part of the Court House, of persons confined in default of security, specifying their names, places

9th July 1934.

places of abode, amount of security demanded, and term of imprisonment in default thereof.-

16 The Court are not prepared to support the views of the 3rd Judge explained in para 38. The subject having been so often discussed the Court do not consider it requisite to revert to it on the present occasion.-

Ordered, that copy of the Report, with Extract of these proceedings be sent to the Officiating Secretary to Government in the Judicial Department, for the purpose of being laid before the Right Honorable the Governor in Council.-

Sent to Govt. No. 109.

(Sent following letter No. 641)

Ordered also, that Paras 1. 2. 3. 4. 5. 7. 9. 10. 11. 12. 13. 14. 15. & 16 of these Proceedings be sent to the 3rd Judge of the Provincial Court of Circuit in the Northern Division for his information & guidance by Precept, returnable without delay.-

(Sent following Precept No. 642)

Ordered further that Para 6 be sent to the 4. Provincial Courts of Circuit for the information and guidance of the Magistrates, by Precept returnable without delay.-

Sent to Govt. No. 110. (Sent following Precept Nos. 643 & 644)

Form

Form of Statement to be forwarded by the Police to the Criminal Court in important cases where there are two or more Prisoners.-

Prisoners Names	Confessed or not.	Identified by	Articles in the house on the person of the Prisoners; found in the possession of-	Evidence of other witnesses bearing upon each Prisoner	Original Cause of their arrest-
A	Not	5th Witness	No 1 Knife 3rd Witness	1st 2nd 4th 6th Witnesses	Criminal Intimidation 2 Prisoners
B	Confessed.	Prosecution & 2nd Witness	No 2 Cloth 6th Witness	5th 3rd & 1st Witnesses	Identified by Prosecution
C	Confessed.	1st Witness.	Nothing	Prosecution & 1st Witness	Ag 1st Witness
D	Not.		No 3 a bag & Mats 5th Witness	4th 3rd & 1st Witnesses	No 3 found on him

Recd.

Read Return dated 27th Ultimo from the 2d Judge on Circuit in the Southern Division to Precept of the Foujdaree Adalut dated the 19th May 1834, desiring that the late Criminal Judge of Combaconum be called upon to explain, why the evidence of the Prisoner Appana Iyengar, case 13. Combaconum Calendar 1st Sessions of 1834. was omitted to be included in the Record of the Trial in Case No. 10. of the Calendar of the same Zillah for 2d Sessions of 1833.

(Here enter No. 846.)

Read Return dated 2d instant from the Acting 2d Judge late on Circuit in the Centre Division to precept of Foujdaree Adalut dated 16th Ultimo, conveying their observations and orders upon case No. 5 Chingleput Calendar, 2d Sessions of 1833.

(Here enter No. 859)

Read letter dated 30th Ultimo from the Provincial Court of Circuit in the Northern Division transmitting original Warrant issued in Case No. 31 on the 1st Nellore Calendar, 2d Sessions of 1833 with the return made thereto by the Criminal Judge of that Zillah.

(Here enter No. 863.)

Read letter dated 19th Ultimo from the 1st Judge of the Court of Circuit in the Northern Division, reporting that he has issued the usual proclamation to the Acting Criminal Judge of Nellore for opening the

the Sessions at that station on the 8th July 1834.

(Here enter No. 869)

Read Return dated 3d instant from the Acting 3d Judge on Circuit in the Centre Division to precept of Foujdaree Adalut dated the 23d Ultimo, conveying their observations on the proceedings of Case No. 48 Cuddapah Calendar 1st Sessions of 1834.

(Here enter No. 872)

Read Return dated 3d instant from the Acting 3d Judge on Circuit in the Centre Division to Precept of Foujdaree Adalut, dated the 26th Ultimo, sanctioning mitigation of punishment in behalf of 1st, 3d, 4th & 5th Prisoners in Case No. 8 Bellary Calendar 1st Sessions of 1834.

(Here enter No. 873)

Read Return dated 3d instant from the Acting 3d Judge on Circuit in the Centre Division to precept of Foujdaree Adalut dated the 26th Ultimo, sanctioning mitigation of punishment in favor of the Prisoner in Case No. 23 on the Bellary Calendar for the 1st Sessions of 1834.

(Here enter No. 874)

Read Return dated 28th Ultimo from the Provincial Court of Circuit in the Northern Division to Precept of the Foujdaree Adalut under date the 7th Ultimo communicating the Courts' sentence on the 2d, 3d & 8th Prisoners in Case No. 1. Nellore Calendar 1st Sessions

9th July 1834.

of 1834.

(Here enter No. 876.)

Read Return, dated 25th Ultimo, from the Provincial Court of Circuit in the Northern Division, to Precept of Foujdaree Udalut dated the 5th Ultimo, sanctioning a mitigation of punishment in Case No. 36. Nellore 1st Calendar, for the 2d Sessions of 1833.

(Here enter No. 878)

Read letter, dated 1st instant, from the Provincial Court of Circuit in the Western Division, forwarding Copies of four Calendars, three for the 1st and one for the 2d Quarterly Sessions 1834.

Copd.

(Here enter No. 884.)

F. R.

At a Court of the Foujdaree Udalut

Present,

Thursday
10th July 1834.

John Bird Esqr. Acting 1st Puisne Judge
Thomas Alexr. Oakes Esqr. Acting 2d Puisne Judge
Alexr. Duncan Campbell Esqr. Acting Judge.

Read Extract from the Minutes of Consultation of Government No. 881 under date the 12th November last, directing that copy of a letter from the Magistrate of Trichinopoly reporting on the System of Police in his District be furnished to this Court and the Board of Revenue respectively, with instructions "to consider "and report upon those suggestions of the Magis= "trate which fall within its pruvince."

(Here ente No. 1330 of 1833.)

1. In pursuance of these instructions the Court now proceed to take into consideration the foregoing letter from the Magistrate of Trichinopoly.

2. The Magistrate commences by stating that "the established System of Police "in (his) District differs in no material point "that (he is) aware of from that prevailing "in other Districts of this Presidency altho' in "operation it has certainly proved very inefficient."

3 It would appear to the Court that the introduction of the System of 1816 into the District of Teichiu poly has hitherto been little more than nominal; for, if the Statements contained in the Report of the late Acting Magistrate, which was renewed in this Courts proceedings of the 27th December 1832 be correct, the old System of Police, tho' formally abolished by law, still continues in practical operation in many important and objectionable particulars.-

4 It however the object of the present Report from the Magistrate is to introduce a more correct and efficient System, the Court abstain from commenting on the past, and confine their remarks to the future arrangements suggested by him.-

para 6 5 In explanation of the great inattention which has hitherto been paid by the Heads of Villages to their Police duties, the Magistrate particularly brings to notice as one of its causes, that in many large villages, the Office is held jointly by two, or more of the most wealthy of the inhabitants.-

6 The Court considers the System of vesting the Office of Village Moonsiff in two or more persons jointly, to be contrary to the Regulations

Regulations, and highly objectionable; as, in their opinion, unity is essential to all Village management, to prevent the disputes and altercations which must naturally ensue, from divided authority.- It appears to them to be desirable, in cases where equal rights, and claims may exist to the Office of head of the Village on the part of several individuals in the same place, that the Office of Moonsiff should be conferred yearly, in rotation, on those who are most fit.- This is the System pursued in the Ceded Districts, and elsewhere, in such cases, and there can be no objection to its adoption in Teicheu poly.-

7 The Court fully concur with the Magistrate that, to render the Office of Moonsiff, and in fact all other minor Police Offices really efficient, they must be adequately paid; and they doubt not Mr Blair's suggestions on this point, will meet with due attention in the Revenue Department.-

8 When once the several police Offices are placed upon a respectable footing, in this respect, the Court have no doubt that they will become objects of ambition to many members of the hereditary Heads of each

each Village; and that the difficulties which have hitherto been experienced in filling them will no longer be found to exist - From the Statement given in para 11, it appears that, out of 1193 Villages in Trichinopoly, the heads of only 376 act as Moonsiffs; and that in the remaining 817 Villages, from no emolument being attached to the Office, other individuals have been nominated, who cannot possess over the inferior Village Officers, the influence inseparable from hereditary Office. It is to this cause Mr Blair attributes their general inefficiency -

9 The Judges strongly recommend that Mr Blair be authorized to introduce into Trichinopoly the same System for remuneration the Village Police, as has been sanctioned by Government to be introduced into Tanjore, on the model of that existing in Coimbatore; and that all the subordinate Village Officers, especially the Talliars and watch-men, be placed entirely under the authority of the acknowledged Head of each Village -

10 With respect to the Kollay Cauelgars, often of the Cullar cast, the Court are decidedly of opinion that so long as they continue to receive their Remuneration in grain from

from the inhabitants alone, they will continue to consider themselves the private Servants of the Merasidars, rather than the police Officers of the public - For it is only by neglecting their public, in favor of their private functions, and attending to the personal interests of the Merasidars exclusively, that they can obtain from them payment of their precarious fees in grain - The Government have remedied this defect in other Districts, by resuming these fees, incorporating them with the land Revenue, and giving to the Village watchmen fixed Salaries, in money, in lieu of them - When once thus paid from the public treasury, the hereditary village watchman, turning from the Merasidars, looks up to the Magistrate and Collector, as his sole superior; and, under a vigilant Superintendence, becomes a check even upon the Head, and Accountant, as well as upon the other inhabitants of the Village, instead of their servile tool -

11 In Trichinopoly, the Village watchmen are stated to be very generally of the Vhaiuiey or Cullar cast - This is a peculiarity not confined to the Southern Provinces, but prevailing very generally throughout the territories under this Presidency; and liable as such men are to become the Scourge of the country,

under

when, by neglect, they are allowed to degenerate into the organizers and promoters of crime, their superior knowledge of individual character, and of localities, render them, when honest, the most efficient of all instruments for its prevention and discovery, in the hands of a vigilant Magistracy.- It is only necessary to make their remuneration, as public Officers, more lucrative, than their present dishonest gains, to convert into the most efficient and able protectors of the community, those who, by defective arrangements, are at present left too generally to prey upon society, free from any but their own control.-

12 The last means to effect this end fall more within the consideration of the revenue, than of the judicial authorities. On one of them however submitted in the 15th para of the report, this Court will offer a few observations.-

13 Mr Blair is of opinion that it should be made imperative on the Courts to adjudge immediate rewards to police officers, in all cases, however trifling, whether the accused are convicted, or not, if they are apprehended on sufficient grounds; and that when 1/2 or 2/3ds of property stolen is recovered these rewards should be proportioned

tioned to the nature of each case.-

If the emoluments of the inferior

14 police officers are placed on the improved footing above suggested, the Court are of opinion, that the Magistracy might be authorised to encourage the owners of stolen property, in all cases, to offer a handsome remuneration for its recovery; but they doubt whether any tax of this kind, established by authority, would do more than aggravate the present evil, sustained by the people from the general non recovery of stolen property.- The Judges are of opinion, that it would be highly objectionable to establish a system of indiscriminate extra-rewards, for the mere performance of prescribed ordinary duties.- where offenders are proclaimed by name, the rewards for their apprehension are payable under Section VI Regulation I 1818, immediately on their arrest.- But in other cases, the tribunal which finally disposed of the case can determine whether any meritorious Service has been performed by the police; and if generally acted on, the provisions in Section XXIII Regulation IX 1816 extended by Section X Regulation XII 1832. seem sufficient for this purpose.- Since the promulgation of Section III Regulation XIII 1832, the Circuit Court possess the power to remove any police officer for misconduct.-

The

15 The Court see no objection to the sug=
=gestion contained in the 18th para of Mr Blair's
report; and, should the Government think proper
to sanction it they will issue orders for its general
adoption.-

16 With reference to the observations
contained in para 15, it appears to the Judges that
in the Trichinopoly District no effect has yet
been given to the important provisions contained
in Section III Regulation IV 1821, which, there, remain
a dead letter. So long as this is the case, the District
Police must continue entirely inert. In lieu of the
new Servants proposed in para 18, it appears to
the Court that it is those mentioned in para
19, who ought to be duly organized as Sub-Officers
of Taluk police, on the System fully explained
in para 9 and of this Court's circular orders of the
10th March last.- But they never can become efficient
until their pay is placed on a more respectable
footing.- In no case should it be below 6 Pagodas
per mensem.-

17 On the 20th para of the report, the
Judges, referring to their previous remarks, will merely
observe that by Section X Regulation XIII 1832, both
the Magistracy and the Criminal Courts possess
the power originally vested only in the higher Courts,
to reward meritorious services by the police Officers.-

In

In the same para 20, and in that
18 which follows it, Mr Blair notices the evils produced
by the officers of District Police frequently forward=
=ing cases to the Criminal Court imperfectly investi=
=gated to avoid detaining the prisoners in the
Taluk more than 48 hours, as provided in Clause
4th Section XXVI Regulation XI 1816.-

This Court have invariably attached
19 and continue to attach the greatest importance
to the observance of this rule.- In explanation
of it, they remark that, so soon as the police officer
is satisfied of the guilt of the accused, notwithst=
=anding other prisoners remain to be apprehended,
or other witnesses to be examined he should
send off at once to the higher tribunal those
prisoners of whose guilt he is satisfied, with the
evidence already taken; stating that the rest
will be examined and forwarded afterwards.
But if he is unable to satisfy himself of the
guilt or innocence of the accused, in an intricate
and complicated case, within 48 hours, he is not
to forward the case in such an imperfect state
to the higher tribunal.- The Regulations do not
so much contemplate that no prisoner shall
ever be detained more than 48 hours; as that,
when unavoidably so detained, the most full
and satisfactory account must be given, to show
that such prolonged detention was absolutely
necessary.-

From

20 From para.ph 22 to the close of the Report the Magistrate advocates the abolition of the menKaielly, or black mail System; and the resumption of certain maaruum lands, held by some of the men-caviligars.-

21 The Judges greatly doubt the justice and policy of the latter measure. To resume the grants of land revenue alienated in favor of these men, would be to turn suddenly adrift, with their families, some of the most bold, influential, and turbulent persons in the country, who from their previous habits and connexions, would most probably degenerate into the organizers of bands of robbers.- Instead of this, it seems desirable to convert them into efficient officers of Police, by confirming them in these grants, on condition of the performance of police Service similar to that for which their tenures were originally granted. They might thus be usefully employed as sub officers of District Police. If they are entitled to any fees in grain, they should be accurately ascertained resumed, and a money payment granted in lieu of them. For, so long as any fees are allowed to be collected by this lawless class of men, they will extend them beyond their proper amount, and under the cover of such fees impose upon the country the scourge of black mail, very generally levied, under this pretence

pretence, upon the people in the Southern Districts. This is a System which the Government are bound to suppress with the whole weight of its power and authority, commuting, upon liberal terms, for money payments, all fees in grain, to which any unquestionable right may be established.-

Ordered, that Extract of these proceedings be sent to the Officiating 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. 648/ 4-10)

Read Return dated the 5th instant, from the Acting 2nd Judge on Circuit in the Centre Division to Precept of the Foujdaree Adalut under date the 18th Ultimo, conveying their observations upon the Cuddalore Calendar for the 2nd Sessions of 1833, and directing the Acting 2nd Judge to submit for their consideration, an English Translation of the Trial No. 24 on that Calendar.-

(Here enter S.C. No. 880 of 1834)

The Court directed that the above case should be submitted to them, because from the wording of the charge. They were not satisfied that wilful and Corrupt perjury had been committed by the Prisoner.-

A perusal of the Record has

confirmed

confirmed that opinion.-

They observe that to render a person liable to the penalties of the Law for perjury, under Regulation III of 1826 the contradictions in the two depositions must be direct and positive which is not the case in the depositions of the Prisoner in the above trial; and they are consequently of opinion that the prisoner is not punishable under the Regulation quoted.-

They accordingly resolve to issue orders to the Acting 2nd Judge on Circuit in the Centre Division, directing him to cause the immediate, and unconditional release of the Prisoner Loobaroyen.-

Ordered, that Extract from these proceedings be sent to the Acting 2d Judge on Circuit in the Centre Division for his information by Precept returnable without delay.-

(Sent following Precept No 649)

Read letters dated the 20th, 21st & 23d of June 1854 from the Acting 2d Judge on Circuit in the Northern Division, transmitting in three parts the Quarter Calendar 1st Sessions of 1854.-

(Here enter Nos 807-824 & 825)

Case 3

1 Independent of the testimony of the Prosecutor (which cannot be depended upon since he declared that he could recognize so many persons at such an hour and during such a scene) and of the Jahuk confessions of the prisoners, the evidence would appear to affect the 10th prisoner only. The depositions moreover of the absent witnesses not being available in this case the Court of Foujdaree Udalat deem it proper to require an English translation of the record of the trial to be submitted for their consideration the Sentence of the Court of Circuit being suspended pending the reference

Case 5

2 The Acting 2d Judge will also be pleased to report whether or not any Stolen property was proved to have been found in the house of the 2nd prisoner in this case, or to have been given up by him as otherwise the propriety of the conviction of the prisoner does not seem to be clear of all doubt - the evidence of the witnesses as to the identification of the prisoners having been shewn on the Calendar not to be entitled to much credit.-

Case 6.

3 With reference to the concluding remarks of the Acting 2d Judge on this case the Court trust that he will cause the fullest investigation to be made into the particulars of the transmission of the first prisoner to Jail.

Cases 8-14-38-47-48-

4 In the event of there being facts connected with these cases not shewn in the Calendar the Acting 2d Judge will inform the

the Court, but on due consideration of them as they stand in the Calendar and in the absence of explanation the Court of Foujdaree Udalut are of opinion that they are open to a mitigation of punishment in favor of the prisoners. They would accordingly suggest the propriety of the reference being now made. If however the Acting 2nd Judge should, on further deliberation continue to hold the same sentiments as when he recorded the Sentences he will submit English translations of the records of the trials suspending the execution of the Sentences pending the reference.

