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Journal
Procès-verbaux
du Conseil
31 Décembre
53 1834

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A further return by the Ca

A Court

Friday
1st August 1834. John Byrd Esqr. Acting 1st Assistt

Thomas Alexr. Oakes Esqre. Acting 2d Assistt

Alexr. Duncan Campbell Esqre. Acting 3d

Read letter, dated 27th January 1834

from the Acting 3d Judge on Circuit in the Centre Zillah

submitting the proceedings in Case No. 38 of the Calendar

Calendar 1st Sessions of 1834.

(Vide enter No. 924.)

Mr. Oakes. The Court having duly and

maturely considered the proceedings held before

the Judge on Circuit, the Futwa

the Provincial Law

Officer, and the Futwa of the

Moofties of the Zoojdaree Adalut, confirming

of the said Futwa of the Cazee

Moofties aforesaid, as regards the Cri

5th Regt. Ram

15th Madras Native Infantry

12th Gooja Palon

But considering the strong Suspicion, though not

amounting to conviction attaches to them, they

direct, under Clause Third Section V Regulation VIII

of 1831 and Clause Sixth, Section II Regulation XIV of

1803, that they be severally required to find

Sureties in Rs. Rupees; each for

[illegible] and appearance when required or

In the 1st August 1834. on three years, or that in default thereof they be

detained for three years in confinement.

And further being of opinion that

the proof against the Prisoners

1st Nimmacayala Pedda Kistnadoo

2d Nachoopully Venkatadry

3d Canala Soobbadoo

4th Soorapully yellogandoo

5th Ramayanum Moonegandoo

6th Matchapully Peddiah

7th Ramenanee Nayudoo

8th Seelas Saheb

9th Goottee Peddabbee

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 Third Section V. Regulation VII of 1831, and Clause First, Section II Regulation I of 1813, unite them thereof, and in conformity with the provision Clause Second Section IV Regulation XV of 1803, sentence the said Prisoners to be transported to such place and see 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. 764)

Read

In the 1st August 1834

Read further return by the late officiating Judge late on Circuit in the Northern Division to Precept of 19th June 1834 [illegible] the observations and orders of [illegible] Court in the Nellore Calendar 1st Sessions of 1834.

(Here enter No. 949)

The late officiating Judge in the above return has transmitted a portion of the Calendar, and the original futwas respecting cases 51 & 52 of the Nellore Calendar 1st Sessions 1834 which were the subject of remark in paras 10 & 11 of the proceedings of the Court of Foujdaree Adalut of the 19th June 1834.

2 Under the explanation thus affords it appears that there is not the error supposed by the Court of Foujdaree Adalut to have been committed by the late officiating Judge in respect to these two cases, nor any variance from the original in the copy of the Futwa in case 52 transmitted with the Calendar.

Ordered, that Extract of these proceedings be sent to the late officiating Judge late on Circuit in the Northern Division for his information, and that the portion of the Calendar and the two original futwas, be returned to him, agreeably to his Request.

(Sent in No. 765)

Read

Read letter dated the 25th Ultimo from the acting 2d Judge on Circuit in the Centre Division, submitting the Report prescribed by Section XXXVII Regulation VII of 1802.

(Here enter No 987 of 1834.)

In the 13th para of the above Report, the acting 2d Judge on Circuit, observes "In the Jail at Chingleput, I was much struck with the extreme youth of Sadasiven the 3d Prisoner in Case No 1 of the Calendar of this gillah (Chingleput) for the 1st Sessions of 1833, who is no more than 9 years of age, and who has been sentenced by the Foujdaree Udalut to seven years imprisonment with hard labor in irons, and to receive 180 Lashes at the expiration of the time."

2 With reference to the foregoing remark, the Court deem it necessary to observe, that in the Record of the Trial, the Prisoner in question was represented to be a youth of about 12 years of age; whereas, it now appears, that, supposing the Circuit Judge's information to be correct, he could scarcely have reached his seventh year, at the time of the passing of the sentence.

3 Under these circumstances, the Court resolves to issue orders to the acting 2d Judge on Circuit in the Centre Division, directing him to desire the Criminal Judge of Chingleput, to ascertain and

and report without delay, the precise age of the Prisoner in question, and in the mean while to suspend the sentence, and to detain the prisoner in confinement without irons.

4 In the event of it appearing that the Prisoner is actually as young as he is represented to be by the Circuit Judge, the Court desire, that Mr Horsley be called upon to explain the reason why in the proceedings held before himself, he was entered as a youth of twelve years of age.

5 The Court further desire, that the acting 2d Judge on Circuit will instruct the Criminal Judge of Chingleput, to report for their information what has been the general conduct of the Prisoner since his imprisonment; and further to ascertain and report, whether in the event of his being released, he has friends who may be able and willing to receive him, and to place him in a situation in which he may be enabled to obtain an honest livelihood.

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 766)

Read

J. 11.

1st August 1834.

Read letter dated the 9th Ultimo from the acting 2d Judge on Circuit in the Centre Division submitting, in conformity with the Precept of the Foujdaree Adalut, under date the 29th October last, the English Translation of the proceedings in case No. 28 of the Cuddapah Calendar, for the 2d Sessions of 1833.

(Here enter No. 910 of 1834)

The Court having carefully examined the proceedings in the above case, are of opinion that though the evidence in this trial, is of the most conflicting nature, the weight of testimony is in favor of the prosecution; and that as the Tahsildar who sent in the case and the Judges, who committed and tried it, were best able to appreciate the value of the individual testimony given before them; the evidence in the defence, though strongly in favour of the prisoners, does not outweigh the positive evidence against them, or justify this Court, in disturbing the sentence passed by the late acting First Judge on Circuit in the Centre Division, and they desire accordingly that it be carried into execution

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. 767)

J. 16.

1st Augt. 1834.

Read letter dated the 24th 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. 9 of the Cuddapah Calendar, for the 2d Sessions of 1834 of Gang Robbery has rendered himself liable—

(Here enter No. 1008 of 1834)

The Court of Foujdaree Adalut, on a due consideration of all the circumstances of the case represented in the above letter, are of opinion that the Mitigated Sentence of 7 years proposed by the Acting 3d Judge on Circuit, is insufficient for the punishment of the Prisoner in question. They accordingly direct that he be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of (10) ten years-

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. 768)

J. C.

At a Court of Foujdaree Udalut.

Present,

Monday
4th August, 1834.

John Bird Esqr. Acting 1st Puisne Judge,

Do Thomas Alexr. Oakes Esqr. Acting 2nd Puisne Judge

Do Alexr. Duncan Campbell Esqr. Acting Judge

Read petition presented on the 16th September 1833, by Maharajah Pillay, Vakeel on behalf of Haree Coomara Boyee of the District of Tinnevelly.

(Here enter Mis. Pet. No. 78 of 1833)

Read also petitions presented on the 10th March and 5th May 1834 respectively by the same Party.

(Here enter Mis. Pets. Nos. 1631 of 1834.)

1 The subject matter of each of these three petitions is the same.

2 The Petitioner, by her Vakeel, prays the Court to issue orders to the Provincial Court of Circuit in the Southern Division, directing them to instruct the Magistrate of Tinnevelly to apprehend certain persons formerly released by the Criminal Judge and others, who have not been before apprehended, upon whom she charges with having been

engaged

engaged in a Robbery and Murder, which took place in her late husband's house, on the night of the 13th of September 1830.

3 She also prays, that Searchwarrants may be issued for the purpose of discovering such part of the stolen property as has not been yet recovered.-

4 Under the circumstances represented in the foregoing petition, and referring to the proceedings before this Court respecting the case in question. the Court resolved to transmit a copy of the Petition No. 78 of 1833, to the Provincial Court of Circuit in the Southern Division, with orders to instruct the Magistrate of Tinnevelly, to use his best exertions to bring to Justice the persons implicated in the crime to which the Petitioner alludes.-

5th With this view, it will be necessary for the Petitioner to appear before the Magistrate, and furnish him with the names of the parties whom she accuses with the grounds of her suspicion against each, and the names of the Witnesses whose evidence she may deem material to their conviction.-

ordered

Ordered accordingly that extract from these proceedings together with copy of Miscellaneous Petition No. 78 of 1833 be sent to the Provincial Court of Circuit in the Southern Division for their information and guidance, by precept, returnable without delay.-

(Sent following precept No. 774)

Ordered also that extract from these proceedings be furnished to the Petitioner upon his application.-

Read petition presented on the 28th ultimo by Appajee Iyen, late Tahsildar of the Carroor Taluk in the Zillah of Coimbatore.-

(Here enter Extra Minute No. 16 of 1834)

The Petitioner prays the Court to issue orders that he be furnished on stamp papers, with attested copies of the precept issued by the Sunjeeree Headut, to the Provincial Court and of the Return of the Magistrate of Coimbatore to it.-

Ordered accordingly

Read petition presented by Karuthumma Dass, Soucar of Arcot.-

(Here enter Min. Pet. No. 24 of 1834)

1. The object of this petition is to induce the Court, to issue orders for the punishment of one Vencatachairy, the Joint Magistrate of Edittoor's Moonslee, who, the petitioner avers, received bribes to suppress the written declaration of Veroinachellum, charged with purchasing the property stolen from the Petitioner's house: and also received bribes from the thieves themselves, in consequence of which he withheld their declarations, and released them.-

2 The Petitioner is informed, that the conduct of the Samabhanees has already received the fullest consideration: and that the Court, do not see any reason for complying with the Petitioner's request regarding that individual.-

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 Singah Reddy and Soobbiah.-

(Here enter Mis. Pet. No. 45 of 1834)

1 The object of this petition is to induce

induce the Court to issue orders for the release of the 1st 2d 3d and 4th Prisoners, in Case No. 26. Cuddapah Calendar 2d Sessions of 1833, who, they allege have been punished upon a false and malicious charge.-

2 The Petitioners are informed that the sentence of which they complain has been passed by competent authority against which there is no appeal.-

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 on the 27th ultimo by Sullummaul of the Gillah of Salem.-

(Here enter Mis. Pet. No. 47 of 1834)

1 The object of this petition is to induce the Court to issue orders for the release of 4 individuals, who, the Petitioner alleges, have been sentenced to (5) five years imprisonment with hard labour in irons, by the late Acting Judge on Circuit in the Southern Division, on a false and malicious charge of branding a

a certain female named Paran Vaneleal with a knife.-

2 The Petitioner is informed, that an order for the release of the Prisoners, cannot be issued, but that on a Review of the Calendar, if the Court see reason to doubt the propriety of the sentence, they will call for the trial, and duly investigate the case.-

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

Read Petition presented on the 21st July 1834 by Soobramonieya Tauen, of the District of Tinnevelly.-

(Here enter Mis. Pet. No. 48 of 1834)

The Petitioner prays the Court

1 to issue a final order upon his former Petition No. 7 of 1834.-

2 In consequence of the representations of the Petitioner, the Court in their proceedings under date the 28th February last, directed the 2nd Judge of the Provincial

Calendar 2nd Sessions of 1831. in which the two Brothers of the Petitioner are prisoners.

3 As no return to their precept has yet been received, the Court resolve to call upon Mr. Dickinson to report without delay what he has done, in consequence of their order of the 28th February last.-

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 within 5 days.-

Sent following precept No 775

Ordered also that extract from these proceedings be furnished to Petitioner upon his application.-

Read petition presented on the 21st July 1834 by Collackerry Coonjoony of Calicut.

(Here enter Mis. Pet. No. 50 of 1834)

1 The Petitioner alleges that two of his Brothers, prisoners in Case No. 119 of the Report No. V, having established an alibi, have been unjustly sentenced by the Criminal Court of Malabar and that the

grounds" for doing so.-

2 He prays the Court either to call for the proceedings, or, to order the Provincial Court of Circuit to send for them - to examine further witnesses, if necessary, and to release the said prisoners.-

3 The Court seeing no ground to question the justice of the decision by the Criminal Court, reject the petition.-

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

Read letter dated the 16th July 1834 from the Acting 2nd Judge on Circuit in the Centre Division, transmitting the record in Case No. 36 on the Bellaree Calendar 2nd Sessions 1833.-

Here enter No. 950 /

Wm. Campbell. 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 o'l Coozat and Mooftee of the Zoujdaree Adalut, confirm such part of the said Futwa of the Cazee o'l Coozat and Mooftee aforesaid, as convicts

convicts the Prisoner

2nd Dumjeejah

and accordingly under the provisions of clause third, Section V Regulation VIII of 1831 and clauses third and fifth, Section IV Regulation XV of 1833, sentence the said prisoner 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 further being of opinion that the proof against the prisoner

1st Jugdeo Kenchak

is sufficient to convict him of the crime of Gang Robbery by open violence, they so, 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 clauses third and fifth Section IV Regulation XV of 1803, sentence the said Prisoner 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/ ten years.-

Sent following letter No. 951

Read letter dated the 16th July last from the Acting second Judge on circuit in the Centre Division, transmitting the record in Case No. 65 of the Cuddalore Calendar 2nd Sessions of 1833.

(Vide register No. 955)

1 The Court of Sudder Adalut observe that in this case there is no sufficient evidence, to show that the property which is proved to belong to the Prosecutor or his Comin Law Sundree Shetty, was given up on the information of the Prisoner, by the persons specified in his confession as the receivers. It appears to the Court, that the Acting 2nd Judge on circuit attached so much credit to the evidence of the Prosecutor and the alleged eyewitnesses, that he omitted to require evidence to a point which appears to the Court to be most material.

2 The Court therefore resolve to return the record of the Case, to the Acting 2nd Judge on circuit, and to instruct him to cause to be taken the examination of the persons stated in the confession of the Prisoner, to have received the articles from him, and of any others, who may have been present when

when they were given up by those persons at the instigation of the prisoner.

3 The Acting 2nd Judge will further cause English and Persian Translates of this additional evidence to be prepared, and having annexed them to the Record, will retransmit it to this office without delay.

4 The Court further observe, that the 4th witness for the Defence, swears that he arrested the 4th Prisoner, under a warrant from the Magistrate. The Court desire that the Acting 2nd Judge on Circuit, will transmit to them a copy of the information upon oath, without which no warrant can be issued: that they may be made acquainted with the grounds of the original suspicion against the 4th Prisoner, which led to his apprehension.

5 It further appears that the alleged confession of the 5th Prisoner, purports to be attested by two of the Inhabitants of the Village in which the offence was committed: though it declares that the offence was instigated by one of the Inhabitants thereof named Colingarayen, who

who is stated by the 3rd Prisoner to have been in said. The Court desire that it be explained, whether this is the 6th Witness for the prosecution, and how any of the Inhabitants of that Village happened to attend the Amildar, when the Prisoner was giving his declaration.-

6th Lastly the Court observe, that the Amildar, in sending up the case to the Criminal Court, after stating that the 1st Prisoner had been arrested by the 1st Witness for the defence, adds that this person after taking him up on the 1st September "being privy to the receivers of the Stolen property, "continued to apprehend persons on suspicion "and release them at his option," and did not produce the 1st Prisoner in the Talook until the 18th September. The Amildar states that the 1st Prisoner was subsequently absent for 21 days.-

7 The Court resolve to issue orders to the 2nd Judge on Circuit in the Centre Division, directing him to call upon the Magistrate, to explain, what notice has been taken of this extraordinary Proceeding.

Ordered that Extract from these proceedings with record of the case, be

be sent to the Acting 2nd Judge on Circuit in the Centre Division for his information and guidance by precept returnable without delay.-

/Sent following precept S 777/

Read letter dated the 14th July 1834 from the Acting 3rd Judge late Additional Judge late on Circuit in the Northern Division, transmitting the Record in case No. 14 on the Vizagapatam Calendar 1st Sessions of 1833

/Here enter S. 972/

Mr. Oakes. and Mr. Campbell.

The Court of Sanjarare 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,

"Vannarapoo Singarauze"

is sufficient to convict him of the crime of Murder, so under the Authority with which they are vested by Clause first Section II Regulation I of 1818, convict him thereof. But taking into consideration all the circumstances of the case, they sentence him to be transported to such place beyond sea, as the Governor in Council

Council shall appoint, there to be imprisoned and kept to hard labour, labour in irons on the public Roads or other public works, for, and during the period of his natural life.-

/Sent following letter No 778

Read letter, dated the 15th July 1834 from the Acting 3rd Judge late Additional Judge on Circuit in the Northern Division transmitting the record in Case No. 31 on the Vizagapatam Calendar for Sessions of 1833.-

/Here enter No. 973./

Wm Bird and Jno Campbell.

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-Coozat and Mooftee of the Sudder Adalut, confirm the said Futwa of the Cazee-ool-Coozat and Mooftee aforesaid, and under the sentence of Kisaas declared in the Futwa, &c. in conformity with the provisions of Section X Regulation VIII of 1802 sentence the Prisoner "Barah Narsimlos" to suffer death by being hanged at the usual time and place of execution.-

/Sent following letter No. 779/

1 The Court deem it necessary to apprize the Acting 3rd Judge on Circuit in the Northern Division, that he ought not to have dispensed with the evidence of the two boys Mujjy Chelliah and Yesdah Polayah, whom they deem most material witnesses.-

2 It is desirable that the Acting 3rd Judge should keep in his recollection, and in future conform with the instructions of the Sudder Adalut, conveyed in their circular order of the 14th March 1832, which declares, that the practice of dispensing with the evidence of Witnesses in Cases of Life and death, is highly objectionable, and with their circular order of the 15th April 1819 respecting the examination of young persons.-

3 It appears from the letter of the Native Judge to the Magistrate dated the 28th March 1833, that Cotty Polayah, the 2nd witness before the Police Officer did not appear before the Native Criminal Judge, and that application was in consequence made for him. It further appears from the Derzie of the Taksildar dated the 2nd April 1833, that he was sent to Court.

as

As his deposition however does not appear on the Record, the Court of Sungsaree Adalut desire, that the Acting 3rd Judge on Circuit will call upon the Native Criminal Judge to explain the cause of the omission.-

4 The Court further observe, that in the Depositions given by the Witnesses Muppy & Kellah, and Eesoa Polayah before the Head of Police Dilly Ackajeraw, the ages of the said two Boys are entered as "unknown." The Court desire that the Acting 3rd Judge on Circuit, will, if the same Head of Police be still in the public service, call his attention to the Circular order of the Sungsaree Adalut under date the 16th May 1831, which enjoins that when the Deponent, whether Prosecutor, Witness, or Prisoner, may not be able to specify his age, or may evidently give a false statement regarding it, the apparent age be invariably inserted.-

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 Receipt returnable without delay.-

Sent following Precept No 780/

Read letter dated the 18th July 1834

from the Acting 3rd Judge late Additional Judge on Circuit in the Northern Division transmitting the Record in case No 12 of the Chicacole Calendar for Sessions of 1833.

/Here enter No 985./

Mr Bird. and Mr Campbell.

The Court of Sungsaree Adalut, having maturely considered the proceedings held before the Judge on Circuit, the Putwa of the Provincial Law Officer and the Putwa of the Cazee and Coorgat and Mooftee of the Sungsaree Adalut, confirm the said Putwa of the Cazee-ool Coorgat and Mooftee aforesaid and accordingly sentence the Prisoner.

"Dasaminturaw Mardimboo"

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] five years.-

/Sent following letter No 781/

The Court deem it necessary to notice two errors committed by the Circuit Judge in his proceedings in the above case, the one, consists in his calling on the Prisoner to admit or deny his deposition before the Police Officer, when the fact of his having given a deposition should have been established by Witnesses: and the other, in not taking

taking the examination of the Prisoner's Witnesses, to prove that he had been beaten and disgraced by the Prosecutor, and his Sons, which though it would by no means have justified, might have in some degree extenuated, the offence.-

Ordered that extract from these proceedings be sent to the Acting 3rd Judge on Circuit in the Northern Division for his information by precept returnable without delay.-

/Sent following precept No.782/-

Read return, dated the 5th July last, from the 1st Judge on Circuit in the Northern Division, to Precept of Tay Zaree Wealut dated the 25th June last, conveying their observations on the Inaculpatam Calendar, 4th Quarterly Sessions of 1834.-

/Here enter No.994./

Read return dated the 16th Ultimo, from the Provincial Court of Circuit in the Central Division, to precept of Tay Zaree Wealut dated the 7th ultimo, transmitting copy of Para 21., of a 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 Tay Zaree Wealut

Wealut of 27th December 1833 on the Circuit Report of the Acting 3rd Judge late on Circuit in the Centre Division, for 1st Sessions of 1833.

/Here enter No.956./

Read return, dated the 17th Ultimo, from the Provincial Court of Circuit in the Northern Division, to precept of Tay Zaree Wealut dated the 7th instant, communicating their observations on the Criminal Reports for January last.-

/Here enter No.993/

Read return, dated the 26th Ultimo, from the Provincial Court of Circuit in the Northern Division, to precept of Tay Zaree Wealut dated the 9th Ultimo, directing that the Heads of Police be directed, to prepare with each extensive and important case, including several Prisoners, a Table in the form annexed to the Proceedings which accompanied the above extract.-

/Here enter No.1036./

Read return, dated the 28th Ultimo, from the 3rd Judge on Circuit in the Western Division, to precept dated 22nd Ultimo, ordering the mitigation of punishment to which the Prisoners convicted in Case No.25 Malabar

4th Augt 1834

Malabar Calendar 2nd Sessions 1834 have rendered themselves liable.-

/Here enter No. 1043./

Read letter, dated the 28th ultimo, from the Provincial Court of Circuit in the Centre Division, transmitting for the information of the Judges of the Court of Foujdaree Udalut ——— Copies of the Returns from the Magistrates of Chingleput and South Arcot, and from the Officiating Criminal Judge of Bellary to the Receipt of that Court of the 30th April on the review of the Crimnl. Reports for march last/Here enter No. 1033./

Read letter, dated the 30th ultimo from the Provincial Court of Circuit in the Centre Division, transmitting Copies of a letter and Depositions received from the Native Criminal Judge at Cuddalore, reporting the escape of a Prisoner under examination, and copy of a letter to the Native Criminal Judge.-

/Here enter No. 1034./

F. U.

At a Court of the Foujdaree Udalut -

Present,

Wednesday, 6th August, 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 29th March last, from the Acting 3d Judge on Circuit in the Centre Division, submitting English and Persian Translates of the proceedings in Case No. 25. of the Bellaree Calendar, for the 1st Sessions of 1834.

(Here enter No. 1003 of 1834)

1 The Court observe that the reference of this case was unnecessary -

2 The Law Officers of the Court of Circuit declares the Prisoners liable to Tookmut or Suspicion, clause Sixth, Section II Regulation XV of 1803, prescribes that no punishment shall be inflicted on Suspicion only; and it is further provided that when a prisoner may be declared by the Futwa of the Law Officers to be liable to punishment on suspicion, not amounting to the degree of strong presumption held sufficient for conviction, the Judge of Circuit cannot direct the infliction of any punishment, whatever may be the Futwah of the Law Officer -

In

3 In the present case the Tuturu of the Law Officer was tantamount to an acquittal, in which the Judge on Circuit also concurred. He was therefore competent at his discretion to order the release of the Prisoner unconditionally, or on Security.

4 The Court therefore resolve to return the Record of the Trial to the Acting 3d Judge on Circuit in the Centre Division, that he may pass the necessary orders upon it.

Ordered, that Extract from these proceedings be sent, with the Record of the foregoing Trial, to the Acting 3d Judge on Circuit in the Centre Division for his information and future guidance by Precept, Returnable without delay—

(Sent following Precept No. 786)

Read Letter, dated the 29th Ultimo, from the 3d Judge on Circuit in the Southern Division, recommending a mitigation of the punishment to which the Prisoner, convicted in Case No. 1 of the Madura Calendar, 2d Sessions of 1834 of Forgery, has rendered himself liable—

(Here enter No. 1037. of 1834.)

The Court of Foujdaree Adalut, on a due consideration of all the circumstances of the case, represented in the above letter, are of opinion that the Justice will

will not be satisfied by the infliction of any punishment, less than that authorized by the Regulations—

2. They accordingly direct the 3d Judge on Circuit in the Southern Division to pass sentence within the limits prescribed by Law, upon the Prisoner in question to the extent he may deem just, and in conformity with the provisions of Clause 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 by precept, Returnable without delay—

(Sent following Precept No. 787)

1 A very considerable period having elapsed since the departure of the late Officiating Judge on Circuit in the Northern Division from Nellore, and the close of the Sessions held by him at that station, during which one referrible Trial only has been received—

2. The Court resolve to call upon Mr. Casamajor to report the probable time, within which he expects to be able to prepare and despatch the remaining referrible Trials of the two Sessions, and further to explain the cause of the delay which has occurred in their transmission—

The

3 The Court take this opportunity of observing, that no reply has as yet been received from the late Officiating Judge on Circuit in the Northern Division, to the letter from the Foujdaree Udalut, under date the 26th June last, requiring to be informed of the amount of expence actually incurred, and of the probable expence to be incurred, in the transmission by Coolies from Nellore to Chittoor of certain referrible Trials, for which the late Officiating Judge solicited sanction in his letter of the 19th June last.

4. The Court further desire, that those trials, in which a large Number of Prisoners are concerned, of which they observe (by the Calendar) that there are several, be first forwarded to them with the exception of cases of murder.

Ordered, that extract from these proceedings be sent to the late Officiating Judge on Circuit, in the Northern Division by Precept, returnable within three days from and after its receipt.

(Sent following Precept No. 788).

J.H.

At a Court of the Foujdaree Udalut.

Present,

Friday, 8th August, 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 17th Ultimo, from the Provincial Court of Circuit in the Northern Division, transmitting the Criminal Reports prescribed by Section XXXV Regulation X of 1816, for the Month of March 1834.

(Here enter Ans. 1012).

Chicacole Report V. Case 55.

1. It is observable that security to the extent of 200 Rupees has been demanded from the 3d. 4th & 5th prisoners in this case. Although it is to be concluded, that the provisions of Clause 2d Section XIII Regulation VI of 1827 have not been overlooked, the amount is so large, that it will be proper for the Provincial Court of Circuit, to ascertain, whether, or, not there are grounds for reducing it.

Suppl. Report Case 33.

2. There is nothing in the Report to shew why the prisoner in this case was committed on the charge of "Burglary" in the night time to the amount of Rupees 6 8 -, The Provincial Court of Circuit will therefore satisfy themselves whether, or, not other circumstances exist, which render the commitment correct, & issue the requisite orders.

The

3. The Court await the transmission of
8-72-54-70 all of the first Sessions 1833. the records of the 4 trials noted in the Margin, and entered in the Report No. 9 as having taken place under the following dates 7th October - 30th November, and 2d December 1833, and 15th January 1834.

Vizagapatam Report V. Case 30. 4 From the suspicious circumstances attending the transaction which formed the subject of the charge against the prisoner, it would appear that he might have been furnished under Section IX Regulation XIII of 1832.-

Rajahmundry Report V. Case 25. 5. With reference to the observations of the Provincial Court of Circuit on this case, it is to be remarked, that as the Criminal Court cannot under the Circular Order 31st December 1828 return to the Magistracy cases erroneously sent up to them, the disposal of the case of the 6th Prisoner would seem to be correct.- The Circular Order of 6th July 1826, requiring the specification of the crime for which a prisoner may be punished when it differs from that charged against him, having been acted upon, and the sentence being one which the Magistrate might have passed, it does not appear requisite that the sentence should be disturbed.-

6 The Court conclude that, as required by the Circular order 31st December 1828, this instance of a prisoner having been erroneously sent up to the Criminal Court, has been communicated to the Magistrate

Masulipatam Cases 35-40 Rept. V Case 27 Supl. Rept. 7. It appears that in case 35 there was no evidence against the 3d & 5th prisoners - nor in case 40. against 2d 3d & 4th prisoners - nor in case 27. Supplemental Report against either of the prisoners.- The Court presume that these cases have been brought to the notice of the Magistrate under Circular Order 25th May 1823.-

Nellore Supl. Rept. Cases 539. 74. 8 The same remark is applicable to cases 539 & 74. of the Nellore Supplemental Report.-

Report 9. 9. The Court expect the speedy transmission of the records of the numerous trials held at the 2d Sessions 1833 & entered in Report No. 9. in the following order.- the cases not being entered consecutively according to the orders of reference as they ought to have been.- cases 69. 23. 15. 54. 45. 93. 53. 87. 27. 8. 57. 61. 77. 82. and 93 on the first Calendar.-

10. With reference to the remarks of the Provincial Court of Circuit on the delay in the disposal of some of the cases in the Criminal Court of Nellore, it is to be observed, that the late Acting Judge Mr. G. Bird exerted himself most successfully in reducing the heavy arrears which had accumulated previous to his arrival, and entitled himself to the commendation of the Court of Sudder Adalut.- The Abstract attached to the Supplemental Report shews, that in the month of March 66 cases were disposed of by the Acting Criminal Judge - 41 cases by the Assistant - and

by

by the Sudr Ameen - including altogether 293 prisoners -

11 As the statement of the labour of prisoners does not at present shew the total number of prisoners in hospital, the Court of Foujdaree Udalut resolve to direct the Provincial Court of Circuit in the Northern Division, to instruct the subordinate judicial authorities always to insert a note of explanation, in the said statement, of the total number sick at the close of the month for which the Report may be prepared - distinguishing whether the sick prisoners are classed under Column 2 or Column 3. or, whether they are of the number included in Column 1. but not entered in Column 2 or 3 -

12. The Court, in conclusion have to record their approbation of the satisfactory revision of these Reports by the Provincial Court of Circuit in the Northern Division -

Ordered, that Extract of these proceedings be sent to the Provincial Court of Circuit in the Northern Division for their information and guidance, & for communication to the subordinate Judicial authorities of such parts as concern them respectively, by Precept, Returnable without delay -

(Sent following Precept No. 795)

Read letter, dated 22d. January 1834, from the acting 3d. Judge on Circuit in the Centre Division, submitting the record of proceedings in Case No. 30 of the Cuddapah

Cuddapah Calendar 1st. Sessions of 1834.

(Here enter No. 959.)

Mr. Oakes
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 Cajee-ool-Cozat and Mooftees of the Foujdaree Udalut, confirm such part of the said futwa of the Cajee-ool-Cozat and Mooftees aforesaid, as acquits the Prisoner,

4th "Singarappoo Cumbavoo,"

and accordingly direct that he be set at liberty.

And further being of opinion that the proof against the Prisoners,

1st "Janabayana Teerapatee,
2d "Arookoo Pedda Unkoolo,"
&
3d "do. do. Chinna Unkoolo,"

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 Clauses Third and Fifth, Section IV. Regulation XV of 1803, they sentence them to be imprisoned and kept to hard labour in irons on the public roads or other public Works for and during the

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period of six years -

(Sent following letter No. 796) -

J. U.

Saturday.
9th August, 1834.

In Court of the Sanjdaree Adalut.
Present,
John Bird Esqr. Acting 1st. Puisne Judge,
Thomas Alexr. Oakes Esqre. Acting 2nd. Puisne Judge,
Alexr. Duncan Campbell Esqre. Acting Judge,

Read extract from the Minutes of Council under date the 22nd. February last, upon the Judicial dispatch from England, under date the 20th. March 1833.

[Here enter No. 312 of 1834.]

1 Ordered that paras 5 and 12 of this dispatch be communicated to the 4 Provincial Courts of Circuit, for the information and guidance of the several Magistrates.

2 Ordered that a copy of the rules proposed for the guidance of the Native Police, submitted by Mr. A. D. Campbell, in his Circuit report, as 3rd Judge in the Centre Division on the 31st January 1825, be laid before the Government, for transmission to the Honorable the Court of Directors.

3 This Court have repeatedly issued the most explicit orders to promote uniformity in the Criminal returns.

4 Ordered that the Minute of Government upon paras 13 to 17 and copy of the latter para; be communicated for the guidance of the 4 Provincial Courts.

5 With reference to para 18 of this dispatch, the Judges are of opinion that,

a letter.

whether a second person is condemned or acquitted, the reasons for each should be briefly recorded, and that in common justice, the party is, on application, entitled to a copy of the sentence, especially where the accusation may be deemed unjust, or the arrest improper. with the sanction of Government this Court will issue circular orders to the effect suggested by the Honorable Court.

6 In their proceedings of the 30th May 1831, submitting the report alluded to in para 19 of the dispatch, this Court remarked that they had frequently had occasion "to express their objections to the provisions "of Regulation IV. 1821. but there certainly "is an inconsistency in authorizing the "Magistrate to pass sentence on the report "of a Head of District Police in Cases of petty "theft and withholding the power to do so in "cases of abuse and petty assault" The Honorable Court observe that it seems advisable that "the omission be supplied" but the opinion of this Court is so strong against punishment being inflicted on the mere report of a Native Officer, that they see no cause to modify the sentiments they recorded on this subject as quoted above, nevertheless if the Government consider it expedient to direct it, the omission can be supplied by a new Enactment.

7 Ordered that copy of para "22 and of the minute of Government on paras 20 to 22 be circulated to the 4 Provincial Courts

for the information and guidance of all the Criminal and Magisterial tribunals.

8 Ordered that copy of para 25, and of the order of Government thereon, be transmitted for the information and guidance of the Provincial Courts, in the Northern and Centre Divisions respectively, in order that the explanation required by the Honorable Court may be obtained from the Magistrates alluded to, and with the comments of the Judges of those Courts, may be submitted to this Court with the least practicable delay.

9 Ordered that copy of paras 28 and 29, and of the orders of Government on paras 26 to 29 be circulated to the 4 Provincial Courts, for the information and guidance of all officers in the Judicial and Magisterial Departments.

10 Ordered that copies of paras 33 and 34, and of the orders of Government on paras 31 to 34, be circulated for the information and guidance of the 4 Circuit Courts.

11 The Sanjoarees would with reference to para 33, observe, that upon review of the Calendars which are brought before them, they never fail to animadvert upon the conduct of the Committing officers when it appears that Prisoners have been causelessly committed, and to correct by immediate notice the proceedings of the Courts of Circuit, when their reasons for disposing

of

of Cases with out trial are not satisfactory. As
with reference to the observations contained in
para 34, the Court observe, that the their
endeavours to put down false swearing
and false charges have not yet been attended
with success, they anticipate that the enact-
ment of Section II Regulation XIII of 1832,
will prevent many unnecessary commit-
ments, and ensure more numerous convic-
tions. On the subject of referred trials a sepa-
rate circular order has been issued by this
Court.

12 The Honorable Court have ob-
served in the 37th para of their letter, that
they are unable to account for the acquittals
by the Sanjdarce Udalut in the year 1830,
so greatly exceeding the convictions. Of 388
Prisoners whose cases were referred by the
Courts of Circuit, there were, as they observe,
273 Prisoners acquitted and discharged
unconditionally, and 41 sentenced to be re-
leased on security, while there were only 73
Persons punished, and 1 individual pronou-
nced by this Court in the year 1830. The
Honorable Court remark that "the cases
"referred to the Sanjdarce Udalut are not
"as in the inferior Judicature cases of com-
"mitment for trial, but cases of actual con-
"viction before the Courts of Circuit, that the
release of 273, or upwards of 2/3rds of the num-
ber of Prisoners whose cases were brought
before the Sanjdarce Udalut "imply that
they

9th August 1834.

"they were acquitted by the Sanjdarce Udalut of the
"crimes of which the Courts of Circuit have found
"them guilty;" The Honorable Court moreover
observe that "it seems to follow from the re-
"sults that the Law is administered by the
"two tribunals in question on the same
"cases and with the same evidence, upon
"essentially different principles. Whether
"two-thirds of the Prisoners convicted by the
"Courts of Circuit are in truth innocent; or
"whether, although guilty, the Sanjdarce Udalut
"give them the benefit of acquittal from
"its superior fastidiousness in admitting
"evidence of guilt, and requiring a strict
"observance of the forms of trial, such a
"discordant and defective administration
"of the Law cannot fail to operate most inju-
"riously upon the well being of society."
The Honorable Court have shewn that the defect
asserted to, in its present extent is of Recent
origin." and the Judges will here observe
that it is confined to a single year, as will
appear upon reference to the Returns of
1831, 1832, and 1833. which exhibit the fol-
lowing results.

		Nos. of Prisoners	Released	To find security	Punished
1831	total Nos.	sentenced 411	59	86	266
1832	Do.	Do. 346	77	103	166
1833	Do.	Do. 504	151	44	309

13 The Court of Sanjdarce Udalut
would beg leave, in the first instance, to notice
an

an error which prevails throughout these remarks. It has been taken for granted that all trials which are referred to the Law Officers Vakeels are convictions by the Court of Circuit. This is not the case, under the provisions of Section XXII Regulation VII of 1802 where the Judge of Circuit shall disapprove of any part of the proceedings had on a trial, or of the future determined by the Law Officers they are not to pass sentence in such case, but shall complete the trial and transmit to the Law Officers Vakeels a copy of all the proceedings and the future of the Law Officer" and mark the sentence of that Court.

14 By subsequent enactments the Judges of Circuit are competent to overrule the objections of the Law Officers to evidence in certain cases, but when the Law Officer and the Judge of Circuit do not agree as to the conviction or as to the acquittal of the Prisoner, the reference of the trial is imperative. Of the 115 trials asserted to by the Honorable Court no less than 101 were referred because the Judges of Circuit did not approve of the future of their Law Officers.-

15 This however does not sufficiently account for the great disproportion between the acquittals and convictions exhibited by the Reports of 1830. and the Court do not see how this can be better explained than by submitting, for the information of the Honorable Court the grounds

grounds upon which the Judges passed sentence in each trial brought before them in that year, and accordingly the information on that head will be found annexed to these proceedings.-

Ordered that paras 43 and 45

16 be circulated to the 4 Provincial Courts, the former for the information and guidance of the Magistrates, and the latter for the information of all the Subordinate Courts and Officers.-

In the 46th para of the letter

17 the Honorable Court observe, that "they have "been struck with the fact, that in the "year under record the charges against 24 "Prisoners unconditionally released by the "Law Officers Vakeel, are stated to have been "false and malicious that it is difficult "to understand how those persons should "have been committed for trial by the Criminal Judges, and it appears wholly inexplicable how they should have been convicted by the Courts of Circuit.-

The Court of Law Officers

18 Vakeel beg leave to explain, that at the period in question, the committing authority was not authorized to go into the defence of any person to be tried by the Court of Circuit, and consequently he could hear only one side of the case; if there appeared upon the investigation before him sufficient evidence to put the Prisoner

on

on his trial, he has no option, but was bound to commit him. It has been frequently found upon examination of the witnesses for the defence at the trial, that the charge and the evidence to support it were false. This has been remedied by Section II Regulation XIII of 1832. Here again also the Honorable Court have erroneously taken it for granted that upon trials referred to the Sanjarce Vaatu the Prisoners must have been convicted by the Court of Circuit.-

19 The 24 Persons referred to were tried in 4 Cases; the first Case is No. 15, of the Chittoor Calendar for the 4th Quarterly Sessions of 1829, and comprised 15 Prisoners. The futwa of the Law Officer of the Provincial Court, declared the evidence to be sufficient for the conviction of the Prisoners but the Judge of Circuit being of a contrary opinion, referred the trial; and this Court not only pronounced the Prisoners not guilty - but directed the commitment for Perjury of the Prosecutor, and one of the witnesses for the Prosecution; the annexed Proceedings afford a full exposition of the grounds of this Courts orders.

20 The second Case is No. 1 of the Cuddapah Calendar for the 2nd Sessions of 1829, wherein there were 2 Prisoners. The Charge against these Prisoners was entered as false, in the report, but the Judges who passed the sentence did not give any opinion of

of the kind, and the entry in was erroneous. The next case, in which there were 5 Prisoners, is No. 1, of the Supplemental Calendar of Chingleput for the second Sessions of 1829, the annexed observations of the Court upon this trial Page will shew the grounds upon which the charge was entered in the report, as false.-

21 The last case of 2 Prisoners is No. 16 of the Bellary Calendar for the 1st Sessions of 1830. In this case also the Sanjarce Vaatu did not decidedly declare that the charge was false, the observation recorded is, that, "the prosecution bears the appearance of being malicious," and upon that observation it was entered in the Report as false.-

22 In conclusion the Judges would observe that none of these cases ought to have been put down under the head of false, except the first, that this entry arose from an error in this Office which was subsequently avoided, for it will be found that in 1831 and 1832, there was no such entry in the Reports.-

23. Resolved that the Government be requested to communicate to this Court the correspondence referred to in the 5th Para. of this dispatch in order that they may submit the Report therein called for.-

Ordered that copy of Paras 2. 5. 8. 9. 10. 11. and 17 with copy of the Extract from the Honorable Courts dispatch and

from

9th August 1834.

from the proceedings of Government therein referred to, be forwarded to the Provincial Courts of Circuit for their information and guidance and that of the Officers subordinate to them.

/Sent in No. 800/

Ordered also that copy of para. 9 from these proceedings be sent to the Northern and Central Provincial Courts of Circuit for their information.

/Sent in No. 801/

Ordered also that Extract from these Proceedings be sent to the Officiating Secretary to Government in the Judicial Department with a copy of the rule referred to in para 3 to be laid before the Right Honorable the Governor in Council

/Sent in No. 802/

Sent to Gov. 9 Aug 1834

At a Court of the Foujdaree Udalut

Monday — Present,

11th August 1834. John Bird Esqr. Acting 1st Puisne Judge

Thomas Alexr. Oakes Esqr. Acting 2d Puisne Judge

W Alexr. Duncan Campbell Esqr. Acting Judge

D & C

125

Read Petition presented by Nuncoo

Doss of Arcot.

/ Here enter Mss: Pet: No. 38 of 1834. /

The Petitioner prays the Court to furnish him with copies of the Petitions presented to them by one Moottealucka the Mother of the Prisoner Aroonachellum / now discharged / of the Aumoor Village in the Zillah of Chittoor.-

The Petitioner is informed that he has shewn no cause why the Court should comply with his request.-

Ordered accordingly 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 Moottapachary of the Zillah of Cuddalore.-

/ Here enter Mss: Pet: No. 49 of 1834. /

The

The object of this Petition is to induce the Court to call for the Trial in which certain persons were charged before the Court of Circuit with the Murder of the Petitioner's Son and acquitted: to reverse the Sentence passed by that Court, and to issue an order directing the Judge on Circuit for the ensuing Sessions to examine some more witnesses and to inflict an adequate punishment upon the parties.—

The Petitioner is informed that the persons to whom she alludes having been acquitted and released by competent authority 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 his Application.

Read Petition, presented on the 28th Ultimo, by Nanmonien of the Zillah of Coimbatore.

/Here enter Mun: Pet: № 51 of 1834/

The Petitioner states that the Monegar of Maraythar Village, instigated two Inhabitants of the Andeyoor Talook to bring a false charge of Robbery against his Son-in-law who was in consequence tried before the Court of Circuit, and whose case /he represents/ is

under reference to the Foujdaree Adalut.—

He prays the Court, on consideration of the case, to issue orders for the Prisoner's release.—

The Petitioner is informed that his Son-in-law's case will be investigated in due course, and such orders passed as the occasion may require.—

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

Maharaja Pillay, Moonsiff Vakeel of Haree Coomara Bhoje, moves the Court to return the enclosures in the Miscellaneous Petition № 78 of 1833.—

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

Read Letter, dated the 31st Ultimo, from the late Acting Judge on Circuit in the Southern Division, transmitting the Salem Calendar for the 1st Sessions of 1834.—

/Here enter № 1050/

Case № 2. 1. It is to be observed that in this and the previous case, in which only one Futwa was given, no abstract of the Futwa is entered in

in the Calendar on the grounds of the Sentence declared in as required by the Circular Orda 6th September 1833 it does clearly appear upon what evidence each of the prisoners was convicted or acquitted which puts it out of the power of the Court of Zoujdaree Udalut to see whether the Judgment is warranted by the evidence or not.-

Case No 14 2 To the Court of Zoujdaree Udalut the punishment awarded in this case appears excessive there exist apparently, no circumstances of aggravation and the property robbed is of trifling value. It therefore the late acting Judge on further consideration cannot view the case in the same light as now represented on application for mitigation he will refer the record of the trial.

Case 39. 3 The Court are unable to understand upon what grounds the prisoner in this case was committed.

Case 48 4. The evidence in this case was apparently, sufficient to justify the punishment of the 1st, 2nd & 3rd prisoners for assault upon, and ill usage of, the deceased, if they did not cause his death. The late acting Judge will inform the Magistrate that the Court of Zoujdaree Udalut await his report of the notice he has taken of the representation stated

stated in the Calendar to have been made to him.

49 5 The reasons assigned for the post=ponement of this trial the Court of Zoujdaree Udalut do not consider satisfactory, especially as it is very doubtful whether there will be any trial of the alleged Principal.-

57 6 The case noted in the margin is one of Sheep Stealing and Plotting with Thieves and the punishment of 14 years imprisonment seems excessively severe. Unless the late Acting Judge on further consideration thinks it proper to propose a mitigation of punishment he will refer the Case, in order that the Court of Zoujdaree Udalut may judge of the propriety of reducing it.-

70 It is to be regretted that the late Acting Judge did not proceed with the trial of this case and if the evidence of the absent witnesses was found material he could have ultimately postponed it. The witnesses came from a considerable distance and it is very possible that so many of them may not be again collected.-

Ordered, that Extract of these proceedings be sent to the late Acting Judge on Circuit in the Southern Division, for his information and guidance by Precept returnable without delay.-

Sent following Precept No 808/

Read letter, dated the 1st Instant, from

from the 1st Judge of Circuit of the Northern Division holding Sessions at Nellore, stating the doubt he entertains as to the equity of hearing further evidence on the part of the prosecution in two cases postponed from the last Sessions, in which "the defences of the Prisoners have been taken" and requesting the instructions of the Foujdaree Adalut for his guidance on the occasion.

/Here enter No. 1062./

1. Upon review of the Nellore Calendar for the 1st Sessions of 1834, the Court observed that several of the trials had been postponed by Mr. Casamajor after examination of the evidence, but there was nothing to shew, and it never entered into their contemplation, that the Prisoners in any case had been put on their defence.—

2. The Court of Foujdaree Adalut have on several occasions recorded their opinion, that when a Prisoner has once been put on his defence, it is not competent to the Court of Circuit to take any further proceedings for the prosecution, and there can be no question as to the justice of the rule. In the proceedings of this Court of the 25th of March 1818 referred to by Mr. Paske, it is observed that "to proceed to hear any further evidence in support of the prosecution after the defence shall have been brought to a close is a practice which cannot be reconciled, under any circumstances whatever with that degree of tender circumspection which should

ever be exercised towards the accused."—

The Court accordingly resolve

3. to instruct Mr. Paske to close the trials, and to pass Sentence upon the evidence already taken, under the Regulations.—

Ordered, that extract from these proceedings be furnished to Mr. Paske for his information and guidance, and to Mr. Casamajor for his information.—

/Sent following letters Nos. 809 & 810/

Read letter, dated the 30th Ultimo, from the 1st Judge on Circuit in the Western Division, transmitting copy of the Canara Calendar for the 1st Sessions of 1834.—

/Here enter No. 1058./

Case 8. 1. The first and second witnesses in this case having retracted their former depositions would seem liable to a prosecution for Perjury and the Court of Foujdaree Adalut deem it proper to call upon the 1st Judge to explain what was done on the occasion.—

Cases 7. 8. & 10. 2. The Court of Foujdaree Adalut observe that in the cases noted in the margin the abstract of the futwa declares the prisoners convicted of "Robbery without violence" and "unattended with violence" which they understand to mean without personal injury. This should in future be more clearly expressed in the Calendar as the phrase "unattended with violence"

evidence might induce the presumption that the case is of a different nature from that which the evidence and the Sentence of the Presiding Judge point out.—

Ordered, that Extract of these proceedings be sent to the 1st Judge on Circuit in the Western Division, for his information and guidance by precept, returnable without delay.—

/Sent following precept N° 811/

Read letter, dated the 9th instant, from the 2d Judge late on Circuit in the Southern Division recommending a mitigation of the punishment to which the Prisoner convicted in case N° 18. of the Combaconum Calendar, 1st Sessions of 1834, of Gang Robbery and Maundering, has rendered himself liable.—

/Here enter F. C. N° 105 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 2d Judge late on Circuit in the Southern 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 /3/ three years.—

11th August 1834

Ordered, that Extract of these proceedings be sent to the 2d Judge late on Circuit in the Southern Division for his information by Precept, returnable without delay.

/Sent following Precept N° 812/

Read letter, dated 16th Ultimo, from the acting 2d Judge on Circuit in the Centre Division, transmitting the Record in case N° 1 of the Cuddalore Calendar 2d Sessions of 1833.—

/Here enter N° 986/

Mr Oakes and 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-Coozat and Mooftees of the Foujdaree Adalut, confirm such part of the said Fatwa of the Cazee-ool-Coozat and Mooftees aforesaid, as convicts the prisoners,

1st "Ramasawmy Erattan",

and

2d "Yada Coollen",

and in conformity with the provisions of Clause Second, Section IV Regulation XV of 1803, Sentence them to be transported to such place beyond Sea, as the Governor in

in Council shall appear 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.

They further concur with their Law officers in the acquittal of the Prisoners

3. "Kulandey"

and direct that he be let at Liberty.—

And being of opinion that the Prisoners,

4. "Surya Lamba marakkar"

and

5. "Vencatasamen"

are not convicted on presumptive proof or on the evidence of credible witnesses or on their own confessions notwithstanding the Fatwa of their Law officers, they do, accordingly acquit them:—

But considering that strong suspicion though not amounting to conviction attaches to them, they direct, under clause 2nd, Section III Regulation XV of 1803, that they be required to find sureties, 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. 813/

1. The Court observe that the acting

2d Judge on Circuit in the Centre Division has in the 24th para of his letter submitting the above Trial remarked. "In my opinion the 1st, 3d and 4th Prisoners, are clearly convicted of Gang Robbery by open violence" while in the 25th para he expresses his opinion that there does not exist "sufficient proof against the 2d and 3d Prisoners to convict them"—

2. It is obvious to the Court that this discrepancy is accidental, and arises from the carelessness of the Copyist: of which it is desirable that the Circuit Judge should take due Notice. At the same time the Court are of opinion that it is advisable, that, in the preparation of similar letters, when it is necessary to Mention Prisoners or Witnesses by their "number" be indicated by words instead of Figures as noted in the Margin by which course it is probable that similar errors will E.g: First, Third and Fourth Prisoners not 1st, 3d and 4th Prisoners be avoided.—

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. 814/

Read return, dated 30th Ultimo, from the Provincial Court of Circuit in the Western Division, to precept of the 30th June Ultimo dated

dated the 25th June last, conveying their observations and orders on the Criminal Reports for April last

/Here enter No. 1057./

Read letter, dated 30th Ultimo, from the 1st Judge on Circuit in the Western Division, Reporting the completion of the 1st Sessions of 1834 in Canara, and the 1st Judge's departure to the Ceded Districts.-

/Here enter No. 1058./

Read return, dated 31st Ultimo, from the 3d Judge of the Court of Circuit in the Western Division, in precept of Tanjavore Adalat dated the 23d Ultimo, directing the prisoners in cases Nos. II and IV additional Tellicherry Calendar 1st & 2d Sessions of 1834, to be sentenced to the full punishment prescribed by law.-

/Here enter No. 1059./

Read return, dated 1st Instant from the 2d Judge late on Circuit in the Southern Division in precept of Tanjavore Adalat dated the 20th June last, conveying their observations on the Combaconum Calendar 1st Sessions 1834.-

/Here enter No. 1060./

Read return, dated 4th Instant, from the Acting 3d Judge on Circuit in the Centre Division, in precept of Tanjavore Adalat dated

dated the 31st Ultimo, sanctioning mitigated punishment in case No. 7 Cuddapah Calendar 2d Sessions of 1834.-

/Here enter No. 1063./

Read letter, dated 4th Instant, from the Acting 3d Judge on Circuit in the Centre Division, Reporting the day fixed for opening the Second Sessions of this year at Bellary.-

/Here enter No. 1064./

Read letter, dated 4th Instant, from the 3d Judge on Circuit in the Southern Division, reporting the commencement of the 2d Sessions of 1834 at Tinnevelly, and that of the Number of cases and prisoners on the Calendar.-

/Here enter No. 1081./

Read return, dated 5th Instant, from the Acting 3d Judge on Circuit in the Centre Division, in precept of Tanjavore Adalat dated the 1st instant, sanctioning mitigated punishment in case No. 9 Cuddapah Calendar 2d Sessions of 1834.-

/Here enter No. 1070./

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Read Letter dated 4th Instt from the 3d Judge on Circuit in the Southern Division Reporting his intention to open the Sessions at Combaconum on the 8th Proxo.

/Here enter No. 1097./

At a Court of the Foujdaree Udalut—

Present,

Wednesday
13th August 1834— John Bird Esqre acting 1st Puisne Judge,

Ditto Thomas Alexr Oakes Esqre acting 2d Puisne Judge,

Ditto Alexr Duncan Campbell Esqre acting Judge,

Read letter, dated 17th Ultimo, from the acting 3d Judge, late additional Judge on Circuit in the Northern Division — transmitting the record in Case No. 22 on the Vizagapatam Calendar 1st Sessions of 1833—

(Here enter No. 984—)

Mr. Bird & 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 Nadooroo Sottadoo

2d Pundersepilly Narraidoo

3d Valaula Daulerdoo alias Tautiah

is sufficient to convict 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 under the provisions of Section X Regulation VIII of 1802,

they

they sentence the Prisoners-

1st Nadoorn Sellado

vs

3d Valayla Dauleden alias Jantiah

to suffer death, by being hanged at the usual time & place of execution-

They further sentence the Prisoner,

2d Punderpilly Naraidoo

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. 815)

The Court deem it necessary to inform the Acting 3d Judge on Circuit in the Northern Division, that they regret that he did not endeavour to ascertain from the Witnesses, whether there were any grounds for supposing that Jealousy was the cause of the murder, as indicated in the examinations taken before the Native Criminal Judge-

Ordered, that Extract of these proceedings be sent to the Acting 3d Judge on Circuit in the Northern Division by Precept returnable without delay-

(Sent following Precept No. 816)

Read again letter, under date the 9th Ultimo from the 1st Judge of the Provincial Court of Circuit in the Northern Division, submitting part of the 1st Calendar and the Supplemental Calendar of the 1st Sessions of 1834. at Masulipatam with his observations on that Sessions-

(Here enter No. 988)

The 1st Judge notices in para 4th,

1

the imperfect manner in which the examinations in several cases of Gang Robbery were conducted in the Criminal Court, rendering their return for further evidence, and a consequent delay in their disposal, absolutely necessary for the ends of justice. The Court consider the conduct of the committing Officer deserving of animadversion; and they desire that the 1st Judge do point out to him, those instances in which he particularly failed in his duty; and caution him against similar neglect in future-

In the 5th para, the question of the

2

liability of Renters of the Customs to penalties under Regulation I of 1812, and Regulation V of 1821, for alleged breaches of the Revenue laws, is brought under the consideration of the Court- The Magistrate of Masulipatam it appears, views the Renter as a "native Officer employed in the collection of the "customs," and as such, amenable to the penal provisions

of

of Regulation I of 1812. The 1st Judge dissents from this opinion, observing, that Section X Regulation V of 1821, which extended the provisions of Section XXIII Regulation I of 1812, refers only to the 'servants' of renters, and not to the Renters themselves; and that as no such class of Revenue Officers, as Renters of Customs, existed, when Regulation I of 1812 was enacted, its provisions cannot be held to apply to them. The Court of Foujdaree Udalut concur with the 1st Judge. Renters of Customs are, it is clear, not the Officers of Customs designated by Regulation I of 1812, and they cannot therefore be held to come within its provisions. They are bound by the special stipulations in their cowles, which under Section III Regulation VII of 1829 can be enforced "without application to any Court of justice"; and the Court are of opinion, that their servants alone, are liable to penalty under Section X Regulation V 1821. They desire that the Magistrate may be instructed to remit, as unauthorized by law, the fine of 30 Rupees imposed by him, on the renter petitioning the Court of Circuit, and that the 1st Judge do also furnish that Officer, with a copy of these observations for his future guidance.

3. In paras 7. 8. and 9 the 1st Judge remarks on a case of escape of three prisoners from the Jail at Masulipatam, and proposes that

that a Muster roll of the Peons on guard should be kept by the Jailor, in order that it may at all times be readily ascertained, who was on guard at the time of an escape. The Court conceive that a roll of this nature must be in effect now kept in every Jail; and before issuing any orders on the subject, they deem it proper to direct the 1st Judge, to call upon the Officer in charge of the Court at Masulipatam, to report the precise rules and practice in his jail in this respect.

4. In the instance in question it has been difficult to fix the blame on any individual, owing chiefly to the imperfect manner in which the enquiry was conducted. The Court see ground to concur with the 1st Judge in the opinion, that the Peons on guard must have connived; and the subject will receive final consideration from them upon the reviews of the additional information called for in their letter to the Provincial Court of Circuit of the 11th June last.

5. In para 11, the 1st Judge submits a recommendation for an alteration in the mode of dieting the prisoners. the Court of Foujdaree Udalut have at different periods, issued specific and distinct orders, which fully provide for the interior economy and management of the Jails, and they are unwilling to make any partial

alterations

alterations — They refer to their orders on the subject of Sail dist, as a sufficient guide to the Officer in charge — They do not approve of the 1st Judges proposal in the same para; for allowing washermen to the Sail they are of opinion that some of the prisoners should be employed as washermen for all in Sail —

Ordered that extract from these proceedings be forwarded to the 1st Judge on Circuit in the Northern Division for his information and guidance —

(Sent in No 817)

As this communication is to be viewed as the Circuit Report for the 1st quarter Sessions at Masulipatam for the year 1834, ordered that copy thereof and extract from these proceedings be communicated to Government —

5 Pol. 5 Govt No 148.

(Sent in No 818)

Read letter dated 29th Ultimo from the 3d Judge on Circuit in the Southern Division, transmitting Record in Case No 9 of the Madura Calendar 2d Sessions of 1834 —

(Here enter No 1040)

The Court of Foujdaree Udalut.

Mr Bird.

have maturely considered the proceedings held before

before the Judge on Circuit, the futwa of the Provincial Law Officer and the futwa of the Cazee ul Cozat and Mooftees of the Foujdaree Udalut confirm the said futwa of the Cazee ul Cozat & Mooftees aforesaid, and under the Provisions of Clause Third Section V. Regulation VIII of 1831 — and Clauses Third & Fifth Section IV Regulation XV of 1803, sentence the Prisoners —

1st " Lutchmun
2d " Iyanen
3d " Soocramoneyen
4th " Lemben
6th " Lutchoomun.
7th " Palany
8th & 9th " Nullan —

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 —

5th " Cautame
&
9th " Poojary

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) ten years —

(Sent following letter No 819)

The

13th August 1834.

The Court deem it proper to observe, that as the personal injury inflicted by the Prisoner was very trifling, the 3d Judge on Circuit might with great propriety have disposed of this case himself.

Ordered, that Extract of these proceedings be sent to the 3d Judge on Circuit in the Southern Division by Precept Returnable without delay.

(Sent following Precept No. 820)

At a Court of the Foujdaree Udalut.

Present;

Thursday 14th August 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 23d Ultimo from the Provincial Court of Circuit in the Northern Division, transmitting the Criminal Reports prescribed by Section XXXV Regulation X of 1816 for the Month of April 1834.

(Here enter No. 1042)

Chicacole Report V Case 61.

1. With reference to paras 2 & 16 of the proceedings of the Provincial Court of Circuit on this case, the Court of Foujdaree Udalut would observe, that in the absence of explanation in the Report, they see no reason, why the prisoner charged with "Gang Robbery" should not have been committed: the Criminal Court being incompetent to dispose of the case.

2. Adverting to Para 3 of the proceedings of the Provincial Court of Circuit, it is, in the opinion of the Court of Foujdaree Udalut, desirable that the Column headed "Abstract &c" should shew the acts charged in each case, tho' not in too great detail. The mere entry of "Gang Robbery" "Burglary" &c is insufficient for the purpose of a correct revision of the Criminal Reports.

&c

Rajahmundry

3. The Court are concerned to observe that there are so many as 38 prisoners, according to the "Statement" sick out of 281, or nearly one seventh — the proportion is so large, that they deem it proper to call upon the acting Criminal Judge, thro' the Provincial Court of Circuit to explain the cause of this unhealthy state of the Jail, & if this continues at the present date, to submit any recommendation that he may think it advisable to make, after communicating with the Medical Officer, as to the best means of obviating the existing causes of the insalubrity of the prison —

Report V
Case 36.

4. The expiration of the sentence passed upon the prisoners in this case, puts it out of the power of the Court to do more, than record their regret that it should have been carried into execution; if, as appears from the absence of any mention of witnesses in the Report, their conviction rested on their Jaboob — confessions alone — which, so far from being a ground of punishment, has been held by the Court of Sudder Udalut insufficient of itself to authorize the requisition of security —

Case 43.

5 The Court coincide in the sentiments contained in para 19 of the proceedings of the Provincial Court of Circuit in this case, as to the propriety of allowing the prisoner the full benefit of any doubt as to his guilt. In this instance however it

it is observable that the prisoners were found in possession of certain cocoa, belonging to the prosecutor. It was for the prisoners therefore to prove their allegation of the purchase and their conviction followed the failure of their attempt to prove this —

Guntoor
Supt. Report
Case 666

6 On the subject of para 28 of the proceedings of the Provincial Court of Circuit, the serious concern of the Court of Sudder Udalut has been repeatedly recorded. The remedy for the protracted detention of prisoners in Jail in consequence of the required evidence being delayed, can be found only in the energetic & cordial cooperation of the different judicial functionaries, shewn by a speedy attention to each requisition, for the attendance of the prosecutor and witnesses —

7. The remark & order relative to the unhealthy state of the Jail at Rajahmundry, apply equally to that at Nellore, in which it appears that 88 out of 522 prisoners — or rather more than one Sixth — are sick —

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 & guidance

and

14th August 1834.

and for communication to the Subordinate judicial authorities of such parts as concern them respectively

(Sent following Precept No. 82)

F. U.

At a Court of the Foujdaree Udalut

Friday 15th August 1834.

Present;

John Bird Esqre acting 1st Puisne Judge

Thomas alexr Oakes Esqre acting 2d Puisne Judge

Alexr Duncan Campbell Esqr acting Judge

Read letter dated the 26th Ultimo from the Provincial Court of Circuit in the Northern Division, transmitting the Criminal Reports prescribed by Section XXXV Regulation X of 1816 for the Month of May 1834.

(Here enter No. 1046)

1. The only observations which appear requisite on the present occasion are with respect to Paras 15. 26. 31. 34 & 39. of the proceedings of the Provincial Court of Circuit, whose satisfactory revision of these Reports has been viewed by the Court of Foujdaree Udalut with much approbation.

2. With regard to Para 15, the Court have to remark that the Circular Order of 31st August 1833 has been since annulled.

3. On the subject of para 26 the Court of Foujdaree Udalut have to add, that under the Circular order of 31st December 1828 the adjudication of punishment, to the extent entered in the Sentence,

by

15th August 1834. Folio

by the Criminal Court was not incorrect. The difference however between the charge, and the crime for which the 2d prisoner was punished, evedently under Clause 3d Section VI Regulation I 1820, as observed by the Provincial Court of Circuit, should have been distinctly specified in the Criminal Report.

4. The Provincial Court of Circuit will ifsue orders for the sentences alluded to in Paras 31. 34. and 39 of their proceedings to be amended, in conformity with the provision of the Regulation cited.

5. The great mortality amongst the prisoners in Jail at Chicacole amounting to 23 deaths in the course of the Month, should have been explained, and the Provincial Court of Circuit will now call for the information of the cause, and to the Report which should have been earlier transmitted, according to the Circular order, 12th July 1830.

Ordered, that Extract of these proceedings be sent to the Provincial Court of Circuit in the Northern Division for their information and guidance.

(Sent in No. 831).

Read Further Return dated 2d May last from the 1st Judge late on Circuit in the Southern Division to Precept of Fd. dated 30 January 1834 conveying observations and Orders of the Court upon the Salem Calendar 2d Sessions of 1833.

Henceforth No. 562.

Read Further Return dated 20 May last from the Acting 1st Judge late on Ct. in the Southern Division to Precept of the Fd. of the 22d Ultimo Sanctioning the offer of a Reward of 200 Rupees for the apprehension of the absconded Peons therein mentioned.

Henceforth No. 660

Read Return dated 31st March last from the 1st Judge late on Circuit in the Southern Division to precept of the 24th Ultimo calling for the original Rough English translation of the Four Dungri Six Case No. 6 & 11 of the Salem Calendar the 2d Sessions of 1833.

Henceforth No. 444

F. 16.

At a Court of the Jaffna Udalut

Saturday 16th August 1834

Present,

John Bird Esqr. Acting 1st Puisne Judge,

Thomas Alexr. Oakes Esqr. Acting 2nd Puisne Judge,

Alexr. Duncan Campbell Esqr. Acting Judge.

Read Petition presented by Vinasitamby of the Tillah of Cuddapah.

Vide enter Instr. Pet. No. 21856 of 1834.

The Petitioner prays the Court to issue orders for the release of his two Brothers Tedda Narrappa, and Chinna Narrappa, Prisoners in Case No. 9 on the Cuddapah Calendar, for the 1st Sessions of 1834. who he states have been falsely and maliciously accused of Gang Robbery.

2 The Petitioner is informed that the Case in which his Brothers are concerned is now under consideration by this Court, and will be disposed of in due course.

Ordered, that prayer of Petition be rejected, and that extract from these proceedings be furnished to the Petitioner upon his application.

Read

Read Petition presented by Eroo-
-lappa Swamy of the Zillah of Coimbatore.

(Hereafter this Pet. No. 46 of 1834.)

1 The object of this Petition is to obtain from the Court the redress of alleged grievances which appear to be little unmerrranted detention of his Torelock, by a Peon of the Cutcherry, and other indignities offered to his person, the extorting from him at one and the same time of Money, and deprecations, and the subsequent suppression of some of the latter by the Sub Collector of the Coimbatore Zillah, the unjust imprisonment and fining of himself and brother by the Criminal Judge, and by the Collector of the District, and the improper sale of all his property by public Auction, to satisfy the false claims of an individual inhabitant of the same District.

2 The Court observe that the complaints of the Applicant, as they appear detailed in this petition are so extraordinary, and so involved in obscurity, that they are unable to pass any order upon them.

3 They therefore resolve to transmit a copy of the Petition to the Provincial Court of Circuit in the Southern Division, and to direct them to institute an inquiry into the case, with the view of ascertaining whether there is any foundation for the complaints advanced by the Petitioner, and to report the result to this Court.-

Ordered accordingly, that extract from these proceedings, with copy of the Petition be sent to the Provincial Court of Circuit in the Southern Division by Precept returnable without delay.-

(Sent following precept 8.1835)

Read Petition presented by Sylummall of the Zillah of Combaconum.

(Hereafter Mis: Pet: No. 53 of 1834.)

1 The Petitioner prays the Court to issue orders for the release of her husband Ramalingum Padiachy, Prisoner in case No. 2 of the Combaconum Calendar 1st Sessions of 1834, who has been sentenced by the Sessions Court to Transportation for Life.-

2 The Petitioner is informed that her husband's case was disposed of after due consideration, and that the sentence cannot

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 Summanacottai of the Zellah of Combaconum

(Here enter Petn. No. 55 of 1834)

The Petitioner states herein that she is the wife of Ramalingum Pillatchy, the Prisoner in Case No. 2 of the Combaconum Calendar for the 1st Sessions of 1834 whom the Court of Sessions Trichinopoly have sentenced to be transported for Life, and for whose release she prays the Court to issue orders.-

2 The Petitioner is informed that her request is inadmissible.-

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 Petition presented by Mootiacauny Pandaram.-

(Here enter Petn. No. 56 of 1834.)

1 The Petitioner prays the Court to issue orders for the release of Ramasawmy Naicken, and Periya Tumbee Naicken, Prisoners in Case No. 1 Cuddalore Calendar 2nd Sessions of 1833, who he states have been imprisoned on a false and malicious charge of Gang-Robbery, and whose case was referred to the Sudder Adawlut.

2 The Petitioner is informed that the case in question has been already disposed of, and that Ramasawmy Naicken has been sentenced to be transported for Life, and Periya Tumbee Naicken acquitted but ordered to find Security for his future good conduct.-

Ordered therefore, that the prayer of this Petition be rejected, and that extract from these proceedings be furnished to the Petitioner upon his application.-

At a Court of the Foujdaree Udalut.

Present,

Monday 18th August 1834. John Bird Esqre Acting 1st Puisne Judge,
Thomas alexr Oakes Esqre Acting 2d Puisne Judge,
alexr Duncan Campbell Esqre Acting Judge,

1/3

Read letter, dated 2d instant from the

2/0

Late Acting Judge on Circuit in the Southern Division.—

transmitting the record in Case No 41. on the Salem

45

Calendar 1st Sessions of 1834.

(Here enter No 1055.)

The Court of Foujdaree Udalut, having

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-Cozat and Mooftees of the Foujdaree Udalut, confirm the said Futwa of the Cazee-ool-Cozat and Mooftees aforesaid and in conformity with the provisions of Clause third, Section V Regulation VIII of 1831. and Clause Second Section II Regulation I of 1825, Sentence the Prisoner

"Cooppanasaury"

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 842)

Read.

Read Return dated the 6th instant from the acting 2d Judge late on Circuit in the Northern Division to Precept of the Foujdaree Adalut, under date the 10th ultimo, conveying their observations and orders on the Guntoor Calendar for the 1st Sessions of 1834.

(Here enter No. 1113 of 1834)

1 Under the explanations afforded by the acting 2d Judge, in the 2d Para of his present Return, regarding the 3d prisoner in Case No. 16 on the Calendar, the Court deem the transmission of an English translation of the Record of that case to be unnecessary.

2 With reference to Para 9 of the above Return, the Court hereby confirm the sentence of banishment to Nellore, passed by the Court of Circuit upon the Prisoner Mullala Nangadoo, in case No. 139 of the Calendar.

3 On the Subject adverted to by the acting 2d Judge late on Circuit, in the 11th Para of his Return under reviews, the Court, proposing to issue a Circular order, refrain at present from further observation.

Ordered, that extract from these proceedings be sent to the acting 2d Judge late on Circuit in the Northern Division, for his information.

(Sent following letter No. 843)

Read letter, dated the 7th instant, from the acting 2d Judge late on Circuit in the Northern Division,

recommending a mitigation of the punishment to which the several prisoners convicted in cases Nos. 8. 14. 38. 47. 48. and 99. on the Guntoor Calendar for the 1st Sessions of 1834 of Highway Robbery, have rendered themselves liable.

(Here enter No. 1114 of 1834.)

The Court of Foujdaree Adalut having

8. 14. and 38. 1 maturely considered the circumstances of the cases represented in the above letter, sanction under clause Third, Section III Regulation I of 1825 the mitigated punishment proposed by the acting 2d Judge late on Circuit in the Northern Division in cases Nos. 8. 14. and 38; and accordingly direct that the Prisoner in No. 8 and the Prisoners in No. 14 be severally imprisoned and kept to hard labour in irons on the public roads or other public Works, for and during the period of (5) five years; and the Prisoners in No. 38. for the period of three years.

47. 2 The Court further sanction the mitigated Sentence proposed by the acting 2d Judge late on Circuit in the Northern Division, to be passed upon the 1st prisoner in Case No. 47, and accordingly direct that he 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.

3 But being of opinion that the mitigated sentence of 2 years proposed to be passed upon the

2d

2d and 3d Prisoners in the above case, is insufficient for the punishment of the offence of which they have been convicted, they 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 (4) years.

48. & 99. 4 The Court further sanction the mitigated sentences proposed to be passed upon the prisoners in cases Nos. 48. and 99. and accordingly direct that the Prisoners in case No. 48 be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of 4 years and the Prisoner in Case No. 99 for the period of (3) years.

Ordered, that Extracts from these proceedings be sent to the Acting 2d Judge late on Circuit in the Northern Division for his information & guidance by Precept returnable without delay.

(Sent following Precept No. Table)

Read letter dated the 7th instant from the Acting 2d Judge late on Circuit in the Northern Division, recommending a mitigation of the punishments to which the Prisoners in Cases Nos. 22. 23. 31. 40. 49. 52. 95. 109. 134. and 140 have severally rendered themselves liable.

(Here enter No. 1115 of 1834)

Nos. 22. 23. 31. 134. & 140. The Court of Judicature Acting having maturely considered the circumstances of the cases noted in the Margin, are of opinion that the ends of Justice will be attained

attained, by the infliction of punishment in each case milder than that proposed by the Acting 2d Judge on Circuit in the Northern Division, and accordingly direct that the Prisoners in Cases Nos. 22. 23. and 31. be imprisoned and kept to hard labour in irons on the public roads or other public Works for and during the period of one year:— and the Prisoners in Cases Nos. 134 and 140. for the period of (3) three years.

40. & 49. 2 The Court are further of opinion that the imprisonment which the Prisoners in the Cases Nos. 40 & 49. have already undergone is a sufficient punishment, under all the circumstances for the offences of which they have severally been convicted.

3 The Court accordingly direct that they be immediately and unconditionally released.

95 & 109. 4 Under clause third, Section III Regulation I of 1825, the Court sanction the Mitigated punishment proposed by the Acting 2d Judge on Circuit in the Northern Division, in Cases Nos. 95. & 109, and accordingly direct that the Prisoners in Case No. 95. be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of 3 years; and the Prisoners in case No. 109. for the period of (2) two years.

The

52. The Court will not pass any orders upon case No. 52, until the English Record of it be received; and with reference to the Extract from their proceedings under date the 10th Instt. they desire that it may be prepared and submitted without delay.

Ordered, that Extract from these proceedings be sent to the Acting 2d Judge on Circuit in the Northern Division for his information and guidance by Precept returnable without delay.

(Sent following Precept No. 845)

Read letter dated the 7th instant from the Acting 2d Judge late on Circuit in the Northern Division recommending a mitigation of the punishment to which the Prisoner convicted in Case No. 12 on the Rajahmundry Calendar, 1st Sessions of 1834, of Highway Robbery, and the Prisoners convicted in Case No. 57 on the same Calendar, of Gang Robbery, have severally rendered themselves liable.

(Here enter No. 1116 of 1834)

The Court of Foujdara Adalut having maturely considered the circumstances of the cases represented in the above letter, & sanction under clause third, Section III Regulations of 1825, the mitigated punishment recommended by the

the Acting 2d Judge late on Circuit in the Northern Division, in Case No. 57 and accordingly direct that the Prisoners in question 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.

2 The Court are further of opinion that the imprisonment already undergone by the Prisoner in Case No. 12 is sufficient punishment, under the circumstances, for the offence of which he has been Convicted.

3 They accordingly direct that he be immediately and unconditionally released.

Ordered, that Extract from these proceedings be sent to the Acting 2d Judge late on Circuit in the Northern Division for his information and guidance, by Precept returnable without delay.

(Sent following Precept No. 846)

Read letter dated the 9th instant, from the 3d Judge on Circuit in the Southern Division, recommending a Mitigation of the punishment to which the 2 prisoners convicted in Case No. 9 of the Tinnevelly Calendar, for the 2d Sessions of 1834 of Highway Robbery, have rendered themselves liable.

(Here enter No. 1123 of 1834)

The

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 3d 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 (4) four years.

Ordered that Extract of these proceedings be sent to the 3d Judge on Circuit in the Southern Division for his information by Precept returnable without delay.

(Sent following Precept No. 847)

Read letter dated 14th January last from the Acting 3d Judge on Circuit in the Centre Division - Submitting the Record of the proceedings in Case No. 9 of the Cuddapah Calendar 1st Sessions of 1834.

(Here enter No. 1038)

1 The Court observe, that although many persons, including the individual who was wounded, swear that they recognized the prisoners, while the Robbery was being perpetrated, which recognition forms the chief evedence against them (excepting the 1st Prisoner) they do not appear

appear to have been immediately denounced and apprehended, a circumstance, which is not explained in the proceedings, and which to the Court appears unaccountable, if the recognition was true.

2 The Court further observe that while the Amildar's report tends to shew that the 2d. 3d and 5th Prisoners were apprehended on the 2d and the 1st 6th & 7th on the 8th of July, the evidence proves, that the first Prisoner was first seized. Moreover there is nothing on the Record to shew the Grounds upon which the 2d and 3d prisoners were apprehended, of whom the 1st Prisoner in his declaration before the Police officer professed entire ignorance.

3 It is true that the Prosecutor before the Police distinctly declared that previously to the Robbery "Doodee Cola Chand of Bedda Cutta came and told him", that the 2d and 3d Prisoners were meditating the Commission of this Offence. Nevertheless no inquiry has been instituted regarding this important fact, nor any regarding the fact of the Sale of their property, and the confinement of the 3d Prisoner for debt by the Prosecutor, who assigns this circumstance, as the motive which led the Prisoners to commit the crime.

4 On these points therefore the Court desire,

before

18th August 1834.

J.C.

before proceeding to pass a final decision, that evidence be taken; and that an enquiry be instituted, as to the precise grounds on which the 2d and 3d Prisoners were in the first instance apprehended: and whether they with the 4th 5th & 6th Prisoners were immediately denounced before the Village or other authorities: with which view they resolve to return the Record of the case to the acting 3d Judge on Circuit in the Centre Division, and to direct him to cause the necessary examinations to be taken by the Criminal Court in the presence of the prisoners, and having annexed English and Persian Translates of the additional evidence to the Record, to return it without delay to the Court—

Ordered therefore, that extract from these proceedings be sent with the Record of the case to the acting 3d Judge on Circuit in the Centre Division for his information and guidance by Precept returnable without delay—

WS

Exd

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WC

WL (Sent following Precept No. 848)—

At a Court of the Sowjdaree Adalut.

Present,

Tuesday
19th August 1834 — John Bird Esqr. Acting 1st. Puisne Judge
vs
D°. — Thomas Alexr. Oakes Esqr. Acting 2d. Puisne Judge
D°. — Alexr. Duncan Campbell Esqr. Acting Judge.

Mr. Bird
and
Mr. Campbell

Read letter dated 22d. Ultimo, from the 3d. Judge on Circuit in the Western Division, submitting the record of proceedings in Case No. 18 on the Calendar of the Zillah of Malabar for the Second Sessions 1834.—

/ Here enter No. 1021. /

The Court of Sowjdaree 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;

"Kanjara candy Gouenen Amshom Kolkar";

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 they direct their Law Officers to declare by a Second Fatwa, to what punishment the prisoner would be liable if convicted on full legal evidence of that crime.—

Answer

Answer

In case of the said Prisoner being convicted by the evidence of credible witnesses of the crime of culpable Homicide, a Forfeit of 10000 Dirhems must be paid by his heirs to the heirs of the deceased in 3 years

The Court of Faujdaree Adalut in commutation of the penalty of Forfeit declared in the foregoing Futwa, Sentence the Prisoner, "Ranjara Bandy Goureen Anshom Kolkar", 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 (10) years.-

Sent following letter No 849

Mr. Oakes and Mr. Campbell

Read letter, dated 2d April last, from the 1st Judge of the Court of Circuit in the Northern Division, transmitting the record of proceedings in case No 1 Manifestation Calendar for the 1st December last Session 1834.-

Here enter No 1073

The Court of Faujdaree Adalut having maturely considered the Proceedings held before the Judge on Circuit, the Futwa of the Sentenced Law Officer and the Futwa of the Cazee and Cazee ul Cazzat and Mooftee of the Faujdaree Adalut, confirm such part of the said Futwa of the Cazee and Cazee ul Cazzat and Mooftee aforesaid as regards the Prisoner, 8th "Dausara Ammeegaudoo"

and

and accordingly direct that he be set at Liberty.

And being of opinion that the Prisoner 25th "Cauloory Cautadoo"

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, they direct under Clause Sixth, Section II Regulation XV of 1803 that he be set at liberty.-

Sent following letter No 850

The Court of Faujdaree Adalut,

4th "Dausaree Reddygadoo", 5th "Koozanarapoo Pedda Venkadoo", 11th "Mancherla Cancheadoo", 23d "Koozanarapoo Tengadoo" and 28th "Koozanarapoo Nagadoo", will not proceed to pass sentence upon the remaining prisoners in this case, until the precise age of those, whose number are noted in the Margen, shall have been ascertained and reported to them.-

No of Prisoners	age in the Calendar	age in the Circuit proceedings.
4	10	25
5	16	25
11	10	17
23	16	20
28	3	30

2 The Court accordingly resolve to return the Record of the case, to the 1st Judge on Circuit in the Northern Division, and to desire that Officer, to submit to them without delay the required information.-

3. The 1st Judge on Circuit will comprehend the necessity of this mode of proceeding by a reference to the figured Statement in the Margin.-

Ordered, that Extract from these proceedings be sent, with the Record of the Case, to the 1st Judge on Circuit in the Northern Division by precept, returnable without

without delay.

/Next following Precept No 857/

Mr Bird
Mr Oakes and
Mr Campbell

Read Letter from the Acting 2d Judge of Circuit in the Northern Division dated the 8th Instant, reporting that having inspected the dayls of the Proceedings of the Acting Judge of Rajahmundry as required by the order of this Court dated the 11th October 1830, he observed that the Acting Judge has "occasionally decreed a fine against persons on the grounds of them being alleged to have uttered forgeries &c."

/Here enter No 1128/

1. The Acting 2d Judge further reports that upon visiting the Jail, fifteen persons represented to him that they had been placed in Jail, some of them until they had paid a certain fine or for definite periods upon the alleged grounds of having perjured themselves in Civil Suits, and that others alleged that they had been fined for "prevarication" and similar grounds, to the extent, one of 600, another of 400, another 200 Rupees &c."

2. The Acting 2d Judge furnishes a list of the names of the persons in question shewing the amount of the fine alleged to have been imposed on each person, and he states further that there are now before the Provincial Court 25 petitions complaining of orders for fines to the amount of 3,945 Rupees, alleged to have been imposed by the same Officer.

3. The Court of Suds and Foujdaree Adalut desire that the Provincial Court, with reference to the Acting 2d Judge's letter above referred to, will require the Acting Judge of Rajahmundry, within 18 hours after the receipt of their Proceedings, to release any and every person who may be in the Jail under his orders upon any of the grounds specified in the Acting 2nd Judge's letter, who has been sentenced upon the plea of Section XXII Regulation III of 1802 to pay a fine exceeding 200 Rupees, or on whom a fine exceeding 50 Rupees has been imposed under Section VII Regulation XIII A. D. 1832, or who may be in the Jail in default of payment of fine to any amount, upon the ground specified in the 1st Para of the Acting 2d Judge's letter; and that they will require the Acting Judge to furnish within ten days after the receipt of their proceedings a statement, exhibiting the names of the persons who, since he has been in charge of the Court, have been fined by him in Civil Matters, as well as in Criminal Cases under Section VII Regulation XIII A. D. 1802, and shewing the amount of the fine imposed upon each person. This list to be accompanied by a Statement of the

grounds

grounds upon which each fine was imposed and a copy of the order of Court in each case.

4th The Court desire the Judges of the Provincial Court to understand that these orders are not to be considered in the least to interfere with their proceedings on the 25 petitioners referred to in the 3d Para of the Acting 2d Judge's letter, and they direct that those petitions may be disposed of with the least practicable delay, and that should there unhappily be exhibited any case of oppression and ruin the results be communicated to this Court.

Ordered, that Extract of these proceedings be sent to the Provincial Court of Circuit in the Northern Division with instructions to forward the orders of this Court to the Acting Judge at Rajahmundry without delay, and to make return as early as practicable

Sent following receipt [illegible]

Read letter dated the 30th Ultimo, from the Provincial Court of Circuit in the Southern Division, transmitting the Criminal Returns prescribed by Section XXXV Regulation X 1816 for the month of June 1834.

[Here enter No 1071]

This case is entered in the Report as under examination, awaiting for witnesses repeatedly called for. It would have been more satisfactory, if

Combaconam
Sept. Report
Case 115.

if the dates of the applications for the witnesses had been specified, and the Provincial Court of Circuit will communicate this to the Criminal Judge in order that he may in future similar cases insert the dates. It is desirable indeed, on every occasion of calling for further evidence that the time should be distinctly notified; for the Court of Tanjore Adalut cannot otherwise ascertain where the cause of the protracted detention of any case before a Criminal Court rests. The Provincial Court of Circuit, in the present instance will call upon the Magistrate of Tanjore to explain why the required Witnesses cannot be forwarded, unless they find that the Magistrate has attended to the requisition previous to the receipt of these proceedings.

Report V
Case 138

2. The Court of Tanjore Adalut trust that the Head Assistant Magistrate of Trichinopoly has some very satisfactory explanation to give respecting the detention of the Prisoners in this case, as, on the face of the proceedings, his conduct appears open to strong animadversion. It is in vain to expect regularity from the Police officers, when their immediate superiors set them such an example. The Provincial Court of Circuit will accordingly call for, and submit to the Court of Tanjore Adalut

Udalut, any explanation the Head Assistant Magistrate may have to offer.-

Salem. 3

Report V. With reference to the observation
Case 208. of the Provincial Court of Circuit upon this case. The Court of Foujdaree Udalut direct that the Assistant Criminal Judge be required to amend his sentence, which is clearly illegal under Clause 1st Section XIII Regulation VII 1827.

4

The Court are concerned to observe from the Statement of the labor of the Convicts that nearly one Seventh of the prisoners included in Columns 4 were sick at the end of June If this still continues after the receipt of these proceedings the Criminal Judge should in communication with the Surgeon make a Report of the cause and of the means considered best adapted to remove it.-

Coimbatore 5

Report V The Court, under the conclusion
Case 182. that the full charge was admitted by the prisoner before the Sudder Ameen, coincide with the Provincial Court of Circuit in their opinion, that this case ought not to have been referred at all to the Sudr Ameen.

6

The Statement of the labor of the prisoners under his charge forwarded by the Magistrate of Salem, the Court observe to be framed according to the original order of the 19th January 1831.

The Provincial Court of Circuit will point this

error out to the Magistrate, and require him in future to transmit it in the modified form enjoined by Circular Order 29th August 1831.- He should, at the same time be informed, that the numbers of the General prisoners employed in the different occupations should be given in the last column of the Statement.

7 As the Statement of the labor of prisoners does not at present shew the total number of prisoners in hospital, the Court of Foujdaree Udalut resolve to direct the Provincial Court of Circuit in the Southern Division to instruct the Subordinate judicial authorities, always to insert a note of explanation in the said Statement of the total number sick at the close of the month for which the Report may be prepared, distinguishing whether the sick prisoners are classed under Column 2, or Column 3, or whether they are of the number included in Column 1 but not entered in Column 2 or 3.-

Ordered, that Extract of these proceedings be sent to the Provincial Court of Circuit in the Southern Division for their information and guidance, and for communication to the Subordinate authorities of such parts as concern them respectively by Precepts returnable without delay.-

Sent following Precept No 853

Read

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 1816 for the month of June 1834.

/ Here enter No. 1086. /

Malabar Report V Case 208.

1 The Prisoners in this case, according to the wording of the charge, would appear to have been punishable under Clause 1st Section VIII Regulation XIII 1832, rather than under Clause 4th Section III Regulation VII 1822.-

Malabar Circuit Court Report V Case 81.

2 The case of these prisoners, as far as can be judged from the Report, would fall under Clause 1st Section XI Regulation XIII 1832. The Provincial Court of Circuit will communicate this to the Joint Criminal Judge for his guidance in disposing of future similar cases.-

Supt. Report 3. Case 32.

3. The explanation of the delay in the disposal of this case is not of that full description required by the Circular Order 11th April 1832. It would have been more satisfactory if it had been stated in the Report, why the deficient evidence could not be procured in all June, and if the dates of application for it had been specified.

Canara Circuit Court Report V Case 39.

4 The Security taken from the Prisoner in this case is probably tantamount to six months imprisonment, but it does not appear why he was not sentenced to punishment, as from what is

stated in the Report, there would seem to have been grounds sufficient for his conviction.-

5. As the Statement of the Labor of Prisoners does not at present shew the total number of prisoners in hospital, the Court of Foujdaree Adalut resolve to direct the Provincial Court of Circuit in the Western Division to instruct the Subordinate judicial authorities, always to insert a note of explanation in the said Statement of the total number sick at the close of the month for which the Report may be prepared, distinguishing whether the sick Prisoners are classed under Column 2, or Column 3; or, whether they are of the number included in Column 1 but not entered in Column 2 or 3.-

Ordered, that Extract of these proceedings be sent to the Provincial Court of Circuit in the Western Division for their information and guidance, and for communication to the Subordinate authorities of such parts as concern them respectively by Precept, returnable without delay.-

/ Sent following Precept No. 854 /

At a Court of the Tanjdaree Udalut.

Present,

Thursday 21st. August 1834.

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 19th. Ultimo, from the late officiating Judge, late on Circuit in the Northern Division, now at Chittoor, transmitting the Record in Case No. 56 on the Nellore Calendar for the 2nd. Sessions 1833.

(Here enter No. 1000.)

The Court of Tanjdaree 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 wal Cozat and Mooftee of the Tanjdaree Udalut, confirm the said Futwa of the Cazee wal Cozat and Mooftee aforesaid, and accordingly under the provisions of Clause third Section IV. Regulation XV. of 1803, sentence the

Mr. Oakes.
+
Mr. Campbell.

the Prisoners,

2d Chintala Venkataramanadoo,

and

3d Ramanadayana Varagadoo,

to be imprisoned and kept to hard labour
on irons on the public roads, or other
public works, for, and during the period
of (14) fourteen years.

They further convict the
Prisoner,

4th Gona pully Boyelemah,

of receiving stolen property knowing
that the same had been acquired in the
perpetration of Gang Robbery by open
violence, and accordingly under the pro-
visions of Clause Second, Section IV Re-
gulation VI of 1822, sentence him to
be imprisoned and kept to hard labour
on irons on the public roads, or other
public works, for, and during the period
of (14) fourteen years.

/Sent in No. 861/

Read letter, dated the 26th Instt
from the Acting 3d Judge, late Additional
Judge on Circuit in the Northern Divisi
transmitting the record in Case No. 72 on the
Chicacole Calendar 1st Sessions 1833.

/Here enter No. 1048./

Mr. Bird
and
Mr. Campbell

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 Coozat and Mooftees of the
Sudder Adalut, confirm the said Futwa
of the Cazee-ool Coozat and Mooftees afore-
said, and under the provisions of Section X
Regulation VIII of 1802, sentence the Prisoner,
"Curruh Baloodoo"
to suffer death by being hanged at the usual
time and place of execution.

/Sent in No. 862/

1 With reference to the Circuit
Judge's examination of the 9th and 10th witness,
the Court observe, that those witnesses who
may have attested the confession of a
Prisoner should be fully examined, regarding
the nature and purport of that confession
before it is shown, or read to them.

2 The Court also desire that the
Acting 3d Judge on Circuit in the Northern
Division will explain, how it happened
that

that the age of the Prosecutor has been entered both before the Criminal and Circuit Courts at only 20 years, while that of the Deceased Boy, who is his reputed Son, is stated to have been 8 or 10 years.

Ordered, that extract from the proceedings be sent to the Acting 3rd. Judge on Circuit in the Southern Division by Precept returnable without delay.-

/Sent following precept No. 863/

Read letter, dated the 7th. Ultimo from the 3rd. Judge on Circuit in the Southern Division, reporting the commencement of the 2nd. Sessions of 1834 at Mauritius.

/Here enter No. 908./

Read further return, dated the 8th. Ultimo, from the Late Officiating Judge on Circuit in the Northern Division at Chittagong to Paras 9 and 13 of this Court's proceedings of the 17th June 1834, upon Case No. 38 Delhi Calendar 2nd. Sessions 1833.-

/Here enter No. 912./

Read supplemental return dated the 23rd. Ultimo from the Acting 3rd. Judge on Circuit in the Centre Division, to precept of Tuesday Next dated the 7th. Ultimo transmitting

transmitting the Court's observations on the primary and supplemental Calendars for the 1st. Sessions of 1834 at Bellary.-

/Here enter No. 1002./

Read return, dated the 23rd Ultimo, from the Provincial Court of Circuit in the Eastern Division, to precept of Tuesday Next dated the 9th. Ultimo, directing the Magistrates be required to cause a statement in the form annexed thereto, to be forwarded by the Police to the Criminal Court, in each important case, including more than one Prisoner.-

/Here enter No. 1018./

Read return, dated the 25th. Ultimo, from the 2nd. Judge late on Circuit in the Southern Division, to precept of Tuesday Next dated the 18th. Ultimo, directing him to procure a strong guard of Sepoys for the purpose of escorting from Combaconum to Chinglepat, the Prisoner Ramalingum, in Case No. 2 Combaconum Calendar Fourth Sessions of 1834.

/Here enter No. 1020./

Read return, dated the 28th. Ultimo, from the Provincial Court of Circuit

Circuit in the Southern Division, to precept of Tanjore Head Mat dated the 25th. Ultimo, directing the Provincial Court of Circuit in the Southern Division, to call for the proceedings held by the Magistracy, in a case in which the Prisoner, Chevy Pradan alleged that he had been ill treated by the Village Police.

/Here enter No. 1024./

Read return, dated the 28th. Ult.o from the Provincial Court of Circuit in the Centre Division, to precept of Tanjore Head Mat dated the 11th. Ultimo, directing the immediate and unconditional release of the Prisoner Cumala Veerapatter therein alluded to.-

/Here enter No. 1025./

Read letter, dated the 25th. Ultimo, from the Provincial Court of Circuit in the Western Division. Stating, with reference to their Court's proceedings of the 18th. Ultimo, that the explanation called for in the 10th. para.h of the Proceedings therein alluded to, was submitted on the 18th. June 1834.

/Here enter No. 1026./

Read return, dated the 4th. Inst.t from the 3rd. Judge on Circuit in the Southern

Division, to precept of Tanjore Head Mat dated the 25th. Ultimo, directing that the Prisoner in Case No. 12 of the Madura Calendar, for the present Sessions, should be sentenced to a punishment not below that prescribed by Law.-

/Here enter No. 1078./

Read return, dated the 4th. Instant, from the 3rd. Judge on Circuit in the Southern Division, to precept of Tanjore Head Mat dated the 25th. Ultimo, directing that the Prisoner in Case No. 16 Madura Calendar, for the present Sessions should be sentenced to a punishment not below that prescribed by Law.-

/Here enter No. 1079./

Read return, dated the 4th. Instant, from the 3rd. Judge on Circuit in the Southern Division, to precept of Tanjore Head Mat dated the 25th. Ultimo, directing, that the Prisoners in Case No. 19 Madura Calendar for the present Sessions should be sentenced to a punishment not below that prescribed by Law.-

/Here enter No. 1080./

Read return, dated the 8th. Instant, from the 2nd. Judge on Circuit in the Southern

Division

Division to precept of Sayidaree Adalut dated the 28th June last, conveying their observations and orders on case No. 10 Madura Calendar Sessions 1834.

/Here enter No. 1096./

Read return, dated the 6th instant from the Provincial Court of Circuit on the Western Division, to precept of Sayidaree Adalut dated the 23d ultimo, containing their observations on the Criminal Report of the Division for the month of May.

/Here enter No. 1110./

Read letter, dated the 11th Instant from the Acting 2d Judge on Circuit in the Centre Division, reporting the arrival of the Court of Circuit at Chingleput.

/Here enter No. 1111./

Read return, dated the 5th Instant from the Acting 2d Judge on Circuit in the Centre Division, to precept of Sayidaree Adalut dated the 1st instant, confirming the sentence passed by the late Acting 1st Judge on Circuit in the Centre Division in Case No. 28 of the Cuddapah Calendar for the 2d Sessions of 1833.

/Here enter No. 1112./

Read return, dated the 12th instant, from the Acting 2d Judge on Circuit in the Centre Division to precept of Sayidaree Adalut dated the 11th Ultimo, pointing out an error in the letter which accompanied the record of Case No. 1 Cuddalore Calendar 2d Sessions of 1833.

/Here enter No. 1118./

Read letter, dated the 12th instant, from the 2d Judge late on Circuit in the Southern Division, reporting the execution of the Prisoner in Case No. 10 of the Madura Calendar for the 1st Sessions of 1834.

/Here enter No. 1130./

Read return, dated the 9th instant, from the 1st Judge on Circuit in the Northern Division, to precept of Sayidaree Adalut dated the 31st July last, containing their observations on the Masulipatam Calendar for the 2d Quarterly Sessions of 1834.

/Here enter No. 1139./

Read return, dated the 15th Instant, from the 2d Judge late on Circuit in the Southern Division, to precept of Sayidaree Adalut dated the 11th Instant, sanctioning mitigated punishment in Case No. 18 Combaconum Calendar

Calendar for Sessions of 1834.

/Here enter No. 1143./

Read return, dated the 11th. Instant from the Acting 3d. Judge on Circuit in the Centre Division, to precept of Tanjore Ucalut dated the 6th. Instant, returning, to be disposed of by the Judge on Circuit, the trial of No. 25 of the Bellaree Calendar for the 1st. Sessions of 1834.

/Here enter No. 1144./

Read return, dated the 8th. instant, from the Provincial Court of Circuit in the Western Division, to precept of Tanjore Ucalut dated the 31st. Ultimo, desiring that the Magistrate of Malabar be required to furnish the information regarding the amount of Fines remitted to him by the District Police, which he omitted to enter under Column A of No. 14 in Statement No. 1. under Column

/Here enter No. 1145./

Read return, dated the 14th. Instant, from the 3d. Judge on Circuit in the Southern Division, to precept of Tanjore Ucalut dated the 6th. Instant, directing that the Prisoner in Case No. 1 Madura Calendar for the present Sessions, be sentenced within the

the limits prescribed by law, to such punishment as the 3d. Judge on Circuit may deem fit.

/Here enter No. 1159./

Read letter, dated the 16th. Instant from the Acting 2d. Judge late on Circuit in the Northern Division, transmitting original warrant of execution of one Singumsetty Vencadoo, with letter of Acting Criminal Judge of Rajah-mundry.

/Here enter No. 1164./

At a Court of the Foujdaree Udalut

Present,

Friday
22d August 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 28th Ultimo, from the 3d Judge on Circuit in the Southern Division, transmitting Record in Case No. 8. of the Madura Calendar 2d Sessions of 1834.

(Here enter No. 1041)

Mr. Bird.

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, are of opinion that the Prisoner -

"Caroopanen"

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, & accordingly, direct under Clause third Section V. Regulation VIII of 1831, and Clause sixth Section II. Regulation XV of 1803, that he be set at Liberty). -

(Sent following) letter No. 870)

Read letter, dated 29th Ultimo, from the

the late Acting Judge on Circuit in the Southern Division, transmitting the record in Case No. 20. on the Salem Calendar 1st Sessions of 1834.

(Here enter No. 1039)

Mr. Bird

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 Pully Coodathan
2d Rungen
3d Coolly

is sufficient to convict them of the crime of Gang Robbery by open violence, 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 them thereof, and in conformity with the provisions of Clause third, Section IV Regulation XV of 1803, 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) fourteen years—

(Sent following letter No. 871)

1 The Court observe that the Persian translation of the Declaration of the 3d Prisoner before the

the Police Officer is not to be found in the Record of the trial, although it was proved before the Circuit Court—

2 It will be proper that the late acting Judge on Circuit in the Southern Division should ascertain the cause of the omission, and take such notice of it as may appear to him to be requisite—

Ordered, that extract from these proceedings be sent to the late acting Judge on Circuit in the Southern Division by Precept Returnable without delay.—

(Sent following Precept No. 872)

Read letter, dated the 4th Instant, from the Provincial Court of Circuit in the Centre Division, transmitting the Criminal Reports of the Division for the Month of June 1834.

(Here enter No. 1092—)

Chittoor Report V Case 207.

1 The Court of Foujdaree Udalut agree with the Provincial Court in their remark upon the punishment awarded in this case, and authorize the modification of the sentence to the extent proposed.

Case 209.

2 The Provincial Court of Circuit will cause the circumstance of the second prisoner in this case having been sent up to the Criminal Court without any proof whatever, to be communicated to the Magistrate

Magistrate, under Circular Order 25th. May 1823.-

Case 225. 3. The Court do not see that any necessity existed in this case for a reference to the Magistrate, and the Police officer who was concerned should be enjoined not to detain cases of this description; his duty being clearly to send them up direct to the Criminal Court.

Suppl. Report Case No. 152. 4. The sentence of hard labour is illegal and the Provincial Court will issue the necessary instructions for its modification.

5. In all cases of applying for further evidence, it is desirable, that the officer applying should specify the date in the Report. This will enable the Court of Sudder Adalut to ascertain correctly, by whom the detention of any case before a Criminal Court, is caused.-

225. 6. The mode of entering a charge as "suspected" &c. is incorrect, a charge should be so framed that, if proved, the punishment of the prisoner for it should follow; and no prisoner is liable to punishment merely on suspicion.-

7. The Court remark with regret that on the 30th. of June there were still 37 Cases with 100 Prisoners undisposed of before the Criminal Court.

If

P. C.
22d. August 1834.

Cuddapah Report V Case 135. 8 If the 1st. Prisoner in this case could not satisfactorily account for the handkerchief which was proved to have belonged to the deceased, being in his possession, this, superadded to his confession before the Police, would have justified his being committed for Trial. according to the abstract of the charge there was no accusation whatever against the 4th. 5th. and 6th. Prisoners.-

Case 144. 9. The Court of Sudder Adalut fully coincide in the observations contained in paras 12. 13. 14. 15. 17. & 42 of the proceedings of the Provincial Court of Circuit and desire that they may be communicated to the subordinate authorities respectively.-

Case 147 10 The Provincial Court of Circuit will ascertain and report, whether any & what measures have been taken for the apprehension of the man named Jullavadoo, alluded to in the Report, as having placed a bloody weapon in the hut of the prisoners concerned in this case

Case 148. 11 It appears to the Court, that there were grounds sufficient for committing for trial the 1st. 2d. 3d. 5th. & 25th. prisoners in this case.-

No

Cumbum. 12 The Court regret to observe, that there should be so many as 6 out of 27 or more than 3/5th of the Prisoners in Column 6 sick at Cumbum. The Native Criminal Judge should be directed to report if there is any cause for this insalubrity, which can be obviated.

Cumbum Supt.s Report Case 64. 13 From what is stated in the Report the Court are of the same opinion as the Provincial Court of Circuit, respecting case 64. that it ought not to have been decided in the Criminal Court.

Bellary Report V Case 128. 14. This appears to be a common case of cattle stealing; but if the value of the Bullock was 10 Rupees, as stated in the charge, the Court of Fouzdaree Adalut do not consider that it was a case to be disposed of by the Magistrate, they resolve to direct the punishment to be reduced to 3 months imprisonment.

Supt.s Report Case 32. 15 The Court conclude that the Officiating Criminal Judge has taken measures to obtain the evidence of the two females, alluded to at the close of his remarks in the Report, if their evidence, as would appear, was absolutely necessary.

Case 39. 16 The Report does not shew, why this case was not earlier disposed of. The Provincial Court of Circuit will call on the Officiating Judge to

to state why, when the prisoners arrived at his Court in February, he did not apply for further evidence till the 3rd June. If there was an earlier application made, it should have been mentioned in the report.

Chingleput Report V Case 153. 17. The Provincial Court of Circuit will require the Magistrate to state what caused the great delay observable in this case. The prisoner appears to have been apprehended on the 25th March, and not to have left the Jalook till the 5th June.

Case 166 18 The Provincial Court of Circuit will issue orders for the remission of the unexpired term of sentence in this case, in which the prisoner for stealing a Sheep of the value of one Rupee, has been adjudged to imprisonment for 3 months. The Criminal Judge has passed a precisely similar sentence on the prisoner in case 180, convicted of a house breaking. The Court are at a loss to reconcile the principles upon which the two sentences have been passed, the one appears as much too lenient, as the other does severe.

Case 186. 19. With reference to para 45. of the

the proceedings of the Provincial Court of Circuit, the Court have to observe, that they see no reason for an alteration of the usual mode of reviewing the Criminal Reports. The Provincial Court of Circuit will accordingly continue the former practice of issuing their remarks and orders to the extent that they are empowered, & the Court of Foujdaree Adalut will review them as before.

20 As the Statement of the labors of the prisoners does not at present shew the total number of prisoners in hospital, the Court of Foujdaree Adalut resolve to direct the Provincial Court of Circuit in the Centre Division to instruct the Subordinate Judicial authorities, always to insert a note of explanation in the said statement of the total number of sick at the close of the month for which the Report may be prepared, distinguishing whether the sick prisoners are classed under Column 2 or, Column 3, or, whether they are of the numbers included in Column 1. but not entered in Column 2 or 3.

Ordered, that Extract of these proceedings be sent to the Provincial Court of Circuit in the Centre Division for their information & guidance, & for communication to the Subordinate authorities

authorities of such parts as concern them respectively by Precept returnable without delay.

(Sent following Precept No. 873)

Read letter, dated the 2d. instant from the acting 3d. Judge, late additional Judge on Circuit in the Northern Division, submitting copy of the 1st. Portion of the Chicacole Calendar for the 1st. Sessions of 1833.

(Here enter No. 1,090. of 1834.)

Case No. 1 1 As the acting 3d. Judge on Circuit has in his proceedings, of which a Copy accompanies this Calendar, entered fully into the merits of this case, the Court will only observe that they consider the conduct of the Subordinate authorities before whom the Prisoners were successively brought to be deserving of censure.

2 The want of all inquest on the body evinces great neglect on the part of the Police. The enquiry by the Magistracy appears to have been superficial, and without due regard to the previous police proceedings; and the Judges direct, that the proceedings of the Circuit Court in this case be forwarded to the Magistrate, in order that he may trace the crime, if true, to its perpetrators; or, if the charge be false, may bring the parties to justice, for conspiracy & perjury.

Do

No. 2 3 The recognizances of the absent parties it is concluded were forfeited.

No. 4. 4 The Court desire, that the acting 3d. Judge on Circuit will inform them, whether or not he disposed of this case which he very properly ordered to be separated into two cases.

5 The result is not shewn by the Calendar; but the Court presume, that the Prisoners were not left untried, as they observe that Mr. Grey's order was dated the 19th. December 1833, and that he did not leave Chicacole till the middle of May.

Case No. 5. 6 The Court consider that the acting 3d. Judge on Circuit was in error, in returning this case, to be disposed of by the Acting Criminal Judge. If there was any crime at all, it was Robbery, in which case the Criminal Judge was not competent to dispose of it. If it was only a family quarrel the prisoners should have been released; and it was the duty of the Judge on Circuit to discover this, either by an examination of the proceedings previously held, or, by the trial of the case.

Case No. 12 7 The Court desire that it be explained, why this case was referred to the Soujdaree Adalut, the reason not appearing on the Calendar, in which is simply the observation, that the

"the Talwa subjects the Prisoner to any slight punishment".

Case No. 16. 8 The Court deem the acting 3d. Judge on Circuit to be open to censure for leaving this case untried. His order was dated the 31st. October 1833, and as has already been remarked, he did not quit the station till the middle of May following. It was the duty of the Judge on Circuit to see that the order which he issued was obeyed; and to take care that Prisoners who had already been so long in Jail, should not remain for a further period in confinement without Trial.

Case No. 17. 9 The acting 3d. Judge on Circuit states that there is strong suspicion that the Robbery was arranged and contrived by the first witness.

10 The Court observe that if this suspicion is well founded, it is probable that the 1st. Witness who is reported to have left the Country will never return; and under all the circumstances, they are of opinion that the acting 3d. Judge on Circuit would have acted better, had he put the prisoners upon their Trial, rather than have left them for a further period in confinement, while at the same time the numerous witnesses will be necessitated to undergo the inconveniences of two long journeys, in addition to the two which those for the prosecution have already

already undertaken.

Case No. 18. 11 The Judges do not think, that this was a case in which the prisoners could justly be held to security under the Regulations. It should be annulled, and the prisoners released, unless the Circuit Judge can explain the specific act of criminality of which they are suspected.

Case No. 22. 12 With reference to this case, and to the Proceedings of the acting 3d Judge on Circuit upon it, the Court observe, that the Prisoner ought never to have been committed, and they desire that he be immediately and unconditionally released.

Case No. 23. 13 The Court observe that the contradictory depositions for which the Prisoner was tried, were given on one and the same day. With reference to their circular orders respecting such charges, they entertain doubt of the propriety of this conviction and resolve to call for an English translation of the trial.

Case No. 24. 14 The Court consider that the acting 3d Judge on Circuit was not justified in discharging the Prisoners without trial. In addition to the evidence of the Prosecutor, and the two Witnesses who alone were examined, there was in the opinion of the Court further material evidence against the Prisoners, who, moreover, confessed before

before the Police officer the crime with which they were charged.

Case No. 26. 15. The security in this case appears excessive. It ought to have been regulated by Clause second Section VII Regulation VI of 1827.

Case No. 37. 16 It was not under the Regulations competent to the Circuit Judge to hold a prisoner to security without trial. It must be annulled, and the prisoner released unconditionally.

Ordered, that Extract from these proceedings be sent to the acting 3d Judge late on Circuit in the Northern Division for his information and guidance by Precept, returnable without delay.

(Sent following Precept No. 874)

Read letter, dated the 12th instant, from the 3d Judge on Circuit in the Southern Division transmitting copy of the Madura Calendar 2d Sessions 1834.

(Here enter No. 1160.)

Cases 2&3. 1 The Court of Zuydaree Adalut are at a loss to understand the entry of these two cases in the Calendar, in the form in which they there appear. In the abstract of the charge the prisoner

would

would seem to have been committed for Perjury) -
In the abstract of the evidence it is stated, that
the prisoner is charged with Perjury and suspicion
of murder, and yet there is no evidence whatever
in the Calendar to establish the charge of Perjury -
The cases were very properly returned, and the
way in which they have been brought forward
in the Calendar reflects seriously on the officer
who had the preparation of it - The 3d Judge
will communicate these observations to him -

Cases 4.5.6 - 2 In these three postponed cases
the witnesses to the depositions of the prisoners
before the Criminal Court have been unaccountably omitted - They are however material, and
should be brought forward at the trial -
The Court presume that the 3d Judge satisfied
himself that the witnesses on whose account
he postponed the trial were material; though
with reference to the charge it is difficult to
imagine how they could be so.

3. It is observable that throughout
the Calendar under review, the Abstract of the
Fatwa and the grounds of the 3d Judge's opinion
have not been entered - The attention of the 3d
Judge is accordingly granted to the Circular
order of this Court of 6th September 1819

and 19th June 1828, as, in the absence of the
information required by these orders, it is
impossible for the Court of Faujdaree Adalut
to judge of the propriety of some of the
sentences recorded in the Calendar -

4. With reference to para 2 of the
3d Judge's letter, accompanying the above Calendar,
the Court accede to the proposal therein made,
and accordingly authorize the 3d Judge to
receive a supplemental Calendar at Madura,
and at the same time to dispose of the cases
which were postponed in consequence of
the absence of witnesses. The Court direct
also that the 3d Judge be informed that he
was not competent to adjourn the Sessions
at Madura and proceed to Tinnevelly without
their special sanction -

Ordered, that Extract of 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 875

J. U.

At a Court of the Tonjadaree Udalut.

Present,

Monday
25th August, 1834.