Case 9 5 The Acting 2d Judge will state for the information of this Court whether or not any specific article of the stolen property was found upon the prisoners concerned in this case respectively as the Sufficiency of the evidence for conviction would seem to rest on this fact.

17 6 The Calendar should have shewn what became of the 8th & 9th prisoners in this case

52-61-64-103-155 — 7 English translations of the records of the cases noted in the margin should be submitted without delay to this Court as from a consideration of the Calendar alone there appears room to doubt the correctness of the several convictions

30 8 In this case also English translation of the trial is requisite on the same grounds.

The

34-37-92 — 9 The conclusion of the order for requisition of Security in these cases in respect to the prisoners being worked in irons is unnecessary as the kind and degree of labor is left to the discretion of the Criminal Judge except in the cases alluded to in the latter part of Clause 1st Section XIII Regulation VI 1827.

4 10 The Court conclude that the Acting 2nd Judge pointed out to the Court Criminal Court the error adverted to in the concluding remarks on this case

75-114-123 — 11 With reference to the commitment of the prisoners in these cases on insufficient evidence the Court presume that the attention of the committing Officer has been directed to the Circular Order 20th July 1829.

95 12 The Calendar does not shew to the Satisfaction of the Court that there were grounds sufficient for requiring Security from the 4th and 5th prisoners, if therefore the Acting 2d Judge should have no explanation to offer the bond if entered into should be cancelled or otherwise the prisoners discharged.

99 13 In this case also a reference for mitigation of the prescribed punishment might be made with propriety The value of the property

robbed

robbed seems very trifling and as no material injury appears to have been sustained the punishment is decidedly excessive If the Acting 2d Judge should still be of opinion that the prescribed Sentence of 14 years imprisonment should not be reduced he will be pleased to furnish an English translation of the trial.-

Case 100 14 The Security required to be furnished by the 1st 3d 5th 6th & 8th prisoners in this case appears to the Court exceedingly high. They trust that the provisions of Clause 2d Section VII Regulation VI 1827 have not been overlooked and would suggest to the Acting 2d Judge that the amount of the Security might be greatly modified.-

102 15 The above remark applies to the first prisoner in case 102.-

116 16 If there is nothing beyond what is shewn in the Calendar against the third prisoner in this case the Acting Second Judge will transmit an English translation of the record of the trial, unless he may have some explanation to offer that may preclude the necessity of the reference.-

139 17 The Circular Order of the 6th January 1823 requires the copy of the warrant in this case

to be submitted to the Court of Fouzdaree Adalat for orders as to the district to which the Prisoner shall be banished.-

Case 152 18. The Court presume that under the Circular Order 29th April 1822 the instance of inattention to the provisions of Clause 5th Section XI Regulation XI 1816 in regard to the attestation of the first prisoner's confession in this case has been brought to the notice of the Magistrate by the Court of Circuit.-

19 With respect to case 146 and para 6 of the proceedings of the Acting 2d Judge the Court have to observe that if the prisoner's being able to write was material to the former issue, the Acting 2d Judge was hardly justified by the circumstances stated in para 6 of his proceedings to infer want of corrupt motive and that he should have proceeded to trial as it alone could enable him rightly to decide as to the motive.-

20 Under the circumstances adverted to in para 8 of the Acting 2d Judge's letter it will be proper for the Acting Joint Criminal Judge at Guntoor to apply without delay for special sanction for the additional expence thereon alluded to, as having been incurred by him for the furtherance of the Public Service.-

It

21. It is always desirable that references for mitigation of punishment should be made as soon as possible after the trials the Acting 2nd Judge will no longer therefore delay to forward the references of this nature which he proposes to make in nine cases of the Calendar just brought under review.

22-23-31-40-49-95-109 134-140.

22 In conclusion the Court would observe that in several cases in the Calendar there appears some confusion in the numbering of the prisoners. The Joint Criminal Judge should be instructed to be careful in future to avoid this and render his Calendars very distinct in this particular numbering the prisoners consecutively in each case & shewing in the event of any of the numbers being missing, what may have become of the prisoners.

Ordered that Extract of these proceedings be sent to the Acting 2nd Judge on Circuit in the Northern Division for his information and guidance by Precept returnable without delay.

/Sent following Precept No. 650/

Read letter dated the 30th Ultimo from the Provincial Court of Circuit in the Centre Division transmitting for the orders of the Joint Udalat a translation of the Record of a Case in which the Prisoner a Sheriff was charged with having abstracted money from the bag in which it was placed when deposited in the Treasury of the Tamalapooram Talook in the Zillah of Cuddapah and was by the Assistant Criminal Judge sentenced to 6 months imprisonment under Section XVII Regulation IX of 1822.

/Here enter No. 847 of 1834/

The Court having attentively considered the Record of the above case are of opinion that the evidence adduced is insufficient to establish the charge against the Prisoner Comalatamby and they accordingly direct that he be immediately and unconditionally released.

Ordered that Extract from these Proceedings be sent to the Provincial Court of Circuit in the Centre Division for the information and guidance of the Criminal Court at Cuddapah by Precept returnable without delay.

/Sent following Precept No. 651/

Read return by the late Officiating Judge on Circuit in the Northern Division to Precept of the 19th Ultimo conveying the Court's observations on the Vellore Calendar 1st Sessions of 1834.

/Here enter No. 826.

The forms prescribed by the Regulations

Para 3. Adalut, however common, should be observed, and if they are not it is necessary that the Court should notice the omission.

Work

10th July 1834.

21

2

Para 4 — return the Court of Sligo have to observe that a reference to what may be contained in the body of the Calendar does not fulfil the intention of the Circular Order 15th May 1832 requiring the extent of injury to be specified in the "Column of remarks" of the Calendar.—

Para 6. 3 The Court direct that a further return be made by the late Officiating Judge on the Subject of para 6 after he has examined the record.—

Para 7. 4 The Court cannot by any means admit that the remark of the late Officiating Judge in the Calendar conveyed to them the same impression as para 7 of his return now before them. The trial must be referred.—

"I think this a conviction upon the sole ground of the presumption evidenced by the contradictions and apparent inconsistencies in it, but no motive appears nor is alleged for selection on the part of the prosecutor that before the Court of Record is in the main to the same effect or that before the Circuit Court."

11 5. With regard to Para 11 it is to be observed that the order for the reference of the case in question originated in this Court not understanding from the Calendar that the late Officiating Judge concurred with his Law Officer in the conviction of the prisoners for cattle Stealing. The Court do not yet understand from the remark of the Officiating Judge that the 1st and 2nd prisoners were arraigned on the charge of subornation of forgery. If they were not, they cannot be convicted of that

do not

J.K.

10th July 1834

7

the latest offence. If they were arraigned for that crime the record of the trial must be referred for the consideration of the Law Officer of the Court before the Judge otherwise the reference is not necessary.

The observations of the late Officiating Judge contained in the 11th Para is correct. The remarks of the Sligo Calendar on Case No. 21 therein alluded to were an inadvertency.

Adverting to para 15 of the return, the Court must call in explanation of their former observations, that it was not intended by them to convey any reflection on the late Judge, but to express their concurrence in the opinion of the Officiating Judge at the close of the Assizes at the last of those being at the time unfinished and postponed to January trials.

Ordered, That Extract of these proceedings be sent to the Officiating Judge on Circuit in the Northern Division for his information and guidance by the next returnable post without delay.

Sent following precept No. 652

Read return dated 5th Instant from the Acting 3rd Judge on Circuit in the Leitrim Division to precept of Sligo Gaol Calendar dated the 2nd instant containing the observations of the Sligo Gaol Calendar, on the proceedings in Case No. 18

7

10th July 1834

2.

Kells

Read letter dated 1st Instant from the Crown Solicitor for the County of the Lordship of Kells transmitting Return of Persons committed to the Gaol of Kells for the Quarter ended 30th June 1834 /Here entd No 878/

Read letter dated 1st Instant from the Clerk of the Crown & Peace for the County of Kilkenny transmitting Return of Persons committed to the Gaol of Kilkenny for the Quarter ended 30th June 1834 /Here entd No 879/

Read letter dated 1st Instant from the Clerk of the Crown & Peace for the County of Wicklow transmitting Return of Persons committed to the Gaol of Wicklow for the Quarter ended 30th June 1834 /Here entd No 880/

Read letter dated 1st Instant from the Clerk of the Crown & Peace for the County of Waterford transmitting Return of Persons committed to the Gaol of Waterford for the Quarter ended 30th June 1834 /Here entd No 881/

Read return dated 30th Ultimo from the Provincial Court of Circuit in the Northern Division to precept of Tuydare Petty Sessions dated the 5th Ultimo transmitting a mitigation of punishment in case No 66 Kells Calendar 2d Sessions of 1833.

/Here entd No 882/

Read letter dated 7th Instant from the Acting 2d Judge on Circuit in the Leinster Division transmitting the Depositions taken before the Coroner on the Inquest held on the Body of Thomas Dunne who died in the Gaol of Kilkenny

Read letter dated 1st Instant from the 1st Judge on Circuit in the Munster Division transmitting Copies of the Crown Court Commission

10th July 1834

and Gaol Criminal Ledger Calendars for the 1st Sessions of 1834.

/Here entd No 885/

Read letter dated 23rd Ultimo from the Provincial Court of Circuit in the Northern Division transmitting the explanation called for by this Court proceedings on Criminal Reports for August 1833.

/Here entd No 891/

Read return dated 28th Ultimo from the Provincial Court of Circuit in the Northern Division to precept of Tuydare Petty Sessions dated the 7th Ultimo requiring the transmission of the Criminal Reports for the Months of January February and March 1834 made out or explanation why they have not been forwarded

/Here entd No 887/

Read return dated 25th Ultimo from the Provincial Court of Circuit in the Northern Division to precept of Tuydare Petty Sessions dated the 7th Ultimo transmitting a mitigation of punishment in case No 93 Kells Calendar 1st Sessions of 1834.

/Here entd No 880/

Read return dated 25th Ultimo from the Provincial Court of Circuit in the Northern

10th July 1834

Northern Division to precept of Tongdaree Udalut dated the 5th Ultimo sanctioning a mitigation of punishment in case of No 43 Nellore Calendar 2d Sessions of 1833.

(Here enter No 877)

Read return dated 21st Ultimo from the Provincial Court of Circuit in the Northern Division to precept of Tongdaree Udalut dated the 5th Ultimo sanctioning a mitigation of punishment in case of No 34 Nellore Calendar 2d Sessions of 1833.

(Here enter No 875)

Read return dated 21st Ultimo from the Provincial Court of Circuit in the Northern Division to precept of Tongdaree Udalut dated the 5th Ultimo communicating their sentence on the 10th Prisoner in Case No 52 Nellore Calendar 2d Sessions of 1833.

(Here enter No 879)

Fort St. George

At a Court of the Tongdaree Udalut

Present,

Saturday 12th July 1834. John Bird Esqre acting 1st Puisne Judge
Thomas Alexr Oakes Esqre acting 2d Puisne Judge
Alexr Duncan Campbell Esqre acting Judge.

Read letter, dated 23d Ultimo from the acting second Judge in Circuit in the Centre Division, submitting the record in Case No 58 on the Bellaree Calendar 2d Sessions of 1833.

(Here enter No 803)

The Court of Tongdaree 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-Cozat and Mooftees of the Tongdaree Udalut, confirm the said Futwa of the Cazee-ool-Cozat and Mooftees aforesaid, convicting the Prisoner Palias Thurravandoo of wilful Murder and awarding Hissaas, but being of opinion that there are alleviating circumstances in his case, they sentence him to be transported to such place beyond sea as 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 662)

Mr Bird
Mr Campbell

Read.

Read letter, dated 31st May last, from the 1st Judge in Circuit in the Western Division, submitting Case No. 1 Canara Calendar 1st Sessions of 1834.

(Vide enter No. 705.)

The Court of Foujdaree 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 Mooftees of the Foujdaree Adalut, confirm such part of the said Futwah of the Cazee-ool-Coozat and Mooftees aforesaid, as acquits the Prisoner,

Mr. Bird & Mr. Oakes.

3rd Pudmahilla,

but considering that strong suspicion, though not amounting to conviction attaches to him, they direct under clause Sixth, Section II Regulation XV of 1803, that he be required to find two Sureties in 150 Rupees each, for his good behaviour and appearance when required within three years, or that in default thereof he be detained for the years in confinement.

And further being of opinion that the proof against the prisoners

4th Pauday Caunloo

5th Dawoo

6th Callee

7th Matinga Shetty

is sufficient to convict them of the crime of Gang Robbery by open violence accompanied by murder, they do, under the authority with which they are vested by Clause First, Section II Regulation I of 1818, convict them thereof, and in conformity with the provisions of Clauses First & Fifth, Section IV, Regulation XV of 1803, sentence the said Prisoners to be transported to such place beyond Sea, as 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 their natural lives.

(Sent following letter No. 663)

1 It appears upon the face of these Proceedings, that the Criminal Judge, Mr. P. Grant, on the arrival of the Prisoners at the Criminal Court, took the confession of the 4th Prisoner in writing, before the Prosecutor had been examined on the subject of his charge.

2 From the evidence of the Goomastah, Simmapyah, it appears, that this confession was neither signed by the Prisoner at the time, nor attested by witnesses; that Mr. Grant having obtained the permission of the Foujdaree Adalut for the purpose, tendered a conditional pardon to the said Prisoner, when the latter refused to accede to the terms; and that Mr. Grant then caused the Prisoner to sign the

the deposition, and the latter to be attested, amongst other persons, by the 25th and 26th Witnesses, in whose presence it was signed; but who were not present at the time that the confession was uttered, and then brought it forward against him at the trial.

3 This is a proceeding so extraordinary and so completely at variance with every principle of Justice, that the Court deem it necessary to issue orders to the 1st Judge on Circuit in the Western Division directing him to call upon Mr. Grant to afford an explanation of his reasons for adopting such a course of Conduct.

4 The Court transmit herewith a "Certificate of Pardon" for the approver Coombe Joorma, and desire that it may be forwarded to the acting Criminal Judge of Jaffna.

(Here enter the Certificate of Pardon)

Ordered, that Extract from these Proceedings be forwarded to the 1st Judge on Circuit in the Western Division for his information and guidance by Precept, returnable without delay.

(Sent following Precept No. 664)

Read again Letter, dated the 6th May 1834, from the Officiating Judge on Circuit in the Northern Division, recommending a mitigation of the punishment to which the 1st Prisoner

Committed

convicted in Case No. 26 Nellore supplemental Calendar 1st Sessions of 1834 of Gang Robbery, has rendered himself liable.

(Here enter No. 676 of 1834).

Read also Return, dated the 23rd, and Supplemental Return dated the 30th Ultimo, from the Provincial Court of Circuit in the Northern Division to Precept of Toogdarce Adalut under date the 7th Ultimo, directing them to ascertain and report the age of the Prisoner in Case No. 26. Nellore Calendar 1st Sessions of 1834.

(Here enter No. 2434-383 of 1834)

It appears from the above Return

1 that the Prisoner in question is only 13 years of age.

The Court taking into consideration

2 the circumstances of the case, represented in the above Letter from the late Judge on Circuit, and the youth of the Prisoner, are of opinion, that the confinement which he has already undergone is a sufficient punishment for the offence of which he has been convicted.

3. They accordingly resolve to direct that the Prisoner in question be admonished, and released forthwith.

Ordered, that extract from these Proceedings be sent to the late Officiating Judge late on Circuit at Nellore, for his information by Precept

returnable

returnable without delay—

(Sent following Precept No. 665)

Read letter, dated the 2d instant, from the 2d Judge on Circuit, in the Southern Division, recommending a mitigation of the punishment to which the Prisoner, convicted in Case No. 12 Coimbatore Calendar Pt. Sessions of 1834, of Gang Robbery, has rendered himself liable—

(Here enter No. 886 of 1834)

The Court of Foujdaree Adalut, having maturely considered the circumstances of the case represented in the above letter, are of opinion that the ends of Justice will be attained by the infliction of a punishment milder than that proposed by the 2d Judge on Circuit in the Southern Division, and accordingly under Clause 3rd, Section III. Regulation I of 1825, sentence the Prisoner

"Palany"

to be imprisoned and kept to hard labour in irons on the public Roads or other public Works, for and during the period of Three (3) years—

Ordered, that Extract from these Proceedings be sent to the 2d Judge on Circuit in the Southern Division, for his information by Precept, returnable without delay—

(Sent following Precept No. 666)

Read letter, dated the 3d instant, from the 2d Judge on Circuit in the Southern Division, recommending

recommending a mitigation of the punishment to which the Prisoners convicted in Case No. 2 of the Coimbatore Calendar 1st Sessions of 1834, of theft have rendered themselves liable—

(Here enter No. 893 of 1834)

On a due consideration of all the circumstances of this case, the Court of Foujdaree Adalut are of opinion, that the mitigated sentence of one years imprisonment, proposed by the 2d Judge on Circuit in the Southern Division, is insufficient for the punishment of the prisoners in question; and they accordingly resolve to direct that the said prisoners be imprisoned and kept to hard labour in irons on the public Roads or other public works for and during the period of (2) two years—

Ordered, that extract from these proceedings be sent to the 2d Judge on Circuit in the Southern Division for his information by Precept returnable without delay—

(Sent following Precept No. 667)

Read letter, dated 29th May last, from the acting Judge on Circuit in the Southern Division, reporting the opening the 1st Sessions of 1834 at Coimbatore on the 23d instant—

(Here enter No. 633)

Read Return dated 30th Ultimo from the Provincial Court of Circuit in the Southern Division to Precept

of Foujdaree Udalut dated the 20th May last directing attention to their Precept of the 24th March last -

(Here enter No. 861.)