John Bird Esqr. Acting 1st Puisne Judge,
Thomas Alexr. Oakes Esqr. Acting 2nd Puisne Judge,
Alexr. Duncan Campbell Esqr. Acting Judge,

Read again petition presented on the 27th January 1834 by Soobramanya Tauen of the Zillah of Tinnevelly.-

/Here enter Mis. Pet. No. 7 of 1834./

Read also return dated the 11th Instant, from the 2nd Judge late on Circuit in the Southern Division, to the precept of the Tonjadaree Udalut, under date the 28th February last directing him to ascertain whether the allegations contained in the Petition presented to the Tonjadaree Udalut, by Soobramanya Tauen, that his two Brothers the 1st and 2nd Prisoners in Case No. 4 on the Tinnevelly Calendar for the 2nd Sessions of 1831 were condemned to 14 years imprisonment upon evidence originating in a preconcerted conspiracy, are true or false.-

/Here enter J. U. No. 1129 of 1834./

In

In the above return the 2nd Judge late on Circuit, states that in conformity with this Court's Orders depositions have been taken from other persons, the purport of which has convinced him that strong enmity exists between the parties.

The 2nd Judge late on Circuit considers that strong suspicion is thrown upon the credibility of the evidence originally offered in the case; and that it may consequently be doubted whether the Prisoners were guilty of the crime of which they were convicted.

He therefore recommends that the position of the sentences remaining unexpired be remitted and that the prisoners be set at liberty.

The Court are not prepared to pass a final order upon the Petitions, or competent to act upon the recommendation of the 2nd Judge late on Circuit in the Southern Division until they have reviewed the whole of the proceedings in the case in question.

They accordingly resolve to issue orders to the 2nd Judge late on Circuit in

in the Southern Division directing him to prepare and submit without delay, an English Translation of the Record of the said Trials, and of the additional evidence, taken, subsequently to the receipt of this Court's precept of the 28th February last.

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 S. 881)

Read Petition presented by — Moottummall; Gerrummaub and Mootturmaub.

(Here enter Mis. Pet. S. 54 of 1834)

The object of this Petition is to instruct the Court to issue orders for the release of three Prisoners, in cases Nos. 4 and 8 on the Cuddalore Calendar for the 2nd Session of 1833, who the Petitioners state, have been tried before the Court of Circuit on a charge of Gang Robbery, and their cases referred to the Sanjavee Adawlut.

The Petitioners are informed that the trials, which are not yet received

with

will be disposed of in due course.

Ordered, that extract from these proceedings be furnished to the Petitioners upon their application.

Read petition presented on the 11th Instant by Pommambala pillay.

/Here enter Anis. Pet. No. 57 of 1834./

The petitioner represents that his elder Brother Soobarayia pillay the 1st Prisoner on case No. 19 of the Cuddalore Calendar for the 2nd Sessions of 1833. has been tried by the Court of Circuit on a false charge of Forgery: and that the case has been referred to the Sunjdaree Adalut.

He therefore prays the Court to issue orders for the prisoner's Release.

The Petitioner is informed, that the Trial in question will be disposed of in due course; but that Petitions respecting cases which are under reference to the Sunjdaree Adalut are irregular.

Ordered therefore that the prayer of this Petition be rejected and that Extract from these proceedings be furnished to Petitioner upon application.

Read Petition presented by Alchee of the Zillah of Cuddapah.

/Here enter Anis. Pet. No. 60 of 1834./

The object of this Petition is to induce the Court to issue orders for the release of her husband, the 1st Prisoner in case No. 1 on the Cuddapah Calendar, for the 1st Sessions of 1834, who she states, having been convicted of highway Robbery, on a false charge, was sentenced by the Circuit Judge, to imprisonment for 14 years.

The Petitioner is informed that the sentence in question was mitigated to 2 years imprisonment by this Court and that that order will not 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 letter dated the 7th Instant from the late Acting Judge on Circuit in the Southern Division, transmitting the record in case No. 18 on the Salem Calendar 1st Sessions of 1834.

/Here enter No. 1103./

The

25

Vs. Bird.

The Court of Tanjore Adalut having maturely considered the proceedings held before the Judge on Circuit the Putna of the Provincial Law Officer and the Putna of the Cazee ool Coozat and Mooftee of the Tanjore Adalut, confirm the said Putna of the Cazee ool Coozat and Mooftee aforesaid and in conformity with the provisions of Clause third Section V Regulation VIII of 1831 and Clauses second and fifth Section IV and Clause third Section VIII Regulation XV of 1803, and Clause third Section II Regulation I of 1825 sentence the Prisoners,

1st Sumpien,
2nd Etoolun,
and
3rd Curpa Moopen,

severally to receive 150 Lashes of the 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,
5th Chenny,

25th August 1834.

6th Chennan,
7th Putchan,
8th Caroonayen Chenny,
9th Mabooma Moopun,
10th Letchma Cawnden,
13th Rama Cawnden,
14th Cooppa Moopun,
and
15th Gherry,

to be banished to the zillah of Chingleput, 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) fourteen years.

(Sentence dated 8th 1834)

The Court observe that the late Acting Judge on Circuit in the Southern Division has under the authority granted by the order of the 19th January 1825 very properly omitted the depositions of the Witnesses before the Police Officer.

2 The Titles and nature of the papers omitted should however have been stated on the face of the Record.

Ordered, that extract from these proceedings be sent to the late Acting Judge on Circuit in the Southern Division for his information

information.-

/Sent following letter No. 883/

Read letter dated the 5th Instant from the Acting Second Judge on Circuit in the Centre Division, transmitting the Record in Case No. 55 on the Bellary Calendar 2d Sessions of 1833.-

/Here enter No. 1047./

Wm Baker
&
Wm Campbell.

The Court of Judicature Fort St. having maturely considered the proceedings held before the Judge on Circuit, the Petition of the Provincial Sam officer and the Petition of the Cazee cal Coozat and Mooftee of the Judicature Fort St. confirm the said Petition of the Cazee cal Coozat and Mooftee aforesaid, and taking into consideration all the circumstances of the case, sentence the Prisoner

Boodamah

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 her natural life.-

/Sent in No. 884/

Read letter dated the 5th Instant from the Acting 2d Judge late on Circuit in the Northern Division submitting copy of the Rajahmundry Calendar for the 1st Sessions of 1834, and of an Extract from his Proceedings under date the 16th July 1834.-

/Here enter J.L. No. 1091 of 1834./

No 1. 1 The error in the Calendar, noticed by the Acting 2d Judge, evinces great carelessness, but the Court deem it unnecessary to make further remark upon it as the Officer to whom the fault is attributable, has returned to Europe.-

No. 3. 2 The Court consider that in this and other similar Cases, where the Prisoners have been in Jail many months previous to their conviction, the Judge on Circuit might with great propriety in passing sentence upon the accused party, have taken into consideration that circumstance.- In this case the Prisoner had been in confinement for twelve Months, and the Court suggest to the Acting 2d Judge late on Circuit the expediency of submitting to them a recommendation for mitigation of punishment to that extent.-

The

No. 5 3 The Court concur in the remarks of the Acting 2nd Judge late on Circuit, upon this case, contained in para 5 of the Extract of his proceedings which accompanied the Calendar. They desire that the Acting 2nd Judge will send a copy of the para. in question to the Magistrate of Rajahmundry, and instruct him to make an investigation into the conduct of the Jail Darogah, of which the result must be submitted to this Court. The case itself appears to have been investigated and committed by the late Mr. Robson, and in consequence the Court refrain from further observation upon it.

de mortuis etc.

No. 6 4 The Court approve of the observations of the Acting 2nd Judge upon this case which also was committed by Mr. Robson.

No. 8 5 The Acting 2nd Judge was not competent to fix the place of banishment. He is referred to the Circular Order of this Court of the 6th January 1823. The Court however will not on this occasion withhold their sanction to the warrant which has been issued.

No. 12. 6 The Court in their proceedings

under date the 18th Instant, directed the immediate and unconditional release of the Prisoner in this case.

Nos. 14. 20. 21. 22. 23. 25. 26. 27 & 28. 7 The cases noted in the margin were all committed by the late Mr. Robson, of whose proceedings, and negligence, the Court would have taken serious notice, had not his death rendered any animadversion unnecessary. The Court approve of the opinions expressed by the Acting 2nd Judge in paras 3. 9. 25 and 29. respectively of the Extract from his proceedings: and they have observed with deep regret the great mortality among the Prisoners in Cases Nos. 25 and 26: in the former of which only 2 out of 9, and in the latter 3 out of 6 Prisoners were alive when the Trials came on.

No. 17. 8 The Court observe that the Acting 2nd Judge in most of the cases, in which he requires Security from Prisoners to come for the amount below 100 Rupees, a sum which, with reference to the Regulations, they deem to be far too high in general.

No. 18 9 The Court desire that the result of the inquiry which may be instituted into this case, be reported to them. Assuming that the Prosecutor must have sworn before the Criminal Judge, that his alleged

complaint

complaint and Signature to it before the Head of Police were fabricated, the Court are at a loss to understand on what account the Prisoners could have been committed for Trial before the Court of Circuit.

Nos. 19. 29. 31. 32. & 36. 10 The observations contained in para 2 of these proceedings, are applicable also to the several Cases noted in the Margin.

Nos. 31. 32. 34. 36. 11 These cases were committed by Wm. C. Dunnergue the then Acting Registrar of the Court and the Judges regret to observe the great carelessness and neglect of duty of that Officer in the discharge of them; particularly of Nos. 34 and 36. The Court desire that a copy of this para and copies of paras 10. 11. 17. and 18 of the Extract from the proceedings of the Court of Circuit with the remarks contained in which they entirely concur, be sent to Wm. C. Dunnergue and that that Officer be informed that the consideration of his youth and inexperience at the time that the Cases in question were investigated by him, alone restrains the Court from taking more serious notice of his Conduct

Vide

No. 37. 12 Vide para 2 of these Proceedings.

No. 41 13 The incorrect statement in the Calendar, that the Prisoners in this Case, in their declarations before the Police, "merely accused one another" noticed in the 16th para of the Extract from the Proceedings of the Court of Circuit, evinces great carelessness.

No. 45. 14 In this case also of Robbery, in which property to the amount of nearly a 1000 Rupees had been stolen, the Acting Criminal Judge manifests great neglect which has very properly been noticed by the Acting 2nd Judge in the 19th Para of the Extract from his Proceedings.

No. 47. 15. The abstract of the evidence given in this case, in the Calendar, was very defective and affords another instance of the negligence of the Acting Criminal Judge. The case moreover was important, the Prisoners being charged with Murder. The Conduct of the Criminal Judge has been duly noticed by the Acting 2nd Judge in the 22nd para of his proceedings.

Nos. 54: 58. 64. 65. & 68. 16 These cases having been commented upon by the Acting 2nd Judge, the Court concurring in his remarks will not proceed

proceed to notice them individually. They deem it however necessary to record their opinion that the negligence and inattention to his duty evinced by the Acting Criminal Judge, in his investigation and disposal of these Cases, particularly of Nos. 64. 65. and 66. are of so serious a nature, as to demand explanation. The Judges more especially allude to the palpably defective investigation of the very aggravated case of Murder No. 65 which is highly discreditable to any tribunal possessing the appellation of a Court of Justice.-

Nos. 49. & 50. 17 These are cases of perjury: and it is evident that the Acting Criminal Judge used no efforts to procure the attendance of the requisite witnesses. The Court have only to express their regret that in this & many other Cases on the Calendar the accused party should be detained for a still longer period in confinement, through the careless[ness] of the committing officer.

No. 51 18 In this case also, according to the remarks by the Acting 2nd Judge in the 20th para of the Extract of his Proceedings, the abstract of the case is materially incorrect.-

No. 50. 19 It appears from the Calendar that there are no witnesses to the act; and that on the part of the 3rd Prisoner there was no confession; and it is impossible to discover why he was committed under these circumstances. The Court are of opinion that the case need not have been postponed by the Circuit Court.-

No. 57. 20 The mitigated sentence recommended in behalf of the Prisoners in this case was sanctioned by the Court in their proceedings under date the 18th instant.-

No. 63. 21 The Court are unable to reconcile the two statements contained respectively in para 12 of the Extract from the proceedings of the Acting 2nd Judge, and in the Calendar itself. In the former the Acting 2nd Judge, mentions "a severe blow" received by the Prosecutor on the head: in the latter, he states that the Prosecutor (as shewn by the Record) received a "slight hurt which healed in eight days".-

No. 66. 22 The Court are of opinion that the commitment of the Prisoner in this case was an act of great injustice and hardship.-

He

23.... The Court observe that besides the cases mentioned in para 30 of the Extract from the proceedings of the Acting 3rd. Judge cases Nos. 55, and 56 and 66 were also committed by Mr. C. P. Brown.-

24. The Court having now concluded their review of the Calendar, observe that the proceedings of the Acting Criminal Judge Mr. C. P. Brown evince, so much inattention to the various orders which have from time to time been issued for the instruction and guidance of the subordinate Judicial Authorities, and such serious and repeated neglect of duty, that they resolve to direct the Acting 2nd. Judge late on Circuit in the Northern Division to transmit to that office a copy of such parts of these proceedings as apply to him, and referring him to the rule from his own proceedings of the 16th. ultimo to call upon him to submit without delay for the information of the Sanjaree Court such explanation as he may be enabled or wish to afford

25 The Court in conclusion deem it necessary to record their high approbation of the careful examination by the acting

Acting 2nd. Judge late on Circuit, of this, which is one of the most defective Calendars that has ever been submitted to them.-

Ordered that extract from these proceedings be sent to the Acting 2nd. Judge late on Circuit in the Northern Division, for his information and guidance by precept returnable without delay.-

/Sent following precept No. 885/

Read letter dated the 5th. Instant from the Acting 2nd. Judge on Circuit in the Centre Division transmitting the Assessors Calendar and Supplemental Calendar for the first Sessions of 1834.-

/Here enter No. 1072./

No. 3 The Law Officer has stated in his Minute that the 1st. 2nd. and 3rd. witnesses deposed that the Prosecutor had been beaten and burnt by the Prisoners, the Acting 2nd. Judge should therefore have explained how "no injury has been proved" because as the 3 first Prisoners were convicted of other serious crimes, had there been any personal violence proved in this case, the trials should have been referred.-

when

No 6. 2. When this Prisoner case in No 5 is referred the numerous sentences impending over him should be specified. The case of Tyapwill of course be included in that reference

No 8. 3 The unconditional release of the Prisoner in this case agreeably to the suggestion of the Acting 2nd Judge seems to the Sanjdaree Adalut proper and just, and they accordingly direct that orders be issued for his discharge.-

No 12 4- The Prisoner must be unconditionally released, the Talook confession also having been held to be an insufficient ground for holding any one to security.

5 The same remark applies to the 2nd Prisoner in No 28.-

6 The Court trust that the references will be submitted at an early period especially those noted in the margin.-

No. 14. 24. No. 23. 7 The sentence proposed to be passed on the Prisoner in this case in the event of his being acquitted in No 19 should have been specified in the Calendar and must eventually be reported.-

No. 28. 8 The Punishment awarded in this case appears to be too severe under the

circumstances of the case; and upon consideration the Acting 2nd Judge may feel disposed to propose mitigation, if he should not so the Court desire that English translation of the proceedings be submitted.-

Supplemental Calendar No 3. 9. Considering that the Prisoners were Village watchers it appears to the Court of Sanjdaree Adalut that the sentence passed upon them was lenient.-

10 The period appropriated for the 1st Sessions of 1834, having expired, Mr. Davis should not have received a supplementab Calendar without the sanction of this Court.-

11 The Judges are well pleased to observe the general propriety of the proceedings of the Acting 2nd Judge as exhibited in this Calendar which reflects great credit upon Mr. Davis.-

Ordered, that Extract of these proceedings be sent to the Acting 2nd Judge on Circuit in the Centre Division for his information & guidance by Precept returnable without delay.-

Sent following precept No. 886

Read letter dated the 14th Instant from

from the 3d Judge on Circuit in the Southern Div
recommending a mitigation of the punishm
to which the Prisoner, convicted in case No. 14
on the Sunnuddy Calendar, for the 2d Sessio
of 1834 of Robbery by open violence, has
rendered himself liable.

(Here enter F. H. No. 1158 of 1834.)

The Court of Foujdaree Udalut
on a due consideration of all the circumst
of the case, he presented in the above letter,
are of opinion that under the representation
made by the Circuit Judge the mitigated sent
of 4 years imprisonment, recommended
by him is insufficient for the punishme
of the Prisoners in question: and accordingly
direct that he 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 the
proceedings be sent to the 3d Judge on Circu
in the Southern Division, for his informa
tion by precept returnable without delay

(Sent following precept F. 1887)

F. 86.

At a Court of the Foujdaree Udalut

Present,

Wednesday
27th August 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 28th January last
from the acting 3d Judge on Circuit in the
Centre Division — submitting the Record in Case No. 28 of
the Cuddapah Calendar 1st Sessions of 1834.

(Here enter No. 1073.)

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 Mooftees of the
Foujdaree Udalut, confirm such part of the said
Futwa of the Cazee-ool-Coozat and Mooftees aforesaid,
as convicts the Prisoners

5th Bajah Bawkah
7th do. Nundah
9th Moodha Shookovoo
&
10th do. Ramachendoo

and 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

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 13 years.-

The Court further concurring in the acquittal of the Prisoners.

6th Bhoshah Bhicka

11th do. and Kheela

direct that they be set at Liberty.-

And further being of opinion that the proof against the Prisoners-

1st Bhooka Gayaram

3d do. Somah

4th do. Thavaseegah

is sufficient to convict them of the crime of Gang Robbery by open violence, the Court 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 them thereof and in conformity with 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 Thirteen years-

(Sent following letter No 893)

Read

Read again return under date the 18th, to the Courts precept of the 11th Instant, conveying the observations of the Foujdaree Adalut on the Canara Calendar 1st Sessions of 1834.-

(Here enter No. 1170.)

The Court of Foujdaree Adalut when they passed their proceedings of the 11th Instant were not aware, as the First Judge omitted to explain, that the witnesses in question were the persons respecting whom application had been previously made by him- And they consider it proper to declare, with reference to the observations in the 1st Para of this Return that neither in the letter nor spirit of their proceedings, is there the slightest imputation reflecting upon the 1st Judge- The Court cannot under these circumstances help expressing therefore their surprise, at the sensitive feelings evinced by Mr. Shakespear-

2. With reference to the 2d para of the Return, the 1st Judge has evidently misunderstood the observations contained in

the

27th August 1834 F. R.

the proceedings of this Court In Case No. 7 of the Canara Calendar it was stated in the abstract of the Tulwa, that the crime proved, was Robbery "without violence", and in cases No. 8 and 10. Robbery "unattended with violence." These, as the 1st Judge observes, are Synonimous terms; but what the Court intended to convey, was, that neither of these terms were appropriate; if they were intended to express that no personal injury had accompanied the violence used, because if the crime were not attended by violence of some kind, it would have amounted to no more than burglary or theft, as the case might be; and would not be punishable at all under Section IV Regulation XV. A.D. 1803-

Ordered, that Extract of these proceedings be sent to the 1st Judge Cuttack in Circuit in the Western Division for his information and guidance-

(Sent in No. 894)

Read Supplemental Return dated the 28th Ultimo from the Provincial Court of Circuit in the Northern Division, in precept of the Foujdaree Adalut, under date the 30th April last, conveying their observations and orders upon the Criminal Reports for the Months of

of October 1833 -

(Here enter No. 1062 of 1834.)

1 Accompanying the above Return, are the Translations of 3. depositions taken by the Present Heads of Police of Juggiapettah and Chintulpoody, from the Peons and the late Police Gomastah of Chintelpoody, from which it appears, that the two persons who were sent up to the Rajahmundry Criminal Judge as Witnesses to the confessions before the late Head of Police of Chintelpoody, of the Prisoners in Case No. 187. of the Rajahmundry Criminal Reports for October last, were present during the examination of the said Prisoners and heard them confess the Crime -

2 Under these circumstances, and with reference to para 2 of their proceedings under date the 30th April last, the Court are of opinion that the Witnesses in question should be sent up to the Criminal Court, with the view to their commitment to take their trial for perjury, and they accordingly resolve to direct the Provincial Court of Circuit in the Northern Division to adopt the

the necessary measures for carrying their orders into effect.

Ordered that extract from these proceedings be sent to the Provincial Court of Circuit in the Northern Division for their information and guidance by precept returnable forthwith without delay.

(Sent following Precept No. 895)

Read Return, dated 16th Ultimo from the Provincial Court of Circuit in the Northern Division to Precept of Fouzdaree Adalut dated the 7th Ultimo, relative to the delay in the transmission of the Monthly Statements for the 2d half year of 1833.

(Here enter No. 981.)

Read Return, dated 20th Instant from the 3d Judge on Circuit in the Southern Division, to Precept of Fouzdaree Adalut dated the 13th instant, conveying their observations in Case No. 9 Madura Calendar 2d Sessions of 1834.

(Here enter No. 1177)

Read Return, dated 29th instant from the third Judge on Circuit in the Southern

Southern Division, to Precept of Fouzdaree Adalut dated the 18th instant, directing that the Prisoner in Case No. 9. on the Tinnevelly Calendar, be sentenced to imprisonment with hard labour for 6 years.

WB
DHQ
WD

(Here enter No. 1189.)

Read letter dated the 5th Instant from the Provl Court of Circuit in the N. D. Returning the original Circular orders Nos 2. 84. of 1834 as the Superior Court required in their letter of the 30th Ultimo.

(Here enter No. 1075.)

Read letter dated the 5th Instant from the Provl Court of Circuit in the W. D. Returning the Circular orders No. 2. 84.

(Here enter No. 1098)

Read letter dated the 6th Instant from the Provl Court of Circuit in the S. D. Returning Circular orders of F. H. Nos 2. 84. as requested in the Registers letter of the 30th Ultimo.

(Here enter No. 1094)

Read letter dated the 20th Instant from the Provl Court of Circuit in the C. Dr. Transmitting with reference to the Courts proceedings of the 30th June last the accompanying Copies of the returns made by the Crim. Judge of Cuddapah Bellary the acting Joint Crim. Judge at Cuddalore the Assistant Magte of North Arcot and of the Courts proceedings thereon and from the Magtes of Bellary and Chingleput together with the half yearly pointed Statement No. 4 prepared by this Court for the half year ending on the 31st Decr 1833.

(Here enter No. 1174.)

At a Court of the Foujdaree Adalut.

Present,

Friday 29th August 1834. John Bird Esqre. Acting 1st Puisne Judge,
Thomas Alexr. Oakes Esqr. Acting 2d Puisne Judge,
In Alexr. Duncan Campbell Esqr. Acting Judge.
D to

Read letter, dated 14th May last,
from the Acting 3d Judge on Circuit in the Centre
Division, Submitting the Record in Case No. 59 of the
Bellary Calendar 1st Sessions of 1834.

(Here enter No. 1105)

The Court of Foujdaree Adalut

Mr. Bird
Mr. Oakes

having maturely considered the proceedings held
before the Judge on Circuit, the Futwa of the
Provincial Laws Officer and the Futwa of the
Cazee-ool-Cozat and Mooftees of the Foujdaree
Adalut are of opinion that the Prisoner.

"Koordee alias Nunmee."

is not convicted on Presumptive proof or on the
evidence of credible Witnesses or on her own
confession notwithstanding the Futwa of their
Laws Officers, and accordingly, under Clause
Sixth, Section II Regulation XV of 1803, direct that
she be set at liberty—

(Sent following letter No. 703)

Read letter dated 12th instant

from

from the Acting 2d Judge on Circuit in the Centre Division transmitting the Record in Case No. 30 on the Bellave Calendar 2d Sessions of 1833.

(Here enter No. 1122.)

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-ool-Cozat and Mooftees of the Zoujdaree Udalut, confirm the said Futwa of the Cazee-ool-Cozat and Mooftees aforesaid, and accordingly direct that the Prisoner

Mr. Oakes
Mr. Campbell
2d

"Bustegaudoo"

be set at liberty.

(Sent following letter No. 904)

Read Return dated 22d instant from the Provincial Court of Circuit in the Centre Division to precept of Zoujdaree Udalut dated the 25th ultimo, conveying their observations upon the Criminal Reports for May last.

WB
LHC
Exd.
W.H.

(Here enter No. 1195.)

Read letter dated the 25th instant from the acting 1st Judge of the Provincial Court of Circuit in the Centre Division, submitting copies of the depositions taken by himself, and by the

acting Criminal Judge of Chittoor, relative to the attempt at escape made by a working party of 100 Convicts of the Chittoor Jail, reported on the 12th ultimo.

(Here enter No. 1183)

Also Read again letter from the Officiating Secretary to Government in the Judicial Department dated the 18th ultimo.

(Here enter No. 951.)

The acting 1st Judge after a full investigation of the circumstances, and adverting to the lamentable loss of life, and the severe treatment received by the prisoners, sums up his opinion on the conduct of the guard in the following terms "Upon the whole I do not support the recommendation of a reward, but 25 Peons certainly succeeded in preventing the escape of any single one of 100 Convicts of whom between 70 and 80 broke loose all at once; and that in a low place where the convicts had almost every advantage and the Peons every disadvantage, I see no sufficient ground to impute blame to the Peons for their manner of doing this; on the contrary as far as the unsuspicious testimony goes, it is in their favor; &

I

I think that their conduct so far as it has been ascertained has entitled them to the approbation of the Court of Fouzdaree Udalut and Government"

2 In this opinion of the Acting 1st Judge, the Court of Fouzdaree Udalut upon mature consideration of the Record before them, are disposed to concur. It appears certain, that a decided attempt to escape was made by the convicts, in a spot favorable to their purpose; that stones were thrown and bruises inflicted and that several prisoners had succeeded in making good their way for a great distance. It is impossible to say that no acts of cruelty were perpetrated, but it is quite certain that if the Duffadar and the Peons had not been resolute a very considerable number if not the whole of the Prisoners must, with reference to the situation of the place and the nature of the ground have effected their escape, and the Court are of opinion that the result, that not one prisoner did succeed in effecting his escape, is to be ascribed alone to the determined manner in which the Duffadar, seconded by the Peons did his duty. They deem their conduct therefore, especially that of the Duffadar entitled to commendation, and with the

sanction of Government they would authorize the Acting 1st Judge to make known to them, as he has suggested, the sentiments of the Court, and to confer upon the Duffadar some suitable mark of the approbation of Government not exceeding in value 50 Rupees.—

3. With reference to the instructions from Government in the 2d para of the letter from the Officiating Secretary of the 18th Ultimo, the Court resolve to circulate the same for the information and guidance of all Officers in charge of Jails in explanation of the Circular Order of the 20th May last.—

Ordered, that Extract from these proceedings be submitted to Government with a copy of Mr. Casamajor's Report—
sent to Govt. 29th Aug. (Sent in No. 905)

Ordered also that para 3. of these proceedings with Extract from the letter from Government be sent to the 4 Provincial Courts of Circuit for their information and guidance.

(Sent following Circular No. 906)—

Saturday 30th August 1834.

At a Court of the Foujdaree Udalut.

Present,

John Bird Esqr. Acting 1st Puisne Judge.
Thomas Alexr. Oakes Esqr. Acting 2nd Puisne Judge.
Alexr. Duncan Campbell Esqr. Acting Judge.

Read Extract from the Minutes of Consultation under date the 8th August 1834 conveying the observations and orders of Government on the Proceedings of the Foujdaree Udalut, upon a review of the half yearly Criminal Statements from the 1st July to the 31st December 1832.—

/Herewith F. 86. No. 1035 of 1834/

With reference to para 1 of the Extract from the Minutes of Consultation, the Court observe that from the returns of the Village Police, it would appear that in some Districts scarcely any "acquittals" are entered as in Bellary and Coimbatore while in other districts, as in Malabar the punishments are out of all proportion to the acquittals. In submitting the Returns for the 2nd half year ending with the 31st December 1832 to Government, it was remarked that in many of the Districts, the Number of persons brought before the Police, and of persons punished, exactly corresponded

2nd half of 1833	Acquitted.	Reprimanded	Punished.
Bellary	1	"	72
Coimbatore	1	"	304
Malabar	115	113	45

It is obvious that notwithstanding the repeated orders upon the subject, the Reports as observed by the Government, are not prepared uniformly on the same principles—

2 It is necessary, therefore, that the Provincial Courts should instruct the Magistrates upon the subject and see that the Reports in question are correctly prepared—

Ordered that Extract from these Proceedings, together with copy of Para 1 of the extract from the Minutes of Consultation, be sent to the 4 Provincial Courts of Circuit for their information and guidance by Precept returnable without delay.—

(Sent following Circular Precept No. 914)

Ordered also that copy of part of para 9 of the Extract from the Minutes of Consultation be sent to the 4 Provincial Courts with instructions to circulate it to the several Magistrates in their respective divisions for the information and future guidance of those Officers.—

(Sent following Circular No. 915)

Ordered also that copy of paras 12 and 13 of the same Minutes, be sent to the Provincial Court of Circuit in the Southern Division, with instructions to furnish copy of para 12 to the Magistrate of Tuticorin, and of Para 13 to the Magistrate of Tanjore, for their information respectively.—

Sent

(Sent in No. 916)

Ordered also that copy of para 19 be sent to the 4 Provincial Courts of Circuit with instructions to circulate it to the several Criminal Joint Criminal and Native Criminal Judges in their respective Divisions, and at the same time to call upon those functionaries to whom it particularly applies, to use greater exertions in future in the discharge of the duties of their office.—

(Sent following Circular No. 917)

Ordered also that copies of paras 20 and 21 be sent to the Provincial Court of Circuit in the Centre Division, with instructions to furnish copy of para 20 to the present officiating Criminal Judge of Bellary, and of para 21 to the Criminal Judge of Cuddapah, and that those Officers be distinctly warned of the necessity for much greater exertions in the performance of their duty than they have hitherto displayed.

(Sent in No. 918)

Read Return dated the 19th Instant from the late Acting Judge on Circuit in the Southern Division, to Precept of the Foujdaree Adalut, under date the 11th Instant, conveying their observations upon the Salem Calendar for the 1st Sessions of 18

(Here enter F. D. No. 1169 of 1834)

With reference to paras 3 and 7 of the abo

above return, the Court of Foujdaree Udalut sanction under Clause Third, Section Three, Regulation I of 1825 the mitigated punishment recommended by the late Acting Judge, in cases Nos. 14 and 57. and accordingly sentence the Prisoner in No. 14 and the Prisoner in No. 57 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.—

Ordered that Extract from these proceedings be sent to the late Acting Judge on Circuit in the Southern Division, for his information by precept returnable without delay.—

(Sent following Precept No. 919)

Read letter dated the 11th Instant from the Provincial Court of Circuit in the Western Division forwarding Copies of the returns of the Acting Criminal Judge of Canara and of the Magistrates of Malabar and Canara having reference to the Criminal Reports for June 1834.

(Here enter No. 1146.)

The following is the para of the proceedings of the Provincial Court of Circuit to which the above return of the Acting Criminal Judge has been made "Adverting to the circumstance of 6 "prisoners having died during the Month and no "less than 29 having been returned sick, the Acting "Criminal Judge is requested, with reference to the "Circular Order of the Foujdaree Udalut under date "12th July 1830 to report whether he can ascribe this "extensive sickness and unusual mortality to any "particular cause that can be remedied.—

Together with his return the Acting Criminal Judge has submitted the opinion of the Zillah Surgeon on the subject. From this it appears that there has been no increase in the sicking of the prisoners "as compared with the returns of "the past four or five Sessions" and that the Zillah Surgeon ascribes the "sickness and Mortality in the "Jail to the influence of the climate acting on a ex- "frame at best impoverished and that thorough "hopelessness which preys on the mind of those "confined within its walls."

Mangalore

3 The Zilla Surgeon is of opinion that the site of the Jail is not good, and, though the building itself is most excellent, roomy and airy it seems to him questionable, whether it is the building "best calculated to the native habit;" he adds that "probably the small low and confined "hut, into which light is scarcely admitted and from "which

"which the smoke with difficulty escapes, wherein,
"for the most part, the delinquents confined in Lait,
"were born and reared, is better suited to their constit-
"-tution and temperament than the very spacious and
"most any abode of the Zillah Lait."

4. The Zillah Surgeon proposes, "that all
"the prisoners should be permitted to return to the Lait
"for an hour in the course of the morning after working
"about four hours (say at 10 O'Clock) and partake of a
"moderately hot meal".

5. It would have been more satisfactory
if the Acting Criminal Judge had noticed in his
return whether any objection exists to this proposi-
tion, and if the Provincial Court of Circuit had
expressed their opinion upon it, and the Court of
Fouzdaree Udalut deem it proper now to call upon
the Provincial Court of Circuit and the Acting
Criminal Judge to state whether or not they
consider this proposition of the Zillah Surgeon
feasible.—

6. With regard to the "imposition practised
"by the Cooks" on which the Zilla Surgeon appears to
lay some stress, the Court are of opinion that the
Officer in charge of the Lait should, at all times
require a Peon specially to see that the Cooks duly
perform the duty assigned to them, and that persons

quite ignorant of the business do not officiate as
Cooks to the prisoners. The Court however are not
aware of what imposition can be practised as they
conclude that the Cooks have to prepare only
what is given over to them for the purpose.—

7. If the Acting Criminal Judge
thinks that the recommendation of the Zillah
Surgeon, that a new well should be sunk and
the prisoners employed in the work, is practicable,
it rests with him to act upon it.—

Ordered that Extract of these
proceedings be sent to the Provincial Court of
Circuit in the Western Division for their
information and guidance and for communi-
-cation to the Acting Criminal Judge of Canara
by Precept returnable without delay.—

(Sent following Precept No. 920)

Read return dated the 27th Instant
from the Acting 2nd Judge on Circuit in the Centre
Division to precept of Fouzdaree Udalut dated the
25th Instant conveying their observations and
orders upon the Cuddalore Calendar for the 1st Sessi
of 1834.—

(Here enter No. 1204).

1

At a Court of the Tuyjdaree Udalut

Present,

Monday 1st September 1834. John Bird Esqre. Acting 1st Puisne Judge.

Thomas Alexr. Oakes Esqre. Acting 2d Puisne Judge.

Vs

L H C

Alexr. Duncan Campbell Esqre. Acting Judge.

Read again Petition presented by Ramsing of the zillah of Tinnevelly.

(Here enter Petn. No. 18 of 1834.)

The Petitioner is informed that orders have been issued to the Provincial Court of Circuit in the Southern Division, directing them to call upon the Magistrate of Tinnevelly, to institute an enquiry into the conduct of Ibrahim Khan, and also into all the circumstances of the alleged conspiracy respecting which the Petitioner will be required to prefer specific charges before that Office, and to adduce such evidence as is forthcoming in support of them.

Ordered, that extract from these proceedings be furnished to the Petitioner upon his application.

Read letter, dated the 27th Ultimo, from the acting 2d Judge on Circuit in the Centre Division, submitting agreeably to the suggestion of the Court of Tuyjdaree Udalut, a recommendation

for

for mitigation of the punishment to which the Prisoner, convicted in case No. 28. of the Cuddalore Calendar, for the 1st Sessions of 1834. of Robbery by open violence, has rendered himself liable.-

(Here enter No. 1203 of 1834.)

The Court accordingly, and with reference to para 7 of their proceedings under date the 25th Ultimo, sanction under Clause Third Section III Regulation I of 1825 the mitigated punishment recommended by the acting 2d Judge, and direct that the said Prisoner be imprisoned and kept to hard labours 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 2d Judge on Circuit in the Centre Division for his information and guidance by precept, Returnable without delay-

(Sent following Precept No. 922)

Read letter, dated 8th Ultimo from the Late acting Judge on Circuit in the Southern Division - transmitting the record in Case No. 3 on the Salem Calendar 5st Sessions of 1834-

(Here enter No. 1121.)

The

The Court of Foujdaree Udalut, on a

Mr. Bird
Mr. Campbell.

due consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the Prisoners-

1st Mungkee
2d Soonnapullygaudoo
3d Madadoo
4th Somadoo
5th Mulladoo
6th Rungadoo
8th Renchadoo

is sufficient to convict them of the crime of theft, accompanied by severe personal injury, 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 II. and Clause Second Section VI Regulation I of 1825, sentence the Prisoners-

1st Mungkee
2d Soondrapullygaudoo
6th Rungadoo

to be imprisoned and kept to hard labour, the 1st without, and the 2d and 6th Prisoners in irons, on the public Roads or other public Works for and during the period of (10) ten years.

and the Prisoner.

4th Somadoo

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 (7) Seven years.

And the Prisoners.

3d Madadoo

5th Mulladoo

8th Kenchadoo

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) five years.

(Sent following letter No 923)

Read Return, dated 25th Ultimo, from the Provincial Court of Circuit in the Southern Division, to precept of the 28th July last, calling for certain documents connected with the Petition of Ramsing.

(Here enter No 1206)

Read Supplemental return, dated 27th Ultimo, from the Provincial Court of Circuit in the Centre Division, to precept of the Foujdaree Adalut dated 28th June last, conveying their observations & orders on the Criminal Reports of the Division for the Month of April last.

(Here enter No 1208.)

Read Return, dated 25th Ultimo, from the 1st Judge on Circuit in the Western Division, to Precept of the 12th Ultimo, containing the Courts remarks on Case No 1 Mangalore Calendar 1st Sessions of 1834.

(Here enter No 1212.)

Read Return, dated the 25th Ultimo, from the late Acting Judge, late on Circuit in the Southern Division, to precept of Foujdaree Adalut dated the 22d Ultimo, requiring explanation of the cause of the omission, from the Record of the Persian Translation of the 3d Prisoner's declaration before the Police Office in Case No 20 of the Salem Calendar 1st Sessions of 1834.

(Here enter No 1207.)

Read letter, dated the 28th Ultimo from the 2d Judge late on Circuit in the Southern Division, transmitting the Coimbatore Calendar for the 1st Sessions of 1834.

(Here enter No 1172.)

Read Petition by Cauder Beebee of the Zillah of Chingleput.

(Here enter M. P. No 64 of 1834.)

Ordered, that the Petitioner be called into Court, & informed, that orders already issued will not be departed from.

GB

5/Nd

WB

DB

At a Court of the Fouzdaree Adalut,

Present,

Tuesday
2d. September 1834. John Bird Esqre. Acting 1st. Puisne Judge,
Thomas Alexr. Oakes Esqre. Acting 2d. Puisne Judge,
alexr. Duncan campbell Esqre. acting Judge,

Read Extract from the Minutes of Consultation under date the 15th. Ultimo, conveying the orders and observations of Government on the proceedings of the Fouzdaree Adalut of the 9th. July last upon the Report of the 3d. Judge on Circuit in the Northern Division, for the 1st. Sessions of 1833.

(Here enter No. 1136.)

Ordered that para 3d. of the foregoing
1 Minutes be circulated for the information and guidance of the 4 Provincial Courts of Circuit.

(Sent following Circular No. 925.)

In the 5th. para of these Minutes the
2 Right Honorable the Governor in Council has expressed his opinion, that it forms "a very important "part of the duty of a Judge on Circuit to give "effect to the provisions of Clause Second Section "VIII Regulation VI of 1827. in the manner directed by "the standing orders of the Court of Fouzdaree Adalut "of the 20th. July 1829," and his hope that "these "provisions are generally attended to."

With the view of securing a due
3 observance

observance of the important rules referred to by Government, as well also to guard the subordinate authorities against an injudicious exercise of the powers to demand security vested in them the Court resolve to issue the following Circular Order, No. 13

Circular Order No. 13 of 1834.

1 The attention of the Sudder Dewanny Adalut having been directed by Government, to the importance of giving full effect to the provisions of Clause second section VIII Regulation VII 1827, the Judges desire, that the Courts of Circuit be careful — to strictly to observe those provisions of the law.

2 They deem it proper also, to call the attention of the subordinate authorities generally, to their Circular order of the 20th July 1829, and to enforce on all officers empowered to demand security, the necessity of exercising a sound discretion in its requisition: that it be not demanded on slight grounds, nor in any case excessive in its amount.

3 The Criminal Courts should be further careful not to require it, in cases where it may appear, that evidence is forthcoming sufficient to bring home conviction of guilt were the necessary exertions made. In such cases it will be their duty to endeavour to obtain the additional

additional evidence, and if it is not eventually to be had, the period during which a prisoner has been in Jail awaiting the completion of his trial, should be considered, in fixing the term during which security is finally required.

Ordered, that a copy of the foregoing Circular order be sent to the 4 Provincial Courts of Circuit with instructions to communicate paras 2. and 3. to all the Criminal Courts, and para 2 to the Magistrates in their Divisions.

sent to Govt 8th 1834 (Sent following Circular No. 926)

Ordered, that a copy of the Extract of the Minutes of Consultation be transmitted to the 3d Judge late on Circuit in the Northern Division for his information and guidance.

(Sent in No. 927)

926.

At a Court of the Foujdaree Adalut.

Present,

Wednesday 3d. September 1834. John P. Bird Esqre. Acting 1st. Puisne Judge

Thomas Alexr. Oakes Esqre. Acting 2d. Puisne Judge

alexr. Duncan Campbell Esqre. Acting Judge,

Read letter, dated 12th. april last, from the Acting 3d. Judge on circuit in the Centre Division, submitting the Record in Case No. 44 of the Bellaree Calendar 1st. Sessions of 1834.

(Here enter No. 1125.)

The Court of Foujdaree Adalut, on

Mr. Bird.
Do
Mr. Campbell. a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the Prisoner

"Hunmah"

is sufficient to convict him of the crime of Wilful Murder, do, under the authority with which they are vested by Clause First Section II Regulation I of 1818, convict him thereof, and in conformity with the provisions of Section X Regulation VIII of 1802, they sentence him to suffer death by being hanged at the usual time and place of execution.

(Sent following letter No. 930)

The

The Court consider that the 1st. Witness Koottoryaudah is entitled to the reward of 100 Rupees offered for the apprehension of the Murderer by the late Joint Magistrate Mr. Mason, and accordingly direct that the acting 3d. Judge on Circuit in the Centre Division will take the necessary measures for causing it to be conferred upon that Individual.

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. 931)

Read Letter, dated the 13th. Ultimo from the Late acting Judge on Circuit in the Southern Division - transmitting the Record in Case No. 45 on the Salem Calendar 1st. Sessions of 1834.

(Here enter No. 1152)

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 third, section V Regulation VIII of 1831 and Clauses third and fifth Section IV and Clause

Clause third Section VIII Regulation XV of 1803, sentence the Prisoners

1st. Ramen

2d. Curpen

and

3d. Veerum

to be banished to the Zillah of Nellore, 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 (10) ten years.

(Sent following letter No. 932)

Read Letter, dated the 15th. Ultimo, from the acting 3d. Judge on Circuit in the Centre Division - transmitting copies of the Cuddapah & Cumbum Calendars for the 2d. Sessions of 1834.

(Here enter No. 1161 of 1834)

The following entry in the Column

Cuddapah Case 4. 1 of the Calendar headed "Futwa" the Prosecutors declare "that none of the prisoners before the Court beat them" appears irreconcileable with the abstract of the evidence before the Criminal Court which shews the 3d. Prosecutor stated that "the 5th. prisoner beat him with a stick" and the 4th. Prosecutor that the 4th. prisoner beat him with a stick upon his head. These entries require explanation.

Case 11. 2 To the Court of Foujdaree Adalut the

object of requiring security from the prisoner in this

case

case is not apparent, and they accordingly resolve to direct that he be released if in confinement or the Bailbond cancelled if entered into.—

Case No 17. 3 The Court seeing reason to consider the sentence passed in this case too severe, desire that an English Translation of the Record may be prepared and submitted without delay, unless the Circuit Judge should deem it proper to recommend its mitigation to 7 years imprisonment.

No 18. 4 Under clause third, Section III Regulation I of 1825, the Court sanction the mitigated sentence recommended by the acting 3d Judge, and accordingly direct that the 1st, 2d, 3d and 5th 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) five years.

No 21. 5 The Court approve of the proceedings of the acting 3d Judge in this case with reference to the rewards which he has directed the Magistrate to confer upon the 2d, 3d and 4th Witnesses.—

No 25. 6 The Court consider that the sentence proposed to be passed by the acting 3d Judge upon the 7th 8th & 9th prisoners in this case, is, with reference to their ages, too severe. They resolve accordingly to authorise that officer to mitigate the punishment to 3 years imprisonment with labour.—

7 The Court consider that there were sufficient

sufficient grounds for putting the prisoners in this case upon their trial.—Holding them to security without trial was illegal—and the proceeding must be annulled and the prisoners if possible brought to trial.

Cumbum Case 10. 7 In case No 10 the Court sanction the mitigation to 7 years of the sentence passed upon the prisoners convicted of Highway Robbery.—

8 The Judges desire that the Judge on Circuit will acquaint the Native Judge of Cumbum that they have perceived with much regret the non-attendance of persons, which has led to several of the trials being postponed.—

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 933.)

928

Read letter dated the 4th Ultimo. from the acting 2d Judge on Circuit in the Northern Division Reporting the death of prisoner in referrible case No 71 Guntoor Calendar 1st Sessions of 1834.—

(Here enter No 1076.)

Read letter dated 28th Inst. from the Acting 3d Judge late on Circuit in the Northern Division Reporting the death of the 2d prisoner in Case No 54 on the Chittoor Calendar 1st Sessions of 1833.—

(Here enter No 1212)

At a Court of the Foujdaree Adalut

Present,

Friday
5th September 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 14th Ultimo, from the 3d Judge on Circuit in the Southern Division, transmitting the Record in Case No 15. of the Madura Calendar 2d Sessions of 1834.

(Here enter No 1166)

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 ul Cozat and Mooftees of the Foujdaree Adalut, confirm the said Futwa of the Cazee ul Cozat and Mooftees aforesaid, and under the provisions of Clause third, Section V Regulation VIII of 1831, and Clause third Section VII Regulation XV of 1803, they sentence the Prisoner

Veerabudran

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

his natural life.

(Sent following Letter No. 941)

1 With reference to the Proceedings of the Criminal Court in not taking the evidence of the Wounded boy, the Court desire that the 3d Judge on Circuit in the Southern Division, will call the attention of the Criminal Judge to their circular order of the 12th July 1825.

2 The Court further observe that the Record of the Trial gives no explanation regarding the absence of the 1st Witness which is mentioned only in the letter. The information however ought also to be given in the Record.

Ordered, that Extract from these proceedings be sent to the 3d Judge on Circuit in the Southern Division for his information.

(Sent in No. 962)

Read Letter, dated 13th Ultimo, from the Acting 2d Judge on Circuit in the Centre Division, forwarding the Record of trial in Case No. 22 Ballance Calendar 2d Sessions of 1833.

(Here enter No. 1126)

Mr. Byrd
&
Mr. Oakes.

The Court of Zuijdaree 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, vol: Cozat and Mouftees of the Zuijdaree Adalut, confirm such part

of

of the said Futwa of the Cazee vol: Cozat & Mouftees aforesaid as acquits the Prisoner

4th Pedda Eriyadoo

and accordingly direct that he be set at Liberty.

(Sent following Letter No. 943)

1 The Court observe that the late Judge on Circuit in the Centre Division, omitted to examine the Prosecutrix and the Witnesses, touching the fact of the articles produced in Court being the property of the deceased and in the absence of evidence on this point they are unable to pass a final decision respecting the 1st and 2d Prisoners.

2 The Court accordingly resolve to return the Record of the case to the 2d Judge on Circuit in the Centre Division, and to direct him to instruct the Criminal Judge to re-examine the Prosecutrix upon this point in the presence of the Prisoners and at the same time to take further evidence to prove that the articles Numbered 5. 6. 7. 8. and 9. belonged to the deceased the prisoners being at Liberty to adduce any evidence tending to invalidate the testimony for the prosecution and having annexed English and Persian translations of this additional evidence to the record, to return it without delay to this Court.

Ordered that Extract from these proceedings be sent with the Record of the case

to

to the 2d Judge on Circuit in the Centre Division, for his information and guidance by Precept returnable without delay—

(Sent following Precept No. 944)

Read Return dated the 25th Ultimo from the acting 2d Judge on Circuit in the Centre Division, to Precept of the Foujdaree Udalut, under date the 1st of the same month directing him to call upon the Criminal Judge of Chinglepet, to ascertain and report upon the precise age of the 3d Prisoner in Case No. 1. on the Chinglepet Calendar for the 1st Sessions of 1833.

(Here enter No. 1168 of 1834.)

From the above Return it appears that the relatives of the Boy in question, have declared that they believe his age to be 14 years, though they are unable to certify it; while the Criminal Judge has omitted to state whether this representation coincides with the result of his own observation.

The Court therefore resolve to issue orders to the acting 2d Judge on Circuit in the Centre Division directing him to call upon the Criminal Judge of Chinglepet, to submit without delay his own opinion upon the apparent age of the Prisoner, and eventually to afford the explanation required in the 4th Para of the proceedings of this Court of the 30th of July last—

Ordered

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. 945)

Read Supplemental Return dated 27th Ultimo, from the Provincial Court of Circuit in the Southern Division to Precept of the Foujdaree Udalut under date the 9th April last conveying their observations and orders upon the Criminal Reports of the Division for the Month of January last—

(Here enter No. 1215. of 1834.)

The Court observe that the latest date of the communications from the Subordinate authorities which accompanies the above Return, is that of the 24th June; and the Provincial Court have offered no explanation of the delay which has occured in transmitting those communications to the Foujdaree Udalut—

They therefore resolve to call upon the Provincial Court of Circuit in the Southern Division for information upon this point—

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

of

of Circuit in the Southern Division by Precept returnable without delay-

(Sent following Precept No. 946)

No return having been yet received to the Precept of the Foujdaree Udalut, under date the 12th July last directing the immediate and unconditional release of the 1st Prisoner in Case No. 26 on the Nellore Supplemental Calendar, for the 1st Sessions of 1834-

Ordered that the late officiating Judge late on Circuit in the Northern Division, now at Chittoor, be called upon to report for the information of the Foujdaree Udalut, whether the order in question has been carried into effect by Precept returnable within three days from and after its receipt-

(Sent following Precept No. 947)

A considerable period having elapsed since the receipt of the 1st portion of the Chicacole Calendar for the 1st Sessions of 1833-

Ordered that the acting 3d Judge on Circuit in the Northern Division be required by Precept returnable within three days to transmit to the Foujdaree Udalut the remaining portion of the same Calendar with a full explanation of the delay which has occurred in forwarding it-

(Sent following Precept No. 948)

Reads.

Read Return dated the 27th Ultimo from the Provincial Court of Circuit in the Western Division in to Precept of Foujdaree Udalut dated the 19th Ultimo conveying their observations and orders upon the Criminal Reports of the Division for the Month of June last-

(Here enter No. 1219-)

Read Return, dated 2d instant from the acting Second Judge on Circuit in the Centre Division, to Precept of Foujdaree Udalut dated the 1st instant, sanctioning mitigated punishment upon the 1st Prisoner in case No. 28 Cuddalore Calendar 1st Sessions of 1834-

(Here enter No. 1225-)

Read Return, dated the 1st instant, from the 3d Judge on Circuit in the Southern Division, to Precept of Foujdaree Udalut dated the 25th Ultimo, directing that the Prisoner in case No. 14 Tinnevelly Calendar 2d Sessions of 1834 be imprisoned and kept to hard labour in irons for 7 years-

(Here enter No. 1227-)

Read Return, dated 1st instant from the third Judge on Circuit in the Southern Division to Precept of Foujdaree Udalut dated the 22d Ultimo, conveying their observations and orders upon the Madura Calendar for the 2d Sessions of 1834-

(Here enter No. 1228-)

Read Letter, dated 30th Ultimo from the acting 3d Judge on Circuit in the Centre Division, Reporting the commencement of the 2d Sessions of this

8th September 1834.

this
Year at Bellaree, with an Abstract Statement of
the numbers of cases, Prisoners and Witnesses on
the Calendar, and the prospect of a Supplemental
one.

(Here enter No. 1230.)

F. No.

At a Court of the Foujdaree Adalut.

Present,

Monday
8th September 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 by Dawajee
Row and five others.

(Here enter Mr. Pet. No. 65 of 1834.)

1 The object of this Petition is to induce
the Court to reconsider their order of the 9th June last,
declining to direct the release of the Prisoner in Case
No. 16. on the Cuddalore Calendar for the 1st Sessions
of 1833.

2 The Petitioners, on whose Petition No. 32
of 1834 the order in question was passed, are again
informed that the sentence of the Foujdaree Adalut
upon the Prisoner in the above case, 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 by Patty
Ammaul of the zillah of Chingleput.

(Here enter Mrs. Pet. No. 66 of 1834.)

The Petitioner prays the Court to issue orders for the release of her son, Chinnoo Naicken, who, she represents, was, on a false charge, sentenced to imprisonment with hard labour in irons for 14 years, of which 7 have already elapsed, and who moreover is old infirm, and in bad health.

The Petitioner is informed that her 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 her application.

Read Petition presented by) Ammany Ammaul of Tersvallore

(Here enter Mis. Pet. No. 67 of 1834.)

The object of this Petition is to induce the Court to issue orders for the restoration to the Petitioner of a Stamp paper of the Value of 1 Rupee and half, which, with the view of procuring a copy of a Petition presented by her to the Provincial Court for the Centre Division she delivered to the Goomastah of that Court, who however, she alleges, made use of it for his own purposes.

The Petitioner is informed that she must prefer her complaint to the Provincial Court, whose duty it will be to investigate it.

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 Baulah Goorovah Naicken of the District of Cuddalore.

(Here enter Mis. Pet. No. 68 of 1834.)

The object of this Petition is to induce the Court to issue orders for the examination of Witnesses in behalf of three Prisoners in Case No. 6, Cuddalore Calendar, 2d Sessions of 1833. which has been referred to the Foujdaree Adalut, and to release them.

The Petitioner is informed that the Case in question will be disposed of in due course.

Ordered 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 the Vakeel of Pareyanoyakeammaul.

(Here enter Mis. Pet. No. 70 of 1834.)

The Petitioner represents that her son Mosttapillay, the 2d prisoner in Case No. 17 on the Cuddalore Calendar, for the 2d Sessions of 1833, has been tried before the Court of Circuit, on a false and Malicious charge of forgery, brought by an Individual named Vencatarama Reddy, at the instigation of the Rajah of the Auxiliary Court at Cuddalore who, the Petitioner alleges, resorted to bribes to act thus, from certain persons, who wished by the

the prosecution of the Prisoner to prevent the execution of a Decree passed against them in suit No. 112 of 1831 on the file of the said Auxiliary Court, in which the Prisoner was plaintiff.

The Petitioner accordingly prays the Court to issue orders for the release of the Prisoner.

Under the circumstances stated by the Petitioner, the Court resolve to issue orders to the acting 2d. Judge on Circuit in the Centre Division directing him to cause the Record of the Case No. 17 which is under reference to the Foujdaree Adalut, to be prepared and submitted before the other cases on the same Calendar, that the Court may be enabled to pass an early decision upon it.

Ordered therefore 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. 1237)

Ordered also that extract from these proceedings be furnished to the Petitioner upon his application.

Read Return dated the 26th Ultimo from the acting 2d. Judge late on Circuit in the Northern Division to Precept of Foujdaree Adalut, dated the 18th Ultimo, sanctioning mitigation of punishment in Cases

Cases No. 120-57 on the 1st Calendar for the 1st Sessions of 1834.

(Here enter No. 1238)

Read Return dated the 26th Ultimo from the acting 2d. Judge late on Circuit in the Northern Division to Precept of Foujdaree Adalut dated the 18th Ultimo, sanctioning mitigation of punishment in Cases No. 22-23-31-60-69-95-109-134- and 140 on the Calendar 1st Sessions of 1834.

(Here enter No. 1239.)

Read Return dated the 26th Ultimo from the acting 2d. Judge late on Circuit in the Northern Division to Precept of Foujdaree Adalut dated the 18th Ultimo sanctioning mitigation of punishment in Cases No. 8-14-38-47-48- and 99 on the 8. Calendar 1st Sessions of 1834.

(Here enter No. 1240.)

Read letter dated the 2d. instant from the 1st Judge late on Circuit in the Western Division. Having reference to the Foujdaree Courts' observations on the Mangalore Calendar 1st Sessions of 1834.

(Here enter No. 1252.)—

At a Court of the Foujdaree Adalut.

Present,

Wednesday,
10th September, 1834. John Bird Esqr. acting 1st Puisne Judge,
Thomas Alexr. Oakes Esqr. acting 2d Puisne Judge,
Alexr. Duncan Campbell Esqr. acting Judge,

113
1197

Read letter, dated the 13th Ultimo, from the Late acting Judge on Circuit in the Southern Division, transmitting the Record in Case No. 4 on the Salem Calendar 1st Sessions of 1834.

(Here enter No. 1151.)

The Court of Foujdaree Adalut, having

Mr. Oakes
&
Mr. Campbell.

maturely considered the Proceedings held before the Judge on Circuit, the Futwah 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 Futwah of the Cazee-ool-Cozat and Mooftees aforesaid, as acquits the Prisoner,

13th "Hanoomun,"

but being of opinion 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 10 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

And further being of opinion that the

proof against the Prisoners

1st "Arnaghessy,"
2d "Mooneyen, son of Cheanon,"
3d "Mussayen,"
4th "Caulen,"
7th "Puttacaura Mooneyen,"
8th "Vellien,"
9th "Nachary,"
10th "Cauley,"
11th "Mooneyen,"
12th "Letchooman,"
14th "Vencaten"
16th "Caryen,"
17th "Cannon, son of Vigooren,"
19th "Putlen, son of Timmen,"
20th "Jauden,"
&
22d "Permaloo"

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 and Fifth, Section IV Regulation XI of 1803, sentence the Prisoners,

1st "Arnaghessy,"
2d "Mooneyen, son of Chinnen,"
3d "Mussayen,"
4th "Caulen,"

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,

7th "Puttacaura Mooneyen,"
8th "Vellien,"
9th "Nachary,"
10th "Cauley,"
11th "Mooneyen,"
12th "Letchooman,"
14th "Vencaten,"
16th "Caryen,"
17th "Cannon, son of Vigooren,"
19th "Putlen, son of Timmen"
20th "Jauden"
&
22d "Permaloo,"

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. 961)

Read letter, dated the 16th Ultimo - from the Acting 2d Judge on Circuit in the Centre Division, transmitting the Record in Case No. 169 on the Ballaree Calender 2d Sessions of 1833.

(Here enter No. 1162.)

Read letter dated the 25th Ultimo - from the acting 2d Judge on Circuit in the Centre Division. Reporting the death of the 9th Prisoner in the referred Case No. 169 of the Ballaree Calendar 2d Sessions of 1833.

(Here enter No. 1180.)

No

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 Futwah of the Cazee-ool-Cozat and Mooftees of the Foujdaree Adalut, confirm the said Futwa of the Cazee-ool-Cozat and Mooftees aforesaid, and acquitting the Prisoner,

11th "Lingah,"

direct that he be set at liberty.

And further convicting of robbery, chiefly of grain, in a time of famine, the Prisoners,

1st "Beemah,"
2d "Curdy Gollur Ragah,"
3d "Beemah,"
5th "Heera Ramah,"
6th "Lamah,"
7th "Hemmah,"
8th "Hullaky Bheemah,"
10th "Yellegah,"
12th "Wobah,"
13th "Timmagah,"
15th "Mopagah,"
16th "Joyee Rachu,"
17th "Obeyah,"

they nevertheless, taking into consideration the circumstances above mentioned under which the offence was committed, and the length of time during which the prisoners

prisoners have been in confinement direct, that they also be set at liberty.—

The Court desire that it be intimated to the criminal Court that evidence ought to have been taken as to the cause of the death of the 1st witness, and to the Police Officer if he be still in Office, that Witnesses to the confessions of Prisoners, should always be present during the time that those confessions are being taken down.—

Ordered, that Extract of these proceedings be sent to the Acting 2d Judge on Circuit in the Centre Division for his information

(Sent following letter No. 962)

Read letter, dated the 25th Ultimo, from the Acting 2d Judge on Circuit in the Centre Division, transmitting the record in Case No. 31. of the Bellaree Calendar for the 2d Sessions of 1833.

(Here enter No. 1173.)

The Court of Foujdaree Adalut, having

Mr. Bird
Mr. Campbell

maturely considered the proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officer, and the Futwah of the Cazee-ool-Cozat and Mooftees of the Foujdaree Adalut, confirm the said Futwah of the Cazee-ool-Cozat and Mooftees aforesaid, and acquitting the Prisoner,—

"Naugereddy,"

direct that he be set at Liberty.—

(Sent following letter No. 963)

Read

Read letter, dated the 18th Ultimo, from the Late Officiating Judge on Circuit in the Northern Division at Chittoor transmitting the Record in Case No. 87. on the Nellore Calendar 2d Sessions of 1833.

(Here enter No. 1184)

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 & Mooftees of the Foujdaree Udalut, confirm the said Futwa of the Cazee-ool-Cozat and Mooftees aforesaid, and acquitting the Prisoners,

1st "Pullecondah Vobolo,"
2d "Pullecondah Vobolo,"
3d "Pullecondah Runganaikoodoo,"
4th "Panoomachoola Venkatapaty,"
5th "Peer Mahomed,"
6th "Syed Moodaphaally khan Sait,"

direct that they be set at Liberty.

(Sent following Letter No. 964)

Read letter, dated the 9th June last, from the 1st Judge on Circuit in the Northern Division, transmitting the record in Case No. 15. on the Trankulpaud Calendar 2d Quarterly Sessions of 1834.

(Here enter No. 1186.)

Mr. Bird.

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, are of opinion that the prisoner-

"Walleevala Ayyaudoo"

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 clause third Section V. Regulation VIII of 1831, and Clause Sixth Section II Regulation XV of 1803, direct that he be set at liberty-

(Sent following Letter No. 965.)

Read letter, dated 30th Ultimo, from the Acting 3d Judge on Circuit in the Centre Division submitting the Record in Case No. 63 of the Bellaree Calendar 1st Sessions of 1834.-

(Here enter No. 1209.)

Mr. Oakes
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-

"Sooreegaudoo,"

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

his natural life.-

(Sent following letter No. 966)

Mr. Birch
Mr. Parker
and
Mr. Campbell.

Read further Return, dated the 30th Ultimo, from the late Officiating Judge late on Circuit in the Northern Division, to Precept of the Court of Foujdaree Udalut under date the 19th June last, conveying their observations and orders upon the Nellore Calendars for the 1st Sessions of 1834.-

(Here enter No. 1224 of 1834)

1 The late officiating Judge has, in compliance with the requisition of this Court, transmitted with the foregoing Return, an English Translation of the Record of Case No. 23. on the Calendar which they have recently reviewed.-

2 A consideration of the Record, has satisfied the Court, that the Prisoner was very properly convicted by the presiding Judge.-

3. The Court, deem it necessary to observe that the trial in question would not have been called up, had not the late officiating Judge in his remarks on the Calendar, stated that the conviction of the accused had rested solely on the evidence of the Prosecutrix.-

Ordered, that Extract from these proceedings be sent to the late officiating Judge late on Circuit in the Northern Division for his information.-

(Sent in No. 967)

Read

Read Return, dated the 6th instant, from the late Acting Judge on Circuit in the Southern Division - to Precept of Foujdaree Udalut dated the 30th ultimo, sanctioning the mitigated Sentence upon the Prisoners in Cases Nos. 14 and 57 on the Salem Calendar 1st Sessions of 1834.-

WS
DO
WD

Ent'd.

(Here enter No. 1255.)

GP.

P. R.

Friday, 12th. September, 1834.

At a Court of the Foujdaree Udalut.

Present,

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 11th. June last, from the acting 3d. Judge on Circuit in the Centre Division, submitting the proceedings in No. 65. of the Bellaree Calendar for the 1st. Sessions of 1834.

(Here enter No. 1163.)

Mr. Bird
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. "Sooka Hemmadoo,"
2d. "Giddeegandoo,"
3d. "Koorba Hemmagadoo,"
4th. "Komety Gereegadoo,"
5th. "Postgadoo,"
6th. "Sola Wobbegadoo,"
7th. "Kala Wobbegadoo,"
8th. "Saneegandoo,"
9th. "Sunjeevadoo,"
10th. "Nareimmadoo,"
and
11th. "Jinkhagadoo,"

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, under the provisions of Clauses First and Fifth Section IV Regulation XV of 1803, sentence the Prisoners,

1st "Loka Hunmado,"
2d "Giddeegaudoo,"
& 15th "Bursimmadoo,"

to suffer death, by being hanged, so soon as convenient can be after the receipt of this warrant, at a spot to be selected by the Officiating Criminal Judge in the immediate vicinity of the place where the murder was committed—

And the Prisoners,

3d "Korba Hunmagaroo,"
4th "Hamdy Gerugadoo,"
5th "Portgadoo,"
6th "Lota Hollegadoo,"
7th "Kala Hollegadoo,"
8th "Lunnegadoo,"
& 12th "Linkalagaudoo,"

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 during

12th September 1834.

during the period of their natural lives: And the Prisoner,

9th "Gungeevadoo,"

on account of his youth to be imprisoned and kept blabaur suitable to his years for and during the period of two years.

And considering that strong suspicion though not amounting to conviction attaches to the Prisoner,

11th "Jogee Hunmagadoo,"

they direct under clause sixth Section II Regulation XV of 1803, that he be required to find 2 Sureties in 15 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 No. 973)

Read letter, dated the 25th Ultimo, from the Acting 3d Judge late additional Judge late on Circuit in the Northern Division—transmitting the record in Case No. 10. on the Chicacole Calendar 1st Sessions of 1833—

(Here enter No. 1187—)

Mr. Oakes— The Court of Foujdaree Adalut, on
& Mr. Campbell— a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion

opinion that the proof against the Prisoner

"Worlaca Chordamaney,"

is sufficient to convict him of the crime of Going Robbery, by open violence accompanied by Murder & arson, &, 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 First and Fifth, 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.

The Circuit Judge is always at liberty to examine the prisoners in any order which he may deem proper, but he should not as he has done in the present instance, change their Numbering, before the lower tribunals, which necessarily causes confusion.

Ordered, that extract of these proceedings be sent to the acting 3d Judge late additional Judge late on Circuit in the Northern Division for his information.

(Sent following letter No. 974)

Read letter, dated the 27th Ultimo, from the acting 2d Judge on Circuit in the Centre Division, transmitting Case No. 62. Bellary Calendar for the second Sessions of 1833.

(Here enter No. 1199.)

The Court of Sujdaree Adalut, 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-ul-Cozat and Mooftees of the Sujdaree Adalut, confirm the said Futwa of the Cazee-ul-Cozat and Mooftees aforesaid, and acquitting the Prisoners—

1st "Bheemah,"
2d "Bellagullah,"

direct that they be set at liberty.

(Sent following letter No. 975)

1 A consideration of the Record of this case has induced some doubt of the fact of any Murder having been committed and if that crime was really perpetrated, suspicion would attach rather to the two Witnesses, the Servants of the Prosecutor, than to the Prisoners who have been tried for it, and acquitted.

2 The Court therefore deem it proper to issue orders to the acting 2d Judge on Circuit in the Centre Division, directing him to transmit the rough English Translations of the whole case, to the Magistrate of Bellary, and to instruct that Officer, to institute such inquiries as in his opinion may tend to ascertain whether the deceased met his death by violence,

and

and if so to bring the perpetrators of the crime to Justice.

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 976)

Read return, dated the 1st instant, from the Provincial Court of Circuit in the Centre Division, to the Precept of the Foujdaree Adalut, under date the 25th July 1834, conveying their observations upon the Trial No 1 on the Chittoor Calendar, for the 1st Quarter Sessions of 1834, and directing that an English Translation of the Trial No 1 on the Supplemental Calendar for the same Sessions, be submitted to this Court.

(Here enter No 1234 of 1834.)

Read also letter, dated the 3d instant, from the late officiating 2d Judge of the Provincial Court of Circuit in the Centre Division, submitting explanations having reference to the Remarks of the Court of Foujdaree Adalut upon case No 1 on the Chittoor Calendar for the 1st Quarter Sessions of 1834.

(Here enter No 1235 of 1834.)

The Court have attentively considered the Record of the case, which, in conformity with the orders of the 25th July last, has been transmitted to them;

and are of opinion that the contradictions in the evidence of the 3d Witness in the Case No 1. are direct and positive; and were wilfully and deliberately given.

2. At the same time there are the strongest grounds for believing that the intention of that witness was not corrupt; and under this view of the case the Court are of opinion that the order of the late officiating Judge of the Provincial Court of Circuit in the Centre Division for his Commitment for Perjury, was illjudged, and the subsequent Trial and Sentence were inexpedient.

3. Under these circumstances the Court deem it proper that the remainders of the sentences passed by the late Presiding Judge be remitted; and accordingly resolve to issue orders to the Provincial Court of Circuit in the Centre Division directing them to cause the immediate and unconditional release of the Prisoner in Trial No 1. on the Supplemental Calendar, for the 1st Sessions of 1834.

4. With reference to the explanations of the late officiating Judge, the Court observe that he appears to have been convinced that the confessions of the Prisoners had been extorted. Deeming them to be unworthy of credit he took the view of the case, the propriety of which this Court have impugned. But if he had instituted the enquiries the result of which is now reported by the Magistrate, the Court apprehend that Mr Nicholls would have seen no reason to doubt that the Prisoners confessions were freely & voluntarily

given

given—

6. at the same time, though the letter of Mr. Nicholls has not caused any change in the opinion which the Court expressed in their proceedings of the 25th July last, they deem it proper to record their conviction that he has acted most conscientiously, and to the best of his Judgment—

Ordered, that Extract from these proceedings be sent to the Provincial Court of Circuit in the Centre Division, with instructions to furnish a copy of it to the present Officiating 2d Judge of the Provincial Court of Circuit in the Western Division, and for their own information and guidance—

(Sent in No. 977)

Ordered also, that extract from these Proceedings be forwarded to the Officiating Secretary to Government in the Judicial Department, together with the Trial for Perjury of the 3d Witness; and the Return with its enclosure from the Provincial Court of Circuit in the Centre Division and the letter of the Officiating Judge in the Western Division with reference to the order of Government, under date the 5th Ultimo—

Sent to Govt. No. 170.

(Sent in No. 978)

Mr. Bird.
Mr. Oakes.
and
Mr. Campbell.

Read extract from the Minutes of Consultation under date 26th Ultimo, accompanied by the annual return for 1833 from the Medical Board of "the sick in the several Jails under this Presidency"—

(Here enter No. 1203)

The

12th September 1834. J. C.

1 The Court, having given due attention to the suggestion contained in the 12th Para of the Report of the Medical Board, consider it desirable, that a rule of the nature there proposed should be observed in the case of prisoners of delicate frame, or, unhealthy appearance, or, who from their station in life, may not have been previously accustomed to labour; and they resolve accordingly to issue instructions to this effect for the guidance of all officers in charge of Jails by a Circular order—

2 They also concur in the expediency of adopting it as a general rule, that all prisoners in the Jails should be vaccinated; they are of opinion however that it should not be forced upon those decidedly objecting—and they will accordingly issue orders to this effect— These orders will of course not apply when the small pox may appear in a Jail, in such instances the Medical Officer in charge will without reference to the wishes of the prisoners take the most effective measures for checking the disease—

3 Referring to the observations of the Medical Board upon the unhealthy state of the Salem Jail the Court observe that by their orders of 30th September 1826 the Provincial Court of Circuit in the Southern Division possess a general authority to

to direct the transfer, without reference to the Sr Foujdaree Udalut, of convicts from the Salem Jail whenever it may be necessary, and the attention of this Court having been attracted to the unhealthy state of the Jail on review of the Criminal Report for June last, orders were issued to the Provincial Court on the 19th Ultimo, to instruct the Criminal Judge in communication with the Medical Officer to report the cause of this unhealthiness and of the means considered best adapted to remove it. The Court will now transmit to the Provincial a copy of the observations of the Medical Board with instructions to adopt without delay such measures as may appear to them expedient.

4 The Court on their proceedings upon the Criminal Reports for March last called the attention of the Provincial Court and the Criminal Judge to the number of sick in the Cuddapah Jail, and they will make the subject matter of further consideration.

Ordered, that Extract of these proceedings be sent to the officiating Secretary to Government in the Judicial Department with copy of the Circular Order issued with reference to Paras 1 and 4. of the Minutes of Consultation now before the Court for the purpose of being laid before the Right Honorable the Governor in Council.

Sent to Govt. No 169. (Sent in No. 979)

Ordered

Ordered that Para 3 of these proceedings together with copy of para 11 of the Report of the Medical Board to Government the subject of the above Minutes of Consultation, be sent to the Provincial Court of Circuit Southern Division for their information and guidance by Precept, returnable without delay.

(Sent following Precept No. 980)

Circular Order No. 14 of 1834.

In consequence of a communication from Government on the subject, the Court of Foujdaree Udalut deem it proper to notify, through the Provincial Courts of Circuit to the several Officers in charge of Jails, that they consider it highly expedient that in seasons of generally "prevalent disease," prisoners recently convicted; prisoners of delicate frame or unhealthy appearance, and others who, from their station in life may not have been previously accustomed to labour, "should be employed, only on the lighter kinds of labour and "—" for a shorter period than is usual and advantageous in ordinary circumstances.

2 The Court of Foujdaree Udalut take this opportunity, on concurrence with the desire of the Right Honorable the Governor in Council at the suggestion of the Medical Board, to direct that it be made a general rule that all prisoners under sentence, or detained on requisition of security,

or

or committed for trial before the Court of Circuit, or should, unless they decidedly object to it be vaccinated.

3. Where however the small pox may break out in a jail, the Medical Officer, without reference to the wishes of the Prisoners, will be justified in adopting the most effective measures to check so infectious a disease.

(Sent following Circulars No. 981)

Read letter, dated the 8th instant, from the 3d Judge on Circuit in the Southern Division, Reporting the commencement of the Sessions and the Numbers of Prisoners to be tried at Combaconum—

(Here enter No. 1265.)—

2d Ct.

At a Court of the Foujdaree Adalut—

Present,

Saturday 13th September 1834. John Bird Esqr. Acting 1st Puisne Judge,
Thomas Alexr. Oakes Esqre. Acting 2d Puisne Judge,
Alexr. Duncan Campbell Esqre. Acting Judge,

Read return made by the Provincial Court, in the Northern Division to this Courts precept of the 19th Ultimo on the subject of fines levied by Mr. G. P. Brown, the Acting Judge at Rajahmundry

(Here enter No. 1249)

Understanding that the fines in question had been levied for contempt, the Judges in their orders of the 19th Ultimo required a return of those levied "in Civil matters" under Section XXII Regulation III 1802— "as well as in Criminal matters under Section XII Regulation XIII 1832" and not under the latter law alone, as supposed by the Provincial Court— But as it appears from the present return that Decrees have been made the medium of fines, the Judges approve the more comprehensive information proposed to be called for by the lower Court— They accordingly direct that the Provincial Court in the Northern Division do transmit the proposed form of Statement to the Acting Zillah Judge of Rajahmundry, Requiring him to fill it up, from the period of his taking charge of that Court, and to forward it without delay through

F.U.
13th. September 1836.

through the Provincial Court who will make such observations upon it as they may find necessary.

Ordered also that the Provincial Court be reminded that this Court have as yet received no return to their instructions of the 31st. July last issued on the receipt of the orders of Government of the 11th. of that month on the subject of the fines levied by Mr. C.P. Brown.

The information laid before this Court, in the Return from the Provincial Court now under consideration, exhibits such extraordinary proceedings on the part of the acting Zillah Judge at Rajahmundry that the Judges do not consider themselves justified in withholding from the Government an immediate knowledge of them.

From the acting 2d. Judge Northern Division 8th. August 1836. Proceedings thereon 16th. Augt. 1836. Return thereto 29th. Ult. Ordered accordingly that extract from these proceedings with copy of the papers noted in the margin be transmitted to the Secretary to Government for the information of the Right Honorable the Governor in Council.

Sent L. Govt. No 171. / Sent in No. 984 /

Ordered also that extract from these proceedings, be transmitted to the Provincial Court in the Northern Division by Precept requiring Return without delay.

(Sent following Precept No. 985).

At a Court of the Foujdaree Udalut.

Present,

Monday, 15th. September, 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 by Syed Ryder late Duffadar of the zillah Jail of Cuddapah.

(Here enter Mis. Pet. No. 20 of 1834.)

The Petitioner complains that he has been unjustly suspended from his situation, by the zillah Judge of Cuddapah, who suspected that he Connived at the escape of one Doodakonda Baubu, on the night of the same day on which he had been convicted of Burglary and sentenced to imprisonment for one year.

The Petitioner asserts his innocence & prays the Court to issue orders for his reinstatement in his situation.

The Petitioner is informed that instructions have been issued to the Provincial Court of Circuit in the Centre Division to cause his restoration.

Ordered, that Extract from these Proceedings be furnished to the Petitioner upon his application.

Read Petition presented by Mooneyappa Moodely and six others of the zillah of Chittoor.

(Here enter No. 61. of 1834.)

The

The object of this Petition is to induce the Court to order the remission of a fine imposed upon the Petitioners by the Joint Magistrate of North West.

Regarding the imposition of this fine, the Court, after the fullest consideration, passed an order, under date the 23d June last, confirming the proceedings of the Joint Magistrate; and that order 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 by Pauchy Ammandu

(Here enter Mis. Pet. No. 62 of 1834.)

The Petitioner complains that her husband Palanyandy the 1st Prisoner in Case No. 32, on the Combaconum Calendar, for the 1st Sessions of 1834, has upon a false and malicious charge of Gang Robbery, brought by some individuals who wished to compass his ruin, been sentenced by the Court of Circuit, to receive 195 lashes, and to be imprisoned and kept to hard labour in irons for 14 years.

She therefore prays the Court to issue orders for his release.

The Petitioner is informed that for a consideration of the case as it appears in the Calendar

the

this Court see no reason to doubt the propriety of the sentence passed upon 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 upon her application.

Read Petition presented 25th Ultimo, by Sreenevasa Pillay, of the zillah of Madura.

(Here enter Mis. Pet. No. 63 of 1834.)

The object of this Petition is to induce the Court to call for and revise the whole proceedings in the case of Gungarama pillay, late Sheristadar of the zillah Court of Madura, who has been tried and convicted by the Circuit Judge, but, as the Petitioner his nephew, asserts, is the victim of a conspiracy.

The Petitioner is informed that he has on the present occasion advanced nothing which can warrant the Court to call for the Proceedings, held in his Uncles case, who has been sentenced by competent authority.

Ordered, 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 Veeranmandi.

(Here enter Mis. Pet. No. 70 of 1834.)

The

F.H.
15th September 1834.

1.

The object of this Petition is to induce the Court to issue orders for the release of Pellan Chetty the 1st Prisoner in Case No. 2 on the Madura Calendar for the 1st Sessions of 1834, who, being charged with severely and dangerously wounding the Prosecutor by stabbing him with a clasp knife was convicted and sentenced by the Court of Circuit to 5 years' imprisonment and hard labour.

2

Under the circumstances urged by the Petitioner, the Court deem it proper to issue orders to the 2d Judge late on Circuit in the Southern Division, directing him to transmit without delay to them, an English Translation of the Record of the case in question.

Ordered accordingly, that extract from these proceedings be sent to the 2d Judge late on Circuit in the Southern Division for his information and guidance by Precept, returnable without delay.

(Sent following Precept No. 989)

Ordered also, that Extract from these proceedings be furnished to the Petitioner upon her application.

Summary Annexed of the petition of Chenglepet, Moves the Court to return the enclosure in her Miscellaneous Petition No. 67. of 1834.

Ordered accordingly.

Read

F.H.
15th September 1834.

Read Extract from Minutes of Consultation dated 15th Ultimo in the Judicial Department, on the Circuit Report for the 2d Sessions 1832 at Nellore & Guntoor & for the 2d Sessions of 1833 and 1st Sessions 1834 at Nellore submitted by the Acting 2d Judge late on Circuit in the Northern Division.

(Here enter No. 1153)

Ordered, that copy of the above Minutes of Consultation be sent to the late Acting 2d Judge late on Circuit in the Northern Division with reference to the Extract of proceedings of this Court of the 25th July last, for his information.

(Sent in No. 990)

Ordered also, that agreeably to the instructions conveyed in Para 2 of the above Minutes of Consultation a Circular Order be framed & transmitted to the 4 Provincial Courts of Circuit for Communication to the Magistrates in order to bring into operation the rule "that whenever a Search is made in any house "there should be a list taken down and attested by "two unexceptionable persons on the spot, of the "articles of property found in each house: and the "attesting witnesses should be present at the "search and be able to speak of their own knowledge "to the correctness of the list" and that Copy of the Circular orders be furnished to Government under their orders of the 27th June 1834.

Sent to Govt No. 179. (Sent in No. 992)

15th September 1834.

Circular Order No. 15. of 1834.

The Right Honorable the Governor in Council having expressed his opinion that it should be made a rule that whenever a search is made in any "house there should be a list taken down and attested "two unexceptionable persons on the spot, of the articles "of property found in each house the attesting witnesses "should be present at the search and be able to speak "of their own knowledge, to the correctness of the list, the Court of Foujdaree Udalut deem it proper to direct the Provincial Courts of Circuit to instruct the several Magistrates with whom it will rest to bring this rule into operation to issue such instructions to their Police Officers as may seem to them best adapted to secure the object in view taking immediate notice of any infraction of the rule in order that it may be rendered as efficacious as it is important.

(Sent following Circulars No. 993)

Read Extract from the Minutes of Consultation in the Judicial Department, dated the 5th September 1834. upon consideration of the proceedings of the Court of Foujdaree Udalut of the 13th August 1834 on review of the 1st & Supplemental Calendars submitted by the 1st Judge of the Provincial Court of Circuit in the Northern Division for the 1st Sessions, with his observations comprising his Report for the 1st Quarter Sessions of 1834.

15th September 1834.

(Here enter No. 1257.)

The only observation which the Right Honorable the Governor in Council has deemed it necessary to record in the above Minutes of Consultation refers to Para 2. of the proceedings of this Court in which the legality of the Magistrate of Masulipatam in levying a fine from a renter of customs under section XXIII. Regulation I. 1812. was discussed.

The error in the case in question committed by the Magistrate appears, from the opinion expressed in the above Minutes of Consultation in which the Court of Foujdaree Udalut coincide, to have arisen from the imposition of the fine by the Magistrate in his capacity of Magistrate and not as Collector, in which latter capacity it was competent to him to proceed, as he did in the Matter at issue.

Ordered, that Extract of these proceedings together with copy of the above Minutes of Consultation be transmitted to the 1st Judge of the Provincial Court of Circuit in the Northern Division for his information with reference to the proceedings of this Court of the 13th August 1834.

(Sent in No. 994)

Read Return, dated 11th instant, from the late Officiating Judge late on Circuit in the Northern Division to

Precept

15th September 1834.

Precept of Fouzdaree Adalut dated the 12th July 1834 directing that the 1st Prisoner in Case No. 26 on the Nellore Supplemental Calendar 1st Sessions of 1834 be admonished and released forthwith.

(Here enter No. 1278.)

Read Return dated 11th instant, from the late Officiating Judge late on Circuit in the Northern Division, now at Chittoor, to Precept of Fouzdaree Adalut dated the 5th instant, calling for a Return to a former Precept directing the release of 1st Prisoner in Case No. 26 Nellore Supplemental Calendar 1st Sessions of 1834.

(Here enter No. 1279 A)

Read Return, dated 11th instant, from the late officiating Judge late on Circuit in the Northern Division now at Chittoor, to Precept of Fouzdaree Adalut dated 5th June 1834. sentencing the Prisoner in Case No. 7. Nellore Calendar 1st Sessions of 1834 to 5 years imprisonment with hard labour in irons.

(Here enter No. 1280.)

Read Return, dated 11th instant from the late Officiating Judge late on Circuit in the Northern Division now at Chittoor, to Precept of Fouzdaree Adalut dated the 16th June last, sentencing the 1st & 2d Prisoners in Case No. 64 Nellore Calendar, 2d Sessions of 1833 to 3½ years' imprisonment with hard labour in

15th September 1834.

irons.—

(Here enter No. 1281.)

Read Return, dated the 11th instant, from the late officiating Judge late on Circuit in the Northern Division now at Chittoor, to Precept of Fouzdaree Adalut dated the 16th June last, sentencing the Prisoner in Case No. 46 of the Nellore Calendar 2d Sessions of 1833, to 4 years and 6 Months imprisonment with hard labour in irons.

(Here enter No. 1282.)

Read Return, dated the 11th instant, from the Provincial Court of Circuit in the Northern Division, to Precept of Fouzdaree Adalut dated the 23d June last, sentencing the Prisoner in Case No. 44 Nellore Calendar, 2d Sessions of 1833 to 2 years' imprisonment with hard labour in irons—

(Here enter No. 1283.)

Read Return, dated the 10th instant, from the Acting 3d Judge on Circuit in the Centre Division, to Precept of Fouzdaree Adalut dated the 3d instant, directing that the reward of 100 Rupees be conferred upon the 1st Witness in Case No. 44. of the Bellaree Calendar 1st Sessions of 1834—

(Here enter No. 1284.)

Read letter, dated the 10th instant, from the Acting 3d Judge on Circuit in the Centre Division

15th September 1836.

Division, Reporting his temporary indisposition and enclosing Medical certificate.—

(Here enter No. 1285.)

Read Return, dated the 10th instant, from the Provincial Court of Circuit in the Southern Division, to Precept of Sadr Dewanny Adawlut, dated the 5th instant, calling for explanation of the delay which the Provincial Court allowed to occur in transmitting certain Returns received from the subordinate Authorities in reply to observations of Sadr Dewanny Adawlut on the Criminal Reports for January last.—

(Here enter No. 1285)

At a Court of the Toojdaree Adalut.

Present,

Thursday, 18th September, 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 14th May last, from the acting 3d Judge on Circuit in the Centre Division, submitting the proceedings in No. 11 of the Bellary Calendar 1st Sessions of 1834.

(Here enter No. 1179.)

The Court of Toojdaree 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 Toojdaree Adalut, confirm such part of the said Futwa of the Cazee-ool-Cozat and Mooftees aforesaid, as convicts the Prisoners,

Mr. Bird.
Mr. Campbell.

1st "Rungamah,"
2d "Chessawadoo,"
3d "Bader Naugah,"
6th "Chin Hobeegaudoo,"
7th "Pooleegaudoo,"
8th "Pedda Ramdoo,"
9th "Yerrawadoo,"
10th "Moosaleegaudoo,"
11th "Lushreegaudoo,"
12th "Nurseegaudoo,"
13th "Chadhadoo,"
14th "Chin Govindagaudoo,"

and

and under the provisions of Clauses Third and Fifth, Section IV Regulation XV of 1803, Sentence the Prisoners,

1st "Rengamah,"
2d "Cheravadoo,"
3d "Bader Naugah,"
6th "Chin Wolleygandoo,"
7th "Polleygandoo,"
8th "Pedda Ramdoo,"
9th "Yerravadoo,"
11th "Suckreygandoo,"
12th "Nursreygandoo,"
13th "Shashadoo,"
14th "Chin Gowndagandoo,"

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 the Prisoner-

10th "Mossaleygandoo,"

on account of his youth to be imprisoned and kept to labour suitable to his years, for and during the period of (2) two years.

And being of opinion that the proof against the Prisoners,

5th & 15th "Pedda Nobeegandoo" & "Mahommud Khan,"

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

of 1813, convict them thereof, and in conformity with the provisions of Clauses third and fifth, Section IV Regulation XV of 1803, 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 years.

(Sent following letter No. 998)

Read letter, dated the 28th Ultimo, from the 2d Judge late on Circuit in the Southern Division, transmitting the Record in Case No. 20. on the Calendar of the Zillah of Coimbatore for the 1st Sessions of 1834.

(Here enter No. 1221.)

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,

Mr. Bird
&
Mr. Campbell.

"Shutty,"

is sufficient to convict him 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 1813, convict him thereof, and in conformity with the provisions of Clauses First and Fifth, Section IV Regulation XV of 1803, 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 & during the period of his natural Life-

Read.

(Sent following letter No. 999)

18th September 1834.

Mr. Bird
Mr. Baker
Mr. Campbell.

Read letter, dated the 29th Ultimo, from the Provincial Court of Circuit in the Southern Division, transmitting the Criminal Reports prescribed by Section XXXV Regulation X of 1816. for the Month of July 1834-

(Here enter No. 1237.)

Madura Suppl. Report.

1 At the close of the month of June there were before the Criminal Court of Madura two cases, including 17 Prisoners, undisposed of. The Report under review shows that the Criminal Judge has disposed of one of these cases including 4 prisoners and the assistant criminal Judge of the other including the remaining 13 prisoners-

2. There were 13 cases including 53 prisoners brought before the same Court in July: Nos. Of these the Criminal Judge disposed of 7. 17. the first assistant Criminal Judge of 4. 26. and the 2nd Assem Moofty of 1. 6. leaving only 1 Case including 6 prisoners under examination for which a satisfactory cause is assigned viz: that the case was brought before the Court on the last day of the month-

3 The Provincial Court of Circuit will acquaint the Acting Assistant Criminal Judge in charge that six instead of 7 cases, including 16 instead of 17 prisoners, are entered in the Abstract attached to the Report No. V as disposed of by the Criminal Judge and that 25 instead of 26 prisoners appear in the Abstract as included in the 4 cases disposed

18th September 1834.

disposed of by him (the Acting Assistant Criminal Judge) This is a point to which attention should be paid in future-

Madura Suppl. Report. Case 62.

4. The first prisoner in this case appears to have been held to security on his Talook confession alone. If this is the fact the Provincial Court of Circuit will order his release if in jail, on the discharge of the Bail if it has been given. The Court of Sayjdaree Adalut having ruled that this is not ground sufficient for a requisition of security-

Report V Case 64.

5. The circumstance of the 3d. prisoner in this case having been sent up to the Criminal Court without the slightest evidence should be made known to the Magistrate under the Circular Order 21st May 1823 to which order his attention should be particularly directed-

Case 67.

6. The Court of Sayjdaree Adalut approve of the order of the Provincial Court of Circuit calling for the proceedings of the Magistrate connected with this case and they will report for the information of the Court of Sayjdaree Adalut what the result may be-

Case 72

7 The Provincial Court of Circuit will call upon the Criminal Judge to report whether or not the security Required from the 14th 15th and 16th prisoners in this Case has been given. The Requisition of security under Section IV Regulation II 1829 has been observed by the Provincial Court of Circuit in this Case having been forwarded

"conduct and appearance when required" under certain limitations and the Bail bond should be corrected accordingly if it has been entered into. It seems from the Report that the Assistant Criminal Judge has strong grounds of suspicion of the prisoners having committed the act charged and on this account the requisition of security was correct though the terms of it were not.

Case 79. 8. as there is room for doubt as to the sufficiency of the evidence, as far as can be judged from the Report, to connect the first and second prisoners in this case, the Provincial Court of Circuit will call for the proceedings and determine upon it.

Tinnevelly 9.

	Cases	Persons	Disposed of: Cases	Persons
In Suppl. Rept.	1.	1.	1.	1.
In Report V.	11.	17.	11.	17.

The entry in the Margin shews the state and the disposal of the Criminal business in the Auxiliary Court at Tinnevelly during the Month of July to be most satisfactory, not a single case remaining under examination at the close of the month. The Acting Joint Criminal Judge decided 10 of the cases including 16 prisoners - the other case with 1 prisoner was disposed of by the Sudr ameen.

10. The abstract of the committals in the previous and present, month need not be in the detail given by the Acting Joint Criminal Judge to whom the Provincial Court will point out that the total of the cases and of the prisoners is sufficient without

without distinguishing the Number in each case.

Combaconum. 11.

	Cases	Persons	Disposed of: Cases	Persons
In Suppl. Rept.	14.	38.	14.	38.
In Rept. V.	42.	95.	29.	57.
	56.	133.	43.	95.

or 13. 38. remaining.

The entry noted in the Margin shews the state of the Criminal business before the Court at Combaconum during the Month of July and at the close of it and that out of 56 cases before it including 133. prisoners, 43. including 95 prisoners were disposed of by the Officers of the Court bearing the following proportions - In the Criminal Judge's Court - C. P. 15. 40. and in the Assistant Criminal Judge's Court 16. 33. - By the Moosly Sudr Ameen 6. 12. and by the Pundit Sudr Ameen 6. 10. Before these several Courts taken collectively there were 13 Cases including 38 prisoners undisposed of on the 1st of August.

Suppl. Report. Case 164. 12. There is an erroneous entry in the Report respecting the prisoners in this case who are there stated to be "released". The same three prisoners are committed in the previous case No. 150.

Case 171. 13. The 3d prisoner in this case charged with "bartering arrack for a Silver Jewel", being punishable by the Magistrate of Trichinopoly under Clause 2d Section VI Regulation I 1820, the Court conclude that this has been intimated to the Magistrate as required by Circular Order 31st December 1828.

186. 14. The Court presume that the Magistrate has been made acquainted under Circular Order 21st May 1823 with the Circumstance of the prisoner in this case having been forwarded

forwarded to the Criminal Judge who states in the Report that there is no evidence whatever to suppose the prisoner guilty of the crime with which he is charged

Case 187. 15. This case is composed of 3 prisoners & two charges which should be separated and entered distinctly in the Calendar the one for forgery and the other for the Perjury - it is further requisite that each individual in Cases of Perjury should be tried separately under Circular Order 6th August 1832.

Salem 16. From the entry Noted in the Margin it appears that out of 9 Cases including 16 prisoners upon whom no final orders had been previously passed, there were 8 cases including 15 prisoners disposed of in the Month of July - 2 C. P. 9 C. P. them by the assistant Criminal Judge and 6 by the Sudr Ameens. The Prisoner in the other case having died there remained no arrears of any kind previous to July on the 1st of August. Of the cases brought before the Salem Court in the Month of July - in number 38 including 150 prisoners - the Criminal Judge disposed of 3 C. P. 15 - the assistant Criminal Judge of 8. 27 and the Sudr Ameens of 20. 32 making a total of 31. 74. and leaving for the Supplemental Report of August 7. 76.

	Cases	persons	Disposed of Cases	persons
In Suppl. Report.	9.	16	8.	15. — 1. 1 dead.
In Report V.	38.	150.	31.	74. — 76 rem'g.

17. The Court have to observe upon this result that, taken collectively, the Number of cases disposed

disposed of is satisfactory but that the Criminal Judge, in the absence of explanation, appears to have examined a smaller number of cases than was consistent with an energetic discharge of his duties in this department.

Salem Report V Case 237. 18. The Provincial Court of Circuit upon receipt of the explanation called for, with respect to this case, by para 30 of their proceedings will issue the requisite orders reporting them to the Court of Sudder Adalut.

243. 19. There is nothing in the Report to shew why the prisoner in this case was released. The result of the examination should at least have been stated; and the Provincial Court of Circuit will point out to the Criminal Judge that the Circular order of 16th November 1833 requiring a distinct note of the grounds of orders and sentences embraces every case entered in the Criminal Report.

247. 20. The Provincial Court of Circuit will report to this Court the explanation regarding the disposal of this case called for in para 34 of their proceedings. The Justice of the Judgment appears to them to have been very questionable as far as it can be formed upon the statement in the Report.

256. 21. The security demanded in this case appears to this Court excessive and they resolve to direct the Provincial Court of Circuit to cause it to be reduced

reduced and the order altered to two sureties of 25 Rupees each instead of two sureties of 100 Rupees each.

22 The Court of Foujdaree Adalut observe with regret that there are still numerous prisoners sick included in Column 4 of the statement of the labor of prisoners nearly a seventh indeed of the whole and further that there have been 15 deaths among them during the Month of July. The Court however will not here dwell upon the subject as by their orders dated the 19th Ultimo on the criminal Reports of June and also the orders of the 12th instant full authority is given for providing the means of meeting the difficulties at present experienced in keeping the prisoners of the Jail at Salem, healthy.

Coimbatore 23. The Report of the criminal business performed in the Auxiliary Court at Coimbatore is particularly satisfactory the Acting Joint Criminal Judge is entitled to commendation for his exertions. The entry noted in the Margin shews that of all the cases brought before the Court at Coimbatore in the Month of July as well as three others upon which no previous orders had been passed not one was left unexamined on the 1st of August. The Acting Joint Criminal Judge disposed of 34 cases including 75 prisoners and the Sudr Ameen of

	Cases	Persons	Disposal of Cases	Persons
In Supplt. Report	3.	2.	3.	2.
In Report V.	49.	104.	49.	104.

the same persons in 2. cases.

of 18 Cases including 31 prisoners.

Report V. Case 215. 24. The 3d Prisoner in this case who appears to have been connected with the theft, with which the other prisoners were charged, only from his having received a portion of the flesh of the stolen sheep when in a starving state, might have been, under this circumstance, released by the acting Joint Criminal Judge.

226 25. The grounds of the suspicion to which the 1st and 4th prisoners were considered to be liable should have been stated in the Report.

Cases 233. 234 & 239. 26. Where the punishment is totally insufficient to satisfy justice the Court of Foujdaree Adalut are of opinion that the Criminal Judge is competent to enhance the punishment awarded by the Sudr Ameen but that the power should be exercised with discretion. In these cases the punishment, though lenient, was not glaringly insufficient and the Court of Foujdaree Adalut considering all the circumstances resolve to direct the Provincial Court of Circuit to require the Acting Joint Criminal Judge to cancel his own sentences in these cases leaving the original Judgments passed by the Sudr Ameen in force. The Acting Joint Criminal Judge should at the same time be directed to instruct the Sudr Ameen to avoid in future the error of which the Court of Foujdaree Adalut have deemed it just to give the Prisoners the benefit

on

on the present occasion.

Ordered, that Extract of these proceedings be sent to the Provincial Court of Circuit in the Southern Division for their information and guidance, and for communication to the Subordinate authorities of such parts as concern them respectively, by Precept returnable without delay.

(Sent following Precept No. 1000)

Read letter, dated the 10th instant from the 3d Judge on Circuit in the Southern Division submitting Copy of the Limerick Calendar and Supplemental Calendar for the 2d Sessions of 1834.

(Here enter No. 1275.)

Case 2 1 This case as it stands in the Calendar appears incorrect. The charge brought against the 2d prisoner being for the Assault and that against the 1st Prisoner for escaping from custody. The 3d Judge having sentenced the first prisoner for an Assault with which he does not appear to have been charged, some explanation is requisite.

Cases 4. & 11. 2 In the cases noted in the Margin the framing of the orders for the Requisition of Security is incomplete as it does not define the time for which the prisoners should be detained in confinement in default of producing the security demanded.

Case 5. 3. The Court concludes that Measures have been taken to rectify the informality through which the prisoner in this case was not tried at the present Sessions for embezzlement. It is to be regretted that he should have been put on his trial at all on the other charge to support which the 3d Judge has recorded his opinion that there was a total want of evidence direct or indirect.

Case 12. 4 In this case the 3d Judge has inadvertently omitted to specify the time for which the Sureties of the prisoner are to be responsible. The Circular orders under date 31st October 1828 & 30th April 1829 are on this subject and require that the "term for which security, whether by personal recognizance or by the responsibility of sureties, is to be given" should be the same as the term for which a prisoner may be detained in confinement in default giving security.

Case 13. 5. It would appear from the Remark of the 3d Judge that the prisoners ought not to have been committed and this should be intimated to the committing officer if it has not been already communicated.

Ordered, that Extract of 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. 1001)

Read Letter, dated the 10th instant, from the 3d Judge on Circuit in the Southern Division, submitting the

the Madura Supplemental Calendar for the 2d "
Sessions of 1834.

(Here enter No. 1276.)

The only remark upon the above
supplemental Calendar required is with reference to
the charges in Cases 3 & 4. As they are not in strict
conformity with the Circular Orders of the Court of
Sayidaree Adalut on the subject of charges in cases
of Perjury entered in the Calendars, the 3d Judge
will point the attention of the Acting Assistant
Criminal Judge in charge of the Court at Madura
to the Circular Order 6th " February 1832.

Ordered, that Extract of these
proceedings be sent to the 3d " Judge on Circuit in the
Southern Division for his information & guidance.

(Sent in No. 1002).

Read letter, dated the 2d " Instant, from
the Acting 2d Judge on Circuit in the Centre Division,
submitting copy of the Chingleput Calendar for the
1st Sessions of 1834.

(Here enter No. 1242.)

Case 1. 1. Under the circumstances of the case
No. 1. as recorded in the Calendar the sentence of
"one years imprisonment with hard labour in irons"
appears inadequate to the offence of child stealing
of which the prisoner stood convicted; and, as
the prisoner is a woman, the Court are of opinion
that

that the portion of the sentence requiring labor "in
irons" should be expunged as they cannot be necessary.

2 The sentiments of the Court of Sayidaree
Adalut respecting the crime of child stealing on a case
of this nature having been disposed of by a Criminal
Judge are thus recorded in their proceedings of the
5th " April 1825. The Judges "consider this offence,
"viewed with reference to the injury inflicted upon
"the parent and the probable consequences which
"its successful perpetration would entail upon the
"child, not to be of the nature of an ordinary theft
"but it must be deemed a crime of such magnitude as
"to withdraw it from the cognizance of the Criminal
"Judge." and in accordance with the views then taken
the Court of Sayidaree Adalut have passed the above
remark on case No. 1.

Case 10. 3 as the Acting 2d " Judge did not enter
upon the Trial of this case it was not competent
to him to hold the prisoners to security they should
accordingly be released if in confinement or the Bond,
if entered into cancelled.

Case 14. 4. The evidence before the Criminal Court
appears, from the Calendar to have been to the effect
that the Prosecutor swore that the articles Nos. 8. 9. 10
were found on the 2d " prisoner in the case No. 14, and
that the first witness proved the finding the articles
"Nos. 8. 9. 10 in the house of the 2d " prisoner." Some explanation

is

is requisite to reconcile this with the remark of the acting 2d Judge that "a small purse and a piece of old "Tape which were discovered in the second prisoner's house "are not proved as belonging to the Prosecutor." If there was nothing besides this Police confession against the 2d prisoner, the order for the requisition of security should be withdrawn or his bail bond cancelled if entered into.

5th It appears to the Court that a further futwa should have been taken as respects the 1st prisoner and sentence passed in commutation of the penalty prescribed by the Mahomudan law under Section XXI Regulation VII 1802. The sentence is however correct and need not be disturbed.

Case 26. 6 Under the circumstances of the Case 26 represented in the Calendar, the Court of Foujdaree Udalut resolve to sanction under Clause 3d Section III Regulation V 1825. the release of the prisoner as recommended by the acting 2d Judge on Circuit.

Ordered, that Extract of these proceedings be sent to the acting 2d Judge on Circuit in the Centre Division, for his information & guidance by Precept, returnable without delay.

(Sent following Precept No. 1003)

J. H.

At a Court of the Foujdaree Udalut

Present

Friday 19th September 1834. John Bird Esqre acting 1st Puisne Judge,
Thomas Alexr Oakes Esqre acting 2d Puisne Judge,
Alexr Duncan Campbell Esqre acting Judge.

Read again letter, dated 2d April last, from the 1st Judge of the Court of Circuit in the Northern Division, - transmitting the record in Case No. 1 Masulipatam Calendar for the 1st Quarterly Sessions of 1834.

(Here enter No. 1013)

Read also Return, dated 6th instant, from the 1st Judge on Circuit in the Northern Division to Precept of Foujdaree Udalut dated 19th Ultimo, requiring information regarding the precise age of the 4th 5th 11th 23d and 28th Prisoners in the case No. 1. Masulipatam Calendar for the 1st Quarterly Sessions of 1834.

(Here enter No. 1260)

Mr. Oakes & 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 under the provisions of Clauses Third & fifth, Section

Section IV. Regulation XV of 1803, sentence the Prisoners

2d "Goommadee Achador,"
3d " do " Sorrador,"
4th "Dausee Reddeygador,"
5th "Zoggawarapoo Pedda Venkador,"
6th "Aresa Venkador,"
7th " do Sonador,"
8th "Dausaree Seroopalagaudor,"
10th "Mocherla Basawador,"
11th "Mocherla Chincador,"
12th " do Begador"
13th "Dausaree Survador,"
14th "Vanahuttoney Rangador,"
15th "Vamoo Maureegaudoo,"
16th "Munda Paupaygaudoo,"
17th "Lola Maureegaudoo,"
18th "Motoor Vaierador,"
19th " do Brocheygaudoo,"
20th " do Nagador,"
21st "Zoggawarapoo Gorrandor,"
23d " do Venkador,"
26th "Codalee Venkador,"
27th "Gonga Varador,"
28th "Zoggawarapoo Naugaudoo,"
29th "Dausaree Naugaudoo,"
30th "Lerree ackoolugaudoo,"
31st "Machenlah Chinna Basawador,"
32d "Colooloo Peddeygaudoo,"

to

to be imprisoned and kept at work in irons to hard labour on the public roads or other public works for and during the period of (2) two years.

(Sent following letter No. 1007)

Read letter, dated the 5th instant, from the late officiating Judge, now on circuit in the Northern Division now at Chittoor, — transmitting the Record in Case No. 82 on the Calendar of the Zillah of Nellore for the 2d Sessions of 1833.

(Here enter No. 1241)

Mr. Campbell.

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,

"Sameenainee Kistnamah,"

is sufficient to convict him of the crime of Highway Robbery, attended with severe wounding, 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 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. 1008)

Read

Read Return, dated 10th instant, from the Provincial Court of Circuit in the Southern Division, to Precept of Foujdaree Udalut dated the 10th May last, remarking on the great difference in the quantity of paper produced by the labour of the same Number of Convicts in different zillahs.

(Here enter No. 1296.)

Read letter, dated the 2d instant, from the acting 3d Judge late Additional Judge on Circuit in the Northern Division, transmitting original Warrant issued in Case No. 31 on the 1st Vizagapatam Calendar 1st Sessions of 1833, with the Return made thereto by the Native Criminal Judge.

(Here enter No. 1301)

Read Additional Return, dated the 10th instant, from the Judges of the Provincial Court of Circuit in the Southern Division, to Precept of Foujdaree Udalut of 13th June last, on the subject of the Criminal Reports for the Month of March last.

(Here enter No. 1302)

Read Return, dated the 8th instant, from the Provincial Court of Circuit in the Western Division, to Precept of the Foujdaree Udalut dated the 30th Ultimo, transmitting Extract from the Minutes of Consultation

of 8th Ultimo, conveying the observations and orders of Government upon proceedings of Foujdaree Udalut upon a review of the half yearly Criminal Statements from the 1st July to 31st December 1832.

(Here enter No. 1303.)

Read Return, dated the 8th instant, from the Provincial Court of Circuit in the Southern Division, to Precept of Foujdaree Udalut dated the 30th Ultimo, transmitting extract from Minutes of Consultation of 8th Ultimo, conveying the observations and orders of Government upon proceedings of Foujdaree Udalut upon a review of the half yearly Criminal Statements from the 1st July to 31st December 1832.

(Here enter No. 1304.)

Read letter, dated the 12th instant, from the acting 3d Judge on Circuit in the Centre Division, transmitting the Death Warrant in No. 44 of the Bellary Calendar 1st Sessions of 1834 and an enclosure.

(Here enter No. 1309.)

Read letter, dated the 12th instant, from the Provincial Court of Circuit in the Southern Division, transmitting copies of Returns received from the several Authorities in the Division in reply to the observations of the Southern Provincial Court upon the Criminal Reports for april last.

(Here enter No. 1313.)

Read letter, dated the 16th instant, from

J. B.

19th September 1834.

WS
DHO
WDR
2 W.

from the acting 1st Judge of the Court of Circuit in the Centre Division,- With copies of Primary and 1st Supplemental Chittoor Calendar for 2d Quarterly Sessions of 1834.

908 (Here enter No. 1322.)

J. B.

At a Court of the Zoujdaree Adalut.

Present,

Monday,
22d September, 1834.

John Bird Esqr. Acting 1st Puisne Judge,
Thomas Alexr. Oakes Esqr. Acting 2nd Puisne Judge,
Alexr. Duncan Campbell Esqr. Acting Judge,

WS
DHO
WDR

Read Petition presented by Soobaraw late Peishkar of the Tiroopooroor Talook in the Zillah of Chingleput.

(Here enter Extra Misc. Pet. No. 21 of 1834.)

1. The Petitioner represents that the order of this Court of the 16th June last, directing the Acting 2nd Judge on Circuit in the Centre Division to put the Magistrate of Chingleput in possession of the circumstances against the character of his Police Ameen Soobaraw, and to desire that he be forthwith dismissed from his situation as a perusal of the proceedings in Case No. 5 on the Chingleput Calendar for the 2nd Sessions of 1833, had satisfied the Court that his conduct had been most culpable, and rendered him unworthy of holding his office. is applicable to another individual of the same name, who was his predecessor in the situation of Police Ameen, and was dismissed by the present Magistrate of Chingleput.

2. The Petitioner further represents that the Tahsildar, examined the Prisoners and Witnesses in the Case in question, and then compelled him to put his signature to all

All the Proceedings in doing which he necessarily signed the depositions taken by his predecessor Soobbarow from the 17th. and 22nd. Prisoners.-

3. With his return of the 2nd. July to the Precept of this Court of the 18th. June last, the Acting 2nd. Judge on Circuit in the Centre Division forwarded a communication from the Magistrate of Chingleput in which that Officer, states that he had dismissed the Police Annean in question on the 9th. August 1833, in consequence of his general inefficiency in the performance of the duties of his Office.-

4. The Magistrate however, did not state, as he certainly ought to have done, supposing the Petitioners assertions to be well found that the culpable acts which has attracted the displeasure of the Sanjeavee Moodeliar, were committed by another than the Petitioner, who, he stated had already been dismissed.-

5 The Court therefore resolve to transmit a copy of the Petition to the Acting 2nd. Judge on Circuit in the Centre Division, with directions to furnish a transcript of it, and of these proceedings to the Magistrate of Chingleput, and to instruct that Officer to ascertain and report, whether the allegations of the Petitioner that the terms of this Court, contained in their order of the 18th. June last, apply not to himself but to his predecessor of the same name are true or not and to institute an investigation regarding the conduct of the Tahsildar, with reference to the representations of the Petitioner and to report

the result to this Court.-

Ordered, that extract from these proceedings with copy of the Petition be sent to the Acting 2nd. Judge on Circuit in the Centre Division for his information and guidance, by Precept, returnable without delay.-

Sent following precept No 1018/

Read Petition presented by Kanchamummah of the Zillah of Cuddapah.-

/Here enter Mis. Pets No. 76 of 1834./

The Petitioner, represents that her Brother, Peesa Venkatah, Prisoner in Case No. 11 of the Cuddapah Calendar, for the 1st. Sessions of 1834 has been unjustly sentenced to 14 years imprisonment with hard labour.-

2. She has already presented several Petitions on the same subject, and again prays the Court to furnish her with copies of the Depositions of the Prosecutor and his witnesses in the abovementioned case.-

3. The Court observe from an extract from the proceedings of the Court of Circuit for the Centre Division, that the Provincial Court have declined to furnish the Petitioner with copies of the papers she solicits because they see no just grounds for granting them. The Petitioner is not entitled of right to copies of the papers, but because of her importunity the Court resolve to instruct the Provincial Court to grant her permission to take copies of the Documents which she requires, provided she deputes her own people for that purpose.-

Ordered, that Extract from these proceedings

proceedings be forwarded to the Provincial Court, Circuit in the Centre Division for their information and guidance.-

/Sent in No.1019/

Ordered also that extract from proceedings be furnished to the Petitioner upon application.-

Read letter, dated the 2nd. Instant, from the Acting 2nd. Judge on Circuit in the Centre Division, submitting the Record in Case No. 16 on the Calendar of the Zillah of Ouddalore for the Sessions of 1833.-

/Here enter No. 1243./

Mr. Bird and Mr. Oakes. — The Court of Sudder Adawlut, having maturely considered the proceedings before the Judge on Circuit, the Letters of the Provincial Law Officer, and the Letters of the Cazee-ool-Coozat and Mooftee of the Sudder Adawlut, confirm the said Letters of the Cazee-ool-Coozat and Mooftee aforesaid, and in conformity with the provisions of Section X Regulation VIII of 1802, sentence the Prisoners

1st. "Dasee Naiken,"

and

3rd. "Vencatachellum,"

to suffer death, by being hanged as soon as conveniently can be after the receipt of this Warrant, at a spot to be selected by the said Criminal Judge, in the immediate vicinity of the place where the murder was committed, their bodies to be subsequently suspended in chains, on a high gibbet, to be erected on the

said spot, and the Prisoners,

4th. "Sangarayen,"

and

5th. "Chokan,"

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

/Sent in No.1020/

Read letter, dated the 7th. Instant, from the 2nd. Judge late on Circuit in the Southern Division, transmitting the record of trial in Case No. 6 on the Calendar of the Zillah of Coimbatore for the 4th. Sessions of 1834.-

/Here enter No. 1264./

Mr. Bird and Mr. Campbell. — The Court of Sudder Adawlut, on a deliberate consideration of all the circumstances of the Case in evidence before them, being of opinion that the proof against the Prisoner,

"Auvenashy-goundan,"

is sufficient to convict him of the crime of wilful Murder, do, under the Authority with which they are vested by Clause first, Section II Regulation I of 1818, convict him thereof and under the provisions of Section X Regulation VIII of 1802, sentence him to suffer death by being hanged at the usual time and place of execution.-

/Sent in No.1021/

The Court resolve to direct the 2nd. Judge late on Circuit in the Southern Division, to call upon the Magistrate of Coimbatore, to report for the information of the

15th September 1834

the Sanguinaree Khalib, in letter any and what steps have been taken to bring to punishment the Moneagar, who, it appears, in lieu informed of the Murder, by the employer of the Deer refused to allow any investigation to be made, and declaring that the deceased had died of Cholera, ordered that he should be forthwith buried.-

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 with diligent delay.-

Read again letter dated 9th August last from the Officiating Chief Secretary to the Governor General of India in Council, forwarding Schedule No. 6 to the Proceedings of the Provincial Courts, suggested by the Governor General of India in Council under date the 9th and upon which their deliberate opinion is called for in the Minutes of Council of this Government, under date the 22nd Ultimo.