Read Return dated 7th instant from the Provincial Court of Circuit in the Southern Division to Precept of Foujdaree Udalut dated the 25th Ultimo, sanctioning mitigated punishment in behalf of the Prisoners in Case No. 60. Salem Calendar 1st Sessions of 1834.

(Here enter No. 904.)

Read letter dated 7th instant from the Acting 3d Judge on Circuit in the Centre Division, reporting his having opened the Sessions at Cuddapah-

(Here enter No. 905.)

Read letter, dated 7th instant from the 3d Judge on Circuit in the Southern Division, reporting that notice was sent to the Joint Criminal Judge of Tinnevelly, that the Sessions will be holden on the 2d Proximo -

(Here enter No. 909.)

F. W.

At a Court of the Foujdaree Udalut -

Present,

Wednesday 16th July 1834 - John Bird Esqre Acting 1st Puisne Judge
Thomas Alexr Oakes Esqr Acting 2nd Puisne Judge
Alexr Duncan Campbell Esqr Acting Judge -

Read return by the Provincial Court of Circuit in the Southern Division, to precept of the 13th Ultimo, conveying their observations and orders upon the Criminal Reports for the Southern Division for March 1834 -

(Here enter No. 966.)

With reference to the second Para of the above return, the Court of Foujdaree Udalut have to explain, that the observation and order conveyed in para 6 of their proceedings, were, as concluded by the Provincial Court of Circuit, intended to apply to Case 46 of the Tinnevelly Report, in which adequate enquiry into the truth of the charge against the prisoner did not appear to have been made by the Police Officer -

It was to the Supplemental Report in which this Case (46) was included, that para 5 of the proceedings of the Court of Foujdaree Udalut bore reference - The other Supplemental Report, in which Cases 24. 25. 26 and 27 of 1834 were entered was correctly transmitted with the other Reports -

Ordered

16th July 1834

Ordered, that Extract of these proceedings be sent to the Provincial Court of Circuit in the Southern Division for their information.—

(Sent in No. 668)

Read return by the late Officiating Judge on Circuit in the Northern Division to Precept of the 17th Ultimo, communicating the decision of this Court on the Nellore Calendar 2nd Sessions of 1833.—

(Here enter No. 301)

1. The Court do not concur in the opinion expressed by the Officiating Judge in para 1. of the above return, as to the virtual supersession of the Circular Order 6th September 1819 by that of the 19th June 1828, which on the contrary appears to them affirmative of it. After requiring Copies of the Futwas to be furnished with the Calendar, the order of the 19th June 1828 contains the following words. 2nd "that the "Judges of Circuit state succinctly and clearly "their opinion of the case, whether they concur "entirely in the futwa as to the guilt, or innocence "of the prisoner, but on different grounds and "what those grounds are." whilst the order of 16th "September 1819 runs thus. "They deem it proper "to direct, that in submitting future Calendars for "the information of the Foujdaree Adalut the "Judges

16th July 1834

"Judges of the several Courts of Circuit do in all cases "enter in abstract, not only the sentence declared in "the futwa but also the grounds whether of con- "fession of the evidence of credible witnesses or of "presumptive proof or of suspicion on which such "sentence is founded."

2. With reference to the concluding remark in the first para" of the return, the Judges would observe, that though the law quoted by the Circuit Judge clearly declares, that the sentence shall not be regulated by the amount stolen, yet the absence of all personal violence, combined with the smallness of the property robbed, has been considered as a just ground for mitigation of the established punishment.

3. With respect to para 4 of the return, the Court have to state, that the opinion of the present Judges of the Court of Foujdaree Adalut as to the validity of evidence of absent prosecutors and witnesses at trials before the Courts of Circuit is declared in the late Circular Order No. 3 of 1834.—

4. Under the explanation offered in Para 3, the Court do not require the reference of the case (No. 26) for mitigation

The

16th July 1834.

5. The following is the remark in the Calendar to which para 15 bears reference. "There is thus "no evidence before the Court that a robbery was "committed at all, except the confessions of the prisoners "of whom the 2nd, who was very properly released by the "Criminal Court, is deposed by the 1st. witness to have "been beat after having his arms tied; and other of "the prisoners appear to have been put in fear for "the same witness deposed that they prayed that "they might not be beaten and then confessed. "Confessions under such circumstances are obviously "worth nothing though repeated a few days afterwards "before the Criminal Court."

Ordered that Extract of these proceedings be sent to the late officiating Judge on Circuit in the Northern Division for his information and guidance.

(Sent in No. 669)

1. Mr. Wray late Additional Judge on Circuit in the Northern Division having been directed on the 8th of July last to proceed on Circuit to deliver the Jails of Vizagapatam and Chicacole announced his having opened the Sessions at the former station on the 5th of August last.

2. In a letter dated the 26th of September last, he reported his intention to leave Vizagapatam for Chicacole on that day, and on the 7th of October last

16th July 1834.

last he intimated to the Court of Foujdaree Adalut, that he had opened Sessions at the latter Station on the 3rd of that Month.

3. The Additional Judge subsequently reported having left Chicacole on the 20th of May, and announced his arrival at the Sudr Station on the 13th Instant.

4. On the 12th of last Month, Mr. Wray was called upon by precepts to account for having failed to submit his Calendars, to which on the 20th of the same Month he made return.

5. It is now very nearly a year since Mr. Wray opened Court at Vizagapatam, and nearly two Months since he closed the Sessions at Chicacole, but up to the present time, though his Calendar for Vizagapatam only has been recently received, neither his other calendar, nor a single referred trial from any communication respecting the duties of the Circuit, has been received from him, the Court have no means of judging from what circumstances a single Sessions occupied the Court of Circuit from the 7th of October to the 19th of May, being 7 Months and 19 days.

Ordered, accordingly, that these facts be specially brought to Mr. Wray's notice, and that he be informed, that unless some of the arrears of criminal business due from him reach this Court before the 1st August next; and this Court see a prospect of the speedy conclusion of the whole

they

16th July 1834. — they can no longer refrain from bringing his conduct to the special notice of the Government —

Ordered that Extract from these proceedings be sent to the Acting 3rd Judge of the Provincial Court of Circuit in the Northern Division for his information and guidance —

(Sent in No. 670)

At a Court of the Foujdaree Udalut.

Present.

Friday 18th July 1834.

John Bird Esqre Acting 1st Puisne Judge
Thomas Alexr Oakes Esqre Acting 2nd Puisne Judge.
Alexr Duncan Campbell Esqre Acting Judge.

Read again letter dated the 10th May last from the 2nd Judge on Circuit in the Southern Division, Submitting English and Persian translates of the record of trial No 2 Combaconum Calendar 1st Sessions 1834.

(Here enter No 621.)

Read also letter dated the 2nd Instant from the 2nd Judge on Circuit in the Southern Division, forwarding with reference to the Court's letter of the 7th Ultimo, a correct copy in red ink of the proceedings in Case No 2. Combaconum Supplemental Calendar 1st Sessions 1834.

(Here enter No 887.)

The Court of Foujdaree Udalut on a deliberate consideration of all the circumstances of the case as evidenced before them, being of opinion that the proof against the Prisoner

Ramalingaen

is sufficient to convict him of the crime of cruelly and dangerously wounding &c, under the authority with which they are vested by Clause first Section V Regulation V of 1818 and Clause third Section V Regulation VIII of 1831 convict him thereof and sen-

in conformity with the provisions of Clause second of the same Section declare their Law Officers to declare by a second future to what punishment the Prisoner would be liable if convicted on full legal evidence of that crime.

Answer.

In case of the said prisoner being convicted of that crime by the evidence [illegible] credible witnesses

He is liable to Rokoobut.

Mr Campbell.

Under the Sentence of Rokoobut declared in the Future, the Court of Foujdaree Udalut, sentence the prisoner

Ramalingum,

to be transported to such place beyond Sea, as 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 674)

The Prisoner Ramalingum has been convicted of the charge of severely and dangerously wounding three persons, who attempted to apprehend him, in pursuance of a proclamation issued after he had effected his escape from the Gaol in which he had been confined.

From the Future and warrants annexed to the Record of this case it appears further that the same prisoner was convicted in No 8 of the Combaconum Calendar for the 2d Sessions of 1828

of Gang Robbery in Nos 9 and 10 of existing Criminal Proceedings and in No 11 of a violent assault: and was in No 8 sentenced to 14 years imprisonment with hard labor in irons in which sentence those of the remaining cases merged.

In paras 12, 13, 14 and 15 of his letter addressing the Trial the Circuit Judge brings to the notice of the Court the desperate character of the Prisoner, and the means of corruption which he possesses and may use to facilitate his escape. Under these circumstances the Court resolve to instruct the 2d Judge on Circuit in the Southern Division to take the necessary measures for procuring a strong guard of Sepoys for the purpose of escorting, in conjunction with the requisite number of Peons, the Prisoner from Combaconum to Chingleput.

The Court further resolve to transmit copy of these proceedings with copy of paras 12, 13, 14 and 15 of Mr Dickinson's letter to the Officiating Secretary to Government in the Judicial Department; and at the same time to recommend, that the authorities of the place to which the Prisoners may be transported, may be requested to place him under special restraint; and observe such vigilant precautions, as may prevent the possibility of his return to the Country of which he has so long been the terror. Ordered that Extracts from these proceedings be sent to the Officiating Secretary to

18th July 1834

to Government in the Judicial Department for the purpose of being laid before the Right Honorable the Governor in Council.

(Sent in No 675)

Ordered also that Extract from these proceedings be sent to the 3d Judge on Circuit in the Southern Division for his information and guidance by precept returnable without delay.

(Sent following Precept No 676)

Read letter dated 16th January last from the Acting 3d Judge on Circuit in the Centre Division submitting the record of trial in Case No 33 Cuddapah Calendar 1st Sessions 1834

(Here enter No 833)

Mr Campbell.

The Court of Foujdaree 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 Cozat and Mooftee of the Foujdaree Adalut, confirm such part of the said futwa of the Cazee ool Cozat and Mooftee aforesaid as convicts the Prisoner

1st Nukoola Condasee.

and accordingly under the provisions of Clause third Section V Regulation VIII of 1831 and Clauses third and fifth Section IX, and Clause third Section VIII Regulation XV of 1803 Sentence the said prisoner to be banished to the District of Tinnevelly, there to be imprisoned and kept to hard labor in irons on the Public roads or other public works

No.
18th July 1834

works for the period of thirteen years.

And further being of opinion that the proof against the prisoner

2d Nunkala Undadoo.

is sufficient to convict him of the crime of Gang Robbery by open violence they do under the authority with which they are vested by Clause third Section V Regulation VIII of 1831 and Clause first Section II Regulation I of 1818 convict him thereof and in conformity with the provisions of Clause third Section XIII and Clauses third and fifth Section IX Regulation XV of 1803 Sentence the prisoner

2d Mundala Ulukadoo.

aforesaid to be banished to the district of Tinnevelly 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 thirteen years.

(Sent following letter No 677)

Read again letter dated the 29th April from the 3d Judge on Circuit in the Northern Division, transmitting the record in case No 96 Rajahmundry Calendar 1st Sessions 1833.

(Here enter No 563.)

Read also letter dated the 5th Instant from the late 3d Judge on Circuit in the Southern Division & precept of Foujdaree Adalut dated the 28th Ultimo remarking upon an important omission in the English translation of the indictment before

before the Court of Circuit in Case No 98 Regd.
Criminal Calendar 1st Sessions 1833.

(Here enter No 901.)

Mr Oakes
Mr Campbell

The Court of Foujdaree Adalut on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the prisoners

2d Gurrumsetty Venkatacoorlaroo
3d Singumsetty Venkadoo
4th Padagunah Pullalo
5th — D — Boollee
6th Mullo Boojugadoo
and
7th Umbaty Bummagah

is sufficient to convict them of the crime of murder committed in the prosecution of Gang Robbery by open violence, do under the authority with which they are vested by Clause first Section II Regulation I of 1818 convict them thereof and in conformity with the provisions of Clauses first and fifth Section IV Regulation XV of 1803 Sentence the prisoner

3d Singumsetty Venkadoo

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

2d Gurrumsetty Venkatacoorlaroo
4th Padagunah Pullalo
5th D — Boollee
6th Mullo Boojugadoo
and
7th Umbaty Bummagah

aforesaid, to be transported to such place beyond sea as the Governor in Council shall appoint there to be imprisoned

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 -

(Send following letter No 678)

Read letter dated the 17th Ultimo from the Acting 2d Judge on Circuit in the Centre Division transmitting the record in Case No 37 of the Cuddapah Calendar 2d Sessions 1833.

(Here enter No 766.)

The Court of Foujdaree 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 Foujdaree Adalut, confirm such part of the said futwa of the Cazee ool Coozat and Mooftee aforesaid as convicts the Prisoners

1st Mullala Chensoo.
2d Gunganaimm Nageredy
3d Nagella Chinnabbee
4th Bundy Nagadoo.
and
5th Nimmakayala Nanegadoo.

and accordingly under Clause third Section IV and Clause third Section VIII Regulation XV of 1803, Sentence them to banishment to the zillah of Tinnevelly 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 14 years.

And further being of opinion that the proof against the Prisoner

6th Nimmakayala Gallaygadoo.

is sufficient to convict him of the crime of Gang Robbery by open violence they do under the authority with which they are vested by Clause first Section II Regulation I of 1818 convict him thereof and in conformity with the provisions of Clause third Section IV and Clause third Section VIII Regulation XV of 1803, sentence the said prisoner

6th Nimmakayala Yellorgadoo.

to be banished to the Zillah of Trichinopoly 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 14 years.

(Sent following letter No 679)

Read return by the Provincial Court of Circuit in the Western Division to precept conveying the observations and orders of the Court of Foujdaree Udalut on the Criminal Reports of that Division for the month of March 1834.

(Here enter No 867)

1. With reference to the return of the Assistant Criminal Judge respecting Case No 29 of the Report No V from the Criminal Court of Canara, the Court have to explain that the order contained in para 7 of their proceedings on that case, was inadvertently issued, and need not be noted upon.

2. The Court await the return of the Native Criminal Judge of Canara regarding the 5th prisoner in Case No 7 of his Supplemental Report, which was the subject of remark in para 10 of the proceedings of this Court of the 13th Ultimo.

Ordered

Ordered that Extract from these proceedings be sent to the Provincial Court of Circuit in the Western Division for their information and guidance.

(Sent in No 680)

Read report prescribed by Section XXXVII Regulation VII 1802 dated 30th Ultimo for the 2nd Sessions of 1832 at Nellore and Guntoor, and for the 2nd Sessions of 1833 and 1st Sessions of 1834 at Nellore, submitted by the Acting 2nd Judge late on Circuit in the Northern Division.

(Here enter No 843)

The Acting 2nd Judge was authorized

1. by the Court of Foujdaree Udalut, to submit the prescribed report on the different Jail deliveries held by him in one letter, as it appeared, that he was not prepared with a distinct Report for each Sessions.

2. In the 2nd paragraph, the Court are gratified by observing, that the conduct of Mr Angelo, the Officer in charge of the Zillah Court at Guntoor is mentioned with approbation by the Acting 2nd Judge, for "the arrangement which he had "made to meet the vast influx of prisoners "without any thing deserving the name of a "Jail to keep them in."

3. The subject discussed in the 3rd

para

para of the report has been separately brought under the consideration of the Fouzdaree Udalut, and the Court have passed their orders on it. They deem it proper to submit a copy of them, under date the 19th Ultimo with these proceedings to Government.

The Court consider the suggestion offered in the 4th para, that the Criminal Court and the Officers of Police, should in all cases, where the prisoners do not confess, be required specifically to ask each prisoner where he was at the time the crime was committed &c. to be deserving of general adoption - It will, as the 2nd Judge observes, afford the best test of the value of an alibi, (the common defence set up,) upon which it is of so much importance that a correct decision should be formed; and the Court will accordingly issue Circular orders on the subject.

(Vide Circular Order No. 7)

5. Referring to the Acting 2nd Judge's proposition in para 5, that the Criminal Courts should be required to explain to a prisoner, the points of defence, or, mitigation, which it would be of use to him to establish. The Court observe, that, they have no reason to believe, that the Criminal Judges in general do not at present pay sufficient attention, to what may be urged by prisoners in their defence. The accused also has

has full liberty to cross-examine the prosecutor, and his witnesses in the Criminal Court; and every Judge therefore who attends to his duty, can scarcely fail to observe, and follow up by questions of his own, any important point in a prisoner's defence and thus be led to give him the necessary aid to establish his innocence. The Court of Fouzdaree Udalut are however of opinion, that the course proposed by the Acting 2nd Judge may occasionally be of use, in promoting the ends of justice; especially where the accused are of the lowest and most ignorant classes of the community. They accordingly resolve, by a circular order to direct, that previous to commitment, the presiding Officer do explain to the accused, the points of defence, or, in extenuation, which it may appear desirable for him to establish.

In the 6th 7th 8th and 10th paragraphs of his report, the Acting 2nd Judge, adverts to matters, which have been already provided for, by the orders of the Court of Fouzdaree Udalut of 4th March 1822 and 27th September 1824; and they desire that the attention of the Criminal Courts and Magistrates in the Northern Division may be drawn to them by Mr. Casamajor; this is at all times the

the duty of the Judge on Circuit, when he may observe any neglect by the subordinate Officers, as required by the Circular Order of 27th September 1924.