(Sent following precept 3 Copy)

The Court proceed to record their sentiments, upon the scheme for the abolition

2 From the information laid before the Government by this Court, in their Registers letter of the 8th Instant, it appears that, on an average of the three years 1831. 1832 and 1833, in the greater offences committed for trial before the Court of Circuit, the delay between apprehension and trial was 133 days, and that in cases referred to this Court, a further delay, nearly to the same extent, occurred, between trial and sentence; averaging 65 days in the preparation of Persian and English translations of the record by the Court of Circuit and

127.
180.
152.
3 | 399.
133

Total 291.
236.
271.
3 | 798.
266

98
97
62
3 | 257.
85

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63.
23.
49.
3 | 135.
45.

and 45 days in the consideration of the trial and preparation of the sentence, first by the Law Officer, and then by the Judges of this Court.-

3. Whether considered with reference to the protracted detention of Prisoners in confinement, or to the diminished efficacy upon society in general, with which punishment must operate in the prevention of crime, when it is thus deferred until the offence is almost forgotten, and until popular feeling, instead of being, as by the celerity with which crime is overtaken by punishment, begins (as witnessed sometimes at our public executions) to sympathize with the existing sufferings of the guilty offender, rather than with those which so long previously inflicted on his victim, it is not to be denied, that such great delay in the administration of Criminal Justice is a public evil of the first magnitude.-

4 Before proceeding to discuss the scheme of the Supreme Government, which is connected with that branch only, of the delay which occurs previously to trial, the Judges desire to offer a few remarks on the delay which occurs subsequent to it.

5 Whatever may be the system established for the administration of Justice in the interior, the Judges are unanimously of opinion, that the Courts, and the people under them, ought immediately to be relieved from the useless incumbrance of the Mahomedan law, which serves at present as a mere clog to impede and delay justice.- with

6 With the view of still further removing the causes of delay, this Court are of opinion, that the Judges who try references in the Provinces might be required to transmit to the Residency only the original record in the Native language. The translation into English might be made much more speedily and economically here, where good Translators are common, than in the interior, where they are rare; and the entire delay in the Circuit Court might thus be abridged altogether.

7 In this event however, it would be indispensable that the Judge who tries the case in the interior should take, and transmit to this Court his own notes in English, upon each reference for trial; for without them, this Court would have no means of checking any error in the original Native record; and the experience of the Judges of material errors committed on the part of Natives who take down evidence, would render it impossible for them, to trust the lives of men to the unexamined Native record, unless checked by the separate and distinct view of the Presiding Judge himself, who alone attends to the evidence as it is, at the same time, delivered by it, in a manner highly desirable.

8 In the event however of the abolition of the Mahomedan Law, this Court are of opinion, in concurrence with the Honorable Court of Directors in their despatch of the 3d October 1831, that the Judge who presides at the trial, should not be deprived of the benefit of Native aid, and that material assistance to him in this respect, might be furnished, by substituting assessors for the present Law Officers, who may continue to act as their Ameens.

Vide Regn. VII of 1830 of the Bengal Code.

The following is an abstract of the

9 delay in this Court during the three years before mentioned.

Delay, between the receipt of the record, and sentence.

	within 30 days	40	50	60	80	Exceeding 80 days	Total Trials.
1831	49	16	6	3	14	35	- 123
1832	80	14	5	1	2	1	- 109
1833	28	20	30	12	13	8	- 111
No. of Trials	163	50	41	16	29	44	343

213

10 If the system before explained is adopted, the Judges have little doubt that the average delay in the Circuit Court may be reduced to a few days, and in this Court to a few weeks; thereby shortening the interval between trial and final sentence, to one month or six weeks; and making a reduction of nearly three months in this branch of the delay complained of.

57 73

11 To suggest any effectual remedy for the greater grievance of delay previously to trial, is a matter of much greater difficulty; and involves the discussion of the scheme proposed by the Supreme Government, to the consideration of which the Judges accordingly proceed.

12 The objections which may be urged against its adoption appear fourfold.

First

First, That it would not be possible for the Zillah authorities, without an addition to their num to perform the duties which would devolve up them - Secondly, That it would be a partial, a complete, remedy for the existing evil. Thirdly, That it would abolish the most use some and necessary local check, hitherto invariably imposed upon the European Offi in the Provinces; and Fourthly, That it invol the difficulty of providing a new Committing Officer -

13. Many of our Zillah Courts are ready overwhelmed with work. The Judges in general of them are almost exclusively occup in attending to the Criminal department of their duty, and have no time left for the dec of suits. It would therefore be quite impos without increasing the number of Courts and Judges for the Zillah authorities to perform the additional duties which would devolve upon them as Sessions Judges -

14 Occasional Sessions of any kin whether held by a Circuit, or Sessions, Judg as often as Prisoners may be committed for trial, as suggested by the Supreme Govern will only palliate, not remedy, the evil. The suspense and detention of the prisoners wo no doubt be shortened; but they will not be obviated. There are 10 out of our 22 Courts without Zillah Judges, and to 8 of these Cou the Sessions Judge would have to proceed to hold Sessions, or, the Prisoners for trial wou have to come to the far distant Zillah Station In

In the former case the repeated journeys and har- -assing detention, of which prosecutors and witnesses, now so justly complain, would only be diminished, not prevented; and above all, the recantations, perjuries, and concoction of false evidence, to the perversion of justice, which is, so discreditable to our system of judicature, would still be perpetuated, by a double inves- -tigation, at intervals of time sufficiently dis- -tant to admit of their continuance - In the latter case there would be the strong objection of sending Prisoners, Prosecutors and witnesses, to a Station at a greatly increased distance: in some parts subjecting them to a journey of more than 300 miles -

To remedy this train of evils ef- 15. -fectually, it seems necessary that the tribunal which tries the offence, should sit permanent -ly, instead of periodically -

But the chief objection to the 16 abolition of the 4 Provincial Courts is, that the people would thereby be deprived of all appellate authority, within reasonable access, capable of granting immediate redress to their grievances, and causing justice to be done to them, in matters of far greater importance than mere civil actions - In flagrant acts of impropriety, or injustice, where delay would be ruinous, the proximity of the Provincial Courts affords to the inhabitants of the interior, in both Civil and Criminal miscellane- -ous matters, means of redress not otherwise procurable

procurable, and of which, it would be a great public calamity to deprive the people. Several instances of this kind have lately occurred which have strongly impressed this conviction on the minds of the Judges. The British Government in India want neither the will, nor the power to redress wrongs. It is in the knowledge of them that they are deficient, and our ignorance of the wrong, and of the evil doer, will never be improved, by withdrawing from the Provinces the principal local check against abuse, the occasional circuit of a Judge from the distant Court at the Presidency, would be a substitute for a more accessible and final tribunal; the utility of which is to be justified rather by the abuses which it prevents, than by the number of delinquencies which it brings to light.

17 It seems also necessary to explain to the Supreme Government, that under this Presidency, the Native, Civil and Criminal Judges, though themselves invested with certain limited powers of punishment, are also the sole authorities who commit offenders, for trial before the Courts of Circuit.

18 If, therefore, the latter are to be abolished, and their functions transferred to the former; as it cannot be intended, in the highest crimes, to unite in the same person the very incompatible duties of searching for proof, and passing judgment on the prosecution, it will be requisite, in the event

event of such a change taking place under this Presidency, to find a substitute for the present committing Officers.

19 Under the Bengal and Bombay Presidencies, where there are Sessions Judges, the Collectors, as Magistrates, appear to be the authorities who commit for trial for the higher crimes. But, from the peculiarly detailed nature of the Revenue settlements under the Presidency of Madras, it is feared, that they have far too much business in the Revenue department, to admit of their adding to it these important functions in the Judicial line; unless the law is so modified, as to render this duty of a much lighter nature than it is at present.

20 Having thus briefly stated the principal objections which appose the proposed scheme, the Judges consider it their duty to give an outline of the plans, which a deliberate consideration of the subject has suggested to them, as best calculated to effect the object, which the Supreme Government appear to have in view.

21 It has been already stated, that the sole effectual remedy for the great train of evils involved in our present system of double investigation, at distant intervals of time, is the establishment of Courts which can dispose of all cases immediately when brought before them. To effect this, so far as regards crimes for which the punishment does not exceed 7 years imprisonment with stripes, the Judges would propose to vest the several

several Native, Auxiliary, and Criminal Courts, with power for the adjudication of all such cases, with the exception of cases of perjury committed before themselves / provided there be any other tribunal before which they can be tried / and with this restriction as regards the Native Auxiliary Courts only, that where the punishment for any offence exceeds what they are now competent to impose, it be not carried into execution, until approved by this Court, on a review of the periodical returns, or upon a report of the case, which ever may be considered advisable.

Zillahs proposed to be re-established. Trapatam, Chittoor, Guntoor, Cuddalore, Tinnevelly, Coimbatore, Ellichpur.

22 If so many as 19 Judges could be sanctioned, at the stations where the experience of the last thirty years shews, that such an Officer is desirable in order to bring home criminal justice, not to the doors, but within the practical reach of the great mass of the people in general, they might be vested with all the criminal powers above proposed to be granted to the 13 Zillah Judges with the additional criminal powers proposed to be vested in Sessions Judges, and thus Permanent Sessions might be held at these 19 Stations for the trial of offences of every description cognizable by the Superior Tribunals if any there should be, disposing of those of a minor description also within their respective jurisdictions.

Note. Bonaro, Gooty, and Cumbum would be the only ones left. At the former there is very little work & the two last are hardly necessary.

23 All Cases liable to punishment exceeding 7 years imprisonment, instead of coming, like others, direct from the Native Police Courts, in the event of Sessions Judges being nominated, be committed for trial, before the

by any one experienced Officer of the Magistracy to be invariably fixed at the Sessions station; and as this duty would occupy only one of that body, it is to be hoped that it would not seriously impede its other duties.

Chicacole, Rajahmundry, Masulipatam, Nellore, Chittoor, Cuddapah, Cuddalore, Combaconum, Madura, Salem, Coimbatore, Mangalore, Calicut

24. To relieve the Judge, upon whom such onerous duty would devolve in the Criminal department, from some portion of those Civil duties which now devolve on the Zillah and Provincial Courts combined, which also it is proposed to transfer to him, it would be necessary to nominate Principal Sudr Ameens, at 13 Zillah Stations where they would be required, in which case as Vizagapatam would be restored as a Zillah Station, and as Cumbum and Gooty are hardly necessary Native Judges might be dispensed with altogether. The Auxiliary Court of Honore and the Native Courts, if any hereafter be required, would have jurisdiction in suits not exceeding 5000 Rupees; and in like manner the Principal Sudr Ameens should have jurisdiction in original suits referred to them for money or property not exceeding 5000 Rupees. The Judge to have power to refer to the Principal Sudr Ameens all appeals from District Moonsiffs and Sudr Ameens.

25. In the Civil Department, the Judges in Zillahs where Principal Sudr Ameens were appointed would thus, except in particular cases to be separately provided for, have original jurisdiction in suits exceeding 5000 Rupees, and appellate jurisdiction from

from the decrees of all the subordinate Authorities as at present, including District Moonsiffs Ameens Registers and Principal Sudr Ameens An Appeal of right in all original Suits a second Appeal, for special cause shewn in all other cases, to lie from him to this Court to whom all Appeals in Suits exceeding 1000 Rupees should come direct from Native and Assistant Judges. In suits not exceeding 1000 Rupees the Appeal from the Decrees of these Authorities to lie to the Judge as at present where there might be no Principal Sudr Ameen the Civil Powers of the Judge would remain as at present, with the addition of original cognizance of all Suits exceeding 5000 Rs now decided by the Provincial Courts

26 It would be necessary to constitute a Register, being Assistant in the Criminal Department at some of the zillah Courts and these Judges whose duties would be more severe, in the execution of the important ordinary work they would have to perform in both Departments. The powers to be exercised by the Register and Assistant in the Criminal Department not to exceed those which are at present vested in these Officers.

Chicacole
Rajahmundry
Cuddapah
Chittoor
Combaconum
Salem
Mangalore
Chicacole

27 The Judges of this Court to sit singly and to decide finally all Appeals, whether they concur with the lower Court or not, but this Court collectively, upon cause shewn, to possess power to review their judgments

28 The Judges are however unanimously of opinion that this scheme would not

not, for the reasons urged in the 16th and 39th Paras, be receiving of adoption, unless there be an appellate local Authority. This might be afforded by the appointment of a single Commissioner, in each of the 4 Divisions.

29. If this Appellate authority cannot be provided, the Judges cannot suggest any scheme that they consider practicable except a modification of the Commissioner System, for which Regulations were framed and submitted by this Court to Government on the 7th December 1831.

30. To any one who has had practical experience of the nature of the ordinary duties contemplated to be imposed on the functionaries of inspection, it must be obvious that it would have been impossible for 4 Commissioners, which was the number then proposed, to have performed them, more particularly in the Western Division annexed to a single Commissioner, with the following modification however it appears to the Judges that this plan might be made practicable, with the occasional aid of an additional Commissioner in the Western Division.

31 Seven Commissioners of Appeal and Circuit in the following Divisions.

1 - Chicacole, Vizagapatam and Rajahmundry.
2 - Masulipatam, Guntoor and Nellore.
3 - Bellaree, Cuddapah and Cumbum.
4 - Chittoor, Chingleput and Cuddalore.
5 - Combaconum, Madura and Tinnevelly.

6

6 Salem and Coimbatore.
7 Western Division.
to hold half yearly Sessions at each of these stations, for the trial of such persons only as are charged with perjury committed before the Criminal Courts, or of any crimes punishable beyond 7 years' imprisonment.

32 The Zillah, Auxiliary, and Sub Courts to have jurisdiction in Civil suits of an unlimited amount. Appeals from them in all original suits to be disposed of as specified in the first Scheme.

33 But all special or second appeals from their decisions upon Appeals, and Appeals in Miscellaneous or Summary cases to lie before the Commissioners.

34 The Civil Powers of this Court to be modified as proposed in the first Scheme.

35 The Judges in the Provincial Courts not employed as Commissioners, to decide the 300 Appeals in arrear in the Northern and Central Divisions, until the same disposed of.—

36 If on the other hand, it be thought, notwithstanding what the Court have urged against the Scheme, to confine the Sessions only to the 12 present Zillah Stations alone, it will be necessary, on account of their more extensive jurisdiction, and consequently increased duties, to exempt them from the investigation of all minor Criminal Cases, and the decision of all original Civil Suits under 5000

5000 Rupees; by appointing, instead of Principal Sudr Ameens, an Assistant, or in some cases a Native Judge to each Zillah Court, with powers similar to those now vested or which may be vested in the Assistant Judges and Joint Criminal Judges of Auxiliary Courts. Assistant and Native Judges should have the power to decide all original suits below 5000 Rupees, and all Criminal Cases punishable by imprisonment not exceeding 7 years. They should have charge of the Civil, and the Native Establishments of their respective Courts. In the event of the Magistracy being unable to undertake the duty of Committing Officers, for the graver offences, as before suggested, it might be performed by these Officers:—

37. Upon this plan, the Sessions Judge should be vested with those powers only in the Criminal Department, which it is proposed to vest in the Commissioners, as regards the highest class of Crimes committed throughout his extended jurisdiction, as well as within the jurisdictions of the Native and Auxiliary Courts under him, all of which would come direct to the 12 Session Stations, at which permanent Sessions would be held; but in the Civil Department, in addition to particular cases to be separately provided for, he would decide all original suits, exceeding 5000 Rupees. And should have appellate jurisdiction from the Assistant Judge, and Native

Judge

Judge, in suits not exceeding 3000 Rupees an appeal of right in all original suits, and an appeal for special cause shewn in all cases to lie from him to this Court, to whom all appeals should come direct from the Native or Assistant Judges, in cases exceeding 3,000 Rupees.—

38 Appeals from the Mofussil Small Causes Courts would, under this plan, lie direct to the Native or Assistant Judges.—

39 Under the schemes suggested the Civil powers of this Court to be modified, as proposed in the first scheme.—

40 This last scheme has been suggested solely under the supposition, that it is in contemplation to abolish the Provincial Courts and not to substitute any Appellate local authority in the Provinces in lieu of them; the Judges do not approve of it. They apprehend that the poor would thereby be effectually debarred against Appeals from the European Judicial Authorities, in Miscellaneous matters, and against Representations of acts of injustice in the Provinces; and they cannot but deprecate any change which shall remove one of the most important, and useful checks upon the conduct of the Revenue, Magisterial and Judicial functionaries in the interior of the country, and upon the organization of those abuses, which even this presence is not entirely prevent.— Indeed the Judges are somewhat doubtful of the practicability of this plan, on account of the evils incident to

an aggravation of extensive journeys now complained of by the people, and the probability of the worst owers powering the proposed tribunals.

41 If means could be devised by which the first of the schemes of which the outline has been given above, could be united with a local controuling and Appellate authority, it would possess the recommendation of this Court, for adoption, in preference to the one in favor of Commissioners, because it would realize the great desideratum of permanent Sessions, at accessible stations.— But even this is an disadvantage, not to be purchased, at the greater sacrifice of all controuling Tribunals, which to be efficient, must be local. The Judges think that the plan adverted to by the Supreme Government of constituting the Judges of the Zillah Courts Assistant visiting commissioners would be found inefficient in practice.—

42. The adoption of any of the three schemes, would, as contemplated in Mr. Macnaughten's dispatch, render unavailable an increase of the number of Judges of this Court. When the plan of Commissioners was originally proposed, it was pointed out, that, as any change in the agency through which justice is administered in the interior cannot reduce the number either of crimes, or of law suits, the same quantity of business would continue to be disposed of by an Agency less numerous, and effective, than that now

entertained

entertained. To render the adoption of that plan practicable, it will be necessary, as before explained, to throw into this Court all the Regular Appeals, which it was originally for the Commissioner's Court to receive. But if the reserved local contract then proposed to be dispensed with, and the entire superintendence of the European Courts, in the interior to devolve on this Court singly, unaided by Provincial tribunals, it will be indispensable to the ends of justice, under either of the other plans suggested, that an additional Court be made to consist of three or more Judges without which addition, the increased work and the annual visitations could not be performed.

The following are estimates of the probable reduction of expenditure, likely eventually to accrue, from the adoption of the several schemes.

First Scheme.

	Proposed Reduction		Proposed Increase.	
12	Provincial Judges	4,62,000.	Difference of pay between 6 Asst. and 6 Zillah Judges	6,720.
	Establishment	64,596.	Zillah Judge of Vizagapatam	28,000.
3	Native Judges	18,000	Increased Establishment of the six remained Zillahs at 350 Rupees each	25,200.
	Establishment	16,200.	Establishment of Vizagapatam exclusive of Moonsiff and Sail	14,400.
4	Canzies of Provl Court	15,960.	13 Principal Sudr Ameens at 350 Rupees per Mensem	54,600.
4	Mooftees of Do	12,600.	Establishment at 200 Rs. Do	31,200.
4	Pundits of Do Do	10,080.	3 Assistant Judges of the Sudr Adalut	147,000.
1	Mooftee of the Sudr	4,200.		
		603,636.		367,600.
		367,600.		
	Reduction	236,036.		

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Second Scheme.

	Proposed Reduction		Proposed Increase.	
12	Provincial Judges	462,000	7 Commissioners at 4,0000 Rupees	280,000.
	Establishment	64,596.	Establishments	64,800.
4	Canzies of Ro. Court	15,960.	1 Sudr Judge	49,000.
4	Mooftees Do Do	12,600.		393,800.
4	Pundits Do Do	10,080.		
1	Mooftee of Sudr Adalut	4,200.		
		569,436.		
		393,800.		
	Reduction	175,636.		

Third Scheme.

	Proposed Reduction		Proposed Increase	
	as above	569,436.	12 Asst. Judges at 1400 Rs. each Mensem	201,600.
		420,600.	additional Establishment at 500 Rs. each	72,000.
	Reduction	148,836.	3 Judges of Sudr Adalut	147,000.
				420,600.

Ordered, that extract from these proceedings, be transmitted to the Officiating Secretary to Government in the Judicial Department for the consideration of the Right Honorable the Governor in Council.

Sent in No. 7029/

Sent to Govt No 175.

At a Court of the Fouzdaree Udalut.

Present,

Tuesday, 23d. September 1834. John Bird Esqre. Acting 1st. Puisne Judge.
Thomas Alexr. Oakes Esqre. Acting 2d. Puisne Judge.
Alexr. Duncan Campbell Esqre. Acting Judge.

In the Read Return, dated the 11th. instant, from the 2d. Judge late on Circuit in the Southern Division, to Precept of the Court of Fouzdaree Udalut, under date the 17th. June 1834, directing that the Proceedings held in Case No. 8 of the Madura Calendar, for the 1st. Sessions of 1834, be forwarded to the Magistrate of the Zillah in order that he might make an investigation, to ascertain whether, or not, there were grounds for proceeding against the Zamindar of Shevaghery, and the Witnesses for the Prosecution, for Perjury and Subornation of Perjury—

(Here enter No. 1297 of 1834.)

In the communication from the Magistrate of Tinnevelly which accompanies the above Return, that Officer, after detailing the circumstances which in his opinion led to the charge of Gang Robbery against the Prisoners in the case No. 8, states that he has not taken the evidence of the son of the Shevaghery Zamindar who, is a mere youth, much enamoured with

Perci

Peria Veerappah Veennien's daughter, and consequently under that persons control; and moreover "is currently not on good terms with his father."

2 The Court are nevertheless of opinion that it was the obvious duty of the Magistrate to take the boys' evidence, which in their former proceedings they declared to be "particularly desirable"; and they consider that the Magistrate, is bound in duty to use his utmost exertions to bring to Justice those who, by false evidence, have endeavoured to establish against two innocent men, a crime, regarding which the Magistrate himself states that "he entertains no doubt that the whole case "was a fabrication, got up at the instigation of the "Shevagherry Zamindar."

3 It appears to the Court that, if the Magistrate performs his duty, he may yet have it in his power to establish the conspiracy against the Zamindar — and that it cannot fail to reflect on the public authorities, if they suffer so serious an attack upon public justice to escape condign punishment: they consider that the Magistrate, by such misconduct to escape, without bringing it at least to trial, involves itself in a most grave responsibility: for it thereby exposes the public Courts of Justice to be made the tools of intrigue and oppression, — with impunity. —

ordered

ordered, that Extract from these Proceedings be sent to the 2d. Judge late on circuit in the Southern Division, with directions to furnish a copy of it to the Magistrate of Tinnevelly, for that Officer's information and guidance, and with orders to report his further proceedings to this Court. —

(Sent in No. 1230)

Read Return, dated the 15th. instant, from the Provincial Court of Circuit in the Centre Division, to Precept of Foujdaree Adalut, dated the 5th. May last, conveying their observations on a correspondance between the Centre Provincial Court and the acting Criminal Judge of Chittoor, relative to the illegal imprisonment of a Witness by the late Criminal Judge Mr. Lascelles and directing that he be instructed forthwith to release the said Prisoner. —

(Here enter No. 1316.)

Read Return, dated the 15th. instant, from the Acting 2d. Judge late on Circuit in the Centre Division, to Precept of Foujdaree Adalut dated the 12th. instant, directing the Acting 2d. Judge to transmit the rough English Translations of the whole case No. 62 Bellary Calendar for the 2d. Sessions of 1833 to the Magistrate of Bellary, and to instruct that Officer to institute such enquiries as in his opinion may tend to ascertain whether the deceased met his death by violence, and if so to bring the perpetrators

perpetrators of the crime to Justice.

(Here enter No. 1317.)

Read letter, dated the 14th instant, from the 3d. Judge on Circuit in the Southern Division, Reporting that the Sessions will be holden at Salem on the 13th proximo.

(Here enter No. 1318.)

Read Return, dated the 13th instant, from the Acting third Judge on Circuit in the Northern Division, to Precept of Foujdaree Udalut dated the 5th instant, requiring the immediate transmission of the remaining portion of the Chicacole Calendar.

(Here enter No. 1325.)

Read letter, dated the 15th instant, from the Provincial Court of Circuit in the Western Division, forwarding transcripts of Returns of the Magistrates of Malabar and Canara, having reference to the Criminal Reports for July 1834.

(Here enter No. 1348.)

Read letter, dated the 15th instant, from the Acting 3d. Judge late Additional Judge late on Circuit in the Northern Division, transmitting original Warrant issued in Case No. 72. of the Chicacole Calendar, 1st. Sessions of 1833.

(Here enter No. 1350.)

Read letter dated 12th instant from the Judge of the Provincial Court of Circuit in the Southern Division submitting copies of Returns from the Zillah Subordinate authorities in reply to the observations of the Foujdaree Udalut conveyed by their Precept of the 7th July last upon the Crim. Reports of the Division for 1st. Qr. last.

(Here enter No. 1327.)

F. Uo.

At a Court of the Foujdaree Udalut.

Present,

Wednesday, 24th. September, 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 the 27th. Ultimo, from the late Officiating Judge on Circuit in the Northern Division at Guntoor, transmitting the record in case No. 72 on the Nellore Calendar 1st. Sessions of 1834.

(Here enter No. 1217.)

Mr. Bird, 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 Mooftees of the Foujdaree Udalut, confirm the said Futwa of the Cazee-ool-Coozat and Mooftees aforesaid, acquitting the Prisoner, "Conjayty Audeegandoo,"

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 50 Rupees each surety, for his good behaviour and appearance when required within (3) Three Years, or that in default thereof, he be detained for 3 years in confinement.

(Sent following letter No. 1032.)

Read letter, dated the 6th Instant, from the Acting 3d. Judge late Additional Judge on Circuit in the Northern Division, transmitting the record in case No. 3 on the Chicacole Calendar 1st. Sessions of 1833.

(Here enter No. 1270.)

Mr. Bird and Mr. Oakes.

The Court of Foujdaree Udalut, having maturely

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matureely considered the Proceedings held before the Judge of Circuit, the Futwa of the Provincial Law Officer, and the Futwa of the Cazee-ool-Coozat and Mooftees of the Tondaree Adalut, confirm the said Futwas of the Cazee-ool-Coozat and Mooftees aforesaid, and acquitting the Prisoner,

"Mchaporam Nagy"

direct that she be set at liberty.-

(Sent following letter No. 1033)

Read return, by the Acting 3d [redacted] Circuit Judge of the Centre Division, to Precept of the Court of Foujdaree Adalut of the 8th Instant, conveying their observations and orders upon the Cuddapah and Carnatum Calendars for the 2nd Sessions of 1834.-

(Here enter No. 1337.)

Agreeably to the recommendations of the Acting 3d Judge the Court of Foujdaree Adalut, under the Authority vested in them by Clause 3d, Section III Regulation I of 1825, sanction the mitigated sentence of 7 years imprisonment with hard labor in irons in case No. 17 of the Cuddapah Calendar 2nd Sessions 1834.-

Ordered, that Extract of these Proceedings be sent to the Acting 3d Judge on Circuit in the Centre Division for Precept, returnable without delay.-

(Sent following precept No. 1034)

Read letter, dated the 3d Instant, from the Provincial Court of Circuit in the Southern Division, transmitting Copies of the explanations submitted by the Criminal Judges of Madura and Salem, as required in the 37th and 49th Paras of the Proceedings of the Court of Foujdaree Adalut, under date the 21st April 1834, on the Subject of the revision of the Jail establishments, together with Copies of the Reports received from the

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the other authorities in charge of Jails in the Division, on the same subject.

(Here enter F.Cs. No. 1264. of 1834.)

The Criminal Judge of Madura, in

1. his letter of the 9th July, states that in his return of the 21st March last, he "meant to say, that 25 Peons was the number required as a Jail Guard in addition to the number required to guard the Convicts at work, outside the Jail, in the proportion of 1 Peon to 4 Convicts" and he now submits his opinion that "25 is the smallest number of Peons that can with safety be entertained as a Jail Guard

2. In this opinion the Court concur, and accordingly resolve to recommend to Government that Sanction be granted to the Criminal Judge to entertain a fixed Jail Guard of 25 Peons.-

3. With reference to para 3 of Mr Hooper's letter, the Court observe, that it is not necessary that the proportion of Peons to the Number of Convicts employed in labour outside the Jail, should be regulated daily, which would necessarily be an inconvenient proceeding, but from time to time, as to the Officer in charge may seem requisite, with a view of preserving as close a conformity as possible with the orders of Government upon the subject.-

4. As to the supposed case of the admission into the Jail of 25 Convicts, and the consequent employment, of an extra Peon, on one day, and his dismissal on the next, in consequence of the release of only one

one prisoner whose sentence may have expired, the Court observe that as the fact of the near expiration of the sentence must necessarily be known to the Officer in charge, he might in such a case to exercise his discretion and for so short a period, should not entertain an extra Peon for the additional four Convicts admitted.-

6. The presumption of the Criminal Judge of Combaconum that it is only on a change in the aggregate Number of Prisoners sentenced to labour that an increase or decrease of Peons will occur, is correct.-

This Officer, in the 2nd para of his letter of the 30th July, submits whether the calculation for the fixed establishment of the Jail under his charge has not been made on too low a scale.-

7. Upon this point, the Court observe that as there is a Sepoy Guard attached to the Jail, a number of Peons in addition to it, must be amply sufficient for any number of Prisoners by day. At night a portion of the Peons who have been employed guarding the Convicts at work, must of course be ordered available.-

8. In the event of danger being apprehended or circumstances occurring which may, in the opinion of the Officer in charge render necessary the adoption of extraordinary measures, he will be justified in using his own discretion, in entertaining extra Peons; but must immediately report what steps he has taken to meet the emergency for

the information of the Foujdaree Adalut.-

9. The Acting Magistrate of Trichinopoly, in his letter of the 10th July represents the inconvenience arising from the want of a writer for the Jail, to keep the daily accounts: and solicits sanction for continuing upon the list of the Jail Peons, a volunteer who has hitherto performed that duty, and by way of remuneration has drawn a Jail Peon's pay.-

10. The Court at present will offer no observations upon this subject, but resolve to call upon the Magistrate through the Provincial Court to state whether a Cutcherry Goomastah cannot be spared to perform the duty of preparing and keeping the daily accounts, connected with the Jail establishment.-

11. With reference to paras 2 and 3 of the letter of the Criminal Judge of Salem, of the 9th July, the Court observe that they have already taken the subject into consideration: and are of opinion that the system of maintaining a fixed establishment of Peons, is preferable to that of a constantly fluctuating one. They accordingly resolve to direct the Provincial Court of Circuit in the Southern Division to call upon the Criminal Judge of Salem to report without delay, the number of Peons, which in his opinion is requisite to form an efficient fixed Jail Guard: that this

Court

Court may upon the receipt of such report submit it to Government for sanction.-

12. The Court also resolve to issue instructions to those Officers in charge of Gaol establishments have been arranged on the fluctuating scale of 1 Peon to every 8 Prisoners confined within the Gaol, to report what number of Peons in their opinion will suffice for an efficient guard Gaol. This Court will submit copies of these reports to Government with the view of obtaining sanction for the proposed alteration.-

13. With reference to the letter of the 23rd July from the Magistrate of Salem, this Court resolve to recommend to Government that sanction be granted to that Officer to entertain a standing guard of a Jailor and Six Peons at Rs 8 per mensem as solicited by Mr. Orr, with whom they concur in opinion that such an establishment is necessary for the safe custody of the Convicts at that Station.

Ordered, that Extract from these proceedings be sent to the Provincial Court of Circuit in the Southern Division, with instructions to circulate copy of these Proceedings, to such of the subordinate Authorities as they may respectively concern, by Precept, returnable without delay.

(Sent following Precept No. 1035)

Ordered also, that Extract from these

these Proceedings 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.-

(Sent in No. 1036)

Read letter dated the 1st Instant from the Provincial Court of Circuit in the Western Division transmitting the Criminal Reports of the Division prescribed by Section XXXV Regulation X. 1816 for July 1834.-

(Here enter No. 1272)

	Crim. Judge. C.	P.	Aff. Judge. C.	P.	Sadr Ameens C.	P.
In Suff. R.	8.	18.				
In Rep. V.	1	4.	2.	12.	5.	5.
	9.	28.			were	2
	2.	11.	1.	6.	4.	5.	2.	6.

Criminal Court of Canara.

Prisoners in Columns 1 & 3 of Statement. 235 — Sick. 24 — Proportion. 9 19/24.

Report V. and Supplemental Report.

Mr. Bushby
Acting Criminal Judge.

1. The Abstracts attached to these Reports are not in the proper form - the Provincial Court of Circuit will point out to the Acting Criminal Judge that the cases and persons should be placed in separate columns in its present form, they do not shew distinctly what cases were examined or left unexamined.-

2. The disposal of mine cases by the Sudr Ameens is satisfactory and the Court trust that through the reference to them of several cases every Month the decisions of Civil Suits by the Acting Judge and by the Register will be of the

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the prescribed number -

Auxiliary Court of Canara
Mr. Forsyth
acting Joint Criminal Judge

3 The Criminal duties of the Auxiliary Court at Honore appear to have been of a light nature during the Month of July. It is satisfactory however to observe that not a single case remains in arrear. -

	Joint Crimnl Judge	
In Subdl. R.	1	3
		3
In R. V.	1	2
	1	2

Prisoners in Col. 4 of Statement 2 3/4 — 7 — 4 4/7

4 The statement of the labor of prisoners shews that the proportion of sick prisoners is very large — more than ⅓ of the whole and the Acting Joint Criminal Judge should communicate with the Surgeon for the purpose of rendering the Jail more healthy if possible. The Provincial Court of Circuit will intimate this to the Acting Joint Criminal Judge and require him to report whether any unusual cause for sickness exists, or any means can be adopted to remove it. -

Malabar Ch. Court 5.
Mr. Nelson, Crimnl Judge.

	Crimnl Judge		Asst. Crimnl Judge		Sudr Ameens	
	C.	P.	C.	P.	C.	P.
In Subdl. R.	21	67				
	17	54				
In R. V.	71	150	3	3	1	2.
	71	64	10	26	20	60.

Prisoners in Col. 4 of statement 302 — Sick Proportion 33 — 9 5/33

The Criminal Judge has acquitted himself satisfactorily in disposing of 53 Cases including 121 prisoners the Sudr Ameens have also disposed of several cases. With reference however to the numerous cases in the Report the Provincial Court of Circuit will inform the Magistrate that it is useless to send up for trial prisoners against whom there is nothing more than their Police confession as upon this ground alone the Court have ruled that even security should not be required. -

If

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6 It would appear that the 1st and 2nd prisoners in this case stated to have committed house breaking and stolen property valued at 173 Rupees should have been committed for trial under Clause 2nd Section II Regulation XII 1822. -

Report V
Case 264.

7 The remarks in para 2 of these proceedings apply to the Abstracts attached to the Reports forwarded by the Criminal Judge of Malabar and by the Joint Criminal Judge of Malabar -

8 Joint Criminal Judge's Court.

	A. Ch. Judge.		Prisoners in Col. 4 of Statement.	Sick Proportion.
	C.	P.		
In Subdl. R.	10.	34.	93 — 5 — 12 3/5.	
	10.	34.		
In R. V.	30	55.	C. P.	
	27.	48.	3 7. unrecd.	

The state of the Criminal business in the Auxiliary Court at Tellicherry and the disposal of it, is creditable to the Joint Criminal Judge. The health of the prisoners is satisfactory. The Provincial Court of Circuit will suggest to the Joint Criminal Judge that he should employ the services of the Sudr Ameen in the Criminal Department, with a view to enable him (the Joint Criminal Judge) to meet the wishes of Government more readily by the decision of the prescribed number of Civil suits per mensem. -

9 Native Criminal Judge's Court.

	Native Judge.		
	C.	P.	
In Subdl. R.	9.	16.	
	3	11.	* inclusive of 9 escapes. — C. P. 6 — 5.
In R. V.	12.	24.	-3 — 2.
	9.	22.	9 — 7. unrecd.

There appear to be no sick prisoners in the Jail at Cirzy — of the 12 entered in Column 4 of the statement of the labor of the prisoners — 8 are employed in repairing roads and 4 in the Jail in doing sundry works. -

If

F.P.C.

24th September 1924.

10 If the Police Report alluded to by the Native Criminal Judge was worthy of credit the sentence passed upon the prisoner in this case was in the opinion of the Court of Faujdaree Udalut totally inadequate.

11. The Court of Faujdaree Udalut do concur in the observation recorded by the Provincial Court of Circuit respecting this case in which the sentence is certainly very inadequate to the offence.

12. The abstract attached to the Report does not shew the cases the Provincial Court of Circuit will require the Native Criminal Judge to have the cases of his prisoners tried in different Classes.

Ordered, that Extract of these proceedings be sent to the Provincial Court of Circuit in the Western Division, for their information and guidance, and for communication to the subordinate authorities of such parts as concern them respectively by Precept, returnable without delay.

(Sent following Precept No. 1037/1.

At a Court of the Faujdaree Adalut.

Present,

Thursday 25th. September 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 4th. instant, from the 3d. Judge on circuit in the Southern Division, transmitting the record in Case No. 11 on the Madura Calendar 2d. Sessions of 1834.

(Here enter No. 1254.)

The Court of Faujdaree 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 "Ramasawmy" is sufficient to convict him of the crime of Wilful Murder, do; under the authority with which they are vested, by Clause First Section II Regulation I of 1818, convict him thereof, and in conformity with 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.

Mr. Oakes
&
Mr. Campbell.

(Sent following letter No. 1043)

Read letter, dated the 6th. instant, from the Late Officiating Judge late on Circuit in the

25th September 1834.

the Northern Division now at Chilliwa transmitting the Case in Case No. 69 on the Nellore Calendar 2d Sessions of 1833

(Here enter No. 1273)

Mr. Bird. & Mr. Campbell

The Court of Faujdaree 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 Faujdaree Udalut confirm the said Futwa of the Cazee-ool-Cozat and Mooftees aforesaid convicting the Prisoners

1st Dansey Bauledar
&
2d Nullaroo Gawowdar

of Gang-Robbery; but taking into consideration the circumstances under which the offence was committed and the imprisonment which the Prisoners have already undergone, they direct that they be forthwith set at Liberty—

(Sent following Letter No. 1044) &c

At a Court of the Foujdaree Adalut.

Present,

Saturday 27th September 1834. John Bird Esqre acting 1st Puisne Judge,
Thomas Alexr Oakes Esqre acting 2d Puisne Judge,
Alexr Duncan Campbell Esqre acting Judge.

1. The Register lays before the Court the following Statements, drawn up from the returns received from the Subordinate authorities, exhibiting the operations of the Village and District Police, and the Magistracy, of the Criminal Courts, and of the Courts of Circuit respectively, also an abstract of the operations of this Court, from the 1st of January to 30th of June 1833, according to the forms approved by Government.—

2. From the Statements Nos. 1 and 2, it appears, that 2504 persons were brought before the Village Police for petty offences, shewing a trifling decrease upon the aggregate of the preceding half year, which was 2707.—

3. These Statements continue to exhibit remarkable variations, in the extent of the operations of the Village Police in the different Divisions, and Districts. In the Northern Division, containing nine Districts, there were but 146 persons brought before the Village authorities

In

In Guntoor, the return was blank, and in Vizagapatam only one. whilst in the two Districts, Malabar and Canara, in the Western Division there are 829 persons entered in the returns - a great disproportion also exists in neighbouring districts. In one district alone, Combaconum /Tanjore/ in the Southern Division, the number brought before the Village Police was 858; full one third of the number returned for the whole Presidency. And in the three adjoining Districts, Madura, Trichinopoly and Verdachellum containing combined, a very much larger population, the number was but 34. (in Madura 24 in Trichinopoly 10, in Verdachellum not one.-

4. These variations are in part attributable to the different condition and character of the population; still these circumstances will account for them only to a limited extent; and this difference partly arises, there can be no doubt from a neglect to perform the duties of the office and tends therefore to confirm the opinion expressed by the Judges in Para 8 of their Report for the preceding half year, under date 13th May last; that some uniform system of remuneration is required, to give efficiency to this branch of the Police system of 1816. This is

27th September 1834

is further manifested by the present returns, as they shew, that the number of persons brought in the six months before the Village authorities in twelve Districts, embracing the larger half of the Presidency, was but 240-145 in the six Districts in the Northern Division, and 95 from the Districts of Chingleput /15/ Chittoor /21/ Madura /24/ Timevelly /25/ Trichinopoly /10/ Verdachellum /-/-95.-

5. In order to prevent any inaccuracies in these returns which the Judges fear may occasionally be found, they apprehend that it would be worthy of trial, to have the original returns forwarded in duplicate from the Talook to the Provincial Courts as well as to the Magistrates. By this means the Provincial Court would be enabled to trace the variation in the entries to their source, and to cause the several Magistrates to adopt uniform statements, and the Police to act on a uniform system in making these returns.-

6. It will be observed, in comparing these Returns with those of former years, that no progress of any moment has been made in the efficiency of the system of Village adjudication, in the majority of the Districts where it has been hitherto inoperative. The Northern Division generally, Chingleput, Verdachellum, and Madura are instances. In this last district, the Magistrate held out in January 1831 the

the early prospect of an enlarged exercise by the Heads of Villages of their powers; upon which the Court of Directors expressed their satisfaction in para 5 of their dispatch of the 20th March 1833. The present return, two years subsequently, shews, that however this prospect may have been well founded as regards their power of search after, and arrest of Criminal accused of the higher grades of offences; it has not been realized as regards their adjudication of the petty offences cognizable by them.—

7. Of the total number, 1294 persons who were brought before the Heads of Villages in the half year under review, there were 1450 convicted, 482 acquitted and 608 discharged upon amicable adjustments, or, failure of prosecution. These returns shew therefore an increased proportion of convictions, and a large proportionate decrease of acquittals, as compared with the statements of the preceding half year.—

Half year ending 31st December 1832. — 2707 — Accused — 803 Acquitted.
ending 30th June 1833. — 2504 Accused — 482 Acquitted.

8. The Districts of Combaconum, Tanjore, and Malabar exhibit the largest increase in the adjudications by the Village Police. In the former province this augmentation has been very considerable the number having risen from 284 the Return for the preceding half year, to 858. In Canara on the contrary there has been a remarkable diminution. The

27th September 1834. The number in the previous half year being 1057 in the present return only 336. The statement from Nellore also shews a large decrease, and that from Cuddapah an increase. The attention of the respective Magistrates will be drawn to these results; and the Magistrates of Tanjore, Malabar and Cuddapah will be informed, that the Judges have viewed with much satisfaction the increase in the adjudications by the Village Police in their Districts.—

District Police. 9 The number of persons in Petty offences brought before the District Police in the last months was 47,846. of which there were acquitted 15,317, discharged in default of prosecution, or on an amicable adjustment 16,106. convicted 14,249 or less than one third. This Statement still exhibits with all former returns, a great disproportion of convictions by the District Police. The Districts in which there was the smallest relative proportion of convictions before these officers, are Canara, where the number of persons charged before them with petty offences was 4199, of whom 1447 were discharged upon Razenamah or without investigation and 852 were convicted — Malabar, Masulipatam, Guntoor, Nellore and Erichinopoly: in which the returns shew a nearly similar result Vizagapatam exhibits a still more remarkable disparity. Of 4401 persons brought before the District Police 2667 were discharged without enquiry

	Accused	Razenamah	Convicted
Malabar	3807	1472	801
Masulipatam	2646	841	517
Guntoor	4608	930	1121
Nellore	4741	1915	866
Erichinopoly	1297	371	373

enquiry and only 502 were convicted of petty offences.

6. The Districts of Bellore and Timmore on the other hand exhibit, could the Statements be fully depended upon a much more healthy state of District Police adjudication. In Bellore of 392 accused 343 were convicted; and in Timmevelly the persons accused are 326, the convictions 283. These however, as they have remarked in former returns, these returns. In the other provinces, the proportion convictions by the District Police is about one half the numbers brought before them. The present return shew upon the whole a diminution of petty offences, the number of persons brought before District Police in the preceding half year being 47,846 in the present 47,846. An error has been committed by the Police officers in a few instances, in the cognizance of offences not within their jurisdiction of which they have been advised.

11. The following is an abstract of total number of convictions and punishments by the officers of District Police in the most frequent petty offences.

Convictions

Petty Thefts	Petty assaults	Petty affrays	
5739	8713	47	14,499

Punishments

Fined	confined in the Country	confined in the stocks	Flogged	Total
5730	7,207	338	930	14,199

Of the number entered above as flogged, 333 in Chingleput appear to have suffered no corporal punishment, but to have been only imprisoned with labour.—

12. Comparing the foregoing statement, with the returns for the half year preceding, a great increase is observable in the number sentenced to imprisonment in the Country. In that return it was 2345, in the present 7207: there has been at the same time a corresponding decrease in the number flogged and fined. The date (7th December 1832) on which Regulation XIII of 1832 was promulgated: Section V of which prohibits Native officers of Police from adjudging stripes, and authorizes the commutation of fine to imprisonment, will explain this difference. The Regulation did not of course reach the District officers of Police, until some time after it was published.—

In the half year ending 7th December 1832 Flogged 3286 Fined 8853.
In that ending 30th June 1833 930 5730.

Magistrates

13. There were brought before the Magistrates for petty offences during the half year, including those not examined at the close of the last returns, 4576 persons being a decrease of 896 upon

upon the statement for the prior six months; of these, 1987 were acquitted and 748 discharged upon Razeenamah, total 2735 and 1870 convicted. The offences in which convictions chiefly took place were Petty thefts, 1722 Petty assaults 785, using false weights 109, false complaints 64. This statement shews that Petty thefts had greatly increased in convictions for this offence in the preceding six months, being 394, in the period under review 722. The pressure of the severe scarcity which prevailed at the latter period fully accounts for this increase. The amount of fines realized was Rs. 4670—13—6.—

14. The adjudications by the Magistrates vary exceedingly. The number of persons brought before them were, in Tanjore 737, Trichinopoly 1465 and in Chingleput, 582; but in Tinnevelly only 37, in Ganjam 62, Guntoor 70, Rajahmundry 80 and Bellaree 97. and whilst in Bellaree 74 were convicted out of 97. there were in Chingleput 304 out of 582. in Chittoor 99 out of 312 in Tanjore 247 out of 737, in Cuddapah 87 out of 255. and in Vizagapatam only 19 out of 121. Of the grand total of 1870 persons convicted by the Magistrates in

were fined, 671 imprisoned and 312 flogged, of which last 98 were in the Zillah of Chingleput alone.

15. The following abstract will give a general view of the extent and nature of the Petty offences against Property and person, committed throughout the Provinces, in the half year under report upon which the Judges will offer a few remarks before they proceed to review the statements comprizing the more heinous offences.—

16. The total number of Persons accused before the Village and District Police, and before the Magistrates of Petty theft, was 10,639, of whom, there were convicted 6,591.- The total number accused before those authorities of petty assaults, was 5247, of whom there were convicted 10,518. These results are in the opinion of the Judges favorable to the Police adjudication. They shew, that in petty offences against property, the convictions were nearly 62 in the 100 accused; but in the trivial charges of offences against the person, and abusive language, they were not quite 25 per cent; and the details of those statements further shew, that the convictions, before the District officers of Police in petty cases of assault, even fell below this average, and did not amount to more than 22 per cent.—

17. This relatively large proportion of

of convictions in charges of petty theft, compared with that in case of petty assault, removes, the Judges conceive, much of the force of the observ made by the Honorable the Court of Directors" para 12 of their dispatch of the 20th March 1833: also affects the inferences which have been therdrawn, from the large proportion of acquittals generally, before the officers of Police. Whether such proportion be large or small, it appear to the Judges obvious, that its importance, and the value of any inference drawn from it, depend on the nature of the offences charged; and that no correct conclusion can be deduced, from a comparison like that instituted by the Honorable Court, of the proportion of acquittals to convictions in the whole or from the table therefore constructed as that in para 9 of their dispatch. A large number of convictions or acquittals, including in that term compromises, be the proportion two thirds, or more, in petty cases of abusive language or threatening charges of assault, is, in the opinion of the Judges of little moment. They would consider an extensive interference and the general punishment of persons accused of such offences by the District Officer of Police, to be an evil of magnitude. The law is intended for the protection of the peaceable and

and more respectable classes of society, and it is obvious from the very nature of the offences, that in numerous instances the prosecutors will often be found as much in fault as the party charged, and that a large number of acquittals therefore, will properly follow. The Judges are unable therefore to concur altogether with the Honorable Court in their remark, that "it cannot "be denied that the large proportion of acquittals" /shewn in the former or the present statements/ "affords proof of the great extent, to which either "the innocent have been put upon trial or the "guilty have been suffered to escape"; tho' it must be admitted that it shews that persons are unnecessarily charged before the Police to a great extent. They may observe in support of their opinion, that of the 92,000 persons and upwards, charged before the Police, entered in the table in para 9 of the Honorable Courts Despatch, it will be found, that 87000 were for petty assault and abusive language; and of the 62000 acquittals, 60,000 were in those offences. In the present statement, of 54,000 and odd, the total number accused of petty offences the total acquittals were 35,000 and of these 30000 were in charges of petty assault.—

Statement

27th September 1834.

Statements Nos. 3 and 4.

18. The number of serious crimes and misdemeanors committed during the half year ending 30th June 1833, as detailed in the Statements Nos. 3 and 4 was 6224 cases, being an increase of 857 on the prior half year. the return then was 6,367 cases. There is at the same time a very considerable diminution in the number of suspected offenders the former half years returns giving 63,809 the present only 49,148. This decrease will be shewn chiefly in the computation of persons engaged in gang robbery; the suspected number in 1607 gang robberies in the prior half year, was 39,037; in 1686 cases reported in the present returns, the number of persons concerned is computed at only 31,925. As it is not possible to determine whether this difference arises from less formidable gangs or, from previous arbitrary and exaggerated computations. these results are not to be relied on and no inference, as to any decrease in the number of persons concerned in committing offences, can consequently be drawn from them especially whilst the same returns shew an addition of cases. This increase, of which there

S. H.

27th September 1834

there can be no doubt, is to be attributed; as already noticed in the instance of the number of petty thefts, to the severity which prevailed to so fearful an extent in the Northern and Centre Divisions; and to the general pressure upon the labouring population, from the continued high price of food in every district. It will be accordingly seen, that the main addition to the number of Criminal Cases, is under the head of "Theft;" in which they rose from 1063 to 1499; and the computed offenders from 3360 to 5780. There has been also a marked increase in the crime of stealing and destroying cattle. In the last half yearly statement No. 3, the number of cases was 8, in the present 88. This is however in great part to be accounted for, by the enactment of Section VIII Regulation XIII of 1832, which made the maliciously killing of cattle a distinct offence; but in part also it must be attributed to the pressure of the famine.

19. There are no other variations in the nature and extent of crime, which call for special notice except the heinous offences of murder, and robbery with murder. The cases of murder in the preceding half year were 122, and the persons concerned

concerned 466, in the present 146, and the persons concerned 721. In robbery with murder the average of cases has been from 65 to 68 with a decrease of 2½ in the computed number of offenders.-

20. The proportion of offences in which no one implicated has been discovered, or apprehended continues to be large: the general average is from ½ to one half of the offences ascertained to have been committed. There is a marked exception in the returns from Combaconum, Guntoor, Malabar, Madura & Trichinopoly and Vizagapatam; In Trichinopoly 99 cases are entered as ascertained, in 43 of which no one concerned has been apprehended, although it would appear from the column, shewing in how many cases no person has been discovered, being left blank, that all are known. In Madura 73 cases ascertained, the number in which no one has been apprehended is only 7 apparently because no one of the perpetrators has been discovered. In Vizagapatam in 208 cases committed, none of the perpetrators of 79 were apprehended, though some of the offenders appear in each case to be known except in only 16 cases. Malabar exhibits a favorable statement of the exertions of the Police; of 576 cases which

27th September 1834

which were ascertained to have been committed, 94, or less than 1/6 an average below that of other Zillahs, are entered as the number in which no one concerned has been apprehended because they are not yet known, a similar return is also given for Combaconum and Guntoor.-

21. In Cuddapah and Nellore the contrary, the number of cases in which no one concerned was discovered bears a large proportion to the crimes committed. In the former Zillah the cases ascertained were 1177 in 635 of which no one was apprehended and in 628 no trace of the parties had been obtained. In Nellore the numbers were respectively 173 ascertained and 101, in which no one was apprehended or discovered. In Rajahmundry the proportion is also high. The attention of the several Magistrates will be directed to these results, and the Provincial Courts will ascertain, whether the entries are in any respect erroneous, or, whether the disparities arise from different modes observed in framing these returns.-

22. The districts in which there has been the greatest increase of crimes, are Coimbatore, Masulipatam, and Guntoor. In Canara, Chittoor, Bellary, Chingleput, Cuddapah and Malabar the increase

increase has also been considerable. In Rajahmundry there has been a remarkable decrease from 576 the return for the preceding half year to 223 cases. In Vizagapatam the decrease has also been proportionably large, especially as regards the number of offenders in the prior six months the cases were 262, and persons concerned 9,889, in the present returns the cases are 208, persons concerned 1,859. in consequence of the less formidable gangs punishable by the Civil Power.—

23. It will be seen from these statements, that the Zillah of Guntoor and Nellore in the Northern Division and Cuddapah in the Centre Division exhibit the largest number of Persons suspected to be concerned in offences. In Masulipatam they were estimated at 7,199, in 464 cases; in Guntoor at 5,408 in 446 cases; in Nellore at 5211 in 410 cases, in Cuddapah at 9763 in 1177 cases total 27,771 persons. These four districts thus give considerably more than one half of the entire number of suspected offenders in the whole Presidency; and it was in these districts, that the recent famine was most seriously felt; although there has been therefore

therefore an increase of crimes and misdemeanors, the Judges do not view the present returns as exhibiting an unfavorable state of crime generally; indeed they are of opinion that the increase is even less than was to have been expected, when the severity of the late scarcity is taken into consideration.—

Statement Nos. 5 and 6.

24. The Statements of the operations of the Criminal Courts for the period under review Nos. 5 and 6, show that there were, including those depending 3663 cases and 14056 persons brought before those Courts in the six months, being an increase of 4652 persons on the returns of the preceding half year. These statements support the observations of the Judges in the 7th para of their general report under date the 23d June last on the Civil reports for the same half year as they clearly prove, that a very large increase of Criminal business was thrown upon the Criminal Courts generally; during those six months a reference to the Statement in the margin shewing the number of Persons disposed of by the Criminal Courts in the first six months of 1832:- 4411-
Do. in the last six months of 1832:- 6776-
In the first six months of:- 1833. 12,357-

Persons actually disposed of by the Courts in the two preceding six months, will still more fully confirm

confirm the opinion then expressed, that if the whole of the duties performed by the several Zillah Courts were reviewed at one and the same time, there would hardly exist ground for censure.

25. Of the 14,056, Persons brought before the Courts in the period under review, 12,357 were disposed of within the half year; of these 2071 (against 18 of whom the accusations were false) in cases cognizable by the Criminal Courts themselves and 2832, in cases punishable by the Courts of Circuit; being a total of 4903, or nearly 40 per Cent of the accused, were unconditionally released. Of the remaining 7457. 1642 were held to security on their suspicion of guilt, of whom 600 were released and 1042 detained, 2738 were convicted and punished and 3011 were committed for trial before the Court of Circuit.

26. These results do not differ materially in the proportions of convictions, acquittals &c. from those exhibited in the returns for the half year ending 31st December 1832: of 6776 there remained 823 or about 1/8 were required to give security. the same proportion is observable in

in the present returns. The Zillahs in which there was the largest relative increase of Criminal duty, were the Auxiliary Courts of Masulipatam, Guntoor and Coimbatore, Cuddalore and the Zillah Court of Salem. In Chittoor, Chingleput, Nellore, Cuddapah, Bellary, Chicacole Immediately, the Native Court of Cumbum and the Zillah Court of Malabar there was also a very large augmentation in the number of cases and Persons disposed of. In a few instances, the Native Court in Canara, the Zillahs of Combaconum, Madura and the Auxiliary Court at Tellicherry there was a small decrease. The punishments inflicted by the Criminal Courts on the 2738 persons convicted by them were Imprisoned 1644, Fined 237, Flogged 261, Imprisoned and fined 65, Imprisoned and flogged 531. The only material variation from the preceding returns in the proportion of punishment to convictions is in the number Flogged only. In the last half yearly return they constituted about 1/5th of the punished in the present 1/12th.

Statements No. 7 and 8

Circuit Courts 27. The Statements No. 7 and 8 shew the number of persons brought before the Courts of

of Circuit in the six months to have been, 2683, in 611 cases. The number in the preceding half year was not one half of this amount Viz. 1178 persons in 381 cases.

28. The Circuit Courts released unconditionally 731 persons; in the instance of 7. the accusations were false, 244 were ordered to be released on security, 665 were committed there were 488 whose cases were referred, and 299 whose trials were postponed 146 were returned to the Criminal Courts. Besides a considerable decrease in the proportion of persons held to security, in the most important statements is the very great increase of business before the Courts of Circuit, apparent from them — As referring to the statement No 8 it will be seen that the whole of this increase has occurred in the Northern and Centre Divisions. The following abstract will also show the extent of the additional duties thrown upon those two Courts.

	Cases and Prisoners disposed of in the half year ending 30th June 1832.	Cases and Prisoners disposed of in the half year ending 31st December 1832.	Cases and Prisoners disposed of in the half year ending 30th June 1833.
Northern Division	92 — 262	43 — 130	237 — 671
Centre Division	121 — 416	128 — 440	163 — 561

The punishments adjudged by the Courts of Circuit on the 656 persons convicted by them, were.

Flogged and Imprisoned above 7 years — — — — — 97

Flogged and Imprisoned for 7 years and under — — 19

Imprisonment alone above 7 years — — — — — — 383

Imprisonment 7 years and under — — — — — — 157.

29. The cases postponed were of unusually numerous, exhibiting a considerable increase upon the returns of the preceding half year. They were chiefly in Gang Robbery and Robbery, and in the Northern and Centre Divisions. In the Zillah of Nellore the 3d Judge on Circuit after having gone through a Calendar of 34 numbers, with a supplemental Calendar of 13 Nos received an additional Calendar of 35 Nos. Upon a careful inspection he considered 22 Cases of Gang Robbery entered in it including 143 Prisoners, not sufficiently matured for trial, and accordingly postponed them. The Court of Sudder Adalut on the receipt of his Calendars approved of his proceedings, and the Judges submit with this report the 3d Judge's statement of the grounds of this postponement with the extract from the Court's proceedings thereon — At the 1st Sessions of 1833 at Cuddalore in the Centre Division, the Acting 3d Judge

Judge on Circuit found it necessary in a Calendar of 52 Cases to postpone 18 with 46 Prisoners, generally for the want of material evidence. His reasons for postponement are given at length in the Calendar; and they were such as to satisfy the Judges of the propriety of the course pursued. These two instances will account in great part, for the large increase in the number of persons whose trials were postponed. In addition to the individual cases of postponement entered in the Statement No 8. there was a postponement altogether of the Sessions at Cheracole for the 1st half year of 1833, as it was found impossible for the Judges of the Provincial Court of Circuit to complete the sessions in the other Zillahs in time to relieve the Gaols at Cheracole and Vizagapatam. In further explanation it may be observed that the press of duty generally, in the Northern and Centre Divisions was severe, and the famine had induced even respectable families to leave their homes in search of food, it was found in consequence difficult to procure the attendance of prosecutors and witnesses at the sessions. The Court do not, under these circumstances, consider

consider the increase of cases postponed through large to be one, calling for animadversion.

Foujdaree Adalut 30 Statement No 9 exhibits the operations of the Foujdaree Adalut in the first six months of 1833. At the close of 1832, there were 16 trials before the Court with 82 persons; 64 trials including 206 persons were received during the half year, total, 80 trials. 288 Persons. The Foujdaree Adalut disposed in the same period of 64 trials including 230 Prisoners. Of these, 53 persons were released unconditionally. 29 were ordered to be released on security, 146 were convicted; and 58 Persons (in 16 trials) remained to be disposed of. One was returned to the Criminal Court, and one, was found insane.

31. Of the 64 trials disposed of, 33 were cases of murder, and robbery with murder, in which 82 persons were concerned. Of whom 9 or 1/9th were unconditionally released, 13 ordered to find security upon strong suspicion of guilt, 1 was found insane. and 59 were convicted, upon 25 of whom sentence of death was passed, 27 were transported, and 7 imprisoned for seven years and under. There was one trial for arson with murder, with one

one Prisonir; who was convicts of manslaughter and adjudged to 7 years imprisonment. Total trials for murder 34, Persons, 88.—

32. Of the remaining 30 trials including 147 prisoners disposed of by the Court, 20 were of Gang Robbery, 4 of which were with wounding, and 1 with Arson, and included 119 Prisoners. Of these 35 Persons, or between 1/3d and 1/4th were released unconditionally, 16 on security, and 68 were convicts. Of whom 39 were transported, 2 imprisoned above 7 and not more than 14 years, and 27 for seven years and under.—

33. The Lowpara Dacoity occurred during the half year 4 trials for Dacoity including 26 Prisoners. Of which one with 18 Persons was dispose of 4 of whom were released unconditionally, and 8 were convicts and transported. There were 5 trials for Perjury also disposed of, in which 3 Prisoners were convicted, and two released unconditionally. The remaining trials in which sentences were passed by the Court were 2, House breaking by night with wounding 4 Prisoners, 1 Person for receiving stolen goods, 1 of Robbery and burning 2 Prisoners, in all 7 Persons. of whom three were released

released unconditionally, 2 Transported, 1 imprisoned above 7 and not more than 14 years; and 1 for Receiving stolen goods, was returned to the Circuit Court for sentence.—

34 The Judges will briefly remark, that it will be observed from these Statements, that the cases in which by far the larger proportion of acquittals took place, were gang robberies; Precisely those, in which from the nature of the offence, evidence and specific evidence is rarely to be had, particularly as respects identity of person; and where it is to be expected therefore, that the acquittals should be numerous. They need scarcely observe that their acquittals in other cases; as in those of murder, where 82 persons were concerned and only 9 were acquitted, do not comparatively bear a large average. and that proportion of convictions to acquittals in those cases of 8 to 1 will tend the Court trust, further to shew, the justice of their observations in para 13 of their proceedings of the 12th Ultimo. The Honorable Court of Directors appear to have made the observation contained in paras 37 and 39 of their Despatch there referred to, on a consideration of the

the total number of acquittals to convictions; in all the cases before the Court, not adverting particularly to the nature of the crimes, without which no inference can be safely deduced. For should the bulk of heinous offences at any time before the Court be of a character not easily susceptible of proof, as Gang robbery in this country, a large proportion of acquittals, to which the Honorable Court appear to object, must necessarily follow; and the reverse would evidence an imperfect, rather than a good administration of Criminal Law.

35. In the cases disposed of by the Zillah Sudder Dewanny Adawlut they overruled the Futwas of acquittal in 36 trials, in 22 of which, the Futwah was found on exceptions to the competency of the witnesses, and in 14 on the insufficiency of the evidence on the record. In these 14 Nos. the Judges on Circuit had expressed their opinion of the guilt of the prisoners in which the Court of Zillah Sudder Dewanny Adawlut concurred with the exception of one prisoner in a trial in which two were charged. Of the 89 prisoners included in these 36 trials, sentence of death was passed on 12, 56 were transported, 2 imprisoned above 7 and less than 14 years, and 19 for seven years and under, the grounds on which the Futwahs of acquittal founded on the insufficiency of the evidence were overruled, will be given in an appendix.

36. The Judges beg to explain in forwarding this report so long after it has been due, that the statements for the half year under review from the Northern Division, were not received till the 15th of May last. It was found necessary to return some of them for correction; and the last revised statement, did not reach this office, till the 6th Ultimo.

37. The Judges in obedience to the instructions conveyed in para 22 of the minutes of Consultation of the 8th August last, have resolved to pass that, with respect to the guilt of the majority of the prisoners in 13 cases out of 20 in which the Presiding Circuit Judge disapproved of the futwa of his Law officer, the Court of Zillah Sudder Dewanny Adawlut concurred with the Presiding Judge.

38. No trial having been disposed of by any of the Judges of the Court sitting singly it appears as required by the 4th Para of the dispatch

dispatch of the Honorable Court of the 20th March 18
communicated in the extract from the Minutes of
Consultation dated 22d February 1834. that of the Trials
disposed of by this Court during the half year
for which the present statement is prepared,
Mr. Cushington 1st Puisne Judge was a party to
the disposal of 41. Mr. Huddleston 3d Puisne Judge
of 63. Mr. Oakes acting Judge of 39: that Mr. Bir
who quitted the Presidency on sick certificate in
the first month of the year had been engag
in the disposal of 9 Trials previous to his depart
and that the Chief Judge Mr. Oliver was en
to the disposal of one case on which the other
Judges solicited his opinion.--

Ordered, that the Statements also
referred to, with extract from these proceedings
copies of the communications from the 4 Provincial
Courts of Circuit, together with the Statement of the
grounds of postponement of certain cases in the
Rellore Calendar for the 1st Sessions of 1833 by the
3d Judge on Circuit in the Southern Division, and
extract from this Courts proceedings thereon be
submitted to the Right Honorable the Governor in
Council

Council for his orders thro' the officiating Secretary to
Government in the Judicial Department.--

Sent to Govt 9th Oct 1834. (Sent in No. 1053)

Ordered also, that para 8 of these
Proceedings be sent to the Provincial Courts of Circuit
in the Southern, Western and Centre Divisions for
communication to the Magistrates of Tanjore, Malabar
and Cuddapah respectively.--

(Sent in No. 1054)

Ordered also, that paras 20 and 21
be sent to the 4 Provincial Courts of Circuit for
their information and guidance by Precept return-
-able within 2 months after the date of its receipt.--

(Sent following Precept No. 1055)

Appendix--

The following is an abstract of the
grounds of conviction in the 16 Trials disposed of by
the Tongdaree Adalut under Section II Regulation I 1818.
from the 1st of January to the 30th June 1833.--

No. 16 Combaconum Calendar 2d Sessions 1832.

The Prisoners.

1st Eragun
and
2d Anundagoorookul.

were charged with having robbed the daughter of
the

the Prosecutrix of jewels to the value of Rupees [illegible]

and with having wounded her so severely as to cause

her death.

They pleaded not guilty.

The Presiding Judge concurred with his Law

officer in the conviction of the prisoners whereas

the Cazee-ool-Cozat and Mooftees of the Sunder

Udalut gave, in their futwa, their opinion that

the crime charged against them was not proved

on the evidence of credible witnesses.

To the Court of Sunder Udalut this

appeared an aggravated case of Robbery by open

violence, but, as they deemed it not improbable the

the death of the deceased was occasioned by undue

treatment of the wounds, they did not agree with

the Presiding Judge that sentence of death should be

passed upon the prisoners and adjudged both the

Prisoners to be transported for life.

No. 5 Bellaree Calendar 2d Sessions 1832.

The prisoner

Shaik Chand

both when arraigned and when placed on his

defence denied the charge of having stabbed the

Prosecutor's Brother and thereby occasioned his death

The

The Provincial Law officer acquitted the

prisoner of the crime charged. The Presiding Judge

did not concur in this futwa.

The Cazee-ool-Cozat and Mooftees

of the Court of Sunder Udalut considered the evidence

adduced in support of the charge too contradictory

and discrepant to establish it.

After mature consideration of all

the circumstances of the case in evidence before

them the Court of Sunder Udalut were of opinion

that the proof against the prisoner was sufficient

to convict him of manslaughter. It did not appear

to them that the act of the prisoner amounted

to murder. The deceased, it was proved, kicked

the prisoner, and the parties were heated by

sudden quarrel. It was stated moreover by the

witnesses that the prisoner and deceased were

previously on good terms.

The depositions of the witnesses

were to the effect that the deceased and prisoner

were quarrelling one evening, that deceased cried

out that the prisoner had stabbed him, that

the prisoner was seen running away with a

naked

naked dagger in his hand - and that on the d
witnesses coming near the deceased a deep wound
was observable in his left side which occasioned
his death the same evening. The witnesses
to in the futwa of their law officers did not appe
of any weight to the Court of Enquiere Dedalut and
having taken a second futwa they sentenced
the prisoner, in commutation of the penalty of
Deyat awarded, to be imprisoned and kept to
hard labor in irons on the public roads or
other public works for the period of 3 (three) yrs

No 4 Salem Calendar 2d Session 1832.

The prisonir in this case

Attaun

when arraigned denied the charge of having struck th
Prosecutors son a blow on the head with a mamaty
by which his death was occasioned in the course of
month. When placed on his defence the prisonir sta
"One Evening as we were irrigating our fields, I and
the deceased quarrelled, he struck me on the back
with a stick upon which I returned the blow by st
striking him once on the head and causing a wound
about the size of a grain of paddy. The Prosecutor d
complained against me in the Zabok but we cam
to

to terms. Three months afterwards the death of the deceas
occurred."

The Provincial Law officer held the
prisoner convicted on strong presumptive proof and
in this finding the Presiding Judge concurred.

The Cazie-ool- Cooyat and Mooftee of
the Enquiere Dedalut considered that the crime charged
was not established against the prisonir.

The Court of Enquiere Dedalut it
appeared that there was no reason to suppose
that the intention of the prisoner was to kill the
deceased - the instrument used was the handle of
a mamaty - The Court were by no means satisfied
that the deceased did not die in consequence of
neglect for - though, as it would appear, he
lived a month after he received the blow, it seemed
that the wound was not dressed more than once
and it could not be a matter of surprize that
mortification ensued.

Of the witnesses in this case the
first and second deposed to having seen deceased
knocked down by the prisonir with the mamaty
handle which was produced in Court and two
other witnesses deposed to having seen the wound
on the corpse when in an advanced state of
mortification.

The

The Court of Sudder Adalut after taking a second future adjudged the prisoner, in commutation of the penalty of Death awarded to be imprisoned and kept to hard labor in irons for seven years.-

No 6 Malabar Calendar 1st Sessions 1833.-

The prisoners in this case

1st Parangot Ramen Nair - Ayakaladeshom Kolkar

2d Carriapil Ittamen,

3d Choorpadata Ramen,

4th Adangarah Murugan Nair, and

5th Manala Ramen Nair,

denied the charges of murder on which they were arraigned.-

The Judge who presided at the trial concurred with his Law Officer in the opinion that the prisoners were guilty - whereas the Cazee-ool Cozat and Mooftee of the Sudder Adalut considered that there existed only strong suspicion against the prisoners.-

The view taken of the case by the Judge of Circuit appeared to the Court of Sudder Adalut perfectly correct. He observes in his letter accompanying the trial. "The fate of the prisoners "must depend upon the degree of validity which "the Judges of the Sudder Adalut may consider

"to attach to their confession before the Darogah, my own "opinion is that they may be safely relied on as confessions "freely and voluntarily made and properly recorded. "They appear to me to be open to no objection and "to be liable to no suspicion; while on the other hand "they are much strengthened by various material "facts to which there is positive proof."-

The Presiding Judge then proceeds

"It was in evidence that the deceased was on the "evening of the murder carried away by the prisoners "from the house of 1st witness; and in confirmation "of the truth of the prisoners' (except the 5th) "statement of what was done with the corpse "after the murder there is the clearest proof to the "following points: viz: that stains of blood "and traces of violence were on the spot pointed "out as that where the deceased was killed: that "blood, as also the appearance of a body having "been laid there were likewise seen in that part "of the 1st prisoner's garden where the corpse was "stated to have been left the whole day after the "murder - that stains of blood were observed in "the 1st prisoner's compound thro which, it was "declared, the corpse was carried on the second night

"night for the purpose of being thrown into the well
"also on the stalk and leaves of a plantain tree
"a little further on and on the brink of the well
"itself: lastly that the stick with which the 2d Pr
"prisoner admitted he struck the deceased was
"at the place mentioned and that it was and still
"is partially stained with blood."

The Circuit Judge adds at the end
= clusion of his letter - "There is however this to be
"said for the 2d, 3d, 4th and 6th prisoners that as
"the 1st prisoner was the Amokum (or Division) Head
"(or Reon) he may have had influence enough to
"command in some measure their assistance" &
"there are certainly grounds for presumption in
"the above fact as also in that of the corpse
"them first taken to, and left for a whole day in
"his garden, that the 1st prisoner took a principle
"part in the murder."

The Court of Enquiry Dedalut were
= eighty proved sentence of death on the first
prisoner and adjudged the 2d 3d 4th and 6th to be
transported for life.

No. 17 Bellaree Calendar 2d Sessions 1832.

The prisoners
1st Goodoor Buseapaty
and
6th Goodoor Burmah
were

were charged with murder in the Prosecution of robbery
by open violence.

The Provincial Law officer convicted the
Prisoners of Gang Robbery only from which finding
the Presiding Judge differed and referred the trial.

The Cazee-ool-Cozat and Mooftee of
the Sudder Dedalut stated in their finding that
as the crime charged was not proved against the
prisoners on the evidence of credible witnesses they
should be released.

One witness in this case deposed
to the 1st prisoner being one of a Gang of Robbers,
who entered the Prosecutors house at midnight,
and to his having struck the Prosecutors Father
with a stick and thus broken his head.

The declarations of the prisoners
before the Tasildar attested by two witnesses contained
their confessions of having robbed the prosecutors
house.

There were witnesses to prove that
much of the stolen property was given up by
and through the means of the 1st prisoner.

The Court of Enquiry Dedalut having
called for certain additional evidence; ascertained
that the confessions of the prisoners had been
delivered before a Police officer duly authorized, and
being satisfied of the atrocious guilt of the prisoners
adjudged them both to suffer death.

The

No. 4 Madura Calendar 1st Sessions 1834

In this case the Prisoners

1st Caremanen poojany,

and

2d Chellaporoin,

were charged with robbery and murder. They pleaded "not guilty".

The future of the Provincial Law Officer declared suspicion only to exist against the 1st prisoner but that the 2d prisoner was liable to Asbolute. The Judge who presided at the trial did not concur in this future.—

The riot in which the murder and robbery charged against these prisoners was one in which the right and left hand castes came into collision and it was in evidence that the two prisoners were actively engaged. The prisoners however, brought forward in a separate cause having been condemned to death it appeared to the Court of Foujdaree Adalut that a sentence of transportation for life would be just and right in the present instance and they passed sentence in both prisoners accordingly.—

No. 2 Madura Calendar 1st Sessions 1833.

The prisoners

1st Pareya alagan,

2d Cota Caroopen,

3d Basoren, and

4th Veerabadren,

were charged with gang robbery attended with murder.—

The Law Officer of the Court of Circuit on the ground of some discrepancies and contradictions between the statements of the prosecutrix before the inferior tribunals and the Court of Circuit acquitted all the prisoners. & the Judge who presided at the trial the evidence in chief appeared consistent and connected even to the minute point of the position of the deceased (the prosecutrix's husband) and his alleged murderers when he received the wounds from which it seemed he had met his death. The discrepancies to which the Law Officer alluded in his future the Presiding Judge thought might have originated in a defect of memory.—

The Cazee — vol. Cozat and Mooftee of the Foujdaree Adalut considered the evidence, setting aside that which was contradictory as inadmissible, was insufficient to establish the crime charged.—

The Prosecutrix and the 1st 2d 3d and 4th Witnesses swore that they saw the four prisoners engaged in the murder of the deceased and

and the Court of Foujdaree Udalut concurred with the acting Judge of Circuit in regarding the discrepancies in their testimony noticed by the Law officers, as immaterial.--

The Court of Foujdaree Udalut seeing no sufficient ground for discrediting the evidence pronounced the prisoners guilty but considering the ends of justice would be attained by the capital punishment of the 1st and 2d prisoners adjudged them to suffer death - Spareing upon the 3d and 4th prisoners sentence of transportation for life

No 5 Rajahmundry Calendar 1st Sessions 1834.

Of the prisoners in this case the first died before trial. The other two

2d Paulop Mungadoo,

and

3d Jonnalagadda Venkatasamdoo,

both when arraigned and when plead on their defence denied the charge of Gang Robbery attended with aggravating circumstances.

The Presiding Judge concurred with his Law officer in the conviction of the prisoners "the charge against them appearing to be proved by the circumstance of the 3d Prisoner having been identified as one of the Gang by the Prose-

cutor by the confession of both the Prisoners at the time of their apprehension, that they were engaged in robbery and received for their share Nos 2 and 3 respectively (which are proved to be the property of the Prosecutor) which they claimed upon out of their homes as testified by the 1st and 2d witnesses; and by their having been seen in the Gang in the hills by the 3d witness whilst they have failed to prove that they were forced into the service of the Gang as Cawadeas as averred."-

The Cazee-ool-Coozat and Mooftees of the Foujdaree Udalut gave a futwa declaring the Prisoners to be liable to suspicion only of the crime charged.--

The view taken of the case by the Judge of Circuit appeared to the Court of Foujdaree Udalut to be in this instance, perfectly correct and they accordingly passed sentence of transportation for life upon both the Prisoners under the latter part of Clause 3d Section IV Regulation XV of 1803.

No 11 Nellore Calendar 2d Sessions 1832.

The Prisoner

Tollony Pariah

was charged with Gang Robbery attended with aggravating

aggravating circumstances. The Splendo not guilty.

The Provincial Law officer held the crime of Robbery to have been established against the Prisoner; and the Judge who presided at the trial likewise considered him to have been convicted - whereas the Cazee-ool-Cozzat and Mooftee of the Zoujdaree Adalut were not of opinion that there was evidence sufficient for the legal conviction of the accused:-

With respect to the Prisoner the Court of Zoujdaree Adalut concurred in opinion with the Judge of Circuit - several witnesses deposed to his confession of the crime and although the Witness states himself to identify the articles claimed up by the Prosecutor as his property, yet, he swore, that the articles so claimed up were of the same description as those plundered from his House and if the Prisoner did not come unlawfully by the articles which he gave up, his surrender of them appeared hand to be considered.-

The defence of the first Prisoner that there existed a quarrel between him and the Prosecutor he totally failed to establish.

After a mature consideration of

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all the circumstances of the case in evidence before them, the Court of Zoujdaree Adalut being of opinion that the Prisoner was convicted of the crime of Gang Robbery attended with aggravating circumstances passed on him sentence of transportation for life.-

No. 3 Malabar Calendar 1st Sessions 1833.-

The charge against the prisoner in this case.

Arthotatil Oovran

was the murder of the Prosecutor's Brother.-

In the futwa of the Provincial Law Officer the Prisoner was found guilty but the penalty of Deyut was stated as that to which the Prisoner had rendered himself liable. Deyut being barred in consequence of the quarrel, in which was involved the death of the deceased, having originated with the deceased.-

Although the Presiding Judge held the act of stabbing to have been proved against the Prisoner he was not of opinion, under all the circumstances of the case that a very severe sentence was called for.-.

Of the three witnesses who pretended that they saw the stab given, three appeared to the Court of Circuit no doubt that the first only witnessed

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witnessed it; and his account of what passed materially confirmed the prisoners story for he declared positively that the deceased was the aggressor and that the blows he gave the prisoner with the stick were the violent ones. It was after this provocation & assault to the grossest nature which had been given to the prisoner by the deceased - a person of inferior caste - entering his cookroom while drunk & the Conjee - and while they were still wrestling that the prisoner drew the Knife from his waist and stabbed the deceased under the left breast.

Suspicion only of the crime of murder was the feature of the Cazee-ool-Cozat and Mooftee of the Sudder Adalut -

To the Court the offence of the prisoner appeared to amount to manslaughter - and that taken a second feature, they adjudged him, in commutation of the penalty of Death, awarded it to be imprisoned and kept to hard labor in irons on the public roads or other public works for the period of (3) three years -

No. 32 Bellary Calendar 7th Session 1833

The 8 prisoners in this case were charged with a highway robbery and wounding.

The feature of the Provincial Law Officer convicts all the prisoners of the crime charged on strong presumptive proof. To the Presiding Judge the facts appeared to be fully established and all the prisoners to be guilty of the charge -

S. M.

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The Cazee-ool-Cozat and Mooftees of the Sudder Adalut state in their future that in their opinion the evidence of the witnesses, leaving out of consideration the circumstance of the contradictions of the 1st 2d and 3d witnesses involving a complaint and the 4th witness being a Police officer employed in the apprehension of offenders, was on account of the contradictions in it as given before the Criminal Judge and the Circuit Court, unworthy of credit and insufficient for legal proof. -

Four individuals appeared on the part of the prosecution - the prisoners were supposed in company with one other and armed with sticks and hunting hatchets to have attacked the prosecutors and witnesses on the high road while returning together from market to have beaten them all with sticks wounded the 1st prosecutor severely with a hunting hatchet and robbed them of their property -

The statements of the prisoners contained nothing material in behalf of their defence -

There were three witnesses who proved the attack upon the party by an armed gang - two who proved the prosecutor being wounded

wounded with the nature of the wounds. three who recognized all the prisoners to have been among the Gang armed with sticks and two hunting hatchets. another witness deposed to the discovery and apprehension next day of the whole Gang and to the finding on them more than nine of the articles plundered. two others proved the identity of the property recovered in that taken from the prosecutors.

Under these circumstances the Court of Zillah Adalut came, without hesitation to the conclusion that the charge had been sufficiently proved and accordingly adjudged the Prisoners to be severally transported for life.

No. 2 Supplemental Calendar of the 1st Quarter disposed of this day

The eight first named prisoners were charged with Gang Robbery attended with aggravating circumstances and the three latter with receiving the stolen property knowing it to be so.

The Provincial Law officer did not consider the prisoners convicted. from this opinion the Presiding Judge dissented on the grounds the

statements of the prosecutors. the evidence adduced and the confessions of some of the prisoners were sufficient to establish the crimes charged against the prisoners respectively.

The futwa of the Cazee-o-Coozat and Mooftee of the Zillah Adalut was much to the same effect as that given by the Provincial Law officer and acquitted the prisoners.

To the Court of Zillah Adalut the discrepancies in the testimony of some of the numerous witnesses in this case were not deserving of the consideration which their Law officers had attached to them. It being however a case of considerable intricacy the Court deemed it incumbent on them to sift well the evidence of the persons who described themselves to have been eye witnesses of the transaction. After giving the best attention in their power to the trial they felt themselves constrained to reject the testimony of such of them as deposed inconsistently before the different authorities in regard to this point.

It appeared nevertheless that there were ten good witnesses against the 1st & 2d. and 3d. prisoners

Prisoners of four against the 5th of two against the
10th & 13th and 19th of four against the 22d &
These Prisoners all set up alibis but the wit
in support of the plea was generally wor
word the same and appeared to the Court of
Sovdaree Adalut to deserve no consideration.
With regard to the 29th 30th and
31st Prisoners the Court could not divest themse
of the conviction that they knew the property
they had received had been stolen. The 29th
Prisoner being a female was sentenced to
mitigated sentence of 7 years imprisonment
hard labor without irons. the 30th and 31st to the
same term of sentence but to hard labor in
The first eight Prisoners whose case the evidence
brought within the provisions of Clause 2d Sect
IV Regulation XV 1803 were adjudged by the
Court, to be transported beyond sea for life.
No. 1 Cheecacole Special Commission 1834.
Two of the Prisoners were charged with
having assembled together with a numerous
and in the road fored. upon the troops of
the Company, forcibly arrested their progress
engaged with them, and plundered proper
belonging to the said troops and to the offic

and also with having attacked the armed Force
of Government.

The 3d Prisoner stood charged with
having treasonably contrived, with the above Prisoners,
and certain other Persons, the stoppage of the troops
and the attack upon them and aided them therein.

They severally pleaded not guilty
both when arraigned and when placed on their
defence, before the Special Commission.

The Mahommedan Law officer
attached to the Special Commission gave a futwa
of Acquittal against the Prisoners.

The Special Commission this
futwa appeared correct and they consequently recorded
their opinion that the prisoners were guilty.

The Cazee-ool-Coozat and Mooftees
of the Sovdaree Adalut held that the prisoners ought
to be released as there was not the Proof of testimony
against them.

The Court of Sovdaree Adalut having
maturely considered the proceedings of the Special
Commission the futwa of the Provincial Law offic
and the futwas of the Cazee-ool-Coozat and Mooftees
of the Sovdaree Adalut sentenced the three prisoners
to be transported for life.

No.

No. 1 Special Sessions at Cuddapah 1834

Of the 61 Prisoners in this case 60 were unconditionally released by order of the Court of Circuit.—

The other Prisoners both when arraigned and when placed on their defence denied the charge of having engaged in a riot and of having been accomplices with a Gang of rioters, who, on seeing a Dig with its throat cut in the Imlimab of the Mosque of the Town of Cuddapah had assembled together near the Cutwals' Chauttry and who, being armed with, swords, daggers, spears, sticks and stones rushed upon Mr. Macdonald, the Joint Magistrate and upon Kummool Mohammud Naigue, Sheik Abeulla and Sheik Abdulnabee, Sepoys, threw stones, wounded them severely with their spears and Killed them: and wounded with stones & Bildeebais, and Rungapah Sepoys.—

The Provincial Law officer in his futwas declared that 52 of the Prisoners should be discharged from confinement as guilty and that the rest of the Prisoners were liable to Lazeer at the discretion of the Hakim. The Officiating

Additional Judge having referred the records of the Trial, the Cazee-ool-Cozzat and Mooftees of the Sunsaree Adalut gave their opinion in their futwa that although from the "circum-
"-stances detailed in the proceedings the
"innocence of the said Prisoners of the crime
"of creating disturbance: and of throwing stones,
"and of their being accomplices in the riot
"is not by any means established. Yet since
"they, through zeal for their religion and
"because of the pollution, by an unclean
"thing, of their place of worship created the
"riot, and had no selfish objects in view or worldly
"malice, as in the case of murder and theft,
"no blame attaches to them by the Mahomedan
"Law rendering them liable to a sentence of
"punishment."

The Court of Sunsaree Adalut having maturely considered the proceedings of the officiating Additional Judge and all the circumstances of the case in evidence before them, concurred in opinion that the Proof against 6 of the Prisoners was sufficient to convict them of murder and accordingly sentenced

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sentenced them to suffer death by being hanged at a place to be selected by the Criminal Judge in the immediate vicinity of the scene of the murder and at an hour to be determined by the Criminal Judge in consultation with the officer commanding at Cuddapa.-

The Court of Foujdaree Adalut considering the proof against the other prisoners to be sufficient to convict them of aiding and abetting in the commission of murder, adjudge them to be transported for life.-

L.H.C.

L.H.

At a court of the Foujdaree Adalut.

Present,

Monday, 29th September, 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 by Alamalummah of the zillah of Tinnevelly on the 22d instant.-

(Here enter P: P: No 80. of 1834.)

The object of the Petitioner is to have the sentence of the Court of Circuit passed upon her son Ayahvee of 7 years' imprisonment reversed, and her son released. She alleges, that he was unjustly taken up in consequence of bearing the same name as another man against whom the summons was issued.-

2. The assertions in the above petition are of a highly disrespectful nature, and there is no appeal from the recorded sentences of a Court of Circuit.-

Ordered therefore, that the Petition be rejected - and that copy of these proceedings be furnished to the Petitioner upon her application.-

Read letter, dated the 10th instant, from the Late Officiating Judge late on Circuit in the Northern Division now at Bellary, transmitting the record in Case No 23. on the Bellary Calendar 2d Sessions of 1833. (Here enter No 1307)

The

Mr. Baird
&
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 convicting the Prisoners-

1st "Sunkorranty Goorawdoo,"
2d "Jummoola Paupadoo,"
3d "Do Bekegaudoo,"
4th "Do Venkatramoodoo,"
5th "Caundra Lutchegaudoo,"
6th "Pullum Vencategaudoo,"
7th "Jada Jyegaudoo,"
8th "Moodoony Chenchoo Paupadoo,"
9th "Lada Nauregaudoo,"
10th "Chavoorro Chengadoo,"

but taking into consideration the circumstances under which the Robbery was committed, and the confinement already undergone by the Prisoners, the Court resolve to remit the punishment and accordingly direct that the said Prisoners be set at liberty.-

(Sent following letter No. 1060)

Read letter dated the 18th instant, from the late officiating Judge late on Circuit in the Northern Division,- transmitting the records in Case No. 57. on the Nellore Calendar 2d Sessions of 1833.-

(Here enter No. 1279.)

Mr. Baird
&
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 convicting the Prisoners,-

2d "Joopaukoola Pursadoo,"
3d "Patalony Paupadoo,"
4th "Potla Venkatarameegaudoo,"
5th "Uddunky gaudoo alias Pursigaudoo,"
6th "Pattony Palosgaudoo,"

but taking into consideration the circumstances under which the Offence was committed and the confinement which the Prisoners have already undergone, the Court resolve to remit the punishment and accordingly direct that the said Prisoners be set at liberty.-

(Sent following letter No. 1061)

Mr. Baird
Mr. Barnes.
and
Mr. Campbell.

Read letter, dated the 11th instant, from the Provincial Court of Circuit in the Northern Division

Division, transmitting copies of the Replies from the several Subordinate Authorities in charge of Jails in the Division, to the orders of the Foujdaree Adalut of the 25th June last, regarding the revision of the Jail Establishments

(Here enter No. 1324 of 1834.)

1. It should be intimated to the acting Criminal Judge of Rajahmundry, that the 22 Peons sanctioned by Government, as a Jail Guard, will form a fixed establishment to be entered on the Mooncipality and that the others employed to Guard,— not only the convicts but all prisoners, liable to labour outside the Jail, in the proportion of 1 to 4 are "extra" Peons, varying of course with the variation in the Number of persons to be guarded.

2 With reference to para 4 of Mr. Brown's letter, the Court observe that there is not the slightest intention to withdraw the Military Guard.

3. Adverting to para 2. of the letter from the acting Joint Criminal Judge at Masulipatam, the Court observe that the proportion of Peons—1 to 4. is to be considered applicable to convicts and all persons liable to labour outside the Jail.

4 The Replies from the other authorities require no further remarks. The authorities in charge of the Jails at Nellore and Guntoor have already been called upon to submit through the Provincial Court their opinions respecting the Number of Peons which

which they respectively require to form a fixed Jail Guard, instead of the fluctuating one at present authorized.

5. The acting Criminal Judge of Nellore should also be called upon to state whether his establishment of Peons has now been revised, in conformity with the orders of the 26th August last; which circumstance does not appear in his communication of the 6th ultimo to the Provincial Court.

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

(Sent in No. 1062)

Read letter, dated the 17th instant, from the Provincial Court of Circuit in the Southern Division, transmitting copies of the Returns received from the different authorities in the Division in reply to the observations of the Court on the Criminal Reports for June last, communicated to them respectively.—

(Here enter No. 1345 of 1834.)

1. With the Return of the Magistrate of Trichinopoly, which alone appears to call for any remark, are forwarded copies of a letter addressed by that Officer to the Circuit Court, and

and of one from his Head assistant, relative to the delay, which occurred in the disposal by the latter of the case No. 138 (Report 5.)

2. The object of Mr. Blair appears to be to impress upon the Court of Circuit, and through them upon the Judges of the Zillah Adalut, the impolicy of extending the provisions of the Regulation, which requires that prisoners shall be dispatched from the Talook within 48 hours after their apprehension, to all cases, indiscriminately and it is further urged (and a great part of the Head assistant's communication is occupied in endeavouring to establish the same point) that the order in question cannot be considered applicable to the European Magistracy.-

3. Upon this the Court observe, that there is no doubt that Clause fourth Section XXII Regulation XI 1816. applies to Native officers exclusively. Five days was fixed by this Court as the period beyond which explanation of delay was enjoined upon the European Magistracy.- But in both instances, it never was contemplated that all cases promiscuously should be forwarded within 48 hours by natives, or 5 days by the European Magistracy.- Cases, in each instance, must occur requiring further delay, and all that was intended is that detention beyond the prescribed

prescribed periods though permissible, both to the Native Police and the European Magistracy, should in all cases be accompanied by good and sufficient cause shewn for its necessity.- Indeed they consider that the present instance affords ample evidence of the absolute necessity, of continuing to maintain not only over the inferior native servants, but also over their European superiors, this species of control, to establish which was the object of the Circular orders objected to by Mr. Blair, who seems to have misunderstood their intention.-

4 That "Sacrifice of personal Liberty," which the Head assistant Magistrate observes, was "simply and solely" the inconvenience which the prisoners in the above case sustained, has generally been considered the dearest sacrifice which any individual can make; and if it be indeed true, that the "inconvenience" is one, "to which in all countries those must submit who fall under suspicion of such offences" &c. it becomes the still more imperative duty of the Magistrate to take care that his speedy examination and decision shall either confirm the suspicion which has been excited, or absolve the innocent party from the charge, within the shortest possible period.-

5 In the present case, there was certainly

certainly cause for the prolonged detention of the parties; but the Court cannot but consider that the reasons assigned by the Head Assistant Magistrate are insufficient to justify that serious delay, which extending to a period of nearly 3 Months attracted the notice, and very properly received the animadversion of the Provincial Court of Circuit.

Ordered that extract from these proceedings be sent to the Provincial Court for Circuit in the Southern Division with instructions to transmit copy of it to the Magistrate of Trichinopoly for his information, and the information and future guidance of his Head Assistant.

(Sent in No. 1063)

Read letter, dated the 12th instant, from the 3d Judge on Circuit in the Western Division recommending a remission of the punishment to which the Prisoners in Case No. 33 on the Calicut Calendar for the second Sessions of 1834, are liable.

(Here enter No. 1349 of 1834)

1 The Court having given their attention consideration to the circumstances detailed in the above letter, and to the documents which accompanied it, are of opinion that they are not competent to order the remission of the punishment as requested by the 3d Judge, unless the trial in question is referred to them.

2 They accordingly resolve to return the papers which accompanied the above letter to the 3d Judge on Circuit, and at the same time to suggest to that Officer the expediency of transmitting the Record of the case, for the consideration and orders of the Superior Court, without delay, & in the mean time to release the Prisoners on Bail.

Ordered accordingly that Extract from these proceedings be sent to the 3d Judge on Circuit in the Western Division for his information.

(Sent in No. 1064)

Read letter, dated the 19th instant, from the late officiating Judge late on Circuit in the Northern Division.

(Here enter No. 1351 of 1834)

1. The Late officiating Judge in the above letter, submits his observations upon the Proceedings of the Faujdaree Adalut of the 11th Ultimo, on a letter from the 1st Judge on Circuit in the Northern Division, holding Sessions at Nellore, stating the doubt he entertained of the equity of hearing further evidence on the part of the Prosecution, in two cases postponed from the last Sessions in which the defences of the Prisoners had been taken.

2. The 1st Judge was accordingly instructed to close the Trials and to pass sentence upon the

F.R.

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F.R.

29th September 1834.

the evidence already taken -

4 Mr. Casamajor to whom copy of the proceedings was sent now explains, that the Witnesses on whose account the Trials were postponed were in both cases, Witnesses for the Prisoners and not for the Prosecution -

5. The Court consider this explanation to be satisfactory -

Ordered accordingly, that extract from these Proceedings be sent to the Late officiating Judge late on Circuit in the Northern Division for his information -

(Sent in No. 1065)

Ordered also, that extract from the proceedings with Copy of Mr. Casamajor's letter be sent to the 1st Judge on Circuit in the Northern Division by Precept, Returnable without delay, for his information, and with reference to his letter of the 1st and the Proceedings of the Sayderee Adalut of the 11th Ultimo -

(Sent following Precept No. 1066)

Ed. F.R.

F.R.

27 Sept. 1834

Read return dated 23d Instant - from the Acting 2d Judge late on Circuit in the Centre Div. - to precept of the F.R. dated the 5th Instant directing him to call upon the Crim. Judge of Chingleput to submit his own opinion upon the age of the Prisoner Sadaseven in Case No. 1 Chingleput Calr. 1st Sessions of 1833 -

(Here enter No. 1372)

Read return dated 18th Instant - from the Acting 2d Judge late on Circuit in the Northern Division to precept of the F.R. dated the 25th Ultimo. Conveying his observations and orders in the Rajahmundry Calendar for 1st Sessions of 1834 -

(Here enter No. 1365)

Read

At a Court of the Foujdaree Adalut.

Present,

Tuesday 30th. September 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 19th. Ultimo, from the Special Commission at Chicacole, transmitting the Record in Case No. 1. on the Chicacole Special Calendar.-

(Here enter No. 1200.)

Question.

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 Prisoner

"Savary Towtee Dorah"

is sufficient to convict him of a crime against the State by attacking and burning a village, subject to the Government, and forcibly rescuing a prisoner from the custody of the Government Officers, 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 second of the same Section, they direct their

their Law officers to declare by a second Futwa to what sentence the Prisoner would be liable, if convicted on full legal evidence of that crime.

Answer—

In the event of the above mentioned crime being established by the evidence of credible witness against the said Prisoner, he is liable to Sookoolut.

Mr. Byrd
Mr. Oakes
Mr. Campbell.

The Court of Fouzdaree Adalut, under the sentence of Sookoolut declared in the foregoing Futwa, and in conformity with the Provisions of Clause third, Section VII Regulation XII of 1803, sentence the Prisoner—

"Savary Twrtee Dorah"

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 direct that their entire in Trial No. 1. from the Chicacole Special Court, together with the whole of the Proceedings held in the case, be transmitted to the officiating Secy 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

XII. Regulation XX of 1802, receive the orders of Government before they direct their sentence to be carried into execution.

Sent to Court No. 185. (Sent in No. 1070)

Read letter dated the 11th instant from the acting 2d Judge late on Circuit in the Northern Division, transmitting the Record in Case No. 28. on the Guntoor Calendar 1st Sessions of 1834.

(Here enter No. 1352.)

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 Prisoners—

1st Doodacoola Mustan
2d Callapally Naugasa
3d Doodakoola Bada Saheb
4th Anderanje Veeramullon
5th Custala Dr Logadoo

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 third, Section V Regulation VIII of 1831, and Clause First Section II Regulation I of 1818 convict them thereof; and in conformity with the Provisions of Clauses

Clauses second ~~and~~ Fifth, Section IV Regulation XV of 1803, sentence the Prisoners-

1st Dordasola Mastan

2d Collapully Nangata

&

3d Dordacosla Badasaheb

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

And the Prisoners-

4th Anderauze Veeramallon

5th Custala Jogadoo

to be imprisoned and kept to hard labour in irons on the public roads or other public works for, and during the period of 12 years-

(Sent following letter No 1071)

Read letter dated the 12th instant from the acting 3d Judge late on Circuit in the Southern Division- transmitting the last portion of the Chicacole Calendar for the 1st Session of 1833 commencing with case 39-

(Here enter No 1338-)

Case 41. 1. The proceeding of the acting 3d Judge in stopping the trial, before he had taken evidence as to the property was injudicious, and as the prisoner

were not heard in their defence, they cannot be legally required to find security. The acting 3d Judge will accordingly issue orders for their discharge if they are in confinement or cancel the security bond if it has been entered into-

Cases 42- 66 & 67. 2. In these cases the acting 3d Judge should have stated whether or not he concurred in the finding, and also the reason for referring the trials; or the provision of the law that requires them to be referred-

Case 43. 3 The acting 3d Judge having entered on the trial of this case should unquestionably have completed it- The circumstances connected with it are certainly of an extraordinary nature, & the ends of Justice demanded that the case should have been fully investigated and a regular trial held- Under the explanation of the Presiding Judge it is not clear, that the Prisoner has been legally acquitted: and she has thus been left liable to be brought up again for trial- It is difficult to reconcile her alleged confession before the Criminal Court with the statement given by Mr Strey that she there declared it to have been induced by intimidation, which would be tantamount to recantation, instead of confession before that tribunal-

as

Case 46. 4 As it was set forth in the charge, that the Prosecutor was wounded with a knife, it would have been more satisfactory if the Acting 3d. Judge had signified the nature of the wounds in the Column of Remarks, vizt. whether severe or otherwise.

Case 47. 5 The Acting 3d. Judge appears to the Court to have disposed of this case correctly.

Case 51. 6 With respect to this case it is to be observed that the charge states, that the prisoner was accused of having aided in and abetted the Murder supposed to have been committed by Savara Kuna, Savara Rugo & others. The Court of Fouzdaree Udalut consider that the Acting 3d. Judge acted most correctly in not putting the prisoner on his trial, as the grounds upon which he acted are untenable. On reference to the record of the trial in which the case of the supposed murderers was disposed of, it appears that the 1st. prisoner was not considered guilty by the Judge who presided at the trial, & deserving of a sentence of capital punishment but the prisoner in question having died before the Record reached the Court of Fouzdaree Udalut no judgment was passed upon him. The 2d. prisoner was found not

not convicted by the Court of Fouzdaree Udalut but was held guilty by the presiding Judge. The Acting 3d. Judge will accordingly take instant measures for bringing the Prisoner in the Calendar before him anew for trial for aiding & abetting the murder and report what he may do under these orders.

Case 53. 7 According to the evidence in this case as reported in the Calendar the Police did not do their duty. They appear only to have advised & to have taken no measures to prevent the sacrifice. The 5th. Witness is designated Ameen and if, as is to be inferred he was a Police Ameen his inattention would not be too severely punished, in the opinion of the Court by dismissal. The Acting 3d. Judge will call upon the Magistrate to report what enquiry he made into the circumstances attending this Suttee & if no enquiry should have been made the Acting 3d. Judge will enjoin him to call those of the Police concerned to account for not having prevented the sacrifice.

8 If the Sentence is recorded correctly in the Calendar 1st. prisoner to 5 years labor in irons and a fine of 100 Rupees

Respects the acting 3d Judge will amend it by adding the term of imprisonment to which in default of payment of the fine the prisoner is liable, & the acting 3d Judge will accordingly explain whether or not the Sentence here appears correctly recorded.

Case by. 9. The acting 3d Judge will report whether he took any steps to enforce the evidence of any of the other witnesses by warrant, or, whether the want of knowledge of their names or others induce him to refrain from that course.

Case 7/0. 10. It is to be regretted that the trial of this case was not proceeded with as much as might have been elicited on the trial appears in the Calendar. It appears to the Court that there was strong evidence against the 1st prisoner and against the 2d there was the Testimony of the 5th & 6th Witnesses. The acting 3d Judge will explain the grounds upon which the prisoners have been released on Bail. If the acting 3d Judge has held them to security with a view of further evidence against them, and proceeding with the trial he has acted correctly; but if they have been required to give security on the grounds of suspicion without trial they must be released, on the Bailbond cancelled.

11 The Court of Fouzdaree Adalut direct that the transmission of separate proceedings respecting cases in the Calendar be discontinued as the explanations requisite are more apposite in the Calendar itself; The acting 3d Judge appears to have overlooked the 9th para of the proceedings of this Court of the 25th July last where the same point was explained to him. In conclusion the Court of Fouzdaree Adalut have to observe that the acting 3d Judge having had before him a Calendar of 78 cases of which a considerable number he did not try at all, & others were of a light nature, occupied a length of time in disposing of it which they are unable to understand; and it will be satisfactory to them to have an explanation of the cause of his protracted stay at Chicacole.

12 The acting 3d Judge it is to be remarked has not made return to the formal Precept of this Court dated the 22d August last conveying the observations and orders of the Court of Fouzdaree Adalut on the first portion of the above Calendar and the Court now direct that it be transmitted within 5 days after receipt of the Extract from these proceedings with an explanation why it has not been forwarded earlier.

Ordered.

Ordered that Extract of these proceedings be sent to the acting 3d Judge late on Circuit in the Northern Division for his information and guidance by Precept Returnable within 15 days after its receipt.

(Sent following Precept No. 1072)

Read letter dated the 13th instant from the Provincial Court of Circuit in the Western Division transmitting copies and translation of the Reports received from the Subordinate Courts in the Western Division as required by the Sunjdaree Adalut proceedings of the 24th April 1834, regarding the revision of the Jail Establishments.

(Here enter No. 1347. of 1834.)

1 The Criminal Judge of Malabar is unable to gather the intention of the Sunjdaree Adalut as to which portion of the Peons attached to his Jail is to be denominated "extra"

2 It must be intimated to that Officer, that those only are "Extra" Peons, who Guard the convicts at work outside of the Jail.

3 The Court are unable to recommend for sanction Mr. Nelson's proposition that a proportion of Naicks at a Monthly pay of

of Six Rupees be again entertained.

4 The Acting Joint Criminal Judge at Honore, represents that the Jail Guard of that station is insufficient, and he enters into a detail of the duties which are required from it.

5 From a consideration of the circumstances detailed by Mr. Forsyth, it appears to the Court that no doubt can be entertained, that the six Peons at present allowed are inadequate to the performance of the various duties which fall to their Lot: & they accordingly resolve to transmit a copy of the acting Joint Criminal Judge's letter to Government, with a recommendation that the increase proposed by that Officer in para 7. of his letter to the establishment at Honore, of 6. Peons, at a Monthly pay of 5 Rupees each be sanctioned.

Ordered that Extract from these proceedings be sent to the Provincial Court of Circuit in the Western Division with instructions to transmit copy of paras 1. 2. & 3. to the Criminal Judge of Malabar and of paras 4 and 5. to the acting Joint Criminal Judge at Honore, for their information respectively.

(Sent in No. 1073)

Ordered.

Ordered also, that Extract from these proceedings with copy of Mr. Forsyth's letter 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.

Sent to Govt. 2nd Feb. (Sent in No. 1074).

As it is desirable that the remaining cases on the Masulipatam Calendar, for the 2d Quarterly Sessions of 1834, should be disposed of with as little delay as possible, the Court resolve to issue orders to the 1st Judge of the Provincial Court of Circuit in the Northern Division directing him to transmit to them forthwith Records of the Trials No. 45 on the above mentioned Calendar, and of Trial No. 1 on the Supplemental Calendar for the same Sessions, which have not yet been received.

Ordered that Extract from these Proceedings be sent to the 1st Judge of the Provincial Court of Circuit in the Northern Division by Precept returnable without delay.

B/P.S. (Sent following Precept No. 1075)

Read letter, dated the 29th July last, from the 2d Judge late on Circuit in the Southern Division, transmitting the English translation of the Proceedings in Case No. 46. Combaconum Calendar for the 1st Sessions of 1834, called for in the Court's letter of the 1st May last.

(Here enter No. 1032.)

Read letter, dated the 28th July last, from the Provincial Court of Circuit in the Northern Division - transmitting copy of the letter of the Ganjam Magestrate.

(Here enter No. 1061.)

Read letter, dated the 7th November 1833 - from the Provincial Court of Circuit in the Centre Division transmitting the accompanying Statement No. 3. for the half year ending 30th June last, from the Native Criminal Judge at Cumbum.

(Here enter No. 1306 of 1833.)

Read letter, dated 14th July last, from the Provincial Court of Circuit in the Northern Division - Returning the printed Statement of the Magistrate of Nellore for the 1st half year 1833, together with a copy of his letter which accompanies it, dated 3d Instant.

(Here enter No. 954.)

Read letter, dated the 20th March last, from the Provincial Court of Circuit in the Northern Division - Returning the printed Statement No. 2, Masulipatam

30th September 1834.

Masulipatam Magistrate, for 1st half year 1833, and promising to send up the Nellore Statement on receipt thereof.—

(Here enter No. 290)

Read letter, dated the 10th January last, from the Provincial Court of Circuit in the Centre Division, with Extract from the proceedings of the Provincial Court, transmitting copy of a return from the Magistrate of Cuddalore, enclosing the printed Statement No. 2 for the half year ending 30th June 1833, sent for correction.—

(Here enter No. 40)—

At a Court of the Foujdaree Udalut

Present,

Friday 3d. October 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 2d. June last,

from the 1st. Judge on Circuit in the Northern Division,

transmitting the record in Case No. 12 on the

Masulipatam 1st. Calendar for the 2d. Quarterly

Sessions of 1834.

(Vide enter No. 1364.)

Mr. Bird & 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

"Chagonda Veerados"

is sufficient to convict him of the crime of wounding &c under the authority with which they are vested by Clause First Section II Regulation I of 1818. convict him thereof. But taking into consideration the confinement which he has already undergone, they Resolve to remit the punishment and accordingly direct that the said Prisoner be set at liberty—

With reference to para 15 of the letter

letter from the 1st. Judge of the Northern Provincial Court, which accompanied the foregoing trial, the Court observe that the depositions of deceased persons must in all cases be admitted; but that the degree of weight and credit to be attached to them must depend entirely upon the circumstances under which such depositions may have been given.

Ordered, that Extract from these proceedings be sent to the 1st. Judge of the Provincial Court of Circuit in the Northern Division for his information.

(Sent following letter No. 1080)

Read letter, dated the 10th. Ultimo from the Late Officiating Judge late on Circuit in the Northern Division, now at Chilaw, transmitting the Record in Case No. 54 on the Mallore Calendar 2d. Sessions of 1833.

(Here enter No. 1302.)

The Court of Requests being duly constituted

Mr. Bird
Mr. Oakes.

having maturely considered the proceedings held before the Judge on Circuit, the Letter of the Provincial Law Officer, and the Letter of the Cayer-vol: Appeal and Proofs of the Soujdaree Adalut, confirm such part of the said Sentence of the Cayer-vol: Appeal as

and Moofleas aforesaid, as acquits the Prisoners-

2d. Mundeyogoo Pedda Unkadoon
3d. do. do. Iyeyaudoon
4th. Goontacauny Sinna Unkadoon
5th. do. do. Pedda Unkadoon
6th. Gosaula Pelooyaudoon
7th. Mundeyogoo Chinnaunkadoo
8th. do. do. Yeddeslayaudoon
9th. Canoopauty Unnegadoo
10th. Vayoony Nauregadoon
12th. Sutoocony Yenavadoon
13th. Cheyoorpauty Verradoon

and accordingly direct that they be set at Liberty.

But being of opinion that the proof against the Prisoner-

1st. Gosala Unkadoon

is sufficient to convict him of the crime of an attempt to Rob Grain, the Court do under the authority with which they are vested by Clause First Section II Regulation I of 1818 convict him thereof- but taking into consideration the circumstances under which the offence was committed, and the confinement already undergone by the Prisoner, they resolve to remit the punishment and accordingly direct that he also be

set

Set at Liberty.

(Sent following letter No. 1081)

Read letter, dated the 15th Ultimo from the Late Officiating Judge late on Circuit in the Northern Division, Zone at Chittoor, transmitting the Records in Case No. 61 on the Nellore Calendar 2d. Sessions of 1833.

(Here enter No. 1319.)

The Court of Foujdaree Udalut,

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

10th. Cullony Pollegaudoo
&
11th. Cataposdy Pologaudoo

and accordingly direct that they be set at Liberty.

And being of opinion that the proof against the Prisoners

4th. Cheetoo Naraudoo
&
5th. Cataposdy Nallavaudoo.

is sufficient to convict them of the crime of Gang

Gang Robbery, the Court do, under the authority with which they are vested, by Clause First Section II. Regulation I of 1818, convict them thereof; but, taking into consideration the circumstances under which the offence was committed, and the confinement already undergone by the Prisoners, the Court resolve to remit the punishment and accordingly direct that they be set at Liberty.

(Sent following letter No. 1082)

Read letter, dated the 12th. June last from the Acting 3d. Judge on Circuit in the Centre Division, submitting the Records in Case No. 5 of the Bellary Calendar 1st. Sessions of 1834.

(Here enter No. 1294.)

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 under the provisions of Clause Third, Section V. Regulation VIII of 1831 and Section XXI Regulation VII. of 1802, and Clause Second Section VI Regulation I of 1825. Sentence

the

the Prisoners-

1st. Keemah

2d. Hoogherah

3d. Lalah or Gholah

4th. Magah

5th. Nursingah

6th. Hamah

7th. Ramah

8th. Ramor-

to be imprisoned and kept to hard labour in irons on the public roads, or other public works for and during the period of Nine (9) years.

(Sent following letter No. 1080)

Read letter, dated the 1st. from the acting 3d. Judge on Circuit in the Southern Division- submitting the record in Case No. 55 of the Bellaree Calendar 1st. Sessions of 1834-

(Here enter No. 1369.)

The Court of Sudder 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 Sudder Udalut, confirm the said Futwa of the Cazee-ool-Cozat and Mooftees aforesaid & acquit the Prisoners

2d. Nauraygaudon

4th. Sinmoygaudon

Mr. Reid
Mr. Campbell

but considering 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 severally required to find two sureties in 25 Rupees each surety, for their good behaviour and appearance when required within 2 years, or that in default thereof, they be detained for 2 years in confinement-

(Sent following letter No. 1084)

Read again Petition presented on the 27th. January 1834. by Soobramanya Tavee of the zillah of Tinnevelly-

(Here enter N. P. No. 7 of 1834-)

Read also Return dated the 19th. Ultimo, from the 2d. Judge late on Circuit in the Southern Division, to Precept of the Court of Sudder Udalut under date the 25th. Ultimo, directing him to forward an English translation of the Records of the Trial. No. 4. on the Tinnevelly Calendar, for the 2d. Sessions of 1831 and of the additional evidence taken subsequently to the receipt of this Courts Precept, of the 28th. February last-

(Here enter No. 1369. of 1834-)

An attentive consideration of the Records of the above case, and of the additional evidence

evidence taken, in conformity with the orders of the 22d. February last, have satisfied the Court that the doubts which they precariously entertained of the Guilt of the Prisoners were well founded-

2 They accordingly resolve to direct the 2d. Judge late on Circuit in the Southern Division to cause the immediate and unconditional release of the Prisoners in the Case in question-

Ordered accordingly, that Extract from these proceedings be sent to the 2d. Judge late on Circuit in the Southern Division for his information and guidance by Precept, returnable without delay

(Sent following Precept No. 1085)

Read letter, dated the 20th September 1834, from the acting 3d. Judge of the Court of Circuit in the Northern Division, requesting the opinion of the Court of Sudder Adalut as to the propriety of an order issued by him when on Circuit, directing the restoration of stolen Grain by the Head of Police to the prosecutor, previously to the disposal of the cause by the Court of Circuit-

(Here enter No. 1384)

1 As a general principle, the Court of Sudder Adalut are of opinion, that until the trial is over, all Recovered property must be held in deposite for if the prisoners are acquitted, it belongs to

them if convicted, to the Prosecutors-

2 With regard to grain, however, and other perishable articles, the Court are aware that cases may arise where the whole property could not safely be long retained, and could not be sent up to the Court, and if sufficient proof exists that it belongs to the prosecutor, it may upon due security being furnished by him, for its disposal as may be eventually decided by the Circuit Court be delivered to the Prosecutor under the sanction of the Criminal Court-

Ordered, that Extract of these proceedings be furnished to the acting 3d. Judge on Circuit in the Northern Division for his information & for communication to the Joint Criminal Judge of Guntoor-

(Sent in No. 1086.)

The Criminal Reports prescribed by Section XXXV Regulation X 1816 from the Centre Division for the Month of July not having been received although due on the 1st. Instant-

Ordered, that the Provincial Court of Circuit in the Centre Division be requested by Precept returnable within 5 days after its receipt to transmit the said Reports & to explain the cause of the delay in their transmission-

(Sent following Precept No. 1087)

F. R.

3d. October 1834.

Read letter dated the 23d. Ultimo from the Acting 2d. Judge of the Provincial Court of Circuit in the Centre Division, forwarding English and Persian Translations of the Proceedings in Case No. 4. on the Cumlum Calendar for the 2d. Session of 1833 —

(Here enter No. 1391. of 1834.)

1 The above Trial is submitted in conformity with the Precept of the Foujdaree Udalut under date the 11th. November 1833 with the proceedings accompanying which, they express their opinion that the Prisoner had been convicted on insufficient grounds.

2 An attentive consideration of the Record of the case has confirmed that opinion, and the Court accordingly, considering the evidence on the part of the prosecution to be most unsatisfactory and insufficient for conviction, and the 2d. question to the Law officer illegal, resolve to direct the acting 2d. Judge to order the immediate and unconditional release of all the Prisoners —

3 The Court observe with surprize that a period of very nearly eleven months has elapsed

F. R.

3d. October 1834.

elapsed between the issuing of their order of the 11th. November 1833, and the consequent transmission of the Record of the case: and they deem it necessary to direct the acting 2d. Judge to ascertain and report to them the cause of this extraordinary and reprehensible delay —

Ordered, that Extract from these proceedings be sent to the acting 2d. Judge of the Provincial Court of Circuit in the Centre Division for his information and guidance by Precept returnable without delay —

(Sent following Precept No. 1088) —

F. R.

At a Court of the Foujdaree Adalut.

Present

Monday 6th October 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 Ultimo, from the Late Officiating Judge Late on Circuit in the Northern Division, transmitting the record in Case No. 98. of the Nellore Calendar 2d Sessions of 1833.

(Here enters No. 1366)

Mr. Bird / Mr. Oakes

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 Dhodepaulla Borriah

2d Danga Lomadoo

3d Gudda Andevegaudoo,

4th Pantebundla Andevegaudoo,

5th allandy Adadoo

6th Talamy Enkadoo

7th & 8th — Venkatasingaudoo

is sufficient to convict them of the crime of Gang Robbery, &c, under the authority with which they are vested by Clause 3rd Section II Regulation I of 1818 convict them thereof, and in conformity with the provisions

At a Court of the Fouzdaree Adalut

Present

Monday 6th October 1834. John Baird Esqre acting 1st Puisne Judge,

Thomas Alexr Oakes Esqre acting 2d Puisne Judge,

Alexr Duncan Campbell Esqre acting Judge,

Read letter, dated the 22d Ultimo, from the Late Officiating Judge Late on Circuit in the Northern Division, transmitting the record in Case No. 98. of the Nellore Calendar 2d Sessions of 1833.

(Here enter No. 1366)

Mr. Baird & Mr. Oakes

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-

1st Dhoolepaulla Boorriah

2d Langa Lomadoo

4th Gudda Andevegaudoo,

5th Pantehundla Andevegaudoo,

6th Allandy Aladoo

7th Talawy Enkadoo

& 8th do Venkatasvegaudoo

is sufficient to convict them 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 them thereof, and in conformity with the provisions

provisions of Clauses third and Fifth Section IV.to Regulation XV. of 1863. Sentence the Prisoners

1st Cholepanilla Borriah

7th Salany Unkaden

8th 9th Venkatasoryandon

of whom the 1st was the Ringleader, and the 7th and 8th were village Watchmen, 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 years.

The Court further resolve upon consideration of the circumstances of the case to remit the punishment to which the remaining Prisoners are liable and accordingly direct that they be set at Liberty.

(Sent following letter No. 1094)

Read return dated the 19th September 1836 to Precept of this Court of the 30th Ultimo requiring the Provincial Court of Circuit in communication with the Acting Criminal Judge of Canara to report their opinion as to the feasibility of the propositions suggested by the Zillah Surgeon with a views to render the prisoners in the Jail at Mangalore more healthy.

(Here enter No. 1377.)

The principal alteration which the Zillah

Zillah Surgeon recommended as likely to further the object in views, as specified in the proceedings that accompanied the above Precept was, that the prisoners should be "permitted to return to "the Jail for an hour in the course of the morning "after working about four hours (say at 10 O'Clock) "and partake of a moderately hot meal."

From the above Return it appears

2. that the Acting Criminal Judge considers this arrangement practicable to a certain extent; provided the prisoners who had to go any distance be required to take their food ready cooked and have it heated at the working place.

3 With respect to the new well which the Zilla Surgeon suggested should be sunk, as he suspected the water used in the Jail was not of the best quality, the Acting Criminal Judge states his readiness to employ the prisoners in the work whenever the Zillah Surgeon may point out the propriety of the well being made It would have been satisfactory if as intended by the Court of Foujdaree Udalut, the Acting Criminal Judge had consulted on this point with the Zillah Surgeon & reported the result. The Acting Criminal Judge expresses his opinion, as adverse to the suggestion that the prisoners should be allowed to cook their own

own meals "as the Sailors has been instructed to be
"always present when their meals are served out to
them."

The Provincial Court of Circuit conclude
their return with the following paragraph
"The Gallah Surgeon in his observations states, that
"there has been no increased degree of sickness in
"the Jail compared with former seasons & ascribes
"the sickness & mortality that does prevail to
"the influence of the Climate of the station &
"generally, which must produce a corresponding
"effect upon the population at large as upon the
"inmates of the Jail, and the Provincial Court of
"Circuit are very doubtful whether the suggestions
"offered by that officer are calculated to remedy
"the evil a degree of relaxation and comfort seems
"to be contemplated by him to which the prisoners
"are for the most part strangers when free
"from restraint and engaged in their customary
"occupations."

Taking all the above circumstances into
consideration the Court are of opinion, that no alteration
in the management of the prisoners in the Jail
at Mangalore appear to be at present required in addition
to those before noticed.

Ordered that extract of these proceedings
be sent to the Provincial Court of Circuit on the Western Division
for their information & for communication to the Acting Criminal Judge
of Canara.

(Sent in No. 1095)

F.H.

Wednesday 8th October, 1834.

At a Court of the Sessions Adalut
Present,
John Bird Esqr. Acting 1st Puisne Judge,
Thomas Alex.r Oakes Esqr. Acting 2nd Puisne Judge,
Alex.r Duncan Campbell Esqr. Acting Judge,

Read again letter dated the 16th July
last, from the Acting 2nd Judge on Circuit in the Centre
Division, transmitting the record in Case No. 65 of the
Cuddalore Calendar 2nd Sessions of 1833.
(Here enter F.H. No. 955 of 1834.)

Read also return dated the 25th
Ultimo from the Acting 2nd Judge late on Circuit
in the Centre Division, to precept of Sessions
Adalut dated 4th August last, returning the
Record of the Case No. 65 Cuddalore Calendar
2nd Sessions of 1833 for further evidence.
(Here enter No. 1395.)

Mr. Bird.
and
Mr. Campbell.

The Court of Sessions 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 and Cooja
and Mooftee of the Sessions Adalut, are of opi-
nion that the Prisoner,
"Appoo Moodelly"
is not convicted on presumptive proof, or on the
evidence of credible witnesses, or on his own
confession, notwithstanding the Futwa of the
Law Officers, and do accordingly acquit him; but
being of opinion that strong suspicion, though
not amounting to conviction attaches to him,
they direct under clause sixth, Section II Regu-
lation XV of 1803, that he be required to find two
sureties

8th October 1834.

sureties in 50 Rupees each surety for his good behaviour and appearance when required within 3 years or that in default thereof he be retained for 3 years in confinement.

/Sentence S.W.D./

The Court are of opinion from an attentive consideration of the record of the above case that the evidence on the part of the Prosecution is not sufficiently satisfactory to warrant a demand of security from the 2nd Prisoner Chella Mastio and they accordingly direct that in the event of his not having yet, by producing the security required by the Circuit Court, obtained his release he be set unconditionally at liberty, and that if such security has been entered into, the bond be cancelled.

Ordered, that an extract from these proceedings be sent to the Acting 2nd Judge Tuticorin on Circuit in the Centre Division for his information and guidance by precept, returnable on the 2nd

/Sent following Precept S.W.D./

Read letter, dated the 19th Ultimo from the Acting 2nd Judge Tuticorin on Circuit in the Centre Division, transmitting the record of Case No. 21 Shingle put Calendar 1st Sessions

/Here enter No. 1375./

Mr. Campbell

The Court of Sanjeore 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 Saminegan
and
2nd Veerun

is sufficient to convict them of the crime of Open Robbery by open violence, as, under the authority with

8th October 1834.

which they are vested by clause third, Section V Regulation VIII of 1831, and 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 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 /14/ fourteen years.

/Sent in S.W.D./

Read letter, dated the 8th May last from the Acting 3rd Judge on Circuit in the Centre Division transmitting the records in Case No. Division transmitting the records in Case No. 61 of the Bellaree Calendar 1st Sessions of 1834.

/Here enter No. 1293./

Mr. Bird and Mr. Campbell

The Court of Sanjeore Adalut, having maturely considered the proceedings held before the Judge on Circuit, the Tuticorin of the Provincial Law Officer, and the Tuticorin of the Cazeecoal Coozat and Mooftee of the Sanjeore Adalut, confirm the Tuticorin of the Cazee coil Coozat and Mooftee aforesaid, and acquitting the Prisoners

1st Venkatapah Naidoo,
2nd Mall Mulloogandoo,
3rd Gopaulgandoo,
4th Dunpanah,
5th Chakul Chennoogandoo,
6th Chinna Nulleegandoo,
7th Moodeegandoo,
8th Narrapah,
9th Rum Nagapah,
10th Poleegandoo,
11th Nurseegandoo,
12th Vengamah,

direct

direct that they be at liberty

(Sent in No 1165)

1 The Court observe that at the
there was evidence before the Criminal Court
to shew that the articles Nos 23. 31. 40. and 44 were
engraven with the names of the Grandfather
and Father of the 2nd Prosecutor, and the article
No 49 with that of the 1st Prosecutor himself
which circumstance it is natural to suppose
would render them easy of Identification by
the Acting 3rd Judge, did not put those gentlemen
which would have tended to elicit satisfactory
evidence upon the point: and even declined
to examine some of the witnesses who spoke
the particular Prisoners upon whom these
articles were found.-

2 There should also have been a
count against the Prisoners, for receiving stolen
goods knowing them to have been stolen.-

3 With reference to para 3 of Mr
Birkett's letter which accompanied the above
mentioned Trial, the Court desire that it may
be intimated to the Officiating Criminal Judge
that the female Prisoner Vengammah, was
not to have been committed, as she acted under
the influence of her husband.-

4 It appears also necessary to
call to the Presiding Judge that the "filing" and
"verifying" by the 1st witness of the evidence
of the 1st witness before the Criminal Court
do not render that evidence valid. The attention
of the Acting 3rd Judge is called to the Circular
order

order No. 3 of 1834, in which the rules regarding
the admissibility of the evidence of absent witnesses
are clearly defined.

Ordered, that extract from these
proceedings be sent to the Acting 3rd Judge on Circuit
in the Centre Division for his information and future
guidance by Receipt returnable without delay.-

(Sent following Receipt No. 1165)

Read report submitted by the 2nd
Judge late on Circuit in the Western Division as
required by Section XXXVII Regulation VII of 1802
of the 2nd Circuit for the year 1833.-

(Here enter No. 1358)

1 It appears from the second para
of his Report that of the cases brought before
the 2nd Judge during the Circuit, for which the
present Report is prepared, none required par-
ticular notice.-

2 The 2nd Judge asserts in para 4 to
the great increase of Gang Robbery both in Malabar
and Canara and the plan he takes in para 5 that
the remedy for it is to be sought in prevention.
"by unceasing enquiry regarding suspicious
"characters, and the coercion of them by demand
"of good security or the alternative of confinement"
would seem to be founded on correct principles.
In connection with this observation of the 2nd
Judge there can be little doubt that a free and
cordial co-operation between the European
Officers in the Districts, and the respectable Natives
would be effectually instrumental to the attain-
ment of this very important object.-

General

Section XLIX

an European Officer, together with one of the Asia-
tant to the Magistrate should be stationed at
Iroy, with the view of giving the Talooks
of Soondah and Coopah the benefit of per-
sonal European protection and superintendence
merits consideration, the Court know not
whether the nature of the climate renders
this open to any objection.

Taking the subject of para 12
into consideration, the Court of Sanjdaree
Adalut are of opinion, that unless in the par-
ticular instance the Magistrate has the sanction
of the Right Honorable the Governor in Council
authorized to issue the Circular Order in
question; (which to the 2nd Judge appears op-
posed to a provision in Regulation XI. 1816,)
for all persons of respectable character residing
to retain their arms, to wait upon him to have
them numbered, registered and sealed, and declaring
that all which are not so registered, should be
seized.

6 The subject of the jails, of which
the 2nd Judge treats in para 13. has been lately
under the consideration of the Court. With reference
however to the remark of the 1st Judge that at
Calicut the load is only 50 pounds, while at
Mangalore it is 70. or rather less than that
fixed for a Maistar Coolly, and at Honore from
73 to 78. In stone cutting also there is a great
difference at Calicut the Prisoners work 10
hours, Mangalore 9½ and Honore but 8. The
Court are of opinion that the weight of the load

shoul

Court have been desired
signed respecting the encouragement to be given to
neighbouring Villages to assist each other on
depredators, the Court of Sanjdaree Adalut do not
consider it necessary to enter further upon the
subject, than to state that they are inclined to be of
opinion that the proposition of the 2nd Judge
contained in para 18 of his Report is not of a
nature to be recommended for general adoption.

III With reference to para 4 of the
Report the Court are desired to believe that
estimate of the number of persons to have
engaged in the various cases to which the 2nd
Judge alludes has been drawn upon very vague
data, and to speak accurately, are to be mis-
instructed.

5 In addition to para 10 of the
of Sanjdaree Adalut would observe, that it is
unquestionably highly desirable that a Magis-
and his subordinates should make frequent
tours of duty - the presumption being, that the
presence from time to time would certainly
tend to check the progress of crime. the resi-
of the European Officers should be regulated
with reference to stations and resided pub-
advantage: and this of most importance
the people that their stations should be fixed
in the particular parts of the districts in
which the greatest number of crimes are
hibited.

6 The proposition of the 2nd Judge
in para 8. that a detachment of sepoys

that to be regulated by the Local authorities with reference to the jail rules in respect to the hours the Prisoners should be worked, the regulation of their diet, and their clothing, the arrangements generally are already provided by the Jail rules and the Circular orders of this Court, the omission of which great propriety, left to the discretion of the officer in charge of each Jail, supported by the opinion of the Zilla Surgeon.

9 The custom of decorating the convicts condemned to death might, with advantage perhaps, be discontinued, as every stone of flowers may give the execution the air of a sacrifice in the opinion of the people. It is nevertheless to be remarked, that the practice has obtained from a long period and it may be inferred — as, heretofore, it has been at the option of the Criminal Judge to oppose it, and it still exists, that it has not, from experience, been considered to have the tendency to create any injurious impressions on the feelings of the spectators, or of the inmates of the Jail from which the convicts have been taken to suffer the extreme punishment of the Law.

10 On the points referred to in the two preceding paras, it is however to be added that it is competent to the Circuit Judge, as a duty, to point out to the Officer in charge of Jail any desirable amendment, not at variance with the Jail rules or with the orders of this Court, and where any evident good is to be effected from

from a change of proceeding which it is in the power of the Officer in charge of the Jail to effect it is not an unfair presumption that he would enter fully into the views of the Judge on this circular

11 Para 14 would appear to require but slight observation here, as the Circular Order No. 2 of 1834 has done away with most of the objections to the mode of proceeding in cases of homicide to which the 2nd Judge seems to attach importance. From the date of his Report, the practical effect of the Circular Order here referred to, cannot have been ascertained, when he wrote it.

12 The Court of Tanjore Adalut decline, in any manner, to support the views taken by the 2nd Judge in para 15; and it is a matter of surprize to them that a judicial Officer of his experience should have suggested such a proposal. The remedy is to prevent the wrong of the lower tribunal in taking notice of cases above their jurisdiction, not in allowing such cases to be tried anew by the higher Court, thereby subjecting the accused to a second trial, for the same offence. The Court of Tanjore Adalut do not find that the instances of cases being unduly disposed of by the subordinate Courts are so frequent, as to render any special remedy of the sort necessary.

13 In the sentiments of the 2nd Judge expressed in paras 16 and 17 the Court of Tanjore Adalut concur, but the subject of these paras being entirely dependent on the question of the abolition

8th October 1834.

abolition of the Provincial Courts which is under consideration. the Court of Sanjaree Adalut do not deem it necessary to discuss the arguments connected with it.

14 The 2nd Judge in the concluding para of his Report explains the grounds of his detention beyond the usual period.

Ordered, that extract of these proceedings together with copy of the Report of the 2d Judge late on Circuit in the Western Division be sent to the officiating Secretary to Government in the Judicial Department, for the purpose of being laid before the Right Hon'ble the Governor in Council.

Sent to Govt 22.10.34. Sent in No. 1107

LHQ 1107

Ordered also, that copy of the proceedings be sent to the 2nd Judge late on Circuit in the Western Division for his information.

2nd Sent in No. 1107

J. U.

At a Court of the Faujdara Udalut.

Present,

Thursday 9th. October 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 19th. Ultimo,

from the Acting 2d. Judge of the Provincial Court of Circuit in the Centre Division, transmitting in conformity with the Precept of the Faujdara Udalut, under date the 25th. November last, an English translation of the Proceedings in Case No. 2 on the Cumbum Calendar, for the 2d. Sessions of 1833.

(Here enter No. 1374 of 1834.)

After an attentive consideration of the Record of the above case, the Court observe;— that the 1st. Prisoner, Gungereddy Ayanah made no confession, that it was not proved upon the trial that the two Cloths which were found in his house belonged to the Prosecutor,— and that the evidence of the 1st. Witness for the Prosecution, is most unsatisfactory, if not incredible.—

With

2 With regard to the 9th Prisoner Rotteba Pedda Shyeedo, and 10th Toorka Cassim, the Court observe that against them there is nothing more than their mere verbal confessions, for the property taken from them is of a nature, which could not possibly be identified. It appears to the Court, that the evidence against the 1st, 9th and 10th Prisoners, is quite insufficient for their conviction, and they accordingly direct that they be immediately and unconditionally released.—

3 There do not appear to be sufficient grounds for disturbing the sentence passed by the late acting First Judge on Circuit, against the 2d, 5th, 6th, 7th and 8th Prisoners, whose confessions are proved, and regarding whom it is further established, that they gave up money which they confessed was obtained at the Robbery.— The Court accordingly direct that that sentence be carried into execution.—

4 It is clear that the 3d and 4th Prisoners were not present at the Robbery, but in the opinion of the Court, the evidence for the prosecution is fully sufficient to convict them

them of having been accessories after the fact. In consideration however of their having been already nearly two years in confinement, the Court direct that they be imprisoned and kept to hard labour in irons on the public roads or other public works, for the further period of 3 years, and that they then be released.—

5. In conclusion, the Court deem it necessary to express their dissatisfaction at the great delay which has occurred in the preparation & transmission of the Record of the case under consideration, and resolve to call upon the Acting 2d Judge to ascertain and report its cause. A period of 9 Months, has elapsed between the transmission of the Record and the Return of the Acting 2d Judge dated the 16th December, to this Court's Precept of the 25th November 1833.—

Ordered, that Extract from these proceedings be sent to the Acting 2d Judge of the Provincial Court of Circuit in the Centre Division for his information and guidance by Precept returnable without delay.—

(Sent following Precept No. 1112)

Read.

Read letter, dated the 27th Ultimo, from the Officiating 2d Judge of the Court of Circuit in the Western Division, forwarding an Additional Calendar for the 2d Quarterly Sessions of 1834—

(Here enter No. 1405)

1 Under the circumstances represented in the above Calendar in case No. 3, from which it may be inferred, that the fracturing the Prosecutor's arm was a greater injury than was intended. The Court of Foujdaree Adalut consider, that the sentence of the Officiating 2d Judge of 5 years imprisonment and hard labor is too severe; and they accordingly resolve to suggest to him the propriety of reducing the term of imprisonment to two years.

2 If upon further consideration the Officiating 2d Judge is of opinion that the sentence ought to be accordingly modified, he is authorized to pass his order to that effect; but if he views imprisonment for two years as an insufficient punishment for the offence of which the prisoner has

has been convicted, he will be pleased to refer the trial for the consideration and final Judgment of the Court of Foujdaree Adalut.

Ordered, that Extract of these proceedings be sent to the Officiating 2d Judge of the Court of Circuit in the Western Division for his information and guidance by Precept returnable within 5 days after its receipt—

(Sent following Precept No. 113)

Read again Report submitted by the acting 2d Judge on Circuit in the Centre Division under date the 21st July 1834 as required by Section XXXVII Regulation VII 1802 for the Chittoor 4th Quarter Sessions of 1833 & 2d Sessions of 1833 at Chingleput and Cuddalore—

(Here enter No. 987)

From the Calendars of the trials at the different Sessions for which the Report before

1 the Court of Foujdaree Adalut is prepared, it appears that at the 4th Quarter Sessions of 1833 at Chittoor, out of 303 prisoners stated to have been concerned in the 58 cases brought before the Court of Circuit, the actual number of individuals tried was only 165. the remainder .138. being a repetition of the same prisoners, from their having

having been concerned in several distinct cases.

2. The same is observable with respect to the Calendars of trials at the second Sessions of 1833. at Chingleput & Cuddalore. In the former the Calendar shews 26 cases with 164 prisoners whereas 7 of these prisoners are entered more than once, because they were concerned in more than one case. In the latter the Calendar shews 74 cases with 326 prisoners. 106 of whom are entered, merely because they were concerned in more than one case.

3. The Columns of the Calendars in the Report should give the detail of only the actual Number of prisoners tried, deducting persons repeatedly entered in more "cases than one". Where this rule is not observed, the Column of prisoners punished may shew, as in the instance of the present Chittoor Calendar, a greater Number than the previous Column notifies as having been tried.

4. It does not appear that any of the cases brought before the acting 2d Judge requires to be commented upon, except 3 cases in the Chingleput and two in the Cuddalore Calendar. These being referrible cases the acting 2d Judge has merely noticed them in consequence of the circumstances

of aggravation with which they were accompanied — without dwelling upon them in his Report.

5. In para 13, the acting 2d Judge states that he was much struck in the Jail at Chingleput "with the extreme youth of Sadaseven the 3d prisoner "in Case No. 1. of the Chingleput Calendar for the 1st Session "1833 who is no more than 9 years of age, and who "has been sentenced by the Foujdaree Adalut to 7 years "imprisonment with hard labor in irons and to "receive 180 lashes at the expiration of the time".

Connected with the subject of this Para, is the explanation of the delay in submitting the present Report to the Right Honorable the Governor in Council, for the Court immediately upon receipt of it, proceeded to ascertain if possible the correct age of the prisoner Sadaseven, which was entered in the records of the trial at not less than 12. The Criminal Judge when called upon to state the grounds upon which the prisoner had been entered in the records of the proceedings of the Criminal Court as 12, replied, that the prisoners age having been thus specified in the Police proceedings, he had considered it right to repeat it. On being brought before the Criminal Judge a second time

with

having been concerned, in several distinct cases.

2 The same is observable with respect to the Calendars of trials at the second Sessions of 1833. at Chingleput & Cuddalore - In the former the Calendar shews 26 cases with 164 prisoners whereas 7 of these prisoners are entered more than once, because they were concerned in more than one case - In the latter the Calendar shews 74 cases with 326 prisoners - 106 of whom are entered, merely because they were concerned in more than one case -

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with a view of ascertaining his age the prisnor stated that he was ignorant of it — and the acting 2d Judge in return to the Precept requiring him to desire the Criminal Judge to report without delay the age of the prisnor, stated that Sadaseven who had been again directed to appear before him (the acting 2d Judge) was in his opinion "little more than 10 years old".

7. The Criminal Judge has likewise stated that the prisoner seemed to him, when committed for trial to be a little more than 10 and at the date of his last return — the 23d September 1834. that he thought him to be between 12 & 13 from his size & appearance.

8. The Report of his demeanor during the time he has been in Gaol is satisfactory, and the Court of Foujdaree Adalut have been given to understand that his paternal Uncle Moottia chetty will take charge of the prisoner Sadaseven if he is released.

9. The Judges who passed sentence upon the prisoner Sadaseven, having gone to under an impression that he was of a maturer age at the period he was convicted of Gang Robbery; than he is now represented to be, the Court resolve to submit to

to the consideration of the Right Honorable the Governor in Council their request, that he will be pleased, under all the circumstances of the case, to grant a pardon to the said prisoner Sadaseven & sanction his immediate release.

10. The acting 2d Judge in para 14. recommends, as the Treadmill at Chingleput appears to him to answer extremely well, "that more be erected in the largest Jails in the Centre Division without loss of time". a proposal to this effect being before the Right Honorable the Governor in Council, the Court of Foujdaree Adalut will not here advert to it further.

11. The Court of Foujdaree Adalut concur with the acting 2d Judge in his opinion of the propriety of the fetters of the prisoners, especially when employed at the Treadmill, being made of links instead of Bars, and he will instruct the Criminal Judge to cause the required alteration to be made.

12. It is particularly satisfactory to the Court to observe from para 16 the efficiency of the police in the Districts of Chingleput & Cuddalore, and it redounds much to the credit of the Magistrates, of those Districts, that notwithstanding the season was

adverse

adverse their Police succeeded in "apprehending
"nearly all the parties concerned in the different
"Gang Robberies and in forwarding clear evidence
"in almost every case."—

13. The Court conclude that the acting
2d Judge has brought to the notice of the Magistrate
of Chingleput & Cuddalore the irregularity of the proceedings
in the several cases which he alludes to in para 18, as
having observed in the Petty Calendars from the Heads
of Police, and the Court trust that this will be sufficient
"to prevent in future the repetition of the same error"—

14. With reference to para 19 in which
the Acting 2d Judge states, that two persons who
had been previously tried and released by the
Criminal Judge for want of sufficient evidence
against them were committed to Jail by the Magistrate
of Chingleput under Clause 1st Section III Regulation II.
1822 and Clause 1st Section VIII Regulation VI. 1827. on no
other grounds than that of their Taloor confessions, the
Court resolve to direct the acting 2d Judge to furnish the
Magistrate with copy of para 19 of his Report, and to
call upon him for a full explanation of the grounds
upon which he sent to Jail the two persons Vejayen &
Canden under the circumstances reported of their previous
acquittal

acquittal and discharge by the Superior Court—

15 The state of the Jails at Chingleput
and Cuddalore noticed so favorably by the acting
2d Judge, in para 20, is very creditable to the
Criminal Judge Mr. Horsley, and Mr. Morehead
the acting Joint Criminal Judge at the latter
Station—

16 The Right Honorable the Governor
in Council having directed, that all prisoners under
sentence or held to security should be vaccinated,
the Court do not feel themselves called upon to record
any observation on para 21 of the acting 2d Judges
Report—

17. In the 24th para the acting 2d Judge
adverting to the list furnished by the Magistrate
of Chingleput of the Heads of Police employed in
7 Talooks, and which shows that they have been
frequently changed, adds, that he considers such a
frequent removal of that class of servants calculated
to weaken the efficiency of the Police. The Court of
Foujdaree Adalut coincide with the acting 2d Judge in
this opinion, & consider that these frequent removals
are worthy of notice by Government. In the present
instance however, there would appear to have been an exception
to

to the general principle in Chingleput, as the acting 2d Judge has recorded in the 16th para" his approbation of the efficient state in which, from the result of their exertions, the Police in the District of Chingleput evidently were at the period he held the Sessions.—

Ordered that Extract of these proceedings with copy of the Report of the acting 2d Judge on Circuit in the Centre Division 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 1114)

Sent to Govt No 193.

Ordered also, that Extract of these Proceedings be sent to the acting 2d Judge on Circuit in the Centre Division for his information & guidance and for communication to the Magistrates of South Arcot and of Chingleput — & to the Criminal Judge of Chingleput and the late acting Joint Criminal Judge of the Court at Cuddalore, of such parts as concern them respectively by Precept, returnable within 20 days after date of receipt.— (Sent following Precept No 1115)

9th

At a Court of the Foujdaree Udalut.

Present,

Friday 10th October 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 19th Ultimo, from the Late Officiating Judge late on Circuit in the Northern Division, now at Chittoor, transmitting the record in Case No 27 on the Nellore Calendar 2d Sessions of 1833.—

(Here enter No 1376.)

The Court of Foujdaree Udalut,

Mr Bird
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, Mol: Cozat and Mooftees of the Foujdaree Udalut, confirm the said Futwa of the Cazee Mol: Cozat and Mooftees aforesaid, and accordingly acquitting the Prisoners.—

3d Ammalapauty Ramoo
6th Ponegala Veeradoo
7th Sadah Syegandoo

direct that they be set at Liberty.—

The Court further convict the Prisoners.— 5th

1st Parcedatty Venkadoo

2d Cappoloo Veeradoo

4th Croppurty Narsegandoo

5th Mootatapanty Veeradoo

9th Manda Comadoo

&

10th Cuncherla Veeradoo

but taking into consideration the circumstances, under which the offence was committed, and the confinement already undergone by the Prisoners, they resolve to remit the punishment, and accordingly direct that they also be set at Liberty.

(Sent following letter No. 1118)

Read letter, dated the 20th Ultimo, from the late Officiating Judge late on Circuit in the Northern Division, now at Chittoor, transmitting the records in Case No. 64 on the Sessions Calendar, 1st Sessions of 1834.

(Here enter No. 1382)

Mr. Bird.

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 acquits the Prisoner

5th Kunnara Condoogandoo

and

accordingly direct that he be set at Liberty.

But being of opinion that the proof against the Prisoners

7th Chajerla Nauregandoo

&

8th Collacaumy Gungadoo

is sufficient to convict them of the crime of Highway Robbery, the Court 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 them thereof and in conformity with the provisions of Clauses third and fifth Section IV Regulation XV of 1883, 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 Six (6) years.

(Sent following letter No. 1119)

Read letter, dated 19th July last from the Acting 3d Judge on Circuit in the Centre Division, submitting the Records in Case No. 1 of the Cuddapah Calendar 2d Sessions of 1834.

(Here enter No. 1398)

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

10th October 1834.

the Cazee-ool Cozat and Mosftees of the Foujdaree Udalut, confirm the said Futwa of the Cazee-ool Cozat and Mosftees aforesaid, and acquitting the Prisoners-

1st Chentugaudla Verrogaudoo
2d do Wobeegaudoo
3d Alwareegaudoo
4th Sunkapully Yerrogaudoo
5th Uppeegaudla Rodooreegaudoo
6th do Kristnadoo
7th Giddagaula Pedda Wobegaudoo
8th do Chinna Wobeegaudoo

dired that they be set at Liberty-

The Court deem it necessary to observe, that the acting 3d Judge improperly omitted to call for the depositions, which seem to have been in the first instance given before the Auncen, and for the original complaints made by the Prosecutrix to the Villagers, or, for evidence that she to them denounced the Prisoners - He also failed to institute any examination of the Grounds upon which the prisoners were at first apprehended - It is alleged that they were denounced at once by the Prosecutrix and the 1st Witness; and it is obvious to remark, that this was a most important fact, and one, the truth, or otherwise of which it was the duty of the Circuit Judge by inquiry to ascertain -

Ordered, that Extract from these proceedings be sent to the Acting 3d Judge on Circuit in the Centre Division for his information

(Sent following Letter No. 1120) -

F. W

At a Court of the Foujdaree Udalut.

Present,

Monday 13th October 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 25th August 1834, from the Provincial Court of Circuit in the Northern Division transmitting the Criminal Reports prescribed by Section XXXV Regulation X of 1816 for the month of June 1834 -

(Here enter No. 1250)

By the table entered in the Margin wherein the red Ink denotes the cases disposed of and the Number of prisoners concerned in those cases, the state of the Criminal business before the Court of Nellore is shewn to be satisfactory - There were only two cases including 7 prisoners remaining undisposed of at the close of June -

Nellore

	Criminal Judge		Assistant Judge Aumeen	
	Cases	Persons	Cases	Persons
In Supl. Report	4	5		
In Report V.	35	41	1	2
	18	8	26	

2-7

Number of Prisoners in Gaol at date	number Sick.	Proportion.
462	53	8 33/53.

Report V
Cases 171 & 192
para 2 & 5 of Pros. Courts Proceedings.

The Court of Foujdaree Udalut approve of the observations recorded by the Provincial Court of Circuit upon the cases noted in the margin - They deem it proper however to require that the Magistrate be

be called upon to explain what notice he may take of the conduct of the Head of Police, who in transmitting these cases to the Criminal Court exhibited great incompetency to perform the duties that devolve upon him.—

Prov. L. Court Proceedings Vol. 3 para 3. Case 172.

The Court of Foujdaree Adalut are of opinion that the sentence of "Labor without irons" should not be disturbed, though the orders alluded to were in force on the date of the sentence passed in this case. it was upon further consideration deemed advisable to supersede them by the Circular order of the 25th June 1834.

Cases 171. 172. para 4.

There was no reason apparently for the commitment of the prisoner concerned in these two cases; under the circumstances detailed in the Report it would seem that the prisoner having admitted the Burglary in the first case has been sentenced correctly. The Prosecutor in the second appears to have been one of the party who endeavoured to apprehend the prisoner & met with the wounds in the affray, and it is questionable whether a distinct charge should have been brought against him when his escape from custody was not caused by his resistance, but by the inhumane desertion of the other party, under the belief that he had been

been killed.—

5. The state of the Criminal business at Chicacole in the Court at Chicacole is in arrear, and the Provincial Court of Circuit will urge the acting Criminal Judge to use his endeavours to dispose of the cases left unexamined at the end of June. The assistant Criminal Judge has decided a suitable number of cases, but the acting Criminal Judge has decided only two, including two prisoners, and the Sudr Ameens have done nothing in the Criminal Department. in the first quarter of 1834 the Sudr Ameen decided only 23 suits on their merits and explained that the low state of the files prevented them from deciding a greater number. The Court have not yet received the Civil Reports from the Northern Division for the 2d Quarter of 1834, but they conclude that the reason of the inactivity of the Sudr Ameens in the Criminal Department will be shewn by these Reports to have arisen from their numerous decisions of Civil suits. It devolves upon the zillah Judge to make

	Criminal Judge		assistant Criminal Judge		Sudr Ameen	
	Cases	Persons	Cases	Persons	Cases	Persons
In Sept. Dept.	19	17				
			19	13		
In Depot.	16	43				
	2	2	3	16		

2.4.

11.25.

Number of Prisoners in Col. 4 of Statement.	Number sick	Proportion
148	18	8 2/9

make their services available in both, particularly in the Criminal Department, when the files of suits are low.

6 as there are more than 1/7 of the prisoners entered in Col. 4 of the statement of their labor, sick at Chicacole, the acting Criminal Judge will without delay communicate with the Zillah Surgeon as to the best means of rendering the Jail more healthy, and report the result to this Court.

Para 12. 7. The Court coincide in the views of the observations of the Provincial Court of Circuit contained in this para, but the subject requires consideration. It is to be supposed that each Magistrate takes the best means in his power to prevent the detention of prisoners in the Talook. The evil however is one of great magnitude, and as observed by the Provincial Court when Batta Peons are employed there is an object in delaying the transmission of the Prisoners, & where Peons are charged with the duty, who belong to the establishment, they have no object to induce them to proceed rapidly. To meet the former case it might be arranged that the batta should not be paid per diem but according to the distance by tables to be framed by

by the Magistrate allowing so many annas from each Talook according to its distance from the Court, and the number of days which ought to be occupied in the journey.

8. Case 97. para 19.

	Sessions Judge		Circuit Judges	
	Cases	Prisoners	Cases	Prisoners
In Sept. Report	6	34		
	6	34		
In Report V	32	77		
	27	76		

C. A 5th I. Annexe

The Court of Zujdaree Adalut authorize the mitigation of the Sentence passed on the 1st prisoner in this case to the extent proposed by the Provincial Court of Circuit, who will issue orders accordingly.

The Court of Zujdaree Adalut

Masulipatam 9 Report V Case 71. para. 27. sanction the proceeding proposed to be adopted respecting this case, & the Provincial Court will issue the requisite orders.

Masulipatam. 10 Report V Case 74. para 30. Of Court's proceedings. The Court concur in the opinion expressed by the Provincial Court of Circuit respecting this case, and if upon explanation it appears that the 1st prisoner has been committed without any specific charge being made against him, the proceedings of the lower Court must be reversed and the prisoner remitted to the Magistrate who is competent, if he sees ground, to hold him to security, or otherwise to release him.

Case 77. para. 32. 11 The portion of the sentence involving imprisonment

imprisonment "in irons" appears to have been imposed under Circular order 16th October 1833, and that order having been rescinded, the Provincial Court of Circuit will direct the sentence to be revised accordingly.

Case 90 para 38

12. The Provincial Court of Circuit will report for the information of this Court any further proceedings that may take place respecting this case.

Supt. Report Case 70 para 45.

13. The Circular order alluded to by the Provincial Court of Circuit having been superseded as before observed by Circular order 28th June 1834, no further remark in this case appears necessary.

Number of Prisoners on Col. No. of Statement. | Number Sick. | Proportion.
491 | 2 | 245½

14. The Court in concluding their review of the Masulipatam Reports, record with satisfaction that the Statement shews only 2 out of 491 prisoners to have been sick on the last day of June.

15. The disposal of the Criminal business by the Acting Joint Criminal Judge during the Month to the extent of 33 cases involving 110 prisoners is creditable to him; he has not however made use of the services of the Sudr Ameen in this department, and the Court would suggest in future the

the reference to him of a few of such cases as are within the proper limits assigned to Sudr Ameens, as it would leave more of the Acting Joint Criminal Judge's time available for the decision of Civil suits.

The Court think that the Native Criminal Judge should have decided more cases than he has during the Month;

Vizagapatam 16.

	Native Judge.		Sudr Ameens		
	Cases	Persons	Cases	Persons	
Supt. Report	8	32			
	3	13	2	2	3. 12.
Report V	13	35.			Remd.
	10	24	4	6	4. 5.

There are some cases remaining in the Report No. V for the delay in the disposal of which there is apparently no reason.

Report V Case 60.

17. The Court of Foujdaree Adalut concurring in opinion with the Provincial Court of Circuit, direct that the first Prisoner in this case be released if in confinement or the Bail bond, if one has been entered into, discharged.

Case 62 para 48.

18 The circumstances of this case would, as observed by the Provincial Court, have justified a severer sentence, than has been passed by the Native Judge, but the Court will not deprive the prisoners, in the present instance, of the benefit

benefit of the Native Judges error, which should be pointed out to him.

Supt's Report Case 33. para 53.

19. With reference to the concluding sentence in para 48 of the proceedings of the Provincial Court, the Court of Sudder Adalat authorize them, if they think proper, to require the Native Criminal Judge to furnish them with copies of the original Reports

Number of Prisoners in Col: 4 of Statement | Number sick | Not present

124 — 3 — 41

Case 57 para 59.

20. The 2d Prisoner in this case could not have been convicted or sentenced during her absence.

21. The Court observe that these were only 3 out of the 124 prisoners entered in Column 4 of the Statement of the Nature of Jails at the close of June.

22. This was clearly a committable case, and ought not to have been disposed of by the acting Criminal Judge.

	Acting Criml Judge		Assist to Criml Judge		Ld Admr
	Cases	Prisoners	Cases	Prisoners	Cases
In Supt's Report	3	7			C.P. 1-1 (Admr)
In Report V	24	60			7-37 (Exd)

Rajahmundry Report Vol Case 83 para 84

Cases 74-75-76 para. 68

23. The Provincial Court of Circuit will transmit to this Court the explanation of the acting Criminal Judge respecting these cases.

Supt's Report Case 56 para. 73

24. In the case noted in the Margin the acting Criminal Judge fined two of the Witnesses for

for prevarication, each fifteen Rupees, or in default to be imprisoned four Months. The illegality of this sentence appears unfortunately to have escaped the attention of the Provincial Court of Circuit, and these two persons have thus been subjected very probably to an imprisonment of 3 Months beyond the period allowed in such cases by Section VII. Regulation XIII 1832. The Court trust however that the fine was paid and that the prisoners have not afforded an instance of the execution of such an illegal sentence. The illegality of the sentence renders it necessary to direct that the fines, if paid, be returned to the Parties — and the same should be done with respect to the fine imposed on the Prosecutrix, if the Provincial Court of Circuit after the explanation is given are of opinion that no injustice has been committed in the imposition of cause if either of the parties are in Jail on the receipt of these orders, they should be released forthwith.

25. The Court rely upon the Provincial Court of Circuit to make a point in future of transmitting the

the Criminal Reports within one month after that for which they are prepared, as their detention beyond that time obviously defeats the ends of justice.-

Number of Prisoners in Col. 4 of Statement | Number Sick | Proportion
282 — 32 — 3 1/2

26 The Court regret that so large a proportion as nearly 1/8 of the prisoners included in Column 4 of the Statement of the Labor were sick at the end of June - The subject however has been fully entered upon in separate proceedings of this Court and any further remark on that account appears unnecessary in this place.-

27 The Court of Zoujdaree Adaulut are of opinion that more cases should have been referred to the Sudr Ameen of whose services in the Criminal Department the Joint Criminal Judge should make use to such an extent as to leave time for the Joint Criminal Judge to fulfil the expectations of the Court of Sudr Adaulut as to the disposal of 10 Civil suits per Mensem - The Provincial Court of Circuit will accordingly direct the attention of

	Joint Criminal Judge		Sudr Ameen		
	Cases	Persons	Cases	Persons	
In Supl. Report	9	24			C.P.
	9	23			1-1
In Report V	19	44			6-28 cancelled
	10	14	3	9	

of the Joint Criminal Judge to this point.-

Guntoor Prisoners with 4th Statement — Sick — Proportion
382 — 12 — 25 9/19

28 The Court are pleased to see that so small a proportion of the prisoners at Guntoor were sick at the end of June.

Report V Case 66. para 74.

29 It appears to the Court of Zoujdaree Adaulut that this case has been correctly disposed of.

Case 70. para 77.

30 There should undoubtedly have been a distinct charge brought against the 5th prisoner in this case for "releasing a prisoner "when in his custody".-

Supl. Report Case 53. para 25.

31 The Provincial Court of Circuit will call for an explanation regarding the evidence in this case and issue the orders which may then seem proper reporting the same for the information of this Court.-

32. The Provincial Court of Circuit will require the Joint Criminal Judge to frame his statement of the labor of prisoners in the revised form prescribed by Circular order 29th August 1834.-

Para 91. 33. It is certainly expedient that measures should be taken to introduce the manufac-

of

of Paper and other useful articles into the Jails at Guntoor & Vizagapatam and the Provincial Court of Circuit will report what they would propose should be done for this purpose—

34 The present Reviews of the Criminal Statements entitles the Judges of the Provincial Court to applause for the great diligence and care they have evinced in this duty - But to enter into so minute a revision of nearly every case would occupy time, which might be more usefully employed on more important duties—It is the more important and serious errors that require to be corrected, not those of minor consequence—

Ordered that Extract of these Proceedings be sent to the Provincial Court of Circuit in the Northern Division for their information and guidance & for communication to the subordinate authorities of such parts as concern them by Precept returnable without delay—

(Sent following Precept No. 1125)

Read again Petition presented by Poolapa Moodely of Coimbatore—

(Here enter Mis: Pet: No. 46 of 1834)

Read also Return dated the 24th Ultimo

Ultimo from the Provincial Court of Circuit in the Southern Division, to Precept of the Foujdaree Adalut under date the 16th August 1834 directing them to institute an inquiry into the representations made in the above Petition—

(Here enter No. 1392 of 1834)

Accompanying the above Return are communications from the Magistrate, the acting Joint Criminal Judge, and the Assistant Judge of Coimbatore and various other official Documents from a consideration of which the Court have every reason to believe that the complaints of the Petitioner are groundless—

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 Iyahsawmy Moodely—

(Here enter Mis: Pet: No. 59 of 1834)

The Petitioner represents that his elder brother Appoo Moodely has been tried in a false and malicious charge of Gang Robbery, by the Court of Circuit, and that the case, (No. 65. on the Cuddalore Calendar, for the 2d Sessions of 1833) is under reference to this Court—

&c

13th October 1834.

He prays the Court to issue orders for the Prisoners release—

The Petitioner is informed that orders have been issued for the release of the Prisoner upon Moodely on his finding Security for his future good conduct for 3 years, in two sureties of 50 Rupees each—

Ordered that Extract from these proceedings be furnished to the Petitioner upon his application—

Read Petition presented by Mooneyappa Moodely and 6 others of the Gille of Chittoor—

(Here enter M: P: No. 79 of 1834)

The prayer of the above Petition is merely a reiteration of that contained in Mis: Petition No. 61 of 1834 presented by the same Parties viz. that the Court will order the remission of a fine imposed on the Petitioners by the Joint Magistrate of North Arcot—

Nothing advanced in the above Petition appearing to the Court of sufficient weight to form any valid objection to their orders of the 23d June & 15th September last the Petitioners are referred to the said orders & the prayer of the Petition is accordingly rejected—

Ordered

13th October 1834.

Ordered that Extract of these Proceedings be furnished to the Petitioners upon their application—

Read Petition presented by Maudasamy Naudan of Tinnevelly—

(Here enter Mis: Pet: No. 81 of 1834)

The object of this Petition is to induce the Court to issue orders for the release of one Yavanoothoo Naudan prisoner in Case No. 6 Tinnevelly Calendar, for the 2d Sessions of 1834. who the Petitioner alleges has been falsely charged by a Missionary resident in that District, with having burnt down a Christian Church (of the value of 85 Rupees—)

The Petitioner is informed that the Trial in question is under reference to this Court and will be disposed of in due course—

Ordered that Extract from these proceedings be furnished to the Petitioner upon his application—

Read Petition presented by Patchyummal of Combaconum—

(Here enter Mis: Pet: No. 82 of 1834)

The Petitioner represents that her husband, Palanyandy Solagan, the 1st Prisoner in Case No. 32 on the Combaconum additional Calendar for the 1st Sessions of 1834 and some other persons, have, upon a false and malicious charge of Gang Robbery, been

Sentenced

sentenced by the Court of Circuit to imprisonment with hard labour in irons for 14 years, and that they have lately been removed to Negapatam to be employed on the public works at that place where from the climate disagreeing with them they have fallen sick -

She therefore prays the Court to issue orders for their removal from Negapatam to Trichinopoly -

The Petitioner is informed that her request is inadmissible -

Ordered therefore that the prayer of this Petition be rejected, and that Extract of from these proceedings be furnished to the Petitioner upon her application -

Read Petition presented by Vanam Coopiee Mooktyar Vakeel of Ramasamy Tuchanellom in the District of Tinnevelly -

(Here enter Mis: Pet: No 83 of 1834)

The Vakeel on behalf of his client, prays the Court to grant to him copies of the Report made by them to Government on the subject of Ramasing's petition, and of the order of Government thereon and also of the explanations offered by Messrs Drury & Hordly.

The

The Petitioner is informed that he has shown no sufficient cause to induce the Court to comply with his request -

Ordered therefore that the prayer of this Petition be rejected, and that extract from these proceedings be furnished to the Petitioner on his application -

Read Petition presented on the 29th Ultimo by Vydenada Iyen of the gillah of Madura -

(Here enter Mis: Pet: No 84 of 1834)

The Petitioner, who represents himself to be the Gomastah of Sator Ramanada Pundarum alleges that his Master has been unjustly accused and prays that he may be released from confinement -

The Petitioner is informed that the case No 13. 2d Sessions of 1834. at Madura in which Sator Ramanada Pundarum was concerned has been disposed of on mature consideration of the evidence and that the Court decline to disturb the sentence -

Ordered that the Petition be rejected & that Extract of these proceedings be furnished to the Petitioner upon his application.

Read Petition presented on the 29th September

13th October 1834.

September 1834 by C. Gowrummooty and N. Narumpa-

(Here enter M.P. No. 85. of 1834.)

The object of the above Petition being the reversal of a sentence of the Court of Foujdaree Adalut, it is rejected.

Ordered accordingly that the Petition be rejected, and that Extract of these proceedings be furnished to Petitioners upon their application.

Mooneyuppa Woodely and 6. others of the zillah of Chittoor move the Court to return the enclosure in their Miscellaneous Petition No. 79. of 1834.

F. H.

At a Court of the Foujdaree Udalut—

Present,

Tuesday 14th October, 1834. John Bird Esqr. Acting 1st Puisne Judge

Thomas Alex.r Oakes Esqr. Acting 2d Puisne Judge

Vs

L & Q

not

Alex.r Duncan Campbell Esqr. Acting Judge

Read letter, dated the 12th Ultimo from the Acting 2d Judge late on Circuit in the Northern Division, transmitting the Records of Cases Nos. 32 and 33, on the Guntoor Calendar, for the 1st Sessions of 1834.

(Here enter F. H. No. 1345 of 1834.)

No. 32.

The Court of Foujdaree Udalut having

Mr. Bird and Mr. Oakes

maturely considered the proceedings held before the Judges on Circuit, the Futwa of the Provincial Law Officer, and the Futwa of the Cazee ool Cozzat and Mooftees of the Foujdaree Udalut, confirm the said Futwa of the Cazee ool Cozzat and Mooftees aforesaid; and acquitting the Prisoners—

4th Condoor Veerador

6th Pilly Eyyaudoo

7th Pilley Venkatasayudoo

8th Buddapoody Chenchadoo

9th Madala Sashedoo

11th Cancherla Veerador

13th Gorrumady Veerador

and

15th Condamoody Seetadoo

direct that they be set at liberty—

(sent in No. 4128)

The

14th October 1834

No. 33.

Mr. Bird
and
Mr. Oakes

The Court of Foujdaree Adalut, having maturely considered the proceedings held before the Judge on Circuit, the Future of the Provincial Law Officer, and the Future of the Cazee ool Cozzat and Mosftee of the Foujdaree Adalut, confirm the said Future of the Cazee ool Cozzat and Mosftee aforesaid, and acquitting the Prisoners—

4th Condroo Verradoo
6th Pillay Syegaudoo
7th Pilly Vencatasaigaudoo
8th Buddapoody Chinchadoo
9th Madeda Lashedoo
11th Cencherla Verradoo
13th Goommady Verradoo
and
15th Condamoody Costadoo

direct that they be set at Liberty—

1 The Court observe that the Acting 2d Judge has very unnecessarily loaded these cases with the Prisoners depositions before the Police Officer, which in Case 33, are three times repeated—

2 It appears to the Court, with reference to their Circular order of the 19th January 1825, that these depositions might have been with great propriety entirely omitted, and that, as Mr. Waters has so many referred Trials to prepare he should liberally exercise that discretion which the order above alluded to, allows—

Ordered, that Extract from these Proceedings

F.Q.
14th October 1834

Proceedings be sent to the Acting 2d Judge Sale on Circuit in the Northern Division for his information—

/Sent in No. 7129/

Read return from the 1st Judge on Circuit in the Northern Division, Submitting certain documents forwarded by the Magistrate of Masulipatam in explanation of his imposition of a fine of 30 Rupees on one Peterauze Loonderamiah—

/Here enter No. 1335/

1 The Court of Foujdaree Adalut in their proceedings upon the Report of the 1st Judge on Circuit in the Northern Division stated their opinion that the fine imposed on the person above named as Renter by the Magistrate was unauthorized under Section XXIII Regulation I 1812, as they considered that Renters of Customs were not the Officers of Customs designated by Regulation I 1812 and that they could not therefore be held to come within its provisions, adding that as the Renters "are bound by the Special stipulations "in their Leases which under Section III Regulation "VII of 1829 can be enforced "without "application "to any Court of justice", the Court are of opinion "that their Servants alone are liable to penalty under "Section X Regulation V 1821—

2 Upon these proceedings the Right Honorable the Governor in Council in the Minutes of Consultation of the 5th September 1834 observed that "the "Magistrate of Masulipatam in levying a "fine from a renter of Customs under Section XXIII Regulation

Regulation I 1812 acted in conformity to the 7th Article of the Renters Code, in which it is declared that not only persons employed under the renters, but the renters themselves, are liable to the penalties described in that Section" and further, that under the Construction of the Court of Poujdarie Adalut the error consisted in imposing the fine as "Magistrate" and not as "Collector".

3 This opinion was communicated, as coincided in by the Court of Poujdarie Adalut to the 1st Judge of the Provincial Court of Circuit in the Northern Division on the 15th Ultimo.

4 The documents now before the Court referring to the same Subject Shew "that Peteranje Sondaramiah is the Renter holding his Cowle direct from Government, and that his Cowle if he professes one, has been given by the original renter Bayamma. The Collector States that he conceives "Section X Regulation V 1821 extends the provisions of Section XXIII Regulation I 1812 to the "full punishment of all persons employed by the renters of the "Customs, and also to all persons unduly and unauthorizedly "making Collections in the name and under the pretended "authority of the renters. Under these Specifications the Magistrate "has no doubt, that in inflicting the fine on Peteranje Sondaramiah "he was acting in strict accordance with the Regulations".

5 The Court of Poujdarie Adalut under this new representation of the circumstances of the case, have no hesitation in stating their opinion that Mr Gleig as Magistrate acted quite correctly under renters such as Peteranje Sondaramiah to all intents and purposes coming under the denomination

denomination of persons "employed by the renters".

Ordered, That Extract of these proceedings with copies of the Return of the 1st Judge and of the documents which accompanied it, 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, with reference to the Minutes of Consultation of the 5th Ultimo/ Sent following Letter dtd 1130/

Sent to Govt. 9th 194.

Ordered also, that Extract of these proceedings be sent to the 1st Judge on Circuit in the Northern Division for his information and guidance, and for communication to the Magistrate of Masulipatam.

/Sent following No. 1131/

Read letter, dated the 9th Ultimo from the Provincial Court of Circuit in the Northern Division, transmitting the Criminal Reports of the Division prescribed by Section XXXV Regulation X 1816, for the Month of July 1834.

/Gen entr No. 1340/

Rajahmundry-

	Criminal Judge	Assistant Criminal Judge	Sudr Amen	
	Cases	Persons	Cases	Persons
In dept's R.	10	38		
In R.V	10	29		
			anea	1-40
				4-15 / 10-55

* one case in last report divided into 3, makes the difference between last Report & this dept's Report.

/ With reference to the observations of the Provincial Court of Circuit contained in para 2 of their proceedings on the Case No. 83, it will be proper for them to

to call upon the Acting Criminal Judge to explain whether he has held the prisoners to security on their Pulook confessions alone, and if so to direct him to release them if in confinement, or to cancel the Bond if it has been entered into - It is not however clear to the Foujdaree Adalut that there were not other grounds of suspicion against the prisoners, and the Provincial Court of Circuit will therefore report to this Court the result of the explanation -

Case 89 2. On consideration of the Abstract of the evidence entered in the Report, the Court of Foujdaree Adalut do not see reason to doubt the correctness of the Sentence passed on the 1st prisoner. The article stolen might have been in a concealed situation of being identified -

Sup[t] Report 3 The Court of Foujdaree Adalut consider
Case 72 that the circumstances detailed in the Report justify the requisition of Security from the prisoners in this case -

Case 79 4 The Judges do not understand why the Prosecutors and witnesses, if guilty of a false and malicious complaint escaped punishment -

Number of P. in Table 4 of Statement	sick	Proportion	Proportion in June
294	47	6 12/47	8 13/15

5 The Court are concerned to observe that a larger proportion of the prisoners were sick in the Rajah = mundry Jail at the close of July than at the end of

of June: but as separate orders have been issued to the Acting Criminal Judge to use every means to check the sickness and mortality, no further remarks here appears necessary -

Vizagapatam Report Y Case 76 6 The Provincial Court of Circuit will report to this Court, after receipt of the copy of the Precept to which reference is made in para 12 of their proceedings, whether or not this case has been properly disposed of -

	Nature Judge		Saddle Ameen				
In Sept[r]	7	17					
In R Y	4	15	2	1	1	1	
	15	30					
	5	9	8	11	4/5	10/11	

Case 79 - 7 The Court of Foujdaree Adalut confirm the order of the Provincial Court of Circuit that the stripes ought not to have been inflicted in this case, in which the prisoner was convicted of an assault merely -

Sup[t] Report 8 This appears from the charge
Case 46. "for beating the Prosecutor who was sleeping in the "field with sticks and robbing him of articles of "the estimated value of 6 1/2 Rupees" to be a case of Robbery by open violence - The Provincial Court of Circuit will forward the explanation which they have required from the Native Criminal Judge in para 19 of their proceedings, together with the order they may then deem it proper to issue -

Case 56. 9. Agreeably to the recommendation of the Provincial Court of Circuit, the Court of Foujdaree Adalut direct that the 6th prisoner in

Prisoners in Column 4 of Statement — Sick — Proportion in July
130 — 6 — 26

Gunter
R. V
Cases 92-93

Sent Criminal Judge	Sick	Amount	unused
C	P	C	P	C	P
In Supl. R.	7	22			
	5	11	2	11	
In R. V	36	167			
	15	18	6	15	18	46

Cases 186-187

in these cases be released if still in confinement, or if the security in June 413. has been given and the Bond entered into, that it be cancelled.—

16

With reference to your 27 of the proceedings of the Provincial Court of Circuit upon these two cases, it would appear that the Circular Order of 21st October 1830 has been misconstrued by the Provincial Court of Circuit to mean that "it limits the period for the infliction of corporal punishment to two months from the date of the "Sentence". The object of the order in question is explained at the close of it to be that the corporal punishment should not be "inflicted until two months after the Sentence has been passed, in order that the higher Court may have time to consider the grounds upon which the Sentence is awarded" & further delay beyond the two months, would not therefore defeat the object in view, but would tend rather to further it.—

11

From the following explanation in the Report — "Moreover the charge should have been "taken and evidence examined before the prisoner "was forwarded by the Head of Police" it is to be inferred

inferred that the cases in the margin, or at least case 186 did not come to the Assistant Criminal Court in a state to be disposed of when the other charges against the prisoner were examined. The considerate conduct of the Assistant Criminal Judge in not detaining the Prosecutors and witnesses or binding them over to return until he ascertained that justice required their evidence, would, under these circumstances, appear to be praiseworthy.—

Prisoners in Column 4 of Statement — Sick — Proportion
44 — 16 — 25 16

Chicacole
Supl. Report
Case 93

12

The Assistant Criminal Judge committed a serious error in discharging the prisoner in this case, against whom it would seem there was the dying deposition of the deceased given in the presence of two persons. The Provincial Court of Circuit will point out to the Assistant Criminal Judge that evidence of this nature should be always taken, and where it alone may exist against a prisoner, he should not be released, for after the death of the deceased it becomes the best procurable testimony, and may even suffice for conviction.—

Criminal Judge	Assistant Criminal Judge	Sick	Amount	unused
C	P	C	P	C	P	C	P
In Supl. R.	13	30					1	1
	1	10	1	5				
In R. V	5	15					2	4
	2	5	1	5			1	5

Prisoners in Col. 4 of Statement — Sick — Proportion
184 — 16 — 92

Nellore
Report V
Case 207

13

The Court observe that the Circular Order 21st October 1830 to which the Provincial Court of Circuit allude in their proceedings in

pass

para 47 upon this Case, applies to cases wherein imprisonment exceeding three months, forms part of the Sentence passed.—

Case 216 14

From the Report, that the Suspicion against the 2nd and 5th prisoners was sufficiently strong in the opinion of the Assistant Criminal Judge to justify the demand of Security: He should however have stated on what grounds he demanded it, and the Provincial Court of Circuit will now call upon him to state them

Criminal Judge	Assistant Judge	Sureties amount	unsure
In Sept R	2	7	
In R V	41	73	
		5	10 5 8

Prisoners in table of statement — sick proportion
462 — 48 — 9 7/7

238 15

Adverting to para 59 of the proceedings of the Provincial Court of Circuit in the case 238, the Court of Sessions Udalut would observe that the imputation against the Criminal Judge is unmerited, as none of the cases alluded to were disposed of by the Criminal Judge himself.—

Masulipatam 16

The Provincial Court of Circuit will ascertain whether the Police confession is the only ground of Suspicion for which Security has been demanded from the first and second prisoners in this case and if so, will issue orders for their

Criminal Judge	Sureties amount	unsure
	C P	C P C P
In Sessions Report	1	
In R. V	17 39	2 6

Prisoners in Col. 4 of Statement — sick — Proportion
494 — 11 — 4 4/7

their release, or for the bond to be annulled if it has been entered into.—

The remarks of the Provincial Court in para 66 of their proceedings, seem justified by the very defective explanation given. But the Judges are of opinion that where prisoners voluntarily offer to point out property their detention for such period as may be absolutely necessary to this end is a legitimate cause for delay.—

Ordered, that Extract of these proceedings be sent to the Provincial Court of Circuit in the Northern Division for their information and guidance and for communication to the subordinate authorities of such parts as concern them respectively by Precept returnable without delay.—

Sent following Precept No 1152 [illegible]

At a Court of the Fouzdaree Udalut—

Present,

Wednesday, 15th October 1834.— John Bird Esqre Acting 1st Puisne Judge,
Thomas Alexr Oakes Esqre Acting 2d Puisne Judge,
Alexr Duncan Campbell Esqre Acting Judge,

F.J.C.

Read Order of Government on the proceedings of the Court of Fouzdaree Udalut of the 24th Ultimo submitting, with their observations, copies of the Reports from the several Authorities in charge of Jails in the Southern Division on the subject of the revision of the Jail Establishments.—

(Here enter No. 1404.)

Ordered that copy of the first part of the above order fixing "the Jail Establishment at Madura at 25 Peons and authorizing "the Magistrate of Salem to employ a Standing "guard of a Jailers and six Peons for the convicts under "his charge at Bysoor," be furnished to the Provincial Court of Circuit in the Southern Division for the purpose of being communicated to the Zillah Judge of Madura and to the Magistrate of Salem.

(Sent in No. 1134)

Ordered also that agreeably to the instructions conveyed in the latter part of the above

above order, the following Circular Order be issued for the information & guidance of the several Officers in charge of Jails. (Sent in No. 1135)

Circular Order No. 18 of 1834.

The Court of Foujdaree Adalut with the sanction of the Right Honorable the Governor in Council deem it proper to notify with reference to their orders of 25th June 1833 on the subject of the revision of the Jail Establishments for the information and guidance of the [redacted] Authorities in charge of Jails that it is not necessary that the proportion of Peons to the number of convicts employed in labor outside the Jail should be regulated daily which would necessarily be an inconvenient proceeding but from time to time as to the Officer in charge may seem requisite with a view of preserving in close a conformity as possible with the orders of Government upon the subject"

"In the event of danger being apprehended or circumstances occurring which may in the opinion of the Officer in charge render necessary the adoption of extraordinary measures he will be justified in using his own discretion in entertaining extra Peons but must

must immediately report what steps he has taken to meet the emergency for the information of the Foujdaree Adalut.

Sent to Govt No 195. (Sent following Circular No. 1136)

Read letter dated the 12th June 1834 from the acting 3d Judge on Circuit in the Centre Division, submitting the Record of proceedings in Case No. 36 of Bellaree Calendar 1st Sessions of 1834.

(Here enter No. 1387)

Mr. Bird
&
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-ul-Cozat and Mooftees of the Foujdaree Adalut confirm such part of the said Futwa of the Cazee-ul-Cozat and Mooftees aforesaid, as acquits the Prisoners.

2d Gadum Rungadoo
5th Chenna Lingadoo
6th Gadum Venkatagadoo
7th Chenna Vlka Rumbadoo
9th do Lonkadoo
10th Golla Ramadoo

15th

15th Seenjeeva Condasse

16 " Woolee Wobasse

18th " Hamabe Cumbasse

&

20th " Dodagal Lagunnahe

and accordingly direct that as it regards this case only, they be set at liberty.-

But being of opinion that the proof against the Prisoners-

1st " Radeepevadoo

&

17th " Chakul Goorooradoo

is sufficient to convict them of the crime of Gang-Robbery by open violence, the Court 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 them to be imprisoned and kept to hard labour in irons on the public roads or others public works for and during the period of (14) fourteen years-

(Sent following letter No. 1137)

Differing as they do entirely with the Presiding Judge regarding the conviction of the Prisoners

15th October 1834.

Prisoners in the above case excepting the 1st " and 17th ", the Court cannot refrain from expressing the surprize with which they have perused Mr. Boileau's recommendation that a Sentence of 14 years imprisonment should be passed upon men, against whom the evidence is so unsatisfactory; for it is to be observed that though there are their Talook confessions, the proofs that they individually gave up the stolen property, is wanting, still more are the Court surprised at Mr. Boileau's proposition to sentence the 20th " Prisoner to imprisonment for a period of five years without the slightest evidence against him- all he admitted was that his Brother robbed 2 Sickles and 5 Rupees and placed them in his house & that when the Police came to inquire after his Brother, he gave up those articles- This is merely a Talook confession, and to corroborate it, there is not the slightest available evidence.-

Upon a consideration of all the circumstances the Court resolve to direct that of the 3d " 4th " 12th " 13th " and 14th " Prisoners (of whom the 3d " 12th " and 13th " are the 9th " 6th " & 7th "

in

in case No. 35) be still in confinement on a requisition of security they be now forthwith released, and that if they have already furnished security their bonds be respectively cancelled; for it appears to the Court that the evidence against these Prisoners in No. 35. is no stronger than that in the case under consideration.

The Court are further decidedly of opinion that if the evidence against the remaining prisoners in No. 35. (excepting the 1st who it appears has been fully convicted) be not more satisfactory than the evidence adduced in this case, they may with great propriety be released unconditionally, notwithstanding the Futwa of the Provincial Law Officer; and Mr. Boileau is accordingly authorized to adopt that course of proceeding.

The Court further desire that Mr. Boileau will report what he may do, in consequence of these observations.

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. 1138)

Read

Read letter dated the 24th Ultimo from the 3d Judge on Circuit in the Southern Division transmitting the Record in Case No. 13 of the Madura Calendar 2d Sessions of 1834.

(Here enter No. 1388.)

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, col. Cogat and Mooftees of the Foujdaree Udalut, are of opinion that the Prisoner

"Satooramanad Pundarum"

is not convicted on presumptive proof, or on the evidence of credible Witnesses or on his own confession, of the crime of Wilful Murder, notwithstanding the Futwa of their Law Officers; and do accordingly acquit him thereof; but being of opinion that the proof against him is sufficient to convict him of the crime of Culpable Homicide, 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 sentence the prisoner would be liable

if

if Convicted by full legal evidence of that crime—

Answer

In the event of the crime of Culpable Homicide being established against the above mentioned Prisoner by the evidence of credible Witnesses, his Heirs are liable to a Deeyut of 10000 Dirhems, to be paid to the heirs of the deceased in three years—

In Commutation of the penalty of "Deeyut" declared in the foregoing Futwa, the Court of Foujdaree Adalut, sentence the Prisoner—

"Satoorumanad Pundarum"

to be imprisoned in the Civil Jail, without irons or labour, for and during the period of six Months, and then to be released—

(Sent following Letter No. 1139)—

At a Court of the Foujdaree Adalut—

Present,

Friday, 17th October, 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 26th Ultimo, from the Officiating 2d Judge of the Court of Circuit in the Western Division, transmitting the record in Case No. 1. on the additional Calendar of the Auxiliary Court of Malabar 2d Quarterly Sessions of 1834—

(Here enter No. 1406)

The Court of Foujdaree Adalut,

Mr. Bird.
Mr. Campbell.

on a deliberate consideration of all the circumstances of the case, in evidence before them, being of opinion that the proof against the Prisoner—

"Noopattakattil Ahmod"

is sufficient to convict him of the crime of Murder, do, under the authority with which they are vested by Clause First Section II Regulation I of 1818, convict him thereof; and in consideration of certain alleviating circumstances in the case, sentence him 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.

(Sent following letter No. 1149)

Read letter, dated 11th Ultimo, from the 1st Judge of the Provincial Court of Circuit in the Northern Division, transmitting copy of a Return from the Acting Joint Criminal Judge of Masulipatam with reference to Para 3 of Proceedings of Foujdaree Udalut under date the 13th August last.

(Here enter No. 1298)

Read Return, dated the 12th Ultimo, from the Provincial Court of Circuit in the Northern Division to Precept of Foujdaree Udalut dated the 30th August last, transmitting extract from their proceedings and the Minutes of Consultation relative to the half yearly Criminal Statements from 1st July to 31st December 1832.

(Here enter No. 1367)

Read Return, dated the 22d Ultimo, from the acting 2d Judge late on Circuit in the Centre Division, to Precept of Foujdaree Udalut dated the 18th Ultimo conveying their observations on the Chingleput

Chingleput Calendar 1st Sessions of 1834.

(Here enter No. 1371.)

Read Return dated the 27th Ultimo, from the 3d Judge on Circuit in the Southern Division to Precept of Foujdaree Udalut dated the 18th Ultimo, conveying their observations upon the Tinnevelly Calendar, and Madura Supplemental one for the 2d Sessions of 1834.

(Here enter No. 1394.)

Read additional Return, dated the 22d Ultimo, from the Provincial Court of Circuit in the Northern Division, to Precept of Foujdaree Udalut dated the 7th July last, conveying their observations upon the Criminal Reports for January last.

(Here enter No. 1432.)

F. U.

At a Court of the Foujdaree Udalut

Present,

Saturday, 18th October, 1834. John Bird Esqr. Acting 1st. Puisne Judge.

Thomas Alexr. Oakes Esqr. Acting 2d. Puisne Judge.

Alexr. Duncan Campbell Esqr. Acting Judge.

L.D. 1427

Read letter, dated the 3d. Instant, from the Provincial Court of Circuit in the Southern Division, transmitting the Criminal Reports of the Division prescribed by Section XXXV Regulation X. 1816 for the Month of August 1834.

(Here enter No. 1427)

The Statement of the labor of prisoners at Madura has been inadvertently omitted to be forwarded, and the Provincial Court of Circuit will therefore transmit it without delay.

1.

Madura.

	Criminal Judge	Sessions Judge	Sadr Amen	unexd.
	C.	P. C.	P. C	P. C P.
In Suspt. R	1.	6.	1	6.
In R. I.	12.	24.	1	3 10

Madura Suspt. Report Case 75.

2.

With reference to the remark of the Provincial Court of Circuit on this case contained in para 4 of their proceedings the Court of Foujdaree Udalut have to observe that it would seem that the Assistant Criminal Judge was not satisfied of the guilt of the Prisoners of the Crime of Perjury but that being of opinion that the offence did not amount to more than prevarication, he justly took

took into consideration the punishment the Prisoners had already undergone by a six months incarcerations.

Madura Report V. Case 32.

3.

The Court of Foujdaree Udalut do not see any reason, on full consideration of all the circumstances in the Report, to doubt that the Assistant Criminal Judge exercised a sound discretion in releasing the Prisoners in this case.

Tinnevelly Report V. Case 30.

4.

With regard to the Proceedings in this case which forms the subject of para 9 of the Proceedings of the Provincial Court of Circuit the Court of Foujdaree Udalut can give no opinion at present because the exact nature of the charge is not discoverable. If the charge was for having given a false complaint before the Police Officer the Acting Joint Criminal Judge was in error. If the charge was for giving a false complaint to the Magistrate he disposed of the case correctly.—

	Acting Joint Criminal Judge	Sudr Ameen	exceeds
In Supt. R.			
In R. V.	17	37.	
	21.	1. 15.	7. 13.

Case 31

5.

It appears to the Court of Foujdaree Udalut that the Acting Joint Criminal Judge was justified under the circumstances in allowing no credit to the Prosecutor's statement but this subsequent remark leaves it very questionable whether he was correct in not committing the prisoners.—

Crimes in Cols. of statement. Sick. Proportion.
71 — 2 — 35½

The

6.

	Criminal Judge	Asst. Cr. Judge	Sudr Ameen	exceeds
	C. P.	C P	C P	C. P
In Supt. R.	13.	38.		
In R. V.	31.	93.	2. 5.	
	11.	12.	15. 29.	5. 22.

Combaconum Supt. Report. Case 206

No. of Prisoners in Charge or Statement	Sick Proportion
206	14 — 10 7/7

The Court of Foujdaree Udalut avoid observe upon this case that admitting the correctness of the opinion of the Provincial Court expressed in the commencement of para 4 of their proceedings, the accusation of a woman of the class to which the Prosecutrix is supposed to belong, is not entitled to the consideration which would be accorded to that of a woman of unsuspected character. It does not seem to this Court that there is sufficient reason to question the ground upon which the Criminal Judge passed judgment in this case.

Salem Report V. Cases 276. 278. 283.

7.

Cattle stealing is apparently so very prevalent in Salem that the sentences in the cases noted in the margin are in the opinion of the Court of Foujdaree Udalut too lenient.—

279

	Criminal Judge	Asst. Cr. Judge	Sudr Ameen	exceeds
	C. P.	C P	C P	C. P.
In Supt. R.	7. 76.			
	4. 55.	2. 16.	1. 5.	
In R. V.	33 96.			
	21. 16.	2. 17.	15. 1.	6. 12.

8.

The Prisoner not having been convicted in case 278, it should have been stated in the Report that the prisoner was regularly tried on the charge in this case as the entry "This prisoner offence merges into No. 278." does not convey this information distinctly.—

With

Case 280

9. With respect to this case it is to be re-
marked that the Abstract shews the proof was defective
but that as there was strong suspicion security was
demanded. The Court of Foujdaree Udalut do not per-
ceive any thing in the Report calling for the concluding
observation in Para 29 and in para 30 of the Proceedings
of the Provincial Court of Circuit.-

Case 282

10. In advertence to the entry in the
column "punished" in this case. "It appears from
"the testimony of the witnesses Coopachee Coundan
"and Palaneemala Coundan that the 6 Prisoners cut
"off the Sheep of the Prosecutor" the Court would
observe that if there was proof to this extent, it does
not clearly appear why the Prisoners were not con-
victed.-

Case 292

11. With reference to the 31st para of the
proceedings of the Provincial Court of Circuit upon this
it is to be noted that as the offence of torture was not
proved the Assistant Criminal Judge could
not award any punishment.-

Case 297.

12. The Court of Foujdaree Udalut
concur in the sentiments of the Provincial Court
of Circuit expressed regarding the case 297 in para
32 of their proceedings: in para 34 on the case 301. and
— 301. & 302. in para 35 in the case 302.-

Case 299.

13. In the Report, case 299 it is not shewn
why the 3d prisoner was not punished for

Prisoners in C. 4 of Statement 304 — Sick Proportion 35 — 8 24/35

for an assault as it is notified that he confessed to
having flogged the Prosecutor.-

14. The Court are concerned to see the
large proportion of the prisoners in hospital at
Salem, but they will not here advert but further
as they have passed separate orders for measures to
be adopted to repress the sickness if possible and to
remove some of the prisoners to the Jail at Chittoor.-

15. It does not appear to the Court of
Coimbatore Report Foujdaree Udalut that the punish-
Cases 257 & 258. ment to which the Prisoner
Ct Judge Crimen unec. in these Cases has been sentenced
is inadequate the value placed
upon the stolen horses by the parties being probably
much exaggerated. a similar remark to that contained
in the concluding part of para 37 of the Proceedings of the
Provincial Court of Circuit would apply to any
theft.-

Case 266.

16. If there was no "breaking" proved
against the Prisoner in this case the sentence would
seem to be very severe.-

Cases 268 & 269

17. The Court of Foujdaree Udalut
with reference to the remarks of the Provincial
Court of Circuit consider that the security required
from

18th October 1834.

from the Prisoner in these cases is too high and the ∾ imprisonment in default of producing it, of too long duration and, they deem it proper to direct that he be at once released if in Jail or the Bailbond cancelled if entered into. With respect to case 270 in which burglary is involved the Court will not disturb the order for the requisition of security.—

case 270

case 291

18. In the case 291 the Provincial Court of Circuit will issue instructions for the reduction of the period of imprisonment in default to 3 months from the date of the order for security to be taken, ∾ unless the prisoner shall have furnished the security, in which case the Bailbond should be then destroyed.—

case 295.

19. The Provincial Court of Circuit will order the immediate discharge of the prisoner in this case who will have been held to security for two ∾ months and upwards a period for which, if convicted, he would not, most probably, have been imprisoned. If the security has been furnished the Bailbond ∾ should be at once annulled.—

Ordered, that Extract of these Proceedings be sent to the Provincial Court of Circuit in the Southern Division for their information and guidance by Precept returnable within 30 days after it's receipt, and for communication to the subordinate authorities of

Prisoners in Civil Statement.

	Debt	Perjury	
270	27	11	3 Under Sentence.
139	1	27	3 Under Imprisonment.
		26½	
291	15	19½	3 Further Security Required.

18th October 1834.—

of such parts as concern them respectively.—

(Sent following Precept No. 1152)

Read letter dated the 12th Ultimo ∾ from the Provincial Court of Circuit in the Southern Division, transmitting Copies of Returns received from the several subordinate Authorities in the Division in reply to the observations of the Provincial Court on the Criminal Reports for May last.—

(Here enter F. 86. No. 1326 of 1834)

Madura 43.

1. The Court consider the view taken by the late Acting Assistant Criminal Judge of Madura, with regard to case No. 43, to be correct. It appears to them that the being found in possession of "spontaneous salt," is punishable by the ∾ Criminal Court under Section IV Regulation X of 1831 as an infraction of Section XVIII Regulation X of 1805.—

Acting Joint Criminal Judge of Tinnevelly 13 V. 50. & 51.

2. It should be intimated to the ∾ Acting Joint Criminal Judge of Tinnevelly, that the Circular order of this Court of the 16th November 1831 has decidedly reference to cases committed, and is by no means confined to those "finally disposed of, whether by punishment or release." It directs ∾ that the Criminal Courts shall invariably make a "concise but distinct note of the grounds of their order or sentence upon each Case."—

Ordered

13th October 1834.

from the Prisoner in these cases is too high and the es
imprisonment in default of producing it, of too long
duration and, they deem it proper to direct that he
be at once released if in Jail or the Bailbond cancelled
Case 270 if entered into. With respect to case 270 in which burglary
is involved the Court will not disturb the order for
the requisition of security.—

Case 291 13. In the case 291 the Provincial Court
of Circuit will issue instructions for the reduction of
the period of imprisonment in default to 3 months
from the date of the order for security to be taken, es
unless the prisoner shall have furnished the security
in which case the Bailbond should be then destroyed.—

Case 295. 19. The Provincial Court of Circuit will
order the immediate discharge of the prisoner in this
case who will have been held to security for two es
months and upwards a period for which, if convicted,
he would not, most probably, have been imprisoned.
If the security has been furnished the Bailbond es
should be at once annulled.—

Ordered, that Extract of these Proceedings
be sent to the Provincial Court of Circuit in the Southern
Division for their information and guidance by Precept
returnable within 30 days after its receipt; and
for communication to the Subordinate Authorities
of

Prisoners in Cof Madura. Tinnevelly. Palghaut. Coimbatore.
Sentence. 37 — 27 — 11 — 3 Jail.
129 — 7 — 36 — 3 Jail.
297 — 15 — 95 — 3 Jail.

13th October 1834.—

of such parts as concern them respectively.—

(Sent following Precept No. 1152)

Read letter, dated the 12th ultimo es
from the Provincial Court of Circuit in the Southern
Division, transmitting Copies of Returns received from
the several subordinate Authorities in the Division
in reply to the observations of the Provincial Court on
the Criminal Reports for May last.—

(Here enter F. 26. No. 1326 of 1834)

Madura 43. 1. The Court consider the view taken
by the late Acting Assistant Criminal Judge of
Madura, with regard to case No. 43, to be correct.
It appears to them that the being found in posses
sion of "spontaneous salt," is punishable by the es
Criminal Courts under Section IV Regulation X of
1831 as an infraction of Section XVIII Regulation
I of 1805.—

Acting Joint Criminal Judge of Tinnevelly. Mad. V. 50. & 51. 2. It should be intimated to the es
Acting Joint Criminal Judge of Tinnevelly, that
the Circular order of this Court of the 16th November
1831 has decidedly reference to cases committed, and
is by no means confined to those "finally disposed
of, whether by punishment or release." It directs es
that the Criminal Courts shall invariably
make a "concise but distinct note of the grounds
of their order or sentence upon each Case."—

Ordered

F 26:

18th October 1834.-

Ordered, that Extract from these Proceedings be sent to the Provincial Court of Circuit in the Southern Division, with instruction to transmit Copy of para 1 to the late Acting Assistant Criminal Judge of Madura, and of para 2 to the Acting Joint Criminal Judge of Tinnevelly for their information respectively.

Sent in No. 1158/

Read return, dated the 12th Ultimo, from the Provincial Court of Circuit in the Northern Division, to Precept of the Court of Foujdaree Udalut, under date the 13th June 1834, containing their remarks on the Criminal Reports for the Month of November 1833.-

(Here enter F. 26. No. 1383 of 1834.)

1. Accompanying the above Return is a letter from the Acting Collector of Vizagapatam, submitting the explanation which in para 10 of their proceedings of the 19th April last, the Provincial Court suggested should be called for regarding cases Nos. 107 and 108 of the Supplemental Report, in the former of which the Prisoner is charged with having when holding the Situation of Auncen in the Talook of Pedugadah, in the Vizianagrum Zamindary made false and fraudulent entries in the "circars accounts" and

F 26:

18th October 1834.-

and in the latter with having when holding the situation of Auncen of Vuddadah in the Vizianagarum Zamindary embezzled different sums to the amount of Rupees 1049..2.-

2. The explanation was called for for the purpose of ascertaining whether the belief entertained by the Provincial Court was well grounded, that the Vizianagarum Zamindary is under the Management of the Collector on behalf of the Zamindar by virtue of an arrangement which has received the sanction of Government: but not on behalf of the Government: or under attachment for arrears of Revenue. The Provincial Court "conclude that the Lands concerning "the assessment of which the Prisoner in the former "case is charged with having made false and "fraudulent entries in the accounts, form a part of "the Vizianagarum Zamindary - consequently the Money "which he is also charged with having appropriated, "is not public Revenue but the private Rents of a "Zamindar." The Provincial Court advance some further reasons in support of the conclusion at which they arrive that "the cases in question do not "fall within the provisions of Regulation IX of 1822."-

3. The Acting Collector explains that the Vizianagarum Zamindar, being embarrassed in his circumstances

F. Co.

F. Co.

18th October 1834.

circumstances, has requested permission from Government to proceed to Benares and expressed his desire that the Collector might be permitted to manage his Country in his absence, with which request the Government complied, and issued instructions to the Collector to take charge of the Zamindary of which the affairs are accordingly administered under him by his public establishment assisted by an additional one entertained for the purpose.

Upon this subject the Court of Foujdaree Adalut now proceed to observe that when an estate is taken under the Management of a Collector whether by order of a Court of Judicature or by order of Government, he acts as a public officer of Government, with their sanction and the Government are responsible for all Money levied under his authority. Hence it follows that Money received under such Management becomes public Money, and that portion of the receipts payable to the Circar as the Beej or Peishkush is exclusively so, the rest also continuing to be public Money until made over to private hands when the responsibility of Government ceases. The accounts kept by the Servants of the Collector as managing are public accounts, and consequently the Servants themselves employed by the Collector as

F. Co.

18th October 1834.

as public Servants, removeable and nominated by him, amenable in all cases to the provisions of Regulation IX of 1822.

5. Under this view of the case, the Court consider the Proceedings of the Acting Collector of Vizagapatam to be correct, and in accordance with the spirit of the above mentioned Regulation.

Ordered, that Extract from these Proceedings be sent to the Provincial Court of Circuit in the Northern Division for their information, with instructions to transmit a copy of the same to the Acting Collector of Vizagapatam.

(Sent in No. 1154.)

F. 26.

At a Court of the Foujdaree Adalut.

Present

Monday 20th October 1834.— John Bird Esqr. Acting 1st. Puisne Judge

Thomas Alex.r Oakes Esqr. Acting 2d. Puisne Judge

Alex.r Duncan Campbell Esqr. Acting Judge

Read Petition presented by Acky reddy

of the Zillah of Cuddapah.—

Here enter Mis. Pet. No. 89 of 1834.

The Petitioner prays the Court to

issue orders for the release of his brother in law,

Timmareddy Pauspy Reddy, the 2d. Prisoner in Case

No. 4 on the Cumbum Calendar, for the 2d. Sessions

of 1833, who he states, has been sentenced by the Court

of Circuit to imprisonment and hard labour

for 14 Years; on a false and Malicious Charge

of Gang Robbery.—

The Petitioner is informed that this

Court issued an order under date the 3d. instant,

directing the immediate and unconditional release

of all the Prisoners in the above mentioned case.

Ordered, that Extract from these

Proceedings be furnished to the Petitioner upon

his application.—

F. 26.

At a Court of the Foujdaree Udalut.

Present,

Tuesday, 21st. October, 1834.

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 1st. Instant from the Acting 2nd. Judge of the Court of Circuit in the Centre Division, transmitting the record in Case No. 42 of the Bellaree Calendar 2nd. Sessions of 1833.

Mr. Bird and Mr. Campbell

(Here enter No. 1415)

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,

"Nulla Mangadoo,"

is sufficient to convict him of the crime of Gang Robbery by open violence attended with murder, 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 IX. Regulation XV. of 1803, sentence him to be imprisoned and kept

8n 26.
1st October 1834.

kept to hard labor in irons on the public roads or other public works for and during the period of 13 years.—

(Sent following letter No. 1156)

Read letter dated the 30th Ultimo from the Provincial Court of Circuit Western Division transmitting the Criminal Reports prescribed by Section XXXV Regulation X. 1816 for the Month of August 1834.—

(Here enter No. 1436)

The only remark which the Criminal Reports of the Court at Mangalore appears to call for, respects the case 92 of the Supplemental Report, and have to observe upon it, that the property in question not having been obtained by theft, or, robbery, the Prisoner is not punishable under Clause 4th Section IV Regulation VI 1822 but under Section VII Regulation X 1816. The Provincial Court of Circuit will therefore issue orders for the sentence to be modified accordingly.—

Canara

	Crim. Judge C	Crim. Judge P	Sudr Ameen C	Sudr Ameen P	unconv. C	unconv. P
In Supp. R.	2	6				
In R V	14	46			4	13
	5	15	6	16		

Canara Acad. Court. 2.

No observation appears necessary upon

21st October 1834.

	Acting Sr. Crim. Judge C	Acting Sr. Crim. Judge P	Sudr Ameen C	Sudr Ameen P	unconv. C	unconv. P
In Supp. R.						
In R V	9	10				
	3	5			4	5

Prisoners in C4 of Statement — Sick 33 — none Honore at the

3

Malabar

Report V Case 341.

	Crim. Judge C	Crim. Judge P	Aft. Crim. Judge C	Aft. Crim. Judge P	Sudr Ameen C	Sudr Ameen P	unconv. C	unconv. P
In Supp. R.	21	62			6	14	SA	
	9	32			3	7	SA	P
In R. V	60	182					3	9
	29	82			5	15	S	M
					5	8	S	P
							27	53

Prisoners in C4 of Statement — Sick — Proportion 333 — 40 — 8 2/10.

Cases 373 and 374

Cases 383 and 384

upon the Criminal Reports from the Auxiliary Court of Canara. The Court of Foujdaree Udalut are well pleased to observe that there were no sick prisoners at the close of August.—

With reference to the 3rd Para of the Proceedings of the Provincial Court of Circuit upon this case, they are now authorized to cancel the order for its security, if they find their suspension correct, that it has not been required on the ground of some act of Criminality with which the Prisoner was charged.—

4. There being nothing in the Report to shew, why these cases could not be disposed of together with case 339 in which the same prisoner has been tried and convicted, the Provincial Court of Circuit will call for an explanation of the cause of their being "under examination."—

5. Upon further enquiry the Provincial Court of Circuit find, that the view they have taken of these cases from the "Abstracts" is correct, they will order them to be disposed of by

F. 26.

21st October 1834.

by the Criminal Judge.-

Suppl. Report Case 245. 6. The Court think that the circum-
-stances specified in the Report leave room for
questioning, whether these prisoners should
not have been committed for trial - the cir-
-cumstantial evidence was exceedingly strong.-

Case 263. 7. The Report does not shew, whether
or not the prisoner was punished for the of-
-fence of escape - his surrendering on the
Magistrate's proclamation, would not seem
to expiate the guilt incurred in the commission
of the offence, which he had rendered himself
liable to punishment.-

8. The Court of Foujdary Udalut
would here again record their commendation
of the Criminal Judge Mr. Nelson's great
exertions who disposed of no less than 33 cases
including 114 prisoners during the month
of August - They consider him indefatigable
in his duties, and will bring his conduct to
the notice of the Government.-

Malabar Joint Criminal Court 9. The Reports of the Joint Criminal
Court

21st October 1834.-

	Joint Crim. Judge		Judr Ameen		unex.			
	C	P	C	P	C	P		
In Suff.t R.	3	7						
In R V	13	23						
	12	24			1	4		

Prisoners in C.A Statement — 96 — Sick — 8 — Proportion 1/12

10.

Native Criminal Court of Canara

	Native Crim. Judge		Judr Ameen		unex.		
	C	P	C	P	C	P	In last Statement C. P
In Suff.t R.	7	8					
	2	1			5	4	9 7.
In R. V	10	19					
	3	12			2	1	
					7	5	

Prisoners in C.A Statement — 12 — Sick. 1 — 1/12

Criminal Judge regarding the security taken in it, and report it for the information of the Court of Foujdary Udalut.-

11. The difference should have been explained between the cases and prisoners entered in the last Reports as un-examined, which dont appear in the Provincial Court's Statement.-

Ordered that Extract from these proceedings be sent to the Provincial Court of Circuit in the Western Division for their information and guidance by Precept re-turnable within 30 days after its receipt,

Court of Malabar do not seem to call for any observation.-

Case 58 of the Report No. V of the Native Judge of Canara is the only one that requires notice, and the Provincial Court of Circuit will upon receiving the explanation of the Native

and

F. Vo.

21st. October 1834.

and for communication to the subordinate authorities of such parts as concern them respectively.—

(Sent following Precept No. 1157/

Road return dated the 22nd. Ultimo, from the Provincial Court of Circuit in the Northern Division, to Precept of the Fouzdaree Udalut, under date the 13th. June 1834, conveying their remarks on the Criminal Reports for December 1833.—

(Here enter F. Vo. No. 1431 of 1834)

1 The Magistrate of Guntoor was required, with reference to two cases in his Supplemental Report, to prevent the future transmission of cases to the Criminal Court, without adequate inquiry, as to the credit due to the charges preferred. His particular attention was also called to the Circular order of 21st. May 1823. Mr. Lewin has however deemed it necessary, to defer acting upon that Precept, and to express his opinion, that the orders of the Fouzdaree Udalut are the result of misinformation, in one of the cases No. 419, and that the Court which released

21st. October 1834.—

released the Prisoners should be called upon to show how under the circumstances it was justified in so doing.—

2. The proceedings of this Court referred to by Mr. Lewin, were founded upon the remark in the Guntoor report upon the case in question, namely, that the "Prisoners "are released, the Magistrate having reported "that no evidence is procurable."—

3 It appears doubtful from Mr. Lewin's observations, whether he is aware that this Court have ruled, that a confession before a Police Officer, unsupported by any corroborating evidence, is of itself insufficient not only for conviction, but to justify the detention of a Prisoner on requisition of security.—

4. It is quite clear however, from Mr. Lewin's explanation, that the Police Officer was justified in sending the Prisoners for trial to the Criminal Court, and consequently he is absolved from all blame on that account. It

would

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would appear also that evidence in corroboration of at least that part of the confessions, which regards the death of one of the robbers, ought to have been forthcoming, but it is not evident from whose neglect that evidence was not supplied. The Court resolve to direct the 1st Judge of Circuit about to proceed to Guntoor to examine into the case in question, and to ascertain whether sufficient investigation was made and to report the result to this Court.

Ordered, that Extract from these proceedings be sent to the Provincial Court of Circuit in the Northern Division, with instructions to communicate a copy thereof to the Magistrate of Guntoor and to the 1st Judge on Circuit in the Northern Division for their information and guidance respectively.—

(Sent in No. 1154)

Read letter dated the 7th Instant from the Officiating Secretary to Government in the Judicial Department, approving of the sentence of the Foujdaree Udalut in case No. 1 Chicacole Special Court of 1834.

(Here enter No. 1424)

sentence of the enter Udalut

At a Court of the Foujdaree Udalut

Present,

Thursday 23rd October 1834. 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 8th Instant from the 3rd Judge on Circuit in the Southern Division, transmitting the record in Case No. 6 on the Tinnevelly Calendar 2nd Sessions of 1834.—

(Here enter No. 1454.)

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 are of opinion that the Prisoner

1st Gnanamootunadem,

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 Third, Section V Regulation

23rd October 1834.

Regulation VIII of 1831, and Clause Sixth, Section II Regulation XV of 1803, direct that the Prisoner aforesaid be set at liberty.-

(Sent following letter No. 1163)

Read order of Government under date the 17th Instant, upon the Proceedings of the Faydaree Adalut of the 9th Instant, on the Report submitted by the Acting 2nd Judge on Circuit in the Centre Division under date the 21st July 1834, as required by Section XXXVII & Regulation VII of 1802 for the Chittoor 4th Quarter Sessions of 1833 and 2nd Sessions of 1833 at & Chingleput and Cuddalore.-

(Here enter F. Vo. No. 1476 of 1834.)

The Court resolve to transmit copy of the above order of Government to the Acting 2nd Judge late on Circuit in the Centre Division, & and to instruct him to transmit copy of para 1 to the Criminal Judge of Chingleput with directions to release immediately the Prisoner Sadaseven, upon his Uncle Moottiah Chetty becoming security for his future good behaviour, And copies of para 2 to the Magistrates of & Chingleput

23rd October 1834. Chingleput and Cuddalore, and the Criminal Judge and Joint Criminal Judge of those Stations for their information respectively; and of para 3 to the Acting Criminal Judge of & Chittoor for his information.-

Ordered, that Extract from these Proceedings, with Copy of the Government order under consideration, be sent to the 2nd Judge late on Circuit in the Centre Division for his information and guidance by precept returnable without delay.-

(Sent following Precept No. 1164)

Read return from the 1st Judge on Circuit in the Northern Division dated the 10th Instant, to the Court's precept of the 29th ultimo, directing him to close the trials, and pass sentence in two postponed cases before him.-

(Here enter F. Vo. No. 1464 of 1834)

In the foregoing return the 1st Judge satisfactorily explains the circumstances of his reference of the 1st August last; and & requests the instructions of the Court, whether a

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23rd October 1834.

a witness who has not been called by the prisoners can now be examined by him in case No. 2, one of the two alluded to in his reference.—

The Court are clearly of opinion that as the prosecution has been closed; and the defence of the prisoners in part taken, the witness in question cannot be examined, but at the desire of the prisoners. It appears from the 1st Judges Statement, that they do not wish him to be examined, it will be his duty therefore to pass sentence without receiving his evidence.—

Ordered, that Extract of these Proceedings be furnished to the 1st Judge of Circuit in the Northern Division for his information and guidance.—

(Sent in No. 1165)

Read Extract from the proceedings of the Provincial Court of Circuit in the Centre Division, accompanying the Criminal Reports prescribed by Section XXXV Regulation X 1816 for the Month of July 1834.—

(Here enter No. 1421)

1. According to the Statement of the

23rd October 1834.

the Provincial Court of Circuit which accompanied the Extract of their Proceedings upon the Criminal Reports for the Month of June there were 370 cases including 100 Prisoners depending at the end of that month before the Criminal Court at Chittoor. The Provincial Court will call upon the Acting Criminal Judge to explain the difference as 35 Cases only appear in the present Supplemental Reports—The number of Prisoners it is remarked is correct.—

Chittoor

	Acting Crim. Judge		Asst. Crim. Judge		Sudr Ameens		Amed.	
	C	P	C	P	C	P	C	P
In Suppl. R.	35	100						
In R. V	24	41	1	1			10	58
	46	111						
	7	15	13	14	6	10	19/29	67/125

2.

*29 C. 125 P. That so large a number of Cases and prisoners remained undisposed of by the Criminal Court at Chittoor at the close of July. The Provincial Court of Circuit will require the Acting Criminal Judge to use his utmost endeavours to clear off these arrears, availing himself for the purpose more extensively than heretofore, of the services of the Sudr Ameens. With reference to the number of persons committed it is to be observed, that the object of the permanent Sessions appears to be entirely

23rd October 1834.

entirely lost. The Court however are aware, that this state of things could not be avoided while there was only one Judge in the Provincial Court of Circuit in the Centre Division; but they trust that with the full number of Judges a more satisfactory result will be exhibited.—

Report X
Case 230

3. The order for the unconditional release of the 1st prisoner in this case should not have been passed by the Provincial Court of Circuit without the sanction of the Court of Foujdaree Adalut. It certainly would seem from the Report that there was nothing against the said 1st Prisoner beyond his Talook confession, but this should have been clearly ascertained previous to his release, and it rested with the Court of Foujdaree Adalut alone to issue the final order for his discharge.

4. The Court concur in the concluding remark of the Provincial Court of Circuit in the 3rd para of their proceedings — they will call for an explanation from the Acting Criminal Judge and will, if they think fit, issue orders for the release of the 2nd prisoner if they then consider

23rd October 1834.

consider the grounds for demanding security from him insufficient, reporting their orders to the Court of Foujdaree Adalut.—

5. The observations of the Provincial Court on this case are quite correct, supposing that the charge had been exclusively resistance of the Magistrate's process. The case however appears to be involved in doubt, for, from the entry in the Column of "punished" it would seem that the prisoners were charged also with Assault and escape, and if this view of the case is correct the sentence might be proper. The Provincial Court of Circuit will therefore require the Acting Criminal Judge to explain to them the real facts of the case, and will issue such orders as they may deem necessary, acquainting the Court of Foujdaree Adalut with the nature of the orders. The Court consider the Provincial Court of Circuit to have acted correctly in releasing the Prisoners on Bail under the impression they had, that the case was one of simple resistance to process, pending the final decision regarding it.—

Case 234.

6. The Court of Foujdaree Adalut concurring with the Provincial Court of Circuit as

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23rd October 1834. — as to the insufficiency of the grounds as stated in the Report for the requisition of security from the 1st and 3d Prisoners, authorize the Provincial Court of Circuit to order their release if in confinement, or the Bail bond to be cancelled if it has been entered into provided the Acting Criminal Judge explains, that no other circumstances of suspicion than those given in the Report exists against them.—

Cases 237-238 and 239. 7. The Provincial Court of Circuit will call upon the Acting Criminal Judge to forward to them the proceedings in these cases, and they will then pass upon the several prisoners the sentences to which they may have rendered themselves liable, reporting what these may be to the Court of Faujdaree Udalut.—

8. The Court of Faujdaree Udalut approve of the orders passed in para 9 of the proceedings of the Provincial Court of Circuit.—

9. The Provincial Court of Circuit will point out to the Acting Criminal Judge and to the other Judges in the Centre Division whose Reports may exhibit the same error, that the abstracts attached to the Criminal Reports should shew in the different Columns the number of persons, as well as the cases disposed of by the several Judicial Authorities.—

The

23rd October 1834. — 10. The order of the Provincial Court

Supplemental Report Case 31. of Circuit in para 16 of their proceedings is satisfactory, and they will dispose of the case as they may think just, after considering the explanation of the Acting Criminal Judge. The result should be reported for the information of the Court of Faujdaree Udalut.—

Case 193. 11. The observations contained in para 13 of the proceedings of the Provincial Court of Circuit upon this Case appear just. The Court of Faujdaree Udalut will not however under all the circumstances disturb the sentence.—

12.

Number of Prisoners in Column 4 of Statement — Sick Proportion
466 — 62 — 7 16/31.

The proportion of the sick prisoners at Chittoor during the month of July is large and the Provincial Court of Circuit will direct the attention of the Acting Criminal Judge to the subject in order that all possible means may be adopted to keep the Jail in a healthy state.

Cuddapah 13. There were eleven cases including 50 prisoners undisposed of in the Criminal Court at Cuddapah at the close of July: The Court trust however that these have

	Crim. Judge		Acting Asst. Judge		Asst. Unconv.		Convict	
	C.	P.	C.	P.	C	P	C	P
In Supt. R.	15	85						
In R. V.	97	123	3	27	4	6		
	112	208	6	15	10	29	11	50

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23d. October 1834.

have all been examined in the Month of August, as the arrear is greater than it ought to be.-

Report X
Case 182

14. The Court of Foujdaree Udalut concur in the opinion of the Provincial Court of Circuit, that this case ought to have been committed, and they will point out the error to the Criminal Judge.

Case 188

15. If the Provincial Court of Circuit find upon the explanation of the Criminal Judge, that there is nothing against the 1st prisoner in this case beyond his Police confession, they will issue orders for his release, or for the Bail bond, if he has entered into it, to be cancelled.-

Case 193

16 As far as can be judged from the Report the charge would not seem to be proved against the prisoner, and unless the Provincial Court of Circuit upon further enquiry think the suspicion against him is strong enough to justify the requisition of security from the prisoner, the Court of Foujdaree Udalut authorize them to desire that he may be unconditionally released.-

Case 202

17. The Provincial Court of Circuit will forward to the Court of Foujdaree Udalut the

23d. October 1834.

the explanation of the Magistrate which they have called for in para" 31 of their proceedings.-

Sup.t Report
Case 159

18. It would certainly appear from the report, that the prisoners in this case have been held to security on their uncorroborated Potock confessions. If, upon the Criminal Judge furnishing explanation upon this point, the fact is established, the Provincial Court of Circuit will order them to be released on their Bail bonds if entered into cancelled.-

173

19. In the case noted in the margin the Provincial Court are authorized to call up the proceedings, and to issue the requisite orders, as the Court of Foujdaree Udalut take the same view of it as the Provincial Court of Circuit have done in para" 35 of their proceedings.-

175

20. With regard to this case, the Court have to observe, that if the prisoners could not satisfactorily explain how they became possessed of the Buffaloe flesh, the sentence of the Criminal Judge would be well grounded and should not be disturbed.-

21. The Court of Foujdaree Udalut are well pleased to observe the salubrity of the Jail at Cuddapah in

Prisoners in C. of Statement 862 — Sick-Proportion 17 — 50 12/17

F. 46.

23d. October 1834.

in which according to the Statement of the labor of Prisoners there were only 17 Sick of the prisoners included in Column 4 of the Statement at the close of July -

22. The x Statement that accompanies the proceedings of the Provincial Court of Circuit is incorrect in respect to the number of cases in the Cumbum Supplemental Report - It is desirable that attention should always be paid to the framing of this Statement as it forms the guide to the Court of Foujdaree Udalut in reviewing the Monthly operations of the several Criminal Courts -

x 6 in Statement

Cumbum.

	Nature Judge		Subr Ameen		uncd.	
	C	P	C	P	C	P
In Supt R.	5	12				
	4	11			1	1
In Report V	11	13				
	7	12	3	4	1	2
			Total		2	3.

Prisoners in Cl 4 of Statement. 31 — Sick — Proportion 5 — 6 1/5

23 - The above Statement is incorrect, also in respect to Bellary as it does not account for 99 prisoners stated as included in the 36 cases brought before the Criminal Court of Bellary in the Month of July. In the event of any prisoner being concerned in more than one case the fact should be stated in a note, and the Provincial Court of Circuit should require the subordinate Courts to pay strict attention to the correctness of their Abstracts to

Bellary

	C	P	C	P	C	P	C	P
In Supt R.	2	12						
	2	12						
In R. V	3	6	9	9	3	4	20	also 2
	7	24	9	9	3	4	20	also 2

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23d. October 1834.

to their Criminal reports and also to notify therein when any prisoner is concerned in more than one case. -

Report V Case 139. 24. The Court of Foujdaree Udalut concur with the Provincial Court of Circuit as to the delivery to the Theatre, of the Article of the last property brought before the Criminal Court at Bellary, and the Provincial Court of Circuit will issue the requisite orders accordingly -

Case 143. 25 - The Provincial Court of Circuit will report to the Court of Foujdaree Udalut the orders they may think proper to pass after examination of the record of this case which in para 43 of the proceedings of the Provincial Court, it is stated, has been required from the Criminal Judge -

Bellary Statement

Number of Prisoners in Cl 4 of Statement — Sick — Proportion

970 — 57 — 17 1/57

Chingleput

Prisoners in Cl 4 of Statement — Sick — Proportion -

239 — 33 — 8 25/33 -

	Crim Judge		Assist Crim Judge		Subr Ameen		uncd	
	C	P	C	P	C	P	C	P
In Supt R.	3	8						
	4	3	1	5				
In Re. V -	33	44						
	4	4	2	5	20	33	2	4.

26. The Report No. V. and Supplemental of Chingleput do not appear to call for any particular remarks. The Court of Foujdaree Udalut perceive however that Report No 9 has been inadvertently omitted in forwarding the other Reports -

27. The proportion of prisoners in Hospital is rather large, and the Court have to

F. 116.

25th " October 1834.-

to express their hope, that the Criminal Judge will not delay to consult with the Surgeon if he thinks that measures should be adopted to oppose the increase of sickness.-

28. The Court of Foujdaree Udalut coincide in the view taken by the Provincial Court of Circuit of the cases noted in the margin: and they authorize the Provincial Court of Circuit accordingly to issue the orders that they may deem requisite to secure the prisoners in question the benefit of the just disposal of their cases, reporting what orders they have considered it proper to pass under these instructions.-

Ordered, that Extract of these proceedings be furnished to the Provincial Court of Circuit in the Centre Division for their information and guidance and for communication to the subordinate authorities of such parts as concern them respectively by Precept returnable without delay.-

(Sent following Precept No. 1166/ 40

Cuddalore

	Joint Crim. Judge		Sudr Ameen		Unauth.		Report V Cases 79. 80 and others noted by Pt. of C in paras 56 & 57 of their proceedings.
	C.	P.	C.	P.	C.	P.	
In Supt. R.							
In R. V.	19	56					
	7	18	19	17	2	24	

Prisoners in C. A/c of Statement — Sick — Proportion
305 — 12 — 25 5/12

F. U.

Friday,
24th October, 1834.