7. The Acting 2nd Judge remarks in para 9, on an abuse of authority by the lower class of police Officers, which, the Judges of the Foujdaree Udalut have reason to fear to be of common occurrence. The Court do not perceive, that the Acting 2nd Judge suggests any thing which might effectually repress the evil. The vigilant control of the Magistrate is at present, the only real check; and that must be but partial, till the people themselves have learned not to submit tamely to illegal and gross abuse of authority. The Court do not conceive that any practical benefit would result from the issue by them of an order on the subject; and think that the best remedy will be found in invariably calling the attention of the Magistrates to the abuses in every particular instance, which may come under the notice of the Court of Circuit.

8. In paras 12 and 13 the Acting 2nd Judge offers two suggestions, with the view of relieving the Courts of Circuit from a part of the labour now required from them. The Court agree with the Acting 2nd Judge in his

first suggestion; that all letters recommending mitigation of punishment be discontinued; and that such references be made in the form of remarks in the Calendars. The facts of the case will be brought more fully before the Court of Foujdaree Udalut by this arrangement; and they will be enabled more satisfactorily to form their opinion upon the propriety of the recommendation. They will accordingly give effect to the Acting 2nd Judge's suggestion, by a Circular Order.

(Vide Circular Order No. 6)

9. To the second suggestion, that the abstract of the evidence in referred cases be no longer required, the Court see strong objections. It involves the alteration of a practice of long standing, and considering the great importance of every thing which may aid the Court of Foujdaree Udalut, in arriving at a correct judgment in the cases referred for their final sentence, they are not prepared to approve the Acting 2nd Judge's proposition. It may be given in a condensed shape. But the Court are of opinion, that there are instances, where it may operate as a wholesome check upon the lower, as well as an important aid,

&c.

F. H.

18th July 1834.- to the Higher Court.-

10. In the 11th para, the Acting 2nd Judge notices the great impediments which at present arise to the despatch of business, from the deficiency of competent translators. The Court of Foujdaree Udalut consider it desirable, that the Acting 2nd Judge's observations should be communicated to the Board for the College and Public Instruction, as they are fully aware of the serious evil which this deficiency causes, and would hope that measures may be taken to remedy it.-

11. In the same paragraph, the Acting 2nd Judge reverts incidentally to the opinion expressed in his report at the close of the 1st Circuit of 1831, observing, that further experience has confirmed him in the view he then took of the defects of the present system for the administration of Criminal Justice.- The Court, unless directed by Government, conclude that it would be deemed objectionable for them to enter into this large and important question, and they refrain therefore from any discussion of the Acting 2nd Judge's opinions.-

Ordered, that Extract from these proceedings together with copy of the report therein referred to, and a copy of this Court's letter of the 18th

F. H.

18th July 1834.- 18th Ultimo, be sent to the Officiating Secretary to Government in the Judicial Department for the purpose of being laid before the Right Honorable the Governor in Council.-

sent to Govt. No 130. dated 25th Inst.

(Sent in No. 681)

Ordered also, that Extract from these proceedings be sent to the Acting 2nd Judge late on Circuit in the Northern Division for his information and guidance.-

sent Dated 25th July.

(Sent in No. 682)

Upon the suggestion of the Acting 2nd Judge late on Circuit in the Northern Division the Court of Foujdaree Udalut have determined; that in all cases where a Judge of Circuit is of opinion that mitigation of the penalty prescribed by law is required, he shall submit the report and statement directed in Clause Second Section III Regulation I of 1825, in the column of remarks in the Calendars; and that no distinct letter, or separate report, is to be hereafter furnished.- In their letter forwarding the Calendar the Circuit Judges will give a list of the cases in which mitigation is recommended in the following form.-

Circular No. 6 of 1834.-

"For mitigation vide Nos. 2-7-20-36 and 42-"

In reviewing the Calendar, the Court of Foujdaree Udalut will pass their orders on

F. H.
19th July 1834.-

in the cases recommended for mitigation.-

Ordered that Extract from these proceedings be sent to the 4 Provincial Courts of Circuit for their information and guidance - and to the Officiating Secretary to Government in the Judicial Department agreeably to the orders of Government of 24th June 1834.-

Sent to Govt. No. 118.

(Sent following Circular No. 683-683A)

Circular No. 7 of 1834.-

The Court of Foujdaree Adalut approving of the suggestion of the Acting 2 Judge late on Circuit in the Northern Division, contained in the 5th para of his report dated the 30th Ultimo, that "Police Officers who examine persons should be required in every instance in which the prisoner do not confess, to ask each prisoner where he was at the time when the crime he is accused of was committed, and for such period before and after it, as according to the distance and other attendant circumstances would establish the impossibility of his having been present" resolved to issue Circular instructions to this effect.

2. They accordingly direct, that the Police Officers be required invariably to put to each prisoner, who may deny the charge before them, the question; where were you on the day and hour specifying the time entered in the charge, on which the crime with which you are charged was committed.-

3. The Court also direct, that previous to

F. H.
19th July 1834.-

to the commitment of a person for trial before the Court of Circuit, the Criminal Court do explain to the accused, the points of defence, or in extenuation which it may appear desirable for him to establish.-

Ordered that Extract from these proceedings be sent to the 4 Provincial Courts of Circuit for their information and guidance, and that of the subordinate authorities, also to the Officiating Secretary to Government in the Judicial Department agreeably to the orders of Government dated the 24th June 1834.-

Sent to Govt. No. 119.

(Sent following Circular No. 684-685)

Read letter from the Provincial Court of Circuit in the Southern Division, forwarding copy of a letter from the Criminal Judge of Madura, respecting the precepts received by him under date the 12 Instant from the 3d Judge on Circuit, regarding the case of his Sherishtadar Gungaram Pillay.-

(Here enter No. 938)

The Servant in question appears to have been committed for trial, on two distinct charges, namely for Forgery, and for embezzlement.-

2. The provisions of Regulation VIII 1822 empower the Government to institute enquiries into any charges against their Servants, European, or Native, which they deem of sufficient importance to require investigation by a Commissioner under their

F. 96.

19 19th July 1834.

their own authority; but in no respect affect the trial, and punishment, of any Public Officer, for crimes punishable by the established tribunals, under the general provisions of the code, & the Mufsulman law. There appears therefore to be no occasion, in this instance, for any special order from the Government, or other authority, such as is alluded to by the 3rd Judge on Circuit.-

3. For forgery committed, under the view of the Court itself, the Criminal Judge was quite competent to commit the prisoner for trial under the circular orders of this Court of the 12th February 1834, without the intervention of the Magistracy - and a similar proceeding is authorized by Clause second for the crimes specified in Clause first of Section II Regulation XIII 1829.-

4. Though it is obviously most incongruous to refer to the Magistracy embezzlement committed under view of the Court itself, yet the Judges are of opinion, that the 3rd Judge of Circuit is correct in his opinion, that of this distinct crime, under the view hitherto taken of the law, the Criminal Courts do not possess primary cognizance.- The Criminal Judge must therefore, withdraw the Commitment on this part of the charge, and forward it to the Magistracy, after whose transmission of it to the Court, he will be enabled to

F. 96.

19th July 1834.- to commit it for trial before the Judge of Circuit.-

Ordered that Extract from these proceedings be sent to the Provincial Court of Circuit in the Southern Division for their information and guidance.-

(Sent in No. 686)

At a Court of the Fouzdaree Udalut

Present

Saturday 19th July 1834.

John Bird Esqre. Acting 1st Puisne Judge

Thomas Alexr. Oakes Esqre. Acting 2nd Puisne Judge

Alexr. Duncan Campbell Esqre. Acting Judge

Read letter dated the 12th Ultimo from the Provincial Court of Circuit in the Northern Division, transmitting the Criminal Reports prescribed by Section XXXV Regulation X of 1810 for the Month of February 1834.-

(Rere enter No. 855)

The Circular Order 6th November 1831.

Rest. X Chicacole 34. 35. 41. 42. 43.

1. appears to have escaped the attention of the Assistant Criminal Judge in charge, as in the cases noted in the margin, he has omitted to specify the grounds of his orders.-

The Court conclude, that the fact of

37.

2. this case having been forwarded without any evidence to support the charge, has been brought to the notice of the Magistrate under Circular Order 21st May 1823.-

These and other cases appear to

32. 39. 40 etc

3. have been sent up to the Criminal Court in a very imperfect state. The Provincial Court of Circuit will therefore communicate this to the Magistrate, and enjoin him to use his endeavours to secure the transmission of Criminal cases to the Court, in a more complete

19th July 1834.- complete form.-

Supplemental Report Case 109. 4. On this case, the Court passed their remarks in their proceedings on the Criminal Reports of January.-

Case 10. 5. The Magistrate should be requisited to explain, why the evidence called for on the 21st January could not be procured before the end of February.-

Cases Us 18. 19. 20. 6. The Provincial Court of Circuit will forward any explanation that the Assistant Criminal Judge in charge may have to offer of his delay till the 26th. and 27th. of February, to apply for the further evidence required in these Cases.-

32. 33. 7. The remark on cases 32. 33 4c. in the Report No. V. apply to these cases both having been sent up without the witnesses.-

Vegagapatam Report V. Case 16. 8. The charge as stated in the Report shews this to have been a case of housebreaking, and it should accordingly have been disposed of under Regulation XII 1822 instead of Regulation X 1816, for the Court conclude from the absence of any explanation that the charge was proved.-

Supplemental Report 6. 11. 13 / 33. 9. The Court await the return of the Provincial Court of Circuit to their former proceedings, on which notice has been taken of these cases. They trust however that they have been long since disposed of.-

Case 7. 34. 10. As far as the Court are enabled to judge from the report it appears that the Prosecutor in

19th July 1834.- in this case has rendered himself liable to the penalties of Perjury. The Provincial Court of Circuit will enquire fully into the circumstances of it, and if they see reason to believe that the proof is sufficient for conviction they will cause him to be committed on the charge of Perjury.-

Report 9. 11. The Court have to observe, that they are not yet in possession of the records of the three Trials entered in this Report. They presume that after the requisition made for them in the proceedings on the last Criminal Reports no time has been lost in preparing them for transmission.-

Rajahmundry Report V. Case 11a 12. This appears to the Court to have been clearly a committable case under Clause 2nd. Section II Regulation XII 1822 and should not have been disposed of by the Criminal Court unless the value of the property robbed in the commission of the crime of housebreaking was shewn to have been less than 100 Rupees. In the charge it is stated to be Rupees 161-2-0: and the deposition of the Prosecutor appears to have been to the same effect.-

case 15. 13. The grounds of the order for committing the prisoner should have been specified under the Circular Order 16th November 1831.-

Case 16. 14. The Court cannot pass over without animadversion, the unusual mode and

and form in which this case has been brought before the Criminal Court, and they are concerned to think that so long a time has, through the detention of these Reports, been allowed to elapse without a particular examination into the circumstances. They now deem it proper to direct that the Magistrate be required by the Provincial Court of Circuit to enter personally into the investigations of all the particulars connected with the case, and to make a special report on it for the information of this Court.

Rajahmundry Report XX

15. The Court observe, that the number of deaths among the Prisoners in the Months of February amounted to 17, and are much surprized that due explanation of the cause was not given in the Report under review, or in a Report which ought to have been furnished at the time, as required by the Circular order 12th July 1830.

Masulipatam Report X. Case. 32

16. The Court conclude that due notice was taken of the conduct of the Peon from whose custody the two first Prisoners made their escape.

Guntoor Supplemental Report. Cases. 553. 554. 569. 577. 591. 594. 602. 610. 630. 649. 650. 663.

17. The full explanation required by Circular Order 11th April 1832 has not been entered in the Report. The Prisoners in these cases have been so long awaiting the arrival of the evidence against them, that in justice to them, the Court are unwilling that they should be subjected to any further detention. The Provincial Court of

Circuit will accordingly ascertain whether the cases are still unexamined and if so direct them to be disposed of on the evidence that may be before the Criminal Court on the receipt of these orders. Wherever the explanation, waiting for further evidence, may be given, the Provincial Court of Circuit will instruct the subordinate Courts to specify the dates of the applications for it, in order to enable this Court to know the name of the Officer with whom the actual cause of delay rests.

Case 626. * Theft at midnight to the Amount of Rupees 50-12.

From the charge it would appear 18. that this case was cognizable by the Joint Criminal Court, but from the entry in the Column of "commitd" it is to be inferred that Gang Robbery, not theft, was the crime for which the first and Sixth Prisoners were committed for trial. The Provincial Court of Circuit will ascertain the fact, and issue the proper order, pointing at the same time the attention of the Acting Joint Criminal Judge to the Circular Order 5th July 1826 requiring a note of the circumstance to be given in the Report when the crime proved differs from that originally charged.

Cases 670 and 5/34

The impropriety of an order for the 19. imprisonment "with labor in irons" in default of a prisoners giving the required security has been pointed out to the Acting Joint Criminal Judge in former proceedings upon his Criminal Reports, and in the instances noted in the margin the

19th July 1834.

the orders passed by him to this effect should be examined.

Gunton Report & Case 13.

20. The remark and order in Case 670 of the Supplemental Report apply to this case in respect to the order requiring security from the 3rd prisoner.

11

21. The fact of this case having been sent up to the Joint Criminal Court without a "title of proof" should be communicated to the Magistrate under Circular Order 21st May 1823.

19.

22. There is nothing in the Report to shew why this case, in which the charge is for "theft" of Rupees 113—4—0 was committed for trial. The Provincial Court of Circuit will call for explanation and direct the disposal of it by the Criminal Court if it appears it is cognizable by it.

Nellore.

23. The Court are concerned to observe that so many as 30 prisoners were sick in the Jail in February. The "Statement of Labor" has been reviewed by the Court with much satisfaction as having been very productive.

Nellore Supplemental Report Case 277.

24. The grounds of committal should have been stated under Circular Order 16th November 1831. And also should have been entered explaining in what way the 3rd 7th and 10th prisoners had been disposed of. The Court have further to observe that a confession before the police, is not alone a sufficient ground for the requisition of security. the Provincial

19th July 1834.

Provincial Court of Circuit will therefore call for explanation on this head, and dispose the requisite order.

The above concluding remark and

333. 393. 576. 577.

25. order apply to Case 333 as respects the 7th prisoner to Case 393 as respects the first prisoner, and to the prisoner concerned in Cases 576 & 577.

The Court cannot pass over without

1442.

26. animadversion, the fact brought to their notice in this case of prisoners being detained in confinement from 29th August 1833 till 21st February 1834. without proof sufficient to justify even their being put on trial. The Provincial Court of Circuit will call upon the Magistrate under Circular Order 21st May 1823, to take due notice if upon enquiry, he may find the transmission of it in such an imperfect state to have been caused by negligence of duty. The Magistrate should also be required to explain the cause of the delay in the reply to the application for evidence.

The sentence on the 2nd prisoner

Case. 51/34

27. in this case is irregular. The Provincial Court of Circuit will point the attention of the Assistant Criminal Judge to the Circular Order 21st October 1830 regarding

19th July 1834.

requiring the corporal punishment to be inflicted until 2 Months after the sentence is passed, & whenever the imprisonment under such sentence exceeds three Months.

Nellore Report p. 29. Case 60.

This is another case which should be brought to the notice of the Magistrate under Circular Order 21st May 1823 as having been sent up without any evidence.

29. The Court await the transmission of the Criminal Reports for March, 2d April, and may still have from the Provincial Court of Circuit in the Northern Division.

30. They deem it proper in conclusion to notice with much approbation the great exertions made in the Criminal Court at Nellore to reduce the heavy arrears which had accumulated during the last half of the year 1833.

Ordered that Extract of these proceedings be sent to the Provincial Court of Circuit in the Northern Division by Precept returnable without delay for their information and guidance and for communication to the subordinate authorities of such parts as concern them.

(Sent following Precept No. 691)

Read return dated the 5th Instant from the Provincial Court of Circuit in the Centre Division

19th July 1834.

Division & precept dated 3[illegible] Ultimo, conveying the Court's observations and orders on the Criminal Reports for April last.

(Here enter No. 917)

Read letter, dated the 7th Instant from the Provincial Court of Circuit in the Northern Division, transmitting explanation of Criminal Judges and Magistrates to their observations in Provincial Court of Circuit's proceedings of 26th April last.

(Here enter No. 918)

Read letter, dated the 7th Instant from the Acting 3d Judge on Circuit in the Northern Division, reporting the opening of the 3d Quarterly Sessions of 1834 at Masulipatam.

(Here enter No. 915)

Read letter, dated the 7th Instant from the Acting 3d Judge of Circuit in the Northern Division, reporting the close of the 2nd Quarterly Sessions 1834 at Masulipatam.

(Here enter No. 916)

Read letter, dated the 2d Instant from the 3d Judge on Circuit in the Western Division, reporting the opening of the 2nd Sessions 1834 at Calicut.

(Here enter No. 923)

Read

19th July 1834.

Read letter dated the 11th Instant from the Provincial Court of Circuit in the Centre Division, forwarding copy of a letter from the Acting Joint Criminal Judge at Cuddalore relative to the number of Prisoners his Jail can contain.-

(Here enter No. 920)

Read letter dated the 7th Instant from the Provincial Court of Circuit in the Northern Division, submitting correspondence with the Register in charge of Pillah Court Chicacole with translations of depositions respecting the escape of two Prisoners, since re-apprehended.-

(Here enter No. 912)

Read return dated the 12th Instant from the Acting 3rd Judge of the Provincial Court of Circuit in the Centre Division, to precept of the 7th Instant, conveying the Court's observations and orders on the Billary Calendars for the 1st Sessions 1834.-

(Here enter No. 934)

Read return dated the 20th Ultimo from the Acting third Judge, late additional Judge of the Court of Circuit in the Northern Division, to precept of the 12th Instant, calling for the Calendars for the Sessions held in August and September last at Vizagapatam, and in October and

19th July 1834 and the following Month at Chicacole.-

(Here enter No. 805)

Read return dated the 12th Instant from the Acting 2nd Judge on Circuit in the Centre Division, to precept of the 30th Ultimo requiring explanation of an omission to conform to the Court's order of 3rd April 1828.-

(Here enter No. 933)

Read letter dated the 15th Instant, from the Provincial Court of Circuit in the Centre Division, forwarding copy of a return made by the Criminal Judge of Cuddapah.-

(Here enter No. 944.)