At a Court of the Fouydara Udalat

Present,

John Bird Esqr. Acting 1st Puisne Judge
Thomas Alexr. Oakes Esqr. Acting 2d Puisne Judge
Alexr. Duncan Campbell Esqr. Acting Judge

Upon further examination of the Chingleput Calendar 1st Sessions 1834 submitted by the Acting 2nd Judge on Circuit in the Centre Division, the Court have observed that the Justice of the Law Officer in No. 23 declares the prisoners witnesses to have proved an alibi; and that they are on that ground entitled to their release. Under these circumstances the Court question the legality of the Acting 2nd Judge's proceeding in putting a second question to the Law Officer, and they consider it proper that the trial should be submitted for their orders.

Ordered, that Extract of these proceedings be sent to the Acting 2d Judge on Circuit in the Centre Division, and that he be directed by Precept to send up translation of the trial No. 23 within three weeks.

Sent following Precept No. 1170/

D.W.

At a Court of the Foujdaree Udalut

Present,

Saturday 25th October 1834. John Bird Esqre Acting 1st Puisne Judge,

Thomas Alexr Oakes Esqre Acting 2d Puisne Judge,

Vs Alexr Duncan Campbell Esqre Acting Judge,

[redacted]

Read Return dated the 29th Ultimo from the Acting 2d Judge late on Circuit in the Centre Division - to Precept of the 8th Ultimo directing to cause the record in Case No.17 Cuddalore Calendar 2d Sessions of 1833 to be submitted before the other cases on the same Calendar.

(Here enter No.1413)

Read also letter dated the 29th Ultimo from the Acting 2d Judge late on Circuit in the Centre Division transmitting the record in Case No.17 on the Cuddalore Calendar 2d Sessions of 1833.

(Here enter No.1414)

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

and Mooftees aforesaid, and acquitting the Prisoners

1st " Soobbaroyapillay

&

2d " Moottapillay

direct that they be set at liberty—

The Court observe with surprize that the committing officer and the Circuit Judge have both misstated the charge against the Prisoners; which is not for having "prepared a draft to "fabricate a deed purporting to have been executed "in 1816," but for having fabricated & produced a papes purporting to be the copy of a bond, which bond it is alleged either does not exist, or if it does, must be itself a forgery—

2 It further appears to the Court that even had the act, which the prisoners were charged with committing been proved, it would not have amounted to Forgery but at the most to an attempt, and that too a very useless attempt, at fraud— For the paper in question purports to be a mere copy of another original document, and it could not be legally received by any judicial tribunal, so long as the original is in existence—

The

3 The omission by the Circuit Judge to send up translations of the papers on which the charge is founded is quite unaccountable; and equally so is the opinion which he has expressed that the prisoners are liable to the penalty prescribed by Section III Regulation VI of 1811 which is in no way applicable to the case—

Ordered that Extract from these proceedings be sent to the acting 2d " Judge late on Circuit in the Centre Division for his information.

(Sent following letter No. 1174)

Read letter dated the 4th " June last from the 1st " Judge of the Court of Circuit in the Northern Division— transmitting the record in Case No. 5. on the Masulipatam Calendar for the 2d " Quarterly Session of 1834—

(Here enter No. 1488.)

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

In

F. U.

25th October 1834.

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.—

3d Batavoody Pentadoo
&
4th do Yerradoo

—direct that they be set at liberty.—

(Sent following letter No. 1175)

F. U.

At a Court of the Foujdaree Udalut.

Present,

Monday, 27th October, 1834.

John Bird Esqr. Acting 1st Puisne Judge.
Thomas Alexr Oakes Esqr Acting 2d Puisne Judge.
Alexr Duncan Campbell Esqr Acting Judge.

Read again Petition presented, on the 3d March last by Vaunyambalattoo Mummavah of the Zillah of Tellicherry.

(Here enter Mis. Petn No. 13 of 1834.)

This was an application to the Court, to order the release upon security of certain prisoners held to trial by the Joint Criminal Judge of Tellicherry. The Court upon mature consideration did not consider their interference necessary at the date of the Petitioners appearance before them; and accordingly no orders were passed.

Ordered that the Petition be now filed of record.—

Read Petition presented by Auroonoga Raudan of the Zillah of Madura.

(Here enter Mis. Petn No. 71 of 1834.)

The Petitioner complains that at the instigation of the Zemindar of Sapatoor, a false and malicious charge of murder has been preferred against Mahalingum and Sevapaungery Raudan, prisoners on

F. C.
27th October 1834.

in No. 10 on the Madura Calendar for the 2nd Sessions of 1834, who have been tried by the Court of Circuit, and their case has been referred to this Court.-

He prays the Court to issue orders for their release.-

The Petitioner is informed that after the maturest consideration of the evidence and circumstances of the case, the Court, concurring with the Circuit Judge, have sentenced the Prisoner to imprisonment with hard labour in irons for 3 Years.

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 Rama-sawmy of the Zillah of Madura.

(Here enter Min: Pets: No. 73 of 1834.)

The object of this Petition is to induce the Court to issue orders for the release of Mahalingum and Sivasaungery Naudan, prisoners in Case No. 10 on the Madura Calendar for the 2nd Sessions of 1834. who the Petitioner alleges have been tried before the Court of Circuit, by

F. C.
27th October 1834.

by whom the case has been referred to this Court, on a false and Malicious charge of Murder, & brought against them at the instigation of the Zemindar of Sapatoor.

The Petitioner is informed that the case in question has received the fullest consideration- and that the Prisoners for whose release he requests an order have been sentenced to 3 Years imprisonment in irons and hard labour.

Ordered accordingly that the prayer of this Petition be rejected and that Extract from these Proceedings be furnished to the Petitioner upon his application.-

Read again Petitions presented by Mauryappa Naicken, Coatty Naicken and Chenganum Maistry, of the Zillah of Chingleput.

(Here enter Min. Pets. No. 74-75-877)

These Petitions refer to the same trial No. 23 of Chingleput Calendar 1st Sessions 1834, and allege that the Prisoners, who are near relatives of the Petitioners are innocent of the offence with which they have been charged; and they pray that the sentence passed upon them may be annulled, and orders issued-

for

for their release.-

Upon a consideration of the Calendar, the Court saw grounds to induce them to direct, that the record of the trial No. 23 should be submitted for their final orders, when the representations of the Petitioners will receive the necessary consideration.-

Ordered that Extract from these Proceedings be furnished to the Petitioners on their application respectively, and that they be informed that the case of the Prisoner will come under the review of the Foujdaree Udalut.-

Read letter, dated the 8th. Instant, from the 3d. Judge on Circuit in the Southern Division, transmitting the record in Case No. 2 on the Tinnevelly Calendar 2nd Sessions of 1834.

(Here enter No. 1455)

Mr. Bird 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 Mooftees of the Foujdaree Udalut, are of opinion that the Prisoner,

"Mutturulappen,"

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 do accordingly acquit him: but being of opinion that strong suspicion, though not amounting to conviction attaches to him they direct, under clause sixth, Section III Regulation XV of 1803, that he be required to find two Sureties in 25 Rupees each Surety for his good behaviour and appearance when required within (3) Three Years, or that in default thereof he be detained for 3 Years in confinement.-

(Sent following letter No. 1178)

Read Extract of Proceedings by the Provincial Court of Circuit in the Centre Division, under date the 10th. Instant, upon the Criminal Reports prescribed by Section XXXV Regulation X 1816 for the Month of August 1834.-

(Here enter No. 1457)

Chittoor.

No remark appears necessary upon the 1. Criminal Report No. V forwarded by the Criminal Judge of Chittoor.-

2.

	Setting Crim.l Judge		Aft.s Crim.l Judge		Under Appeal		Appeal		Susp.d R. Case 133
	C.	R	C.	R	C.	R	C.	R	
In Susp.d R.	25	126							1346
In R. V	33	77	5	10	3	11	2	1	1960
	6	5	6	11	2	1			3306

Prisoners in Cl.s 1 of Statement 433 — Sick 57 — Proportion 7 24/57

The protracted detention of the prisoners in this case in confinement is much to be regretted, and it is desirable that the Provincial Court of Circuit should communicate

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27th. October 1834

commencate with the Commissioner for the Govern=
=ment of Mysore and request him to state whether
any and what objections exist to his complying
with the requisition for witnesses made by the
Acting Criminal Judge.-

Case 243. 3 The circumstances specified in the
Report in support of the order for the requisition of
security from the Prisoners in this Case appear to the
Court of Foujdaree Udalut when taken into consider=
=ation altogether sufficient to justify the re=
=quisition, and as the amount is not high the
order need not be disturbed.-

Case 250 4 From the wording of the remarks
upon the nature of the evidence against the Pri=
=soners in this Case which is very inaccurate, it
would appear that the Acting Criminal Judge had
not performed the duty of revising his observations
and they, to all appearance have been drawn up
by one of the Natives in the office of the Criminal
Court. This will reflect much upon Mr. C. Oakes
should it ever again occur.-

5 The Statement of Extra Peons at
Chittoor shews, that 148 were entertained during
the Month of August and there being only
433 Convicts entered in Column 4 of the Statement the

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27th. October 1834

the Acting Criminal Judge should be called
upon to explain the reason of so many Peons in
proportion having been kept on the Establishment
of the Criminal Court.-

6. The Provincial Court of Circuit
having noticed the arrears before the Criminal
Court at Chittoor the Court of Foujdaree Udalut
abstain from animadversion under the expectation
that they will be quickly reduced an arrear of
32 Cases including 106 Prisoners, with the number
of Judicial Authorities whose services are available
for their disposal as there is on the Chittoor Criminal
Court, is by no means creditable.-

Cuddapah- 7. Under the supposition that there
were no aggravating circumstances
as none are stated in the Report,
the sentence of 1 year's imprisonment
with hard labor in irons passed
upon the prisoner for housebreaking by day
involving a theft of thread merely of the value
of one Rupee and one Anna appears to the Court
of Foujdaree Udalut to be rather severe.

	Crim. Judge		Mst. Crim. Judge		Judr Ameen		Unauds.		Report V. Case 231.
	C.	P.	C.	P.	C.	P.	C.	P.	
In Sept. R.	11	39							
	7	33	1	1	1	3	2	2	
In R.	40	155							
	8	29	1	17	15	35	16	74	

Prisoners in Cr. Statement 362 — Sick 13 — Proportion 66 ⅓

Sept. Report Case 200 8. According to the abstract of the
evidence, which doesnt shew that the Prosecutor's
Cattle were found in the possession of the pri=
=soner, there would seem to have been no evidence
of

F. Uc.

27th. October 1834

of the commission of the crime save the prisoner's Talook confession denied by him before the Criminal Court. Some explanation respecting this case therefore appears requisite. The Provincial Court of Circuit will call for it and issue the order that they may then deem proper, reporting it for the information of the Court of Foujdaree Udalut.—

Case 201 9. It would seem from the entry in Column "Released." There is no evidence against the 1st. 2nd. 3d. 4th. and 7th. Prisoners except that they were stated to have confessed before the Police, that the prisoners were forwarded to the Criminal Court upon their Talook confessions which would have justified their transmission.—

203. 10. In case 203 the remark of the Provincial Court of Circuit is fully applicable to the Prisoners 1st. 3d. 5th and 6th. "who appear to have been "apprehended on the unsupported suspicion of the "Prosecutor."—

212. 11. The above observation might also have been passed upon this case in respect to the 5th. Prisoner against whom the Criminal Report shews there was no proof "except that he was ac "cused by the Prosecutor and implicated by the other Prisoners".—

12. The "Statement of Peons" forwarded by

(3)

F. Uc.

27th. October 1834.— by the Criminal Judge of Cuddapah is not of the description required by the Circular Order No. 11 of 1834. The Provincial Court of Circuit will enjoin him to transmit in future a Statement of the Peons employed to guard the Convicts at work which it was the object of the Court of Foujdaree Udalut in issuing the above Circular Order to obtain Monthly.—

Cumbum.— 13.

	Native Crim. Judge	Sudr Ameen	Unexd.	Supt. Report. Case 66.
	C. P.	C. P.	C. P.	
In Supt. R.	2. 3.		1 2	1 1
In R. V	6. 10. 5 9			1/2 1/2

Prisoners in C. of Statement 34. — Sick — proportion 5 3/4 — 6 — were convicted of Housebreaking.—

The sentence of the Native Criminal Judge upon the two Prisoners of only 3 Months imprisonment with hard labor appears very lenient as altho' the property stolen was small they

14. The Provincial Court of Circuit will call upon the Native Criminal Judge to furnish the "Statement of Peons" under Circular Order No. 11 of 1834. which the Court of Foujdaree Udalut do not find with his Reports at present before them.—

Bellary— 15.

	Crim. Judge	Asst. Agent	Sudr Judge	Ameen	Unexd.
	C. P.	C. P.	C. P.	C. P.	C. R
In Supt. R.	10 39				1 2 3 4
In R. V	24 96				1 5 16 6 28

Prisoners in C. of Statement 3 — Sick — Proportion 9 44 — none —

From the note in the "Statement of the labor of Prisoners" it is to be understood that no one of the Prisoners included in Column 1 is sick: the 39 in hospital being included in No. 1 but not in Column 2 or 3. This

is

is so unusual a case that it will be right for the Provincial Court of Circuit to call upon the Officiating Judge to explain whether there is not a clerical error in this instance.-

Report Case 175. 16. The amount of security from the 1st. prisoner in this case the Court conclude was fixed with reference to his circumstances as known to the Officiating Judge - and although certainly very small, the order need not be disturbed. The Provincial Court of Circuit will require the Officiating Judge to "expunge, the portion of the sentence requiring the "labor in irons" of the second Prisoner.-

Case 177 17. If there was no force or intimidation used - this case as explained in Circular Order 6th April 1830, would not have been beyond the jurisdiction of the Criminal Court - the charge itself is for theft of grain at 10 P.M. and no mention is made in the Report of any aggravating circumstances although no less than 9 Prisoners were convicted by the Criminal Judge.-

Supt Report Case 32 18. The Prisoners in this case were apprehended as long ago as the 20th January 1834, and it is to be regretted that means could not have been taken to dispose of the case earlier. After so protracted a delay justice demands that the

the case of these Prisoners should be examined and if the evidence before the Criminal Court is insufficient for their conviction and the expected additional evidence cannot be obtained, they should be held to security if there are grounds of strong suspicion or else discharged. The Provincial Court of Circuit will issue orders accordingly.-

Case 131. 19. It seems doubtful whether the circumstances noticed in the Report would not have justified the committal of the 3d. Prisoner in this case.-

20. The Court of Faujdaree Adalut do not understand from the Report or Statements under review that there were the number of "55 Convicts" sick in the Jail at Bellary at the close of August as expressed in para 38 of the proceedings of the Provincial Court of Circuit. It is observable that 49 are entered in the Statement of the labor of prisoners as sick, and altho' it is notified that they are not convicts there is room to believe that a clerical error has escaped the notice of the Officiating Judge and that these should have been specified as appertaining to Columns 4. In this case however the proportion would

F. W.

27th October 1834

Bellary Supt.
Report Cont.
Case 168.

would not be very large - 19 out of 944 Prisoners -

21. The circumstances stated in the Report connected with this case are not very clear and it is doubtful whether there are grounds sufficient to support the order for the requisition of security from the prisoners - The Provincial Court of Circuit will call for explanation and issue the orders that may then seem proper reporting them for the information of the Court of Foujdaree Udalut -

Chingleput Report ✓.

22. With reference to the remark of the Provincial Court of Circuit contained in para 39 of their proceedings in this case the Court of Foujdaree Udalut have to observe that against some of the prisoners viz. 7. 8. 9. 10. 12. 13. 14. 15. 16. 20. and 21. there were the Palook confessions which justified their transmission to the Criminal Court. Although these confessions when found by the Criminal Court to stand alone, and uncorroborated are insufficient even to warrant a requisition of security, the Court are of opinion that the Police are correct in forwarding the Prisoners upon these grounds because it is not improbable that the Criminal Judge may find in the proceedings connected

	Crim. Judge C.	Crim. Judge P.	Asst. Crim. Judge C.	Asst. Crim. Judge P.	Sadr Amen C.	Sadr Amen P.	Enced.
In Supt. R.	2	4					
In R. ✓.	39	79					
			(2	2	3)	2	2

Prisoners in C. 4 of Statement 338 — Sick — Proportion 41 — 3 41/41.

(4)

F. W.

27th October 1834

connected with them sources of further information and evidence against the Prisoners

Cuddalore 23.

	Joint Crim. Judge C.	Joint Crim. Judge P.	Sadr Amen C.	Sadr Amen P.	C.	P.
In Supt. R.	1	26				
	2	26				
In R. ✓.	24	76				
	3	23	/	3	15	80

Prisoners in C. 4 of Statement 323 — Sick. Proportion 20 — 16 4/5

Report ✓ Case 117. 24.

The Court regret to observe that so large a proportion as nearly an eighth of the prisoners in Column 4 of the Statement at Chingleput were sick at the close of August. As far as can be judged from the Report the opinion of the Provincial Court of Circuit appears correct to the Court of Foujdaree Udalut and, if upon explanation, the Provincial Court find that the Joint Criminal Judge has already stated all the circumstances of suspicion against the Prisoners, they will issue orders for their unconditional release. -

Case 120. 25. The entry in the Report connected with this case "there is no proof that the 2nd "prisoner received the stolen property knowing it "to be such but suspicion does attach against "his good conduct, he is therefore V." leads to the inference that the 2nd prisoner has not been held to security on strong suspicion of the act of criminality charged but on account of his general character. The Provincial Court of Circuit will accordingly call

F.U.
27th October 1834

call for explanation and if they perceive that this inference is correct they will issue orders for this prisoner to be released or the bail bond cancelled if it has been entered into - it being ruled by the Court of Foujdaree Udalut that to justify the requisition of security there should be strong suspicion of some specific act of criminality.-

26. The subject of the 48th Para of the Proceedings of the Provincial Court of Circuit has already been before the Court and under the consideration of Government.-

27 The Provincial Court of Circuit will require the abstracts attached to the several Reports No 1 and 'Supplemental' to be framed so as to shew the number of persons as well as cases in different Columns disposed of by each of the several Judicial Authorities instead of shewing as at present merely the cases disposed of by each in different Columns and the persons collectively in the last Column. When these abstracts are thus framed correctly they form at once a guide and a check to the Statements forwarded by the Provincial Court of Circuit at the commencement of their Proceedings upon the Criminal Reports.

F.U.
27th October 1834.

Reports.-

Ordered that Extract of these proceedings be sent to the Provincial Court of Circuit for their information and guidance and for communication to the subordinate authorities of such parts as concern them respectively by Precept returnable within one month after its receipt.-

Sent following Precept No 1179 /

F.U.

Wednesday
29th October, 1834.

At a Court of the Tongdaree Moatut.

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 27th Instant, from the Acting 2nd Judge late on Circuit in the Centre Division, transmitting the Record in Case No. 5 on the Chingleput Calendar for the 1st Sessions of 1834.

Here enter No. 1456.

Mr. Bird.

The Court of Tongdaree Moatut, having maturely considered the proceedings held before the Judge on Circuit, the Tuttwa of the Provincial Law Officer, and the Tuttwa of the Cazee wal Cozzat and Mooftee of the Tongdaree Moatut, confirm the said Tuttwa of the Cazee wal Cozzat and Mooftee aforesaid, and acquitting the Prisoner,

1st Arreyapotteran,
2nd Parasaramen,
3rd Dasegan,
4th Vencataramen,
5th Pauper,
6th Tanda Narainen,
7th Tanda Ramasawmy,
8th Alagapen,
9th Tollasey,
10th Munnaroogan,
11th Terouvengadum. and
12th Terospaly,

direct that they be set at liberty.-

/Sent in No. 1187/

Read letter dated the 2d. Instant
from the 3d. Judge on Circuit in the Southern Division
transmitting the record in Case No. 10 on the
Madura Calendar for the 3rd. Sessions of 1834.-

/Here enter No. 1419./

Mr. Bird,
v.
Mr. Oakes.

The Court of Sanjarees 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 col Cozat and Mooftee of the
Sanjarees Adalut, confirm the said Futwa
of the Cazee col Cozat and Mooftee aforesaid
and under the sentence of Cokoobut declared
and in conformity with the Provi-
sions of Clause third, Section VII Regulation
XV of 1803, sentence the Prisoners,

1st. Mahalingum,

and

2d. Sivaparengderry,

to be imprisoned and kept to hard labour
in irons on the public roads or other public
works for and during the period of 3 years,
and then to be released.-

/Sent in No. 1184/

Read letter dated the 1st. Instant
from the Provincial Court of Circuit in the
Western Division, forwarding copy of a Petition
of the Magistrate of Canara and of its enclosure
having reference to the Criminal Report of
the Native Criminal Judge for July 1834.-

/Here enter No. 1426./

Read

Read letter dated the 4th. Instant
from the 3d. Judge on Circuit in the Western
Division, stating his intention to open the
Sessions at Seringapatam on the 3d. November

/Here enter No. 1437./

Read return dated the 10th. Instant
from the Acting 2d. Judge late on Circuit in the
Centre Division to precept of Sanjarees Adalut
dated the 8th. Instant directing the unconditional
release of the second Prisoner in Case No. 65 on
the Cuddalore Calendar 2d. Sessions of 1833.-

/Here enter No. 1452./

Read return dated the 10th. Instant
from the Acting 2d. Judge late on Circuit in the
Centre Division to precept of Sanjarees Adalut
dated the 3d. Instant, directing the unconditional
release of the Prisoners in Case No. 4 on the
Cumbum Calendar for the 2d. Sessions of 1833.-

/Here enter No. 1453./

Read return dated the 8th. Instant
from the Provincial Court of Circuit in the
Centre Division to precept of the Sanjarees
Adalut dated the 3d. Instant, calling for the
Criminal Reports for July last.-

/Here enter No. 1458./

Read return dated the 13th. Instant
from the Acting 2d. Judge late on Circuit in
the Centre Division to precept of the 9th. Instant
with explanation of the delay in forwarding
No. 2 Cumbum Calendar 2d. Sessions of 1833.-

/Here enter No. 1467./

Read letter dated the 14th. Instant

from

from the 3d Judge on Circuit in the Southern Division, reporting his intention to open the 2d Sessions at Coimbatore on the 12th Proximo.

/Here enter No. 1469./

Read letter dated the 14th Instant from the 3d Judge on Circuit in the Southern Division reporting the arrival of the Court at Salem and the Number of Persons in the Calendar.

/Here enter No. 1470./

Read letter dated the 14th Instant from the Acting 3d Judge on Circuit in the Centre Division transmitting the Death Warrant in No. 66 of the Bellary Calendar for the 1st Sessions 1834 and copy of a communication from the Officiating Criminal Judge of Bellary.—

/Here enter No. 1471./

Read return dated the 11th Instant from the Acting 3d Judge on Circuit in the Centre Division to precept of Tanjore Cadutt dated the 24th Ultimo, sanctioning mitigated sentence in favor of Prisoner in Case No. 17 on the Calendar for the 2d Sessions of the present year.

/Here enter No. 1472./

Read letter dated the 11th Instant from the Provincial Court of Circuit in the Western Division forwarding copies and translation of the Returns of the Criminal Judge and Magistrate of Malabar, and Acting Criminal Judge, — Acting Joint Criminal Judge and Native

Native Criminal Judge of Canara, together with the several enclosures; having reference to the Criminal Reports for August 1834.—

/Here enter No. 1478./

Read letter dated the 2d Instant from the Provincial Court of Circuit in the Northern Division transmitting explanation in reference to this Courts Remarks on Criminal Reports for February 1834.—

/Here enter No. 1480./

Read return dated the 13th Instant from the Acting 3d Judge on Circuit in the Northern Division to precept of Tanjore Cadutt dated the 25th July last.

/Here enter No. 1482./

Read letter dated the 18th Instant from the 3d Judge on Circuit in the Southern Division transmitting original warrant for execution in Case No. 11 Inamura Calendar 2d Sessions of 1834.—

/Here enter No. 1491./

Read return dated the 18th Instant from the 2d Judge late on Circuit in the Southern Division to precept of Tanjore Cadutt dated the 3d Instant directing the release of the Prisoners in No. 10 Tinnevelly Calendar 2d Sessions of 1831.—

/Here enter No. 1492./

Read return dated the 16th Instant from the Provincial Court of Circuit in the Western Division to precept of Tanjore Cadutt dated the 24th Ultimo, conveying their

Observations

observations on the Criminal Reports for July last.

/Here enter No. 1494./

Read return dated the 18th Instant from the officiating 2nd Judge of the Court of Circuit in the Western Division to precept of Tanjaore Zillah dated the 4th Instant containing the Court's remarks on the additional Calendar for the 2nd Quarterly Sessions of 1834.

/Here enter No. 1500./

Read return dated the 21st Instant from the Acting 3rd Judge on Circuit in the Centre Division to precept of Tanjaore Zillah dated the 15th Instant, conveying their remarks on the case No. 56 on the Bellaree Calendar for the 1st Sessions of 1834.

/Here enter No. 1512./

Read letter dated the 27th Instant from the Acting 3rd Judge on Circuit in the Centre Division assigning reasons for the omission in not having called for the Documents taken before the Police Ameen in No. 1 of the Cuddapah Calendar 2nd Sessions 1834.

/Here enter No. 1513./

Read return dated the 27th Instant from the Acting 3rd Judge on Circuit in the Centre Division to precept of Tanjaore Zillah dated the 8th instant, conveying their observations upon Case No. 61 Bellaree Calendar 1st Sessions of 1834.

/Here enter No. 1514./

Read letter dated the 22nd Instant from the 2nd Judge late on Circuit in the Southern Division transmitting original warrant &c. for execution of Prisoner in Case No. 6 Coimbatore Calendar 1st Sessions of 1834.

/Here enter No. 1519./

Read letter dated 24th Inst from the Acting 2nd Judge late on Circuit in the Centre Division submitting original Warrant for the execution of the Prisoners in Case No. 16 Cuddalore Cal. 2nd Sessions of 1833-4 & 5th in Case No. 16 Cuddalore Cal. 2nd Sessions of 1833-4 & 5th. (Hunter No. 1517)

At a Court of the Toupdaree Udalut -

Present

Thursday 30th. October 1834. John Bird Esqr. Acting 1st. Puisne Judge

Thomas. Alex.r Oakes Esqr. Acting 2d. Puisne Judge

Alex.r Duncan Campbell Esqr. Acting Judge

Read letter, dated 15th. September

L & O

No

1835

last, from the Acting 3d. Judge late Additional Judge on Circuit in the Northern Division, Transmitting the record in Case No. 21. Chicacole Calendar 1st. Sessions of 1833. -

/Here enter No. 1342/

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 Kazee ool Coozat and Mooftee of the Foujdaree Udalut, confirm the said Futwa of the Kazee ool Coozat and Mooftee aforesaid, and acquitting the Prisoners,

2d. "Mutta Lanpoodoo,"

3d. "Nurtoo and Donnoo,"

direct, that they be set at liberty -

The Court deem it necessary to point out to the Acting 3d. Judge on Circuit that the Declarations of all the Prisoners before the Magistrate, and of the 3d. Prisoner before the Acting Criminal Judge, are stated in the Record to

to have been deposed to on oath: and though it is to be presumed that such was not actually the case the entry evinces a carelessness on the part of the Goomastahs or translator or Copyist of which some notice should be taken.—

Ordered, that Extract of these Proceedings be sent to the Acting 3rd Judge late additional Judge on Circuit in the Northern Division for his information—

/Sent following letter No. 1186/

Read letter, dated 18th October last, from the Acting 1st Judge of the Court of Circuit in the Centre Division, transmitting the record in case No. 8 on the Chittoor Calendar 3rd Quarterly Sessions of 1834.—

/Here enter No. 1489/

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 Cozzat and Mooftees of the Foujdaree Adalut, confirm the said Futwa of the Cazee ool Cozzat and Mooftees aforesaid, convicting the prisoner,

Tandeeammah,

of Murder and awarding Kisâs; and sentence her 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. 1187/

Read

Read again Extract from the Minutes of Consultation under date 20th Instant, conveying the observations of the Right Honorable the Governor in Council on the proceedings of the Foujdaree Adalut of the 18th August and 22d September last.—

/Here enter No. 1500/

In the 6th para. it is observed, that the "Governor in Council does not understand "the reasoning of the Foujdaree Adalut upon this "case /No. 1 Supplemental Calendar 1st Quarterly "Sessions 1834 Chittoor/ while they admit, that "the contradictions of the witness were direct and "positive, and that they were wilfully and deliber-"ately given, they still declare their belief, that "the intention of the witness was not corrupt" the Court are therefore called upon "to explain their "meaning more distinctly."—

2 It will be sufficient for the Court to state briefly in reply, that it appeared to them in their examination of the trials, that the witness referred to had suppressed, and misstated in his first examination before the Criminal Court a material fact of the case, under a false apprehension of ill consequences to himself—He was it appears brought in the first instance before the Head of Police as a

witness

witness; but being there implicated by one of the prisoners as an accomplice, he was upon his naked assertion put in confinement by the Amildar, and forwarded to the Criminal Court as a party accused. Before that Court he was released, and his evidence received as a witness. The Foujdaree Adalut conceive, however, that he was then intimidated by the treatment he had experienced, and on this account, and not with any malice against the prisoners gave false evidence; and that it was not till he was examined by the Court of Circuit, that he was sufficiently assured of his own safety, to declare the whole truth. The Court were therefore of opinion, that although the contradictions in his respective depositions are direct and positive, and both addressed given, yet that he was influenced by fear, and not by a corrupt motive.

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

W O
W D [redacted]

Ld. W. W. sent to Govt. No. 206 (sent in No. 188)

J. C.

At a Court of the Foujdaree Adalut

Present,

Monday 3rd November 1834

John Bird Esqr. Acting 1st Puisne Judge
Thomas Alex. Oakes Esqr. Acting 2d Puisne Judge
Alex. Duncan Campbell Esqr. Acting Judge

D.O.
W.D. [redacted]
J.S.

Read Petition presented by Gunagy Reddy

Naugy Reddy of the Zillah of Cuddapah

(Here enters Mis. Pet. No. 92 of 1833.)

The Petitioner prays the Court to issue orders for the release of his two brothers, the 1st and 3d Prisoners, in Case No. 2 on the Cumbum Calendar for the 2d Sessions of 1833, who were he alleges sentenced by Mr. Gahagan, the late Circuit Judge, to 14 Years imprisonment upon a false charge of Gang Robbery.

The Petitioner is informed that the Trial has been called up by the Court, who after a mature consideration of all the circumstances of the Case, issued orders for the immediate and unconditional release of the 1st Prisoner, and in consideration of the imprisonment already undergone by the 3d Prisoner, directed that he should be kept in confinement for the further period of Three years, and at the expiration of that time, be released.

Ordered, that Extract from these Proceedings be furnished to the Petitioner upon his Application.—

3d. November 1834.

Read Petition presented by Cottata Saundery of the Zillah of Tellicherry.

/Here enter Mis: Pet: No: 52 of 1834./

1 The Petitioner prays the Court to issue orders for the release of his brothers Cottata Mayan:- Cottata Pockar:- and Cottata Ossyp, prisoners in case No: 1- 2nd Additional Calendar- First Criminal Sessions of 1834- Auxiliary Court- Zillah of Malabar:- who have been tried before the Court of Circuit, on a charge of Murder &c: and whose case has been referred to this Court.-

2 The Petitioner is informed, that after the most mature deliberation of all the circumstances of the Case, the Court have directed the release from confinement of the Prisoner Cottata Ossyp:- but considering the Prisoner "Cottata Pockar: to be fully convicted of Wilful Murder, they have sentenced him to be transported for life:- and the Prisoner "Cottata Mayan," whom they convict of the crime of getting up a false prosecution of Murder against innocent Men, to be imprisoned and Kept to hard Labour in irons for 14 Years.-

Ordered, that the prayer of this Petition be rejected, and that Extract from these Proceedings be furnished to the Petitioner upon his Application.

Read again Petition presented by

Veerunmaal

3d. November 1834.

Veerunmaal of the Zillah of Madura.-

/Here enter Mis: Pet: No: 72 of 1834/

Read also Return dated the 18th Ultimo from the 2nd Judge late on Circuit in the Southern Division, & Precept of the Court of Sudder Adalat under date the 15th September, directing the transmission of an English Translation of the record of Case No: 2 on the Madura Calendar for the 1st Sessions of 1834:-

/Here enter Sir Thos No: 1193 of 1834/

The Court have attentively considered the Record of the above case, and they see no grounds for disturbing the Sentence passed upon the Prisoners by the Presiding Judge:-

Ordered therefore, that the prayer of the Petition be rejected, and that Extract from these Proceedings be furnished to the Petitioner upon her Application:-

Ordered also, that Extract from these Proceedings be sent to the 2nd Judge late on Circuit in the Southern Division for his information:-

/Sent in No: 1192/

Read Petition presented by Appanayen Pillay.

/Here enter Mis: Pet: No: 86 of 1834/

1 The Petitioner represents himself to be first Pauper Plaintiff in Suit No: 3 of 1828- the

the Southern Provincial Court's file.—

2 We produces two documents marked **A** and **B**, and again adverts to the circumstances detailed in former petitions under which his suit was rejected by the Provincial Court; and he was adjudged to be liable for the costs of the Defendants.

3 He avers Gungaram pillay late Sheristadar of the Zillah Court of Madura, being the chief instrument of that fraud, by which the Provincial Court were led to take an unfavorable view of his case, and concludes his statement, by praying this Court to direct the Criminal Judge of Madura to examine the said Gungaram Pillay and other Servants of the Zillah Court who are implicated in the transaction, and punish them according to Clause I. Section II. Regulation VIII of 1829.—

4 The Court observe that the Statements marked **A** and **B**, of which it is necessary to remark, that the latter document is totally distinct from the agreement marked **B** alluded to in the proceedings of the Sudr Adalut under date the 4th May 1831. afford strong grounds for believing that a fraud of the nature of that of which the Petitioner complains was practiced: and further, that the late Sheristadar, Gungaram pillay, was

was a consenting party to it: still, without seeing the Decree of the Provincial Court, they are unable to ascertain how far that Court were influenced in their decision against the Petitioner / plaintiff by the production of the alleged fabricated document. It is further to be observed that the object of the Petitioner appears not to be the redress of his own alleged grievances; but the punishment of the late Sheristadar; on which point it is only necessary to remark that, that individual has recently been convicted of fraudulent conduct, and is at present undergoing the punishment of his offences, prescribed by the Regulations: and that consequently, an investigation of the fraud, which the petitioner alleges, has been practiced upon himself, is unnecessary.—

Ordered accordingly, 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 Nemmah Raidor of the Zillah of Cuddapah.—

(Have entered this Pet: No. 87 of 1834.)

The object of this Petition is to induce the Court to issue orders for the release of the 2nd 4th and 5th Prisoners in Case No. 22 on

on the Cuddapah Calendar for the 1st Sessions of 1834, who, the Petitioner alleges, having been tried by the Court of Circuit on a false charge of Gang Robbery, were convicted and sentenced to 14 years imprisonment with hard Labour.-

The Petitioner is informed that this Court see no ground for disturbing the Sentence of the Circuit Court.-

Ordered accordingly, 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 Mootooswamy Pundarum.-

/Here enter Mis: Pet: No. 90 of 1834/

1 The object of this Petition is to induce the Court to issue orders for the release of the father and brother of the Petitioner, and of the other prisoners in Cases Nos. 56: 57: 58: 59: and 60. on the Cuddalore Calendar for the 2nd Sessions of 1833, who, the petitioner alleges, have upon a false and Malicious charge of Perjury, been sentenced by the Circuit Court to Imprisonment with hard Labour for 4 Years.-

2 In consequence of the Statements now advanced by the Petitioner, the Court have again

again referred to the Calendar: and seeing cause to doubt the propriety of the Sentence, they resolve to issue orders to the Acting 2nd Judge late on Circuit in the Centre Division, directing him to prepare and transmit to this Court an English Translation of the Record of each of the above-mentioned cases.-

Ordered accordingly, that Extract from these Proceedings be sent to the Acting 2nd Judge late on Circuit in the Centre Division for his information and guidance by Precept returnable within 2 days from and after its receipt.-

/Sent following Precept No. 103/

Read Petition presented by Ranga Rayah, late Sailor at Chingleput.-

/Recorded Ex: Mis: Pet: No. 24 of 1834/

1 The Petitioner represents that the order issued by this Court under date the 3rd March 1834, directing the Zillah Judge of Chingleput to take the first opportunity of employing him as a Peon, and then to promote him to the office of Deputy Sailor, has been overlooked upon several occasions by that officer, who, has in fact declined to confer a permanent appointment upon him.-

He

3d. November 1834.

2 He prays the Court either to grant to himself a pension, or to restore him to his situation of Jailor.—

3. The Court resolve to transmit a Copy of this Petition to the Provincial Court of Circuit in the Centre Division, directing them to call upon the Criminal Judge of Chicacole to State what he has done in pursuance of the instructions contained in the order of the 3d. March 1834.—

4. The Court however deem it proper to observe that the Petitioner lies under a mistake, when he asserts that the order in question prescribed the subsequent promotion of his son to the Office of Deputy Jailor, and further that it contemplated the appointment of that Individual to the situation of a Peon upon the first "fitting" opportunity.—

Ordered that Extract from these Proceedings with a copy of the Petition be sent to the Provincial Court of Circuit in the Centre Division for their information and guidance by Precept returnable without delay

/Sent following Precept No. 1194/

Ordered further that Extract from these Proceedings be furnished to the Petitioner upon his application

L.R.C.

W.S.

J.B.

J. U.

Wednesday, 5th. November 1834.

At a Court of the Zoojdaree Adalut.

Present,

John Bird Esqr. Acting 1st. Puisne Judge;
Thomas Alexr. Oakes Esqr. Acting 2d. Puisne Judge;
Alexr. Duncan Campbell Esqr. Acting Judge;

W.S.

Read returns dated the 22d. and 30th. September, to perecepts of the Court of Zoojdaree Adalut of the 19th. July, and 11th. August 1834 conveying their remarks and orders on the Criminal Reports of the Northern Division for the months of February and April 1834 respectively.—

/Here enter No. 1178./

1 With respect to para 3 of the return of the Provincial Court of Circuit of 19th. July the Court of Zoojdaree Adalut observe that they in their Circular Order 28th. January 1828 ruled that the entering by night with intent to steal into a dwelling House &c. whether the door thereof be closed and not fastened or be open, is sufficient to constitute breaking. In their Circular Order 28th. August 1828 that part of the preceding order which declared entry by a door left open to be breaking was rescinded, but the remaining part of the order is still in force.—

2 Adverting to the return by the Assistant Criminal Judge of Chicacole re-

respecting

respecting the Case No. 37 of the Report No. V he should be informed, that if the explanation now submitted had been given in the Report, no remark would have been made the observation of the Court of Tanjadore Udalut was founded upon, the sole entry in the Report respecting the Case No. 37. "In this Charge there is no evidence against the Prisoners, and they deny their confessions before the Police. The Charge is therefore dismissed."

3 The return of the Joint Criminal Judge at Cumbum para 3 shews that he has overlooked paras 51 and 52 of the Circular Order 8th October 1821. in which it is expressly laid down that exception is to be made in respect to Prisoners under security being confined without fetters when the Criminal Judge may judge the use of them requisite to prevent escape and in such case the Criminal Judge shall issue a written order for that purpose to the jailor. The Provincial Court of Circuit will accordingly point the attention of the Joint Criminal Judge to these provisions.-

4. With reference to para 2 of the return of the Acting Criminal Judge of Tanjore, mundry the Court of Tanjadore Udalut being aware that the Provincial Court of Circuit understand the Circular Order of 16th November 1831. to require the order in all cases in the Criminal Reports to be entered therein no

no further remarks seem necessary.-

5. It is to be observed upon para 4 of the return of the same Officer that when the unusual mortality of 17 Prisoners in the Month had occurred it was incumbent on the Judge in charge of the Jail to make the report prescribed in the Circular Order 12th July 1830.-

6 Instances having come under the notice of the Court of Tanjadore Udalut in which Magistrates have been considered reprehensible on account of Prisoners being delayed in the Talook and censure in consequence been officially communicated owing to the explanations forwarded with the Prisoners to the Criminal Courts not being distinctly given in the several Criminal Reports, the Court of Tanjadore Udalut take this opportunity of requiring the Provincial Court to intimate the fact to the different subordinate Judges in the Northern Division pointing out to them at the same time that the detail of explanation by the Police Officer or Magistrate need not be given in the same words but that a note should be made and entered shewing distinctly and concisely the particulars explained by the documents they may receive from the Magistrates the more brief the note may be, consistent with accuracy, the better adapted it will be to the purpose.-

F. 46.
5th November. 1834.

Adverting to the return of the Acting Criminal Judge of Nellore submitted through the Provincial Court, in obedience to the Receipt of the Court of Tenjdaree Dated the 14th August last, relative to the health of the Prisoners, the Court of Tenjdaree Dated observe that the Jail Surgeon states his opinion in the following terms - "With regard to any alteration in the economy of the Jail I know not how to suggest any that is likely to be beneficial, keeping in view the safe Custody of Prisoners, beyond an increase of the Condiments allowed with their rice as tamarinds Chillies Onions &c. These I think with advantage might be increased even if it was at the expence of a portion of their rice being taken away. Also that the old and the debilitated men should be employed on work which is not too hard on as much as to an old or weak Man, that is hard labour, which to a strong healthy one is by no means so".-

Under the latitude given by the Circular Order 5th June 1832. the Court are of opinion that where the use of Condiments is considered by the Medical Officer necessary for the preservation of the health of the Prisoners, the Officer in Charge of the Jail has the power of issuing orders to that effect. Here can be no doubt that the first object is that the Prisoners

F. 46.
5th November. 1834.

Prisoners should not by the prison discipline suffer in their bodily health, and wherever whether by the refusal to them of condiments, or by the imposition of labour, too severe for them personally this object is not attained humanity as well as justice demands that the advice of the Medical Officer should be taken in time to prevent the obviously evil consequences which it was never contemplated should be incurred by the Prisoners - the least possible relaxation from prison discipline being the next point to be kept fully in view.

Ordered that Extract of these Proceedings be sent to the Provincial Court of Circuit in the Northern Division for their information and guidance by Receipt returnable in 20 days from and after its receipt.-

/Sent following Receipt No. 1201/

Read letter dated the 18th October from the 3d Judge on Circuit in the Western Division submitting copy of the Malabar Calendars for the 2d Sessions 1834.-

/Here enter No. 1499./

In the above letter the 3d Judge reports that in the cases 6. 17. 37. and 48 on the Calendar and No. 11 on the 3d Additional Calendar he proposes that there should be a mitigation of the punishment to which the Prisoners have rendered themselves liable

and

and that in the cases 13. 24. and 63 on the Calendar and No. 4 on the 3d. Additional Calendar be awaits the orders of the Court of Zeujdaree Adalut as to the district to which the Prisoners are to be banished.

Case 6. 2 The Court conclude that the 9th Prisoner in this case was sentenced to three years imprisonment with hard labour in irons from the date of warrant, according to Clause Second Section IV Regulation VII of 1822 for having received stolen property knowing it to have been such. Slaughter is not so stated.

3 The Court of Zeujdaree Adalut authorize the following mitigated sentence to be passed in this Case No. 6 on the 3d. Prisoner. imprisonment with hard labour in irons for 7 years. on the 1st 2d 4th 6th 7th and 8th imprisonment with hard labour in irons for five years each. the sentences of course to take effect from its date. that is to say the date on which it is finally passed by the Court of Circuit upon these instructions. The 3d. Judge will therefore understand these orders to authorize a sentence as proposed by him, but as the sentence takes effect only from its date it must express the precise period of imprisonment to which the Prisoners are to be subjected so as to make up the term

of

of the mitigated sentence.

Case 9. 4 In this case the Prisoner would appear to have been committed on his alleged Saloak confession there being nothing whatever to corroborate it. The attention of the Criminal Judge should therefore be pointed to the Circular Orders 20th July 1829 and 16th November 1831.

Case 13. 5 The Court of Zeujdaree Adalut agreeably to the suggestion of the 3d Judge on Circuit authorize the banishment of the 1st Prisoner in this case to the Jail at Coimbatore.

Case 15. 6 It appears to the Court of Zeujdaree Adalut that there would have been evidence sufficient to commit the Prisoner, and they think therefore that the 3d Judge should either have proceeded with the trial or have returned the case to be disposed of by the Criminal Court, although the scar on the person of the Prosecutor when seen by the Circuit Judge was in appearance trifling, it is stated in the charge that a severe wound was inflicted, and the Criminal Judge had better opportunity of forming an opinion respecting the wound in all such than the Judge who disposed of the Prisoner in the Month of August. stabbing is so common in Malabar that it seems necessary that occasion should be taken to check it by example

examples of severe punishment. It is further to be observed that the presumption is that the Criminal Judge, acting under the Circular Order 10th April 1833 framed the charge in the Calendar on the circumstances of the case as they were placed before him.

7 It is also observable that no certificate of the nature required by another order of the same date (10th April 1833.) appears to have been furnished by the Criminal Judge to the Circuit Court with the view of enabling the Presiding Judge to form a correct estimate of the injury sustained by the Prosecutor.

Case. 17. 8 The Court of Sunjdaree Udalut sanction the proposed mitigation of punishment in favor of the Prisoners in this Case and accordingly authorize the following sentence to be passed upon the Prisoners viz the 1st Prisoner (also concerned in No. 46 of the Calendar) imprisonment with hard labour for 7 years; on the 4th 7th and 8th Prisoners imprisonment with hard labour for six, and on the 3rd 5th and 6th for five years. to take effect on the principle of the Circular Order 14th February 1831. from the date of the sentence.

Case. 21. 9 The account given in the Calendar respecting the proceedings in the Criminal Court

Court in this Case shews that the usual practice of the Criminal Judge had not obtained on the occasion.

Case. 22. 10 It is to be regretted that the Prisoner in this Case was committed as the evidence appears to have been very insufficient to induce the probability of his conviction upon trial.

Case 24 & 63. also Case 4 add. Calendr. 11 The Court authorize the banishment of the 1st Prisoner Cunnygalil Cuppen in Case 24 and of the Prisoner in Case 63 and the 2nd Prisoner in Case No. 4 of the additional Calendar to the Jail at Chingleput.

Case. 27. 12 The Court authorize the proposed mitigation of the punishment to which the Prisoner in this Case has rendered himself liable to the sentence of imprisonment with labour for 5 years.

Case. 29. 13 The Court of Sunjdaree Udalut fully concur in the observations recorded by the 3rd Judge in the Column of remarks on this Case.

Case. 36. 14 The latter part of the remark on this Case by the 3rd Judge pointout as does the previous Case 15, the necessity of using rigorous measures to check the practice of stabbing so prevalent in Malabar.

15 In Case 48. the Court of Sunjdaree Udalut authorize the mitigated sentence proposed by the 3rd Judge to be passed upon the

the Prisoners.-

Case 51. 16 The Prisoners were charged with beating three Persons and with squeezing the Prosecutor's testicles and burning him on the neck with a lighted Mafaul. The Third Judge should have certified that there was no personal injury proved sufficient to render the reference of the trial in this case imperative. The Circular Order 15th May 1832 requires the specification in the Column of remarks in the Calendar of the precise degree of injury proved on the trial in every case of Robbery by open violence.-

Case 58. 17. To the Court of Zeyjdaree Udalut it appears that the punishment in this case might appropriately have been more severe than is recorded in the sentence.-

Case 59. 18. It seems to the Court of Zeyjdaree Udalut that unless the recognition of the property, to which reference is made in this case, was impossible, which as regards the boat to the delivery of which the 5th and 6th Witnesses are stated to have deposed) is difficult to comprehend, the evidence was sufficient for the conviction of the Prisoner.-

3d Acct. Calendr. Case 6. 19. The Court have to observe on this case that the small value of the stolen property not being admissible in bar of trial a second question should have been put. The punishment however appears to them to be sufficient and they will not therefore order the sentence to be disturbed.-

Case 11. 20. The Court of Zeyjdaree Udalut authorize the mitigated sentence, as proposed by the 3d Judge, to be passed upon the Prisoner in this case under the particular circumstances detailed in the Calendar.-

21. The Court of Zeyjdaree Udalut cannot conclude their observations without expressing their serious concern at the prevalence of Perjury exhibited throughout this Calendar. They approve of the notice which the 3d Judge has taken of the grossprevarication of parties before him and consider it desirable that the powers vested in the Court of Circuit by Section VII Regulation XIII of 1832 should be fully and constantly exercised in Malabar.-

Ordered, that Extract of these proceedings be sent to the 3d Judge on Circuit in the Western Division for his information and guidance by Precept returnable in 15 days after receipt.-

Sent following precept No. 1204

Read return dated the 30th Ultimo from the Acting 3d Judge on Circuit in the Centre Division to Precept of the Court of Zeyjdaree

6th November, 1834.

Sayidaree Udalut under date the 18th August 1834 returning the record of the case No. 9 on the Cuddapah Calendar for the 1st Sessions of 1834 and directing that certain additional evidence be taken, and transmitted to the Court.

(Here enter F. C. No. 1557 of 1834.)

The Court observe that from the additional evidence transmitted with the above return it appears that the Village Police instantly reported the case in writing to the Talook Police, nevertheless, whether this report, which alone can show whether or not the 2nd and 3d Prisoners were then denounced, has not been sent, without it the Court are not prepared to pass any final decision upon the case, and they accordingly resolve to issue orders to the Acting 3d Judge on Circuit in the Centre Division, directing him to forward to them the Report of the Village Police in question immediately upon the receipt of these proceedings.

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 within one day from and after receipt of the Village Police Report.

NB. Sent following precept No. 1209/s

Thursday 6th November, 1834.

At a Court of Sayidaree Udalut.

Present,

John Bird Esqr. Acting 1st Puisne Judge,
Thomas Alex. Oakes Esqr. Acting 2nd Puisne Judge,
Alex. Duncan Campbell Esqr. Acting Judge.

1125

Mr. Bird. and Mr. Oakes.

Read again letter dated the 13th August last from the Acting 2nd Judge on Circuit in the Centre Division, forwarding the record of trial in Case No. 22 Bellary Calendar 2nd Sessions of 1833.

(Here enter No. 1120.)

Read also return, dated the 22nd Ultimo from the Acting 2nd Judge late on Circuit in the Centre Division, to precept of Sayidaree Udalut dated the 5th September last, returning the record in Case No. 22 Bellaree Calendar 2nd Sessions of 1833, and desiring that the Criminal Judge be instructed to take further evidence.

(Here enter No. 1509.)

The Court of Sayidaree 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 Sayidaree Udalut, confirm the said Futwa of the Cazee ool Coozat and Mooftee aforesaid, and acquitting the Prisoners

F. Byanah,

and

2nd Parum Byanah,

direct

directs that they be set at Liberty.-

/Sentcin No. 1205/

Read letter, dated the 22nd. August last, from the Acting 3d. Judge on Circuit in the Centre Division, forwarding the record in Case No. 2 of the Cuddapah Calendar for the 2nd. Sessions of 1834.

/Here enter No. 1486./

Mr. Bird and Mr. Oakes. 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 Coozat and Mooftee of the Sudder Adawlut, confirm the said Futwa of the Cazee ool Coozat and Mooftee aforesaid, and acquitting the Prisoners

1st. Warrashee Vengammah,

and

2nd. Sankey Naureegandoo,

direct that they be set at Liberty.-

/Sent in No. 1206/

Read letter, dated the 23d. Ultimo, from the Provincial Court of Circuit in the Northern Division, submitting the information from the Acting Criminal Judge of Rajahmundry, relative to alteration in Jail diet, and called for by the Sudder Adawlut on the 17th. and 19th. September 1834.-

/Here enter No. 1538./

Read letter, dated the 22d. September last, from the Provincial Court of Circuit in the Northern Division, transmitting copies of a correspondence between the Magistrate of Guntoor and

and this Court.-

/Here enter No. 1490./

Read letter, dated the 22d. Ultimo, from the Provincial Court of Circuit in the Northern Division, submitting explanations called for by the Sudder Adawlut in their remarks on Criminal Reports for the month of May 1834.-

/Here enter No. 1537./

Read return, dated the 23d. Ultimo from the Provincial Court of Circuit in the Northern Division, to precept of Sudder Adawlut dated the 8th. August 1834, conveying their observations on the Criminal Reports of the Division for the month of March last.

/Here enter No. 1527./

Read letter, dated the 24th. Ultimo from the Provincial Court of Circuit in the Western Division, transmitting copy of a return from Magistrate and of the letter from the Assistant Magistrate of Canara therein alluded to, having reference to the Criminal Reports of the Joint Criminal Judge for August last.-

/Here enter No. 1531./

Read letter, dated the 25th. Ultimo, from the Additional Judge on Circuit in the Northern Division Reporting his arrival at Vizagapatam.-

/Here enter No. 1548./

Read letter, dated the 27th. Ultimo from the 3d. Judge on Circuit in the Western Division, Reporting the death of Prisoner

in

6th November, 1834

in Case No. 27 Malabar Calendar 2nd Sessions of 1834

(Here enter No. 1563)

Read return, dated the 31st Ultimo from the First Judge of the Provincial Court of Circuit in the Northern Division, to precept of Foujdaree Udalut dated the 30th September 1834, requiring the Transmission of the Records of the remaining Trials on the Manglipatam 1st and Supplemental Calendar for the 2nd Quarterly Sessions of 1834

(Here enter No. 1569)

Read letter, dated the 3rd Instant, from the Acting 2nd Judge late on Circuit in the Centre Division, Reporting the death of the only Prisoner in Case No. 48 on the Bellaree Calendar 2nd Sessions of 1833

(Here enter No. 1569)

Friday 7th November 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,

Read again letter dated the 23d April last from the 3d Judge late Presiding of the Provincial Court of Circuit in the Western Division - forwarding Trial in Case No. 1 on the 2d Additional Calendar 1st Quarterly Sessions of 1834

(Here enter No. 594)

Read return, dated the 27th August last, from the 3d Judge late on Circuit in the Western Division, to Precept of Foujdaree Udalut dated the 22d July last, directing that the Witnesses named in the list therewith sent, be examined in the presence of the Prisoners 1st 3d and 5th in Trial No. 1. 2d Additional Calr of Joint Criminal Judge of Malabar for the 1st Quarterly Sessions of 1834 -

(Here enter No. 1236)

Read also letter, dated the 27th August last, from the 3d Judge late presiding in Quarterly Sessions at Tellicherry, forwarding examinations of certain Witnesses

Witnesses for the 1st, 3d & 5th Prisoners in Case No. 1.
on the 2d Additional Calendar for the 1st Quarterly
Sessions of 1834.

(Here enter No. 1236.)

Mr. Bird
Mr. Oakes
&
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
Udalut, confirm such part of the said Futwa
of the Cazee-ool-Cozat and Mooftee aforesaid, as
acquits the Prisoner—

6th Cottale oppy

and accordingly direct that he be set at liberty.

And being of opinion that the
proof against the Prisoners—

1st Cottale Pockar

2d Teean Pnambata Kaber

3d Ayah Coonjey Mayen

4th Chatotee alias Ayah Tally Kutty

is sufficient to convict them of the crime of
Wilful Murder; the Court do, under the Authority
with which they are vested by Clause First
Section

Section II Regulation I of 1813, convict them thereof
and 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 respectively.—

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—

5th Cottale Mayen

is sufficient to convict him of the crime of getting
up a false — prosecution of murder against innocent
men, and after the failure of this false prosecution
of endeavouring to baffle the investigations of the
Magistracy, by Suborning evidence in corroboration
of the false evidence previously adduced, 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 Second of the same Section,
direct their Law Officers to declare by a Second Futwa

to

to what sentence the Prisoner would be liable if convicted by full legal evidence of that crime-

Answer-

In the event of the abovementioned crime being established against the Prisoner aforesaid by the evidence of credible Witnesses he is liable to Tazeer-

In conformity with the sentence of Dokoobut declared in the foregoing Futwa, the Court of Foujdaree Udalut sentense the Prisoner-

5th Cattale Mayen

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. 1207)-

F. H.

L.C.
W.
Eng.

At a Court of the Foujdaree Udalut-

Present,

Saturday 8th November 1834- John Bird Esqre Acting 1st Puisne Judge,
Thomas Alexr Oakes Esqre Acting 2d Puisne Judge,
Alexr Duncan Campbell Esqre Acting Judge,

L.C.
W.
B

Read letter, dated 17th June last, from the 1st Judge of the Court of Circuit in the Northern Division- transmitting the record in a Case No. 1 on the Supplemental Masulipatam Calendar 2d Quarterly Sessions of 1834-

(Here enter No. 1485)

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 acquits the Prisoners-

6th Boddoo Rheemadoo
7th Addapully Croostnadoo
8th Siddala Lomadoo
9th Addapully Mootteyandoo

10th

10th Tondlemillie Venkadoo

11th Poovvola Lomadoo

12th Badoogoo Chintadoo

and

13th Addapully Buswadoo

but being of opinion that strong suspicion, though not amounting to conviction attaches to them, they direct under clause third, Section V Regulation VIII of 1831 and clause sixth, Section II Regulation XV of 1803, that they be severally required to find two sureties in 15 Rupees each surety for their good behaviour 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 prisoner

1st Mareed Venkadoo

is sufficient to convict him of the crime of Highway Robbery, the Court 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

P.

of Clauses third and fifth, Section IV, and clause third, Section VIII Regulation XV of 1803, sentence him to be banished to the zillah of Combaconum, there to be imprisoned and kept to hard labour on the public roads, or other public works, for and during the period of 13 years.

(Sent following letter No. 1208)

Read letter, dated the 3d instant, from the 3d Judge, on Circuit in the Southern Division, transmitting English and Persian Translations of the Proceedings in Case No. 19. on the Combaconum Calendar for the 2nd Sessions of 1834.

(Here enter No. 1570 of 1834)

The Court observe that the offence for which the Prisoner has been tried before the Court of Circuit can at the most amount to Homicide only; and that the 3d Judge is competent to pass sentence himself under the Futwah given by the Provincial Law Officer.

They accordingly resolve to return the Record of the case to the 3d Judge on Circuit

in

8th November 1834-

in the Southern Division, with instructions to
that Officer to dispose of it according to the Regulations-

Ordered accordingly, that Extract
from these Proceedings be sent with Record of the
case to the 3d Judge on Circuit in the Southern Division
for his information and guidance by Precept returnable
without delay-

(Sent following Precept No 1209)

Read letter, dated 30th September
last, from the 2d Judge Officiating of the Court of
Circuit in the Western Division - Submitting Calendar
for the 3d Quarterly Sessions of 1834 in the Western
Division-

(Here enter No 1425-)

Read letter, dated 5th instant, from
the Acting 2d Judge late on Circuit in the Centre
Division - transmitting original Warrant, for the
execution of the Prisoners 1st and 3d in Case No 16
Cuddalore Calendar 2d Sessions of 1833-

(Here enter No 1574)

Read letter, dated the 3d instant
from the Acting 3d Judge on Circuit in the
Centre Division - Reporting the death of the
1st

8th November 1834-

1st Prisoner in No 2 of the Cuddapah Calendar for
the 2d Sessions of 1834-

(Here enter No 1575)

Read letter, dated the 29th Ultimo
from the Provincial Court of Circuit in the Northern
Division, transmitting the replies to the Provincial
Courts' Remarks on the Criminal Reports for
March 1834-

(Here enter No 1580)

Read letter, dated the 3d instant
from the Acting 2d Judge late on Circuit in the
Northern Division - Reporting the death of the 3d
Prisoner in Case No 50 on the Guntoor 1st Calendar
1st Sessions of 1834-

(Here enter No 1582)-

Ft No:

At a Court of the Foujdary Udalut.

Present,

Monday
10th November 1834. John Bird Esqre Acting 1st Puisne Judge

Thomas Alexander Oakes Esqre acting 2d Puisne Judge

Alexander Duncan Campbell Esqre Acting Judge.

115

Read again Petition presented by
Soobharaw, late Peishkar of the Seroopoorroor Talook
in the Zillah of Chingleput.

(Here enter Mis. Pet. No 21 of 1834.)

Read also Return dated the 25th Octr
from the Acting 2nd Judge late on Circuit in the Centre
Division to precept of this Court of Foujdary Udalut,
under date the 22nd September last, directing him to
furnish a copy of the Proceedings which accompanied
that Precept and of the abovementioned Petition, to the
Magistrate of Chingleput, to instruct that Officer
to ascertain and report whether the allegations of the
Petitioner are true or not: to institute an investigation
into the conduct of the Tahsildar, with reference to the re-
presentations of the Petitioner, and to report the result
to this Court.

(Here enter No 1516.)

Before proceeding to pass a final
order

order upon the Petition No. 21. the Court resolve to direct the Acting 2nd Judge late on Circuit in the Centre Division to transmit to them without delay. the original Police Proceedings on the Talook, on Case No 5 on the Chingleput Calendar for the 2nd Sessions of 1833 with all the subsequent proceedings of the Magistracy, or police officers under him, connected therewith.-

Ordered, that Extract from these Proceedings be sent to the Acting 2nd Judge late on Circuit in the Centre Division for his information and guidance by Precept returnable without delay-

(Sent following Precept No 1216)

Ordered further, that Extract from these Proceedings be furnished to the Petitioner upon his application.-

Read Petition presented by Ramjee Sayapettah Vencataramoodoo: Abdool Rahee: Ramasawmy: Nauruppah: Sreenavasana Ding: Fakeerooddeen: Mohammed Moorad: Mustoofah: Sheikh Ibrahim: Roostum Beg, and Suntanjee, late Jail Peons attached to the Zillah Court of Cuddapah.-

(Here enter Mis. Pet. No 27 of 1834)

Read also Petition presented by Chenappa late Jail Duffadar of Cuddapah.-

(Here enter Mis. Pet. No 29 of 1834)

The

1 The Petitioners in No 27 represent that upon the escape from confinement of a Prisoner named Sillooyandoo, the Zillah Judge of Cuddapah fined them to the amount of their pay for 3 Months, and subsequently dismissed them; alleging as the Cause of that proceedings, the orders of the Foujdaree Udalut.

2 The Petitioner in No 29, represents that upon the same occasion, the Zillah Judge of Cuddapah reduced him from his situation of Duffadar to that of Jail Peon, and subsequently dismissed him altogether.-

3 These Petitioners pray the Court to order their reinstatement in their respective situations.-

4 The Court observe that there can be no doubt that upon the escape of the prisoner above alluded to, the Petitioners were guilty of much neglect. The Court trust however that their suspension from office and consequent loss of pay for a period of 3 months will on the present occasion be a sufficient punishment, and they accordingly resolve to issue orders to the Provincial Court of Circuit on the Centre Division directing them to instruct the Criminal Judge of Cuddapah to restore the applicants to their situations at the expiration of 3 Months, reckoning from the date of their first suspension.-

The

5 The Petitioner Chinnuppa will however understand that this order provides only for his restoration to the situation of Jail Peon, and not to that of Duffadar which he originally held.-

Ordered, that Extract 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 No. 1217)

Read Petition presented by Caumetchan. -native inhabitant of Chittoor-

(Here enter Mis. Pet. No. 88 of 1834.)

1 The Petitioner prays the Court to issue orders for the release of her son the first Prisoner in Cases Nos. 13 and 11 on the Chittoor Supplemental Calendar for the 1st Quarterly Sessions of 1834, who he alleges, on a false charge of Robbery in the House of one Tippa Sahib, has been sentenced by the Centre Provincial Court of Circuit, to corporal punishment and imprisonment for seven years.-

2 The Petitioner is informed that this Court see no cause to disturb the sentence of the Court of Circuit and that her request is consequently inadmissible.-

Ordered, that the prayer of the Petitioner be rejected, and that Extract from these Proceedings be furnished

furnished to the Petitioner upon her application.-

Read Petition presented by Saske of the Zillah of Cuddapah.

(Here enter Mis. Pet. No. 92 of 1834.)

1 The object of this Petition is to induce the Court to issue orders for the release of the applicants son, the 5th Prisoner in Case No. 16 on the Cuddapah Calendar for the 1st Sessions of 1834, who she states has been sentenced to 14 years imprisonment & c. by the Circuit Court on a False charge of Gang Robbery.-

2 The Petitioner is informed that Petitions for the release of Convicted persons are inadmissible.-

3 The Court having had occasion again to review the Cuddapah Calendar for the 1st Sessions of 1834, observe that it appears that only one witness deposed against the 5th Prisoner in Case No. 16 upon the Trial before the Court of Circuit. With reference to this circumstance therefore, they deem it proper to call upon the Acting 3d Judge on Circuit in the Centre Division to explain, whether or not such was actually the case, and in the event of its being found to be so, to transmit an English Translation of the Record of the Case to this Court with as little delay as possible.-

Ordered accordingly, that Extract from these

these Proceedings be sent to the Acting 3d Judge on Circt in the Centre Division for his information and guidance by Precept returnable without delay.-

(Sent following Precept No. 218)

Read Petition presented by Vedamale Cavarden.-

(Here enter M. Pet. No. 89 of 1834)

1 The Petitioner prays the Court to issue orders for the release of his relatives, the prisoners in Case No. 5 on the Chingleput Calendar for the 1st Sessions of 1834, who he states have been tried by the Court of Circuit on a false charge of Gang Robbery.-

2 The Petitioner is informed, that all the Prisoners in the above Case, have been already ordered to be released by the Court of Foujdary Udalut.

Ordered, that Extract from these Proceedings be furnished to the Petitioner upon his application.-

Read Petition presented by Krishnama Naick.-

(Here enter M. Pet. No. 91 of 1834.)

1 The Petitioner adverts to the Proceedings of this Court, under date the 9th April last upon his former petition No. 108 of 1833, and now prays the Court to inform him in what place, and against whom

whom he must sue on account of the alleged defamation of his character by Mr. Lascelles late Zillah Judge of Chittoor.-

2 The Petitioner is informed that if he considers himself aggrieved by any person, he is at liberty to sue before any competent Jurisdiction which it is not the province of this Court to name.-

Ordered, that Extract from these Proceedings be furnished to the Petitioner upon his application.-

Read letter, dated the 5th August last, from the Acting 3d Judge on Circuit in the Centre Division, transmitting the Record of Proceedings in Case No. 19 of the Cuddapah Calendar for the 2nd Sessions 1834 for the final Sentence of the Foujdary Udalut.-

(Here enter No. 1495)

The Court of Foujdary Udalut, 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 Cozzat and Mooftees of the Foujdaree Udalut, confirm each part of the said Futwa of the Cazee ool Cozzat and Mooftees aforesaid, as convicts the Prisoners.

Mr. Bird and Mr. Campbell

1st Battoola Gouindoogalo

2nd Vennapoosa Mullapah
and
3d Markaporum Venkatramoodoo.

and under the provisions of Clause Third Section IV Regulation XV of 1803, sentence the Prisoners

1st Battola Govindrogadoo
and
3d Markaporum Venkatramdoo.

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 under the provisions of Clause Second, Section IV Regulation VII of 1822, they sentence the Prisoner

2nd Vennapoosa Mullapah

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 years.-

And further being of opinion that the Prisoner-

4th Catuloyana Unkalo-

is not convicted on presumptive proof, or on the evidence of credible Witnesses or on his own confession, notwithstanding the Finding of their Law Officers, the Court do accordingly acquit him: but considering that strong suspicion though not amounting to conviction attaches to him, they direct under Clause Sixth: Section IV Regulation XV of

1803, that he be required to find 2 Sureties of 15 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.-

1 The Court observe that in the 5th para of his letter referring the trial the Acting 3d Judge states that "the Eleventh and twelfth witnesses depose to the delivering up in their presence of some portion of the plunder by the 1st, 2nd, 3d and 4th Prisoners respectively."

2 From a reference however to the Record of the Trial, it appears that the 12th Witness before the Court of Circuit expressly declared that he was not present when the 4th Prisoner gave up any property.-

3 The Court would point out to the Acting 3d Judge how important it is, that whenever the evidence is quoted by the Presiding Judge in the letter referring the Trial, it should be quoted with scrupulous exactness.-

Ordered, that Extract from these Proceedings be sent to the Acting 3d Judge on Circuit in the Centre Division for his information.-

(Sent following Letter 1249)

Ct

F. U:
10th November 1834

10th

Read Return dated the 27th Ultimo from the Provincial Court in the Southern Division to Precept of the Court of Foujdary Udalut, under date the 24th September 1834 regarding the revision of the Jail Establishments.-

(Here enter No 1564)

1 It would appear that the Criminal Judge of Salem, whose communication accompanied the above Return, has mistaken the purport of the order which has been issued to him: and it should accordingly be explained to Mr Bannerman, that he is required to state what number of Peons and Duffadars, will in his opinion, suffice to form a fixed Guard for the security of the Jails.-

2 It should be further intimated to the Criminal Judge, that the Guard regarding the number required, for which he is now called upon to give his opinion, is totally distinct from that which is employed to guard the prisoners at work <u>outside</u> the jail: the latter is always, according to the orders of Government and of this Court, to be entertained at the rate of 1 Peon for every 4 Prisoners.-

3 The Returns from the other authorities require no comments, no change is contemplated in their establishments

F. U:
10th November 1834

establishments as authorized by Government and no intimation to this effect should be conveyed to them.-

4 It is to be regretted, that by not conforming strictly with the order of the 24th September last, which directed that copies of the Proceedings should be sent to <u>such</u> of the subordinate authorities as they might respectively <u>concern</u>: and also by circulating para 12 to all the authorities, to whom however as their establishments were <u>not</u> arranged upon the "fluctuating scale," it could not possibly apply: the Provincial Court have entailed much unnecessary trouble upon the native servants of the subordinate Courts - a circumstance which as their time must be fully occupied by the performance of the multifarious duties which devolve upon them, is greatly to be deprecated.-

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

(Sent following Precept No 1220)

Read Extract from the minutes of Consultation under date 25th Ultimo, containing the observations and orders of the Honorable the Governor in Council on the proceedings of the Foujdary Udalut of 10th June last

last, in Nos 6 and 7 Vizianagaram Special Commission.

(Here enter No 1558)

Ordered that the original sentence of the Court of Foujdary Udalut in cases Nos 6 and 7 — Vizianagaram Special Commission, with a copy of the orders of Government thereon, be transmitted to the Special Commissioner for communication to the Criminal Judge and Magistrate respectively.—

(Enter order of Government
/See 6 following Letter No 221./
With reference to the foregoing orders of Government the Acting Judge places the following Minute on record.—

Minute of the Acting Judge

1 The Prisoners in these two cases are the same. In the last of them, it was proposed by one of the Judges to hold all the prisoners to security but this Courts sentence was that they should be released unconditionally.—

2 The Government, at their pleasure, were quite competent to give effect, or not, to these sentences, as seemed best to them. They were pleased to direct that they should stand in force.—

3 But this was accompanied by an order, directly militating against the sentences to which legal effect had thus been given by Government; namely, for holding five of the prisoners, sentenced to be released unconditionally, to security, under Clause sixth Section II Regulation XII of 1803, applicable to the Higher Courts exclusively. This Court having pointed out the objections existing against the Government assuming judicial functions at all, especially in a manner at variance with a sentence to which themselves had given execution and the other legal difficulties opposing the proposed proceeding, it is modified, by the present communication.—

4 As the Judge who passed sentence in the Case No 6 and whose casting vote determined the Case No 7 referred to in this communication from the Government, I am unable to put upon the Law the construction here given to it, by the executive authority.—

5 Regulation I 1807 declares, in its preamble, that, in order to ensure "to the people, the permanent enjoyment of the inestimable blessing of just laws duly administered" it is essential, that the judicial authority should be separated from the executive, in briefly declaring this to be a "fundamental principle" of the constitution, established "for the internal Government" of the territories under

under this Presidency - In no case is this of more importance to the people, than in political offences, in which the state is itself a party -

6 Accordingly, though Section IX Regulation XII 1802 gives to the Government, in cases of crime against the state, tried by Special Courts, a veto upon the sentence passed by this Court, by declaring that it cannot be carried into execution, without their orders; or, as interpreted by this Government in Section III Regulation I of 1834, "into effect without the previous sanction" of Government, I am unable to admit, that this Court are bound "to obey the orders of Government whatever they may be, "the discretion and authority of Government being entirely "unrestricted." I consider both limited by law, in this instance to the purely executive act of giving, or declining, execution to our sentence, which is not liable to any judicial modification -

7 I, therefore, entertain the strongest doubt of the competency of the Government, under the Regulations to hold, any one of the prisoners to security in the manner now proposed - First, because, under Regulation 1822, and Regulation VI 1827, holding to security is made a judicial act, to be founded only upon evidence ~ ~ ~ and the sentence of a judicial tribunal; and it

it would be unconstitutional, and unlawful, for the executive to exercise judicial functions, especially in modification of a judicial sentence, to which legal efficacy has been given by themselves - Secondly, because though the executive possesses the power to confine for reasons of state under Regulation III 1819, this power is by law required to be exercised in the form of warrant therein prescribed; and may not be legally delegated, to the Magistracy, except by a new law - finally, because if the Magistrate acts as directed, and the party confined petition the Judge of Circuit, under Clause second Section VIII Regulation XII 1827, the Magistrate will be unable to produce to him, "the informations or evidence on which his proceedings "is founded," without which, his confinement of the prisoners will be contrary to law -

8 In crimes against the state, the lives, as in this instance, the liberty of the people, would be held at the discretion of the executive authority, contrary to the Regulations, and the constitution of this Government as by law established, if ever it is admitted that this Court, under Section V Regulation XII 1802, "are bound to obey the orders of Government whatever they "may be."

9 I deem it right to record these remarks that

F. W.
10th November 1834

that my opinion may not be misunderstood - But, after our communication of the 10th June last, I do not think that we should be justified in disobeying the orders of Government, to communicate their present modified instructions to the Magistrate - it being understood, that we are thereby in no respect parties to, or responsible for, them -

17th November 1834. (Signed) A. D. Campbell
Acting Judge

Read letter, dated the 17th ultimo from the Provincial Court of Circuit on the Southern Division forwarding Return of work performed by the Prisoners under the Criminal Judge of Trincomalee for August last -

(Here enter No 1468).

F. W.

F. W.

At a Court of the Fouzdaree Adalat -

Present,

Wednesday, 17th November, 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 17th ultimo from the Provincial Court of Circuit on the Northern Division, transmitting the Criminal Reports prescribed by Section XXXV Regulation X of 1816 for the month of August 1834 -

(Here enter No 1522)

The Court of Fouzdaree Adalat coincide with the Provincial Court of Circuit in considering the amount of Security (200 Rds) required from the 4th prisoner in this case excessive, as it stands recorded without explanation. The Provincial Court of Circuit will accordingly convey to the Acting Criminal Judge authority to reduce this portion of the Sentence of the Lada Ameen - reporting to this Court what may be done under these orders -

Criminal Judge | Assistant Criminal Judge | Lada Ameen | Umeen?
C P C P C P C P

In Saffs R. 3. 5. / 3 5
In R V. 9 / 3 14 / 4 1 / 2 3

P in Column 4 - Like - Proportion
116 — 20/7 — 5 7/20

Vizagapatam Report V Case 92.

2. The Court of Fouzdaree Adalat are not of opinion that, without further evidence against the first prisoner than is specified

	Native Judge	Sudr Ameen	Moonsiff
	C P	C P	C P
In Suppt R	5.	11.	
	5.	11.	
In R V.	15.	39.	
	20.	3.	5. 14.

From Cutg — Exk — Expedition
128 — 8. — 42.

Cases 94 and 95. 3.

In both of the cases noted in the margin the Native Judge Sudr Ameen imposed fines on the Prosecutors illegally, and the Provincial Court of Circuit will point out to the Native Criminal Judge, that he has rendered himself liable to censure for his omission to exercise the authority he is vested with by Section II Regulation III 1803, to over rule the Judgments of the Sudr Ameen, as well as the Sudr Ameen for his erroneous sentence. The Provincial Court of Circuit are correct in their opinion that Section XXXV Regulation IX 1816 is not applicable to the Criminal Court but the Magistrate alone; and also in their view, that cases falling under Section II Regulation IX 1832 the falsity of the charge should be detected, for at least apparent

before the Head of Police. In the more serious crimes coming before a Criminal Tribunal, the Law enables it to furnish preparication, by fine, and perjury by commitment; but it does not authorize otherwise a fine on prosecutors.—

In the 4th para of their proceedings the Provincial Court of Circuit submit the question whether the bare confession of a Prisoner before a Head of Police is sufficient to warrant his transmission to the Criminal Court? The Court of Foujdaree Udalut have already had the same subject brought under their consideration and although, as observed by the Provincial Court of Circuit, it might at first seem that it could not authorize the transmission of a case, since such confession is held to be of little weight when uncorroborated. It is at the same time, to be borne in mind, that although a Police Officer may not be able, or may neglect it, to discover corroborative evidence; a full examination of the Prosecutor with the confession, may furnish to the Criminal Court a clue to further evidence, or may alone constitute proof corroborative of the confession sufficient for conviction. On these grounds, the Court of Foujdaree Udalut are of opinion that where a Prisoner confesses before a Police Officer his transmission to the Criminal Court is correct,

although

although when after due examination before the Court nothing corroborative of the confession appears such confession will not justify the requisition of Security

Case 99

5. The Court of Sessions Statute concurs with the Provincial Court of Circuit, that "the Native Criminal Judges' proceedings in this case are not in Latisfactory."

6 The facts seem to be these - Two prisoners were charged by the Prosecutor and his witnesses with the commission of Robbery and being accessary to it - The Head of Police, who forwarded the case, States in his Report that the 1st prisoner charged with beating the Prosecutor and robbing a Brandy belonging to him of the value of 225 Rupees was before him at the time that the crime is "said to have happened and that the Prosecutor "fabricated and brought this prosecution to do away "the case in No. 98 that has been preferred against "him" The Native Criminal Judge released the prisoners on the ground, that they had not confessed the crime and because of the contradictory nature of the depositions of the witnesses who came forward to testify, that they had all at one time seen the prisoners committing the crime, and fined the Prosecutor for having brought a false complaint 15 Rupees, which were duly paid - The Native Criminal

Criminal Judge considering that there was not sufficient to commit him for trial for Perjury:-

7. On this the Court would observe, that the Head of Police would appear to have been ignorant of the power he possessed under Section II Regulation IX 1832 to forward the party by whom the charge was preferred to the Criminal Court - that he knew the charge to be false as well as Malicious is clear, if the Statement is correct in the Report - The Provincial Court of Circuit will therefore bring the fact to the Notice of the Magistrate, with instructions to communicate his error to the Head of Police in order that a similar case may not occur -

8. The Prosecutor and Witnesses having Sworn before the Native Criminal Judge, that they Saw the first Prisoner commit the crime, and the Head of Police having reported, that the said Prisoner was before him at the time - there could be little doubt of the course to be pursued - as Stated by the Provincial Court of Circuit the evidence of the Head of Police ought to have been obtained upon oath, or, that of other persons who might have been able to afford corroborative testimony of the fact of the prisoner having been before the Head of Police at the time of the commission of the crime - There would in all probability have been proof of the fact

of proof

opposed to the testimony of the Prosecutor and Witnesses which would have been sufficient to establish the conviction for Perjury as explained in the Circular Order 3rd May 1821 - and consequently the Native Criminal Judge would have been justified in committing the parties -

9. The Court conceive that the order at the close of the 16th para of the proceedings of the Provincial Court will be misunderstood by the Native Criminal Judge if they do not qualify it by explaining that it will not of course apply to charges of a false kind preferred to Police officers and forwarded ~~to him~~ by them as such to his Court -

Vizagapatam 10. The Court of Zeejdaree Adalut concur
Sept Report in the views of the Provincial Court of Circuit that
Case 82. the 1st and 2d Prisoners in this case have been committed on insufficient grounds; but as the additional Judge is now at the Station he will do all that is necessary on the occasion -

Case 85. 11. The requisition of security from the prisoner in this case, apparently not on suspicion of the act of criminality charged, but because of his immoral principles being in active play - The Provincial Court of Circuit, will, upon ascertaining that there was no sufficient ground of suspicion of his having committed the act charged, direct the Native Criminal Judge

Judge to release him if in confinement, or to cancel the Security Bond if it has been furnished. The Provincial Court of Circuit will report the result for the information of this Court. It is observable that no Report (No 9) of prisoners whose cases have been referred to the Zeejdaree Adalut 8va has been forwarded with the other Criminal Reports from the Native Criminal Judge of Vizagapatam, and he should be required to furnish it, and to explain the cause why it was not transmitted -

Rajahmundry Report V Case 97	Native Criminal Judge	Assistant Criminal Judge	Under Amun	Amuns?
	C P	C P	C P	C P
In Suff: R	10 47			
	25	1	10	2 2.
In R V	18 25			
	5 9	3	15.	5. 10. / 7. 6.

V. in Col. 4.	Sick	Deputation
275.	80.	3-35/80.

12. The Provincial Court of Circuit have correctly observed that the sentence of fine is unauthorized under Regulation IX 1832, and if the fine of two Rupees has been paid by the Prisoner, they will order the amount to be refunded to him -

Suff: Report. Case 57. 13. The record of this case having been called up very properly by the Provincial Court of Circuit under Section XXIV Regulation X 1816, the Court of Zeejdaree Adalut have no remark to make upon it at present. With reference to the conclusion of para 26. of the proceedings of the Provincial Court of Circuit, it will be right for them to instruct the Magistrate to "institute the enquiry" in person - The report will

of course be communicated to this Court for their information.

Cases 63 & 77. 14. The full explanation of the delay in the disposal of these cases required by the Circular Order 11th April 1832, should have been given in the Supplemental Report.

15. The Foujdaree Adalut will transmit Special instructions respecting these Cases.

Case 91. 16. This case appears to the Court of Foujdaree Adalut to have been Committed on most insufficient grounds. If more evidence than is alluded to in the Report is not procurable, the prisoner should be released.

Masulipatam. 17. The Provincial Court of Circuit have exceeded their authority in ordering specifically and finally the release of the 1st prisoner in this case, on a review of the case in the Criminal Report just about to be submitted to the Court of Foujdaree Adalut. It would have been more proper, if the order had been suspended. It should have been made conditional upon no other evidence but his Talook confession against the prisoner being before the Criminal Court.

	Joint Criminal Judge		Sudr Ameen		Remarks.
	C	P	C	P	
In Suppl R	2	1			
In R V	0	22			
	1	1			

P. in Col 4 — sick — Deputation. 483 — 12 — 60.

No. 122. 18. The Court are of opinion that the observations in the latter part of the Remarks of the proceedings of the Provincial Court are unnecessarily severe.

19. In these cases it is observable, that the Provincial Court of Circuit consider the Joint Criminal Judge to have acted contrary to the Circular Order of the 21st October 1830, in requiring the corporal punishment adjudged not to be inflicted.

	Joint Criminal Judge		Sudr Ameen		Remarks.
	C	P	C	P	
In Suppl R	18	46			
	41	59			
In R V	23	61			
	15	41	5	17	
			2	7	
			3/6	3/6	

P. in Col 4 — sick — Deputation. 329 — 21 — 3 months.

Gunter Report V Cases 122 123 & 124 also 131

x in 2 N. W. P. 14 Oct 1834 — 6 Reports ND for July

The Court of Foujdaree Adalut have already explained that in construing this Circular Order it is obvious, that the object of it was not to fix the precise date on which the Sentence of Stripes should be carried into execution, and although, under that order, where the period of imprisonment exceeds 3 Months, the Stripes cannot be inflicted within two months after the Sentence has been passed, the Circular Order does not restrict the operation of the Sentence to that specified time, but admits of the infliction of the Stripes being ordered at a later period. The manifest object of the order being to obviate the evil of a hasty execution of a portion of the Sentence, which if erroneous could not be, afterwards, in any way remedied.

20. Adverting to the point of the discretion vested in a Judge, to correct the Judgments of the Sudr Ameen under Section II Regulation III 1833 the Court of Foujdaree Adalut hold, that where

10

where the Sentence passed is not obviously inadequate to the ends of justice, or contrary to it, or to the Regulations, that the discretion should be very rarely exercised, the attainment of the object in view, under this limitation, being accessible by pointing out to the Sudr Ameen the error of the leniency or severity of his sentence with the intimation, that he is expected to act accordingly in future similar cases - In the cases referred to by the Provincial Court there does not appear to be a necessity for disturbing the sentences, although there can be no doubt that the 1st Prisoner in case 126 ought to have been committed. The case in fact ought not to have been referred to the Sudr Ameen -

Case 126- 21. The Provincial Court of Circuit are quite correct in their opinion of the impropriety of the return of cases to the Police -

Nellore Report X Case 248. 22. The opinion of the Court of Foujdaree Adalut respecting the construction of the Circular Order 21st October 1830 contained in para 19 of these proceedings renders any further remark on this point unnecessary. With respect to the 4th Prisoner the charge against him was for receiving stolen property knowing it to be such, and the evidence is contained in the order of the Assistant Criminal Judge requiring security from

	Criminal Judge		Assistant Criminal Judge		Sudr Ameen under	
	C	P	C	P	C	P
In Sept-R -	5	8.				
	1	1.	-	2	2	
In R V. —	10	24.				
	7	17	2	4	1	3

Pris C4. — sick — Disposition 458 — 59 — 7 65/59.

from him. The 4th Prisoner is but a youth, he "confesses to having received some of the Stolen property "from the 1st prisoner who told him that he had "found it in Prosecutors yard. His concealing them "under ground renders him liable to suspicion. Although this affords very strong ground for suspicion of the act charged, there is room for doubt from the nature of the charge as to its being sufficient for the conviction of the prisoner; and in consideration of his youth the Court resolve to direct that he may be released. —

Cases 250- 253- 23. The Order of the Provincial Court of Circuit is correct as regards these cases - It is to be observed however, that they have in these cases as well as in the one preceding animadverted upon the Acting Criminal Judge, instead of his Assistant, by whom the Report shews them to have been disposed of. —

Ordered, that Extract of these proceedings be sent to the Provincial Court of Circuit in the Northern Division for their information and guidance and for communication to the Subordinate Authorities of such parts as concern them respectively by Precept returnable without delay. —

Sent following Precept N° 1224

Read Letter, dated the 29th Ultimo, from

from the Provincial Court of Circuit in the Southern Division transmitting the Criminal Reports prescribed by Section XXXV Regulation X. 1816 for the Month of September 1834.-

/Here enter No. 1549./

Madura 1 The Criminal Reports of Madura do not appear to require any remark. The Provincial Court of Circuit will however urge the Criminal Judge to endeavor to clear off the arrears of cases, which at the end of the Month were unusually large: and instruct him to notify in future in the Statement of the Labor of the prisoners, to what Column the Sick are attached as required by this Court in their proceedings upon the Reports of the Southern Division for the month of June.-

	Criminal Judge C	P	Assistant Criminal Judge Amunuhs C	P	C	P
In Suppt R	8	9				
In R V	12	52	4		2	5
	2	5	1	1		
					2 48	
P in C4	414		12		11 53	
Sick						
Proportion					884	

	Criminally acts Under Circuit Court Commitments C	P	C	P	C	P
In Suppt R	7	13				
In R V	13	66				
		3	7			
P in C4	71		2		554	
Sick						
Proportion						

2 With reference to paras 11th and 12th of their Proceedings the Provincial Court of Circuit will upon receipt of the explanation issue the proper orders and report them for the information of the Sudder Adalut.-

Tinnevelly 3 The Court of Foujdaree Adalut conclude although it is not stated in the Report, that there Sup. Report was other evidence against the 1st prisoner in this Case 92. case than the Stolen property having been found on him.-

Coimbatoor 4 The Criminal Reports from Coimbatoor

	Acting Judge C	P	Assistant Judge Amunuhs C	P	Sudr Ameen C	P
In Suppt R	5	22			1	8
In R V	28	103			9	25
					10	33
P in C4	288		122		134	
Sick						
Proportion						

do not appear to require any observations other than those passed by the Provincial Court of Circuit. It is however observable that in the Statement of the labor of prisoners all the Sick mentioned are included in Column 2. The Provincial Court of Circuit will require the Acting Judge to explain whether none of the other prisoners (in number 130) included in Column 1 were Sick as, if they were, they should have been entered accordingly.-

Salem 5. The Sentence in this case under Clause 4th Section III Regulation XI 1822 requires explanation with reference to the charge which States the Prosecutor's Son to have been "beaten and robbed of his earrings" and from which the case would seem to be one of Robbery by open violence.-

	Judge C	P	Assistant Judge Amunuhs C	P	Sudr Ameen C	P
In Suppt R	8	42				
In R V	32	54			4	4

Report V Case 315

Case 332- 6. The case noted in the margin is one, in which the Criminal Judge might have exercised very properly the power, with which he is vested by Regulation III of 1835, to over rule the judgements of the Sudr Ameen who, at the same time he pronounced the prisoner "too weak from the Sickness" passed Sentence

Sentence that he should receive one hundred lashes.
The Court trust that the Circular Order 2d August 1831 were duly observed on the occasion of the infliction of the Stripes. The Provincial Court of Circuit will communicate these observations to the Criminal Judge.-

7 The Court do not find the Statement of the labor of Prisoners with the other Reports forwarded from Salem, and the Provincial Court of Circuit will therefore cause it to be transmitted without delay.-

Coimbatore Suppl. Report Cases 272. 296. 297.

8. The Court of Sudder Adalut concur with the Provincial Court of Circuit in their view of these cases, but as the 3d Judge will shortly hold Sessions at Coimbatore there does not appear any necessity for interference.-

	Jail Calendar Cases		Sick Reports	
	C	P	C	P
In Suppl. R	5	24		
In R V	25	84		
	30	108	3.	6.

Statement of the Labor of Prisoners under the Magistrate of Salem

	Sick	Reports	
P. in C4.	195	13	15.
Premises in C4.	245	60	14.
Q.			

The Court observe, that 71 prisoners are entered in the Column of "held to Security". The Provincial Court of Circuit will direct the Magistrate to explain, whether this number is correct, and if so under what circumstances they are confined and by what authority, seeing that all Persons ordered by the Magistrate to be imprisoned on requisition of Security must be sent to the Criminal Court.-

The

Statement of the Labour of Prisoners under the Magistrate of Trichinopoly

	Sick	Reports	
P. in C4.	291	12	24
Do under Magistrate of Tanjore for July			
P. in C4.	186	4	46
Do under Joint Magistrate of Tanjore			
P. in C4.	76	5	15

10. The Statement for the month of July has been forwarded by the Magistrate and Joint Magistrate of Tanjore. The Provincial Court of Circuit will call for and transmit these Statements for the month of August without delay.-

Ordered, that Extract of these proceedings be furnished to the Provincial Court of Circuit in the Southern Division for their information and guidance and for communication to the subordinate judicial Authorities of such parts as concern them by Precept returnable in 20 days after receipt.-

Sent following Precept No. 1225.

L 10
W 27
10
Ex W.

P.W.

S. U.

At a Court of the Toujdaree Udalut

Present,

Friday
14th November 1834. John Bird Esqre Acting 1st Puisne Judge,
Thomas Alexr Oakes Esqre Acting 2d Puisne Judge,
Alexr Duncan Campbell Esqre Acting Judge,

Read Return dated the 12th September,
to Precept of the 31st July, 1834, conveying the
observations and orders of the Court of Toujdaree
Udalut on the Semiennial Reports of the Southern
Division for the Month of May 1834.

(Here enter No. 1325.)

The only remark, which the
above return seems to requrie, is upon case
164 of the Salem Criminal Report No. V in which
the Prisoner was sentenced upon his alleged
Jalook confession. the correctness of which he
strongly denied before the Sudr Ameen. The Provincial
Court of Circuit having animadverted on the illegality
of the sentence of the Sudr Ameen Pundit, the Court of
Toujdaree Udalut feel it incumbent on them to direct
that it be pointed out to the Criminal Judge,
that he is considered to have seriously erred

in

in allowing such injustice to be committed, by his omission to exercise in this case the powers vested in him by Section II Regulation III. 1833, of overruling the judgment of his Sudr Ameen—

Ordered, that Extract of these proceedings be sent to the Provincial Court of Circuit in the Southern Division for communication to the Crl Judge of Salem.

(Sent in No. 1230)

Read letter, dated the 27th Ultimo, from the 3d Judge on Circuit in the Southern Division, submitting the Combiaconum Calendars for the 2d Sessions of 1834.

(Here enter Nos. 1535.)

1

In the above letter, the 3d Judge points out the cases Nos. 22. 25. and 27 on the first Calendar and Nos. 4. 5. 6. and 7. on the Supplemental Calendar as those in which he would propose a mitigation of the punishment to which the prisoners have rendered themselves liable—

Case 12.

2

The Prisoners in this case, were charged with having in an armed gang "raped and

"and stolen paddy and when attacked by the "Prosecutors and some others assaulted and "severely wounded the Prosecutors with sticks, "robbed them of certain articles Viz.— The Futwa "convicted (of assault and theft only) the 1st 2d "3d and 7th prisoners whom, the 3d Judge also "considered guilty, of having taken grain, and, "when discovered in the fact, of having "assaulted, though not of having severely "wounded the persons who came to protect "their property—"

3.

The 3d Judge passed a sentence under clause 2d Section IV Regulation VI 1822 on these prisoners of 3 years' imprisonment and hard labor in irons— This however, unless the assault was unconnected with the theft in point of time, is a case of Robbery by open violence under the Circular Order 6th April 1830, and the 3d Judge will accordingly, if the circumstances bring the case within the Circular order cancel his present sentence on these prisoners and passing a fresh one under Section IV Regulation XV 1803 will, if he thinks it proper, as he doubtless will, make the reference

reference to the Court of Foujdaree Udalut which will enable him to mitigate the sentence prescribed by Law, for the offence of which the said prisoners were convicted - The 3d Judge will find upon reference to the remarks on case No 1. of the Supplemental Calendar, that if there had been no violence, he could not have sentenced the Prisoners under Clause II Section IV Regulation VI 1822 -

Case 22. 4. The age of the Prisoner in this case is not stated, but Forgery is so prevalent in the zillah of Combaconum, that the Court of Foujdaree Udalut decline to accede to the proposed mitigation of punishment - The 3d Judge will accordingly pass the sentence prescribed by Laws, upon the prisoners -

Case 23. 5. The Court conclude that a second fatwa was taken in this case, and sentence passed upon the 4th prisoner, in commutation of the Hud therein declared for housebreaking) -

Case 25. 6 The Court of Foujdaree Udalut are not of opinion that the record of the trial in this case need be referred; and they accordingly authorize

authorize the 3d Judge to pass the sentences he has proposed, upon the different prisoners in this case - and they are prepared to order the 1st prisoner to be banished to Chittoor, when the Criminal Judge shall submit copy of the warrant of the 3d Judge to the Court of Foujdaree Udalut for orders as to his disposal, as required by the Circular order 6th January 1823 -

Case 27. 7 It would appear from the Futwah that the Law Officers fully acquitted the prisoner, whilst the Presiding Judge considered the act proved - In consequence of this difference of opinion, the record of the trial must be referred -

Case 28. 8 In this case the 3d Judge has held the 1st prisoner to security, or, in default of producing the security required, has ordered him to be confined and kept to hard labor in irons "there being grounds to believe that the 1st Prisoner is a man of bad character and riotous conduct - The Court conclude, that this order has been passed under the Circular order 5th June 1815, and that the notorious bad character of the prisoner was

proved

proved to the satisfaction of the 3d Judge—

Case 31. 9. The Court of Foujdaree Adalut trust that no exertions will be spared by the Magistrate to establish the facts of their inhuman proceedings, against the perpetrators of the murders for which the prisoner in this case has been tried and acquitted; for want of sufficient evidence

Supl. Calendar Cases Nos. 1. 10 A reference to the Circular Order of the 19th of June 1823 will shew the third Judge, that he was not authorized to pass sentence on the Prisoners in this case under the Clause and Section and Regulation quoted. Under Clause 3d Section II Regulation XV 1803 it was requisite that a second futwa should have been taken in this case— the 3d Judge will accordingly cancel his sentence, and, taking a second futwa from his Law Officer, pass the sentence prescribed in commutation of the penalty of the Mahomedan Laws— and refer to the Court of Foujdaree Adalut, if he is of opinion that this punishment is more severe than under the circumstances of the case it is just to inflict on the

the prisoners—

Case 4. 11 The Court of Foujdaree Adalut under the circumstances explained in the Calendar, authorize the proposed mitigation of punishment in this case—

Cases 5. 6. 7. 12 These cases are closely connected with case No. 4, and although the prisoners have not the same excuse of irritation to plead as the prisoner in No. 4 had, the Court will not decline to sanction the proposed mitigation of punishment in their favor, as they consider where the leading facts of the cases are precisely the same, a sentence exceeding that passed upon the prisoner in case No. 4, would hardly be just—

Case 9. 13. According to the abstract of the evidence in the Calendar, it seems to the Court of Foujdaree Adalut, that it was sufficient for conviction; they conclude however that it bore a different appearance before the Court of Circuit, and that points connected with it have not been adverted to, which in the opinion of the Presiding Judge were sufficient to make him

with

withdrawn his confidence from the evidence.—

Ordered, that Extract of these proceedings be sent to the 3d Judge on Circuit in the Southern Division for his information and guidance by Precept returnable within 20 days after its receipt.—

(Sent following Precept No. 1231)

Read Return, dated the 3d instant from the Acting 2d Judge late on Circuit in the Centre Division, to Precept of the Court of Foujdaree Udalut under date the 9th Ultimo, conveying their observations and orders upon his Circuit Report for the Chittoor 4th Quarter Sessions of 1833, and 2d Sessions of 1833 at Chingleput and Cuddalore.—

(Here enter No. 1569 of 1834.)

1 With the above Return is transmitted copy of a communication from the Magistrate of Chingleput, furnishing the explanation required by para 14 of this Court's proceedings of the 9th Ultimo, regarding the grounds upon which the two persons Vijayan and Cundum, therein adverted to were sent to Jail by that officer.

The

2 The Magistrate states, that as they were known to be men of notorious and dangerous character yea yea he deemed it his duty yea to cause their subsequent reapprehension, and to require from each, two securities, in the sum of Rupees 100 each, or to be imprisoned for one year.

3 With reference to this explanation the Court desire that the Acting 2d Judge will call upon the Magistrate to state distinctly, whether or not, in thus demanding Security from, and in default, committing the parties in question to Jail, he proceeded upon evidence, touching their character, entirely distinct from that which was produced upon, or in any way connected with their trial before the higher Court.

Ordered, that Extract from these proceedings be sent to the Acting 2d Judge late on Circuit in the Centre Division by Precept returnable without delay.—

(Sent following Precept No. 1232)

Read letter, dated 6th September last from the Acting 3d Judge, late Additional Judge on Circuit in the Northern Division transmitting the record in Case No. 35. on the Chicacole Cal. 1st Sessions of 1833.—

(Here enter No. 1269.)

1 The Court observe, that on the Record of the above case, there is nothing to shew that the provisions of the Regulations, which direct that an inquest shall be held on the bodies of all persons

persons supposed to have been Murdered, have been conformed with - and on this point, information is accordingly required -

2 In the next place, the Court deem it advisable before proceeding to pass to a final decision, that they should have more full and satisfactory evidence than the Record contains, regarding the exact condition of the dead bodies of the deceased persons - In his report the Police Ameen of Rajam, Shenkeramunchy Vajsoo Dawrazoo asserts that he saw five corpses bearing the marks of violence; and in addition to other facts therein detailed, he expressly declares, that not only himself but his Peons and the people of the Village examined the dead bodies - It is therefore particularly desirable that this man, and the persons who were with him when he inspected the bodies, should be carefully examined, as to the state in which they found them, and as to such other circumstances connected with the deaths of the deceased, as within their own knowledge, they may be able to depose to -

3 It further appears, that the Prisoners were summoned before the head Weavers of the Village, who

who interrogated them regarding the Murder; but at the same time the 8th. Witness before the Criminal Court, 14 before the Circuit Court, Canacom Papooa deposed before the Criminal Court, that the two first prisoners and Curry Chinnia and others were arrested by the Police, and that they were released on "a Wednesday evening", and that on the following evening they were examined by the Head Weavers, and this fact is also partially alluded to in his deposition before the Court of Circuit - On this point, further testimony is absolutely necessary; and it is also requisite, that in the event of its being established that those two Prisoners were so apprehended by the Police in the first instance, evidence should be taken as to the grounds which led to their apprehension, and particularly, why they were released. - On this head, it appears proper to observe, that the prisoners were summoned before the Head Weavers, in consequence of their having come into the village exhibiting to view, a bag, spectacles &c. &c. and stating that they had seen four corpses in the watercourse, and had found these articles upon them - The 6th. and 7th. Witnesses Valoopoony Ramanagary Venkanah and Valoopoony Nauganagary Veeriah allege, that they were

eye

eye witnesses though concealed, of the Murder. It is consequently material to ascertain, whether or not the original suspicion against the prisoners arose from the denouncement by the two eye witnesses, or from their own display of the articles in question.

On the foregoing points therefore, further evidence is required; and the Court desire, that the Acting 3d Judge on Circuit in the Northern Division will transmit, with a copy of these proceedings, the rough English Translations of the Records of the case now under consideration to the Criminal Judge of Chicacole, directing him to call for and examine the witnesses now required in the presence of the prisoners, and to transmit the evidence thus taken to the Acting 3d Judge, who will forward without delay English Translations of the additional evidence so taken to this Court.

Ordered that Extract from 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. 1293).

J. 16.

At a Court of the Sowjdaree Adalut

Present

Saturday 15th November 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 29th October 1834, from the Acting 3d Judge of the Court of Circuit in the Northern Division, transmitting copy of the Masulipatam Calendar 3d Quarter Sessions of 1834.

(Here enter No. 1571.)

Case 4. The Court of Sowjdaree Adalut having duly considered all the circumstances of this Case represented in the Calendar, are of opinion that a sentence of one (1) year imprisonment with hard labor in irons will sufficiently meet the ends of justice, and they accordingly resolve to authorize the sentence upon the Prisoner Gundum Nurso prescribed by law, to be mitigated to that extent.

Case 7. 2 If further evidence cannot be speedily obtained against the Prisoner in this Case, the Court of Sowjdaree Adalut think that it will be proper for him to be discharged.

Case 9. 3 Agreeably to the recommendation of the Presiding Judge the Court of Sowjdaree Adalut sanction the mitigation of punishment to which the Prisoner has rendered himself liable, and authorize a sentence of two years

years imprisonment to be passed upon the Prisoner Veerasoo.

4 The Court perceive that the Acting 3d Judge has omitted to observe the Circular order No. 6 of 1834 on the present occasion and they direct that his attention be called to it.

5 The Calendar just received should have been forwarded to the Court of Tanjore Ultimo at some time since.

Ordered, that Extract of these proceedings be sent to the Acting 3d Judge of the Provincial Court of Circuit in the Northern Division for his information and guidance by precept returnable without delay.

(Sent following precept 1236)

Read letter, dated the 29th Ultimo, from the Acting 2d Judge late on Circuit in the Centre Division, transmitting English and Persian Translations of the Proceedings in Case No. 30 on the Cuddalore Calendar for the 1st Sessions of 1834.

(Here enter J. Co.'s No. 1553 of 1834.)

1 The Court observe with dissatisfaction that the deposition of the Prisoner before the Magistrate of Salem dated the 21st August 1833, and those before the same officer, of the 1st August: 30th September and 7th October to which allusion is made by the Magistrate of the Southern Division of Arcot, in his examination of the Prisoner on the 4th January 1834, are not included in the Record of this Case.

2 They resolve accordingly to return

15th November, 1834.

the Record to the Acting 2d Judge late on Circuit in the Centre Division, with instructions to annex to it English and Persian translates of the Depositions in question and to return it to this Court without delay.

Ordered, that Extract from these proceedings be sent with the Record of the Case to the Acting 2d Judge late on Circuit in the Centre Division for his information and guidance by Precept returnable without delay.

(Sent following Precept 1237)

Read letter dated the 29th Ultimo, from the Acting 2d Judge late on Circuit in the Northern Division, transmitting English and Persian Translates of the Proceedings in Case No. 34 on the Quntoor Calendar, for the 1st Sessions of 1834.

(Here enter J. Co.'s No. 1579 of 1834.)

1 The Court observe that against the 1st Prisoner in this Case, there is no evidence (in addition to his Talook Confession) excepting that of the 3d witness before the Criminal Court. It appears from page 120 of the Proceedings now submitted that this Individual is dead and that the Presiding Judge deemed his testimony to be unnecessary.

2 The Court however considering his evidence to be essential, previous to passing a final decision, resolve to direct the Acting 2d Judge late on Circuit in the Northern Division, with reference to their

Circular

15th November 1834.

Circular Order of the 8th May 1833 to instruct the Officiating 2nd Criminal Judge of Guntoor to cause it to be read & explained in the presence of the Prisoners, and to transmit an English and Persian Translation of the same to this Court.-

Ordered, that Extract from these proceedings be sent to the Acting 2nd Judge Circuit in the Northern Division for his information and guidance by precept returnable with all dispatch.-

Sent following precept

Read letter, dated 4th October 1834, from the Acting 2nd Judge of the Court of Circuit in the Northern Division, transmitting certain documents connected with Petitions presented to him while on Circuit at Rajahmundry complaining of certain acts of the Magistrate and his Police Officers.

[Here enter No. 1503]

1 The Acting 2nd Judge states that several Petitions were presented to the Court of Circuit which terminates in the cases 80 and 81 in the Criminal Court at Rajahmundry, in the former of which, the circumstances connected with the Murder of Pilli Chinneegandoo are involved, and in the latter, the circumstances connected with the supposed murder of one Dantlah Savvy Hankerlakoody Seetiah, a female of some rank, late possessed of certain property to which Dantlah Seetiah the widow of her elder Brother laid claim, and which the Collector

15th November, 1834.

Collector acknowledges he ordered to be transferred to Dantla Seetiah. It is alleged in Hankerlapoody Seetiah's Petition that of the above named persons, two of her people were inhumanly murdered by one Hankey Appiah the pretended cultivator of Dantla Appiah, and Peons, that the suspended Meristadar of the Magistrate of Rajahmundry caused the above by his intrigues, and that all redress so has been refused, and the circumstances of the Murders not duly enquired into by the Magistracy.-

2 Other Petitions were presented to the Court of Circuit setting forth the facts of these two murders and alleging that justice has been entirely withheld.-

3 In the 15th para of the proceedings of the Acting Judge it is stated, that the Runnee Bayenah on the 8th October 1832 replied to the order of the Collector to him to make over certain land in 8 days to Hankey Appiah on pain of dismissal "that he had sent for the Peons with "the Curnums and Head Men, eleven in number "to execute the Collector's orders that they, and "in execution of the said orders had put the land "in possession of Hankey Appiah and taken his "receipt which is forwarded, that during the "fight Pilley Chinneegandoo who had struck "a Peon and run away had by some means been "killed, and that his family with a view to injure "the Peons had carried the body to be inspected "by him the Collector or Magistrate."

4

In the 25th para it is continued,
"The Magistrate on the 10th October acknowledging
"Bayenah Christniah's communication of the
"8th of that month remarks "I have received
"your Argee upon the subject of the death of
"Pulley Channoganoo by blows inflicted by
"Kantey Appiah and Vencanah. The body has
"been examined by the Doctor and the result
"unequivocally is that he has been murdered
"by blows: you will enquire into this and
"send all concerned to the Criminal Court"

5

On the 25th October, it appears
from the 26th para, of the Collector's address
Bayenah Christniah states "it is quite clear
"from your communications that Juggiah
"Moonsiff Jogiah and others have killed Pulle
"Channoy &c. &c. therefore I send a warrant for
"their apprehension, and you must seize and
"send them to the Criminal Court"

6

With respect to the Murder of
Gauntah Sawmy it is observed, that on the
13th December 1832 Bayenah Christniah
reported, that when he sent a Duffadar and
Peon under Kanty Appiah to oppose the
cutting of grass and liberating it in Han-
kalapoodys house, "Gauntah Sawmy who
"had wounded the Duffadar's hand, had been
"wounded with a spear". On the 14th Gauntah

Vencanah

15th November, 1834.

Vencanah / the father of Gauntah Sawmy / it
is alleged carried the corpse of his son to the
Magistrate and explicitly charged Kanti Ap-
piah and others with the murder, referring
to four persons as having been eye witnesses
of the transaction.-

7

The 35th para of the proceedings
of the Provincial Court is to this effect "There
"is then an order stating that the Doctor repor
"the man to be dead of wounds: that the case
"is one of Murder and must be sent to the
"Criminal Judge, there is one again on the
"15th stating that his / Bayenah Christniah's
"report had been received and that no persons
"were to be forwarded to the Criminal Court
"as directed upon Gauntah Vencanah's state
"ment, if upon a careful enquiry it should
"appear that Gauntah Sawmy had been killed
"resisting the Circar's orders which enquiry
"he must make accordingly the Court can
"not proceed further without expressing their
concern that orders of this improper nature
should have been issued by the Magistrate,
who moreover certainly ought in person
to have gone to the spot and made the
enquiry, instead of delegating that duty
to the party whom the Father of the deceased
had represented to have been chiefly in-
strumental to the perpetration of it.-

8 Without following the Circuit Judge through the details into which he has entered, the Court of Sanjaree Adalut record their opinion, that the Magistrate acted not only unjustly but illegally in his proceedings respecting the transfer of the property from Harkeloorey Lettah, and that he evidently did not make the enquiry into the cases of alleged Murder that he ought to have done - As Collector he could not interfere with possession, except by reference to a punchaet, and as Magistrate, it was his duty to maintain the party in peaceable possession, until the dispute was settled by a competent tribunal.

9 The Circuit Judge was quite incompetent in such a case, to call for any law opinion from the Hindoo Law Officer and in this respect has erred in confounding his proper functions, with those of the Circuit Courts - The Judges also conceive that the Acting 2d Judge was injudicious in the order he issued to the Magistrate to send up the persons specified in the 4th para. of his proceedings, for it is clear that he knew not what evidence there was against them. He should rather have directed the Magistrate personally to institute further enquiries and fully to

to investigate the facts of the cases and then send up the proper delinquents to the Criminal Court. The fact of the death of Gumlah Sawmy having been reported by the Medical Officer which appears in the proceedings of the Provincial Court seems to be irreconcileable with the examination of the Prosecutor the father of the deceased. The Provincial Court will cause, therefore, enquiry to be made whether or not some error has not been inadvertently committed in this respect.

10 The Court of Sanjaree Adalut have taken into consideration the sentences of the Criminal Court in Cases 80. 81. and 82. and it appears to them that there cannot be a question that there has been most infamous Perjury in these most extraordinary cases and under the presumption that the exposition contained in them is full and correct the late Acting Criminal Judge Mr. Brown could hardly have done otherwise than release the Prisoners.

11 The Provincial Court of Circuit will however call up the cases under Section XXIV Regulation X 1816, and after due consideration of them, issue such further instructions to the Criminal Court, and the Magistrate as may seem requisite, particularly

with

15th November 1834.

with reference to the 35th para of the proceedings of the Acting 2nd Judge, reporting to this Court the result of their consideration of the whole matter and the orders they may issue.

Ordered, ~~that Extract of these~~ proceedings be sent to the Provincial Court of Circuit for their information and guidance by precept, returnable without delay.

Sent following precept &c.

L.P.C.

En 120

H.D

Iron

L. Q.

At a Court of the Toudavay Udalat

Present,

Monday 17th November 1834. John Bird Esqr. Acting 1st Puisne Judge.
Thomas Alexander Oakes Esqr. Acting 2nd Puisne Judge.
Alexander Duncan Campbell Esqr. Acting Judge.

Read Petition presented by Comarapa Reddy the Meerasidar of Tenore Village, Mookkiyas naked to Auromooga Moodely Son of Ramasawmy Moodely of the Zillah of Chingleput.-

(Here enter Petn. No. 94 of 1834)

The Petitioner represents that he and Ramasawmy Moodely were in No. 2 of 1829 tried in the Zillah Court of Chingleput by the Tindavana-reddy and that a decision was given against them: that they intended to appeal therefrom to the Provincial Court, when the plaintiff aforementioned, entertaining the idea that if he could put Ramasawmy Moodely out of the way a Decree would be passed in his favor by that Court also, in conjunction with one Monticoo-comaraapparedy and seven or eight others persons, murdered him on the Morning of the Monticoo Pongal Feast; that with the exception of Monticoomasapa-reddy they were apprehended examined by the Tahsildar before whom they gave declarations acknowledging that they committed the Murder and

and

and by him were forwarded to the Criminal Court over which Mr. Lockhart then temporarily presided, who committed them for Trial before the Court of Circuit: but that upon the appointment of Mr. Horsley to the Office of Criminal Judge of the Zillah the said Lemants were tried by Mootteecoomaraspaeddy, who was a wealthy and influential man to withhold certain Material Documents, and to misrepresent the case to the Criminal Judge, who accordingly released them.-

2 The Petitioner stated that in consequence of the recent death of Ramalawmy Moodely, he was prevented from presenting his appeal within the prescribed period that his property was in Litigation of the Decree of the Zillah Court, sold by public Auction, and that Mootteecoomaraspaeddy and Candasparaddy purchased and now enjoy it and his Meerasy Village in equal shares: and further that he and the above named Son of the deceased have not succeeded in obtaining redress from the Provincial Court.-

3 The Petitioner prays the Court to issue orders to the Magistrate of Chingleput directing him to cause the apprehension and punishment of the (alleged) murderers.- &c
2nd to issue the necessary orders for his admission to

to prefer an appeal in formâ pauperis from the decree of the Zillah Court.-

4 With regard to the first application the Petitioner is informed that he must represent the circumstances of the case, and bring forward his charge of Murder before the Magistrate of the District in which the offence is alleged to have been committed.-

5 With regard to the second application the Court observe that it is totally distinct from and improperly included in the present Petition which regards certain criminal Matters: and further that beyond the Petitioner's bare assertion that he is "a poor man" - nothing is advanced to warrant this Court in issuing any orders whatever upon the subject.-

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

Read again Petition presented on the 3rd Instant by Appoo Pillay of Cuddalore.-

(Here Enter Mis. Pet. No. 95 of 1834.)

The Petitioner details the circumstances of his dealings with one Veeraspah Chetty; and alleging that this person has fabricated a

a deed with a view to injure him, he prays the Court to interfere and bring him to justice. The Petitioner is, there can be no doubt, fully aware that if he has any charge to make against Veeraperumal Chetty, he must lay it before the Magistrate this petition to this Court is improper, and trifling with its time the Court warn him that upon repetition he will be fined.—

Ordered that the Petition be rejected, and that Extract of these proceedings be furnished to the Petitioner upon application.—

Read letter, dated the 25th Ultimo, from the 3rd Judge on Circuit in the Southern Division, transmitting the record in Case N°10 of the Summary Calendar 2d Sessions of 1834.—

/Here enter N°1518./

Mr Bird and Mr Campbell

The Court of Zoujdaree 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 "Umbalavanen"

2d "Arnachellum"

and

3d "Palanasem"

is sufficient to commit them of the crime of assault and Torture, &c, under the authority with which they are vested by Clause First Section II Regulation I of 1818, commit them thereof, and in conformity with 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 by full legal evidence of that crime.—

Answer.

In the event of the Crime above mentioned being established against the Prisoners aforesaid by the evidence of credible witnesses, they are liable to Dookoot.

Under the Sentence of Dookoot declared in the foregoing Futwa, the Court of Zoujdaree Adalut sentence the Prisoners,

1st "Umbalavanen"

2d "Arnachellum"

3d "Palanasem" 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 5 years and then to be released.—

/Sent in N°1240/

The Court resolve to direct the 3d Judge on Circuit in the Southern Division to transmit a copy of their Sentence upon the Prisoners in this case to the Magistrate of Tinnevelly with instructions to

to that Officer to cause it, and a brief Statement of the Offence of which the prisoners have been convicted to be publickly proclaimed in the usual manner throughout the District under his charge.—

2. The Court trust that the example thus made will tend to check the practice at present too prevalent amongst the Native Police Officers of oppressing and illtreating with the view of extorting confessions those persons who may be temporarily placed in their custody; and to assure the inhabitants that such persons will not be allowed with impunity to commit into an instrument of oppression that authority with which for the ends of Justice it is necessary to invest them.—

3. Adverting to the evidence of the 5th Witness for the prosecution before the Circuit Court, the Court, deem it proper to point out to the 3rd Judge that that Individual should have been questioned as to what the deceased stated in the Talook, before the declaration of the latter was put into his hand: and further that it is necessary that such declarations should be read in Court.

4. The Court deem it probable that this was done: in that case however it should have been so stated in the Record of the Trial.—

Ordered

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 1245

Read letter, dated 25th Ultimo, from the Acting 2nd Judge of the Court of Circuit in the Centre Division transmitting the Records in Cases Nos 25 and 50 of the Bellary Calendar 2nd Sessions of 1833.—

/Here enter No 1542/

Mr Bird 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 Cozat and Mooftees of the Foujdaree Adalut, confirm the said Futwa of the Cazee ool Cozat and Mooftees aforesaid, and, under the sentence of Abkoolut declared in the Futwa, sentence the Prisoner,

Siddaramiah,

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 1246/

Read letter dated 15th September last from

17th November 1834

from the Acting 3rd Judge on Circuit in the Centre Division transmitting the record in Case No 14 of the Bellary Calendar for the 2nd Sessions 1834.

(Item entry No 1554.)

Mr Bird and Mr Campbell

The Court of Foujdaree Udalut having maturely considered the proceedings held before the Judge on Circuit, the Futwa of the Hindoo Law Officer and the Futwa of the Cazee cul Coozat and Mooftee of the Foujdaree Udalut confirm the said Futwa of the Cazee cul Coozat and Mooftee aforesaid and sentence the Prisoner, Gowda Hemmadi, to suffer death by being hanged at the usual time and place of execution, as prescribed by Section X Regulation VIII of 1802.

The Court observe that in the record of this case, the age of the 11th Witness Gurramah before the Criminal Court is stated to be "unknown".

2.

The Court desire that the Acting 3rd Judge will call the attention of the officiating Criminal Judge of Bellary to the Circular order of the 18th May 1831, which directs that when the real age of the defendant, whether Prosecutor Witness or Prisoner cannot be ascertained, the apparent age be invariably entered.

Ordered

17th November 1834

Ordered that Extract of these Proceedings be sent to the Acting 3rd Judge on Circuit in the Centre Division for his information.

(Sent following letter No 1243)

DHC

Ed W

RS

J.A.B

Criminal Judge upon whom the Provincial Court will c
for it. Shews this to have been the fact. they will pa
orders for the discharge of the prisoner if no confi
=ment or for the Bail bond to be cancelled if it
has been entered into.-

6 In the 2d para of their Proceedings
of the 4th October the Provincial Court of Circuit
correctly observe "that although there may be no case
"committed still the usual Abstract should always
"be entered when there may be cases committed in
"the preceding months after the Report No 7 but
"if there be no Report for this No then the abstract
"should be entered after Report No 6.-

7 With reference to the order of the
Criminal Judge "The 1st Witness having retracted the
Malabar evidence he gave in the Police
Criminal Judge 30 13 Criminal Judge 1 5 Criminal Judge Ameen 1 5
In Suppl R 30 13 Suppl Report Case 355
In R V 47 18 30/32 35
P. in C 4 - sick - Proportion
367 - 34 = 10 27/34
one month." The Court of Zoujdaree Adalut observe
that a witness is not liable to fine because he
retracts before the Criminal Court evidence he
had given before the Police but only for prevari
=cation before the Criminal Court itself.-

Report V 8.

Case 396. 3d The propriety of the release of the
prisoner in this case as far as can be judged
from

from the Report appears questionable, but as the
Judge on Circuit will have the proceedings laid
before him he will provide for the due disposal
of the case and the Court of Zoujdaree Adalut consider
any further remark here unnecessary.-

9 The Court conclude from the omission
to notice them in the statement that none of the
184 prisoners entered in Column 1, but not included
in Columns 2 or 3, were in hospital at the end
of the month of September in the Jail at Cuttack

Malabar 10 The 1st Prisoner was sentenced
Criminal Court to three months imprisonment in this case appears
Report V to the Court of Zoujdaree Adalut to have been subjected
Case 126. to a slight punishement considering the offence
to have been housebreaking - The provisions of the
law Section VII Regulation X 1816
C P C P C P does not appertain to housebreaking
In Suppl R. 1 4
In R V 14 20 4 5 nor to the offence of knowingly
P. in C 4 - Sick - Proportion
101 — 10 — 10 10/20 receiving stolen goods of which the second prisoner
in this case stood convicted. The Provincial Court
of Circuit will cause these observations to be
pointed out to the Pundit Lack Ameen who is
stated to have disposed of the Case.-

Case 128.- 11 With respect to this case the
Court of Zoujdaree Adalut would observe that
as the wounds appear to have been of a nature

to

At a Court of Faujdaree Adalat held

Tuesday 18th November 1834

John Bird Esqr. Acting 1st Puisne Judge
Thomas Alexr Oakes Esqr. Acting 2d Puisne Judge
Alexr Duncan Campbell Esqr. Acting Judge

F.H.C.

Read Extract from the proceedings of the Provincial Court of Circuit in the Centre Division, transmitting the Criminal Reports prescribed by Section XXXV Regulation X 1816 for the month of September 1834.—

Here enter No. 1572

Chittoor Report No. Case 303.

Criminal Judge — Assistant Circuit Judge — Sudder Ameen — Moonsiff

C P C P C P C P

Sc Suppt R 32 16 — 8 26
In R V — 33 57
Pun C4 — Sick — Reposition 11 25 / 9 51
446 — 45 — 9 46

The Court of Faujdaree Adalat presume that the articles sold by the 5th Prisoner were identified by the Prosecutor as his property: This should have been, but is not, mentioned in the Report.

It appears to the Court of Faujdaree Adalat that the Sentence, as proposed by the Provincial Court of Circuit should be modified by annulling that portion of it which directs 20 Lashes to be inflicted on the said prisoner: and the Provincial Court of Circuit by whom the Court conclude this part of the Sentence has been suspended, will issue the requisite orders.

Case 304. 2

The charge in this case is very vaguely worded — but from the Report altogether it is to be collected that the 1st prisoner has been required

required to find security on the ground of his Talook confession that he had the intent to rob supported by the fact that he had informed certain persons of his intention and had pointed out the places in which the attempt had been commenced. The Provincial Court of Circuit will require the Acting Criminal Judge to draw the attention of the Assistant Criminal Judge to the necessity of wording the charges clearly.-

Cases 304-305. 3 The Court of Foujdaree Adawlut authorize the remission of the stripes in these cases, as suggested by the Provincial Court of Circuit.-

Case 314. 4. The Court of Foujdaree Adawlut are of opinion that the Criminal Judge should have referred to the case alluded to by the [illegible] examination of the record of the Trial in which the Supposed accomplices were convicted, would probably have enabled him to point out to the Magistrate evidence on which to have put the prisoner on his trial.-

Cases 316-317-318 5 The Court two prisoners are convicted
319 - and 32 in all the cases noted in the margin and from the Report it appears that they have been held to security on their Talook confessions alone. The Provincial Court of Circuit will ascertain if there were no other grounds of suspicion and if not will direct the Bail bond to be cancelled if it has been entered into as they cannot be held to security on their unsupported Talook confessions.-

The

Chittoor 6. The Provincial Court of Circuit upon
Sept. Report ascertaining that security has been taken from the
Case 287. prisoners in this case on their Talook confessions alone will order their release or the Bail bond to be cancelled if it has been entered into.-

7 With reference to para 4th of the proceedings of the Provincial Court of Circuit it is to be observed that under the Circular Order of the 18th November 1831 "the grounds for conviction or acquittal should invariably be stated in each case.-

Case 293. 8. The Court would observe that if there was proof of the fact opposed to the testimony of the prisoner when before the Magistrate as a Witness the party had rendered himself liable to the penalties of Perjury - as explained in the Circular Order 3rd May 1821. if however the contradictions were in one and the same statement it is probable that on the fact being pointed out to the party he might have reconciled them by explanation and in this case his transmission to the Criminal Court was incorrect. The Provincial Court of Circuit should ascertain the particulars of the case and point out to the Assistant Criminal Judge and the Assistant Magistrate the proper mode of disposing of cases of this description if they find that they have erred in the present instance.-

It

Cuddapah 9 It is satisfactory to the Court to observe the very healthy state of the prisoners in the Jail at Cuddapah. They conclude from the statement that no more than 9 out of the 1869 in Jail Criminal Appeal Sick Judge Criml. Assn. General Judge C P C P C P C P were sick at the date of those Reports In Suppl R 15 17 3 6 In R V 27 85 8 24 11 30 & no mention is made of any of the Prisoners other than those included P in C 4- sick 8 2/3 - This portion 3 1/3 in Cuddapah being in hospital.

10 The statement of "Extra Rons" forwarded by the Criminal Judge of Cuddapah is not what is expected under the Circular Order of 7th 1834 - all the Peons employed to guard the prisoners at work under that order be specified in the statement the Provincial Court will accordingly call upon the Criminal Judge for an amended statement and forward it to this Court.-

Case 277 11 It is to be remarked in this case that the prisoner was forwarded on his alleged Extort confession which the Court do not think cognizable as it is not improbable that facts may be elicited in the examination of the prisoner before the Criminal Court which would not very likely have come to light in an investigation before the Police.-

Cases 273 & 274 12 These appear to be both cases of imitation of the Custom House Chuft and the Provincial Court of Circuit will direct the attention of the Magistrate to the Circular Order of the 8 May 1815

1815 in which it is recommended that in cases of this description recourse should be had to the powers vested in Magistrates under Section XXI Regulation II 1802.-

Cuddapa 13 If the Provincial Court of Circuit
Suppl Report find upon enquiry that the 3rd 5th and 6th Prisoners have
Case 235. been held to security on their Extort confessions alone they will issue orders for the Recognizances to be cancelled.

Case 254. 14. The punishment in this case appears very severe and it is noticed by the Provincial Court of Circuit as being in excess of that cognizable by the Magistrate it is not clear whether or not there was "breaking" committed or whether it was simple Theft, except that Clause 8th Section II Regulation XI 1822 being cited in support of the sentence leads to the supposition that there were aggravating circumstances connected with the case not detailed in the Report. If the Provincial Court find that it is a simple case of theft upon explanation which they will call for they will issue orders for the sentence to be modified.-

Cuddapah
Native Criminal Judge C P C P C P
In Suppl R 2 2 1 1
In R V 8 15 2 8
P in C 4- sick 2 3 — 8 — 3 1/3 This portion

15 The Cuddapah Reports do not appear to require remark.-

Bellary Report Case 215.
Criminal Judge C P C P C P C P
In Suppl R 9 32 4 15
In R V 35 19 5 18 9 33
P in C 4- sick - This portion 947 - 41 — 28 2/3

16 This would seem to have been a case of Robbery by open violence as regards the 1st prisoner and not merely

merely one of housebreaking - if the robbery from the person of the complainants Daughter was not proved it should have been specified in the Report.

Case 223 17. If the fact stated in this case the witnesses swear that they were threatened with the loss of their Throats and some of them ill treated to compel the discovery of the Culprits has not been made known to the Magistrate the Provincial Court of Circuit will cause it to be communicated to him in order that he may investigate the circumstances.

Bellary 18. The Court observe that the 3d prisoner
Report V in this case has been ordered to be released but the
Case 225 fact of some of the stolen property being found on the 3d prisoner would if he could not account satisfactorily for it, have formed a strong ground for his committal.

Chingleput 19. Though the amount stolen
Report V is small, this is a distinct case of housebreaking
Case 264 and the offence should the Court think, have
Cum Cabt Joint Sessions Judge Joint Sessions Judge Asst Sessions Judge
C P C P C P C P
In Suppl R 22
In R V 3651
4 6
Pun Cts sick Report 885 — 15 — 9/12
been punished more severely than by a sentence
Case 269 of only 6 Months imprisonment. 20

The Court conclude that the circumstance of the second prisoner who confessed that a prisoner had escaped from his neglect in this case having been released on the grounds of his not being liable to the criminal prosecution but liable to punishment by the Magistrate under Section

Section XXIII Regulation VIII 1802 has been brought to the notice of that Officer - as however the case had been sent up to the Criminal Court it would have been in consonance with the general principle adverted to in Circular Order 31st December 1828. that cases although cognizable by the Magistrate should be disposed of by the Criminal Judge, and sentence passed to the extent to which the prisoners may have rendered themselves liable; if the punishment which might have been inflicted by the Magistrate had in this instance been awarded. It would seem doubtful whether the prisoner in question can now be punished for the offence upon which he has been tried and released from the supposed deficiency of jurisdiction. It does not appear that there was any proof whatever against the 1st Prisoner.

Suppl Report 21. The same observation is applicable
Case 255 in this case.

22. The Provincial Court of Circuit will point out to the Joint Criminal Judge that the Supplemental Report should be in a similar form, with the appropriate columns for the dates of leaving the Talook

Cuddalore
Joint Criminal Judge Assistant Sessions Judge
C P C P C P
In Suppl R 15 50
In R V 5 18
8 16
1 9
9 25
Cuddalore Suppl Report
Pun Cts sick Report on
304 — 15 — 20 4/5

Subject of presumption No. that of Report V.-

Case 118. 23. The Court of Zilly Sarce Udalat comes in the opinion of the Provincial Court of Circuit that this case was one of Gang Robbery and out of the Jurisdiction of the Criminal Court and the Joint Criminal Judge erred in sentencing the 1st and 3d prisoners as he has done under Section VII Regulation X 1816. The Provincial Court of Circuit will also point out to the Joint Criminal Judge that he was in error in his proceeding respecting the 6th prisoner which he thus explains. The 6th prisoner was sent up as a witness on the 28th August by the Assistant Magistrate according to the evidence of 4th 5th and 9th Witnesses he was made a Defendant by the Joint Criminal Judge - although by the prosecution of the prosecutor he was withdrawn from the list of defendants. The Circular Order 28th October 1832 declares the proper course of proceeding against a party sent up to a Criminal Court as a witness who may appear implicated in the charge under investigation -

24. The Provincial Court of Circuit will take the opportunity of informing the Joint Criminal Judge that the detail of evidence into which he has entered in his Supplemental Report is greater than is required by the Circular Order 18th November 1831.-

The

Case 118. 25. The Provincial Court of Circuit will, upon ascertaining the fact whether or not the 7th Prisoner is the wife or concubine of either of the prisoners, pass the appropriate order for her detention or release; It would seem however that there was strong presumptive proof of her knowledge of the property she received being stolen - which is as much as is ever to be obtained from the nature of the offence except when confession may be made -

Case 121 26. In this case a question might have been put to the Law Officer whether or not the offence was punishable under the Mahomedan Laws -

Report V 27. It would seem that the prisoner

Case 123. being a Peon should have been committed for Trial under Clause 2d Section II Regulation VI 1822. -

124 28. The reference to the Circular Order 27th May 1829 leads to the conclusion that the charges in this case and in the following were not investigated as conviction had followed the examination of the former case. If this has been the fact the Provincial Court of Circuit will point out to the Joint Criminal Judge that where different cases are before the Court at the same time they should all be investigated and a sentence passed in accordance with the Regulations upon them collectively

such

such as, in the opinion of the Judge, is adequate to the guilt incurred by the prisoner.-

126. 127. 29. The mode of entry should, in all cases, be specified in charges of this description to enable the Court to judge of the correctness of the Sentence.-

Ordered that Extract of these proceedings be sent to the Provincial Court of Circuit in the Central Division for their information and guidance and for Communication to the Subordinate authorities of such parts as concern them respectively by Circular returnable in 30 days after its receipt

Sent following Circular No 7

Read letter dated the 29th October 1834 from the Criminal Court in the Western Division transmitting the Criminal Reports prescribed by Section Regulation X 1816 for the month of September 1834.-

Filed vide No 1581

Canara

Report V Case 107

1. As the prisoner in this case did not clearly convict the Acting Criminal Judge Canara should not the Court think, have interfered with the decision of the Pundit Ludr Ameen.-

	Criminal Judge	Ludr Ameen	Criminal Judge	Ludr Ameen
	C	P	C	P	C	P	C	P
In Suppl R	4	13						
In R V	20	36	5	11	2	3		

P in Column 4 - sick - Proportion 223 - 11 — 20 3/11

2 In this case also the alteration of the Sentence passed by the Ludr Ameen may be considered

Vide 107

considered injudicious - The power of over ruling the Judgments of the Ludr Ameen should, in the opinion of the Court of Sudder Adalut be exercised chiefly where Sentences may be passed illegal in themselves when the punishment is excessive or such as are obviously inadequate to meet the ends of justice. In most other cases pointing out his error to the Ludr Ameen will very probably secure in subsequent cases the object in view Viz.t a due observance of the provisions of the Law.-

3 The Provincial Court of Circuit are quite correct in the observations recorded in para 2 of their proceedings upon the Reports of the Acting Criminal Judge of Canara - with reference however to the first para of the same proceedings it appears to the Court of Sudder Adalut that with the exception of the case alluded to by the Provincial Court of Circuit the remarks of the Acting Criminal Judge are sufficiently concise.-

Auxiliary Court at Honore

Acting Joint Criminal Judge of Canara

	Joint Criminal Judge		Ludr Ameen	unsd.
	C	P	C	P	C	P
In Suppl R	4	6			2	3
In R V	5	14			1	2
					3	5

P in C.A - sick - Proportion 35

Native Criminal Judge

	Native Criminal Judge		Ludr Ameen	unsd.
In Suppl R	7	5		6	4
	1	1			
In R V	5	4			
	5	4			

P in C.A - sick - Proproportion 11 — a — a

Suppl Report Case 85.

4 The Reports of the Acting Joint Criminal Judge of Canara do not appear to require remark.-

5. The prisoner in this case appears to have been held to security on his Talook confession alone If the explanation of the Native Criminal

Criminal Judge upon whom the Provincial Court will c
for it. Shews this to have been the fact. they will pa
orders for the discharge of the prisoner if no confi
=ment or for the Bail bond to be cancelled if it
has been entered into.-

6 In the 2d para of their Proceedings
of the 4th October the Provincial Court of Circuit
correctly observe "that although there may be no case
"committed still the usual Abstract should always
"be entered when there may be cases committed in
"the preceding months after the Report No 7 but
"if there be no Report for this No then the abstract
"should be entered after Report No 6.-

7 With reference to the order of the
Criminal Judge "The 1st Witness having retracted the
Malabar evidence he gave in the Police
Criminal Judge 30 13 Criminal Judge 1 5 Criminal Judge Ameen 1 5
In Suppl R 30 13 Suppl Report Case 355
In R V 47 18 30/32 35
P. in C 4 - sick - Proportion
367 - 34 = 10 27/34
one month." The Court of Zoujdaree Adalut observe
that a witness is not liable to fine because he
retracts before the Criminal Court evidence he
had given before the Police but only for prevari
=cation before the Criminal Court itself.-

Report V 8.

Case 396. 3d The propriety of the release of the
prisoner in this case as far as can be judged
from

from the Report appears questionable, but as the
Judge on Circuit will have the proceedings laid
before him he will provide for the due disposal
of the case and the Court of Zoujdaree Adalut consider
any further remark here unnecessary.-

9 The Court conclude from the omission
to notice them in the statement that none of the
184 prisoners entered in Column 1, but not included
in Columns 2 or 3, were in hospital at the end
of the month of September in the Jail at Cuttack

Malabar 10 The 1st Prisoner was sentenced
Criminal Court to three months imprisonment in this case appears
Report V to the Court of Zoujdaree Adalut to have been subjected
Case 126. to a slight punishement considering the offence
to have been housebreaking - The provisions of the
law Section VII Regulation X 1816
C P C P C P does not appertain to housebreaking
In Suppl R. 1 4
In R V 14 20 4 5 nor to the offence of knowingly
P. in C 4 - Sick - Proportion
101 — 10 — 10 10/20 receiving stolen goods of which the second prisoner
in this case stood convicted. The Provincial Court
of Circuit will cause these observations to be
pointed out to the Pundit Lack Ameen who is
stated to have disposed of the Case.-

Case 128.- 11 With respect to this case the
Court of Zoujdaree Adalut would observe that
as the wounds appear to have been of a nature

to

to detain the Prosecutor in Hospital, the Prisoner ought to have been committed for trial.-

Ordered that Extract of these proceedings be sent to the Provincial Court of Circuit in the Western Division for their information and guidance by Precept returnable within 30 days after its receipt.-

/ Sent following Precept N° 1245 /

Read letter dated the 25th Ultimo from the Acting 2nd Judge of the Provincial Court of Circuit in the Centre Division transmitting English and Persian Translations of the proceedings held by the late Acting first Judge on Circuit in Case N° 50 Belizeze Calendar 2nd Sessions of 1833.

/ Here enter F. V. N° 1542 of 1834 /

The Court observe that the Prosecutor in her deposition before the Court of Circuit states that the weapon called Sundaker, found upon the bed of the murdered man, and subsequently produced upon the Trial was, at the time of the perpetration of the Act of violence in the hand of the 2nd Prisoner Goontah Rangaly. The Court are of opinion that evidence should be taken respecting the ownership of the weapon in question: and as to whether it is the property of the 2nd Prisoner or not.-

There

There can be no doubt in the opinion of the Court that Revenge prompted the commission of this Murder: and they are of opinion that further evidence should be taken as to the cause of enmity against the deceased.-

The Court accordingly desire that the Acting 2nd Judge will issue instructions to the Officiating Criminal Judge of Bellaire in Communication with the Magistrate of that District to ascertain whether or not there is any evidence forthcoming upon the two points above specified and if there be any to cause it to be taken in the Criminal Court in the presence of the Prisoners and to forward the same to the Acting 2nd Judge who will transmit an English Translation of it without delay to this Court.-

Ordered that Extract from these proceedings be sent to the Acting 2nd Judge of the Provincial Court of Circuit in the Centre Division for his information and guidance by Precept returnable without delay.-

/ Sent following Precept N° 1246 /

Read again Extract from the Minutes of Consultation of the 21st Ultimo conveying the sentiments of Government on the proceedings of the Acting 2nd Judge Provincial Court of Circuit

18th November 1834

Circuit in the Centre Division in the Case No 1
1st Quarterly Sessions Exhibition 1834 Supplemental
Calendar.

(Here enter No 1509)

Ordered, that Copys of Para 164
inclusive of the Minutes of consultation be trans-
=mitted to the Honourable Court of Circuit in the
Centre Division with instructions to communicate
the same to Mr Nicholls.

Entd

(Sent in No 1247)

F.C.

At a Court of the Foujdara Udalut

Present,

Wednesday 19th November 1834.

John Bird Esqr Acting 1st Puisne Judge.
Thomas Alexr Oakes Esqr Acting 2nd Puisne Judge
Alexr Duncan Campbell Esqr Acting Judge.

Read Report, dated the 22d September last from the 2nd Judge late on Circuit in the Southern Division, on the Circuit for the 1st Half of 1834.

(Here enter No 1393)

Read also Report, dated the 13th August last, from the Acting Judge late on Circuit in the Southern Division, on the delivery of the Jail at Salem

(Here enter No 1150)

It is satisfactory to the Court of Foujdara Udalut to observe the healthy State, in which the 2d Judge states he found the prisoners in the Jails at Trichinopoly, Madura and Tinnevelly.

2. With reference however to the remark respecting the prisoners at Ootacamund contained in para 3d of the 2d Judge's Report, the Court of Foujdara Udalut take this opportunity of stating, how desirable it is, that they should be furnished monthly with Statements of the number of Prisoners, and other particulars concerning them, when under the charge of Military Authorities, similar to that which the Judicial Officers in charge of Jails are required to

Submit

Subnd. If the Right Honble the Governor in Council should be pleased to authorize the Report to be transmitted regularly through the Provincial Courts Circuit to the Court of Foujdaree Adalut, instructions will be issued to the different Provincial Courts of Circuit to forward at once to the Military Officer under whose charge prisoners may have been placed, copies of the forms of the Reports in question with a view to the arrangement being adopted without delay.

3.

In para 4 of the Report Mr Dickinson observes that several petitions were presented to him by parties complaining of the insecure state of property in the larger Zemindaries of Madura, in which the Police powers had been made over to the Zemindars and that various instances were given, of extensive robberies having been committed in them in which, as it was said, the Ryots were delivering up a portion of the booty to either the Zemindars or their people screen from Justice. That he had communicated with Mr Wrighton at that time Acting Collector, on the subject, and that he expressed his conviction that the complaints were in some respects well-framed. The Judge adds that

as it was said, [illegible] gives his opinion, that if the abuses of the booty to either [illegible] exist, the Police should be placed under from Justice. The [illegible] the Magistrate.

Mr Wrighton at [illegible] The Judges are of opinion that it subject, and that would

would be advisable to direct the present Magistrate to institute enquiries on the subject; and if it should appear that the abuses alluded to do exist, that it would be worthy the consideration of Government whether the Land holders in question ought to be entrusted any longer with the exercise of Police authority.

5.

It may be observed that under the Sanction of Government dated 10th February 1832 it is competent to the Magistrate of Madura, to invest the Tahsildars of the Ramnad zemindary with police authority, though it does not appear whether he has acted upon it or not.

6.

The sixth, seventh and eighth paragraphs of the Report are connected with the subject of the Court House and Jail of Tinnevelly upon which there has been such frequent correspondence, that the Court deem it proper here to introduce a Summary of it, previous to expressing their present opinion regarding it.

7.

So far back as the 2d November 1827 the Provincial Court in the Southern Division forwarded a communication from the then Joint Criminal Judge stating that the Magistrate of Tinnevelly having required him to remove the prisoners from the place of confinement he had allowed them to occupy he had been under the necessity

necessity of providing the prisoners who had been committed for trial to Madura as there was no available building at Tinnevelly; and on the 22d November the Court of Foujdaree Adalut submitted copy of the above letter to Government recommending at the same time that early arrangements might be made for supplying the deficiency of accommodation for the prisoners and suggesting that the site of the new Jail should be on that side of the river Tamraparnimy on which the Court house stood.

8.

With reference to the letter of the 22d from this Court, Government on the 28th Decr last expressed their opinion "that the Jail of the Auxiliary Court of Madura should be built with the Jail of Palamcottah both because it appeared that the Jail yard which was reported to be in hand would afford an ample security if one cut stone and because greater security in guarding the prisoners and more easy means of quelling any disturbance within the Jail would be derived from its situation in the Fort and in the immediate neighbourhood of a detachment of Sepoys than if it were placed on the Tinnevelly side of the river." The Military Board were then instructed to cause a plan and Estimate of a Jail to be erected in the Fort of Palamcottah to be forwarded in communication with

with the Assistant Judge and in conformity to such suggestions as he might offer.

9. This plan which the Military Board stated met with the entire concurrence of the Joint Criminal Judge and Estimate were communicated to the Foujdaree Adalut by Government on the 21st April 1829. who requested sentiments of the Foujdaree Adalut generally on the nature and extent of the Jail and Hospital accommodation which they might consider requisite to be provided for Auxiliary Courts. The Government being inclined to think that a smaller and less expensive building than the one proposed would be sufficient, as when the prisoners become numerous in the Jail of the Auxiliary Court a portion of them might be removed to the Jail of the Zillah.

10 On the 5th September 1829 the Joint Criminal Judge represented to the Foujdaree Adalut that the place allotted for the confinement of the prisoners was very inadequate to the purpose. He stated that there were 87 persons under confinement of whom however 54 were prisoners committed for trial that the building in which the whole number were confined consisted of three rooms one of 20 feet 7½ inches Square in which 38 prisoners were confined at night another 37 feet by 20 feet 7½ inches in which 62 were placed at night. and the 3d room 20 feet 7½ inches by

by 13 feet 6 Inches in which 16 were placed the other prisoner being a woman had been allowed to sleep in the Verandah. The Joint Criminal Judge added that the prisoners who were committed were forwarded to Madura as soon as they could be conveniently but that during the Monsoon it would be quite impossible to transmit them regularly. There being no building at Tinnevelly or in the Fort at Palamcottah in which the prisoners could be placed it was suggested that additions should be made to the present building or that a regular jail should be built.

11. The Provincial Court of Circuit was called upon by the Foujdaree Adalut under date 20th April 1830 with reference to the above letter to submit their opinion on the necessity or otherwise of erecting a new Jail for the security of the Prisoners and on the 5th May 1830 the opinion of the Provincial Court of Circuit was given in these terms "consider-"ing the number of prisoners that are now in con-"finement and the number that are usually com-"mitted for trial at each Sessions before the Court "of Circuit we are of opinion that in a public "point of view it is highly desirable that there "should be a proper and secure place of confinement "for the prisoners at Tinnevelly. The consequence of "there not having been one since the establishment

of

of the Circuit Court in 1827 has been that all the "prisoners at each Sessions have been forwarded to "Madura for trial before the Court of Circuit at a "great expense to Government and a great incon-"venience to the public, thereby doing away in a great "degree the benefit that was anticipated by the Esta-"blishment of the Court."

12. The Provincial Court of Circuit in conclusion adverted to the fact of there having been in 1814 an old Jail erected at Tinnevelly, whilst the Station of a Zillah Court, calculated to contain 300 prisoners and of the best materials and suggested that it might be made available adding that if it could not they would "strongly "recommend that a new Jail be forthwith built."

13. The Foujdaree Adalut on the 15th July 1830 called upon the Joint Criminal Judge to report through the Provincial Court of Circuit the State of the former Jail, just alluded to, "to "what purpose it was directed and generally how "far it might be feasible, and by what means "to make it fit for use."

16. On the 6th August 1830 the required explanation was forwarded together with a plan of the premises. The old Court house it was stated had been pulled down during the Collectorate

of

offices built on the site. The Joint Criminal Judge after pointing out the purposes to which the buildings were allotted added "if the whole of the Cutcherry was "given to be appropriated for the Court House Jail &c. "then some other building must be erected for the "Collector's Cutcherry and in my opinion the place "from its situation in the middle of the Town of "Tinnevelly, is much better adapted for a Cutcherry "than a Jail even the East of Palamcottah there is "plenty of open ground on which a Jail might be "built Shall take this opportunity of mentioning that "in attends in April 1828 Lieutenant Patterson of "the Engineers arrived here with orders to fix on a "situation inside the Fort of Palamcottah on which "to erect a jail, there was only one vacant spot "large enough for the purpose but this is so low "that during the monsoon the water lodges there "to the depth of two or three feet."

15. On the 9th September 1830 with reference to the orders of Government under date the 28th December 1827 and 21st April 1829 the Madras Board requested Government that the Military Estimate of the Jail to be prepared in communication with the Superintending Engineer of the Division and constructed in conformity to the

Annexed

9th November 1831

annexed plan of a Jail for the Auxiliary Court transmitted by the Sunjedaree Adalut to the Military Board on the 23d April 1830.

16. The Government on the 24 September 1830 recorded in the Minutes of Consultation their opinion in these terms "As it does not appear "that any prisoners need be confined in the Jail "of the Auxiliary Court at Tinnevelly, except such as "are either under examination or committed for trial "or sentenced to imprisonment for short periods, the "Right Honorable the Governor in Council considers "it desirable that the Assistant Judge should be "directed to submit some arrangement for providing "the requisite accommodation which will render it "unnecessary to incur, at this particular period, the "expense of erecting a new Jail."

17. These orders were communicated to the Provincial Court of Circuit for the guidance of the Joint Criminal Judge on the 5th January 1831. On the 16th March 1831 the Acting 3d Judge on Circuit in the Southern Division submitted copy of a correspondence with the Joint Criminal Judge on the subject of the Jail in which the Acting Judge pointed out the misery suffered by the "prisoners "when closely packed into a small room with their "hands fastened close together with iron fetter hand- "cuffs in so hot a climate as that of Tinnevelly

Can

"and for so long a period as twelve months." The Acting 3d
Judge stated his opinion "that a small jail might
"be built by contract upon the plan of the old Jail
"in the town of Tinnevelly, or of the small new one at
"Salem, for a very trifling Sum."

18. In this correspondence the 2nd
Criminal Judge wrote "With reference to the letter
"from the Zoyjdaree Adalut dated 5th January 183
"I really am at a loss what plan to submit; the
"only one which appears to me eligible is to convert
"the buildings which have been used for the Collec
"Godowns &c into a Jail but whether this can be
"done cannot of course depend upon whether the collec
"investments are to be continued or not. If the invest
"ments are to be continued, then the only thing to be
"done is to make additions to the present place
"of confinement, but whatever sums may be expended
"on these additions would be a dead loss because the
"land on which they would be erected does not belong
"to Government and they would consequently revert
"to the land lord, in addition to which the Jail
"itself is nothing but a brick and mud building."
It is proper to add here that it was explained by
the Joint Criminal Judge that he had been obliged
to place some of the prisoners alluded to by the Acting
Judge in irons for their safe custody in consequence
of the insecurity of the Jail.

On

19. On the 30th March 1831 a further
representation was made to the Zoyjdaree Adalut
of the necessity for additional accommodation for the
prisoners.

20. On the 13th April 1831. The resolution
of Government was recorded that the Commercial
buildings at Tinnevelly "be made over to the
"Collector for the use of his Cutcheny and that the
"present Revenue Cutcheny be appropriated to the
"use of the Auxiliary Court and Jail. The Board of
Revenue and the Military Board were directed to
cause plans and Estimates to be prepared of the alter-
ations required to complete the adaptation of the
buildings to the purposes for which they were allotted
under these orders.

21 On the 22d April 1831 the instruc-
tions in connection with the above orders were
communicated to the Provincial Court of Circuit.

22 The 2d Judge on Circuit in the
Southern Division in his Report dated the 2nd
January 1832 on the 2d Sessions of 1831 observed
"the unfit state of the building used as a Jail
"at Tinnevelly was shewn pointed out to the
"Zoyjdaree Adalut by the Acting Judge of the Court
"late on Circuit. It was formerly a Godown attached
"to a dwelling house and is so small that the
"Medical Officer in charge of it informed me
that

"that a short time before the arrival of the Judge on
"Circuit to deliver it disease invariably prevailed to a
"great extent among the prisoners confined in it-
"I am of opinion that either some
"other more commodious building ought to be appro-
"priated for this purpose or that a Jail should be
"constructed at this Station as soon as possible"-

23.

As it appeared from the Report of
the 2d Judge that the Revenue Cutcherry which
under the orders of Government of the 15th April 18
should have been appropriated to the use of the
Auxiliary Court and Jail had not been transferred
the Provincial Court of Circuit were required by the
Regulation dated on the 25th January 1832 in the
proceedings upon the above Report to call upon the
Acting Joint Criminal Judge to explain the cause

24.

On the 21st August 1833 the Provin-
cial Court of Circuit forwarded copy of the Report
of the Acting Joint Criminal Judge stating "that
"the alterations to the extent sanctioned by Govern-
"ment in the buildings formerly used as a Cutcherry
"in Tinnevelly but now intended for a Jail and
"Court House have not last been completed- It was
observed by the Acting Joint Criminal Judge that
"it was still necessary that further works should
"be carried on in them with a view to rendering them
"available however imperfectly for the purpose for
which

"which they are intended bringing to notice at the
same time some of the required additional works
and also "certain circumstances connected with the
"localities of the Jail, and with the general plan
"of the Court House which" he thought after all
that could be done to them in the way of altera-
tion was executed would still render them highly
inconvenient-

25

The objections of the acting Joint
Criminal Judge was as follows- "that the Jail was
"in a very confined part of the town of Tinnevelly
"only approachable by a narrow lane having at the
"same time around it a number of native buildings
"many of which naturally look down upon it"- that
it was not near any stream of water and "removed
"nearly 3 miles from the Fort of Palamcottah; there
being between it and the Fort a river "impassable
"at times excepting only in boats from the month
"of June to the month of February inclusive"-

26

Of the Court House the Acting
Joint Criminal Judge stated his opinion that the
objections to it rendered the building unsuited for
the long and tedious investigations of a large num-
ber of persons in it- "The Court is only 30 feet by 26
"broad, including a low front Verandah which has been
"added to the town and the walls of it are just eleven
"feet high- It is in the centre of one side of a

quadrangle

"quadrangle of 24 yards, the buildings in which
"are all nearly of an equal height with it and it has
"a wall rising within 6 feet of a narrow Verandah
"which is attached to it at the back, and thus it
"is shut out in a very great degree from air and light
"on all sides. In short the Court house and adjoining
"rooms are just such apartments as are used by the
"more affluent natives in India"

"The fact I have stated of their being
"well suited to Natives and of their being in a populous
"and tolerably wealthy town would ensure their selling
"for a good price."

27. To these objections however the Zillah Adalut explained to the Provincial Court of Circuit on the 3d September 1833 that they did not consider it proper to give their countenance previous to a trial of the buildings.

28. On the 7th October 1833 the Provincial Court of Circuit submitted to the Zillah Adalut copy of a letter from the then Acting Assistant Judge to the following effect. "The Judges of
"the South Adalut having given it as their
"decided opinion that the buildings should not be
"disposed of until practical experience has been obtained
"of their suitableness for a Court, it would not become
"me to adduce any further arguments to recommend
"their sale. The Court building can be let there but the

"the health of the Judge who presides in it must
"suffer. The Revenue Officer who formerly occupied it
"as a Cutcherry seldom entered it but in the cooler
"months and it may be inferred from their anxiety
"to quit it that they found it uncomfortable even
"then I take it for granted that the great objection
"to letting the Court remain where it is at present
"is the expence which it occasions to Government in
"the shape of House rent. I beg therefore to suggest a
"plan by which this objection may be removed.

"Attached to the present Court house
"there is a vacant Bungalow which contains as
"many apartments as I shall require for my private
"residence. It is my wish to take the whole premises
"on lease, live in the Bungalow and continue to
"hold Court in the house as at present. I would
"respectfully solicit sanction for this arrangement.
"The only person who can be incommoded by it is
"myself, and I consider every inconvenience to be more
"than compensated by the comparative salubrity of
"the situation which is peculiarly desirable to a
"person of infirm health like myself.

"Whether the above arrangements be
"approved or not, no house rent will appear in the
"Contingent charges after this date.

"I further beg leave to state that the
"Prisoners have all been lodged in the new Jail."

The

29. The Provincial Court of Circuit recommended "that as to many authorities appeared "to be agreed as to the unfitness of the new building "for a Court room the present Acting Assistant Judge "might be authorized to continue to rent at the "public expense the building in which the Court "had hitherto been held until it shall be decided "whether the Court room could be made more com- "modious or whether a new Court ought not to "be built."

30. The Acting 3d Judge in his Report dated 16th September 1833 on the 1st Sessions of 1833 adverting to the Jail at Tinnevelly states "I am "clearly of opinion that the narrow Shed now existing "is not calculated for a Jail. Very few rooms are "constructed, or rather repaired the chief part of "the new building being in fact nothing but a "superior sort of Cattle Shed, too narrow to shelter "its occupants from an ordinary Hunting Monsoon "rain."

31. The Acting 3d Judge proceeds to observe that if the building in the Town of Tinnevelly was appropriated to the purposes of a Cutchery that the old Factory buildings might at a very small expence, with the aid of the labor of the prisoners be rendered "one of the best "most extensive and most secure Jails in the Country

Country. The Collector being at Head Quarters it is supposed only a fractional part of the year would be little inconvenienced by the situation of the public buildings devoted to his use as a Cutchery "whereas "the Assistant Judge having to sit in Court "every day cannot well keep his health in a "Court house like that at present being newly "erected or remodelled, surrounded as it is by lofty "walls and buildings and utterly impervious to air"

In taking the Report of the Acting

32. 3d Judge into consideration on the 24th October 1833, the Court of Foujdaree Adalut Resolved their opinion "that they did not consider it proper to countenance "objections made before a trial to buildings prepared "for the Court House and Jail by the Special "orders of Government."

On the 30th November 1833 the

33. Court of Foujdaree Adalut Referred to the 1st Judge of the Provincial Court of Circuit the letters already noticed from the Acting Assistant Judges at Tinnevelly copies of which were communicated in the Letters from the Provincial Court dated the 21st August and 7th October 1833 with the following Extract from their proceedings. "Previous "to submitting any application to Government "for permission to continue the lease of the "building lately rented by Government as a

Court

"Court house with a view to its being again appro-
"priated to that purpose" The Judges of the Zoydaw
Adalut resolve to call upon the 1st Judge on Circuit
"in the Southern Division in Submitting his Report
"to be prepared at the close of the present Sessions,
"to report distinctly his opinion whether the buildings
"recently transferred from the Revenue to the Criminal
"Department are susceptible of being converted into
"a commodious Court house, and if so at what
"charge; and in the event of his deciding that
"the building is altogether unfit for the purpose
"to which it has been recently appropriated that
"Mr Garrow will report if it can be converted to
"any other public purpose and if not, what would
"be the probable amount realized by its sale"

34. The 1st Judge of the Provincial
Court in his Report dated the 28th February 1834
reported accordingly "If I had been aware when
"at Tinnevelly that the Joint Criminal Judge
"was about to make any representation as to the
"unfitness of the buildings in question and the
"inconvenience to all parties, I should have
"made a more minute survey of them than I did
"and I should have made enquiries as to what purpose
"they might be converted and the probable amount
"that might be realized if sold. as it is however
"I saw sufficient to coincide entirely with Mr Hall as to the

Several

"Acting Assistant Judge"
on 21st August 1833.

19th November 1834

"Several inconveniences that must follow the occu-
"pation of those buildings as a Court house the
"distance from the European habitations is upwards
"of a mile and during the season whilst the strong
"westerly winds prevail the sufferance of going to
"and fro must be distressing and injurious to health
"a Zillah Judge is not situated like a Revenue
"Officer, who can reside where he pleases the
"former is compelled to attend Court three days
"in the week for Civil business and the other
"three are occupied in Criminal matters.

"As a Court House I am of opinion
"that it is very unfit and no European constitution
"in my opinion could hold out against the confined
"state it is in, surrounded by a Jail full of
"prisoners. the exhalations and miasmas alone
"would be injurious.

"As a jail the inmates might suffer
"little or no inconvenience but supposing the Court
"house to be on the right bank of the river and
"the Jail on the left upwards of a mile distant
"much inconvenience would be sustained. the river
"at some seasons of the year is passable only in
"boats. the passing of prisoners to and fro across
"the river to and through the town of Tinnevelly
"a great loss of time would follow.

"Although I do not advocate as

Jail

"Said and Court house being in one and the same
"building Still they Should be near and where it now
"is I think the most convenient and most Salubrious,
"being close to the river and which is a great advantage
"and prevention of Sickness.

"I cannot say to what purpose the
"new buildings might be converted nor what if Sold
"they would produce. The Joint Criminal Judge reports
"that the repairs cost 2707 Rupees 2 4. this they might
"fetch I think and more. I am not called upon to
"offer any opinion upon Mr. Sparkes' proposition;
"but I would observe that as they appear now to be
"Centred the premises must be the property of an
"individual - then it is to be considered that what-
"ever money the Government lay out upon them is lost for ever
"if the Government's tenure of the country were tem-
"porary or insecure; temporary arrangements, and
"buildings not calculated to last, might be made
"but as civil and criminal justice must be admin-
"istered I would recommend that a proper Court house
"and Gaol be erected; and in erecting the former it
"be of such dimensions as to contain the greatest
"possible number of persons; the greater the num-
"ber that can be brought to be present at the
"Criminal trials is desirable and both to the
"Courts as well as to the number of pannels
"were in every Court House greater than could find room"

The

X Acting Assistant Judge on 7 October 1833.

No.
19th November 1834.

35. The 1st Judge having omitted to return the original correspondence forwarded to him by the Court of Foujdaree Adalut in their review of his report on the 18th July 1834 required him to lay the former correspondence and his own opinion on the subject before the Collective Court who were at the same time instructed "to submit the whole with their sentiments thereon "so as to enable the Court of Foujdaree Adalut "to bring the subject forward in a State fit "for the orders of Government".

36. On the 11th October last the Court of Foujdaree Adalut called upon the Provincial Court of Circuit to forward without delay the result of their consideration of the subject together with the original papers, and the Provincial Court of Circuit on the 22d of the same month in reply gave their opinion in the following terms. "The 1st and 2d Judges now "sitting at the Provincial Station have both "on their respective Circuits inspected the build-"ings in question and do not hesitate to say "that the building intended for a Court House "is altogether unfit for the purpose. Its dimen-"sions are small, its roof very low, and it is "in consequence of being but a few yards from the "Jail wall on one side which is higher

"than

"than its roof and being surrounded by a High wall
"on every other side so extremely hot and close, that
"no European constitution could long be proof against
"the effects of constantly passing through the
"day in it."

"The Jail at the back of the Court
"house is very small but in other respects good.
"It is so inadequate to the accommodation of the
"prisoners that come to it, that at the close of each
"Jail delivery the whole of the Convicts are removed
"to the Jail at Madura.

"The Judges consider it to be absolutely
"necessary that the Court House should be abandoned as an office for the Assistant Judge. They have
"been informed that it might be possible to sell those
"buildings, but upon this they are unable to offer
"an opinion. They however think that if they can
"be sold without the Government being exposed to
"any serious loss it would be well that they should
"be got rid of and that another Court House and
"Jail should be provided on the Palamcottah
"side of the River on which the Regiment furnishing
"a guard to the Jail is stationed and where the
"work of the Convicts principally lies.

"In the event of its not being
"found possible otherwise to dispose of these build-
"ings, the Court would suggest that a Commodious

Jail

19th November 1834.

"Jail should be constructed on the area in which
"they both now stand and better accommodation
"provided for the Assistant Judge."

37. The Court next advert to the Report before them in the seventh para of which the 2d Judge expresses his opinion "that little "or no expence need be incurred by Government "if they should determine on abandoning the "Court House since the factory buildings in "which the establishment of the Collector is at "present accommodated are so very extensive, "that it is quite impossible they can all be "required by that establishment. If the Collector "obtained half or even more of the buildings "and gave up the rest to the Assistant Judge "each might I am sure find himself amply "accommodated."

38. The 2d Judge states in the 6th para of his Report that he had been very particular in examining the Court which he says "is so small in its dimensions and so completely "surrounded by High walls that the heat of it "during the day was intolerable. I felt that "I could not without the utmost inconvenience "if not danger hold my Court in it. I therefore "held the Sessions in a part of a commodious "house which I privately hired."

In

39. In reviewing all these communications it appears to the Court of Judicature that no doubt can remain of the expediency of the sale of the buildings (the Court House and Jail) to which so many and serious objections have been raised and it is to be hoped that as supposed from the nature of the premises a ready and good sale will be met with.

40. The provision of the accommodation for the Court House it is apprehended might be made as suggested above in the Factory buildings and a Jail only be built but if this found impracticable the alternative would appear to be that of ordinary the construction of a proper Court House and Jail as recommended by the 1st Judge of the Provincial Court of Circuit in his report of the 28th February last. In closing these remarks on this subject it is right to advert to the observations in the 6th para of the 2nd Judges report. "It is known to your Court that for several "months past the Acting Assistant Judge has "held his Court in a house for which he himself pays the rent." The particulars of this arrangement are stated in the letter of which a copy is embodied in these proceedings having been forwarded in the letter from the Provincial Court of the 7th October 1833. It is not authorized that any members

members of the Service should take advantage of their offices to render them the places of their abode, but it seems equally objectionable that public Office should be held in a private residence even when the individual may take the whole charge upon himself. He seems to have been driven to it in this instance by the impossibility of any European constitution occupying the building provided by Government without danger. Mr. Hall his predecessor was obliged by ill health to quit India and died on his voyage home.

41. Whether under such circumstances part of the rent of the premises should be refunded to the Acting Assistant Judge Mr. Sparkes is matter for the consideration of Government, the Court think that he should not be at a disadvantage from making the arrangement, which if not sanctioned, has been permitted, and would respectfully suggest that the present Assistant Judge should be authorized to ascertain from the owner of the premises the proportionate rent, which, if rented separately they would have secured, and that such portion only of it as would have been payable on the part occupied by the Acting Assistant Judge for his private use viz the adjacent

adjacent Bungalow should be admitted the cost of the expenses incurred by him from the 30th September 1833 (the day on which the cost of a Court House is stated to have been struck out of the Contingent charges) being refunded to Mr Sparkes-

42. The complaints against the petty Zemindars of Tinnevelly referred to in para 9 of the Report would appear to have some foundation from the circumstances alluded to by the 2d Judge under whose cognizance that the subject and the remedy he suggests are not properly connected with the Circuit deprive the Court abstain from further remark-

43 The result of the examination into the subject matter of the petitions against the Police which the 2d Judge represents in para 10 to have been brought to his notice is highly satisfactory as respecting the general conduct of the Police- So closely connected with the efficiency of the establishment- The natives in Tinnevelly as well as in Tanjore are strongly addicted to conspiracy, often built altogether upon falsehood- False charges and perjury are more common in Tinnevelly than in any other District under this Presidency-

44. The unhealthiness of the prisoners at Combaconum upon which the 12th para of the

Report touches is ascribed apparently by the Assistant Surgeon to the crowded state of the Jail and by the prisoners to the poor quality and small quantity of their food- These causes having been obviated by the orders of the Court of Zoujdaree Adalut and of the 2d Judge it is to be inferred that a change in the favor of the prisoners has been introduced- The 2d Judge it is observable inspected the "Rations" of the prisoners but he does not specify that the statement of the prisoners respecting the poorness of their food was founded on fact- The maximum of 80 Rupees weight was fixed by the Court of Zoujdaree Adalut only under the direction of the Officer in charge of the Jail to relieve it: and, in some instances this maximum has been found to be more than the prisoners could consume though not acknowledged by the prisoners to be so- the object of the concealment being the storing of the grain for the purpose of bartering it for luxuries or condiments with the Peons or even for tampering with the guards set over them-

45. The prisoners placed under the charge of the Joint Magistrate at Myaveram appear to have been usefully employed by that Officer and the report of the 2d Judge as to their health is satisfactory-

The

46. The state of the Jail at Coimbatore as shewn in the 18th para is creditable to the Officer in charge of it. Here also complaints, though remedied, were preferred by the prisoners about their food.

47. Of the Jail at Cotacamund also the most satisfactory account is given by the 2d Judge at the conclusion of his report. There is the greater reason to be gratified by this circumstance as it proves that the greatest change of climate and that supposed to be the most uncongenial to the Native habit, is not of itself, a cause of deteriorated health amongst prisoners, and that where due attention is paid to the several points to which the attention of Officers in charge of Jails ought to be directed much may be done, independent of climate, towards keeping the prisoners in health.

48. The 19th and concluding paras of the 2d Judge's report are occupied with the topic of the allowances which it is right to afford to prisoners.

49. With this subject there are many difficulties connected, and not the least of these, to discover the point at which necessity ceases, and luxury commences. The habits of the Natives in

the Provinces are of course of a different nature from those which can be complied with in Jail, but at the same time the Stamina of the Native System are so weak that they are easily broken down and the constitution once dejected it is next to impossible for the patient to rally from disease.

50. The 2d Judge evidently considers the allowance of condiments to have been mainly instrumental in keeping the prisoners on the Neilgherries in good health. This, however in their case, was peculiarly requisite, not to say indispensable, for Prisoners sent to Cotacamund are subjected to a much greater change than those in the low Country can be exposed to: and the instance therefore is not in point in considering the general question.

51. In prohibiting universally the allowance of Betel, Tobacco, Opium and condiments, the Court vested the Criminal Judge, in communication with the Zillah Surgeon, with authority to carry the order into effect only to the extent from which injury was not to be apprehended. The Court allude to their Circular Order 25th January 1830. regulating the allowances of prisoners to be issued in grain instead of money: and no Betel or Luxuries to be issued except

except on the requisition of the Medical Officers, and to their later order of the 5th June 1832 in which they expressly declared that the prohibition of Betel Tobacco &c. "was never to be enforced "against the opinion of the Medical Officer, but "on the contrary that he should be invited to "point out the cases in which he thinks such "indulgences requisite for the preservation of health"

52. Under these orders, therefore, in any instance, the Surgeon is authorized to point out the cases in which the exception to the general rule should be made, and the Officer in charge of the Jail, it is evident by the order of the 5th June 1832 would not be justified in acting in opposition to the opinion of the Surgeon the order pointing out "the preservation of health" to have been its object, not the restoration alone to health when impaired.

53. The Court of Foujdaree Adalut are by no means prepared to support the free introduction of the use of Tobacco, Betel, and other Stimulants, though at the order of the Officer in charge of the Jail under the requisition of the Surgeon it may be allowed to prisoners on their first entrance into Jail and gradually diminished.

The

54. The latitude however given by the orders above cited appear to be very great and if the personal attendance is given which is required by the Circular Order 8th October 1821 both by the Officer in charge of the Jail and by the Surgeon the Court are of opinion that it cannot be otherwise than that due care should be taken of the health of the prisoners.

55. The Acting Judge in his report upon the Sessions at Salem speaks thus favorably of the Jail very much to the credit of the Criminal Judge, that nothing could surpass "the State of the Jail whether considered with "reference to the cleanliness of the building, the "healthy appearance of the prisoners generally, "or the quality of the food served out to them. The "petitions presented by the prisoners were few "and trivial."

Acting Judge's report.

56. With respect to para 7 of the Acting Judge's report the Court would observe, that it certainly was incumbent on him to bring to notice the want of caution shewn by the Law Officer in drawing up the two petitions alluded to by the Acting Judge, and the Court now direct the Provincial Court of Circuit to caution the Law Officer, and to apprize him that

that a Second instance of such carelessness will subject him to severe animadversion or even to eventual Removal from Office.

57. Adverting to the conclusion of this para the Court of Zoujdaree Udalut are under such full belief that every Judge takes his own notes on each trial before him that they consider a Circular Order to the effect proposed by the Acting Judge unnecessary.

Ordered, that Extract of these proceedings with copy of the Reports of the 2d Judge and of the Acting Judge be sent to the Officiating Secretary to Government in the Judicial Department to be laid before the Right Honorable the Governor in Council.

Sent to Govt. No. 1213.

(Sent in No. 1253)

Ordered also, that paras 48 to 54 of these proceedings be sent to the 2d Judge for his information and guidance by precept returnable without delay.

(Sent following Precept No. 1254)

Ordered also, that Extract of these proceedings, Paras 56 and 57, be sent to the Acting Additional Judge who held the Sessions at Salem, now Acting Judge in the Northern Division for his information.

(Sent in No. 1255)

Ordered

Ordered also that Para 56 of these proceedings be sent to the Southern Provl Court of Circuit for their information.

(Sent in No. 1256)

Read letter dated the 1st Ultimo from the Provincial Court of Circuit in the Centre Division, transmitting copy of a letter from the Acting 3d Judge on Circuit for the information and orders of the Judges of the Court of Zoujdaree Udalut, and expressing only the approval of the Judges now at the Sudr Station on general grounds, of the suggestion of the Acting 3d Judge and their reliance on his judgment as to the details.

(Here enter No. 1416.)

Read letter dated the 3d Instant from the Provincial Court of Circuit in the Southern Division, transmitting return of work performed by the prisoners under the Criminal Judge of Salem for September last.

(Here enter No. 1585.)

Read return, dated the 4th Instant from the 2d Judge late on Circuit in the Southern Division, to precept of the Zoujdaree Udalut dated the 22d September last, directing that the Magistrate of Coimbatoor be called upon to state, what measures have been taken for bringing to punishment the Monegar alluded to therein for his neglect

of the duty prescribed by Section XIII Regulation XI of 1816-

(Here enter No. 1586-)

Read letter dated the 3d Instant, from the 3d Judge on Circuit in the Western Division, reporting the commencement of the Sessions at Mangalore and the State of the Calendar-

(Here enter No. 1593-)

Read letter from the Acting 1st Judge of the Court of Circuit in the Centre Division, transmitting Warrant for the execution of the prisoner Audummah in Case No. 8 on the Chittoor Calendar 3d Quarterly Sessions of 1834-

(Here enter No. 1598-)

Read letter, dated the 13th Instant from the 3d Judge on Circuit in the Southern Division, Reporting the commencement of the Sessions and the State of the Calendar at Coimbatore-

(Here enter No. 1621.)

Read Return dated the 10th Instant from the Provincial Court of Circuit in the Southern Division, to precept of the Zillah Court dated the 19th August last containing their observations on the Criminal Reports of the Division for the month of June 1834-

(Here enter No. 1602-)

Read

Read letter dated the 17th Instant from the Provincial Court of Circuit in the Centre Division transmitting with reference to the Court's proceedings of the 7th July last, copies of the Returns made by the Criminal, Joint Criminal and Native Criminal Judges and Magistrates-

(Here enter No. 1626.)

Read letter dated the 17th Instant from the Provincial Court of Circuit in the Centre Division transmitting with reference to the Court's proceedings of the 4th August last, copies of the Returns made by the Criminal, Joint Criminal and Native Criminal Judges and Magistrates-

(Here enter No. 1627-)

Read Return dated the 12th Instant from the Provincial Court of Circuit in the Western Division, to precept dated the 27th September last- calling for information respecting the Criminal Half yearly Statements-

(Here enter No. 1630.)

Read letter, dated the 12th Instant from the Additional Judge on Circuit in the Northern Division, Reporting his intention to open the Sessions at Chicacole on the 8th Proximo-

(Here enter No. 1631.)

Read

Read letter dated the 17th Instant from the Provincial Court of Circuit in the Centre Division, transmitting copy of a letter from the Joint Criminal Judge of Chingleput and its enclosure, the latter of which is to be substituted for the corresponding Numbers in the Report No. 5 for the month of September last.

(Here enter No. 1633.)

At a Court of the Foujdaree Adalut.

Present,

Thursday, 20th November, 1834.

John Bird Esqr. Acting 1st Puisne Judge.
Thomas Alexr. Oakes Esqr. Acting 2d Puisne Judge.
Alexr. Duncan Campbell Esqr. Acting Judge.

Read Report, prescribed by Section XXXVII Regulation VII of 1802, from the Acting 3d Judge on Circuit in the Centre Division, on the delivery of the Jails in the Cuddapah and Bellary Zillahs at the 1st Sessions for 1834.

(Here enter No. 1481.)

Also read again Extract from the Minutes of Consultation under date 16th August 1833 para 5.

1. In para 5 of his Report, the Acting 3d Judge submits a Statement of the number of Trials in the Calendars laid before him, and the manner in which they were disposed of. The number postponed for further evidence at Bellary was large, and the Court animadverted upon the circumstance, in their proceedings on the review of the Calendars on the 7th July last. The Acting 3d Judge satisfied the Court by his return, that the delay was

post of the Quarterly Reports.

7. The Court view the Acting 3d Judge's recommendation in para 29, of an additional allowance favorably; and they desire that the attention of the Zillah Judge be called to it; and if his opinion coincide with that of the Acting 3d Judge, it will be his duty to submit an estimate of the cost for Sanction.

8. In paras 30, 31 and 32 the Acting 3d Judge notices in very favorable terms, the high State of order in which he found both the Jail and Hospital at Cuddapah, notwithstanding the large number of prisoners, exceeding twelve hundred, then in confinement. The Court consider the Criminal Judge and the Medical Officer entitled to commendation for their exertions. They also approve of the proposed enlargement of the Jail suggested by the Criminal Judge, and recommended by the Acting 3d Judge in para 30, provided the cost, as the Acting 3d Judge states in para 33, will be trifling; and they would recommend that the Criminal Judge be authorized by Government to make the alterations, as they appear also to have received the sanction of the Collective Court of Circuit, under date 1st October last.

The

The Court deem any interference in the mode of dieting the prisoners, as proposed in the latter part of the para to be inexpedient. details of this nature, are in their opinion more properly left to the Criminal Judges.

In para 35 the Bellary Jail is reported by the Acting 3d Judge, to have been in equally good order with that of Cuddapah. He observes that there was "an absence of all complaints from the prisoners, connected either with their dieting or clothing, or against any Ministerial Officer of the establishment." The Court concur with the Acting 3d Judge in opinion that the efficient state of this Jail, where there are nearly 1,400 prisoners, reflects great credit upon Mr Angelo's management. The Court are not in possession of the circumstances attending the attempt to break Jail referred to by the Acting 3d Judge in this para, he will therefore submit a full report of the case with copies of communications received on the subject from the Officiating Criminal Judge. The general prohibition against the use of books which it appears from para 37 is enforced in the Jail at Bellary they consider to be unnecessary,

and

and improper. The Foujdaree Adalut have upon a former occasion in their proceedings of 28th July 1824 already on record in the Centre Provincial Court of Circuit, ruled, that the prisoners may have access to works of an useful and moral tendency, and they direct that their opinion be communicated to the Officiating Criminal Judge. The crowded State of the Bellary Jail and the alteration of the buildings noticed in paras 38, 45, and 46 have been brought specially under the consideration of Government under date 28th and 30th August last.

10. The Court see no objection to the employment of a few prisoners, when not required for other more important purposes, in the manner proposed in the 47th para the object being one of public convenience. They do not consider it necessary to call the Special attention of Government to the Subject.

11. In the 48th and following paragraph the Acting Judge enters at some length upon the Subject of the kind of fetters proper to be used for the Convicts. the Court concur in some of his observations, and the Acting 3d Judge

Judge will find, that the Jail rules already provide all that is spoken of. they direct, that "the fetters "generally used shall be of a light and uniform "construction, and no fetters exceeding the usual size "and weight shall ever be put on a prisoner without "the Special Sanction of the Criminal Judge".

12. The Acting 3d Judge has transmitted to the Court, the Specimens of papers manufactured at the Bellary and Cuddapah Jails, to which he refers in para 54, and they are now forwarded with his report for the orders of Government.

13. The Acting 3d Judge in para 55 proposes, that those persons alone, who can read and write should be employed as peons in the Criminal Jail and in the Magistrates departments; the Court consider a general restriction of this nature open to strong objections. The Class of men best able to cope with the felon and the convict, will generally be found in a comparatively low grade of life, and uneducated and this class, will in all probability be fitter agents for the important service of seizing offenders, and similar police duties than persons of a higher class. The Court conceive, that few of the

the ordinary Indians of the country, or the members of their families, are able to read and write, yet their efficiency as instruments of Police cannot be questioned. They are of opinion however, that it is absolutely necessary, that the peons employed in the Magistrate's department, who are entrusted with the execution of the processes of Court should be so qualified; and they believe that such is almost invariably the case; in this point of the Acting 3d Judge's proposal they fully concur.

14. The Acting 3d Judge has correctly understood the order of the Foujdaree Adalut of the 29th July 1829, to which he refers in para 58, and the Court are of opinion for the reasons there stated, that it is wholly unnecessary for a Judge on Circuit to enter into a detailed review of the Criminal Court Calendars. All that is required from him on Circuit, is a review of the cases brought to his special notice by petitions. They see no sufficient ground therefore for any alteration of the existing orders.

15. A similar observation is equally applicable to the modifications discussed in paras 62 and 63, where the Acting Judge proposes to do away

away with the translations of all but the Police proceedings. The Court observe, that it is at all times open to a Judge on Circuit to dispense with translations of those proceedings, and consult the originals; but in that case he should give timely notice to the Criminal Judge of his intention.

16. The painful instance of cannibalism reported in paras 66 - 67, affords a striking proof of the extreme pressure of the recent famine upon the population; and with this instance before them of its effects, the Court are not surprised at the great increase of crime which the Criminal Reports and Calendars of the period exhibited. It leads also necessarily to the reflection, that persons goaded by want so urgent, cannot be deemed proper subjects for the more severe penalties of the law, enacted to meet the circumstances of society in its ordinary state. In a subsequent part of his Report, in the latter clauses of para 77 and the following para the Acting 3d Judge places this subject in a strong point of view. He there states upon the authority of the Magistrate of Cuddapah, that whilst 816 persons were accused in one Taluk of Gang Robbery, the estimated amount

of

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of property stolen was but 522 Rupees; and in 557 cases of House breaking (mentioned in para 77) in 400, grain was the object; and that in 516 cases of Gang Robbery, 134 were, in like manner, for food.

17. The Court of Foujdaree Udalut are disposed to consider the prisoners convicted in cases of this nature, proper objects of clemency; and in many trials before them, after conviction of the prisoners, have released them from confinement, deeming the imprisonment they had already undergone, in general exceeding one year, to be an adequate punishment. But in regard to cases which have not come before them, except in the Calendars of the Judges of Circuit, they have not been able to exercise the same effectual review of the proceedings. Such as, on an examination of the Calendars, appeared to require revision have either been called up and disposed of by this Court, or the Circuit Judges, at this Courts suggestion, have applied for leave to mitigate their Sentences. But in order that no cases of the description alluded to should escape revision, the Judges with the sanction of Government would propose to direct the Circuit Judges in the Centre, and Northern Divisions, to reconsider such cases tried by them, and point out those

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those, in which they might for reasons shewn, think it safe and desirable to commute the full legal Sentences which have been passed by them on any of the Prisoners, to more limited Sentences of imprisonment or even remission of punishment. The Half yearly returns from the several Courts of Circuit appear to the Court of Foujdaree Udalut strongly to demonstrate the expediency of a measure of this nature, as they exhibit a remarkable and sudden increase of Offenders, who have subjected themselves to lengthened imprisonment. In 1831 the whole number of persons sentenced by the Courts of Circuit to seven years' imprisonment and upwards was 378. In 1832, 387. In 1833 it was 1371: in the first half of the year 480, in the second 891. From this remarkable disparity, the Court conceive, that but one inference can be drawn, viz: that a very large proportion of the prisoners have been impelled to the commission of the crimes for which they are now suffering the severer penalties of the law, by the pressure of the late famine. The rapid increase in the last half year of 1833, from

* In the Northern and Centre Divisions they were as follows.

	1831	1832	1833
Northern Division	97	71	149
Centre Division	107	170	649

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from 480 to 894, clearly indicates this, as it is not possible to suppose, that the number of desperate offenders should so rapidly multiply - It is also within the knowledge of the Court, that even respectable inhabitants were driven into crime, by the severity, and the continuance of the scarcity - The measure independently of other considerations, commences itself by the relief it would afford to the present over-crowded jails; and it would also probably be the means of restoring a number of useful labourers to their Villages. The Court are not of opinion that it will have any tendency to encourage crime; for they much doubt, whether a penalty of seven, or, even 14 years imprisonment, holds out any terrors to a population when it is starving in a famine. imprisonment, affording as it does at the moment, a refuge possibly from death, cannot be, and is not then viewed as an evil - The recent instances of great mortality in the crowded jails in the Centre and Northern Divisions have also influenced the Court in bringing a question which they feel to be one of considerable difficulty before the Government -

18. In para 68 the Acting 3d Judge proceeds

JB6

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proceeds to take into consideration the comparative State of crime in the Bellary and Cuddapah Districts, a subject referred to him, by the orders of Government in the 5th para of the Minutes of Consultation of the 15th August 1833 - The Statements and details given in this, and the following paragraphs, contain much useful information, and they appear also to the Foujdaree Adalut, to exhibit the true causes, to which the difference apparent in the State of heinous crimes in the two Divisions, is to be ascribed - The disparity is not the Court however conceive, so great as might be at first inferred from the tables in para 81. The number of heinous crimes there stated to have been committed in Cuddapah during a period of 14 years, is three times that committed in Bellary, but the Court find on looking into details, that as regards the most heinous offences, Murder, and Robbery with Murder - the State of crime in Cuddapah, is not worse than in the neighbouring District - The great difference is chiefly in Gang Robbery, and Highway robbery, and the greater prevalence of these offences in the Cuddapah District, is the Court are disposed to think satisfactorily

accounted

accounted for by its localities, as explained by the
Magistrate - He observes in a reply to a communi-
April 1834. cation from the Acting 3d Judge, that he is now
"in a part of the District (the Poolevendula
"Talook) always considered the most abounding in
"crime, and in which during the last Half year
* Vide paras 77 78. "the number of Gang Robberies as compared with
"other Talooks was most strikingly disproportionate;
"and it has therefore been a subject of considerable
"anxiety with him, since his arrival here, to ascer-
"tain from personal communications, what could have
"given rise to such lawless proceedings - This talook
"is in extent three times the average size of the
"others - Its western side is bounded by the Bellary
"district, and the territory of Mysore, and it is
"divided like the greater part of the Zillah by a
"range of hills into two kinds of country the open
"plain to the north, and a wild hilly country to
"the south - This Division moreover exhibiting as
"striking a contrast in respect to the character
"of its inhabitants, and their mode of habitation -
"This talook has had moreover the Superintendence
"of the most active and influential Tahsildar
"as its Head of Police" -

To

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"To one village, no less than five of
"these cases of Gang Robbery are assigned; but one
"described by the Heads of the Village as inconsiderable
"in amount, and owing to the scattered
"unprotected situation of its Mazrahs on the
"Mysore frontier - Twenty one cases are attributed
"to incursions from its western neighbours, and
"the amount plundered is large in proportion" -

"To guard against the incursions
"from the Bellary side no precautions would seem
"to avail - The Gangs from the neighbourhood of
"Durmavaram are organized under well known
"leaders, and feel secure from interruption, so long
"as their depredations are carried on in some
"distant quarter" -

19. The Magistrate in another commu-
nication quoted by the Acting Judge in para 76,
also observes on the different features of the Country
in the two Districts, Bellary an open Country
free from jungle, Cuddapah the reverse - It
would also appear that an inconsiderable por-
tion of the gang robberies, in Cuddapah are committed by the
inhabitants of the Bellary Zillah -

20. The Statement of Crimes in the

two

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ten Zillahs in para 86 of the Acting 3d Judges Report, giving the results of the Calendar of the 9 last Half yearly Sessions also shews, that there is no very marked disparity between the ten Zillahs in the nature and extent of heinous crime brought under the cognizance of the Courts- The total of cases of all descriptions committed for trial before the Court of Circuit in the years 1830, 31, 32, 33 and in the first Half of 1834, was, in Bellary 347, the Prisoners 692- In the same period at Cuddapah, the cases were 320, Prisoners 1176- The Court upon a review of the whole of the matter now before them, are not prepared therefore to maintain, that there is that difference in the State of crime in the two districts, which would lead to an inference greatly unfavorable, either to the efficiency of the Police, or to the character of the population of Cuddapah, such as to call for any peculiar measures- The suggestion of the Acting 3d Judge in para 80 for an increase in the Sub Officers of Talook Police in the Cuddapah Zillah, the Court think deserving of the consideration of Government-

21. In the 9th para the Acting 3d Judge-

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Judge bears testimony to the beneficial effects of the rewards, which have been granted to individuals, for meritorious instances of resistance to gangs of robbers, and he has suggested that each individual rewarded should receive a certificate, under the signature and seal of the Magistrate, as a testimonial of his good conduct- The Court consider the measure unobjectionable, and that it may be advantageous, and they will bear it in mind, and direct its observance upon future occasions-

22. They see no ground for the attendance during the Sessions of the escort provided by the Magistrate for the Circuit Court, which the Acting 3d Judge proposes in para 99- The records of the Court of Circuit may for the time be deposited in a room of the Zillah Court, and a Peons guard will be found sufficient for their safe custody; for although most valuable documents to the State, they offer but little temptation to robbery- The Court can see therefore no necessity for the Military guard recommended in para 101-

23. The Court concur in the opinion expressed in paras 104 and 105 that it is competent

competent to the Magistrate, as charged with the general duties of police, and with the public welfare to take cognizance of injuries done to public works: They are of opinion at the same time, that it is desirable that some specific rules should be enacted on the subject, similar to those in the Draft Regulations I submitted to Government on the 7th December 1831.

24. In para 176 the Acting 3d Judge proposes the enactment of a forest law. The sentiments of the Foujdaree Adalut have been fully laid before Government in their proceedings of 25th October 1825, and it is unnecessary therefore for them to take the subject further into consideration on the present occasion.

Ordered, that copy of the report and 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 214.

(Sent in No 1257)

Ordered also, that a copy of paras 1 to 15 inclusive and paras 21. 22. and 23 be transmitted

transmitted to the Acting 3d Judge on Circuit in the Centre Division for his information and guidance and for communication of such parts as concern them to the Subordinate authorities.

(Sent in No 1258)

Ed W.

L.A.O.

J. U.

At a Court of the Foujdaree Udalut.

Present,

Friday, 21st November, 1834. John Bird Esqre acting 1st Puisne Judge,

Thomas Alexr Oakes Esqre acting 2d Puisne Judge,

Alexr Duncan Campbell Esqre acting Judge,

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Read letter dated the 29th Ultimo from the 3d Judge on circuit in the Southern Division transmitting the record in Case No. 15. on the Cumbaconum Calendar 2d Sessions of 1834.

(Here enter No. 1551.)

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,

Mr Bird
Mr Campbell.

"Meeroo,"

is sufficient to convict her 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 her thereof, and sentence her 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

during the period of her Natural life—

(Sent following letter No. 1261)

Read letter dated 31st Ultimo. from the 3d Judge on Circuit in the Southern Division transmitting the record in Case No. 18 of the Combaconum Calendar 2d Sessions of 1834.

Mr. Bird
&
Mr. Campbell.

(Here enter No. 1567)

The Court of Zoujdaree 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 & Mooftees of the Zoujdaree Udalut, confirm the said Fatwa of the Cazee-ool-Cozat and Mooftees aforesaid, convicting the Prisoner—

"Vencatummaul,"

of Murder, but considering under all the circumstances of the case that the punishment of Kisaas which under the provisions of Section XV. Regulation VIII of 1803 they are authorized to inflict, would in this instance be excessive, the Court sentence the said Prisoner to be imprisoned and kept to suitable labour in the Workhouse of the Jail, without irons for and during the period of (6) six Months, and then to be released.

(Sent following letter No. 1262)

Read

Read letter dated the 1st instant from the 1st Judge on Circuit in the Northern Division transmitting the record in Case No. 5. on the Nellore Calendar 2d Sessions of 1834—

(Here enter No. 1577)

Mr. Bird

The Court of Zoujdaree 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 Zoujdaree Udalut, are of opinion that the Prisoner, "Lutchmeestetty Paupadoo, alias Soobbadoo," is not convicted on presumptive proof or on the evidence of credible Witnesses or on his own confession notwithstanding the Fatwa of their Law Officers, and, accordingly, under the provisions of Clause Third, Section V. Regulation VIII of 1831 and Clause Sixth, Section II Regulation XV. of 1803 they direct that he be set at Liberty—

(Sent following letter No. 1263)

Read Return dated the 7th instant from the acting 3d Judge on Circuit in the Northern Division to precept of the Court of Zoujdaree Udalut under date the 28th July last, conveying their observations & orders upon the portion of the Calendar submitted by him for—

for the Masulipatam 2d Quarterly Sessions of 1834.

(Here enter No. 1599 of 1834.)

Case No. 24.

1. On a reference to the Calendar it appears that the Prisoner in Case No. 24 has died in Jail — The reference of this case is therefore unnecessary:—

Nos. 25. 26. 27. 28. 2. The convictions by the Presiding Judge of the Prisoners in these cases, were legal: and the Court are consequently not competent to accede to the suggestion of the acting 3d Judge to cancel those convictions, or without having before them the English Records of the cases. These must accordingly be prepared: but the documents connected with them are so few in numbers, that the Court expect, that the acting 3d Judge will be enabled to transmit them in a very few days—

3. The acting 3d Judge will in the mean while order the sentences to be suspended, and the Prisoners to be detained in confinement without irons, until the final orders of this Court shall be made known—

4 In their proceedings of the 28th July last, the Court observed, that — "in the previous part of a Calendar forwarded by Mr. Paske, on the 23d May last, he reported 32 Cases to have been committed: whereas Mr.

Mr. Wrey's Calendar terminates with No. 31, he will therefore explain what became of No. 32 which does not appear in Mr. Paske's second Calendar forwarded in his letter of the 9th instant.— Mr. Wrey, in his return now under consideration has stated, that "the Original Calendar transfered to him by the 1st Judge, contains only 31 cases."

5. The Court, under these circumstances resolve to call upon the 1st Judge of the Provincial Court of Circuit in the Northern Division, now at Nellore, for an explanation upon this subject—

Ordered that Extract from these proceedings be sent to the acting 3d Judge late on Circuit in the Northern Division for his information and guidance by Precept returnable without delay—

(Sent following Precept No. 1264)

Ordered also that copy of paras 4 & 5 of these proceedings be sent to the 1st Judge of the Provincial Court of Circuit in the Northern Division now at Nellore, by Precept returnable without delay—

(Sent following Precept No. 1263)

22nd November 1834

F. U.

At a Court of the Foujdaree Udalut.

Present,

Saturday 22nd November 1834 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 24th. Ultimo, from the Acting 2nd. Judge late on Circuit in the Centre Division transmitting the Record in Case No. 14 on the Cuddalore Calendar 1st. Sessions of 1834.

(Here enter No. 1548.)

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 Provisions of Section XV Regulation VIII of 1802, sentence the Prisoner

1st. Pooven,

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

2nd. Karadiyan

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. 266)

Mr. Oakes and Mr. Campbell.

P.C. 22 Nov 1834

Read

T. Uc.
22nd November 1834

Read letter, dated the 17th September last, from the Acting 1st Judge on Circuit in the Centre Division, submitting the translated Recorders English and Persian proceedings in No. 20 of the Bellary Calendar for the present Sessions of this year, for the final sentence of the Court of Foujdaree Udalut.

(Here enter No. 1593.)

The Court of Foujdaree Udalut, having
Mr Bird and Mr Campbell maturely considered the proceedings held before the Judge on Circuit, the Futwa of the Provincial Law officer and the Futwa of the Cauzee-ool-Cozat and Mooftees of the Foujdaree Udalut, confirm the said Futwa of the Cazee-ool-Cozat and Mooftees aforesaid, convicting the Prisoner

"Yenoogandoo"

of Murder: but considering under all the circumstances of the case, that the punishment of Kissas awarded in that Futwa would in the present instance be too severe, they sentence him, under Clause Second Section VII. Regulation I. of 1825, 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. 1267)

Read

22nd November 1834

T. Uc.
22nd November 1834

Read letter, dated the 29th Ultimo, from the Acting Second Judge late on Circuit in the Northern Division, transmitting the records in cases Nos. 54. 56. 58 and 78 on the Guntoor Calendar 1st Sessions of 1834.

(Here enter No. 1579.)

The Court of Foujdaree Udalut,
Case No. 54.
having maturely considered the proceedings held
Mr. Bird & Mr. Campbell before the Judge on Circuit, the Futwa of the Provincial Law Officer, and the Futwa of the Cauzee-ool-Cozat and Mooftees of the Foujdaree Udalut, confirm the said Futwa of the Cauzee-ool-Cozat and Mooftees aforesaid, convicting the prisoner.

"Chulla Uckey"

of killing a child and subsequently roasting and eating a portion of it. But taking into consideration all the circumstances, under which the offence was committed, they direct, that she be imprisoned and kept to labour suitable to her sex without irons, for and during the period of 14 years, and that she then be released.

(Sent following letter No. 1268)

The Court of Foujdaree Udalut
Case No. 56.
Mr. Bird & Mr. Campbell having maturely considered the proceedings held before

22nd. November 1834.

before the Judge on Circuit, the Futwa of the Provincial Law Officer, and the Futwa of the Canjee-ood-Coyat and Mooftees of the Foujdaree Udalut, confirm the said Futwa of the Canjee-ood-Coyat and Mooftees aforesaid, convicting the prisoner

"Ganeshasetty Pauvatee"

of Murder by throwing her child into a well by which she was drowned, but taking into consideration her state of extreme suffering and misery at the time that she committed the offence, they resolve to remit all punishment, and accordingly direct, that the prisoner aforesaid be set at liberty.—

(Sent following letter No. 269)

Case No. 58.

Mr. Bird & 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 prisoner

"Boandenany Atchy"

is sufficient to convict her of the crime of "wilful murder" do under the authority with which they are vested by Clause First Section III Regulation I of 1818, convict her thereof and sentence her to suffer death, as prescribed by Section X. Regulation VIII of 1802, by being hanged

22nd. November 1834

hanged at the usual time and place of execution.—

(Sent following letter No. 270)

Case No. 78.

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 prisoner

3rd. Vauka Narroydoo

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 Third Section V. Regulation VIII of 1831 and Clause First, Section II Regulation I of 1818 convict him thereof. But taking into consideration the circumstances under which the offence was committed, and that Grain chiefly was plundered, and also the confinement already undergone by the Prisoner, they, in conformity with the provisions of Clauses Third and Fifth 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 two (2) years, and then to be released.—

(Sent following letter No. 271)

Read letter, dated the 3rd. Instant, from the Officiating 2nd. Judge of the Court of Circuit in the Western Division, submitting his report for

the

the 2nd and 3rd Quarterly Sessions of 1834 at Tellicherry.—

(Here enter No. 1597.)

1 Of the cause of the detention of the prisoner alluded to in paras 6 and 7 of the foregoing report, this Court possess no other information than that given by Mr. Nicholls. He does not appear to lie under any judicial charge.—

2 The report does nd call for further remark from this Court.—

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.—

Sent to Govt. No 215. (Sent in No. 1272)

Read Return dated the 27th Ultimo from the Acting 2nd Judge late on Circuit in the Centre Division, to Precept of the Court of Taydaru Udalul, under date the 23rd of the same month transmitting copy of an order of Government, on the Report of the Court of Circuit for the Chittoor 4th Quarter Sessions of 1833, and 2nd Sessions of 1833, at Chinglepat and Cuddalore.

(Here enter T. Co. No. 1530 of 1834)

1 The above Return is imperfect, in as much as it does not contain any report upon the prisoner Sidoseven, whose release from Jail upon his uncle Moottiah Chetty becoming security for his future good behaviour was, in conformity with the orders of Government, directed in this Courts proceedings which accompanied their Precept above mentioned.—

2 The Court accordingly resolve to direct the Acting 2nd Judge late on Circuit in the Centre Division to report what has been done in pursuance of the order in question.—

Ordered, that Extract from these proceedings be sent to the Acting 2nd Judge late on Circuit in the Centre Division by Precept returnable without delay.—

(Sent following Precept No. 1273)

Read letter dated the 13th Instant, from the Acting 2nd Judge of the Provincial Court of Circuit in the Centre Division transmitting Nos. 1 and 9 of the Chittoor first Supplemental Calendar for the 3rd Quarter Sessions of 1834, and recommending a mitigation of the punishment to which the Prisoners in those cases have respectively rendered themselves liable.—

(Here enter T. Co. No. 1605 of 1834)

Case No. 1 1 The Court having maturely considered all the circumstances of this case as they appear on the Calendar

F. 26.

22nd November 1834

Calendar, sanction under Clause Third Section III
22 Regulation I of 1825 the mitigated sentence recommend-
-ed by the Acting 2nd Judge and accordingly direct
that the 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.-

No. 9 2 The Court are of opinion that the
confinement which the prisoners have already
undergone is a sufficient punishment, under all
the circumstances of the case for the offence of which
they have been convicted - The Court accordingly
resolve to direct that the prisoners be immediately
set at liberty -

Ordered that extract from these
proceedings be sent to the Acting 2nd Judge of the
Provincial Court of Circuit in the Centre Division
for his information and guidance by Precept re-
-turnable without delay -

Sent following Precept No. 1274/-

F. 27.

At a Court of the Zillah Vizigapatam

Present

Monday, 24th November, 1834. John Bird Esqr. Acting 1st Puisne Judge -
Thomas Alexr. Oakes Esqr. Acting 2d Puisne Judge -
Alexr. Duncan Campbell Esqr. Acting Judge -

Read Petition presented by Kanamanta-
-row. Takel in behalf of Boddoo Mungiah of
Vizagapatam

/ Vide order Mis: Petn: No. 97 of 1834 /

1 The Petitioner represents that he was
employed as Samoadar of Amanum and other
villages in the Vizianagaram Zamindary under
the Ameen in Fasles 1241 and 1242: that he has
been falsely accused of embezzlement and other
misconduct while holding that situation, and that
a summary inquiry was instituted by the Sub-Collector
of the District, who forwarded him to the Acting
Judge of Chicacole, by whom he was held to
Bail for his appearance before the Court of Circuit
to take his trial for the offence -

2 The Petitioner represents, that when
the Zemindar of Vizianagaram went on a
pilgrimage to Calcutta, he requested that the
Collector of Vizagapatam might be allowed to
take charge of the Zamindary and manage it

for

for him during his absence, that this request was complied with, and that in consequence a separate establishment was entertained, of which the petitioner was a part, to assist exclusively in the Management of the estate in question.

3 From these facts the Petitioner proceeds to argue that the Collector was manager not in a public but a private capacity: that the establishment was also private, and unconnected in any way with Government, that the accounts concerning which the charges against him have been made are private accounts, and that consequently the provisions of Regulation IX of 1822, which was "expressly enacted for the sole preservation of Government Revenue" can in no way be made applicable to his case.—

4 The Petitioner under these circumstances, prays the Court to issue orders that the trial before the Circuit Court be not proceeded with

5 The Petitioner is informed, that this Court, did on the 18th ultimo, rule, that when an Estate is taken under the management of a Collector, whether by order of Government or otherwise, he acts as a public Officer of Government, with their sanction; that Government are responsible for all Money levied under his authority: that hence, money

received under such Management, becomes public Money: that the accounts kept by the Servants of the Collector so managing are public accounts, and that consequently the Servants themselves employed by the Collector, are, as public Servants removable and appointed by him, amenable in all cases to the provisions of Regulation IX of 1822

6 The Petitioner's request is therefore inadmissible, and the Law must take its Course.

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 Mahomedan Muntaroy, Vakeel on behalf of Guddum Venkatasawmy late Ameen of Peddagaudy Talook in the Vizia-nagaram Zamindary.—

/Here enter Mis: Pet: No 93 of 1834/

1 The Petitioner represents that he has been falsely charged with embezzlement and other misconduct, while holding the situation of Revenue Ameen of the Talook above-mentioned: and that he was forwarded by the Sub-Collector of Vizagapatam to the Acting Criminal Judge of Chicacole, under Regulation IX of 1822, by whom he was committed to take his trial before the Court of Circuit, but was subsequently released upon bail.—

The

2 The Petitioner's object in addressing the Court is to show that Regulation IX of 1822 is not applicable to his case, and that he should not be put upon his trial, and the circumstances which he details and the arguments which he advances in support of the above opinion are precisely similar to those contained in the Petition No. 97 of 1834, to the order passed upon which, the Petitioner is accordingly referred.—

Ordered 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 Soobraya Moodely of the Zillah of Combaconum.—

/Here enter this Pet. No. 96 of 1834/

1 The Petitioner represents, that his father Ramalinga Moodely has been tried before the Court of Circuit in case No. 22 on the Combaconum Calendar, for the 2nd Sessions of 1834, for Forgery, and, that, upon his conviction of that crime, the case was referred to the Foujdaree Adalut.—

2 The Petitioner prays the Court to issue orders for the release of the Prisoner.—

3 He is informed that on a reference to the Calendar, this Court directed that the full

full punishment prescribed by the Regulations should be awarded to the Prisoner in question, and that these orders upon the subject cannot be disturbed.—

Ordered that the prayer of this Petition be rejected and that Extract from these Proceedings be furnished to the Petitioner upon his application.—

C.C. No. 20 of 1834. The Acting 3rd Judge on Circuit in the Centre Division, having brought under the notice of the Foujdaree Adalut, cases in which the powers of punishment vested in the Criminal Judges by Section II Regulation I of 1824 have been exercised, and no report made.—

2. The Judges deem it proper to direct, that in each instance, in which these provisions may in future be acted upon by the Criminal Courts, a note of the circumstance shall be entered at the foot of the case, in their monthly reports explanatory of the amount and cause of the fine imposed.—

210
1835
Ca. 7th

/Sent following Circular No. 278/

Sent to Govt. No. 215 A

At a Court of the Foujdaree Udalut.

Present

Tuesday, 25th November, 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 15th September last, from the Acting 3d Judge on Circuit in the Centre Division, submitting the Record in Case No. 3 of the Bellaree Calendar 2d Sessions of 1834.

(Here enter No. 1561)

Mr. Bird
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 "Rajiah,"
2d "Dodda Rungah,"
3d "Timagah"
4th "Beerrah,"
5th "Heera Paupah,"
6th "Eera Doorgah,"
7th "Chenna,"
8th "Sunna Papa,"
9th "Sunna Doorgah,"
and.
10th "Timmoogah,"

is

22d

is sufficient to convict them, the 1st 2d 3d 4th 5th 6th 7th & 8th of the crime of Murder committed in the prosecution of Gang-Robbery by open violence, and the 9th & 10th of being accessary to murder & 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 Clauses first and Fifth Section IV and Clause Third Section VIII Regulation XV of 1803, sentence the Prisoners

1st "Rajiah,"
2d "Tumagah"
4th "Burmah,"

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

2d "Doda Rungah,"
5th "Peera Paupah"
6th "Peera Doorgah,"
7th "Chinna"
8th "Lenna Paupah,"

to be transported to such place beyond sea, as the Governor in Council shall appoint, there to be impresoned & kept to hard labour in irons, on the public roads or other public Works for and during the period of their

25th November 1834.

their natural lives respectively: and the Prisoners

9th "Surma Doorgah,"

and

10th "Timmoorgah,"

to be banished to the District 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 10 years.

(Sent following letter No. 1279)

Read letter, dated the 7th instant, from the Acting 3d Judge late Additional Judge late on Circuit in the Northern Division, transmitting the Record in Case No. 20. on the Chicacole 1st Calendar 1st Sessions of 1833.

(Here enter No. 1600).

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 & Mooftees of the Foujdaree Adalut, confirm the said Fatwa of the Cazee-ool-Cozat and Mooftees aforesaid, acquitting the Prisoner,

"Commoor Saiapah,"

and accordingly direct that he be set at Liberty.

(Sent following letter No. 1280)

Read

Read Letter dated the 13th September last, from the 1st Judge on Circuit in the Northern Division, transmitting the records in Case No. 48 on the Nellore Calendar 2d Sessions 1834.—

(Here enter No. 1601.)

Mr. Bird.

The Court of Foujdara 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 Foujdara Adalut, confirm the said Fatwa of the Cazee-ool-Cozat & Mooftees aforesaid, acquitting the Prisoner, "Goruntla Venkiah" and accordingly direct that he be set at Liberty.—

(Sent following Letter No. 1287)

Read Letter dated the 7th instant, from the 3d Judge on Circuit in the Western Division, forwarding with reference to the extract from the proceedings of the Foujdara Adalut, under date the 29th September last, an English translation of the Trial in Case No. 31 on the Calicut Calendar for the 2d Sessions of 1834.—

(Here enter No. 1609 of 1834)

The Court having maturely considered the

proceedings held in this case are of opinion that no criminality attaches to the Prisoners, Cishery Kelo: and Manikatha Cannen alias Krishnen; and they accordingly direct that they be unconditionally set at Liberty.—

Ordered that Extract from these proceedings be sent to the 3d Judge on Circuit in the Western Division for his information and guidance, by Precept, Returnable without delay.—

(Sent following Precept No. 1282)

At a Court of the Foujdaree Udalut.

Present,

Wednesday, 26th November 1834. John Bird Esqr. Acting 1st Puisne Judge,
Thomas Alexr. Oakes Esqr. Acting 2d Puisne Judge,
Alexr. Duncan Campbell Esqr. Acting Judge.

(Circular Orders No. 25.)

The Judges of the Foujdaree Udalut approving of the suggestion of the 1st Judge on Circuit Western Division, resolve to issue the following Circular Orders proposed by him, in the 3d para of his report, under date 25th Ultimo; and they accordingly direct—

"That on security being demanded from Prisoners sentenced under the orders of the Court of Circuit, or Foujdaree Udalut to be confined in irons, in default of producing security, they shall first be asked for a list of their sureties, and in the event of their furnishing the same, no prisoner shall be put into irons, until the competency, or, otherwise of the sureties tendered be ascertained."

2. The Criminal Judges will understand, that this order is not to supersede the general authority vested in them, of placing prisoners in irons of known desperate character, in case of necessity; nor does it require, if the first sureties named by the prisoner decline to become his

his Sureties, or are not forthcoming, that the Criminal Judge should wait till the competency of a Second Set is ascertained, before irons are placed on a prisoner. In such cases, the Criminal Judges will exercise their own discretion. The only object of this Order, is to allow a prisoner in ordinary circumstances, ample time to find Security, before he is subject to any restraint beyond that of simple confinement.

(Sent following Circular N° 1285)

Read Report, dated the 24th ultimo,

prescribed by Section XXXVII Regulation VII 1803 from the 1st Judge on Circuit in the Western Division, on the 1st Sessions 1834.

(Here enter N° 1555)

1. In the first part of his report, the 1st Judge observes on the increase of the more heinous offences in Malabar, but justly remarks (para 3) with reference to the offence of wounding, that no safe inference can be drawn from a comparison instituted for the limited period of six months. The Court are disposed to apply this remark generally to all crimes, and are of opinion, that nothing conclusive

can

can be deduced from such comparisons. They have at the same time their use, and should be communicated to the Magistrate, that his attention may be directed to the suppression of Offences, which may appear to be on the increase.

2. In para 8 the 1st Judge discusses a question of some importance, and recommends the issue of a circular Order, prescribing the manner in which the bodies of criminals executed are to be disposed of. Prior to the issue of any general instructions, the Court deem it proper, to call upon the several Provincial Courts of Circuit to report, what has been, and now is the practice in this respect, in the different Zillas in their Divisions; and to offer their opinion on the 1st Judge's proposition. Referring to the particular instances noticed in paras 4. 5. & 28 in which the 1st Judge had recommended that the prisoners should be strung in chains, but his recommendation was not adopted. The Court will observe, that however grave, as regards the individual sufferers, they

they did not consider them cases of such marked public atrocity, as to call for the measure - This would have been explained to the Judge in Court at the time; had it been the practice for the Foujdaree Adalut, to record the ground of its sentence for the information of the subordinate Officers -

3. The orders prayed by the 1st Judge, to which he refers in paras 10 and 12, were extremely proper - the Court are of opinion however, that he should have called upon the Magistrate of Malabar for an explanation of the circumstances there reported, of three distinct statements having been taken by the Police, from the 6th prisoner in No. 1 of the additional Calendar, apparently with a view to obtain a confession - The Court accordingly direct that the Magistrate be now instructed to submit the required explanation; and to state what notice he has taken of the irregularity -

4. In para 14 the 1st Judge proposes the issue of a Circular Order, requiring all officers, when submitting recommendations for conditional

offers

offers of pardon to approvers "strictly to scrutinize "as far as may be practicable the general character "of each individual recommended." The Court recognize the propriety of an enquiry of this nature; but as it rests altogether with the Foujdaree Adalut, to grant or refuse the conditional pardon in each case, on its individual merits, it becomes their duty to call in each instance for whatever information they may deem necessary; and a Circular Order does not appear to be necessary - It is also obvious to remark, that in the Majority of cases, the character of the approver must be bad, & is generally of comparatively minor importance, the object sought, being the conviction of the principal offenders in heinous cases by their accomplices, and the circumstance, whether those accomplices, are men of notoriously bad character, or otherwise, cannot greatly influence the determination of the Court; if it be clearly established that they were in no way principals - There is also the further consideration, that by the admission of such men

as

as approvers, the bond which unites gangs of desperate offenders together, may be often more effectually broken than by any other course.

5. The 1st Judge notices in the 15th para a case, in which the Criminal Judge had omitted to demand bail from a person of rank sent to him "on a charge of assault." The Court approve of the orders issued by the 1st Judge, and they are decidedly of opinion that in all bailable offences, it is the duty of the Criminal Judge to demand, as it is the right of the party charged, to put in bail before he is committed to close custody. In the case under consideration the Court observe, that the assault was not one of an ordinary character, and that there were circumstances in it, which might properly influence the Criminal Judge's opinion, as to the propriety of requiring bail.

6. The variations in the statements of crime submitted by the Magistrate of Malabar, upon which the 1st Judge comments in paras 16 to 18 require a full explanation for which the 1st Judge should have called at the time.

It

It is necessary that he should now obtain it, and submit it to the Court with any remarks he may see fit.

7. In the 22d and 23d paras the 1st Judge reports favorably of the order and management of the Jail at Malabar, and bears testimony to the great assiduity and judgment displayed by the Criminal Judge in the performance of his duties. The Court have so recently put on record their opinion of Mr Nelson's merits as a public officer, that they need only express their concurrence in the 1st Judge's sentiments. They approve of the intended cells for solitary confinement, which the Criminal Judge is about to make, as they think, with the 1st Judge, that this species of imprisonment, will be found to have a beneficial effect, and that the experiment is well deserving of trial.

8. The Court cannot offer any decided opinion on the 1st Judge's observations in para 24, on the alterations of the Criminal Jail now in progress, the height of the

new

new walls, which it appears from the Appendix E, is only 9 feet, appears insufficient - the expense of erecting others, which the 1st Judge recommends, is not stated. - They consider this, and the other suggestions offered, to deserve the attention of Government, and that it is desirable that they should be communicated to the Officer executing the new Gaol works. - The Court however do not recommend that any changes should be made in the present plans, except upon the judgment of the Collective Court of Circuit.

9. The Sujdaree Adalut do not concur with the 1st Judge in his views of the conduct of the police reported in para 30. The act of searching a prisoner's house after his apprehension, and when he was actually in Gaol, is not in their opinion "illegal." It is open to serious abuse and to objections; but the Police may, they conceive, at times be justified in the measure. It may happen, that on a first search, the property may be so effectually concealed as to elude discovery; and the information which

which may afford the Police the means of discovery, may not be obtained till some time after a prisoner's apprehension. The propriety of the proceeding or otherwise, must depend altogether on the circumstances of each case; and the Court are not prepared to say that the act was objectionable, in the case before them.

10. The 1st Judge observes in para 34, that "being of opinion that on security being "demanded Prisoners should first be asked for "a list of their securities and in the event of "their furnishing the same that no prisoner "should be put in irons until the competency "or otherwise of the securities tendered be "ascertained," he issued a precept directing the observance of this rule and suggests, that instructions to the same effect should be circulated for general observance. The Sujdaree Adalut fully concur in the 1st Judges' views, and they resolve to issue the Circular Order, proposed. - The Criminal Judges will understand, that this order will not supersede the general authority vested in them, of placing prisoners in

irons if known desperate character nor does it require them, if the first securities named by the prisoners decline to become his sureties, or are not forthcoming, that the Criminal Judge should wait till the competency of a second set is ascertained before irons are placed on a prisoner. In such cases the Criminal Judge will exercise their own discretion. The only object of this order, is to allow a prisoner in ordinary circumstances ample time to find security, before he is subject to any restraint beyond that of simple confinement.

11. The allowance to the prisoners in the Jail at Mangalore of a hot meal, on which the 1st Judge remarks in para 36, was a temporary measure, adopted under the directions of the Medical Officer, and was reported at the time to the Foujdaree Adalut. They did not approve of it, and they fully coincide with the 1st Judge in opinion that it is open to great objection, and should, if now in force, be discontinued at the earliest practicable period. If a hot meal is found absolutely

absolutely necessary for the preservation of health, it may the Court conceive be given before the prisoners go out for labour, or rendering their return to Jail, and the consequent loss of time unnecessary.

12. The Court will bear in mind the 1st Judge's suggestion in para 42, that no further transfer of prisoners from the Honore Jail should be ordered, as it appears certain that an increased mortality is the consequence.

13. The conduct of the Police in the instance noticed by the 1st Judge in para 50 was highly creditable to them, & the Court entirely concur with him in deeming the Police Officers deserving of reward. It was fully competent to the Court of Circuit under Section XXIII Regulation IX of 1816 to have rewarded them, and the Foujdaree Adalut would still suggest this course. The 1st Judge appears to have overlooked the provisions of Section X Regulation XIII of 1832, which vest the Magistrate with the power of Reward in cases of the nature reported

by

by him, which he here recommends shall be given to them.

14. In para 59 the 1st Judge requests the authority of the Foujdaree Udalut, for giving publicity to the sentences passed in Cases of Murder and Gang Robbery. The Court consider it fully competent to the Judge of Circuit, to issue the orders he there proposes to the Magistrate, without special sanction from them. They view the measure as very desirable, and indeed in an early perios of their proceedings, the practice was directed by a Circular Orda, and it appears to be borne out by the analogy of Section XVIII Regulation VIII 1802.

15. The circumstances brought under review in para 62 and 63 with the observations of the 1st Judge are of an highly important character; and they appear to the Foujdaree Udalut to bear out the 1st Judge's opinion, that a modification of the present Laws regarding prevarication will soon become necessary. They consider his suggestion, that it should be made discretional with the

presiding

presiding Judge either to sentence to fine, or imprisonment as he may deem most conducive to the ends of justice, to be worthy of adoption. It appears however to the Court advisable, that a full trial of the effect of the provision of Section VII Regulation XIII of 1832 should be made, and it's inadequacy to repress the offence be established by longer experience, before a new enactment is passed. It may then also be deserving of consideration, with advertence the great prevalence of gross prevarication and perjury of the worst character in the Western Division, whether it might not be expedient to graduate the scale of penalties, and to authorize heavier inulets, and imprisonment where the Offence is committed in support of false charges of murder, or other heinous crimes and perhaps to limit the severest penalty of imprisonment to cases of this nature.

16. In the 64th para the 1st Judge renews his recommendation made in his report on the 2d Sessions of 1832, that the

guards

guard over convicts should be regulated, on the proportion of 1 Man to 3 prisoners. The Court have so recently had the subject of Jail establishment under consideration and fixed with the sanction of Government the scale at one to four, that they consider any modification before the present system has been fully tried uncalled for.

17. The Court deem it proper to suggest the attention of Government to the subject brought under their notice in the 65th paragraph, as it is one of public importance, and probably needs only the attention of Government to be drawn to it, to remedy the inconvenience pointed out by the 1st Judge.

18. In closing these proceedings the Court of Sujdaun Adalut consider it to be due to the 1st Judge, to express their sense of the efficiency with which he has performed his important duties, and the value of the suggestions and observations contained in his report under review.

Ordered that Extract from these proceedings together with copy of the report therein referred to, be sent to the officiating Secretary to Government

Fills:
26th November 1834.

Government in the Judicial Department for the purpose of being laid before the Right Honble the Governor in Council.

(Sent in No. 1286)

Ordered also that Extract from these proceedings be sent to the 1st Judge on Circuit in the Western Division for his information and guidance.

(Sent in No. 1287)

Ordered also that para 2. be circulated to the 4 Provincial Courts of Circuit for their information and guidance.

(Sent following Circular No. 1288)

Read letter, dated the 11th " November 1834, from the Acting 2d " Judge of the Court of Circuit in the Centre Division, transmitting copies of the Chittoor 3-5-6-7-8-9- and 10 Supplemental Calendars for the 3d " Quarterly Sessions of 1834-

(Here enter No. 1617.)

7th " Supl. Calendar. Case 2. 1 In this case the prisoners have been convicted by the Law officer of an illegal act, and although the Acting 2d " Judge concurs in their conviction he suggests, that they should be unconditionally released- It appears clear from the circumstances noted in the Calendar that the prisoners in question, wife of the Prosecutor and her paramour, in committing the illegal act of which they have been convicted have not rendered themselves liable to very severe punishment; but though the Prosecutor may be entitled to nothing the laws and the maintenance of public peace require some punishment- the Presiding Judge should therefore dispose of the case by passing a lenient sentence reporting the same, or else refer the case for the final Judgment of the Foujdaree Adalut-

8th " Supl. Calendar. Case 1. 2- The prisoner in this case stood charged with

with Perjury and the Law Officer considers him convicted of the crime- The 2d " Judge does not concur in the conviction because in his opinion there was no corrupt intention- in which case he could not be legally convicted- Under these circumstances a reference of the trial is imperative-

Ninth- Supl " Calendar Case 1. 3 In this case, the circumstances deposed to in the Calendar lead strongly to the supposition, that the evidence was sufficient for the conviction of the prisoner, but under the conclusion that the evidence bore a different appearance before the Circuit Court to what is presented in the Calendar, and with reference to the weight of business already pressing upon the Acting 2d " Judge, the Court of Foujdaree Adalut will not require the reference of the record of the Trial- The sentence being legal will of course remain undisturbed- It appears desirable to the Court of Foujdaree Adalut, that where the European Medical Officer's attendance can be procured, he should be invited to attend all inquests-

Tenth- Supplemental Calendars Cases 2- and 3. 4. These two cases it is stated in the Calendars were "made into one before the Court of "Circuit, the prosecutors and prisoners being the same

"same although the thefts were committed on different
"dates." The acting 2d Judge in this proceeding erred
from the Circular Order 25th February 1829 — which
clearly requires, that the time should be the same as well
as the place of perpetration, to admit of two cases being
consolidated. The words of the order are, "If two or more
"more crimes of the same description are charged against
"the same prisoners as having occurred during the same
"time and at the same place, though upon different
"individuals the case is clearly one."

5 The Court therefore, that the acting 2d
Judge has required from each of the 2d 3d 4th & 5th
prisoners security to the extent of 600 Rupees in two
sureties of 300 Rupees each, or in default to be
detained for 3 years in confinement. This demand is
so unusually high, that the Court of Foujdaree
Adalut would suggest that it be reduced, unless
the acting 2d Judge has good reasons for himself
that as directed by Clause 2d Section VII Regulation
VI 1831 it has been fixed appropriately with
reference to the "situation and circumstances
in life of the persons" from whom he has
demanded it, "as well as to the cause for requiring
it."

The

27th November 1834.

6. The Court do not see why the 1st 2d
and 4th Calendars could not be prepared to accompany
those now under Review. It is not satisfactory to
the Judges to have the Calendars before them in an
incomplete state.

Ordered, that Extract of 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. 1292)

Read Return, dated the 15th instant,
from the acting 3d Judge on Circuit in the Centre
Division, to Precept of the Court of Foujdaree
Adalut, under date the 10th instant, directing
him to report whether one Witness only deposed
against the 5th Prisoner in No. 16 of the Cuddapah
Calendar for the 1st Sessions of 1834, and in the
event of it being found to be so, to transmit to
them an English Translation of the proceedings.

(Here enter No. 1629 of 1834)

The acting 3d Judge states that
"the 3d Witness as well as the 2d mentioned before
him having distinctly seen the 5th Prisoner

among

assisting the Robbers carrying off the body, and the 1st Witness also deposed, to his having likewise described him in the Gang assembled near the Prosecutors house as he was known to him and standing near.