Read Return dated the 14th instant from the Acting 2nd Judge on Circuit in the Centre Division to Precept of Faujdary Adalut dated the 10th instant directing the immediate and unconditional release of the Prisoner Soobbarayen, in Case No. 24 Cuddalore Calendar 2nd Sessions of 1833.-

(Here enter No. 935)

J. H.

Ma Court of Sanjedaree Udalut.

Present,

Monday
21st July 1834.

John Bird Esqr. Acting 1st Puisne Judge,
Thomas Alex. Oakes Esqr. Acting 2nd Puisne Judge,
Alex. Duncan Campbell Esqr. Acting Judge,

Read again Petition presented by
Appajee Iyen, late Sahsildar of the Caroor
Talook in the Zillah of Coimbatore.
/Here enter Jus. Sel. No. 7 of 1834/

Read also Return dated the 30th
ultimo, from the Provincial Court of Circuit
in the Southern Division, to precept of the
Sanjearee Udalut under date the 24th March last,
calling for an explanation from the Magistrate
of Coimbatore of the circumstances which
led to the suspension of the Petitioner Appajee
Iyen, from his situation.
/Here enter J. H. No. 862 of 1834/

The Court having carefully
perused all the documents connected with the
case, and the explanation afforded by the Magis-
trate, are of opinion, that the Petitioner has
been dismissed upon insufficient grounds.

They decline however to issue
any order for his restoration, or, for the payment
to him of his salary, from the period of his

removal

removal from Office, because thought the Regulations empower the higher Courts to direct the removal of Police Officers they are silent as to their appointment, and the views of Government must such appointment in the Revenue Authorities as obliged to Report to them or to the Government the Petitioner may apply on their appointment

Ordered therefore that extract from these proceedings be furnished to the Petitioner upon his application

Ordered further, that extract from these proceedings be sent to the Provincial Court of Circuit for the Southern Division with instructions, to transmit a copy of it to the Magistrate of Coimbatore for the information of that Officer.

/Sentence N.o 36/

Read petition presented by Moodoo Kaitan under date the 2d Ultimo.

/Here enter Petn. No. 15 of 1834/

The Petitioner prays the Court to issue instructions to the Acting 2d Judge on Circuit in the Centre Division, to grant him a reward, alleged to have been promised by the Magistrate for his exertions in apprehending the prisoner in Case No. 65 Cuddalore Calendar; or to direct his employment

as a Talaiyk'karan.

2 The Petitioner has submitted his case to the Judge on Circuit before whom the case was tried, and as the Court doubt not, has given it due consideration, they see no cause for their interference.

Ordered accordingly that the prayer of the Petitioner be rejected, and extracts furnished to him on his application.

Read petition presented by Sooba Moottanna of the District of Tinnevelly

/Here enter Prin. Pet. No. 11 of 1834./

The object of this Petition is to induce the Court to issue orders for the release of the Petitioner's son the Zemindar of Singampetty in the District of Tinnevelly, and a prisoner in Case No. 10 Madura Calendar, 1st Sessions of 1834.

2 The Petitioner is informed, that the case of her son has already been duly disposed of, and that as he has been sentenced to suffer death no further orders are necessary.

Ordered, that extract from these proceedings be furnished to the Petitioner upon her application.

Read petition presented on the 5th Ultimo by Vencatappah of the Zillah of Chittoor.

/Here enter Prin. Pet. 33 of 1834./

The

The Petitioner alleges, that his
Brothers have been unjustly sentenced to 14 years
imprisonment by the Court of Circuit, and
prays this Court to call for the record of their
trial and to order their release.

Ordered that the petition be
rejected as inadmissible; the trial beyond
to being before the Court to be disposed of
in due course, and that Extract of these
proceedings be furnished to the Petitioner on
his application.

Read again petition presented
on the 5th May 1834 by Gouinderassy of the
Zillah of Nellore.

[Here enter Min. Pet. No. 34 of 1834.]

Read also Return dated the
4th instant, from the late officiating Judge
of the Provincial Court of Circuit in the
Northern Division, to precept of the 2nd Instant
Instant, under date the 2nd Ultimo, desiring
Mr. Cavenagh briefly to explain the ground
on which he declined committing the Petitioner
Gouinderassy to Bail.

[Here enter No. 779.]

The Court having perused the return of the
late officiating Judge on Circuit, that the case
in which the Petitioner is concerned, is an ag-
gravated Gang Robbery, and that, consequently
the late officiating Judge acted correctly in
declining to admit him to bail.

Ordered

Ordered therefore that the prayer of
this petition be rejected and that extract from
these proceedings be furnished to the Petitioner
upon his application.

Read petition presented on the 5th
May 1834 by Soobroya Pillay of the Zillah of
Combaconum.

[Here enter Min. Pet. 36 of 1834.]

The object of the above petition is
1 to obtain the order of the Court for the release
of five prisoners sentenced by the Court of
Circuit to 7 years imprisonment with hard
labour and stripes, one of them being the
nephew of the Petitioner.

There is no appeal from the sentence
2 of the Court of Circuit.

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

Read petition presented by Seppe-
roomia Cadien, and Soonachella Cadien.

[Here enter Min. Pet. No. 41 of 1834.]

The object of this petition is to
1 induce the Court to issue orders for the release,
after calling for and examining certain
witnesses in their behalf, of the three Prisoners
in case No. 45 Cuddalore Calendar 4th Sessions
of 1833, who having been convicted of Gang Robbery

attended

attended with aggravating circumstances were sentenced by the Sanjdaree Adalut to transportation for Life.-

2 The Petitioners are informed that the case of the Prisoners in question may dispose of by competent Authority, in conformity with the Regulations, and that the Sentence of the Court cannot be disturbed.

Ordered therefore, that the prayer of this petition be rejected, and that extract from these proceedings be furnished to Petitioners upon their application.-

Read petition presented by Mootteatucca of the Zillah of Chittoor.-

/Here enter this Pet. No. 42 of 1834/

The Petitioner is referred to the proceedings of this Court of the 4th ultimo, directing the immediate and unconditional release of her son, the prisoner Aroonachellum and the restoration to him of the Jewels taken from his house and deposited in the Zillah Court of Chittoor.-

Ordered therefore, that extract of the above, and of these proceedings, be furnished to the Petitioner upon her application.-

Read petition presented on the 5th June 1834 by Sashadry Reddy of the Zillah of Nellore.-

/Here enter No. 43 of 1834/

The

The object of the Petitioner is to obtain the Reversal of a Sentence of the Court of Circuit in a case in which he alleges that the Prisoners were unjustly released without punishment, as they were the parties concerned in the Robbery of his house and property.-

2 There is no appeal from the Sentence of a Court of Circuit, and moreover, in the present instance, the Calendar having been reviewed by this Court they have passed their orders on the case in question.

Ordered therefore, that the Petition be rejected, and that extract be furnished to the Petitioner on his application.-

Read petition presented on the 9th June 1834, by Coomarasawmy Pillay of the Zillah of Combaconum.-

/Here enter this Pet. No. 44 of 1834./

The object of this petition is to induce the Court, to issue orders for the release of Appoo Pillay, the 5th prisoner in case No. 4 Combaconum Calendar 1st Sessions of 1834, on the ground that the charge of Forgery on which he stood indicted before the Court of Circuit, is false and malicious.-

2 The Petitioner is informed that the Prisoner in question will be released upon his

his finding two sureties in the sum of 300 Rupees each for his future good conduct.-

Ordered, that extract from these proceedings be furnished to the Petitioner upon his application.-

Appajee Iyen moves the Court to return the enclosure in his Miscellaneous Petition No. 1 of 1834.-

Ordered accordingly.-

Read letter, dated the 17th June 1834 from the Provincial Court of Circuit in the Northern Division. Transmitting copies of reports from Criminal Courts and Magistrates regarding the Criminal Reports for the month of October last.-

(Here enter No. 911.)

Read letter, dated the 15th instant from the Acting 2d Judge on Circuit in the Centre Division. Reporting his intention to open the 1st Sessions of the present year at Ching leput, on the 11th proximo.-

(Here enter No. 936.)

Read letter, dated the 15th Instant from the 1st Judge on Circuit in the Northern Division, Reply to letter of Tanjore Udalut of the 5th Instant, regarding the opening of the Sessions at Vellore.-

(Here enter No. 948.)

No. 46.

At a Court of the Tanjore Udalut

Present

Tuesday 22d July 1834. John Bird Esqre. Acting 1st Puisne Judge,
Thomas Alexr. Oakes Esqre. Acting 2d Puisne Judge,
Alexr. Duncan Campbell Esqre. Acting Judge.

Read letter dated the 13th instant from the 3d Judge on Circuit in the Western Division recommending a mitigation of the punishment to which the Prisoners, convicted in Case No. 25. of the Malabar Calendar 2d Sessions of 1834. of Highway Robbery have rendered themselves liable.-

(Here enter No. 946 of 1834.)

The Court of Tanjore Udalut on a due consideration of all the circumstances of this case are of opinion that the mitigated sentence proposed by the 3d Judge on Circuit is insufficient for the punishment of the Prisoners in question.-

2 They accordingly direct that the 2d Prisoner be imprisoned and kept to hard labour in irons on the public Roads or other public Works for and during the period of (4) four years, and the Prisoners 1st - 3d - & 4th for and during the period of 3 years.-

Ordered, that extract from these proceedings be sent to the 3d Judge on Circuit in the Western Division for his information by Receipt Returnable

without

without delay-

(Sent following Precpt No. 705)

Read Minutes of Consultation under date the 8th instant, calling for the distinct and positive opinion of the Court of Sovjdaree Udalut, upon the 18th charge against the Moonsiff of Calegherry, and on the 6th charge against the Pleader Soobaraw, in the zillah Court of Nellore, investigated by the Commissioner, under Regulation VIII. 1822.

1. The Proofs in support of the 18th charge are contained in the papers 2. 3. and 4 enclosed in Mr. Casamajor's Report of the 30th April last, and the charge as entered in his previous Report of the 3d January last, was for "forcing parties, desirous "of filing Razeenamahs, to file answers first, in order "that he might retain the institution fee."-

2. The Commissioner, overlooking the concluding provisions of section VIII, Regulation VI, 1816 enacted expressly for the protection of Moonsiffs against unfounded charges, selected the suits specified in the paper No. 2, in which the answers were almost copies of the Razeenamahs; as "the likeliest to be the "cases in which, if at all the abuse alleged was "practised"- And in 20 of these in which alone the attendance of the defendants could be obtained, the result of his enquiry was, that in ten suits (not nine as stated by the Commissioner), viz. in Nos. 135 & 292

of

of 1832, and Nos. 5, 60, 78, 82, 90, 103, 119, and 142 of 1833, the defendants admitted, that "they filed their answers "of their own accord."- While in Nos. 205 of 1832, and Nos. 2. 24. 48. 35. 91. 94. 140. 156. and 163. of 1833, or also in ten suits, the defendants, upon oath, denied having given any answers at all, or, having either seen, or signed what purported to be such-

3. In these last ten cases the Commissioner observes, "the attesting witnesses and the person who "they declared read over the answer to the Defendants "before they signed them, were then summoned, and "confronted with the Defendants, having first "been examined upon Oath, and verified their signatures "on the answers; and swore that they saw the Defendants "sign them, after hearing them distinctly read over." He adds "in one of the cases, No. 96 of 1833 the reader and "attesting witnesses contradict one another, as to the place, "where the answer was read to, and signed by the "Defendants, but in the rest, there is nothing to shake "the testimony"-

4. It appears then, that in these 20 suits ten of the Defendants declared that they gave in the recorded answers of their own accord, and when the other ten denied upon oath having done so, the fact was proved in each case, by the sworn testimony of the two attesting witnesses, and of the reader of the answers respectively.

The

The Court would consider it extremely dangerous, to admit the principle, that the sworn testimony of three witnesses, which as the Commissioner observes was not shaken, except in a single instance, should be set aside, on the mere oath of the Defendants, parties necessarily interested, solely because these 3 witnesses appear to have been hangers on of the Moonsiffs' Cutcherry.— The circumstance of the similitude of the answer with the Rajeenamah, which led to the selection of the cases for investigation, is doubtless suspicious; but, as it was proved in ten cases, by the Defendants themselves, to have been accidental, it can hardly of itself be deemed unfavorable to the accused. The Officer making the local investigation has also, no doubt, the best means of weighing the value of the testimony given before him. But the Judges could not deem it safe, to infer, as the Commissioner appears to have done, that the answers in the ten suits, which are denied by the parties alleged to have given them, are forgeries, upon their single oaths; for no deed could ever be upheld, if the denial upon oath of the party executing it, is to invalidate the evidence of its two attesting witnesses, and of the third person who explained it, at the period of its execution.—

6 In the second sheet of No. 4, independently of the 20 suits before specified, the Commissioner

in some of the other suits, in which the defendants were not forthcoming, examined the Plaintiffs, as to the absent defendants having presented answers; but, though some of them speak directly against the Moonsiff, their is necessarily very questionable evidence, as to the acts of their legal opponents; and the 19th question to the third witness, shews the examination to have been occasionally conducted in a manner which this Court cannot approve.— The testimony as to these suits in which the defendants could not be found, is also not mentioned, either in the Commissioner's report, or in the defence of the accused, and the Court observe that the whole of this, and of the other evidence on the 18th charge is stated, in the 7th para of the Moonsiffs report, to have been taken in the absence of the accused.

7th Upon these grounds, the Judges are of opinion that the evidence is wholly insufficient legally to establish the 18th charge preferred against the Moonsiff.—

8 The Court have already in the 15th para of its' proceedings of the 17th June last recorded its opinion of the questionable nature of the document offered in support of the charge No. 6 against the pleader Lobaroo; and the other

ther evidence respecting it, is, in several points, so contradictory, that it does not appear to the Judges to justify conviction.-

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

Sent to Govt. No 125.

(Sent in No. 706)

Exd

Read letter, dated the 23d. of April last from the 3d. Judge of Circuit in the Western Division, transmitting the proceedings in trial No. 1, second additional Calendar of the Joint Criminal Judge of Malabar for the 1st Quarterly Sessions of 1834.

(Here enter No. 3944)

1 It appears from the proceedings held in this case that the Witnesses for the 1st 3d 5th & 6th Prisoners, have not been examined-

2 The Judges of the Foujdaree Adalut agree in opinion with the Provincial Court, and with the Judge who presided at the trial, that the Prisoners in question have, by their conduct, in refusing to name their Witnesses, before the Criminal Court, forfeited their right to have their examinations taken in their defence.- They cannot however avoid expressing their regret that, in a case of this description, where the lives of men are at stake, and where the conviction of the Prisoners, and especially that of the 1st Prisoner, rests almost exclusively upon the evidence of persons, who, by their own admissions, are implicated in the crime of murder, the Presiding Judge did not foresee how impossible it would be for this Court to take upon themselves the awful responsibility of passing sentence of death, upon men who have named Witnesses capable, as they maintain, of proving their innocence, without having before them the depositions of such witnesses.

3 The Judges deem it necessary to observe that altho' under Section II Regulation XIII. A.D. 1832. the Criminal Court has authority at its discretion, to take the examination for the defence in all cases; yet that the provisions of the Laws in question were not intended to operate to the disadvantage of the accused by compelling them to enter on their defence previously to the trial; but were enacted chiefly to prevent the necessity of commitments, where there could exist no probability of conviction, and for the protection of persons wrongfully accused, whose innocence might be made at once apparent by the examination of their witnesses, and who might in that case be immediately discharged.-

4 In the case in question, the only object in insisting upon the examination of the Witnesses for the Prisoners, was to prevent the possibility of their concocting false evidence, during the period which

22d July 1834.

which must elapse previous to the trial. It was not intended for the benefit of the accused; but it was expected rather to operate to their disadvantage.

5 The Judges see reason to believe that the Prisoners would not have declined to name their witnesses, had not the Joint Criminal Judge expressed his determination to examine them himself, and considering the zeal which that officer has taken in endeavouring, by every means in his power, to establish the charge against the accused, the Judges are disposed to think, that the Prisoners were not altogether inexcusable, in persevering in declining to have their witnesses examined before the Criminal Court.

6 The Court do not, by these observations intend to impute the slightest blame to Mr. Strange, on the contrary, the Judges are of opinion that the anxiety which that officer has manifested to further the ends of justice in every particular, connected with this trial, reflects the highest credit upon his talents, perseverance and judgment.

7 The Judges are of opinion, that it is most desirable that the 3d Judge himself should conduct the examinations which they desire to be taken of the Witnesses for the defence of the 1st, 3d and 5th Prisoners, and they hope that it will

will not materially impede the progress of the Circuit if they are held after the delivery of the Jail at Calicut, previous to the Sessions at Mangalore.

8 The Court desire, that the Witnesses specified in the defence of the Prisoners respectively whose names are written in the Margin may be summoned and examined in the presence of the Prisoners, to the points refered to in their respective depositions; and that as soon as they have been taken, the 3d Judge will transmit an English translate of his proceedings, and that he will briefly state, whether the evidence for the defence has made any alteration in the view which he has taken of the merits of the case.

9 The Judges do not deem it necessary that any Witnesses should be examined on the part of the 6th Prisoner.

Ordered, that Extract from these Proceedings be sent to the 3d Judge on Circuit in the

the Western Division for his information and guidance by Precept returnable without delay.