2. The Court observe, that according to the abstract of the evidence before the Criminal Court, the 1st Witness did not mention the 5th Prisoner, and the 3d Witness recognized the 7th Prisoner only by his voice.

3 Under these circumstances the Court deem it proper to call for an English translation of the proceedings in the case before the Court of Circuit, and of the depositions of the 1st. 2d and 3d Witnesses before the Criminal Court.

4. The transmission of a translation of the proceedings before the Police and Criminial Court, is with the above exception, unnecessary.

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 Receipt, returnable without delay.

delay.

Ent'd.

(Sent following Precept No. 1293)

Read return dated the 18th Ult. from the acting 2d Judge of the Court of Circuit in the N. Dn transmitting copies of two precepts issued to the acting Crim. Judge of Rajahmy: and of the explanation furnished by that officer relative to the Remarks contained in the Extract of the Court of Sudr and Foujdaree Adalut dated the 26th July on the late Masulipatam Report for the 3d Quarterly Sessions of 1833.

(Here enter No. 1504)

At a Court of the Foujdaree Udalut.

Present,

Saturday,
29th November, 1834.

John Bird Esqr. Acting 1st Puisne Judge.
Thomas Alexr. Oakes Esqr. Acting 2nd Puisne Judge.
Alexr. Duncan Campbell Esqr. Acting Judge.

10
S/10

Read letter dated the 30th Ultimo,
from the late Officiating Judge late on Circuit
in the Northern Division now at Chittoor
transmitting the record in case No. 15 of the
Nellore Calendar 2nd Sessions of 1833.—

(Here enter No. 1550)

Mr. Bird—
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-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,

1st Togooroo Bauloogundoo,
4th do. Goorovadoo,
5th Dunna Poloogandoo,
6th Togooroo Gungadoo,
7th Chunbaty Poloogadoo,
9th Togooroo Poloogadoo

10th

29th November 1834.

10th Cauvely Tategandoo,
12th Oteeoory Dibbidoo,
13th Vandenala Nursegadoo,
14th Togooroo Nursedoo,
15th Yellepoo Jucketdoo,
16th Paneka Cotado,
17th Ellepoo Goorroovadoo,
18th Togooroo Baulegandoo,
19th Paneka Nursegandoo,
21st Paneka Bojagandoo,
23d Togooroo Mauregadoo,
24th Togooroo Nursedoo,
33d Taulady Nursegandoo,
40th Yembaty Mootty,
42nd Taulady Luchee,
58th Engaloory Nursegandoo,
64th Talloomaty Lingadoo,
and
65th Toomma yerravandoo,
and such part as acquits the Prisoners,
3d Togooroo Burgauregandoo,
20th Parwaty Mauregandoo,
23d Goommudy Venkategandoo,
41st Yembaty Luchee,
and
43d Gumpoola Utchee,
and under the provisions of Clauses Third and Fifth

29th November 1834.

Fifth, Section IV. Regulation XV of 1803, Sentence the Prisoner,

1st Togooroo Bauloogundoo,

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) fourteen Years: and the Prisoners,

4th Togooroo Goorroovadoo,
5th Dunna Poloogandoo,
6th Togooroo Gungadoo,
8th Do Poloogadoo,
10th Cauvely Tategandoo,
12th Oteeoory Dibbidoo,
13th Vandenala Nursegadoo,
14th Togooroo Nursedoo,
15th Yellepoo Jucketdoo,
16th Paneka Cotadoo,
17th Ellepoo Goorroovadoo,
18th Togooroo Baulegandoo,
23rd Do Mauregadoo,
and
65th Toomma Yerravandoo,

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 years.—

And taking into consideration the

the Confinement already undergone by the Prisoners,

7th " Chumbaty Pologoudoo,
19th " Paneka Nursegaudoo,
21st " Dº Bojagaudoo,
24th " Jogoroo Nursudoo,
33d " Laulady Nursegaudoo,
40th " Yambaty Mootty,
42d " Laulakee Luchee,
58th " Engalooty Nursegaudoo,

and

64th " Talloomaty Lingadoo,

and the part which they took in the offence, the Court resolve to remit all punishment and accordingly direct that the Prisoners aforesaid be set at liberty.—

And acquitting the Prisoners,

3d " Jogoroo Burgaunegaudoo,
20th " Parwaty Maungaudoo,
25th " Goommady Veneategaudoo,
41st " Yembaty Luchee,

and

43d " Gumpoola Ettchee,

the Court direct that they also be set at liberty.—

And further being of opinion that the Prisoners,

45th " Laula da Nauree,

and

45th " Canvaly Lutchee,

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, the Court do accordingly acquit them and under the provisions of Clause Sixth, Section II Regulation XV of 1803, direct that they be set at liberty.—

(Sent following letter No. 1298)

Read letter, dated the 17th Ultimo, from the Acting Second Judge late on Circuit in the Northern Division, transmitting the record in case No. 37 of the Guntoor Calendar 1st Sessions 1834.

(Here enter No. 1523.)

The Court of Foujdaree Udalut,

Mr. Campbell

on a deliberate consideration of all the circumstances of the case, in evidence before them, being of opinion that the proof against the Prisoners,

3d " Muddenany Pakeerah,
4th " Mudderala Nawregadoo,
13th " Sagala Chenna Naikoodoo,
14th " Dº Jagunnayakoolo,

and

15th " Juckoola Paupayah,

is sufficient to convict them of the crime

of

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 1812, convict them thereof, and in conformity with the provisions of Clause Third Section V Regulation VIII, 1831. and Clauses Second and Fifth, Section IV Regulation XV of 1803, sentence the Prisoner,

14th Sagala Jagunnayakedoo,

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; and the Prisoners,

3d Muddenany Pakeerah,

and

4th Mudderala Nauvegadoo,

to be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of (13) Thirteen years.

The Court deem it to be unnecessary to pronounce judgment upon the Prisoners,

13th Sagala Chinna Naickoodoo,

and.

and

15th Juckoola Paupayah,

as they have already been convicted and sentenced to suffer death, in case No. 27 of the Calendar.—

(Sent following letter No. 1299)

Read letter, dated the 10th Ultimo. from the 1st Judge of the Court of Circuit in the Northern Division, transmitting the record in Case No. 4 on the Masulipatam Calendar for the 2nd Quarterly Sessions of 1834.—

(Here enter No. 1560.)

The Court of Foujdaree Udalut,

Mr. Bird
and
Mr. Oakes

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 under the provisions of Clauses Third and Fifth Section IV Regulation XV of 1803, sentence the Prisoners,

2nd Pittee Puttegaudoo,

3d Moochoo Chinna Veerasha,

4th Pindee Basavadoo,

7th Bommoo Goonuppah,

8th

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3d. Gunjalah Pauliados,
9th. Dasoo Soobroyah,
11th. Parasa Naugasha,
13th. Pindee Pauliyah,
14th. Pany Pyndee,
15th. Moochoo Bashacarlos,
16th. Do. Adanah,
17th. Parasa Naugasha,
and
19th " Moochoo Veerasha,

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) five years and then to be released, and acquitting the Prisoner

1st " Chaukalah Venky,

the Court direct that She be set at liberty.-

(Sent following letter No. 1309)

Read letter, dated the 23d. Ultimo, from the Acting 3d " Judge late Additional Judge late on Circuit in the Northern Division, transmitting the record in Case No. 66 on the Chicacole Calendar 1st " Sessions of 1833.-

(Here enter No. 1578)

Mr. Bird
and
Mr. Oakes

The Court of Faujdaree Udalut, having

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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 Faujdaree Udalut, confirm such part of the said Futwa of the Cauzee ool Cozat and Mooftees aforesaid as convicts the Prisoners,

1st " Boddapoo Coormauroydoo,
5th " Dasary Coomayah,
6th " Pispalee Mulloo,
and
7th " Guntah Ramiah,

and such part as acquits the Prisoner,

2d " Boddapoo Rajahroydoo,

and under the provisions of Clause Third, Section VII. Regulation XV of 1803, sentence the Prisoner,

1st " Boddapoo Coormauroydoo,

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 years, and the Prisoners,

5th " Dasary Coomayah,
6th " Pispalee Mulloo,
and

7th "

7th. Guntah Ramiah,

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 Years, and they further direct that the Prisoner,

2nd. Boddapoo Rajahroydoo,

be set at liberty.

Question.

And being of opinion that the proof against the Prisoner,

4th. Pooyaca Ramdoo,

is sufficient to convict him of the crime of taking away the Grain of the Cirkar Ryots and forcibly keeping possession of their village, the Court do under the authority with which they are vested by Clause first, Section III of Regulation I of 1813, convict him thereof, and under Clause Second of the same Section, direct their Law Officers to declare by a second Futwa to what sentence the Prisoner would be liable if convicted by full & legal evidence of that crime.-

Answer.

In the event of the crime above mentioned being established against the Prisoner aforesaid

aforesaid, by the evidence of credible witnesses, he is liable to ookoobut.

Under the sentence of ookoobut, declared in the foregoing Futwa, the Court of Fayjdaree Udalut sentence the Prisoner,

4th. Pooyaca Ramdoo

to 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.

1. The Court observe with dissatisfaction, that the presiding Judge dispensed with evidence most material to the Prosecution, though he could not possibly know, whether this Court would be satisfied with the evidence of the two witnesses whom he examined as to the facts of the case,- and further, that, before the Prosecution was closed, he illegally questioned the 1st. 3rd. 5th 6th. and 7th. Prisoners as to whether they gave the depositions attributed to them before the Criminal Court.-

2. The presiding Judge also omitted to take evidence called to character by the 1st. and 2nd. Prisoners.-

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3.

The Court are constrained to pronounce the proceedings of the presiding Judge in this case to be unsatisfactory.-

Ordered, that Extract from these Proceedings be sent to the Acting 3rd Judge late on Circuit in the Northern Division for his information.-

(Sent following letter No. 1301)

Read letter, dated the 23rd September last, from the Acting 3rd Judge on Circuit in the Centre Division, transmitting the record of proceedings in Case No. 10 of the Bellary Calendar for the 2nd Sessions 1834

(Here enter No. 1587)

Mr. Bird
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 Cauzee ool Coozat and Mooftees of the Foujdaree Udalut, confirm such part of the said Futwa of the Cauzee ool Coozat and Mooftees aforesaid, as convicts the Prisoner,

1st.

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1st Goodoo,

and sentence him to suffer death as prescribed by Section X Regulation VIII of 1802, by being hanged at the usual time and place of execution.-

And being of opinion that the proof against the Prisoner,

2nd Bheemah,

is sufficient to convict him of the crime of Murder, the Court 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 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. 1302)

Read letter, dated the 13th Ultimo, from the Acting 2nd Judge late on Circuit in the Northern Division, transmitting the record

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record in case No. 50 on the Guntoor Calendar 1st Sessions of 1834

(Here enter No. 1484)

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 Cauzee cul Cozat and Mooftees of the Foujdaree Udalut, confirm such part of the said Futwa of the Cauzee cul Cozat and Mooftees aforesaid, as convicts the Prisoners,

1st Nundah Naikoodoo,

and

4th Baswantoo Bhanoo,

but they deem it unnecessary in this case to pass sentence upon them as they have already been convicted and sentenced to transportation for life in case No. 27 on the Calendar.

And being of opinion that the proof against the Prisoner,

2nd Baswantoo Dasha,

is sufficient to convict him of the crime of endeavouring to escape from confinement, attended with

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with wounding, the Court 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 pronounce judgment upon him, as he has already been convicted and sentenced to transportation in case No. 27 of the Calendar.-

(Sent following letter No. 1303)

Read letter, dated the 5th Instant, from the Acting 3d Judge late Additional Judge late on Circuit in the Northern Division, transmitting the record in Case No. 67 of the Chicacole Calendar 1st Sessions of 1833.-

(Here enter No. 1620.)

Mr. Bird.

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,

"Linguem Balacroostamah,"

is sufficient to convict him of the crime

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of stealing Money from a packet put into the ∝ public Tappaul, &c, 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 under the provisions of Clause Second of the same Section, direct their Law Officers to declare by a second Futwa to what sentence the prisoner would be liable if convicted by full legal ∝ evidence of that crime.

Answer.

In the event of the crime above mentioned being established against the ∝ Prisoner aforesaid, by the evidence of credible witnesses, he is liable to ookoobut.-

Under the sentence of ookoobut, declared in the foregoing Futwa the Court of ∝ Faydaree Udalut, sentence the Prisoner,

Lingum Balacrooatamah,

to 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.-

(Sent following letter No. 1304)

Read

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Read letter, dated the 14th Instant, from the 1st Judge on Circuit in the Northern ∝ Division, transmitting the record in case No. 9 on the Nellore Calendar 2nd Sessions of 1834.-

(Vide enter No. 1614.)

The Court of Faydaree Udalut, ∝

Mr. Bird

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 Faydaree Udalut, confirm the said Futwa of the Cauzee-ool-Coozat and Mooftees aforesaid, convicting the ∝ prisoner,

"Guddaay Vengah,"

of Perjury, but taking into consideration all the circumstances of the case, represented in the letter of the Presiding Judge, the Court resolve to remit all punishment, and accordingly direct that the prisoner aforesaid be set at liberty.-

(Sent following letter No. 1305)

Read letter dated the 10th Instant from the Provincial Court of Circuit in the ∝ Northern Division transmitting the Criminal Reports prescribed by Section XXXV Regulation X

1816

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1816 of the Division, with the exception of those for Gunteor for September 1834.-

(Here enter No. 1615)

Chicacole

Report V.

Case 127.

1. The charge in this case was for "allowing the escape of a person who was in the custody of the prisoner N. Gavvarashen. An Information having been made to the Magistrate by the Police, the Magistrate authorized the detention of the prisoner for 10 days to admit of his re-apprehending the person who had escaped - adding that in case the Prisoner did not effect the reapprehension within this period." he should be forwarded to the Criminal Court. The Provincial Court of Circuit state that the order for this conditional transmission of the Prisoner to the Criminal Court does not appear to be consistent with Clause 1st Section XI Regulation XIII. 1832 which allows of no such alternative.-

2. As this was not a case primarily cognizable by the Criminal Court the reference to the Magistrate would not seem to be objectionable - and from the nature of the order of the Magistrate it is to be inferred that

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that he considered the case as one not of connivance but of neglect of duty, which indeed he might have punished by dismissal - Under this view of it the Court of Foujdaree Udalut approve of the order, as regards the detention, though not for the transmission of the Prisoner to the Criminal Court.-

3. The Prisoner in this case bears

Case 130

the same name as the one who escaped from the prisoner in case 127 - and is probably the same person - He was charged with "Housebreaking by night to the amount of 132 Rupees." This being a committable case under Clause 2 Section II Regulation VI 1822 ought not to have been referred to the Sudr Ameen: and as the Prisoner appears to have been convicted and sentenced by the Sudr Ameen tho' the sentence need not be disturbed, the error should be pointed out to the Acting Criminal Judge and the Sudr Ameen. The above remark is framed under the conclusion that the charges has been correctly stated, and that the Prosecutor swore that the value of the property exceeded 100 Rupees - if the facts were not so, it should have been explained in the Criminal Reports.-

The

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Rajahmundry Sessions Report. Cases 63 and 77.

4. The Circular Order 11th April 1832 requires that when a case remains undisposed of in a Supplemental Report, a full explanation should be entered in it. In the cases to which this remark at present applies, it was obviously requisite that this explanation should have been rendered. The reference merely to what was stated in the Report of June would by no means fulfil the object of the Circular Order, agreeably to which, the Acting Criminal Judge should have fully declared the reasons of the case not having been disposed at the end of September.

Cases 103-106-107-108 109.

5. In these five cases, the 1st prisoner appears to have been sentenced distinctly to 3-3-2-6 and 5 Months imprisonment respectively although the amount of the whole imprisonment does not exceed the extent to which he was liable, the proceeding is at variance with the principle that when several cases are before a Criminal Court, at the same time, they should be severally investigated and one sentence passed upon the whole, such as may in the judgment of the Court be adequate to the guilt of the prisoner. The Criminal Judge ought to communicate the Circular

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Circular Order of this Court to the Sudr Ameen and should correct any deviation from them. The Provincial Court of Circuit will cause the above observations to be communicated to the Pundit Sudr Ameen by whom these cases were disposed of. The same observation applies to the other prisoners concerned in these cases.

6. The abstract attached to the Report No. 8 shews, that only 9 Cases including 13 persons had been committed for trial before the Court of Circuit in the months previous to September. The Provincial Court of Circuit will point out to the officer in charge of the Court that this abstract is intended to include all cases committed in previous months undisposed of by the Court of Circuit, and that consequently where trials are postponed the cases should be entered in the abstracts of Report No. 8 as well as those which have not been presented to the Court of Circuit.

7. The Statement of the labor of prisoners at Rajahmundry, does not shew the correct number of sick persons clearly. 85 are mentioned in one place as sick out of

the

29th Nov.

Rajah.
Supt. C.
Case

No. 234 prisoners in Column 4- and in another
place "Note Sick on close of the Month Column 3 — 10.
3 — 16.
96.

8.

The Provincial Court of Circuit will point out to the Officer in charge of the ∞ Court that the prisoners nursing the sick should not be included as sick prisoners.

Masulipatam Report X Case 136

9.

This case in which the prisoner was stated to have entered the house through an open space between the roof and the wall of the ∞ building would seem to have fallen within the provision of the law respecting housebreaking, and the sentence should have been passed ∞ accordingly under Regulation VII 1822 instead of Regulation X 1816.-

Cases

Masulipatam Statement 10

Pris. C. 4- Sick - Reporting 496 — 17 — 29 1/2.

The Court of Foujdaree Udalut observe that in the Statement of Extra Peons ∞ 49 Peons are entered at 6 Rupees each which is unusually high pay- the Provincial Court of Circuit will call upon the Joint Criminal Judge to explain, whether arrangements ∞ might not be made to entertain them at 5 Rupees or 5/p each in future which is the usual

usual pay in other Districts

Nellore Report V. Case 267.

11.

In this case the wounding does not appear to have been of a serious nature and seems to have been inflicted without any ∞ circumstances of aggravation- It would appear therefore that the Criminal Court in taking ∞ cognizance of it did not err. The provision of the Regulations cited by the Acting Criminal Judge viz. Section VII. Regulation X. 1816 appears clearly to include the case, as he did not think a heavier sentence than 6 weeks imprisonment with hard labor in irons suitable to it.-

12.

The Court of Foujdaree Udalut perceive in the Report No. 9 two cases Nos. 3 and 6 of the 1st Nellore Calendar 2nd Session 1833, which, as the prisoners have been disposed of in other numbers in the Calendar, should not be entered. The Provincial Court of Circuit will accordingly direct that these cases be omitted in the future Reports.-

Ordered, that Extract of these proceedings be sent to the Provincial Court in the Northern Division for their information and guidance, and for communication to the subordinate

subordinate authorities of such parts as concern them respectively by Precept returnable without delay.-

(Sent following Precept No. 1306

Read letter dated the 3d Instant from the late officiating Judge late on Circuit in the Northern Division reporting the death of the 2nd Prisoner in case No. 15 on the Nellore Calendar 2nd Sessions of 1833.-

(Here enter No. 1606)

Read letter dated the 15th Instant from the Acting 3rd Judge late on Circuit in the Northern Division, reporting the death of a Prisoner in Case No. 66 Chicacole Calendar 1st Sessions 1833, which case is under reference to the Foujdaree Adalut.

(Here enter No. 1637)

Mr Bird
Mr Bates
Mr Campbell.

1. The Register lays before the Court the following Statements, drawn up from the returns received from the subordinate authorities, exhibiting the operations of the Village and District Police, the Magistracy, the Criminal Courts, and the Courts of Circuit respectively, also an abstract of the operations of this Court, from

from the 1st of July to 31st of December 1833, according to the forms approved by Government.- Statements Nos 1 & 2

2. These Statements, compared with those for the first half year of 1832, exhibit an increase in the operation of the Village Police: the number of persons brought before them in the preceding half year was 2,504, in the present, 3,345, being an increase of 841, or nearly one third. The greater part of this increase, it will be observed, has taken place in the Western Division, where 545 persons, are reported to have been brought before the Village Tribunals for petty offences cognizable by them, beyond the number entered in the Statement for the preceding six months.-

Village Police.-

3. The difference upon which the Court remarked in paras 3 and 4 of their last half yearly report, in the extent in which the Judicial powers vested in them, are exercised by the Heads of Villages in the several Divisions, and Districts of the Presidency, is equally apparent in the present returns. In seven Districts alone, Canara, Combaconum, Cuddapah, Salem, Malabar

Canara - - 938.
Combaconum 741.
Cuddapah 459.
Salem - - 243.
Malabar 236.
Coimbatore 196.
Guntoor - 162.
2975.

Malabar, Coimbatore and Guntoor, can the system be considered to be at all in operation. In these districts there were 2,975 persons out of 3,345, or nearly eleven twelfths of the entire number, brought before the Heads of Village for petty offences. In the twelve remaining provinces there were but 370. Ganjam, Vizagapatam, Madura and Trichinopoly give the smallest returns.

4. Of the persons charged before the Village Police, 1,908 were convicted and punished, 1,036 (including 10 in cases under examination) for petty theft, and 312 for petty assault. The remainder, 1,455 were acquitted, or discharged upon compromises. It is satisfactory to observe, that nearly the whole of the acquittals were in the instance of petty assault; of the 1,130 persons charged with petty theft, 1,086 were convicted; of these 433 were confined in the Village Choultry, and 602 put into the stocks.

588 Acquitted.
867 Discharged upon Reference.
1455.

District Police. 5. There is little difference in the returns of the preceding and the present half

half year, in the extent of the operations of the District Police. The total number of persons brought before them for petty offences in the second half year of 1833, was 45,431 in the first, it was 46,026. The total number of cases before them, including those under examination, was, in the one period 47,554 in the other 47,246. The number also of convictions, acquittals, and compromises do not vary in any material degree from those shewn in prior returns. The convictions form about one third, the compromises and aquittals two thirds.

6. Of the cases disposed of by the district police 11,827 were charges of petty theft, and 34,642 of petty assault, the convictions for petty theft were, including the cases forwarded to the Magistrate, 8,138, the acquittal about one third of the total cases, or 3,562. The convictions in petty assault, do not equal those in cases of petty theft, although the number of charges was three times as large. Of 34,642 charges, in 7,823 only, which includes those

those forwarded to the Magistrate, did convictions follow, whilst the acquittals and compromises amounted to 25,437 - 1,302 were under examination.

7. In the number of false charges before these officers, there is an inconsiderable increase under the head of petty theft, and a decrease under that of petty assault. The great bulk of these charges appears in the Statements from Chittoor, and Trichinopoly: in the former district they were 165 in the latter 133 a total of 303 out of 479 the entire number for the Presidency. Malabar, Madura and Coimbatoor furnished nearly the whole of the remainder. In the preceding half year's report, as in this, the Chittoor and Trichinopoly Districts were those in which this offence was most prevalent. In Trichinopoly the average of false charges before the District Police amounts to one in 10. and in Chittoor to one in 11. The attention of the Magistrates will be called to these facts, and they will be required to instruct their subordinate

subordinate Officers, strictly to observe the provisions of Section II Regulation IX 1832.-

8. The returns from Canara give the largest Number of persons brought before the District Police for petty offences in one District Viz. 5363 - of whom a large proportion 4409 were acquitted and discharged, and but 17 are entered as wilfully false charges - In Cuddapah, Nellore, Malabar, Salem and Vizagapatam also a considerable number of persons were charged before the District Police - The proportion of convictions varies greatly in different Districts. Of 3528 cases in Vizagapatam, there were but 488, or not one seventh convicted, whilst in Salem there were 2,200 persons or above one half convicted and punished - In Malabar also, as in Canara, the convictions bear a small proportion to the charges.

9. The returns from Combaconum, (Tanjore) and Vizagapatam merit notice, as they exhibit a remarkably large number of compromises: In all the other Districts -

(Nellore

Vellore and Tinnevelly exceeded the acquittals exceeded the number discharged upon Razenamah; but in the above two Districts they fell very far short of them. In Tanjore the acquittals were but 409, whilst the compromises were 1399. In Vizagapatam, there were acquittals 946, & Razenamah 2033. These results, as well as the general results for the Presidency, which shew the number of persons discharged by the District Police upon failure of prosecution or compromises between the parties, to be nearly equal to the number acquitted, indicate the existence of an abuse, which the Judges believe to be prevalent: the extensive use of the Police tribunals generally by individuals as a means of annoyance and vexation to others. If this opinion be well founded, it has an important bearing upon the statements of crimes in this country, as it will explain in a great measure the circumstance of a much higher ratio of acquittals and discharges compared with convictions, when contrasted with the statements for other

Countries

Countries - It also affects the unfavorable inference, which might otherwise be drawn against the Officers of District Police entrusted with the cognizance of minor offences.-

10. In the entire number of convictions Viz. 16,229 before the District Police the punishments were confined in the Cloathing 9710; of which number 7,418 were in cases of petty theft; confined in the stocks 757, of which 576 were for petty theft and 156 for petty Assault - The total number of persons reported to have been flogged by the District Police was 141; 135 of whom were by officers in the Northern Division and 102 in Ganjam alone - The Provincial Court of Circuit pointed out to the several Magistrates in their Proceedings of August last, the illegality of the proceedings of their subordinate Officers, and the Judges will again notice the circumstance to prevent the possibility of its recurrence - In like manner, the

attention

F. Us.

29th November 1834.

attention of the Magistrate of Masulipatam was called by the Provincial Court, to the instances of fine for petty theft, receiving stolen goods, and killing Cattle which occurred within his jurisdiction, and he has been required to check the repetition of similar acts.-

11. The total of persons fined by the District Police was 5,621, nearly the whole in cases of petty assault, and the amount of fines realized was Rupees 4,371 4/4. There do not appear to be any variations in these Statements, as compared with those for the preceding six Months, which call for any further observations.-

Magistrates.- 12. The number of petty offences brought under the cognizance of the Magistrates in the period under review, was 5,288 being an increase, but of no great extent, upon the last returns- Of this number, the acquittals and cases discharged were 3,006 and the convictions 2,236 the

F. Us.

29th November 1834.

the proportions they bear to the total number of cases are similar to those shewn in the preceding half yearly report.-

13. Of the 2,236 convicted, 1,200 were for petty theft, and 653 for trivial assaults: there were 134 convictions for using false weights and measures, and 60 for wilfully false charges.- The Districts in which the Magistrates have disposed of the largest number of cases are Tanjore, Verdachellum, Trichinopoly, Chingleput, Bellary, Chittoor, Salem and Cuddapah- In Ganjam, Nellore, Tinnevelly, Guntoor and Rajahmundry they have had but few cases before them. The Statements for Tanjore and Vizagapatam exhibit a like remarkable disproportion of cases compromised and discharged on failure of prosecution before the Magistrates, and a comparatively small proportion of convictions, as noticed in the instances of cases before the District Police.-

14. In Vizagapatam the number of convictions is limited in an extraordinary degree, being only 13 in 171 charges, while it is observable, that

that but 2 charges are returned as false. The Magistrate has stated in explanation of the large number of compromises in his District that it is to be ascribed chiefly to the distance of his office inducing prosecutors to listen more readily to terms, and acting at the same time upon Defendants as an additional reason for the offer of compensation for trifling injuries. In Salem and Madura, the convictions were likewise below the general ratio in other provinces.

15. The punishments do not vary greatly in the proportion they bear to each other as shewn in former Statements. The number flogged was in the present half year 405, in the last 312, being less, in proportion to the convictions, in cases in which this punishment was adjudicable; the number of petty thefts having increased from 1,170 to 2,028 explains the increase.

Statements 3 and 4.

Crimes & Misdemeanors

16. These Statements shew a considerable increase of crime upon the preceding half year, the number of cases has risen from 6,224

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29th November 1834.

6,224 to 7,425 in the present return; there is no proportionate increase however in the computed number of offenders. In the last six months it was 49,146 in the present 51,264. The greatest increase was in the offence of gang robberies; the last returns gave 1,686 cases and 3,925 persons concerned, the present 2,087 with 3,149 supposed offenders. There is also a large addition to the number of murders, in the last report 146 were entered, in the present 214; the parties concerned were estimated respectively at 721, and 826. The offence of theft has also considerably increased; the cases in the first half year were 4,499 and 5,780 offenders, in the present 2,059 with 7,032. There has been also an increase in that of destroying Cattle. There do not appear to be any other disparities calling for notice between the statements of the two periods.

17. Of the total number 7,425 of serious crimes ascertained to have been committed, in 2,845 cases no one has been apprehended; and in 2,725 of these, or upwards

of

29

of one third of the whole of the offences reported, not one of the Parties concerned is even known. The great mass of these cases, are gang robberies and house breaking by night, the former, amounting to 1009, nearly one half of all the gang robberies committed; the latter, to 1025 or nearly two thirds of the cases ascertained. There was also a large number of thefts, 529 altogether, undiscovered. The proportion of undiscovered cases, in Murder and robbery with murder, is also high. Of the 244 Murders in 34 no one was apprehended, and in 28 the perpetrators are altogether unknown. In robbery with Murder there were 64 Cases, and in 24 of these not one concerned has been discovered. These results would reflect seriously on the efficiency of the police if taken abstractedly; but it will be found on referring to the details from the different Districts, that the great mass of this undiscovered crime, is in the provinces where famine has raged; and society has been

inconsequence

inconsequence disorganized, or where it has been greatly disturbed, by rebellion.

18. In Cuddapah there were 5 Murders 292 Gang robberies and 366 cases of house breaking by night, and in Bellary there were 6 cases of Robbery with murder, 99 cases of gang robbery and 37 cases of house breaking by night, in which the perpetrators are unknown. The other districts in which the greatest number of gang robberies remain undiscovered, were Chittoor, Chingleput & Nellore, Rajahmundry, Masulipatam Guntoor, Ganjam, Verdachellum and Vizagapatam. Ganjam shews the largest number of Murders, and Robbery with Murder undiscovered.

19. The Vizagapatam Return nevertheless, with that from Madura of the entire number of undiscovered offences is extremely low: and Trichinopoly is blank. No dependence can be placed however upon these Returns. For the late report of the 2nd Judge in the Southern Division on the state

state of the police in Madura, and the circumstances of the Trichinopoly and Vizagapatam Districts, wholly forbid the conclusion, that crime is there more effectually and readily checked than in other Provinces the reverse is probably nearer the truth, and there can be little doubt, that some error has been committed in drawing up the Statements. The several Magistrates will be required to give their attention to the subject, and the Court hope to receive more correct Statements in future.

20. It is very satisfactory to observe, large as is the general increase of crime, that there has been a considerable diminution in those provinces where famine was not known. In Malabar and Canara offences have decreased respectively, from 413 and 506, to 329 and 411, and the number of committed offenders has also diminished proportionally.

21. With reference to their proceedings of the 20th Instant on the report of the Acting 3rd Judge in the Centre Division, in which he

he considered the question of the comparative state of crime in the Bellary and Cuddapah Districts, the Court may here remark, that the statements now before them tend to confirm the view they then took. The total number of crimes committed in Bellary in the last six months of 1833 was 435, of these the cases of murder were 6, Robbery with murder 16, total 22 Gang robbery 173 total 195, in 105 which, or more than one half, no one was apprehended. The total number of crimes in Cuddapah was 1421, and the most serious offences, were murder 28 cases, Robbery with murder 4, Culpable Homicide 2, Gang Robbery 516, total 550. and of these, the cases in which no one was apprehended were 298, or about one half. These results shew, that the Districts, although they differ considerably in the extent of crime reported, are much on a par, as regards the efficiency of their police administration and they confirm the Magistrates opinion that the difference in the extent of crime, is to be attributed to the facilities afforded for its commission by local

local circumstances in Cuddapah and is unconnected with its police, or, with the character of its inhabitants. This is further confirmed by the relatively small number of persons committed in Cuddapah for trial before the Circuit Court remarked on subsequently in para 26.-

Statements 5 and 6.

Criminal Courts

22 The Returns for the six Months under report, exhibit equally with the Statements for the first half of 1833, a large increase upon the number of cases brought before the Criminal Courts. The whole number of cases before them, in the last six Months of 1833 was 5,020, with 17,119 Prisoners: in the preceding six Months though then extraordinarily large, it was but 3,663 cases with 14,056 prisoners. The Criminal Courts actually disposed of in the six Months, of 4,683 cases with 15,861 prisoners: a number not far short, as will be seen on reference to para 24 of the last half yearly report, of four times the ordinary extent of duty required from them. Notwithstanding this large increase of work, there were fewer cases

cases and prisoners left unexamined at the close of the six Months than in the preceding half year.-

23. The total of persons released unconditionally by them was 5,611, or about ⅓ of those examined - The number committed was 4,215, and convicted 3,687- Of these, the Criminal Judge punished by simple imprisonment, 1,847, by imprisonment with flogging 1,255 the number fined was 402- The Criminal Courts demanded security from 2,258 or about 1/7 of the number of persons examined by them, and of these ⅓ obtained their release immediately and two thirds were detained in default of finding the security required.-

24 It is deserving of remark, that of 373 persons sent up to the Criminal Courts charged with Murder, 150, were released unconditionally, and 51 out of 136 Cases were it appears dismissed for want of evidence: This result is the Court believe, to be accounted for in part, by the police sending up to the Criminal Courts all cases of homicide by misadventure, as Murders. This has been corrected by the late Circular order-

of

of 3d July 1834 No 2, and the Statement, will it is probable in future shew a smaller relative number of cases of this nature dismissed by the Criminal Court.

25. The Courts upon which the greatest additional labor was thrown were Bellary, Cuddapah, Chittoor and Salem, with the Criminal Courts in the Northern Division. Guntoor had the largest number of prisoners brought before it amounting to 2,703, the number was also very large in Bellary, although the cases were comparatively limited. The Criminal Court of Madura the Auxiliary Courts at Tinnevelly and Tellicherry, the Native Courts of Vizagapatam and Sirey, and the Criminal Courts of Chicacole and Canara exhibit the smallest amount of criminal duty, the number of prisoners brought before each of them falls short of 300. in all other zillahs they considerably exceeded that number in several they were above 1000.

26 There is a striking disparity in the Returns from the Criminal Court of Bellary

F. 86.
29th November 1834.

Bellary compared with other Zillahs, in the very large number of persons brought before that Court in committable cases. Of 1,674, persons sent to the Criminal Court, 1,151 were in committal cases, whilst of 1,945 prisoners brought before the Cuddapah Court, but 231 are entered as liable to be committed. There is also so remarkable a difference in the entries of the number released in committal cases, and in those cognizable by the Judge himself, in Bellary and in Cuddapah, that the Court are under a strong impression, that the Statements of the two Zillahs, have not been framed on the same principles, and an explanation will be sought of the difference. If the returns are correct, it proves that there is a much more effective performance of an essential part of Police duties in the Cuddapah Zillah; where there were it appears but 27 Prisoners, sent up in serious cases, against whom satisfactory evidence has not also been forwarded by the Native Officers of Police. In Bellary as the

	Persons brought before the Criminal Court.	Discharged in Committal Cases	Persons Committed for trial before the Court of Circuit
Bellary	1674.	591.	560.
Cuddapah	1945.	27.	204.

the other hand there were 591 persons forwarded to the Criminal Court, against whom there was no evidence. This result is discreditable to the Police establishment in that District, unless some peculiar fastidiousness in receiving evidence exists in the Criminal Court, which there is no reason to believe to be the case. There are also disparities to some extent in the returns from other gaols, Chittoor and Salem exhibit a comparatively limited number of persons released by them in cases committed for trial, whilst in other Gaols, the number released bear a large proportion to the number committed.-

27 The only further variation in these returns, contrasted with those for the preceding half year, requiring remark is the number imprisoned and flogged which was much larger and is to be accounted for by the additional number of thefts brought before the Criminal Courts.-

Statements 7 and 8.

Circuit Courts. 28 In their report on the first six months of 1833, the Court observed, that the Courts

Courts of Circuit had during that period twice as much duty imposed upon them as in the preceding years, and the present returns shew a considerable increase.-

29. The total number of cases laid before the Circuit Judges in the period under review the last six months of 1833, was 799, being an increase of 188 cases and of nearly 1000 Prisoners, compared with the returns for the first half of the year in the Northern Division, although there was a decrease on the preceding half year, the number was still very large. In the Western and Southern Divisions there was an increase, but not to any great extent. But in the Centre Division the cases rose from 193 with 718 Prisoners, to 329 with 1626 Prisoners.-

30 Of the total number of persons 3,601 brought before the Courts of Circuit, one fifth were unconditionally released, a smaller proportion than shewn in the last returns; 1157, or one third were convicted and punished, and 909, or one fourth, referred to this Court. There were 416 persons sentenced to find

security

security, shewing a proportionately small relative increase in the exercise of this power in the period under review.-

31. The punishments adjudged by the Courts of Circuit, were on 1157 convicted, 1 fined and imprisoned and 262 imprisoned under seven years, and 894 for seven years and upwards. There has been a decrease in the number flogged and imprisoned. The number was 44 in 1157 convicted. In the previous half year it was 116 in 656 convicted.-

32. Notwithstanding the additional extent of duty which pressed on the Courts of Circuit, the number of trials postponed was not one half of the number entered in the preceding half years returns. The trials postponed were 36 including 191 prisoners. The same general causes which led to the postponement of trials in the first half of the year, to which the Court adverted in para 29 of their last report, existed in equal force in the period under review; and combined with the large number of trials brought before the Circuit Courts satisfactorily

satisfactorily account for the postponements registered in these Statements.-

33. In the present period there was again a postponement of the Sessions at Chicacole.-

Statement No. 9.

Tonjdaree Udalut

34. The Tonjdaree Udalut disposed of precisely the same number of Trials 641 in the last half as in the first half of 1833. There was a considerable addition however nearly 100 to the number of prisoners. The total of prisoners disposed of was 312, of whom 98 were released unconditionally, 163 were convicted, and 15 sentenced to find security. Of the 98 released unconditionally, 55 were in cases of Gang Robbery and 22 in Murder and Robbery. Of those convicted there were 65 for Gang robbery, 24 for Treason and Rebellion, 31 for Murder, and Robbery with Murder, and 17 for aggravated assault on the officers of Government. The sentences were death 9, transported 86, of whom 41 were also flogged, 22 were imprisoned above seven and under 14 years, and 46 for 7 years and under. The number of trials received but not

disposed

disposed of during the six Months was 28 with 131 Prisoners.

35. In the 64 trials disposed by the Foujdaree Udalut they overruled the Futwa of acquittal in 18 Nos. in 6 of which there was no reference and in 12 the insufficiency of the evidence was the ground of the futwa.

36. Under the orders of Government contained in the Minutes of Consultation of 5th August last, the Court have the honor to report that in 24 of the 64 trials referred to therein the Presiding Circuit Judge disapproved of the futwa, in 10 of which the Foujdaree Udalut concurred with the Presiding Judge.

37 But one trial was disposed of by a single Judge of the Foujdaree Udalut. The 1st Puisne Judge Mr. Lushington was a party in the disposal of 17 Nos. the Acting Judge Mr. Oakes in 60, and the 3d Puisne Judge Mr. Rendleston in 24. Mr. Oliver the Chief Judge was a party to the disposal of six cases in which his services was solicited. Mr. Rendleston quitted the Court on sick certificate under leave of absence dated 11th August 1833.

38 The Court proceed to close their report, by a review of the observations submitted with

with these half yearly Statements, by the Provincial Courts of Circuit, and the Magistrates.

Centre Division

39. The great increase of crime throughout this division, is uniformly ascribed to one cause: The Magistrate of North Arcot states, that the famine prevailed throughout the year, and that it was a "period of dreadful distress and unprecedented misery." The Magistrate of Cuddapah, in like manner observes on the extreme severity of the season, remarking "that industrious ryots in many instances have been concerned in these depredations (Gang robbery) for the sake of subsistence; and neighbouring Villages have been known to retaliate on each other." This Officer has submitted with his report, a statement in detail of the number of cases of Gang Robbery, and House breaking, where the sole object was grain. The Court of Foujdaree Udalut have so recently brought this subject under the consideration of Government, in para 7 of their proceeding of the 20th Instant on the Report of the Acting 3d Judge on Circuit Centre Division, that it is unnecessary

for

Tayjdarce Udalut conceive that they are ∝
called upon to offer an opinion, they
submit it, as highly deserving the attention
of Government, when considering the com-
=parative state of crime in the Bellary
and Cuddapah Districts.-

Northern Division. 43 In this Division, where there
has been also an unusually large extent
of crime, it is, the Court have no doubt,
justly attributed solely to the two causes,
famine, and the disturbed state of the
Northern provinces by open rebellion: it is
not necessary to look therefore for remedies
by any change in the police administra-
-tion. The Provincial Court of Circuit ∝
propose in para 4 of their proceedings,
that the Magistrates should be authorized
to select persons to be Heads of Village ∝
"without leaving the office to be held by
"the Head Men of the village." The Court
have on former occasions expressed the opinion,
× that the only practical method of giving effi-
-ciency to this branch of the existing system,
is to attach some remuneration to the office
and render it of sufficient value to induce the

× See Tayj: Pro: [Dr 112] 10th July last para 7 & 9 submitted to Govt

the professions to exert themselves to retain it.
Any change without this, must they think
fail to produce any permanent benefit.
In the 30th para of their proceedings, the
Circuit Court have suggested, that the ∝
Magistrates should be required to submit
with the statement for the last or 2nd
half year in future, a comparative state-
=ment of crime in their Districts, com-
=mencing with the two preceding half
years, with a note of the causes of the
increase of any particular crime. The
Court see no objection to this proposition,
should the Government be of opinion,
that the statements now periodically ∝
submitted, do not contain sufficient in-
=formation; but if adopted they would
consider it desirable, that both the state-
=ment, and the Magistrates notes should
be confined to the more heinous offences
alone.-

44. In the 31st para the Provin-
=cial Court of Circuit observe, that "they
"fully

"fully concur in the suggestion contained
"in the 6th para of Mr Mason's letter accom:
"panying his statements, that "the Magis:
"trates (of Vizagapatam) should be autho:
"rized to transmit cases investigated by
"themselves direct to the Native Criminal
"Judge instead of having to forward them
"as at present to the European Officer at
"Chicacole." "The reasons existing for the
"alteration of the Law in this respect are
"very fully stated in that Officer's letter
"referred to." Mr Mason remarks that "at
"present if either myself and my Assistant
"happen to be in the Southern parts of the
"District we have got to send the cases
"nearly two hundred miles to the Criminal
"Judge at Chicacole and if the Jail and
"Court House are removed from thence
"and no European Authority substituted
"the parties concerned will have to proceed
"four hundred miles before conviction can
"follow the perpetration of the offence."
The same subject was brought under the

the consideration of the Court by Mr Bannierman Acting Judge on Circuit Northern Division in his report under date the 3d April 1832. The Court were not prepared at that period as will be seen by a reference to the proceedings of the 3d May 1832, para 18, to recommend an alteration of the existing law to meet the case. They are of opinion however that Mr Mason has shewn the necessity of the measure and that the law should be amended accordingly. This would also appear from the 6th para of the Judicial Secretary's letter 2d May 1832, No. 315, to be the view of Government.

45. The late Magistrate also proposed in para 7 of his report, the re-transfer to his Servants of the Police authority of the Northern part of his District, then vested in the Revenue Servants of the Ganjam Collectorate. It has appeared to the Court proper to bring the Magistrate's suggestion to the notice of Government, who can alone deal with the question.

The

46. The report from the Magistrate of Trasulisatam is not favorable to the efficiency of the Police in his District. There are several serious cases of murder, undiscovered; and one, of which the circumstances are detailed in para 13, of great atrocity, manifesting a defiance of all law. The Court consider the facts reported by the Magistrate, to reflect seriously on the Police; for it is scarcely possible to suppose, if due exertions had been made, that "the object of the murderers "and who they were" could remain altogether unknown. The Court are of opinion, that the case should not be dropped, and that the Magistrate should himself take it up; and if he deem it necessary offer high rewards for the apprehension of the parties concerned. They were so far marked and observed, that their precise number, it appears, was well ascertained, and it is not probable therefore that some further information should not be forthcoming.

47 Upon the general increase of crimes in his District the Magistrate observes in

in explanation, that "the reduced state of the "people was such that fear of punishment was "no check to their procuring the means of re "staying the cravings of hunger by whatever "method it might be got at: a fail subsistence "being at that period a blessing to many "rather than a punishment."

48. The Assistant Magistrate in charge at Guntoor reports, that the more active performance of their duties by the Heads of Village, as shewn in the present statement, is owing entirely to the exertions of the Magistrate. The Court think it due to that Officer to record their approbation of his conduct, which it is satisfactory to observe has been attended with considerable success. The distress of the people in Guntoor, during the famine in 1833, is forcibly depicted in some trials recently disposed of by this Court; especially by one in which a female, herself a skeleton from starvation, strangled a child; and, after burning it, devoured it's hand to allay the cravings of hunger. —

The

49. The Court take this opportunity of placing before Government their sentiments lately recorded in a communication to the Provincial Court of Circuit under date 7th ∞ Ultimo, on the conduct of Mr. Angelo, while Officiating Assistant Judge and Joint Criminal Judge in the Auxiliary Court at Guntur during the last half year of 1832, with reference to the censures passed on his conduct in the 20th para of the Minutes of Consultation of the 8th August last. The Judges, in reply to a letter on the subject from Mr. Angelo copy of which is herewith submitted, observed that they had referred to the Civil and Criminal reports of Guntur for the last half of 1832, and found that during that period Mr. Angelo decided 10 Suits on their merits, and disposed of 114 Miscellaneous Petitions and 1 Application for special Appeal; and that in the Criminal Department he disposed of 40 Cases comprising no less than 494 Prisoners. —

It

50. It appears also that the Civil Court was closed during the period in question for six weeks, and tho' the Court cannot find any record of the fact, or, any reference to his indisposition in any letter submitting the periodical reports, they do not doubt that Mr. Angelo was for 20 days during that half year too ill to attend Court. —

51. Under the above view of the work performed by Mr. Angelo at a time, when, as shewn by his letter referred to, he was incapable of great exertion, and with reference to the favorable testimony of the Acting 1st Judge of the Provincial Court, the Judges do not hesitate to record their regret that, in their Proceedings of the 13th May last, upon which the censure of Government was founded, neither the number of Prisoners disposed of was adverted to, nor the temporary closing of the Court noticed. Mr. Angelo's indisposition was not then known to the Judges, as it

was

29th November 1834

was not alluded to by the Officers who succeeded him, and submitted these returns. In justice to Mr. Angelo the Judges accordingly take this opportunity of communicating these sentiments to Government.

Southern Division

52. In the Southern Division, where there has been also a considerable increase of crime, it is ascribed, both by the Provincial Court of Circuit and the Magistrates, to the scarcity which was severely felt in nearly every District in the Division. The Magistrate of Tanjore has also expressed an opinion, that the prevalence of Gang Robbery in his district was in great measure to be attributed to the absence of an efficient Village Police, and he refers to his communication in 1829 on this subject. The Court have already in their proceedings of the 10th July proposed a communication to these Officers. Referring to the Statements Nos 1 and 2 the Magistrate remarks, that "It will be seen that there "has been a considerable increase in the "number of cases decided by the nominal heads "of

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"of Village Police, but the amount is as nothing, "compared with their numbers; and the few, that "act are induced to do so, as a matter of personal "favor to the European Officer in whose Division "they reside."

53. The Judges concur with the Provincial Court of Circuit in their remarks contained in para 40 and 41 of their proceedings. There can be no question that the passive character of the people and the little resistance made by them, to attacks of open violence, especially by the wealthier classes, is one main cause of the prevalence of Gang Robbery.

54. The Magistrate of Trichinopoly attributes with the Magistrate of Tanjore, the prevalence of Gang Robberies, to the inefficiency of the Village Police in his District, which he is of opinion must continue, so long as the Office is not a responsible one," which he "observes it must in fact be considered when "no emolument is received from the state for "the services required".

55. There is nothing in the reports from the Magistrates of the other Districts calling for remark.

56.

2. Western Division.

The Reports from the Magistrate of the two Districts in this Division speak favorably of the present state of the Police. The Magistrate of Canara has introduced, it would appear under the authority of Government, certain changes in the Police system in that District, which he states have worked well during the short period they have yet been in operation. The Joint Magistrate Mr. F. Anderson, proposes, as a measure likely to prove of considerable benefit, that the Sherishtadar and Police Moonshee of each Talook, should be invested with the powers given by Section III. Regulation IV. of 1821; and the Provincial Court of Circuit have expressed their concurrence in his views, upon the ground, that "an investigation on the spot," is at all times the most likely method to lead to the detection of offenders; and that this cannot at present be secured, "as the Talsildar cannot on account of his numerous engagements always proceed on [Police] duty." The Court

Learn

29th November 1834.

deem the Joint Magistrates suggestion deserving of much attention, as nothing they are convinced will be found so effectual for the discovery of offences, as an early and full local investigation, by an Officer, whose undivided attention can be directed to it. The Magistrate can at his discretion, add to the number of persons on the Talook establishment, competent to hold a preliminary investigation, and it rests with him to do so, should he see fit. The Court consider it desirable that his attention should be drawn to the subject.

57. Mr. F. Anderson has also proposed in the 6th para of his report, that petty assaults should, equally with petty thefts, be punishable by the Talsildars after reference to the Magistrate. In the 7th para of their proceedings of 9th August last on the Court of Directors despatch, the Court had this question under their consideration, and submitted their sentiments to Government, it is only necessary for them now to refer to them.—

58. The Joint Magistrate of Canara

[Mr.

F. C.

29th November 1834. [Mr. H. Stokes] has submitted in his report two questions, connected with Regulation XI of 183
for the determination of the Foujdaree Adalut
The first. In what way the police are auth
rized to interfere, when they may receive i
formation, that persons "have discovered hi
"den treasure and appropriated the same
"their own use". The Court are of opinion,
that Section VIII of the law in question render
any interference of the Police unnecessary
It expressly grants to finders one month t
give information of their discovery; and on f
-lure thereof, gives the owner, if there be
the right to sue for the same, only by a
summary civil suit in Court. or even th
it is liable to confiscation on application
the Vakeel of Government. Such property
kept by the finder beyond one month
would the Court conceive be liable to seizur
by the Zillah Judge.—

59. In reference to the further qu
tion in the 20th para, "whether under Section
Regulation XI of 1832 a Native Judge is
empowered to act, the Court are of opinion that
as the law stands he cannot. They do not think

F. C.

29th November 1834. it expedient to propose any alteration of the law
to meet the difficulty; as it appears to them
not to be one of sufficient practical importance
to call for it.—

60. The Court have no doubt, that
the case of fraud, instanced in the 21st para of
Mr. Stokes' report, where, "a goldsmith mixed brass
"in an ornament which he had engaged to
"make of Silver of the Rupee standard" comes
within the provisions of Section IX Regulation
XIII of 1832.— If the intent was fraudulent, there
is no question of the liability of the party to
punishment for the act. the provisions in
question being clearly intended to meet all
frauds of this description.—

Ordered that the Statements
above referred to, with extract from these
proceedings and copies of the communications
from the 4 Provincial Courts of Circuit be
transmitted to the Officiating Secretary to
Government in the Judicial Department to be
laid before the Right Honorable the Governor
in Council.—

Sent to Govt. No 217 A. Sent in Nov. 1307

Ordered

F. Uc.

29 29th November 1834.

Ordered also that paras 10-19 and 46 of these proceedings be sent to the Provincial Court of Circuit in the Northern Division for communication to the several Magistrates to whom they relate for their guidance.-

(Sent in No. 1308)

Ordered also that paras 7 and 19 of these proceedings be sent to the Provincial Court of Circuit in the Southern Division for communication the former to the Magistrate of Tuticorin-poly and the latter to the Magistrate of Madura and Tinnevelly.

(Sent in No. 1309)

Ordered also that paras 7 and 26 of these proceedings be sent to the Provincial Court of Circuit in the Centre Division, para 7 for communication to the Magistrate of Chittoor and para 26 the Criminal Judges of Bellary and Cuddapah respectively for their guidance.

(Sent in No. 1310)

Ordered also that para 58-59 and 60 of these proceedings be sent to the Provincial Court of Circuit in the Western

Division

F. Uc.

29th November 1834 Division for communication to the Magistrate of Canara.-

(Sent in No. 1311)

Appendix.

The following is an abstract of the grounds of conviction in the 12 Trials disposed of by the Fouzdaree Udalut under Section II Regulation I of 1818, from the 1st July to the 31st December 1833.

No. 11 Tinnevelly Calendar 1st Sessions of 1833.

The 1st Prisoner in this case stood charged with beating the deceased with a stick, after which the 2nd Prisoner wounded him with a bill-hook in consequence of which he died.-

They pleaded not guilty both on their arraignment and defence before the Court of Circuit.

The Presiding Judge concurred in opinion with his Law Officer, who declared in his Futwa that the Prisoners were convicted on strong presumptive proof, and were liable to ooboolut.

The Law Officers of the Fouzdaree Udalut considering the evidence of the 2nd Witness to

to be unworthy of credit, by reason of contradictions in his statements before the Criminal Judge and the Court of Circuit, and that of the 3d, 4th and 5th Witnesses to be of no avail, as it did not disclose the wounder of the deceased, acquitted the Prisoners, and pronounced them entitled to their discharge.-

It appeared to the Court of Faydare Udalut that the evidence on the part of the prosecution was too clear to allow a doubt of the guilt of the Prisoners. It was proved that on the evening of the 7th October 1832, a quarrel took place between them and the deceased, in the Course which the 2nd Prisoner inflicted on the head of the latter a wound with a bill-hook, and the 1st struck him over the face with a stick, from which latter blow he fell and expired. The Prisoners were in consequence, sentenced to suffer death, as prescribed by Section X Regulation VIII of 1802. It is to be observed that two persons were brought forward by the Prisoners to swear an Alibi: it was considered however that they had grossly perjured themselves, and orders were in consequence issued to the authorities to take the necessary

F. Uc:

29th November 1834.

No. 23 Tinnevelly Calendar 1st Session of 1833.

necessary steps for committing them to take their trial for the offence.-

The Prisoner "Chinna Punny Inander" was charged with having wounded "Inander" the husband of the Prosecutrix "Vellachey" by "striking him with a stick, in consequence of which he died.-

Both when arraigned and when put upon his defence before the Court of Circuit he pleaded "not guilty."-

The Provincial Law Officer acquitted the Prisoner, assigning as a reason for so doing that the 1st Witness did not agree with the Prosecutrix, in his account of the wounds and contusions inflicted on the deceased and that the 4th Witness and Prosecutrix were contradictory one to the other, regarding the position of the 2d blow.

The presiding Judge differed from this opinion.-

The Law Officers of the Faydaree Udalut, in their Futwa, declared that the Prisoner was acquitted and should be set at liberty, as the evidence of the 1st and 4th Witnesses who deposed

deposed that they saw the Prisoner strike the de-
ceased, and that he died in consequence, was
unworthy of credit, by reason of contradictions
between their Statements before the Criminal
Judge and before the Court of Circuit.—

The Court of Foujdaree Udalut,
however, were unable to arrive at a similar
conclusion. The Prosecutrix deposed to the
Prisoner having given her husband 3 blows
on the head and neck with a stick, having
an iron hook at the end of it, of which he
died on the 4th day afterwards. Her Statement
was corroborated by those of two Witnesses who
deposed to having seen the actual infliction of
the blows, and to the death of the deceased in
consequence.—

From the evidence thus adduced
and from all the circumstances of the case, the
Court considered that it was fully established
that the death of the deceased was occasioned
by the blows inflicted by the Prisoner. They were
not however perfectly satisfied that Murder was
his intention, and accordingly sentenced him
for the deadly assault to transportation for life.

The

The 2 Prisoners in this case, stood
charged with the Murder of one Narainen, by
strangling him with a cloth.

Both when arraigned and when
put upon their defence before the Court of Circuit,
they pleaded not guilty.

The Provincial Law Officer ac-
quitted the Prisoners on account of the contra-
dictions and prevarications of the Witnesses.—

The Presiding Judge expressed an
opinion that there was a sufficiency of evidence
to warrant the conclusion that the Prisoners did
cause the death of the said person, although
there might be some doubt as to their intention
to do so.

The Law Officers of the Foujdaree
Udalut in their Futwa pronounced the
evidence of the 1st 2nd and 3rd Witnesses on
account of its contradictory nature to be un-
satisfactory and inconclusive, and that of the
remaining Witnesses for the Prosecution to be
of no avail, as it failed to establish the fact
of the Murder. They accordingly acquitted the

Prisoners

29th November 1834

Prisoners, and declared them entitled to their discharge.

The evidence on the part of the Prosecution satisfied the Court of Zuydaree Udalut that the Prisoners had been guilty of undue violence in the rescue of the 4th Witness from the assault made on her by her deceased husband Narainen: and that they were clearly convicted of Culpable Homicide: for which offence, they were sentenced to seven years imprisonment with hard labour in irons.

No. 6. Guntoor Calendar 1st Sessions of 1833.

The Prisoner stood charged with having one night, at the hour of eleven, severely wounded Rajah Reobanah Venkadoo the husband of the Prosecutrix Rajah Boyanah Paramah, beneath his ear, and throat and in the mouth with a knife, of which wounds he died on the 10th day afterwards.

He pleaded "not guilty" both on his arraignment and defence before the Court of Circuit.

The Provincial Law officer, in his Futwa, convicted the Prisoner on strong presumptive proof of the crime of stabbing or assassinating, and subsequently warded of the crime with which

he was charged and awarded "Kohoolut Shadeedah".

The Presiding Judge expressed his "firm opinion that the death of the deceased originates with certain wounds inflicted maliciously and with the design of effecting his death, by the Prisoner".

The Law Officers of the Zuydaree Udalut, acquitted the Prisoner, on the grounds that the evidence of the three most material Witnesses was, because they contradicted each other, unworthy of credit: and that of the 3d who swore that, he recognized the prisoner while endeavouring to effect his escape from the house of the Prosecutrix, on a dark night, could not be depended upon, inasmuch, as it must be extremely difficult to recognize any person, while effecting his escape under such circumstances, and at such a time; and lastly that the evidence of the other witnesses, failed to establish the charge.

The evidence adduced on the part of the prosecution, appeared to the Court of Zuydaree Udalut, to fully establish the fact that the Prisoner was the murderer of the deceased. Among other facts it appeared that the Prisoner

and

and the deceased held illicit connexion with a female of the name of Ochee that on his account they once fought, and that the Prisoner told the female, on the day on which the deceased met his death, that in consequence of the latter cohabiting with her, he (the prisoner) would destroy him. It was also established that the head of Police and Curnum of the Village in which the murder took place, in the presence of many persons among whom were the Prisoner and the female above mentioned, enquired from the deceased while lying wounded, and some time before his demise, who had committed the act of violence? and that he then without any assistance raised his arm, & it was established in evidence that he never spoke after receiving the wounds and distinctly pointed out the Prisoner: and that upon their asking him the cause of the act, he in a similar way, pointed to the female Ochee.

The Prisoner was sentenced to suffer death, as prescribed by Section X Regulation VIII of 1802.

No. 22 Salem Calendar of Sessions of 1833.

The Prisoner in this case, a boy of

eight years of age, stood charged with having put to death, Vedpoony a boy aged 7 years, by beating him with a stick and a stone and taken from him a cloth, and some rice, of the value of two annas.—

Both when arraigned and when put on his defence before the Court of Circuit, he denied the charge.

The Provincial Law Officer, declared the prisoner to be guilty of murder, but by the Mahomemedan Law, on account of his tender years, to be liable to Sookoobut only.

The Presiding Judge concurred in this view of the case.

The Cazee-ool-Coozat and Mooftees of the Fouzdaree Udalut, acquitted the Prisoner and pronounced him entitled to his release, on the ground, that although his declaration before the Criminal Judge which was duly attested contained his confession that he committed the crime with which he was charged; and although the 3d Witness also deposed that he acknowledged the same in his presence - yet that there were no eye-witnesses to

to the crime; and the Prisoner's confession, by reason of his tender age, was unworthy of credit.

The confession of the Prisoner before the Criminal Court was clearly proved; and the crime itself was satisfactorily brought home to the Prisoner.

Taking into consideration his tender age, the Court of Foujdaree Adalut sentenced him to be imprisoned for seven years, and at the expiration of that period, to receive 195 lashes with a cat of nine tails.

No. 14. Malabar Calendar 2nd Session of 1833.

The Prisoners in this case, 5 in number, were charged with having at two o'clock in the morning, broken the door of the Prosecutor's house, entered with lights, bound the Prosecutor and his brother, beaten the latter with sticks and fractured his right arm in consequence of which he died eight days afterwards, and with having plundered property of the value of Rupees 215 ℔ 5.

They pleaded "not guilty" both on their arraignment and defence before the Court of Circuit.

The Provincial Law Officer acquitted the Prisoners, because there was nothing against

against them but the evidence of two approvers, and their confessions before the Tahseeldar.

The Presiding Judge in his letter forwarding the trial, stated that the approvers were young men and previously of unimpeachable character. He expressed his opinion that they were led through inadvertence to join the party of Robbers, and that from the time of their apprehension they had stated the truth or nearly so. He considered all the Prisoners to be convicted, and recommended that the 4th and 5th should suffer the extreme penalty of the law: that the 3rd should be transported for life: and that the 1st and 2nd on account of their youth should be sentenced to seven years imprisonment with hard labour.

The Law Officers of the Foujdaree Adalut, acquitted the Prisoners, on the ground that, the evidence of one of the Witnesses was mere hearsay; and that that of the 9th was contradictory before the Criminal Court and the Court of Circuit, and this Witness and the 10th were approvers: and further that the evidence of the other witnesses was unsatisfactory and inconclusive, in as much as

they

they were not eye-witnesses of the crime charged and the Prisoners did not confess to them that they committed the offence.

It appeared to the Court of Oyer Tayderee Adalut that the evidence of the two approvers in this case was in every respect worthy of credit. The confessions of the 1st 4th and 5th Prisoners also appeared to be unexceptionable as to the point of their being given freely: and the circumstances detailed by the 8th and 11th Witnesses which led to the apprehension of the 3rd 4th and 5th Prisoners, strengthened the testimony of the approvers against them. The Court considered that the Prisoners were fully convicted of the Gang Robbery: and as there could be no doubt that the death of the deceased was occasioned by the blows received from some of the Gang, it was clear that the five Prisoners had rendered themselves liable to capital punishment. Still as the party did not go forth with any deadly weapon, they were armed only with sticks, and it was consequently to be inferred that no extreme violence was intended, and as in all human probability the deceased would have recovered had medical

attendance

attendance been procurable, the Court were of opinion that the ends of Justice would be attained by the transportation for life of the 3rd 4th and 5th Prisoners: and by the imprisonment with hard labour in irons for seven years of the 1st and 2nd Prisoners. A sentence to this effect was accordingly passed.

No. 3. Chittoor Calendar 2nd Quarterly Sessions of 1833.

The 5 Prisoners in this case were charged with having entered at night armed with sticks and stones the house of the Prosecutor Hameed Khan, beaten him, threatened his Mother, and plundered from the house Money, Cloths &c. &c. to the value of 11 Rupees and 6 annas, and 5 pice.

Both when arraigned and when put on their defence before the Court of Quarterly Sessions they denied the above charge.

The Provincial Law Officer, convicted the Prisoners of the crime with which they were charged, and declared them liable to amputation of their right hands and left feet.

In the Futwa of conviction the Circuit Judge fully concurred but in consideration

consideration of the prisoners not being old offenders, of hunger being the chief inducement to the crime, and of the violence used though open, being attended with no material personal injury, he recommended that a mitigated sentence of 4 years' imprisonment with hard labour &c. should be passed upon them.

The Futwa of the Law officers of the Foujdaree Adalut, declared the Prisoners to be not convicted and to be entitled to their release, as the evidence of some of the witnesses was contradictory and the whole of it, generally insufficient.

The Court of Foujdaree Adalut concurred in opinion with the Presiding Judge as to the conviction of the prisoners. The Prosecutor deposed from first to last that he recognized all the five prisoners, and they were apprehended on his information. The evidence for the prosecution tended to establish the acts of the accused, as charged by the Prosecutor.

The Court duly considered the circumstances urged in mitigation by the Presiding Judge, but were of opinion that the sentence which he proposed was insufficient for

for the ends of Justice. They accordingly sentenced the Prisoners to imprisonment with hard labour in irons &c. for seven years.

No. 1. Chingleput Calendar 1st Sessions of 1833.

The Prisoner in this case, was charged with having one night in company of other persons armed with swords, muskets and sticks, entered with a light the house of Narayana Chitty, beaten and wounded his Brother the Prosecutor and the people of the house and plundered therefrom, money and gold and silver jewels &c. to the value of 1,200 Rupees.

The prisoner both on his arraignment and defence denied the charge.

The Mahommedan Law officer having convicted the Prisoner, the Judge on Circuit, concurring in the Futwa, recommended a mitigation of the punishment, on account of his youth. The Court then observed that the Prosecutor was "burnt" which circumstance rendered necessary the reference of the case. Orders to this effect were accordingly issued.

The Law Officers of the Foujdaree Adalut acquitted the Prisoner on the grounds that his declaration in the Talook containing his confession was inadmissible, as he had

and

not attained the age of puberty, and that there was no evidence corroborative of it.

The Court of Foujdaree Udalut, considered that the Prisoner was fully convicted of Gang Robbery attended with cruelty in burning the body of the Prosecutor with the view of compelling him to disclose the place in which he had concealed his property his confession before the Police was corroborated by the evidence of the Prosecutor and of his 3 witnesses. The Prisoner was very young; but the part which he took in the Robbery, evinced in the opinion of the Court, a proficiency in vice seldom attained to at so tender an age. The Court sentenced him to be imprisoned for seven years and at the expiration of that time to receive 180 lashes of the cat o'nine tails. But the prisoner has since been pardoned by Government at the suggestion of this Court.

No. 3. Rajahmundry Calendar 1st Sessions of 1833.

The Prisoner was charged with having committed a Rape upon the person of Narsummah, an infant of 5 years, the daughter of the Prosecutor, Untaravady Row.

Both when arraigned and when put upon his defence before the Court of Circuit he denied the charge.

The

The Provincial Law Officer did not convict the Prisoner fully of Rape, alleging that, that crime was under any circumstances difficult to be proved, according to the Rules of the Mahommedan Law. He however declared that by the evidence of the Witnesses, the Prisoner was not free from suspicion of having maltreated the Girl; and was consequently liable to Kohoolut.

The Presiding Judge was of opinion that the crime was fully established against the prisoner.

The Law Officers of the Foujdaree Udalut, considering the evidence for the prosecution to be generally defective and insufficient, pronounced him not convicted and entitled to be set at liberty.

Two of the Witnesses before the Court of Circuit, swore positively that they caught the prisoner in the very act: and other witnesses deposed to the distressed condition of the child. The Prisoner failed in his attempt to prove an alibi. The Court of Foujdaree Udalut were of opinion that he was clearly convicted of the offence charged, and

and accordingly sentenced him to receive 100 lashes with a cat of nine tails, and to imprisonment with hard labour for 7 years.

No. 6 Chicacole Calendar 1st Sessions of 1833.-

Of the 2 Prisoners in this case the 1st stood charged with having committed a rape upon Paree Naiken, the daughter of the Prosecutor Kaussee Pundarum: and the 2d with having been accessary to the act, by procuring the girl for the purpose.

The 1st prisoner confessed and the 2nd denied the charge before the Court of Circuit.

The Provincial Law Officer in his Futwa, declared that suspicion of Rape attached to the 1st and of being instrumental to the offence, to the 2nd Prisoner, and that they were respectively liable to Ookoobut.-

The Presiding Judge was of opinion that both the Prisoners were convicted.

The Law Officers of the Foujdaree Adalut pronounced the 1st Prisoner to be liable to Ookoobut, as having been by his own confession guilty of an unlawful act, though they were of opinion that the crime of "Rape" was not established against him.-

They acquitted the 2nd Prisoner,

as his confession being taken before a Police Officer, was, in the absence from the Record of any corroborative evidence in support thereof of no avail.-

The evidence on the part of the prosecution was amply sufficient in the opinion of the Foujdaree Adalut to convict both the Prisoners of the offences with which they were respectively charged. They in consequence sentenced the 1st to receive 100 lashes with a cat of nine tails: and to imprisonment with hard labour in irons for seven years: and the 2nd to imprisonment with hard labour in irons for 2 years.-

No. 6 Chicacole Special Commission of 1833.-

In this case there were 20 Prisoners concerned: but only 5 remained to be disposed of on the present occasion: the others having been already convicted and sentenced in other numbers.-

The 5th 11th 14th 21st and 22nd Prisoners were charged with rebellion: in that they did, in company with other persons, attack the Company's people, and take forcible possession of the Western Talooks of Purlah Kimedy.-

The Mahommedan Law Officer attached

attached to the Special commission convicted the Prisoners of rebellion excepting only the 11th.

In this Talwa the Special Commissioners fully concurred and recommended that the 21st should be sentenced to suffer death that the 5th 14th and 22nd should be severally transported for life and that the 11th should be released.

The Law officers of the Foujdaree Adalut, considered that the evidence for the prosecution in this case, was to be viewed with much distrust, that much of it was contradictory, and that some of the witnesses being affected by the acts of the accused party could hardly be expected to give unbiased testimony. They acquitted all the Prisoners and declared them entitled to be set at liberty.

The Court of Foujdaree Adalut were of opinion that the 5th prisoner was fully convicted of Treason as laid in the charge, by the evidence of the 1st 2nd 6th 12th and 20th Witnesses: the 21st prisoner by that of the 1st 2nd 10th 12th 13th 14th 15th 16th 17th and 21st Witnesses: and the 22nd Prisoner by that of the 1st 2nd 9th 15th 16th 18th 19th and 21st Witnesses.

There was but one witness (the 12th) against the 11th Prisoner, for whose conviction his testimony was insufficient. The defence made by the 14th Prisoner that he was in the employment of Padmanabah Deo during the disturbances sufficiently accounted in the opinion of the Court for his having been recognized among the Peons. This defence was supported by the evidence of the 7th and 8th Witnesses for the Prosecution and the Court did not consider the testimony of the 11th Witness to be in any way sufficient for his conviction.

Under these circumstances the Court sentenced the 5th 21st and 22nd Prisoners to be transported for life, and directed that the 11th and 14th Prisoners should be unconditionally released.

This sentence was in conformity with the Regulations, transmitted to Government by whom it was ordered to be carried into execution, and was so accordingly.

No. 1 Honore Special Commission 1833.

The 6 Prisoners were charged with having formed part of a body of armed men, who besieged the Magistrate of Canara, and his Assistant, made an attack upon them, and in

F. C.

29th November 1834.

in contempt of their orders, seized the arms of their peons, and put in fear of their lives, the Servants of the Government and the Ryots.

The Provincial Law Officer concurred in this opinion.

The Law Officers of the Foujdaree Udalut, acquitted all the Prisoners in the (alleged) absence of evidence to prove the charge against them.

The Court of Foujdaree Udalut considered the Prisoners fully convicted and sentenced them to seven years' imprisonment with hard labour in irons.

N.B. It is proper to remark that there were 19 Prisoners in the foregoing Case: and that the 6 above mentioned were minor offenders of the remaining 13: one was released by the Judge who tried the case—and one died. Veer, who were the principal persons concerned, were sentenced to transportation for life: and one other of the same class as those above mentioned to imprisonment for seven years. These eleven Prisoners however the Law Officers of the Foujdaree Udalut convicted, and as the Judges concurred in the Fetwah, their cases are included in this Appendix.

Encl. 2 No. 13.

F. C.

At a Court of the Foujdaree Udalut.

Present,

Monday 1st December 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 by Peddoo Naicken of Cuddalore.

(Here enter Mis. Pet. No. 69 of 1834.)

The Petitioner prays the Court to issue orders for the release of his elder brother, Narrayna Naicken, a prisoner in Case No. 64 on the Cuddalore Calendar, for the 2d Sessions of 1833; who, he alleges, has been tried by the Court of Circuit on a false & malicious charge of Gang Robbery, and whose case has been referred to the Foujdaree Udalut.

It appears that in the above case, there are two prisoners of the same name,—the 10th & 11th, of whom, the 10th, has already been sentenced by the Court of Foujdaree Udalut to 3 years' imprisonment with hard labour in irons; and the 11th Narrayna Naicken, Peon, has been directed to find security for his good behaviour &c. for 1 year, in two sureties of 15 Rupees each.

The

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The Petitioner is informed, that the above order will not be disturbed.

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

Read again Petition presented by Ruenja Rauze, late Jailor at Chengleput

(Here enter Ens: M. Pet: No. 24. of 1834)

Read also Return dated the 17th ultimo from the Provincial Court of Circuit in the Centre Division, to Precept of the Court of Foujdaree Adawlut, under date the 3d ultimo, transmitting copy of the above Petition, and directing that the Criminal Judge be called upon to state, what he has done in pursuance of the instructions contained in the order of this Court of the 3d March 1834.

(Here enter No. 1632 of 1834)

1

The Criminal Judge reports, that he employed the Petitioner's son as a Peon, but that, when a reduction in the establishment took place, his discharge was rendered necessary; that again, when the number of Peons was augmented, the Petitioner's son was frequently called, but failed to appear, and that

1st December 1834.

that consequently the vacant situation was bestowed upon another person.

Under these circumstances, the Court

2

do not deem it proper to interfere any further, or to issue any other order upon the subject.

Ordered, that the prayer of this Petition be rejected, and that Extract from these proceedings be furnished to the petitioner upon his application.

Read again Petition presented on the 17th Ultimo by Kristnanna Naik.

(Here enter Mis: Petition No. 99. of 1834)

The Petitioner prays the Court to interfere on his behalf, and recover for him the loss incurred by the alleged defamation of his character by the Assistant Magistrate of Chittoor.

The Petitioner is referred to the Court's orders of the 10th Ultimo, upon his former petition, & to section XVIII Regulation IX 1816, which points out to him the course he must pursue, to obtain redress for any injury he may have suffered.

Ordered, that Extract from these proceedings be furnished to the petitioner upon his application.

Read

Read Petition presented by
Mahomed Ryaut.

(Here enter Mis: Pt. No. 31 of 1834)

The Petitioner represents that he was formerly employed as Persian Moonshee in the awaiting Court at Cumbum; but that upon the transfer of that Court to Cuddalore he declined to accompany the establishment, fearing that the climate of the latter station would not agree with him; that he was subsequently employed under the Native Judge of Cumbum as Persian Moonshy, but that in 1832, orders were issued for the abolition of that office.

2 The Petitioner prays the Court to issue orders to the Zillah Judge of Cuddapah, directing him to bestow upon him the Office of Persian Moonshee or any other situation which may become vacant.

3 The petitioner is informed that as upon the change of the Courts he voluntarily resigned his appointment this Court do not deem it proper to issue any orders upon the subject to the Zillah Judge of Cuddapah, who no doubt will give his claim due consideration.

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

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At a Court of the Foujdaree Udalut -

Present,

Tuesday, 2d December, 1834 - John Bird Esqre Acting 1st Puisne Judge,
Thomas Alexr Oakes Esqre Acting 2d Puisne Judge
Alexr Duncan Campbell Esqre Acting Judge,

L&O
1834
B

Read Letter dated the 6th Ultimo from the 3d Judge on Circuit in the Western Division submitting trial in Case No. 4. on the Mangalore Calendar 2d Sessions 1834 -

(Here enter No. 1622)

The Court of Foujdaree Udalut, -

Mr Oakes
&
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-Cozat and Mooftees of the Foujdaree Udalut, confirm the said Futwa of the Cujee-ool-Cozat and Mooftees aforesaid, convicting the Prisoner -

"Appaya,"

of wilful Murder, and under the Authority with which they are vested by Section XV. Regulation VIII of 1802 sentence him to suffer death by being - hanged at the usual time & place of execution.

(Sent following letter No. 1315)

Read

2d. December 1834.

Read Return dated 25th. November to Precept of the 22d. August 1834 conveying the observations and orders of the Court of Foujdaree Udalut, on the Criminal Reports in the Centre Division for the Month of June 1834.

(Here enter No. 1654)

Together with the above return, the Provincial Court of Circuit submit the return by some of the Subordinate authorities to the extracts from the proceedings of the Provincial Court of Circuit upon the same Reports.

Cuddapah 2. In para 8 of their proceedings of the 22d. August last, the Court of Foujdaree Udalut recorded upon a case 135 of the Cuddapah Report No. V. the following observation. "If the 1st. Prisoner in this case could not satisfactorily account for the handkerchief which was proved to have belonged to the deceased being in his possession, this, superadded to his confession before the Police, would have justified his being committed for trial."

3. The Criminal Judge in his return has stated "In reply to the para 8th. of application has been made for the apprehension of the 1st. Prisoner. He will be committed for trial if he cannot satisfactorily account for the handkerchief." The Provincial Court of Circuit will call upon the Criminal Judge to withdraw his application for the apprehension of the prisoner in question. No order to that effect, or, for the commitment of the prisoner was conveyed in para 8, of their proceedings, which is merely an observation to be borne in mind by the Criminal Judge on a future similar case coming to his notice. If the prisoner should have been apprehended, he should be discharged forthwith.

Chinglepute 4 The Court of Foujdaree Udalut in their proceedings of the 22d. August having animadverted on the leniency of the sentence in case 180 of the Chinglepat Report No. V. in which the charge proved was housebreaking and the punishment awarded 3 Months imprisonment, the Criminal Judge in his return explains, that the case "was disposed of by the Sudr Ameen Moofsee; although the Criminal Judge has the power to alter the sentences awarded by the Sudr

Sudr Ameens when contrary to the Regulations, yet he conceives he has no power to order an increase of the punishments awarded by them."—

5.

The Criminal Judge having evidently misapprehended the extent of the powers conferred on him by Section II Regulation III 1833, the Provincial Court of Circuit will point out to him, that in respect to the discretion vested in a Criminal Judge to overrule the Judgments of his Sudr Ameens, the Court of Foujdaree Adalut held on the 4th proceedings of 19th November 1834, that where the sentence passed is not obviously inadequate to the ends of Justice, or contrary to it, or to the Regulations, this discretion should be very rarely exercised, the attainment of the object in view, under this limitation, being accessible by pointing out to the Sudr Ameen the error of the leniency, or severity of his sentence, with an intimation that he is expected to act accordingly in future similar cases.

6.

The Court of Foujdaree Adalut also inadvertently omitted to state in their former proceedings, their concurrence in the opinion expressed

by the Provincial Court of Circuit that case No. 186 Report No. V of Chingleput was not a Criminal offence, the prisoners being charged "with having detained the documents and the prisoners in Case No. 185, after they were delivered over to them by the Zillahdars of Pennagum on the 31st May 1834. from that date to 23d June 1834 without carrying them to the Talook Cutcherry."

7.

The Provincial Court of Circuit will accordingly direct that the Prisoners may be released forthwith if in Jail, or the Bailbond Cancelled if it has been entered into.—

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

(Sent following Precept No. 1316)

Read letter dated the 19th November 1834 from the Provincial Court of Circuit in the Southern Division transmitting copies of the returns to the proceedings upon the Criminal Reports of the Southern Division for the month of July 1834.—

(Here enter No. 1655.)

With

Coimbatore Report ✓
Cases 232. 234. 239.

1. With reference to the return of the acting Joint Criminal Judge submitted in the above letter, in which he states, that he "deemed it his duty to supervise the proceedings of the Sudr Ameen, and was not aware that it was beyond his province to alter the sentences of that officers where he considered them inadequate to the offence, in obedience to the present a Precept of the Circuit Court, the acting Joint Criminal Judge will be careful in future to make no alterations without previous reference to the Foujdaree Adalut" it is to be remarked, that from the observations of the Provincial Court of Circuit in their Precept above alluded to, and which was to this effect. The Court are of opinion that the acting Joint Criminal Judge having passed sentence on the prisoners, he was not correct in modifying that sentence without the sanction of the Foujdaree Adalut, it is manifest that it had escaped the attention of the Provincial Court of Circuit, that the sentences in question had been passed by the Sudr Ameen, and not by the acting Joint Criminal Judge.

2. The Court of Foujdaree Adalut do not intend by any order that they have issued, to declare such

reference to them necessary previous to the alteration by a Criminal Court of the sentence of a Sudr Ameen. They pointed out in their proceedings of the 18th. September last in respect to those very cases, that "when the punishment is totally insufficient to satisfy Justice, the Court of Foujdaree Adalut are of opinion, that the Criminal Judge is competent to enhance the punishment awarded by the Sudr Ameen, but that the power should be exercised with discretion." Adding however that in these cases the discretion had been injudiciously exercised - and that the original sentences should be upheld.

3. The Provincial Court of Circuit will communicate to the acting Joint Criminal Judge the above observations.

Ordered that Extract of these proceedings be sent to the Provincial Court of Circuit in the Southern Division for their information and guidance.

(Sent in No. 1317)

The Criminal Statements for the 1st. half year of 1834. for the Southern Division not

not having been yet received.—

Ordered, that the Provincial Court of Circuit in the Southern Division, be called upon to transmit them without delay by Precept, returnable within 8 days from and after its receipt.—

(Sent following Precept No. 1315)

The Judges of the Foujdaree Adalut having recently had under consideration the queries referred to them by the late officiating Judge on Circuit in the Southern Division, "Whether it is "competent to a Judge on Circuit to order Prisoners released by the Criminal Court on a charge of a "committable Offence, to be apprehended and "brought to trial before himself, or, at the next "ensuing Sessions" deem the question one of general importance; and resolve therefore to issue the following Circular order on the subject.—

(Circular Order No. 23. of 1834)

The Foujdaree Adalut have upon several occasions ruled, that "under a sound and "liberal construction of section XXIII Regulation X "of 1816, the Judge on Circuit may refer to the "Collective Court, cases in which a Criminal Judge

"may have exceeded his jurisdiction, or, any "others in which error may be apparent and "remediable, the spirit of the enactment being to "obtain correction of errors when practicable."—An order for the committal of a prisoner who has been released by a Criminal Judge on a charge cognizable by a Court of Circuit, is a case of this nature, as the order is required to correct the error into which the Criminal Judge has fallen.—But the Regulations no where authorize a single Judge to correct such error; and it must, in the opinion of the Judges, be the act of the Collective Court of Circuit, under the powers vested in them by Section XXIV Regulation X of 1816.—

It is competent to a Single Judge on Circuit to direct the immediate apprehension of persons, whom he considers to have been improperly released, with the views of submitting their case to the Collective Court of Circuit; but they cannot be brought to trial, except by the orders of that Court.—

(Sent following Circular No. 1319)—

DD

Entd. [illegible]

Sent to Govt. No. 218 A

2d December 1834

Read Letter dated 27th Ultimo
from the Post Master of Leicester in the Southern District
Transmitting Copies of Returns required from the
different authorities in the Division in Reply to the
observations of the Criminal Returns —

(Leicester 27th 1662)

J. U.

At a court of the Toydaree Adalut

Present,

Saturday
6th December 1834. John Bird Esqre acting 1st Puisne Judge,
Thomas alexr Oakes Esqre acting 2d Puisne Judge,
alexr Duncan Campbell Esqre acting Judge,

L.H.C.

Read letter dated 23d October last from the acting 2d Judge late on Circuit in the Northern Division transmitting the record in Case No 27 on the Guntoor Calendar for the 1st Sessions of 1834.

(Here enter No 1533)

Mr Bird
&
Mr Campbell

The Court of Toydaree 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 Sagala Chenna Naikanoo
2d Sachoola Paupadoo
14th Nanda Naikoodoo
15th Banowlu Dasah
16th Do Bhanoo
19th Bhoshega Kamalah
&
22d Covah Lutchmah

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 thereof, and in conformity with the provisions of Clauses First and Fifth, Section IV Regulation XV of 1803 sentence the Prisoners —

1st " Sagala Chenna Raikooroo

2d " Ruckoola Pauperoo

to suffer death by being hanged at the usual time & place of execution; and the Prisoners —

10th " Nunda Raikooroo

15th " Banoowloo Dasah

16th " do " — Bhanoo

19th " Bhookeyah Kumalah

22d " Coral Lutchmah

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 respectively —

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-Cogat and Mooftees of the Foujdaree Udalut confirm the said Futwa of the Cazee-ool-Cogat and Mooftees aforesaid acquitting the Prisoners —

3d " Sagala Jagunnaikoolo

4th " Sarepoody Venkatasangaroo

5th " do " Appiah

7th " Rawoolapully Veeriah

9th " Aura Sutteegoudoo

10th " Coopparaborgena Vencataswamy

20th " Banoontoo Chapah

25th " do " Deepolah

but direct that the 3d Prisoner Sagulla Jagunnaikoo be not released, as he is convicted in Case No. 37. on the Calendar, and being of opinion that strong suspicion though not amounting to conviction attaches to the other prisoners, namely, the 4th — 5th — 7th — 9th — 10th — 20th — and 25th, the Court direct, under clause Sixth, Section II Regulation XV of 1803, that the 4th Sarepoody Vencatanarayanoo and 5th Sarepoody Appiah be required severally to find two Sureties in 300 Rupees each Surety for their good behaviour & appearance when required within (3) Three years,

and

and that in default, they be detained for that period in confinement, and that the 7th, 9th, 10th, 20th & 21st be required severally to find two sureties in 100 Rupees each surety, for their good behaviour, and appearance when required within (3) Three years, and that in default thereof they be detained for 3 years in confinement.

(Sent following Letter No. 1325)

Read letter dated the 11th August last from the Acting 3d Judge on Circuit in the Centre Division submitting the Record of Proceedings in Case No. 10 of the Cuddapah for the Second Sessions of 1834.

(Here enter No. 1650.)

Mr. Bird

The Court of Sudder Adalut 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 Mooftees of the Sudder Adalut, confirm the said Futwa of the Cazee-ool-Cozat and Mooftees aforesaid acquitting the Prisoners

2d Sheik Mulhey Sahib

7th Vuddey Venkatah

but considering that strong suspicion though not amounting to conviction attaches to them, they direct

direct under Clause third Section V Regulation VIII of 1831. and Clause Sixth Section II Regulation XV of 1803. that the Prisoner

2d Sheik Mulhey Sahib

be required to find two sureties in 100 Rupees each surety, for his good behaviour and appearance when required within 3 years and that in default thereof he be detained for 3 years in confinement; and that the Prisoner

7th Vuddey Venkatah

be required to find two sureties in 20 Rupees each surety for his good behaviour & appearance when required within one year, and that in default thereof he be detained for one year in confinement.

(Sent following Letter No. 1326)

Read letter dated the 6th August last from the Acting 3d Judge on Circuit in the Centre Division submitting the Record of Proceedings in Case No. 24 of the Cuddapah Calendar for the 2d Sessions of 1834.

(Here enter No. 1653.)

Mr. Bird. In commutation of the penalty of
&
Mr. Campbell. Deeyut declared in the foregoing Futwa, the Court

of Foujdaree Adalut, sentence the Prisoner

Atchapooreddy Chamadoo

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. 1327)

Read Letter dated the 18th Ultimo from the Acting 1st Judge of the Court of Circuit in the Centre Division transmitting the Record in Case No. 6 of the Thirteen 2d Quarterly Sessions of 1834

(Here enter No. 1639)

The Court of Foujdaree Adalut 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 Mooftee of the Foujdaree Adalut, confirm the said Futwa of the Cazee-ool-Cozat and Mooftees aforesaid and under the sentence of Dohoolut declared in the Futwa sentence the Prisoners

1st Chengadoo

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

and

Mr. Bird

Mr. Campbell

and the prisoner

2d Pothadoo

to 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

(Sent following Letter No. 1328)

D.I.Q.

W.S.

J. 66

At a Court of the Foujdaree Udalut

Present,

Monday 8th December, 1834. John Bird Esqre Acting 1st Puisne Judge.
Thomas Alexr Oakes Esqre Acting 2d Puisne Judge.
Alexr Duncan Campbell Esqre Acting Judge.

Read again Petition presented on the 24th Ultimo by Vauvee Copiah, Mokhtyar Vakeel on behalf of Ram Sing of the Zillah of Tinnevelly -

(Here enter Mis. Pet. No 100 of 1834)

This is an application for copies of the proceedings of this Court; Submitting to Government a Report on the proceedings of Messrs Drury and Horsley the Magistrate and Joint Criminal Judge of Tinnevelly in the case of the Petitioner - also for copies of the explanations forwarded by those Officers of their conduct -

The Petitioner is informed, that the documents of which he requests copies are for the information of the Government alone; and the Court decline therefore compliance with his application -

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

Read

8th December 1834

Read Petition presented on the 25th November 1834 by Syed Ally Peon of the Zillah of Cuddapah-

(Here enter Extract Mis. Pet. No 35 of 1834)

The Petitioner alleging that he has been unjustly dismissed from his situation, prays the Court to issue orders for his restoration to it-

The Petitioner is informed that he ought to address the Provincial Court of Circuit or the Criminal Judge-

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

Read letter dated the 5th August last, from the Acting 3d Judge on Circuit in the Ceded Division, Submitting the record of proceedings in Case No 5 Cuddapah Calendar 2d Sessions 1834-

(Here enter No 1521-)

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 Mooftee Law Officer and the futwa of the Cazee of Cozat and Mooftee of the Foujdaree Udalut, confirm such part of the said futwa of the Cazee of Cozat

8th December 1834-

Cozat and Mooftee aforesaid, as acquits the Prisoner,

2d Ghuntas Gaguenty,

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 50 Rupees each Surety for his good behaviour and appearance when required within three years, and that in default thereof, he be detained for three years in confinement-

And further being of opinion that the proof against the prisoner,

1st Neelee Vencateegandoo,

is sufficient to convict him of the crime of murder, the Court 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 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 1529)

The

8th December 1834.

1.

The Court observe with reference to the forgoing trial, that the 1st and 2d witnesses depose that the 10th prisoner, who was released by the Criminal Court, was found near the spot where the murder was committed, and complaining of blindness, was led into the village, that a stick with an iron end alleged to belong to him was found on the spot bloody, and was sent in by the Amildar. It appears however that no enquiry whatever was made into this fact, important as it was, and the prisoner in question was released by the Criminal Court.

2.

The Court of Foujdaree Adalut are of opinion that this prisoner, if released because considered guiltless, should have been spared as a witness, as being, with the exception of the 5th witness, the only person who was actually present at the murder; but it appears to the Court desirable, that the Magistrate should satisfy themselves, whether evidence may not be procured, particularly as to whether he was, or not, the owner of the Stick, sufficient to justify their sending him anew to the Criminal Court, who appear to have released him on very questionable grounds.

3.

The 2d and 3d witnesses both agree in

8th December 1834.

in stating that the dagger No 1 was found in the house of the 2d prisoner. The 2d prisoner denied that the dagger was his property, on this point, and on its state further evidence should have been taken.

4.

The Court observe with regret, that by none of the tribunals, was due enquiry made into these important points.

5.

The Court further observe, with surprise that the 9th prisoner was released on the 15th July, before the evidence for the prosecution was closed; he may thus have been afforded an opportunity of tampering with the 10th witness, who was examined on the 5th August following. and the proceeding was quite irregular.

6.

Of this irregularity the Court desire that the Acting 3d Judge will furnish an explanation: and will also state the cause of the extraordinary circumstance of the absence from Court of the 2d prisoner, when the 5th witness gave his evidence, as mentioned at page 77 of the Proceedings.

7.

The Court further desire, that the rough translations of the Proceedings in this case, be forwarded to the Magistrate of Cuddapah, and that he be at the same time required to ascertain, whether evidence against the

the 10th prisoner is not forthcoming—

Ordered, that Extract from these proceedings be sent to the Acting 3d Judge or Circuit in the Centre Division for his information and guidance by precept, returnable without delay

(Sent following Precept No 1330)

Read letter dated the 6th August last from the Acting 3d Judge on Circuit in the Centre Division, submitting the record of proceedings in Case No 20 Cuddalapah Calendar 2d sessions of 1834—

(Here enter No 1612.)

Mr Bird 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 ul Cozat and Mooftee of the Foujdaree Adalut, confirm the said futwa of the Cazee ul Cozat and Mooftee aforesaid, and under the provisions of Clause third Section IV Regulation XV of 1803, Sentence the prisoners,

1st Tancala Paramador Appugaudo,

2d Andeegaudo,

3d Mulley Vencategaudo,

and

5th Panoogunda Chinnegaudo,

to be imprisoned and kept to hard labor in iron on

the public roads or other public works for and during the period of (14) fourteen years—

And being of opinion that strong suspicion though not amounting to conviction attaches to the Prisoner,

6th Poojaree Timmadoo,

they direct under Clause Sixth Section II Regulation XV of 1803, that he be required to find two Sureties in 35 Rupees each Surety, for his good behaviour and appearance when required within one year, and that in default thereof, he be detained for one year in confinement.

(Sent following letter No 1331)

Read letter dated the 8th Ultimo from the 1st Judge of the Court of Circuit in the Western Division, transmitting the record in Case No 4 on the Auxiliary Court of Malabar Calendar 3d Quarterly Sessions 1834—

(Here enter No 1611.)

Mr Bird and 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 Pannyan Cayan alias Numby,

2d Pannyan Chandan, and

3d Pannyan Conjan,

sufficient to convict them of the crime of Murder committed in the prosecution of Highway Robbery &c, under the authority with which they are vested by Clause first Section II Regulation I of 1818, convict them thereof, and under the provs of Section X Regulation VIII of 1802, Sentence the prisoner,

1st Cannyan Caryan alias Kumby,

to suffer death, by being hanged as soon as conveniently can be after the receipt of this warrant at a spot to be selected by the Acting Joint Criminal Judge, in the immediate vicinity of the place where the Murder was committed, his body to be subsequently suspended in chains, on a high gibbet, to be erected on the said spot, and the prisoners,

2d Cannyan Chandan, and
3d Cannyan Conjan,

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 term of their natural lives.

(Send following letter Nº 1332)

Read

8th December 1834.

Read letter dated the 21st Ultimo,

from the Acting 3d Judge late Additional Judge on Circuit in the Northern Division, transmitting Records in Cases Nos 36 and 42 on the Chicacole Calendar 1st Sessions of 1833.

(Here enter Nº 1690.)

Nº 36.

Mr Campbell.

The Prisoner,

4th Bonda Potumnah,

has been Sentenced to suffer death in Case Nº 42 on the Calendar.

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-Coozat and Mooftees of the Sudder Adalut, confirm the said futwa of the Cazee-ool-Coozat and Mooftees aforesaid, and 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 Tatavela Ringanaikaloo,

2d Ragolagudda Appadoo,

and

3d Galala Bodelnah,

to be transported to such place beyond Sea, as the Governor

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.

(Sent following letter N.733)

No 42.
Mr Bird 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 col. Coozat and Mooftees of the Foujdaree Udalut, confirm the said futwas of the Cazee col. Coozat and Mooftees aforesaid, convicting the prisoner,

1st Bondan Potummah,

of wilful murder, and awarding bissaas, and acquitting the prisoners,

3d Talaveta Runganaikalo,

4th Rayalagudda Appadoo,

and

5th Galata Borchiah,

and under the provisions of Section X Regulation VIII of 1802, they sentence the prisoner,

1st Bondah Potummah

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

The Court further direct that the three remaining prisoners be not released as they are convicted

convicted and sentenced to transportation for life in Case No 36 on the Calendar.

(Sent following letter No 1884)

Read letter dated the 24th October last from the 3d Judge on Circuit in the Western Division transmitting the record in Case No 1 on the Second Additional Calendar of Malabar for 2d Sessions of 1834.

(Here enter No 1562.)

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 col. Coozat and Mooftees of the Foujdaree Udalut, confirm such part of the said futwa of the Cazee col. Coozat and Mooftees aforesaid, as acquits the prisoners,

14th Poyata Thangaren Nair,

14th Chiaraparambil Chelo,

18th Arikari Krishnen Nair,

and

19th Navayatan Krishnen Nair;

and accordingly direct that they be set at liberty.

And further being of opinion that the proof against the prisoners

8th December 1834-

1st Chuckamaleata Govina Menon.
2nd Pilapadatil Kellapen Nair
3d Ezhoketetody Ponata Cospoo Nair
6th Kadavally Poolenveetil Koonjen Nair
7th Aichata Kallachan Nair
8th Vellarakat Illinan Nair
10th Coonjan Son of Pavoo.
11th Poodoorparambil Poolee
12th Do — Ramen.
16th Panamel Illiaraspen Nair
16th Panamel Kandara Nair
17th Vellanatody Chenen
(and)
26th Vellortedatte Narayen

is sufficient to convict them of the crime of murder, the Court do, under the authority with which they are vested by Clause first Section II Regulation 1 of 1818, convict them thereof, and Sentence the prisoners,

1st Chuckamaleata Govina Menon,
(and)
12th Poodoorparambil Ramen,

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.-

(and)

4/

J.16.

8th December 1834-

And the prisoners,

2d Pilapadatil Kellapen Nair
6th Kadavally poolenveetil Koonjen Nair
10th Coonjan Son of Pavoo.
11th Poodoorparambil Poolee
16th Panamel Illiaraspen
(and)
16th Panamel Kandara Nair.

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) fourteen years;- and the Prisoners,

3d Ezhoketetody Ponata Cospoo Nair,
8th Vellarakat Illinan Nair,
(and)
17th Vellanatody Chenen.

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of 10 years: and the Prisoners,

7th Aichata Kallachan Nair,
(and)
26th Vellortedatte Narayen,-

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of (7) seven years.-

(Sent following letter 9th 1835)

The Court deem it highly desirable that the absconded Individual Pillapadatil

Pollapodatil Menon should not be allowed to escape the punishment which he merits—

2. They accordingly resolve to offer a reward of 100 Rupees for his apprehension and desire that the 3d Judge on Circuit will adopt the necessary steps for carrying their orders into effect—

3. The Court having passed Sentence in the above trial, deem it necessary to record their approbation of the ability and judgement evinced in conducting it by the Presiding Judge, whose excellent appendices were admirably calculated to elucidate the case in all its bearings, and greatly to facilitate the disposal of it by the Superior Court—

Ordered that Extract from these proceedings be sent to the 3d Judge on Circuit in the Western Division for his information and guidance by precept, returnable without delay—

(Sent following Precept No. 1336)

Read return dated the 22d November by the 3d Judge on Circuit in the Western Division to precept of the Court of Zoujdaree Adaulut dated the 5th November, 1834, conveying their observations

(and

and orders on the Calicut Calendars for the 3d Sessions of 1834—

(Here enter No. 1682)

In the different cases in these Calendars in which the 3d Judge proposed a mitigation of punishment in favor of the prisoners, the Court of Zoujdaree Adaulut enjoined, that as the mitigated Sentences were to take effect from the dates on which they might be finally passed, he was authorized to pass the Sentences proposed; but that they should each express the precise period of imprisonment to which the prisoners were to be subjected, so as to make up in each case the terms of the mitigated Sentence—

1.

2. In the above returns the difficulty that has presented itself in carrying these orders into effect, is explained viz: that the operation of the Sentences in some cases, having commenced on the receipt of the warrant of conviction, the prisoner will have been put to hard labor illegally previously to the arrival of the final Sentence unless it has retrospective effect—

3. The standing order of the 20th March 1834 points out, that the sole object of the orders

orders of 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 Sanjdarat Adalut for their sanction of a mitigated punishment; and it appears to the Court of Sanjdarat Adalut, that to meet the difficulty adverted to by the 3d Judge, it is necessary to modify their Circular Order of the 14th February 1831 and to declare* an exception to the rule laid down in the Circular Orders of the 14th February 1831, the Court resolve in cases where a mitigation of punishment in favor of the prisoner may be recommended, that the Sentence shall be computed and held to take effect, from the date of the original warrant of conviction, when under the orders of the 6th December 1830 and 20th March 1834 the operation of the Sentence actually commenced, being previously to the issue of the final warrant, which should contain an order directing the Sentence to take effect from such date.

*Part of this para forms the Circular Order of 24th

4. The 3d Judge will accordingly proceed to pass the Sentences, he adverts to in his Return

Return, in conformity with this modification, and the Court resolve to issue the same instructions in a Circular Order to the 4 Provincial Courts of Circuit.

5. The explanations of the 3d Judge, regarding the cases referred to in the proceedings of the Court of Sanjdarat Adalut of the 22d November 1834 are generally satisfactory; and in respect to the Case No. 6. on the 3d Additional Calendar, the Court of Sanjdarat Adalut consider it due to the 3d Judge to add, that he is right, and that the former observation of this Court on that case, was erroneous.

Ordered that Extract of these proceedings be sent to the 3d Judge on Circuit in the Western Division for his information and guidance by precept, returnable without delay.

(Sent following Precept No 1337)

B. C. 3d 24 of 1834 also sent to Guzb No 221 — in sent No 1337 of 1834. M.D.

Read Return dated the 7th November from the Provincial Court of Circuit in the Western Division to precept of the 21st October 1834, conveying the observations and orders of the Court of Sanjdarat Adalut on the Criminal Reports of the Division for the months of August last.

(New entry No 1608.)

The

Malabar

Report V

Cases 353 & 354.

charges for house breaking and stealing to the value in the first case of Rs 6-4-in the sum of Rs 4-8.

The Court of Foujdaree Udalut in the proceedings conveyed to the Provincial Court of Circuit with the above precis, remarked upon the cases noted in the margin - "If upon further enquiry the Provincial Court of Circuit find that the view they have taken of these cases from the abstracts is correct, they will order them to be disposed of by the Criminal Judge"

2.

On his return the Criminal Judge explained, "with reference to the orders of the Provincial Court of Circuit on these cases, the Criminal Judge begs to refer to his return of the 29th Ultimo wherein the Standing orders of the Foujdaree Udalut are assigned as the ground of these committals - The Criminal Judge respectfully requests to be informed if the orders of the Foujdaree Udalut therein adverted to are to be considered as cancelled by the communication under reply"

3.

The Court of Foujdaree Udalut do not find amongst their Standing Orders those to which the Criminal Judge has alluded, and which the Provincial Court of Circuit state do not appear to have been circulated to their Court - In referring to their proceedings under date the

(passed as)

31st March and 7th July 1823, the opinion of the Court to the effect adverted to by the Criminal Judge was expressed on review of the Bellary Calendar, and furnished accordingly to the Provincial Court of Circuit in the Centre Division - It was declared in respect to a case ordered by the Circuit Judge to be returned to the Criminal Court to be there disposed of - the case being improperly framed so as to include two charges for House-breaking at different places - the sum taken in one case being 23 Rupees and in the other 88 - It appears the Court added in their proceedings of the 31st March 1823 "to the Court of Foujdaree Udalut, that the orders of the 2d Judge returning this case to the Criminal Judge was inconsistent with the Spirit of the provisions of Regulation VI 1822, which requires that persons of notoriously bad character who may be charged with offences generally cognizable by the Criminal Judge shall be brought to trial before the Court of Circuit - The Court of Foujdaree Udalut hold, that a person guilty of two burglaries must be regarded as deserving of severer punishment than the Criminal Judge is authorized to inflict under the provisions of Regulation VI 1822 -

4.

The opinion of the 7th July 1823 regarded the same case "notwithstanding the explanation of the 2d Judge in his return respecting this case, the Court of Foujdaree

Foujdaree Udalut remain of opinion, that a prisoner appearing either by his confession, or other sufficient evidence delivered before a Criminal Judge to have been guilty of two distinct burglaries should unquestionably under the provisions of that Regulation* be committed for trial.

*VII, 1822.

5 The Court of Foujdaree Udalut, admitting the view taken by the Judge in the year 1833 upon the particular case in point to be correct, under the circumstances explained to them, do not think that the opinion they then gave, though expressed in general terms, can be taken in an unlimited sense, or can be extended to the two cases, under consideration: in which the amount stolen did not exceed Rupees 6-4. and Rupees 4-8. respectively, and were unattended by any circumstances, apparently of aggravation, and they may be considered as affording an exception to the rule.

6. The Court of Foujdaree Udalut accordingly declare to direct the Provincial Court of Circuit to communicate their sentiments to the Criminal Judge of Malabar, with instructions to dispose of the two cases to which they refer without delay.

Ordered that Extract from these proceedings be sent to the Provincial Court of Circuit in the Western Division for their information and guidance by first opportunity to be transmitted within 15 days after its receipt.

(Sent following Precept. No. 1338.)

L&W

W&C

F. 116.

At a Court of the Foujdaree Udalut.

Present

Tuesday 10th December 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 letter dated the 22d Ultimo from the Late officiating Judge late on Circuit in the Northern Division. Now at Chittoor transmitting the record in Case No. 70 on the Nellore Calendar 1st Sessions of 1834.

(Here enter No. 1657.)

The Court of Foujdaree Udalut,

Mr. Bird
vs
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 Foujdaree Udalut, confirm such part of the said Futwa of the Cazee-ool-Cozat and Mooftees aforesaid as convicts the Prisoners-

1st Soonmoory Vencateegaudoo
vs
2d Manda Goorvadoo

and under the provisions of Clauses Third and Fifth, Section IV. Regulation XV. of 1803, sentence them 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 (7) Seven years.

But considering that the Prisoner—

Fr. Chajoola Polee

is not convicted on presumptive proof or on the evidence of credible Witnesses or on her own confession Notwithstanding the Fatwa of their Law Officers, the Court accordingly under the provisions of Clause Sixth, Section II Regulation XV of 1803 direct that she be set at liberty—

(Sent following letter No. 1344)

Read Return dated the 5th instant from the acting 2d Judge late on Circuit in the Centre Division, to Precept of the Court of Foujdaree Adalut under date the 22d Ultimo calling upon him to report what has been done in pursuance of this Courts order of the 22d October last, directing the release of the Prisoner Sadaseven, upon his uncle Mottiah Chary becoming security for his future good behaviour

(Here enter No. 1720 of 1834)

From

1 From the communication which accompanies the above return, from the Criminal Judge of Chingleput, it appears that the orders of this Court has not been executed because Mottiah Charry has represented his poverty &c although at the same time he intimated his intention to produce a surety, within 10 days has failed to do so, and has not again appeared before the Criminal Court—

2. It is not necessary that Mottiah Charry should be called upon to enter into pecuniary security for the future good conduct of the Prisoners:—The Criminal Judge should again send for him, and require from him an assurance that he will receive and take proper charge of his Nephew—

3 The intentions of this Court will be then sufficiently fulfilled, as it is to be presumed that by furnishing the boy with the means of subsistence, the temptation to commit crime will be removed—

Ordered that Extract from these Proceedings be sent to the acting 2d Judge late on Circuit

Circuit in the Centre Division for his information and guidance by Precept returnable without delay-

(Sent following Precept No. 1345)

Read return dated the 27th by the 3d Judge on Circuit in the Southern Division to Precept of the 11th November 1834 conveying the observations and orders of the Court of Fojdaree Udalut in the Combaconum Calendar 2d Sessions 1834.

(Here enter No. 1693.)

Agreeably to the recommendation of the 3d Judge contained in the above return, the Court of Fojdaree Udalut authorize him to pass the following mitigated sentences. On the 1st 2d 3d and 7th prisoners in case No. 12. a sentence of 3 years imprisonment with hard labour in irons, and in the case No. 1 of the Supplemental Calendar on the 1st & 5th prisoners a sentence of 4 years imprisonment and hard labour in irons with 195 stripes each with a Cat o nine tails. On the 2d 3d and 4th prisoners in the same case a sentence of 3 years imprisonment and hard labor in irons with 100 stripes each with a Cat o nine tails.

2 The 3d Judge having shown that

that there is no difference of opinion between himself and the Law officer in Case No. 27 of the Calendar, and the Court considering that the confinement already suffered by the Prisoner is under the circumstances of the case a sufficient punishment, they authorize her discharge - should Bail have been given, the bond should be cancelled.

Ordered that Extract of these proceedings be sent to the 3d Judge on Circuit in the Southern Division for his information and guidance by Precept returnable within 10 days after receipt -

(Sent following Precept No. 1346) -

5th D.

F. U.

At a Court of the Foujdaree Udalut.

Present,

Friday,
12th December, 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 19th Ultimo,

F.H.C. from the Late Officiating Judge late on Circuit in the Northern Division now at Chittoor, transmitting the Records in Case No. 50 on the Nellore Calendar 1st Sessions of 1834.

(Here enter No. 1653.)

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 Mooftees of the Foujdaree Udalut, confirm such part of the said Futwa of the Cazee-ool-Cozat and Mooftees aforesaid, as acquits the prisoners,—

10th "Nursiah,"

11th "Seroapully Paupadoo,"

12th "do Roodroogaudoo,"

13th "do Siddadoo,"

14th "do Moortegaudoo,"

and

and accordingly direct that the Prisoners,-

1st "Sinnapullay Paupador"
12th " do " Rodroygandoo"
13th " do " Siddadoo,
14th " do " Moortegandoo"

and

be set at Liberty.-

But considering that strong suspicion though not amounting to conviction attaches to the Prisoner,-

15th "Neesiah,"

the Court direct under Clause Sixth, Section II Regulation XX of 1803, that he be required to find 2 Sureties in 50 Rupees each Surety for his good behaviour and appearance whenever required within (3) three years, and that in default thereof, he be detained for (3) three years in confinement.-

And further being of opinion that the proof against the Prisoner,-

2d "Cadem Unkadoo"

is sufficient to convict him of the crime of Gang Robbery by open violence the Court do, under the authority with which they are vested by Clause First Section

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 him to 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.-

(Sent following letter No. 1348)

Read letter, dated 27th October 1834, from the acting 2d Judge late on Circuit in the Centre Division, transmitting the Record in Case No. 64 on the Cuddalore Calendar for the 2d Sessions of 1833.-

(Here enter No. 1552.)

Mr. Bird
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 & Mosftees of the Foujdaree Adalut, confirm such part of the said Futwa of the Cazee-ool Cozat and Mosftees aforesaid, as acquits the Prisoners,

1st "P. Ramasaumy,"
7th "Moattookistnen,"
8th "Wanateeta Moodely"

11th "

11th "Narrain Naiken," Peon
12th "Erroosen,"

and accordingly direct that the Prisoners,-

1st "P. Ramasawmy,"
7th "Mottoo Kristnen,"
8th "Venatatie Mesdaly,"
12th "Erroosen,"

be set at liberty-

But being of opinion that strong suspicion though not amounting to conviction attaches to the Prisoners,

11th "Narrain Naiken" Peon,

the Court direct under Clause Sixth, Section II Regulation XV of 1803 that he be required to find two Sureties in 15 Rupees each Surety, for his good behaviour and appearance when required within 1 year, or that in default thereof he be detained for 1 year in Confinement.

And being of opinion that the proof against the Prisoners,-

2d "Paraday,"
3d "Venalachettum"
4th "Ramasawmy"
10th "Narrain Naiken,"

is sufficient to convict them of the crime of receiving stolen property knowing that the same had been acquired in the perpetration of Gang Robbery by open violence, the Court 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 VII of 1822, 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 (3) three years, and then to be released.-

1 It appears that "Soobban" and "Chinnatumbee Naiken" the 5th and 9th Prisoners in this case have been required to find each two Sureties in 100 Rupees each Surety for three years.-

2. The Court however are of opinion, that the evidence for the prosecution is insufficient to warrant a demand of security from the persons above named; and they accordingly desire that the acting 2d Judge will instruct the Officiating Joint Criminal Judge of Chingleput to cancel the

cancel the Bail bonds into which they have entered—

3. The Court observe that the age of the 4th Prisoner is entered in the English Translation of the Police Proceedings as 18:— of the Criminal Court, as 10: and of the Circuit Court as 68.— In the Persian Translation of the proceedings, his age before all the tribunals is entered as 18:— which it is presumed is correct—

4. The Court expect that the acting 2d Judge will take due Notice of this carelessness on the part of the Translators or Copyist, as they have on more than one occasion observed similar instances of neglect, in Trials referred by the Acting 2d Judge—

Ordered, that Extract from these proceedings be sent to the Acting 2d Judge late on Circuit in the Centre Division for his information and guidance by Precept, returnable without delay—

(Sent following Precpt No. 1349)

Read Letter, dated the 12th Ultimo, from the Acting 3d Judge late Assistant Judge late on Circuit in the Northern Division, transmitting the

the Records in Cases Nos. 28. 30. 32. & 33 on the Calendar of Chicacole for the 1st Sessions of 1833.