(Sent following Precept No. 707)

Read Return dated 16th instant from the Second Judge on Circuit in the Southern Division, to Precept of Foujdaree Udalut dated the 12th instant, Sanctioning Mitigated sentence in Case No. 2 Coimbatore Calendar 1st Sessions of 1834.

(Here enter No. 952.)

Read Return dated 16th instant from the Second Judge late on Circuit in the Southern Division to Precept of Foujdaree Udalut, dated the 12th instant Sanctioning Mitigated sentence in Case No. 12 Coimbatore Calendar 1st Sessions of 1834.

(Here enter No. 953.)

W.H.L.

At a Court of the Foujdaree Udalut.

Present

Wednesday 23d July 1834.

John Bird Esqr. Acting 1st Puisne Judge.
Thomas Alexr Oakes Esqr. Acting 2d Puisne Judge.
Alexr Duncan Campbell Esqr. Acting Judge.

Read Letter dated 29th January last from the Acting 3d Judge on Circuit in the Centre Division submitting the translate of proceedings in English & Persian in No. 2 of the Cuddapah Calendar 1st Sessions of 1834.

(Here enter No. 814.)

The Court of Foujdaree Udalut having

Mr. Oakes & Mr. Campbell

maturely considered the proceedings held before the Judge on Circuit, the Fatwa of the Provincial Law Officer and the Fatwa of the Cazee-ool-Coozat and Mooftees of the Foujdaree Udalut, confirm such part of the said Fatwa of the Cazee-ool-Coozat and Mooftees aforesaid, as convicts the prisoners.—

2d Kuncherla Radereegaudoo
3d Canungee Loobbadoo
4th Eedjapulla Rudreegaudoo
8th Gonakala Daseegaudoo
& 9th Eenguemsetty Nagadoo

and accordingly direct that they be imprisoned and kept to hard labour in irons on the public Roads or other public works

works for and during the period of 14 years
under the provisions of Clause Third Section IV
Regulation XV of 1803.

Mr. Bird
Mr. Oakes

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-Cozat and Mooftee of the Foujdaree Udalut, are of opinion that the Prisoners—

5th Klausa Bambogandoo
&
7th Goodumpullay Nursegandoo

are not convicted on presumptive proof, or on the evidence of credible Witnesses or on their own confessions, Notwithstanding the Futwa of their Law Officers.

But being of opinion that strong suspicion though not amounting to conviction attaches to them, they direct under clause sixth Section II Regulation XV of 1803, that they be required to find two sureties in 50 Rupees each surety, for their good behaviour and appearance when required within three years or that in default thereof they be detained for three years in Confinement.

(Sent following letter No. 711)

Read letter dated 5th February last from the acting 3d Judge on Circuit in the Centre Division submitting the English and Persian translations of the proceedings in Case No. 3. of the Cumlum for the 1st Calendar Sessions

Sessions of 1834.

(Here enter No. 823)

Mr. Bird.
Mr. Oakes.

The Court of Foujdaree Udalut, in a deliberate consideration of all the circumstances of the case, in evidence before them, being of opinion that the proof against the Prisoners.

"1st Puttra Nursegandoo"
and
"2d Puttra Vencatagandoo"

is sufficient to convict them of the crime of murder committed in the prosecution of Gang Robbery by open violence do under the authority with which they are vested by Clause First Section II Regulation I of 1818, convict them thereof, and in conformity with the provisions of Clauses First and Fifth, Section IV Regulation XV of 1803, sentence them to be transported to such place beyond sea, as 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 their natural lives.

(Sent following letter No. 712)

The Court of Foujdaree Udalut resolve to issue orders to the acting 3d Judge on Circuit in the Centre Division, directing him to ascertain and report the Number and condition of the deceased

Sookharedeys

Sobbareddy's family — in order that the necessary measures may be adopted for conferring upon them, the Reward, to which, had he survived, he would have been entitled; and which in the opinion of the Court, his spirited conduct, on the occasion of the attack upon the house of Rayahpoodee Chenchia has amply merited —

Ordered, that extract from these proceedings be sent to the acting 3rd Judge on Circuit in the Centre Division for his information and guidance by Precept returnable without delay —

(Sent following Precept No. 713)

Read letter dated the 30th Ultimo from the Provincial Court of Circuit in the Western Division transmitting the Criminal Reports prescribed by Section XXXV. Regulation X of 1816 for the Division for the Month of May 1834 —

(Here enter No. 906)

Malabar Supt. Report Case 102.

1 If there were no other grounds for suspicion against the 2d & 3d prisoners in this case than their uncorroborated Talook confessions, the

† F.H. prog. 8 May 1834.

Court have † ruled, that a confession before the Police is not of itself sufficient to justify the requisition of security. The Provincial Court of Circuit will therefore ascertain the fact, and issue the order that may be required, reporting it for the information of the Court of Sudder Udalut —

The

The circumstance of these prisoners

Malabar Supt. Report Case 126

(15-16-& 17.) having been forwarded to the Criminal Court, apparently on the mere implication by other prisoners, should be brought to the notice of the Magistrate under the Circular Order 25th May 1823 —

Case 167.

3 The Court conclude that there is a clerical error in the charge in this case, which states the 1st six prisoners to be before the Criminal Court for housebreaking, whereas the entry in the column "Released" shews that the 6. & 7th prisoners were included under one and the same charge —

4 The Court consider it due to the Criminal Judge to express their commendation of the exertions he has made, to dispose of the heavy arrears of criminal cases before his Court —

Malabar Report V. Case 168.

5 The Court have lately submitted to Government a proposition on the subject of accidental homicide, and they hope that eventually the prisoner in this case need not be brought to trial —

170

6 In the absence of all remark, the Court conclude that the evidence was not sufficient to bring the prosecutors in this case to trial for Perjury —

202.

7 With reference to the explanation of the Magistrate given in para 2 of his return to the Precept of the Provincial Court of Cuttack, respecting the detention of the prisoner in this case in the Talook, the Court would observe that the distance between the Jemalpooram Talook Cutcherry

and

3d Judge late Presiding is fully competent to dispose of his own authority, and should he be of opinion that the ends of Justice will be attained by the infliction of the punishment which he has proposed, he is at perfect liberty to pass that sentence, without the intervention of this Court - Reporting his sentence for the information of this Court.

Ordered that extract from these proceedings be sent to the 3d Judge late Presiding at the 1st Quarter Sessions of 1834 for the Western Division for his information, by Precept returnable without delay.

(Sent following Precept No 715)

Read letter dated the 19th February 1834 from the 3d Judge Presiding at the Court of Quarter Sessions Western Division transmitting, in conformity with the orders of the Court of Sudder Adalut, an English Translation of the Proceedings in trial No 1 of the sixth additional Calendar, 4th Quarterly Sessions of 1833, together with Copies of a communication dated the 8th of the same month, from the Joint Criminal Judge of Malabar, and of its accompaniment, containing his remarks on that case -

(Here enter No 320 of 1834)

A most attentive consideration of the above case, and of the Remarks upon it, submitted by the Presiding Judge, as well as of those of the Joint Criminal Judge

Judge, has satisfied the Court that the Presiding Judge could not have done otherwise than acquit the Prisoners, in which sentence they accordingly entirely concur.

2 The Court will not proceed to make any remarks upon the Trial, because the case has been disposed of, and after the very able and satisfactory exposition of the Presiding Judge any further observation upon it would be superfluous.

They deem it necessary however 3 to record their high approbation of Mr Anderson's ability, Judgment, and Temper, as evinced in his conduct of this Trial, his decision upon it, and his observations upon the whole case, which the reference of the Joint Criminal Judge of Malabar necessarily elicited - and which he has treated in a manner reflecting the highest credit upon himself, and giving him additional claims to the confidence of his Superiors.

The Court regret, that the Joint 4 Criminal Judge considered it his duty to interfere - They are at the same time convinced, that he was impelled to adopt the course he pursued, solely by a strong sense of public duty - and as he himself has assumed the Court from an anxious desire, that the Guilty should not be unpunished, or the innocent and defenceless deprived of protection

The

and the Magistrates office should have been specified—
without this information, the Court are unable to judge
whether or not there was any unnecessary or unusual
delay in the conveyance of the prisoner—

Honble Rept. V. Case 36. 8 Considering that the prisoner was a servant in the house where the theft, charged in this case, was committed, the sentence passed appears lenient—

Case 37 9 There should have been some explanation given why this case could not be at once disposed of—

N. C. Judge's Report V Case 31. 10 The entry in the column of explanation leaves room for doubt, as to whether the Native Criminal Judge is aware, that it is optional for him to examine the witnesses for the defence, or not. The Provincial Court of Circuit will explain this to the Native Criminal Judge if upon enquiry it appears that he has misapprehended the provision contained in Section II. Regulation XIII of 1832—

Case 32. 11 It should be pointed out to the Native Criminal Judge, that he was not competent to admit the 6th prisoner in this case to Bail, unless he had obtained the authority of the Court of Circuit—

Ordered, that extract of these proceedings be sent to the Provincial Court of Circuit in the Western Division for their information & guidance, & for communication to the subordinate authorities of such

such parts as concern them by Precept returnable without delay—

(Sent following) Precept No. 714)

Read letter dated the 6th May 1834, from the 3d Judge, late presiding at the First Quarter Sessions, Western Division, reporting the cases of the Prisoners in Nos. 2, 3, and 4 of the additional Calendar for the 1st Quarter Sessions of 1834 and recommending a sentence not extending to the full punishment authorized by the Law to be passed upon the Prisoners—

Cherroobally Coonjy Mayen & Chadospairy Cooyamood—

(Here enter No. 605 of 1834)

1 The Court observe that according to the confessions of the Prisoners themselves, they did every thing in their power to bring to an ignominious death, on a charge of murder, two men, who, they acknowledged that they knew were entirely innocent of the deed—

2 Under these circumstances, the Court are unable to concur with the Judge late Presiding, in the opinion which he has expressed: and so far from considering that the present case is one, in which a punishment more severe than that prescribed by Law, is called for, they deem the full punishment authorized, to be barely sufficient for the ends of Justice—

3 The case is one however, of which the

3d

F. H.

F. H.

23rd July 1834.

5. The Court deem it proper to direct that these observations be communicated to the Joint Criminal Judge.

Ordered, that extract from these proceedings be sent to the 3rd Judge late Presiding at the Quarter Sessions Western Division for his information.

(Sent in No. 716)

F. H.

In a Court of the Fouzdaree Udalut.

Present,

Friday, 25th July, 1834.

John Bird Esqr. Acting 1st Puisne Judge.

Thomas Alexr. Oakes Esqr. Acting 2nd Puisne Judge.

Alexr. Duncan Campbell Esqr. Acting Judge.

Read again letter, dated the 30th January last, from the 2nd Judge on Circuit in the Southern Division, transmitting the record in Case No. 5 of the Madura Calendar 1st Sessions 1834.

(Here enter No. 163.)

Read also letter, dated the 2nd Instant, from the 2nd Judge on Circuit in the Southern Division, forwarding with reference to this Court's letter of the 4th Ultimo a correct copy in red ink of the proceedings in Case No. 5 Madura Calendar 1st Sessions 1834.

(Here enter No. 888).

The Court of Fouzdaree Udalut on a deliberate consideration of all the circumstances of the Case in evidence before them, being of opinion that the proof against the prisoner,

Anunthapanaick,

is sufficient to convict him of the crime of Culpable Homicide do, direct their Law Officers to declare by a Decreed Futwa to what punishment the prisoner would be liable if convicted on full legal evidence of the above crime.—

Answer

F. 26.

25th July 1834.

Answer.

In case of the crime of culpable homicide being established against the said Prisoner, by the evidence of credible Witnesses, he is liable to a Deyut of 5,000 Dirhems, to be paid to the heirs of the deceased in 3 years.-

In commutation of the penalty of Deyut, declared in the foregoing Tutwa the Court of Foujdarry Adalut, sentence the Prisoner,

Arunthapanaick,

to be transported to such place beyond Sea, as 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. 728)

Read letter from the Acting Judge in the Provincial Court for the Centre Division, forwarding an English translation of the trial No. 1 of the Calendar for the 1st Quarter Sessions of 1834 at Chittoor.

(Here enter No. 622.)

Read also letter from the late officiating 2nd Judge of the Provincial Court of Circuit in the Centre Division at Tellicherry.

(Here enter No. 643)

After a most mature consideration

of

F. 26.

25th July 1834.

of the English record of the trial which accompanies the former of these letters, the Court record the following observations.-

2. It is stated by the 10th witness, a Talook Peon, that the two first Prisoners confessed, on the third day after they were handed over to the Tahsildar. The report states them to have appeared in the Talook at 6 on the evening of the 20th August, and their confession, though dated the 27th would thus appear to have been given on the 29th August. It is also stated by the same witness before the Criminal Court, that the six prisoners were given into his charge by the Head of Police of Palamanair, with directions to examine them, and that the 1st and 2nd Prisoners confessed before him previous to their examination before the Police Officer.-

3. This Statement ought to have been brought to the special notice of the Magistracy ordered accordingly, that the Provincial Court in the Centre Division be, by precept, commanded, to communicate to the Magistrate in the Northern Division of Arcot English translations of the depositions alluded to, in order that he may ascertain, and report, whether the Prisoners were made over to the 10th witness, and their examinations not taken before the Tahsildar until the third day of their appearance before him.-

4. Although these circumstances, in

the

25th July 1834.

the absence of explanation, might favor the plea of the first Prisoner before the Criminal Court, so that the 1st and 2nd Prisoners were mal treated, the evidence upon the trial is of a contrary tendency; and facts are stated in the confessions themselves, which strongly mark their authenticity. The Court allude particularly to the imputations against the females of the Prisoner's family, as connected criminally with the deceased, which never would have originated, with the two first prisoners, - if altogether unfounded. Their truth was at first supported by the wife of the 2nd Prisoner, before the Police; but she subsequently recanted. -

5. The 2nd Witness proved, that she was sent by the 2nd Prisoner, to the house of the deceased, with a message to him, requesting him to come that night to the 2nd Prisoner's house, and that the deceased was found murdered next morning.

6. The 6th and 7th witnesses proved that, from the spot where the corpse was found, to the 2nd Prisoner's house, there were marks of footsteps on the ground - and that as rain had fallen recently, they were distinct - The 6th witness before the Police expressly declared that some of these footsteps, corresponded with the feet of the 1st, 2nd and 6th Prisoners - Both of these two witnesses also proved, that the stick, which the Prosecutor proved the deceased to have taken with him

25th July 1834.

him, was found in the house of the 6th Prisoner, and that 4 stones near the house of the 2nd Prisoner were bloody. -

7. The 3d, 4th and 5th witnesses were together in a field, at the time of the murder - they all heard cries from the 2nd Prisoner's house - the 5th then sent the 3d and 4th to ascertain, whence these cries proceeded - and the 3d and 4th swore, that they were eye-witnesses to the murder, committed at the house of the 2nd, by the 1st and other Prisoners, the 2nd driving them away, by throwing stones - they returned to the 5th witness, and immediately told him what had occurred. -

8. Between the two eye witnesses before the Court of Circuit, there is little variance, except that the 4th witness deposes to the presence of the 3rd Prisoner, who is not specified by the 3d witness. -

9. It is true, that this last witness, before the Criminal Court, had previously sworn that he had not seen any of the prisoners; but only recognized them by their voices - It is however to be observed, that the Prosecutor proved that, the 2nd prisoner, in his confession before the Police, having accused this 3rd witness of aiding him in carrying away the corpse, "the Tahsildar struck him off the list of witnesses, and included him with the Prisoners." He was thus, in all probability, afraid, before the Criminal Court, to

gene-

give an account of the whole truth; and under the restraint which the 2nd Prisoner had placed upon him, he gave less candid evidence, when first released from fetters by the Criminal Court, than he did subsequently before the higher tribunal.-

10. This evidence appears to the Fayidaree Adalut ample for the conviction of the 1st and 2nd Prisoners at least, of a most atrocious murder- Yet it seems to have been thought so insufficient by the Presiding Judge, that he did not even put the Prisoners upon their defence.-

11. Under the foregoing view of this case, the Judges are of opinion that there has been a most lamentable failure of justice in this case, of most undoubted murder; and that the acquittal and release of the two first prisoners reflect most deeply upon the judgment of Mr. Nicholls, as a Judge of Circuit.-

12. The Judges are also of opinion, that there is a strong probability, that the depositions of the 3rd witness before the two Courts, though contradictory, were not dictated by corrupt motives, they see reason to lament Mr. Nicholls' precipitate trial and condemnation of him; and order that the Provincial Court in the Centre Division be required, by precept, to send up forthwith an English translation of the trial No. 1 of the Supplemental Calendar

Calendar for the 1st Quarter Sessions of 1834, in order to enable this Court to consider the propriety of remitting the rest of his sentence.-

Ordered further that the Provincial Court in the Centre Division, be by Precept, required to transmit a Copy of these Proceedings to the officiating Second Judge of the Provincial Court of Circuit in the Western Division for that officers information.-

(Sent following Precept No. 724)

Read letter, dated the 16th Instant, from the 3rd Judge on Circuit in the Southern Division, recommending a mitigation of the punishment to which the Prisoner convicted in case No. 16 on the Calendar of the present Madura Sessions of Perjury, has rendered himself liable.-

(Herewith F. 86. No. 962 of 1834)

The Court of Foydaree Adalut, on a due consideration of all the circumstances of the case represented in the above letter, are of opinion that the mitigated sentence recommended by the 3rd Judge on Circuit, is insufficient for the punishment of the Prisoner in question, and they accordingly direct that he be sentenced to such punishment, not below that prescribed by Law, as to the Circuit Judge may seem proper, with reference to the provisions of Clause first