(Here enter No. 1645.)

No. 28

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 Mooftees of the Foujdaree Udalut, confirm such part of the said Futwa of the Cazee-ool-Cozat & Mooftees aforesaid, as acquits the Prisoners—

2d "Lunka Chinnapatroodoo,"
&
3d "Ramdos Sunneasy."

direct that they be not released, as they are convicted in Cases Nos. 30 & 33 on the Calendar respectively—

And being of opinion that the proof against the Prisoner,

1st "Lunka Suttepatroodoo,"

is sufficient to convict him of the crime of Gang Robbery by open violence, accompanied by Murder and wounding, the Court do, under the authority with which they are vested by Clause

First

First, Section II Regulation I of 1818, convict him thereof, and in conformity with the provisions of Clauses First and Fifth, Section IV Regulation XV of 1803, 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.—

No. 30.

Mr. Bird. & 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 the proof against the prisoner,

1st "Ramdoss Sunnacy,"

is sufficient to convict him 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 him thereof, and in conformity with the provisions of Clause Second, Section IV Regulation XV of 1803 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.—

The Court deem it unnecessary to proceed to Judgment upon the Prisoner,

2d "Lunka Suttypatroodoo,"

as he is convicted and sentenced to transportation for life in Case No. 28 on the Calendar.

No. 33.

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 Mooftees of the Foujdaree Udalut, are of opinion that the Prisoners,—

1st "Lunka Suttypatroodoo,"

2d "Lunka Chinnapatroodoo,"

and

3d "Ramadoss Sunnacy,"

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 considering from the evidence adduced

adduced in this case that the Prisoner,-

2d "Lunka Sutty patroodoo"

is of a character so notoriously bad and dangerous as to render his Release without substantial Security evidently unsafe and improper, the Court direct, that he be required to find two Sureties in 500 Rupees each Surety for his good behaviour and appearance when required and that in default thereof he be detained for an indefinite period in confinement, under the provisions of Clause Second Section X Regulation VII of 1827-

The Court further direct that the Prisoners,-

1st "Lunka Sutty patroodoo"
&
3d "Ramadoss Sunneasey"

be not released, as they are convicted and sentenced to transportation for life in Cases Nos. 28 and 30 on the Calendar, respectively.-

(Sent following Letter No. 1350)

Read Letter, dated the 16th Ultimo, from the acting 2d Judge late on Circuit in the Northern Division, transmitting the Roobs in Case No. 93 on the Gaolers Calendar 1st Sessions of 1834.

(Here enter No. 1642)

The

Mr. Bird
&
Mr. Dakes

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 "Madoss Nursiah,"
and
2d "Makala Papayah,"

is sufficient to convict them of the crime of Gang Robbery by open violence accompanied by wounding and 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 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.-

The Court deem it proper to remind the acting 2d Judge, that their Circular Orders require a distinct opinion to be given as to the guilt or innocence of each prisoner, and in case of conviction, as to the precise sentence

to

to be passed—

Ordered, that Extract of these proceedings be sent to the Acting 2d Judge late on Circuit in the Northern Division for his information.

(Sent following letter No. 1351)

Read letter, dated the 14th Ultimo, from the Acting 2d Judge late on Circuit in the Northern Division, transmitting the Record in Case No. 5 on the Rajahmundry Calendar for the 1st Sessions of 1834—

(Here enter No. 1644)

Mr. Bird
&
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 Mooftees aforesaid, acquitting the Prisoners—

1st "Peddadah Royaboo,"
&
2d "Peddadah Dwapah,"

and accordingly direct that the Prisoner,—

1st "Peddadah Royaboo,"

be set at liberty—

But

But considering that strong suspicion though not amounting to conviction attaches to the Prisoner,—

2d "Peddadah Dorapah,"

the Court direct, under Clause Sixth, Section II. Regulation XV of 1803, that he be required to find two Sureties of 50 Rupees each Surety for his good behaviour and appearance when required within two years and that in default thereof he be detained for two years in Confinement—

(Sent following letter No. 1352)

Read letter, dated the 18th Ultimo, from the 3d Judge on Circuit in the Southern Division—transmitting the Record in Case No. 35. on the Cumbaconum Calendar 2d Sessions of 1834.

(Here enter No. 1652.)

Mr. Bird
&
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 prisoner,—

"Etchoo Ammaul,"

is sufficient to convict her 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 her thereof, & under Clause Second of the same Section, direct their Law Officers to declare by a Second Futwa to what sentence the prisoner would be liable if convicted by full legal evidence of that crime.-

Answer-

In the event of the prisoner above-mentioned being convicted of the crime aforesaid, by the evidence of credible Witnesses she is liable to a Deeyut of 5,000 Dirhems to be paid to the heirs of the deceased in three years.

In Commutation of the penalty of Deyut declared in the foregoing Futwa the Court of Foujdaree Adalut, sentense the Prisoner,-

"Etchas Ammaul,"

to be imprisoned and kept to suitable labours, without irons, in the Zillah Jail of Combaconum for and during the period of (3) Three years.-

(Sent following Letter No. 1353).

Read

Read letter, dated the 26th Ultimo, from the late officiating Judge late on Circuit in the Northern Division, now at Chittoor, transmitting Record of Proceedings in Case No. 75 Nellore Calendar 1st Sessions of 1834.-

(Here enter No. 1688.)

Mr. Bird
&
Mr. Campbell.

The Court of Foujdaree Adalut 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 Adalut, confirm the said Futwa of the Cazee-ool-Cozat and Mooftees aforesaid, and under the Provisions of Clauses third and fifth Section IV Regulation XV of 1803, sentence the Prisoners,-

3d "Carkee Ankedon,"
4th "Indla Pologgadon,"
&
5th "Cherpenaty Sengaregadon,"

to be imprisoned and kept to hard labour in irons on the public roads or other public Works for and during the period of 4 years, and then to be released.-

(Sent following letter No. 1354).-

Ent. Ch.

At a Court of the Toujdaree Udalut.

Present,

Monday,
15th December, 1834. John Bird Esqre Acting 1st Puisne Judge.
Thomas Alexr Oakes Esqre Acting 2d Puisne Judge.
Alexr Duncan Campbell Esqre Acting Judge.

No
248
156

Read letter dated the 24th Ultimo,
from the Acting third Judge late Additional Judge on
Circuit in the Northern Division transmitting the Record in
Case No 48. on the Chicacole Calendar 1st Sessions of 1833.

(Here enter No 1629)

The Court of Toujdaree Udalut having
Mr Bird. maturely considered the proceedings held before the
Judge on Circuit, the Fetwa of the Provincial Law
Officer and the Fetwa of the Cazee-ool-Cozat and
Mooftees of the Toujdaree Udalut, confirm the said Fetwa
of the Cazee-ool-Cozat and Mooftees aforesaid, and
acquitting the Prisoner

2d "Juggunnad Doss",

direct that he be set at Liberty.

(Sent following letter No 1367)

Read letter dated the 2d instant from
the Late Officiating Judge late on Circuit in the Northern
Division now at Chittoor transmitting the record in Case
No

F. C.
15th December 1834.

No. 93. of the Nellore Calendar 2d Sessions of 1833.

(Here enter No. 1705)

Mr. Bird.

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 Mooftee of the Foujdaree Udalut, confirm the said Futwa of the Cazee-ool-Cozat and Mooftee aforesaid, acquitting the Prisoners,-

1st "Soocauly Raumoojee,"
4th "Soocauly Kasah,"
& 6th "Nulla Ranjee,"

and do accordingly acquit them; but considering that strong suspicion though not amounting to a conviction attaches to them, the Court direct under clause third Section V Regulation VIII of 1831 and Clause Sixth Section II Regulation XV of 1803, that they be severally required to find two Sureties in 20 Rupees each Surety for their good behaviour and appearance when required within (3) three years and that in default thereof, they be detained for three years in confinement.-

(Sent following letter No. 1368)

Read

F. C.
15th December 1834.

Read letter dated 17th September last, from the Acting 3d Judge on Circuit in the Centre Division- submitting the Record in Case No. 5. of the Bellary Calendar for the 2d Sessions of 1834.-

(Here enter No. 1676.)

Mr. Bird,
& 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 proofs against the Prisoner,-

"Soobakah,"

is sufficient to convict her of the crime of Wilful Murder, do, under the authority with which they are vested by Clause First Section III Regulation I of 1818, convict her thereof, and sentence her 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. 1369)

Read letter dated the 15th Ultimo from the Acting 2d Judge late on Circuit in the Centre Division- transmitting the Record in Cases Nos. 6 & 12 on the Cuddalore Calendar 2d Sessions of 1833.-

(Here enters No. 1628.)

Mr. Bird
& Mr. Campbell

The Court of Foujdaree Udalut on a deliberate consideration of all the circumstances of the case

case in evidence before them, being of opinion that the proof against the Prisoners,

1st "Naugamoottoo,"
2d "Koollen,"
3d "Iyasawmy,"
4th "Narrainen,"
5th "Koollee,"
6th "Moonesawmy,"
&
7th "Ramasawmy alias Maurea,"

is sufficient to convict them of robbery by open violence and of burning the deceased Savady Lasty to death, do, under the authority with which they are vested by Clause First, Section II Regulation I of 1818, convict them thereof, and under clauses first and fifth Section IV Regulation XV 1803, sentence the Prisoner,-

4th Narrainen,

to suffer death by being hanged at the usual time and place of execution: and the Prisoners,-

1st "Naugamoottoo,"
2d "Koollen,"
3d "Iyasawmy,"
5th "Koollee,"
6th "Moonesawmy,"
&
7th "Ramasawmy alias Maurea,"

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 respectively.-

(Sent following letter No. 1370)

Read letter dated the 19th Ultimo from the Acting 2d Judge late on Circuit in the Centre Division - transmitting the record in Case No. 13 on the Cuddalore Calendar 2d Sessions of 1833.-

(Here enter No. 1660.)

The Prisoner,

1st "Ramasawmy alias Maurice,"

has been sentenced in Case No. 6 of the Calendar to transportation for life.-

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, acquitting the Prisoners.-

2nd "

15th " December 1834.

2d " Yerramottoo Naicken,"
&
3d " Seetarama Reddy,"

and accordingly direct that they be set at liberty so far as it regards this case, detaining the Prisoner

2d Yerramottoo Naiken,

for judgment in other cases-

(Sent following letter No. 1371)

Read letter dated the 19th " Ultimo,

from the Acting 2d " Judge late on Circuit in the Centre Division, transmitting the record in Case No. 9 on the Cuddalore Calendar 2d " Sessions of 1833-

(Here enter No " 1663.)

The Prisoner,

Mr Bird
and
Mr Campbell.

1st " Ramasawmy alias Maurie,"

has been convicted and sentenced to transportation for life in Case No. 6 on the Calendars.

The Court of Foujdaree 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 Foujdaree Udalut, confirm the said Fatwa of the Cazee-ool-Cozat and Mooftees aforesaid, acquitting the Prisoner,

2d

15th " December 1834.

2d " Chonambroonna Ramasawmy,"
3d " Kistnama Naicken, or Kitchen Naiken,
4th " Veerah Naicken,"
5th " Yerramottoo Naicken,"
6th " Permaulgan,"
7th " Konaren,"
8th " Rungun,"
9th " Permaul,"
&
10th " Kistnen,"

and direct that they be set at liberty only as it regards this case, detaining the 2d, 3d, 4th, 5th, 6th, 7th, 9th " for judgment in other cases-

(Sent following letter No. 1372)

Read letter dated the 8th " Ultimo,

from the Acting 3d " Judge on Circuit in the Centre Division, submitting the Record in Case No. 38 of the Bellary Calendar for the 2d " Sessions of 1834-

(Here enter No " 1695.)

Mr " Bird
&
Mr " Campbell

The Court of Foujdaree 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 Foujdaree Udalut, confirm

confirm the said Tuttwa of the Cazee-ool-Cozat &
Mooftees aforesaid, acquitting the Prisoner,
"Purvungowdoo"
but direct that he be not set at liberty, as he
is concerned in Case No. 37 on the Calendar,
which will be referred to this Court.

The Court do not at so remote a
period see sufficient Cause to accede to the acting
3d Judges' recommendation respecting the conferring of
a reward upon the family of the deceased Gungah.

Ordered, that Extract of these
proceedings be sent to the acting 3d Judge on Circuit
in the Centre Division for his information.

(Sent following letter No. 1873)

Read letter dated the 28th Ultimo,
from the Late Officiating Judge late on Circuit
in the Northern Division now at Chittoor transmitting
the record in Case No. 36 on the Nellore Calendar
2d Sessions of 1833.

(Here enter No. 1695.)

Mr. Bird
Mr. Campbell

The Court of Foujdaree Adalut, having maturely considered the proceedings held before the Judge on Circuit, the Tuttwa of the Provincial Law

Law Officer and the Tuttwa of the Cazee-ool-Cozat and Mooftees of the Foujdaree Adalut, confirm the said Tuttwa of the Cazee-ool-Cozat and Mooftees aforesaid, convicting the Prisoners,

1st "Ausooloty Venkategaudoo"
2d "Mullanpoorapoo Thashoo"
3d "Doty Ulchegaudoo"
4th "Shaikh Causim"
5th "Doty Maloogandadoo"
6th "Uloty Tippadoo"
8th "Sattanapully Chennoogaudoo"
9th "Dawan Venkategaudoo"
10th "Ausooloty Chinnavenkategaudoo"
12th "Moulapoloo Vengadoo"
15th "Bondalapauty Treepooradoo"
17th " Do. —— Chennadoo"
18th "Doty Chinna Paupadoo"
19th "Bondalapauty Chenchoogaudoo"
23d "Nulliah"
25th "Dawsary Nurseegaudoo"
26th "Moulapoloo Chennadoo"
27th "Punnapully Raumoodoo"

but taking into consideration the circumstances under

under which the offence was committed and the confinement already undergone by them, the Court resolve to remit all punishment, and accordingly direct that the Prisoners aforesaid be set at liberty.

(Sent following letter No. 1374)

Read letter dated the 29th Ultimo, from the Late Officiating Judge Late on Circuit in the Northern Division. now at Chittoor, transmitting the Record in Case No. 53 on the Nellore Calendar 2d Sessions of 1833.

(Here enter No. 1696.)

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 ul Cozat and Mooftees of the Foujdaree Udalut, confirm the said Futwa of the Cazee ul Cozat and Mooftees aforesaid, acquitting the Prisoners.

1st "Laudoo,"
3d "Condooty Wencatasreegaudoo,"
4th "Chullapullay Condaboo,"
5th "Velly Pichegaudoo,"

6th "Saulay Mauregaudoo,"
7th "Poonnegapoo Mauregaudoo,"
8th "Atchahaula Venkiah,"

and accordingly direct that they be set at liberty.

(Sent following letter No. 1375)

Read again letter, dated 29th October 1834, from the acting 2d Judge late on Circuit in the Centre Division, transmitting the Record in Case No. 30 of the Cuddalore Calendar for the 1st Sessions of 1834.

(Here enter No. 1553.)

Mr. Bird & 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 proofs against the Prisoner,

"Moonegaudoo,"

is sufficient to convict him of the crime of Highway Robbery accompanied by Murder, 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 First and fifth, Section IV Regulation XV of 1803, Sentence him to be transported to such place beyond

expired sea, as the Governor in Council shall appoint
these 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. 1376)

Read letter dated the 21st. Ultimo
from the third Judge on Circuit in the Western
Division - forwarding trial No. 6 on the Mangalore
Calendar 2d. Sessions 1834.

(Here enter No. 1376)

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 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
convicts the prisoners,-

9th Uhmuday,

of the crime of receiving stolen property knowing
that the same had been obtained in the perpe-
tration of Gang Robbery by open violence, and
under the provisions of Clause Second, Section IV.

Regulation

Regulation VII. of 1822 sentence him to 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.

And being of opinion that the
proof against the Prisoners,

1st "Billa Dooma,"
2d "Essay,"
3d "Corkhah,"
4th "Sauna Coaty,"
5th "Dodda Coaty,"
6th "Ayhaya,"
7th "Gowda Dooma,"

is sufficient to convict them of the crime of
Gang Robbery by open violence accompanied
by Murder, the Court 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 Clauses
First and Fifth, Section IV. Regulation XV of
1803, and Clause third, Section II Regulation I
of 1825, sentence the Prisoners,-

1st "Billay Dooma,"
2d "Essay,"

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 respectively; and the 1st Prisoner in addition to receive 195 Stripes with a cat of nine Tails: and the Prisoners,

3d "Cookhah,"
4th "Pauna Coaty,"
5th "Dodda Coaty,"
6th "Appaya,"
7th "Gowda Doona,"

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) fourteen years.

(Sent following letters No. 1877)

Read 2nd Letter dated the 14th January 1834, from the Acting 3d Judge on Circuit in the Centre Division - Submitting the Records of the proceedings in No. 9 of the Cuddapah Calendar 1st Sessions of 1834.-

(Here enter No. 1038)

Read.

Read Return, dated the 30th October 1834, from the Acting 3d Judge on Circuit in the Centre Division to precept of the 18th August last, returning with additional evidence directed to be taken the Record of No. 9 Cuddapah Calendar 1st Sessions 1834.-

(Here enter No. 1557)

Read also Return, dated the 8th instant from the Acting 3d Judge on Circuit in the Centre Division, to Precept of Foujdaree Adalut dated the 5th Ultimo directing the transmission of a translation of the Village Report in No. 9 Cuddapah Calendar 1st Sessions of 1834.-

(Here enter No. 1749)

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 Cazeerah Cozat and Mooftees of the Foujdaree Adalut, confirm such part of the said Futwa of the Cazeerah Cozat and Mooftees aforesaid as convicts the Prisoner,-

1st "Chittemattee Suntreyaadoo,"

and

and such part as acquits the Prisoners,

4th " Saukey Rangadoo,"

5th " Saukey Soonkadoo"

6th " Golla Byregaudoo,"

and under the provisions of Clause third, Section IV Regulation XV of 1803, sentence the Prisoner,

1st " Chittermalla Suntagaudoo,"

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) fourteen years—

But being of opinion that strong suspicion though not amounting to conviction attaches to the Prisoners,

4th " Saukey Rangadoo,"

5th " Saukey Soonkadoo"

6th " Golla Byregaudoo,"

the Court direct under Clause Sixth, Section IV Regulation XV of 1803 that they be severally required to find two Sureties in 20 Rupees each Surety for their good behaviour and appearance when required within (3) three years, and that in default thereof they be detained for (3) three years

years in confinement—

And being of opinion that the Prisoners,—

2d " Yanoomoola Chinna Naurappah,"

&

3d " Yanoomoola Pedda Naurappah,"

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, the Court direct, under Clause Sixth, Section II Regulation XV of 1803, that they be set at liberty—

(Sent following letter No. 1378)

Read Return dated the 26th Ultimo from the Acting 2d Judge late on Circuit in the Centre Division, to Precept of the Court of Sudder Udalut, under date the 24th October 1834, directing him to prepare and submit a Translation of the Proceedings in Case No. 23 on the Chingleput Calendar for the 1st Sessions of 1834—

(Here enter No. 1695—)

Mr. Bird
Mr. Campbell.

After a mature consideration of the proceedings in this case, the Court are of opinion that the evidence for the prosecution is too unsatisfactory to warrant a sentence of conviction against —

the

the Prisoners

3d Govoorian,
5th Venkatadasary,
6th Chengum,
7th Veerasammy,
8th Pully Kistnen,
9th Vadamalay,
10th Dausey

whom, they accordingly resolve to direct the acting 2d Judge immediately and unconditionally to release.

The Court do not see grounds to disturb the sentence passed by the Presiding Judge upon the Prisoners,

1st Vensalapaty,
2d Parayatomby,
4th Vyada Kistnen,
11th Ramasawmy,

Ordered, that Extract from these proceedings be sent to the acting 2d Judge late on Circuit in the Centre Division for his information and guidance by Precept, returnable without delay.

(Sent following Precept No. 1378)

Read

Read Return, dated the 6th instant

Mr Bird
Mr Oakes
Mr Campbell.

from the late Officiating Judge late on Circuit in the Northern Division, now at Chittoor, to Precept of the Court of Soujdaree Udalut, under date the 10th July 1834, conveying further observations on the subject of the Rellore Calendar for the 1st Sessions of 1834.

(Here enter No. 1736 of 1834)

Para 1

1. The explanation contained in this Para is satisfactory.

Para 2

2 The Court resolve to comply with the recommendation of the late Officiating Judge, and accordingly direct that the Prisoner in Case No. 69 on the Calendar, be set at liberty.

Ordered, that Extract from these proceedings be sent to the late Officiating Judge late on Circuit in the Northern Division now at Chittoor, for his information and guidance by Precept, returnable without delay.

(Sent following Precept No. 1380)

Read letter dated the 1st instant

Mr Oakes
Mr Campbell.

from the Provincial Court of Circuit in the Southern

Southern Division, transmitting the Criminal Reports prescribed by Section XXXV Regulation X 1816 for the Month of October 1834.

(Here enter No. 1735.)

Madura.

1 The Criminal Reports from Madura do not appear to call for any remark from the Court of Foujdaree Adalut who observe with satisfaction that the arrears of the previous month were cleared off, and no case remained undisposed of at the close of the Month of October.

C. A. C. A. C. A. C. A.

In Supl. Report No 53.
In Report V. No 81

Prisoners in C: 149 Sick Proportion 437 — 17 — 36 5/12

Tinnevelly.

Joint Criminal Judge	Sudr amin	Sudr amins cazeeahs
C	P	C. P. C. P.
In Supl. Report	3	7
In Report V.	13	25
	2	2

Prisoners in C: 14 Sick Proportion 61 — 5 — 3 1/2

Tinnevelly Report V Ease No

2 The Prisoner in this case was charged with having on the 10th September and 11th October 1834 respectively, given two contradictory depositions before the Tahsildar of Wideegyranum and the Sadr Ameen of the Awaiting Court, and he was sentenced under Section VII Regulation X of 1816 to two months imprisonment for having given a false deposition before the Tasildar the one given month appearing to be the true one.

15th December 1834.

3 It is certified that "the Moofty has already in No. 40 of 1834 decided that the case is punishable."

4 Upon referring to Report No V for the month of March in which No. 40 is entered, it is stated that "full explanation of this and the following cases will be given in the Supplemental Report," no explanation however is to be found in the Supplemental Report for March, and no Supplemental Report for April was annexed to the returns.

5 Upon what ground the Moofty pronounced the act punishable as a criminal offence, the Court are at a loss to understand, and they desire that it may be intimated to the Joint Criminal Judge of Tinnevelly that inasmuch as it was found requisite to enact a Law for the punishment of persons making false complaints before a Police officer, it cannot be considered legal to punish persons giving false evidence before a Tasildar, without a special provision rendering the act a criminal offence.

J.

Combaconum

Criminal Judge / Assistant Ct Judge / Cadet / Interpreter

C. P. C. P. C. P. C. P.

In Sessions Reg.r 10 33

In Report V 29 69.

77.

Prisoners in C. 4 — Sick — Proportion
307 — 26 — 12 4/24

The reason being not satisfactory a letter was addressed to the Magistrate on the subject. If by this Remark it is meant, that the acting Criminal Judge, considering the explanation of the detention of the prisoners in the Talook unsatisfactory, called upon the Magistrate for further explanation, the Court observe that, this being the duty of the Provincial Court of Circuit the acting Criminal Judge was incompetent to do so.

7

The Provincial Court of Circuit will communicate this observation to the acting Criminal Judge and require from the Magistrate an explanation of the unusual detention in the Talook, for the information of the Court of Fuidaree Adalut.

Combaconum

Report V Case 279.

6. Of the 5 prisoners in this Case the Report shews that the 5th was apprehended on the 15th of June — the 4th and 5th on the 20th June — the 1st on the 10th August the 2d on the 6th October. The acting Criminal Judge states in the Column of Remarks

Salem

Criminal Judge / Assistant Ct Judge / Cadet / Interpreter

C. P. C. P. C. P. C. P.

In Sessions 4 4

3 3 1 1

In Report V 36 72

12 36 2 2 17 16 5 18

Prisoners in C. 4 — Sick — Proportion
283 — 26 — 10 23/26

Salem Report V Case 349.

7 + "The prisoner is about 9 years old & he admits that he beat the Child with a stone for advising him when he asked for some Land crabs. he has beaten him with much severity and is sentenced under Section VII Regn. X. 1816 to pay a Fine of fifty Rupees if not paid to imprisonment for five Months with appropriate labour."

If the 7th prisoner stated to be only 9 years of age appeared to be so young to the Criminal Judge the Court of Fouidaree Adalut are of opinion that he should not have been punished by a Sentence to pay a fine of fifty Rupees or in default to be imprisoned for five Months. If the fine was paid it would have been by his parents or friends to screen the boy from punishment and they would be the sufferers.

Salem Report V Case 359 to 363. 364. 365. 366.

9

The prisoner in these cases Cora Caroomarooden appears to have been a confirmed thief & Housebreaker, and ought to have been committed for trial before the Circuit Court, altho' the amount stolen by him was small; he stood convicted on his own confession of housebreaking in two, and of thefts in three other cases. The other prisoner (Cora Veeren) in Case 359 also confessed in three other cases in which he confessed to the thefts has been inadequately punished by a Sentence

15th December 1834

7 & 1 years imprisonment with 150 lashes—

Coimbatore

10 The Coimbatore Reports do not appear to call for any remarks except that of No. 6 in which it is shewn that no less than 17 deaths occurred amongst the prisoners in the Month of October. This mortality should have been reported. The Court trust that the best means of testing their health of the prisoners which would be adopted by the Acting Joint Criminal Judge in communication with the Medical Officers have not been omitted notwithstanding.

	Acting Sudr. Jun. Mr. Lyn Aman Mad.			Sick		Proportion	
	C	P.	C	P.	C	P.	
In Sept. Report	3	6.	"	"	1	2	
In Report V	42	53.			6	10	
					7	12	

P. in C. 4 — Sick — Proportion
2102 — 38 — 5 19.

Ordered that Extract of these proceedings be sent to the Provincial Court of Circuit in the Southern Division for their information & guidance and for communication to the Subordinate authorities of such parts as concern them respectively by Receipt returnable within 20 days after its receipt.

(Sent following Receipt No. 1361)

Salem Magistrate

Statement of prisoners

Prisoners in C. 4	Sick	Proportion
121	14	1 12/14

Trichinopoly Magistrates

Statement of prisoners

Prisoners in C. 4	Sick	Proportion
225	12	15 12/12

Tanjore Magistrate

Statement of prisoners

Prisoners in C. 4	Sick	Proportion	
263	3	37/3	for Augt.
256	8	32	for Septr.
250	1	250	for Octr.

Tanjore Joint Magistrates

Statement of prisoners

Prisoners in C. 4	Sick	Proportion	
81	3	27	in Augt.
77	7	11 7/7	in Septr.
82	4	22	in Octr.

J. U.

At a Court of the Foujdaree Udalut—

Present,

Tuesday 16th December 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 17th Ultimo from the Acting 2d Judge late on Circuit in the Centre Division, transmitting the Record in Cases Nos 4 & 10 on the Cuddalore Calendar for the 2d Sessions of 1833.

Here enter No. 1640 of 1834.

Read also letter, dated the 19th Ultimo from the same Officer, forwarding "the remaining cases of the Cuddalore Calendar for the 2d Sessions of 1833."

Here enter No. 1659 of 1834.

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 Laws 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: cob. Cozgat and Mooftees aforesaid as
acquits the Prisoners—

2d Chinnayen
4th Vellaselemben
5th Moodayen Permaul Naicken
6th Ramasawmy alias Maurse
7th Soonambacara Ramasawmy
8th Kistnana Naicken.

(of whom the 6th Ramasawmy alias Maurse is
sentenced to transportation for life in No 6 of the
Calendar) and accordingly direct that the Prisoner
2d Chinnayen
5th Moodayen Permaul Naicken
be set at Liberty—

And being of opinion that strong
suspiccon though not amounting to conviction
attaches to the Prisoners—

4th Vellaselemben

the Court 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 (3) Three years, and that in
default thereof he be detained for 3 years

in confinement—

The Court further direct that
the Prisoners—

7th Soonambacara Ramasawmy
and
8th Kistnana Naicken

be not released as they are concerned in other
cases on the Calendar not yet disposed of.

And being of opinion that
the Prisoners—

1st Mootto Naicken
3d Varaden
&
9th Yerranootto Naicken

are not convicted on presumptive proof, or on the
evidence of credible Witnesses, or on their own
confessions, Notwithstanding the Fetwa of their
Law Officers, the Court do accordingly acquit
them; but considering that strong suspicion
though not amounting to conviction attaches to
the Prisoners—

1st Mootto Naicken
&
3d Varaden

they direct, under Clause Sixth Section II Regulation XV

of

of 1503 that they be severally required to find two Sureties in 50 Rupees each Surety for their good behaviour and appearance when required within (3) Three years, and that in default they they be detained for (3) Three years in confinement.

The Court further direct that the Prisoner—

9th. Yeramootoo Raicken.

be not released as he is concerned in other cases of the Calendar not yet disposed of—

(Sent following Precept No. 1383)

As the acting 2d. Judge took no part in the proceedings held in the cases No. 4 & 5 it was unnecessary for him to submit any opinion upon them.—

That duty properly devolved upon Mr. Boileau the acting Judge who conducted the Trials.—

Excepting Ramasammy alias Jane none of the Prisoners concerned in the cases forwarded by Mr. Davis, are convicted which circumstance renders necessary the transmission of the Cases Nos. 7-9-11-& 14.—

The Court accordingly direct that the acting 2d. Judge will forward those Trials with as little delay as possible.—

Ordered, that Extract from these proceedings be sent to the acting 2d. Judge late on Circuit in the Centre Division for his information and guidance by Precept returnable without delay—

(Sent following Precept No. 1386)

Read letter, dated the 14th. Ultimo.—

from the acting 2d. Judge late on Circuit in the Northern Division, transmitting the Record in Cases Nos. 120 & 121 on the Guntoor Calendar 1st. Sessions of 1834.

(Here enter No. 1643)

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 Mooftees of the Foujdaree Udalut, confirm the said Futwa of the Cazee-ool-Cozat and Mooftees aforesaid, and in conformity with the Provisions of Clause third Section IV.—

Regulation

Regulation XV of 1803, sentence the Prisoners-

1st Purla Perradon

2d Vudlamoody Pauapador

4th Charoogondy Teerapatayaroo

& 7th Chintapully Chendra Cotaroo

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) fourteen years-

(Sent following Letter No. 1837)

Read letter, dated the 29th Ultimo from the Late Officiating Judge late on Circuit in the Northern Division, now at Chittoor, transmitting the Record in Case No. 1 of the Nellore 2d Supplemental Calendar 2d Sessions of 1833-

(Here enter No. 1692)

Mr. Bird & Mr. Oakes.

The Court of Foujdaree Adalut 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 Adalut confirm the said Futwa of the Cazee-ool-Coozat and Mooftees aforesaid and under the sentence of Durbarbut declared in the Futwa and in

conformity with the Provisions of Clause third, Section IV and Clause third Section VIII Regulation XV

2d Deepaula Tolee

& 3d Calatoory Lutchmee

to be imprisoned and kept to hard labour without irons on the public roads, or other public works for and during the period of 2 years - and then to be released-

(Sent following Letter No. 1838)

Read letter, dated the 27th Ultimo from the 3d Judge on Circuit in the Southern Division, transmitting the Record in Case No. 21 on the Combaconum Calendar 2d Sessions of 1834-

(Here enter No. 1694-)

Mr. Bird & Mr. Oakes

The Court of Foujdaree Adalut, 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 Adalut, confirm the said Futwa of the Cazee-ool-Coozat and Mooftees aforesaid and under the sentence of Durbarbut declared in the Futwa and in conformity with the Provisions of Clause third, Section IV and Clause third Section VIII Regulation XV

of 1803 sentence the Prisoners—

1st Cattan
&
2d Tandavarayen

to be banished to the district of Chingleput, there to be imprisoned and kept to hard labour in irons on the public roads or the public Works for and during the period of (14) fourteen years—

And considering that strong suspicion though not amounting to conviction attaches to the Prisoners—

4th Parvanday
and
5th Thunas Appan.

the Court direct under Clause Sixth, Section II Regulation XV of 1803, that they be required respectively to find two Sureties in 70 Rupees each Sureties for their good behaviour and appearance when required within 3 years, and that in default thereof, they be detained for 3 years in confinement—

(Sent following letter No. 1389)—

Read letter, dated the 1st instant, from the Late Officiating Judge Late on Circuit in the Northern Division, now at Chittoor, transmitting the Record in Case No. 21 on the Calendar 2d Supplemental

Calendar 1st Sessions of 1834—

(Vide enter No. 1704—)

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 Mooftees of the Foujdaree Udalut, confirm the said Futwa of the Cazee-ool-Cozat and Mooftees aforesaid, and under the Provisions of Clauses Second and Fifth, Section IV. Regulation XV. of 1803, sentence the Prisoners—

1st Venoscouda Cuncherauze
&
2d Cuppah Nursarauze

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 being of opinion that strong suspicion though not amounting to conviction attaches to the Prisoners—

3d Cuppah Vengamarauze
&
4th Cuppah Govindarauze

the Court direct, under Clause Sixth, Section II Regulation XV of 1803, that they be severally required to find two

Sureties

sureties in 25 Rupees each surety for their good beha
and appearance when required within (2) two ye
and that in default thereof they be detained
(2) two years in confinement.—

(Sent following letter No. 1890)

Read Return dated 9th instant
from the acting 2d Judge late on Circuit Centre
Division, to the Court's precept of the 14th Ultimo
directing him to call upon the Magistrate of
Chingleput to report distinctly, the grounds upon
which he held the prisoners, Vejayen & Condan
to security—

(Reference No. 1737)

The Magistrate states in his re
return under date the 28th Ultimo, that "no evidence
"whatever, save that which was originally forwarded
"to the Criminal Court, was before him when he
"demanded security" under the provisions of Section V
Regulation VII of 1827; and he subsequently observes,
that the orders of the Foujdaree Adalut of the 22d
December 1828 appear to trench on its salutary
provisions, the more so because separate charges or
information regarding a released Prisoner entirely

destitute

distinct from that which has been before the higher
Court are not always to be got however great may
be the notoriety and worthlessness of his general
character.

2 Under the circumstances reported,
it is clear that the Magistrate's proceeding was
in contravention of the orders of the Foujdaree
Adalut to which he refers — He was not at
liberty to set those orders aside, on his own
views of the provisions of the code; nor do the
Court see any reason to concur with the Magistrate
in questioning their general propriety —

3 An inferior tribunal cannot upon
any just principle be allowed to overrule the orders
of the Superior Court, which was in fact done by
the Magistrate in this instance Had he been in
possession of other matter, than that before the
Criminal Court, or, on a personal examination
had taken evidence to the notorious bad character
of the prisoners, he would have been justified in
the course adopted; but as he did not do this, the
Court consider his proceedings decidedly wrong —

4 They deem it sufficient on the present
occasion

occasion to point out his error to the magistrate, to enjoin in future greater deference to the orders of this Court, directing at the same time that the Prisoners in question be immediately released if they have not given the required security.

Ordered, that Extract of these proceedings be sent to the acting 2d Judge late on Circuit Central Division for communication to the Magistrate.

(Sent following letter No. 1391 for

F.C.

Wednesday 17th December 1834.

W

F.C.

Malabar Report V Case 445

Case 446.

F.C.

At a Court of the Foujdaree Adalut.

Present,

John Bird Esqr. Acting 1st Puisne Judge

Thomas Alexander Oakes Esqr. Acting 2d Puisne Judge

Read letter dated the 28th November 1834 from the Provincial Court of Circuit in the Western Division transmitting the Criminal Reports prescribed by Section XXXV Regulation X 1816 for the Month of October.

(Here enter No. 1729)

The Court of Foujdaree Adalut observe that the Criminal Judge acted very correctly in sending the second prisoner in this case to the Magistrate - the grounds recorded, being that he appeared to the Criminal Judge "to be of notoriously bad character and was implicated by 1st Prisoner - 2d Prisoner to be sent under Custody to the Magistrate".

2. It appears to the Court of Foujdaree Adalut, that the prisoner in this case convicted on his own confession, of having laid a false charge against two other persons for having murdered his brother, has been very inadequately punished by a Sentence of 3 months imprisonment and hard labor under Section II Regulation IX 1832. For such an infamously false charge he should, the Court think, have been Sentenced to the full

full punishment authorized by the Regulations, subject
young indeed.

Case 479 3

With reference to the entry in the Ry
of this case. Several of the witnesses have further
ted asked that the 7th and 8th have mutually altered
their statements for which they are each to pay a
fine of 20 Rupees or be imprisoned one month. The
Court deem it proper to direct the Provincial Court
of Circuit to intimate to the Criminal Judge, that
persons are not liable to be fined or, under the
Regulation cited, sent for punishment before the
Court. The Reports from the Acting Court of Adalat
and from the Zilla Court of Cannanore do not appear
to call for any remark from the Court of Foujdaree
Adalat.

Cannanore 4

Acting Court In this case it is stated, that the
at Tellicherry prisoner, convicted of theft of property to the value
Report 4 Dec 1834 of Rupees 11, has been sentenced to 9 months imprison-
ment with hard labour in Irons under Clause 4
Section III Regulation VI 1822. The prisoner appears
to have at the time residing with the Prosecutor having
having been taken off 7 months.

5 On this the Court of Foujdaree Adalat
would observe that the circumstance of the prisoner
having resided in the Prosecutors house, does not
according to the letter of the Clause quoted, make
the crime punishable under it, and the Court
being of opinion, that the Clause must be construed
strictly

17th December 1834 P.C.

strictly, direct that the Sentence be modified to that
which should have been passed under Section VII
Regulation X 1816 Viz. to imprisonment with hard
labour for 6 months only.—

With reference to the delay in the
Native Criminal disposal of this case there is the following entry
Court of Cannanore in the Superintendent's Report for the Month of
Supt. Report December 1833 which it would have been satisfactory if the Provincial
Case of Sam 1833 Court of Circuit had explained. "The Prisoner
being concerned in No. 66 of 1833 a reference was
made to the Provincial Court of Circuit under
date the 9th of September last regarding the
punishment to be inflicted on him, to which no
answer having been received at the end of
the month the case remains undecided."—

Ordered, that Extract of these
proceedings be sent to the Provincial Court of
Circuit for their information and guidance
by Precept returnable in 20 days after its receipt.—

(Sent following Precept No 1794)

Read letter dated the 10th instant,
from the Acting 3d Judge late on Circuit in
the Northern Division, transmitting, in conformity
with the order of the Foujdaree Adalat, under date
the 25th July last, an English Translation of the
proceedings in Cases Nos 6 and 7 on the Tellicherry
Calendar for the 1st Sessions of 1833.—

(Here enter P.C. No. 1771 of 1834)

P.C.

The Court after due consideration of the proceedings in the above cases, concurs in the conviction of the prisoners, and approves of the Sentence passed upon them by the Presiding Judge

Ordered, that Extract of this Order be sent to the Acting 3d Judge Talcher for information in the Northern Division for his information.

/Sent following Precis No 1585/

Circular Order No 20 of 1834

In conformity with the suggestion of the Honorable Court of Directors, conveyed in their Dispatch under Date the 20th March 1833, the Court of Foujdaree Adaulut direct, that whenever a prisoner is acquitted before the Magistrate of the charge on which he has been apprehended, the decision of that Officer be distinctly entered in the proceedings, stating whether the acquittal arose from want of proof, or from the accusation being unjust and his arrest unwarranted, and that in either Case a Copy of the Magistrate's order be given to him upon application.

Ordered, that a copy of this order be sent to the 16 Provincial Courts of Circuit, for their information and future guidance of the Magistrates in their respective Divisions.

/Sent following Precis No 1586/

Read return, dated 28th Ultimo from the 3d Judge on Circuit in the Southern Division to

the Court of Foujdaree Adaulut dated the 17th Ultimo directing that a copy of their Sentence in case No 10 Linnerally Calendar 2d Sessions of 1834 be transmitted to the Magistrate of the Zillah.

/Here enter No 1581/

Read return, dated 27th Ultimo from the Acting 2d Judge of the Court of Circuit in the Centre Division, to Precept of Foujdaree Adaulat dated the 22d Ultimo, directing that the prisoners in case No 1 Chittoor 1st Supplemental Calendar 3d Quarter Sessions of 1834 be sentenced to 7 years' imprisonment RI; and that the prisoners in No 9 on the same Calendar be immediately released.

/Here enter No 1583/

Read return, dated 27th Ultimo from the Provincial Court of Circuit in the Northern Division, to Precept of Foujdaree Adaulat dated the 5th Ultimo, on the subject of the Criminal Reports for the Months of February and April 1834.

/Here enter No 1719/

Read letter dated 29th Ultimo from the Provincial Court in the Northern Division, transmitting explanations received from the Subordinate authorities to the Provincial Courts' Remarks on the Criminal Reports for the Months of May 1834.

/Here enter No 1762/

Read letter dated 29th Ultimo from the Criminal Judge in the Zillah of Chingleput, reporting

17th December 1834

Read letter dated 4th Instant from the Provincial Court of Circuit in the Western Division transmitting copy of a letter dated the 28th ultimo from Magistrate of Canara, explaining the reason which induced the Tahsildar of Mangalore to forward to the Criminal Court the Prisoner in case No. 139 of the Report 5 of Acting Criminal Judge of Canara for October last.—

/Here enter No. 1746./

Read letter dated 4th Instant from the Provincial Court of Circuit in the Western Division Forwarding Return from the Magistrate of Canara in Receipt of Provincial Court of 25th September last with reference to Criminal Reports for August last

/Here enter No. 1747/

Read letter dated 9th Instant from the 1st Judge of the Court of Circuit in the Southern Division Reporting that he has given Notice for opening the 1st Sessions of 1835 at Madura on the 20th January next.—

/Here enter No. 1758/

Read letter dated 9th Instant from the Acting 1st Judge of the Provincial Court of Circuit in the Centre Division Reporting the opening of the 1st Sessions of 1835 at Cuddapah on the 12th Proximo.—

/Here enter No. 1742/

17th December 1834

Forwarding the warrant of a Convict sentenced to transportation from Tellicherry.—

/Here enter No. 1854/

Read letter dated 29th ultimo from the 3d Judge on Circuit in the Southern Division Reporting with reference to his return of the 27th that a second Calendar has been taken and that of 4 Prisoners committed in No. 23 Cumbaconum Calendar 2d Sessions 1834.—

/Here enter No. 1701/

Read return, dated 3d Instant from the Provincial Court of Circuit in the Northern Division, in Receipt of Sangaram Abdulcut dated the 24th August last, directing the Provincial Court to adopt the necessary measures for carrying into effect the order of the Sangaram Abdulcut to send up to the Criminal Court the Witnesses & the confessions before the late Head of Bhimsy Cheritable Goody, of the Prisoners in Case No. 187 of the Rajahmundry Criminal Report of 1833.—

/Here enter No. 1782/

Read letter dated 2d Instant from the Officiating Secretary to Government in the Judicial Department, with remark on the Proceedings of Sangaram Abdulcut of 22d November on Acting 3d Judge on the Western Division, Report on Quarterly Sessions.—

/Here enter No. 1879/

Read letter dated 5th Instant from the Acting 3d Judge on Circuit in the Centre Division, forwarding death Warrant 5th in case of Bellare Calendar 2d Sessions of 1834.-

/Here enter No. 1750/

Read letter dated 10th Instant from the Acting 2d Judge late on Circuit in the Centre Division, forwarding death Warrant 5th in case of the Undulatee Calendar 1st Sessions of 1834.-

/Here enter No. 1751/

Read return, dated 4th Instant from the 3d Judge on Circuit in the Western Division of Tinnevelly Zillah of the 25th Ultimo, Directing the release of the Prisoners Coochery Kebo and Meenakshie Ammal alias Kristnen in Case No. 31 of Madura Calendar 2d Sessions of 1834.-

/Here enter No. 1743/

Read return, dated 8th Instant from the Provincial Court of Circuit in the Western Division, to Precept of Tanjore Zillah dated the 18th Ultimo, conveying their observations on the Criminal Reports of the Division for September last.-

/Here enter No. 1765/

Read return, dated 3d Instant from the Provincial Court of Circuit in the Southern Division, to precept of Tanjore Zillah dated the

18th September last, conveying their observations on the Criminal Reports for July 1834.-

/Here enter No. 1724/

Read return, dated 4th Instant from the Acting 2d Judge of the Court of Circuit in the Centre Division, to precept of Tanjore Zillah dated the 27th Ultimo, conveying their observations and orders upon the Chittoor 3d 5th 6th 7th 8th 9th and 10th Supplemental Calendars for the 3d Quarter Sessions of 1834.-

/Here enter No. 1713/

Read return, dated 1st Instant from the Provincial Court of Circuit in the Centre Division, to precept of Tanjore Zillah dated the 10th Ultimo, directing that the Criminal Judge be instructed to restore the Peons therein mentioned to their situations at the expiration of 3 Months

/Here enter No. 1711/

Read letter, dated 4th Instant from the Acting 2d Judge of the Court of Circuit in the Centre Division forwarding Warrant for the execution of the Prisoner Siddaramiah in case No. 25 Bellare Calendar 2d Sessions of 1833.-

/Here enter No. 1714/

At a Court of the Fouzdaree Udalut.

Present,

Saturday 20th December 1834.

John Bird Esqr. Acting 1st Puisne Judge

Thomas Alexr. Oakes Esqr. Acting 2d Puisne Judge

Read Extract from the Minutes of Consultation under date 5th Instant, conveying the orders and sentiments of Government upon the proceedings of the Fouzdaree Udalut of the 8th October last, on the report of the 2d Judge late on Circuit in the Western Division, dated 12 September last—

(Here enter No 1727.)

1 Referring to the Minutes of Government in the 5th para, the Court have the honor to report, that their records do not contain any specific notice of the fact, but their personal experience leads them to believe the practice of placing round the necks of Criminals about to be executed, garlands of flowers, to be general—

If the Government deem it expedient, they will call upon the subordinate Courts for full information on the subject—

2 The Court have given their best attention to the observations of the Governor in Council in the 6th para of the Minutes before them

them

D.A.O.

them, and with reference to the 12th para of their proceedings referred to, they beg to explain, that they do not mean to declare that cases may not occasionally arise, in which the principle of interference for the correction of errors of the subordinate tribunals may not be acted upon. The Court have acted upon the principle to an extent, which was considered objectionable by Government, and declared so in the 3d para of their letter from the Judicial Secretary dated the 26th July 1825.

3 They conceive, that the power of annulling a Sentence of punishment once passed and fully executed, and directing a trial de novo is one which should be resorted to, only in cases where the lower tribunals either had no legal cognizance at all, or had passed a Sentence so wholly inadequate to the enormity of the crime, that a heavier punishment is absolutely required to satisfy the ends of justice. But cases of this character are of infrequent occurrence, and there are obvious considerations, which render it, in the opinion of the Court, inexpedient to maintain as a general rule, the course hitherto pursued by the Foujdaree Adalut of pointing out

4 the errors of the lower tribunals, where they have irregularly passed Sentence of punishment in cases not strictly within their jurisdiction, and refraining from disturbing the judgment.

The Court consider the views not to be affected by the Reports of cases of the Nizamut Adawlut in Bengal. The three first cited in the Minutes of Consultation can scarcely be held to support an opposite opinion; as they refer to the case of prisoners, who could not be amenable to the ordinary jurisdiction of the lower tribunal, the offence having been committed out of the limits of the Courts jurisdiction. There was therefore no room for question, as to the invalidity of its Sentence. In the fourth instance cited Vol. II Page 164 the Nizamut Adawlut would appear to have acted upon the principle adopted by the Foujdaree Adalut, as they expressly refrained from disturbing the Sentence, though there could be no question as to the error, and the incompetency of the

same the Supplemental Report in the same form as the Report N° 5-

Case 322.

3 With respect to this case, the Court of Foujdaree Udalut are of opinion that further explanation might have been called for by the Provincial Court of Circuit-

4 From the Statements accompanying the Reports it appears that there were 353 prisoners liable to be taken at Chittoor at the close of the month of October whilst 116 Peons were entertained from the 1st to the 31st of that month- The Provincial Court of Circuit will obtain and forward an explanation of the number of Peons being in apparent disproportion to the number of prisoners- They will also enjoin the Acting Criminal Judge not to transmit with the Statements occupying only half a sheet of paper, the other blank half sheet-

Cuddapah Report V Case 502-

5 The charge in this case housebreaking and Stealing property of the value of Rupees 203-8 if proved, would have rendered the case committable under Clause second Section VI Regulation VI 1822 and from the absence of all explanation it is to be concluded, that the crime was proved to the satisfaction of the Acting Assistant Criminal Judge in respect to the 3d prisoner the

the evidence of whose guilt however appears to the Court of Foujdaree Udalut as it does to the Provincial Court of Circuit, to be no stronger than that against the 1st prisoner, from whom Security only has been demanded- It appears requisite for the Provincial Court of Circuit, if the Acting Criminal Judge cannot satisfactorily explain his proceedings, to call for them in this case and to issue the appropriate orders respecting these prisoners, pointing out to the Acting Assistant Criminal Judge, any error he may have committed, and reporting the orders for the information of this Court-

Cuddapah Supplemental Report Case 272-

6. The Court coincide in the opinion of the Provincial Court of Circuit as regards the 1st prisoner in this Case, having rendered himself liable to punishment; if the stolen property found in his possession was proved to have belonged to the prosecutors, connected as this circumstance would be with the said prisoner being an old offender, and having confessed the crime in the Jalook- The Provincial Court of Circuit having already communicated their opinions to the Criminal Judge, they will point out to him, that he is expected to be guided by it in

in future similar cases,- the requisition for Security in the present instance remaining undisturbed.

Cumbum Report V Case 79-80 & 81.

7 If the Provincial Court find on receipt of the explanations they have called for, respecting these cases, that the prisoners have been held to Security solely on their Talook confessions, the Court of Foujdaree Udalut authorize them to be released forthwith.

Case 82.

8 The Court of Foujdaree Udalut concur in the opinion of the Provincial Court of Circuit that the punishment by 6 months imprisonment with hard labor for a simple theft of property to the value of 1 Rupee 8 Annas is too severe, and accordingly authorize the Sentence to be mitigated to 2 months.

Case 85.

9 The Court of Foujdaree Udalut agree with the Provincial Court of Circuit, that it appears from the report, that this case is cognizable by the Criminal Court, and if the Provincial Court of Circuit find upon perusing the Native Judge's explanation, that the prisoners are punishable under Section XI Regulation XIII 1832 by that Officer, they will direct him to dispose of the case without delay.

Cumbum Supplemental Report Case 73.

10. If the Provincial Court of Circuit find

find, after the Native Criminal Judge has explained the grounds upon which he has demanded Security from the prisoner in this Case, that the requisition is improper, they are authorized to cancel the Bond if it has been entered into, or to order the release of the prisoners, if in Jail.

The Court of Foujdaree Udalut

Bellary Report V Case 246.

11 agree with the Provincial Court of Circuit, that the prisoners in this case ought to have been committed for trial. They will not however now order the Sentence to be disturbed, as under the consideration that the crime was perpetrated in a time of Scarcity, they are of opinion that the punishment awarded is sufficiently severe. The Provincial Court of Circuit will point out to the Officiating Criminal Judge, that the Circular Order 16th November 1831, requires a distinct note of the grounds of the order in each case, whether the judgment be, for the requisition of Security, for punishment, or, for committal.

267.

12. Although the Sentence need not be disturbed in this instance, the Provincial Court of Circuit will communicate to the Officiating Criminal Judge that the Court of Foujdaree Udalut

Udaliar are of the same opinion as to the leniency of the Sentence. The circumstance of a prisoner being a Village watcher, has always been held in such cases to enhance the guilt of the offence.

Case 252.

13

If the Provincial Court of Caurut ascertain, that the prisoner has been held to security on his uncorroborated confession in the Talook, the Court of Foujdaree Udalut authorize them to order his discharge, if in Jail or, the Bail bond into which he may have entered, cancelled.

Supplemental Report 14.
Case 179.

The explanation of the grounds of the judgment in this Case is not very clear. It appears however that there was nothing against the 1st prisoner, but his uncorroborated Talook confession, and under this impression the Court of Foujdaree Udalut authorize the Provincial Court of Circuit to order his discharge if he is in Jail, or the Bail bond into which he may have entered, cancelled.

15

It would seem that property though trifling was found upon the 2d prisoner, but that he "named evidence to prove it." The Officiating Criminal Judge appears to have ordered his discharge without sending for the witnesses in question "as the circumstances above mentioned with

with respect to the 3d and 4th prisoners apply to him as well," no mention being made respecting the said 3d and 4th prisoners, in this part of the report it appears necessary for the Provincial Court of Circuit to call upon the Officiating Criminal Judge to explain the facts of the case.

Case 222.

16

The grounds of the judgment in this case are very indistinct and unsatisfactory. It is stated in one part, that the 5th prisoner was the only one recognized, and in another "against the 8th prisoner no evidence has appeared to substantiate the charge".

It is observed that the expence

Chingleput.

17

for food and clothing of the prisoners at Chingleput is unusually large, and the Provincial Court of Circuit will accordingly call upon the Criminal Judge to explain the cause of it.

The Cuddalore reports do not

18.

appear to require any remark from the Court of Foujdaree Udalut.

Ordered that Extract from these proceedings be sent to the Provincial Court of Circuit in the Centre Division, for their information and guidance, and for

Communication

communication to the Subordinate authorities & Parties as concern them, by precept returnable without delay-

(Sent following Precpt No 1403)

Read letter from the 3d Judge on Circuit in the Southern Division, Submitting the Salem Calendar 2d Sessions 1834.

(Here enter No 1714)

1 Under the circumstances stated, the Court sanction under the authority of Clause third Section III and Section V Regulation I of 1825 the mitigated Sentence proposed in Nos 9 and 13- In the latter instance, they are disposed to view the Sentence as more lenient than would be in general expedient, considering the injury done to the interests of public justice-

No 14 2 In this Number, the 3d Judge should have stated the grounds on which he concurred in the future of acquittal more at length- in their present form, they leave the propriety of the acquittal open to question-

No 17 3 On No 17 the 3d Judge observes, that it is not proved that any very severe wounds were inflicted; but if the torture alleged in the charge were proved, the case should have been

J.C.

20th December 1834-

been referred-

No 23 4 From the remarks of the 3d Judge it would appear, that the person who committed the homicide has died in Jail; adverting to this fact, and with reference to the evidence and the circumstances of the case as represented by the 3d Judge, the Court authorize the return of the case to the Criminal Court to be disposed of on the charge of Sheep-stealing-

Ordered that Extract from these proceedings be sent to the 3d Judge on Circuit in the Southern Division by precept returnable without delay-

(Sent following Precpt No 1404)

Read letter dated 4th Instant from the 3d Judge on Circuit in the Western Division, Submitting the Calendars for the Zillah of Canara 2d Sessions 1834-

(Here enter No 1718)

1. Under the authority of Clause third Section III Regulation I of 1825 the Court of Foujdaree Adalut Sanction the mitigated Sentences recommended in Nos 12 and 13-

The

Mg. 2

The exception in bar of Judgment by the Law Officer in this case, appears to the Court to be one of those scrupulous distinctions denominated 'Shoobah', which do not affect the nature and criminality of the offence, and that it was competent therefore to the 3d Judge to have overruled it on a further question - The prisoner's crime was aggravated by his breach of trust, and he is in the opinion of the Court deserving of a heavier punishment - They will not however in this instance disturb the Sentence passed -

Ordered, that Extract from these proceedings be sent to the 3d Judge on Circuit in the Western Division by first opportunity without delay -

(Sent following Precept No 1405) vr

W
L.A.C.
Ext'd

J. 16.

In a Court of the Foujdaree Udalut -

Present,

Monday 22nd December 1834 - John Bird Esqre Acting 1st Puisne Judge.

Thomas Alexr Oakes Esqre Acting 2d Puisne Judge

Read petition presented by Sunjeevappah of the Village of Cuddapah

(Here enter this Petn No 8 of 1834)

The Petitioner represents, that his son-in-law Byrunah is a prisoner in Case No 1 on the Cuddapah Calendar for the 1st Sessions of 1834 - that he was apprehended on a false and malicious charge of Gang Robbery and that the case has been referred by the Court of Circuit to the Foujdaree Udalut -

The petitioner prays the Court 2. to issue orders for the prisoner's release -

The petitioner is informed, that 3. this Court have already directed that the prisoner Byrunah should be set at liberty upon his finding Security for his future good behaviour for 3 years in two Sureties of 20 Rupees each -

Ordered that Extract from these proceedings be furnished to the Petitioner upon his

his application-

Read petition under date 8th Inst. presented by the Mohtiar Vakeel Vannum Copial on behalf of Ramsing of Tinnevelly-

(Here enter Mis Pet: No 102 of 1834-)

1

The petitioner submits a represen-tation of the proceedings of the Magistrate of Tinnevelly on the enquiry directed by the Sudr orders of the 1st September last, and requests that final orders may be passed on the case-

2

The petitioner has been referred to the Subordinate authorities for redress and to them he must apply when their proceedings may be legally brought before the Sudr Adalut, the Court will dispose of the matter in due course; at present they have nothing before them in which they could pass any orders-

Ordered that Extract from these proceedings be furnished to the petitioner upon his application-

Read petition presented under date 8th Instant by Vencatachary Mooktear Vakeel on behalf of Cary Basavummah of the Zillah of Chittoor-

(Here enter Mis Pet No 103 of 1834)

The

1

The Petitioner complains of an order of the Provincial Court of Circuit Centre Division directing her to prosecute certain parties in the Civil Court against whom she had preferred a charge of Gang Robbery- She states that the case was taken cognizance of by the Assistant Magistrate and forwarded to the Criminal Court, where it was viewed as matter for Civil action, and orders passed for the release of the prisoners, with instructions to her to sue for the amount in which she was endamaged- On application to the Provincial Court, the order of the lower Court was confirmed-

2.

The Court have given full consideration to the documents submitted with this petition, and they see no grounds for disturbing the order of the Provincial Court of Circuit and accordingly reject the prayer of the Petitioner

Ordered that Extract from these proceedings be furnished to the Petitioner upon Application-

Read petition presented by Moorty Naiken Vakeel on behalf of certain prisoners in Case No 3 on the Chingleput Calendar 2nd Sessions of 1833- (Here enter Mis Pet No 105 of 1834)

The

1

22d December 1834-

1

The Petitioners represent that they have been falsely charged with Gang Robbery the case was referred by the Circuit Court to the Foujdaree Adalut, and that that Court sentenced them to fourteen years imprisonment with hard labor in irons-

2

They pray the Court to issue orders for their release-

3

The Petitioners are informed that the Sentence of which they complain, was passed after mature deliberation, and that it will not be disturbed-

Ordered, 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 by Allahoond Ayat, Jail Dussadar attached to the Zillah Court of Cuddapah-

(Here enter Mis Pet. No 36 of 1834)

Read also Petition presented by Mahomed Beg Chuncheal Law and 10 others Jail Peons attached to the Zillah Court of Cuddapah

(Here enter Mis Pet No 37 of 1834)

The Petitioners represent that in

22d December 1834-

consequence of the escape of some prisoners from the Cuddapah Jail on the night of the 23d November 1834- they have been unjustly dismissed from their situations by the Criminal Judge and they pray the Court to issue orders for their restoration-

2

The petitioners are informed that this Court see no grounds whatever for interfering on the present occasion; and that if they consider themselves aggrieved, they are at liberty to represent the circumstances of the Case to the Provincial Court-

Ordered, that the prayer of this Petition be rejected and that Extract from these proceedings be furnished to the Petitioners upon their application-

D Venkatachary Moo Kteyar Vakeel on behalf of Cavy Basavuninah, moves the Court to return the enclosures in Miscellaneous Petition No 103 of 1834-

Ordered accordingly-

Read letter dated the 30th October last from the Acting 3d Judge on Circuit in the Centre Division. Submitting the

record

22d December 1834.

Record of proceedings in Case No 33 Bellary Calendar
2d Sessions of 1834.

(Vide inter alia Nr 1717.)

Mr Bird
v
Mr Oakes.

The Court of Foujdaree Udalut
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 Cozat and Mooftee of the Foujdaree
Udalut confirm the said future of the Cazee
ool Cozat and Mooftee aforesaid and Sentence
the prisoner

Venkata Gaudoo

to suffer death by being hanged at the usual
time and place of execution as prescribed by
Section X Regulation VIII of 1802.

Rs
240 -
Dft.

Sentence following Letter No 1408. /V

At a Court of the Foujdaree Udalut.

Present,

Tuesday 23rd December 1834.

John Bird Esqre Acting 1st Puisne Judge.
Thomas Alexr Erskes Esqre Acting 2d Puisne Judge.

The Court observe from the last

Criminal Reports of the Northern Division, that

there were no less than 21 cases, including 53 Prisoners,

committed for trial at the Quarterly Sessions, and

with reference to this fact, they desire that the

Calendars of Prisoners tried since the date of the

last Calendar received in this Office, namely

the 7th July, may be submitted without delay.

Ordered, that Extract from these

proceedings be sent to the Provincial Court of

Circuit in the Northern Division by precept, return-

able within seven days, from and after its receipt.

(Sent following Precept No 1412)

The Vizagapatam Calendar

not having been yet received, although a considerable

period has elapsed since the Additional Judge

on Circuit in the Northern Division, closed the

Sessions at that Station. The Court of Foujdaree

Udalut resolve to call upon that Officer, to

forward

forward the Calendar in question with as little delay as possible.

2. It is desirable also, that the cases set down for reference should be forwarded as soon as practicable.

Ordered, that Extract from these proceedings be sent to the Additional Judge of Circuit in the Northern Division by precept, returnable within Seven days from and after its receipt.

(Sent following Precept No 1413)

Read letter, dated the 10th December 1834, from the Provincial Court of Circuit in the Northern Division, transmitting the Gunter Criminal Reports and also the Million Statements of Prisoners labor and of the Extra Items for the months of September 1834.

(Here enter No 1774.)

Gunter Criminal Reports V Case 146.

1. If the Provincial Court of Circuit find upon receipt of the explanations regarding this case that further orders are necessary, they will issue them, reporting their nature to the Court of Vaydaree Adalut.

Case 150.

2. The opinion of the Provincial Court of Circuit respecting the committal of the 3d Prisoner in this Case, is in consonance with that

of this Court, who will not however remark further upon it, as the Circuit Judge will, at the ensuing Sessions provide for the due disposal of the case.

Case 152.

3. The Court of Vaydaree Adalut are not prepared to direct the period of imprisonment in commutation of the fines imposed in this case to be curtailed, although they do not object to sanction the reduction to 40 Rupees of the amount of fine to be required from the 4th prisoner.

Case 159.

4. In the case noted in the margin, the Court of Vaydaree Adalut do not see sufficient reason to direct an alteration of the Sentence. The prisoner, it would seem, confessed that he was one of the party who committed Burglary and therefore, as guilty of the act as the rest.

5. The Court regret to observe that upwards of 6/7 of the prisoners in Columns 4 of the Gunter Statement were sick at the close of September. They trust that the attention of the acting Joint Criminal Judge has been given to the best means of checking the sickness.

Ordered

23d December 1834.

Ordered that Extract from these proceedings be sent to the Provincial Court of Circuit in the Southern Division for their information and guidance by fleetest returnable within 15 days after its receipt.

(Sent per Mowing Peon per Mr Walter)

Fo 16

At a Court of the Foujdary Udalut.

Present,

Tuesday 26th December 1834.

John Bird Esqre Acting 1st Puisne Judge

Thomas Alexander Oakes Esqre Acting 2nd Puisne Judge

Read letter dated the 28th Ultimo from the Special Commissioner at Chicacole, submitting the record of Trial in Case No 1 of the Special Court held at Chicacole.

(Here enter No 1733)

Mr Bird and Mr Oakes.

The Court of Foujdary Udalut, having maturely considered the Proceedings held before the Special Court, the Futwa of the Provincial Law officer and the Futwa of the Cazee ool Coozat and Mooftees of the Foujdary Udalut, confirm the said Futwa of the Cazee ool Coozat and Mooftees aforesaid; and under the sentence of Pookoolut declared in the Futwa, and in conformity with the provisions of Section III Regulation I of 1834 sentence the Prisoners.

1st Gungoolah Cumappah

2nd Reddy Vencappah

3d Reddy Papadoo

and

4th Bopecreddy Vakeeroo

to be transported to such place beyond Sea, as the Governor

Governor in Council shall appoint, there to be imprisoned
and kept to hard labour in irons on the public ro
or other public works for and during the period of
natural lives respectively: and the Prisoner

5th Poday Cunnadoo

to be imprisoned and kept to hard labour in irons
on the public roads or other public works for and dur
the period of (7) Seven years-

The Court direct that their [redacted] sitt
the Trial &c from the Chicacole Special Commission, to
with the whole of the Proceedings held in the Case be
transmitted to the Secretary to Government in the Judi
Department for the purpose of being laid before the
Right Honorable the Governor in Council to the int
that they may in conformity with the Provisions of
Section X Regulation XX of 1802 receive the orders of
Government, before they direct their sentence to be carr
into execution-

Sent to Govt. No. 231.

(Sent following letter No. 1417)

Read letter dated the 2nd Instant from
the Acting 2nd Judge late on Circuit in the Cuttack Divisi
transmitting the record in Case No. 19 on the Cuddalore
Calendar 1st Sessions of 1834-

Mr Bird
and
Mr. Oakes

(Here enter No. 1734)

The Court of Foujdary 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 Foujdary
Adalut, confirm such part of the said Futwa of the Cazee
-ool-Coozat and Mooftees aforesaid, as convicts the Prisoners,

1st Munnadun
2nd Munnen
4th Moodooken
and
5th Venkatachellum

and such part as acquits the prisoner

9th Ramasawmy

and in conformity with the provisions of Clause Third
Section IV and Clause Third Section VIII Regulation XV
of 1803, sentence the Prisoners

1st Munnadun
2nd Munnen
4th Moodooken
and
5th Venkatachellum

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) fourteen years: and the 4th Prisoner in addition
to be banished to the district of Chittoor: and they further
direct that the Prisoner

9th Ramaswamy

be set at liberty- And being of opinion that the proof against

the Prisoners

3d Mottien

6th P. Channadoo
7th Madooray
and
8th Veneyettan

is sufficient to connect them of the crime of Gang Rob
by open violence, the Court do, under the authority with
which they are vested by Clause First Section II Reg
of 1818, connict them thereof and in conformity with
provisions of Clause Third Section III Regulation XI
of 1803, sentence them to be imprisoned and kept to
hard labour on roads or the publick roads or other pu
Works, for and during the period of (14) fourteen yea

(Sent following letter No 1418)

Read letter dated the 6th Instant fr
the Late officiating Judge late on Circuit in the Northern
now at Chittoor transmitting the record in Case No 75
on the Nellore Calendar 1st Sessions of 1834.

(Here enter No 1754)

Mr Bird — The Court of Foujdary 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 Foujdary Udalut are of opinion that the prisoner

Adibagada Seenapah

is not convicted on presumptive proof or on the evidence
of credible witnesses or on his own confession, notwithstanding the

Mr Bird
and
Mr Oakes

the Futwa of their Law officers and accordingly under
Clause Third Section V Regulation VIII of 1831 and
Clause Sixth, Section II Regulation XV of 1803 direct
that he be set at liberty.

(Sent on No 1419)

Read letter dated the 5th Instant from
the Acting 2nd Judge late on Circuit in the Centre Division
transmitting the record in Case No 29 on the Cuddalore
Calendar 1st Sessions of 1834.

(Here enter No 1756)

The Court of Foujdary 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
Foujdary Udalut are of opinion that the prisoner

"Lutchmanen"

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 and do accord-
ingly acquit him: but considering that strong suspici-
on, 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
70 Rupees each Surety, for his good behaviour and
appearance when required within three years and that
in default thereof he be detained for (3) three
years

years in Confinement.-

(Sent in № 1420)

Read Return dated the 17th instant from the Provincial Court of Circuit in the Southern Division in Pursuit of the Foujdary Udalut under date the 18th October 1834 conveying their observations Viz. upon the Criminal Reports of the Southern Division for the month of August 1834.-

(Here enter № 1786.)

Criminal Judge of Salem - № 297

Under all the circumstances, the Court do not deem it expedient to disturb the judgment in this case.-

Actg 2d Criminal Judge of Coimbatore - № 266

The Sentence in this case was illegal- It appears that the prisoner was not even charged with breaking the value of the property stolen amounted only to 10 Rupees: and there were none of the aggravating circumstances which could render the prisoner liable to the punishment prescribed by Clause Fourth Section III Regn VII of 1822 - The Case properly falls under the provisions of Section VII Regulation X of 1816, and the acting Joint Criminal Judge will amend the sentence accordingly.-

Ordered, that Extract from these Proceedings be sent to the Provincial Court of Circuit in the Southern Division with instructions to furnish copies there-

F.W.

26th December 1834

para 1 to the Criminal Judge of Salem for his information and of para 2 to the Acting Joint Criminal Judge of Coimbatore for his information and guidance by Precept returnable without delay.-

(Sent following letter № 1421)

Read letter dated the 17th Instant from the Acting 2nd Judge of the Provincial Court in the Centre Division submitting the Primary and 1st 2nd 3d 4th 5th 6th and 7th Supplemental Calendars for the 4th Quarterly Sessions of 1834.-

(Here enter № 1791)

Sixth Supl. Calendar Case № 1.

The first prisoner in this case having been convicted of Robbery by open violence for which a penalty is prescribed by the Regulations a second Question was not necessary - The Circular Order of the 23d April 1832 particularly specifies that in a case similar to the above the sentence should be passed on the Justwa of Pokoobut.-

Seventh Supl. Calendar Case № 2

From the circumstances connected with this case, in which the Prisoner stands convicted of Highway Robbery, and it is proposed by the Acting 2nd Judge to mitigate the prescribed sentence, to one of three years imprisonment with hard labour in irons, there appears to the Court of Foujdary Udalut reason to doubt whether the offence amounts to Robbery, and they accordingly resolve to direct the Acting 2nd Judge to

to suspend the sentence and to refer for their Judge
the record of the Trial.

Ordered that Extract of these proceedings be sent to the acting 2nd Judge for his information and guidance by Precept returnable without delay.

(Sent following Precept No 1422)

Read Extract from the Minutes of Consultation under date 16th Instant conveying the sentiments and instructions of Government on review of the Criminal Statements for the 1st half year 1834.

(Here enter No 1781)

1

With reference to para 3 the Court resolved that the attention of the Magistrates of Bellary and Tinnevelly be called to the half yearly returns for 1st half year 1833. They will explain for the information of Government, whether the number entered respectively in Column 8 of Statement No 2 Vizt 392 and 326 comprised the entire number of persons brought before the Heads of District Police in their districts for offences adjudged by them. The smallest number in any other district in the Division was (Centre Division) 1496 (Southern Division) 1297. The Provincial Courts of Circuit will call upon the Magistrates for this explanation reporting the result in their proceedings in the next half yearly returns.

F. U.
25th December 1834

Ordered also that para 5 of the Minutes of Consultation, with copy of the proceedings of this Court to which it refers, be forwarded to the 4 Provincial Courts of Circuit with directions to the several Judges, to investigate the subject when on Circuit, and require from the Magistrates or Joint Magistrates a full explanation of the causes, which may have led at any period to their disposing of either a very limited, or an unusually large number of cases. They will also notice any marked difference in the extent of Magisterial duty performed in the several Districts in the Division, and obtain the requisite explanation; recording their own opinion and any suggestions they may desire to offer in their Circuit Reports.

Ordered that Extract of para 2 of these proceedings be sent to the 4 Provincial Courts of Circuit for their information and guidance.

(Sent following Circular No 1423.)

Ordered also that para 1 of these proceedings be sent to the Provincial Courts of Circuit in the Centre and Southern Divisions with copy of the observations of Government in paras 3 and 5 for communication to the Magistrates of Bellary and Tinnevelly.

(Sent following letters No 1424)

In a Court of the Foujdaree Udalut.

Present,

Monday, 29th December, 1834. — John Bird Esqre Acting 1st Puisne Judge,
Thomas Alexr Oakes Esqre Acting 2d Puisne Judge.

Read letter, dated the 5th instant from the Late officiating Judge Late on Circuit in the Northern Division now at Chittoor transmitting the Record in Case No 28 on the Nellore Calendar 1st Sessions of 1834.

(Here enters No 1732.)

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, acquitting the Prisoner,—

Sree Ramaghurry Velegondah Lah
alias
Velegondahrayadoo

but considering that strong suspicion though not amounting to conviction attaches to him they direct, under Clause Sixth, Section II Regulation XII

Mr Bird
&
Mr Oakes

of 1803, that he be required to find two Sureties in 25 Rupees each surety for his good behaviour and appearance when required within one year, and that in default thereof he be detained for one years in confinement.—

(Sent following letter No. 1432)

Read letter dated the 4th. instant from the acting 2d. Judge late on Circuit Northern Division, transmitting the Record in Cases No. 10. 26. and 68 of the Rajahmundry Calendar 1st. Session of 1834.

(Here enter No. 1753)

Mr. Bird.

No. 10.

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,—

"Camattum Verrunnah"

is sufficient to convict him of the crime of Highway Robbery, 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 Clauses third and fifth, 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 eight (8) years.

Mr. Bird. No. 26.

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 proofs against the Prisoners—

1st. Moorumpoody Caumadon
2d. Yamersetty Venkadon

is sufficient to convict them of the crime of Gang Robbery by open violence, 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 them thereof, and in conformity with the provisions of Clause third, 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 (14) fourteen years.

The Court deem it necessary to point out to the acting 2d. Judge late on Circuit, that in the arraignment before the Court of Circuit the

the name of the Village &c. in which the Robbery is charged to have been committed, is not entered: and that in examining the Prosecutor and the 1st and 2d Witnesses, regarding the identity of certain articles produced in Court, he omitted to refer to the Numbers of those articles.

2 It further appears to the Court that the examination by the Presiding Judge of the 1st 2d and 4th Witnesses, touching the facts of the Robbery, is unsatisfactory and insufficient.

Ordered that Extract of these proceedings be sent to the acting 2d Judge late on Circuit in the Northern Division for his information

Mr. Byrd
& Mr. Oakes
No. 68

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 Mouftee of the Foujdaree Adalut, confirm the said Futwa of the Cazee: ool: Cozat and Mouftee aforesaid, convicting the Prisoner

12th Lutchem Sing

and acquitting the Prisoners

8th Ganesetty Venkatramdoss
&
9th Chello Rauruppah

and

and under the provisions of Clause third Section IV. Regulation XV of 1803, sentence the Prisoner

12th Lutchem Sing

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) fourteen years.

And being of opinion that strong suspicion though not amounting to conviction attaches to the Prisoners

8th Ganesetty Venkatramdoss
&
9th Chello Rauruppah

the Court direct under Clause Sixth, Section II Regulation XV of 1803 that they be respectively required to find two Sureties in 50 Rupees each Surety for their good behaviour and appearance when required within one year, and that in default thereof they be detained for one year in confinement.

(Sent following letter No. 1483)

The Court consider that the Security demanded from the 13th Prisoner is excessive, & tantamount in fact to a sentence of 3 years imprisonment

imprisonment with hard labour in irons
They therefore resolve to direct the Presiding
Judge to reduce the security to the same
amount as that required by this Court from
the 8th and 9th Prisoners: namely to 50 Rupees
for the period of (1) one year.

Ordered that Extract from these
Proceedings be sent to the acting 2d Judge late
on Circuit in the Northern Division for his guidance
by Precept returnable without delay

(Sent following Precept No 1484)

Read letter dated the 9th instant
from the late Officiating Judge late on Circuit
in the Northern Division. now at Chittoor
transmitting the record in Case No 17 on the
Nellore Calendar 1st Sessions of 1834

(Here enter No 1755)

Mr Bird

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-Cazat and Mooftee of the Foujdaree
Adalut, are of opinion that the Prisoner

2d Moalasala Cistnayyadoo

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 third Section V Regulation VIII of 1831
and Clause Sixth, Section II Regulation XV of
1803, direct that he be set at liberty

(Sent following letter No 1486)

Read letter dated the 16th instant
from the Late Officiating Judge late on Circuit
in the Northern Division now at Chittoor transmitting
the record in Case No 13 of the Nellore Supplemental
Calendar 1st Sessions of 1834

(Here enter No 1782)

Mr Bird

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 proofs against the Prisoners -

"Cordry Panjiah"

is sufficient to convict him of the crime of
Highway Robbery &c. 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

and in conformity with the provisions of Clauses third and fifth, Section IV Regulation XX 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 Sea years and then to be released—

(Sent following letter No. 1036).

Read letter dated the 16th. December 1834 from the Acting 1st. Judge of the Court of Circuit in the Centre Division submitting the Primary and first second and fourth Supplemental Calendars for the 3d. Quarterly Sessions of 1834—

(Here enter No. 1790)

Primary Calendar Case 12. 1 The Court of Foujdaree Adalut having duly considered all the circumstances connected with this case explained in the Calendar are not of opinion that a mitigation of punishment to the extent recommended by the Presiding Judge will be proper, and they resolve to direct that a sentence of 5 years imprisonment with hard labour in irons be passed upon the prisoner.

1st. Suppl. Calendar Case 1. It appears to the Court of Foujdaree Adalut that the Presiding Judge in this case might have held the prisoners to security on the grounds of strong suspicion of the crime charged—

Case 12 3 This case as represented in the Calendar bears the appearance of Robbery by open violence—the punishment however the Court consider sufficient, and they do not therefore think it necessary to disturb the sentence—

Case 15. 4 The punishment of the two prisoners in this case by 14 years imprisonment, considering that no violence was used, and trifling property robbed appears very severe. The Court consider it proper to suggest to the acting 2d. Judge that under the circumstances of the case he may with propriety apply for a mitigation of the sentence to 7 years; if however he does not concur in this view of the case taken by the Court of Foujdaree Adalut, he will be pleased to refer the trial—

The Court sanction the proposed mitigation

Case 17. 5

Mitigation in favor of the prisoner in this case.

Ordered that Extract of these proceedings be furnished to the Provincial Court of Circuit for the information and guidance of the acting 1st and acting 2d Judges by Precept returnable without delay.

(Last following Precept No. 1437)

Read again letter dated the 1st instant, from the late officiating Judge, late on Circuit, in the Northern Division, transmitting the record of Case No. 21 on the Nellore Supplemental Calendar, for the 1st Sessions of 1834.

(Here enter No. 1704 of 1834.)

Read also Extract from the Minutes of Consultation under date the 19th instant, "authorizing the proposed reward of 100 Rupees to Somesetty Chenchoo and approving of the purpose of the Faujdaree Adalut to direct the Magistrate of Nellore to publish it throughout the District."

(Here enter No. 1808 of 1834.)

The Court resolve to transmit a copy of their letter addressed under date the 16th instant, to

the officiating Secretary to Government in the Judicial Department, and of the order of Government thereon under date the 19th instant, to the late officiating Judge late on Circuit in the Northern Division with instructions to furnish copies of the same, and of these proceedings to the Magistrate of Nellore, and to direct that Officer publicly to bestow upon Somesetty Chenchoo, the Prosecutor in the above numbered, the Reward of 100 Rupees, explaining to him, that it is a token of the approbation by Government of his meritorious conduct on the occasion of his house being attacked by the Robbers: and further to cause to be proclaimed throughout the District under his charge, the result of the trial, both as it regards the punishment awarded against the Prisoners, and the grant of the Reward to the Prosecutor.—

Ordered that Extract from these proceedings be sent with copies of the documents above referred to, to the late officiating Judge late on Circuit in the Northern Division for his information and

29th December 1834.

and guidance by Precept returnable without delay.

(Sent following Precept No. 1438)

Read letter dated the 18th instant from the acting 2d Judge late on Circuit in the Centre Division, transmitting the original Warrant for the execution of the Prisoner Semadas Kistnaman in Case No. 26. on the Cuddalore Calendar for the 1st Sessions of 1834, with copy of the Report required by the Circular Orders of the Poydaree Adalut, from the acting Joint Criminal Judge of Chingleput.-

(Here enter No. 1814 of 1834)

1. The delay which occurred in carrying into effect the sentence upon the prisoner abovementioned was unauthorized, and in the opinion of this Court, objectionable.-

2 The Court desire that it may be intimated to the acting Joint Criminal Judge, that he was not competent to grant the indulgence which from para 3 of his Report it appears was extended to the Prisoner, in as much, as according to the terms of the Warrant, he was required to cause the execution of the prisoner "so soon as conveniently can be after its receipt."

Ordered that Extract from these proceedings be sent to the acting 2d Judge late on Circuit in the Centre Division for his information.

(Sent in No. 1439)

P.P.

P.P.

Tuesday 30th December 1834.

P.P.

P.P.

At a Court of the Poydaree Adalut.

Present,

John Bird Esqre Acting 1st Puisne Judge

Thomas Alexr Oakes Esqre Acting 2d Puisne Judge.

Read letter dated 11th Instant from the Late officiating Judge late on Circuit in the Northern Division now at Chittoor transmitting the record in Case No. 77 on the Nellore Calendar 2d Sessions of 1833.

(Here enter No. 1776)

The Court of Poydaree 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 and Moofties of the Poydaree Adalut confirm such part of the said Futwa of the Cazee and Moofties aforesaid, as acquits the Prisoners.-

Lyta Bundara Krishnumnah

12th Coottah Vedda Tevanah

and

13th Cootta Condelloo

but considering that strong suspicion though not amounting to conviction attaches to them, they direct under clause Third Section V Regulation VIII of 1831 and clause Sixth Section II Regulation XV of 1803, that they be severally required to find two Sureties in 25 Rupees each Surety for their good behaviour and

Mr Oakes

and appearance when required within 3 / Three years
and that in default thereof they be detained for 3
Three years in Confinement.

And being of opinion that the proof
against the prisoner —

1st Rambusky Tenaitaen

is sufficient to commit him of the crime of Gang
Robbery by open violence, the Court do order 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, commit him
thereof, and in conformity with the provisions of
Clauses Third and Fifth, 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
Seven years —

The Court observe that in his defence
before the Head Police of the Commissioners Labo Tirka
Peacock Rambusky Tetchummah, declared that when
he and his friends had followed the Robbers as far
as the Village of Ramnoolatah at which place the
latter commenced dividing the Grain and other
property they reported the circumstances to Chabildar
Senapah the Village Moonieff and requested that
he would render them assistance in apprehending
the Thieves and retaking the property but that
the Moonieff peremptorily refused to do so, telling them
that

that they might beize the Robbers if they could" —

The Court desire that the Magistrate
2
may be called upon to inquire into this circum-
stance, and should he find the Statement of
the Prosecutor to be true, to take such notice
of the Moonieffs neglect, as to him may appear proper —

Ordered, that Extract of these proceedings be sent
to the late officiating Judge late on Circuit in the Northern Division for
his information —

/ Sent following letter No 1149 /

Read letter dated 3d Instant from
the Late Officiating Judge late on Circuit in the
Northern Division, now at Chittoor, transmitting the
record in Case No 13 on the Nellore Calendar
2d Sessions of 1833 —

/ Reference No 1730 /

The Court of Foujdaree Adalut
Nos Bird and Oakes having maturely considered the proceedings held
before the Judge on Circuit the Futwa of the
Provincial Law Officer and the Futwa of the
Cazee and Coorgat and Mooftee of the Foujdaree
Adalut, confirm the said Futwa of the
Cazee and Coorgat and Mooftee aforesaid
convicting the prisoners —

1st Venkaty Nursegadoo
2d Launa Tamadoo
3d Chanoo Venkiah
4th Cottaiy Tologadoo
5th Manchoo Nursegadoo

7th Langha Seshiah

8th Ganapatyiddy Ramen

14th Mallen Seshaiddy

15th Gaudia Chelamgaudoo

18th Veerayenen Lumbalingaudoo

17th Thandoo Kilchaidoo

19th Thandoo Ramanigaudoo

20th Begena Venkatasamoogaudoo

21st Begena Timmalagaudoo

24th Adapaula Peloogaudoo

29th Tamanda Thurugaudoo

30th Conaty Mogaloogaudoo

32 Goommad Syapah

33d Pulnaiper Peloogaudoo

34th Conaty Mogaloogaudoo

35th Guddem Bantoogaudoo

37th Guddem Boaloogaudoo

38th Battala Ramegaudoo

40th Guddem Laupoodoo

41st Dauda Timmalagaudoo

43d Daasay Venkatgaudoo

44th Adapaula Coondadoo

45th Toondoo Ramaiyah

48th Gana Nurrigaudoo

51st Thandoo Lechigaudoo

53d Battala Ma Kadoo
and

54th Gana Mandalgaudoo

but taking into consideration the circumstances under which the offence was committed, and the confinement already undergone by them, the Court resolve to remit all punishment, and accordingly direct that the Prisoners aforesaid be set at liberty.-

/Sent in No. 1484/

Read letter dated 15th Instant from the late Officiating Judge late on Circuit in the Northern Division, now at Chittoor, transmitting the record in Case No. 94 of the Nellore Calendar 2d Sessions of 1833.

/Here enter No. 1783/

The Court of Sudder Adalut having

No. Bait maturely considered the proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officer, and the Futwa of the Cazee and Coonjat and Mooftees of the Sudder Adalut, confirm such part of the said Futwa of the Cazee and Coonjat and Mooftees aforesaid, as convicts the Prisoner 2nd Caracanimpanty Laupah and under the provisions of Clause Third Section V Regulation VIII of 1831 and Clauses Third and Fifth 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 /3/ Three years, and then to be released.-

And

And being of opinion that the Prisoner
3rs Moorummeddy Chetuna Vannial
is not convicted on presumptive proof or on the evidence
of credible witnesses, or on his own confession, entitling
the Fatwa of their Law officers the Court do acquit
him: and under the provisions of Clause
Sixth, Section II. Regulation XV of 1803, direct that
he be set at liberty.

/Sent in No 1442/

Read letter, dated 27th October last,
from the Acting 3rd Judge on Circuit in the Centre
Division, submitting the Cingalese and Tessawalame
proceedings in No 9 of the Rolls Calendar for
the 2nd Sessions 1834, for the final Sentence of
the Court of Zaydaree Adalut.

/Sheweth No 1702/

The Court of Zaydaree 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
Uncatasaumy
is sufficient to convict him of the crime of Robbery
and Wounding &c, 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 Second of the same
Section

30th December 1834

Section, direct their Law officers to declare by a second
Fatwa, to what Sentence the prisoner would be liable
if convicted by full legal evidence of that crime.

Answer.

In the event of the Prisoner aforesaid being
convicted of the crime above mentioned by the evidence
of credible witnesses, he is liable to Oakoobut as
Hudd is barred by reason of his tender age.

Sentence.

Under the Sentence of Oakoobut declared
in the foregoing Fatwa, the Court of Zaydaree
Adalut Sentence the Prisoner
Uncatasaumy,
to be imprisoned and kept to hard labour in
irons on the public roads, or other public works
for and during the period of [illegible] fourteen years.

/Sent in No 1443/

L.N.C.

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Ord

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In a Court of the Foujdaree Udalut.

Present,

Wednesday 31st. December 1834. John Bird Esqre. Acting 1st. Puisne Judge,
Thomas Alexr. Oakes Esqre. Acting 2d. Puisne Judge,

Read letter, dated 4th. instant from the Acting 2d. Judge late on Circuit in the Northern Division, transmitting the records in Case No. 68. on the Guntoor Calendar 1st. Sessions of 1834, and No. 33. of the Rajahmundry Calendar 1st. Sessions of 1834.

(Here enter No. 1753.)

No. 68.
Mr. Bird
&
Mr. Oakes.

The Court of Foujdaree 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 Foujdaree Udalut are of opinion that the Prisoners

1st. Vajindala Pakeeriah
2d. Maudala Buckiah
3d. Colagauny Nadegadoo
5th. Boorrah Venkadoo
6th. Bonegala Venkatasagaudoo
8th. Bonegala Paradoo

12th.

12th Jooposdy Mottadoo

13th Benegala Montegaudoo

16th Jooposdy Colladoo

18th Garah Soobadoo

21st & 22d Bidda Vencadoo

22d Boorra Simpadoo

&

23d Garah Vencadoo

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 accordingly direct that they be set at liberty

(Sent following letter No. 1644)

Question—

No. 33.

Mr. Bird

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 proofs against the prisoner

Donga Naugadoo

is sufficient to convict him of culpable Homicide by, under the authority with which they are vested by Clause third Section V Regulation VII of 1831 and Clause first Section II Regulation I of 1818 convict him thereof, and under Clause second of the same Section, do

direct

direct their Law Officers to declare by a second Futwa to what sentence the prisoner would be liable if convicted by full legal evidence of that crime—

Answer—

In the event of the prisoner aforesaid, being convicted on the evidence of credible witnesses of the crime of culpable Homicide, he is liable to a Deeyut of 10,000 Dirhems, to be paid to the heirs of the deceased in 3 years—

In commutation of the penalty of Deeyut declared in the foregoing Futwa the Court of Foujdaree Udalut sentence the Prisoner

Donga Naugadoo

to be imprisoned without labour or irons, in the Gillah Jail for and during the period of six Months, and then to be released—

(Sent following letter No. 1645)

Read again letter dated 29th October last, from the Acting 2d Judge late on Circuit in the Northern Division, transmitting the records in Case No. 34. on the Guntoor Calendar 1st Sessions of 1834—

(Here enter No. 1579)

The Court of Foujdaree Udalut having matured

Mr. Bird
&
Mr. Oakes

31st December 1834

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 & Mooftee aforesaid, and direct that the prisoner—

6th Seshemmah

be set at liberty—

But being of opinion that strong suspicion though not amounting to conviction attaches to the Prisoners—

1st Cauhurla Suggiah

the Court 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 one and a half year, and that in default thereof he be detained for that period in confinement—

(Sent following letter No. 1146)

Read letter dated 29th October last from the Acting 2d Judge late on Circuit in the Northern Division, transmitting the record in Case No. 45 on the Criminal Calendar 1st Class of 1834—

(there enter No. 1577)

31st December 1834.

The Court of Foujdaree Adalut on

Mr. Bird absent

a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the prisoners—

1st Bellumcondah Chundrapah

2d Cauhurla Nursiah

and

6th Cauhurlah Shashemah alias

Boochee Shashemmah

is sufficient to convict them, the 1st and 2d of Gang Robbery by open violence, and the 6th of concealing stolen property knowing that the same had been acquired in the perpetration of the above crime, 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 them thereof, and in conformity with the provisions of Clause third Section IV Regulation XV of 1803 Sentence the Prisoners—

1st Bellumcondah Chendrapah

&

2d Cauhurla Nursiah

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) fourteen years.

and

And considering that the imprisonment which she has already undergone, is under all the circumstances sufficient punishment for the offence of which the Prisoner -

6th Caukuela Shashemah
alias
Boochee Shashemah

stands convicted in this case and in No. 34, the Court direct that she be set at liberty -

(Sent following letter No. 1447)

Read letter dated 15th instant from the Acting 2d Judge late on Circuit in the Northern Division - transmitting the records in Cases Nos. 30 & 34 on the Rajahmundry Calendar 1st Sessions of 1834 -

No. 30. (Here enter No. 1806)

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 Officers, 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 convicting the Prisoner -

2d Cawla Atchagandoo

and under the provisions of Clauses Second & fifth Section IV Regulation XV of 1803, sentence him to be

be imprisoned and kept to hard labour in irons on the public roads or other public works, for and during the period of (14) fourteen years -

(Sent following letter No. 1448)

No. 34 -

The Court of Foujdaree Udalut in a deliberate consideration of all the circumstances of

Mr. Bird
&
Mr. Oakes

the case in evidence before them, being of opinion that the proof against the Prisoner

Dontemsetty Veerasha

is sufficient to convict him of the crime of Highway Robbery attended by severe wounding, &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 Clause Second Section IV Regulation XV of 1803, 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. 1449)

Read letter, dated the 9th instant from the Acting 2d Judge late on Circuit in the Northern

Northern Division, transmitting the records in Cases Nos. 38. 44. and 47 on the Rajahmundry Calendar 1st Sessions of 1834.

(Here enter No. 1761.)

No. 38

Mr. Bird

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

"Codoory Abbayaudoo"

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 sentance him 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. 1450)

No. 44.

Mr. Bird and 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 prisoners

"Bobozee Paupadoo"

is sufficient to convict them of the crime of Wilful Murder, &c, under the authority with which they are vested

vested by Clause First, Section II Regulation I of 1818, convict him thereof, and sentence him to suffer death as prescribed by Section X Regulation VIII of 1802 by being hanged at the usual time and place of execution.

(Sent following letter No. 1451)

No. 47.

Mr. Bird & 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 Prisoners

1st Ponnakoomulla Venkadoo

&

2d Veeravelly Luvadoo

is sufficient to convict them of the crime of aiding and abetting Murder, &c, under the authority with which they are vested by Clause First Section II Regulation I of 1818 convict them thereof, and sentence them to be imprisoned &c. kept to hard labour in irons on the public roads or other public works for and during the period of (14) fourteen years.

(Sent following letter No. 1452)

Read letter dated the 12th instant from the Acting 2d Judge late on Circuit in the Centre Division transmitting the records in Case No.

No. 27 in the Cuddalore Calendar 1st Sessions of 1834.

(Here enter No. 1767.)

Mr Bird
to
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, acquitting the Prisoners.

1st Moorooguen
2d Soppay
3d Jaganathen
4th Venedatchellum
5th Cundapah Naik
6th Venadatammy
7th Chinna Venadatchella Naik
8th Nullavanda Naik
&
9th Govendoo Naik

and accordingly direct that the prisoners

5th Cundapah Naik
6th Venadatammy
7th Chinna Venadatchella Naik
8th Nullavanda Naik
&
9th Govenda Naik

be set at Liberty.

Sent

But being of opinion that strong suspicion though not amounting to conviction attaches to the Prisoners.

1st Moorooguen
2d Soppay
3d Jaganathen
&
4th Venedatchellum

the Court direct under Clause Sixth, Section II. c. of Regulation XV of 1803, that they be severally required to find two sureties in 20 Rupees each surety, for their good behaviour and appearance when required within 3 years, and that in default thereof, they be detained for (3) three years in confinement.

(Sent following letter No. 1453)

Read letter dated the 19th instant from the 3d Judge on Circuit in the Southern Division transmitting the record in Case No. 3 on the Combaconum Supplemental Calendar for the 2d Sessions of 1834.

(Here enter No. 1770.)

Mr Bird

The Court of Foujdaree Adalut on a deliberate consideration of all the circumstances of the case in evidence before them being of opinion

opinion that the proof against the Prisoners—

1st Wencatachellum alias Paromanen

2d Ammoygum

is sufficient to convict them of the crime of receiving stolen property, knowing that the same had been acquired in the perpetration of Gang Robbery by open violence, &c, under the authority with which they are vested by Clause third, Section V. Regulation VIII of 1833 and Clause First Section II Regulation I of 1818 convict them thereof, and in conformity with the provisions of Clause second Section IV Regulation VII of 1822 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 (3) Three years—

Referring to the mode in which the attesting witnesses to the declaration of the 1st Prisoner before the Criminal Judge were examined by the 3d Judge, the Court deemed proper to remind that Officer, that in conformity with their Circular orders the witnesses in question, as should have been required to state the purport

of that declaration before it was shown to them, and that it should have been shewn in the record, that the confession was read at the trial—

Ordered, that Extract of these proceedings be sent to the 3d Judge late on Circuit in the Southern Division for his information—

(Sent following letter No 1454)

Read letter dated the 11th instant from the late officiating Judge late on Circuit in the Northern Division now at Chittoor transmitting the record in Case No 42 on the Nellore Calendar of 1834—

1st Sessions of 1834—

(Here enter No 1731)

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 "Talapoty Nurseegaudor"

Mr Oakes

is sufficient to convict him of the crime of Gang Robbery by open violence attended with aggravating circumstances, do, under the authority with which they are vested by Clause third Section V Regulation

Regulation VIII of 1831 and Clause 5ist 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 him to be transported to such place beyond sea, as the Governor in Council shall appoint, there to be imprisoned and kept to hard labours in irons on the public roads or other public works, for and during the period of his natural life.

(Sent following letter No. 1455)

Read letter dated the 17th instant from the Late Officiating Judge late on Circuit in the Northern Division now at Chittoor transmitting the Record in Case No. 45 on the Nellore Calendar 2d Sessions of 1833.

(Here enter No. 1762-1)

Mr. Oakes

The Court of Foujdaree 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 Coyat & Mooftee of the Foujdaree Udalut, confirm the said Fatwa of the Cazee ool Coyat and Mooftee aforesaid

acquitting

acquitting the prisoners -

2d Yanadee Comaraghetty Lingadoo

3d Gunghenady Soobbanaidoo

4th Dausary Unkadoo

&

5th Maudega Iyeyandoo

and accordingly under the provisions of Clause third Section V Regulation VIII of 1831 and Clause 5th Section II Regulation XV of 1803, direct that they be set at liberty -

(Sent following letter No. 1456)

Read letter dated the 7th instant from the third Judge on Circuit in the Southern Division transmitting the record in Case No. 29 on the Combaconum Calendar 2d Sessions of 1834 -

(Here enter No. 1761)

Mr. Bird & Mr. Oakes

The Court of Foujdaree Udalut having maturely considered the proceedings held before the Judge on Circuit, the Fatwa of the Provincial Law Officer, and the Fatwa of the Cazees ool Coyat and Mooftees of the Foujdaree Udalut confirm the said Fatwa of the Cazees ool Coyat and Mooftees aforesaid, and acquitting the Prisoners -

1st Cursumbi Arnauchella padachy

2d Armooga padachy

&

4th Seroocanoo Arnauchella padachy

direct

directed that they be set at liberty—

(Sent following letter No. 1457)

Read letter dated the 22d instant from the late officiating Judge of the Court of Circuit in the Northern Division now at Chittoor, transmitting the Record in Case No. 5. Nellore Calendar 1st Sessions of 1834—

(Here enter No. 1826)

Mr. Bird

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 Cazeroolc Cozat and Mooftees of the Foujdaree Udalut, are of opinion that the prisoner—

"Mudden Rardaseyandoo"

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 do accordingly acquit him and under the provisions of Clause third Section V Regulation VIII of 1831 and Clause sixth Section II Regulation XV of 1803, direct that he be set at liberty—

(Sent following letter No. 1458)

Read

Read letter dated the 20th November 1834 from the 3d Judge on Circuit in the Western Division forwarding trial in No. 5. on the Mangalore Calendar 2d Sessions of 1834—

(Here enter No. 1826)

The Court of Foujdaree Udalut

Mr. Bird
&
Mr. Oakes

having maturely considered the proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officers, and the Futwa of the Cazeroolc Cozat and Mooftees of the Foujdaree Udalut, confirm the said Futwa of the Cazeroolc Cozat and Mooftees aforesaid, convicting the prisoner—

"Kareya"

of Wilful Murder and awarding Kissaas; 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—

(Sent following letter No. 1459)

Read Supplemental Return by Provincial Court of Circuit in the Centre Division to Precept of the Court of Foujdaree Udalut of the 16th June, conveying the observations and orders of the Foujdaree

Foujdaree Udalut on the Criminal Reports of the Division for the Month of March 1834.

(Here enter No. 1801.)

In the first Para of their proceedings of the 16th Inst. the Court of Foujdaree Udalut call for an explanation of the cause of there being so many as 38 prisoners sick in Hospital at Chittoor at the close of the Month of March. The communication of the Surgeon to the acting Criminal Judge on this subject points out, that amongst the Number of "Sick in Hospital" are included the prisoners who have been punished of whom the instances 39. having been received into Hospital during the Month of March.

This explanation clearly accounts for the large proportion of sick prisoners in the present case and leads to the inference that of those whose sickness on Jail has, in other returns, attracted the attention of the Court of Foujdaree Udalut the prisoners have not been in the state of ill health that the statements have given grounds to suppose.

On the 6th para of the return of the

acting Criminal Judge of Chittoor who, with it has adverted to several cases which he believed formed precedents for him in the disposal of the cases objected to by the Court of Foujdaree Udalut. it is to be observed that he has quoted such as are not in point in the present instance inasmuch as the cases 40 and 45 of the (Supplemental Report on which he was directed to pass a single sentence) were not of the same description. The cases cited by the acting Criminal Judge were connected with the offence of escape which is a distinct offence and punishable by a separate additional sentence.

The 6th para of the return has reference to the case No. 66 of the Supplemental Report and the Court of Foujdaree Udalut are of opinion that if the case has not been tried, the acting Criminal Judge should be required to dispose of it without delay. The circumstance of the stolen property proved to have been knowingly received by the Prisoner, having been taken by him from another (upon whom it was necessary that a sentence should be passed by a higher Court) does not take the

offence

offence out of the cognizance of the Acting Criminal Judge, and the Provincial Court of Circuit will if see orders accordingly—

On the case 86 of the Report N.V. the Court of Foujdaree Udalut stated their opinion that it was "clearly committable under Clause 2d Section XI Regulation XII. 1832 and the Circular Order 13th July 1819." In the present return the acting Criminal Judge submits, that "his concurrence with the decision of the Sudr Ameen Mostly was the reason of his not committing the prisoner."

The Court do not see any grounds for altering their opinion, that this case ought to have been committed, but they will not distrub the sentence and it will be sufficient if the Provincial Court of Circuit point out to the acting Criminal Judge that he is expected to be guided in future similar cases by the sentiments above expressed—

Bellary Report V Case 74

On this case the Court of Foujdaree Udalut remarked in their proceedings of the 8th June last "If there is no further evidence than is shewn by the Report, this case should not have been committed"

In

In the return now transmitted by the officiating Judge he states "case N. 74 is of rather a peculiar nature, the female prisoner's confession in the Talook, that she threw her three children into the well would have been insufficient alone, but it was corroborated by her adding, before the Court, that "she might have done so as she was in a state of unconsciousness"—Should these circumstances appear to the higher Court to render security preferable to committal, it can be substituted"—The prisoner having been committed for trial the Foujdaree Udalut do not consider it expedient to interfere—

In conclusion the Court have to observe that this Supplemental Return has been delayed in an unusual manner, and they perceive that the return of the Magistrate of Bellary is dated the 27th November—He states that he "begs to apologize to the Court for not sooner replying to this Receipt"—There appears to be nothing in the return which should have caused so much delay, and although the Magistrate has apologized it may be proper to point out

out to him, the serious inconvenience and interruption to justice which may ensue from a non-observance of the Circular Order of the 17th November 1823, which declares it to be incumbent on Magistrates to make Returns within the periods limited by Precepts—

It would have been more satisfactory if the Provincial Court had forwarded the other Returns without detaining them for that of the Magistrate of Bellary—

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

(Sent following Precept No. 1460)

Read the following letters from the Provincial Court of Circuit in the Northern Division, dated respectively the 15th & November and 15th December 1834, furnishing the information required by this Court's letter of the 19th September last, from the Acting Criminal Judge of Nellore, and the Acting Joint Criminal Judge of Guntoor regarding the number of Peons necessary to

to form an efficient fixed Guard for the interior of the Jails at those Stations—

(Here enter Nos. 1635 & 1794 of 1834—)

From the Provincial Court of Circuit in the Centre Division, dated the 19th December 1834, transmitting information upon the same subject from the Acting Criminal Judge of Chittoor—

(Here enter No. 1802 of 1834—)

Read also Return dated the 21st November 1834 from the Provincial Court of Circuit in the Southern Division, to Precept of the Court of Foujdaree Adalut, under date the 10th of that month directing them again to call upon the Criminal Judge of Salem to state the number of Peons which in his opinion will be sufficient to form an efficient fixed guard for the interiors of the Jails under his charge—

(Here enter No. 1680 of 1834)

In his letter to the Provincial Court this officer states his opinion, that 40 Peons and 2 Duffadars will be sufficient—and the Court of Foujdaree Adalut, resolve to recommend to Government that an establishment to that extent &c.

Acting Criminal Judge of Nellore

be sanctioned.

Acting Joint Crim.l Judge of Gantoor. 2 The Acting Joint Criminal Judge thinks that at present, a permanent establishment of not less than 40 Peons is essentially required at Gantoor, when due consideration is given to the nature of the buildings in which the Prisoners are now lodged. The Court are of opinion, that a fixed guard of 35 Peons and 3 Duffadars will suffice, and they accordingly recommend that sanction be granted for their employment. The entertainment of (3) Duffadars is indispensably necessary, considering that the prisoners are confined in 3 separate buildings distant from each other. The establishment however will doubtless be susceptible of reduction, whenever the prisoners may be congregated together in one Jail.

Acting Crim.l Judge of Chittoor. 3 The Officiating considers that a fixed Guard of 30 Peons and 2 Duffadars will be sufficient, and the Provincial Court propose a fixed establishment of 40 Peons. It appears to the Court of Sudder Adawlut however, that so long as the present large Military Guard is attached to the Chittoor Jail, a Guard (fixed) of 35 peons and 2 Duffadars will be amply sufficient for their employment accordingly the Court recommend that

that sanction be granted.

Criminal Judge of Salem. 4 The Court concur in opinion with the Criminal Judge, that 40 Peons and 2 Duffadars are not more than sufficient for a fixed guard for the interior of the Jails under the charge of that Officer. The Court accordingly recommend that sanction be granted for their employment.

5 Adverting to paras 9 and 10 of their proceedings under date the 24th September last, the Court observe that the Magistrate of Trichinopoly has in his Return dated the 28th October 1834 to the Precept of the Provincial Court in the Southern Division reported, that "the nature of the business in the Jail requires the attendance of a Writer for a greater part of the day at the Jail, which is at least 2 miles from the Cutcherry. The establishment of Servants both in the Magisterial and Revenue Departments is so limited, that it would not be possible to detach any of the Gomastahs to perform the duty at the Jail without material inconvenience in the discharge of their ordinary duties."

6 Under these circumstances the Court

Court recommend that the arrangement suggested by the acting Magistrate in his letter of the 10th July last, and noticed in the abovementioned paras of their proceedings of the 24th September, namely the continuing upon the list of the Sail Peons a volunteer, who has hitherto performed the duty of keeping the daily accounts of the Sail and by way of remuneration has drawn a Sail Peons pay - receive the sanction of Government -

Ordered with reference to

Letter from acting Asst Judge of Nellore to Asst Court of Circuit in Northern Div. — 14th Octr 1834.
From acting Asst Judge of Guntoor to Asst Court of Circuit in Northern Division — 22d Novr 1834.
From Asst Court of Circuit in Central Division Letter of Reference and Enclosures — 19th Decr 1834.
Return from Asst Judge of Nellore to Precis of Asst Court of Circuit Northern Division — 22d Novr 1834.

their proceedings under date the 24th September 1834, and to the extract from the minutes of consultation under date the 30th of the same month, that extract from those proceedings together with copies of the documents noted in the Margin be forwarded to the Officiating Secretary to Government in the Judicial Department for the purpose of being laid before the Governor in Council -

Cont to Govt No 208. (Sent following letter No 1461)

Reads

F. G.
31st December 1834.

Read letter under date 16th instant from the Additional Judge on Circuit Northern Division submitting the Vizagapatam Calendar for the Sessions held 2d half year 1834 -

(Here enter No 1828)

No 2 The evidence in this case could not possibly have sufficed for conviction & the prisoners ought not therefore to have been committed. The Additional Judge will call the attention of the Native Criminal Judge to the provisions of Section II Regulation XIII of 1832 -

No 5 The Additional Judge has not submitted the grounds upon which he has proposed different measures of punishment, in the case of the Prisoners in this number; nor has he included the 9th Prisoner, nor stated what sentence has been passed upon him - Under all the circumstances, the Court are of opinion that a sentence of five years imprisonment will satisfy the ends of justice; and they accordingly authorize the Additional Judge to pass a mitigated sentence to this effect on all the prisoners convicted, as

(Here

there appears no sufficient grounds for making
a distinction between them — he will explain the
confession of the 4th prisoner —

No. 28 — 3 The Court sanction a mitigated
sentence of seven years imprisonment, on the 4th & 5th
prisoners in this Number; as it appears, that the injury
either to person or property was not serious —

No. 29 — 4 The Court also authorize the mitigated
sentence of nine, and of one years imprisonment
proposed in this case —

No. 29 — 5 It does not appear clearly to the Court
that the offence in this number amounted to
Robbery; they will not however disturb the additional
Judge's order for the requisition of security —

No. 30 — 6 The Court observe, with reference
to the additional Judge's statement of the grounds
of the reference of this case, that discretionary
punishment is authorized by the Mahomedan Law
in the Future of Tahmeet or strong suspicion; but
as it is not competent to the Court of Circuit to
pass sentence to punishment on such finding, the case
has been properly referred to the Superior Tribunal.

No. 31 — 7 The object of the additional Judges
reference

reference for the opinion of the Law Officer in this
case, is not apparent to the Court — If upon a
perusal of the proceedings it appeared to him
that perjury had not been committed, or
that a prosecution for perjury on the witness's
second deposition was not sustainable, he
was competent to dispose of the case without
taking the opinion of his Law Officer — The
charge as it stands in the Calendar is so obscure,
that it is not possible for the Court to determine,
without having the proceedings before them,
whether the prisoner was not indictable under
Regulations III. of 1826 — They however do not consider
it necessary to call for them —

No. 32 — 8 The Court approve of the additional
Judge's proceeding with the trial, and disposing
finally of this case —

No. 26 — 9 Under the circumstances of the
case, especially with reference to the fact
that the violence was not of a very serious
character, the Court consider imprisonment
for seven years to be a sufficient penalty —
They accordingly authorize the additional Judge

to pass sentence accordingly, on the 1-, 3-, 4-, 5-, and 6- Prisoners, and on the 2d. Prisoner a Sentence of 4 years imprisonment-

No. 47 10- From the abstract of the evidence, the Court are not satisfied, that this was not a case of Robbery by open violence, it is necessary that the Additional Judge should explain fully the circumstances which took it out of his cognizance.

No. 50 11 - The postponement of this case was unnecessary, and the Additional Judge has not been correctly informed of the nature of the reference which was made in No. 92 (not 82) to the Faujdaree Adalut. The question submitted to this Court was, whether a confession in a village before witnesses was sufficient of itself for a conviction, and the determination of the Court could not affect the disposal of the case-.

12 - The additional Judge will instruct the Native Criminal Judge to condense in future Calendars, the abstract of the evidence, it is needlessly diffuse and prolix in that now before them-

13- The Judges are of opinion that

that the Additional Judge has performed his duty at Vizagapatam, as exhibited in this Calendar in a very satisfactory manner-

Ordered, that Extract of these proceedings be sent to the Additional Judge on Circuit Northern Division for his information & guidance-

(Sent in No. 1462)-

Read