25th July 1834.— first Section III. Regulation VI of 1811.—

Ordered that Extract from these proceedings be sent to the 3d Judge on Circuit, in the Southern Division for his information and guidance by precept, returnable without delay.—

(Sent following Precept No. 725)

Read Extract of proceedings from the Provincial Court of Circuit in the Centre Division, dated 7th June accompanying the Criminal Reports of the Division prescribed by Section XXV Regulation X of 1816 for the month of May 1834.—

(Here enter No. 907)

Chittoor. 1. The Court are concerned to observe, so many prisoners as 149 in 51 cases still undisposed of. Every effort must be used by the Acting Criminal Judge to reduce the arrears, which the Judges are persuaded can easily be accomplished, without any great exertion on the part of that officer.—

Supplemental Report Case 609. 2. The Court conclude, that communication has been made to the Magistrate of the averment of the prisoner, that he had been ill-treated by the Tasildar, in order that the truth, or falsehood of the allegation may be ascertained.—

Cases 64. 94. 132. 133. 134. and other Cases. 3 In the cases noted in the margin the full explanation required by the Circular Order of

25th July 1834.— of the 11th April 1832 has not been given. When cases are thus delayed, the dates of the applications for further evidence should be always specified in the Report, in order to enable the Court to form their opinions as to the best mode to be adopted to remove the actual cause of the detention of the cases before the Criminal Court.—

67. 110 4. The fact of the 7th prisoner in the case 67, and the prisoners from 4 to 17 in case 110 having been sent in merely on the criminations of others, should be notified to the Magistrate under the Circular Order 21st May 1823.—

145 5 With regard to case 145 the Court would observe, that as there appeared reason to suppose that this might be a committable case, it ought not to have been referred to the Sudr Ameen.—

Case 159. 6. The Court presume, that the circumstance of the date of the complaint having been altered has been brought to the notice of the Magistrate.—

Cuddapah Report & Case 113. 7 As far as the Court are enabled to judge from the Report, it appears that there were grounds sufficient to have warranted the prisoner in this case being committed for trial, and, provided he could not satisfactorily

account

account for himself on the evening of the 21st April, there was the greatest probability of his being convicted of the charge adduced against him.—

8. The records of the trials entered in Report No. 9 as 4, 5, 6, 11, 17 should be transmitted without delay.—

Cumbum. 9. The Reports in the Native language need not be forwarded in future — the English translation being considered sufficient.—

Bellare Supplemental Report 32 and 39. 10. The remark on Cases 64, 31, 132 &c. of the Chittoor Supplemental Report, apply to these cases which however differ from the former, inasmuch as the dates of application are given viz. 2nd June and 14th May. It should be explained, why so long a time was allowed to elapse, previous to applying for further evidence — and if any previous application was made it should have been notified in the Reports

11. Of the trials entered in Bellare's Report No. 9. the first alone has been received. The transmission of the others is expected without any further delay as they have been very long due.—

Chingleput 64 12 The cause of their being so many as 25 working prisoners sick at Chingleput out of only 262, should have been explained in the Statement.—

Report & Cases 134 and 135. 13 It appears to the Court that as these

Cases

cases were both before the Criminal Court at the same time the latter should have been placed and examined first, as the offence of escape is distinct from every other, and the punishment of it admitted in addition to any other sentence that may be passed. In the present instance however as the sentences in both cases are precisely the same, the only alteration that seems requisite, is, that in the 2 sentence in No. 135 the words "after the expiration of "the sentence awarded in the case No. 134" should be omitted, and in sentence No. 134 should be notified as taking effect at the expiration of the 4 months imprisonment for the offence in No. 135.—

Case 137 14. In this case it seems that certain Peons belonging to the Establishment of the Collector of Madras, whose attendance as witnesses was required, declined to appear, without the Collector's order — The Court coincide with the Provincial Court of Circuit in the opinion, that the Peons ought to have obeyed the summons immediately, without the delay of an application to the Collector; and they accordingly resolve to communicate this opinion to the Collector, through the Board of Revenue, in order that the recurrence of delay in any similar case may be obviated.

Ordered that Extract of these proceedings be sent to the Provincial Court of Circuit in the Centre Division for their information and guidance, and for communication of such parts to the subordinate

authorities

25th July 1834.

authorities as concern them respectively by precept, returnable without delay.—

(Sent following Precept No. 726/727

Read letter, dated the 16th Instant, from the 3d Judge on Circuit in the Southern Division, recommending a mitigation of the punishment to which the prisoners, convicted in case No. 19 of the Madura Calendar, of the present Sessions, of Forgery have rendered themselves liable.

(Here enter F.26. No. 961 of 1834.)

The Court of Foujdaree Udalut, on a due consideration of all the circumstances of the case, represented in the above letter, are of opinion, that the mitigated sentence proposed by the 3d Judge on Circuit is insufficient for the punishment of the Prisoners in question: and they accordingly direct that they be sentenced to such punishment not below that prescribed by Law, as to the Circuit Judge may seem proper, with reference to the provisions of Clause First Section III Regulation VII of 1811.—

Ordered, that Extract from these proceedings be sent to the 3d Judge on Circuit in the Southern Division for his information and guidance by Precept, returnable without delay.—

(Sent following Precept No. 728/

Read letter, dated the 4th Instant from the Acting 3d Judge on Circuit in the Northern

25th July 1834.

Northern Division transmitting the Vizagapatam Calendar for the 1st Sessions of 1833.—

(Here enter No. 962)

Case 1.

1. As the prisoners were apprehended on the 25th August 1832, the Circuit Judge should have endeavored to dispose of this case. Torture, as well as assault, was charged and this brought the case clearly within the jurisdiction of the Court of Circuit; but as the charge seems to have been exaggerated, the Court of Foujdaree Udalut will not disturb the order of the Acting 3d Judge who will, however report the sentence eventually passed on the prisoners. The Native Judge should be informed, that the Court of Foujdaree Udalut, consider that his commitment of the prisoners was quite correct.

Case 3.

2. As far as can be judged from the Calendar, this appears to have been a most serious case, involving gang robbery and rebellion, and it ought to have been disposed of by the Court of Circuit. Under all the circumstances however, the Court of Foujdaree Udalut adverting to the prisoner having been confined since September 1832, will not now disturb the order for its disposal by the lower Court, but direct that a report of the sentence passed may be made to it.—

4.

3 The Acting 3d Judge will afford explanation of the delay in closing

the

25th July 1834.—

the trial in this Case for a Month—As the evidence before the Court of Circuit doesnot impugn that given before the Criminal Court, it appears to the Court, that the propriety of the release of the prisoner is open to the strongest doubt, and they accordingly direct that an English translation of the record of the trial be submitted for their consideration without delay—

Case 5. 4. With reference to the concluding remark of the Acting 3d Judge in the Calendar, it would appear, that he could not have concurred in the futwa, which found the prisoner guilty of concealing the traces of a murder, of the commission of which the Circuit Judge states there was no proof. It will be requisite for him, under these circumstances, to refer the trial.—

Cases 6. and 7. 5 An English translation of the records of the trials of these two cases, is also requisite, to enable the Court of Foujdaree Adalut to ascertain, whether or not the depositions ought to be considered separate and distinct as they were given on the same day.—

13. 6. Although the Court of Foujdaree Adalut will not disturb the sentence, they observe, that this case was one involving transportation; for if the wounding in robbery

25th July 1834.— of this description is severe, it is not necessary as in cases of theft or house breaking that it should endanger life, to bring them within Clause 2d Section III Regulation XX of 1803.—

Case 15. 7. The Acting 3d Judge was in error in returning the record of this case for decision—the offence was committed at the same time and place and was therefore to form one charge—The error is the more to be lamented on account of the protracted detention in jail, of prisoners apprehended in November 1832, occasioned by it. The Circular Order 25th February 1829 appears to have totally escaped the attention of the Acting 3d Judge.—

16 8. Adverting to the Sentence on this case, which they will not however disturb, the Court of Foujdaree Adalut would observe, that in cases of this description where there is a gang thorough without arms, and tho' no injury may be proved, the punishment under the Regulations extends to 14 years' imprisonment.—

Case 18. 9. A separate letter explanatory of the disposal of cases, except in any special instance, is unnecessary, the explanation should be recorded in the column of remarks in the Calendar.—

Case 19. 10 As far as the Court of Foujdaree Adalut are enabled to judge from the Calendar, this case was one evidently of Gang Robbery and not

25th July 1834

not a simple house-breaking, the Acting 3d Judge will accordingly acquaint the Native Criminal Judge, that the Court of Foujdaree Udalut consider that he acted right in committing the prisoners for trial, unless indeed the Acting 3d Judge should have any explanation to offer, shewing the case to stand otherwise than as it is here stated.

Cases 23. 25. 11 There was no occasion for a 2nd futwa in either of these Cases, as they were provided for by Section IV Regulation XV of 1803. The attention of the Acting 3d Judge is directed to the Circular Order 23d April 1832 specifically on this subject.

25. 12 The Acting 3d Judge ought to have explained what was the nature of the personal evidence in this case: the evidence before the Criminal Court shews it to have been severe. The Acting 3d Judge will in future specify in the Calendar in similar cases, the degree of injury proved on the trial to have been inflicted, as required by Circular Order 15th May 1832.

29. 13 The Calendar does not shew to what points further evidence was required, or, whether it was to be expected; the Acting 3d Judge of Circuit will explain his order for additional evidence.

32. 14 In the absence of all explanation the

25th July 1834

the evidence in this case appears to have been sufficient for conviction - and the Court deem it proper to call for an English translation of the record of the trial. It is observable in this, and in some other cases in the Calendar under review, that the Circular Order of the 6th September 1819 has escaped the notice of the Acting 3d Judge; who should have entered in abstract not only the sentence declared in the futwa, but also the grounds of such sentence - specifying if security is required, the full reason for the requisition.

Case 42. 15 It does not appear to the Court that there was any reason to expect other evidence to be forthcoming in this case, and they consider that it should have been disposed of as it stood.

Ordered, that Extract of these proceedings be sent to the Acting 3d Judge on Circuit in the Northern Division for his information and guidance by Precept, returnable without delay.

(Sent following Precept No. 729)

Read letter, dated the 16th Instant from the 3d Judge on Circuit in the Southern Division, recommending a mitigation of the punishment to which the Prisoner convicted in case No. 12 of the Madura Calendar for the present Sessions of Perjury, has rendered himself liable.

(Here enter F. H. No. 963 of 1834)

F. Ub.

25th July 1834.

The Court of Foujdaree Udalut on a due consideration of all the circumstances of the case represented in the above letter, are of opinion that the mitigated sentence recommended by the 3rd Judge on Circuit, is insufficient for the punishment of the Prisoner in question: and they accordingly direct, that he be sentenced to such a punishment, not below that prescribed by law, as to the Circuit Judge may seem proper, with reference to the provisions of Clause First Section III Regulation VI of 1811.

Ordered, that Extract from these proceedings be sent to the 3rd Judge on Circuit in the Southern Division for his information and guidance by Precept, returnable without delay.

(Sent following Precept No. 730)

Read return, dated the 15th Instant, from the Provincial Court of Cicuit in the Centre Division, to precept of Foujdaree Udalut dated the 9th Instant, transmitting form of Statement to be forwarded by the Heads of Police to the Criminal Courts in important cases, where there are two or more prisoners.—

(Here enter No. 957.)

Read letter, dated the 16th Instant from

F. Ub.

25th July 1834.

from the Acting 3rd Judge on Circuit in the Centre Division, transmitting the death warrant in case No. 6 of the Cuddapah Calendar for the 1st Sessions 1834 with the usual report and urging the personal attendance of the Criminal Judge on all such occasions when no cause prevents.—

(Here enter No. 958)

Read letter, dated the 18th Instant, from the Provincial Court of Circuit in the Centre Division, transmitting with reference to the Proceedings of the Centre Provincial Court of the 29th January last, Copies of the Returns from the Magistrates of Cuddapah and South Arcot, and the Joint Magistrate in charge of Bellary.—

(Here enter No. 971)

Read letter, dated the 15th Instant, from the Acting 2nd Judge on Circuit in the Northern Division, stating his intention to leave Rajahmundry for Masulipatam on the 17th Instant.—

(Here enter No. 975.)

W
D & C

J. H.

At a Court of the Foujdaree Adaulut

Present,

Saturday 26th. July 1834

John Bird Esqre. acting 1st. Puisne Judge,
Thomas Alexr. Oakes Esqre. acting 2d. Puisne Judge
Alexr. Duncan Campbell Esqre. acting Judge.

L46
426

Read again report prescribed by section XXXVII Regulation VII of 1802 upon the 3d. Quarterly Sessions of 1833 Masulipatam zillah, received from the acting 2d. Judge, late 3d. Judge, on Circuit in the Northern Division.

(Here enter No. 254)

The acting 2d. Judge, in the 5th. & 6th. paragraphs, notices with disapprobation the delay which occurred in the transmission of the Calendars to him. He forwards also copies of his precepts to the Subordinate officers, which exonerate himself from all blame.

2 The Court are of opinion, that he should also have required, and transmitted some explanation from the officers, whose conduct was impugned. There can be no doubt, that there has been in the lower Court a degree of negligence, calling for reprehension; but it is not easy for this Court to know, to whom the fault attaches. The Joint Criminal Judge

Mr.

Mr. Brown, left the Court at the close of September, and was succeeded by Mr. R. Davidson as acting Joint criminal Judge. Precepts complaining of delay were directed to each of these Officers, and the Court now desire, that the acting 2d Judge will communicate to them the opinion of the Court of Foujdaree Adalut, that the omission duly to prepare and forward the Calen[illegible] reflects seriously upon them as public officers. They will submit to the Court, through the acting 2d Judge, any explanation they may have to offer on this point.

3

The Court cannot but notice with the expression of their displeasure, the instances of neglect of duty of the Joint Criminal Judge Mr. Brown, in committing the cases upon which the acting 2d Judge remarks in paras 8 and 9. In the one case, the Joint criminal Judge had, as observed in the report, the means at hand, in his own records, of proving the falsity of the charge; and he could not have attended to the provisions of Section II Regulation XIII of 1832 in the examination of this case, or have allowed the 5th Prisoner the ordinary opportunities of defence.

4

The Court direct, that these observations, with a copy of the acting 2d Judges remarks in paras

8 and 9 be communicated to Mr. Brown, with an intimation, that the Court will expect in future a more circumspect and careful performance of his duties.

The trial alluded to in para 10 was

5

that of two persons, for the purchase of 27 children, whom they were conveying to Hyderabad, for the purpose of domestick slavery. These children were bought during the late scarcity, at prices not exceeding two or three Rupees each, by a person belonging to a respectable family at Hyderabad, who had come to Masulipatam with other objects in view. Several of the female children were 13 or 14 years of age, none of them appeared to have been ill-treated and as they had perhaps been rescued from an untimely death, this Court deemed it sufficient to pass a sentence of 3 years imprisonment with labour without irons on the principal offender. the accessary, who acted merely as a cook, was acquitted and released. It reflects credit on the Magistracy to have repressed this offence by the successful seizure of the parties, and the restoration of the surviving children with one single exception to their relatives. There was no reason to believe that the few who died, were in any respect treated improperly.

In the observations of the Acting 2d Judge in para 13. the Court generally concur. It is of consequence however to bear in mind that a due exercise of the powers vested in Criminal Judges by section VII Regulation XIII of 1802 is of the first importance, in places circumstanced as Masulipatam where as shewn even by the Calendar now submitted perjury, and of course that species of prevarication which is spread greatly prevail.

Since the date of the Acting 2d Judge's report the suggestion in his former report to which he refers in para 17. has received the consideration of the Foujdaree Adalut, and been in part adopted. It forms No. 5. of the Circular Order of the Foujdaree Adalut under date the 9th Instant. and the Court trust that it will be found to produce all the benefit which the acting 2d Judge expects from it.

Ordered, that extract of these proceedings together with copy of the Report therein referred to, be sent to the Officiating Secretary to Government in the Judicial Department, for the purpose of being laid before the Right Honorable the Governor in Council.

Sent to Govt No 139.

(Sent in No. 741)

Ordered also, that extract from these proceedings be sent to the acting 2d Judge, late 3d Judge, on circuit in the Northern Division for his information and guidance.

WB
LHC
WD

(Sent in No. 742)

WF

Sept

F. 16.

At a Court of Foujdaree Adalut.

Present,

Monday
28th July 1834.

John Bird Esqr. Acting 1st Puisne Judge,
Thomas Alexr Oakes Esqr. Acting 2d Puisne Judge,
Alexr Duncan Campbell Esqr. Acting Judge,

WB
LHC
WD

Read petitions presented by Jungum
nay of the Zillah of Tinnevelly.

(Here enter Dist. Pet. No. 1035 of 1834.)

The Petitioner states that her son Edian Tauen, was murdered by the Zamindar of Sivagherry, and some other persons: and that in consequence of an application to the Judge of Circuit, the Magistrate of Tinnevelly received orders to apprehend the accused party, which was accordingly done: when the prisoners continued to bribe the Peons, the Prosecutrix (the widow of the deceased) and the witnesses: in consequence of which they gave before the Criminal Judge, depositions directly contrary to those which they had already given before the Magistrate: which induced the Criminal Judge to commit them to take their trial for Perjury, and to release the Prisoners.

The Petitioner a party, that she has yet

2

yet more witnesses who are able to substantiate her charge of murder, and she prays accordingly the Court to take her case into their consideration.

3 The Petitioner is informed, that if she actually have witnesses to prove her alleged charge of murder, she must represent the same to the Magistrate, whose duty it will be to investigate the case.

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

Sungummay moves the Court to furnish her with an attested copy of her Miscellaneous Petition No. 10 of 1834.

Ordered accordingly, upon production of the requisite stampt paper.

Read letter from the Acting 3d. Judge of Circuit in the Northern Division, with copy of the Masulipatam Calendar for the 2nd Quarter of 1834.

/Here enter No. 974./

1 In the previous part of a Calendar forwarded by Mr. Parker on the 28th May last he, that Officer reported 32 Cases to have been committed, whereas Mr. Ulrey's Calendar terminates with No. 31. he will therefore explain, what became of No. 32, which does not appear in Mr. Parker's second Calendar, forwarded in his letter of the 9th Instant.

In

2 In the case No. 22, if the evidence of the 3d. witness, to the Prisoner having himself pointed out the property was corroborated, the Judges conceive, that the testimony would have been sufficient for conviction.

With reference to the cases Nos. 24. 25. 26. 27. and 28 for perjury, it would appear, from the acting 3d. Judge's proceedings of the 1st July, that the only proof of malice on the part of the Prisoners in these cases, against the 5th. prisoner in the case No. 30 at the Sessions of 1833, was, what that 5th. prisoner, in that case, urged, in his defence upon the previous trial. If so, the Judges see strong grounds to doubt the propriety of these convictions for perjury; and, accordingly, direct that English translations of these trials be referred, unless the malice in question was established by unimpeached and distinct evidence.

In the case No. 29, the Judges

4 deem the evidence so strong against the prisoner, that they direct the Acting 3d. Judge to forward an English translation of that trial also.

Mr. Ulrey has already been informed that the grounds, upon which the Prisoners in each case are disposed of, must be entered in the Calendar and not in a separate paper

proper. The Court would further observe, that under the Head of "Remarks" in the Calendar there is not that detailed exposition of the Instructions and clear opinion of the Presiding Judge, which are enjoined by the Circular orders of the 6th September 1819 and 19th June 1828.

Ordered, that extract from these proceedings be sent to the Acting 3rd Judge on Circuit in the Northern Division for his information and guidance by first Post returnable without delay.

[Sent following precept No. 744]

Read letter dated the 24th instant from the 2nd Judge late on Circuit in the Southern Division, submitting a reference from the Acting Joint Criminal Judge of Tinnevelly, expressing his doubt, as to the legality of the warrant issued to him for the execution of the Prisoner No. 1 in No. 10 Madura Calendar 1st Sessions 1834.

[Here enter No. 1014]

The Acting Joint Criminal Judge grounds his doubt, upon the circumstance, that the murder for which the prisoner is condemned to suffer death, was committed without his jurisdiction; and that he is

1

is not therefore, under the provisions of Section XIII Regulation VIII of 1802, the proper Officer to carry the sentence into execution. The 2nd Judge observes, that he does not concur in the construction given to those provisions, by the Acting Joint Criminal Judge; and states in his opinion, that the Criminal Judge within whose jurisdiction the execution was to take place, was the proper Officer to carry the sentence of the Court of Sudder Adawlut into effect.

The Court in their warrant in No. 10 of the Madura Calendar 1st Sessions 1834 specially directed, that the spot at which the execution should take place, should be in the immediate vicinity of the prisoners usual place of Residence in Sumpulty in the District of Tinnevelly and be selected therefore by the Acting Joint Criminal Judge of Tinnevelly; they concur with the 3rd Judge that this Officer, within whose jurisdiction the execution is to be done, is under that warrant alone competent to enforce the orders of the Sudder Adawlut and they accordingly direct, that the 2nd Judge do issue instructions to the Acting Joint Criminal Judge to take immediate measures

measures for carrying the 1st Prisoner's sentence into execution, as commanded in the warrant of the Court.-

Ordered, that extract from these proceedings be sent to the 2d Judge late on Circuit in the Southern Division, with instructions to communicate directly with the acting Joint Criminal Judge of Tinnevelly.

/Sent in No. 745/

The Provincial Court of Circuit in the Southern Division having made no return to this Court's precept of the 14th April last, Ordered, that they be called upon to furnish the documents connected with Ram Sing's petition, which were required by the precept in question, without further delay.-

Ordered, that extract from these proceedings be sent to the Provincial Court of Circuit in the Southern Division by precept returnable within one week from and after its receipt.-

/Sent following precept No. 746/

Read letter dated 9th July 1834 from the 1st Judge on Circuit in the Northern Division, reporting the opening of the Sessions at Bellary.-

/Here enter No. 989./

Read return, dated 15th July 1834 from the Provincial Court of Circuit in the Western Division, to precept of the Tanjore Zillah dated 9th instant, transmitting form of a statement to be forwarded by the Head of Police to the Criminal Courts in important cases where there are two or more prisoners.-

/Here enter No. 978./

Read return, dated 17th July 1834 from the Provincial Court of Circuit in the Northern Division, —— to precept of Tanjore Zillah dated the 30th May last, circuiting a bag of Rupees produced by the 6th Prisoner, to be given up to the Prosecutor in case No. 80 Bellary 1st Calendar 2d Session of 1833, and a reward of 250 Rupees to be given to the said Prosecutor.-

/Here enter No. 990./

Read letter, dated 18th July 1834. from the 1st Judge on Circuit in the Western Division, reporting having altered the word Malabar in the Certificate of pardon which accompanied the Tanjore Court's precept of the 12th July 1834 to that of Canara.-

/Here enter No. 997./

Read

28th July 1834.

Read return dated 27th July 1834 from the Provincial Court of Circuit in the Southern Division, ——— to precept of Tanjore Udalut dated the 7th instant, conveying their observations and orders upon the Criminal Reports of the Division for the month of April last.

Ward
No.
D.O.
No.

Here enter No. 991.

Read Return dated the 21st instant from W. D. Davis Esqre Acting 2nd Judge of the Court of Circuit in the Centre Division to precept of the 18th Ultimo calling for the Report required by Section XXXVIII Regulation VII of 1802 for the 2nd Sessions of 1833 and for the 4th Quarterly Sessions of 1833.

(Here enter No 987)

J. No.

At a Court of the Tanjore Udalut

Present

Thursday 31st July 1834

John Bird Esqre Acting 1st Puisne Judge,
Thomas Alexr Oakes Esqre Acting 2nd Puisne Judge
Alexr Duncan Campbell Esqre Acting Judge

No.
D.O.
No.

Read letter dated the 16th July 1834 from the Provincial Court of Circuit in the Southern Division transmitting the Criminal Reports for the Month of May 1834.

(Here enter No 999)

In the first column of the Statement

Madura 1

of the Labor of prisoners at Madura, number 437 is entered as that of all the prisoners in the Jails & the Number of convicts and of those held to security is stated in column 4 to be 424 and the number of those committed, as shewn in the abstract, 31 the other having been released on Bail, the entry in the first column ought, it appears to the Court, to have been 455.

The Provincial Court of Circuit

Madura Supt. Report Dated 28th 39

2

will point out to the Criminal Judge, that in future cases similar to those noted in the margin, it will be satisfactory to the Court of Tanjore Udalut to receive an explanation respecting the disposal of them more in detail, than is given in the present instance.

Some

Combaconum 3 Some explanation should have been given in the Report, of the cause of there being so many as 40 out of 287 prisoners sick at Combaconum as appears from the statement of the labor of the prisoners.

Supt. Report Case 97 4. This case has been made the subject of remark by the Provincial Court of Circuit, and the Court of Foujdaree Udalut advert. to it, only to state, that it would be more satisfactory in similar cases, if the dates of application to the Magistrate were specified, in order to enable them to ascertain where, and to what extent the delay may be blamable.

Case 104. 5. The Court of Foujdaree Udalut having ruled (in their proceedings of 9th May 1834) that a police confession is not, of itself, sufficient to authorize a demand of security, the Provincial Court of Circuit will satisfy themselves, whether security has been thus demanded in the case 104, and if so will issue the appropriate orders for the release of the prisoner, or for the bond if given, to be cancelled.

Report V. Case 112. 6 As the prisoners arrived at the Criminal Court so early in the month as the 3d it should have been explained why the witnesses required for the disposal of case 112 could not be procured in 27 days.

From the statement of the labor of

Salem 7 prisoners it would appear that nearly one fifth of the prisoners included in column 4 were sick this is so large a proportion that some explanation of its cause should have been given.

The Amount of security required from

Salem Report V. Case 162. 9. the prisoner in this case (162) appears to the Court to be very high, and in all probability tantamount to a sentence of imprisonment for the period specified, unless the prisoner is a person of property. The Court accordingly direct the Provincial Court of Circuit to ascertain whether or not the provisions of Clause 2d Section VII Regulation VI of 1827 have been duly observed and to issue orders for the reduction of the security required if they then deem it proper to do so.

The same remark & order apply

163. 9 as to the 1st 3d 13th & 15th prisoners in case 163. as respects the high security demanded from them with regard however to the 13th & 15th prisoners it would appear, that even their confession before the Police is doubtful. It will be proper, therefore, that the Provincial Court of Circuit should satisfy themselves of the propriety of these two prisoners being detained in confinement at all, or of their being

being required to give security, and act accordingly.

Salem. Report V. Case 164. 10 With reference to para 32 of the proceedings of the Provincial Court of Circuit the Court of Saydaree Adalut consider that they should call up the proceedings in the case 164 and modifying the sentence, if necessary, report the result to this Court. It is not however clear that there is any thing beyond the Police confession in evidence against the prisoner, in which case the Provincial Court of Circuit will of course be guided by the opinion expressed in a former para of these proceedings upon case 163 of the Combaconum Supplemental Report.

166. 11 The Court of Saydaree Adalut entirely concur in the views taken by the Provincial Court of Circuit of the case 166, such petty cases ought not to be sent up to the Criminal Court, and the Provincial Court of Circuit will instruct the Magistrate of Salem to enjoin the police officers in his district to act according to the sentiments expressed in para 34 of the proceedings of the Provincial Court of Circuit.

Cases 179 & 190. 12 The Provincial Court of Circuit will proceed regarding these cases 179 & 190, in which very high security has been demanded from the prisoners, in the mode pointed out in respect to case 162 of this Report.

With

195. 13 With respect to case 195 the Court of Saydaree Adalut observe that the first charge was assault — the second forgery. It is not to be collected from the Report that either was proved, and they deem it proper to call for explanation of the grounds upon which the punishment was awarded against the prisoners. If the crime proved was different from the charge, it should have been distinctly specified in accordance with Circular order 4th July 1826.

Coimbatore Report V Case 131. 14 The remark & order on Case 166 of the Salem Report V apply equally to this case, and the same instructions should accordingly be issued to the Magistrate of Coimbatore — The Provincial Court of Circuit

15. will call upon the Magistrate of Tanjore to transmit monthly a statement of the labor of the prisoners under his charge, similar to that forwarded by the Magistrates of Salem and Trichinopoly.

The Court in conclusion have to

16 record their approbation of the satisfactory manner in which these Reports have been reviewed by the Provincial Court of Circuit.

Ordered that extract of these proceedings be sent to the Provincial Court of Circuit in the Southern Division for their information and guidance

guidance and for communication to the Subordinate authorities of such parts as concern them by Precept returnable without delay.-

(Sent following Precept No. 750)

Read letter dated the 9th May last from the Provincial Court of Circuit in the Western Division, transmitting the several printed statements for the half year ending the 31st of December 1833.

(Here enter No. 624)

The Magistrate of Malabar has omitted to enter under Column A No. 14. in statement No. 1. the Amount of the fines remitted to him by the District Police, as required by the 11th para of their orders circulated under date the 17th of June 1830; and the Judges of the Sudder Adalut desire, that he may be required to furnish this information thro the Provincial Court of Circuit in the Western Division.-

Ordered that extract from these proceedings be forwarded to the Provincial Court of Circuit in the Western Division by precept returnable without delay.-

(Sent following Precept No. 751).

Read Calendar submitted by the First Judge of the Provincial Court of Circuit in the Northern Division for the 2d Quarterly Sessions

Sessions of 1834.

(Here enter No. 988.)

The Court of Sudder Adalut have to observe, that the detail of evidence into which the 1st Judge has entered, for the purpose of pointing out the variations in the evidence before him from that given previously, is much greater than is required by the Circular Order 19th June 1828.

With reference to the return to the Joint Criminal Court by the 1st Judge of the cases noted in the Margin, it will be proper for him to point out to the acting Joint Criminal Judge, that the Court of Sudder Adalut deem it incumbent on them to notice with disapprobation the want of due investigation on his part into these cases & especially No. 10.-

9. 10. 16. 413.

Ordered that extract of these proceedings be sent to the 1st Judge of the Provincial Court of Circuit in the Northern Division for his information & guidance by Precept returnable without delay.-

(Sent following Precept No. 752)

Read letter dated the 19th instant, from the Acting 3d Judge on Circuit, in the Centre Division, recommending a mitigation of the punishment to which the Prisoners, convicted in Case No. 7 of the Cuddapah Calendar, for the present Sessions, of Gang Robbery

35th July 1834.

Robbery, have rendered themselves liable-

(Here enter No. 995 of 1834.)

The Court of Sujdaree Adalut, on a due consideration of all the circumstances of the case, represented in the above letter, are of opinion that the mitigated punishment of (5) five years, recommended by the acting 3d Judge, is insufficient for the punishment of the Prisoners in question, and accordingly direct that they be imprisoned & kept to hard labour in irons on the public roads or other public works, for and during the period of (7) Seven years.

Ordered that extract from these proceedings be sent to the acting 3d Judge on Circuit in the Centre Division, for his information by Precept returnable without delay-

(Sent following Precept No. 753)-

Read letter, from the Secretary to Government, transmitting extract from the Minutes of Council, under date the 22d February last, upon the Despatch from the Honorable Court of Directors, under date the 13th October 1831, in the Judicial Department.-

(Here enter No. 325 of 1834.)

2 The Judges have directed the preparation of the information called for in the 23d para

of the foregoing dispatch; and when it is prepared, will submit it to Government. They will also then submit any remarks which may be suggested by the Tables given in the previous paragraphs of this dispatch.

3 The Judges concur in opinion with the Government that there is no objection to the Criminal Judge transmitting direct to the Native Officers of Police, instead of through the Magistrate, a Memorandum requiring additional evidence, or indicating the point upon which further investigation is necessary; it being still open to him to bring the matter to the notice of the Magistrate, if the Police Officer should neglect to comply with his requisition. The Magistrate being enjoined to give instant attention to the representation of the Criminal Judge- and they resolve to recommend that in order to facilitate the speedy administration of criminal justice, circular orders to this effect be issued by this Court, and the express sanction of Government-

4 With reference to the observations in para 37. of the despatch, the Court remark that, by Section XII Regulation XII 1832, prevarication is now at once punishable by fine and imprisonment, a law which, if properly applied is likely to prove of the most beneficial and useful tendency-

5 Ordered, that paras, 38 to 43 inclusive of this despatch be communicated for the information

of the 4 Circuit Courts— The Judges of Circuit have already been instructed, on all occasions of postponing trials, to furnish the most ample explanation of the cause of adopting that course of proceeding— The delay in the Northern and Centre Divisions, in forwarding to this Court referible trials, after they have been concluded, has become an evil of great magnitude, requiring the most zealous exertions of the Judges of Circuit— Arises from the extraordinary Number of trials to be referred, in consequence of the vast increase of crime during the late famine, and the other laborious duties which devolve on the Judges in these two divisions, from the arrears of civil business that have accumulated during the same period.

6 The Judges have issued a circular order, with reference to the instructions in Para 3d, there will be no delay on the part of this Court, who on Monday the 28th instant had only 3 trials remaining undisposed of—

7 The Circuit Courts will perceive that the Home authorities are averse to the detention of prisoners on security, which should be restricted to cases where suspicion is violent, or the prisoners is of dangerous character— It is imperative on the lower Courts to assign satisfactory reasons for holding persons to security, and where those are insufficient this Court exercise the power vested in them, of overruling

ruling the order of the subordinate tribunal—

8 In reference to the orders of Government upon the subject discussed in para 41. to 42 of the despatch— the Judges remark that when this Court declared in their proceedings of the 11th November 1819 "that false imprisonment is a civil injury of "which the Magistrate could not legally take "cognizance," they alluded to a case of simple detention of a wife in confinement by her husband, and not to cases in which any personal injury is sustained by deprivation of food, maltreatment, torture, or other aggravating circumstances,— nor even to cases of false imprisonment, by persons possessing no legal controul over the party detained— Indeed, from the 22d para of the report from the acting Judge of Circuit in the Northern Division under date 3d Sept 1832, and the 17th para of this Courts proceedings of the 3d May 1832 submitting that reports to Government, it will be perceived that this Court subsequently held their proceedings of the 11th November 1819 alluded to by the Honorable Court to be superseded by their Circular orders of the 28th January 1828 and that they ruled that all cases of false imprisonment punishable by the Mussulman law, are cognizable by the Courts of Criminal Judicature—

9 As not only all cases of false imprisonment accompanied by personal injury, but

all

35th July 1834

all detention, by an unlawful authority, is punishable under the Mussulmaun law, any new enactment on this subject is entirely unnecessary.

Ordered that copy of para 53d be transmitted to the 4 Provincial Courts for communication to the Magistrates — who have been directed by a Circular order to submit the periodical reports therein required.

Ordered, that para 5. 6. 7. & 10 of these proceedings, with copy of the paragraphs of the Honorable Courts despatch therein referred to, be sent to the 4 Provincial Courts & Circuit for their information and guidance.

(Sent following Circular No. 754)

Ordered also that Extract of these proceedings be transmitted to the Officiating Secretary to Govt in the Judicial Department, for the purpose of being laid before the Right Honorable the Governor in Council —

(Sent in No. 755) —

Ord. to Govt 2. 140A

940

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